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2009 Report on International Religious Freedom - the Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority)

[Covers the period from July 1, 2008, to June 30, 2009]

The Palestinian Authority (PA) does not have a Constitution but has stated that the Palestinian Basic Law functions as its temporary constitution. The Basic Law states that Islam is the official religion and the principles of Shari'a (Islamic law) shall be the main source of legislation, but provides for freedom of belief, worship and the performance of religious rites, unless they violate public order or morality. The Basic Law also proscribes discrimination based on religion and stipulates that all citizens are equal before the law and that basic human rights and liberties shall be protected.

Israel exercises varying degrees of legal, military, and economic control in the Occupied Territories. Israel has no Constitution, and while its Basic Law on Human Dignity and Liberty does not specifically refer to freedom of religion, it does refer to the Declaration of the Establishment of the State of Israel, which explicitly provides for the protection of religious freedom. In addition, numerous Supreme Court rulings incorporate the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, including their religious freedom provisions, into the country's body of law.

The Israeli Government generally respected the right to freedom of religion in the Occupied Territories during the reporting period. However, despite provisions for freedom of religion in the PA's Basic Law and the Israeli Government's Declaration of Independence, religious freedom restrictions continued in the Occupied Territories. In particular, Israel's strict closure policies and the separation barrier constructed by the Government of Israel had the effect of severely restricting the ability of Palestinian Muslims and Christians to reach places of worship and to practice their religious rites. Israeli law also restricted the ability of Israeli Jews to reach places of worship in areas under Palestinian control.

The status of respect for religious freedom by the PA was unchanged during the reporting period. PA government policy contributed to the generally free practice of religion, although problems persisted during the reporting period. The Gaza Strip remained under the control of Hamas during the reporting period, and the PA was therefore unable to enforce respect for religious freedom or address reports of harassment of religious groups in the Gaza Strip.

Christians and Muslims generally enjoyed good relations, although tensions existed. Societal tensions between Jews and non-Jews remained high during the reporting period, and continuing violence heightened those tensions.

The U.S. Government discusses religious freedom with the Palestinian Authority as part of its overall policy to promote human rights. U.S. Government efforts to promote religious freedom focused on some specific instances of crime and attacks targeting particular religious groups.

Section I. Religious Demography

The West Bank (excluding East Jerusalem) has an area of 2,238 square miles and a population of 2.4 million persons, not including approximately 300,000 Israelis. East Jerusalem has an area of 27 square miles, and its population is 415,000, including approximately 180,000 Israelis. The Gaza Strip has an area of 143 square miles and a population of 1.5 million.

Approximately 98 percent of Palestinian residents of the Occupied Territories are Sunni Muslims. While estimates vary in the absence of reliable census data, there are about 120,000 Christians in the West Bank (including East Jerusalem) and an estimated 1,500 to 2,500 Christians in the Gaza Strip. A majority of Christians are Greek Orthodox; the remainder consists of Roman Catholics, Greek Catholics, Protestants, Syrian Orthodox, Armenian Orthodox, Copts, Maronites, Ethiopian Orthodox, and Protestant denominations. Christians are concentrated primarily in the areas of Jerusalem, Ramallah, and Bethlehem, but smaller communities exist elsewhere. According to local Christian leaders, Palestinian Christian emigration has accelerated since 2001, reducing the number of Christians in the West Bank and Gaza Strip. Most left for security and economic reasons, often related to the effects of the barrier; however, low birth rates among Palestinian Christians also contribute to their shrinking numbers. There is also a community of approximately 400 Samaritans located on Mount Gerazim near Nablus in the West Bank.

