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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by United Nations Watch, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2019]

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\* Issued as received, in the language(s) of submission only.



## **Gross and systematic violations of religious freedom by the Palestinian Authority and Hamas**

Our founder, Morris B. Abram, was a principal drafter of the International Convention on the Elimination of all Forms of Racial Discrimination. He exercised this role as an expert member, in the early 1960s, serving on the United Nations Sub Commission on Prevention of Discrimination and Protection of Minorities. Combating racism continues to be a priority of United Nations Watch.

In that regard, United Nations Watch is deeply concerned by Palestinian Authority (PA) and Hamas violations against the religious freedom of non-Muslims in breach of both the International Covenant on Civil and Political Rights (Article 18) and the International Convention on the Elimination of all Forms of Racial Discrimination (Article 5) to which the State of Palestine is a party.

The Palestinian Basic Law states in Article 4 that “Islam is the official religion in Palestine.” While it adds that respect for other religions will be maintained, it also states that “the principles of Islamic Sharia shall be a principle source of legislation.” As scholars have noted, subordination of legislation to Islamic Sharia law means that Sharia supersedes traditional western human rights even if such rights are technically guaranteed in law.<sup>1</sup> Furthermore, Article 18 of the Basic Law provides that freedom of religion is guaranteed only if “public order and morals are not violated”—a vague and limiting phrase.<sup>2</sup>

### **Failure to protect the holy sites of Jews and to ensure protection for Jews seeking to worship at those sites**

Judaism’s holiest sites, including the Western Wall, the Cave of the Patriarchs, Rachel’s Tomb, and many other sites are located in territory that was controlled by Jordan from 1948 to 1967 and is now part of the West Bank or East Jerusalem. Under Jordanian control, Jews were denied access to these sites and some Jewish sites were desecrated.<sup>3</sup> Jewish access to these sites was restored only after Israel gained control of the area in 1967.

Unfortunately, after the Palestinian Authority (PA) took control of Areas A and B of the West Bank pursuant to the Oslo Accords, Jewish access to many of these sites again became restricted. Palestinian officials have made clear their position that Jews have no rights in such historically Jewish religious sites as the Western Wall or the Cave of the Patriarchs, claiming them as Islamic sites.<sup>4</sup>

Against this background, it is not surprising that the PA fails to protect Jewish holy sites and ensure the safety of Jewish worshippers at these sites.

For example, Joseph’s Tomb is located in the heart of PA-controlled Nablus. It is a popular pilgrimage site for Jews. However, due to its location, Jews cannot freely and securely worship there. Under the Oslo Accords, the site was to remain under Israeli control, but the

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<sup>1</sup> Majid Rafizadeh, Christians Sentenced to Death Under Sharia Law, Gatestone Institute (Oct. 14, 2018), <https://www.gatestoneinstitute.org/13122/christians-death-sharia>; Antonio Gutierrez, Compatibility of Sharia law with the European Convention on Human Rights, Council of Europe Parliamentary Assembly (2018) (last visited July 4, 2019) <http://website-pace.net/documents/19838/4246196/20181214-PRESSSHARIA-EN.pdf/c3faf77a-c8c7-448d-ac91-a79db1cf4822>.

<sup>2</sup> Articles 4, 18, 2003 Amended Basic Law (last visited July 3, 2019), <https://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>.

<sup>3</sup> Mitchell Bard, Will Palestinians Protect Freedom of Religion and Holy Places in Jerusalem? ALGEMEINER (Jan. 10, 2018), <https://www.algemeiner.com/2018/01/10/will-palestinians-protect-freedom-of-religion-and-holy-places-in-jerusalem/>.

<sup>4</sup> Id.; Fatah and PA officials: Cave of the Patriarchs “is a purely Islamic mosque where the Jews have now right,” PMW (Aug. 9, 2018), [https://www.palwatch.org/main.aspx?fi=1100&doc\\_id=26303](https://www.palwatch.org/main.aspx?fi=1100&doc_id=26303).

