



The State of Palestine
Ministry of Foreign Affairs and Expatriates

Multilateral Affairs Sector

30 November 2020

RE: Call for input: Report on Anti-Muslim Hatred and Discrimination

The State of Palestine is grateful for the opportunity to submit its input on the anticipated report, “Anti-Muslim Hatred and Discrimination”, by the Special Rapporteur on Freedom of Religion or Belief, Dr. Ahmad Shaheed. The State of Palestine is of the view that the past two decades have witnessed a dangerous rise in anti-Muslim discrimination that protruded to every aspect of our lives. Anti-Muslim discrimination policies and practices often go unnoticed. While anti-Muslim discrimination come in all forms and shapes, however, in the State of Palestine, anti-Muslim discrimination comes in the form of Israeli settler-colonialism and illegal and rather prolonged occupation over the Palestinian people, Christians and Muslims alike, that discriminates against them. Israel, the occupying Power, continues to violate its obligations by failing to bring to an end the religious and racial discrimination inherent in the law and practice of the regime of occupation, and entrenching racial and religious superiority.

With regard to such discrimination against the Palestinian people, based on grounds of both religion and ethnic/national origin combined, relevant UN special procedures have emphasised that “the identity of many minorities, or even large groups of people, is defined by both racial and religious aspects” and that as a result “many instances of discrimination are aggravated by the effects of multiple identities”.¹ The Human Rights Committee has also emphasized that any restrictions on liberty of movement based on distinctions of religion amount to a clear violation of international human rights law.²

¹ United Nations, General Assembly *Racial discrimination and religious discrimination: identification and measures: Study prepared by A. Amor, Special Rapporteur on religious intolerance*, UN Doc. A/CONF.189/PC.1/7 (13 April 2000), para. 6.

² United Nations, Human Rights Committee, *General Comment 27: Freedom of Movement (Art. 12)*, UN Doc. CCPR/C/21/Rev.1/Add.9 (2 November 1999), para. 18.

Underlying Israel's settler-colonization of the State of Palestine is its systemic, deliberate, and institutionalized character of "Jewish privilege", which was recently manifested in Israel's so-called and notorious "Basic Law: Israel as the Nation-State of the Jewish People". The "Basic Law" has legislated the *de facto* annexation of the occupied territory of the State of Palestine and has legitimized anti-Palestinian and anti-Muslim discrimination and hatred. Among hundreds others, this law has been instrumental in the oppression, discrimination, and segregation against majority Muslim Palestinian population, especially by its *de jure* extraterritorial application to the occupied territory of the State of Palestine.

In violation of its obligations as an occupying Power under international law, the "Basic Law" states that: "Exercising the right to national self-determination in the State of Israel is unique to the Jewish people",³ thus excluding Palestinian right to self-determination, an *erga omnes* right. The "Basic Law" also stipulates that: "[a] greater, united Jerusalem is the capital of Israel," thus enshrining the illegal annexation and Judaization of Jerusalem, the Holy City, and therefore entrenching its anti-Palestinian discrimination by altering the Palestinian Christian and Muslim majority demographic composition of the City and further restricting access to Holy Sites for the Palestinian people who live in other parts of the State of Palestine.

Further, the "Basic Law" stipulates that: "[t]he state views the development of Jewish settlement as a national value, and will act to encourage it and to promote and to consolidate its establishment." This article is a manifestation of the deliberate Israeli policies of forcible displacement of the Palestinian population, through creating a coercive environment in a bid to push them to leave so they replace them with illegal Jewish settlers.⁴ The "Basic Law" has severe consequences for the Palestinian people and non-Jewish residents under Israeli unlawful control. By considering Judaization as an Israeli national value, the Israeli government justifies the human rights violations against the Palestinian people, including the forcible transfer of populations and the continued attacks on right to movement and freedom of religion and belief.

³ 'Basic Law: Israel as the Nation-State of the Jewish People,' available at: <https://knesset.gov.il/laws/special/eng/BasicLawNationState.pdf>; see also: Adalah, [Israeli Supreme Court refuses to allow discussion of full equal rights & 'state of all its citizens' bill in Knesset](https://www.adalah.org/en/content/view/9660), (30 December 2018), available at: <https://www.adalah.org/en/content/view/9660>.