A very small number of adherents of several denominations of evangelical Christians, as well as Jehovah's Witnesses, reside in the West Bank.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The Palestinian Authority (PA) does not have a Constitution but has stated that the Palestinian Basic Law functions as its temporary constitution. The Basic Law states that Islam is the official religion and the principles of Shari'a (Islamic law) shall be the main source of legislation, but provides for freedom of belief, worship, and the performance of religious rites, unless they violate public order or morality. The Basic Law also proscribes discrimination based on religion and stipulates that all citizens are equal before the law and that basic human rights and liberties shall be protected. The PA sought to protect religious freedom in full and did not tolerate its abuse by either governmental or private actors.

The construction of a separation barrier by the Government of Israel, begun in 2002 due to stated security concerns, has severely limited access to holy sites and seriously impeded the work of religious organizations that provide education, healthcare, and other humanitarian relief and social services to Palestinians, particularly in and around East Jerusalem. The barrier also impedes the work of non-religious organizations, and at times the Israeli Government makes efforts to lessen the impact on religious communities. Closures and long waits at Israeli border crossings often impede travel for religious purposes.

In implementing construction of the barrier, the Government of Israel has confiscated property owned by Palestinians and several religious institutions, displaced Christian and Muslim residents, and tightened restrictions on movement for non-Jewish communities. Most Palestinians and religious institutions have refused compensation to avoid any perception that accepting compensation would legalize the confiscation of land and building of the barrier. According to the Israeli Government, it sought to build the barrier on public lands where possible, and when private land was used, provided opportunities for compensation. In principle, compensation was offered automatically with every confiscation order related to the barrier; however, owners needed to go through an appeals process. The value of the compensation was not automatic and was subject to appraisal and verification.

Churches in Jerusalem, the West Bank, and Gaza operate under one of three general categories: churches recognized by the status quo agreements reached under Ottoman rule in the late 19th century; Protestant, including evangelical, churches established between the late 19th century and 1967, which, although they exist and operate, are not recognized officially by the PA; and a small number of churches that have become active within the last decade and whose legal status is less certain.

The first group of churches is governed by nineteenth century status quo agreements reached with Ottoman authorities, which the PA respects. These agreements specifically established the presence and rights of the Greek Orthodox, Roman Catholic, Armenian Orthodox, Assyrian, Syrian Orthodox, Greek Catholic, Coptic, and Ethiopian Orthodox Churches. The Episcopal and Lutheran Churches were added later to this list. The PA, immediately upon its establishment, recognized these churches and their rights. Like Shari'a courts under Islam, these religious groups are permitted to have ecclesiastical courts whose rulings are considered legally binding on personal status and some property matters for members of their religious communities. Civil courts do not adjudicate such matters.

Churches in the second category, which includes the Assemblies of God, Nazarene Church, and some Baptist churches, have 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 category consists of a small number of proselytizing groups, including Jehovah's Witnesses and some evangelical Christian groups. These churches also generally operate unhindered by the PA.

The PA requires Palestinians to declare their religious affiliation on identification papers and strongly enforces this requirement. Either Islamic or Christian religious courts must handle all legal matters relating to personal status, if such courts exist for the individual's denomination. In general all matters related to personal status – including inheritance, marriage, dowry, divorce, and child support – are handled by such courts, which exist for Muslims and Christians.

All legally recognized individual sects are empowered to adjudicate personal status matters, and most do so. The PA does not have a civil marriage law. Legally, members of one religious group mutually may agree to submit a personal status dispute to a different denomination to adjudicate, but this is not known to occur. Churches that are not officially recognized by the PA must obtain special permission to perform marriages or adjudicate personal status matters; many non-recognized churches advise their members to marry (or divorce) abroad.

Personal status law for Palestinians is based on religious law. For Muslim Palestinians, personal status law is derived from Shari'a, while various ecclesiastical courts rule on personal status matters for Christians. A 1995 PA presidential decree stipulated that all laws in effect before the advent of the PA would continue in force until the PA enacted new laws or amended the old ones. Therefore, in the West Bank, which was formerly under Jordanian rule, the Shari'a-based Jordanian Status Law of 1976 governs Muslim women's status (among other matters). Under that law, which includes inheritance and marriage laws, women inherit less than male members of the family. The marriage law allows men to take more than one wife, although few do so. Prior to marriage, a woman and man may stipulate terms in the marriage contract that govern financial and child custody matters in the event of divorce. Reportedly, few women use this section of the law.

