



Legal Background and Factual Updates on the Situation in Palestine

November 2023



London | Washington

Contents

01

General Context on the Situation in Palestine

3

02

Israel's Violence Against and Detention of Palestinians

5

03

Expansion of Settlements in the West Bank, including East Jerusalem

7

04

Israel's Blockade and Wars on Gaza

9

05

The October 2023 Escalation

11

06

Israel's Main Violations of International Law During the Occupation

15

07

Media Coverage

18

08

Targeting of Worshipers and Places of Worship

20

*

Footnotes

25

01

[← BACK TO CONTENTS](#)

General Context on the Situation in Palestine



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01

General Context on the Situation in Palestine

- Israel’s colonization of Palestinian land has been ongoing since as early as 1917, when the British Government declared its intent in the Balfour Declaration to establish “a national home for the Jewish people” in Palestine, despite the fact that only 5-7% of the population at the time was Jewish.¹
- **Israel’s establishment in 1948 involved the ethnic cleansing of 750,000 Palestinians from their historic lands.**²
- In June 1967, following a long planned lightning first strike, Israel occupied East Jerusalem, the West Bank, and Gaza—together, the occupied Palestinian territories (“OPT”)—as well as the Syrian Golan Heights.³
- Since then, Israel has failed to engage in the peace process in good faith. It has consistently rejected peace initiatives while **using the prospect of a negotiated solution as a cover for its expansion of settlements and ongoing theft of land in Palestine.**⁴ It has most recently sought counterproductive normalization agreements with Arab States without making any progress toward ending the occupation.
- Since 1967, there have been over 45 **UN Security Council Resolutions** adopted pertaining to the Question of Palestine, which Israel has ignored and not implemented. An additional 44 proposed Resolutions have been vetoed since 1954,⁵ mostly by the United States (37 out of 44, and all resolutions since 1972⁶).
- On 16 October 2023, the United States, the UK, France, and Japan voted against a Security Council resolution proposed by Russia that would have called for a humanitarian ceasefire in Gaza.⁷
- On 18 October 2023, the United States vetoed a new United Nations Security Council resolution proposed by Brazil that would have called for “humanitarian pauses to allow for the delivery of aid and the voluntary safe passage of civilians”.⁸
- At the same time, **Israel and its allies have persistently obstructed Palestinians’ attempts to nonviolently resist the occupation, achieve a two State solution, and/or obtain accountability.** They have:
 - Blocked Palestine’s bid for Statehood at the United Nations;
 - Condemned all peaceful civil society movements attempting to put pressure on Israel to end the occupation, including the Boycott Divestment and Sanctions (“BDS”) movement;
 - Obstructed international investigations and accountability mechanisms, including before the International Criminal Court (“ICC”)⁹ and the International Court of Justice (“ICJ”).¹⁰

02

[← BACK TO CONTENTS](#)

Israel's Violence Against and Detention of Palestinians



02

Israel's Violence Against and Detention of Palestinians

- The number of Palestinians killed by Israeli hands has continuously increased since 1948.
- Between September 2000 and September 2023 alone, **Israeli forces killed 10,555 Palestinians, including 2,270 children and 656 women.**¹¹
- Israel has engaged in the **mass incarceration of Palestinians**. According to the the UN Special Rapporteur on the Situation of Human Rights in the OPT:¹²
 - Between 1967 and 2006, **Israel incarcerated over 800,000 Palestinians;**
 - Israel detained over 100,000 Palestinians during the First Intifada (1987-1993), 70,000 during the Second Intifada (2000-2006), and over 6,000 during the 'Unity Intifada' (2021);
 - Approximately 7,000 Palestinians, including 882 children, were arrested in 2022 alone;
 - As of June 2023, **almost 5,000 Palestinians, including 155 children, were being detained by Israel, 1,014 of them without charge or trial.**

03

[← BACK TO CONTENTS](#)

Expansion of Settlements in the West Bank, including East Jerusalem



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Expansion of Settlements in the West Bank, including East Jerusalem

