

AL-AQSA MOSQUE COMPOUND TARGETTED

Lurking Dangers between Politics and Prophecies



INTRODUCTION

April 2015

Al-Aqsa Mosque compound, also referred to as the Noble Sanctuary (*Haram Ash-Sharif* in Arabic), is a sacred site of great significance to Muslims all over the world. It is a place that has aroused fervent religious passions among believers throughout the history of Jerusalem. Many conquering armies have entered the site as the city has been contested by Assyrians, Babylonians, Egyptians, Arabs, Greeks, Romans, Persians, Mongols, Mamluks, Ottomans, and the British - to name only a few.

For over 14 centuries a *status quo* has been maintained according to which the Al-Aqsa compound is acknowledged as an Islamic property reserved for Muslim prayers. The holy site has witnessed numerous political crises and violent clashes throughout the

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years.¹ The mosque's sanctity and safety have been increasingly undermined since the Israeli occupation in 1967. In 1969, an Australian Christian Zionist, Dennis Rohan, even set Al-Aqsa (Al-Qibli) Mosque on fire, completely destroying large parts of it, including its Ayoubi-era pulpit.²

Historically the entire holy compound is a Muslim Waqf and Jewish law prohibits Jews from entering it, but "visits" by Jewish extremists under armed Israeli guard (while Palestinians are denied access) have escalated over the last decade and undeniably added a religious dimension to a predominantly political conflict. In recent years, particularly since 2014, the *status quo* at the Al-Aqsa compound appears to be eroding under attempts by the Israeli establishment and Jewish forces determined to strengthen their hold over the holy compound at the expense of Muslim rights.

The Al-Aqsa sanctuary is undoubtedly one of the most sensitive and contentious locations on earth and a sticking point in the Israeli-Palestinian negotiations. Many are confused about what exactly constitutes Al-Aqsa, what is happening at the compound, and why now. This bulletin addresses these issues and provides a historical background and an overview of the latest developments. It explains the site's significance for Muslims; the rising influence of the Jewish "Temple movements", their attempts to force a change to the *status quo*; and the Palestinian narrative of the latest events amid fears of the danger faced by the Al-Aqsa sanctuary.

While this bulletin focuses on the recent events at Al-Aqsa Mosque compound, Palestinians, specifically in East Jerusalem, face numerous sources of frustration that have led to escalating violence and tensions; this cannot be understood in isolation from the larger picture of the Israeli-Palestinian conflict and the decades-long occupation.

I. WHAT IS AL-AQSA MOSQUE ?

The Al-Aqsa Mosque compound³ is located in the southeastern corner of the walled Old City of Jerusalem. It covers a total area of about 144 dunams (0.144 km²) containing tens of other Islamic Waqf⁴ properties, real estate and structures endowed for its benefit.⁵ As in all Muslim holy places in Jerusalem, Al-Aqsa Mosque is under the custodianship of the Hashemite Kingdom of Jordan under the status that has existed since 1924 and is administered by the Government of Jordan under Jordanian law. This status was confirmed by the 1994 Israeli-Jordanian peace treaty⁶ and the Hashemite Custodianship of the Holy Sites Agreement signed by His Majesty King Abdullah II of Jordan and the President of Palestine, Mahmoud Abbas, on 31 March 2013.⁷

The holy compound contains over 200 historical monuments at underground, subterranean and ground level dating from various Islamic eras. According to Islamic creed and jurisprudence, they are all equally sacred since they are built on Al-Aqsa's holy grounds. The immense religious and cultural value of what is one of Islam's holiest sites draws Muslim worshippers and visitors from across the globe.⁸ Before detailing the background and repercussions of the recent violence at the sacred site, it is important to clarify what the name Al-Aqsa Mosque refers to exactly and the roots of its religious significance for Muslims. The box overleaf gives the explanation released by the Islamic Waqf Council in Jerusalem.⁹

¹ For example, the 1928 riots (see below), the unrest of 1969 that followed the arson by an Australian tourist at Al-Aqsa Mosque, the 1990 Al-Aqsa Massacre resulting from attempts by Jewish extremists to lay the cornerstone for the "Temple," the unrest that followed the opening of the "Hasmonean Tunnel" by the Israeli government in 1996, the eruption of the second (Al-Aqsa) *Intifada* in September 2000, sparked by the provocative visit of Ariel Sharon, and unrest throughout the region when Israel tried to replace the ramp leading up to the Mughrabi Gate, the only entrance for non-Muslims, in 2007. (For a detailed timeline of confrontations and assaults on Al-Aqsa Mosque, see passia.org).

² It was temporarily replaced with a simpler one until 2007, when King Abdullah II ordered it replaced with an identical pulpit that was built in Jordan using the original materials.

³ The Arabic meaning of Al-Aqsa is two-fold: (1) the *furthest* (i.e., in reference to distance: the mosque furthest from Mecca in the time when Prophet Mohammad (Peace be upon Him - PBUH) received the divine revelations); (2) the *supreme*, i.e., the mosque with supreme status.

⁴ The Jerusalem Waqf is an Islamic trust administrating Islamic edifices, including the Al-Aqsa Mosque, in Jerusalem since the Muslim reconquest of Jerusalem in 1187. It consists of a director, the Grand Mufti of Jerusalem, a Higher Islamic Council, Shari'a courts and an Islamic Court of Appeal, as well as a museum and a library and reports directly to the Ministry of Awqaf and Religious Affairs in Amman, Jordan.

⁵ Islamic Higher Waqf Council, February 2015.

⁶ For the full text of the agreement see <http://mondediplo.com/focus/mideast/region-jordanie-94-en>.

⁷ For the full text of the agreement see <http://en.lpi.org/2013/04/04/full-text-of-the-jordanian-palestinian-agreement-on-holy-places-in-jerusalem>.

⁸ There is an ongoing debate within Muslim communities regarding whether Muslims from abroad should visit Masjid Al-Aqsa while it is under Israeli military occupation. Proponents stress compliance with the teachings of Islam and showing solidarity with Palestinians; opponents cite "normalization" of relations with Israel and legitimizing its occupation by using its system (e.g., obtaining Israeli visas to enter the country). In January 2015, OIC Secretary-General Iyad Madani paid a rare visit to Al-Aqsa Mosque, urging Muslims to follow suit.

⁹ This "definition" of Al-Aqsa Mosque was drafted and confirmed by Islamic religious and historical sources, including the Jordanian Ministry of Awqaf, the Qadi Al-Qudah, the Public Ifta' Department, the Grand Mufti of Jerusalem, the Jerusalem Awqaf Council, the Islamic Supreme Commission, the Palestinian Ministry of Awqaf, the Palestinian Qadi Al-Qudah, and with the unswerving consensus of Muslim scholars throughout the Islamic world.

Al-Aqsa Mosque

Al-Aqsa Mosque - or Al-Haram Ash-Sharif (the Noble Sanctuary) –both refer to the same holy site and its components in the Old City of Jerusalem. It is the mosque that God Himself, Exalted be He, named “Al-Aqsa Mosque” in the first verse of Surat Al-Isra’:

“Glory be to Him Who carried His servant by night from Al-Masjid Al-Haram to Al-Masjid Al-Aqsa; the environs of which We have blessed, that We might show him some of Our signs. Indeed, He is the Hearing, the Seeing.” (The Holy Qur’an, Al-Isra’ 17:1)

It is also the place that Allah, Exalted be He, allocated to be Prophet Muhammad’s home of Al-Isra’, the holy Night Journey, and Al-Mi’raj, his Ascension to Heaven. It was during this journey that the noble Prophet Muhammad, Peace be Upon Him, led all other prophets and messengers in prayer at Al-Aqsa Mosque.

