

Gaza og Vestbredden (22)

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U.S. Department of State
Annual Report on International Religious Freedom for 1999:
Occupied Territories

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

Section I. Freedom of Religion

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

The Palestinian Authority (PA) does not yet have a Constitution and no single law in force protects religious freedom; however, the PA respects religious freedom in practice. Although there is no official religion in the PA, Islam is treated de facto as the official religion.

While the draft Palestinian Basic Law proposes that Islam be recognized as the official religion, freedom of worship is to be provided to adherents of other faiths. However, the draft law also stipulates that "the principles of Islamic Shari'a are a main source of legislation."

In practice, the PA requires that individuals be affiliated at least nominally with some religion. Religion must be declared on identification papers, and all personal status legal matters must be handled in either Shari'a (Islamic law) or Christian ecclesiastical courts.

Churches in Jerusalem, the West Bank, and Gaza can 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 arrived 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 Islam with Shari'a courts, 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.

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. These churches thus far have been unsuccessful in securing de jure recognition. However, they operate with de facto recognition and maintain cooperation from the PA.

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 from both 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.

The great majority of the Palestinian residents of the occupied territories are Sunni Muslims. A majority of Christians are Greek Orthodox, with a significant number of Roman Catholics and smaller groups of Greek Catholics, Protestants, Syriacs, Armenians, Copts, Maronites, and Ethiopian Orthodox. Christians are concentrated in Jerusalem, Ramallah, and the Bethlehem area. In addition, there is a Samaritan community of roughly 350 individuals located on Mount Gerazim near Nablus and two small communities of Jehovah's Witnesses in Bethlehem and Ramallah. Jewish Israelis reside in Jerusalem, the West Bank, and Gaza.

The PA generally does not prohibit, restrict, or punish individuals for speaking about their religious beliefs. The PA limited speech on religious subjects in some instances. For example, two television stations with religiously oriented programming were shut down by local police authorities in the Bethlehem area for a period of weeks in May 1999 because their programs were deemed to be divisive (see Section II). The Al-Quds newspaper reported that a senior PA official stated that religious broadcasting is the sole domain of the Government.

The PA does not restrict freedom of religion. There are periodic allegations that a small number of Muslim converts to Christianity sometimes are subject to societal discrimination and harassment by PA officials. The PA states that it investigates such complaints, but it has not shared or publicized the results of these investigations with any outside party.

There was no pattern of PA discrimination against and harassment of Christians. There have been allegations that several converts from Islam to Christianity have been detained by PA security officials because they proselytized too openly. It appears that their religious activities were in fact only one of many factors leading to their detention.

In spring 1998, two Christians converts alleged that they were "persecuted" by PA officials due to their faith. The police claimed that they were detained for other reasons. While religion apparently did become a focus of the police investigation, the police claimed that the two men were detained for reasons other than religion. PA officials promised to investigate the matter. However, to date no disciplinary actions have been taken against the PA security officials said to have been involved in the alleged persecution. PA officials say that they understand their responsibility to protect Christian converts, even Muslims who convert to nonindigenous Christian groups that espouse the view that Palestine was promised by God to his chosen people, the Jews.

During the period covered by this report, approximately 7 converts to Christianity from Islam were detained without warrant or trial by members of the Palestinian security forces and questioned about their faith as well as other activities. In the majority of these cases, the individuals involved had criminal records or were suspected of involvement with Israelis. There are allegations that while in custody, several were mistreated. There were no other reports of religious detainees or prisoners.

Foreign missionaries operate in Jerusalem, the West Bank, and Gaza. 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 has not restricted them.

Christians participate in Palestinian official life. A number of PLO Chairman Yasir Arafat's senior advisors are Christians. Occasionally, the PA takes steps to protect Christians.

The Israeli Government permits all faiths to operate schools and institutions. Religious publications are subject to the Publications Laws.

In accordance with Orthodox Jewish practice, men and women pray separately at the Western Wall, Judaism's most sacred site. Reform and Conservative Jews have challenged this practice and sought to pray at the wall in groups including both sexes.

A 1995 ruling by the Israeli High Court of Justice allows small numbers of Jews under police escort to pray on the Temple Mount, which is the location of two Muslim holy places and also the former site of the First and Second Jewish temples. Other organized Jewish-religious activity on the Temple Mount is prohibited on public safety grounds.

The PA requires that religion be taught in PA schools. Until recently, only courses on Islam were offered and Christian students were excused from them. The PA recently approached representatives of the Christian community and asked them to develop a religious studies curriculum for Christian students.

The Palestinian Authority does not make overt attempts at encouraging interfaith dialog. However, it supports the Bethlehem 2000 project, which aims to attract millions of Christians from many denominations to the city, which is now predominantly Muslim, to celebrate the millennium. The project has become a symbol of Muslim-Christian cooperation.