- Israel’s settlement policy began immediately after it occupied the OPT in 1967.¹³
- By 2004, there were approximately 400,000 Jewish Israeli settlers in East Jerusalem and “Area C” of the West Bank.¹⁴
- The maintenance and expansion of Jewish Israeli settlements is a key policy goal of Israel. Its 2018 Basic Law provides that “[t]he State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and consolidation”.¹⁵
- In 2004, the ICJ found that “**Israeli settlements in the Occupied Palestinian Territory ... have been established in breach of international law**”.¹⁶
- The number of Jewish Israeli settlements has significantly increased since then:
 - In the past decade alone, the number of Jewish Israeli settlers increased by 43%, more than 20 times the population growth rate in Israel itself.¹⁷
 - Between 2004 and 2020, Israel permitted more than 47,000 additional Jewish Israeli settlers to move to East Jerusalem;¹⁸ the total is now about 200,000.¹⁹
 - As of 2023, there are about 265 settlements and 500,000 settlers in the West Bank.²⁰
- Israel facilitates these settlements through the construction of infrastructure that effectively integrates them into Israel’s pre-1967 borders, including most prominently, the **80-kilometer wall** that encroaches into the West Bank. The ICJ held in 2004 that the wall violates international law and that it must be dismantled.²

04

[← BACK TO CONTENTS](#)

Israel's Blockade and Wars on Gaza



Israel's Blockade and Wars on Gaza

- Home to approximately 2.2 million people, Gaza is among the most densely populated territories in the world.²² Half of Gaza's population is children, and more than two-thirds are refugees (i.e., those displaced in 1948 and their descendants).²³
- Since 2007, Israel has blockaded Gaza by air, sea, and land, creating "world's largest open air prison, where the prison guard is Israel".²⁴ Israel implements its blockade principally by (i) restricting the movement of people into and out of Gaza; (ii) restricting the movement of goods into and out of Gaza; (iii) restricting the provision of electricity to Gaza; and (iv) establishing land and sea buffer zones within Gaza.
- According to the most recent data available, in 2021: approximately 62.2% of Gaza residents are food insecure;²⁵ 60% live in poverty;²⁶ 50% are unemployed;²⁷ "80% of Gaza's population live much of their lives in the dark, with only 10-12 hours of electricity per day"²⁸ and 78% of the available water is unfit for human consumption.²⁹
- Israel has violently suppressed attempts to peacefully protest the blockade. In the "Great March of Return" (March 2018 to December 2019), thousands of unarmed Palestinians peacefully approached or entered the "buffer zone" Israel unilaterally established within Gaza:
 - Israeli soldiers shot over 8,000 Palestinians with live ammunition, killing 214, virtually all of whom were civilians, including 46 children.³⁰
 - Israel killed 60 demonstrators in a single day on 14 May 2018.³¹
 - In March 2018 alone, the IDF shot 20 journalists covering the Great March of Return in Gaza, killing two of them.³²
- Prior to October 2023, Gaza had been subjected to at least 12 major military attacks since 2006. These killed at least **5,365 civilians, including over 1,206 children and 586 women**.³³
 - Although Israelis have also died during these operations, the death tolls have always been heavily lopsided. In operation "Cast Lead",³⁴ which lasted for six weeks in 2008-2009, for example, Israel killed 1,400 Palestinians, most of whom were civilians, including 339 children.³⁵ In contrast, only nine Israelis were killed, three of whom were civilians.³⁶

05

[← BACK TO CONTENTS](#)

The October 2023 Escalation



The October 2023 Escalation

- The international community has warned for years that the *status quo* in the OPT is unsustainable and that Israel’s ongoing occupation is causing a spiralling cycle of violence.
 - Former UN Secretary-General Ban Ki-Moon and former High Commissioner for Human Rights Mary Robinson, warned that the situation in the OPT “risk[ed] an uncontrollable explosion of violence on both sides”.³⁷
 - Tor Wennesland, the UN Special Coordinator for the Middle East Peace Process also cautioned: “The lack of progress towards a political horizon that addresses the core issues driving the conflict has left a dangerous and volatile vacuum”.³⁸
- Since the outbreak of violence on 7 October 2023, Qatar has:
 - Condemned in the strongest possible terms the targeting and killing of civilians and all international crimes, regardless of their perpetrators.
 - Expressed its deep concern over the developments in Gaza and called on all parties to de-escalate and exercise maximum restraint.
 - Underscored that the Government of Israel is the sole party capable of ending these cycles of violence by ending the occupation.
- The actions of the Government of Israel have also been condemned domestically.