⁴This deliberate strategy of systemically chasing Palestinian families out of their homes with the clear intent of wiping them off the map remains central to the Israel's anti-Muslim anti-Palestinian agenda, orchestrated and approved by the highest echelons of the Israeli government. In fact, over the past ten months, in an effort to expand its illegal Jewish settler population in the occupied territory of the State of Palestine, Israel, the occupying Power, has unlawfully and willfully demolished over 218 homes and 318 other structures, including infrastructures, forcibly displaced over 800 Palestinians, including 404 children, and destroyed their belongings. On 3 November 2020, the Israeli occupying forces commenced the obliteration of Khirbet Humsa, a Palestinian village in, displacing 74 Palestinians, including 41 children. For more, see: OCHA-OPT, 'West Bank Witnesses Largest Demolition in Years' < <https://www.ochaopt.org/content/west-bank-witnesses-largest-demolition-years> > accessed 28 November 2020.

In particular, the right to freedom of belief and worship are regularly adversely impacted when Palestinians do not receive travel permits from Israeli occupying authorities for the celebration of religious festivals, marriages, or funeral ceremonies with the family members who live in different parts of the occupied territory of the State of Palestine, especially in Jerusalem. Holy sites in Jerusalem have gradually been isolated from the rest of the occupied territory of the State of Palestine. For example, the Al-Aqsa mosque is considered the third holiest site in the world by Muslims, yet Palestinian Muslims living in the surrounding areas are widely denied the possibility of visiting and praying there. Notably, the inhumane and illegal blockade of the occupied Gaza Strip has also obstructed Palestinian Christians and Muslims from practicing their religious rights, including access to places of worship, since the blockade of Gaza resulted in denying Palestinian residing there their freedom of movement in every sense; this was also accompanied with the deliberate target and destruction of mosques and worship places by Israel during its aggressions on Gaza, denying Palestinians their right to assemble and worship.⁵As such, an integral part of their religious practice is infringed upon.

Israel's military checkpoint regime causes particular difficulties for Palestinians trying to fulfil their religious duties in Jerusalem. For example, during the Holy Month of Ramadan, and due to long and inhumane queues at Israeli unlawful checkpoints- where Palestinian people are corralled- and the corollary increased restrictions on movement, many Palestinians are often disrupted from observing their prayers and breaking their fast at their chosen mosque. In fact, the Holy Month of Ramadan witnesses one of the highest spikes of Israeli violence against Palestinians trying to reach Jerusalem, whether through increased extrajudicial killings or arbitrary detention of worshippers, in an effort to intimidate them from practicing their faith freely.⁶

Israel's intimidation of Palestinian worshippers is also manifested in the policing of religious symbols and conduct of religious ceremonies in public. For example, as part of hundreds of years Muslim cultural and religious practice during Ramadan, a Musaharati or public waker goes around chanting and beating drums to wake up Muslims during Suhoor meal. However, in the past years Israel, the occupying Power, has arrested several of the Musharitis under the pretext of "public disturbance".⁷ Other recent measures include massive repression of Muslim

⁵Middle East Monitor, "Israel bombed 161 mosques in Gaza", 4 August 2014, available at: <https://www.middleeastmonitor.com/20140804-israel-bombed-161-mosques-in-gaza/>

⁶Middle East Monitor, "Israel arrested 100 Palestinians in the first 10 days of Ramadan", 17 May 2019, available at: <https://www.middleeastmonitor.com/20190517-rights-group-israel-arrested-100-palestinians-in-first-ten-days-of-ramadan/>

⁷Arab News, "Ramadan public wakers face arrests, fine in Jerusalem", 6 June 2018, available at: <https://www.arabnews.com/node/1316691/middle-east>

worshippers through constant military raids of mosques⁸ and the move to limit calls to prayer from mosques.⁹