Israeli army withdrew in October 2000 after the site was burnt down by Palestinians.<sup>5</sup> Now monthly Jewish visits must be coordinated and pre-authorized. The visits take place at night, under heavy guard by the Israeli army and are routinely attacked by Palestinian rock throwers or worse.<sup>6</sup> In October 2015, at the height of a renewed wave of Palestinian terrorism, Palestinian rioters set fire to the Tomb.<sup>7</sup> Although Abbas condemned that attack, he himself had incited Palestinian violence with accusations that Israel was trying to take over the Temple Mount.<sup>8</sup> In November 2018, Palestinians threw firebombs and shot at the Israeli soldiers escorting the pilgrims and two explosive devices were found at the Tomb.<sup>9</sup> The monthly pilgrimage has been attacked several times in 2019, including last month.

Similarly, at Joshua's Tomb, located in the Palestinian village of Kifl Haris, Jewish visits are conducted under heavy guard by the Israeli army in the middle of the night due to security concerns.<sup>10</sup> These visits have been attacked by Palestinian rioters.<sup>11</sup> In February 2018, the site was defaced with swastikas and graffiti.<sup>12</sup>

## Failure to ensure freedom of religion for Christians

The PA and Hamas also fail to guarantee freedom of religion for Christians. The Christian population in the West Bank and Gaza has rapidly declined over the years, while the Christian population in Israel remains steady. Although Christians comprised 5% of the West Bank in the 1970s, they are now just 2% of the population. In the traditionally Christian cities of Bethlehem, Beit Sahour and Beit Jala, the Christian population dropped from 86% in 1950 to 12% in 2016, according to Bethlehem's Christian mayor Vera Baboun.<sup>13</sup> In Gaza, the Christian population has dwindled from 5,000 in the year before Hamas took control of the Strip to 1,100 today.<sup>14</sup> This matches similar trends in other parts of the Middle East where Christians are being targeted by Muslim extremists (*e.g.*, in Egypt, Iran, Iraq, Pakistan and Syria).

Christians living in the West Bank and Gaza suffer routine persecution and discrimination, including physical attacks, attacks on property, pressure to convert to Islam, and theft of land. Furthermore, a Muslim who wishes to convert to Christianity in the West Bank or

<sup>5</sup> Marcy Oster, 2 Palestinians killed in Nablus after throwing explosives at soldiers guarding worshippers at Joseph's Tomb, JTA (March 20, 2019), <https://www.jta.org/quick-reads/2-palestinians-killed-in-nablus-after-throwing-explosives-at-soldiers-guarding-worshippers-at-josephs-tomb>.

<sup>6</sup> Jacob Magid, Activists' given special entry to Joseph's Tomb, Times of Israel (May 11, 2017), <https://www.timesofisrael.com/activists-given-special-entry-to-josephs-tomb/>.

<sup>7</sup> Palestinian rioters torch Jewish holy site Joseph's Tomb, BBC (Oct. 16, 2015), <https://www.bbc.com/news/world-middle-east-34547523>.

<sup>8</sup> Joseph's Tomb set ablaze by Palestinian rioters, Jerusalem Post (Oct. 16, 2015), <https://www.jpost.com/Arab-Israeli-Conflict/Josefs-Tomb-set-ablaze-by-Palestinian-rioters-426143>; Ari Rabinovitch, Palestinians set fire to Jewish shrine; Israeli soldier stabbed, Reuters (Oct. 16, 2015), <https://www.reuters.com/article/us-israel-palestinians/palestinians-set-fire-to-jewish-shrine-israeli-soldier-stabbed-idUSKCN0SA0GY20151016>.

<sup>9</sup> Palestinians shoot at Israeli troops escorting Jews to Joseph's Tomb in West Bank, JTA (Nov. 7, 2018), <https://www.jta.org/2018/11/07/israel/palestinians-israeli-troops-clash-jewish-pilgrimage-josephs-tomb-nablus>.

<sup>10</sup> Tovah Lazaroff, In pictures: thousands hike at midnight to visit Joshua's grave, Jerusalem POST (May 4, 2016), <https://www.jpost.com/Israel-News/Thousands-hike-at-midnight-to-visit-Joshuas-grave-453057>.

