

ADDENDUM



**Petition for Urgent Action on
Human Rights Violations by Israel:**

**Desecration of the Ma'man Allah (Mamilla)
Muslim Cemetery in the Holy City of Jerusalem**

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www.mamillacampaign.org

**PETITION FOR URGENT ACTION
ON HUMAN RIGHTS VIOLATIONS BY ISRAEL:**

**DESECRATION OF THE MA'MAN ALLAH (MAMILLA)
MUSLIM CEMETERY IN THE HOLY CITY OF JERUSALEM**

TO:

1. The United Nations High Commissioner for Human Rights (Ms. Navi Pillay)
2. The United Nations Special Rapporteur on Freedom of Religion and Belief (Ms. Asma Jahangir)
3. The United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (Mr. Githu Muigai)
4. The United Nations Independent Expert in the Field of Cultural Rights (Ms. Farida Shaheed)
5. Director-General of United Nations Educational, Scientific, and Cultural Organization (Ms. Irina Bokova)
6. The Government of Switzerland in its capacity as depository of the Fourth Geneva Conventions

INDIVIDUAL PETITIONERS:

Sixty individuals whose ancestors are interred in Mamilla (Ma'man Allah) Cemetery, from the Jerusalem families of:

1. Akkari
2. Ansari
3. Dajani
4. Duzdar
5. Hallak
6. Hussein
7. Imam
8. Jaouni
9. Khalidi
10. Koloti
11. Kurd
12. Nusseibeh
13. Salah
14. Sandukah
15. Zain

CO- PETITIONERS:

1. Mustafa Abu-Zahra, Mutawalli of Ma'man Allah Cemetery
2. Addameer Prisoner Support and Human Rights Association
3. Al-Mezan Centre for Human Rights
4. Al-Dameer Association for Human Rights
5. Al-Haq
6. Al-Quds Human Rights Clinic
7. Arab Association for Human Rights (HRA)

8. Association for the Defense of the Rights of the Internally Displaced in Israel (ADRID)
9. Badil Resource Center for Palestinian Residency and Refugee Rights
10. Housing and Land Rights Network – Habitat International Coalition
11. Jerusalem Legal Aid and Human Rights Center (JLAC)
12. The International Committee of the National Lawyers Guild
13. The Independent Commission for Human Rights
14. The National Lawyers Guild – Free Palestine Subcommittee
15. Women’s Centre for Legal Aid and Counselling (WCLAC)
16. Zochrot Association

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6. Leonard I. Weinglass, Esq., New York, NY

DATE:

June 14, 2010

SUBJECT:

Petition for Urgent Action on Human Rights Violations by Israel:
Desecration of Ma'man Allah (Mamilla) Muslim Cemetery in the Holy City of Jerusalem.

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Jerusalem 1854: View from the Mamilla pool, and a closed Jaffa gate.

ADDENDUM

Petition for Urgent Action on Human Rights Violations by Israel: Desecration of the Ma'man Allah (Mamilla) Muslim Cemetery in the Holy City of Jerusalem

The Petitioners respectfully submit this Addendum to the Petition for Urgent Action on Human Rights Violations by Israel: Desecration of the Ma'man Allah (Mamilla) Muslim Cemetery in the Holy City of Jerusalem, hereinafter the Petition, in order to update the High Commissioner for Human Rights, the concerned mandate holders and the Director General of UNESCO on pertinent developments since the submission of the Petition on February 10, 2010. In particular, it highlights action on the issue by the United Nations Human Rights Council and by the civil *Campaign to Preserve Mamilla Jerusalem Cemetery*, as well as recent events in Israel and the Occupied Palestinian Territory of direct relevance to the Petition. This submission also updates information in the Petition in light of efforts by Israel and the Simon Wiesenthal Centre to cast its objectives and the veracity of its contents into doubt since its submission. Finally, the Addendum refers the recipients to the list of signatories to a Public Petition, which now includes over 8700 individuals and non-governmental organizations from around the world who have registered their support for the core demands of the Petition.

I. Recent Developments

Since the submission of the Petition and the launch of the *Campaign to Preserve Mamilla Jerusalem Cemetery*, an ad-hoc initiative, managed and supported wholly by Petitioners who are descendants of individuals buried in Mamilla and individual supporters worldwide, there have been a number of important developments, both directly related to the Petition, and within Israel and the Occupied Palestinian Territory.

A. Responses by the international community

The significant political, media and public interest in the fate of Mamilla Cemetery has centered on the concern within the international community about the broader issues that the Petition addresses regarding denial of religious freedoms and cultural rights of the Palestinian and Muslim community in Jerusalem particularly. In addition to the attention the issue has received among UN representatives, it was repeatedly raised during the 13th Session of the Human Rights Council, which ultimately passed a resolution specifically denouncing the desecration of the cemetery.

1. Responses to the Petition by Arab States, Palestine and the Government of Switzerland

The issue of the desecration of the Mamilla cemetery has reached the highest levels of the United Nations. The Permanent Representative of Kuwait, as Chair of the Group of Arab States, submitted a letter to the

United Nations Secretary General, the Security Council and the General Assembly urging action to stop the desecration of Mamilla Cemetery.¹ Pointing to the guarantees provided for the protection of cultural heritage, religious freedom, and freedom from discrimination in international human rights instruments, the letter emphasizes Israel's "total disregard of the Palestinian heritage in Jerusalem and the human and religious sensitivities concerning burial sites," and its "deep and callous disrespect of the most basic values of tolerance and respect for the heritage, culture and religion of another people."² It further notes the Arab Group Member States' condemnation of Israel's actions in the Mamilla Cemetery, and calls upon the international community to "denounce the desecration of the... Cemetery and ... undertake all efforts to compel Israel to suspend completely its illegal and provocative actions... and halt all construction in the Cemetery, and to undertake efforts to properly...redress the matter in order to preserve and protect this historic, religious site of great importance to Palestinian Arab and Muslim heritage."³

Palestine's Ambassador to the United Nations also submitted a letter on April 9, 2010 to the Secretary General of the United Nations, Ban Ki Moon, the President of the Security Council, and the President of the General Assembly highlighting the case of the Mamilla cemetery and annexing the Petition.⁴ The letter urged them to act to stop Israel's "adopted unlawful policy of discrimination and contempt towards Palestinian Muslim and Christian holy places," and Mamilla in particular. It emphasized the centrality of human dignity and human rights principles to the United Nations Organization, and pointed to the numerous human rights instruments that aim to protect the rights to religious freedom and belief, cultural heritage, and the holy sites of groups.⁵

In addition, the Organization of the Islamic Conference (OIC), made up of UN Ambassadors from Islamic Member States, raised the issue of Israel's desecration of the Mamilla cemetery in its meeting with UN Secretary General Ban Ki-Moon on March 24, 2010. The Group expressed its serious concern regarding a number of actions on the part of the Israeli government, including the Israeli Supreme Court's approval of building plans over the Mamilla cemetery, which it characterized as "part of a continuing trend whereby Israel has destroyed 1200 mosques and 200 churches since 1967." In response, the Secretary General pledged to follow-up on the issue with the Director General of UNESCO.⁶

¹ Letter dated 20 April 2010 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General, A/64/751-S/2010/202, April 22, 2010. Attached as Appendix I.

