



Exhuming the Remains of the Landowners...

Where is the Right to Sanctity of the Palestinian dead?

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Introduction

The dead are hostages of the living. The relationship of the dead is not cut off from their descendants, and the living do not live without the identity of their ancestors. There is another bitter reality experienced by the Palestinians, not the living but the dead among them. It seems that the dead must also struggle until they are resurrected. Not only did the Zionist occupation state eliminate their basic rights, but it also did not respect the sanctity of the dead. The Israeli authorities allow Jewish settlers to destroy, tamper with, and vandalize Palestinian tombstones under the protection of the Israeli security forces.

These Jewish attacks on the graves of Palestinians are part of the Zionist plans for the purpose of settlements expansions on Palestinian lands and tightening the screws on Palestinians, thus continuing to cause eternal suffering of the Palestinian people. These encroachments include the destruction and bulldozing of graves, which is increasing in particular in the city of East Jerusalem in attempts to Judaize its Palestinian Arab landmarks, through false historical justifications.

When Israel demolishes and bulldozes Palestinian graves, it is violating the Palestinian right to property and disrespecting the sanctity of the dead. This report sheds light on the encroachments that occur on Palestinian cemeteries, within the framework of the intended falsification of historical facts, which fall within the Judaization schemes of the Palestinian territories.

Attacks on Palestinian cemeteries

The organization of burials and demarcation of graveyards in Jerusalem is in the hands of the Jordanian authority, given the historical guardianship of the city. In the West Bank, the Palestinian Authority is in charge of that. In both cases, the Palestinians suffer when their relatives are buried in small graveyards that are crowded with the bodies of the dead and martyrs, compared to the Jewish cemeteries in the settlements, which may be three times wider. Where in Jerusalem, according to the head of the Muslim Cemetery Committee in Jerusalem, Haj Mustafa Abu Zahra, the total area of the three cemeteries (Bab al-Rahma, Yusufiya, and Mujahideen) is 700 thousand square meters, serving about 370,000 Jerusalemites. In contrast, the area of one Jewish cemetery is three times the Islamic cemetery. This prompted some Palestinians to bury their



dead in random graves, and bury the bodies on top of each other if eight years have passed since the previous burial.

Israel buries the Jewish settlers in spacious, organized and clean cemeteries, which are based on lands sponsored by the synagogue and Right-wing Jewish groups (including extremists) that organize settlers' visits to the graves. In occupied Jerusalem, there are eleven cemeteries for settlers, and in the West Bank eight cemeteries which are part of the settlement expansion on Palestinian lands. Among the well-known cemeteries in East Jerusalem are: (the cemetery of Mount Herzl, the Jewish cemetery on the Mount of Olives, the cemetery of Mamila and the Mamilla reservoir), and in the West Bank: (the old Jewish cemetery, the cemetery of Alacana). All of them were established on Palestinian lands as part of the settlement expansion campaigns.

In a survey conducted in 2018, by Kerem Navot (נבوت), a left-leaning Israeli organization working to monitor and research Israeli land policy in the West Bank, it was confirmed that approximately 40% of settler graves in the West Bank, with an average of 600 graves, located within 10 settlements or close to them, are built on privately owned Palestinian land. There is also no less than 33 Jewish cemeteries spread throughout all settlements. Some of them are very small, and others are major with hundreds buried there, as there are 1,400 settlers buried in those cemeteries. Most of which were built on the lands of the Palestinian state, noting that two main cemeteries were built in Hebron and Kafr Etzion on lands purchased by Jews before 1948.

These tombs were built on private Palestinian land, near the settlements of Beit El, Ofra, Psagot, Ma'aleh Mishmash, Alon Moreh and Kiryat Arba, where the tomb of Baruch Goldstein, who carried out the Ibrahimi Mosque's massacre. These graves were built on lands that were confiscated under security pretexts, and some of them are being built hundreds of meters away from the settlers' homes inside those settlements, so that the settlements not be removed and the land not be returned to its original owner

Attacks by groups of settlers in the West Bank and East Jerusalem are almost systematically distributed on Palestinian cemeteries, under the protection of the occupation soldiers. They smash tombstones, throw rubbish and leftover food waste on graves, and worse still, throw excrement and feces on the tombstones.

Al-Yusufiyah cemetery is located at the entrance to the Asbat Gate (in Al-Aqsa Mosque), which is the most important entrance to the Old City in East



Jerusalem. It has been subjected to many governmental and collective violations. In October 2021, the occupation forces bulldozed one of the tombs of the martyrs belonging to the cemetery that the bones of the dead was visible, with the aim of turning it into a Jewish biblical garden. Among what the Israeli authorities swept away are 20 graves, which contain a memorial to the "Unknown Soldier" in occupied East Jerusalem, which dates back to the 1967 war. Despite the existence of evidence of ownership of the land by Palestinians, the Israeli Magistrate's Court rejected calls to stop the implementation chart. The Grand Mufti of Jerusalem, Sheikh Muhammad Hussein, stated that the garden, scheduled to open in mid-2022, is an attack on the cemetery and "the graves of human beings cannot be violated no matter the gender, nationality or religion."

