

Gaza/ West Bank (22)



58

U.S. Department of State



U.S. Department of State Annual Report on International Religious Freedom for 2002 - The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority) - October 2002

* Copyright notice: The copyright for this document rests with the U.S. Department of State.

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. The West Bank and Gaza Strip now are administered to varying extents by Israel and the Palestinian Authority (PA). The PA does not have a constitution, nor does it have a specific law providing for religious freedom; however, the PA generally respects this right in practice. Although there is no official religion in the occupied territories, Islam is treated de facto as the official religion.

Israel exercises varying degrees of legal control in the West Bank. Israel has no constitution; however, Israeli law provides for freedom of worship, and the Israeli Government generally respects this right in practice.

There was no change in the status of the PA's respect for religious freedom during the period covered by this report. In previous years, there were allegations that a small number of Muslim converts to Christianity were harassed by PA officials. There was one such allegation during the period covered by the report, but the allegation could not be verified. The Israeli Government's closure policies in the occupied territories restricted the ability of Palestinians to reach places of worship, particularly during religious holidays.

There generally are amicable relations between Christians and Muslims. Societal attitudes are a barrier to conversions from Islam. Relations between Jews and non-Jews, as well as among the different branches of Judaism, are strained. Societal tensions between Jews and non-Jews exist primarily as a result of the Arab-Israeli conflict; such tensions increased significantly during the period covered by this report. The violence that has occurred since the outbreak of the Intifada in October 2000 has curtailed significantly religious practice in the occupied territories, including damaging severely places of worship and religious shrines.

The U.S. Government discusses religious freedom issues with the PA in the context of its overall dialog and policy of promoting human rights.

Section I. Religious Demography

The occupied territories are composed of the Gaza Strip, the West Bank, and East Jerusalem. The Gaza Strip covers an area of 143 square miles, and its population is 1,138,563 persons. The West Bank (excluding East Jerusalem) covers an area of 2,238 square miles, and its population is

approximately 2,191,300 persons. East Jerusalem covers an area of 27 square miles and its population is approximately 390,000 persons.

The vast majority (98.4 percent) of the Palestinian residents of the occupied territories are Sunni Muslims. According to the Palestinian Central Bureau of Statistics, there are 40,055 Palestinian Christians living in the territories. However, according to the sum of estimates provided by individual Christian denominations, the total number of Christians is approximately 200,000. A majority of Christians are Greek Orthodox (approximately 120,000), and there also are a significant number of Roman Catholics and Greek Catholics (approximately 50,000 total), Protestants, Syriacs, Armenians, Copts, Maronites, and Ethiopian Orthodox. In general Christians are concentrated in the areas of Jerusalem, Ramallah, and Bethlehem. In early 2001, approximately 1,000 Christians from Bethlehem left the occupied territories for other countries. According to Christian leaders, most of the Christians left their homes for economic and security reasons and not due to religious discrimination. Jewish Israeli settlers reside in the West Bank (approximately 171,000), Gaza (approximately 6,500), and Jerusalem. There is a community of approximately 550 Samaritans (an ancient offshoot of Judaism) located on Mount Gerazim near Nablus.

Several evangelical Christian missionary groups, including Jehovah's Witnesses, operate in the West Bank.

Foreign missionaries operate in the occupied territories. These include a small number of evangelical Christian pastors who seek to convert Muslims to Christianity. While they maintain a generally low profile, the PA is aware of their activities and generally does not restrict them.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Palestinian Authority has no constitution, and no single law in force protects religious freedom; however, the PA generally respects religious freedom in practice. Although there is no official religion in the occupied territories, Islam is treated de facto as the official religion.

The PA has not adopted legislation regarding religious freedom. However, both the draft Basic Law and the draft Constitution address religion. The draft Basic Law stipulates that "Islam is the official religion in Palestine," and that "respect and sanctity of all other heavenly religions (i.e., Judaism and Christianity) shall be maintained." The draft Basic Law was submitted for PA President Yasir Arafat's signature in 1997; however, it has not been signed into law. The March 2001 version of a draft constitution stipulates that "Islam is the official religion of the State, while other divine religions and their sanctity are respected." It is unclear whether the injunction to "respect" other religions would translate into an effective legal protection of religious freedom. The draft Basic Law and Constitution both state that the principles of Shari'a (Islamic law) are the primary bases for legislation.