² Id.

³ Id.

⁴ Identical letters dated 9 April 2010 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council, April 9, 2010, A/ES-10/486-S/2010/184. Attached as Appendix II.

⁵ Id.

⁶ Press Release: Outcome of Meeting between the OIC Ambassadorial Group at the United Nations in New York and the UN Secretary General, H.E. Mr. Ban Ki-Moon on 24 March 2010. Attached as Appendix III.

Furthermore, in response to the Petition which was submitted to the Government of Switzerland in its capacity as depository of the Fourth Geneva Conventions, Ms. Micheline Calmy-Rey, the Head of the Federal Department of Foreign Affairs of the Swiss Confederation stated, in communications with the Petitioners, that Switzerland “deplore[s] the decision to build such a museum on the site of an ancient Muslim cemetery”... which “was not helpful with regard to fostering the peaceful cohabitation between the different faiths.” In the context of the Middle East conflict, “Switzerland calls on the parties concerned to work towards a rapprochement and to abstain from taking any decision that could raise tensions.” In addition, she encouraged the Petitioners “to continue the dialogue on this project...and if needed to explore further legal steps to find a solution which respects the cultural and religious feelings of all concerned communities.”⁷

2. Action by the United Nations Human Rights Council

Leading up to the 13th Session of the Human Rights Council (HRC) in March 2010, the issues of freedom of religion and belief in Jerusalem in general and of the destruction and desecration of the Mamilla cemetery in Jerusalem in particular, were discussed in different forums in the context of the HRC’s agenda Items 3 (Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development), and 7 (Human rights situation in Palestine and other occupied Arab territories).

The statement by the representative of Palestine on agenda item 3 on March 11, 2010 included references to various violations of religious and cultural freedoms in Jerusalem and throughout the Occupied Territory. It noted specifically that “in the latest flagrant aggression on the freedom of cultural property and the freedom of religion and belief, the Israeli authorities are plowing the Ma’man Allah cemetery in Jerusalem and desecrating its historical and religious sanctity with the goal of erecting a so-called ‘museum of tolerance’ there. And here we ask, how can tolerance take place atop the remains and bones of the Prophet’s companions and of Jerusalem’s original inhabitants?”⁸

In the context of a general debate on Item 7, as part of the follow-up to the HRC’s 9th and 12th special sessions, the Palestinian non-governmental organization, Al-Haq, also referenced the desecration of graves in Mamilla as part of Israel’s broader attack on Palestinian cultural and religious freedom in its Oral Submission to the HRC on March 22, 2010.⁹ Other delegations expressed their concern about violations of cultural and religious rights in Jerusalem and the Occupied Palestinian Territory as well.¹⁰

⁷ Letter from the Swiss Federation, April 12, 2010. Attached as Appendix IV.

⁸ See Webcast of Palestine’s Oral Statement, available at <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/thirteenth/hrc100311pm1-orig.rm?start=00:58:30&end=01:02:03>.

⁹ See Webcast of Al-Haq’s Oral Statement, available at <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/thirteenth/hrc100322am1-eng.rm?start=02:31:04&end=02:33:24>.

¹⁰ See collection of statements, available at <http://www.un.org/webcast/unhrc/archive.asp?go=100322>.

A public side event on religious and cultural rights and freedoms, organized by the Palestinian NGO, Badil Resource Center for Palestinian Residency and Refugee Rights, took place on March 18, 2010. This event, featuring Professor George Abi Saab (Honorary Professor of International Law, University of Geneva) and Ms. Hoda Imam (individual co-Petitioner and Director, Centre for Jerusalem Studies, Al Quds University) examined violations of cultural and religious freedoms being perpetrated by Israel, including the destruction and desecration of the Mamilla cemetery.

On March 24, 2010, the Human Rights Council adopted Resolution A/HRC/13/L.29 on the Grave Human Rights Violations by Israel in the Occupied Palestinian Territory, including East Jerusalem, which specifically condemned the desecration occurring at the Mamilla Muslim cemetery, as well as other actions against holy sites in and around Jerusalem. The Resolution's preamble notes that the Human Rights Council is "deeply concerned at the illegal actions by Israel undermining the sanctity and inviolability of religious sites in the occupied Palestinian territories, in particular in the holy city of Jerusalem."¹¹ Operative paragraph 6 states that the Human Rights Council "Expresses its grave concern at the excavation of ancient tombs and removal of hundreds of human remains from part of the historic Ma'man Allah (Mamilla) Cemetery in the holy city of Jerusalem in order to construct a "museum of tolerance", and calls upon the Government of Israel to immediately desist from such illegal activities therein."¹²

The adoption of the resolution indicates the significant international concern elicited by Israel's unequal treatment of non-Jewish holy sites in Jerusalem, such as Mamilla, and the recognition that such treatment is violating the most basic of human rights.

B. Relevant Events in Jerusalem, the Occupied Palestinian Territory and in Israel

Other developments in Jerusalem, and in the rest of the Occupied Palestinian Territory, as well as in Israel, illustrate the extent to which Israeli authorities' treatment of construction over the Mamilla cemetery is in fact characteristic of the double standards that are applied in the treatment of Jewish and non-Jewish cultural heritage sites. They also reveal Israel's disregard of Palestinian cultural heritage and property rights and of international law, as Israel continues to expropriate Palestinian land and property throughout Jerusalem, in defiance of continued international condemnation.

In stark contrast to Israel's response to protests regarding construction plans over the Mamilla Muslim cemetery, Israeli authorities recently

¹¹ See Human Rights Council, Human rights situation in Palestine and other occupied Arab territories, The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem, A/HRC/13/L.29, March 19, 2010, available at <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G10/124/03/PDF/G1012403.pdf?OpenElement>. Attached as Appendix V.