Previously, the Special Rapporteur on freedom of religion or belief Asma Jahangir explained these punitive restrictions that Israel still imposes on the Palestinian people: “[t]he various restrictions imposed on the access of Palestinians to religious sites (...) appear to be disproportionate to their aim as well as discriminatory and arbitrary in their application.”¹⁰ The Special Rapporteur also raised significant concerns regarding the preservation and protection of Muslim and Christian religious sites. Israeli law and policy purports to aim to safeguard and preserve all sacred places. However, all 136 places which had been designated as holy sites with regulations for their protection are Jewish sites. The Special Rapporteur warned of the, “discriminatory effects for the preservation of non-Jewish places and related budgetary allocations since the determination of holy sites also provides state funding to institutions which protect the sanctity of these places and preserve them from damage.”¹¹ Most importantly the Special Rapporteur recognized that;

“The degree of somebody’s ability to move in and out of Jerusalem or within the Occupied Palestinian Territory reportedly depends on which type of identity card he or she holds. The Special Rapporteur would like to reiterate that indicating the religious affiliation on official identity cards carries a serious risk of abuse or subsequent discrimination based on religion or belief, which has to be weighed against the possible reasons for disclosing the holder’s religion.”¹²

Likewise, the Committee on the Elimination of All Forms of Racial Discrimination has previously raised its concerns, over threats to the protection and preservation of religious sites in the occupied territory of the State of Palestine arising from excavation works conducted by Israel beneath and around the Al-Aqsa mosque:

“The Committee is concerned about the excavations beneath and around Al-Aqsa Mosque and the possible irreparable damage these may cause to the mosque. While stressing that the Al-Aqsa Mosque is an important cultural and religious site for people living in the Occupied Palestinian Territories, the Committee urges the State party to

⁸Al-Haq, “Continued threats against al-Aqsa mosque compound and attacks against Palestinian worshippers”, 24 August 2019, available at: <https://www.alhaq.org/advocacy/14859.html>

⁹ Draft legislation in the form of the *Bill Forbidding the use of Public Address Systems in Houses of Worship* was approved by the Israeli Ministerial Committee for Legislation in November 2016.

¹⁰ United Nations, Human Rights Council, *Report of the Special Rapporteur on freedom of religion or belief, A. Jahangir: Mission to Israel and the Occupied Palestinian Territory*, UN Doc. A/HRC/10/8/Add.2 (12 January 2009), para. 33

¹¹ *Ibid.*, Para. 37

¹² *Ibid.*, Para. 42

ensure that the excavations in no way endanger the mosque and impede access to it.”¹³

The threat of excavations are also present in the occupied city of Al-Khalil, where Israel not only ensnares Ibrahim mosque with settlements, making it difficult for Palestinians to reach, but also constantly dug under it with the aim of altering its Islamic character and turning it into a Jewish synagogue. Israel has unilaterally divided the mosque and banned the Muslim call for prayers.¹⁴

Israel’s anti-Palestinian discriminatory policy, against Christians and Muslims alike, is clear when viewed in the context of Israel’s promotion and protection of the exercise of religious rights for illegal Jewish settlers in the occupied territory of the State of Palestine. For example, on Jewish holidays such as Yom Kippur, access to East Jerusalem is typically entirely blocked off to Palestinians and all checkpoints are closed to them, in order to facilitate settlers movement.¹⁵ Most pertinent, is Israel’s protection of settlers who commit systematic violations against Palestinian mosques, through vandalism, firebombs, and arson attacks;¹⁶ and of those settlers who raid Al-Aqsa/Haram Sharif compound calling for the imminent destruction of the Holy site. These discriminatory practices and policies threaten the sanctity of the Muslim holy sites and spark “religious war”.

The number of hate crimes committed by Jewish settlers is on the rise. Impunity, the new political rhetoric emanating from Israel’s most right-wing government ever and the increase in racist language and acts are a potent cocktail for incitement to further settler violence. The racist nature of settler violence is evidenced in word and deed. The slogans “death to Arabs,” “Muhammad is a pig,” and “Muhammad is dead” are but examples of settler language and graffiti, fully endorsed by the Israeli government. The annual Jerusalem Day march, celebrating the so-called reunification of Jerusalem in 1967, passes through the Muslim Quarter accompanied by such chants and acts of vandalism.¹⁷ Palestinians are beaten for entering a settlement on the ground

¹³ United Nations, Committee on the Elimination of Racial Discrimination, *Concluding observations*, UN Doc. CERD/C/ISR/CO/13 (14 June 2007), para. 36.

