



ISRAELI VIOLATIONS

Against the Holy Places and the Historic
Character of the Old City of Jerusalem

August 2016

INTRODUCTION

Ever since Israel occupied the West Bank and Gaza Strip in 1967, successive Israeli governments have used all possible means to consolidate control over Jerusalem, including the use of cultural heritage as an ideological and political tool. Employing and manipulating archaeology to serve the ideology of colonialism and attempt to gain political legitimacy is not a new phenomenon. In East Jerusalem, after almost 50 years of occupation, this is more evident than ever before.

The Old City is an integral part of occupied East Jerusalem and internationally recognised as such. In November 1967, the UN Security Council called on Israel to withdraw from the territory it had occupied during the recent war, including East Jerusalem.¹ When Israel passed its own law in 1980, annexing East Jerusalem, the international community responded immediately through UN Security Council resolutions 476 and 478 *inter alia*:

“[A]ll legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the Fourth Geneva Convention ...[and] all such measures which have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void and must be rescinded in compliance with the relevant resolutions of the Security Council[.]”²

Today, archaeological excavations in East Jerusalem are taking place at an unprecedented rate, in order to create facts on the ground, control the land, and attempt to justify the expansion of Israeli settlements. These excavations are concentrated in the Old City and its environs³ and include open, salvage, and tunnel excavations, as well as rehabilitation, restoration, and renovation work -all aimed at supporting a Jewish historical narrative, whilst disregarding, minimising and even eliminating evidence of other civilisations. Additional measures include the renaming of sites, streets, valleys, etc. and the removal of non-Jewish archaeological remains.

Most of these works are funded by government-supported settler organisations⁴, which administer the important archaeological sites and develop them in line with their ideological goals. This allows such organisations to effectively redraft the history of Jerusalem and control the narrative that is presented to visitors. Such organisations not only invest in excavations, but also fund visits for students, soldiers and other groups to Jerusalem to learn about its history from an Israeli perspective. By presenting archaeological sites as Israeli “national” landmarks, this heavily edited narrative becomes a tangible reality, in which the Old City, with its various neighbourhoods and holy sites such as mosques and churches, and its rich multi-layered history, is replaced by a pre-70 A.D. account.

In recent years, the Israeli government has also been digging a network of tunnels beneath the Old City of Jerusalem. These tunnels are primarily used to facilitate the movement of tourists around the Old City from one Jewish site to another. By moving under the ground as opposed to above ground, visitors are not required to acknowledge the Arab Palestinian presence and history in the city nor to visit Islamic or Christian sites such as the Al-Aqsa Mosque/ Al-Haram Al-Sharif or the Church of the Holy Sepulchre. For those who do visit such sites, their understanding of them is influenced by the many Israeli museums spread throughout the Old City, notably the Museum of the History of Jerusalem and museums in the Jewish Quarter, retelling the history of Jerusalem as an almost exclusively Jewish city.

All of these policies are specifically aimed at Judaizing Jerusalem, thereby changing its historical significance, negating any non-Jewish heritage in the city, and displacing Muslim and Christian Palestinians from their homeland - a crime against humanity under international law.⁵

These policies also violate the status of the Old City of Jerusalem and its Walls, which was inscribed as a UNESCO World Heritage site in 1981, upon the request of the Jordanian government. At that time, UNESCO’s advisory body

¹ UN Security Council Resolution 242 (1967)

² UN Security Council Resolution 476; S/RES/476 (1980) 30 June 1980.

³ I.e., within the area referred to by Israel as “Holy Basin”, which includes the Old City, Wadi Ar-Rababa to the west of the Old City to the Mount of Olives and over to Sheikh Jarrah.

⁴ Principally ElAd, an extremist settler group, which focuses on settling Jews in Silwan and the Old City.

⁵ E.g., Art. 7(1)(d), Rome Statute, 1998, states that “crime against humanity” include “Deportation or forcible transfer of population.”

confirmed that “Jerusalem is directly and materially associated with the history of the three great monotheistic religions of mankind,” and “has been continuously inhabited from prehistory,” thus presenting a series of exceptional testimonies to its vanished civilizations.⁶ In 1982, the World Heritage Committee decided by a vote of 14:1 and 5 abstentions to inscribe the Old City of Jerusalem and its Walls on the List of World Heritage in Danger⁷, thereby highlighting the threats and risks to the cultural heritage of the Old City sites.

Culturally sensitive sites designated as “world heritage” are legally protected pursuant to the Law of War, under the Geneva Convention, its articles, protocols and customs, together with other treaties including the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and international law.⁸

While the addition to the World Heritage List was a positive step, Israel’s non-party status to the World Heritage Committee has stymied its actual effectiveness so far.⁹

1. JERUSALEM AND THE STATUS QUO OF THE HOLY PLACES

The now often referred to ‘*Status Quo* Arrangement in the Holy Places’ was originally established in 1852, when Ottoman Sultan Abdul Majid issued an edict (*firman*) freezing claims of possession by religious communities over the Christian holy places in Jerusalem and Bethlehem and forbidding any construction or alterations to their existing “status”.¹⁰ This arrangement, which was a futile attempt by the Sultan to avoid a war between the Greek Orthodox and Catholic churches over the rights to some of the Christian places, was internationally recognised at the 1856 Conference of Paris (at the end of the Crimean War) and through the 1878 Treaty of Berlin (between European Powers and the Ottomans). The latter stated, in Article 62, that “[It is] well understood that no alternations can be made to the *status quo* in the Holy Places”¹¹ and extended that arrangement to include all - not only Christian - holy places.



The Maghribi Quarter before and after destruction

After the defeat of the Ottomans and the partitioning of their Empire after World War I, the British Mandate authorities in Palestine (1920-47) upheld the *status quo* arrangement, and included Al-Buraq (Western) Wall in Jerusalem and Rachel’s Tomb on the outskirts of Bethlehem. The first major violation of the arrangement occurred in September 1928, when a group of Jewish worshippers set up chairs at the Wall to separate men and women performing Yom Kippur

⁶ From the formal September 1981 recommendation of the UNESCO’s advisory body, the International Council on Monuments and Sites (ICOMOS) that the Old City be included on the World Heritage List.

⁷ The justification mentioned inter alia, the “significant loss of historical authenticity” and of “cultural significance” as “ascertained danger” and “modification of juridical status of the property diminishing the degree of its protection”, “lack of conservation policy”, and “threatening effect of town planning” as “potential danger”. However, not all dangers can be attributed to the Israeli occupation and its Judaization attempts. Other threats and risks relate to overcrowded and unsuitable housing, illegal construction, poor infrastructure, lack of maintenance, and the sheer number of religious pilgrims and tourists.

⁸ According to Article 53 of the Geneva Convention, for instance, it is prohibited:

- “ (a) To commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
- (b) To use such objects in support of the military effort;
- (c) To make such objects the object of reprisals.”

⁹ Over the years, many UNESCO delegations sent to inspect preservation work in the Old City and assess its status of heritage and conservation were prevented from carrying out their work by Israeli authorities.

¹⁰ Initially, this referred to seven Christian holy places: the Holy Sepulchre Church, the Sultan Monastery on the roof of the Church of St. Helena in the Holy Sepulchre, the Church of Maria’s Tomb and the Church of the Ascension in Jerusalem, and the Church of the Nativity, the Milk Grotto and the Shepherds’ Field in Bethlehem. See Berkowitz, Shmuel, *The Temple Mount and the Western Wall in Israeli Law*, Jerusalem: JIIS, 2001.

¹¹ “Modern History Sourcebook: The Treaty of Berlin, 1878 - Excerpts on the Balkans”, <https://legacy.fordham.edu/halsall/mod/1878berlin.asp>.

prayers, triggering one of the first periods of serious unrest in the city. A subsequent White Paper, submitted to the British government in November 1928, reiterated the rights of Muslims to the Wall.¹²

Although unsuccessful in their search for documentary evidence of Jewish rights to the Wall, the Zionist movement still demanded that it be expropriated for the Jews.¹³ The following year, a dispute over prayer arrangements at the Wall escalated and, in August 1929, protests turned violent and resulted in the deaths of dozens of Jews and Arabs, and the injuring of hundreds more. The conclusions of the subsequent British Inquiry Commission, presented in December 1930, confirmed that although Jews have free access to the Wall for religious reasons,



Al-Buraq Wall (Western Wall) pre-1967

“the ownership of the Wall, as well as the possession of it and of those parts of its surroundings belong to the Moslems and that the Wall itself, as an integral part of Al-Haram Ash-Sharif area, is Moslem property”.¹⁴

Despite this, in the course of the 1967 War, Israel forcibly seized control of Al-Buraq Wall, confiscated the key to Al-Magharbeh Gate, and destroyed the Al-Magharbeh Quarter, located in front of the Wall. Here they created a large prayer plaza for Jewish worshippers,¹⁵ which was gradually extended from an area of 66m² (22 x 3m) to an area of 6300m² (90 x 70m). In 1984, a length of 155m, a width of 1.5 m and the entire height of the Haram Al-Sharif’s western wall was registered in the Israeli Land Registry as property of the State of Israel.¹⁶

Immediately after the 1967 War, Israel nominally recognised the site’s historical status and religious significance for Muslims, as well as the custodianship of Jordan (i.e. responsibility for administration and religious arrangements). Despite this recognition, Israeli authorities have since controlled entry to the compound’s gates and can enter the compound at will. Moreover, all successive Israeli governments have made efforts to undermine the internationally recognised *status quo*.

Until the Oslo “Negotiations” Process in the early 1990s, the agreement between Jordan and Israel was relatively stable. A clause in the 1994 Peace Treaty between Jordan and Israel stipulated that “Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim holy shrines in Jerusalem” and that “when negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines.”

With Oslo Process, however, Jewish extremist elements came to the foreground, who, fearing Israel would abandon Jewish worship rights to the Wall, pledged to do everything in their power to prevent this. These extremist elements have become increasingly more vocal, powerful and mainstream in the past few decades.

