

**Urgent Appeal to UN Special Procedures on the Unlawful Seizure of Greek  
Orthodox Church Property in Silwan, Occupied Jerusalem, and its  
Implications on Freedom of Religion, Cultural Heritage, and Minority  
Rights**



Submitted by:

**The Balasan Initiative for Human Rights – Palestine (BIHR)**

**For the attention of:**

- Special Rapporteur on minority issues, Mr. Nicolas Levrat;
- Special Rapporteur on freedom of religion or belief, Ms. Nazila Ghanea;
- Special Rapporteur on the situation of human rights in the Palestinian territories occupied (oPt) since 1967, Ms. Francesca Albanese;
- Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel.
- Special Rapporteur in the field of cultural rights, Ms. Alexandra Xanthaki

**Date of Submission: June 29, 2026**

Your Excellencies,

The Balasan Initiative for Human Rights – Palestine (BIHR) hereby submits this urgent appeal concerning measures carried out by the Israeli occupying authorities on 15 June 2026, which resulted in the forcible seizure of land owned by the Greek Orthodox Patriarchate, located in the town of Silwan in occupied Jerusalem.

These measures raise serious concerns under international humanitarian law and international human rights law and constitute a direct infringement of the *Status Quo*, particularly concerning the protection of religious property, the right to freedom of religion or belief, the safeguarding of cultural heritage, and the rights of minorities in the occupied Palestinian territory (oPt). Taken together, these actions amount to an assault on one of the oldest and most deeply rooted forms of Christian presence and heritage in this land.

## **I. Background and Context**

On 15 June 2026, the Israeli occupying authorities carried out a coordinated operation targeting land owned by the Greek Orthodox Patriarchate in Jerusalem, identified as Plot No. (6) of Basin No. (29985), with an approximate area of 11 dunums, located in the town of Silwan in occupied East Jerusalem.<sup>1</sup>

During the operation, the authorities forcibly expelled the Patriarchate's legal representative from the site, confiscated his equipment, uprooted trees, and sealed off the land with fences and gates, effectively depriving the Patriarchate of access to and administration of its private property.<sup>2</sup>

According to official land registry records, the land is registered as ecclesiastical property under the ownership of the Greek Orthodox Patriarchate of Jerusalem and enjoys a fixed legal status as religious endowment/property.<sup>3</sup> The land is situated in an area of historical and religious significance within the Wadi al-Rababah area, which separates Mount Zion from Jabal al-Mukabber, and lies opposite the Monastery of Saint Onuphrius,<sup>4</sup> located on a site traditionally referred to as the "Field of Blood," which carries religious significance in Christian tradition as the site where the thirty pieces of silver were handed to Judas Iscariot.<sup>5</sup>

---

<sup>1</sup> Issued by a statement of the Jerusalem Governorate.

<sup>2</sup> <https://www.indcatholicnews.com/news/55244>

<sup>3</sup> <https://www.indcatholicnews.com/news/55244>

<sup>4</sup> Information for BIHR based on an interview with Mr. Khalil Toufakji, Director of the Maps and Geographic Information Systems Department in Jerusalem, 25 June 2026.

<sup>5</sup> [Akeldama \(Field of Blood\) « See The Holy Land](#)

The Patriarchate affirmed that reliance on a municipal gardening order issued on 18 April 2019, which expired in April 2024, provides no legal basis for uprooting trees, removing the lawful caretaker, sealing off Church land, or denying the Patriarchate access to its property.<sup>6</sup> In the same context, it stated that it had filed an urgent lawsuit against the Jerusalem Municipality, seeking an injunction to halt the works and compensation for damages caused to Church property. It added that during a hearing held on 11 June 2026, at the Jerusalem Magistrate's Court, the Municipality claimed it was acting under the municipal bylaw on maintaining order and cleanliness (Article 39), which authorizes the Mayor to issue orders for the removal of obstructions from the road.<sup>7</sup>

In this context, the Presidential High Committee for Church Affairs in Palestine indicated that these measures fall within a broader pattern targeting Palestinian land of various classifications, including waqf, religious, and church properties, to impose new facts on the ground and alter the geographic and demographic character of occupied Jerusalem, with corresponding harm to the city's historical identity.<sup>8</sup>

Notably, based on the latest developments and increased settlement expansion and forced evacuations in Silwan, there is an increasing likelihood that this seizure will be integrated into broader plans linked to the "City of David" and "King's Garden" settlement project administered by entities affiliated with the Elad organization.<sup>9</sup>

These indicate that the developments in Silwan are part of a broader and escalating pattern of attacks that seek to undermine the indigenous Christian presence in Palestine. Expressing serious concern over the growing incidents targeting Christians and churches, in the context of what it described as unacceptable international inaction, as that in 2024 alone, 111 incidents of violence or attacks attributed to Israeli actors were documented against Christian clergy, nuns, worshippers, and church communities, including 35 cases directed at churches, monasteries, and religious symbols.

