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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Pax Christi International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

On the Situation in Jerusalem

Pax Christi, the International Catholic peace movement with more than 100 member organisations active worldwide, urges the Human Rights Council's attention for the numerous and disastrous violations of human rights in Jerusalem. Recently, political tension in the city has increased. Under increased international pressure on Israel to halt its policies to change the permanent status of the city and that violate international law, Israel has reacted in defiance and recently the city witnessed a new wave of violations of human rights and international humanitarian law. Jerusalem, city of two peoples and three religions, is one of the keys to a just and lasting peace. Due to its special status, violations in the city do not only affect its residents but the global community at large.

Special status

In UN General Assembly Resolution 181 of 1947, the international community decided that Jerusalem should have special status and a "corpus separatum" was designated for the whole area of greater Jerusalem that would be under UN trusteeship.¹ However, after the war of 1948, Jerusalem became divided between the Western part that was controlled by Israel and the Eastern part that was controlled by Jordan. In the war of 1967, Israel occupied the Arabic Eastern part of Jerusalem, together with the rest of the Western side of the Jordan River. Israel claimed Jerusalem as the united capital of Israel and annexed the city, contrary to international law. The international community and Pax Christi International do not recognize the Israeli annexation of Jerusalem. The international community considers East Jerusalem occupied territory and therefore international humanitarian law is applicable in addition to international human rights law.

UNGA Resolution 181 reflected the special circumstances in the city that are defined by two dimensions, religious and political. On the political level, two nationalities, Israeli and Palestinian, are present and have political rights in the city. On the religious level: three religions, Judaism, Christianity and Islam have religious rights, and require from both political entities to guarantee free access to the respective holy places, for all believers, local and universal. Exclusivism from any side, political or religious, will harm the unique identity of the city and the harmony among all those who are concerned, all its sons and daughters. Jerusalem cannot be merely Israeli or merely Palestinian, neither merely Muslim or Christian or Jewish. It should be shared by all.

Settlements

Since 1967, Israel has built vast Jewish-only settlements on occupied Palestinian land, including the Eastern part of Jerusalem. These settlements violate the Fourth Geneva Convention that prohibits the Occupying Power to transfer its population into occupied territory.² The Israeli E-1 plan that connects the very large Ma'aleh Adumim settlement to Jerusalem cuts the West Bank in two and has completed the encirclement of East Jerusalem. Israeli authorities restrict access to Jerusalem to Palestinians from the West Bank and the movement between the north and south of the West Bank. The city is no longer the heart of Palestinian political, economic and cultural life. In spite of international

¹ Read United Nations Resolutions on Jerusalem nr. 181 of 1948; nr. 242 of 1967; and nr. 478 of 1980: http://en.wikipedia.org/wiki/List_of_the_UN_resolutions_concerning_Israel/Jerusalem

² Fourth Geneva Convention Relative to Civilian Persons in Time of War, article

pressure, the Jerusalem municipality has over the past months approved plans to construct new housing units in Pisgat Zeev settlement and hotel rooms and housing units in East Talpiot.³

In recent months tensions have risen in Sheikh Jarrah, a Palestinian neighbourhood where settlers are engaged in a campaign to evict the Palestinian inhabitants. Israeli, Palestinian and international peace activists demonstrating against this violence have been stopped and more than 120 demonstrators have been arrested by the police. On 4 July 2010, a group of more than 40 leading Israeli jurists, academics, authors, and politicians called in a letter upon the Attorney General of Israel to investigate suspected misconduct on the part of the Jerusalem police in Sheikh Jarrah. According to them, “The events of recent months in East Jerusalem clearly reveal that the District Police has been acting illegally and in violation of decisions by the courts when the latter are not to their liking. For example, despite repeated rulings by the courts to the effect that the protest vigils in the neighbourhood are legal, in practice the police close off the neighbourhood to activists from the left while at the same time allowing right-wing activists to carry out provocative, and at times violent, political actions on a wide scale.”⁴

The separation barrier

In its advisory opinion of 9 July 2004, the International Court of Justice in The Hague ruled that “The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem and its associated regime, and are contrary to international law” and that it should be dismantled.⁵ Until today, construction continues. The separation barrier divides people from their workplaces, farmhouses from their land, and villages from sources of water. The wall has seriously harmed the Palestinian economy and has de facto meant the annexation of more land, often the most fertile areas. Religious places such as Bethlehem, Beit Jala and Beit Sahour are separated from Jerusalem by this wall. For Christians, the town of Bethlehem is inextricably linked to Jerusalem. Walls now divide Jerusalem and separate it from its natural hinterland.