¹² El-Farra, Muhammad H., “The Role of the United Nations Vis-a-Vis the Palestine Question”, *Law and Contemporary Problems*, Vol. 33, No. 1 (Winter 1968), p. 73, quoted in <http://foa.org.uk/uploads/al-aqsa-report2013.pdf>. “The Wall is also part of the Haram Ash-Sharif; as such, it is holy to Moslems. Moreover, it is legally the absolute property of the Moslem community, and the strip of pavement facing it is Waqf property, as is shown by documents preserved by the Guardian of the Waqf”

¹³ Lundsten, Mary Ellen, “Wall Politics: Zionist and Palestinian Strategies in Jerusalem, 1928”, *Journal of Palestine Studies*, Vol. 8, No. 1 (Autumn 1978).

¹⁴ Report of the Commission appointed by His Majesty’s Government in the United Kingdom of Great Britain and Northern Ireland, with the approval of the Council of the League of Nations, to determine the rights and claims of Moslems and Jews in connection with the Western or Wall at Jerusalem, December 1930 (for the full text see UNISPAL doc A/7057-S/8427).

¹⁵ Including two mosques and 135 homes, leaving 650 Palestinians homeless. See, for instance, “The Holy al-Aqsa Sanctuary Under Threat,” 2013, available at <http://www.foa.org.uk/wp-content/uploads/2016/01/al-aqsa-report2013.pdf>.

¹⁶ See Berkovitz, S. op.cit.

ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem

Since the second Palestinian Intifada, which erupted in September 2000 after the highly provocative visit of then Likud opposition leader Ariel Sharon to the Al-Aqsa Mosque/Al-Haram Al-Sharif, and against the wider backdrop of the failure of Oslo, there have been thousands of Israeli police and soldiers deployed in and around the Old City. Today, Israeli police are even stationed inside the compound, and while Palestinian Muslims are barred from accessing Al-Buraq Wall, Jews are routinely escorted by Israeli forces into the Al-Aqsa Mosque/Al-Haram Al-Sharif.¹⁷

Below are the main elements of the pre-September 2000 *status quo* regarding non-Muslim tourist groups and delegations to Al-Aqsa Mosque/Al-Haram Al-Sharif:

- a. Access of non-Muslim groups and delegations was subject to the approval of the Jordanian Waqf Department through a prior written request;
- b. Neither Non-Muslim prayers nor prayer tools or instruments were allowed inside the Al-Aqsa Mosque/Al-Haram Al-Sharif compound;
- c. Deployment of armed personnel was prohibited;
- d. The Jordanian Waqf had the authority to regulate entry and access for non-Muslims, including:
 1. determining and maintaining respectful appearance, conduct, and behaviour at the site;
 2. taking required security measures to preserve order;
 3. organising security escorts;
 4. prohibiting tourists who breached visitation regulations from future visits; and
 5. predetermining details of visits, including:
 - i. size of Jewish tourist groups (usually three and not exceeding five at one time);
 - ii. the *route* of the visits (usually 150 meters in each direction); and
 - iii. the *frequency* and *duration* of the visits.

Under the Fourth Geneva Convention, Israel, as the occupying power, is obliged to take measures to protect the religious rights of the occupied. However, instead of providing security to Palestinian worshippers, Israel routinely intimidates them and prevents them from accessing the holy site.



The Western Wall prayer area today

¹⁷ It is worth noting that the *Jordanian-Palestinian Agreement to Jointly Defend Al-Aqsa Mosque/Al-Haram Al-Sharif*, signed by King Abdullah II and President Mahmoud Abbas in Amman on 31 March 2013 defines Al-Aqsa Mosque/Al-Haram al-Sharif as the entire 144 dunum-compound, “which include the Qibli Mosque of al-Aqsa, the Mosque of the Dome of the Rock and all its mosques, buildings, walls, courtyards, attached areas over and beneath the ground and the Waqf properties tied-up to al-Masjid al-Aqsa, to its environs or to its pilgrims”.

ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem

Al-Aqsa Mosque/Al-Haram Al-Sharif

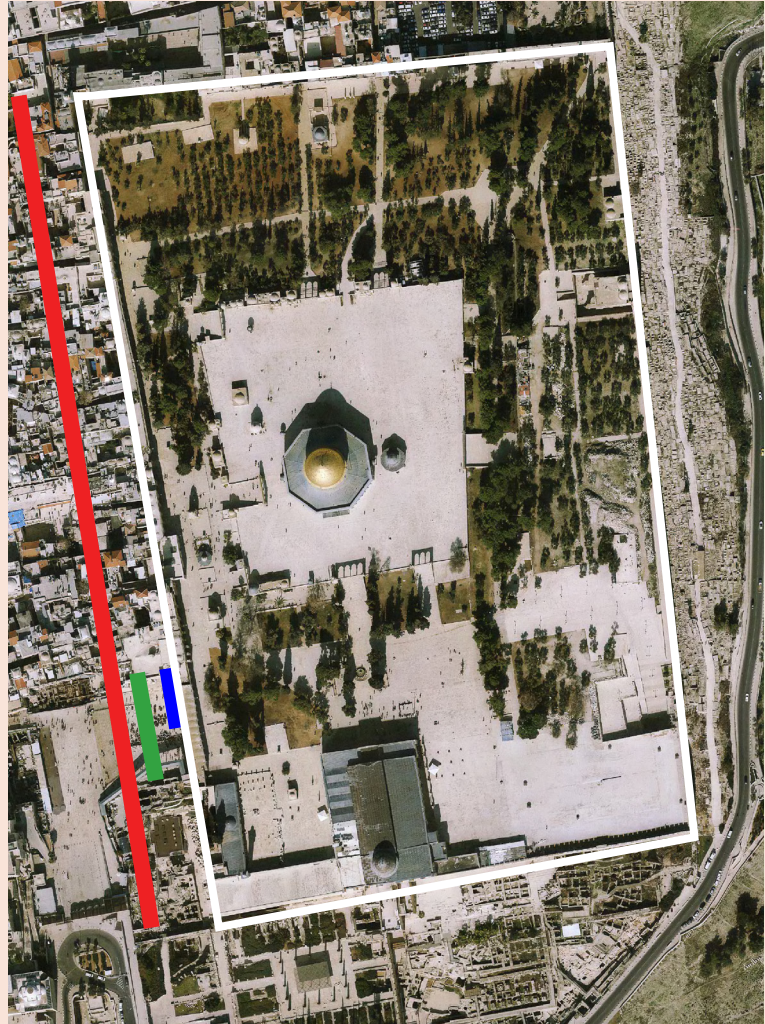
“Al-Aqsa Mosque” and “Al-Haram al-Sharif” are identical terms and should consistently be referred to jointly as the “Al-Aqsa Mosque/Al-Haram al-Sharif”, which denotes the entire 144-dunum compound.¹⁸ Sacred to approximately 1.6 billion Muslims worldwide, it is the third holiest mosque in Islam, the site of the Prophet’s night journey, *Isra wa Miraj*. It is the original *Qibla* (i.e, direction for prayer) for Muslims.

Territorially, the Al-Aqsa Mosque/Al-Haram al-Sharif extends down to the centre of the earth and includes the airspace directly above the entire compound (**White line**).¹⁹

The Western Wall of Al-Aqsa Mosque/Al-Haram Al-Sharif extends from south corner of the Al-Aqsa Mosque/Al-Haram al-Sharif to the north (**Red line**).

Al-Buraq Wall extends from south corner of the Al-Aqsa Mosque/Al-Haram al-Sharif to the north and is 50 meters long (**Green line**).

Al-Buraq Plaza is part of the Western Wall of Al-Aqsa and it is the Western Wall of Al-Buraq Mosque located inside Al-Aqsa Mosque/Al-Haram Al-Sharif. The Plaza has been known and used for decades as the “Wall”, i.e., the Jewish prayer area, which according to the pre-1967 *Status Quo* was only 3 meters wide and 22 meters long (**Blue line**).



2. ISRAELI VIOLATIONS AGAINST THE HOLY PLACES AND THE HISTORIC CHARACTER OF THE OLD CITY OF JERUSALEM

Israeli authorities are carrying out intensive and damaging tunnelling, excavation and construction projects in and around the Old City at an alarming rate, with the aim at further Judaizing the city. In doing so, many non-Jewish historic sites are either removed and/or converted into Jewish prayer spaces, in breach of international law and in defiance of international consensus. The Israel Antiquities Authority (IAA) plays a major role in this, having illegitimately self-declared jurisdiction over the excavations and creating an exclusively Jewish-only narrative for many sites. Of even greater concern is the fact that the IAA has delegated many excavations to extremist settler organisations, such as El’ad and Ateret Cohanim.

¹⁸ 144 dunums = 144,000 m² - with lengths of 491m west, 462m east, 310m north and 281m south; see, e.g., the Agreement to Jointly Defend Al Masjid Al Aqsa signed by King Abdullah II and President Mahmoud Abbas in Amman on 31 March 2013, Preamble, paragraph C, http://kingabdullah.jo/index.php/en_US/news/view/id/10779.html.

¹⁹ 144 dunums = 144,000 m² - with lengths of 491 m west, 462 m east, 310 m north and 281 m south; see, e.g., the Agreement to Jointly Defend Al Masjid Al Aqsa signed by King Abdullah II and President Mahmoud Abbas in Amman on 31 March 2013, Preamble, paragraph C, http://kingabdullah.jo/index.php/en_US/news/view/id/10779.html.

