

**Urgent Appeal to UN Special Procedures on the Imminent Threats on the
Palestinian Christian Presence on Both Sides of the Green Line due to Israel's
Ongoing Breaches of International Humanitarian & Human Rights Law**

Submitted by:

The Balasan Initiative for Human Rights – Palestine



For the attention of:

- **Special Rapporteur on the human rights situation of in the OPT, Ms. Francesca Albanese;**
- **Special Rapporteur on freedom of religion or belief, Ms. Nazila Ghanea;**
- **Special Rapporteur on minority issues, Mr. Nicolas Levrat;**
- **Special Rapporteur in the field of cultural rights, Ms. Alexandra Xanthaki, and the**

- **Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel.**

Context

The Balasan Initiative for Human Rights – Palestine (“**Balasan Initiative**”) requests the intervention of your esteemed offices to respond to the imminent threats to the presence of Palestinian Christian communities on both sides of the Green Line; in the occupied Palestinian territory (“**oPt**”), including the eastern part of Jerusalem and the Gaza Strip, and inside the Green Line. Israel’s systematic and cumulative violations against Christian communities’ religious rights and freedoms, notably through attacks on churches and their properties, clergy and members, has rendered the Palestinian Christian presence in its homeland very fragile, and placed it under serious threat of extinction, especially in certain areas in the oPt. The recent Israeli offensive has destroyed places of worship and reinforced a climate of impunity and discrimination, under which attacks on all Palestinians, including Palestinian Christians, have increased and go unpunished, and have provided an additional driving factor for displacement and migration, causing serious harm to Palestinian Christians’ already alarmingly dwindling numbers.

Gaza

In the aftermath of the events that have unfolded on 7 October 2023, Israel launched a large-scale military offensive in the Gaza Strip, resulting in the killing of over 20,000 Palestinians to date and the destruction of more than 59% of Gaza’s housing units (280,000), according to the Palestinian Ministry of Health. Israel’s indiscriminate targeting of civilians and civilian properties included the destruction of 3 historic churches in Gaza, among them the 3rd most ancient church in the world, Saint Porphyrius Church. On 20 October 2023, Israel targeted the Greek Orthodox Church which was providing shelter to displaced families, the majority of whom were Christians, and resulted in the killing of approximately 20 Palestinians. Between the two remaining churches, Saint Porphyrius and the nearby Holy Family Church, some [340 families are sheltered](#), representing almost all of Gaza’s Christians.

Only an estimated 800 to 1,000 Christians still live in Gaza, meaning that the destruction of 3 churches and loss of life has had a profound impact on this small community and places them and their historic presence in Gaza at serious risk of extinction. The siege of Gaza, which drove large scale migration, saw the community fall from an estimated 3,000 individuals in 2007. It is feared that the Israeli offensive may prove to be their death knell.

Jerusalem

Israel's occupation and illegal annexation of Jerusalem came with the application of rigid discriminatory policies aimed at fragmenting and reducing the Palestinian population of Jerusalem for the benefit of a Jewish Israeli majority. This included Jerusalem's Christian population, which has been negatively affected by Israeli policies for decades – and is currently about 10,000, or just over one percent of the city's population, compared with a quarter of the population a century ago.

A recent alarming development threatens the Armenian centuries' old, historic presence in occupied Jerusalem. The Cow's Garden, a section of Jerusalem's Armenian Quarter, is an area made up in large part of a car park. The land, which makes up some 25% of the Armenian Quarter in Jerusalem, became a point of a dispute after the Armenian church of Jerusalem leased the Cow's Garden and some other parts of the Armenian Quarter to XANA Capital, a settler group-affiliated company owned by an Australian-Israeli investor, despite having been in their ownership for nearly a century. Following complaints from the local Armenian community, the Armenian Patriarchate of Jerusalem attempted to reverse the lease. The church released a [statement](#) on November 1 announcing the "cancellation" of the agreement to lease the Cow's Garden, though the effects this has on the signed lease are not clear. Soon after the statement, bulldozers allegedly hired by XANA Capital moved in and began demolishing parts of the land. The proposed development would also take up the community hall, the patriarch's garden, the seminary and five family houses.

On the afternoon of 5 November 2023, several Israeli settlers armed with assault rifles entered the Cow's Garden. Two of the men held barking dogs on leashes as others confronted Armenian Christians who had gathered to prevent access to earthmoving machinery that had recently demolished a wall and torn up asphalt on the land.

On November 18, senior church leaders in Jerusalem issued a [statement](#) in support of the Armenian community, stating that "the illegal actions taken by the alleged developer against the Armenian Patriarchate and community are not conducive for the social order that the peaceful and law-abiding Armenian community, which is a member of our Christian family in the Holy Land, longs for".

Beyond the concerning events in the Cow's Garden, more generally, harassment and hateful discourse against the Palestinian Christian communities in Jerusalem have seen an uptick fuelled by the current far-right Israeli government and overall impunity with which attacks against Palestinian Christians are carried out. The Christian community in Jerusalem already faces serious risks to its continued existence and push factors such as home demolitions and restrictions on identification cards, family unification and work and residence permits. With the onset of the Israeli military offensive in Gaza, there exists

a perfect storm of circumstances driving Palestinian Christians out of areas where they have resided for millennia.

