

Palestinian Christians: A Minority's Plea for Rights Silenced by the Politics of Peace

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"We are interested in monitoring *Sharia* in the Palestinian Authority as the PA is poised to formally adopt *Sharia* rule. We are deeply concerned about the fundamental human rights of the Palestinian Christians."

Interview with Nina Shea, Director of the Center for Religious Freedom, in Washington, DC, February 11, 2003

INTRODUCTION

Recent political developments in the Middle East have been nothing less than breathtaking. After mass demonstrations in support of Lebanese independence and democracy, the success of an unprecedented general election in Iraq, and an encouraging trend in Palestinian–Israeli dialogue, President George W. Bush's foreign policy is being credited, even by its critics, for addressing the challenges that have long stalemated the region.

During her recent visit to the region, US Secretary of State Condoleezza Rice clearly stated that the Arab–Israeli conflict is high on the agenda of the second Bush Administration.¹ Rather than focusing on the divisive issues such as security, water resources, Jewish settlements, borders, refugees, and Jerusalem, Bush has placed his emphasis on encouraging a new Palestinian leadership to emerge.

The Bush Doctrine posits that security and stability in the region will be facilitated by the creation of a sovereign Palestinian state that respects the rights of all her citizens, irrespective of their religious beliefs and practices. Although not widely understood, the Bush Doctrine is *not* limited to the formal aspects of democratic governance such as free and open elections. Rather, in the words of President Bush himself, his Doctrine seeks to promote "freedom of worship; equal justice . . . and respect for religious and ethnic tolerance."²

In Iraq the Bush Administration has yet to achieve all of its political objectives. Despite a successful election and tens of billions of dollars in continuing economic assistance, there are still grave problems. Iraqis face mortal danger at the hands of insurgents. Media reports cover daily violence between the Sunnis and Shiites, as well as the special problems of the Kurds in the north. In addition, attention

has lately focused on a Christian ethnic minority in Iraq, the Chaldo-Assyrian Christians, numbering nearly one million. Members of this ancient Christian community have become targets for terrorists, bandits, insurgents, and xenophobic Iraqis of various political, ethnic, and religious identities. This anarchy has resulted in tens of thousands of Iraqi Christians leaving their country during the past months. They have been forced out by an unprecedented wave of church bombings, kidnappings for ransom, attacks on women, and assassinations.³

As an aside, some fear that if Iraq were to lose its Christian community, the democratization of the country would be jeopardized. Thus, Muslim moderates insist that a Christian presence is imperative for the success of Iraq as a pluralistic democracy. Without their influence, there is fear that post-Saddam Iraq will be governed by Islamic *Sharia* law.⁴

Returning to the Palestinians, it is notable that *Sharia* is a part of the draft Constitution of the Palestinian Authority despite President Bush's espousal of religious freedom in the Middle East. Furthermore, as with the Iraqi Christians, the Palestinian Christian community—after residing in the vicinity for nearly two millennia—is in a state of accelerated decline. Although virtually ignored by the media, pretty much the same mixture of human rights abuses reported in Iraq have motivated tens of thousands of Palestinian Christians to emigrate.

This article explores and analyzes the existential crisis that the Palestinian Christian community has been facing, especially since the empowerment of the Palestinian Authority in 1995. Moreover, it references the relevancy of the Bush Doctrine of religious tolerance as an indispensable building block for a future democratic Palestinian state.

CHRISTIANS LIVING IN A MUSLIM WORLD

The Christian communities in the Middle East represent an autochthonous presence in the area whose origins predate Islam. Middle Eastern Christianity consists of a large number of communities from different churches, each with their own tradition and liturgy. These churches have played a part in both the ancient and the more recent history of Middle Eastern society (Pacini 1998).

After the rise of Islam, Christian communities in the Middle East were included in the social and political structure of Islamic society. Traditionally for Moslems, Christians and Jews are known as the "people of the Book."⁵ Though both groups never accepted Muhammad's revelations, their religious beliefs and practices were generally tolerated in Islamic society. However, Islamic tolerance has always had well-defined limits. Traditional ideas about non-Moslems continue to influence cultural and political practices (Pacini, 1998). Institutionalized by law, Islam remains the dominant religion in every way as in earlier times.

Muslim conquerors and later interpreters⁶ of the *Quran* advocated making those individuals who refused to conform to Islamic norms peripheral members of society. They became known as *dhimmi*s—the discriminatory social status provided to the members of the religions of the Book (Phares 1997). The traditional rules

relating to the *dhimmi*s were collected into one document called the "conditions of Umar" (Gil 1992). These rules gradually enabled the Islamization of areas under Muslim rule (Pacini 1998).

As a legacy of this system, the concept of citizenship in Islamic society continues to be based on an individual's religious affiliation rather than simply on nationality. This situation, which has been termed "imperfect citizenship" by scholars, explains the presence of social and legal inequalities (Pacini 1998). Such a tradition of citizenship based on religious beliefs continues to pose problems for religious minority groups in Moslem countries.

Christians Under Palestinian Authority Rule

Sharia and International Human Rights Norms Under the Palestinian Authority

As a result of the Palestinian Authority's (PA) political choices, two systems of law—the Islamic religious law (*Sharia*) and civil law—are used collectively in the same legal system. Although the PA draft Constitution guarantees that "[m]onotheistic religions will be respected and the state will guarantee freedom of worship," it simultaneously states "in the State of Palestine . . . the religion of Islam will be the official religion." The draft Constitution also states that "[t]he *Sharia* will be the primary source of legislation." Such a statement demonstrates that the PA has inherited the tradition of institutionalizing Islam (Bedein 2003).

Nina Shea, Director of the Washington, DC-based Center for Religious Freedom, was appointed to serve as a member of the US Commission on International Religious Freedom. Currently, she monitors nations around the world that have adopted the *Sharia* into their Constitutions. Shea wrote, "[w]e are interested in monitoring *Sharia* in the Palestinian Authority as the PA is poised to formally adopt *Sharia* rule. We are deeply concerned about the fundamental human rights of the Palestinian Christians."⁷

By granting primacy to *Sharia*, minorities by default find themselves in a precarious position because the law deems them unequal to their Muslim counterparts. As assassinated Lebanese President Bashir Gemayil once observed, "[a] Christian . . . is not a full citizen and cannot exercise political rights in any of the countries which were once conquered by Islam" (Gemayil 1983: 37–8).

Repressive practices against non-Muslims have become an increasing anxiety since the creation of the PA (Pacini 1998). Arafat ordered strict adherence to the (Muslim) Ramadan holiday, which forbids eating, drinking, and smoking from dawn until sundown for the duration of the month-long observance. Thus, for example, even a government official who happens to be Christian, such as the Mayor of Bethlehem, must abide by Islamic norms. The Palestinian Human Rights Monitoring Group also reported that "violent personal disputes arise occasionally between secular and religious Muslims—as well as between Muslims and Christians—over proper dress for women, eating on Ramadan, and so on" (Price and Lenchner 1998: 10).

Emigration of Palestinian Christians: A Recent Phenomenon

The population of the Palestinian Christian community has been decreasing rapidly in recent years. Whereas in 1914 they represented 26.4 percent of the population in the whole of the Near East (what today is known as Israel, the PA, Jordan, Lebanon, and Syria), today they are estimated at no more than 9.2 percent (Fargues 1998).

There are conflicting statistics regarding the extent to which Palestinian Christians are emigrating from their ancestral residences in what is now PA-administered territory. All informed opinion, however, accepts that the Christian population has declined precipitously, both in absolute numbers and as a percentage of the total population of Palestinians.

Palestinian Christian emigration peaked during the first *intifada* and now, once again, has increased rapidly since the onset of the recent *intifada*. Between October 2000 and November 2001, 2,766 Palestinian Christians left the West Bank, of which 1,640 left the Bethlehem area and another 880 left Ramallah (Guttman 2002).

Some claim that the recent wave is a result of the Israeli occupation and the ensuing political and economic instability. As one Catholic leader commented, "[t]he principal reason for the dramatic rise in Christian emigration has been the continuing military occupation and the denial of the sovereignty of a Palestinian state wherein Christian Arabs could feel at home economically, politically, culturally and spiritually" (Shavit and Bana 2001). A "continuing condition," however, does not explain the current phenomenon of mass Christian emigration that is recent rather than gradual.