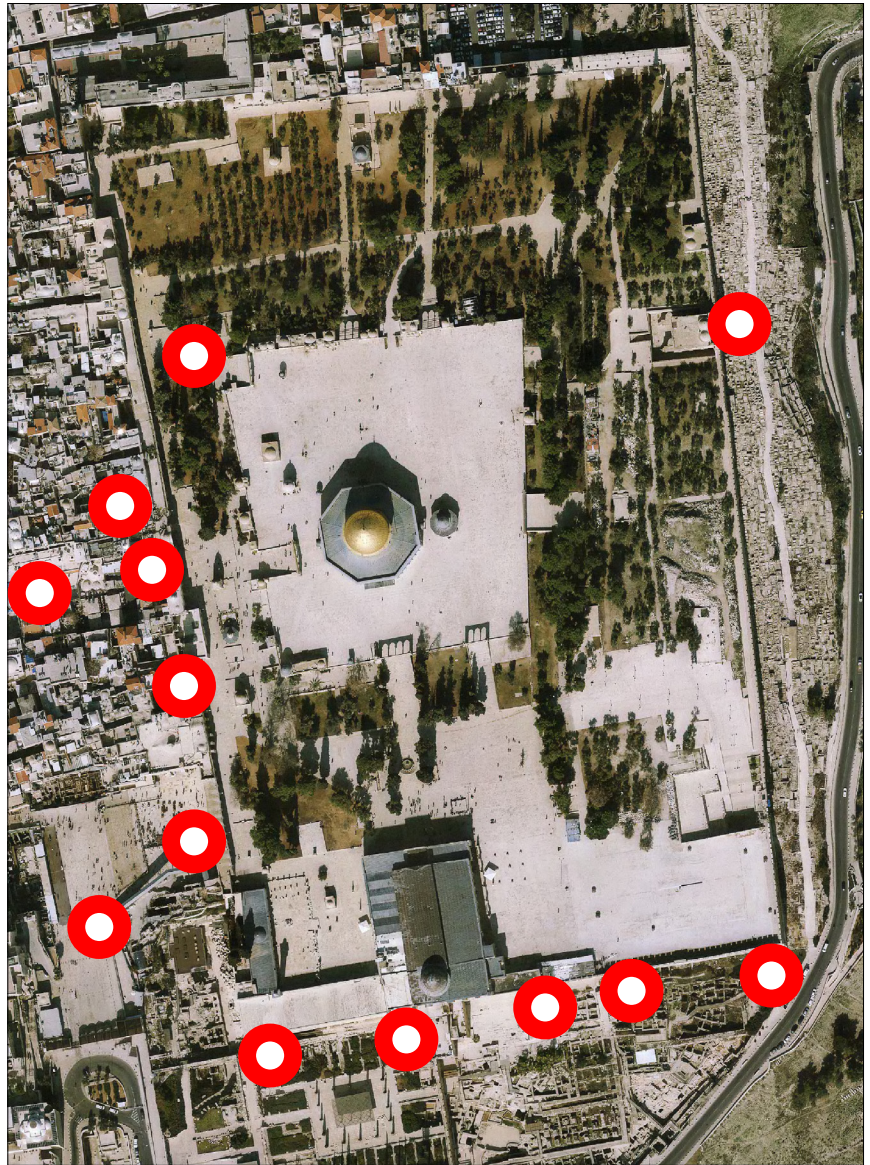
Since 2015, excavations have been intensively carried out within the areas at the western and southern walls of Al-Aqsa Mosque/Al-Haram Al-Sharif, and in spaces that extend westward to Al-Wad Street, beneath Palestinian homes in the Muslim Quarter. Hundreds of square meters are being excavated, involving the wide scale removal of historic remains, such as walls, rooms, graves, Mamluk and Ottoman baths and arches.

2.1 Al-Aqsa Mosque/Al-Haram Al-Sharif

In flagrant violation of international humanitarian law, the 1994 Jordan-Israel Peace Treaty, and UNESCO decisions, Israeli forces have carried out numerous aggressions within the Al-Aqsa Mosque/Al-Haram Al-Sharif, against Muslim worshippers, the staff of the Waqf and the property itself. These aggressions have particularly intensified over the past year. In doing so, Israel has openly challenged the pre-1967 *status quo*, and is thus not only threatening the historic identity of the holy city but also the security and stability of the entire region.

Recent violations include the following:

- a. There are various points threatening to breach the walls of Al-Aqsa Mosque/Al-Haram Al-Sharif due to excavations, tunneling and other diggings, an increasing number of which are covert works.
- b. Jewish extremists continue to force their way into Al-Aqsa Mosque/Al-Haram Al-Sharif to “tour” the site on an almost daily basis and under heavy police guard. In 2014, the Waqf recorded 11,524 such provocative intrusions, a number which rose to 11,645 in 2015. These “tours” often trigger violent clashes with, and resulting injuries among, Muslim worshippers, in addition to abuse of Waqf employees, and damage to the property at the holy compound.
- c. In spite of the official Israeli Chief Rabbinate’s position that no Jewish prayer is allowed inside Al-Aqsa, Israeli police have turned a blind eye to hundreds of incidents where “visitors” have tried to perform Jewish prayers and other religious rituals, only stopping them when they were recorded and protested by Waqf officials and/or Muslim worshippers.
- d. In 2015, in an unprecedented violation of the sanctity of Al-Aqsa Mosque/Al-Haram Al-Sharif, Israeli forces allowed hundreds of extremist Jews to enter the holy place barefoot, in a bid to send the provocative message that they are “inside their holy site”.



Various points where settlers breached through the wall of Al-Aqsa Mosque/Al-Haram Al-Sharif during the period between 1967 and 2012

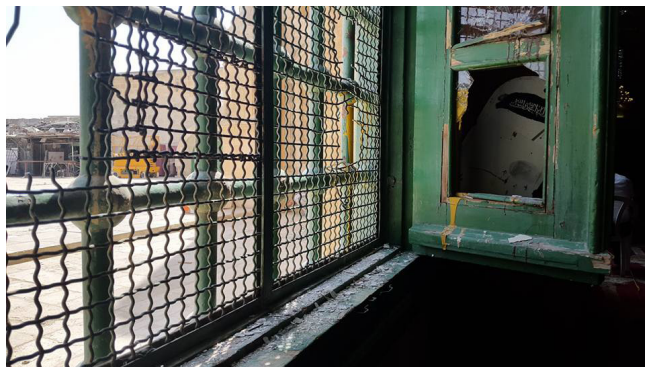
ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem



Provocative Incursions of Extremist Jews into Al-Aqsa Mosque under Police Escort

e. 2015 also saw an increase in incursions by Israeli forces into Al-Aqsa Mosque/Al-Haram Al-Sharif, which took place on a near daily basis, violating the sanctity, spirituality and historic character of the site. The interior of the Al-Aqsa Mosque/Al-Haram Al-Sharif (Al-Qibli Mosque) has been severely harmed during numerous raids. The worst raid, thus far, took place on 13 September 2015, when Israeli forces stormed the compound, using tear gas and stun grenades, in order to make way for extremist Jewish “visitors” while banning Muslim worshippers from entering the compound. During the assault, all seven gates of the mosque as well as its windows, carpets, lighting, sound systems and internal columns were damaged, with the repair and restoration costs estimated at over US \$700,000.



Damage caused to the doors and windows of the Qibali mosque by Israeli forces.

ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem

- f. Aggressions against worshippers further increased during 2015²⁰ as Israeli forces were frequently deployed inside the holy site, where they harassed, arrested and injured Muslim worshippers on numerous occasions.
- g. During most of 2015, Israeli forces restricted Muslim worshippers' access to Al-Aqsa Mosque/Al-Haram Al-Sharif, imposing age limitations and street closures against Palestinian Jerusalemites, while denying the vast majority of Muslims from the West Bank and Gaza entry to Jerusalem.



Examples of Israeli military aggressions and assaults against worshippers.

²⁰ Especially during the period from August 23rd to October 6th, 2015.

2.2 Violation at Al-Buraq Plaza and the Magharbeh Quarter

2.2.1 Ribat Al-Kurd

Israeli authorities continue to convert the Islamic Waqf of Ribat Al-Kurd, located north of the alley that leads to Bab Al-Hadid (Iron Gate) at the Western Wall of Al-Aqsa Mosque, into a place for Jewish prayer ritual. At the same time, the Waqf is banned from practising its legal and historical right to renovate the area. The Ribat Al-Kurd, which dates back to the Mamluk era, consists of a small plaza, an alleyway and a few houses owned by the Palestinian Al-Shihabi family. Further violations include a permanent Israeli checkpoint and surveillance cameras placed at the entrance of the site, alongside a new sign naming it the “Small Western Wall” and claiming, in complete violation of the *status quo*, that it was a wall of the “Temple Mount”. The digging of tunnels underneath the area has also resulted in cracks in the Palestinian property above the ground.



Ribat Al-Kurd, 2013-2016

2.2.2 “Beit Strauss”

In 2008, the so-called Western Wall Heritage Foundation, an Israeli governmental body, presented an architectural plan to the Israeli planning authorities to expand Beit Strauss (the ‘Strauss Building’), which is located on the northern edge of Al-Buraq Plaza. Part of the plan is the confiscation of 360m² from the plaza to provide space for toilets (160 m²), a lobby, a police station (125 m²), offices, the “Jerusalem Traveller’s Hall” (125 m²), and other facilities.²¹

Ever since the announcement of this plan, the Waqf has closely monitored and reported on the project’s progress, including to the UNESCO World Heritage Centre, listing the following violations:

²¹ See <http://alt-arch.org/en/wp-content/uploads/2016/02/Taktsirim-Eng-Web-03.pdf>, p. 5-7, for details.

ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem

- a. The IAA wanted the building to rest on a piles foundation, in order to avoid salvage excavations and to restrict its role of observation, while the Waqf, UNESCO, or foreign entities were prohibited from accessing or overseeing the works.
- b. Beit Strauss forms a direct threat to the historical fabric of the complex and the area's archaeological remains.
- c. Beit Strauss has a negative impact on the Palestinian and Arab cultural and visual integrity of the area.
- d. In April 2013, concrete was poured in the boreholes for the building's pillars without taking into consideration historic walls and archaeological remains, which have been irreversibly damaged due to extensive drilling.
- e. Parts of the building, where centuries-old walls of religious schools existed, have been renovated to be used as public toilets.
- f. In 2015-2016 an extra floor was added to Beit Strauss, which blocks the windows of two Palestinian homes belonging to the Sub-Laban and Al-Khalidi families.
- g. Under the guise of security, Israeli forces have installed surveillance cameras observing the Sub-Laban family inside their home.