For some further context on the closing of space for Christians to exist and freely practice their religion in Jerusalem, Israel's right-wing government introduced restrictions on the Christian "Holy Fire" Easter celebration. Israel has capped the ritual to just 1,800 people, for apparent reasons of public safety, however there are concerns that Israel is using the extra security measures to alter their status in the Old City, providing access to Jews while limiting the number of Christian worshippers. Furthermore, since the new government came to power, incidents against Christians in Jerusalem have become more violent and common. At the beginning of the 2023, 30 Christian graves at the Protestant Mount Zion Cemetery were desecrated. In the Armenian Quarter, vandals spray-painted "Death to Arabs, Christians and Armenians," on the walls. At the Church of the Flagellation, someone attacked a statue of Jesus with a hammer. In March 2023, an Israeli came to the Church of Gethsemane during Sunday religious services and tried to attack the priest with an iron bar. These kinds of attacks in almost all cases remain unpunished.

West Bank

Even well before the events of 7 October 2023, the Palestinian Christian presence in the West Bank was witnessing a decline due to Israel's occupation, which has been inflicting circumstances of life on Palestinians, such that they have no genuine choice other than to leave to seek a safer, more dignified life, that is, it has created a situation of permanent coercive environment for Palestinians, where even if they are not driven out of their homeland by physical force, they are driven out by "choice" of ridding themselves and their families from oppression.

However, as a result Israel's large-scale military offensive on 7 October, the situation in the West Bank has largely deteriorated; 211 of Palestinians were killed by Israeli forces and settlers, and over 2,866 Palestinians, including at least 364 children were injured by Israeli forces¹. During the same period, Israeli forces detained 3,200 Palestinians and the conditions of imprisonment of Palestinians have largely deteriorated, resulting in the killing of six Palestinian detainees in custody². Moreover, movement has been blocked by Israeli checkpoints and concrete blocks, and settlers' crimes against Palestinians have increased as 283 violent incidents across 124 communities occurred, an average of seven incidents per day. Increased militarisation of civilians in Israel, including the relaxing of firearms controls, calling up of reserves and the creation of "community safety

¹ According to UN OCHA: <https://reliefweb.int/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-48-enarhe>

² According to data from Palestinian Prisoners' Club, until 26 November 2023.

committees” has intensified the threat posed. Settler violence does not only affect Palestinian agriculture, but also Palestinians’ rights to housing, education and health. Besides the grave violations of fundamental human rights of Palestinians, this escalation of the situation has negatively impacted Palestinian economy and economic development, notably in cities like Bethlehem, which relies almost entirely on tourism.

Following 7 October, gates in the Annexation wall allowing access of farmers to their olive trees closed. This came at a critical time during the olive harvesting season, imperilling an entire year’s crop and placing considerable financial stress on Palestinian Christian families. The construction of the Annexation wall through Bethlehem and the expansion of Israeli settlements in the area cut off many Christian farming families from their lands, such as the cases of Al Makhrouf and Cremisan valleys, where Palestinian Christian families and church own the majority of the lands. Both valleys are part of a UNESCO world heritage site and the last 2 green areas left in the Bethlehem Governorate, currently under Israel’s annexation threats through the wall and the settlement enterprise. Estimates place the amount of land annexed in Bethlehem as a result of the Wall’s construction at approximately 22,000 dunams. Permits, when granted, only allow access to farmers for periods far shorter than what is necessary to maintain their crops, and they frequently face harassment, and at times violence when crossing Israeli checkpoints. In addition, the settlements of Gush Etzion, Har Homa and Gilo, comprising some 95,000 settlers, are all located in close proximity to farmers’ agricultural areas, and farmers often see violence and damage to their crops as a result of settler attacks.

This situation has denied the optimism of the future, and has resulted in the consideration of emigration and the actual emigration of many Palestinian Christian families after losing the ability to build lives for themselves through education, employment and economic fulfilment.

Inside the Green Line

In July 2023, the Mar Elias Monastery and Church in Haifa were attacked multiple times by a group of Jewish Israeli settlers who forced their entry into the Monastery, seeking to seize it under the claim that Jewish graves and a tomb are situated within the church. Over the past months, Israeli settlers have increasingly displayed aggression towards the Monastery and its worshipers. The attacks against the Monastery began as minor attacks by a small group of settlers, and have escalated into larger and more frequent assaults, culminating in a mass attack on the church with aims to seize it forcefully and entirely. The attacks also included raids, arson attempts, vandalizing, and assaulting Palestinian Christians who were present at the Monastery.

While religion-based attacks have notably intensified since the establishment of the new right-wing Israeli government in December 2022, and as such, the attacks of Jewish

Israeli settlers against Christian sites and clergy have also alarmingly intensified, the recent attacks on Mar Elias cannot be discerned as exceptional incidents perpetrated by a few Jewish extremists; rather, they represent an escalation in an already alarming context of Israel's deliberate infringement of any non-Jewish religious rights and its policy to affirm an exclusive Jewish religious and historic narrative over occupied Palestine.