For example, the day after the 7 October 2023 attack by Hamas, the editorial board of the Haaretz newspaper blamed events on “one person: Benjamin Netanyahu” because he “embrac[ed] a foreign policy that openly ignored the existence and rights of Palestinians”.

 - **Israel has since carried out the most brutal campaign it has ever waged against Gaza.** It has:
 - Vowed to turn Gaza into “rubble”.³⁹
 - Imposed a complete siege on Gaza, cutting off water, food, fuel, electricity and medical supplies.
 - Dropped over 6000 bombs on Gaza in the first week only.⁴⁰
 - As of 23 October 2023:
 - **Killed 5,087 Palestinians, including 2,055 children, 1,119 women⁴¹ (and 120 elderly people as of 18 October 2023).**⁴²
 - Injured another 15,273,⁴³ (including 3,983 children and 3,300 women as of 18 October 2023).⁴⁴
 - Bombed the Rafah crossing into Egypt as people gathered there after Prime Minister Netanyahu called for people to leave Gaza.
 - Ordered 1.1 million Palestinian civilians living in northern Gaza to leave their homes and evacuate to the southern part of Gaza within 24 hours. The UN condemned this ultimatum, warning that

The October 2023 Escalation continued...

it would be “extremely dangerous”⁴⁵ if not “impossible” to implement and would lead to “devastating humanitarian consequences”.⁴⁶

- Targeted the Al Ahli Baptist Hospital, resulting in the deaths of over 500 people. After first taking credit for the attack, Israel attempted to deflect responsibility following international condemnation.
- Killed more than 100 children every day since it started bombing Gaza.
- Caused all health facilities to be at risk of complete shutdown due to power outages and the severe shortage of fuel and medicine.
- As of 23 October, Israel has:
 - Hit 206 educational facilities, including at least 29 UNRWA schools, eight of which were used as emergency shelters for internally displaced people.⁴⁷ As of 19 October 2023, 140 Palestinian Authority schools were hit, one of which was destroyed. One university was damaged.⁴⁸
 - Targeted 34 health facilities, forcing work to stop in 12 hospitals and 46 primary care clinics. At least 16 health workers were killed, and 30 others injured while on duty.
 - Killed at least 35 UNRWA staff.⁴⁹
 - Damaged seven churches and destroyed at least eleven mosques.⁵⁰ Israel targeted Gaza’s oldest Church, a Greek Orthodox Church (the Church of Saint Porphyrius). The Church served as shelter for the displaced. This led to the killing of over 18 people.⁵¹
- **Following the October 7 attacks, Israel’s hostilities not only escalated in Gaza, but in the West Bank as well:**
 - Israel has imposed an unprecedented lockdown on the entire civilian territory, closing its vast network of checkpoints and thereby completely cutting off cities, towns and villages from each other.⁵²
 - Israel has distributed weapons to settlers, who have been filmed shooting unarmed Palestinians at point blank range.⁵³
 - Israel launched an air strike on a mosque in the Jenin refugee camp, killing at least two people and injuring three others.⁵⁴
 - As of October 23:
 - 95 Palestinians were killed. Including 28 children.
 - 1,700 Palestinians were injured, including at least 157 children.
 - At least 82 Palestinian households, comprising 607 people, over half of whom are children, have been displaced from 13 communities in Area C of the West Bank.
 - 120 settler attacks against Palestinians resulting in casualties or property damage, including some where Israeli forces were involved. This represents an average of seven incidents per day, compared with a daily average of three incidents per day since the beginning of this year.⁵⁵
- **International condemnation of Israel’s actions:**
 - OPT Special Rapporteur Francesca Albanese: “Human rights organisations have said it all along that continuing to oppress a population with total impunity would lead to a catastrophe, and this is what is happening ... And I am sorry but