¹² Id.

ordered the relocation of a planned addition to the Ashkelon hospital when it was reported that a Jewish graveyard was located on the construction site.¹³ It was only when subsequent investigation revealed that the graveyard was from the Byzantine era and appeared to be either Christian or pagan, that the Government reversed its previous decision and approved building on the site, notwithstanding sustained objections by Israeli orthodox religious authorities that Jewish graves might also be located in the vicinity.¹⁴

The Ashkelon hospital case in particular is indicative of the sensitivity of the Israeli government to construction plans that might disturb Jewish graves, in obvious contrast to its callousness regarding the destruction of ancient cemeteries of non-Jews. Protests by Ultra-Orthodox Jews over the hospital plan led to approval for an expensive alteration of the plans until it was confirmed that they were not Jewish graves, whereas protests by Muslims with descendants buried in the cemetery and people of all faiths against the Museum of Tolerance project atop the Mamilla cemetery are dismissed by the SWC as merely political and not genuine opposition to the destruction of their cultural heritage and the denial of their human rights. This pattern of disrespect for and desecration of non-Jewish cultural heritage and religious sites is further confirmed by the Israeli Supreme Court's recent dismissal of two cases attempting to stop the destruction of another two Muslim graveyards in Israel.¹⁵

Another Israeli decision to declare two sites located in the territory occupied by Israel in 1967 as Israeli "national heritage sites" not only indicates Israel's utter disregard of international law and its role as an occupying power in the West Bank, but also highlights its failure to take similar steps to protect cultural heritage sites that may not have cultural significance to Jews, whether located in Israel, Jerusalem, or the Occupied Palestinian Territory, including the Mamilla cemetery.¹⁶ This move elicited responses from the international community, including UNESCO, the United States and the European Union, not to mention the UN Human Rights Council, all of which recognized the provocative nature of the announcement because of the fact that they are located in the Occupied Palestinian Territory, and the fact that the sites are sacred to all three monotheistic religions.¹⁷

¹³ Dan Even, Mazal Muallem, Decision to move Ashkelon Hospital ER spurs wave of criticism, Haaretz, March 21, 2010, available at <http://www.haaretz.com/hasen/spages/1157879.html>

¹⁴ See Shalom Goldman, Are They Jewish Bones? Battle for Separation of Synagogue and State in Israel, Religious Dispatches, April 13, 2010, available at http://www.religiondispatches.org/archive/politics/2440/are_they_jewish_bones_battle_for_separation_of_synagogue_%26_state_in_israel; Haaretz Services, Contested gravesite at Ashkelon hospital may have belonged to pagans, Haaretz, March 14, 2010, available at <http://www.haaretz.com/news/contested-gravesite-at-ashkelon-hospital-may-have-belonged-to-pagans-1.264734>; jpost.com Staff, PM granted authority on Barzilai, Jerusalem Post, April 4, 2010, available at <http://www.jpost.com/Israel/Article.aspx?id=172836>.

¹⁵ Aqsa Heritage and Endowment Foundation, Press Release, (Arabic) fi saabiqa khatira: al-mahkama al-'ulia tarad iltimasayn li-mu'asat al-aqsa fi yawm wahid, May 9, 2010.

¹⁶ See Isabel Kershner, Israel's Plans for 2 Sites Stir Unrest in West Bank, Feb. 22, 2010, available at <http://www.nytimes.com/2010/02/23/world/middleeast/23mideast.html>.

¹⁷ See Reuters, UNESCO worried about Israel heritage in West Bank, Feb. 26, 2010, available at <http://www.reuters.com/article/idUSTRE61P4MC20100226>.

Meanwhile, Israel has made clear its intention to continue its illegal expropriation and settlement construction on Palestinian lands in areas of Jerusalem occupied in 1967, including in the old city. Plans to build new settlements in the heart of Palestinian neighborhoods in Jerusalem have been internationally condemned.¹⁸ These include the recently approved new settlement units in the Shepherd's Hotel compound in the Shaykh Jarrah neighborhood, which is private property that once belonged to Haj Amin Husseini, was fraudulently transferred to Israeli possession, and rightfully belongs to his living descendants.

C. Activities of the Campaign to Preserve Mamilla Jerusalem Cemetery

The Campaign, led by some of the 60 original Petitioners from 15 of the oldest Jerusalemite families, and joined by a growing body of international supporters, has been actively working to support the goals of the Petition by gathering signatures for a Public Petition and by continuing efforts to spread awareness and accurate information about what is occurring at the Mamilla cemetery.

1. Public Petition

The Public Petition, available at www.mamillacampaign.org, has gathered over 8700 signatures as of June 2010, from individuals and institutions all over the world who support the four core demands of the Petition. This overwhelming show of support from people of all faiths, and from all corners of the globe, shows that Israel and the Simon Wiesenthal Center's (SWC) insistence on building a "Museum of Tolerance" atop a historic Muslim graveyard which houses thousands of human remains elicits widespread public condemnation and is seen as a discriminatory and immoral act.¹⁹

2. Public Interest

There has been significant media coverage in English, French, Arabic and other languages of the Petition and the Campaign's activities, as well as of other events surrounding the Mamilla cemetery. In-depth articles by correspondents, news agency reports, editorials, opinion pieces and letters to editors have detailed the purposes of the Petition and the Campaign and the continued controversy over the building of the SWC "Center for Human Dignity - Museum of Tolerance". Notable examples are the articles published in the New York Times, the Los Angeles Times, the London Times and Guardian, Le Nouvel Observateur and Le Monde of Paris, as well as Zaman of Istanbul.²⁰

In the meantime, wide interest in the issue has been sparked throughout cyberspace: within three months of launching the Campaign (February

¹⁸ See Isabel Kershner, Israel Confirms New Building in East Jerusalem, New York Times, March 24, 2010, available at <http://www.nytimes.com/2010/03/25/world/middleeast/25jerusalem.html>.

¹⁹ The list of signatories is available at <http://mamillacampaign.org/sign.php?list=1>.

²⁰ See the major items published to date at <http://www.mamillacampaign.org/etemplate.php?id=81>

10 – May 10, 2010), over sixty internet blogs had examined the issue and a total of 12,000 search results were returned from a Google search for “Mamilla Cemetery”,²¹ as compared to 31,000 results for all the years preceding February 10, 2010.²²

All of this attention is testament to the widespread interest in the issue of the destruction of a historical Jerusalem Muslim cemetery, in the mainstream media as well as in more peripheral media forums.

II. Highlight of Key Facts in the Petition and New Information

in the four months since the submission of the Petition, there has been significant world-wide support for the aims of the Petition, as well as some responses from supporters of the “Center for Human Dignity – Museum of Tolerance” project. The response of the Simon Wiesenthal Center (SWC), the financier of the project, has centered around several claims, many of which it relied on previously, and many of which the Petition itself refuted. It is the objective of the Petitioners to highlight the inaccuracies evident in these claims, and to reinforce the facts presented in the Petition with some additional information that has been obtained since then.

