



## Israel and the Occupied Territories

### International Religious Freedom Report 2004

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

Israel<sup>1</sup> has no constitution; however, the law provides for freedom of worship, and the Government generally respects this right in practice.

There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion; however, there were problems with regard to equal treatment of religious minorities.

Relations among religious groups--between Jews and non-Jews, between Muslims and Christians, and among the different streams of Judaism--often were strained. Tensions between Israeli Jews and Arabs increased significantly after the start of the Intifada in October 2000. At that time, Israeli police killed 12 Israeli-Arab demonstrators, prompting a 3-year public inquiry and investigation, the results of which were still a matter of official deliberation and public debate at the end of the period covered by this report. Tensions continued to remain high due to the institutional, legal, and societal discrimination against the country's Arab citizens.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights.

### Section I. Religious Demography

Based on its pre-1967 borders, Israel has a total area of approximately 7,685 square miles, and its population is approximately 6.7 million (including Israeli settlers who live in [the occupied territories](#)). According to government figures, approximately 80 percent of the population is Jewish, although some 300,000 of these citizens do not qualify as Jews according to the Orthodox Jewish definition or that utilized by the Government in civil procedures. According to government figures, among the Jewish population, approximately 4.5 percent are Haredi, or ultra-Orthodox, and another 13 percent are Orthodox. The vast majority of Jewish citizens describe themselves as "traditional" or "secular" Jews, and most of them observe some Jewish traditions. A growing but still small number of traditional and secular Jews associate themselves with the Conservative, Reform, and Reconstructionist streams of Judaism, which are not officially recognized. Although the Government does not officially recognize them, these streams of Judaism receive a small amount of government funding and are recognized by the country's courts.

Approximately 20 percent of the population is non-Jewish. Of this group, approximately 80 percent is Muslim, 10 percent Christian, and 10 percent Druze. The country's non-Jewish population is concentrated in the north of the country, in Bedouin communities in the Negev region in the south, and in a narrow band of Arab villages in the central part of the country adjacent to the occupied territories. There also are small numbers of evangelical Christians and members of Jehovah's Witnesses. The country's 250,000 guest workers are predominantly Roman Catholic, Orthodox Christian, and Buddhist.

The Basic Law on Human Dignity and Liberty describes the country as a "Jewish" and "democratic" state. Most of the non-Jewish minority are Muslims, Druze, and Christians, and they are generally

free to practice their religions. Of this group, most are Arabs and are subject to various forms of discrimination, some of which have religious dimensions. Numerous religious groups are represented in the country.

## **Section II. Status of Religious Freedom**

### *Legal/Policy Framework*

Israel has no constitution; however, the law provides for freedom of worship, and the Government generally respects this right in practice. The Declaration of Independence describes the country as a "Jewish state" but also provides for full social and political equality regardless of religious affiliation. Furthermore, the law explicitly guarantees freedom of religion and the safeguarding of "holy places of all religions." Israeli Arabs and other non-Jews generally are free to practice their religions; however, discrepancies exist in the treatment of various non-Jewish communities in society. Due to the "status quo" agreement reached at the founding of the state reflecting the influence of Orthodox Jewish political parties, the Government implements certain policies based on Orthodox Jewish interpretations of religious law. For example, the Government does not recognize Jewish marriages performed in the country other than those performed by the Orthodox Jewish establishment. The Orthodox Jewish establishment determines who can be buried in Jewish state cemeteries and limits that right to those accepted as "Jewish" by orthodox definitions. In addition the national airline El Al and public buses in most cities do not operate on Saturday, the Jewish Sabbath, although some private bus companies operate on the Sabbath. According to the law, Jews in most professions may not work on the Sabbath. Additionally, streets in some Orthodox Jewish neighborhoods are closed to vehicles on the Sabbath. In April the High Court rejected a petition demanding that the Ministry of the Interior enforce the prohibition on the open sale of bread during the Passover holiday, but it did not rule on the legality of the prohibition. This prohibition does not apply to non-Jewish areas, where bread can be sold openly. In June 2003, the High Court suspended several municipal prohibitions and curbs on the sale of pork and issued guidelines suggesting that the sale of pork be allowed in neighborhoods where only a small portion of the residents would object on religious grounds. The result of the decision was to allow pork to be sold in those municipalities.

Israeli law recognizes the "religious communities" as carried over from those recognized under the British Mandate. These are: Eastern Orthodox, Latin (Roman Catholic), Gregorian-Armenian, Armenian-Catholic, Syrian (Catholic), Chaldean (Uniate), Greek Catholic Melkite, Maronite, Syrian Orthodox, and Jewish. Three additional religious communities have subsequently been recognized--the Druze, the Evangelical Episcopal Church, and the Baha'i. The status of some Christian denominations with representation in the country has been defined by a collection of ad hoc arrangements with various government agencies. The fact that the Muslim population was not defined as a religious community is a vestige of the Ottoman period, during which Islam was the dominant religion, and does not affect the rights of the Muslim community to practice their faith. The Government allows members of unrecognized religions the freedom to practice their religion. According to the Government, there were no religious denominations awaiting recognition during the period covered by this report.

Each recognized religious community has legal authority over its members in matters of marriage and divorce. For so-called "unrecognized religions," there were no local religious tribunals that had jurisdiction over their members in matters of personal status. In addition unrecognized religious communities would not receive government funding for their religious services, as many of the recognized communities do. Also, the Arrangements Law provides exemption from municipal taxes for any synagogue, church, mosque, or place of worship of a recognized faith. Finally, unrecognized religions have no religious tribunals with jurisdiction over their members in matters of personal status. Legislation enacted in 1961 afforded the Muslim courts exclusive jurisdiction to rule in matters of personal status concerning Muslims. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring cases to religious courts. Jewish and Druze families may ask for some family status matters, such as alimony and child custody in divorces, to be adjudicated in civil courts as an alternative to religious courts. Christians may ask only that child custody and child support be adjudicated in civil courts as an alternative to religious courts. Despite not having legal recognition, since 2001 Muslims also have the right to bring matters such as alimony and property division associated with divorce cases to civil courts in family-status

matters. However, paternity cases remain under the exclusive jurisdiction of the Muslim or Shari'a Court.

In March the Ministry of Religious Affairs was officially dismantled and its 300 employees reassigned to several other ministries. The Ministry was disbanded based on a compromise agreement with the Shinui party as part of its decision to join the Government. The Interior Ministry now has jurisdiction over religious matters concerning non-Jewish groups. The Prime Minister's office has jurisdiction over the nation's 137 religious councils, which oversee the provision of religious services. The Ministry of Tourism is now responsible for the protection and upkeep of all holy sites. The State continues to finance some 40 percent of the councils' budgets, and local authorities fund the remainder. However, an Arab advocacy group charged that, for the most part, the State did not allocate adequate or proportional funds for the provision of religious services in Arab towns and villages. According to the Government, however, funding for religious services in Arab communities has been proportional to the size of the community.