It is worth noting that the Israeli municipality of Jerusalem has banned burials in "Al-Yusufiyah cemetery" since 2014. It closed one of the cemetery's entrances with iron gates, and began fencing the area. It also deployed Special Forces on the walls and prevented citizens from entering.

Also in East Jerusalem, the 200,000-square-meter Ma'man Allah cemetery was demolished, and the occupation built on its land the Museum of Tolerance. And before that, in the 1960s, Israel bulldozed 60,000 meters of it and built the "Independence Park" on it. Then, it continued its projects by extending water, sewage, and electricity lines, streets, cafes, hotels, and car parks on the cemetery's land, leaving only 10,000 meters intact now.

This issue was addressed in a human rights report by the Emek Shaveh organization (עמק שווה), which is run by a group of Israeli archaeologists and some Arabs. The report confirmed that the establishment of the "Museum of Tolerance" revealed about 100 bodies in the different layers of the cemetery (estimated between three and four layers). The owners of those bodies were buried during various Islamic eras that spanned over about 10 centuries. This was also confirmed by Shuka Dorman (שוקא דורומן), the former director of the Israel Antiquities Authority, by destroying hundreds of Muslim graves in the Ma'man Allah cemetery for the museum.

On the other hand, the Tel Aviv municipality in Jaffa has a track record of desecrating cemeteries, exhuming the remains of the dead, and selling Palestinian cemeteries to Israeli investment companies. Al-Jammasin Cemetery and the Tasso Cemetery were destroyed to expand a Jewish neighborhood with the support of the Israeli Antiquities Authority. The Tel Aviv University



administration built student houses over the cemetery of the abandoned village of Sheikh Munis.

It also took control of the Izz al-Din al-Qassam cemetery in the city of Haifa, and attacked the Independence cemetery in Haifa, and burned parts of it in 2019. In 2020, the occupation authorities in Jaffa bulldozed the historic "Al-Esaaf" cemetery dating back to the Ottoman era, adjacent to the "Hassan Bek" mosque. The largest and oldest mosque on the Mediterranean coast, and one of the most important historical Islamic monuments in it, to establish a settlement project for young settlers

False justifications and Zionist schemes

The occupying state tries to place within each attack on a Palestinian cemetery justification that show the extent of the internal frustration that the settlers carry in their psyche to violate the sanctity of the Palestinian dead. One of which is that these lands belong to the "absentees", that is, those who migrated and were displaced as a result of the occupation, but in fact these lands have records with the Hashemite Kingdom of Jordan.

The Knesset enacted the Absentee Property Law in 1950, and the law defines an absentee as one who was displaced, deported, or left the borders of Israel until November 1947, especially in the aftermath of the war. All of his property (land, houses, bank accounts, etc.) is considered "absentee property" and its ownership is transferred to the State of Israel, and managed by a trustee from the state. The Absentee Property Law is Israel's main tool for controlling the property of Palestinian refugees, as well as the properties of the Islamic Endowment in the state, particularly in East Jerusalem. This is applied arbitrarily to the graves of the Palestinian dead.

Palestinian lands and graves are confiscated and Islamic holy sites are desecrated under the pretext of ancient Jewish graves and archaeological sites, even if they have no historical significance. The settlers gather around them and erect the fence to hold Talmudic prayers in them or celebrate within those lands. For example, the Jews put the menorah on one of the ancient graves every "Khanukah" festival and disturb the Palestinians in the West Bank and Jerusalem, which threatens to ignite confrontations with the occupation forces.



In November 2021, the nature and parks authorities of the occupation government dismantled the menorah that had been erected at the tomb of the Prophet Samuel in the occupied territories in the West Bank, after the Palestinian Authority filed a complaint against this act.

Israel also raised the issue of Rachel's tomb (the mother of the Prophet Joseph and wife of Jacob) or the mosque of "Bilal bin Rabah". The Israeli army erected a permanent barrier near Rachel's Dome in 2005, and froze its cooperation with UNESCO after the organization recognized the site as an Islamic mosque and not a Jewish tomb. The story of this archaeological site goes back to the fact that Rachel, the wife of the Prophet Jacob, was buried there, and her tomb was built in the form of a dome. However, in the Islamic era, a mosque was built on the same site where Bilal bin Rabah (the Prophet's muezzin, peace be upon him) made the call to prayer when he passed by. There are also some Islamic graves at the site. Israel took control of the place after its occupation of the West Bank after the 1967 war. Although there were no major changes in it, Palestinians cannot reach the mosque. The majority of visitors are Jews, as the dome was surrounded by wall that separates the northern area of Bethlehem from Rachel's Dome, which is linked by road to the nearby settlement of Gilo.