Demolitions for the construction of Beit Strauss on Muslim Waqf real-estate, 2013-2016

2.2.3 “Beit HaLiba”

In the western part of the historical Magharbeh Quarter, the so-called “Western Wall Heritage Foundation” is planning a multipurpose centre (“Beit HaLiba”) with classrooms, an exhibition hall and administrative offices, although final approval is still pending.²² These plans once again contravene international law and UNESCO conventions and decisions. To date, the following violations and changes to the *status quo* have been recorded:

- a. In 2003/2004, the few remaining houses of the Magharbeh Quarter were confiscated and demolished in order to make way for the so-called Beit HaLiba.
- b. Between 2005 and 2009, the IAA conducted covert excavations at the site. According to Israeli reports, these exposed important findings, including large vaulted structures, a sacred tomb, a bakery, shops and other structures from the Ottoman, Mamluk and early Islamic periods.
- c. The IAA has closed the site to observers, the public and Israeli experts, who have all called on the IAA to conserve and not to remove or destroy Islamic layers of history.
- d. Salvage excavations commenced before the IAA had received the necessary construction permits.
- e. Most of the remains from the Islamic period were removed in order to expose earlier remains. According to observers, scarce but large structures with elaborate façades and vaults built above the eastern *Cardo*²³ were found at Beit HaLiba. Some of the pillars survived to their full height. East of the *Cardo*, parts of a large public building were exposed, which was attributed to the 12th Century Al-Madrasah Al-Afdaliyya (later known as Sheikh Eid Mosque). However, there is no record of what has been preserved or removed of those remains.
- f. While some Israeli experts claim that the excavations were conducted in an extensive and professional manner, most of the Islamic-period remains were dismantled in a clear bid to subordinate archaeology to ideology.
- g. According to Israeli experts and IAA sources, the entire Al-Buraq Plaza will be excavated to the depth of a full storey that will later be covered by a roof resting on pillars. While the plaza above will remain open and expanded, the underground level will be used for security checks, elevators, passages and other as of yet unannounced functions.



Beit HaLiba Project at the site of the historic Magharbeh Quarter

²² See <http://alt-arch.org/en/wp-content/uploads/2016/02/Taktsirim-Eng-Web-03.pdf>, p.15-18 for details.

²³ The *Cardo*, was the main North-South “Boulevard” of Aelia Capetina, the Roman and Byzantine city that was established in the 2nd Century AD. It was a monumental royal road, which was typical of the grand Roman cities. It is emphasized in the Madaba map, showing that it played a central role in the urban design of the Byzantine city.

- h. According to Israeli experts who protested against “Beit HaLiba”, there was no open tender for the architectural works, leaving the “competition” between ideologists, extreme settler groups and religious foundations.
- i. The Western Wall Heritage Foundation, El’ad and Ateret Cohanim are blunt in pursuing their goals to improve transportation, parking, and visitor capacity, while disregarding archaeological ethics.²⁴
- j. The IAA claims it keeps samples of the remains; however, it is impossible to preserve and display archaeological remnants in areas earmarked for new constructions and public spaces.
- k. Due to the secrecy of many of the excavations, it is impossible to know whether and what kind of important remains of non-Jewish heritage were irreversibly removed or covered by new constructions instead of being preserved.

2.2.4 Demolition of the Magharbeh Gate Pathway, 2004-2016

The Magharbeh Gate pathway area is a main target for extensive underground and excavation works. Violations and changes to the *status quo* during 2014-2015 included:



Demolitions of historic remains and continued excavations at the Magharbeh Gate Pathway.

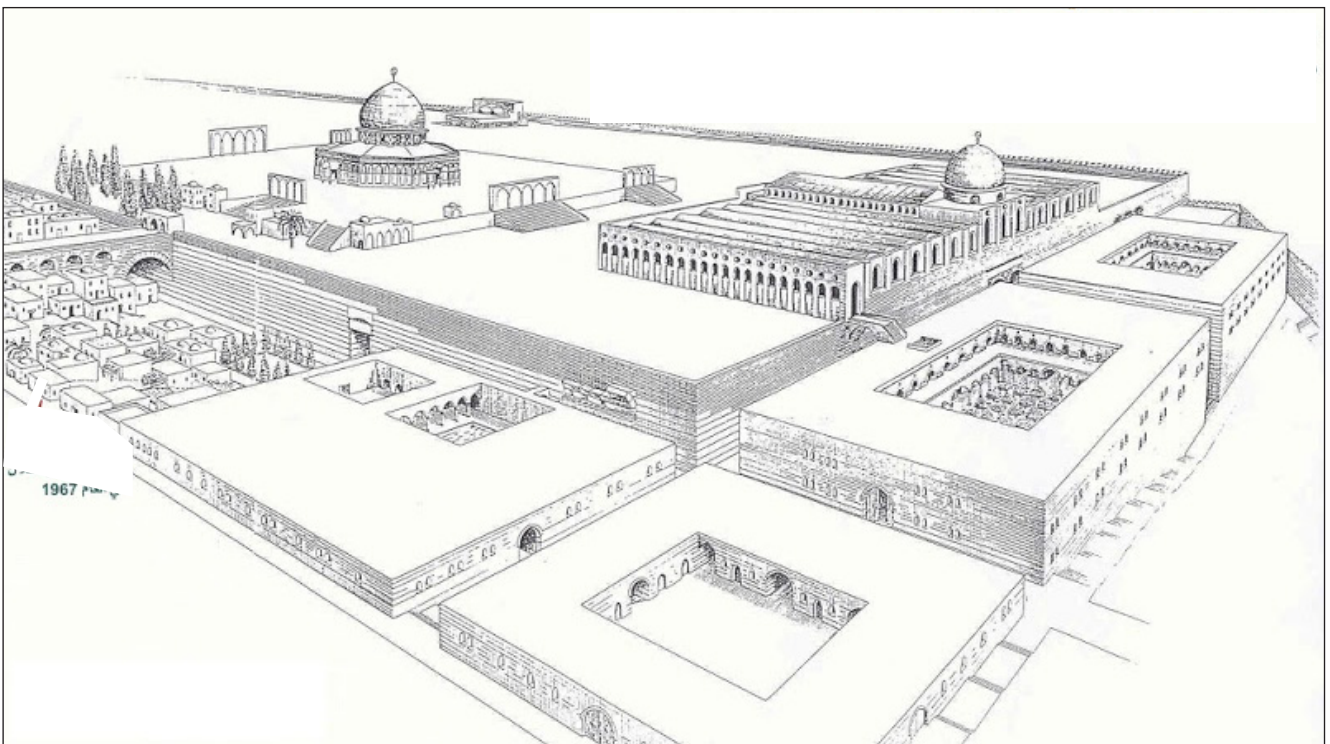
²⁴ Archaeologists, for example, must not excavate a site all at once, and are required not only to refrain from doing harm, but to engage in activities that will promote understanding, rather than conflict, and promote inclusiveness as well as multiple narratives.

- a. Extensive unlawful and covert work under tents.
- b. Removal of historical remains, including entire rooms and parts of the Al-Afdaliyya Mosque.
- c. Demolition of parts of the Magharbeh Gate pathway, in order to expand Jewish prayer areas at the expense of Islamic and Roman remains located just south of the site.
- d. Expansion of the Jewish prayer areas by levelling and lowering large areas of the Magharbeh Gate pathway. Ongoing excavations and new constructions, including a huge wooden platform, built in 2013 to serve as an additional prayer area (known as Sharansky or US Liberal Jews prayer platform), are expanding the area around the Wall.

Another two new platforms were constructed against the Western Wall in 2015. Jews visiting the site left prayers on pieces of paper between the stones of the wall, in order to Judaize it, and make it an extension of the Wall.

2.3 The Umayyad Palaces Area

Intrusive tunnelling, excavation works and other attempts to give priority to Jewish history have also targeted the area of the historic Umayyad Palaces²⁵, which are located south and west of Al-Aqsa Mosque/ Al-Haram Al-Sharif and were built in the same period as the Mosque's current structure by the Umayyad Khalifah Abdel Malik Bin Marwan and his son Al-Walid Bin Abdel Al-Malik, as well as successive Khalifs between 662A.D. and 750A.D.



Umayyad Palaces and Al-Aqsa Mosque in the 7th and 8th centuries AC (Umayyad period, third Islamic Era).

Archaeological excavations, led by Israeli professors Meir Ben-Dov, Dan Bahat and Benjamin Mazar from the 1960s to the 1980s, have exposed the foundations of four large palaces, which surrounded the southern and south western walls of Al-Aqsa Mosque and were connected by stairs, bridges, pathways and gates to the different levels of the Mosque. These included the Lower Al-Aqsa or "the old Al-Aqsa" (Al-Aqsa Al-Qadim), located beneath the present-day upper Qibli Mosque, which was almost double its current size. Israeli Professor Meir Ben-Dov, who led and documented most of the excavations, has described the Umayyad Palaces in numerous books and articles, including "the Discovery of Ancient Jerusalem".

²⁵ The Umayyads placed high importance on Jerusalem and considered it their spiritual capital.

ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem



Examples of illegal and damaging excavations and tunnelling at the Umayyad Palaces

From the creation of the State of Israel, in 1948, until the end of the 20th Century, Israeli authorities respected, to a certain extent, the remains of the Umayyad period and their scientific value. Since 2000, however, accelerated Judaization attempts have led to violations of the *status quo* and of the narrative of the Umayyad Palaces:

- a. In 2001, the administration of the area south of the Magharbeh Gate was given to the Davidson Centre - a museum/archaeological park which is linked to municipal infrastructure without the necessary permissions.
- b. The Davidson Centre turned the entrance of the Umayyad Palaces into a museum with an extremely Judaized narrative, which, for instance, gives demonstrations to Israeli students and tourist guides on how Al-Aqsa Mosque/Al-Haram Al-Sharif could be demolished and the “Jewish Third Temple” rebuilt in its stead,²⁶ and teaches Jewish youth how they can contribute to the removal of Islamic historic and holy sites both in literature and on the ground, in order to serve the Jewish narrative. The centre’s tools of education include films, guiding pamphlets, exhibitions, and wooden, plastic and virtual models of the “Second and Third Temples”.
- c. The Centre has encouraged extremist Jewish and settler organisations to distort history by portraying the Umayyad Palaces as Jewish ritual rooms and baths. Such actions have encouraged several authorities

²⁶ Currently the Centre features 30 different replacement proposals for Al-Aqsa Mosque.

ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem

and actors to remove Islamic layers in the search for Roman remains, which were mistakenly claimed to be Second Temple relics.