A. The Museum Site Is Indeed Located Atop the Ancient Mamilla Cemetery

Despite the SWC’s attempts to convince the public otherwise, it is indisputable that the site of the Museum is in fact part of the Mamilla cemetery. This fact is evident not only from the hundreds of graves and human remains disinterred during construction works, but also from the numerous maps appended to the Petition, which show the boundaries of the cemeteries to include the portion where the Museum is slated to be built.²³ We refer in particular to Appendix VII of the original Petition, which includes two aerial photographs and two cadastral maps of the Mamilla site based on Israeli Land Registry coordinates, clearly showing that the SWC site is within the overall parcel of the Mamilla cemetery.²⁴

The SWC spokesmen continue to claim that the site is not a cemetery by virtue of the fact that it was paved over by a parking lot in the 1960s by the Jerusalem Municipality. It further repeats the allegation that there was never opposition to this and other encroachments onto the cemetery

²¹ See Google Search Results (conducted May 15, 2010) “Mamilla Cemetery”, from February 10, 2010 to May 10, 2010, available at http://www.google.com/search?q=Mamilla+Cemetery&hl=en&rlz=1G1GGLQ_FRFR294&prmd=ivn&sa=X&ei=A4rxS433AoPH-Qap4fjMCQ&ved=0CAwQpwU&source=Int&tbs=cdr%3A1%2Ccd_min%3A2%2F10%2F2010%2Ccd_max%3A5%2F10%2F2010

²² Google Search Results (conducted May 15, 2010), Mamilla Cemetery, from Anytime to February 10, 2010, available at http://www.google.com/search?q=Mamilla+Cemetery&hl=en&rlz=1G1GGLQ_FRFR294&prmd=ivn&sa=X&ei=M4rxS5KeDI7Z-QbEwinCQ&ved=0CAwQpwU&source=Int&tbs=cdr%3A1%2Ccd_min%3A2%2Ccd_max%3A2%2F10%2F2010

²³ See Petition, Appendix VII.

²⁴ See Petition, Appendix VII, Aerial Photographs and Maps of the Mamilla Cemetery – Then and Now.

by Israeli authorities. However the Israeli authorities and the SWC have attempted to obscure the facts, they cannot refute the evidence of the hundreds, if not thousands, of graves and human remains that were dug out of the Museum site, and that those graves that were disinterred were indeed Muslim burials, as confirmed by the Israeli Antiquities Authority's (IAA) Chief Excavator on the site.²⁵

Moreover, opposition to various Israeli projects atop the cemetery, especially since 1967, has been consistently ignored by the SWC and Israeli authorities, including the Israeli Supreme Court, which relied on similar reasoning in its denial of a petition filed in 2004 by other descendants of individuals buried in the cemetery and a range of Israeli civil rights organizations and personalities. The history of opposition to various encroachments on the cemetery is laid out in detail in the Petition.²⁶

B. The Construction Site Remains Replete with Archaeological and Human Remains that are being Continually Desecrated

Since the filing of this Petition on 10 February, 2010, the SWC has declared that the destruction of the cemetery is a fait accompli by virtue of the fact that the infrastructure work for the Museum building has been completed, and defiantly insists that construction will continue. Rabbi Marvin Hier, Dean of the SWC and the chief advocate of the Museum project, referring to the Petitioners, stated from the first moment the Petition was submitted: "You can appeal to the moon, it isn't going to help you. We're going forward. The case is over."²⁷ In a subsequent opinion article, he added: "Finally, in a last ditch effort, they have thrown a 'Hail Mary,' attempting to do an end-run around a unanimous Supreme Court decision by the only democratic, sovereign nation in the Middle-East, by taking their cause to the United Nations in the hope that somehow the 'love affair' between the UN and Israel will help their case. Guess what? The case is over. Now it is time for the Museum to be built, which is exactly what is going to happen."²⁸

The SWC has further claimed that all of the graves and human remains on the site have already been dug up and relocated. However, this statement is belied by recent photographs of the construction site, attached as Appendix VI, which show the construction site in disarray. It appears from the photographs that the infrastructure excavations have not dug through the several layers of graves that are known to be present throughout the site. Rather, in significant areas of the site, monumental ancient walls that were previously excavated, likely as part of the IAA excavations, remain exposed. Construction materials litter the entire site, and are seen strewn disrespectfully over the archaeological remains.²⁹

²⁵ See Petition, Appendix II, Affidavit of Gideon Suleimani.

²⁶ See Petition, Section II.A.

²⁷ The Associated Press, Palestinians petition UN over construction of Jerusalem Museum, Haaretz, February 10, 2010, available at <http://www.haaretz.com/hasen/spages/1148873.html>.

²⁸ Rabbi Marvin Hier, Mamilla Cemetery Chutzpah and the Museum of Tolerance, Los Angeles Jewish Journal, Feb. 19, 2010 (emphasis added), available at http://www.jewishjournal.com/israel/article/mamilla_cemetery_chutzpah_and_the_museum_of_tolerance_20100219/.

²⁹ See Appendix VI.A and B.

In all likelihood, there are still hundreds, if not thousands, of graves and human remains in several layers under the construction site. The Israeli archaeologist appointed by the IAA, Gideon Suleimani, attested that the entire site “abounded with graves,” that underneath “the parking lot there was a crowded Muslim cemetery, containing three or four layers of graves,” and that in 2006, there were still at least 2000 graves under the construction site.³⁰ Unless Israel and the SWC unearthed and secretly disposed of those thousands of graves, in addition to those hundreds already disinterred by the various previous excavations, there are certain to be many graves remaining on the Museum site. This, along with the fact, as shown in the new photographs, that heavy earth-moving equipment continues to roam freely around the construction site without regard for possible graves and archaeological structures and artifacts,³¹ makes it all the more urgent for the competent bodies of the United Nations system to demand that Israel put a stop to the continuing desecration of the ancient Muslim cemetery.

Even if, as claimed by SWC, the excavation has hit bedrock and no human remains are left on the site, the Petitioners reiterate their core demands that the construction of the “Museum of Tolerance” be immediately halted, that the disinterred remains be located and reburied by legitimate Muslim authorities, and that the site be preserved and protected as a historical Muslim cemetery. Israel should not be absolved from its illegal and immoral activities and allowed to continue construction by presenting what has been done already as a *fait accompli* that cannot be reversed. Rather, the cemetery’s sanctity and cultural importance must be recognized, and the site should be memorialized in order to compensate for the desecration committed and avoid further provocation and conflict. Pursuing the project to erect a “Center for Human Dignity – Museum of Tolerance” will only prove Israel’s obstinacy and unwillingness to acknowledge the importance of the site to the Petitioners and millions of others.