The October 2023 Escalation continued...

the responsibility for what is happening is also on the international community which has one opportunity now to be wise and be even-handed”.⁵⁶

- Gisha (Israeli NGO): “There are already clear indications that Israel is committing war crimes in Gaza. Israel has a right and an obligation to protect its citizens, it does not have a right to commit war crimes”.⁵⁷
- Physicians for Human Rights – Israel (“PHRI”) & B’Tselem (joint statement): “The desire to take revenge on everyone, to starve them, deprive them of drinking water, keep them in darkness, reflects a criminal policy that defies international humanitarian law and constitutes a war crime”.⁵⁸
- Norwegian Refugee Council (joint statement with other international aid agencies): “A forced relocation without any guarantees of safety or return and without providing for the needs of the protected population, risks amounting to forcible transfer, which is a grave breach of international humanitarian law and codified as a war crime. ... Israel must rescind this order immediately”.⁵⁹
- The Orthodox Patriarchate of Jerusalem condemned the Israeli airstrike that struck a Greek Orthodox Church, emphasizing that “targeting churches and their institutions, along with the shelters they provide to protect innocent citizens, especially children and women who have lost their homes due to Israeli airstrikes on residential areas over the past thirteen days, constitutes a war crime that cannot be ignored”.⁶⁰
- **Israel’s policy of revenge:**
 - Israel has made clear that its actions are not motivated by military necessity but by revenge and are focused on “damage and not on accuracy”.⁶¹
 - In an explicit confirmation that Israel considers all Palestinians in Gaza legitimate targets, the Israeli President, Isaac Herzog, stated that “it is an entire nation out there that is responsible ... it is not true this rhetoric about civilians not being aware, not involved”.⁶²
 - Israeli officials’ racist incitement and dehumanizing language against Palestinians is indicative of their policies:
 - Israeli Defence Minister Yoav Gallant referred to the entire civilian population of Gaza as “human animals”.⁶³
 - Ariel Kallner, a member of the Israeli Knesset, stated: “right now, one goal: Nakba! A Nakba that will overshadow the Nakba of 48”.⁶⁴
 - Ezra Yachin, a 95-year-old veteran of the Israeli Army, recently deployed by the Israeli military to “motivate” IDF troops, stated on video: “Erase them, their families, mothers and children. These animals can no longer live. ... Every Jew with a weapon should go out and kill them. If you have an Arab neighbour, don’t wait until he comes into your house. Enter his house and shoot”.⁶⁵
 - Israeli Prime Minister Benjamin Netanyahu tweeted: “This is a struggle between the children of light and the children of darkness, between humanity and the law of the jungle”.⁶⁶

06

[← BACK TO CONTENTS](#)

Israel's Main Violations of International Law During the Occupation



Israel's Main Violence of International Law During the Occupation

- It is incontrovertible that Israel has committed egregious and continued violations of international human rights law and international humanitarian law during the course of its illegal occupation of the OPT, including:⁶⁷
 - **Innumerable human rights violations** (including for example the violation of the right to life and security of person, the right to liberty of person, the right to liberty of movement, and the right to freedom of opinion and expression and the right to peaceful assembly).
 - **Violations of international humanitarian law** (including grave breaches, also known as war crimes, as well as the **establishment of settlements and annexation of Palestinian land**).
 - **Apartheid** (Prominent voices have warned for years that Israel's occupation increasingly exhibits characteristics of apartheid.⁶⁸ Since these warnings were issued, Israel's discriminatory practices and policies have intensified to such a degree that apartheid is no longer a spectre on the horizon but the reality of the occupation today).
 - In January 2021, the Israeli human rights organization B'Tselem published a policy paper detailing its conclusion that the Israeli government is implementing a system of apartheid.⁶⁹
 - In April 2021, Human Rights Watch issued a more than 200-page report detailing its finding that Israeli authorities have perpetrated the crime apartheid in the OPT.⁷⁰
 - In February 2022, Amnesty International issued a nearly 300-page report finding that "Israel's system of institutionalized segregation and discrimination against Palestinians, as a racial group, in all areas under its control amounts to a system of apartheid".⁷¹
 - In March 2022, Michael Lynk, then Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967, issued a report in which he concluded "that the political system of entrenched rule in the Occupied Palestinian Territory ... satisfies the prevailing evidentiary standard for the existence of apartheid".⁷²
 - **Other crimes against humanity** (such as persecution and mass murder, as noted above).
- The Gaza October 2023 attack alone has arguably implicated the violation of numerous international crimes codified in the Rome Statute: war crimes, crimes against humanity, and perhaps even genocide. These include:
 - Declaring a siege and imposing a complete ban of objects essential for life

