



Arab Organisation for Human Rights in the UK

June/ 2015

Jerusalem's Wounds

Jerusalem's **Wounds**

June / 2015

About AOHR-UK

Arab Organisation for Human Rights in the UK is an independent human rights organisation based in London. It campaigns for human rights and freedom in the Middle East and North Africa.



All Rights Reserved © 2015

Arab Organisation for Human Rights in the UK

PO BOX 68981 LONDON NW26 9FY

Email: info@aohr.org.uk

Web: www.aohr.org.uk

Index

Introduction	9
Jerusalem in numbers	17
The Israeli violations against Jerusalem	21
Settlements	23
The Apartheid Wall	27
The Confiscation of Lands	31
Home Demolitions	35
Revocation of Jerusalem Residency	41
Taxes	47
Archaeological Excavations	51
The Religious Importance of Al-Aqsa Mosque	59
Dangers to Al-Aqsa Mosque	63
Continuous raids by Israeli settlers	65
Dividing Al-Aqsa between Jews and Arabs	67
Legal Framework	71
Recommendations	79

Introduction



Introduction



Jerusalem, is one of the most holiest places in the world. It has remained one of the national cornerstones of the Palestinian struggle since the early 20th century when it seen as a hub of Palestinian resistance to Israeli occupation forces.

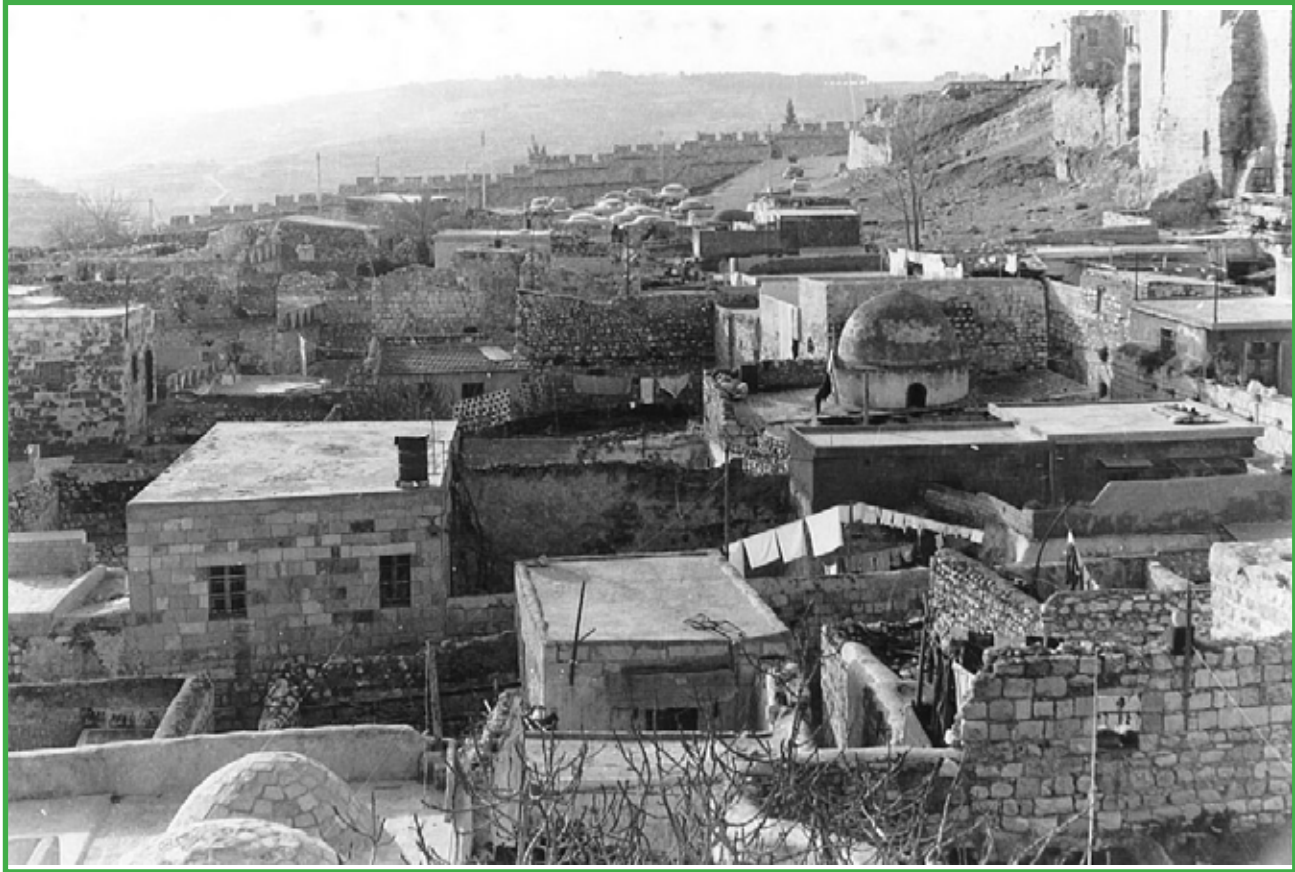
The issues particular to Jerusalem are also seen as the catalyst that sparked the two Intifadas during the past two decades. The Palestinian position is clear, in that no solution to the Arab-Israeli conflict is acceptable without the eastern part of Jerusalem being recognised as the capital of an independent Palestinian state.

Any discussion concerning Jerusalem is obliged to include a number of historical,

political, military and religious elements. With the exception of the Crusader period, the city has remained a haven of peace, and one of religious and intellectual tolerance, receiving with open arms all those who flocked to visit its holy places or settle there. The city had never imposed any restrictions on freedoms of worship until the western part of the city fell under Israeli occupation in 1948 followed by the eastern part in 1967. The latter had been under Jordanian administration between 1948 and 1967.

On 30 June 1967, Israeli unified the eastern and western parts of Jerusalem and declared the holy city the capital of Israel. From that point, Israel has sought to change the character of the city in general and Al-Aqsa Mosque in particular.

A few days following the occupation of the eastern part of the city, minister of defence Moshe Dayan issued orders for the destruction of the Moroccan Quarter adjacent to the Buraq Wall (what Israel recognises as the Wailing Wall) to make room for the construction of a public square in front of the wall. Israeli bulldozers levelled 138 residential buildings and destroyed the Buraq and Al-Magaraba Mosques, and Al-Afdalia School. This was in addition to a number of other Sufi and religious corners. The Moroccan Quarter was among the oldest in the city and used to house



the Moroccan Muslims who settled in the city more than 770 years ago⁽¹⁾.

