

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and the Special Rapporteur on freedom of religion or belief

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(Please use this reference in your reply)

29 April 2022

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 42/22, 41/12, 1993/2A and 49/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **recent reports of excessive use of force and allegations of mass arbitrary arrests against Palestinian Muslims and other worshippers in the Old City of Jerusalem, as well as undue or discriminatory restrictions to access places of worship during the Ramadan and other religious celebrations.**

According to information received:

Unnecessary or excessive use of force against worshippers and mass arrest

Since the beginning of Ramadan on 2 April 2022, Israeli forces have intensified their presence in and around the Old City of Jerusalem. From 2 to 7 April 2022, Israeli Forces reportedly used excessive force to disperse dozens of Palestinians gathering at or close to Damascus Gate of Jerusalem's Old City at night hours after the Tarawih prayers (post-dusk prayers in Ramadan). During these interventions, a total of 38 people were arrested and subsequently released, most of whom on the condition that they stay away from the area for a limited time period.

On 15 April 2022, dozens of Palestinians reportedly barricaded part of Al Aqsa Mosque Compound with rocks and lighted fireworks as well as hurled rocks targeting Jewish worshippers at the Wailing Wall, who were praying during the Passover holiday; allegedly, Israeli Forces entered the grounds to disperse the crowd and remove the rocks. Clashes between Israeli Forces and some Palestinians were also reported. Nonetheless, according to information received, Israeli Special Forces raided the yards of Al Aqsa Mosque Compound twice between 4:30 am to 10:00 am using unnecessary or excessive force to evacuate the Palestinians from the compound, notwithstanding that the gathering of worshippers was prevalently peaceful. This included indiscriminate shooting of stun grenades and sponge-tipped

bullets as well as beating with batons, clubs, and rifle ends. Moreover, at around 8:00 am, Israeli Forces surrounded dozens of Palestinians inside “Al Qibli Mosque” within Al Aqsa Compound, and indiscriminately shot sponge-tipped bullets at the individuals and beat them with batons.

During these events, several worshippers, who were not posing any direct or indirect threat, reportedly received injuries. At least 161 people were treated for injuries, including women and journalists, as well as at least 27 children and 10 Al Waqf employees. Accounts were received that the majority of the injuries were caused by sponge-tipped bullets and severe beatings on the upper parts of the body. At least 126 of the injured were transmitted to hospitals. A nearby hospital reported admitting 35 persons to the hospital, eight of whom were admitted to ICU and five to surgeries. According to information received, 476 persons were also arrested, including 60 children. According to reports received, some of those arrested were severely injured and some were not allowed to receive legal aid and representation. Reportedly, most of those arrested on 15 April 2022 were subsequently released on condition of staying away from Al Aqsa Mosque Compound and the Old City for time periods ranging from 2 weeks to 2 months.

On 22 April 2022, during a raid in the Al Aqsa Compound, at least 57 Palestinians were injured by Israeli Forces, including journalists, elderly persons, women and paramedics; 28 of the injuries were caused by sponge-tipped bullets. One of the Palestinians injured on 22 April 2022 fell into a coma and remains in a critical state after being wounded by a sponge-tipped bullet in the head while he was allegedly throwing stones against Israeli Forces in Al-Aqsa Compound.

Undue or discriminatory restrictions on access to places of worship

Furthermore, on 17 April 2022, after dawn prayers, Israeli Forces raided the yards of Al Aqsa Mosque Compound and used force to push Palestinian worshippers out of the Compound. Reportedly, security forces intervened as some Palestinians had stockpiled stones and set up barriers in the compound to prevent the visit of Jews to the holy site. Nonetheless, according to information received, access of Palestinian worshippers to the Compound was severely restricted during the morning hours (08:30 – 10:30 am) to allow some 450 Israelis to enter and tour the compound.

Moreover, during the Passover, every day between 15 April and 21 April 2022, Israeli Forces reportedly raided Al-Aqsa Mosque Compound. Information was received that, in this period, some Palestinians entered the Al-Aqsa Mosque with rocks and produced Molotov cocktails, which were pelted outside from within the confines of the site. On 19 April 2022, allegedly Palestinians hurled stones at buses carrying Jewish worshippers in the Old City of Jerusalem, wounding some of them, including a 13-year-old Israeli girl. According to information received, on the mornings of 18, 19, 20 and 21 April 2022, Israeli Forces systematically raided Al-Aqsa Compound after the dawn prayers, between 4:30 – 5:30 am and used force to remove Muslims

inside it. The raids appeared to be instrumental to close the Compound and allow hundreds of Jews to enter and tour between 7:30 and 10:30. During this period, the gates of the Compound remained reportedly closed and the access to Palestinians was not permitted or severely restricted.