- d. In complete ignorance of the fact that the area in question is a Waqf property, of which the Waqf is in charge, Israeli authorities are caught in an internal quarrel between the Davidson Centre and the Jewish Quarter Development and Reconstruction Company over the management of the site.
- e. In 2013, the Jerusalem Development Company and the Jewish Quarter Development and Reconstruction Company granted extensive rights over the Davidson Centre (and thus to almost half of the Umayyad Palaces) to El'ad, an extremist settler organisation. This is possibly the most worrying development to date.
- f. As the current official manager of the site, El'ad's violations are two-fold:
 - The organisation falsely describes all Umayyad and Roman remains as Jewish temple remains, and
 - It converts historic areas into practical Jewish prayer and celebration spaces, platforms or ritual baths.
- g. Furthermore, by linking the underground site which it manages in the area of Silwan with the excavations at the Umayyad Palaces and the area of the Western Wall of Al-Aqsa Mosque, El'ad predominantly presents the Roman-era findings as remains of the "First and Second Temple" period, while ignoring and often removing the majority of other relics.



Judaization of the Umayyad Palaces Area

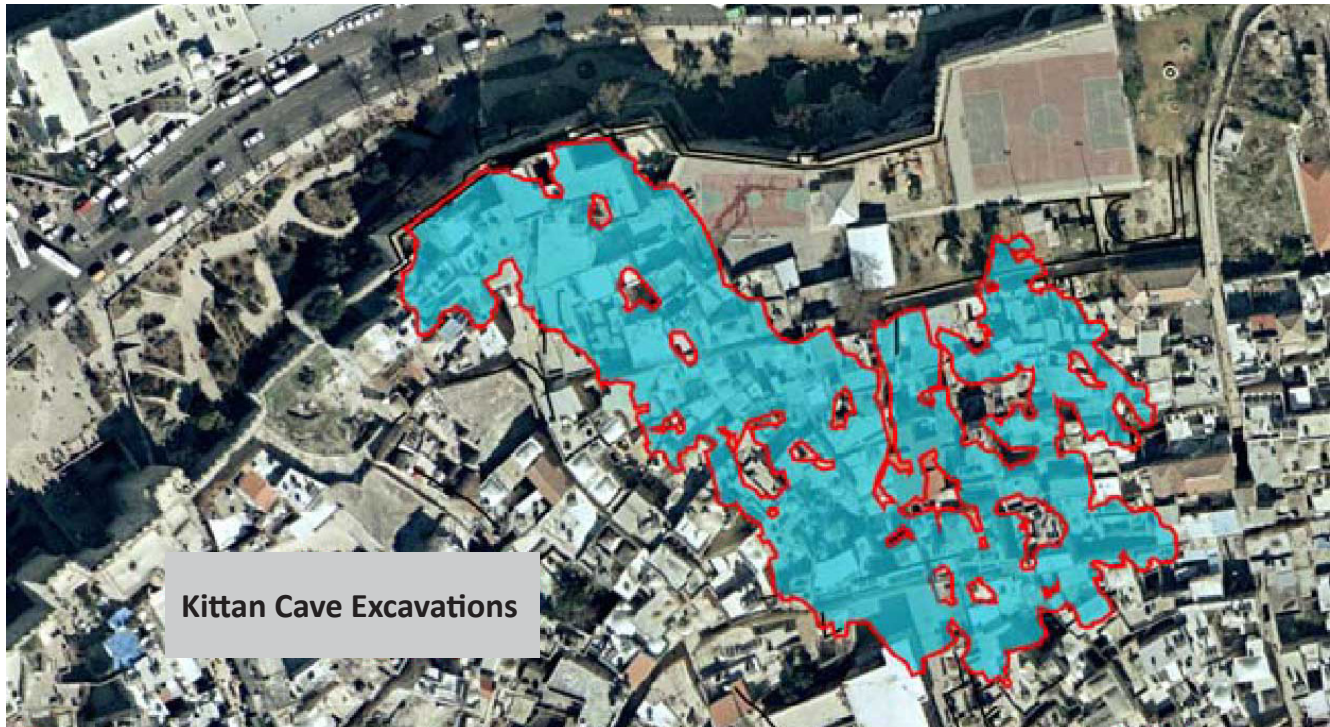
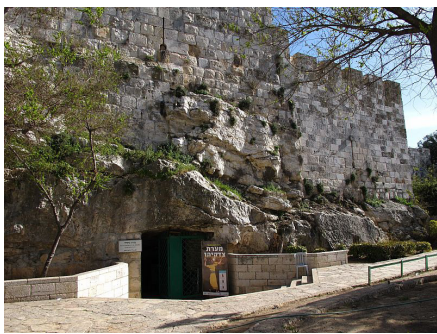
2.4 Excavations in the Muslim Quarter and Al-Wad Street

Intrusive tunnelling and excavations are also taking place under and in the remaining Muslim Quarter of the Old City of Jerusalem, particularly in the area of Al-Wad Street.

2.4.1 The Kittan Cave

The Kittan Cave (also known as Solomon's Quarries) is accessible from outside the Old City's northern wall, between the Damascus and Herod's (As-Sahira) Gates. The cave extends beneath the Sa'diyah neighbourhood of the Old City's Muslim Quarter. During the Ottoman Era, it served as a quarry. Covert excavations have been taking place inside the cave since 2008 and observers suspect that there are plans to connect it to the Western Wall tunnels network. Most recently the following violations have been documented:

- Pouring in large amounts of concrete (in 2013/14) to create a new exit point near Herod's Gate.
- Undermining the site's historic significance by extracting building stones from the time of Ottoman Sultan Suleiman the Great and by Judaizing its narrative.
- Further Judaizing the site by renaming it "Zedekiah's Cave" in an attempt to claim that from here the stones of the "First Temple of Solomon" were extracted.



Kittan Cave Excavations

Area of the underground Kittan Cave excavations

2.4.2 Al-Wad Street

Covert excavations, tunnelling and concrete filling are part of the ongoing illegal underground works in Al-Wad Street, which includes the “Clearing” excavated galleries, ancient drainage channels, and large underground spaces of their historic contents, i.e. removing relics from the Islamic and Roman periods with or without “Judaized” documentation



Original Roman stones (left) at Al-Wad Street and their replacement (right).

2.4.3 Hammam Tankaz – the Mamluk Bathhouse

The Ottoman building housing Hammam Tankaz is documented by the Waq fas a *hammam* (bathhouse), constructed by the Mamluk Amir Tankaz Al-Nasiri in 1337 AD. It is divided into two parts: *Hammam Al-‘Ein* to the north, which was built during the Mamluk-era renovation of the Cotton Market and *Hammam Al-Daraj* to the south. At the *Hammam Al-Ein*, the Waqf has delegated the administration and renovation



Israeli excavations at Hammam Tankaz



Ohel Yitzhak Synagogue in the heart of the Muslim Quarter

of the site to the Department of Archaeology at Al-Quds University. *Hammam Al-Daraj*, meanwhile has been subjected to extensive Israeli excavations since 2003, following the approval of a 2001 plan to rehabilitate the so-called “Ohel Yitzhak” synagogue (which prior to this housed the Ateret Cohanim Yeshiva). In 2007, another plan added a Jewish museum to the site and linked it with the Western Wall Tunnels.

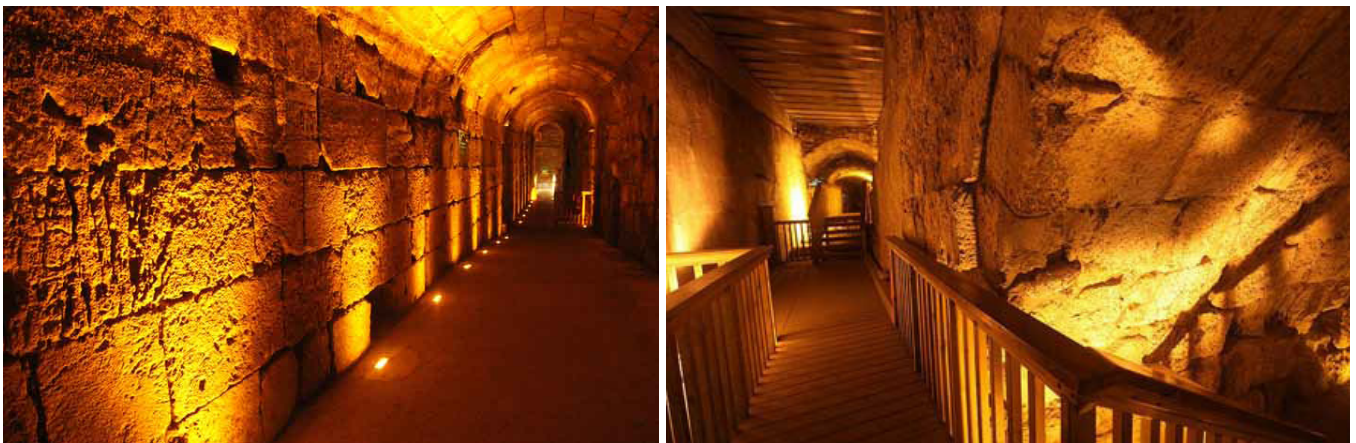
The excavations at Hammam Tankaz are a violation of international law and all international conventions pertaining to heritage conservation both because they are being conducted covertly, and also due to the following violations:

- a. At the end of 2007, the “Ohel Yitzhak” project was transferred from the Moskowitz family, which funds many settler activities in East Jerusalem and the Old City, to the so-called Western Wall Heritage Foundation, although the site is clearly documented as Waqf property.
- b. Since 2003, the IAA, in cooperation with the Western Wall Foundation, has excavated two tunnels starting at the site, i.e., on land that is not owned by any of the project’s developers.
- c. The museum deviated from the municipal building plan and the tunnels lacked building permits, as well as authorisation for archaeological excavation.
- d. Israeli antiquities experts reported that the discovery of a large vaulted hall was neither properly documented nor were any details released.
- e. The site has many passageways, education centres, prayer rooms and museums accommodating visitors and school children of mainly extremist Jewish organizations. Visitors receive displays and information that link the site to Jewish religious history and to the Western Wall tunnels.
- f. One significant archaeological finding was a Mamluk caravansary (the main hall), which has *de facto* been converted into a Jewish synagogue, furnished with a table, a Torah scroll and other Jewish prayer tools.²⁷

²⁷ While Ateret Cohanim announced the site as synagogue, the IAA claims that the prayer tools only served educational purposes.

