



## UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

# ISSUE UPDATE: PROTECTION OF RELIGIOUS SITES DURING ARMED CONFLICT

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### USCIRF's Mission

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*To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.*

By Luke Wilson, Researcher

## Protection of Religious Sites during Armed Conflict

### Overview

International humanitarian law (also called the law of war or the law of armed conflict) protects civilian sites and cultural property, including places of worship and other religious sites, from being targeted for destruction or used for military purposes by state or nonstate actors during armed conflict unless the strict conditions articulated in the distinction principle, the proportionality principle, and the precautionary principle are met. Despite these protections, religious sites continue to be impermissibly targeted for destruction in armed conflicts around the world.

USCIRF has closely monitored and reported on freedom of religion or belief (FoRB) in conflict zones, including a 2019 report on [protecting](#) places of worship and holy sites. USCIRF has reported on violence and religious freedom in [Nigeria](#) and [condemned](#) violent assaults on worshippers there, highlighted [attacks](#) against religious sites and Russia's religious freedom violations during its invasion of Ukraine, and noted [alarm](#) over the [destruction](#) of houses of worship [during](#) the Israel-Hamas conflict.

This issue update builds on USCIRF's previous work by providing a summary of international humanitarian law's protections for places of worship and religious sites as reflected in the distinction principle, the proportionality principle, and the precautionary principle, which are recognized by treaty and as customary international law. It also examines cases in which parties to conflicts have targeted houses of worship and religious sites, including during the Burmese civil war, the Israel-Hamas conflict, the conflict involving the Nigerian government and U.S.-designated entities of particular concern, the Sudanese civil war, and the Russian invasion of Ukraine.

### International Humanitarian Law

#### Introduction

International humanitarian law's protections for places of worship and religious sites are applicable in cases of international armed conflict and non-international armed conflict. Common Article 2 to the Geneva Conventions defines international armed conflict as "cases of declared war or of any other armed conflict" between two or more states.

Common Article 3 to the Geneva Conventions introduces but does not define the concept of “armed conflict[s] not of an international character.” International humanitarian law has since [recognized](#) that two conditions must be met for hostilities to qualify as a non-international armed conflict. First, the “hostilities must reach a minimum level of intensity.” This condition is met when, for example, a “government is obliged to use military force against ... insurgents, instead of mere police forces.” Second, the nongovernmental armed group or groups participating in hostilities must be organized such that the forces are “under a certain command structure and have the capacity to sustain military operations.” These two conditions intend to [distinguish](#) a non-international armed conflict, which is subject to international humanitarian law, from “banditry, unorganized and short-lived insurrections, or terrorist activities, which are not subject to international humanitarian law.” A non-international armed conflict may exist when a single state is fighting one or more nongovernmental armed groups or when two or more nongovernmental armed groups are fighting each other.

### Distinction Principle

The distinction principle prohibits parties to a conflict from attacking any civilian objects, including places of worship and religious sites. However, places of worship and religious sites may lose their status as civilian objects and be legally targeted if they become military objectives. Article 52(2) of the [First Protocol to the Geneva Conventions](#) defines a military objective as “those objects which by their nature, location, purpose or use make an effective contribution to military action” and “whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.” Crucially, Article 52(3) provides that when there is doubt regarding whether a place of worship or religious site “is being used to make an effective contribution to military action, it shall be presumed not to be so used.”

International humanitarian law provides increased protection for places of worship and religious sites when those objects meet the definition of “cultural property.” Article 1 of the [1954 Convention for the Protection of Cultural Property](#) defines cultural property as “property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular.” As [scholarship](#) shows, states may identify places of worship and religious sites located on their respective territories as cultural property and share that information with other states. But if states do not share such information, then the “responsibility

to define which objects are protected will also fall in practice on the shoulders of the opposing party.”

Article 4(1) of the convention prohibits parties to a conflict from targeting cultural property and from using cultural property “for purposes which are likely to expose it to destruction or damage.” Article 4(2) provides that these protections for cultural property may be waived only when “military necessity imperatively requires such a waiver.”

Article 6(a) of the [Second Protocol to the Hague Convention of 1954](#) provides that the prohibition on targeting cultural property “by its function” has been made into a military objective and “no feasible alternative” to targeting it is available to obtain a similar military advantage. Article 6(b) provides that the prohibition on the use of cultural property may be waived only “when and for as long as no choice is possible between such use of cultural property and another feasible method for obtaining a similar military advantage.”