Furthermore, the Israeli Police decided to restrict the access of Christians to the Church of the Holy Sepulchre in Jerusalem's Old City during the celebrations of the Saturday of Holy Fire, limiting the number of worshippers allowed in the Church and on the Church roof-top to 1,000 (including 200 Christian Armenians) and 500 persons respectively. Nonetheless, on 20 April 2022, following an appeal against the decision, the Israeli Supreme Court ruled that Police should grant free access to worshippers to the Old City and the Christian Quarter during the celebrations of the Saturday of the Holy Fire and decided to increase the number of worshippers allowed to be in the church from 1000 to 4000. According to information received, on 23 April 2022, dozens of checkpoints at the entrances of the Old City of Jerusalem and its surroundings were set up. The Bab Al-Jadeed gate, the main entrance to the Christian quarter that leads to the Church of the Holy Sepulchre, remained closed for several hours. The restrictions reportedly prevented hundreds of worshippers, including Palestinian Christians, Copts of Egypt and foreigners, to celebrate ahead of Easter and to access the Church of the Holy Sepulchre.

Overall climate of escalating tensions

According to information received, the aforementioned events took place in a climate of escalating tensions, preceded or accompanied by inflammatory speech by Israeli authorities, which reportedly called Israeli citizens to carry their gun or insinuated that Security Forces were not compelled to respect limits while using force in law-enforcement operations. On the other hand, Palestinian officials also reportedly failed to condemn acts of violence committed by Palestinians. Furthermore, during days prior to the start of the Passover, individuals announced through Facebook and flyers a financial reward for those Jews who would make provocations against Palestinian Muslims and those who would get arrested for making animal sacrifices inside Al-Aqsa Mosque Compound during Ramadan.

Without prejudging the accuracy of the information received, we wish to express our serious concern about the alleged unnecessary or excessive use of force by Israeli Forces against peaceful worshippers and other persons in the Old City of Jerusalem, as well as allegations of arbitrary arrest of individuals exercising their right to worship and assemble in connection with their religion or belief. While we are aware of and condemn instances in which individuals or worshippers have reportedly resorted to acts of violence, we note that, as described above, most of them were seemingly acting peacefully when arrested or injured by Israeli Forces. Thus, we are concerned that international standards related to the use of force by law-enforcement officials, and particularly the fundamental principles of legality, precaution, necessity, non-discrimination, proportionality, and accountability, may have been violated. In this regard, we are concerned that this may have created an intimidatory environment for Palestinians and other individuals who wish to worship peacefully in the Old City

of Jerusalem, preventing them from exercising their freedom to manifest their religion in worship, observance, and practice. We are concerned that undue or discriminatory restrictions on access to places of worship, including during religious holidays, may fuel further tensions and lead to a worrisome escalation of violence, including in view of the upcoming end of the Ramadan and other religious celebrations.

We would like to remind your Excellency's Government that the respect of pluralism and diversity of religious practices encompasses the positive obligation of enabling worshippers to access religious sites and peacefully engage in religious holidays and ceremonies without discrimination.

Given the urgency of the situation, we urge your Excellency's Government to take all the necessary steps to secure the peaceful exercise of the right to liberty, security, freedom of religion or belief, peaceful assembly and non-discrimination of all worshippers and individuals in the occupied Palestinian territories, and in particular in the Old City of Jerusalem, in accordance with articles 9, 18, 21 and 26 of the ICCPR, that Israel ratified on 3 October 1991.

We would like to remind your Excellency's Government that article 9 of the ICCPR guarantees the right not to be subjected to arbitrary arrest or detention, and that the prohibition of arbitrary detention is absolute. We also recall that the arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR is arbitrary (see CCPR/C/GC/35, para. 17 and the jurisprudence of the Working Group on Arbitrary Detention).

We further recall the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55) states in its Article 2 (1): "[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief." We would also like to refer your Excellency's Government to Article 4(2) according to which: "All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter". Moreover, in Article 6(a), the General Assembly further elaborates on the right to worship and to celebrate religious holidays and ceremonies. According to Art. 6(a), the right to freedom of thought, conscience, religion or belief shall include, inter alia, the freedom "to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes". The Human Rights Committee in its General Comment 22, paragraph 24, reminded that the "freedom to manifest religion or belief may be exercised either individually or in community with others and in public or private. The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief...".

We also wish to recall the report of the Special Rapporteur on freedom of religion or belief on the "Rights of persons belonging to religious or belief minorities in situations of conflict or insecurity" (A/HRC/49/44), in which the Special Rapporteur previously cautioned about information received regarding undue restrictions imposed on Christians and Muslims from accessing certain places of

worship during religious rites, including the Church of the Holy Sepulchre and Al Aqsa Mosque (paragraph 29).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on any investigations into the abovementioned allegations of use of unnecessary or excessive force by Israeli Forces against Palestinians or other worshippers.
3. Please provide information concerning the factual and legal grounds for the arrests conducted on 15 April 2022 and following days in Al-Aqsa compound.
4. Please provide information on the measures taken to ensure access to places of worship in the Old City of Jerusalem to all religious groups without discrimination, including during Ramadan and other religious holidays and celebrations.
5. Please provide information on any measures adopted to de-escalate religious tensions and promote respect of pluralism and diversity of religious practices in the next weeks, in view of the end of the Ramadan.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60

days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please note that a copy of this letter will be simultaneously transmitted to the Palestinian authorities.

Please accept, Excellency, the assurances of our highest consideration.

Mumba Malila
Vice-Chair of the Working Group on Arbitrary Detention

Clément Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michael Lynk
Special Rapporteur on the situation of human rights in the Palestinian territory
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Ahmed Shaheed
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