Israel claims that the Buraq Wall is part of the wall of the Temple Mount destroyed by the Romans in 70 AD. A British commission formed following the Buraq disturbances between Muslims and Jews in 1929 concluded that the wall, and the adjacent pavement and Moroccan Quarter, were solely owned by the Muslim waqf and that Muslims possessed sole religious rights to the wall. The commission's findings were approved by the British government and League of Nations.

Jews themselves have admitted that worshipping at the wall was a late tradition dating back only five or six centuries. An Israeli lawyer, Shimri Arkoptc from the Israeli Research Centre, published a paper in which he demonstrated that the Buraq Wall was legally part of the Islamic waqf and, as such, Israel had no right to it. A document published in Syria 150 years ago also confirmed that the Buraq Wall was part of the waqf⁽²⁾.

1 - The Destruction of the Moroccan Quarter is a crime against history and heritage.

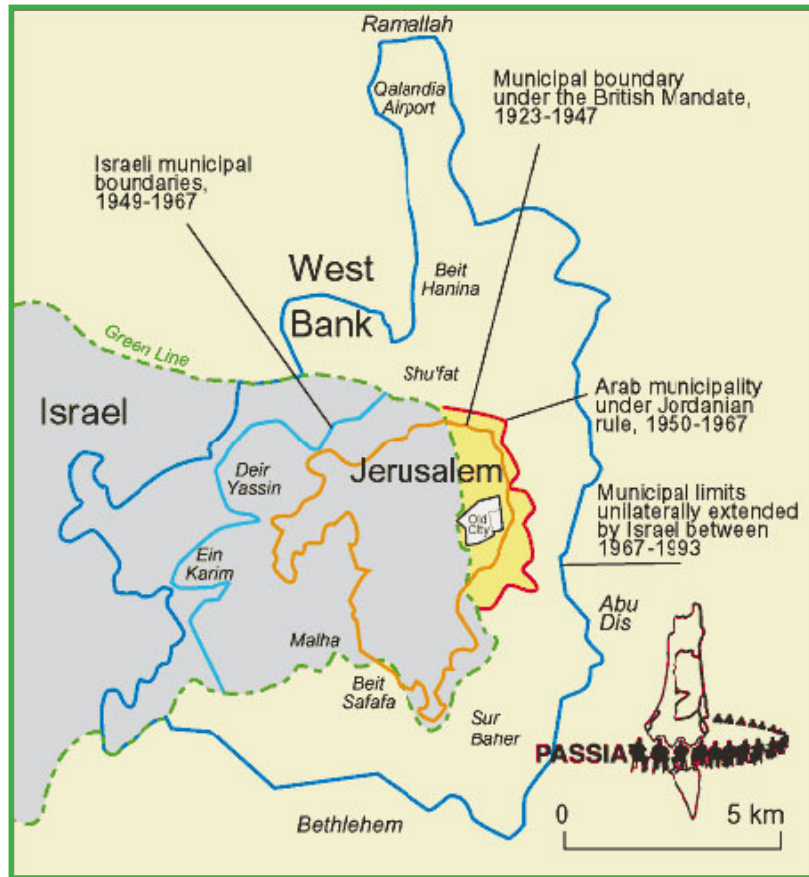
2 - Ayed Ahmed Salahaddeen (2010) Israeli Excavations under Al-Aqsa Mosque, Ramallah: Ministry of Information Publications. (in Arabic)



The historical evidence however did not stop Israel from destroying the Moroccan Quarter, and the incident was considered a strong indicator of Israel's future policy towards Jerusalem. The focus of the policy was to implement thousands of administrative and legal procedures aimed at altering the city's Islamic and Christian heritage and its demographic makeup. This was part of Israel's vision for the future of the city until 2020, known as the "Greater Jerusalem" plan. These measures remained consistent throughout the history of Israeli governments regardless of which party was in power.

According to section 5 of the principles of the Israeli Labour Party "Jerusalem and its surrounding areas are not merely a security and political issue but are the heart and soul of the Jewish people and the capital of Israel. It will always remain under Israeli sovereignty." These principles do not differ from those of the Likud party which has a principle confirming Jerusalem as the indivisible capital of Israel⁽³⁾.

3 - Kamal Mohammed Al-Astal, 8th Jerusalem Day Conference, Proposed Solutions for the Future of Jerusalem, Nabuls: Al-Najah University, 2007, p. 124.