Churches in Jerusalem, the West Bank, and Gaza may be subdivided into three general categories: Churches recognized by the status quo agreements reached under Ottoman rule in the late 19th century; Protestant and evangelical churches that were established between the late 19th century and 1967, which are not recognized officially by the PA, although they are fully tolerated; and a small number of churches that

became active within the last decade, whose legal status is more tenuous.

The first group of churches is governed by the 19th century status quo agreements, which the PA respects and which specifically established the presence and rights of the Greek Orthodox, Roman Catholic, Armenian Orthodox, Assyrian, Greek Catholic, Coptic, and Ethiopian Orthodox Churches. The Episcopal and Lutheran Churches were added later to the list. These churches and their rights were accepted immediately by the PA, just as the British, Jordanians, and Israelis had done before. Like Shari'a courts under Islam, these religious groups are permitted to have ecclesiastical courts whose rulings are considered legally binding on personal status issues and some land issues. Civil courts do not adjudicate on such matters.

According to the PA, no other churches have applied for official recognition. However, the second group of churches, which includes the Assembly of God, Nazarene Church, and some Baptist churches, has unwritten understandings with the PA based on the principles of the status quo agreements. They are permitted to operate freely and are able to perform certain personal status legal functions, such as issuing marriage certificates.

The third group of churches consists of a small number of proselytizing churches, including Jehovah's Witnesses and some evangelical Christian groups. These groups have encountered opposition in their efforts to obtain recognition, both from Muslims, who oppose their proselytizing, and Christians, who fear that the new arrivals may disrupt the status quo. These churches generally operate unhindered by the PA. At least one of these churches deferred plans to request official recognition from the PA after the outbreak of the Intifada in October 2000:

In practice, the PA requires individuals to be at least affiliated with some religion. Religion must be declared on identification papers, and all personal status legal matters must be handled in either Shari'a or Christian ecclesiastical courts. In the absence of legal protection of religious freedom, there are no statutory or regulatory remedies for violations of that freedom.

Islam is the de facto official religion of the Palestinian Authority, and its Islamic institutions and places of worship receive preferential treatment. The PA has a Ministry of Waqf and Religious Affairs, which pays for the construction and maintenance of mosques and the salaries of many Palestinian imams. The Ministry also provides some Christian clergymen and Christian charitable organizations with limited financial support. The PA does not provide financial support to any Jewish institutions or holy sites in the Occupied Territories; however, it paid for the refurbishment of Joseph's Tomb after it was damaged by Palestinian demonstrators in 2000.

The PA requires that religion be taught in PA schools. There are separate courses for Muslim and Christian students. In 2001 the PA implemented a compulsory curriculum that requires the study of Christianity for Christian students in grades one through six.

The Palestinian Authority observes several religious holidays, including, Eid al-Fitr, Eid al-Adha, Zikra al-Hijra al-Nabawiya, and the Prophet Muhammed's birthday. Christians also may observe the holidays of Christmas and Easter.

The PA does not officially sponsor interfaith dialog; however, it attempts to foster goodwill among religious leaders. The PA makes a strong effort to maintain good relations with the Christian community, and there is no pattern of PA harassment of Christians. Within the Ministry of Religious Affairs, there is a portfolio responsible for Christian affairs, and PA Chairman Yasir Arafat has an advisor on Christian affairs. Six Christians and 1 Samaritan sit on the 88-member Palestinian Legislative Council in seats set aside for representatives of these religions.

Israel has no constitution; however, the law provides for freedom of worship, and the Government generally respects this right in practice.

The Israeli Government gives preferential treatment to Jewish residents of the occupied territories and East Jerusalem in the areas of permits for home building and civic services. For example, Muslim Arab residents of Jerusalem pay the same taxes as Jewish residents; however, Arab residents receive significantly fewer municipal services than Jewish residents. There is a general consensus among Palestinian and Israeli human rights organizations that many of the national and municipal policies enacted in Jerusalem are designed to limit or diminish the non-Jewish population of Jerusalem. According to these activists, the Israeli Government uses a combination of zoning restrictions on building for Palestinians, confiscation of Palestinian lands, and demolition of Palestinian homes to "contain" non-Jewish neighborhoods.

