



*Part of the joint project on Protecting Islamic and Christian Cultural Heritage in Jerusalem:*

### **Roundtable Discussion on Muslim Cemeteries in Jerusalem – Issues and Threats**

**March 1, 2022**

On Tuesday, March 1, 2022, PASSIA, in partnership with ACT and Palestinian Vision, organized a roundtable discussion on the issues and threats facing Muslim Cemeteries in Jerusalem. The round table related to the larger joint project entitled "Protecting Islamic and Christian Cultural Heritage in Jerusalem" and funded by the European Union. The main speakers were Haj Mustafa Abu Zahra, Chairman of the Cemeteries Committee in Jerusalem and Dania Abu ElHaj, a lawyer with the International Center of Justice for Palestinians. Opening remarks were given by Dr. Mahdi Abdul Hadi, the Founder and Head of PASSIA.

#### **Opening Remarks**

In his introduction, Dr. Abdul Hadi touched upon three main issues connected to the roundtable. First was to acknowledge that the Isra' and Mi'raj celebration in Jerusalem the day prior to the round table brought Palestinian Jerusalemites together and reminded the world that Jerusalem is a symbol of the Palestinian homeland. This dovetailed with his second point: the importance of protecting the Palestinian Islamic cemeteries, which are an element of Palestinian heritage threatened by the occupation. This topic will be covered further by panelist Mustafa Abu Zahra, the Chairman of the Cemeteries Committee. Thirdly, the roundtable will cover what next steps the Jerusalem community should take to address the challenges from the Israeli municipality. This will be covered more by the second speaker, Dania Abu ElHaj, a lawyer for the International Center of Justice for Palestinians.

#### **Remarks of Haj Mustafa Abu Zahra, Chairman of the Cemeteries Committee in Jerusalem**

Haj Mustafa Abu Zahra emphasized the historical and religious importance of the main Islamic cemeteries in Jerusalem: Bab al-Rahmah, Al-Yusufiya, Bab al-Sahira, and Mamilla. Each of these historic cemeteries has sustained attacks by the Israeli municipality. For example, despite the appeals of the Cemeteries Committee which included documents from the Jordanian era, the Jerusalem courts have often approved the confiscation of land from the cemeteries anyway. One egregious case Haj Abu Zahra mentioned was that of the confiscation of 18 dunams from the already fragmented Mamilla cemetery for, ironically, the Museum of Tolerance. The creation of the museum disrupted 400 graves, despite efforts by the Committee to defend the cemetery in court. The destruction of Palestinian heritage through the exhumation of graves is further related to the wider problem of the urgent need for adequate burial space for the growing Palestinian Jerusalemite population that today numbers over 400,000 people.

#### **Remarks of Dania Abu ElHaj, Lawyer, The International Center of Justice for Palestinians**

As a lawyer for the independent UK-based organization the International Center of Justice for Palestinians, Dania Abu ElHaj focused on the issue of Al-Shuhada cemetery, the eastern portion of the Yusufiya Cemetery. She emphatically argued that destruction of Al-Shuhada cemetery is illustrative of ongoing

Israeli attempts to "destroy the cultural heritage of Palestinians in Jerusalem" since 1967 and must be viewed in that context. The Israeli government has used the pretext of designing a public park in order to confiscate land from the cemetery. The illegal work of the Israeli government in Jerusalem since the war of 1967 directly contravenes UNESCO resolutions regarding the protection of cultural property in occupied territories. Meanwhile, beyond international law, Israeli law does not offer adequate protection to Palestinian Islamic holy sites. Abu ElHaj raised the fact that although Israel has a law for the protection of holy sites, all 136 places designated as holy sites in Jerusalem, until 2007, were Jewish.

### **Audience Discussion**

The Grand Mufti of Jerusalem Muhammad Ahmad Hussein shared the concerns of the roundtable panelists and condemned Israeli aggression towards Palestinian cemeteries, especially al-Yusifya and Mamilla. He emphasized that "graves should never be violated, regardless of their nationality, gender, or religion." He called on international organizations to step up and treat the Palestinian issue with as much care, seriousness, and urgency as the international community is now treating the crisis in Ukraine. Other audience members echoed the need for action and the discrepancy between the treatment of Palestinians and the treatment of Ukraine.

Two main suggested action items were discussed by the audience based on the panelists' information. The first suggestion related to documentation. One audience member, a Jerusalemite judge from the Shari'ah court, mentioned that the waqf has struggled with the hundreds of files related to waqf properties in Jerusalem. Furthermore, there is a lack of knowledge among local landholding families as to which lands are theirs and with whom those lands were originally registered. He argues that one big step is thus to standardize waqf files so that the necessary documentation is on hand when needed for court cases or purchasing private land for public usage. This documentation is crucial to retaining the rights to the lands and to ensuring adequate land for future Palestinian cemeteries. Dania Abu ElHaj reaffirmed the need for documentation, as the Cemeteries Committee lacks a formal office presence and there are not enough digital reports for researchers available on the topic.

The second suggestion for action called for strengthening collaboration between the community and relevant institutions regarding Islamic cemeteries. Elements of this are already underway through the joint PASSIA, PALVISION, ACT project funded by the EU, which has provided trainings and legal teams to people in Jerusalem to give them access to the legal mechanisms needed to protect their properties. In addition to filling the legal gaps, the joint program has also managed to push the issue of Jerusalem's cemeteries to the forefront in discussions with the Hashemite Custodianship and to press the Waqf Council to action. However, further action was called for by the audience who felt the issue was urgent. Samah Jaouny, the Programme Manager for the East Jerusalem Programme for the Office of the European Union Representative, invited audience members to cooperate and place all steps deemed necessary into a framework so that a donor organization such as the EU could provide funding to implement it.

In general, the audience felt that reactivity and documentation alone would not be enough to save the cemeteries. Rather, a comprehensive plan made in cooperation with the Waqf, engineers, local Jerusalemite families, and other international organizations was needed in order to bring about longer term change.