Muslim women generally are discouraged from including divorce arrangements in a marriage contract as a result of societal pressure. The PA personal status law states that custody of children below the age of 18 is given to the mother. Child support and "divorce benefits" are also guaranteed by law. It is also customary that a sizable sum of a deferred dowry is documented in the marriage contract. Personal status law for Muslims in Gaza is based on an Egyptian interpretation of Shari'a, which stipulates similar restrictions on women.

Islam is the official religion of the PA and Islamic institutions and places of worship receive preferential treatment. The PA has a Ministry of Awqaf and Religious Affairs that pays for the construction and maintenance of mosques and the salaries of most Palestinian imams. The Ministry also provides limited financial support to some Christian clergymen and Christian charitable organizations. The PA does not provide financial support to any Jewish institutions or holy sites in the West Bank; Jewish sites are generally under Israeli government control.

In East Jerusalem, the Haram al-Sharif (Noble Sanctuary) contains the Dome of the Rock and the al-Aqsa Mosque, among the holiest sites in Islam. Jews refer to the same place as the Temple Mount and consider it the location of the ancient Jewish temple. The location has been, as with all of East Jerusalem, under Israeli control since 1967, when Israel captured the city (East Jerusalem was formally annexed in 1980, and thus Israel applies its laws to East Jerusalem). The Haram al-Sharif – and all other Waqf institutions in Jerusalem – are administered, however, by the Jerusalem Waqf, a Jordanian-funded and administered Islamic trust and charitable organization with ties to the PA.

The Government of Israel, as a matter of stated policy, opposes non-Muslim worship at the Haram al-Sharif/Temple Mount since 1967. Israeli police generally do not permit public prayer by non-Muslims and publicly indicated that this policy remains operative even though non-Muslims visit the compound.

Since early 2001, following the outbreak of the Intifada, the Israeli Government has prohibited Israeli citizens in unofficial capacities from traveling to the parts of the West Bank under the civil and security control of the PA. This restriction prevents Israeli Arabs from visiting Muslim and Christian holy sites in the West Bank, and Jewish Israelis from visiting other sites, including an ancient synagogue in Jericho. Visits to the Jericho synagogue are severely curtailed as a result of disagreements between Israel and the PA over security arrangements.

The PA requires the teaching of religion in PA schools with separate courses for Muslim and Christian students. A compulsory curriculum requires the study of Christianity for Christian students and Islam for Muslim students in grades one through six. In 2006 the PA Ministry of Education and Higher Education completed its revision of primary and secondary school textbooks, begun in 1999. The U.S. government-funded review of Palestinian textbooks undertaken by the Israeli-Palestinian Center for Research and Information concluded that the textbooks did not cross the line into incitement but continued to show elements of imbalance, bias, and inaccuracy. Critics noted, however, that the new textbooks often ignored historical Jewish connections to Israel and Jerusalem.

PA President Abbas has informal advisors on Christian affairs. Six seats in the 132-member Palestinian Legislative Council are reserved for Christians; there are no seats reserved for members of any other faith. The following holy days are considered national holidays: the Birth of the Prophet Muhammad, Eid al-Fitr, Eid al-Adha, Zikra al-Hijra al-Nabawiya, and Christmas. The Palestinian Authority maintains a Friday/Saturday weekend, but Christians are allowed to

take Sunday off instead of Saturday. Christians take Easter as a fully paid religious holiday.

Restrictions on Religious Freedom

PA government policy contributed to the generally free practice of religion, although problems persisted during the reporting period.