A reportedly small number of IDF soldiers killed in action since September 2000 were Muslim, Druze, and Israeli Arab Christians. After the family of one of the soldiers could not find a Muslim cleric to perform his burial, public debate ensued over the fact that the IDF does not employ a Muslim or a Christian chaplain. By the end of the period covered by this report, the IDF had not designated a Muslim or Christian cleric to serve as IDF chaplain. In 2003, an Israeli Christian soldier was killed in a terrorist attack. According to the soldier's family, the IDF did not have a military priest available to officiate at their son's burial. The soldier was buried in a non-Jewish section of the military cemetery in a nonreligious ceremony without a religious figure to officiate. Muslim and Christian soldiers are allowed to take home leave for all religious holidays.

Under the Law of Return, the Government grants automatic citizenship and residence rights to Jewish immigrants and their families. Based on a 2000 decision made by the Attorney General, residency rights are not granted to relatives of converts to Judaism, except to children of female converts who are born after the mother's conversion is complete. The Law of Return does not apply to non-Jews or to persons of Jewish descent who have converted to another faith. Approximately 36 percent of the country's Jewish population was born outside of the country. Until 2002 the Government designated "nationality" (i.e., Arab, Russian, or "Jew," etc.) on national identity documents. Groups representing persons who consider themselves Jewish, but who do not meet the Interior Ministry's criteria, have long sought either a change in the rules or removal of the nationality designation from identity cards, a move also supported by many Arab groups. In 2003, the Government began issuing new identification cards that do not carry a nationality designation to those seeking new or replacement national identity documents. However, citizens are still required to register as one of a set list of nationalities.

Under existing law, ultra-Orthodox Jews are entitled to exemption from military service to pursue religious or yeshiva studies. This exemption allows ultra-Orthodox Jews to postpone military service to pursue religious studies at a recognized yeshiva in 1-year intervals. Students must renew this postponement every year by proving that they are still full-time students. At the age of 22, these yeshiva students must determine within 1 year whether to continue to study full time with yearly renewals until they reach the age of 40, to serve for 1 year in community service and thereafter perform community service for 21 days each year, or to serve in the army until they finish their military service requirement. According to the Government, approximately 9 percent of male candidates for military service are exempted under the clause that allows them to declare they are full-time yeshiva students. In February, due to political pressure from the secular Shinui party and some sectors of society, the Government appointed a parliamentary committee to propose ways to broaden IDF service to include yeshiva students and to integrate ultra-Orthodox Jews into the workforce. At the end of the period covered by this report, the committee had reached no conclusions and continued to discuss this issue.

The Government funds both religious and secular schools, including non-Jewish religious and secular schools. Some secular Jewish schools have adopted a religious education program developed by the non-Orthodox streams. According to Arab advocacy nongovernmental organizations (NGOs), schools in Arab areas, including Arab parochial schools, receive significantly fewer resources than comparable Jewish schools.

The Government recognizes the following Jewish holy days as national holidays: Rosh Hashana, Yom Kippur, Sukkot, Shavuot, Simhat Torah, and Passover. Arab municipalities often recognize Christian and Muslim holidays.

### *Restrictions on Religious Freedom*

Orthodox Jewish, Muslim, and Christian religious authorities have exclusive control over personal status matters, including marriage, divorce, and burial, within their respective communities. The law does not allow for civil marriage for any citizens, and it does not recognize Jewish marriage performed in the country unless performed by recognized Orthodox officials. Many Jewish citizens object to such exclusive control, and it has at times been a source of serious controversy in society.

The 1967 Protection of Holy Sites Law protects holy sites of all religions within Israel, and the penal code makes it a criminal offense to damage any holy site. According to the Government, there were no claims or reports of damage to holy sites within Israel during the period covered by this report.

The Government permits religious organizations to apply for funding to maintain or build holy sites, and funding has been provided for the upkeep of holy sites such as mosques and cemeteries. Some civil rights NGOs assert that Orthodox Jewish holy sites receive significantly greater proportions of funding than do non-Orthodox Jewish and non-Jewish holy sites. Muslim groups complain that the Government has not equitably funded the construction and upkeep of mosques in comparison to the funding of synagogues, and that it has been reluctant to refurbish mosques in areas where there is no longer a Muslim population. Muslim residents of the Be'er Sheva area, including Bedouin tribes, have protested the municipality's intention to reopen the city's old mosque as a museum rather than as a mosque to service the area's Muslim residents. According to a media report, the High Court rejected a petition from representatives of the area's Muslim community to enjoin the municipality from renovating the mosque into a museum. The High Court noted that the renovation would not harm the facility's design and would affect only the facade. The petitioners argued that there were no alternative mosques in the Be'er Sheva area.

Building codes for places of worship are enforced selectively based on religion. Some Bedouins living in unrecognized villages were denied building permits for construction of mosques. For example, in 2002 a local Bedouin began construction without a permit of a mosque in the village of Tal el-Malah in the southern part of the country to service the 1,500 residents who would otherwise need to travel more than 12 kilometers to the nearest mosque. In February 2003, the Government inspector warned the village that the building was illegal, and in May 2003 officials demolished the building. In contrast, according to a Tel Aviv municipal council member, there are approximately 100 illegal synagogues in Tel Aviv, some within apartment buildings and others in separate structures.

A 1977 anti-proselytizing law prohibits any person from offering or receiving material benefits as an inducement to conversion; however, there were no reports of the law's enforcement during the period covered by this report.

Missionaries are allowed to proselytize, although the Church of Jesus Christ of Latter-day Saints (Mormons) voluntarily refrains from proselytizing under a signed agreement with the Government.

Since 2000, the Government no longer requires Israeli Muslims to obtain permission from the Interior Ministry to travel to Saudi Arabia on the hajj. Since the country does not have diplomatic relations with Saudi Arabia, Israeli Muslims must travel through another country, usually Jordan, to obtain travel documents for Saudi Arabia. The average number of pilgrims traveling from the country each year is approximately 4,500. According to the Government, travel to hostile countries may be restricted, including travel for the hajj; however, these restrictions are based on security concerns rather than on any religious or ethnic factors.

During the period covered by this report, many groups and individuals of numerous religions traveled to the country freely; there were no reports of persons being denied entry based on religious grounds.

During the period covered by this report, the Government refused to grant residence visas to some 130 Catholic clergy assigned by the Vatican to fulfill religious obligations in Israel and the occupied territories. According to church officials, this number represents a 60 percent increase over the previous year. The Interior Ministry appointed a task force to resolve the issue and explained in the media that the delay in issuing visas was mainly due to the examination by the Israel Security Agency of certain applications for security purposes, thus causing an application backlog. A church official also claimed that security forces harassed several clergy. Also, during the period covered by this report, a Greek Catholic pastor, Father Mamdouh Abu Sa'da, was prevented from driving his car for several months from his residence in the West Bank town of Beit Sahour to celebrate Mass in Jaffa, despite the fact that he had been driving in the country during the past 7 years.

In January the Government recognized the duly elected Greek Orthodox Patriarch, Eirinaios I, but this recognition was delayed until March, when the High Court rejected a legal challenge against the Government's decision. Eirinaios I was elected in 2001, but because of the lack of recognition by the Government, he had been unable to conclude financial or legal arrangements on behalf of the Patriarchate.