Israel’s Main Violence of International Law During the Occupation continued...

from entering the territory, including food, medical supplies, fuel, electricity, and water. Multiple UN mandate holders and human rights organizations have expressed the view that these cruel and inhumane actions constitute “intentional starvation”,⁷³ a war crime.⁷⁴

- **Forcibly transferring of half of Gaza’s civilian population by instructing all residents of Gaza City to move to the area south of the Wadi Gaza.** In a rare public rebuke, the International Committee of the Red Cross (“ICRC”) (which is ordinarily extremely circumspect) explicitly confirmed its assessment that “[t]he instructions issued by the Israeli authorities for the population of Gaza City to immediately leave their homes ... are not compatible with international humanitarian law”.⁷⁵ If carried out, they also amount to the crime against humanity of forcible transfer of a civilian population.⁷⁶
- **Bombing hospitals, schools and religious sites.** Israel has illegally targeted multiple hospitals,⁷⁷ UNRWA schools,⁷⁸ and several churches and mosques,⁷⁹ which enjoy protected status under international law.⁸⁰
- **The use of white phosphorus indiscriminately in civilian areas.** For the first time since 2009,⁸¹ Human Rights Watch has confirmed that Israel has employed “[w]hite phosphorous [which] is unlawfully indiscriminate when airburst in populated urban areas, where it can burn down houses and cause egregious harm to civilians”.⁸²
- **Warning Signs of Genocide:** According to multiple UN experts: “We are sounding the alarm: There is an ongoing campaign by Israel resulting in crimes against humanity in Gaza. Considering statements made by Israeli political leaders and their allies, accompanied by military action in Gaza and escalation of arrests and killing in the West Bank, there is also a risk of genocide against the Palestine people”.⁸³

07

[← BACK TO CONTENTS](#)

Media Coverage



Media Coverage

- The Institute for Middle East Understanding issued in 2021 Best Practices to provide guidance for reporting on Palestine/Israel.⁸⁴ The practices include “[v]alu[ing] and humanize Palestinian lives equally to Israeli lives”, “[c]it[ing] international law and human rights organizations”, and “[not] us[ing] passive language to describe Israeli violence against Palestinians”.⁸⁵
- News outlets continue nevertheless to exhibit bias in their reporting of the situation in Palestine, deepening the inequality between Israel and Palestine. For instance:
 - Some news outlets have made a specific choice of words when describing events, choosing passive verbs (e.g., “died”) to describe what Palestinian civilians suffered and active ones (e.g., “killed”) to describe what their Israeli counterparts suffered. Others have also described attacks and deliberate bombings as “blasts” or “explosions”.
 - Following the beginning of the 7 October events, **The Guardian**’s editorial used the following opening: “[t]he murderous rampage carried out by Hamas across southern Israel on Saturday was not just shocking and horrifying but seismic”,⁸⁶ only providing some context paragraphs later.
 - The Real News Network reported that in the past two weeks, **The Atlantic** magazine has published 38 articles on the situation in Palestine, only one of which was by a Palestinian and even then, he is pro-Israel.⁸⁷ Unsurprisingly, *none* of the articles by the non-Palestinian authors were objective. Other news outlets have done much the same in the past. A 2020 study by historian Maha Nassar shows that since 1979, only 46 of 2,490 (1.8%) New York Times op-eds discussing Palestine were authored by Palestinians.⁸⁸
 - The bias is not limited to recent events. In this original article from 2014 reporting the Israeli bombing of a cafe in Gaza, **The New York Times** initially published it with the following title: “Missile at Beachside Gaza Cafe Finds Patrons Poised for World Cup” before being replaced by this one, following public outcry:⁸⁹ Rubble of Gaza Seaside Cafe, Hunt for Victims Who Had Come for Soccer”.⁹⁰ “In Rubble of Gaza Seaside Cafe, Hunt for Victims Who Had Come for Soccer”.⁹⁰
- On 21 October 2023, **The Guardian** published an article describing the widespread attempts to suppress pro-Palestinian views in the US, including by cancelling events of Muslim-American and Palestinian organisations.⁹¹
 - CBS and ABC had “segments [of an interview with Noura Erakat, a Palestinian American human rights lawyer] pulled from playbacks of the shows online” because “she challenged pro-Israel narratives pushed by the presenters and sought to explain the Hamas attack in the wider context of occupation and oppression”.⁹² In contrast, when Jonathan Greenblatt, the head of the Anti-Defamation League, appeared on MSNBC “he was permitted to make a long and unchallenged speech in which he likened discussion of the broader causes of the conflict and Israeli policies to support for terrorism”.⁹³ Other Palestinian-American analysts have described similar treatment by other television networks, including CNN.⁹⁴