C. Israel and the SWC have Disposed of the Human Remains in an Undignified Manner and without Consultation with Legitimate Muslim Authorities

Israeli authorities and the SWC have repeatedly admitted that human remains were dug out of the ground, and claim that they have been reburied elsewhere. In all of its media responses regarding the Petition and other publicity surrounding the “Museum of Tolerance” project, however, neither the IAA nor the SWC have provided any details regarding the number or exact location of the exhumed remains, graves and other archaeological artifacts. The alleged relocation of the human remains and other artifacts has been done without any coordination with Muslim authorities. Hence, any attempt by Israeli authorities and the SWC to

³⁰ See Petition, Appendix II, Affidavit of Gideon Suleimani, at paras 6.5, 17.9.

³¹ See Appendix VI.C.

portray their desecration and subsequent disposition of the remains as being in accordance with the tenets and practices of Islam or respectful of the memory of those disinterred from Mamilla Cemetery is demeaning to the descendants and Palestinians and Muslims in general, and unacceptable to the Petitioners. One of the core requests of the Petitioners is that investigations be undertaken to determine how many remains were disinterred, and where they have been relocated.³² The Petitioners, therefore, urge the competent United Nations bodies to investigate the whereabouts of the disinterred remains and artifacts, as well as the current state of the remaining graves and remains on the construction site.

D. Israel and the SWC's Current Destruction and Desecration of the Cemetery cannot be Justified by Previous Dubious and Unsanctioned Plans for the Cemetery

The SWC continues to argue that Muslims themselves previously acknowledged that the Mamilla cemetery was no longer consecrated ground in their efforts to justify Israel's current destruction of the cemetery. To this end, they continue to repeat the allegation that the cemetery was desanctified by a Muslim judge in 1964. This claim was refuted in the Petition, which clarified that the Israeli-appointed Judge, who was subsequently removed on corruption charges, had and has no legitimacy among Muslims, and that the decision has since been declared null and void by current senior Israeli Muslim authorities.³³

More recently, the SWC publicized an alleged plan by the Supreme Muslim Council in 1945 to build a business center and public park over parts of the Mamilla cemetery.³⁴ They have pointed to a single newspaper report about this alleged plan as evidence of inconsistency in the Muslim community's opposition to the current Museum project.

These allegations, however, are problematic in a number of respects. Firstly, the SWC ignores the fact that the alleged plan was neither sanctioned by legitimate Muslim scholars, nor did it come anywhere near fruition, likely because of opposition from the Muslim community. Indeed, after 1937, the Supreme Muslim Council was no longer elected by Muslim religious scholars, as it had been previously, and was no longer headed by a Mufti (a religious scholar), the only religious figure with the authority to sanction any activity on a cemetery.³⁵ In 1937, at the height of the Arab revolt against it, the British Mandatory Authority had dissolved the original Supreme Muslim Council headed by a Mufti and composed of qualified religious authorities, and replaced it with appointees who were entirely responsive to British wishes. This latter version of the Council was not

³² See *infra*, Section IV, reiterating the demands of the Petition.

³³ See Petition, Section II.A, and Petition, Appendix III, Letter from Judge Ahmed Natour.

³⁴ See Dan Slobodkin, 1945 news clipping shows Moslem Council planned to build on Mamilla Cemetery, Jerusalem Dispatch, Feb. 17, 2010, available at <http://www.jerusalemdispatch.com/2010/02/1945-news-clipping-shows-moslem-council-planned-to-build-on-mamilla-cemetery/>

³⁵ Robert H. Eisenman, *Islamic Law in Palestine and Israel: A History of the Survival of Tanzimat and Shari'a in the British Mandate and the Jewish State*, Leiden: Brill, 1978, at 77-79.

headed by a religious figure who had authority to make judicial decisions about religious affairs, and Muslim waqf (endowment) affairs and all other financial matters were placed under the control of a new commission composed of two British and one Arab civil servants.³⁶

The Council's lack of authority is clear from the news article that the SWC points to, in which an unnamed Council member states that it will consult clerics from other countries for permission to build atop the cemetery.³⁷ Needless to say, nothing more about the plan or any religious sanction for it is to be found in any press or other records published between 1945 and 1947, when the UN Partition Plan was announced, leading to the termination of the British Mandate in 1948. It is impossible to verify from available records whether the Supreme Muslim Council of 1945 indeed had seriously considered building plans as reported and whether the newspaper report reflected anything more than post-War speculative interests of elements of the British Mandate establishment and some of their appointed local officials.

Furthermore, the fact that the British Mandatory authorities had declared the Mamilla Cemetery an Antiquity in 1944,³⁸ and that the head of the Islamic Waqf Department requested from UNESCO that Mamilla be placed on the list of Antiquities in 1948,³⁹ reaffirm that the Mamilla Cemetery in fact retained its importance and sanctity to Muslims, regardless of what the impotent and illegitimate British-controlled Supreme Muslim Council of 1945 allegedly considered. This is confirmed by all subsequent protests against Israeli encroachments on the cemetery, which continue to this day.

Israel and the SWC's repeated attempts to justify their destruction of the cemetery with allegations that Muslims themselves did not respect and try to protect the cemetery are disingenuous and offensive to the Petitioners, whose feelings towards the cemetery and the graves of their deceased ancestors are unyielding. Indeed, had the Petitioners been alive in 1945, they would have vigorously protested such a plan in adherence to the same values and principles of cultural and religious rights as motivate their current appeal. Needless to say, neither the Israeli Government nor the SWC have any authority to declare what is and is not sanctified for Muslims, nor do they have the authority to interpret Islamic legal principles, especially when they are acting against the interests of Muslims themselves.

E. The Petitioners are a Group of Wholly Independent Individuals with Descendants Buried in the Cemetery

Despite the SWC's attempt to connect the current Petitioners with the claimants in the cases before the Israeli courts, the Petitioners and the

³⁶ Uri Kupferschmidt, *The Supreme Muslim Council: Islam under the British Mandate for Palestine*, Leiden: Brill, 1987, at 53–56, 255–57.

³⁷ Slobodkin, *supra* note 34.

³⁸ See Petition, Section II.A.

³⁹ Ali Said Khalaf, *Shay' min tareekhna* (Arabic), published in 1979.

Campaign to Preserve Mamilla Jerusalem Cemetery which they initiated and manage, have no relation, formal or otherwise, with previous individual or institutional claimants in the Israeli courts. The Campaign is a wholly civil, volunteer initiative with no political coloring, and all 60 individual petitioners are descendants of 15 of Jerusalem's most prominent and longest established families. Many of the individual petitioners continue to live in Jerusalem today.