In 2002, the Israeli police confiscated the passport of Archimandrite Attallah Hanna, an Israeli citizen and a priest with the Greek Orthodox Patriarchate, for allegedly visiting Lebanon, a country considered hostile to Israel, without permission from the Interior Ministry and for making public statements hostile toward Israel while in that country. The case against Hanna was closed in January after Hanna signed a declaration renouncing terrorism; however, Hanna was told he needed to reapply for a new passport.

The Government discriminates against non-Jews, the vast majority of which are Arabs, in the areas of employment, education, and housing. The Orr Legal Commission of Inquiry, established to investigate the 2000 police killing of 12 Israeli-Arab demonstrators, issued a final report in September 2003 noting historical, societal, and governmental discrimination against Arab citizens. In June the Government approved an interministerial committee's proposals, which included the creation of a government body to promote the Arab sector and a volunteer national civilian service program for Arab youth. These proposals were approved in attempt to address some of the Orr Commission's recommendations; however, Israeli-Arab advocacy organizations continued to criticize the Government for its failure after 4 years to indict any of the policemen involved in the 2000 events and its continued neglect of other issues of importance to the Israeli-Arab community, such as the just distribution of resources.

In civic areas in which religion is a determining criterion, such as the religious courts and centers of education, non-Orthodox Jewish institutions routinely receive less state support than their Orthodox Jewish counterparts. Additionally, National Religious (i.e., modern Orthodox, one of the country's official Jewish school systems) and Christian parochial schools complain that they receive less funding than public secular schools despite the fact that they voluntarily abide by all national curricular standards. During the period covered by this report, the two groups together took their case for equal funding to the High Court. At the end of this period, there was no decision on the case.

Government funding to the different religious sectors is disproportionate to the sectors' sizes. Non-Orthodox streams of Judaism and the non-Jewish sectors receive proportionally less funding than the Orthodox Jewish sector. According to IRAC, the equivalent of less than 1 percent of public funding for Jewish cultural activities is provided to non-Orthodox or secular organizations, and over 99 percent of the funding goes to Orthodox Jewish organizations. IRAC reports that government funding has not gone into the construction of any non-Orthodox synagogues. In 2003 the Supreme Court ruled that state funds could be used for the construction of a reform synagogue in the city of Modi'in and referred the petition to the Modi'in municipality for action. IRAC reports that the city already has several Orthodox synagogues, but none that is conservative or reform.

Government resources available to non-Orthodox Jewish and Arab public schools are proportionately less than those available to Orthodox Jewish public schools. According to IRAC, about 96 percent of state funds for religious education were allocated to Orthodox or ultra-Orthodox Jewish schools. Children attending public non-Orthodox Jewish schools do not receive instruction

on Judaism, and the budget for teaching Islam or Christianity in the Arab public school system is disproportionately smaller. Quality private religious schools for Israeli Arabs exist; however, parents often must pay tuition for their children to attend such schools due to inadequate government funding. Jewish private religious schools receive significant government funding in addition to philanthropic contributions from within the country and abroad, which effectively lowers the schools' tuition costs. Non-Jewish Israelis are underrepresented in the student bodies and faculties of most universities and in the higher level professional and business ranks.

In 1998, the High Court of Justice ruled that the budget allocation to the non-Jewish sector constituted "prima facie" discrimination. In 2000, the same plaintiffs presented a case on the specific needs of religious communities regarding burials. The court agreed that non-Jewish cemeteries were receiving inadequate resources and ordered the Government to increase funding to such cemeteries. The Government began to implement this decision in 2001, although some groups complained that implementation was too slow. According to the Government, in 2003 approximately \$1.7 million was allocated for Orthodox Jewish Cemeteries, compared with approximately \$200,000 for civil cemeteries.

The Jewish National Fund (JNF) owns approximately 8 percent of the country's land area and manages another 8 percent on behalf of the Government. The JNF's charter prohibits it from leasing land to non-Jews. The Jewish Agency, an organization that promotes Jewish immigration to the country and develops housing communities, as a matter of policy does not lease land to non-Jews. In 2000, the High Court ruled that the State may not allocate land directly to its citizens on the basis of religion or nationality, even if it allocates the land through a third party such as the Jewish Agency. The Court's decision applies to any third party that has such restrictions on the leasing or sale of land based on nationality, religion, or any other discriminatory means.

Secular courts have primacy over questions of inheritance, but by mutual agreement, parties may bring inheritance cases to religious courts. Jewish and Druze families may ask that some family status matters, such as alimony and child custody, be adjudicated in civil courts as an alternative to religious courts. Christians may ask that child custody and child support cases be adjudicated in civil courts as an alternative to religious courts. Since 2001, Muslims have had the right to bring matters such as alimony and property division associated with divorce cases to civil courts in family status cases. However, paternity cases involving Muslims are under the exclusive jurisdiction of the Muslim or Shari'a court.

Jewish citizens who wish to marry in secular or non-Orthodox religious ceremonies, citizens not officially recognized as Jewish by the Orthodox Jewish establishment, and those who wish to marry someone of another faith must do so abroad. The Ministry of Interior recognizes such marriages. According to media reports, an average of 5,000 couples travel abroad annually to be married in civil ceremonies, mostly in Cyprus. Others hold weddings unrecognized by the Government, including Kibbutz, Reform, and Conservative weddings. In March a majority of the Knesset (parliament) voted against two bills that would have allowed for civil marriage.

The State also does not recognize conversions to Judaism performed in the country by non-Orthodox rabbis. The High Court allowed this practice to stand when it avoided ruling on this issue in May; however, the court ruled that non-Jews who move to the country and then convert in the country through an Orthodox conversion are eligible to become immigrants pursuant to the Law of Return. Previously, only persons who converted through an Orthodox conversion abroad were entitled to immigrate to the country based on that law.

Many Jewish citizens object to the exclusive authority of the Orthodox establishment over personal status issues for Jews, and it has been at times a source of serious controversy in society, particularly in recent years, because some 300,000 immigrants from the former Soviet Union have not been recognized as Jewish by Orthodox authorities. Aside from the ability to marry, this affects whether an individual is entitled to be buried in a Jewish cemetery. The 1996 Alternative Burial Law established the individual right to be buried in an alternative, civil cemetery and called for establishment of these cemeteries throughout the country. However, at the end of the period covered by this report, only one public civil cemetery had been established in the country. Some domestic civil rights and immigrant groups assert that the Government has not allocated adequate

space or sufficient funds for the development of alternative burial sites.

The Shinui Party, which ran on a platform of ending much of the Orthodox establishment's exclusive power, remained part of the governing coalition formed in early 2003 and retained control over the Ministries of Interior and Justice. Shinui leaders have stated that the party plans significant reforms to personal status and other questions handled by the ministries under its purview.

Under the Jewish religious courts' interpretation of personal status law, a Jewish woman may not receive a final writ of divorce without her husband's consent. Consequently, thousands of women, so-called "agunot," are unable to remarry or have legitimate children because their husbands either have disappeared or refused to grant a divorce.

