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Occupied Territories

International Religious Freedom Report

Released by the Bureau of Democracy, Human Rights, and Labor
 October 2001



THE OCCUPIED TERRITORIES (INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

The Palestinian Authority (PA) does not have a constitution, nor does it have a specific law guaranteeing 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; however, there were no such reports during the period covered by this report. 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. Following the outbreak of the Intifada in October 2000, there were a number of attacks on 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 (about 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 (about 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 operate in the West Bank, including the Jehovah's Witnesses.

Foreign missionaries operate in the occupied territories. These include a handful 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 Yasser 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 guarantee 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: 1) churches recognized by the status quo agreements reached under Ottoman rule in the late 19th century; 2) Protestant and evangelical churches that were established between the late 19th century and 1967, which are fully tolerated by the PA, although not officially recognized; and 3) 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, including 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 reportedly planned to request official recognition from the PA during the period covered by this report; however, it deferred its request after the outbreak of the Intifada in October 2000.

In practice the PA requires individuals to be at least nominally 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 that 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 (see Section II).

The PA requires that religion be taught in PA schools. Until recently, only courses on Islam were taught, and Christian students were excused from them. However, during the period covered by this report, 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

The PA does not officially sponsor interfaith dialog; however, it does attempt 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 covering Christian affairs, and PA Chairman Arafat has an advisor on Christian affairs. Six Christians and one Samaritan sit on the 88-member Palestinian Legislative Council in seats set aside for representatives of these religions.

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.

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 stated that this is a temporary closure because they cannot justify allowing non-Muslims to visit the Haram at a time when Palestinian Muslims from the occupied territories are prevented from worshipping there.

Due to the Intifada, political violence escalated significantly during the period covered by this report. At least 654 persons were killed between late September 2000 and late June 2001 in demonstrations, violent clashes, and military and civilian attacks, including 516 Palestinians, 136 Israelis, and 6 foreign nationals. Additionally, at least 14,959 persons were injured during this period. On September 28, Israeli opposition leader Ariel Sharon visited the Temple Mount (Haram al-Sharif) in Jerusalem. On September 29, some Palestinians attending Friday prayer services at the Haram al-Sharif threw stones at police in the vicinity of the Western Wall. Police used rubber-coated metal bullets and live ammunition to disperse the demonstrators, killing 4 persons and injuring approximately 200. Palestinians throughout the occupied territories reacted to this incident by participating in violent demonstrations against IDF soldiers; such demonstrations and ensuing clashes between Palestinians and IDF soldiers occurred daily during the period covered by this report. A number of Israelis and Palestinians also were killed in politically related violence perpetrated by individuals and groups during the year. Israeli settlers harassed, attacked, and sometimes killed Palestinians in the West Bank and Gaza Strip. Palestinian civilians also harassed, attacked, and sometimes killed Israeli civilians and settlers.

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. Closure on the West Bank and Gaza and between towns and cities within the occupied territories ("internal closure") impeded significantly freedom 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 sometimes 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 (Temple Mount) in Jerusalem. 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 worshipers 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). The Israeli Government states that it imposes closure on the occupied territories for security reasons; however, many Palestinians believe that the real purpose of closure is ethnically-based harassment and humiliation.

In early April 2001, Israeli authorities prevented thousands of Muslims from reaching the Nabi Musa shrine near Jericho, the site of an annual three-week Muslim celebration. Israeli officials stated that they decided to cancel the religious festival because the PA intended to turn the event into a "political rally."

During the period covered by this report, due to the Israeli Government's closure policy, a number of Palestinian religious leaders were prevented from reaching their congregations. For example, on March 9, 2001, Israeli soldiers prevented the Latin Patriarch, Michel Sabbah, from entering the town of Ein Areek to perform a Mass. On April 14, 2001, Israeli soldiers prevented the Legal Advisor at the Latin Patriarchate, Majdi al-Siryani, from attending the Ritual of the Holy Fire in Jerusalem. A second group of soldiers then prevented him from reaching a mass in Bethlehem. 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. Several clergymen reported that they were subject to verbal harassment at checkpoints during the period covered by this report.

Palestinian violence against Israeli settlers sometimes prevented settlers from reaching Jewish holy sites in the occupied territories during the period covered by this report. Other 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.

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. Since the outbreak of the Intifada, Israeli police have prevented all non-Muslims (including Jews seeking to pray) from entering the Temple Mount/Haram al-Sharif.