According to the Christian Information Center, in 1995, the year the PA took control of Bethlehem and its surroundings, Bethlehem was the most populous Christian town in the Holy Land. Since then, however, Bethlehem's Christian population has dwindled to just one third of the city's overall population. For centuries they were the majority in the Bethlehem district, but now Christians currently make up only 30,000 of the district's 130,000 residents.⁸

French journalist Pierre Rehov filmed a documentary addressing the current issue entitled *Holy Land: Christians in Peril*. According to the website for the documentary, "[t]his Christian exodus is a result of many factors, including fighting between Israelis and Palestinians, the related decline of the economy, but perhaps most significantly, the religious persecution these Christians encounter from their Muslim neighbors." Former US Congressman J.C. Watts attributes the departure of Palestinian Christians to being "driven [out] by the steady persecution of the PA and the realization that they will face worse treatment under a possible future Palestinian State" (Watts 1997).

The increasing aggressiveness of Islamic extremism is the root of the phenomenon. According to Shafik (pseudonyms are frequently used to protect the identities of persons interviewed), a Protestant clergyman in the territories, the Palestinian Christians live in fear of their future under the PA. The growing hostility felt by Palestinian Christians has led many of them to conclude that Muslims are trying to "kick [the] Christians out."

The Growth of Islamic Religious Extremism and the Marginalizing of Palestinian Christians in the PA

A main cause of the Christian community's current anxiety is the popularity of Islamic fundamentalism in the PA-controlled areas. Moslem families are typically poor and large (El-Assal 1999). Such people are more prone to find hope in religion and view it as a desirable alternative to the political and economic failures of their leadership and society. Religion provides both motivation and objective for them (Minutes 2002). As Palestinian Anglican Bishop Riah Abu El-Assal describes, "[t]he Islamic movements seem to offer their adherents something to live for—at times even something to die for. This is a very dangerous development, and one which it will be difficult to contain" (El-Assal 1999: 31).

Impact of the Recent Intifada

During the first *intifada*, Professor Daphne Tsimhoni stated "the growing influence of the Islamic movement over Arab society during the *intifada* has caused growing violence toward Christians and their institutions, deepening the identity crisis of many Christians and their despair over their future in the area" (Tsimhoni 1993: 29). This troubling phenomenon has repeated itself during the recent second *intifada*. Indeed, all the problems affecting Palestinian Christians have been exacerbated by the elevated political hostility resulting from the second *intifada*.

According to a prominent evangelical pastor with influential contacts in the West Bank, Arab Christian parents in the greater Bethlehem area have come under threats from the PA because "no Christian blood has been spilled, only Muslim blood. . . . Muslims have donated their children to the cause, but Christians haven't." Upon learning that the families and parents of "martyrs" (Palestinian Muslims killed in the fighting) received food from international donor organizations, some Arab Christians expressed fear that they would starve because they discourage their children from participating in *intifada* violence (Weiner 2002).

Indeed, since the beginning of the recent *intifada*, the religious differences between Muslims and Christians have widened because their religious beliefs have lead them to adopt different political approaches. As Mona, a 50-year-old Christian woman from Bethlehem⁹ explains, the Christians just "want to live in peace. They don't believe violence is the way to get a Palestinian state; this is why they don't participate."

School Curricula in the PA

In the recent debate concerning the updating of school curricula, one priest noted that the discussion was permeated by a "growing influence of militant Islam" (ROACO 2002: 23). William Murray, Chairman of the Religious Freedom Coalition, observed that Palestinian Christians are often forced to enroll their children in expensive private Christian schools due to the curriculum taught in PA-run schools. Murray related, "I have talked to Christian families about what is taught in the schools. From what they say, there is indeed a 'culture of death' that includes glorification of suicide bombers and training to kill Jews and Americans."

Though Islamic fundamentalist groups such as Hamas and Islamic Jihad do not require democratic approval to assert their influence, opinion polls indicate strong grassroots support among Palestinians, thereby imbuing them with legitimacy (Gil 2000). Although the credibility of these groups traditionally relies on divine—rather than democratic—authority, the popular support they receive provides them with a political relevance that can no longer be dismissed as insignificant.

Emergence of Islam as a Political Force

The alliance between the Palestinian political leadership and the Muslim fundamentalists provokes widespread concern that religious differences between Muslims and Christians will deteriorate into official repression of religious minorities. In a survey conducted in 2001, 45 percent of Palestinian Christians in Bethlehem expressed fears of growing tension between Christians and Muslims; 28 percent of Palestinian Christians polled attributed the tension to Islamic fundamentalists. In comparison, only 15 percent of Palestinian Christians attribute the growing interreligious tensions to the Israeli government (Sabella 2001).

The growing strength of Islamic fundamentalism within the Palestinian national movement poses problems for Christians in that they might be deemed opponents of Islam and risk becoming targets for attacks by Muslim fundamentalists. Attacks against Christians might also result from perceptions that Christianity is associated with Zionism and Western imperialism (Nammar 2002). Anti-Christian sentiment among Palestinian Muslims has heightened since 9/11 due to what the Muslim community sees as a “[n]ew Crusade against Islam by Western, predominantly Christian, countries.” One Palestinian Christian interviewed explained that Muslims, to this day, call him and other Christians “Crusaders,” applying the historical connotation in everyday verbal attacks on Christians. Anti-Western sentiment can be translated into anti-Christian sentiment as Zionism is sometimes regarded as an extension of Christianity (Minutes 2002: 27).

Bishop El Assal explains, “[u]nfortunately for Middle-Eastern Christians, we are perceived by some Muslims as stooges of the West. The extremists look on us as enemies, just as they look upon the Jews as enemies. I have heard fundamentalist groups in Palestine say, ‘After Saturday [Jews] comes Sunday [Christians]’—and my blood runs cold . . .” (El Assal 1999: 132). On the walls of Gaza, graffiti similar to threats heard by El Assal are quite common, such as “when they are through with the Saturday people, they will start with on the Sunday people” (Alpert 1995: 7).

Palestinian Christians describe themselves as being viewed differently from other Palestinians because of their faith. According to Saber Razi Nashash, a 22-year-old male Palestinian Christian construction worker from the Bethlehem suburb of Beit Jallah who was interviewed there on August 6, 2002, “[w]hen you go to place when you have the [Muslim] majority, and very few Christians, you might see the way they look at you, they see a cross, you feel that they don’t like you or there is something wrong. He feels like rejected person, and not belong to this place.”

Speaking of how her life had changed some 2 years after the PA took control of Bethlehem, Lina Atallah, a receptionist at the Silesian Convent and Church, described the Muslim attitude toward Christians:

They spit at us, try to force us to wear headscarves, and in the [Islamic] fasting month of Ramadan that begins in a few days, the Palestinian police even arrest us for smoking or eating on the streets. . . . The Muslims want to get rid of us, they want us to live like them.

THE PERVASIVE AND VARYING NATURE OF THE PERSECUTION OF PALESTINIAN CHRISTIANS

The persecution of Palestinian Christians is diverse and widespread, though not commonly acknowledged. Indeed, this institutionalized discrimination finds expression in virtually all realms of life and has become an unavoidable part of Palestinian Christian existence.

Social and Economic Discrimination

Former PLO President Yasser Arafat, upon acquiring control of Bethlehem in 1995, changed the municipal boundaries of Bethlehem and its Christian-majority suburbs Beit Jallah and Beit Sahour. These boundary adjustments produced drastic alterations in the demographic balance of Bethlehem. In addition, Muslim immigration to Bethlehem from nearby Hebron was encouraged (Raab 2003). As a result, whereas in 1990 the Christian population of the Bethlehem area represented a 60 percent majority, in 2001 they became a 20 percent minority in the town of Jesus’ birthplace, drastically altering the outcome of local elections.

Arafat changed the demographics of Bethlehem to preclude a Christian majority by altering the city’s municipal borders, gerrymandering them to include the 30,000 Muslims living in the neighboring refugee camps—Dehaisheh, El-Ayda, and El-Azeh and the thousands of people living in the area of the nearby Ta’amarah Bedouin tribe (Davis 2002). “The entire political structure of the city—in the bureaucratic, security and political spheres were eventually cleansed of Christians. Today the Bethlehem region is in reality run by the local Fatah leader and his thugs” (Davis 2002).

Some of the most apparent effects of discriminatory societal attitudes against Palestinian Christians are in the job market. It is extremely difficult for Christians to find work. A Palestinian Christian, Ghada Mansour, was formerly the producer of a news show on the PA-controlled Voice of Palestine radio. Mansour said that the news director at the radio station “told her that Christian names should not be included among the obituaries read on the air. And on another occasion, several colleagues acted shocked and demeaning toward her when she told them she was Christian. The atmosphere, she says, contributed to her decision to leave her job” (Sennot 1999).

Most of the Christians, especially in Bethlehem, had relied on the tourist trade to make a living. Since the onset of the second *intifada*, however, they have lost their primary source of income and are unable to find new job opportunities.