Rabbinical tribunals have the authority to impose sanctions on husbands who refuse to divorce their wives or on wives who refuse to accept a divorce from their husbands. At least one man, a U.S. citizen, had been in jail for over 2 years because he refused to grant his wife a writ of divorce. He was released approximately 1 year ago. In some cases, rabbinical courts have failed to invoke sanctions. In May, a rabbinical court decided for the first time to jail a woman who refused to accept a divorce from her husband. Rabbinical courts also may exercise jurisdiction over, and issue sanctions against, non-Israeli persons present in the country.

Some Islamic law courts have held that Muslim women may not request a divorce, but that women may be forced to consent if a divorce is granted to the husband.

Members of unrecognized religious groups (particularly evangelical Christians) sometimes also face the same problems obtaining marriage certificates or burial services as do citizens not considered Jewish by the Orthodox establishment. However, informal arrangements with other recognized religious groups provide relief in some cases.

In 2003, the Women of the Wall, a group of more than 100 Orthodox, Conservative, and Reform women, lost their 14-year legal battle to hold formal women's prayer services at the Western Wall. The High Court ruled that the group could not hold prayer services at the Western Wall and instead would be permitted to hold them at nearby Robinson's Arch. According to IRAC, the Government has yet to finish renovating that area to allow these women to hold prayers there. Most Orthodox Jews believe that mixed gender prayer services violate the precepts of Judaism, and Jews still are unable to hold mixed gender prayer services at the Western Wall. Women also are not allowed to conduct any formal or informal prayer at the Western Wall wearing prayer shawls, which are typically worn by men, and cannot read from Torah scrolls.

In December 2003, IRAC petitioned the Supreme Court to overturn the government practice whereby the Adoption Service of the Ministry of Social Affairs places Israeli non-Jewish children only in Orthodox Jewish homes. Pursuant to law, the adopted child must be of the same religion as the adopting parents. Since conversions to non-Orthodox forms of Judaism are not recognized in the country, the Government argued that by placing these children with Orthodox parents, the children would not face any limbo periods during which their conversions could be questioned.

There were no reports of religious prisoners or detainees.

#### *Forced Religious Conversion*

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.

#### *Abuses by Terrorist Organizations*

Palestinian terrorist organizations, including Hamas, Palestinian Islamic Jihad, and Al Aqsa Martyrs Brigade, committed acts of terror against Israelis during the period covered by this report. These

attacks included an August 2003 attack by Hamas that killed 23 persons and injured over 130, an October 2003 attack by the Palestinian Islamic Jihad that killed 21 persons and injured 60, and a March attack by Hamas and the Al Aqsa Martyrs Brigade that killed 10 persons and injured 16. These groups also issued anti-Semitic statements following these attacks.

### **Section III. Societal Attitudes**

Relations among different religious groups--between Jews and non-Jews, between Christians and Muslims, and among the different streams of Judaism--often are strained. Tensions between Jews and non-Jews are the result of historical grievances as well as cultural and religious differences, and they are compounded by governmental and societal discrimination against Israeli-Arabs. These tensions have been heightened by the Arab-Israeli conflict, manifested by terrorist attacks mostly against Israeli Jews, IDF operations in the occupied territories, incidents of Jewish militants targeting Israeli Arabs, and incidents of Israeli-Arab involvement in terrorist activity.

According to a University of Haifa survey released in June, approximately 64 percent of the Jewish public believes the Government should encourage Israeli Arabs to emigrate from the country, with 55 percent believing that Israeli Arabs present a threat to national security. Similar surveys also have revealed a continuing increase in distrust between Israeli Jews and Arabs.

A number of NGOs exist that are dedicated to promoting Jewish-Arab coexistence in the country. Their programs include events to increase Jewish-Arab dialogue and cooperation. These groups and events have had varying degrees of success. Interfaith dialogue often is linked to the peace process between the country and its Arab neighbors. In January Canon Andrew White, the Archbishop of Canterbury's Special Representative to the Alexandria Peace Process, convened approximately 30 high-level Palestinian religious leaders and Israeli religious representatives in Cairo to discuss advancing the Alexandria Interfaith Peace Process, which was initiated in 2002 at an interfaith summit in Egypt.

Animosity between secular and religious Jews continued during the period covered by this report. Non-Orthodox Jews have complained of discrimination and intolerance on the part of members of ultra-Orthodox Jewish groups. Persons who consider themselves Jewish but who are not considered Jewish under Orthodox law particularly complained of discrimination. During the period covered by this report, there were reported incidents in Jerusalem in which ultra-Orthodox Jews threw rocks at passing motorists to protest that they were driving on the Sabbath.

Numerous NGOs exist that seek to build understanding and create dialogue between religious groups and between religious and secular Jewish communities. These NGOs include the Gesher Foundation (Hebrew for "bridge"); Meitarim, which operates a pluralistic Jewish-oriented school system; and the Interreligious Coordinating Council in Israel, which promotes interfaith dialogue with Jewish, Muslim, and Christian institutions.

Throughout society attitudes toward missionary activities and conversion generally are negative. Many Jews are opposed to missionary activity directed at Jews, and some are hostile toward Jewish converts to Christianity. Christian and Muslim Israeli-Arab religious leaders complain that missionary activity that leads to conversions frequently disrupts family coherence in their communities.

During the period covered by this report, mainstream newspapers periodically criticized the country's ultra-Orthodox or "Haredi" community for yeshiva students' exemption from military service and the Government's provision of living allowances to these students in lieu of their working. In February, due to political and societal pressures, the Government appointed a parliamentary committee to investigate ways to broaden military service to include yeshiva students. At the end of the period covered by this report, the committee was working on a compromise measure to address this issue.

### **Section IV. U.S. Government Policy**

The U.S. Government discusses religious freedom issues with the Government as part of its overall



policy to promote human rights. The U.S. Embassy consistently raised issues of religious freedom with the Foreign Ministry, the police, the Prime Minister's office, and other government agencies. In meetings with government officials, the Embassy and U.S. State Department officials in Washington continued to raise concern about the denial of some U.S. citizens' entry into the country based on ethnic and religious background.

Embassy representatives, including the Ambassador, routinely meet with religious officials. These contacts include meetings with Jewish, Christian, Muslim, Druze, and Baha'i leaders at a variety of levels. In August 2003, Embassy officials met with a group of Knesset members from the secular Shinui party to discuss issues of concern to more-secular Israelis, including the issue of Orthodox Jewish religious control over marriages and burials.

In November 2003, the Embassy hosted an Iftaar dinner to commemorate the Muslim holiday of Ramadan, inviting over 80 Israeli Muslim representatives from the political, economic, legal, religious, and business communities, and also representatives of interfaith organizations. The dinner promoted understanding and cooperation between Jews, Muslims, and Christians and enhanced U.S. understanding of issues affecting these religious communities in the country.