The PA did not take sufficient action during the reporting period to investigate and bring to justice persons who harassed, intimidated, and perpetrated attacks against some Christian residents of Bethlehem and Ramallah as described in previous International Religious Freedom reports. The PA judiciary also failed to adjudicate numerous cases of seizures of Christian-owned land in the Bethlehem area by criminal gangs.

The Government of Israel continued to apply travel restrictions during the reporting period that significantly impeded freedom of access to places of worship in the West Bank for Muslims and Christians. Citing violence and security concerns, the Israeli Government has imposed a broad range of strict closures and curfews throughout the Occupied Territories since October 2000.

During the reporting period the Government of Israel severely restricted the access of most Muslims from the West Bank, Gaza, and Jerusalem to the Haram al-Sharif. The Israeli Government prevented Palestinian Muslims from the West Bank and Gaza from reaching it and other religious sites by prohibiting their entry into Jerusalem. Israeli authorities also generally restricted access for Palestinian residents of Jerusalem, especially males under the age of 50, and sometimes women under the age of 45. During Ramadan (September 2 to October 1, 2008) they refused men under the age of 45 access to the site, citing security concerns.

There were also disputes between the Muslim administrators of the Haram al-Sharif/Temple Mount and Israeli authorities over Israeli restrictions on Waqf attempts to carry out repairs and physical improvements on the compound and its mosques. The approval process for a permanent ramp leading to the Mughrabi Gate of the Haram al-Sharif/Temple Mount continued during the reporting period. However, excavations in the immediate vicinity of the Mughrabi Gate did not proceed.

During the reporting period, Israeli authorities continued to limit visas for Arab Christian clergy serving in the West Bank or Jerusalem to single-entry visas, complicating clergy's travel outside of the area. This disrupted their work and caused financial difficulties to their sponsoring religious organizations. Catholic and Orthodox priests, nuns, and other religious workers, often from Syria and Lebanon, faced long delays and sometimes were denied applications. The Israeli Government indicated that delays or denials were due to security processing for visas and extensions. The shortage of foreign clergy impeded the functioning of Christian congregations.

During the reporting period, the Israeli Government continued to construct a separation barrier in and around East Jerusalem, which had the effect of inhibiting the ability of Palestinians and some Israelis to practice their religion and seriously restricting access by West Bank Muslims and Christians to holy sites in Jerusalem and in the West Bank.

The separation barrier made it particularly difficult for Bethlehem-area Christians to reach the Church of the Holy Sepulchre in Jerusalem, and made visits to Christian sites in Bethany and Bethlehem difficult for Palestinian Christians who live on the Jerusalem side of the barrier, further fragmenting and dividing this small minority community. Foreign pilgrims and religious aid workers occasionally experienced difficulty obtaining access to Christian holy sites in the West Bank because of the barrier and Israeli restrictions on movement in the West Bank. The barrier and checkpoints also impeded the movement of clergy between Jerusalem and West Bank churches and monasteries, as well as the movement of congregations between their homes and places of worship.

During the reporting period, Israeli authorities severely limited the access of Palestinians to Rachel's tomb, a shrine holy to Jews, Christians, and Muslims, but allowed relatively unimpeded access to Jewish visitors. However, in August, 2008, a group of Jewish activists protested that they were restricted from accessing the compound.

Israeli closure policy during the reporting period 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. Church leaders publicly criticized the Government of Israel's security measures during religious events, such as the Holy Fire, the day before Orthodox Easter, and the Pope's pilgrimage. While the Israeli Government made special arrangements to ease travel restrictions for both Christians and Muslims during religious holidays and Pope Benedict XVI's visit, there were many complaints that the number of permits and freedom of movement remained inadequate. Muslim and Christian clergy again reported problems reaching their congregations and accessing religious sites in Jerusalem and Bethlehem.