Boycott and Extortion of Christian Businesses

In an interview, Sami Abu Aita, Board Member of the Bethlehem Chamber of Commerce & Industry interviewed May 9, 2003, told of his own business, the Paradise Hotel in Bethlehem, being destroyed in a gunfight between Palestinian militants and Israeli soldiers. He lamented, "Islamic banks give interest-free loans. No one helped [me] because [the hotel] is owned by a Christian."

According to a Lutheran Pastor interviewed November 15, 2001 in Jerusalem, Bethlehem's Nativity Square was traditionally filled with Christian stores, but the Muslim boycott has forced many of these stores out of business. Many Muslims, especially members of armed forces, are increasingly forcing Christian-owned shops out of business.

Besides the Muslim consumer boycott, Christian businesses are also suffering as a result of extortion by Muslim militants. William Murray, interviewed on February 11, 2003, commented on the extortion as follows:

I know many businessmen who have been extorted. There wasn't a Christian businessman exempt. Many of them are now out of business—nearly 90 percent. Christian vendors near the Church of Nativity have been forced to pay protection money to stay in business . . . most of the bribes and extortion are, of course, in paid in cash.

George, a Palestinian Christian from Bethlehem interviewed July 26, 2004, told of an Armenian Christian who owns a gold shop and was extorted by the PA during a regular business trip to Gaza. Approximately 6 months previously, this Armenian Christian attempted to sell 2 kg of expensive gold jewelry in Gaza. While in Gaza, he was stopped by the police and taken into custody. It should be noted that this gold dealer was operating legally with all necessary licenses, both in the production and sale of his gold. Indeed, every piece of gold jewelry manufactured in the PA territories is stamped; thus, when the Armenian's gold was examined, there could have been no doubt as to its legality.

The Armenian was told to put all of his money and gold on the table of the police interrogation room. He was then beaten for over 6 hours, after which he was offered the choice of leaving with half of his gold. He refused and was beaten again for another 2 hours. The police took his watch, his rings, half of his gold, and the US\$6,000 in cash that he was carrying, after which they allowed him to leave.

The man then went to the Minister of Industry and Commerce for the PA and reported what happened. The response he received was, "[i]t is not the first time." He was then told he had no recourse but to speak with Arafat. When asked if this occurred simply because the gold dealer was Christian, George replied without hesitation, "[i]t is about being not Muslim." George explained that a Muslim man in the same business with the same wealth necessarily has power that a Christian cannot attain; he will have connections with the army and police. Christians, on the other hand, are forced to pay bribes to remain in business. In the words of George, it is simple: "[a] little bit [of bribery] every week."

The consequences of refusing to pay can be deadly. During the current *intifada*, the Christian owner of a café in Bethlehem's Manger Square refused to pay extortion money to a member of the Al Aksa Martyrs Brigade. According to Khaled Abu Toameh, the *Jerusalem Post* reporter on Arab Affairs interviewed October 7, 2002, this business owner was first accused of being a collaborator and was later shot in the eye. Ultimately, despite the fact he had been living in Bethlehem for 30 years, he was forced to leave the country.

Violations of Real Property Rights

Article 17 of the *Universal Declaration of Human Rights* states that "[e]veryone has the right to own property." Equally, Part III, Article 6 of the *International Covenant on Civil and Political Rights* establishes that "[i]n countries which have not abolished the death penalty, sentences of death may be imposed only for the most serious of crimes. This penalty can only be carried out pursuant to a final judgment rendered by a competent court."

In clear violation of these provisions, the Palestinian Land Law prescribes the death penalty to anyone selling land to Jews. However, according to the *Boston Globe*, Christians claim that the perception on the Palestinian street is that it is forbidden to sell land to *any* non-Muslim—a perception, they add, encouraged by Jerusalem's Arafat-appointed mufti, Sheikh Ekrima Sabri, who issued a *fatwa* [a Muslim legal opinion or decree] to that effect (Sennott 1999).

In this climate of officially sanctioned intimidation, Christians have great difficulty purchasing land or selling real estate they already own to other Christians. Corroborating evidence was furnished by a Palestinian Christian man named Ramzi, who, in a confidential interview in Ramallah, recounted that he had been threatened with death if he sold land to Christians (who wanted it to build a new school). A Christian leader affirmed that "[t]he [PA] Land Law is a threat against us" (Klein Halevi 1997a).

In addition to the acquisition of new lands, the abuse of Christian property rights is so pervasive that even internationally recognized holy sites in the West Bank are threatened, being both vandalized and desecrated without any reaction from the PA. Thus, for example, a Christian cemetery in Bethlehem has been desecrated and vandalized.¹⁰ The PA's legal responsibility for these areas, and consequently for these sites, is acknowledged in a 1997 press release from the PA's Ministry of Information that reads, "[t]he Palestinian people and the PNA have assumed their natural right of controlling parts of the Palestinian land, the most important of which under Palestinian national sovereignty is the Palestinian city of the birthplace of Jesus Christ—Bethlehem" (Palestinian Ministry of Information 1997).

Abu Toameh reported that Palestinian Muslims sometimes break into Christian monasteries and steal gold and other valuable items. The inability of nuns and priests to stop vandals, combined with the disinterest and/or incompetence of the PA security forces, resulted in virtually no deterrence. Abu Toameh

noted that "[t]he PA do arrest people sometimes, but you can get away with it if you pay money; you can bribe your way out."

Crimes Against Palestinian Christian Women

Of all the instances of abuse, it is the abuses of women that most powerfully convey the severity of treatment Palestinian Christians endure. It must be noted that because this phenomenon was rare before the PA came to power, it cannot merely be attributed to Muslim attitudes toward Christians. Rather, it is the PA's ineffectiveness or unwillingness to address the problem that has led to this significant increase in and pervasiveness of instances and cases of sexual harassment.

Inaz Jiries Hanna Muslah, a 23-year-old Palestinian Christian teacher at the Joy School in Beit Sahour, stated in an interview on August 26, 2002 in Beit Jallah that public harassment of Christian girls began when the PA came to power "after 1993. Before, [there were] no things like this." Originally, "we could go to everywhere we wanted; we could walk in streets," but now, "I don't walk alone on the street because of this bad thing, so I prefer to walk with my brother, with my mother, my father."

Concurring, Sana Razi Nashash, a 24-year-old Christian woman from Beit Jallah and a student at the Open University interviewed on August 26, 2002, stated that the phenomenon of sexual harassment became widespread only after the PA began administering the territories. She believes that, because the PA does nothing to stop these incidents, the perpetrators feel free to act with impunity. As Nashash describes, she is a virtual prisoner in her own home due to the pervasiveness of harassment of Christian women, "[s]o right now I could not go to the street, even 7 o'clock I cannot go to the street alone, but before [the PA came to power] I used to go and work with no problem at night."

In August 1997 an Islamic militant tried to enforce the Muslim dress code on women in the predominantly Christian village of Beit Sahour. His particular target was a young Christian woman wearing a revealing blouse. Nearly 200 Christians subsequently marched to the local PA police station. The resulting disturbance left seven people injured. Professor Tsimhoni observes, "[i]mposing Muslim codes in the Bethlehem area and violence against its Christians residents have considerably expanded, including occasional attacks on women" (Tsimhoni 2002). As a result, Christian girls are now instructed to dress in the same manner as Muslim girls to avoid such problems. Muslah herself said that many Christian women adopt traditional Muslim clothing to avoid harassment.

The abuse of Palestinian Christian women extends well beyond verbal harassment and intimidation. The well-known occurrence of rape by Muslim men against Christian women exemplifies perhaps the most blatant denial of basic human rights as a result of religious identity.

At the outset it must be noted that the attitude toward rape in Middle Eastern countries is altogether different from that prevalent in the West. In Western countries, women are counseled through the post-traumatic effects of rape. In Middle

Eastern countries, however, this is not the case; once a girl has been raped she is considered "dirty" and unfit for marriage. Therefore, few people are willing to speak out about rape because it is considered so shameful to the victim. In addition, according to the 1995 Amnesty International report *Human Rights are Women's Rights* commenting on rape in Middle Eastern Countries, "[i]n a rape case the onus of proof falls on the victim; moreover, if a woman fails to prove that she did not consent to intercourse the court may convict her of committing *zina* [extra-marital sexual relations]" (Amnesty International 1995).

According to Abu Toameh, a would-be Muslim rapist knows he faces revenge by the victims' family or clan. Thus, it is not clear-cut legal prosecution that a perpetrator of rape faces when committing a crime against a Muslim woman, but rather "it's fights between residents . . . everyone knows at the back of their mind that if it's Christians you can get away with it." Not only do Christians not have the same recourse to institutional justice under a Muslim-dominated PA, however, as Abu Toameh explains, "[y]ou can harm a member of a Christian family without facing three hundred people attacking you." The vigilante justice in place to protect Muslim daughters does not exist for the Christian minority.