In March the Ambassador met with Lord Carey of Clifton, the former Archbishop of Canterbury, who played a vital role in the Alexandria Declaration of 2002 and the "Alexandria Process" that has followed. Lord Carey, accompanied by a representative of the Archbishop of Canterbury and a senior delegation of Christian leaders from the United States, discussed with Embassy officials and Israeli, Palestinian, and international figures ways to promote the implementation of the commitments senior Jewish, Muslim, and Christian leaders had made in Alexandria to reduce violence, teach tolerance in religious educational settings, and promote interfaith dialogue in support of the peace process.

Embassy officials maintain a dialogue with NGOs that follow human and civil rights issues, including religious freedom. These NGOs include the Arab Association for Human Rights, the Mossawa Advocacy Center for Arab Citizens in Israel, the Association for Civil Rights in Israel, the Israel Religious Action Center, Adalah, and others. In April the Embassy met with the director of the Arab Association for Human Rights to discuss issues of concern to the Israeli-Arab community, including societal tensions between Arabs and Jews in the country.

Embassy representatives attended and spoke at meetings of groups seeking to promote interfaith dialogue and tolerance and also met with Israeli-Arab organizations, including Adalah and the Islamic Movement-Northern Branch, to discuss religious freedom issues. The Embassy provided small grants to local organizations promoting interfaith dialogue and coexistence and to organizations examining the role of religion in resolving conflict.

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1. The religious freedom situation in [the Occupied Territories](#) is discussed in the annex appended to this report.

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

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. Israel and the Palestinian Authority (PA) now administer the West Bank and Gaza Strip to varying extents. The PA does not have a constitution; however, the Basic Law provides for freedom of religion, and the PA generally respects this right in practice. The Basic Law names Islam as the official religion but also calls for "respect and sanctity" for other religions.

There was deterioration in the status of the PA's respect for religious freedom during the period covered by this report. The PA failed to halt several cases of seizures of Christian-owned land in the Bethlehem area by criminal gangs. There were credible reports that PA security forces and judicial officials colluded with members of these gangs to extort property illegally from Christian landowners.

Several cases of physical attacks against Christians in Bethlehem also went unaddressed by the PA, while attacks against Muslims in the same area were investigated.

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

There was deterioration in the status of the Israeli Government's respect for religious freedom during the period covered by this report. Israel's strict closure policies frequently restricted the ability of Palestinians to reach places of worship and practice their religions. Israel failed to grant new visas or extensions of old visas to hundreds of Christian clergy, seriously impeding the functioning of their congregations in the occupied territories. The Israeli Government seized land belonging to several religious institutions to build its separation barrier between East Jerusalem and the West Bank.

There generally are amicable relations between Christians and Muslims, although tensions exist. Societal attitudes are a barrier to conversions from Islam. Relations between Jews and non-Jews, as well as among the different branches of Judaism, sometimes are strained. Societal tensions between Jews and non-Jews exist primarily as a result of the Palestinian-Israeli conflict; such tensions continued to remain high during the period covered by this report. The violence that has occurred since the outbreak of the Intifada in October 2000 has significantly curtailed religious practice in many areas of the occupied territories. This violence included severe damage to places of worship and religious shrines in the occupied territories.

The U.S. Government discusses religious freedom issues with the PA and the Israeli Government as part of its overall policy to promote human rights.

### **Section I. Religious Demography**

The occupied territories are composed of the Gaza Strip, the Golan Heights, the West Bank, and East Jerusalem. The Gaza Strip covers an area of 143 square miles, and its population is approximately 1.4 million persons, not including approximately 7,800 Israeli settlers. The West Bank (excluding East Jerusalem) covers an area of 2,238 square miles, and its population is approximately 2.3 million persons, not including approximately 190,000 Israeli settlers. East Jerusalem covers an area of 27 square miles, and its population is approximately 390,000 persons, including approximately 180,000 Israeli settlers. The Golan Heights covers an area of 1,295 square kilometers, and its total population is approximately 20,000.

Approximately 98 percent of Palestinian residents of the occupied territories are Sunni Muslims. According to a 1997 Palestinian Central Bureau of Statistics estimate, approximately 39,560 Palestinian Christians live in the occupied 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 together), Protestants, Syriacs, Armenians, Copts, Maronites, and Ethiopian Orthodox. In general Christians are concentrated in the areas of Jerusalem, Ramallah, and Bethlehem. According to municipal officials in Bethlehem, since 2002 approximately 2,400 Christians from the Bethlehem area have 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. There is also a community of approximately 550 Samaritans (an ancient offshoot of Judaism) located on Mount Gerazim near Nablus in the West Bank.

Several evangelical Christians as well as members of Jehovah's Witnesses operate in the West Bank. Foreign missionaries operate in the occupied territories, including 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 does not have a constitution; however, the Basic Law provides for religious freedom, and the PA generally respects this right in practice. The PA has not adopted legislation regarding religious freedom; however, both the Basic Law and the draft constitution address religion. The Basic Law states 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." In 2002 the Basic Law was approved by the Palestinian Legislative Council (PLC) and signed by PA Chairman Yasir Arafat. The March 2003 draft constitution states that "Islam is the official religion of the State," and "Christianity and all other monotheistic religions shall be equally revered and respected." It is unclear whether the injunction to "respect" other religions would translate into an effective legal protection of religious freedom. The Basic Law states that the principles of Shari'a (Islamic law) are "the main source of legislation," while the draft constitution states that Shari'a is "a major source of legislation."

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

The first group of churches is governed by 19th century status quo agreements reached with Ottoman authorities, which the PA respects, and which 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 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, churches in the second category, which includes the Assembly 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 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 from Christians who fear that the new arrivals may disrupt the status quo. However, these churches generally operate unhindered by the PA.

In practice the PA requires Palestinians to declare religious affiliation on identification papers. All personal status legal matters must be handled in either Islamic or Christian ecclesiastical courts if such courts exist for the individual's denomination. All legally recognized individual sects are empowered to adjudicate personal status matters, and in practice most do so. Neither the PA nor the Government of Israel currently has a civil marriage law. Legally, members of one religious group mutually may agree to submit a personal status dispute to a different Christian denomination to adjudicate, but in practice this does not occur. Churches that are not officially recognized by the PA or the Government of Israel must obtain special permission to perform marriages or adjudicate personal status issues; however, in practice nonrecognized churches advise their members to marry (or divorce) abroad.

Since Islam is the official religion of the PA, 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 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 occupied territories.

The PA requires that religion be taught 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.

The PA does not officially sponsor interfaith dialogue; however, it attempts to foster goodwill among Muslim and Christian religious leaders. The PA makes an effort to maintain good relations with the Christian community; however, the PA has not taken sufficient action to remedy harassment and intimidation of Christian residents of Bethlehem by the city's Muslim majority. In some cases, PA officials appear to have been complicit in property extortion of Palestinian Christian residents. Within the Ministry of Religious Affairs, there is a department responsible for Christian affairs, and PA Chairman Yasir Arafat has an advisor on Christian affairs. Six seats in the 88-member Palestinian Legislative Council (PLC) are reserved for Christians and one seat is reserved for Samaritans; there are no seats reserved for members of any other faith.

The PA observes several religious holidays, including Eidal-Fitr, Eidal-Adha, Zikra al-Hijra al-Nabawiya, Christmas, and the Prophet Muhammad's birthday. Christians also may observe the Easter holiday.