08

[← BACK TO CONTENTS](#)

Targeting of Worshippers and Places of Worship



© DPA / Picture Alliance via Reuters

Targeting of Worshipers and Places of Worship

- **General context:**

- **Jerusalem holds enormous religious and cultural significance for billions of believers of the three monotheistic religions throughout the world.**⁹⁵

- It is, among other things, home to the Church of the Holy Sepulchre, which is the site of the crucifixion and resurrection of Christ; the Al-Aqsa Mosque (*al-Haram al-Sharif*), which is where the night journey (*israa*) and ascension to heaven (*mi'raj*) of the Prophet Mohammed took place, the original direction of prayer for Muslims (*qibla*), and the third holiest sanctuary of Islam; and the Western (Wailing) Wall, which is the last remnant of the second Jewish Temple, the holiest site in Judaism.

- Jerusalem's holy sites are governed by the “*Status Quo* of Jerusalem”; *i.e.*, “specific guarantees of access to the Christian, Jewish and Islamic Holy Places ... without distinction as to nationality, subject to requirements of national security, public order and decorum”, the binding nature of which the ICJ has affirmed and Israel has accepted.⁹⁶

- As explained by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, **Israel has engaged in the destruction, erasure and reinvention of Palestinian cultural heritage in East Jerusalem** (e.g., the destruction of the

Mughrabi Quarter at the beginning of the occupation and destructive archaeological excavations in and around Christian and Muslim sites in Jerusalem).⁹⁷

- Minority Palestinian groups are especially vulnerable to the effects of Israel's unlawful measures in Jerusalem.⁹⁸ These already small Christian communities are shrinking with each passing year due to ever-increasing persecution and pressure on them to abandon their historic churches, homes and lands. There were more than 27,000 Christians in Jerusalem at the start of the occupation, but only 15,000 remain today.⁹⁹ exploded.¹⁰⁰ At the same time, the population of Jewish settlers has exploded.¹⁰⁰

- **Israel's violations of Palestinians' right to worship** has been the subject of concluding observations by various human rights treaty bodies, including:

- In 2010, the UN Human Rights Committee noted its concern “at frequent disproportionate restrictions on access to places of worship for non-Jews”.¹⁰¹

- In 2019, the UN Committee on Economic Social and Cultural Rights expressed its concern about the fact “that Palestinians living in the Gaza Strip are impeded from visiting religious sites in the West Bank, including East Jerusalem, due to the closure policy of [Israel] and that Palestinians living in the West Bank too are restricted from visiting religious

Targeting of Worshippers and Places of Worship continued...