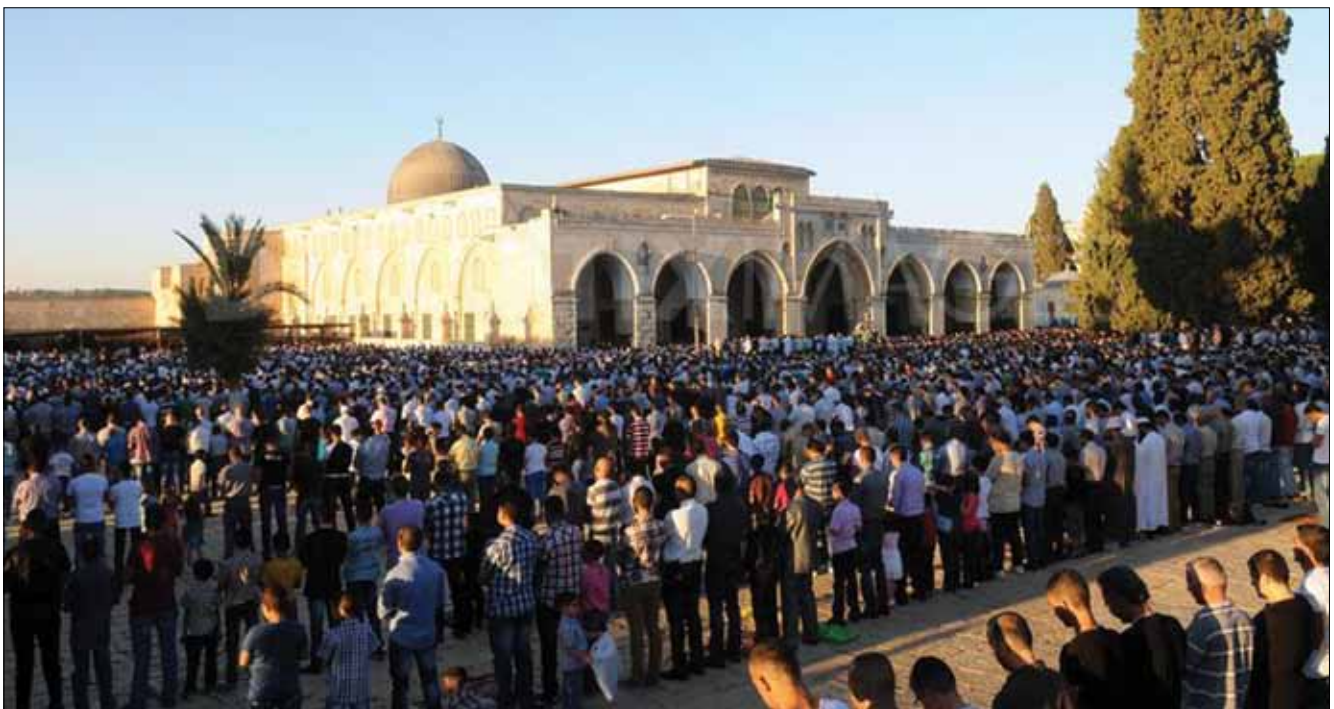
Al-Aqsa Mosque composes the total area of over 144 dunams* of the space and land (inclusive of all constructions) that is surrounded by the wall (measuring 491 m west, 462 m east, 310 m north, and 281 m south). It includes the Qibli Mosque (Al-Aqsa Mosque), the Marwani Mosque, the Qubbat al-Sakhra (Dome of the Rock Mosque), Al-Buraq Mosque, the lower Aqsa, Bab Al-Rahmah, all grounds, prayer halls, corridors with all the historical buildings built on them, elevated platforms, water cisterns and waterways, all that exists above and underneath its space, all the roads and ramps that lead to its gates, and the walls themselves, including Al-Buraq Al-Sharif Wall.

Al-Aqsa Mosque is an exclusive Muslim holy site, sacred and for all Muslims, associated with their religious creed, of equal significant importance to Al-Masjid Al-Haram in Mecca and the Prophet Mosque in Al-Madinah Al-Munawara. It was Islam’s first Qibla** and the Mosque to which Prophet Muhammad (Peace be Upon Him) ordered Muslims to make pilgrimage, as one of the three holiest mosques in Islam: “Do not set out for pilgrimage except to three mosques: Al-Masjid Al-Haram [in Mecca], my Mosque [in Madina], and Al-Aqsa Mosque [in Jerusalem]”, narrated by Bukhari and Muslim. Throughout Islamic history, Muslims from all over the world have constantly made pilgrimage to pray at Al-Aqsa Mosque and to safeguard it.

* one dunum = 1,000 m²

** Qibla = direction of prayer for Muslims

(Source: Islamic Higher Waqf Council, February 2015)



Prayer at Al-Aqsa is valued 500-fold over prayer at any other mosque (except those of Mecca and Medina). There is also the *Shadd Al-Rihal* tradition that Prophet Mohammed encouraged Muslims to visit Al-Aqsa, and the tradition according to which those residing in Jerusalem have the status of *murabit*, i.e., protectors of territorial boundaries of Islam.

Islamic sources further refer to the following sayings of the Prophet with regard to Al-Aqsa Mosque:

Abdullah Ibn Umar (ra) relates, I asked the Prophet (saw), "Apostle of Allah, tell us the legal injunction about (visiting) Bayt Al-Maqdis (Jerusalem)." The Apostle of Allah (saw) said, "Go and pray there. If you cannot visit it and pray there, then send some oil to be used in the lamps". (*Bukhari*)

Do not prepare yourself for a journey except to three Mosques, i.e. Al-Masjid Al-Haram, the Mosque of Aqsa (Jerusalem) and my Mosque. (*Sahih-Bukhari 2:21:288*)

The wall beneath the esplanade on the western side is known to Muslims as Al-Buraq Wall because the Prophet is said to have tethered his steed, Al-Buraq, there on the night he ascended to the heavens and this forms an integral part of the Al-Aqsa Sanctuary.¹⁰

The Women of Al-Aqsa – Murabibat:

Muslim women of all ages coming to Al-Aqsa Mosque to pray, study, defend and protect the holy site from Israeli incursions have become a growing source of resistance. They are the self-appointed guardians of Al-Aqsa Mosque and confront the attempts of extremist Jews and Israeli forces to raid and desecrate the holy compound by their provocative actions and presence. The women hold group classes in the mosque courtyards and observe Jewish visitors, shouting "Allahu Akbar" (God is Great) at any visitor attempting to pray. Murabibat, who - besides from Jerusalem - often come from Palestinian towns inside Israel, such as Nazareth, Umm al-Fahm, Akko, Haifa and Jaffa, have remained steadfast despite police harassment against them in the form of verbal and physical assault, the confiscation of ID cards, arrests, and bans on entering the holy site or the city altogether.



The Wailing Wall (Al-Buraq Wall) of Al-Aqsa Mosque compound with Al-Mughrabi Ramp on the right (leading to Al-Mughrabi Gate - the Israeli-controlled entrance gate for non-Muslims)

¹⁰ Jews refer to Al-Buraq Wall as Wailing or Western Wall, whereby the latter expression is misleading as the entire wall stretching along the Al-Aqsa Mosque compound's western side is its western wall (see map on pages 10-11).

II. HISTORY

Ottoman Era - The Status Quo Arrangement

The Ottoman *status quo* arrangement was introduced in a *Firman* (an administrative order or decree issued by an Ottoman Turkish Sultan) in 1852. It froze claims of possession by religious communities in the Holy Places of Christendom and forbade any construction or alterations to holy places. The introduction of the arrangement represented a futile attempt by Ottoman Sultan Abdul Majid to avoid a war between the Greek Orthodox and Catholic churches over space and control of some areas in the Holy Sepulcher Church in Jerusalem and the Nativity Church in Bethlehem. Article 62 of the Treaty of Berlin¹¹ (1878) subsequently proclaimed the 1852 decree to be inviolable and declared it the '*Status Quo* of the Holy Places,' extending it to other, non-Christian holy sites. The successive governments of Palestine, the British Mandate, Jordan, and the Israeli military occupation maintained the regulations set forth by the *status quo* arrangement of 1852.



Ottoman Sultan Abdul Majid

British Mandate Era – Al-Buraq/Wailing Wall Riots

The British Mandate authorities (1920-47) included the Al-Buraq Wall (Wailing Wall) in Jerusalem and Rachel's Tomb on the outskirts of Bethlehem in the *status quo* arrangement. In September 1928 a group of Jews set up chairs to separate men and women performing Yom Kippur prayers at the Al-Buraq Wall, triggering the first major violation of the arrangement and one of the first periods of serious unrest in the city. A White Paper submitted to the British government in November 1928 reiterated the rights and ownership of Muslims to the Wall, stating: "The Wall is also part of the Haram Ash-Sharif; as such, it is holy to Muslims. Moreover, it is legally the absolute property of the Muslim community, and the strip of pavement facing it is Waqf property, as is shown by documents preserved by the Guardian of the Waqf."¹² Zionists could not present any documentary evidence of Jewish claims to the Wall.¹³ The following year, a dispute over prayer arrangements at Al-Buraq Wall escalated and in August 1929, violent demonstrations resulted in the deaths of dozens of Jews and Muslims and the injuring of hundreds more. The conclusions of the subsequent British Inquiry Commission presented in December 1930 confirmed that although Jews may have free access to the Wall for prayers, "the ownership of the Wall, as well as the possession of it and of those parts of its surroundings belong to the Muslims and that the Wall itself, as an integral part of Al-Haram Ash-Sharif area, is Muslim property".¹⁴



British Mandate-era newspaper item on the Al-Buraq riots



British soldiers trying to suppress the 1929 riots

¹¹ A Treaty between Great Britain, Austria-Hungary, France, Germany, Italy, Russia, and Turkey, for the Settlement of the Affairs of the East.

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>.

¹³ Yet they still demanded that it be expropriated for the Jews. 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 Muslims and Jews in connection with the Western or Wailing Wall at Jerusalem, December 1930 (for the full text see UNISPAL doc A/7057-S/8427).

Despite this, the British authorities restricted public access to the Wall during Jewish prayers and allowed some worship accessories, resulting in it gradually turning into a “Jewish site” – for many (Palestinian) Muslims a precedent of a growing Jewish presence threatening their holy site.