- g. Reports suggest that the main hall and other rooms focus solely on Jewish prayer with no association of the archaeological findings to Muslim history and heritage.
- h. Although all Israeli archaeologists who excavated the site admit that the main hall is one of the most complete Mamluk structures ever found in Jerusalem, only remains which fall in line with the ideology of the site's managers were preserved.

The Waqf, as the rightful owner, has requested the Israeli authorities to stop all illegal excavations at the Hammam and hand it back.



Hammam Tankaz (top) connected to the so called "secret passage" (bottom)

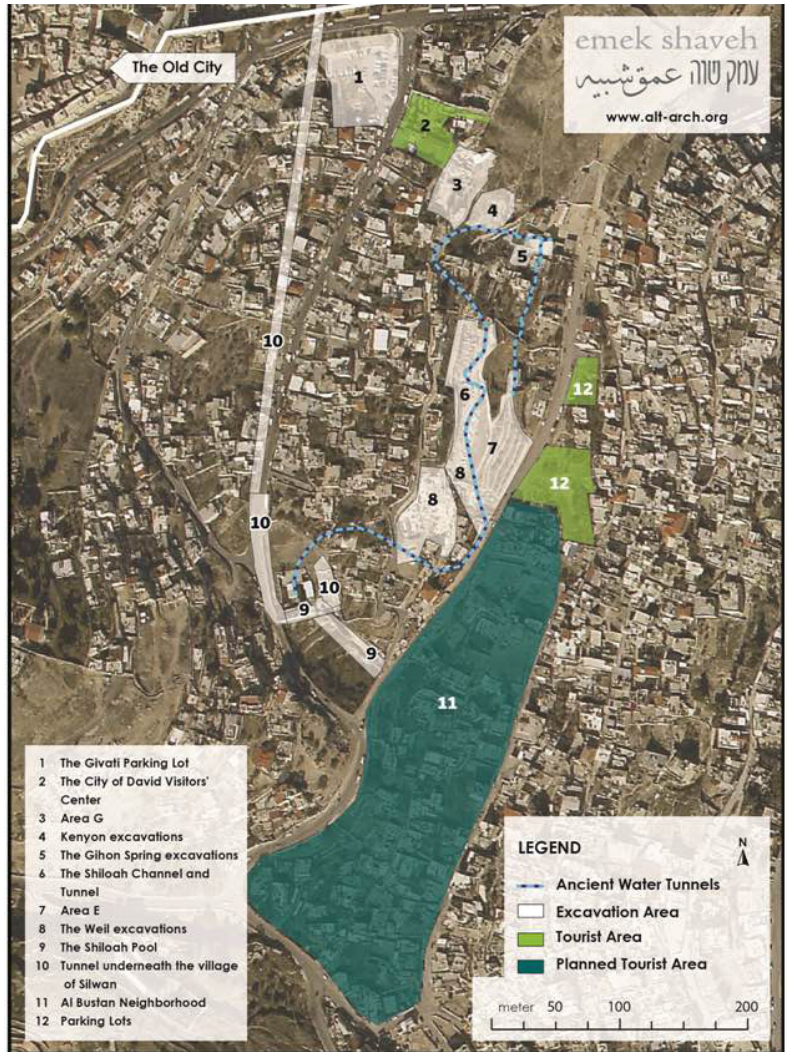
2.5 Silwan

Another hotspot of extensive Israeli tunnelling and excavation works is Silwan, an area which lies to the south of the Al-Aqsa Mosque/Al-Haram Al-Sharif compound. In 2007, the IAA began excavating a tunnel from the Silwan pool (Al-Hamra Pool) northwards, where it reached the area of the Umayyad Palaces in 2012. In 2014, new exits for the tunnel opened next to the Western Wall, south of the Maghrabeh Gate pathway. At no point were the needs of the Palestinian community of Silwan taken into consideration while the works were underway, during which the following violations were committed:

ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem

- a. The stability of Al-Aqsa Mosque/Al-Haram Al-Sharif is threatened as the excavations seriously weaken its walls.
- b. El'ad promotes a connection between upper Silwan, which it refers to as "City of David", and the so-called "Ophel" esplanade, which is at the core of the site of the Umayyad Palaces, promoting an exclusively Jewish narrative while neglecting the importance of the archaeological findings.
- c. In June 2011, the Umayyad Palaces site (the so-called "Ophel Halls" south of Al-Aqsa Mosque/Al-Haram Al-Sharif) was opened to the public, linking it to the 'Kingdom of Judea' and making an unverified claim that it dates back to 7th or 8th century B.C.
- d. Excavations at the so-called "Givati Parking Lot" in upper Silwan, have already caused significant damage to walls and other structures in the area. This is an area where El'ad, in cooperation with the IAA, intends to build the "Kedem Compound" – a seven-storey 16,400 m² centre with lecture halls, classrooms, commercial areas, and an underground parking lot. -.
- e. Since 2003, most of the Roman, Byzantine, Umayyad and Abbasid historical remains that have been uncovered at the Givati site were either removed or covered up by new constructions without documentation.



Excavations at the site of the "Kedem Centre"

2.6 Other Illegal Excavations in and around the Old City

a. Between 2012 and 2015, the IAA conducted unearthing and cleaning works outside the complex of Bab Al-Khalil (Jaffa Gate). In addition, excavations in the area revealed a Roman aqueduct, a Byzantine public bath and Ayyubid walls.

b. Several excavations took place in the western courtyard of the Qishleh (Taggart) building (constructed between 1831 and 1840), which is located inside the Old City walls near Bab Al-Khalil (Jaffa Gate) and is today occupied by the Israeli police. The building has been connected with the adjacent Burj Daoud (also known as Citadel or Tower of David) through a new gate that was drilled in the wall.²⁸

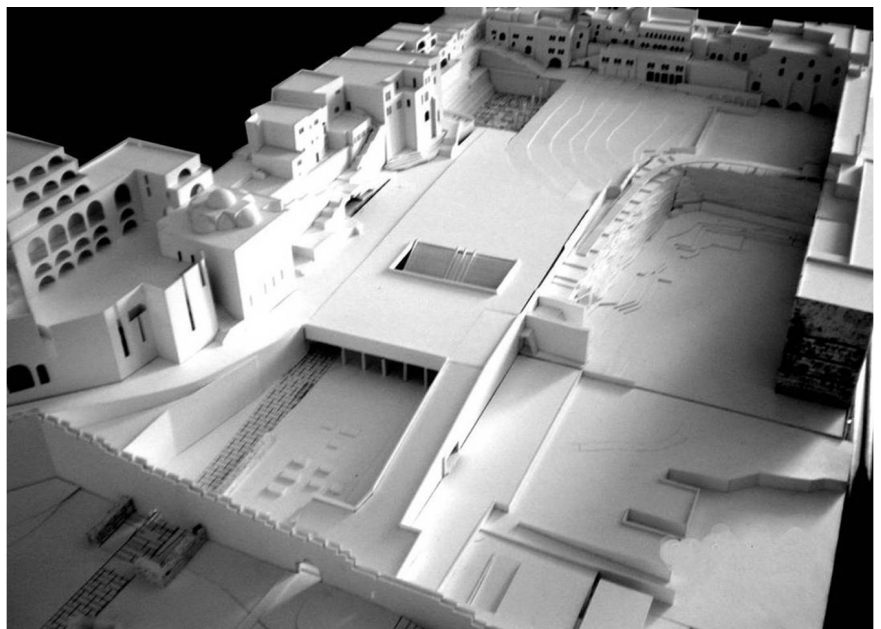


Excavations at Bab Al-Khalil/Jaffa Gate

c. A project by the Jewish Quarter Development and Reconstruction Company, implemented in cooperation with the Israeli Jerusalem Municipality and its Jerusalem Development Authority, intends to construct residential and commercial buildings on an 18,000m² area of the parking lot at the south eastern section of the Jewish Quarter, which will have a negative impact on the authenticity and integrity of the Old City and its environs.



New gate drilled in the Old City southern wall



Western Wall Plaza plans

d. The Israeli tramway passes less than two meters away from the northern wall of the Old City, which not only affects the visual and physical integrity of the Old City, but also threatens the stability of its walls due to the vibrations from the movement of the trains. Although UNESCO resolutions, since 2011, have repeatedly called on Israel to relocate the tramway, it continues to operate.