Jerusalem in numbers

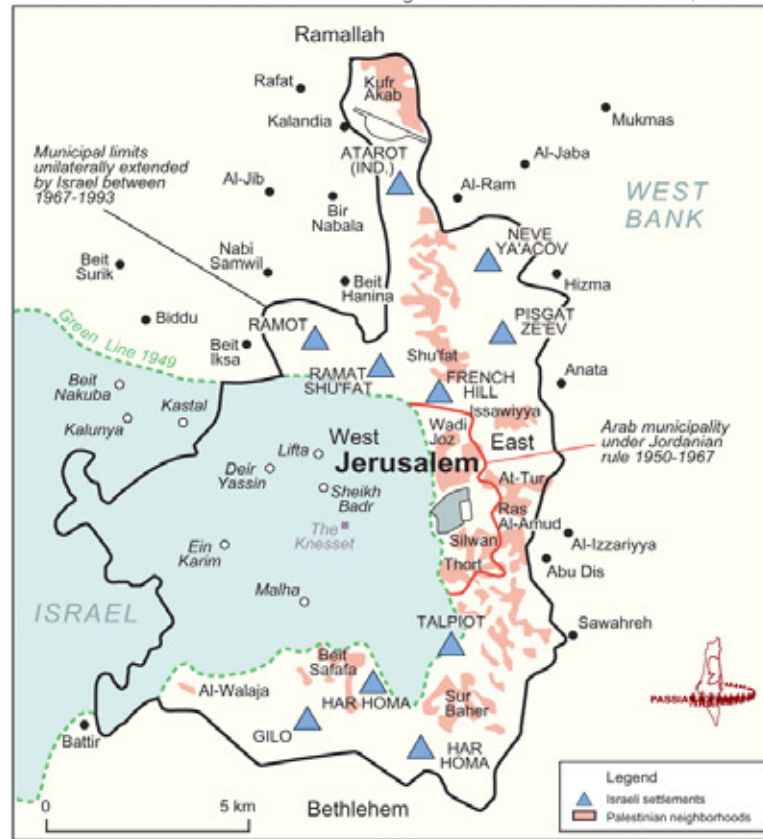


Jerusalem in numbers

The history of Jerusalem dates back more than 5000 years during which the city was known by several names (The city of peace, Yabous, or the city of justice, Greater Elia). The city is located on the Green Line (the demarcation lines between the territories occupied by Israel in 1948 and 1967), 54 kilometres east of the Mediterranean, 23 kilometres west of the northern part of the Dead Sea and 250 kilometres north of the Red Sea. It is situated at 2350 to 258 above sea level and enjoys moderate temperatures throughout the year (around 18 degrees Celsius) with an average annual rainfall of 650mm.

In 1946, the total area of Jerusalem was estimated to have been around 20.19

Israeli Settlements and Palestinian Neighborhoods in East Jerusalem, 2000



km² (eastern part 0.86 km² + western part 0.86 km² +18.46 km²outside the city's walls). On the eve of the 1967 war, the total area of the city was estimated to have been around 44.5 km²(eastern part 6.5 km² + western part 3.8 km²). Following the Oslo Accords between the Palestine Liberation Organisation (PLO) and the Israeli government in 1994, the total area of Jerusalem (both the eastern and western parts) was estimated to have been around 123 km² (70.4 km² eastern part + 52.6 km² western part).

The population of East Jerusalem in 1967 was approximately 266,300 Arabs while the western part was home to 260,900 Jews. The total population of the city in 1997 (both the eastern and western parts) was around 564,300 (413,700 Jews (73.3%) and 150,600 Palestinians (23.7%)(⁴). According to the Palestinian Central Bureau of Statistics, the residents of East Jerusalem (approximately 295,700Arabs) made up more than one-third of the total number of the city's residents (804,400)(⁵).

4 - Ministry of Education statistics.

5 - "East Jerusalem in numbers" http://www.dci.plo.ps/index.php?option=com_content&view=article&id=896:-2014-&catid=70:2013-02-03-17-48-08&Itemid=362

According to the Palestinian Authority (PA), the total number of Arabs living in Jerusalem (East Jerusalem, the villages and refugee camps that form part of the city) is approximately 411,640⁽⁶⁾.

6 - The Palestine Central Bureau of Statistics, p. 49, <http://www.pcbs.gov.ps/Downloads/book2093.pdf>



The Israeli violations against Jerusalem



The city of Jerusalem has had to endure countless Israeli violations over the past few decades:



■ Settlements

All Israeli governments that have come to power following the occupation of the eastern part of Jerusalem in 1967 have worked tirelessly to surround the city with settlements in order to separate it from the rest of the West Bank, both geographically and demographically.

The establishment of these settlements has transformed the Palestinian presence in Jerusalem into one of ghettos. As Israel presses ahead with plans for making Jerusalem the capital of the Jewish state with a majority Jewish population and a minority Palestinian one, the already intolerable situation for Palestinian citizens is exacerbated. Further, there is a clear aim of making it almost impossible to separate the eastern part of the city and make it the capital of a Palestinian state.

According to statistics published by the Land Research Centre, there are 29

settlements in Jerusalem, 14 of which are in the eastern part. The settlements are spread throughout the city and around it, and are the home to more than 200,000 Israeli settlers. One of the most famous clusters of Israeli settlements is Gush Etzion which includes the communal settlements of Alon Shvut, Kfar Etzion, Migdal Oz, Neve Daniel, Bat Ayin, Rosh Tzurim and Beitar Illit; the Ma'ale Adumim cluster which includes Ma'ale Adumim, Mishor Adumim, Kfar Adumim and Allon.

The clusters of settlements northwest of Jerusalem include Pisgat Ze'ev, Givat Hamatos, Har Homa, and Ma'alot Dafna. There are also settlement clusters within Jerusalem and include The Jewish Quarter, Neve Ya'akov, Ramat and Gilo which is the biggest settlement in the south west part of Jerusalem, Talbiot (east), Dafna, the Hebrew University, Sho'fat, Ramat Eshkol, Abu Ghneim, the French Hill and City of David⁽⁷⁾.

There is no doubt that the Israeli occupation and settlement of Jerusalem has had a grave impact on the city and the lives of Palestinians living there. Contributing

7 - National Information Centre, The Judaisation of Jerusalem, <http://www.wafainfo.ps/atemplate.aspx?id=3586>

factors include:

1. Thousands of acres of Palestinian land have been confiscated to build Israeli settlements.
2. Palestinian residential areas have been surrounded by settlements and they are not allowed to build either horizontally or vertically.
3. Many Israeli settlements were joined together by removing any Palestinian homes between them.
4. Attacks by armed Israeli settlers and police have left Palestinians feeling under constant threat.

The construction of settlements has also changed the city's unique architectural heritage and character⁽⁸⁾.

8 - ibid



■ The Apartheid Wall

The Israeli government of Prime Minister Ariel Sharon began constructing the Apartheid Wall in 2002. The 770km wall, which runs along the armistice line of 1949, was allegedly built to prevent Palestinians from infiltrating into Israel to carry out attacks there. The length of the concrete wall in Jerusalem is around 168km, 5km of which run along the Green Line and the rest inside the West Bank. The wall separated clusters of Palestinians living in Jerusalem such as Shoḡfat refugee camp (stuck between the French Hill and Pisgat Zeḡev settlements), and Samiramis and Kafr Okob. As a direct result, more than 30,000 Palestinians carrying the Jerusalem ID card have ended up living outside the city. Other villages in the north and the east of the city with a total population of 84000 people have been cut off, or been cut into two, separating families and neighbours from each other such as the case

of Abu Deis⁽⁹⁾. The wall is a further example of Israel's policy of 'Apartheid' towards Palestinians.

