

Mandates of the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

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(Please use this reference in your reply)

18 May 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 55/5 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **expropriation measures targeting the archaeological site of Sebastia and surrounding lands in the northern West Bank, and the intensification of activities undertaken at and around the site since 2023, which aim at and result in cutting the longstanding cultural, social and economic ties between the local Palestinian community and the site, and developing settler-led tourism privileging a single historical narrative.**

According to the information received:

Sebastia is a multi-layered archaeological site located in the northern West Bank, comprising an archaeological mound/acropolis situated in Area C and a historic town located in Area B, forming a continuous cultural landscape inhabited and used by the local Palestinian community for generations. A modern town has grown from the historic village, which is at its centre.

The site reflects over three millennia of continuous human settlement, political change, religious traditions, and architectural development. Its unique stratigraphy and well-preserved remains illustrate the complex interactions among ancient cultures and empires, making it a site of exceptional value for understanding the region's history. The site has been associated with the Iron Age Shomron/Samaria capital of the Northern Kingdom of Israel, a Roman city built by Herod and named after Augustus (Sebaste), and the burial place of John the Baptist, marked by a Crusader cathedral later converted into the Nabi Yahya mosque.

In 2012, Sebastia was included on the UNESCO Tentative List of World Heritage Sites for the State of Palestine, and in 2013 it was referenced within the "Throne Villages" (a network of rural political centres governed by local notable families), also on the Tentative List for the State of Palestine.

The town of Sebastia grew around the archaeological remains, integrating historic buildings, agricultural terraces, and pathways that have survived for centuries. The local community has protected, inhabited, and cultivated the landscape, with their traditions, livelihoods and identity deeply connected to the

archaeological site. The site and the town form a single, inseparable, living cultural environment.

However, the 1995 Oslo II Interim Accords entrenched the separation between the archaeological mound and the town by assigning the first to Area C – under full Israeli civil and military control – and the second to Area B, under Palestinian civil authority but Israeli security control. This fragmentation weakened the town’s ability to protect, develop, or economically benefit from the site, and allowed Israel to treat the acropolis as a space detached from its living community.

Despite such restrictions, the community of Sebastia and its partners developed preservation and rehabilitation initiatives rooted in the town’s historical continuity, its layered identity, and the inseparable bond between the acropolis, the town and the community. For example, between 2006 and 2008, the PUSH project involved working collaboratively with local stakeholders, and developing a site presentation strategy that emphasised the shared historical narratives embedded in Sebastia’s multilayered landscape, using trilingual interpretive signage – Arabic, Hebrew, and English. However, shortly after the signage was installed, the Israeli Civil Administration confiscated the interpretive panels, removing them from the site.

Since 2019, with intensification between 2023 and 2025, Israeli governmental bodies and Jewish settler organisations operating in the West Bank have advanced long-term plans for transforming key archaeological sites into settler-run tourist anchors. These initiatives have been accompanied by a misleading public campaign alleging that Palestinians were engaged in widespread destruction of Jewish antiquities. Plans are to develop Sebastia as part of a broader heritage and tourism programme in the West Bank, further severing the town from the archaeological site.

In May 2023, the Israeli Government Decision No. 491 allocated 32 million NIS for the development of the “Shomron National Park”, encompassing Sebastia. In July 2023, an additional 120 million NIS was allocated for archaeological development across the West Bank, followed by a further 40 million NIS allocation in October 2025.

In June 2024, the Civil Administration’s Staff Officer for Archaeology (SOA) was reportedly authorised to implement heritage-related actions in Area B. In parallel, during 2024–2025, a legislative initiative was advanced in the Knesset to transfer antiquities governance in the West Bank to a civilian authority under the Israeli Ministry of Heritage, effectively extending Israeli antiquities legislation to the territory. The draft passed its first reading in the Knesset on 11 May 2026.

On 10 July 2024, a military seizure order reportedly covered 1.3 dunams at the summit of the Sebastia mound for the installation of surveillance infrastructure. An appeal submitted by Palestinian landowners and the Municipality of Sebastia was rejected in May 2025.

In May 2025, new excavations were reportedly commenced at the site by the SOA without coordination with, or consent from, the competent Palestinian authorities.

In August 2025, the Civil Administration reportedly issued sixty declarations of archaeological sites across the northern West Bank, thirty of which were newly designated, representing the largest such wave of declarations recorded to date, a dramatic expansion of Israeli control over heritage landscapes in Area C, and an unprecedented scale of landgrab in the name of protecting antiquities.