In recent years, the Israeli Government has attempted to maintain amicable relations with all of the major religious denominations represented in Jerusalem, and to facilitate their worship requirements. During the period covered by this report, relations between the Israeli Government and the Greek Orthodox Patriarchate (which represents the largest Christian community in Israel and the occupied territories) were strained by the Israeli Government's refusal to recognize the duly-elected Greek Orthodox Patriarch, Eirinaios I. According to a senior Patriarchate official, the Israeli Government withheld its recognition in an attempt to extract legal and political concessions from the Patriarchate. Many local Greek Orthodox Christians perceived the Government's actions as interference with the internal workings of their church. Another factor in the delay of recognition was that Jewish business associates of some of the defeated Patriarchal candidates reportedly have filed High Court challenges to the election, thereby preventing the Government from endorsing Eirinaios.

Restrictions on Religious Freedom

Since the outbreak of the Intifada, officials in the PA's Ministry of Waqf and Islamic Affairs have prohibited non-Muslims from entering the sanctuary of the Haram al-Sharif. Waqf officials claimed that this is a temporary closure that was implemented because they cannot justify allowing non-Muslims to visit the Haram al-Sharif at a time when Palestinian Muslims from the occupied territories are prevented from worshiping there. A 1995 ruling by the Israeli High Court of Justice theoretically allowed small numbers of Jews under police escort to pray on the Temple Mount/Haram al-Sharif. Israeli police consistently have declined to enforce this ruling, citing public safety concerns.

Personal status law for Palestinians is based on religious law. For Muslim Palestinians, personal status law is derived from Shari'a, and the varied ecclesiastical courts rule on personal status issues for Christians. In the West Bank and Gaza, Shari'a pertaining to women is part of the

Jordanian Status Law of 1976, which includes inheritances and marriage laws. Under the law, women inherit less than male members of the family do. The marriage law allows men to take more than one wife, although few do so. Women are permitted to make "stipulations" in the marriage contract to protect them in the event of divorce and questions of child custody. However, only an estimated 1 percent of women take advantage of this section of the law, leaving most women at a disadvantage when it comes to divorce or child custody.

Due to the continued Intifada, violence escalated significantly during the period covered by this report. The violent confrontations that had erupted in September 2000 continued on an almost daily basis throughout the period covered by this report, and resulted in the deaths and injuries of thousands of persons.

Due to the increased violence and security concerns, the Israeli Government imposed closure on the occupied territories in October 2000, and this closure still was in place at the end of the period covered by this report. One result of the closure was to impede significantly freedom of access to places of worship for Muslims and Christians during the period covered by this report. Even before the outbreak of the Intifada in October 2000, Palestinians in the occupied territories were required to obtain a permit to enter Jerusalem. The Israeli Government frequently denied requests for permits, and Israeli security personnel at times denied permit holders access to Jerusalem, even to visit holy sites. During periods of closure, Palestinians from the occupied territories were prevented from traveling to pray inside the Haram al-Sharif. In practice Israeli closure policies prevented tens of thousands of Palestinians from reaching places of worship in Jerusalem and the West Bank, including during religious holidays, such as Ramadan, Christmas, and Easter. On a number of occasions, the Israeli Government also prevented worshippers under the age of 45 from attending Friday prayers inside the Haram al-Sharif. The Israeli Government stated that it did so in an effort to prevent outbreaks of violence following Friday prayers (see Section III). However, many Palestinians believe that the real purpose of closure is ethnically based harassment and humiliation. On April 12, 2002, there were minor clashes in Jerusalem near the Old City's Lion Gate after Israeli police barred male worshippers under the age of 40 from attending afternoon prayers. Those who were refused entry marched in protest and threw stones at the police. No injuries were reported.

During the period covered by this report, the Israeli Government's continued closure policy prevented a number of Palestinian religious leaders (both Muslim and Christian) from reaching their congregations. The Israeli Government pledged to create a "hotline" to facilitate the movement of clerics through checkpoints in March 2001; however, it had not done so by the end of the period covered by this report. In previous years, several clergymen reported that they were subject to harassment at checkpoints. The Government of Israel announced that it had arrested the Mufti of Ramallah, interrogated him, and then expelled him from Jerusalem for attempting to attend prayers at al-Aqsa on Friday, September 14, 2001.