Chief Ashkenazi Rabbi of British Mandatory Palestine, Abraham Isaac Kook (1865-1935), issued a rabbinic decree forbidding Jewish entry and visits inside the Haram Ash-Sharif compound as the ritually impure may step on, and thereby desecrate, the Holy of Holies – a room housing the Ark of the Covenant where only the high priest may enter on Yom Kippur.¹⁵



The Western/Al-Buraq Wall, 1929

Jordanian Era 1948-1967

Following the passing of UN Resolution 181 on the partition of Palestine in 1947, hostilities erupted in Jerusalem and access to the Al-Buraq/Western Wall was not possible. The Old City, together with the Al-Aqsa compound, then came under Jordanian rule until the 1967 June War. Although Article VIII of the April 1949 Armistice Agreement between Jordan and Israel provided for arrangements to be made with regard to “free access to the Holy Places and cultural institutions and use of the cemetery on the Mount of Olives,” including facilitating access for Israelis to the Hebrew University on Mount Scopus and for Christians from Israel to cross Mandelbaum Gate for Christmas and Easter celebrations, Jewish access to the Al-Buraq/Western Wall remained off limits to Israelis during this period.

While governing the Old City, the Jordanian Kingdom engaged in numerous renovation and restoration projects of its sacred sites (*inter alia* coating the dome of the Dome of the Rock with gold-colored sheets and its walls with marble slabs in the 1960s¹⁶) and appointed custodians for the holy places.¹⁷



King Abdullah outside the Dome of the Rock (before renovation), 1948



¹⁵ See Armstrong, Karen, *Jerusalem - One City, Three Faiths*, New York: 1996.

¹⁶ See St. Laurent, Beatrice, “The Dome of the Rock and the Politics of Restoration,” *Bridgewater Review*, Vol. 17, Issue 2, Article 8, December 1998, http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1422&context=br_rev.

¹⁷ In 1950 Ragheb Nashashibi and a year later Hussein Fakhri Al-Khalidi. For more on this issue see Abdul Hadi, Mahdi, *Bulletin on the Custodianship of the Holy Al-Aqsa Mosque*, Jerusalem: PASSIA, 2014.

Israeli Occupation – Since 1967

After the capture and occupation of East Jerusalem during the 1967 War, Israeli commander Mordechai Gur made the famous declaration: “*Har HaBayit BeYadeinu*” (“The Temple Mount is in our hands”), reawakening the hope of rebuilding the “Third Temple” inherent to Judaism. However, then Prime Minister Levi Eshkol and Defense Minister Moshe Dayan understood the need for restraint due to the religious and political consequences of Jewish control of the holy site and Dayan ordered the Israeli flag to be taken down from the Dome of the Rock. This political reasoning was matched by a *halakhic* message broadcast by the Chief Rabbis of Israel - Isser Yehuda Unterman and Yitzhak Nissim – warning that Jews were not permitted to enter the holy site.¹⁸ This was reiterated a few days later by the Chief Rabbinate, which ordered the placement of signs to this effect at the gates leading to the Haram Ash-Sharif. From a theological point of view, the reasoning was that Jews might accidentally step on – and thereby desecrate due to their impurity - the place where the Holy of Holies once stood, which would only be known with the advent of the red heifer (the ashes of which are necessary to fulfill the ritual requirement of cleansing). Ten days after the war, Moshe Dayan met with the directors of the Islamic Waqf and agreed to respect the status quo, accepting their day-to-day administration of the Haram Ash-Sharif¹⁹ that allowed Jews and other non-Muslims to visit it (but not to pray!).²⁰ Moshe Dayan proclaimed full authority over the Western/Al-Buraq Wall and plaza,²¹ the expansion of which required the destruction of 135 Palestinian homes and two mosques in the adjacent Mughrabi quarter, rendering over 600 people homeless.²²



Israeli soldiers on the Al-Aqsa Mosque compound, 1967



Sign warning Jews not to enter Al-Aqsa Mosque compound



Al-Mughrabi Quarter before its destruction



Al-Mughrabi Quarter being destroyed

¹⁸ See Nissim Leon, “Why religious Jews are divided over the Temple Mount,” *Haakets*, 22 November 2014, <http://1972mag.com/why-religious-jews-are-divided-over-the-temple-mount/99090>.

¹⁹ While accepting the Waqf’s *de facto* control over Muslim sites in East Jerusalem in 1970, the Israeli government has always undermined its authority (e.g., by conducting archaeological excavations and confiscating property). Dumper, Michael, *Islam and Israel: Muslim Religious Endowments and the Jewish State*, Washington, D.C.: Institute for Palestine Studies, 1994, p. 101.

²⁰ Haredi and Religious-Zionist rabbis who issued an explicit blanket prohibition against Jews ascending the Mount. See Nissim Leon, “Why religious Jews are divided over the Temple Mount,” *op.cit.*

²¹ Houk, Marian, “Countdown to Armageddon: A Review of Israeli Regional Planning Commission Activities”, *Jerusalem Quarterly*, Issue 34 (Spring 2009), pp. 89-99, p. 90.

²² For details on the destruction of the Quarter see Benvenisti, Meron, *Jerusalem – The Torn City*, Jerusalem, 1976, p. 306 ff.

Yet, even at that period, there were other groups with their own views. On 15 August 1967, the Israeli army chaplain Rabbi Shlomo Goren (who later became the Chief Rabbi of Israel) led a group of 50 Jews onto Al-Aqsa Mosque compound in a show of Israeli superiority and control. They fought off Palestinian guards and Israeli police to hold a prayer service.²³ This provocation was sharply criticized by the secular authorities and the Israeli Defense Ministry, which were anxious to avoid changes to the *status quo* as agreed with the Islamic Waqf.



Army chaplain Rabbi Shlomo Goren at the Western Wall, 1967

However, arrangements regarding the Al-Aqsa Mosque compound did not include the Al-Buraq/Western Wall, which had been Israel unilaterally registered as its property by 1984.²⁴

III. CURRENT SITUATION

Since it seized control of the Old City in 1967, Israel has vowed to maintain the *status quo* on the holy site; this basically forbids non-Muslim visitors to pray there. The 1967 rabbinical ban on entering any part of the “Temple Mount” has repeatedly been confirmed, most recently: in January 2005 by leading rabbis,²⁵ in 2013 by the Chief Rabbis David Lau and Yitzhak Yosef,²⁶ and in November 2014 by Sephardic Chief Rabbi Yitzhak Yosef, who called non-compliance with the ban a “religious crime”.²⁷ Notwithstanding, on 28 September 2000 Likud opposition leader Ariel Sharon made a provocative “visit” to the Al-Aqsa Mosque compound, under maximum security and with thousands of forces deployed in and around the Old City to prevent any (anticipated!) clashes with Palestinians, which nevertheless broke out and triggered the second or “A-Aqsa Intifada”. Recent events also suggest that Israel’s understanding of the *status quo* is somewhat flexible. Incidents in which Israel has restricted access to the compound for Muslims while nationalistic and religious Jews have increased their politically motivated visits, have provoked suspicions and fears about Israeli intentions. The Jewish extremists who complain about limited access to the site tend to ignore that the very same is true for the majority of Muslim Palestinians.

Although the majority of Jews do not enter the Al-Aqsa Mosque compound in compliance with the strict ban issued by Israel’s Chief Rabbinate, a growing number of rabbis encourage visits to specific parts of the holy site deemed to be “safe”. There are also voices from within the Israeli government demanding a stronger Jewish presence on the site – from proposals to allocate ritual space and prayer times for Jews (similar to the control imposed by Israel at the Ibrahimi Mosque in Hebron), to calls for equal prayer rights. Increasingly frequent visits by Jewish extremists to the Al-Aqsa compound have been taking place, backed by widespread institutional and governmental support, including from within the Knesset and the security services. Calls by religious nationalists²⁸ to change the *status quo* appear to have moved from the political fringe to the mainstream. Such ideas are no longer articulated merely within dubious circles of the religious right, but are openly discussed in the media.

This situation, coupled with the reality that Israel *de facto* occupies and fully controls the Al-Aqsa Mosque compound with its forces who guard all the gates, decide who enters and who is barred, has led to unprecedented tensions in the holy city.

²³ Some narratives claim that Goren called for the destruction of the mosques or regretted that they had not been destroyed in the heat of the war. See for example, Masalha, Nur, *The Bible and Zionism: Invented Traditions, Archeology and Post-Colonialism in Palestine-Israel*, Zed Books, London 2007 p.79; or Hamblin, William J. and Seely, David R., *Solomon’s Temple: Myth and History*, London: Thames and Hudson Ltd., 2007, p. 200.

²⁴ Cook, Jonathon, “Targeting Haram Al-Sharif”, *Al-Ahram Weekly*, 31 July-6 August 2003, <http://weekly.ahram.org.eg/2003/649/re10.htm>.Ibid.

²⁵ Shragai, Nadav, “Leading rabbis rule Temple Mount is off-limits to Jews”, *Haaretz*, 18 January 2005.

²⁶ Sharon, Jeremy, “Chief Rabbis reimpose ban on Jews visiting Temple Mount”, *Jerusalem Post*, 2 December 2013.

²⁷ “Israel ‘pushing for religious warfare’”, *Al-Jazeera*, 7 November 2014, or “Jews must stop Temple Mount visits, Sephardi chief rabbi says”, *The Times of Israel*, 7 November 2014 (<http://www.timesofisrael.com/jews-must-stop-going-to-temple-mount-sephardic-chief-rabbi-says/>).

²⁸ Such people may be found in several parties, including Netanyahu’s ruling Likud Party, and have their mouthpiece in parties such as the hardline Jewish Home party (*HaBayit HaYehudi*), which seeks legal ways to enable Jews to pray at the site.