¹⁴ Middle East Monitor, “ Like the Ibrahim Mosque in Hebron, Jerusalem’s al-Aqsa Mosque is under Threat” 18 October 2019, available at: <https://www.middleeastmonitor.com/20191018-like-the-ibrahimi-mosque-in-hebron-jerusalems-al-aqsa-mosque-is-also-under-threat/>

¹⁵ Cf. United Nations, Office for the Coordination of Humanitarian Affairs, *The Humanitarian Monitor* No. 17 (September 2007), p. 11.

¹⁶For example among hundreds others: Associated Press, “Palestinians: Settler vandals firebomb West Bank mosque”, 27 July 2020, available at: <https://apnews.com/article/middle-east-israel-ramallah-west-bank-b61d65017b61592c7f676bfefc8c2020>; For more on settler violence against the Palestinian people, see: OCHA, <https://www.ochaopt.org/page/settler-related-violence>

¹⁷ The Times of Israel, “NGOs petition High Court to change Jerusalem Day march route”, 5 May 2015, available at: <https://www.timesofisrael.com/ngos-petition-high-court-to-change-jerusalem-day-march-route/>

that “this is a Jewish neighborhood.”¹⁸ The theft of Palestinian olive trees has been justified by rabbis, including former chief Rabbi Mordechai Eliyahu, on the ground that the land of Palestine belongs to Jews and therefore trees on this land may be taken by Jews.¹⁹

Similarly, Israeli repression of Muslim religious traditions include the withholding of Palestinian bodies, either killed by Israeli occupying forces or in Israeli detention centers. Israel currently illegally holds the bodies of 253 Palestinian victims in either unmarked mass graves or mortuary fridges, leaving the families of the victims unable to retrieve the bodies and denied the right to dignified burial in accordance with Islamic rituals.²⁰ The international community has, on more than occasion, condemned the measures taken by Israel, and deemed it as contrary to its obligations as an occupying Power. Notably, the UN committee against torture called on Israel, the occupying Power, in its concluding observations of 2016:

“The State party should take the measures necessary to return the bodies of the Palestinians that have not yet been returned to their relatives as soon as possible so they can be buried in accordance with their traditions and religious customs, and to avoid that similar situations are repeated in the future”.²¹

In conclusion, through the combination of pervasive restrictions on access to places of worship for Palestinians, the subjugation of Christian and Muslim Holy Sites in the cultural-religious hierarchy, and violation of Palestinian right to freedom of religion or belief — Israel, the occupying Power, continues to perpetrate anti-Palestinian discrimination to entrench its seller-colonial aspirations in the occupied territory of the State of Palestine. The State of Palestine believes that the Special Rapporteur, Dr. Ahmad Shaheed, must acknowledge that Israeli discriminatory policies are a threat to stability and security of the region Israel’s anti-Palestinian discrimination should not be overlooked, but rather addressed in the report as part and parcel of worldwide anti-Muslim discrimination. The above submission is just a glimpse of Israel’s violations and anti-Muslim discrimination. The State of Palestine stands ready to cooperate with the Special Rapporteur, Dr. Ahmad Shaheed, and prepare further submissions if required.

¹⁸ United Nations, Human Rights Council, *Report of the Secretary General on Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem and the Occupied Syrian Golan*, UN Doc. A/HRC/28/44, 9 March 2015, Para. 44

¹⁹ C. Rubenberg, *The Palestinians: In Search of a Just Peace* (2003), Pg. 385.

²⁰ Al-Haq, “Newly Adopted Law to Withhold the Bodies of Palestinians Killed Breaches International Law, Must be Repealed”, 14 March 2018, available at: <https://www.alhaq.org/advocacy/6261.html>

²¹ Committee Against Torture, “Concluding observations of the fifth periodic report of Israel”, 03 June 2016, available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsmEKqNhdzbr4kqou1ZPE79BvBJe97SSM1KP2v4ng3Dhx74ohsby7x4AIEgvGhwtvav7rPvZmtwpwObldkyK%2BM9cNY7svWLIYm p6PB4chW8O>