On 19 November 2025, a notice of intention to expropriate was published by the Israeli Civil Administration, covering the entire archaeological acropolis of Sebastia and approximately 1,800 dunams of surrounding land in Area C, including privately owned plots belonging to residents of Sebastia and the neighbouring village of Burqa (on which are situated several homes, souvenir shops and traditional family-owned restaurants as well as agricultural land containing half of the olive trees used by residents of Sebastia for their olive oil industry), archaeological features and access routes. The envisaged expropriation would detach the archaeological acropolis from the historic town and re-route access to the site directly toward Road 60, with the effect of restructuring tourism management and displacing existing Palestinian-led tourism activities that constitute a key source of local livelihood.

On 25 November 2025, authorities reportedly began fencing the nearby Ottoman-era Massoudieh train station site, pursuant to an allocation of 3.5 million NIS for fencing and reconstruction.

On 11 February 2026, the Civil Administration issued a formal decision regarding the acquisition of ownership and possession of land at the Sebastia archaeological site (Decision No. 01/26). According to the information received, the decision relies on Order No. 321 (1969) concerning land acquisition for public purposes and section 4 of the 1953 Land Law, invoking “public interest” and the preservation and development of the archaeological site as justification. The order reportedly covers approximately 2,068 dunams across lands belonging to Sebastia and Burqa and provides that possession may be taken within 60 days of publication. Residents were granted a 60-day period to submit objections, which they did. They are currently waiting for the results of their objections.

Since the November 2025 announcement, Israeli military forces reportedly maintain an increased presence at and around the site. Access has periodically been restricted to residents during official visits, including during a visit on 12 February 2026 by the Israeli Minister of Heritage.

Without prejudging the accuracy of the information received, we wish to express our serious concern regarding the cumulative effect of the reported measures, which seem to be part of a coordinated attempt to transform Sebastia into an Israeli settlement-led tourist enclave, on the longstanding cultural, social and economic ties between the local Palestinian community and the site. Should these allegations be confirmed, such measures would isolate the town from its archaeological acropolis,

altering the historical, archaeological and cultural character of the entire site and surroundings and damaging its living dimension.

This would seriously jeopardize the exercise of the cultural rights of the Palestinian population concerned, including the right to access, enjoy, maintain, develop and transmit their cultural heritage as part of their cultural identity, in violation of article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

We are further concerned that these steps seem to form part of a wider scheme to transform archaeology into a mechanism of control, cultural cleansing and annexation, mobilizing heritage to assert territorial claims over land in Palestine, **in violation of article 1 of the ICESCR as well as the International Covenant on Civil and Political Rights (ICCPR) on the right to self-determination.**

The International Court of Justice, in its Advisory Opinion of 19 July 2024, confirmed that Israel's presence in the Occupied Palestinian Territory is unlawful and must be dismantled totally and unconditionally. As long as the occupation persists, Israel remains bound by international law governing occupation. Failure to comply not only deepens its state responsibility but may also entail individual criminal liability for its leaders.

We are particularly concerned as the above alleged project designed by the Israeli authorities had already been reported in the May 2025 report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel. The Commission stressed that these measures were taken despite the fact that Palestinians from the village had been involved for many years in renovating and preserving Islamic and Christian artefacts at the archaeological site and managing tourism and education activities surrounding the site. It noted that the project will not only cut off Palestinians from the site, it will also develop the site to focus exclusively on Jewish history, marginalizing other cultural heritage, including Palestinian historical ties (A/HRC/59/26, para. 64).

The Commission further reported that in the occupied West Bank, including East Jerusalem, Israeli authorities have appropriated, developed and profited from cultural heritage sites representing Palestinian, Jewish and other cultures, displaced Palestinians from those sites, and blocked or severely restricted Palestinians from accessing such sites. The Commission found that such acts amounted to a violation of international humanitarian law and violations under international human rights law, including the right of the Palestinian people to enjoy their own culture and the freedom of religion and belief. The Commission found that archaeological excavations carried out by Israeli security forces under the guise of "rescue excavations" leading to the creation of tourist attractions were unlawful under the Convention for the Protection of Cultural Property in the Event of Armed Conflict. Moreover, the transformation by Israel of archaeological sites to tourist attractions constituted misappropriation, which is prohibited under that Convention. Such acts also involved unlawful settlement activities in flagrant defiance of international humanitarian law and contrary to multiple United Nations resolutions and the 2024 advisory opinion of the International Court of Justice (A/HRC/59/26, para. 93).

The Commission also found that the proposed legislative amendment to transfer the responsibility for cultural and archaeological sites in the West Bank to the Israeli Antiquities Authority constituted a clear act of unlawful annexation. It noted that the suppression of history and the exploitation of archaeology, as well as action purportedly undertaken to safeguard Jewish heritage-related archaeological sites in the West Bank, including East Jerusalem, masked an underlying agenda of settlement expansion and unlawful annexation (A/HRC/59/26, para. 94).