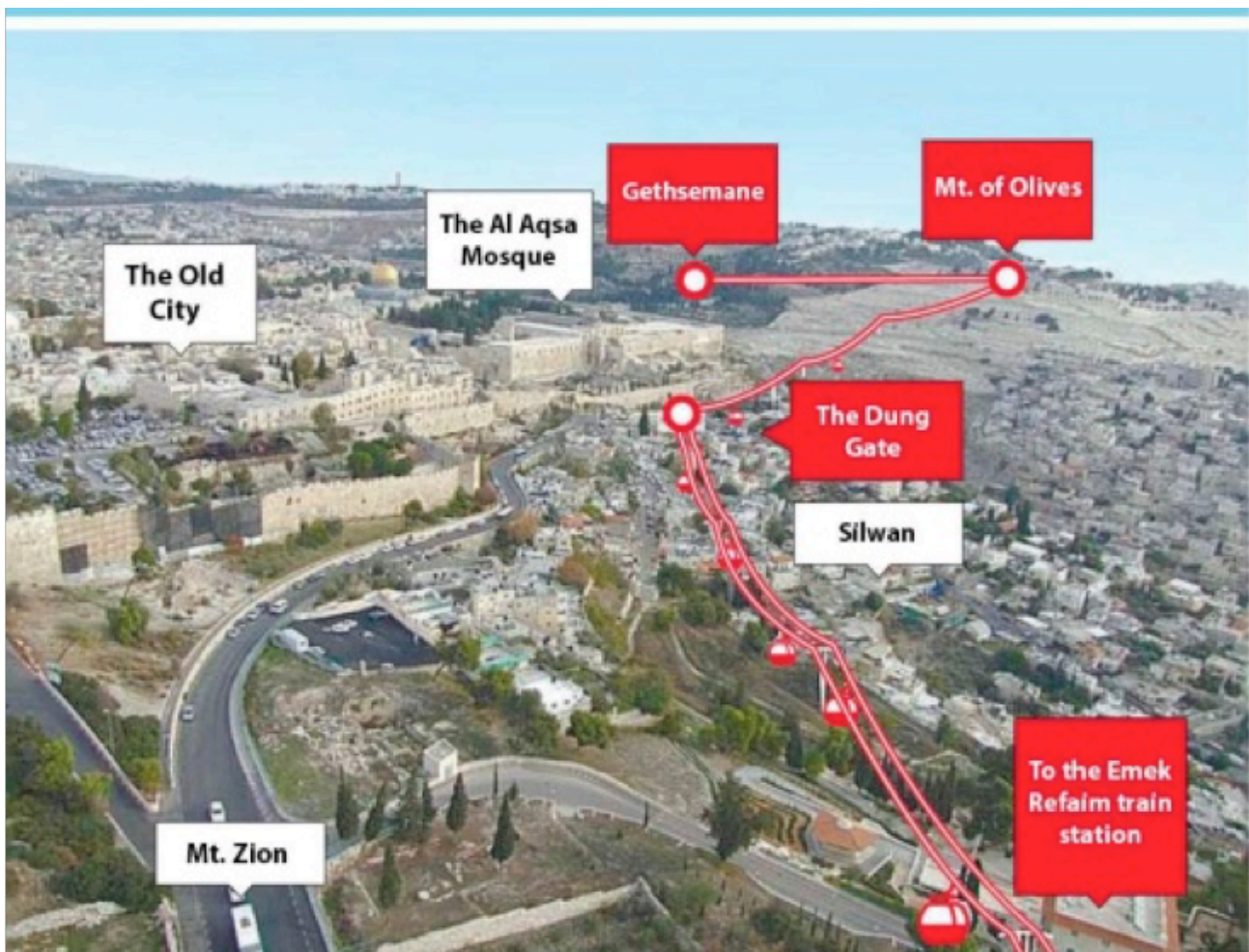
Tramway outside the Old City walls

²⁸ <http://www.sayarch.com/>

ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem

- e. Despite sensitivities and widespread opposition, the Israeli Jerusalem Municipality, together with the Jerusalem Development Authority and other tourism developers, has recently reintroduced its controversial plan to build a two-line cable car system to transport visitors to the Old City and other religious sites.²⁹ If realised, the project will not only impose major changes on the Old City's skyline, but will also pass over holy places and cemeteries. Meanwhile the massive columns that will have to be planted to support the cable cars will be mostly located on Waqf properties and affect important archaeological remains. The Waqf is therefore demanding an immediate stop to the plan.³⁰ In any case, the Old City of Jerusalem is a World Heritage Site; such a major project would also have to be approved by UNESCO.



Planned Jerusalem cable car

²⁹ The project was first announced in 2013, but halted in 2015 after the French company Sefage, which was involved in the feasibility study, withdrew from the project. Hasson, Nir, "The Jerusalem Municipality Planning renewing the cable car to the Western Wall", Haaretz [Hebrew edition], 16 February 2016.

³⁰ It is worth noting that the State of Palestine has protested the project in principle because it obstructs peace opportunities since the cable car system connects West Jerusalem with Occupied East Jerusalem, recognised by the international community and the UN as the capital of the future Palestine State.

3. ISRAELI RESTRICTIONS ON MAINTENANCE, RENOVATION AND REHABILITATION OF HOLY SITES

Israeli authorities undertake illegal archaeological works in the Old City and its environs, while at the same time regularly obstruct attempts by the Waqf - the legitimate institution in charge - to restore, renovate or simply maintain the holy sites under its custodianship. The following are examples of Waqf projects whose implementation have been barred by Israel.

a. At Al-Aqsa Mosque/Al-Haram Al-Sharif, the Waqf was banned from implementing over 20 projects, including the following:

- Completion of the fire alarm system.
- Installation of a ventilation system for the Dome of the Rock.
- Tiling of the courtyards of Al-Aqsa Mosque/Al-Haram Al-Sharif.
- Removal of construction waste from the eastern part of the compound.
- Renovation of the stone columns at the Marwani Mosque.
- Installation of a metal and glass covering at the entrance of the Marwani Mosque.
- Tiling the sidewalks around the generator area.
- Renovation of the western side of the Qibli Mosque.
- Restoration of wooden blocks on the windows on the western part of the Qibli Mosque.
- Planting of trees to replace those that were uprooted in past winter storms.
- Installation of a security window grill in the southern wall of Marwani Mosque.
- Installation of prayer speakers in the western part of the Qibli Mosque.
- Renovation of Bab Al-Rahmah (the Golden Gate) of Al-Aqsa Mosque/Al-Haram Al-Sharif.
- Completion of the restoration of the eastern wall of al-Aqsa Mosque/Al-Haram Al-Sharif.
- Covering of the electric generators with a protective ceiling.
- Renovation of the electricity cabinet located at the entrance of the Qibli Mosque.
- Installation of a security grill on the gate of the Restoration Committee storehouse.
- Installation of an outside lighting system for the Dome of the Rock.

b. The Waqf was banned from renovating Sabil Al-Wadat the entrance of Hamman Al-'Ein next to the Qataneen Market, Sabil Bab Al-Nazerat the junction of Aqbat Al-Takkiyeh and Al-Wad Street and Sabil Al-Asbatat Bab Al-Asbat (Lion's Gate), although these public water fountains were endowed as public Waqf properties by the Ottoman Sultan Salim Al-Qanouni (1536-1537). Instead, the IAA undertook the works - in contradiction to UNSC resolutions and Israel's obligations as an occupying power to uphold the rights of the national authority and owner of properties.

c. Although the Waqf, as the owner of the site, has delegated Al-Quds University's Department of Archaeology to undertake renovation works at Hammam El-'Ein, and has followed this process openly in cooperation with the Waqf and with funding from the United Nations Development Program (UNDP), their efforts have been prohibited. Instead, the IAA have conducted works at the site themselves, proving once more that the interests of Jewish settler groups supersede the "obligation" to preserve past heritage³¹: In contradiction to its own procedural guidelines and ethical rules of archaeology, the IAA has poured massive amounts of concrete over historic remains in order to support the columns of the newly constructed "Ohel Yitzhak" synagogue. Moreover, as there was no excavation permit, the managers of the site had no legal obligations, nor time or space limits. As a result, the excavations were neither carried out in a scientific manner nor were they documented thoroughly, and the findings were not published in appropriate academic journals.

³¹ Israeli-French archaeology expert Professor Haim Barbé, for example, expressed shock over the destruction of the building's façade next to the monumental entrance and of one of the heating pools which occurred in the process of installing an elevator and access route to the site.

- d. The Waqf is denied access to Tankaziyyah School / the Islamic Shari'a Court, i.e., the historic Islamic school building that was confiscated from Al-Aqsa Mosque/Al-Haram Al-Sharif in 1967 and is today partially occupied by the Israeli police. The gates leading into the compound are closed and, in 2013-2014, Israel converted parts of the main hall into a Jewish synagogue.



Tankaziyyah School

- e. The Waqf was banned from renovating the Mamluk-era Ribat Al-Kurd/Hosh Al-Shihabi, a Waqf property located near Bab Al-Hadid (Iron Gate). It forms part of the western wall of Al-Aqsa Mosque/Al-Haram Al-Sharif and consists of a small plaza, an alleyway and a number of houses belonging to the Al-Shihabi family. Despite the Aqwaf's continuous protests, the Israeli Jerusalem municipality has been carrying out restoration works at the site.
- f. Israeli authorities continue to force the closure of Bab al-Rahmah (The Golden Gate), ban its use for worship and lectures, and have obstructed its renovation since 2003 without any acceptable justification or legal basis, although the building's integrity is threatened by damage caused due to water leaks.



Bab Al-Rahmah (the Golden Gate) and the structure's interior (right).

4. ISRAELI PRACTICES TO ALTERNATE OR ELIMINATE THE CULTURAL IDENTITY OF JERUSALEM

It is common Israeli practice to confiscate and remove or even eliminate Islamic, Byzantine, Roman and Greek archaeological remains - especially in the vicinity of Al-Aqsa Mosque/Al-Haram Al-Sharif - in order to construct and convey an exclusively Jewish religious and cultural narrative.³² This drastically alters the centuries-old *status quo*, negatively affects the panorama and scenery of the Old City of Jerusalem, and undermines the authenticity, identity, and integrity of this Holy City.

Examples of Israeli Judaization efforts in and around the Old City, all of which impose changes on the status of the concerned properties, include the following:

- a. **“Biblical and Talmudic Parks”**: Israel has confiscated the area around the Old City walls and designated them as “parks” - initially called municipal, then national and eventually Biblical/Talmudic parks. Using new zoning jurisdictions and plans, as well as corresponding narratives, guided tours, signs, and educational programs, the Israeli Jerusalem municipality is trying to transform the historic areas especially in the vicinities of the New Gate, Damascus Gate, Lion’s Gate and Jaffa Gate not for development purposes, as claimed, but to further Judaize Jerusalem.
- b. **Converting Muslim and Christian historic sites into Jewish synagogues and prayer spaces**: Since 1967, over 30 Jewish museums and more than 65 synagogues have been established in the Old City, most of them in the vicinity of the Al-Aqsa Mosque/Al-Haram Al-Sharif. In addition, numerous Waqf properties and tunnels have been confiscated and converted into Jewish prayer places.
- c. **Imposing Jewish names**: Israeli authorities have been placing signs referring to “Temple Mount” on pathways leading to Al-Haram Al-Sharif as well as on the Al-Aqsa gates of Al-Asbat, Al-Magharbeh, Al-Silsileh, Al-Hadid and Al-Majlis—of course without mentioning that Al-Haram Al-Sharif is Al-Aqsa Mosque. This erection of signage has taken place recently in an unprecedented manner, especially during the period from November 2014 to February 2015.



Jewish names on the gates and entrances of Al-Aqsa Mosque

³² It should be noted here that, so far, no conclusive evidence has been found as to the existence of a “temple” in Jerusalem.

ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem

- d. **Converting historical entrances to the Old City into public parks:** in establishing their so-called “Biblical Parks”, Israeli authorities have changed the features and authentic scenery of the Old City’s walls, main gates, and pathways drastically. In the process of converting the areas around the gates into parks and gardens, some historical foundations have been covered with earth and concrete or planted with trees, while a number of older trees have been cut down.
- e. **Nabi Dawoud Mosque:** this Islamic Waqf property, located on Mount Zion next to the Old City’s southern wall, is **believed to be the tomb of the Prophet Dawoud (David)**.³³ On the upper floor directly above the tomb is the the Last Supper Room (or ‘Cenale’) where Jesus is said to have shared his last supper with the disciples. According to Israeli experts, the IAA excavated the area under the site but stopped after they did not find anything. It should be noted that most architectural and historical studies refer to the site as an Islamic grave and it only became of interest to Jewish groups in the 1950s. Since 2015, the property has been facing a new wave of attacks and seizures by Israeli extremists, including the following:



Nabi Dawoud established as Muslim Maqam since 1250 A.D. and a Mosque since 1520 A.D.

³³ Some historians believe that this is not his tomb but a ‘maqam’, to mark the place where David once stayed.

ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem

- Most of the Palestinian homes on the compound (belonging to the Dajani family) are now occupied by the “Diaspora Yeshiva” - a radical religious-Zionist school established by Rabbi Mordechai Goldstein (and now headed by his son Rabbi Yitzhak Goldstein).³⁴
- Ottoman and Mamluk-era tiles that decorate the walls at the entrance and inside the Mosque continue to be damaged and removed.
- The Dajani family graves at the site are damaged and their renovation obstructed.
- Parts of the mosque have been converted into a Jewish synagogue; the mosque’s *mihrab*³⁵ is hidden by bookshelves.
- Ottoman-period windows and iron grids were removed and replaced by a new iron grid featuring the Star of David in a bid to strengthen the Jewish narrative.



Enforced Judaization of Nabi Dawoud Mosque

³⁴ The Diaspora Yeshiva was founded in 1967 as a yeshiva for foreign students but soon began to control more buildings on the hill, mainly around the Tomb of David. Some of the students are said to be linked to the radical “hilltop youths” settler group, although the yeshiva denies any connection.

³⁵ A niche in the wall of a mosque that indicates the qibla, i.e., the direction of Mecca.

ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem



Documented damage at Nabi Dawoud Mosque.

f. Confiscation of parts of Al-Rahmah cemetery and the placement of fake Jewish graves: Since 2013, Jewish extremists have erected numerous fake graves on Waqf land next to the eastern and southern wall of Al-Aqsa Mosque/Al-Haram Al-Sharif. This practice, which provides a pretext for confiscating land and Judaizing Waqf properties, has been largely tolerated by Israeli authorities. In 2014, further graves were placed in Ras Al-Amud, on the Mount of Olives, and on Sloudhah Waqf land in Silwan, and, in 2015, in Silwan and the Qidron Valley. In addition, Israel confiscated and fenced three parts of the Bab Al-Rahmah Cemetery – Waqf property of the Al-Husseini and the Al-Ansari families as well as public Waqf land – in 2015.



Fake Jewish graves, 2013-2015

5. ASSAULTS AND VIOLATIONS OF CHRISTIANS AND THEIR HOLY SITES

Churches and other Christian sites in and around the Old City of Jerusalem have also suffered from Israeli aggressions in blatant violation of international law and the Jerusalem *status quo*.

- a. Israeli authorities have removed an antique metal protection grille from the Church of the Holy Sepulchre and replaced it with a new, unauthentic one. The original piece has still not been returned, which is a substance breach of international humanitarian law, the 1954 Hague Convention, and the 1972 World Heritage Convention.
- b. Jewish extremists frequently “price tag” Christian holy places or cemeteries, vandalising them and spraying threatening, hateful or insulting slogans on walls, cars and other sites. Recent examples include an arson attack in February 2015 on a Greek Orthodox seminary next to Jaffa Gate, which left the bathroom destroyed and the walls smeared with graffiti reading “Jesus is a son of a bitch”, and “the Redemption of Zion”³⁶, and writings on the walls of the Benedictine Monastery (Dormition Abbey) on Mount Zion in January 2016, reading, *inter alia*, “Christians to Hell” and “Death to the heathen Christians the enemies of Israel”.³⁷



Vandalized Christian Places. The top right graffiti was found at Dormition Abbey and reads “May His name and memory be erased”

- c. After excavating the site of the 6th-Century Byzantine Nea Maria Church (located in the southern part of the Old City) in the 1970s, Israeli authorities abandoned the work following plans by the Israeli Jerusalem municipality to establish a parking lot in its place. (The site of the current Jewish Quarter parking lot is now earmarked for commercial and residential buildings). The site is not open to visitors and, in 2015, several structures for cultural and sporting activities were erected on the small

³⁶ Roi Yanovsky, “Christian seminary set alight in suspected hate crime,” Ynet, 25 February 2015.

³⁷ “Jewish Extremists Vandalize Jerusalem’s Dormition Abbey,” Haaretz, 17 January 2016.

ISRAELI VIOLATIONS

Against the Holy Places and the Historic Character of the Old City of Jerusalem

area between the Nea Maria Church and the Old City's southern wall, while the historic vaults and arches of the Church are denied any conservation or protective guarding.



A mosaic land at Nea Maria Church remains south of Jewish Quarter's parking lot.

d. The remains of the St. Mary's Hospice of the German Knights Church, built during the Crusader period (12th and 13th centuries A.D.), are located in the middle of the new Jewish Quarter inside the Old City. While most of the church is now in ruins, its walls are still in good shape but suffer from neglect and attempts to Judaize the site: a Jewish prayer scroll (Mezoza) – indicating a Jewish residential or prayer site – has been placed at its entrance, and many Jewish celebrations are organised there.



Remains of the St. Mary Hospice of the German Knights Church

6. HASHEMITE RESTORATION PROJECTS AT AL-AQSA MOSQUE/AL-HARAM AL-SHARIF

In spite of the Israel's practices and obstructions, the Hashemite Fund for the Restoration of Al-Aqsa Mosque and the Hashemite Restoration Committee continue to undertake major and necessary restoration works. These include:

- Restoration of the plastering and mosaic decorations inside the Dome of the Rock



Hashemite restoration of the mosaics in the Dome of the Rock in 2015

- Historic renovations of the mosaics in the eight major hallways of the Dome of the Rock.
- Renovation of the mosaics on the façade of the main arcade and the dome of Al-Qibli Mosque.
- Renovating the inside marble of the Dome of the Rock.
- Renovating part of the historic eastern wall of Al-Aqsa Mosque/Al-Haram Al-Sharif. (Although one of the most urgent projects to conserve the wall was stopped by Israel).
- Various urgent renovations inside the Marwani Mosque.
- Restoring seven gates of the Qibli Mosque damaged by Israeli forces.
- Restoring two Mamluk-era wooden gates of the Qibli Mosque which were damaged by Israeli forces on 13 September 2015.
- Completing extensive studies, experiments and tenders for installing a lighting system outside of the Dome of the Rock. However, this project was prohibited by Israel.
- Renovating and colouring the wooden column tie beams at the Qibli Mosque.
- Completing studies and preparing tender documents for the restoration of the chandeliers of the Qibli Mosque.

OUTLOOK

Jordan and Palestine regularly call on UNESCO to continue condemning Israel for its constant attempts to alter the *status quo* of the Old City of Jerusalem and its holy sites, and request that UNESCO take decisions accordingly – at least for the purpose of documenting the violations against the city’s heritage and historical remains, in light of the fact that neither the UN body nor its World Heritage Committee are able to force Israel to abide by its resolutions.

Jordan and Palestine have therefore stressed that it is of fundamental significance that UNESCO resumes monitoring and uses all possible tools to document their observations. Additional tools to raise international awareness regarding the dangers threatening the world heritage of Jerusalem are also required. In doing so, UNESCO and all other international bodies must stress the illegality of Israel’s attempts to change the *status quo*, *inter alia*, by using international legal language in all reports, briefings and decisions dealing with violations in and around the Old City, acknowledging it as part of the 1967 Occupied Territories and Israel as the occupying power under international law.

Jordan and Palestine have also called on Israel to comply with the relevant UNESCO decisions, end all excavations and other illegal measures taken against the heritage of the Old City and its Walls, and, most importantly, cease attempts to change the *status quo* at Al-Aqsa Mosque/Al-Haram Al-Sharif. In line with World Heritage Committee and Executive Board decisions, Israel must provide all relevant information concerning its excavation and other unlawful works in the Old City and its walls.

UNESCO and its bodies should undertake an appropriate analytical study on the effects of the violations that have taken place to date and pressure Israel to return to the pre-2000 *status quo* regarding the Waqf’s administration of Al-Aqsa Mosque/Al-Haram Al-Sharif, including maintenance and the regulation of access.

TABLE OF CONTENTS:

Introduction

1. Jerusalem and the Status Quo of the Holy Places
2. Israeli Violations Against the Holy Places and the Historic Character of the Old City of Jerusalem
 - 2.1 Al-Aqsa Mosque/Al-Haram Al-Sharif
 - 2.2 Al-Buraq Plaza and the Magharbeh Quarter
 - 2.2.1 Ribat Al-Kurd
 - 2.2.2 “Beit Strauss”
 - 2.2.3 “Beit HaLiba”
 - 2.2.4 Demolition of the Magharbeh Gate Pathway, 2004-2016
 - 2.3 The Umayyad Palaces Area
 - 2.4 Excavations in the Muslim Quarter and Al-Wad Street
 - 2.4.1 The Kittan Cave
 - 2.4.2 Al-Wad Street
 - 2.4.3 Hamman Tankaz – the Mamluk Bathhouse
 - 2.5 Silwan
 - 2.6 Other Illegal Excavations in and around the Old City
3. Israeli Restrictions on Maintenance, Renovation and Rehabilitation of Holy Sites
4. Israeli Practices to Alternate or Eliminate the Cultural Identity of Jerusalem
5. Assaults and Violations of Christians and their Holy Sites
6. Hashemite Restoration Projects at Al-Aqsa Mosque/Al-Haram Al-Sharif



**Copyrights ©
The Hashemite Fund for Building
and Maintenance of the Blessed Aqsa Mosque
Amman, Jordan**