In addition to the individual petitioners, the Petition was supported by 16 human rights non-governmental organizations, most of which are based in Israel and the Occupied Palestinian Territory, including Jerusalem. The Petitioners resorted to United Nations bodies precisely because the preceding legal and popular efforts, including those of other Jerusalem families and organizations, had failed. The SWC's desperate accusations that the Petitioners and the Campaign are somehow linked to an extremist movement are not only unfounded and fabricated, but also offensive to the Petitioners, whose aims are wholly in accordance with international legality and the core premises of human rights law.

III. Public Petition

As of June, 2010, the Campaign to Preserve Mamilla Cemetery has collected over 8700 signatures from individuals and organizations all over the world in support of the core demands of the Petition. These include numerous Jewish, Muslim and Christian religious figures, university professors and scholars, public personalities and people from many walks of life, and non-governmental organizations who are all affronted by the desecration of Mamilla Jerusalem Cemetery.⁴⁰ This Public Petition campaign has been launched in over twenty languages, and will be continued until the four core demands of the Petition are met, namely that the competent Israeli authorities and Simon Wiesenthal Center act:

1. To immediately halt further construction of the "Museum of Tolerance" on part of the Mamilla Cemetery site in Jerusalem;
2. To declare the entire historic site of the Mamilla Cemetery an antiquity, to be preserved and protected henceforth by its rightful and appropriate custodians, the Muslim Waqf (public endowment) authorities in Jerusalem;
3. To document and reveal to families who claim their ancestors are buried in Mamilla, or to their representatives, the whereabouts of human remains and artifacts, exhumed in the construction; and,
4. To restitute and rebury where they were originally found all human remains removed from Mamilla Cemetery, in coordination with the competent Muslim authorities in Jerusalem.

⁴⁰ The list of signatories is available at <http://mamillacampaign.org/sign.php?list=1>.

IV. Conclusion

The Petitioners hereby incorporate by reference all of the facts and legal analysis in the Petition, and ask that this Addendum be considered an integral part of the Petition. Petitioners very much appreciate the consideration and any action that has been taken thus far on the Petition. Petitioners also reiterate their prior requests for urgent action as follows:

I. That the **Special Rapporteur on Freedom of Religion and Belief, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance**, and the **Independent Expert in the Field of Cultural Rights** urgently demand that the Government of Israel:

1. Immediately halt further construction of the “Museum of Tolerance” on the Mamilla cemetery site;
2. Document and reveal to the petitioners the whereabouts of all human remains and artifacts, as well as archaeological fragments and monuments exhumed in the construction;
3. Recover and rebury all human remains where they were originally found, in coordination with, and under the supervision of, the competent Muslim authorities in Jerusalem; and,
4. Declare the entire historic site of the Mamilla cemetery an antiquity, to be preserved and protected henceforth by its rightful custodians, the Muslim Waqf (public endowment) authorities in Jerusalem.

II. Based on the mandate laid out in the Human Rights Council resolution of October 21, 2009, petitioners request that the **United Nations High Commissioner for Human Rights** consider the Petition and this addendum on an urgent basis and investigate and report on Israel’s violation of the above human rights, which, together with other Israeli actions that degrade or damage non-Jewish religious sites, constitute a pattern of gross violations of the human rights of Palestinians and Muslims.

III. That the **Director General of UNESCO** consider this complaint in light of existing UNESCO resolutions on the subject and the human rights violations alleged herein, and coordinate efforts with the above-mentioned United Nations officials in order that the Mamilla cemetery, a cultural and religious heritage site of great value, be preserved and protected.

IV. That the **Government of Switzerland**, in its capacity as depository of the Fourth Geneva Convention, consider this issue in the context of resuming the High Contracting Parties’ Conference to the Fourth Geneva Convention.



APPENDIX

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I. Letter from the Group of Arab States to the UN Secretary-General

United Nations

A/64/751-S/2010/202



**General Assembly
Security Council**

Distr.: General
22 April 2010

Original: English

**General Assembly
Sixty-fourth session**

Agenda items 16, 49 and 67

Question of Palestine

Culture of peace

**Elimination of racism, racial discrimination, xenophobia
and related intolerance**

**Security Council
Sixty-fifth year**

Letter dated 20 April 2010 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

In my capacity as Chair of the Group of Arab States for the month of April 2010, I wish, on behalf of the States members of the Group, to draw your urgent attention to the serious matter of the Israeli desecration of the Ma'man Allah (Mamilla) Cemetery, a Muslim cemetery in Jerusalem. This issue, which was raised in a letter and detailed annex conveyed to you by the Permanent Observer of Palestine to the United Nations on 9 April 2010 (A/ES-10/486-S/2010/184), is of critical importance to the Arab Group.

Since the twelfth century, the Ma'man Allah Cemetery has been the burial site for thousands of Palestinian families, as well as scholars, religious figures and officials. The Ma'man Allah Cemetery was declared a historic site by the Muslim Supreme Council in 1927 and was pronounced an antiquities site by the British Mandate authorities in 1944. Today, regrettably, many of the descendants of the families buried there are now tragically bearing witness to the malevolent uprooting and desecration of the human remains and graves of their ancestors by the Israeli authorities, who are bulldozing large areas of the Cemetery for the purpose of establishing a so-called "Centre for Human Dignity and Museum of Tolerance" atop the remains of the Muslim men, women and children buried there. Additionally, in the past, the Ma'man Allah Cemetery has been subjected to vandalism, destruction and desecration by radical Israeli settlers.

These Israeli actions are being taken in total disregard of the Palestinian heritage in Jerusalem and the human and religious sensitivities concerning burial sites, which are to be preserved and protected. Moreover, these actions are reflective of a deep and callous disrespect for the most basic values of tolerance and respect for the heritage, culture and religion of another people and clearly constitute yet

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another attempt by Israel to erase the Palestinian Arab identity, history and presence in the land, and particularly in the City of Jerusalem.

In this regard, it is imperative to recall that the protection of cultural heritage and cultural property, including religious sites such as cemeteries, is guaranteed by international human rights instruments such as the World Heritage Convention of the United Nations Educational, Scientific and Cultural Organization, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Moreover, such actions constitute violations of the right to manifest religious beliefs, the right to family and culture, and the right to freedom from discrimination. These rights and principles have been invoked by thousands of petitioners, including Muslim, Christian and Jewish personalities from around the world, who have voiced their outrage and their opposition to Israel's immoral, unethical and illegal actions in the Ma'man Allah Cemetery.