Israel has no constitution; however, Israeli law provides for freedom of worship, and the Israeli Government generally respects this right in practice in the occupied territories. Israel exercises varying degrees of legal control in the occupied territories. The international community considers Israel's authority in the occupied territories to be subject to the 1907 Hague Regulations and the 1949 Geneva Convention relating to the Protection of Civilians in Time of War. The Israeli Government considers the Hague Regulations applicable and maintains that it largely observed the Geneva Convention's humanitarian provisions. The Israeli Government applies Israeli law to East Jerusalem and the Golan Heights, areas that it annexed after 1967.

The Israeli Government gives preferential treatment to Jewish residents of the occupied territories and East Jerusalem when granting permits for home building and civic services. For example, Palestinian residents of Jerusalem pay the same taxes as Jewish residents; however, Palestinian residents receive significantly fewer municipal services than Jewish residents. Many of the national and municipal policies enacted in Jerusalem are designed to limit or diminish the non-Jewish population of Jerusalem. These are official policies that every Jerusalem municipal government has admitted to and followed since 1967. According to Palestinian and Israeli human rights organizations, 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 start of the Intifada, officials in the Jerusalem Waqf have prohibited non-Muslims from entering the sanctuary of the Haram al-Sharif/Temple Mount, the third holiest shrine in Islam and the holiest site in Judaism. Waqf officials have claimed that this is a temporary closure implemented because Waqf officials cannot justify allowing non-Muslims to visit the Haram al-Sharif at a time when Palestinian Muslims from the occupied territories are prevented from visiting and worshipping there. Palestinians generally have been unable to reach the Haram al-Sharif due to travel restrictions against entry into Jerusalem. Restrictions at times are placed on entry into the Haram al-Sharif itself even for Palestinian residents of Jerusalem, such as the restriction of males under the age of 45.

The Israeli police previously cooperated with the Waqf in keeping the Haram al-Sharif closed to non-Muslims; however, in June 2003, Israeli police officers began escorting groups of Christian and Jewish tourists into the Haram al-Sharif/Temple Mount for visiting but not worshipping, against the wishes of the Waqf authorities. Israeli police spokesmen indicated that the visits were an effort by the Government of Israel to re-assert the right of non-Muslims to visit the shrine. Waqf officials assert that these visits are a breach of the religious status quo, which grants the Waqf custodianship over the Haram al-Sharif. While visits continue, police escorts generally are no longer needed since the Waqf has acquiesced to these visits. During the period covered by this report, Waqf officials claimed that the police effectively did not prevent nationalistic Jewish groups from entering the

Haram al-Sharif to conduct religious or political activities.

The Israeli Government annexed East Jerusalem in 1967 and applied Israeli law to the area; therefore, Israeli law and legal structures govern East Jerusalem. The Israeli High Court of Justice ruled that a small number of Jews under police escort were to be allowed to pray at the Haram al-Sharif/Temple Mount. The Israeli Government, as a matter of stated policy, has prevented non-Muslims from worshipping at the Haram al-Sharif since 1967. Israeli police consistently have declined to allow prayer on public safety grounds and publicly have indicated that this policy has not changed in light of the renewed visits of non-Muslims to the compound or the court ruling on the issue. Waqf officials contend that the Israeli police, in contravention of their stated policy and the religious status quo, have allowed members of radical Jewish groups to worship at the site. Spokesmen for these groups have confirmed successful attempts to pray inside the compound in interviews with the Israeli media.

In 2003, Israeli police detained four guards employed by the Waqf on charges that they harassed Jewish visitors to the Haram al-Sharif/Temple Mount and banned the four from returning to the compound for 2 months. Waqf officials insist the guards were detained in retaliation for protesting cases of Jewish visitors praying at the site.

In 2002, Israeli, Palestinian, and Jordanian officials arranged to repair a bulge that appeared in the southern wall of the Haram al-Sharif/Temple Mount. After disagreements between Israeli and Waqf officials over the cause of the bulge halted repair work for several months, Jordanian engineers visited the site in November 2002 to examine the damage and began work in 2003 to repair it. At the end of the period covered by this report, the work had not been completed.

Personal status law for Palestinians is based on religious law. For Muslim Palestinians, personal status law is derived from Shari'a, and various ecclesiastical courts rule on personal status issues 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, formerly under Jordanian rule, Shari'a-based law pertaining to women is part of the Jordanian Status Law of 1976. Under the 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, in the event of divorce, would govern financial and child custody matters. Reportedly, few women utilize this section of the law. Personal status law in Gaza is based on Shari'a-centered law as interpreted in Egypt; however, the attendant restrictions on women described above apply as well.

Due to the increased violence and security concerns related to the Intifada, the Israeli Government has imposed a broad range of strict closures and curfews in the occupied territories since October 2000. Such restrictions significantly impeded freedom of access to places of worship for Muslims and Christians, and these restrictions remained in place at the end of the period covered by this report.

In 2002, the Government of Israel, citing security concerns, began constructing a barrier in the occupied territories to separate the West Bank from Israel and East Jerusalem. Construction of the barrier has involved confiscation of property owned by non-Jews, displacement of Christian and Muslim residents, and tightening of restrictions on freedom of access to places of worship for non-Jewish communities.

The separation barrier has made it difficult for Bethlehem-area Christians to reach the Church of the Holy Sepulcher in Jerusalem, and it makes visits to Christian sites in Bethany and in Bethlehem difficult for both Palestinian Christians and foreign pilgrims. The barrier and its checkpoints also impede 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.

In February 2003, the Government of Israel issued confiscation orders for land in Bethlehem that surrounds Rachel's Tomb (a shrine holy to Jews, Christians, and Muslims) that would place the shrine on the Israeli side of the separation barrier. Jewish tourists visiting the shrine occasionally

have been harassed by Palestinians, but some Muslims and Christians claimed that confiscating land around the shrine in response impedes their access to the site and unjustly harms the landowners in question. During the period covered by this report, the land was seized but the Government of Israel had yet to build the separation barrier in this area. Settlers have obtained ownership of the land and properties through a disputed land deal. At the end of the period covered by this report, there was an impending court case regarding the legal status of this land.

In 2003, the Government of Israel confiscated land from the Baron Deir monastery in Bethlehem, which belongs to the Armenian Patriarchate, for construction of an Israel Defense Forces (IDF) patrol road in the area. Negotiations between the Patriarchate and the Government of Israel reduced the amount of land confiscated. At the end of the period covered by this report, the parties had not reached an agreement on compensation for damage done to the property by the IDF during incursions into Bethlehem in 2002.

During the period covered by this report, the Israeli Government confiscated land belonging to three Catholic institutions in Bethany for construction of the separation barrier: the Camboni Sisters Convent, the Passionist Monastery, and the Sisters of Charity Convent. At the end of the period covered by this report, work on the barrier in this area was almost finished. In the village of Bethpage on the Mount of Olives, the Israeli Government continued building an 8-meter high concrete separation barrier section next to the walls of several Christian institutions. Local religious leaders argued that the barrier in Bethpage would prevent them from holding the annual Palm Sunday procession from Bethany to the Old City of Jerusalem in the future.