In evangelical pastor David Ortiz's opinion, by rendering Christian women unfit for marriage and childbearing with Christian men, Muslim rapists might believe that it is an effective method of reducing the Christian population. Concurring, Muslah explained that Christian women are sometimes raped with the intention that they will no longer be able find a Christian husband. She stated, "[s]ome Muslim guys raped many girls, Christian. And . . . she can't [get] married after that. . . People look at her as [a] raped woman. People will talk about her. She can't [get] married, at all, after that."

A Palestinian Christian from Bethlehem, who wished not to be named for fear of reprisals, recounts an occurrence from June 2001 when this problem reached a peak. As he explains, some Muslim men from a nearby refugee camp attempted to pull a Christian girl into a car to rape her. A group of Christian men quickly intervened to save the girl. When one of the Muslim perpetrators was injured in the process, the Christian rescuers were arrested. The sexual predators, on the other hand, were not even criminally charged.

In addition to rape, Palestinian Christian women are forced into marriage by Muslim men contrary to Article 16 of the *Universal Declaration of Human Rights* which states, "Marriage shall be entered into only with the free and full consent of the intending spouses." George told of one such instance which occurred before the second *intifada* started. A relatively poor Muslim family appeared on the doorstep of the home of a wealthy Christian family. The Muslim family brought along a sheikh (clergyman who could perform a Muslim wedding ceremony) and demanded that the Christian daughter, known in both communities for her beauty, wed their son. The father of the Christian family asked for a 2-day reprieve to think things over. The Muslim family agreed but apparently reconsidered, reappearing the following day on the Christian family's doorstep, this time with their son dressed for his wedding accompanied by the sheikh and 15 Muslim men. As George explains,

"[Muslims] think the Christians are weak;" they come with large families and guns and intimidate Christians.

In this unusual instance the father of the Christian family opened fire on the Muslim entourage, killing 3 and wounding 10 persons. He and his family then immediately fled the PA territories, abandoning their property. In other instances, death threats directed at fathers by PA officials have forced the former to acquiesce to their daughter's marriage to a Muslim.

PA Incitement Against Christians

The attitudes of Palestinian Muslims to their Christian counterparts are not simply manifest among an isolated segment of the population; they are reflected and consequently supported by the attitudes of the predominantly Muslim PA leadership. It is not uncommon to find mosque sermons that malign Christianity and its Arab adherents. The Islamic rules dictating the *dhimmi* status for Christians provides religious justification for anti-Christian sentiment among "faithful" Muslims. Islamic influence throughout the PA institutionalizes the persecution of the Christian populations. Joseph Farah, a Lebanese-American Christian and editor of the *World Net Daily* online, observes:

[A]ll the U.S. really needs to do to judge the Arafat-Mazen intentions is to evaluate the human rights conditions of Christians within the Palestinian Authority. They are being driven out. They are being murdered. They are being raped. They are being systematically persecuted. They are being harassed. They are being intimidated. And this is before Arafat even achieves statehood. How much worse will conditions be when Arafat and Mazen have their own government, establish diplomatic relations with the U.S. and renew funding sources from the West? (Farah 2003)

Many Palestinian Christians have commented on the drastic change in their livelihood after the PA began ruling Christian populated areas in the West Bank in 1995. Among the Palestinian Christians interviewed there was a strong inclination to prefer the lives they led before the PA began governing Bethlehem and its surrounding Christian-dominated neighborhoods in 1995. Due to the growth in anti-Christian sentiment, Ronnie Saba, a 29-year-old Palestinian Christian from Beit Jallah, claims he refrains from traveling to Muslim-dominated areas of the West Bank. He stated "[a] lot of incidents [...] happen to me. I don't go to other places, I just stay in Beit Jallah." Inaz Jiries Hanna Muslah bluntly stated that she preferred the time before the PA because "they [the PA] are all Muslims, they don't like Christians."

The principle *raison d'être* of a government is to provide at least a minimum of protection for the basic rights of its residents. Failure in this area constitutes grounds for scrutiny by the international community to understand why these human rights abuses exist.

It must be acknowledged that since the time the PA has assumed control over Christian areas in the West Bank, Christians' basic human rights have been made increasingly vulnerable. Many Palestinian Christians commented on the drastic

change in their lives after the PA began ruling Christian populated areas in the West Bank in 1995. Among the Palestinian Christians interviewed there was a strong inclination to prefer the lives they led before the PA began governing Bethlehem and its surrounding Christian dominated neighborhoods.

In July 1999, 30,000 Christians began a protest strike in Beit Jallah intending to highlight the PA's unjust policies toward them. In a *Boston Globe* article entitled "Christians Anxious Under Palestinian Rule," Charles M. Sennott quotes Mary Taljia, a Palestinian Christian owner of a small dry goods store in Bethlehem, as saying that "[she] is bitter about the realities of life for Christians under the new Palestinian Authority" (Sennott 1999). The article further stated that, "Palestinian Christians cite fears of institutional discrimination in the Palestinian Authority" (Sennott 1999). In addition, although Muslims are able to benefit from personal and clan connections with well-placed coreligionists within the administration, Christians do not enjoy connections to the same extent.

In addition to the fact that Christians feel discriminated against in finding jobs, they also cite instances of discrimination in the field of education, the receipt of medical benefits, and other government aid. As the aforementioned Lutheran Pastor explains, if food aid is brought in from Saudi Arabia, Christians are told they are not entitled to receive any because they are not Muslims. At the same time, however, the PA skims charitable donations of Christians abroad that were intended to benefit their Christian brethren in the Palestinian areas, ostensibly for the general welfare of the Palestinian people.

The Failure of the Palestinian Security Forces to Protect Christians

The 1998 report by the US Department of State's Bureau of Democracy, Human Rights and Labor indicated that PA security officials often do not follow existing laws in the West Bank or in Gaza regarding arrest and detention procedures. Part of the problem is that most PA security personnel are not fully cognizant of the law; this includes the proper procedures for arrests, detention, interrogation, and even basic human rights standards.

In this environment, the threat of persecution is constantly hanging over the heads of the Christians, because the PA police forces often target them as "traitors" or "Israeli collaborators." Many Christians have been thrown into prison without apparent reason or specific charges, only for it later to be revealed that they are suspected of "collaborating with Israel" (B'tselem 1994). For example, as two brothers revealed in a confidential interview, after having spent a substantial amount of time in prison, one of them was finally accused of being a Christian and of collaborating with Israel.

Muhammad Bak'r, a Muslim convert to Christianity jailed by the PA, described his torture in a PA prison. His hands were tied behind his back to a rope connected to the ceiling and he was left hanging there for several days (Raab 2003). A friend who had visited Bak'r in prison confirms that he was tortured (Klein Halevi 1997b). Although the PA accused Bak'r of selling land to Jews, it is widely believed that he was being held because he distributed Bibles to Muslims (Raab 2003). Bassem

Eid, the Director of the Palestinian Human Rights Monitoring Group, insists that Bak'r's signed confession for selling land was elicited under torture (Klein Halevi 1997b).

William Murray was told by a Palestinian Christian friend that in November 2002, the 14-year-old nephew of a convert to Christianity was detained after school and stabbed and killed in front of a teacher by an 18-year-old Palestinian Muslim. The police were never contacted and victim's family was called to pick up the body. The victim's brother had fled to Israel after being tortured during 7 months in prison; Murray believes the motive for the murder was to induce the victim's brothers to return to the West Bank for the funeral so they too could be killed.

The attitude of the police toward Christians constitutes one of the most egregious forms of institutional persecution. As one member of the Protestant clergy under the PA explained in an interview on September 24, 1998, Christians feel unprotected due to the failure of the PA police to intervene on their behalf in confrontations with Muslims. For example, in the summer of 1997, a violent clash between Muslims and Christians erupted in the village of Beit Sahour. During the ensuing fracas, the PA police opened fire on the crowd of Christians, wounding six people. These disturbances were followed by clashes in the villages of Bijanan and Beit Sahour, when the PA police refrained from adequately protecting the Christian community.¹¹

When subjected to harassment and worse by Muslim extremists, Palestinian Christians usually opt *not* to report incidents to the PA police. According to Shafik, a Protestant clergyman, many of those interviewed are too scared to discuss their accounts—they believe it is dangerous to do so because it may provoke further persecution. Palestinian Christians remain silent because they consider the PA police to be hostile to them. Sana Razi Nashash recalls being harassed by a man in the street. The next day, on her way to file a complaint with the police, she saw the perpetrator wearing a PA police uniform. She did not even bother to file her complaint.