Administration / custodianship

The historic role of the Hashemites in safeguarding and protecting the holy city of Jerusalem was established by Sharif Hussein bin Ali, who in 1922 contributed 24,000 Golden Lira to the restoration of the holy sites (especially Al-Qibli/Al-Aqsa Mosque) in Jerusalem.²⁹ In March 1924 in Shunah, Jordan, under the pledge of *Bay'at Ahl ul-Quds*, an official Palestinian delegation³⁰ expressed their full allegiance to Sharif Hussein as the only Muslim Khalifah who would protect, maintain and renovate the holy sites and the people of the sacred city.³¹ This custodianship over Jerusalem was consolidated following the 1948 War when the West Bank became part of Jordan.³² As the *Bay'ah* is still valid, the holy sites of Jerusalem remain under Hashemite custodianship until this day.³³ The 1994 peace treaty between Israel and Jordan reiterated this by “respecting” Jordan’s “special role” in the “Muslim holy shrines in Jerusalem” and giving it high priority in permanent status negotiations. Currently, Jordan decides on the Waqf’s administration and Shari’a court judges in Jerusalem and the Palestinian Authority nominates and appoints the Mufti of Jerusalem. Between 1967-1987, Jordan contributed some US\$7.5 million to the preservation and restoration of Al-Aqsa Mosque and other holy sites in Jerusalem.³⁴

On 31 March 2013, King Abdullah II and Palestinian President Mahmoud Abbas signed an Agreement to Jointly Defend Al-Masjid Al-Aqsa³⁵ that reemphasized the King’s role as defender of the holy sites in Jerusalem, particularly the Haram Ash-Sharif, and recognized the role of Jordan as custodian of these sites. Any attempt to alter the 76 existing arrangements for worship or the regulation of visits to the compound therefore stirs confrontation with Jordan. Bilateral tensions reached a crisis point when Israel, following an assassination attempt on right-wing activist Yehuda Glick³⁶ in Jerusalem on 29 October 2014, ordered the complete closure of the Al-Aqsa compound for the third time since 1967.³⁷ This move prompted King Abdullah to equate “extremist Zionism” to the extremist Islamic State (ISIS) group in his speech to the Jordanian parliament, while Palestinian President Mahmoud Abbas called Israel’s move a “declaration of war”.

However, although the Islamic Waqf authorities maintain nominal administrative control of the Al-Aqsa compound, Israel controls by military force access to its nine entry gates and can enter the compound at will.

Access

Al-Aqsa Mosque compound is open for worship 24 hours, but for non-Muslim visitors (including Jews) visiting hours are restricted to 7:30–11 a.m. and 12–1:30 p.m., with the exception of Fridays, and entry for non-Muslims is only via the Mughrabi (Dung) Gate. Israel systematically violates the religious rights of Palestinians. For example, in 1993



President Abbas and King Abdullah signing the Agreement to Jointly Defend Al-Masjid Al-Aqsa, 2013



Closed gates leading onto Al-Aqsa Mosque compound

²⁹ Sharif Hussein also requested to be buried at the compound - his tomb is located in the western chambers of the Al-Aqsa Mosque. See *Keys to Jerusalem*, The Royal Islamic Strategic Studies Centre, English series - Book 8, 2010, p. 68-69 (footnote 41).

³⁰ Including the Chairman of the Executive Committee of the Palestine Arab Congress, Musa Kazim Al-Husseini; the Chairman of the Supreme Islamic Council Al-Haj Amin Al-Husseini; and the Mayor of Jerusalem, Ragheb Nashashibi.

³¹ See Annex III: The Khilafah Allegiance to His Majesty Sharif Hussein bin Ali in 1924, in *Keys to Jerusalem*, *op.cit.*, p. 85 ff.

³² Ramahi, Sawsan, *Jordan and Jerusalem's Islamic Sanctuaries*, Middle East Monitor (Memo) Report, July 2013, <https://www.middleeastmonitor.com/reports/by-sawsan-ramahi/6624-jordan-and-jerusalem-s-islamic-sanctuaries>.

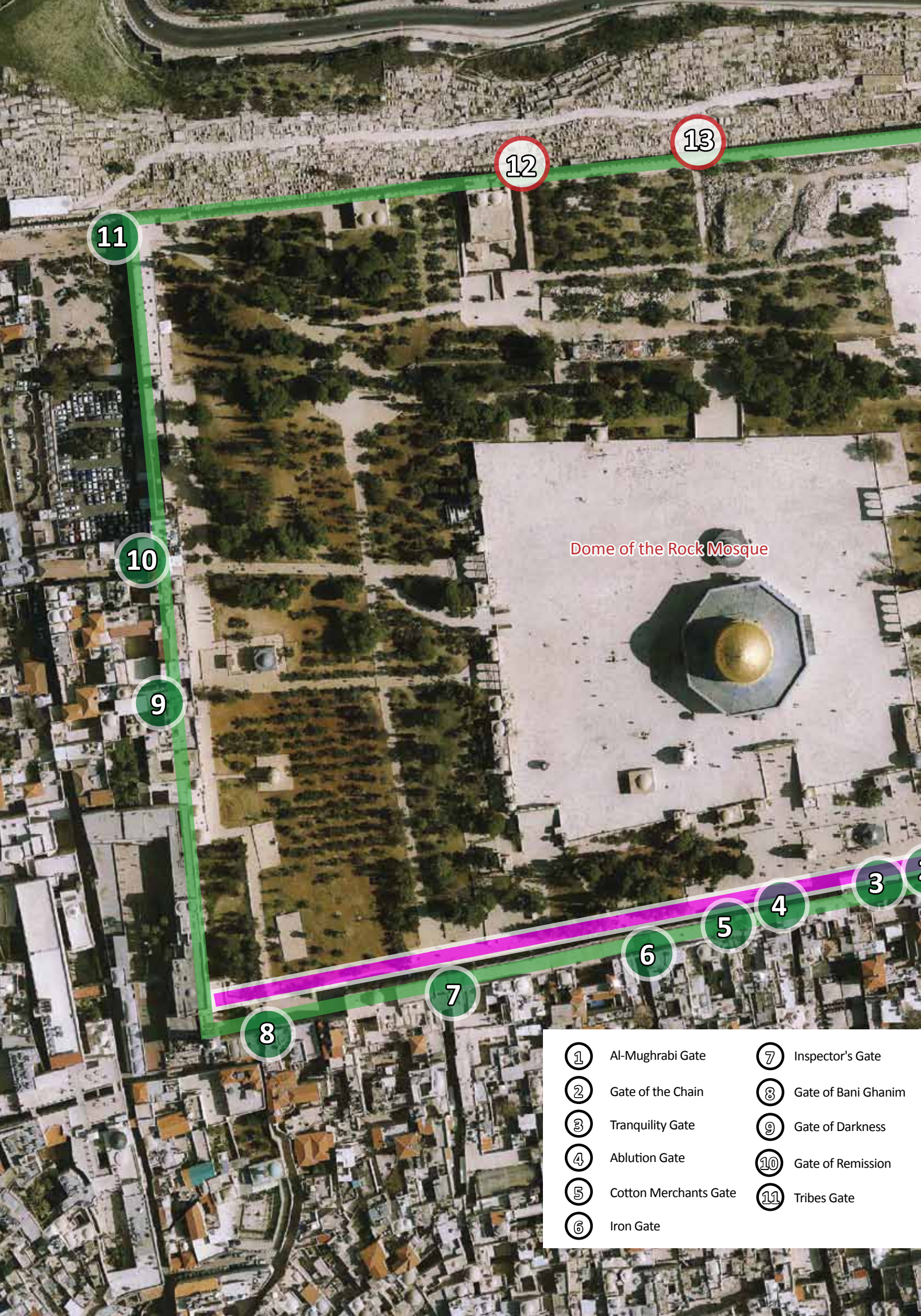
³³ Having been explicitly excluded from Jordan's 1988 disengagement from the West Bank.

³⁴ Dumper, Michael, *Islam and Israel: Muslim Religious Endowments and the Jewish State*, Washington, D.C.: Institute for Palestine Studies, 1994, p. 115.

³⁵ Lapidot, Ruth, "A Recent Agreement on the Holy Places in Jerusalem", *Israel Journal of Foreign Affairs* VII: 3 (2013), pp. 61-70.