sites in East Jerusalem”.¹⁰²

- Different UN mandate holders have reached similar conclusions.¹⁰³
- In addition to destroying Palestinian religious heritage and impeding Palestinians’ freedom of worship in the context of its occupation, **Israel has also targeted and destroyed cultural and religious sites during its wars on Gaza.** In its May 2021 attack on Gaza alone, Israel damaged or destroyed “124 places of worship,” including churches and mosques, as well as archaeological sites and ruins.¹⁰⁴ **In its latest October 2023 attacks, Israel has damaged or destroyed so far at least 20 churches and mosques in Gaza and the West Bank.**¹⁰⁵
- **Targeting of Muslim worshippers and Muslim places of worship:**
 - Three days after the Six-Day War in 1967, Israel completely destroyed an entire neighborhood of East Jerusalem, the Mughrabi Quarter, “to make space for the Wailing Wall esplanade”.¹⁰⁶
 - Beginning in 1968, Israel has excavated a tunnel along the western wall of al-Haram al-Sharif (also known as the al-Aqsa Mosque compound or the Temple Mount) to allow access to additional portions of the western wall either hidden underground or behind the buildings of the Muslim Quarter.¹⁰⁷ This has given rise to “serious fears for the stability of the Islamic monuments [*i.e.*, al-Haram al-Sharif], particularly following the appearance of cracks in the walls and the partial collapse of some of the buildings”.¹⁰⁸ As recently as June 2022, the Director-General of the Jerusalem Waqf, an organ of Jordan that administers the al-Haram al-Sharif, “warned that the mosque could be in danger of collapse if the digging continued at its current intensity”.¹⁰⁹
 - These and other excavations have been condemned by numerous UN bodies. As far back as 1981, the UN General Assembly determined that the excavations “seriously endanger the historical, cultural and religious sites of Jerusalem”.¹¹⁰ UNESCO has issued similar condemnations on dozens of occasions.¹¹¹ Most recently, in May 2023, the UNESCO Executive Board expressed its regret at “the failure of the Israeli occupying authorities to cease the persistent excavations, tunneling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem”.¹¹² Despite repeated efforts, Israeli authorities have refused to permit the establishment of a UNESCO monitoring mechanism in East Jerusalem.¹¹³
 - Similar excavations, construction works, and alterations threaten other Palestinian sites in the West Bank, affecting the “authenticity and integrity” of the sites, and their “original character”.¹¹⁴
 - Currently, three cultural heritage sites in the OPT are listed on UNESCO’s list of World Heritage in Danger, including in Jerusalem and Hebron.¹¹⁵
 - In Hebron, for example, the Ibrahimi Mosque has been partially converted into a synagogue,¹¹⁶ with the Wall encircling the site.¹¹⁷
 - Since the beginning of the occupation in 1967, Israel has regularly entirely or partially prohibited Muslims from worshipping at al-Haram al-Sharif.¹¹⁸

Targeting of Worshippers and Places of Worship continued...

Although the Jerusalem Waqf administers al-Haram al-Sharif and other Islamic holy places,¹¹⁹ Israel is in effective control of access to them.¹²⁰ Israeli authorities frequently limit access to the site to Muslims over a certain age, especially during religiously significant times such as the Muslim holy month of Ramadan.¹²¹

- Recent examples of assaults on Muslim worshippers and their holy sites include the following:
 - Over the past decade, Al Aqsa Mosque has been subjected to raids and attacks at least nine times, resulting in death and injuries of Palestinian worshippers.¹²²
 - According to the OPT Special Rapporteur, in April 2023, during Ramadan, “Israeli forces violently entered Al-Aqsa Mosque, used stun grenades and tear gas, fired sponge-tipped bullets, and indiscriminately beat Muslim worshippers—including elderly people and women—with batons and rifle butts. At least 450 Palestinian men were reportedly arrested, and some were kicked and slapped by escorting soldiers as they were led out of the Haram Al-Sharif compound in handcuffs”.¹²³
 - In violation of the *Status Quo*, Israeli officials, members of the Knesset and settlers, supported by Israeli forces, have stormed Al-Aqsa Mosque at least ten times over the past year. The last provocation took place on 4 October 2023.¹²⁴ Israel’s far-right National Security Minister, Itamar Ben-Gvir, has been at the forefront of these provocations, entering Al-Aqsa Mosque at least three times during the past year, in disregard of warnings that his entrance would inflame tensions.¹²⁵ The OPT Special Rapporteur highlighted that “the well-known desire of Israeli settlers to either destroy the mosque or forcibly convert all or part of the compound into a synagogue, as happened to the Ibrahimi Mosque in Hebron, is a source of deep anxiety among Palestinians”.¹²⁶
- On 22 October 2023, Israel launched an airstrike on the Al-Ansar Mosque in West Bank city, Jenin.¹²⁷
- Targeting of Christians and Christian places of worship:
 - The Jerusalem Inter-Church Centre, which coordinates among different Christian denominations, explained that “2023 is shaping up to be the worst year for Christians in a decade”.¹²⁸ As reported by the *Guardian*, Jerusalem’s “2,000-year-old Christian community has come under increasing attack, with the most rightwing government in Israel’s history emboldening extremists who have harassed clergy and vandalised religious property at a quickening pace”.¹²⁹ The Latin Patriarch of Jerusalem explained that “[t]he frequency of these attacks, the aggressions, has become something new ... These people feel they are protected ... that the cultural and political atmosphere now can justify, or tolerate, actions against Christians”.¹³⁰
 - Recent examples of assaults on Christians and their holy sites include:
 - In January 2023, a Maronite Christian Centre was vandalised, and graffiti was scrawled across the Armenian Quarter reading “death to Christians,” “death