We are concerned that the Israeli Government is pursuing its policy despite the alarm raised by the Commission regarding clear breaches of international law.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate measures adopted to ensure the free, prior and informed consent of the local Palestinian community to any decision relating to the archaeological site of Sebastia, the town and surrounding lands, as well as Burqa.
3. Please provide detailed information on the measures taken or envisaged to safeguard the multi-layered historical, archaeological and cultural character of the Sebastia site and to ensure continued access of the Palestinian population to the site, including for cultural, religious, social and economic purposes.
4. Please explain how the above-mentioned reported measures are compatible with Israel's obligations under international human rights law, particularly the right to take part in cultural life, the right to self-determination and international humanitarian law, including Israel's obligation as an occupying power and as interpreted by the International Court of Justice's Advisory Opinion of 19 July 2024, on the "Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem".

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations. In particular, we ask that your Excellency's Government rescind the expropriation notice targeting the acropolis and surrounding lands, and halt all unilateral excavations, development activities, and military works at the site.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that a copy of this letter is being sent to the Government of the State of Palestine.

Please accept, Excellency, the assurances of our highest consideration.

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Francesca Albanese
Special Rapporteur on the situation of human rights in the Palestinian territory
occupied since 1967

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to take this opportunity to draw the attention of your Excellency's Government to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We recall that Israel ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 3 October 1991. Article 15(1)(a) of the Covenant recognizes the right of everyone to take part in cultural life. The Committee on Economic, Social and Cultural Rights clarified in its general comment No. 21 (E/C.12/GC/21) that this right includes access to and enjoyment of cultural heritage and imposes on States the obligation to respect and protect cultural heritage in all its forms, in times of war and peace. The Committee further stressed that States must eliminate barriers that inhibit access to one's own culture and ensure that cultural rights are exercised without discrimination, in accordance with article 2(2) of the Covenant.

We further recall that the right to take part in cultural life entails the right of individuals and communities to participate in the identification, interpretation, preservation and management of cultural heritage. The Committee on Economic, Social and Cultural Rights has affirmed that States should allow and encourage the participation of concerned communities in the design and implementation of laws and policies affecting their cultural resources and should seek their free and informed prior consent when the preservation of such resources is at risk (general comment No. 21, para. 55(e)). The Special Rapporteur in the field of cultural rights has likewise emphasized that States have the duty not to destroy, damage or alter cultural heritage without the free, prior and informed consent of concerned communities (A/HRC/17/38, para. 80(b)).

We further recall that both international human rights law and international humanitarian law apply in situations of occupation and provide complementary and mutually reinforcing protection. As the occupying Power in the occupied Palestinian territory, Israel is bound by the 1907 Hague Regulations, in particular article 43, which requires the occupying authority to respect, unless absolutely prevented, the laws in force in the territory. Article 53 of the Fourth Geneva Convention prohibits the destruction of property belonging individually or collectively to private persons, or to the State, except where such destruction is rendered absolutely necessary by military operations. In this context, measures affecting privately owned land and cultural property in occupied territory warrant careful scrutiny in light of these obligations.

We also recall that Israel is party to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. Under article 4(1), States Parties undertake to respect cultural property by refraining from any act of hostility directed against such property and from any use likely to expose it to destruction or damage. Furthermore, article 5 of the Convention provides that an occupying Power shall, as far as possible, support the competent national authorities of the occupied country in safeguarding and preserving cultural property. Reported unilateral measures affecting the site may raise concerns in light of these obligations.

On 19 July 2024, the International Court of Justice issued an Advisory Opinion on the “Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem”.

The International Court of Justice declared Israel's presence in the Occupied Palestinian Territory (OPT). The Court affirmed, *inter alia*, that:

“The sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel’s presence in the Occupied Palestinian Territory unlawful”; that “this illegality relates to the entirety of the Palestinian territory occupied by Israel in 1967”; and that “this is the territorial unit across which Israel has imposed policies and practices to fragment and frustrate the ability of the Palestinian people to exercise its right to self-determination, and over large swathes of which it has extended Israeli sovereignty in violation of international law”.

The ICJ also unequivocally affirmed that “occupation cannot transfer or confer sovereign title to the occupying Power over the territory that it occupies”, reaffirming that “the occupation of a territory is to be a temporary, *de facto* situation, whereby the occupying Power can neither claim possession nor exert its sovereignty over the territory it occupies”. It is to be noted that the Court explicitly affirmed that Israel’s security concerns cannot override the prohibition of the acquisition of territory by force, a peremptory norm.

The International Court of Justice mandated Israel to terminate its occupation, dismantle settlements, provide reparations to Palestinian victims, and facilitate the return of displaced people.