<sup>11</sup> Firebombs on Joshua's Tomb, Israel National News (Dec. 28, 2017), <http://www.israelnationalnews.com/News/News.aspx/239925>

<sup>12</sup> Jacob Magid, Jewish worshippers find swastikas defacing holy site in Palestinian village, Times of Israel (Feb. 22, 2018), <https://www.timesofisrael.com/jewish-worshippers-find-swastikas-defacing-holy-site-in-palestinian-village/>.

<sup>13</sup> Melanie Lidman, Christians worry 'Silent Night' may soon refer to their community in Bethlehem, TIMES OF ISRAEL (Dec. 24, 2016), <https://www.timesofisrael.com/christians-worry-silent-night-may-soon-refer-to-their-community-in-bethlehem/>.

<sup>14</sup> *Id.*

Gaza may face discrimination from both Muslims and Christians, may be rejected by his/her family or forcibly confined to his/her home, and in extreme cases may even be killed.<sup>15</sup>

In the first half of 2019 alone, there were at least three grave attacks on Christians in the West Bank. On April 25, 2019, the Christian village of Jifna near Ramallah was attacked by Muslim gunmen who caused severe property damage and terrorized the residents. During the attack, the PA failed to protect the Christian community and it has not arrested any suspects. On May 13, 2019, vandals desecrated a Maronite church in Bethlehem, which had been the subject of numerous previous attacks including a 2015 arson attack following which the church was closed for over two years. On May 16, 2019, an Anglican church near Ramallah was attacked and desecrated.<sup>16</sup>

Regrettably, such attacks are not a new phenomenon. Many other similar attacks which were likewise ignored by the relevant governing authorities have been documented over the years in both the West Bank and Gaza.<sup>17</sup> For example, in 2016, Hamas in Gaza bulldozed the archaeological remnant of a Byzantine-era church. The same year, the PA police arrested a prominent Christian merchant from Bethlehem allegedly for threatening another merchant, a charge vehemently denied by the Christian merchant.<sup>18</sup> In addition to these violations, Christians complain of land theft by a Muslim “mafia,” and there have been cases of Christians being kidnapped by militants and forcibly converted to Islam.<sup>19</sup> Sadly, this has led to a situation where Palestinian Christians feel intimidated, refrain from wearing crosses and carrying Bibles in public, and fear performing conversions on Muslims who wish to change faiths.<sup>20</sup>

As one Palestinian Christian said in 2013, “We are harassed, but you wouldn’t know the truth. No one says anything publicly about the Muslims. This is why Christians are running away.”<sup>21</sup>

We urge UN human rights officials, including the High Commissioner and the Special Rapporteurs on racism and religious freedom, as well as UN member states, to strongly condemn these violations, and to take action to end them once and for all.

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<sup>15</sup> Duane Alexander Miller, Freedom of Religion in Israel-Palestine: May Muslims Become Christians, and do Christians have the Freedom to Welcome Such Converts? ST. FRANCIS MAGAZINE (Vol. 10, No. 1, April 2014), pp. 19-21.

<sup>16</sup> Dr. Edy Cohen, The Persecution of Christians in the Palestinian Authority, The Begin-Sadat Center for Strategic Studies (May 27, 2019), <https://besacenter.org/wp-content/uploads/2019/05/1184-The-Persecution-of-Christians-by-the-PA-Cohen-English-final.pdf>.

<sup>17</sup> Justus Reid Weiner, Middle Eastern Christians Battered, Violated, and Abused, Do They Have Any Chance of Survival? Jerusalem Center for Public Affairs (2014), <http://jcpa.org/text/book.pdf>; Khaled Abu Toameh, Palestinians: Erasing Christian History, GATESTONE INSTITUTE (April 12, 2016), <https://www.gatestoneinstitute.org/7832/palestinians-christian-history>.

<sup>18</sup> Khaled Abu Toameh, Palestinians: Erasing Christian History, Gatestone Institute (April 12, 2016), <https://www.gatestoneinstitute.org/7832/palestinians-christian-history>.

<sup>19</sup> Justus Reid Weiner, *supra* note 19 p. 20.

<sup>20</sup> *Id.* at 19; Miller, *supra* note 17, 19.

<sup>21</sup> Justus Reid Weiner, *supra* note 19, p. 20.