The States members of the Arab Group also affirm their strong condemnation of these deplorable Israeli measures in the Ma'man Allah Cemetery in Jerusalem, an issue which threatens to further inflame tensions and religious sensitivities in the region and beyond. The Arab Group thus calls upon Your Excellency to give this matter urgent attention. The international community must denounce the desecration of the Ma'man Allah Cemetery and must undertake all efforts to compel Israel to suspend completely its illegal and provocative actions in this regard and halt all construction in the Cemetery, and to undertake efforts to properly, with the utmost sensitivity and conscience, redress the matter in order to preserve and protect this historic, religious site of great importance to Palestinian Arab and Muslim heritage.

I should be grateful if you would arrange to have the present letter distributed as a document of the General Assembly, under agenda items 16, 49 and 67, and of the Security Council.

(Signed) Mansour **Al Otaibi**
Chair of the Arab Group
Ambassador
Permanent Representative

II. Letter from the Permanent Observer of Palestine to the UN Secretary-General and President of the Security Council

United Nations

A/ES-10/486-S/2010/184



**General Assembly
Security Council**

Distr.: General
12 April 2010

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
**Illegal Israeli actions in Occupied East Jerusalem and
the rest of the Occupied Palestinian Territory**

Security Council
Sixty-fifth year

Identical letters dated 9 April 2010 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to enclose herewith a petition for “Urgent action on human rights violations by Israel: Desecration of the Ma'man Allah (Mamilla) Muslim Cemetery in the Holy City of Jerusalem”, filed by Palestinian individuals whose ancestors are buried at Ma'man Allah cemetery in addition to several other non-governmental organizations from Palestine, Israel and the United States, who oppose the establishment of so called “Centre for Human Dignity and Museum of Tolerance” on the human remains of the dead Muslims buried in the Cemetery (see annex).

The Charter of the United Nations “reaffirmed faith in fundamental human rights, and dignity and worth of the human person” and committed all Member States to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion”. Ironically both the Centre and Museum bear names that do not befit this act of bigotry and contempt to dignity and worth of the human person. Protection of cultural heritage and cultural property, including religious sites such as cemeteries, are guaranteed by international human rights instruments such as the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Convention, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on Economic, Social and Cultural Rights. Furthermore building on the cemetery constitutes a violation of basic human rights including the right to manifest religious beliefs, the right to family and culture and the right to freedom from discrimination, as set forth in the Convention on the Elimination of All Forms of Racial Discrimination.

Such reprehensible actions show that the Israeli Government intends to continue its adopted unlawful policy of discrimination and contempt towards Palestinian Muslim and Christian holy places as it has been doing for over 62 years with impunity. If left unchecked, the continuation of such unlawful policies and

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inflammatory provocations will certainly raise the tensions and pose a threat to peace and security. Therefore we expect that due action will be taken in this regard to put an end to these violations.

I kindly request that the text of the present letter and its annex be circulated as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

III. Organization of the Islamic Conference Press Release Regarding Meeting with UN Secretary-General

PRESS RELEASE

Outcome of Meeting between the OIC Ambassadorial Group at the United Nations in New York and the UN Secretary General, H.E. Mr. Ban Ki-Moon on 24 March 2010

New York, 25 March 2010

The Ambassadorial Group of the Organization of the Islamic Conference (OIC), under the able Chairmanship of the Permanent Representative of the Syrian Arab Republic, welcomed the UN Secretary General, H.E. Mr. Ban Ki-Moon to the Group's meeting on 24 March 2010 for an exchange of views on issues of concern to the OIC Member States.

The 57 Member body conveyed its serious concern regarding ongoing initiatives by the extremist Israeli Government in complete disregard to and in contravention of international law. These provocative and illegal Israeli measures include the unbridled escalation of settlement activities in Occupied East Jerusalem dealing a vital blow to the Middle East Peace Process; the ongoing three-year blockade of the Gaza Strip, slowly choking off the essentials of life; the irresponsible and aggressive decision to add the Ibrahimi Mosque and the Mosque of Bilal Ibn Rabah - under Israeli occupation since 4 June 1967 - to a list of so-called "Israeli Heritage Sites"; and the shameful approval issued by the Israeli Supreme Court to construct, ironically, a so-called "Museum of Tolerance" by destroying and building over one of the oldest Islamic cemeteries in Jerusalem, the historic Maman Allah cemetery - part of a continuing trend whereby Israel has destroyed 1200 mosques and 200 churches since 1967. The Group also expressed its alarm at the Israeli Government's ongoing attempts to divert the attention of the UN Security Council from the core issue of putting an end to the ongoing Israeli occupation by bringing in extraneous issues unrelated to the resolution of the Palestinian Question.

The OIC Group expressed its full support for the Secretary General's positive moves to end the illegal Israeli occupation, appreciating his recent visit to the Occupied Palestinian Territory and his comments regarding the work of the Quartet during the March 19th meeting in Moscow. The Secretary General, for his part, expressed his concern at the Israeli decision to construct new housing units in East Jerusalem and its decision to include Islamic holy sites to the list of so-called Israeli heritage sites and stressed on the need for Israel to act with greater responsibility. With regards to the demolition of the Maman Allah cemetery, the Secretary General stated that he would personally follow-up on this issue with the Director General of UNESCO as the body had earlier declared that the cemetery should be preserved.

The OIC Group further called upon the Secretary General to show solidarity with the Sudan and Somalia in the maintenance of its unity, sovereignty and territorial integrity. The Secretary General assured the Group that Sudan was among his top priorities for 2010 and expressed his gratitude for the support that the OIC had given to Mr. Djibril Bassols, the Joint Chief Mediator for Darfur. He further termed Somalia as a very important issue and thanked the OIC for its role in furthering peacebuilding in Somalia and urged the OIC Member States to participate actively in the International Conference for the Reconstruction and Development of Somalia in May 2010.

IV. Letter from Head of the Federal Department of Foreign Affairs of the Swiss Confederation



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

The Head of the Federal Department of Foreign Affairs FDFA

CH-3003 Bern, EDA, MCR

Ms.
Maria C. LaHood
Senior Staff Attorney
Center for Constitutional Rights
666 Broadway 7th Floor
New York, NY
10012
USA

Berne, 12 April 2010

Mamilla Cemetery

Dear Ms. LaHood,

Thank you for your letter of 10 February 2010 concerning the construction by the Simon Wiesenthal Center of a "Museum of Tolerance and Human Dignity" on the site of the Ma'man Allah Cemetery.

I deplore the decision to build such a museum on the site of an ancient Muslim cemetery in West Jerusalem. This decision is not helpful with regard to fostering the peaceful cohabitation between the different faiths. Taking into account the actual context of the Middle East conflict, Switzerland calls on the parties concerned to work towards a rapprochement and to abstain from taking any decision that could raise tensions.