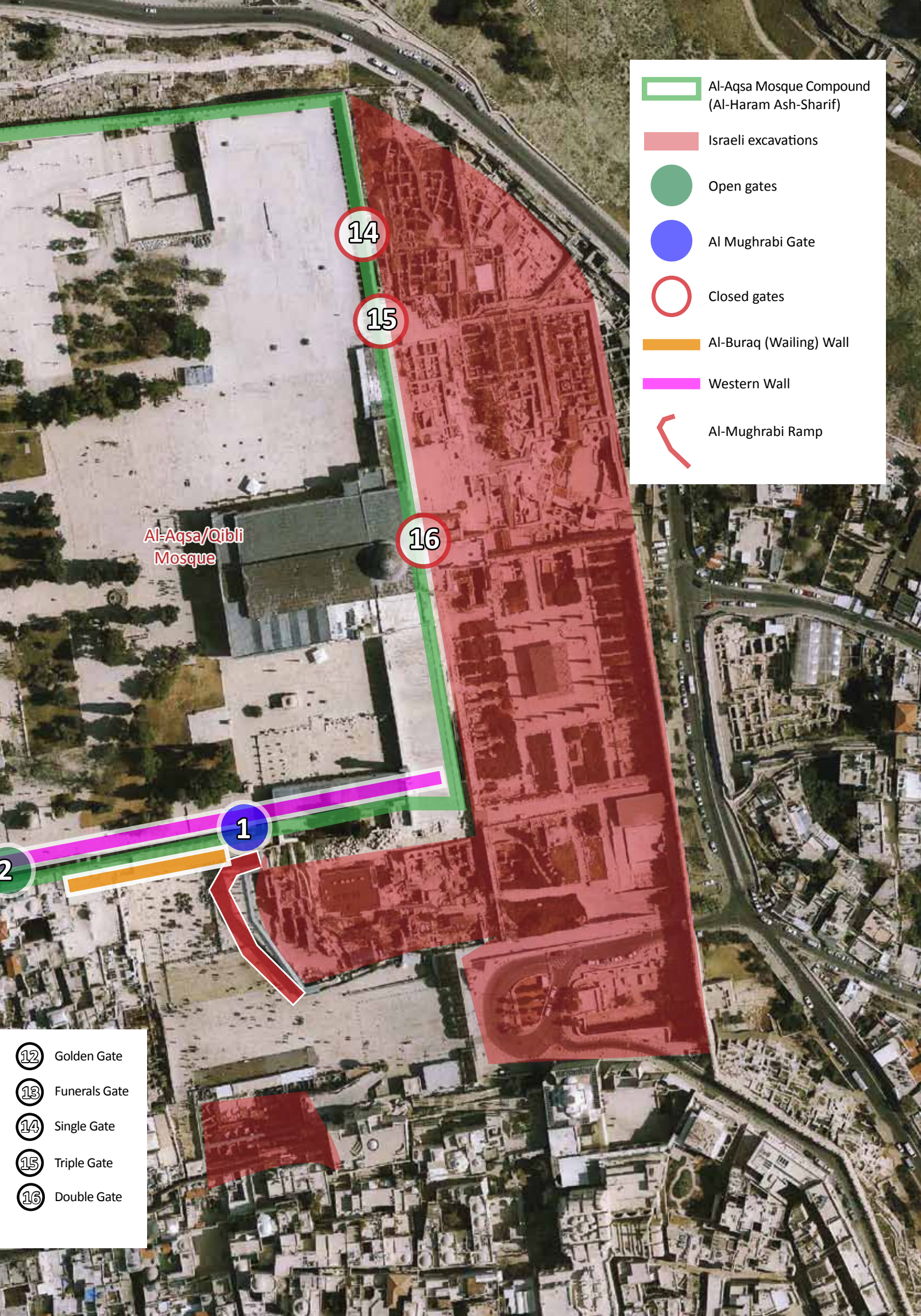
³⁶ Glick was shot minutes after concluding a seminar on "Return to the Temple Mount," at the Menachem Begin Heritage Center in Jerusalem.

³⁷ The first time the compound was closed completely was during the June War of 1967, the second time was following the arson attack on Al-Aqsa Mosque in 1969.








Dome of the Rock Mosque

- | | |
|-------------------------|-----------------------|
| ① Al-Mughrabi Gate | ⑦ Inspector's Gate |
| ② Gate of the Chain | ⑧ Gate of Bani Ghanim |
| ③ Tranquility Gate | ⑨ Gate of Darkness |
| ④ Ablution Gate | ⑩ Gate of Remission |
| ⑤ Cotton Merchants Gate | ⑪ Tribes Gate |
| ⑥ Iron Gate | |



Al-Aqsa/Qibli Mosque

-  Al-Aqsa Mosque Compound (Al-Haram Ash-Sharif)
-  Israeli excavations
-  Open gates
-  Al Mughrabi Gate
-  Closed gates
-  Al-Buraq (Wailing) Wall
-  Western Wall
-  Al-Mughrabi Ramp

-  12 Golden Gate
-  13 Funerals Gate
-  14 Single Gate
-  15 Triple Gate
-  16 Double Gate



Israeli forces blocking access to Al-Aqsa Mosque compound for Palestinians



Palestinian worshippers forced to pray in the streets

it imposed a closure on Jerusalem, requiring all Palestinians without a Jerusalem ID³⁸ to apply for a permit (a lengthy and arbitrary process) to visit the city for whatever purpose, including worship. This general closure continues to be forced by multiple Israeli-controlled checkpoints that effectively isolate the city from the rest of the West Bank, and is applied more strictly any time an incident occurs or during Jewish holidays. As a result, millions of Palestinians have never visited Jerusalem or prayed at Al-Aqsa Mosque in violation of their religious, cultural, political, and citizenship rights. The restrictions on Al-Aqsa Mosque are not only imposed on Palestinians from the West Bank and Gaza, but also on Jerusalemite Palestinians, especially when attempting to attend Friday noon prayers, forcing them to pray in the streets instead. Restrictions are routinely imposed on age and gender, along with the confiscation of ID cards, summoning worshippers to the police, or banning them from approaching the holy compound (or even the city).

Israeli Excavations

Israeli excavations beneath and around Al-Aqsa Mosque compound began immediately after the 1967 occupation to search for “Jewish roots”. The often unauthorized tunneling and digging provoked Muslim protests and also damaged several adjacent properties - including the building housing the Islamic Waqf Council and the its administrative offices, Ribat Al-Kurd, the historic Uthmani and Al-Tankazi Schools, and many Palestinian homes. Despite unquestionable damage and threats of collapse to the structures on the sanctuary, offers of funding by Arab countries for restoration works were blocked by Israel.

The controversial opening of the large Western Wall Tunnel beneath Al-Aqsa Mosque in 1996³⁹ sparked bloody clashes with Palestinians and protests around the Islamic world, but also exposed Israeli excavations openly and introduced the issue into the Israeli mainstream.

In 2007 an Israeli plan to renovate the historic Mughrabi ramp, a gate pathway which serves as the main access point to Al-Aqsa Mosque compound for non-Muslims, including Jews, also caused concern.⁴⁰ The move was perceived as a flagrant Israeli violation of Islamic Waqf property and Al-Aqsa Mosque and as an



Israeli excavations outside Al-Aqsa Mosque compound

³⁸ After the 1967 annexation of East Jerusalem, most Palestinians refused the offer of Israeli citizenship as this would have required them to take an oath of allegiance to the Israeli state. The Israeli authorities decided to designate Palestinians living in Jerusalem as permanent residents and issued them with Jerusalem identity cards, but residency can be revoked by Israel if the individual lives abroad or in the Palestinian territories for an extended period of time.

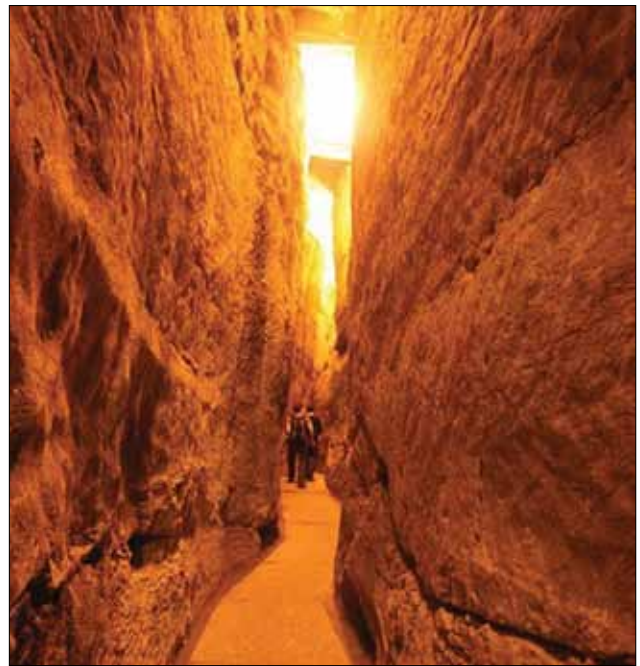
³⁹ Interestingly, the archaeologist overseeing the dig, Meir Ben-Dov, later remarked: “I think that opening the tunnel exit was very unwise.” For further details on this episode, see Abraham Rabinovich, “Tunnel Vision”, *Jerusalem Post*, 27 September 1996.

⁴⁰ The move was protested by Arabic countries, Muslim organizations, and UNESCO. For details see PASSIA Bulletin on Jerusalem, 2011, and Friends of Al-Aqsa, *The Holy al-Aqsa Sanctuary Under Threat*, UK, 2013.

attempt to expand the prayer plaza in the front of the the adjacent Western Wall. Nevertheless, Israeli plans for the ramp went ahead.

In February 2015, the Islamic Waqf Council warned that the Israel Antiquities Authority is carrying out large scale excavations to build its own facilities under the foundations of Al-Aqsa Mosque, causing imminent threats to the holy site. Israeli plans include a synagogue, a center known as “Generations Convoy”, a miniature city, and a tunnel linking the excavations with the Arab neighborhood of Silwan.⁴¹

Many observers see Israeli excavation activities as a cover to grab more land and further weaken the possibility of a two-state solution. The British government recently expressed concern that co-operation between the Elad settler group and the Israel Antiquities Authority “under the guise of tourism and protection of Jewish history” will “increase tension around the Temple Mount/Haram Al-Sharif and further complicate future attempts to negotiate a political resolution on the city.”⁴²



Clashes sparked by the opening of the Western Wall tunnel, 1996

Inside the Western Wall tunnel



The Mughrabi Ramp

⁴¹ PLO Executive Committee, Jerusalem Affairs Department, Monthly Newsletter, January 2015.