The Apartheid wall, which runs in a zizgag pattern around East Jerusalem and its villages, has isolated 25% of Palestinians living there. Those Palestinians have to go through military checkpoints to access basic health and educational services and are constantly under the threat of losing their permanent place of residence. In some cases, villages which used to be part of Jerusalem are now located outside the city's borders. Palestinians living in those villages have to obtain a permit to visit the six hospitals located in Jerusalem. This has led to a 50% decrease in the number of sick Palestinians with access to these hospitals⁽¹⁰⁾.

The International Court of Justice issued an advisory opinion on the 9th of July 2004, concluding that the Israeli barrier in the occupied Palestinian territories and

9 - National Information Centre, The Apartheid Wall: Facts and Figures, Wafa Agency website, <http://www.wafainfo.ps/atemplate.aspx?id=4981>

10 - The UN, The Apartheid Wall in the West Bank and its Impact on Palestinian Residential Clusters, East Jerusalem, June 2007, http://www.ochaopt.org/documents/jerusalem_report_arabic_web_sept07.pdf

East Jerusalem is illegal, that Israel must dismantle it immediately, and that it must make reparations for any damage caused by its construction. Further, it called on Israel to return lands confiscated to build the wall to their rightful owners.



■ The Confiscation of Lands

Israeli authorities have adopted a number of important measures to entrench the occupation and annexation of East Jerusalem. Huge areas of land were taken under the cover of «eminent domain» between 1968 and 1970, during which the Israeli government confiscated more than 16.99 km² of Palestinian land to build settlements.

In the early 1980s, Israel confiscated more Palestinian land for ‘public purposes’, including 4.4 km² in Shufat and Beit Hanina.

In 1982, 0.14 km² was confiscated and added to the Israeli Industrial Zone in Ataro.

Land confiscations continued in the 1990s even after signing the Oslo Accords⁽¹¹⁾.

Consecutive Israeli governments have continued with the policy of land confiscation through a number of illegal methods in total violation of international law. More than 34% of the total area of Jerusalem has been confiscated and another 52% is considered a ‹green zone› by Israel, which means Palestinians are not allowed to build there.

The Israeli government continues to be vocal about its future plans which include turning most of Jerusalem into Jewish settlements such as the case with the Abu Ghneim Settlement (Har Homa)⁽¹²⁾.

In a clear attempt to usurp Palestinian ownership of what little land is left, the Israeli authorities have imposed exorbitant taxes on Palestinian land owners who do not cultivate their lands (usually because they cannot afford to, or because of military

11 - Osama Halabi, *The Legal Status of Jerusalem and its Arab Residents*, Beirut, Palestinian Studies Foundation, 1997, pp. 21-23.

12 - *Settlements and Confiscation of Lands*, Al-Quds Centre for Social and Economic Rights, 29 May 2009, http://www.jcser.org/ara/index.php?option=com_content&view=article&id=6&Itemid=9

orders preventing them from cultivating them). Taxes are imposed retroactively with high interest rates coupled with draconian penalties for failing to satisfy these demands including the confiscation of their lands to build settlements similar to what happened in the southern and northern parts of Jerusalem⁽¹³⁾.

With the exorbitant tax demands, Israel has also relied on other illegal methods to seize lands in Jerusalem. It has sought to invoke Turkish, British and Jordanian laws to justify land seizures, such as a British Mandate law of eminent domain.

Further, it seeks to rely upon an Ottoman law dating back to 1858 which allowed the Turkish government to seize any land that had not been cultivated for 10 years, or land that was less than 50% cultivated.

Reliance is also placed on a Jordanian law which stipulates that anyone who cultivates a piece of land for 15 consecutive years had the right to own the land⁽¹⁴⁾.

13 - Ibid

14 - Mohammed Hafez Ashraydah, 8th Jerusalem Day Conference, Proposed Solutions for the Future of Jerusalem, Nabuls: Al-Najah University, 2007, p. 374

Israel also confiscated thousands of acres from their Palestinian owners to build the Apartheid Wall and roads leading up to the settlements.

The clear inference, is that Israel will use any means it can to confiscate and remove land from the control of its Palestinian owners regardless of whether those means are lawful or otherwise.

■ Home Demolitions

The demolition of people's homes is a controversial Israeli policy allegedly used against those who build without permits. However, because Israel rarely grants Palestinians permits to build in Jerusalem, thousands have ended up living in caves, huts or tents. Any attempt to rebuild their demolished homes result in further demolitions because the lands on which their homes were built had been earmarked for settlements or declared a "green zone". Israeli authorities have designated 86% of the lands of East Jerusalem either green zones or earmarked for the construction of settlements. The remaining 14% was allocated for Palestinian residential areas which have now covered every corner of the tiny area⁽¹⁵⁾.

15 - Jerusalem Across History, Al-Burayj website, <http://www.alburayj.com/quds%203abr%20altareekh.htm>



The Israeli government makes it virtually impossible for any Palestinian to obtain a building permit in Jerusalem, including the fact that a permit could cost up to \$30,000, which, coupled with the lengthy waiting period, has prompted Palestinians to build without a permit or migrate to the areas adjacent to the Jerusalem municipality where it is easy to obtain a permit and build a home. A consequence of building outside of Jerusalem however, is that there is a very real risk that such citizens will lose their Jerusalem ID⁽¹⁶⁾.

According to the Israeli Information Centre for Human Rights (B'Tselem), more than 409 homes were demolished between 1992 and 2003 in East Jerusalem and 545 between 2004 and 2014 because their owners did not have a permit.

More than 2115 Palestinians found themselves without a home following these demolitions.

During the same period the owners of 69 homes took it upon themselves to

16 - Khalil Tofakji, Jerusalem...a Capital Under Occupation, Ramallah: The Muslim-Christian Commission for Solidarity with Jerusalem and Holy Places, 2010, p. 29.

demolish their own homes to avoid paying the fines and government demolition costs. The number of demolished homes were as follows: 54 homes in 2004, 70 homes in 2005, 44 homes in 2006, 62 homes in 2007, 78 homes in 2008, 45 homes in 2009, 23 homes in 2010, 23 homes in 2011, 28 homes in 2012, 72 homes in 2013, and 47 homes in 2014.