---

<sup>6</sup> [Jerusalem Patriarchate: Silwan Land Grab Violates Church Rights and Jerusalem's Historic Christian Presence - Jerusalem Patriarchate - News Gate](#)

<sup>7</sup> [Jerusalem Patriarchate: Silwan Land Grab Violates Church Rights and Jerusalem's Historic Christian Presence - Jerusalem Patriarchate - News Gate](#)

<sup>8</sup> [\\*Higher Presidential Committee for Church Affairs Condemns Attack on Greek Orthodox Patriarchate Land in Silwan and Arson Attacks on Two Mosques near Ramallah\\* - اللجنة الرئاسية العليا لشؤون الكنائس في فلسطين](#)

<sup>9</sup> [Al-Haq Launches New Report: Finding David: Unlawful Settlement Tourism in Jerusalem's sothe-called 'City of David'](#)

As such, and in this context, the site is being incorporated into development plans of a settlement and tourism-oriented nature, raising serious concerns regarding their implications for church properties in Jerusalem and the extent of compliance with the *Status Quo*.<sup>10</sup>

## **II. Legal Standards Violated**

The situation in the oPt, including East Jerusalem, is governed simultaneously by international humanitarian law, international human rights law, and applicable customary international law. As affirmed by the International Court of Justice in its Advisory Opinion of 9 July 2004 concerning the “*Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem,*” Jerusalem remains occupied territory, and Israel, as the occupying power, is bound by the Hague Regulations of 1907, the Fourth Geneva Convention of 1949, applicable human rights treaties, and the corresponding rules of customary international law.

Under the law of occupation, the occupying power does not acquire sovereignty over occupied territory and may not permanently alter its legal, demographic, cultural, or institutional character. It must administer the territory on a temporary basis while respecting private property, religious institutions, cultural heritage, and the rights of the protected population.

The legal framework applicable to occupied Jerusalem must also be understood in light of the longstanding *Status Quo* governing the Holy Places and religious institutions. Originating in the Ottoman period and subsequently reaffirmed through successive international instruments, including United Nations General Assembly Resolution 181 (II), the Status Quo constitutes an internationally recognized legal regime regulating the rights, administration, and protection of religious sites and ecclesiastical institutions in Jerusalem.<sup>11</sup> Accordingly, measures affecting church-owned property and the administration of religious institutions must be assessed not only under international humanitarian and human rights law, but also in light of the occupying power's obligation to respect and preserve this longstanding legal and institutional framework.

---

<sup>10</sup> [Jerusalem Patriarchate: Silwan Land Grab Violates Church Rights and Jerusalem's Historic Christian Presence - Jerusalem Patriarchate - News Gate](#)

<sup>11</sup> [Israel's Systematic Breaches of the Status Quo of Jerusalem and the Consequential Erosion of Christianity: Between the Israeli Occupation and International Complicity Report and Summary – Balasan Initiative For Human Rights](#)

Against this legal framework, the measures described in the present communication raise serious concerns under both international humanitarian law and international human rights law. The forcible removal of the Greek Orthodox Patriarchate's representative, the fencing and physical alteration of church-owned land, the denial of access to registered ecclesiastical property, and the apparent incorporation of the site into settlement-related municipal and tourism projects extend beyond ordinary administrative regulation. On the information presently available, these measures constitute an unlawful interference with protected religious property in occupied territory, undermine the centuries-old *Status Quo* governing church property in Jerusalem, and threaten the continued exercise of the institutional and collective dimensions of freedom of religion.

The available information further indicates that the measures may form part of a broader process of settlement expansion in the Silwan area, including the anticipated incorporation of the site into Israel's "City of David" and "King's Garden" projects. If confirmed, such measures would engage Article 49(6) of the Fourth Geneva Convention, which prohibits an occupying power from transferring parts of its own civilian population into occupied territory, as well as the broader prohibition against altering the demographic and geographic character of occupied territory.<sup>12</sup>

When considered cumulatively, the measures described above also warrant examination under international criminal law. Depending on the factual findings, they may raise questions concerning unlawful appropriation of property, persecution on religious or national grounds, and other conduct prohibited under the Rome Statute of the International Criminal Court.