Targeting of Worshippers and Places of Worship continued...

- to Arabs and gentiles” and “death to Armenians”.¹³¹
- Also in January 2023, “religious Jews knocked over and vandalized 30 graves marked with stone crosses at a historic Christian cemetery in the city”.¹³²
- In February 2023, “a religious American Jew yanked a 10-foot rendering of Christ from its pedestal and smashed it onto the floor, striking its face with a hammer a dozen times at the Church of the Flagellation on the Via Dolorosa, along which it’s believed Jesus hauled his cross toward his crucifixion. ‘No idols in the holy city of Jerusalem!’ he yelled”.¹³³
- In March 2023, “two radical Israeli men reportedly entered the Church of Gethsemane in East Jerusalem, where the Tomb of the Virgin Mary lies, and physically attacked a bishop and two priests who were taking part in a religious service, while attempting to deface items in the church”.¹³⁴
- In April 2023, when “a masked Jewish Israeli tr[ie]d to scale [a] wall to take down the Armenian patriarchate flag, which bears a cross”, the Armenian residents who stopped him were “pepper sprayed [and] called terrorists” by the Israeli police.¹³⁵
- “Priests of all denominations say they’ve been stalked, spat on and beaten during their walks to church”.¹³⁶ This was confirmed in June 2023 when “[a]n Israeli journalist was derided and spat at, including by a child and a soldier, as he spent a day dressed as a priest in Jerusalem to investigate spiraling hate crimes against Christians in the city”.¹³⁷
- As mentioned above, on 20 October 2023, Israel bombed St. Porphyrius Greek Orthodox Church in Gaza—one of the oldest in the world—killing at least 18 people.¹³⁸
- In addition to emboldening and failing to prevent settler violence and hate speech against Palestinian Christian minorities, Israeli forces themselves restrict their freedom of worship, including by violent means:
 - In 2022 and again in 2023, Israel restricted Christians’ access to the Holy Light Ceremony in the Church of Holy Sepulcher, one of the most important Orthodox Christian ceremonies.¹³⁹
 - This year, during the Orthodox Christian Holy Week, Israeli police violently enforced access restrictions to the Church of the Holy Sepulchre. As reported by Israeli media, the Israeli police beat, choked, threw on the ground and handcuffed an 85-year-old Coptic priest heading a delegation of worshippers during the Coptic Orthodox observance of Easter in the Old City.¹⁴⁰

Footnotes

- 1 Prof. Rashid Khalidi, *Settler Colonialism in Palestine (1917-1967)* (20 July 2023). Qatar Written Statement (“QWS”), Vol. II, Annex 1, p. 3.
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Footnotes continued...

police entered in force before dawn on Friday, as thousands of worshippers were gathered at the mosque for early morning prayers. Palestinian witness to the raid said: “They [Israeli forces] brutally emptied the compound. They were attacking the mosque staff, normal people, elders, young people”.)

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