The PA makes an effort to maintain good relations with the Christian community. Within the Ministry of Religious Affairs, there is a portfolio covering Christian Affairs. The established churches also have formed a legal committee to address issues of religious freedom in the draft basic law, and the PA has been willing to consider suggestions made by this committee. The PA also approached Christian leaders to design a religious studies curriculum for Christian students in the public schools.

PA officials are not required to swear a religious oath upon taking office. Witnesses in PA courtrooms are required to swear on a religious book, such as the Koran or the Bible.

There was no change in the status of respect for religious freedom during the period covered by this report.

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

Section II. Societal Attitudes

Generally, there are amicable relations between Christians and Muslims. Both Christians and Muslims state that when tensions do surface, it is because of provocative actions designed to undermine current social arrangements. Palestinians say that if Christians try to demand a change in status quo arrangements, tensions may result. Likewise, Muslims who disregard Christian sensitivities may trigger social tension. Relations between Jews and non-Jews, as well as among the different branches of Judaism, are often strained. Tensions between Jews and non-Jews exist primarily as a result of the Arab-Israeli conflict, as well as Israel's control of sites holy to Christians and Muslims. Animosity between secular and religious Jews continued to grow during the period covered by this report. Non-Orthodox Jews have complained of discrimination and intolerance.

There were three incidents of Christian-Muslim tension in the occupied territories during the period covered by this report. In spring 1999, a relationship between a Muslim man and a Christian woman in Beit Sahour led to a march by approximately 100 Christians on the home of the man's father. In spring 1998, two or three Christian families in Bethlehem erected 4-meter high neon crosses outside their homes. Muslims strongly protested this display. Finally, local police authorities shut down a television station in Bethlehem that broadcasts Christian prayers (see Section I).

Some Christian converts from Islam who publicize their religious beliefs have been harassed verbally by their neighbors, although religion may have been only one factor among many in these cases. One individual reported having received threats from members of Hamas and Islamic Jihad. The draft Palestinian Basic Law specifically forbids discrimination against individuals based on their religion, however, the PA so far has not taken any action against persons accused of harassment. The PA states that it investigates such complaints, but it has not shared or publicized the results of these investigations with any outside party.

Evangelical Christian and other religious groups suffered numerous incidents of often violent harassment (also see Section I). For example, a Baptist church in Jerusalem has been the target of numerous incidents of vandalism. In 1998, an apartment occupied by three Swiss Christian women was ransacked by a group of Jews who opposed their residence in an ultra-Orthodox Jewish neighborhood. The leader of the group was sentenced to 18 months in prison in May 1999. Such incidents are not limited to non-Jews. Instances of ultra-Orthodox Jewish groups verbally or physically harassing Jewish citizens for "immodest dress" or other violations of their interpretation of religious law are not uncommon and have increased during the period covered by this report.

Section III. U.S. Government Policy

The U.S. Consulate in Jerusalem maintains an ongoing high level dialog with PA officials, including PLO Chairman Arafat, on issues of religious freedom, including the circumstances of Christians in the West Bank and Gaza. Robert Seiple, the Secretary's Special Representative for International Religious Freedom, visited the Middle East in February 1999 to discuss the International Religious Free-

dom Act and U.S. interest in fostering religious freedom for all persons. He met with Arafat, as well as Christian and Muslim representatives in the area. Arafat and other PA officials underscored their commitment to ensuring equality and respect for all religions. PA officials have worked cooperatively with the U.S. Consulate on the issues that the Consulate has raised. The three primary issues that the Consulate has discussed with a range of PA officials are the issue of PA treatment of Christian converts from Islam, how religious minorities are to be represented in the school curriculums that the PA currently is developing, and how the draft Basic Law addresses the issue of a national religion and Shari'a.

In spring 1998, PA officials promised to look into the situation of two Christian converts who alleged that they were being "persecuted" by PA officials due to their faith (see Section I). In discussions with PA officials, the Consulate underscored the inappropriateness of religion factoring into any part of the investigation. PA officials promised to investigate the matter.

The United States plays a reinforcing role in the PA's dialog with local Christian groups on minority religion representation in the new curriculum. To date both sides indicate that while there are cultural and societal prejudices to overcome, they believe that they are working cooperatively toward developing texts that present a balanced view of religion.

The Consulate kept in close contact with Palestinian legislators, including Palestinian Council Speaker Abu Alaa, as the Council drafted its draft Basic Law. Christian representatives in the Council, while a distinct minority, were able to express their views on the subject. The bill that emerged, although still not having the force of law, was acceptable to all parties concerned.

The Consulate also maintains contacts with the representatives of both the Islamic Waqf--an Islamic trust and charitable organization that owns and manages large amounts of Muslim land including the Al-Aqsa mosque in Jerusalem--and the various Christian churches in Jerusalem.

The Consulate continues to make inquiries to try to ascertain the facts in cases of PA confiscation of Christian-owned land.

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