⁴² “Israeli settlers are using archaeological digs as cover to take Palestinian land, British government says”, *Independent*, 23 March 2015, <http://www.independent.co.uk/news/world/middle-east/israeli-settlers-are-using-archaeological-digs-as-cover-to-take-palestinian-land-british-government-says-10127250.html>.

IV. ISRAELI GOALS

Israeli Legal Instruments

A legal instrument used by Israel is the British Mandate-era **Order in Council for the Land of Israel (Sacred Places) 1924**, which allowed the government to make decisions related to all holy and religious places.⁴³

Shortly after the 1967 War and the occupation of Jerusalem, Israel amended its **Law and Administration Ordinance 5727-1967** (on 27 June 1967) to include the Old City (and thus the Haram Ash-Sharif/"Temple Mount" area) within its territory, which was henceforth subject to its law and jurisdiction. However, the Minister of Religious Affairs gave instructions that matters related to Muslim holy places are to be determined by a Muslim council.

Israel's **Protection of Holy Places Law 5727-1967** determines that: "The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places."

In August 1967, the Old City of Jerusalem and its environs – including the Haram Ash-Sharif/"Temple Mount" and the Western/Al-Buraq Wall - were designated as antiquities. According to Article 29(A) of the **Israel Antiquities Law 5738-1978**, no acts are to be carried out, including acts of construction, demolition, earthworks, and change or dismantling of an antiquity without authorization from the Antiquities Authority. Also in August 1967, a ministerial committee was appointed to discuss, *inter alia*, dealings with places holy to all the religions. Their conclusion that Jewish worshippers should not enter the "Temple Mount" subsequently became an official cabinet decision (761 of 20 August 1967).

Soon after, a special Master Plan (EJ/9) was applied to the Old City and its environs, designating it for special repair and preservation plans in accordance with **Planning and Construction Law 5725-1965**, while forbidding any other construction or demolition works.

Changes in the political landscape and within Israeli society, combined with a growing number of rabbis offering different interpretations of what is permitted or not with regard to visiting and praying at the Al-Aqsa Mosque compound/"Temple Mount," have transformed what was a fringe opinion on Jewish presence on Al-Aqsa compound into a mainstream view. Every religious Jew prays for the establishment of the Third Temple on the holy esplanade as a central concept of traditional Judaism and many of their holy scriptures are dedicated to this. One can differentiate three schools of thought:

- ◆ The Ultra-Orthodox belief is that Jews should pray for the advent of the temple, which will eventually descend from heaven to the right location, but in the meantime Jews should avoid entering the holy site in case of possible desecration.
- ◆ The national-religious camp would like to see Israeli sovereignty over the site while praying for the "Temple's" advent as a means to foreclose the possibility of Israel relinquishing it during talks with the Palestinians.
- ◆ A third group – so-called temple activists – advocate that Jews should build the "Temple" themselves to prepare for a pious life and urge Jews to both visit and pray at the site.

Israeli "visitors" to the holy site are religious extremists and fanatical settlers who call openly for a takeover of the Al-Aqsa Mosque compound, and even the replacement of its current buildings with a Jewish temple. The very real danger posed by these "visitors" is exposed not only in their rhetoric and mere presence at the holy site, but also in videos and images in which the Mosque of the Dome of the Rock is replaced by a reconstructed temple.⁴⁴

⁴³ "Opinion on the Issue of the Works on the Temple Mount", 14 September 2010, <http://www.templeinstitute.org/comp-report-english.pdf>.

⁴⁴ Although this challenges the widely held belief amongst Jews that the construction of the third Temple will be a supernatural and miraculous act which will occur after the arrival of the Messiah. See, Inbari, Motti, *Jewish Fundamentalism and the Temple Mount: Who Will Build the Third Temple?*, State University of New York Press, 2009.



A group of Jewish extremists “touring” Al-Aqsa Mosque compound



Foreign Ministry Video replacing the Dome of the Rock Mosque with a temple

Even the Israeli Foreign Ministry produced such a film in 2013⁴⁵. In the same year a Knesset candidate from the Jewish Home party called for the Dome of the Rock Mosque to be blown up to build the “Jewish temple” in its place.⁴⁶

Many Jewish fundamentalists see their activism as a duty to push the messianic project back on track in the face of Israeli government negotiations and potential territorial compromises with the Palestinians. Most of the calls for Jewish prayers on the Al-Aqsa Mosque compound (and the reconstruction of the temple in place of the mosque) come from nationalist religious organizations whose members have been described as a few “militants considered to be from the surreal messianic margins of society.”⁴⁷ Yet some have reached



Yehuda Glick showing a group of Jewish extremists a model of the “Third Temple”

the government, mainly as members in the Knesset.⁴⁸ Government authorities assist and encourage the activities of these movements by registering them as associations,⁴⁹ allowing them to infiltrate public schools and yeshivas, and providing security and protection to them. Despite the overt agenda of the groups to shape public opinion on the construction of the “Third Temple” and to push for new laws on the status of the Al-Aqsa Mosque compound, state bodies only intervene to curb activities when riots or threats to public order arise.⁵⁰ Furthermore, Temple Mount movements receive direct state funding (via the Ministries of Education and Culture) averaging some \$108,000 per year.⁵¹

45 See, for instance, <http://mondoweiss.net/2013/02/ministry-jerusalem-features> or <http://www.imemc.org/article/64976>.

46 See, for instance, <https://occupiedpalestine.wordpress.com/2013/01/21/>. The radical Temple Mount website “Headquarters for the Rescue of the People and the Temple - Har Habayit Shelanu”, calls for the destruction of Islamic shrines and illustrates the construction of the Temple on their ruins: see <http://hamikdash1.blogspot.co.il>

47 Caspit, Ben, “Temple Mount now central Israeli-Palestinian flashpoint”, *Al-Monitor*, 22 April 2014, <http://www.al-monitor.com/pulse/ar/originals/2014/04/temple-mount-annexation-area-c-bennett-third-intifada.html>.

48 Especially in the Jewish Home party. It also speaks volumes that the convention on “Israel Returns to the Temple Mount,” where Chairman of the Temple Mount Heritage Foundation Rabbi Yehuda Glick was shot on 29 October 2014, was attended by the Knesset Interior Committee Chair MK Miri Regev and Knesset Deputy Speaker Moshe Feiglin (both Likud). Regev had also declared (in April 2014) that if the Temple Mount was closed to Jews, she would demand that it be closed to Muslims as well. The Temple lobby in the Knesset also managed to hold the first Knesset conference on Jewish sovereignty in Jerusalem on 26 July 2012 and granted Jews worship rights on the Mount. Ir Amim and Keshev, *Dangerous Liaison: The Dynamics of the Rise of the Temple Movements*, 2013, p. 60 (http://www.ir-amim.org.il/sites/default/files/Dangerous%20Liaison_0.pdf).

49 Currently, there are at least 19 registered associations with Temple-related missions (in addition to numerous other bodies not listed with the Registrar of Associations and which also promote a change in the arrangements on the Mount). For details see *Ibid.*

50 Mainly by preventing entry to non-Muslim visitors to the site, usually on Muslim holidays or times of high tension. A restraining order to this effect was in place during 2000-2003, when the second Palestinian (or Al-Aqsa) Intifada was at its height.

51 Wirtschafter, Jacob, “Analysis: Why the Temple Mount is at the heart of Jerusalem strife”, *Jewish Journal*, November 19, 2014, http://www.jewishjournal.com/world/article/with_muslim_access_to_al_aqsa_mosque_can_calm_prevail.

Despite government assertions that the *status quo* of the holy site will be maintained, religion has clearly become a tool for the realization of political goals and the intention is to undermine, if not end, Muslim ownership of and religious rights to the holy site and eventually take it over. As one observer put it: “The location of the temple to them is nothing more than a capstone in the national struggle against the Palestinians, and sovereignty over the Mount becomes a totem embodying sovereignty over the entire country.”⁵²

Israel describes these as “false allegations” and accuses the Palestinians and their media of inciting Muslims worldwide with claims that a takeover of Al-Aqsa Mosque compound is imminent, thereby sparking deadly attacks and riots in Jerusalem.

Main Israeli Temple Movements⁵³

Temple Mount Faithful: Established (and still headed) by Gershon Salomon in 1967 and registered as an association since 1982. Stated goal is “Liberating the Temple Mount from Arab (Islamic) occupation”, moving/rebuilding the Dome of the Rock and Al-Aqsa Mosque in Mecca, and constructing the “Third Temple.”⁵⁴ Every year the movement applies to the police for permission to pray on Al-Aqsa Mosque compound on holidays and regular occasions (e.g., Rosh Hashana, Yom Kippur, Sukkot, Hanukka, Pessach, Shavuot, Independence Day, Jerusalem Day and Tisha B’Av). On these occasions members hold ceremonies, including laying the cornerstone for the Temple, pouring water at the Spring of Gihon, and conducting a Jewish wedding at the Mughrabi Gate. In 1990, its planned



“Cornerstones” intended for the “Third Temple”

cornerstone laying ceremony at the compound led to mass riots which left 17 Palestinians killed and hundreds more injured. The group is supported by right-wing Christian evangelicals and Christian Zionists. Its motivation is more nationalist-political than religious, which is why religious members split from it in the early 1990 to establish the Movement for Temple Renewal.