### Proportionality Principle

Armed forces that are considering striking a place of worship or religious site that has become a military objective must abide by the proportionality principle. Article 57(2)(a)(iii) of the [First Protocol to the Geneva Conventions](#) prohibits attacks which “may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”

### Precautionary Principle

Even when armed forces determine that a place of worship or religious site has become a military objective and that a strike on the object would be proportionate to the military advantage anticipated, the armed forces must take additional steps to avoid and minimize incidental loss. Article 57(2)(a)(ii) of the [First Protocol to the Geneva Conventions](#) provides that armed forces must take “all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event minimizing, incidental loss of civilian life, injury to civilians, and damage to civilian objects.”

Additional precautions must be taken to protect places of worship and religious sites designated as cultural property. Article 7(a)-(c) of the [Second Protocol to the Hague Convention](#) provides that all parties to a conflict shall do “everything feasible” to verify that the target of an attack is not cultural property, take “all feasible precautions” to avoid or minimize damage to cultural

property, and refrain from launching attacks that are expected to cause excessive incidental damage to cultural property in relation to the concrete and direct military advantage anticipated. In addition, Article 7(d) provides that armed groups shall cancel or suspend an attack if it becomes apparent that the military objective is cultural property and if the attack is expected to cause incidental damage to cultural property that is disproportionate to the concrete and direct military advantage anticipated.

## Global Concerns

In armed conflicts around the world, the impermissible targeting of houses of worship and religious sites has resulted in their destruction as well as the killing and maiming of innocents. Even when lawful, the destruction of houses of worship restricts freedom of religion or belief by limiting individuals' ability to worship and practice their faith. Parties to armed conflicts must abide by international humanitarian law and [avoid](#) unlawfully targeting houses of worship and religious sites for destruction. Below are some recent examples of the destruction of houses of worship and religious sites that USCIRF has observed during ongoing armed conflicts in Burma, Israel and the Palestinian territories, Nigeria, Ukraine, and Sudan.

### Burmese Civil War

In October 2016, the Burmese government [responded](#) to insurgent attacks with a military crackdown on the predominantly Muslim Rohingya population in Rakhine State. The crackdown included the detention and arrest of hundreds of Rohingya, sexual violence against women and girls, and the destruction of over 1,200 buildings, including mosques. Following the crackdown, the authorities [developed](#) further plans to demolish Muslim homes and mosques. In August 2017, the military [launched](#) a widespread operation to implement its plans. The attacks resulted in the killing of 9,000 Rohingya and the forced displacement of over 700,000. The U.S. Department of State, in March 2022, [determined](#) that the Burmese military's actions in 2016 and 2017 amounted to genocide and crimes against humanity against the predominantly Muslim Rohingya community. In making the determination, the U.S. government noted the "widespread attack on mosques."

In February 2021, the Burmese military [seized](#) the institutions of the state, arrested members of the civilian government, and ended a decade of quasi-democratic rule. Since seizing power, the military has [engaged](#) in an armed conflict with nongovernmental armed groups, [destroying](#) at least 200 Buddhist monasteries, churches, and mosques. On October 9, 2023, the military

reportedly [bombed](#) a camp for internally displaced persons in Kachin State, killing 30 people, including about a dozen children, and destroying a [Lisu](#) church. On January 7, 2024, the military [bombed](#) Kanan village in the Sagaing Region in a strike that damaged the St. Peter Baptist Church and killed at least 17 people. In April 2024, the military [bombed](#) a monastery in Karen State, resulting in the death of eight people and wounding at least 15.

### Israel-Hamas Conflict

Following the October 7, 2023, Hamas terrorist attacks against Israel and Israel's subsequent military operation in Gaza, parties to the conflict have utilized religious sites to launch attacks and have damaged or destroyed such sites. On December 26, an unguided rocket [launched](#) by a Palestinian armed group struck a synagogue at Kibbutz Sa'ad in Israel and damaged the building's roof.