Israeli closure policies, imposed according to the Israeli Government due to security concerns, 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 numerous occasions, including nearly the entire month of April, 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 to prevent outbreaks of violence following Friday prayers. In September 2003, February, and April, Israeli police clashed with Muslim worshippers at the Haram al-Sharif. On each occasion, Israeli police said Palestinian worshippers threw stones at Jewish worshippers at the nearby Western Wall. Waqf officials countered that Israeli troops entered the compound before the prayer times ended, violating the sanctity of the site and provoking the clashes. Reportedly, during the April clashes approximately 70 Palestinian worshippers suffered tear gas inhalation and injuries from rubber-coated bullets, and several Israeli policemen were struck by stones. Jewish worshippers at the Western Wall below also were prevented on a few occasions from praying due to stone throwers.

The Israeli Government's closure policy prevented several Palestinian religious leaders (both Muslim and Christian) from reaching their congregations. In 2001 the Israeli Government pledged to create a "hotline" to facilitate the movement of clerics through checkpoints; 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.

In January the Israeli Government recognized the duly elected Greek Orthodox Patriarch, Eirinaios I, but this recognition was delayed until March, when the Israeli High Court rejected a legal challenge against the Government's decision. Eirinaios I was elected in August 2001, and because of the lack of recognition by the Israeli Government, until recently he was unable to conclude financial or legal arrangements on behalf of the Patriarchate.

In 2002, the Israeli police confiscated the passport of Archimandrite Attallah Hanna, an Israeli citizen and a priest with the Greek Orthodox Patriarchate, for allegedly visiting Lebanon, a country considered hostile to Israel, without permission from the Interior Ministry, and for making public statements hostile toward Israel while in that country. The case against Hanna was closed in January after Hanna signed a declaration renouncing terrorism; however, Hanna was told he needed to reapply for a new passport.

During the period covered by this report, Palestinian violence against Israeli settlers prevented some settlers from reaching Jewish holy sites in the occupied territories. Since early 2001, following the

outbreak of the Intifada, the Israeli Government 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 prevented Israeli Arabs from visiting Muslim and Christian holy sites in the West Bank, and it prevented Jewish Israelis from visiting other sites, including Joseph's Tomb in Nablus and an ancient synagogue in Jericho. 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.

Settler violence against Palestinians prevented some Palestinians from reaching holy sites in the occupied territories. According to press reports, for 3 weeks in 2002, settlers in Hebron forcibly prevented Muslim muezzins from reaching the al-Ibrahimi Mosque/Tomb of the Patriarchs to sound the call to prayer. According to PA officials in Hebron, the blocking of muezzins as well as more generally preventing access to Muslim religious sites continued to be a large problem. The Government of Israel did not effectively respond to settler-initiated blocking of religious sites.

Palestinians generally are not allowed to enter Ben-Gurion airport to travel to Egypt or Jordan, and there are no direct air links from Israel to Saudi Arabia. If residents of the occupied territories obtain a Saudi hajj visa, they must travel by ground to Amman (for West Bankers) or Egypt (for Gazans) and then by ground, sea, or air to Jeddah. While there are no specific restrictions placed on Palestinians from making the hajj, all Palestinians face closures and long waits at Israeli border crossings, which often impede religious movement.

#### *Abuses of Religious Freedom*

During the period covered by this report, the Government of Israel failed to grant new visas to or renew existing visas for more than 100 Christian clergy ministering in East Jerusalem and the West Bank. At least 138 requests for visas or extensions for Catholic priests were outstanding with the Israeli Government at the end of the period covered by this report, more than double the total at the same time last year. Catholic officials claimed a majority of the requests were filed before October 2003, with many requests outstanding since June 2003. Certain Orthodox congregations reported that most of their priests and religious workers were out of status because of long delays in processing visa extensions. The Israeli Government claimed that these delays were due to security processing for visas and extensions.

Catholic, Orthodox, and evangelical Christian leaders allege that the Government of Israel's refusal to issue new visas or extensions for religious workers in a timely fashion threatened the future of their congregations in the Holy Land. Catholic religious leaders have argued publicly that the visa problems are part of a strategy by the Israeli Government to reduce the presence of Palestinian Christians in the occupied territories outside East Jerusalem. They reported that visas for priests to work in the West Bank were almost impossible to obtain, while priests posted to East Jerusalem encountered less difficulty. According to Church leaders, the visa problem had worsened significantly over the past year. They reported some improvement toward the end of the period covered by this report, but the problem remains unresolved.

In April, Israeli soldiers prevented a high-level Catholic delegation from proceeding to the Church of the Nativity in Bethlehem along the main road adjoining Rachel's Tomb. Local Catholic representatives and PA officials condemned the act as a violation of the religious status quo.

In July 2003, during construction of the separation barrier in the West Bank town of Abu Dis, Israeli authorities damaged the ruins of a sixth-century Byzantine monastery. Officials of the Israel Antiquities Authority publicly accused the Defense Ministry of ignoring repeated warnings about the archaeological value of the site, and they charged that excavations for the barrier had damaged one-third of the Byzantine remains. At the end of the period covered by this report, neither the Defense ministry nor the Antiquities Authority had repaired the site.

In 2002, Israeli forces deliberately mistreated or accidentally injured several Christian religious leaders and lay members. In April 2002, patriarchs of several major Christian denominations in Jerusalem claimed that the IDF forcibly entered numerous churches in Bethlehem and Ramallah and mistreated clergymen. 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. At the end of the period covered by this report, the IDF had not taken disciplinary action against any of its soldiers suspected of mistreating religious figures.

On June 13, 2003, the day that Muslims celebrated the Prophet Mohammed's birthday, IDF personnel closed the al-Ibrahimi Mosque/Tomb of the Patriarchs in Hebron in violation of the Hebron Protocol, which states that the mosque should be available to Muslim worshipers on Muslim holidays. On June 24, 2003, Israeli officers issued a new order preventing the muezzin at the al-Ibrahimi Mosque/Tomb of the Patriarchs in Hebron from sounding the call to prayer when Jews were praying in their portion of the shrine. At the end of the period covered by this report, the order was still in effect.

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 in 2002 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. Both 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, were destroyed. There were no reports of major damage to religious sites in the occupied territories. At the end of this reporting period, there had been no compensation paid for destroyed holy sites.

There were no reports of major damage to Christian churches. In previous years, there were credible reports that the Israeli military caused significant damage to Palestinian church property. In January 2003, the IDF fired a missile that penetrated the roof of St. Philip's Episcopal Church in the Gaza Strip and exploded inside. The explosion created a 1.5-meter crater near the altar and shattered all the stained glass windows and chandeliers. Church officials filed a claim with the IDF for compensation, but as of June they had not received a response. At the end of the period covered by this report, the Church was not repaired and remained unusable. The IDF acknowledged the incident, claiming it was an accident that occurred while fighting militants. The IDF generally does not compensate religious groups for damage that occurred during combat operations.