Arrests and Torture at the Hands of Palestinian Police: A Case Study

Two Palestinian brothers, Saliba and Najib, recent converts to Christianity, were invited to a prayer session in Ariel with German Christian tourists. Najib subsequently received a letter summoning him for questioning by the Palestinian Secret Police and was there accused of collaborating with the Mossad and the CIA. After placing a piece of cardboard on his back upon which was written "Najib the Christian," he was berated and cursed and asked to "curse Jesus." He was released at the end of the day but was told by the officer in charge that "from that day on my life would be nothing but suffering." The very same night he fled as a Palestinian Secret Police escort arrived at his house for more "questioning." In June 2004, after sleeping in a bomb shelter in the Jewish settlement of Ariel for 3 years under threat from the Palestinian police, Najib received asylum in Norway, where he still resides.

His brother, Saliba, was not so lucky. He was arrested in a similar manner and spent 21 months in prison (from August 2000 to May 2002), including 7 months in underground solitary confinement. Had he had not been released by the Israelis during Operation Defensive Shield, he would already be dead, having been informed that he was scheduled for execution. Saliba's experience is one that demonstrates the worst nature of the PA:

I was beaten with sticks, they stripped me naked and made me sit on bottles, and on the legs of chairs which they turned upside down, and many, many other sadistic things which I am even ashamed to say. Many times they allowed lynch mobs like the Al-Aksa Brigade to come in and pull prisoners out of the cells. They were taken out and shot on the spot, their bodies dragged through the streets for all to see.

After his liberation he was able to secure a temporary permit that allowed him to live in Israel but was unable to obtain similar permits for his wife and eight children, who remain behind in the Palestinian territories under constant threat. In January 2003, after appealing to the American Embassy in Tel Aviv about his situation, he was told to get a letter from the UNRWA (the United Nations Relief and Works Agency for Palestine Refugees in the Near East) to verify his story. He is unwilling, however, to deal with any organization that is connected to the PA in any manner due to fear for his family's safety:

UNRWA is located in East Jerusalem and most of the workers are Palestinians. I cannot tell them where I am and what happened to me... [the PA] announced in my village and in the surrounding villages that no one should help us out, or cooperate with any investigation carried out by Western outsiders, and they vowed that we would pay the penalty. My brother's family lives in the same village and the situation is the same for them.

Arrest and Torture by the Palestinian Authority: A Second Case Study

In November 2001, the Canadian Embassy received a request to grant asylum to a Palestinian man—a recent Christian convert—who had escaped a PA jail. "Aiman" had been jailed for 10 days and then released temporarily with the other prisoners because the authorities "feared that the Israeli's [sic] were going to bomb the jail." Aiman was told by the Palestinian police that if he did not return on the following Sunday, he would be killed. He did not return because they had been torturing him and he feared for his life. A man who was being tortured in the same room had already hanged himself "to escape the pain."

During the investigation, the Canadian Embassy was able to contact the PA to identify that the individual had, in fact, been in jail. The PA police confirmed that he had indeed been incarcerated, "though he hadn't been charged with anything nor had he ever been charged with any crime." When interviewed at the Canadian Embassy, Aiman told officials that the Palestinian police demanded that he

convert back to Islam... go to a religious Islamic school in Saudi Arabia or Gaza... go up to the minaret and say "Allah is great and God has no Son" over the loudspeaker and... confess all the names and addresses of the people he had converted, were involved in evangelism and were converting others.

Based on these inquiries, the Canadian embassy concluded that, indeed, "the PA does persecute those who convert from Islam to Christianity." Aiman was granted a visa 3 days later. To get past certain complications (for example, the lack of a valid passport), the Canadian Ambassador became personally involved in the situation. Five months later the embassy granted visas to Aiman's wife and children, and they were able to join him in Canada.

These gestures, however, were made on the condition that "this case wouldn't be a precedent for others in the same situation." Even when the international community's attention is called directly to address the situation facing Palestinian Christians, their reluctance to take action is still evident.

DENIAL AND SELF-BLAME IN THE PALESTINIAN CHRISTIAN COMMUNITY

Increasing Muslim hostility toward non-Muslims and "Westerners" resulting from the political situation in Israel and the disputed territories undoubtedly affects the daily social interactions between Palestinian Christians and Muslims. However, the politics of the territorial conflict exacerbate the plight of Palestinian Christians in a distinct and multifaceted manner, effecting more than basic social interactions.

For fear of jeopardizing their standing in the PA or, more simply, to achieve political positioning within the social hierarchy, Palestinian Christian leaders obfuscate the situation as it affects their constituents. This results in widespread public denial on the part of the Palestinian Christian leadership, typified by their failure to report the abuses occurring on the ground.

Claims of Harmony: The Co-Opting of the Christian Leadership

When asked to comment on the exodus of Palestinian Christians, Alex Awad, the Dean of Students at Bethlehem Bible College interviewed on March 19, 2003, responded by excusing then-President Arafat and the PA from any responsibility, rather than by addressing the question posed. As he stated, "I would like to say first, and very clear, that this [the Christian exodus] is not because of the PA. They are not leaving because they are sick and tired of the PA . . . we are not leaving because we are mad at Arafat and his policies." He neglected to illuminate what the "true" reasons for leaving might be.

Bishara Awad, the President of Bethlehem Bible College and a colleague of Alex Awad, concurred, claiming that Christians living under PA rule enjoy greater freedom due to PA protection of, and assistance to, the church leaders. Similarly, Labib Madanat, Executive Secretary of the Jerusalem Bible Society, an organization active in the distribution and publication of Christian holy texts, insisted that he had not encountered any problems with the PA. He remarked "the relationship with the Palestinian Authority [has been] very positive because the Bible Society has no political stand."

Although certain Christian religious leaders such as Bishop El-Assal have close connections with PA heads, these mutually supportive relationships bear no

resemblance to the difficult, often dangerous, circumstances in which ordinary Palestinian Christians live. These leaders are given special access to the media and use this opportunity to gain sympathy and political support from Christian countries for the Palestinians. A Christian resident of Bethlehem emphasized "you have to distinguish between the leadership and the people."

A public opinion poll performed by a Palestinian Christian academic revealed that only 48 percent of Palestinian Christians trust their religious leaders (Sabella: 2001:8). Indeed, the gap between the religious leadership and the lay community is growing. As a Christian man from Bethlehem observed, "[o]ur leaders are liars: They tell the newspapers that everything is OK. But when Christians go to the market, they're afraid to wear crosses" (Klein Halevi, 1997a).

Intimidation and Other Reasons for Denial

When Abu Sumayah, a Palestinian Christian resident of Beit Jallah interviewed on May 9, 2003, was asked why Palestinian Christians often purport good relations with Muslims and the PA, he responded, "There is a fear. If I lived in London, I would tell you [my real name]. [Here,] somebody will shoot me." Concurring, Mary, a Palestinian Christian interviewed in her home in Ramallah, recounted, "[l]ast week five Muslims beat up a Christian boy. We are afraid. They have knives [and] guns and can do whatever they want. They can kill you simply . . . [for] speaking bad about them."

In a 1997 *Washington Times* editorial, then-Congressman J.C. Watts commented on the fear of Palestinian Christians, saying, "incidents like these are known to be widespread, but most go unreported or are denied by the victims for fear of retaliation by the PA" (Watts 1997). Former Florida Senator Connie Mack described the fear of the Palestinian Christians he met with in a speech given on the Senate floor, stating, "[n]eedless to say, these Christians met with me at considerable risk. They conveyed to me a message of fear and desperation."

The intimidation of the Palestinian Christians is further illustrated by an examination of the readiness with which they conceal attacks or injury to their own community. Observing this, one Christian cleric in Jerusalem "compared the behavior of Christian *dhimmi*s to that of battered wives and children, who continue to defend and even identify with their tormentor even as the abuse persists" (Raab 2003).

The strong identification of some members of the Christian clergy with Palestinian nationalist aspirations leads them to deny the persecution of their community. Father Labib Kobl, a representative of the Latin Patriarch in Jerusalem, stated, "refuse . . . the propaganda that wants to prove that there were any studied or willed persecution from our Muslim brothers and sisters of the Christians. We consider it as mere propaganda against Islam, a cold war against our Muslim brothers that only benefits the Zionists of Israel." This is but one example of how a clergyman's political identification with Palestinian nationalism results in his ignoring the suffering of his community.

Professor Tsimhoni comments on Latin Priest Rafiq Khoury who called on Palestinian Christians to venerate the rule of Islam for the sake of national unity:

Khoury's call to venerate the rule of Islam because it creates national unity ignores the heavy price Christians would pay... living under such a regime. It indicates acquiescence to an inferior position... and the abandonment of the Christian dream of a liberal, secular society that would accept them as equals... (Tsimhoni 1993)

DOWNPLAYING VIOLATIONS BY THE PA

The supremacy of political interests over human rights has influenced the evaluations of the PA's treatment of Palestinian Christians conducted by the US State Department. There are noticeable leniencies in the State Department Annual Report on Religious Freedom's coverage of the Palestinian Authority over the last few years.