On October 19, an Israeli airstrike [damaged](#) the St. Porphyrius Greek Orthodox Church, killing at least 16 people and causing the [collapse](#) of a multipurpose building at the church complex where hundreds of civilians were taking shelter. The St. Porphyrius Church is the oldest active church in Gaza. On December 8, an Israeli [strike](#) targeted the al-Omari Mosque in Gaza and caused serious damage to the site. The al-Omari Mosque was initially constructed as a Byzantine church in the fifth century and is currently the oldest and largest mosque in Gaza's Old Town. The Latin Patriarchate of Jerusalem [reported](#) that on December 16, Israel Defense Forces (IDF) rocket fire rendered uninhabitable the Convent of the Sisters of Mother Theresa in Gaza, which was home to over 50 disabled persons and is part of the Holy Family Parish compound. The report also stated that the IDF shot and killed two Christian women, Nahida Khalil Anton and her daughter Samar Kamal Anton, who were walking between buildings at the compound. An IDF statement [noted](#) that IDF personnel were operating "against a threat that they identified in the area of the church." In February 2024, an Israeli [strike](#) destroyed the al-Farouk Mosque in Rafah.

### The Conflict Involving the Nigerian Government and U.S.-Designated Entities of Particular Concern

The Nigerian government and U.S.-designated entities of particular concern Boko Haram and the Islamic State in West Africa (ISWAP) are engaged in a non-international armed conflict against one another. Boko Haram [launched](#) its broader campaign of violence in 2009 and later split into two factions, [resulting](#) in the founding of ISWAP in 2015. Armed [gangs](#) associated with Fulani herdsmen and criminal activity often work in tandem

with violent Islamist groups and carry out attacks or kidnappings to acquire funds and extort money from local civilians.

During a rampage across several villages in February 2022, ISWAP [burned](#) at least one church. In June 2022, ISWAP [attacked](#) the St. Francis Catholic Church in Ondo State and killed 40 parishioners. In October 2022, ISWAP [attacked](#) the Celestial Church, Blood of Jesus Christ Parish, in Kogi State, killing two people and injuring several others. In January 2023, Boko Haram [reportedly attacked](#) the St. Peter and St. Paul Catholic Church in northern Nigeria and killed one priest. In December 2023, including on Christmas Eve, [militants attacked](#) more than 160 villages and burned down at least eight churches.

### Russia's Invasion of Ukraine

In February 2022, Russia launched a full-scale invasion of Ukraine. Since then, the conflict has resulted in damage to at least [500](#) houses of worship and religious sites. For example, in June 2022, Russian artillery [struck](#) the Orthodox Svyatohirsk Lavra monastery complex in the Donetsk region, [killing](#) three monks and a nun. In July 2023, the Russian military [bombed](#) Odesa's historic Orthodox Transfiguration Cathedral, which is a United Nations Educational, Scientific, and Cultural Organization (UNESCO) world heritage site. The UN's Independent International Commission of Inquiry on Ukraine [concluded](#) that Russian forces committed "indiscriminate" attacks impacting the Transfiguration Cathedral and other buildings located in the city's historic center. In August 2023, Russian shelling [damaged](#) Kherson's Orthodox St. Catherine's Cathedral, which was built in 1781. In September 2023, Russian rockets reportedly [destroyed](#) one of the oldest churches in the Donetsk region, St. George's Church. In February 2024, a

Russian [airstrike](#) hit the Protestant Jesus Christ Church in Kupiansk and killed one pastor.

### Sudanese Civil War

In April 2023, a civil war [broke out](#) between the Sudanese Armed Forces (SAF) and the paramilitary Rapid Support Forces (RSF). On April 17, 2023, the RSF [raided](#) the Sudanese Anglican Church in Khartoum and converted the building into a base of operations. The RSF also physically assaulted individuals sheltering in the church and forced them to leave. On April 20, rockets from unknown combatants [struck](#) the Catholic Mary Queen of Africa Cathedral, including a priests' residence. In May, unidentified armed [combatants attacked](#) the St. George Coptic Church in Khartoum, which is one of the oldest churches in the city, and wounded five people sheltering there. The St. George Coptic Church in Khartoum is affiliated with the Egyptian Coptic Church. On November 1, 2023, the SAF [shelled](#) and destroyed the largest church in Omdurman. The church dates back to the early 20th century and is used by both Episcopalians and Evangelicals. In January 2024, the RSF set [fire](#) to an Evangelical church in Wad Madani; the church is the largest in Gezira State and was constructed in 1939. Reports [indicate](#) that in March 2024, militias affiliated with the SAF set off explosives inside the Sheikh Qarib Allah Mosque in Omdurman.

### Conclusion

International humanitarian law protects houses of worship and religious sites from destruction during international and non-international armed conflicts. Parties to such armed conflicts may only target houses of worship and religious sites for destruction in very narrow circumstances. Despite this, USCIRF continues to observe the destruction of houses of worship and religious sites in armed conflicts around the world.





## UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.