Home demolitions

The Israeli Jerusalem municipality rarely grants building permits to Palestinians and therefore many houses are constructed without a license. Under this claim that they are unlicensed, houses in East Jerusalem are being demolished. On Tuesday, July 13 the Jerusalem Municipality demolished six structures in East Jerusalem: two houses that were under construction and a warehouse in Issawiyya neighbourhood, two populated houses in Jabal Mukabber neighbourhood and another house in Beit Hanina neighbourhood. It should be marked that this is the first time in about eight months that the municipality has demolished houses in East Jerusalem.⁶

³ According to Ir Amim, “New construction in Pisgat Zeev and East Talpiot”, <http://www.ir-amim.org.il/Eng/?CategoryID=327&ArticleID=740> accessed 24 July 2010.

⁴ English translation of the letter, accessible on <http://www.en.justlm.org/>

⁵ Press release ICJ, 9 July 2004, <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a>

⁶ According to Ir Amim, “House Demolitions”, <http://www.ir-amim.org.il/Eng/?CategoryID=327&ArticleID=738>, accessed 24 July 2010.

Residency rights under threat

Since 1967, Palestinian Jerusalemites have the status of permanent foreign residents in the city. This status can be revoked by the Israeli authorities under certain circumstances. Israeli Haaretz newspaper recently described it as follows: “Citizens of Israel can leave the country for any length of time, and their citizenship and all their rights are theirs in perpetuity. But when it comes to Palestinian residents of East Jerusalem, Israel applies draconian regulations whose covert intent is to bring about the expulsion of as many Palestinians as possible from their home city.”⁷ Palestinian Jerusalemites do not have political institutions to refer to since Orient House was closed by the Israeli authorities. Israeli efforts to deny Palestinians political presence in Jerusalem were again illustrated by the Israeli High Court decision in June 2010 to revoke the residency rights of 3 Jerusalemite Hamas members of the Palestinian Legislative Council and to deport them.

Conclusion

Jerusalem has a special status, given its pluralistic and religious importance. The ongoing violations of human rights and international humanitarian law in the city threaten its peaceful future. To reach a peaceful future, the five components of the city (three religions and two peoples) must be taken into consideration and given satisfaction, and due respect guaranteed to national or religious differences.

Because of the universal significance of Jerusalem, the international community, including the UN Human Rights Council, ought to be engaged in the stability and permanence of this status. Jerusalem is too valuable to be solely dependent on municipal or national political authorities, whoever they may be. Experience shows that an international guarantee is necessary. Therefore its unique status that distinguishes it from all cities of the world needs to be guaranteed.

Recommendations

Pax Christi International calls on the Human Rights Council to:

- Appoint a Special Rapporteur for Jerusalem. Given Jerusalem’s importance for Muslims, Jews and Christians around the world and the serious threat ongoing violations of human rights and international humanitarian law in the city pose to the possibility of reaching a just and lasting peace for the city, it is important that a special monitoring mechanism for violations of international law is adopted. This could be a Special Rapporteur or another independent and public monitoring and reporting mechanism.
- To adopt a resolution calling on all members of the UN to guarantee that they will not contribute to violations of human rights and international humanitarian law in East Jerusalem, e.g. through investment in companies involved in construction of settlements or demolition of houses in East Jerusalem.

⁷ “The Silent Expulsion” in Haaretz, 22 June 2010, <http://www.haaretz.com/print-edition/opinion/the-silent-expulsion-1.297577>