Some of this bias results from the methodology of the State Department's reports; for instance, as the report is structured on region and not on governing authority, the section on Israel describes only Israeli actions while the section on the occupied territories includes criticism of both the Israeli government and that of the Palestinian Authority. In many cases, a paragraph that appears in the Israeli section is repeated in that of the occupied territories, doubling the perceived violations in the mind of the reader.

In several instances, a single incident is pursued in-depth. For example, the 2002 Report on Religious Freedom details several incidents that allegedly occurred during Israeli incursions into the West Bank. The paragraphs describing these incidents go into some detail, but conspicuously absent is any attempt to obtain (or, if it was obtained, any acknowledgement of) an Israeli governmental response to the allegations. Particularly egregious is the virtually verbatim repetition of a single incident—the alleged threatening with a gun of an elderly Syrian Orthodox priest in Bethlehem—in *three* consecutive annual reports.¹² This could have been justified had new facts come to light about the incident, but the repetitions of this incident use virtually identical language and contain no new information. It remains to be seen whether the forthcoming 2005 report will cover its intended time period rather than reiterating stale accusations.

Curiously, only alleged Israeli violations are reported in detail and with repetition. Criticism of the PA, however, tends to be rather vague and superficial. For example, the following paragraph, which appears in the 2002 report, clearly goes to great pains to minimize allegations against the PA and to cast doubt on their veracity:

Since the establishment of the PA, there have been *periodic* allegations that a *small number* of Muslim converts to Christianity *at times* are subjected to societal discrimination and harassment by PA officials, including detention and questioning by security forces. During the period covered by this report, there was one such allegation. The allegation *could not be verified*. With regard to other allegations of mistreatment in recent years, conversion *may have been only one of several factors* leading to the mistreatment¹³ (emphasis added).

Note that no details of the alleged incident are given, in direct contrast to the unconfirmed Israeli "violations" mentioned above. In addition, note the report's insistence on separating violations of the past from violations that took place during the period covered by this report. This is in direct contradiction to the handling of alleged Israeli violations that are repeated year after year.

In addition, this report's assertion that "conversion may have been only one of several factors leading to the mistreatment" is an attempt to classify such allegations as not being under the purview of these reports. Such qualifiers do not often appear when describing actions taken by the Israeli government that necessarily limit some freedoms in the interests of public safety. For example, the 2003 report criticizes Israel for confiscating the passport of Archimandrite Attallah Hanna, an Israeli citizen and priest with the Greek Orthodox Patriarchate. Not until the 2004 report is it belatedly acknowledged that the passport was confiscated as a direct result of Hanna's public statements in support of Palestinian suicide terrorism while on a trip to Lebanon, a country that does not have peaceful relations or diplomatic ties with Israel. His status as a priest does not give him immunity from the obligations that come with the privilege of possessing a passport; therefore, his case was hardly deserving of the intervention of the US Department of State.

Similarly, there are many instances of Palestinian gunmen using churches as cover when firing on Israeli soldiers and civilians in the hope that Israeli return fire would damage the churches, thereby creating negative public relations. For instance, during October and November 2000, gunmen from the Tanzim, a militia affiliated with the late Yasser Arafat's Fatah movement, fired on the Jewish neighborhood of Gilo (Jerusalem) from areas adjacent to churches in Beit Jalla. A Christian cleric observed that "[t]he positions chosen by the Tanzim are near to churches in Beit Jalla, most notably the Church of St. Nicholas, hoping that Israel's return fire will hit a church. Then it will be front-page news for the 'Christian West,' that Israel is now destroying churches."¹⁴ In none of the four annual reports since the start of the *intifada* has the State Department seen fit to condemn this practice of holding churches hostage—or even to mention it.

The highest-profile case of this kind was the 2002 standoff at the Church of the Nativity. The State Department's report on the incident mentions the damage done to religious buildings during the standoff resulting from "armed action by Palestinian gunmen and members of the Palestinian security services against Israeli forces." This description carefully avoids accusing Palestinian militants of invading the Church's grounds in a deliberate attempt to get the Israelis to damage Christian holy sites and face international condemnation. In addition, the theft, intimidation, hostage taking, and vandalism that occurred inside the Church of the Nativity—where no Israeli soldiers were present—were never mentioned by the State Department.

The State Department's lack of scrutiny into the PA cannot be excused merely by the lack of reported incidents. The PA's weak judicial system, intimidation of victims, witnesses, and reporters, lack of rule of law, and the general psychological

victimization of religious minorities, result in few documented cases of restrictions or abuses of religious freedom. Thus, the State Department failed to adequately research the PA, despite its responsibility to do so. It is insufficient for the 2001 Report to state, "[i]t is unclear whether the injunction to 'respect' other religions would translate into an effective legal guarantee of religious freedom." To simply state that the results of their findings are unclear is to neglect their assignment. If the inaccuracies of the State Department reports were intended for political reasons to avoid discrediting the PA as a recipient of massive US financial aid, the US Congress is seriously handicapped in its ability to accurately judge the PA's adherence to basic international human rights when deliberating on appropriations and other bills concerning the PA.

Ortiz, the evangelical pastor, insists that he did report cases of religious persecution by the PA during three 1997 meetings with a State Department official. The official did not bother to take notes at any of the meetings. Citing America's deep investment in the peace process and fear of raising an issue that could disrupt it, the official chose not to hold the PA responsible for persecuting Christians. Even direct interviews with persecuted Palestinian Christians failed to elevate State Department concerns. The State Department official instead insisted on hard physical evidence to back up the allegations—an insistence that is plainly not present in many of the allegations against Israel that were reported. The official's recommendation was for the Christians to keep a low profile or to seek asylum in another country.¹⁵

THE SOURCES OF THE PA'S HUMAN RIGHTS OBLIGATIONS

International Obligations

Since the transfer of control over the major West Bank cities to the PA, there has not been any marked improvement, and, given the information offered in this article, it can be argued a significant deterioration in the provision of human rights for the Palestinian Christian minority that resides therein. Given the obvious complexities of the political conflict and the diversity of interests at play, the international community must step in as a politically neutral third party to ensure the PA's compliance with human rights norms. As long as the international community continues to ignore the problems Palestinian Christians face, it is doubtful they will see any amelioration of circumstances in the future.

According to the UN's Universal Declaration of Human Rights, the guiding premise of human rights law is the need for universal protection. Each Palestinian Christian is entitled to the fundamental rights and freedoms enumerated in the body of instruments recognized as customary human rights law. In addition, explicit agreements signed by the PA, even as a non-state party, establish a voluntary assumption of human rights obligations and are thus binding. Parties that adhere to human rights standards of their own volition cannot, in the words of international human rights lawyer Katherine Brennan, "claim to be exempt from the standards to which they voluntarily subject themselves."¹⁶ Their independent recognition of

human rights values affirms the accountability of the PA to respect and protect the rights of its constituents.

In fact, not only is the PA obligated to ensure that it does not itself actively discriminate against any religious group, it is also obligated to eliminate any discrimination that already exists. In the words of the International Convention on the Elimination of all Forms of Racial Discrimination:

The absence of a discriminatory policy is insufficient to meet the compliance standards of the UN convention. *The party must adopt a policy of eliminating discrimination.* According to this criterion, if persecution exists in even the societal sphere, legislation must be adopted to combat the cultural tendencies . . . (emphasis added).

In addition, the Convention requires collective rights to be equally protected. Thus, for example, one religious group cannot be subjected to different tax rates on account of its adherence to that particular faith. Finally, the fundamental rights of religious institutions are to be safeguarded. The PA, if it were to pursue compliance with the Convention, obligates itself to treat mosques and churches with equal respect and grant them equal protection.

There is no significant legal distinction between cultural, societal, and official human rights abuses; the Convention affirms this principle in excluding intent from the definition of discrimination. The existence of discrimination, whether deliberate or merely consequential of the society's values, constitutes a violation of the Convention's standards. Therefore, in the analysis by Egon Schwelb, a former Deputy-Director of the UN Division for Human Rights, the "Convention does not prohibit objectionable 'state action' only, but covers relationships between private persons, groups or organizations" (Schwelb 1975: 1). The above passage also specifies that the target forms of discrimination to be eliminated include individual acts, whether or not they are practiced with regularity. Thus, this resolution protects groups from "isolated acts" as well as systematic discrimination.

As Professor Theodor Meron, Charles L. Denison Professor of Law at New York University Law School, explains, "[u]nder customary law norms, violations of human rights by private persons are increasingly regulated by international law and, where they are not, there is an evolving obligation of states [in this case, non-state authorities] to take responsibility for preventing and prosecuting such violations, and providing victims with civil remedies against perpetrators. Thus, even abuses perpetrated by individuals unaffiliated with the government, fall increasingly into a category recognized under state accountability" (Meron 1989).