During the reporting period, the press reported that the Israeli Defense Force (IDF) Central Command canceled a number of scheduled visits by Israelis to Jewish holy sites in the Occupied Territories, such as Joseph's Tomb, due to stated security concerns. The press also reported a

Abuses of Religious Freedom

Many of the national and municipal policies in Jerusalem were designed to limit or diminish the non-Jewish population of Jerusalem. According to Palestinian and Israeli human rights organizations, the Israeli Government used a combination of zoning restrictions on building by Palestinians, confiscation of Palestinian lands, and demolition of Palestinian homes to "contain" non-Jewish neighborhoods while simultaneously permitting Jewish settlement in predominantly Palestinian areas in East Jerusalem.

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 who had not been allowed to be returned to the United States.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

Terrorists did not systematically attack anyone in the Occupied Territories for religious reasons. Hamas authorities often failed to effectively investigate or prosecute religiously driven crimes committed by Muslim extremist vigilante groups in Gaza.

Due to the Hamas take-over of the Gaza Strip, the PA was unable to pursue cases of religious discrimination there. Some Gazan Christians stated that they believed their Muslim neighbors were discriminating against them for their faith; they also raised concerns that no authority was willing or able to reign in extremist groups. Hamas did not adequately address the cases of discrimination against or intimidation of Christians that occurred during the previous reporting period.

Improvements and Positive Developments in Respect for Religious Freedom

In May 2009, when Palestinian Muslims from Jalazone Refugee Camp vandalized two Christian cemeteries, PA security forces arrested the perpetrators, and PA officials publicly condemned

cemeteries, PA security forces arrested the perpetrators, and PA officials publicly condemned the attack.

The PA did not officially sponsor interfaith dialogue during the reporting period; however, it sent representatives to meetings on improving interreligious relations and attempts to foster goodwill among religious leaders. Throughout the reporting period, the PA issued directives restricting the content of sermons to religious topics and worked to prevent radical imams from preaching sermons in mosques in the West Bank that incite violence.

Section III. Status of Societal Respect for Religious Freedom

The strong correlation between religion, ethnicity, and politics in the Occupied Territories at times imbued the Israeli-Palestinian conflict with a religious dimension. There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, primarily between Christians and Muslims during the reporting period. Relations between Jews and non-Jews often were strained as a result of the Palestinian-Israeli conflict as well as Israel's control of access to sites holy to Christians and Muslims. Relations among Jews living in Jerusalem and the West Bank were strained based on different interpretations of Judaism, and some non-Orthodox Jews experienced discrimination on the part of some ultra-Orthodox (sometimes referred to as "Haredi") Jews.

Societal attitudes continued to be a barrier to conversions, especially for Muslims converting to Christianity; however, conversion is not illegal in the Occupied Territories. Both Muslim and Christian Palestinians accused Israeli officials of attempting to foster animosity among Palestinians by exaggerating reports of Muslim-Christian tensions.

Tension between Muslim and Christian families sometimes led to religious harassment. In May 2009 Palestinian Muslims from Jalazone Refugee Camp vandalized two Christian cemeteries based on a family dispute.

Interfaith romance was a sensitive issue during the reporting period. Most Christian and Muslim families in the Occupied Territories encouraged their children – especially their daughters – to marry within their respective religious groups. Couples who challenged this societal norm encountered considerable societal and familial opposition.

A group of Jewish extremists vandalized a Muslim cemetery near the Haram al-Sharif/Temple Mount on May 22, 2009. The same day, a Jewish group carrying Israeli flags and wearing shirts depicting the Jewish temple attempted to forcibly enter the site. According to credible reports, the same group vandalized some Palestinian-owned shops in the Old City after Israeli police turned them away from the compound. Christian leaders complained throughout the reporting period that Jewish groups vandalized Christian buildings on Mount Zion, and said Israeli police did not take steps to prevent the crimes or identify the vandals.

Jewish settler violence against Palestinians prevented some Palestinians from reaching holy sites in the Occupied Territories. Settlers in Hebron forcibly prevented Muslim muezzins from reaching the al-Ibrahimi Mosque/Tomb of the Patriarchs to sound the call to prayer and harassed Muslim worshippers in Hebron.