The Temple Institute: Established in 1984 by Rabbi Yisrael Ariel, who still serves as chairman, and politically aligned to far-right parties. The Temple Institute pursues the primary goal “to fulfill the positive precept from the Torah: ‘Then have them make a sanctuary for me and I will dwell among.’” It runs various yeshivas, a museum, a publishing house, tours, and also a project to produce and recreate objects for use in the Jewish Temple. These objects include the reconstruction of all 93 sacred vessels required for *halachic* resumption of sacrificial rites, the creation of a mobile “Second Temple” model, the building of an altar,⁵⁵ sewing garments for priests, and erecting a golden menorah (in 1999) in the Jewish Quarter overlooking Al-Aqsa Mosque compound. Members regularly visit the Al-Aqsa Mosque compound to pray and launched the annual ‘International Temple Mount Awareness Day’ in March 2010. The Institute, whose motivation is primarily halachic, receives financial support from state bodies.

El Har Hamor: Founded by Rabbi Yitzhak Shapira and Rabbi Yossi Pelei. Registered as an association in 1988 with the aim “To initiate and encourage any activity that strengthens the deep Jewish connection to the Temple Mount according to Halacha.” The movement, whose motivation is halachic and messianic, recruits young settlers and organizes a monthly event (“circling of the gates”) in which participants surround the compound praying, singing and dancing at each of its gates. For this police-approved “procession” to take place, main streets and shops in the Old City’s Muslim Quarter are closed off. In 2000, it created a militia-like “Temple Guard” to guard the site once the “Temple” is built. The group is also connected with “price tag” acts of vandalism against Palestinians (Muslim and Christian) religious institutions.

⁵² Persico, Tomer, “How Likud became the Almighty’s contractor at the Temple Mount”, +972 Blog, 4 November 2014, <http://972mag.com/how-likud-became-the-almightys-contractor-at-the-temple-mount/98402>.

⁵³ For a detailed discussion about the different groups see Ir Amim and Keshev, *Dangerous Liaison*, *op cit.*; Inbari, Motti, *Jewish Fundamentalism and the Temple Mount*, *op cit.*; or “Dossier of Jewish organizations that seek to destroy Al-Aqsa Mosque,” *Middle East Monitor*, 6 November 2014, <https://www.middleeastmonitor.com/articles/middle-east/15139-dossier-of-jewish-organizations-that-seek-to-destroy-al-aqsa-mosque>.

⁵⁴ See their website, <http://templemountfaithful.org/objectives.php>.

⁵⁵ The location for the altar on the Aqsa compound has already been identified. See see Ir Amim and Keshev, *Dangerous Liaison*, *op cit.*, p. 40.

The Movement for Temple Renewal (Hatnua Lekhinun Hamikdash): Founded by Yosef Elboim, Yoel Lerner and others (as an offshoot of the Temple Mount Faithful, which they considered not to be religious enough) and registered as an association in 1991.⁵⁶ Its activists come mainly from the Haredi neighborhoods of Jerusalem and are headed by lawyer Baruch Bar Yosef. Intends to establish a state of Halacha in the area of the Biblical Land of Israel and “to build the Temple and renew worship as in early days.” Based on this, it calls on every Jew to take an active part in promoting such a revival. Organizes periodic ascents of Al-Aqsa compound and runs a monthly paper, *Yibaneh Hamikdash*, which regularly documents hundreds of people who have made the ascent. It also hosts an annual “Temple Conference.” In 1996, it succeeded in having the Committee of Yesha Rabbis of Gush Emunim overturn the ruling that it was forbidden to enter the Temple Mount.

V. MUSLIM / PALESTINIAN FEARS

Al-Aqsa Mosque compound is both a *religious* and a *national* symbol for Palestinians, marking it out as a target for Israeli/Jewish attacks and provocations and the scene of frequent clashes.⁵⁷

For Palestinians, the gradual weakening of the prohibition against Jews entering the holy site and the growing vocalization from within the Israeli government advocating Jewish presence and prayers at the compound, clearly indicate further land grabs – an extension of the settlement construction taking place in the West Bank. As one recent analysis put it: “In the Holy Land, prayer is not just an act of personal devotion: it implies ownership.”⁵⁸ Palestinians see the wider picture aimed at erasing their presence and heritage in the city – already evident in the neglect of Palestinian neighborhoods and historical narrative; the “Hebrewization” of Arab street names; destruction of homes; rampant settlement expansion and settler takeovers of buildings; the military presence; routine prevention of worshippers from entering the mosque due to bans and access restrictions; and harassment from Israeli authorities, including tax and arrest raids and imposition of fines, and ID card confiscations.⁵⁹ During the period of the Israeli war on Gaza in the summer of 2014, Palestinians were alarmed by the increasing number of police-escorted visits to Al-Aqsa Mosque compound by Jews in the face of harsh condemnation from the Jerusalem Islamic Waqf Council and the Jordanian custodianship. These visits were seen as a strategic government-backed step to breach the *status quo* and gradually impose the settler and far-right agenda, preempting a potential independent Palestinian state with East Jerusalem as its capital.

At a Glance

In addition to allowing Jewish extremists to enter Al-Aqsa Mosque compound protected by armed security, other Israeli provocations at the holy site include:

- 1) Facilitating the performance of religious rituals by Jewish extremists.
- 2) Placing signs at the gates of Al-Aqsa Mosque indicating that they are the gates of the “Temple.”
- 3) Taking photos of every event and work carried out by the Waqf and Al-Aqsa Mosque Restoration Committee.
- 4) Impeding and preventing the implementation of over 15 construction projects at Al-Aqsa Mosque.
- 5) Prohibiting the use of construction equipment and materials inside the compound.
- 6) Deploying armed forces in the Al-Aqsa courtyards.
- 7) Frequent confiscation of ID cards and/or arrests of Palestinians trying to enter the compound.
- 8) Intimidating those who defend Al-Aqsa Mosque by checking their files at the Israeli authorities.
- 9) Banning Palestinian worshippers from entering their holy site for various periods of time (and imposing fines for non-compliance).
- 10) Allowing Israeli archeologists entering the holy site to control restoration and reconstruction processes.
- 11) Demanding that Dr. Mohammad Abu Eisheh, the Mosaic Expert at Al-Aqsa Mosque for the past three years, obtain a work permit from the Israeli Ministry of Interior.
- 12) Preventing Waqf officials and employees from executing their duties.

⁵⁶ Although the registration was revoked in 2002, the group is still active.

⁵⁷ E.g., the 1990 Al-Aqsa Massacre or the 2000 Al-Aqsa Intifada which was sparked by the provocative visit of Ariel Sharon.

⁵⁸ “Temple madness” *The Economist*, 8 November 2014, <http://www.economist.com/news/leaders/21631026-binyamin-netanyahu-must-resist-dangerous-campaign-jewish-prayer-rights-muslim-holy>.

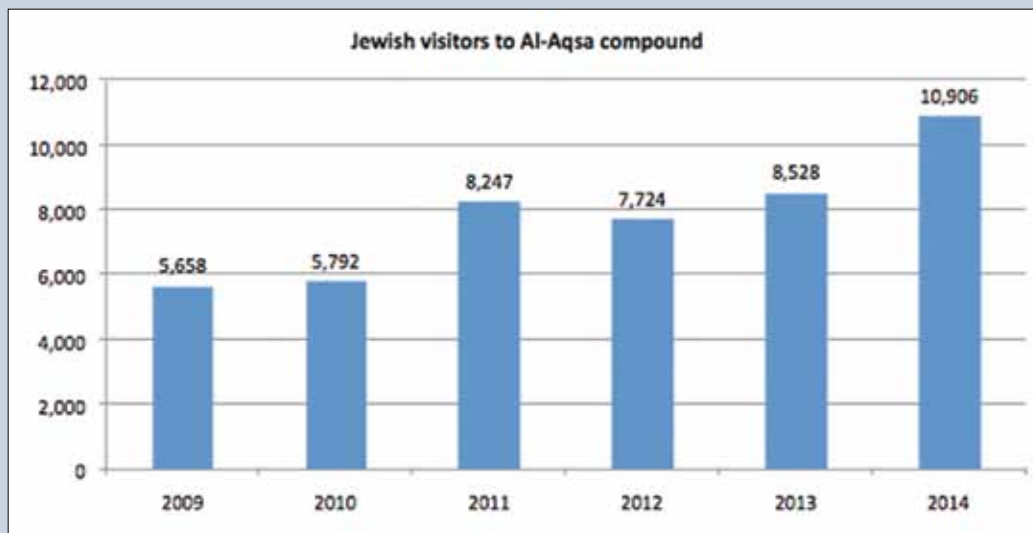
⁵⁹ For details on these issues, see *Arab East Jerusalem – A Reader*, Jerusalem: PASSIA, 2014.