I encourage you to continue the dialogue on this project with the relevant actors and if needed to explore further legal steps to find a solution which respects the cultural and religious feelings of all concerned communities.

Yours sincerely,

Micheline Calmy-Rey
Federal Councillor

V. Human Rights Council Resolution A/HRC/13/L.29

United Nations

A/HRC/13/L.29



General Assembly

Distr.: Limited
19 March 2010

Original: English

Human Rights Council

Thirteenth session

Agenda item 7

**Human rights situation in Palestine and
other occupied Arab territories**

**Bolivia (Plurinational State of), Cuba, Morocco* Pakistan (on behalf of the
Organization of Islamic Conference), Palestine*, Sri Lanka*, Sudan* (on behalf of the
Group of Arab States), Venezuela (Bolivarian Republic of)*: draft resolution**

13/...

**The grave human rights violations by Israel in the Occupied Palestinian
Territory, including East Jerusalem**

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Considering that the promotion of respect for the obligations arising from the Charter and other instruments and rules of the international law is among the basic purposes and principles of the United Nations,

Affirming the responsibility of the international community to promote human rights and ensure respect for international law,

Acknowledging that peace, security, development and human rights are the pillars of the United Nations system,

Affirming the applicability of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Recalling the obligations of the High Contracting Parties to the Fourth Geneva Convention and reaffirming that each High Contracting Party to the Fourth Geneva Convention is under the obligation to respect and ensure respect of their obligations arising from that convention,

Affirming the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

* Non-Member State of the Human Rights Council.

Emphasizing that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Guided by the right of the Palestinian people to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter,

Stressing that the right to life constitutes the most fundamental of all human rights,

Deeply concerned at the illegal actions by Israel undermining the sanctity and inviolability of religious sites in the occupied Palestinian territories, in particular in the holy city of Jerusalem,

Expressing serious concern at the lack of implementation by the occupying Power, Israel, of the resolutions and recommendations of the Security Council, the General Assembly and the Human Rights Council relating to the situation of human rights in the Occupied Palestinian Territory, including East Jerusalem,

Condemning all forms of violence against civilians and deploring the loss of human lives in the context of the current situation,

Recognizing that the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, have caused severe violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts towards achieving a just and lasting peace in the region based on the two-States solution,

Recognizing also that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings, constitutes collective punishment and leads to disastrous humanitarian, economic, social and environmental consequences,

1. *Demands* that the occupying Power, Israel, end its occupation of the Palestinian land occupied since 1967, and that it respect its commitments within the peace process towards the establishment of the independent sovereign Palestinian State, with East Jerusalem as its capital, living in peace and security with all its neighbours;

2. *Strongly condemns* the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, which have resulted in the killing and injury of thousands of Palestinian civilians, including a large number of women and children;

3. *Demands* that the occupying Power, Israel, stop the targeting of civilians and the systematic destruction of the cultural heritage of the Palestinian people, in addition to the destruction of public and private properties, as laid down in the Fourth Geneva Convention;

4. *Condemns* the disrespect for religious and cultural rights provided for in core human rights instruments and humanitarian law by the occupying Power, Israel, in the occupied Palestinian territories, including its recent announcement that it would add al-Haram al Ibrahimy in Hebron and Bilal Mosque ("Tomb of Rachel") in Bethlehem and the walls of the old city of Jerusalem to its list of national heritage sites;

5. *Demands* that Israel, the occupying Power, respect the religious and cultural rights in the occupied Palestinian territories, particularly in occupied East Jerusalem, as provided for in the Universal Declaration of Human Rights, the core international human rights instruments, the Hague Conventions and the Geneva Conventions, and that it allow Palestinian citizens and worshippers unhindered access to their properties and religious sites therein;

6. *Expresses* its grave concern at the excavation of ancient tombs and removal of hundreds of human remains from part of the historic Ma'man Allah (Mamila) Cemetery

in the holy city of Jerusalem in order to construct a "museum of tolerance", and calls upon the Government of Israel to immediately desist from such illegal activities therein;

7. *Demands* that Israel, the occupying Power, immediately cease all diggings and excavation works beneath and around Al-Aqsa mosque compound and other religious sites in the old city of Jerusalem, and refrain from any act that may endanger the structure or foundations or change the nature of the holy sites, both Islamic and Christian, in the Occupied Palestinian Territory, particularly in and around Jerusalem;

8. *Calls for* the immediate international protection for the Palestinian people in the Occupied Palestinian Territory, in compliance with international human rights and humanitarian law, both applicable in the Occupied Palestinian Territory, including East Jerusalem;

9. *Also calls for* the immediate cessation of all Israeli military attacks and operations throughout the Occupied Palestinian Territory;

10. *Demands* that the occupying Power, Israel, immediately stop its illegal decision to demolish a large number of Palestinian houses in East Jerusalem, including in the neighbourhood area of Al-Bustan in Selwan, and the evacuation of Palestinian families in the Al-Sheikh Jarrah area of East Jerusalem, which is resulting in the displacement of more than two thousand resident Palestinians of East Jerusalem;

11. *Demands* that the occupying Power, Israel, release Palestinian prisoners and detainees including women, children and members of the Palestinian Legislative Council;

12. *Calls upon* the occupying Power, Israel, to lift checkpoints and open all crossing points and borders according to relevant international agreements;

13. *Demands* that Israel, the occupying Power, immediately lift the siege imposed on the occupied Gaza Strip, and that it open all borders and crossing points, and allow the free access of fuel, humanitarian needs and medicine in addition to all necessary materials and equipment needed for the reconstruction and rehabilitation of Gaza as agreed upon at the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza, held in Sharm el-Sheikh, Egypt, on 2 March 2009;

14. *Decides* to continue the consideration of this question at its sixteenth session.

VI. Recent Photographs of the Museum Construction Site

A.



Photograph 1: An ancient five course wall, likely excavated during the Israeli Antiquities Authority excavation, is shown exposed and littered with construction materials, illustrating an utter disregard for the archaeological value of the cemetery. It is clear from this photograph that there are more layers of archaeological remains beneath the surface, likely including more graves and human remains.

B.



Photograph 2



Photograph 3

Photographs 2, 3 and 4: The construction site is in disarray, littered with construction materials and other debris, in the midst of one of the oldest and most revered Muslim cemeteries in all of Israel and the Occupied Palestinian Territory, including Jerusalem.



Photograph 4

C.



Photograph 5: Heavy earth moving equipment is being used on the site, despite the continued presence of archaeological and human remains throughout the site.