In 2002, gun and tank fire damaged the Holy Family Hospital, the Lutheran Christmas Church, and the Dar al-Kalima Academy in Bethlehem. Such damage was extensive in some cases and included destruction of church and school property, including religious symbols. The institutions filed claims for restitution with the Israeli Government. The Israeli Government did not repair or pay to repair any of the places of worship that the IDF damaged while operating in the occupied territories, and it denied requests for compensation that submitted in this regard. The Israeli Government claims that it is 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 a 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. At the end of this reporting period, work continued to repair the damage to the church.

In previous years, the PA failed to halt several cases of seizures of Christian-owned land in the Bethlehem area by criminal gangs. In many cases, criminal gangs used forged land documents to assert ownership of lands belonging to Christians. Police refused to investigate most of these cases. In two cases, police arrested and then released the suspects on bail and allowed them to continue occupying the land in question. Local religious and political leaders confirmed that no such attempts to seize Muslim-owned land took place.

There were credible reports that PA security forces and judicial officials colluded with members of these gangs to seize land from Christians. In one reported case, a PA judge openly told a Palestinian Christian landowner that he and his partners in the PA intelligence services required a substantial bribe to allow the landowner to remain on his property. PA officials repeatedly promised



Christian leaders that they would take action in these cases, but by the end of the period covered by this report, no action had been taken.

Several cases of physical attacks against Christians in Bethlehem also went unaddressed by the PA, while attacks against Muslims in the same area were investigated. In December 2003, one prominent Christian landowner was beaten severely by masked men. No suspects had been arrested by the end of the period covered by this report. Another Bethlehem-area Christian resident was shot and seriously injured in 2003 after he insisted that the death of his relative be investigated by the police rather than resolved through payment of compensation. No arrests have been made in the 2 years since the man was shot.

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.

#### *Abuses by Terrorist Organizations*

During the period covered by this report, the Palestinian terrorist groups Hamas and Palestinian Islamic Jihad carried out several terrorist attacks against Israeli civilians. In August 2003, 23 persons were killed and over 130 injured in a suicide bombing aboard a bus in Jerusalem. Hamas claimed responsibility for the attack. In October 2003, Palestinian Islamic Jihad claimed responsibility for a suicide bombing in a Haifa restaurant that killed 20 persons and injured more than 60. While these attacks were usually carried out in the name of Palestinian nationalism, some of the rhetoric used by these organizations has also reportedly included expressions of anti-Semitism.

A small number of Kach-affiliated Jewish settlers were arrested for assaulting Palestinians and destroying Palestinian property; however, most incidents of violence or property destruction reportedly committed by settlers against Palestinians did not result in arrests or convictions.

### **Section III. Societal Attitudes**

There generally are amicable relations between Christians and Muslims, although tensions exist. 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 Palestinian-Israeli conflict, as well as Israel's control of access to sites holy to Christians and Muslims. Some non-Orthodox Jews have complained of discrimination and intolerance on the part of some Orthodox Jews.

Societal attitudes continued to be a barrier to conversions, especially for Muslims converting to Christianity. In previous years, there were reports that some Christian converts from Islam who publicized their religious beliefs were harassed.

There were some reports of Christian-Muslim tension in the occupied territories. Imams at mosques in Bethlehem have repeatedly called for violence against all Christians and Jews during their Friday sermons. These sermons often equate Christians with crusaders and with foreign countries whose interests are perceived to be contrary to the Palestinian cause. In addition there have been periodic accusations that Muslim militants open fire on the Israeli neighborhood of Gilo from Christian areas in Beit Jala to draw IDF fire onto 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 their respective faiths. Couples who challenge this societal norm have encountered considerable societal and familial opposition. For example, there were reports of some Christian women receiving death threats from Christian family members and community leaders for marrying Muslim men during the period covered by this report.

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.

In previous years, there were some reports of settler violence against Palestinian religious establishments. According to press reports, in October 2002, Israeli settlers in Hebron broke into the offices of the Waqf in Hebron and destroyed furniture and allegedly burned deeds to all of the Waqf's property in the city. During the period covered by this report, there were no reported cases of settler violence against religious property.

Also in October 2002, two men who appeared to be Orthodox Jews vandalized a neon crucifix on the roof of Our Lady of the Rosary Church in Jerusalem. At the end of the period covered by this report, there had been no arrests.

During the period covered by this report, Muslims on the Temple Mount/Haram al-Sharif on at least three separate 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 or hatred. For example, the PA-controlled television station broadcast statements by Palestinian political and spiritual leaders that resembled traditional expressions of anti-Semitism, such as Lebanese-produced programming that appeared related to the anti-Semitic forgery "The Protocols of the Elders of Zion." Some prominent Israeli officials also made public anti-Arab statements. Israeli Deputy Defense Minister Ze'ev Boim asked in February, "What can explain bloody terrorism? What is the essence of Islam in general and the Palestinians in particular? Is it insufficient cultural development or genetic defects?"

Israeli activists reported numerous examples in which PA television shows invoked messages that activists considered anti-Semitic or that attempted to de-legitimize Jewish history in general. Israeli settler radio stations often depicted Arabs as subhuman and called for Palestinians to be expelled from the West Bank.

There were instances of ultra-Orthodox Jews harassing Muslims. On several occasions, a group of ultra-Orthodox Jews known as the "Temple Mount Faithful" again attempted to force their way inside the wall enclosing 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 Muslims considered an affront.

#### **Section IV. U.S. Government Policy**

The U.S. Consulate General in Jerusalem discusses religious freedom issues with the Palestinians, and the U.S. Embassy in Tel Aviv discusses religious freedom issues with the Government of Israel as part of its overall policy to promote human rights in the occupied territories. The Consulate also maintains contacts with representatives of the Jerusalem Waqf--an Islamic trust and charitable organization that owns and manages large amounts of real estate, including the Haram al-Sharif/Temple Mount in Jerusalem--as well as with the various Christian churches and Jewish communities in Jerusalem.

Consulate General officers regularly urged PA officials and religious leaders to end incitement in the

Palestinian media and in public statements.

The U.S. Government helped mitigate the delay in granting visas to religious clerics in the occupied territories. The U.S. Consulate General in Jerusalem regularly works with the U.S. Embassy in Tel Aviv to convey the points of concern regarding visa issuance, and U.S. officials regularly meet with religious representatives to ensure that their legitimate grievances are reported and addressed.

The Consulate General 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. Consulate General officers met with representatives of the Bethlehem Christian community and traveled to the area to investigate charges of mistreatment of Christians by the PA. The Consulate General raised the issue of seizure of Christian-owned land repeatedly with PA officials.

In several cases, the U.S. Embassy intervened with the Israeli Government to mitigate the damage caused by the separation barrier to Christian places of worship. The Israeli Government agreed to consider changes to the route of the barrier in Jerusalem near several Christian institutions and install pedestrian gates in the barrier to facilitate the passage of priests and other religious workers. Two of these route changes were formalized by the end of the period covered by this report.

Released on September 15, 2004

[International Religious Freedom Report Home Page](http://www.state.gov/g/drl/rls/irf/2004/35499.htm)