Not only are Palestinian homes demolished but huge fines are imposed on them. A recent study revealed that between 1999 and 2008, the Israeli municipality imposed more than \$49 million in fines on Palestinians for building without permits, in addition to making Palestinians pay for the cost of the demolition which has forced many Palestinians to demolish their own homes to avoid these exorbitant costs.

Demolishing Palestinian homes is a breach of international law, which prohibit the destruction of private and public property (Article 53 of the Geneva Conventions). Home demolitions are also considered a breach of the right to residence as provided for in the Universal Declaration of Human Rights of 1948, which prohibits

collective punishment and acts of revenge against civilians. Article 33 of the Geneva Conventions prohibits punishing someone for a crime he did not personally commit.



■ Revocation of Jerusalem Residency

Israel annexed East Jerusalem and the adjacent villages after the 1967 war, and in doing so immediately cancelled all Jordanian laws, imposing Israeli ones. The annexation did not apply to the city's Palestinian residents however, they were instead given permanent residency instead of full citizenship. This legal status can be revoked if the resident spends 7 years abroad, or obtains residency or citizenship of another country.

Palestinian hardships were further aggravated by Jordan's decision to sever all administrative ties with the West Bank in 1988. Up until that point, most Jerusalemites were holders of Jordanian citizenship. This has further complicated their situation as they have been rendered stateless⁽¹⁷⁾.

17 - http://saintyves.org/index.php?option=com_content&view=article&id=50%3Ajr-issue&catid=1%3Ajerusalem-residency&Itemid=11&lang=ar



The Israeli government has revoked the citizenship of thousands of Palestinians over the past few decades on a variety of pretexts such as travelling, being absent for long periods, or not being active in civil life, etc. All of these steps were undertaken to change the demographic landscape of Jerusalem.

The revocation of Jerusalem residency has had a wholly negative impact on its Palestinian residents who have found themselves unable to participate actively in the city's economic and social scene. It has also allowed the Israeli government to seize the property of many Jerusalemites under the Absentee Property Law. Further, it has prevented many highly qualified and educated Palestinians from returning to the city. According to recent estimates, Israel has withdrawn the ID cards of more than 14000 Palestinians from East Jerusalem since 1967⁽¹⁸⁾.

The Supreme Court of Israel issued a decision in 2010 revoking the residency of several members of the Palestinian Legislative Council (Ahmed Atwan, Mohammed

18 - Abdulrahman Al-Mughrabi 8th Jerusalem Day Conference, Proposed Solutions for the Future of Jerusalem, Nabuls: Al-Najah University, 2007, p. 285-287

Abu Tair, Mohammed Totah, and the Minister of Jerusalem Affairs Khalid Abu Arafah) ordering that they be expelled from the West Bank although it was the international community, specifically the US, which pressured Israel to allow the residents of East Jerusalem to participate in the parliamentary elections of 2006.

Revocation of Residency in Jerusalem is usually implemented in the following cases:

1. Revoking the residency of all those who reside outside the city walls, in neighbouring governorates or outside Palestine.
2. Deceiving Palestinians who apply for “Family Reunification”. A wife could apply for a Family Reunification permit for her husband and it would be initially accepted, but on the pretext that her husband lives outside Jerusalem, his and her residency are revoked. Therefore, not only would such an individual fail to obtain a permit for her husband, she would also lose her own residency.
3. The same rules were applied to students studying outside Jerusalem.

Anyone who spends 7 years obtaining an education outside Jerusalem loses his/her residency. The Ministry of Interior collaborated with border police to prevent many students from returning during the holidays to renew their ID cards, which meant they eventually lost their residency.

4. The 1996 government of Netanyahu adopted a new policy to increase the number of Palestinians losing their Jerusalem residency. When a Palestinian living in Jerusalem wished to travel, s/he would be issued a travel document and be allowed to renew it for a year to travel again. When Jerusalemites would apply to renew these documents, a government stamp would then be printed on the document preventing them from returning for three months⁽¹⁹⁾.



■ Taxes

As part of oppressive measures adopted by Israel against Jerusalemites to force them to leave the city, the government imposed draconian taxes which contravene international law and the Geneva Conventions. The «Arnona» municipal property tax is proportionate to the total area of apartments and shops. Almost 55% of Palestinians are required to pay the tax. On the other hand, the government and the municipality exempt settlers from the property tax for up to five years if they wished to settle in East Jerusalem. Whilst Palestinians pay 26% of the total taxes imposed on both parts of Jerusalem, only 5% of tax revenues are spent on Arab areas.

Other taxes imposed on Palestinians in East Jerusalem include income tax, value added tax (17%), and property tax (valued at 3.5% of the total value of the land). Employers have to pay 10% in income tax called National Insurance. The Galilee tax



was imposed on the Arabs of Galilee as punishment for attacks on Jews living in the area. Palestinians also have to pay \$300 for an annual television licence.

Services extended to Palestinians in the eastern part of Jerusalem are wholly disproportionate to the hefty taxes imposed on them. A visitor to the eastern and western parts of Jerusalem can immediately discern the disparity between the services provided to the two parts. Arab streets are narrow, old and full of potholes. Schools are overcrowded and water is cut off several times a week. The sewage system is in tatters and there are no parks or playgrounds like those in the western part.



■ Archaeological Excavations

Israeli excavations in Jerusalem are a daily activity as archaeologists frantically seek to dig up evidence that Jews inhabited the city in ancient times. Fifty years of excavations have failed to unearth any evidence proving Israeli claims. It is worth mentioning that these excavations have posed a great danger to the foundations of many Palestinian buildings. Israel has also appropriated thousands of historical relics belonging to various Islamic periods.

UNESCO issued a number of resolutions condemning Israeli excavations under Al-Aqsa Mosque, which is listed as a World Heritage Site. Israel began its illegal excavations following the 1967 war. Instead of evidence of historical Jewish presence in the West Bank, excavations uncovered a series of Ummayyad castles and Byzantine relics. Israel began to secretly excavate under Al-Aqsa Mosque



during the 1980s. The underground tunnels it dug extended along the western wall of the Mosque's compound (Buraq wall) all the way to Bab Al-Ghwanmah on the north-western side. The excavations created cracks in some buildings such as the Ottoman school⁽²⁰⁾.