When the Oslo peace interim accords granted the PA local governance responsibility, Palestinian rights groups emphasized the human rights accountability of the new leadership. A report issued by the Palestinian rights organization *Al-Haq* explains that responsibility and accountability for human rights protection may be transferred to an "occupied population's authority" (Al-Haq 1993: 10). In this case, the PA, as the representative of the occupied population, must "unilaterally implement and declare their adherence to human rights instruments and to establish

independent judicial machinery accessible to the occupied population, for redress of human rights" (Al-Haq 1993: 9-10).

According to international public opinion, the legitimacy of the Palestinian movement rests on the idea that only through an autonomous entity or state can the human rights of Palestinians be truly protected. As Arafat explained to the UN Human Rights Commission in Geneva, the withdrawal of Israel from the Palestinian territories is "[a] radical solution to the deterioration of human rights and the return of the Palestinian people's right to their homeland and self-determination without external interference." This concept assumes that the political system envisioned will integrate democratic and human rights principles.

US Federal Statute to Protect Religious Freedom Abroad

The *International Religious Freedom Act*, which was passed by the House and the Senate on October 10, 1998 and signed into law by President Clinton on October 27, 1998, is the major piece of legislation instructing the US government to conduct a foreign policy that supports religious freedom in countries around the world. It further attempts to punish countries that do not respect it. This act allows the President some leeway to determine and apply appropriate sanctions in response to religious freedom violations. Instead of the automatic implementation of economic sanctions as previous versions of the bill had demanded, a broad range of diplomatic, political, and economic means were placed at the disposal of the President, who is ultimately empowered to tailor them to effectively combat religious persecution. This solution satisfied both the Clinton Administration's concerns over protecting US national interests and security policy and evangelical groups who feared severe economic sanctions could trigger a backlash and result in an increase in the persecution of religious minorities.

In the words of the statute, the enactment commits the United States to

Condemn violations of religious freedom . . . to promote and . . . assist other governments in the promotion of the fundamental right to freedom of religion . . . and . . . liberty and [to stand] with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational and cultural channels, to promote respect for religious freedom by all governments and peoples.

Two distinct levels of persecution may trigger the use of sanctions. First, "severe violations of religious freedom" including "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges . . . or other flagrant denial of the right to life, liberty, or security of persons." Second, "violations of religious freedom" including "arbitrary prohibitions on, restrictions of, or punishment for assembling for peaceful religious activities such as worship, preaching and prayer; speaking freely about one's beliefs; changing one's religious beliefs and affiliation; and possession of religious literature, including Bibles." The United States will also support initiatives for the promotion of religious freedom abroad through the allocations of funds or international educational and cultural exchanges.

According to the aforementioned stipulations, if a government or its officials persecute or allow the persecution of religious minorities as defined above by individuals or groups of individuals, the United States will take measures within the scope of the *International Religious Freedom Act*. Along with arrest, torture, and murder on grounds of one's religious belief, the denial of the right to publicly manifest one's religion is also considered persecution.

However, the caveats written in to the *International Religious Freedom Act* allow the President to subordinate actions taken against violating states to the national security interests of the United States. For example, the President may waive the application of sanctions if "the important national interest of the United States requires the exercise of such waiver authority." Moreover, Section (b) of the *International Religious Freedom Act* of 1998 states:

It shall be the policy of the United States, as follows: (3) To be vigorous and flexible, reflecting both the unwavering commitment of the United States to religious freedom and the desire of the United States for the most effective and principled response, in light of the range of violations of religious freedom by a variety of persecuting regimes, and the status of the relations of the United States with different nations.

In essence, this clause allows the US government to apply the sanctions stipulated in the *Act* irrespective of the degree or severity of violations. Combined with the waiver clause, this clause renders the *International Religious Freedom Act* virtually useless, unable to accomplish the objectives of its drafters. Because the United States wants to maintain friendly relations with countries that are crucial to its national security and policy interests, a president may choose largely symbolic steps to fight religious persecution abroad. President George W. Bush, however, has demonstrated the opposite. During his second term he has made the support and spread of religious and political freedoms a cornerstone of US foreign policy. Clear evidence of this comes from Secretary of State Condoleezza Rice's recent trip to China, during which she made a highly publicized visit to a church. In remarks she made to the press following her visit, Secretary Rice described how "religious communities are not a threat to transitioning societies; in fact, they are very often . . . a force for good, for stability and for compassion in societies that are undergoing rapid change." If the Bush Administration were to target the PA explicitly with its new policy—which adopts religious freedom as part of the Bush Doctrine of democratization—it could only improve the situation for Palestinian Christians.

POLITICAL MOTIVES SUPERVENE HUMAN RIGHTS STANDARDS

Although the United States places a high priority on the promotion of human rights, there are two factors that limit the ability of government-affiliated aid organizations to place direct pressure on the PA to improve its human rights record. A senior official at USAID (U.S. Agency for International Development) commented that, in a political climate with competing incentives, "the peace process is extremely

high on the agenda. If the people that are negotiating the peace process tell the people working on the assistance program to lay off this topic for the moment—probably they will.” As a result, the basic human rights needs of Palestinian Christians are repeatedly sidelined at the bargaining table.

One of the factors that can help to improve the situation of the Palestinian Christians in the territories is, as outlined above, the use of international pressure on the PA. This pressure can provide a financial incentive as well as focus greater international attention on the problem, which can only serve to ameliorate the condition of the Palestinian Christians. Simply put, there should not be any inherent contradiction between the peace process and a respect for human rights.

CONCLUSION

Andrei Sakharov, father of the Soviet hydrogen bomb turned human rights advocate, once said, “[a] country that does not respect the rights of its own people will not respect the rights of its neighbors.” It follows that human rights issues should not be ignored during international negotiations of any kind. This is not to suggest that human rights concerns should automatically trump considerations of national security or economic stability but rather that national security and economic stability often depend directly, or indirectly, on official respect for human rights.

There cannot be peace in the Middle East until the Palestinians respect the rights of their internal minorities. The indoctrination from a very young age of Palestinian children to hate and kill Christians (and Jews) directly contributes to a culture that produces suicide bombers and cheering demonstrators, ecstatic at the destruction caused by the September 11 attacks (Weiner 2002).

The testimonies provided in this article make it pointedly clear that lawlessness and anarchy have swept the West Bank and Gaza Strip in recent years. Gangs of thugs and thieves have created what a former Palestinian Cabinet Minister described as “total chaos.” It is essential that the PA arrest these militants who, in their range of mafia-like conduct, frequently abuse and intimidate Christians (Abu Toameh 2002c).

The future of the Palestinian Christian community, and any other religious minority living under PA governance, will rest on the potential for religious broad-mindedness and the rejection of archaic attitudes toward non-Muslims. If the Palestinian leadership is expecting to gain political and economic backing from the Bush Administration and other donor nations, such support ought to be conditioned on human rights reform. In particular, the vulnerability of the Christians living under PA rule should be comprehensively addressed. But as long as the PA continues to shirk its commitment to uphold the principle of religious freedom, the Palestinian Christians will continue to suffer. And as long as the draft constitution of the PA reflects the principles of *Sharia* law, the emergence of religious tolerance will remain highly unlikely. Furthermore, as long as the international community continues to ignore the endemic human rights problems in the Palestinian territories, there will be scant prospects for the formation of a liberal democracy called

“Palestine.” Instead, the world will be left with yet another Middle Eastern autocracy that ignores and systematically abuses the most basic human rights while displaying utter disregard for international norms such as freedom of religion.

