
**Human Rights Council United Nations
21th Session September 2012
Status of Jerusalem
Written Submission of Pax Christi International
and the World Council of Churches**

Pax Christi International and the World Council of Churches call for an urgent resolution to the issues destabilising Jerusalem, and applauds the Human Rights Council's attention for the numerous and disastrous violations of human rights in Jerusalem and the Council of the European Union's recommitment to forging a lasting peace.¹

Jerusalem has a special status, given its pluralistic and religious importance. The on-going violations of human rights and international humanitarian law in the city threaten its peaceful future, and due to its special status, violations in the city do not only affect its residents but the global community at large. 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.

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.² However, as a consequence of 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 Palestinian 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 East-Jerusalem, contrary to international law. The international community, the Holy See, the World Council of Churches 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

¹ See Council conclusions on the Middle East Peace Process; 3166th Foreign Affairs Council Meeting, Brussels, 14 May 2012, www.concilium.europa.eu/Newsroom

² 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

international. 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.

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.³ 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. Despite international 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.⁴

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, is 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, causing a *de facto* 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.

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 13 July 2010 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 noted that this is the first time in about eight months that the municipality has demolished houses in East Jerusalem.⁶

³ Fourth Geneva Convention Relative to Civilian Persons in Time of War, article

⁴ 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.

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”,

Since 1967, Palestinian Jerusalemites have the status of permanent 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. In addition, In June 2002, the Israeli Government issued a “temporary law” depriving citizenship to the husband/wife of any Jerusalem resident or Israeli citizen. Practically, the wife/husband, who is from the West Bank, will not be granted residency in Jerusalem or Israel and therefore cannot join the spouse.

Recent developments have continued on an alarming trend. The Knesset has approved a pilot programme to issue new magnetic cards. There is grave concern that the process will further restrict the movements of some inhabitants and may force out residents who are unable to provide proof of residency. This could result in the halving of the Christian population alone, from 8000 to 5000 inhabitants. This comes on top of this year’s Easter restrictions, where a number of Palestinian Christians were prevented from entering East Jerusalem for worship

Pax Christi International and the World Council of Churches applaud the position taken by the Council of the European Union during their Foreign Affairs Council meeting:⁸ inter-alia, its expression of concern regarding on-going illegal settlements; forced transfers of local populations; the worsening of living conditions for Palestinians, and the non-issuance of Palestinian building permits; that the EU reiterates its non-recognition of changes to the pre-1967 borders including Jerusalem; its reiteration of the urgent need to negotiate the status of Jerusalem as the future capital of two states. In this regard, we also refer to the EU Heads of Mission in Jerusalem and Ramallah recommendation to activate and make more visible the implementation of the EU policies on East Jerusalem, for instance by avoiding to have Israeli security and/or protocol accompanying high ranking officials from Member States when visiting the Old City/East Jerusalem.

<http://www.ir-amim.org.il/Eng/?CategoryID=327&ArticleID=738>, accessed 24 July 2010.

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

⁸ See Council conclusions on the Middle East Peace Process; 3166th Foreign Affairs Council Meeting, Brussels, 14 May 2012, www.concilium.europa.eu/Newsroom

Recommendations for the Human Rights Council

Pax Christi International and the World Council of Churches call for the immediate cessation of further illegal demolitions and transfers, and a fair and transparent process for the registration and freedom of movement of inhabitants.

Furthermore, Pax Christi International and the World Council of Churches recommend the appointment of a UN Special Rapporteur for Jerusalem. Given Jerusalem's importance for Muslims, Jews and Christians around the world and the serious threat that ongoing violations of human rights and international humanitarian law in the city pose to the possibility of reaching a just and lasting peace, it is important that a special monitoring mechanism for international law violations is adopted.

Finally, Pax Christi International and the World Council of Churches urge the adoption of a resolution calling on all members of the UN to guarantee full respect for human rights and international humanitarian law in East Jerusalem, e.g. by avoiding to invest in companies involved in construction of settlements or demolition of houses in East Jerusalem. Pax Christi International and the World Council of Churches firmly reassert their support for an accessible and just Jerusalem where inhabitants of all faiths can live, work and worship side by side in peace.