Legal Standards Violated

In attacking Palestinian Churches, their properties, clergy and members, Israel, the Occupying Power, is in deliberate violation of the following:

International Humanitarian Law

Under the standards of International Humanitarian Law (IHL), places of worship are recognized as protected places under the definition of "cultural properties" and no armed groups should attack or destroy them. Below are several standards specifically relating to Churches:

The fourth Hague Convention^[1]:

Article 27: In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

Article 56: The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

Article 1 of the Hague Convention (Convention for the Protection of Cultural Property in the event of Armed Conflicts, 1954).

Additional Protocol I of the Geneva Conventions^[2]

Article 53: Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited:

(a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;

(b) to use such objects in support of the military effort;

(c) to make such objects the object of reprisals.

Article 85(4): In addition to the grave breaches defined in the preceding paragraphs and in the Conventions, the following shall be regarded as grave breaches of this Protocol, when committed wilfully and in violation of the Conventions or the Protocol:

(d) making the clearly-recognized historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given by special arrangement, for example, within the framework of a competent international organization, the object of attack, causing as a result extensive destruction thereof, where there is no evidence of the violation by the adverse Party of Article 53, sub-paragraph (b) , and when such historic monuments, works of art and places of worship are not located in the immediate proximity of military objectives;

Additional Protocol II of the Geneva Conventions [\[3\]](#)

Article 16: Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, it is prohibited to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort.

Customary International Humanitarian Law

Rule 38: Each party to the conflict must respect cultural property:

A. Special care must be taken in military operations to avoid damage to buildings dedicated to religion, art, science, education or charitable purposes and historic monuments unless they are military objectives.

B. Property of great importance to the cultural heritage of every people must not be the object of attack unless imperatively required by military necessity.

Rule 39: The use of property of great importance to the cultural heritage of every people for purposes which are likely to expose it to destruction or damage is prohibited, unless imperatively required by military necessity.

Rule 40: Each party to the conflict must protect cultural property:

A. All seizure of or destruction or wilful damage done to institutions dedicated to religion, charity, education, the arts and sciences, historic monuments and works of art and science is prohibited.

B. Any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, property of great importance to the cultural heritage of every people is prohibited

International Criminal Law

Article 8 of the Rome Statute^[4] - (2)(b)(ix) and (2)(e)(4):

Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

International Human Rights Law

Article 18(1) of the ICCPR states that “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community worship, observance, practice and teaching” and article 18(2) states that “[n]o one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice”.

Article 18(2) bars coercion that would impair the right to have or adopt a religion or belief. Policies or practices having the same intention or effect, such as, for example, those restricting access to education, medical care, employment or the rights guaranteed by article 25 and other provisions of the ICCPR are similarly inconsistent with article 18(2).

Article 20 of the ICCPR states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 27 of the ICCPR guarantees minorities the right to practice and profess their own religion. Similarly, the 1992 UN Declaration on Minorities establishes the obligation of

states to protect the existence and identity of religious minorities within their territories (and in territories under their jurisdiction in the case of the Occupied Palestinian Territories) in article 1, and requires states to ensure that such religious minorities are not discriminated against in its article 4.

The 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief establishes in its article 6 that the right to freedom of religion shall include freedom to worship or assemble in connection with a religion or beliefs, and to establish and maintain places for these purposes.

Human Rights Council resolution 6/37 urges states to “take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to religious minorities”.

General Assembly resolution 64/164 urges states to “ensure that no one within their jurisdiction is deprived of the right to life liberty or security of person because of religion or belief [...] and to bring to justice all perpetrators of violations of these rights”.

General Comment 22 of the CCPR concludes that even when one religion is declared a state religion and is practiced by the majority of the population, this does not justify any discrimination against adherents to other religions.

The Human Rights Committee has recognized that the concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship (CCPR/C/21/Rev.1/Add.4, paragraph 4).

The recommendations of the Forum on Minority Issues at its sixth session recalls that states must act appropriately and rapidly to protect the rights and security of persons belonging to religious minorities under threat, and prosecute anyone who commits, supports or incites violence against them (A/HRC/25/66, para 53). It similarly states that negative portrayal of religious minorities in the media or in official or political discourse has a significant influence on how they may be perceived by the population in general, and should be addressed (para. 59)

In light of the above, not only are the most fundamental rights of Palestinians -collectively and individually- being violated systematically, but also the presence of one of the oldest Christian denominations in the world, and their ancient religious traditions are also significantly threatened by Israel’s systematic violations. We warn that such measures have a drastic impact on the Palestinian Christian presence in its homeland, Palestine,

the cradle of Christianity, and emphasize that each and every measure described in this appeal constitutes a blatant contrast to Israel's obligations under international law.

Therefore, we call on the relevant UN Special Procedures' consideration of this matter as per their respective mandates.

[¹] Convention (IV) respecting the Laws and Customs of War on Land. The Hague, 18 October 1907.

[²] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 1977.

[³] Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, 1977.

[⁴] Statute of the International Criminal Court (Rome Statute of The International Criminal Court, 1998)