#### **A. Violation of the Protection of Property under International Humanitarian Law**

International humanitarian law prohibits the destruction, appropriation, or confiscation of private property in occupied territory except where imperatively required by military necessity. This principle is reflected in Articles 46 and 52 of the Hague Regulations (1907) and Articles 53 and 147 of the Fourth Geneva Convention (1949). In the present case, no military necessity appears to justify the seizure of the Patriarchate's land, its physical enclosure, or the denial of access to its lawful representatives. These measures, therefore,

---

<sup>12</sup> [THE GENEVA CONVENTIONS OF 12 AUGUST 1949](#)

raise serious concerns of unlawful appropriation and interference with protected ecclesiastical property.<sup>13</sup>

## **B. Protection of Religious Property and Institutional Religious Life**

Religious institutions and ecclesiastical property enjoy enhanced protection under international humanitarian and human rights law. Article 27 of the Fourth Geneva Convention and Article 18 of the ICCPR protect both the individual and institutional exercise of religion.<sup>14</sup> The removal of the Patriarchate's representative and the restriction of access to church-owned land interfere with the Church's ability to administer and preserve its property, thereby undermining the institutional dimension of religious life.

## **C. Violation of Freedom of Religion or Belief**

The measures described constitute an interference with the collective exercise of freedom of religion or belief, including the ability of a religious institution to administer, maintain, and preserve its property. Any restriction on this right must be prescribed by law, pursue a legitimate aim, and satisfy the requirements of necessity and proportionality under Article 18 of the ICCPR. Based on the available information, these requirements do not appear to have been met.<sup>15</sup>

## **D. Protection of Cultural Heritage**

The land forms part of the historical and religious landscape of occupied East Jerusalem and is closely associated with the city's Christian heritage. International humanitarian law, including the 1954 Hague Convention for the Protection of Cultural Property, requires the protection of cultural heritage in occupied territory. The alteration of the site and its reported incorporation into settlement-related projects raise serious concerns regarding compliance with these obligations.<sup>16</sup>

## **E. Prohibition on the Transfer of the Occupying Power's Civilian Population**

Article 49(6) of the Fourth Geneva Convention prohibits the transfer by an occupying power of parts of its own civilian population into occupied territory. The reported incorporation of the site into settlement-linked infrastructure and tourism projects may form part of a broader

---

<sup>13</sup> [THE GENEVA CONVENTIONS OF 12 AUGUST 1949](#)

<sup>14</sup> [International Covenant on Civil and Political Rights | OHCHR](#)

<sup>15</sup> [International Covenant on Civil and Political Rights | OHCHR](#)

<sup>16</sup> [1954 Convention | UNESCO](#)

pattern facilitating settlement expansion and altering the demographic and geographic character of occupied East Jerusalem.<sup>17</sup>

## **F. Protection of Minority Rights**

These measures also engage the rights of religious and ethnic minorities under Articles 2, 18, 26, and 27 of the ICCPR, which guarantee non-discrimination and the right of minorities to enjoy their culture, religion, and to maintain their institutions. Interference with a central ecclesiastical property may result in a disproportionate impact on the Palestinian Christian minority and its collective religious life.<sup>18</sup>

## **Recommendations**

1. Urge Israel, as the occupying power, to immediately cease and reverse all measures related to the seizure, fencing, alteration, or development of land owned by the Greek Orthodox Patriarchate in Silwan, and to restore full access, possession, and administrative control to the lawful owner.
2. Request detailed information from the Government of Israel on the legal basis, purpose, and proportionality of the measures taken, including clarification of any linkage to municipal planning, settlement-related, settlements development projects.
3. Reaffirm the applicability of international humanitarian law in occupied East Jerusalem and recall the prohibition on the appropriation of property, the alteration of the legal status of occupied territory, and the transfer of the occupying power's civilian population.
4. Call on Israel to respect and protect the *Status Quo* governing church properties and religious sites in Jerusalem, and to refrain from any unilateral actions affecting ecclesiastical land and institutions.
5. Urge the protection of cultural and religious heritage in Silwan in accordance with international law, and to ensure that heritage protection frameworks are not used to facilitate dispossession or settlement expansion.

---

<sup>17</sup> [THE GENEVA CONVENTIONS OF 12 AUGUST 1949](#)

<sup>18</sup> [International Covenant on Civil and Political Rights | OHCHR](#)

6. Address the discriminatory impact of these measures on the Palestinian Christian minority and recall Israel's obligations to protect minority rights and prevent practices that undermine their religious, cultural, and institutional presence.

**END.**