UNESCO sent a high-level mission to Jerusalem in March 2004 to assess the state of conservation of the Old City. In 2005, former UNESCO director Koichiro Matsuura inaugurated the first meeting of international experts who began work on a blueprint for safeguarding the cultural heritage of the Old City. UNESCO committees made many recommendations calling on Israel to cooperate with the international community and refrain from carrying out any more illegal excavations. UNESCO resolutions 82 and 83 for the year 1970 condemned Israel's excavations and called on it to comply with resolution 17M/3422/1972 which orders Israel to stop making any more changes to the city's landscape. Although UNESCO and other agencies' resolution's were softly-worded, Israel ignored them completely and to date has not

complied with any of them⁽²¹⁾.

Occupation authorities have hoped that these excavations would unearth the remains of the so-called Temple Mount and David's ancient kingdom so as to justify the establishment of the modern state of Israel. More than sixty excavations along a length of 550m and a width of 288m have been conducted under Al-Aqsa Mosque, which poses a great threat to Islamic and ancient buildings in the area. Underground tunnels in the Muslim Quarter and Silwan caused cracks in several buildings including Ein Gaijooon which dates back to 3000 BC. All these excavations were conducted in an area known as the "Kingdom of David" despite the fact many Jewish archaeologists announced at the end of the 20th century that David never built a city but rather lived in Yabous which was already there. These scholars include Gideo Avni, Rooney Ryanh, Yair Zakbuch, and others⁽²²⁾.

An Israeli archaeologist, Zeev Herzog, published a report in which he revealed

21 - Ibid

22 - <http://www.imcpal.ps/news/?p=6110>

that 70 years of excavations have not proved the existence of the Temple Mount, which most probably never existed. These conclusions came after exhausting all means to confirm the stories contained in the Old Testament through excavations⁽²³⁾.

The Zionist Movement have established scores of societies and research centres to dig up any evidence that would support its claims to a homeland in Palestine. These include the Palestine Exploration Fund in 1865, the Germany Oriental Society (changed later to the Fulbright School in reference to biblical scholar William Fulbright) in 1898, and the French Biblical and the Archaeological School of Jerusalem in 1892. All of these societies and organisations have failed to find a single piece of evidence pointing to the existence of the Temple Mount underneath Al-Aqsa Mosque.

A number of biblical explorations were also established in Jerusalem to confirm Israeli claims, including Barkley's explorations in 1839, Harlfruarn's (a British Officer) explorations in 1867, Belbais's between 1893-1896, and the joint explorations between the Hebrew University and the Israeli Explorations Society since 1968.

23 - http://kawther2012.blogspot.com/2012/07/blog-post_20.html



Again, none of these excavations resulted in a favourable outcome for the Israelis and they only served to damage buildings in the Old City⁽²⁴⁾.

Famous French archeologist Carmen Gano conducted some explorations near Bab Al-Rahma close to Al-Aqsa Mosque but dug up only relics dating to the Islamic/Ummayyad period.

Jerusalem has suffered countless other violations by Occupation forces such as the Hebrewisation of Arabic names on signs and tourist maps. A number of Palestinian cultural establishments including The Orient House have been closed.

The Orient House, ordered to close in 2001, was a major contributor to Palestinian cultural and political life. Israel also closed down a number of other societies on the pretext they were linked to Hamas and flooded the city of Jerusalem with drugs making it the Palestinian city with the highest number of drug users.

Jerusalem has the highest incidence of detentions. According to the Palestinian

24 - <http://www.saaaid.net/mktarat/flasteen/71.htm>

Prisoners' Centre, more than 2000 Palestinians were detained in Jerusalem in 2014, 600 of them under the age of 18.

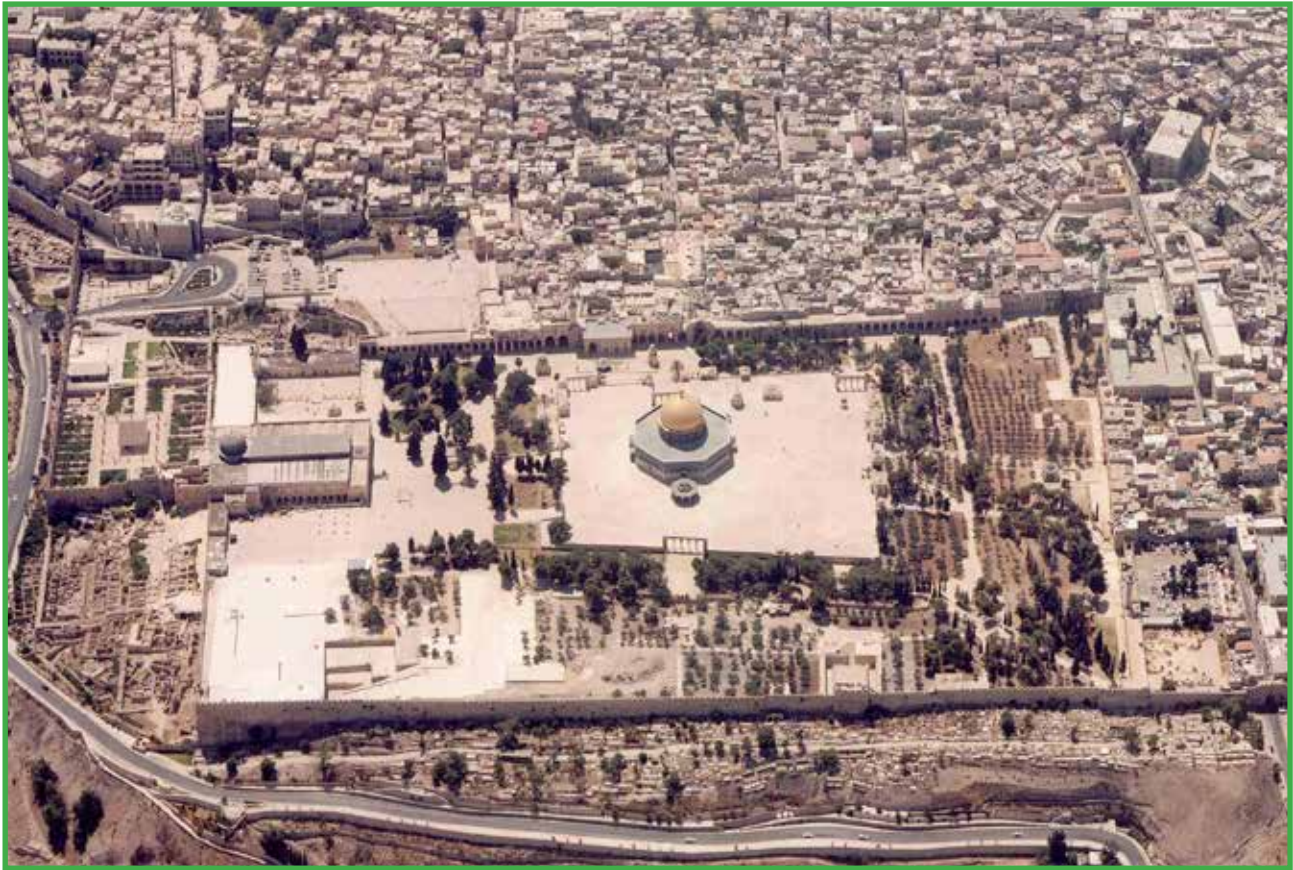
Health services in Jerusalem have suffered greatly since 1967, as a direct result of Israeli policies. A number of measures have been adopted to integrate Palestinian medical facilities into the Israeli system in an attempt to subjugate the Palestinian health sector. Authorities closed down the Palestinian Blood Bank, the Central Laboratory, and Tuberculosis Centre. The government hospital was turned into a police centre. The Hospice, the only hospital in the Old Town, was closed down. Health workers were forced to apply for Israeli permits and non-Jerusalemites were banned from applying for these permits in a step aimed at depriving Palestinian health facilities from qualified workers. All of this created a wide gap between health facilities offered to Arabs and Jews in the eastern part of the city. Arabs, but not Jews, cannot receive medical treatment if they have not paid the National Insurance, which is often beyond the reach of many Arabs who are either too poor to pay it or have been travelling for extended periods⁽²⁵⁾.