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NOTES

1. No byline, Democracy Stirs in the Middle East, *The Economist*, March 5, 2005, p. 9.
2. Excerpt from speech given by President George W. Bush at West Point Military Academy on June 1, 2002. <http://www.whitehouse.gov/nsc/nssall.html> (visited April 6, 2005).
3. Anthony Browne, Church of Martyrs, *The Spectator*, March 25, 2005. <http://www.lewrockwell.com/spectator2/spec575.html> (visited April 5, 2005).
4. Nina Shea and James Y. Rayis, “Christian Crisis: ChaldoAssyrian Christians may soon leave Iraq en masse.” *The National Review Online*, January 6, 2005. <http://www.NationalReviewOnline.com> (visited April 5, 2005).
5. See Bat Ye’or (1985), Cohen (1994), and *Islam: Empire of Faith*, PBS documentary, <http://www.pbs.org/empires/islam/faithpeople.html> (visited June 28, 2004).
6. See e.g. the verse Sura 9:29. Cohen translates this as “fight against those who have been given the scriptures until they pay the *jizya an yadin wa-hum sagurun*.” The difficulty of the last four words led to much room for interpretations. The result was that the root *s-gh-r* was taken to mean “to make little” and this verse was used as the basis of many humiliating restrictions placed on the *dhimmi*. See Cohen (1994).
7. Interview with Nina Shea, Director of the Center for Religious Freedom in Washington, DC (February 11, 2003).
8. For a more detailed discussion of the population change in Bethlehem, see Sabella (2000).
9. The names, occupations, and places of residence of Palestinian Christians have been changed to protect them from reprisals. For security reasons, most have asked that their anonymity be preserved.
10. Walter Rodgers, Christians Bowing out of Bethlehem, CNN World News, December 20, 1995. <http://www.cnn.com/WORLD/9512/israel.bethlehem/> (visited April 7, 2005).
11. See Israeli government report, The Palestinian Authority’s Treatment of Christians in the Autonomous Areas, <http://www.tzemach.org/fyi/docs/chrstper.htm>.
12. Annual Report, International Religious Freedom, 2002: Report by the Department of State in Accordance with Section 102 of the International Religious Freedom Act of 1998 (2003); Annual Report, International Religious Freedom, 2003: Report by the Department of State in Accordance with Section 102 of the International Religious Freedom Act of 1998 (2003); Annual Report, International Religious Freedom, 2004: Report by the Department of State in Accordance with Section 102 of the International Religious Freedom Act of 1998 (2004).
13. The paragraph continues with this suspicious sentence: “In previous years, the PA stated that it investigated such allegations; however, it did not make available the results of these investigations.” The author wonders if such investigations were pursued seriously, or if the results were not made public to avoid being forced to act on them.
14. Interview with Pastor David Ortiz, in Jerusalem (Oct. 21, 2004).
15. Ortiz received a similar response in 2000 from the official’s successor. Interestingly, the replacement was actively involved in aiding a convert who was seeking asylum in the United States, a story that received substantial media attention in the American, Israeli, and British press—and no attention in the Reports on Religious Freedom, despite the fact that the State Department’s direct involvement in the situation presumably gave them full access to its details.
16. See Katherine Brennan, Note, The Influence of Cultural Relativism on International Human Rights Law: Female Circumcision as a Case Study, 7 *LAW & INEQ J*, 367–73 (1991) reprinted in Frank Newman and David Weissbrodt, *International Human Rights: Law, Policy, and Process* 678 (2nd ed., 1996).

REFERENCES

- ABU TOAMEH, KHALED (2002c). Losing Authority: A Deepening Crisis Within Fatah Has the PA in a State of Anarchy. *Jerusalem Post Magazine*, Mar. 5, 9.
- AL-HAQ (1993). *A Human Rights Assessment of the Declaration of Principles on Interim Self-Government Arrangements for Palestinians*.
- ALPERT, CARL (1995). *Christian Minorities in the Middle East*. Middle East Intelligence Digest.
- AMNESTY INTERNATIONAL (1995). *Human Rights are Women's Rights*. Available from: <http://web.amnesty.org> (visited July 20, 2004).
- BAT YE'OR (1985). *The Dhimmi: Jews and Christians Under Islam* (New Jersey: Fairleigh Dickinson University Press).
- BEDIN, DAVID (2003). *Final Version of Official Palestinian State Constitution*. Makor Rishon Weekly, Apr. 17.
- B'TSELEM (1994). *Collaborators in the Occupied Territories: Human Rights Abuses and Violations*. Jerusalem, January. Available from <http://www.btselem.org> (visited July 20, 2004).
- BUSH, GEORGE W. (2002). Extract from speech at West Point Military Academy. Available from <http://www.whitehouse.gov/nsc/nssall.html> (visited April 6, 2005).
- COHEN, MARK (1994). *Under Crescent and Cross, The Jews in the Middle Ages* (Princeton, NJ: Princeton University Press 1994), p. 52.
- DAVIS, A. (2002) Yasser Arafat's Exemplary Christian Spirit. *The Israel Report*, Jan. 4, 2002. Available from <http://christianactionforisrael.org/isreport/jan02/spirit.html> (visited Aug. 21, 2004).
- DEPARTMENT OF STATE (2002) *International Religious Freedom Report for 2002: Israel and the occupied territories*. Bureau of Democracy, Human Rights, and Labor, Oct. 7. Available from <http://www.state.gov/g/drl/rls/irf/2002/13997.htm>
- EL-ASSAL, RIAH (1999). *Caught in Between* (Society for Promoting Christian Knowledge), p. 131.
- FARGUES, PHILIPPE (1998). The Arab Christians in the Middle East: A Demographic Perspective. Pacini, Andrea, ed. *Christian Communities in the Arab Middle East: The Challenge for the Future* (Oxford: Clarendon Press).
- FARAH, J. (2003) *Persecution in "Palestine"* 14 May. Available from www.worldnetdaily.com
- GEMAYIL, BASHIR (1983). *Liberte et Securite* (Beirut, 1983).
- GIL, MOSHE (1992). *A History of Palestine 634-1099*, (Ethel Broido trans.) (Cambridge, Cambridge Univ. Press 1992), pp. 141-142.
- GUTTMAN, MATTHEW (2002). What In God's Name Am I Doing Here. *Jerusalem Post Online Edition*, May 16. Available from <http://www.jpost.com> (visited May 18, 2002).
- KLEIN-HALEVI, YOSSE (1997a). Squeezed Out. *Jerusalem Report*, July 10, 19.
- KLEIN-HALEVI, YOSSE (1997b). Palestinian Christians Say Land Dealer Really Held for Missionizing. *Jerusalem Report*, Sept. 4.
- MERON, THEODOR (1989). *Human Rights and Humanitarian Norms as Customary Law* (Oxford: Oxford).
- NAMMAR, JACOB (2002). Palestinian Christians in Holy Land are Forgotten. *San Antonio Express*, Oct. 26.
- NO BYLINE (2002). Minutes of Meeting of Works of Aid for the Oriental Churches (Jan. 2002), p. 27.
- PACINI, ANDREA (1998). *Christian Communities in the Arab Middle East, the Challenge for the Future* (Oxford: Clarendon Press).
- PALESTINE MINISTRY OF INFORMATION (1997). *Palestinian National Authority Reports in the Western Media, Palestine, the PNA, and Religion*, Dec. 23.
- PHARES, WALID (1997). *The Forgotten Mideast Christians*. Middle East Digest, August.
- PORATH, YEHOSHUA (1974). *The Emergence of the Palestinian Arab National Movement 1918-1929* in: Bat Ye'or, *The Dhimmi*. (London: Associated University Presses), p. 303.
- RAAB, DAVID (2003). The Beleaguered Christians of the Palestinian-controlled Areas. *Jerusalem Viewpoints*, January No 490. Available from <http://www.jcpa.org/jl/vp490.htm> (visited July 16, 2004).
- ROACO (2002). *Minutes of Meeting of Works of Aid for the Oriental Churches*.
- SABELLA, BERNARD (2000). *Palestinian Christian Population, Inter-religious Relations and the Second Intifada*. Available from http://sachlav.huji.ac.il/courses/40360_2004/upload/readings/palchrist.html (visited July 15, 2002).
- SABELLA, BERNARD (2001). *Middle East Study Association Annual Meeting*. November, San Francisco.
- SCHWELB, E. (1975). The International Obligations of Parties to the Convention. The United States and the United Nations Treaty on Racial Discrimination. Studies in Translational Legal Policy No 9 (The American Society of International Law 1975). In: Lillich, Richard, and Newman, Frank. *International Human Rights: Problems of Law and Policy* 134 (1979).
- SENNOTT, CHARLES (1999). Christians Anxious Under Palestinian Rule, *Boston Globe*, Jan. 17.
- SHAVIT, URIYA AND BANA, JALAL (2001). The Secret Exodus. *Ha'aretz*. Oct. 3, 15.
- TSEIMHONI, DAPHNE (1993). *Christian Communities in Jerusalem and the West Bank since 1948*. Jerusalem, Harry S. Truman Research Institute for the Advancement of Peace.
- TSEIMHONI, DAPHNE (2002). Christians Fleeing Palestinian Controlled Areas. *Near East Report*, Jan. 28.
- WATTS, J. C. (1997). Yasser Arafat vs. Christians. *Washington Times*, Dec. 4, A19.
- WEINER, JUSTUS R. (1995). Human Rights in Limbo During the Interim Period of the Israeli-Palestinian Peace Process: Review, Analysis and Implications. *27 N.Y.U. J. Int'l L. & Pol.* 761, 855.
- WEINER, JUSTUS R. (2002). The Use of Palestinian Children in the Al-Aqsa Intifada: A Legal and Political Analysis. *16 Temp. Int'l L. & Comp. L.J.* 43.