Abuses of Religious Freedom

Since the establishment of the PA, there have been periodic allegations that a small number of Muslim converts to Christianity sometimes are subject to societal discrimination and harassment by PA officials, including detention and questioning by security forces. In recent years, there were several unconfirmed allegations that converts to Christianity were subjected to such treatment. In some cases, conversion may have been only one of several factors leading to the mistreatment. In previous years, the PA stated that it investigated such allegations, but it did not make known to any outside party the results of these investigations.

One Christian religious leader in Jerusalem was attacked by IDF personnel during the period covered by this report. On January 9, 2001, Israeli soldiers at a checkpoint in the West Bank fired at the car of Latin Vice-Patriarch and Archbishop of Nazareth Paul Marcuzzo; his car bore diplomatic license plates and was flying the Vatican flag. Archbishop Marcuzzo was not injured in the shooting. The following day, the Israeli Minister of Justice visited Marcuzzo and apologized for the incident.

According to some Palestinian individuals and human rights organizations, Israeli soldiers sometimes arbitrarily enforced closure to offend religious sensibilities. For example, the Palestinian Society for the Protection of Human Rights and the Environment (LAW) reported instances in which Israeli soldiers closed the al-Ram checkpoint at sundown during Ramadan preventing thousands of Muslims from returning home to break their fasts. There also were several unconfirmed accounts that IDF personnel at checkpoints coerced Palestinians to break their fasts during Ramadan as a condition for being allowed to pass through the checkpoint.

On June 4, 2001, the day that Muslims celebrate 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 Muslims worshipers on Muslim holidays. Israeli police personnel also arrested 7 Muslims who were near the mosque.

There is no evidence that the IDF has deliberately targeted places of worship. However, mosques and churches were damaged during exchanges of gunfire between IDF personnel and Palestinian gunmen. For example, on October 20, 2000, IDF gunfire damaged the mosque in the Aida Refugee Camp. On December 20, 2000, Israeli forces reportedly fired at the al-Abrar mosque in Salfit. On several occasions between November 2000 and March 2001, the al-Nur mosque in Rafah reportedly was hit by Israeli shells.

There were no reports of religious detainees or prisoners 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 PA or the Israeli Government's 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. During the period covered by this report, 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. In May and June 2001, Israeli press reports accused Muslim Tanzim militia members of deliberately opening fire on the Israeli neighborhood of Gilo from Christian areas in Beit Jala in order to draw IDF fire onto the Christian homes. In response to inquiries, several Palestinian Christian leaders in the area denied that the shooting was motivated by anti-Christian sentiments.

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 was harsher during the period covered by this report, especially following the outbreak of the Intifada in October 2000. There also were a number of attacks on Muslim and Jewish places of worship and religious shrines in the occupied territories. On October 7, following the IDF evacuation from the Jewish religious site of Joseph's Tomb, about 1,000 Palestinian protesters entered the religious site, desecrated religious literature, burned the site, and damaged the roof and an outer wall in an unsuccessful attempt to demolish the tomb. Some Israeli Government officials criticized the PA for failing to prevent the attack. The PA began to repair the tomb the following day.

On October 10, 2000, a crowd of Palestinians attempted to burn the Shalom al Yisrael synagogue in Jericho. The PA began to repair the synagogue immediately following the attack.

On October 10, 2000, a crowd of Jewish settlers threw rocks at apartment buildings that are part of a Franciscan project that provides housing to low-income parishioners on the property of St. James's Latin Church (Mar Ya'acoub) in Beit Hanina. The church itself was not damaged; however, several windows and solar panels on the apartment buildings were broken.

Palestinian human rights groups reported on several incidents in which Israeli settlers vandalized mosques in Hebron in the presence of IDF personnel; the IDF soldiers reportedly did not attempt to intervene. On October 12, 2000, Israeli settlers set fire to a mosque in Huwara, causing more than \$20,000 in damage. On November 21, 2000, settlers set fire to the Imam Ali mosque in Huwara. On December 29, 2000, Israeli settlers ransacked the Prophet Yaqeen mosque in Hebron. On April 8, 2001, settlers vandalized the al-Aqtat mosque in Hebron and desecrated religious literature.

On a number of occasions, Muslims on the Temple Mount/Haram al-Sharif threw stones at Jews who were praying at the Western Wall below (also see Section II).

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.

Section IV. U.S. Government Policy

The U.S. Consulate General in Jerusalem maintains an ongoing, high-level dialog with officials in the Palestinian Authority, including Chairman Arafat, 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 Israeli settler violence against places of worship; allegations regarding Christian emigration from the Bethlehem area; allegations regarding the harassment of Christian clergymen in the Jewish Quarter; and allegations concerning access to holy sites.

[End]

Released on October 26, 2001

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