Palestinian violence against Israeli settlers prevented some settlers from reaching Jewish holy sites in the occupied territories during the period covered by this report. Some Israelis were unable to reach Jewish sites in the occupied territories such as Rachel's Tomb and the Tomb of the Patriarchs in Hebron due to the ongoing violence, including on religious holidays.

Abuses of Religious Freedom

Since the establishment of the PA, there have been periodic allegations that a small number of Muslim converts to Christianity at times are subjected to societal discrimination and harassment by PA officials, including detention and questioning by security forces. During the period covered by this report, there was one such allegation. The allegation could not be verified. With regard to other allegations of mistreatment in recent years, conversion may have been only one of several factors leading to the mistreatment. In previous years, the PA stated that it investigated such allegations; however, it did not make available the results of these investigations:

During the period covered by this report, several Christian religious leaders and lay members were deliberately mistreated or accidentally injured by Israeli forces. On April 4, 2002, patriarchs of several major Christian denominations in Jerusalem claimed that the IDF forcibly entered numerous churches in Bethlehem and Ramallah and mistreated clergymen. For example, the Syrian Orthodox Archbishop claimed that an IDF unit entered a Syrian Orthodox Church in Bethlehem, damaged property, and threatened a 70-year-old priest with a gun. On April 7, 2002, an Israeli army unit operating in Ramallah forced its way into the Lutheran Church of Hope and used the pastor as a human shield, forcing him to walk ahead of the unit into potentially hostile areas as it searched the premises. On April 8, another Israeli army unit similarly used a Christian religious leader, Reverend Ramez Ansara of the Lutheran Evangelical Church. On April 10, an IDF sniper shot and wounded an Armenian lay monk during the stand-off at the Church of the Nativity.

According to some Palestinian individuals and human rights organizations, Israeli soldiers at times arbitrarily enforced closure in such a way as to interfere with Muslim religious practices. In particular there were allegations that Israeli soldiers closed the al-Ram checkpoint at sundown late in 2001 during Ramadan, thereby preventing thousands of Muslims from returning home to break their fasts. There also were several unconfirmed accounts of IDF personnel at checkpoints coercing Palestinians into breaking their fasts during Ramadan as a condition for being allowed to pass through the checkpoint. There were no reports of any disciplinary action taken against the soldiers.

On June 4, 2001, the day that Muslims celebrated the Prophet Mohammed's birthday, IDF personnel closed the al-Ibrahimi mosque in Hebron in violation of the Hebron Protocol, which stipulates that the mosque should be available to Muslim worshipers on Muslim holidays. Israeli police personnel also arrested seven Muslims who were near the mosque.

Although it is difficult to assess culpability in the destruction of and damage to many places of worship in the occupied territories, their destruction or damage affects the practice of religion and religious freedom. Among the sites damaged were St. Mary's Convent, the chapel at Bethlehem University, the Lutheran Church and orphanage in Beit Jala, the Latin Convent in Beit Sahour, the Bethlehem Bible College, a Syrian Orthodox Church, the Russian Orthodox Pilgrim's House, and the Omar Ibn al-Khattab Mosque. The ninth century al-Khader Mosque in Nablus, reputed to be the oldest mosque in the occupied territories, and the church of Mar Mitri, the oldest Christian church in Nablus, both were destroyed.

Throughout the period covered by this report, there were credible accounts of Israeli soldiers acting on their own causing damage to Palestinian church property. In Bethlehem gun and tank fire damaged the Holy Family Hospital, the Lutheran Christmas Church, and the Dar al-Kalima Academy. Such damage often was extensive and included destruction of church and school property, including religious symbols. Damage in a number of these cases exceeded \$85,000, and the institutions have filed claims for restitution with the Israeli Government. The Israeli Government did not refurbish any of the places of worship that the IDF damaged while operating in the occupied territories, and denied requests for compensation submitted in that regard. The Government stated that it was not responsible for damages incurred during a state of war.

Armed action by Palestinian gunmen and members of the Palestinian security services against Israeli forces damaged some religious buildings. During an April 2002 armed standoff between Israeli forces and a group of approximately 160 Palestinian gunmen, including PA security forces, the Church of the Nativity, the Latin (Roman Catholic) section of the Nativity compound, and the Greek Orthodox and Armenian monasteries sustained considerable material damage.

There were no reports of religious prisoners or detainees in the occupied territories.