Another justification is that for generations, the burial in Jerusalem became a testament to the longing of the people of Israel for Jerusalem, where many spiritual people of the Jewish people and their leaders were buried on the Mount of Olives. The religious significance of the Mount of Olives cemetery serves as a reference for the development and renewal of the place, bringing in Israeli-Jewish visitors from all over the country and the world. The authorities have resorted to unconventional methods by building a new huge cemetery below the ancient cemetery, which extends from the Mount of Olives to the town of Silwan. It has an area of more than 1,600 square meters, a depth of fifty meters, and accommodates more than 23,000 graves, at a cost of about \$90 million.

The strengthening of the Jewish connection to the Kidron Valley and the Mount of Olives creates a barrier between the Palestinian neighborhoods of East Jerusalem and the Old City, turning the Mount of Olives into an Israeli grip for settlement expansion in East Jerusalem. An Israeli settlement is located in Ras al-Amud near the southeastern edge of the Mount of Olives cemetery, and at the northern end there are church lands, followed by the Emek Tzurim National Park and an Israeli settlement in the heart of the Palestinian town of al-Tur



adjacent to the cemetery. Tourist activity and Israeli settlement in East Jerusalem are concentrated in the same geographical area for each activity to benefit the other.

The churches on the Mount of Olives are associated with Christian traditions, and their area is separate from the area of the Olive Cemetery. But the Bab al-Rahma cemetery, adjacent to the eastern wall of the old city, compatible with the Islamic traditions of the place and important to it, is being abused by the Israeli authorities. Moreover, in recent years, Israeli right-wing groups and some organizations have been fighting against the burial of Muslims at the site. The struggle ended with the approval of the Israeli government to impose a ban on burial at the site. As a result, the people of Silwan village find it difficult to bury their dead, to the point of skirmishes that end with the arrest of relatives of the dead during funerals.

Palestinian cemeteries have become a political asset in the struggle for sovereignty in East Jerusalem, and it is clear that most of the actions of the Israeli government and settlers focus on consolidating control over these places. Entire areas east of the Old City are considered archaeological Islamic areas accessible to all intents and purposes and are a major tool used by Israel in promoting the settlement enterprise in Palestinian neighborhoods in East Jerusalem and around the Old City.

On the other hand, Israel invests in Jewish cemeteries, and deliberately abuses Arab and Islamic cemeteries of Palestinians in Jerusalem, which are confined and almost disappearing. In the context of the frenzied Israeli attack on Palestinian rights that seeks to Judaize and isolate the city of Jerusalem as a prelude to its official annexation to Israel, Israel has made its position clear. It has decided, internally at least, that Jerusalem is not subject to negotiation within any future settlement with the Palestinians, especially after the American recognition of Jerusalem as the capital of Israel and what followed of deals and schemes (the deal of the century, the annexation plan, and the like) as well as actions on the ground. The Israeli government plan entitled: "Resolution 3790: Reducing Social and Economic Disparities and Economic Development in East Jerusalem" was issued on May 13, 2018. It is one of the methods used to Judaize the city and erase its Arabness through practices and policies that define Israelis as "legal", aimed at developing the city and improving economic and social conditions of its Arab residents. It uses misleading designations as a cover to pass a policy of



Judaization which, among many other things, seeks to uproot the Palestinian Arab population of the city.

Conclusion

The bulldozing and sabotage operations in Palestinian cemeteries are part of a series of daily practices against the Palestinians in the Holy City and the occupied territories with the aim of deporting them and cutting off their ties and dynasties from the land. The Israeli authorities confiscate vacant lands under the pretext of "absentees' property", which contradicts the rules of international law that prevent the expropriation of private property during armed conflict or military occupation. In light of all this, it is possible that Palestinian graves in the West Bank and Jerusalem will be subjected to further destruction and sabotage, especially as the Israeli governments are trying to get more lands for settlement expansion in the Jordan Valley and the occupied Golan. The file of the Palestinian graves did not receive sufficient attention from the international community. The Palestinian people were unable to preserve their property and the sanctities of their dead.

Accordingly, we demand that the file of violations of Palestinian graves be transferred to the International Criminal Court, especially in light of the actions of the occupation authorities, which managed to Judaize 97% of the city without considering all international resolutions that view it as an occupied city and criminalize changing its reality.