25 - <http://alqudsgateway.ps/wp/wp-content/uploads/health.pdf>

■ The Religious Importance of Al-Aqsa Mosque

Jerusalem, especially Al-Aqsa Mosque, is at the heart of the Palestinian cause. The Mosque, revered by Muslims, was the first Qibla (direction of prayer) to which Muslims turned to pray five times a day before the Qibla was switched to Mecca. It is also considered the third holiest place in Islam (the first is the Prophet's Mosque in Al-Madina followed by Al-Masjid Al-Haram in Mecca). Muslims also believe that the prophet ascended to heaven from Jerusalem on his Night Journey.

Al-Aqsa Mosque comprises the whole area inside the walls of the Old City. The rectangular-shaped compound has a total area of 0.144 m² and includes 200 historical monuments such as domes, shrines, wells, etc. The most important site is Al-Aqsa Mosque (with its silver-coloured dome), the Dome of the Rock (the golden dome), El-Marwani Mosque which was turned to horse stables by the Crusaders, in addition



to Buraq Mosque, Al-Ashrafiya School and many other sites. It is therefore wrong to assume that Al-Aqsa Mosque is only the silver or the golden dome mosques, the reality is that it comprises the entire area inside the walls.

Al-Aqsa Mosque has seven aisles of hypostyle naves (a middle aisle, three aisles on the eastern side and another three on the western side). The aisles are supported by 53 marble columns and 49 stone pillars. The Mosque has 11 gates, seven in the north, one in the east, two in the west, and one the south. The compound has 25 wells, 8 of them in the yard of the holy dome and 17 in Al-Aqsa yard. There are also a number of fountains including the stone-domed Qaitabay fountain, and Qasem Pashah and Al-Budairi fountains.

Al-Aqsa boasts four minarets and a number of domes and benches used by Sufis, scholars and visitors from outside the city. The most famous domes are Al-Silsila, Al-Miḥraj and Al-Nabi.



Dangers to Al-Aqsa Mosque

In August 1969, a Jewish man set fire to Al-Aqsa Mosque destroying a 1000-year old pulpit. The act of arson was followed by many Israeli excavations under the Mosque. The underground tunnels, restrictions placed on attempts to restore parts of the Mosque, the loss of many of its relics to theft, the Hebrewisation of its name (Israelis refer to it as Temple Mount), the construction of scores of synagogues in adjacent areas, prohibiting prayer announcements and closing the mosque during Muslim religious festivals are some of the violations against the Mosque which currently faces two grave dangers:



■ Continuous raids by Israeli settlers

Over recent years, Israeli settlers, protected by the police with the blessing of the Israeli government, intensified their daily incursions into the Mosque's compound. Settlers would raid the Mosque and start performing religious rituals provoking the anger of worshippers and Muslims around the world. The raids are often accompanied by attacks on Muslim worshippers to prevent them from praying there. There have been a number of incidents during which settlers desecrated copies of the Holy Koran.

According to Al-Aqsa Foundation for Waqf and Heritage, more than 14950 Jews (12569 settlers, 1102 intelligence officers, 1084 soldiers, 197 political figures and other party leaders) have raided the Mosque's compound. The Foundation reported an average of 1246 Israelis -1047 of them settlers- raiding the mosque every month, an increase of 12.7% compared with 2013. The Foundation stressed that the support

of political leaders for these raids was one of the factors behind the increase in their numbers. This political support is coupled with the words of Jewish Rabbis who have issued a number of religious dictates encouraging Jews to raid the Mosque⁽²⁶⁾.

The Second Intifada in 2000 prompted Israeli authorities to also ban Palestinians from the West Bank and Gaza Strip from entering Al-Aqsa Mosque except during Ramadan. Those under 50 are not allowed to enter Jerusalem and scores of military checkpoints make it very difficult to navigate the roads to the Mosque. Authorities have prevented hundreds of Palestinians living inside Israel who hold the blue ID cards from visiting Al-Aqsa and issued restraining orders to that effect. Anyone held in breach of these orders has to pay a hefty fine.

The Al-Aqsa Foundation described 2014 as the worst in the history of Jerusalem since the occupation of the city in 1967. More than 100,000 worshippers have been prevented from praying at Al-Aqsa Mosque in 2014 compared with 2013 when more than one and a half million Palestinians were allowed to pray there.