Forced Religious Conversions

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Section III. Societal Attitudes

Generally there are amicable relations between Christians and Muslims. However, tensions do exist and occasionally surface. Relations between Jews and non-Jews, as well as among the different branches of Judaism, often are strained. Tensions between Jews and non-Jews exist primarily as a result of the Arab-Israeli conflict, as well as Israel's control of access to sites holy to Christians and Muslims. Non-Orthodox Jews have complained of discrimination and intolerance.

Societal attitudes are a barrier to conversions, especially for Muslims converting to Christianity. One senior Christian cleric reportedly quietly dissuaded a number of such prospective converts from being baptized in Jerusalem for fear that they would be ostracized by their families or subjected to violence. In previous years, there were reports that some Christian converts from Islam who publicized their religious beliefs were harassed.

There are some reports of Christian-Muslim tension in the occupied territories. For example, sectarian tensions were visible on January 31, 2002, after a Palestinian Christian taxi driver stabbed and killed a Muslim during a dispute at the Qalandiya checkpoint. That night male friends and relatives of the Muslim retaliated by attacking Christian-owned shops and residences in Ramallah. In addition there have been periodic accusations that Muslim Tanzim militia members deliberately opened fire on the Israeli neighborhood of Gilo from Christian areas in Beit Jala in

order to draw IDF fire onto the Christian homes. Both Muslim and Christian Palestinians have accused Israeli officials of attempting to foster animosity among Palestinians by exaggerating reports of Muslim-Christian tensions.

Interfaith romance is a sensitive issue. Most Christian and Muslim families in the occupied territories encourage their children – especially their daughters – to marry within the faith. Couples that have challenged this societal norm have encountered considerable societal and familial opposition. Some Christian women who have married Muslim men received death threats from Christian family members and community figures.

In general evangelical churches have not been welcomed by the more established Christian denominations.

The strong correlation between religion, ethnicity, and politics in the occupied territories at times imbues the Israeli-Palestinian conflict with a religious dimension. The rhetoric of some Jewish and Muslim religious leaders has been harsher since the outbreak of the Intifada in October 2000. During the first year of the Intifada there were also a number of attacks on Muslim and Jewish places of worship and religious shrines in the occupied territories.

There again were some reports of settler violence against Palestinian places of worship during the period covered by this report. On October 21, 2001, Israeli settlers vandalized the al-Kayyal Mosque in Hebron.

During the period covered by this report, Muslims on the Temple Mount/Haram al-Sharif on several occasions threw stones over a high wall onto the Western Wall plaza where Jews were praying.

The rhetoric of some Jewish and Muslim religious leaders was harsh and at times constituted an incitement to violence during the period covered by this report. For example, PA-controlled television stations frequently broadcast anti-Semitic statements by Palestinian political and spiritual leaders and PA officials. Some prominent Israelis also made public anti-Arab statements.

Instances of ultra-Orthodox Jewish groups verbally or physically harassing Jewish citizens for "immodest dress" or other violations of their interpretation of religious law occurred in previous years. There also were instances of ultra-Orthodox Jews harassing Christians and Muslims. On several occasions during the period covered by this report, a group of ultra-Orthodox Jews known as the "Temple Mount Faithful" attempted to force their way inside the Haram al-Sharif/Temple Mount. In addition, the same group periodically attempted to lay a cornerstone for the building of a new Jewish temple that would replace the Islamic Dome of the Rock shrine, an act that local Muslims considered an affront. On May 13, 2002, a group of Haredim (ultra-Orthodox Jews) interrupted an evangelical Christian conference in Jerusalem and threw a stink bomb into the congregation. Conference organizers accused the Haredim of stealing sound equipment during the incident.

Section IV. U.S. Government Policy

The U.S. Consulate General in Jerusalem maintains an ongoing, dialog with officials in the Palestinian Authority, and (in conjunction with Embassy Tel Aviv) with Israeli officials on human rights issues, including

issues of religious freedom. The Consulate also maintains contacts with representatives of the Islamic Waqf – an Islamic trust and charitable organization that owns and manages large amounts of real estate, including the al-Aqsa mosque in Jerusalem – as well as with the various Christian churches and Jewish communities in Jerusalem.

The Consulate investigates allegations of abuses of religious freedom. During the period covered by this report, the Consulate investigated a range of charges, including allegations of damage to places of worship, allegations of incitement, and allegations concerning access to holy sites.