In August 2008 a group of approximately 50 armed settlers forcibly entered the Ibrahimi Mosque/Tomb of the Patriarchs in Hebron before IDF forces were able to remove them. Muslim officials denounced Jewish efforts to expand and renovate areas of the mosque under Jewish control. Jewish worshippers at the site claimed that Muslims vandalized Jewish items during Muslim holidays.

Israeli settler radio stations often depicted Arabs as subhuman and called for Palestinians to be expelled from the West Bank. Some of this rhetoric contained religious references. Jewish settlers, acting either alone or in groups, assaulted Palestinians and destroyed Palestinian property. Most instances of violence or property destruction reportedly committed against Palestinians did not result in arrests or convictions during the reporting period.

Palestinian media published and broadcast material criticizing the Israeli occupation, including dismissing Jewish connections to Jerusalem. During the reporting period official PA media contained almost no derogatory statements about Israel and Jews. However, other Palestinian media not under the control of the PA, particularly those controlled by Hamas, continued to use inflammatory language during the reporting period.

Unofficial Palestinian television broadcast content sometimes praised suicide bombing and holy war until Palestine is free of Jewish control. Some children's programs aired on unofficial Palestinian television legitimized the killing of Israelis and Jews.

Unofficial Palestinian media frequently published and broadcast anti-Semitic content. Rhetoric by Palestinian terrorist groups included expressions of anti-Semitism, as did sermons by some Muslim religious leaders carried on Palestinian television.

Harassment of Messianic Jews (people who identify as Jews and follow Jewish traditions but

who believe Jesus was the Messiah) by Orthodox Jews continued during the reporting period. Orthodox Jewish groups published announcements in religious newspapers calling Messianic Jews "dangerous" and calling for their expulsion from Israeli areas.

Press reported an increase in incidents involving ultra-Orthodox "modesty squads." These squads enforce observance of a conservative lifestyle in ultra-Orthodox neighborhoods. In one instance, the press reported in August 2008 that seven ultra-Orthodox men attacked a 31-year-old Jewish woman in her apartment because they suspected her of having "improper relations" with men. Other women reported receiving threatening phone calls and being harassed for their failure to observe an ultra-Orthodox lifestyle.

Established Christian groups in general did not welcome less-established churches. A small number of proselytizing groups, including Jehovah's Witnesses and some evangelical Christians, encountered opposition to their efforts to obtain recognition, both from Muslims, who opposed their proselytizing, and from Christians, who feared the new arrivals might disrupt the status quo.

Section IV. U.S. Government Policy

U.S. Government officials discuss religious freedom with the PA as part of its overall policy to promote human rights.

The U.S. Consulate General in Jerusalem regularly met with religious representatives to ensure their legitimate grievances were reported and addressed. The consulate general maintained a high level of contact with representatives of the Jerusalem Waqf. U.S. Government officials had frequent contact with Muslim leaders throughout Jerusalem, the West Bank, and Gaza. The consulate also maintained regular contact with leaders of the Christian and Jewish communities in Jerusalem and the West Bank. During the reporting period, the Consul General and Consulate General officers met with the Greek, Latin, and Armenian Patriarchs, leaders of the Syrian Orthodox, Russian Orthodox, Ethiopian Orthodox, Coptic, Anglican, and Lutheran Churches, as well as members of the Church of Jesus Christ of Latter-day Saints (Mormons). Consulate General officers also met with rabbis, other central figures from Orthodox religious groups, and representatives of other Jewish groups.

During the reporting period, the Consulate General investigated a range of charges including allegations of damage to places of worship, incitement, and allegations concerning access to holy sites. Consulate General officers met with representatives of the Bethlehem Christian community and traveled to the area to investigate charges of PA mistreatment of Christians. The Consulate General raised the issue of seizure of Christian-owned land in discussions with PA officials and with the Jerusalem Municipality.