26 - http://ar.qawim.net/index.php?option=com_content&task=view&id=8575

■ Dividing Al-Aqsa between Jews and Arabs

Israel has made no secret of its plans to divide Al-Aqsa Mosque between Arabs and Jews to allocate time slots and specific locations for Jews to pray in the Mosque's compound. Similar measures were imposed on Ibrahimi Mosque in Hebron in 1994. These efforts have been spearheaded by deputy minister for religious affairs Eli Ben-Dahan who has lobbied to have a bill passed by the Knesset so as to guarantee Jews the right to pray inside Al-Aqsa Mosque and prevent non-Jews from being there during those times.

According to Jerusalem expert Dr. Jamal Amr, the proposed bill has become a reality without being officially adopted. The Knesset committee entrusted with debating the matter has been suspended to avoid embarrassing the Arab Countries who manage the Mosque's affairs and to avoid an Arab, Palestinian and Muslim

back lash. Amr confirmed that Israel allows Israeli figures and delegations to roam Al-Aqsa Mosque between 7 and 11 a.m. and 2 and 3:30 p.m. In terms of locations, the Israeli government has seized control of several kilometres of the area adjacent to the Mosque and allocated passages for Jewish settlers separate from that of the Arabs. The passages are protected with bullet-proof glass to enable them to view Al-Aqsa Mosque.

Al-Aqsa Foundation also revealed that Israeli sources had informed it of the existence of a division map and plans for establishing a Jewish synagogue on one-fifth of the total area of Al-Aqsa Mosque on the eastern side. According to the plans the area would extend from Al-Marawin Mosque in the south-eastern part to Bab Al-Asbat (the Gate of the Tribes) on the north eastern part⁽²⁷⁾.

UNESCO has issued a number of resolutions condemning Israeli violations of the Mosque's compound. The most recent resolution, adopted during the 195th session held in Paris, reaffirmed the description of Israel as an occupation power which

27 - <http://www.alquds.com/news/article/view/id/467148>

renders any changes made to the 1967 territories illegal. The resolution denounced Israel's attacks on Jerusalem's history and heritage, the continuous settler raids on Al-Aqsa Mosque, the attacks on worshippers and waqf employees, the underground tunnels, the excavations and the bans imposed on restorations and repairs of Al-Aqsa Mosque⁽²⁸⁾.

28 - http://arabic.sputniknews.com/arabic.ruvr.ru/news/2014_10_29/279343866/

Legal Framework

5- Legal Framework

Despite the Israeli violations of Palestinian human rights that amount to ethnic cleansing, the international community has failed to take any significant steps to put an end to these violations which fall under the rubric of the «crimes of war». Israel's actions are in direct breach of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which protect basic rights such as the right to life, physical safety, freedom of movement and travel, freedom to own property, freedom of expression, freedom of worship and the right to have access to health and educational services. Palestinians have been deprived of all these rights.

■ Israel's actions in the eastern part of Jerusalem breach the following laws and resolutions:

Security Council Resolutions:

Security Council Resolutions 242 and 338 designate Israel as an «occupation force» and demand that it withdraws from all territories occupied in 1967 including Jerusalem and prohibit Israel from making any changes to the status quo prior to the occupation of these territories.

Security Council Resolution 252 on 21 May 1968 considered that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem, invalid.

Security Council Resolution 476 on 30 June 1980 reconfirmed that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have

no legal validity and constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

In Security Council Resolution 478 on 20 August 1980, the Security Council:

1. Censures in the strongest terms the enactment by Israel of the «basic law» on Jerusalem and the refusal to comply with relevant Security Council resolutions;
2. Affirms that the enactment of the «basic law» by Israel constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem;
3. Determines that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent «basic law» on Jerusalem, are null and void and must be rescinded forthwith;
4. Affirms also that this action constitutes a serious obstruction to achieving a

comprehensive, just and lasting peace in the Middle East;

5. Decides not to recognize the «basic law» and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon:
 - (a) All Member States to accept this decision;
 - (b) Those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City;
6. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution before 15 November 1980;
7. Decides to remain seized of this serious situation.

Security Council resolutions 267(1969), 271 (1969), 465(1980), and 1073(1996) reaffirmed Jerusalem as an indivisible part of the Palestinian territories occupied in 1967 and prohibited Israel from taking any actions or measures which could alter the character and status of the Holy City of Jerusalem.

■ General Assembly Resolutions

The General Assembly issued scores of resolutions which reaffirmed Jerusalem as an indivisible part of the Palestinian territories occupied in 1967 and prohibited Israel from taking any actions or measures which could alter the character and status of the Holy City of Jerusalem such as resolution 2253 on 4 July 1967, 2254 on 14 July 1967, and 31/56 on 3 December 2001.

Article 49 of The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War stipulates that “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.” Article 53 stipulates that “Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”

Article 16 of Protocol II of the Geneva Conventions prohibits any act of aggression against cultural or historical artefacts and places of worship.

Article 46 The 1907 Hague Convention prohibits the confiscation of private property and article 55 of the same convention regards the occupying state as administrator and usufructuary of public buildings, real estate, forests and agricultural estates and must safeguard the capital of these properties.

Article 8 of the Rome Statute which established the International Criminal Court in 1998 stipulates:

■ War Crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, 'war crimes' means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(i) Wilful killing;

(ii) Torture or inhuman treatment, including biological experiments;

(iii) Wilfully causing great suffering, or serious injury to body or health;

(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Recommendations

Recommendations

1. The International Community is urged: to exert pressure on Israel to force it to comply with Jerusalem-related resolutions; and to enforce these resolutions and turn them into a reality on the ground, especially since Israel considers itself above the law and protected from accountability by international legal instruments.
2. Israeli measures in Jerusalem constitute a threat to international peace and security and must be stopped by the international community which is also urged to take practical steps to protect Al-Aqsa Mosque.

3. The International Community is urged to collaborate with Arab and Muslim countries to establish a special fund for the purpose of supporting and compensating the Arabs of Jerusalem whose homes have been demolished.

4. Palestinian membership of the International Criminal Court has made it possible for the Palestinian Authority to file a complaint against Israeli leaders who have committed crimes of war.

5. The US and the EU must criminalise the activities of Zionist organisations which collect tax-free donations for the construction of settlements and rebuilding of the Temple Mount in Jerusalem.



Arab Organisation for Human Rights in the UK