A draft Israeli law that would change the *status quo* and allow Jews to pray at the holy site⁶⁰ confirms Palestinian fears that the ultimate goal is for Jews to “share” the compound by force in the same way imposed at the Al-Ibrahimi Mosque in Hebron.⁶¹

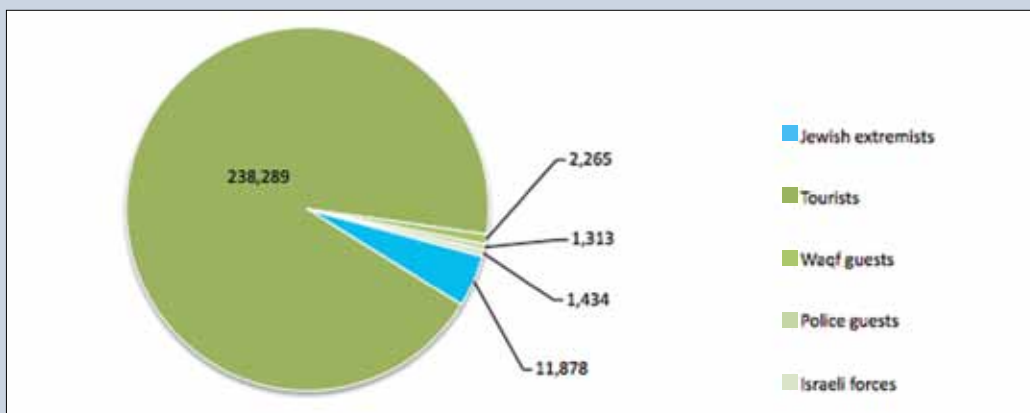
Add to this the fact that all gates to Al-Aqsa Mosque compound are controlled by Israeli guards and Jews who assault Muslim worshippers, attempt to perform religious rituals at the site, or carry out illegal digs under or next to it, are protected by Israeli forces and go unpunished.

Numbers of Jewish Visitors

Figures of Jewish visitors to the holy site vary according to the source, but it is apparent that there has been a significant increase, driven by activist groups, especially during the past year. According to a statistical report by the Umm Al-Fahm-based Al-Aqsa Foundation for Endowment and Heritage, 14,952 Jews entered Al-Aqsa Mosque compound in 2014 (1,246 on a monthly average), an increase of 12.7% over the total of 13,268 in 2013. In 2014 this figure included 12,569 settlers, 1,102 intelligence forces, 1,084 soldiers in uniform as part of the Military Guidance and Exploration Program, and 197 officials, including ministers and Knesset members.⁶² Statistics released by the Israeli police in early 2015 confirm this trend: “Since 2009, Jewish visitors to the site have increased 92%, totaling 10,906 in 2014”.⁶³



According to figures from the Jerusalem Waqf, visitors during 2014 were as follows:



⁶⁰ “New bill would allow Jews to pray at Temple Mount”, *The Times of Israel*, 19 May 2014, <http://www.timesofisrael.com/mks-propose-law-allowing-jews-to-pray-at-temple-mount>.
⁶¹ These fears are further fueled by actions such as those of the Temple Institute, which raised over \$100,000 to draft architectural plans for new arrangements at the compound; for details see: <https://www.indiegogo.com/projects/build-the-third-temple—3>.
⁶² <http://www.iaqsa.com/14952>, published 1 January 2015.
⁶³ Sharon, Jeremy, “Jewish visits to Temple Mount increase by 92% since 2009”, *Jerusalem Post*, 27 January 2015.

On 5 November 2014, Israeli forces stormed Al-Aqsa Mosque compound and entered the building of Al-Aqsa Mosque (Masjid Al-Qibli) itself, fully armed and wearing their shoes. They assaulted worshippers, fired tear gas and stun grenades and burned some of its carpets - desecrating the holy site in an unprecedented manner and causing a huge outcry.⁶⁴ Jordan recalled its ambassador from Tel Aviv and threatened to reevaluate its relations and peace treaty with Israel, prompting⁶⁵ Israeli Prime Minister Netanyahu to issue immediate assurances that he would respect and maintain the *status quo* at the holy site.⁶⁶



Al-Qibli (Al-Aqsa) Mosque



Damages inside Al-Aqsa Mosque after the Israeli 5 Nov. 2014 assault

According to a poll by the Palestinian Center for Policy and Survey Research in December 2014, 87% of Palestinians believe that Al-Aqsa Mosque is in grave danger; 56% believe that Israel intends to destroy and replace it with a Jewish temple; 21% believe that Israel intends to divide the compound and place a synagogue alongside the mosques; and 9% believe that Israel intends to change the *status quo* by allowing Jews to pray there. Some 47.8% believe that Israel will succeed in implementing its plans and only 6% believe that Israel is interested in maintaining the *status quo* without any changes.⁶⁷

VI. INTERNATIONAL LAW & POSITIONS

Despite Israel claiming the Old City as part of its capital following the June 1967 War, the international community – in accordance with international law⁶⁸– view it as occupied Palestinian territory in which Israel, as the occupying power, is responsible for maintaining public order and civil life. Israel has failed to fulfill these requirements by ignoring extremist incitement against Al-Aqsa Mosque and allowing provocative visits to it in direct violation of the Waqf’s administration and Jordanian custodianship.

The international community does not recognize Israel’s annexation of East Jerusalem as per the 1980 Basic Law on Jerusalem. UN Security Council Resolution 478 (1980) rejected it as a violation of the Fourth Geneva Convention and declared as “null and void” all Israeli “measures and actions [...] which have altered or purport to alter the character and the status of the Holy City of Jerusalem.”

In 1968, UNESCO strongly condemned Israeli excavations in the Old City and any attempts to alter its “cultural and historical character, particularly with regard to Christian and Islamic religious sites.”⁶⁹ During subsequent years UNESCO repeatedly condemned Israel’s non-compliance with its legal provisions, which continued in the wake of the Old City of Jerusalem and its walls being added to the UNESCO World Heritage List in 1981 (as proposed by Jordan a year earlier) and named a World Heritage Site in Danger in 1982, and even after Israel’s acceptance of the World Heritage Convention in 1999.⁷⁰ Israeli disregard of these legal provisions reiterates the inherent weakness of international law and the lack of effective enforcement.⁷¹ Most recently, on 20 April 2015, UNESCO adopted a resolution, submitted by Jordan and Palestine, reaffirming the definition of Al-Aqsa Mosque as the entire sacred complex surrounding it, including Al-Mughrabi Gate, and calling on Israel to cease all excavation work and demolitions within the Old City walls.

⁶⁴ According to numerous press reports, it was the TV coverage of this incident that led Ibrahim Al-Akari to carry out a deadly attack with his car later that day.

⁶⁵ Although the Palestinian media have been critical of the absence of Arab and Islamic pressure on Israel regarding the events at Al-Aqsa.

⁶⁶ “Israel ‘pushing for religious warfare’”, *Al-Jazeera*, 7 November 2014, <http://www.aljazeera.com/news/middleeast/2014/11/israel-pushing-religious-warfare-201411712126561877.html>.

⁶⁷ PCPSR, Palestinian Public Opinion Poll No 54, December 2014, <http://www.pcpsr.org/en/node/600>.

⁶⁸ *Inter alia*, UN Security Council Resolution 242 of November 1967 called on Israel to withdraw its armed forces from territories occupied in the 1967 conflict.

⁶⁹ General Conference of UNESCO Resolution on the Protection of Cultural Property in Jerusalem, 20 November 1974, cited in Larkin, Craig and Dumper, Michael, “UNESCO and Jerusalem: Constraints, Challenges and Opportunities,” Editorial for *Jerusalem Quarterly*, Issue 39 (Autumn 2009), supra note 7, p.17, http://www.jerusalemquarterly.org/images/ArticlesPdf/39_UNESCO.pdf.

⁷⁰ Article 4 of the Convention states signatory countries must ensure “the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage” of the site. For the most recent Jordanian-Palestinian status report on “The State of Conservation of the Old City of Jerusalem and Its Walls” see whc.unesco.org/document/127758.

⁷¹ For a detailed discussion about UNESCO’s (historical) role see Larkin, C. and Dumper, M., “UNESCO and Jerusalem: Constraints, Challenges and Opportunities”. *op.cit.*

CONCLUSION

Provocative visits and military incursions into the Al-Aqsa compound have become accepted in mainstream Israeli society and those who engage in such acts hold senior positions within the political and religious right. They benefit from close ties with Israeli authorities, while the election of individuals such as Moshe Feiglin and Uri Ariel to the Knesset have “legitimized” the voices routinely calling for a change in the *status quo*. Once a fringe issue, it is now taking center stage in the political discourse on Jerusalem and features prominently on both Israeli and Palestinian agendas. Threats to the site have intensified in recent months and Muslims around the world and in Palestine believe that this is part of creating conditions for “sharing” of the holy site or building the “Third Temple.” A dangerous cycle is being fuelled in which more Jews demanding their “right” to pray on the compound prompts more Palestinian rioters to vow to “defend Al-Aqsa Mosque”.

Israel’s tightening grip on Al-Aqsa Mosque compound and the Palestinian-Arab-Muslim reaction cannot be disconnected from the wider political reality: East Jerusalem is Palestinian land that belongs

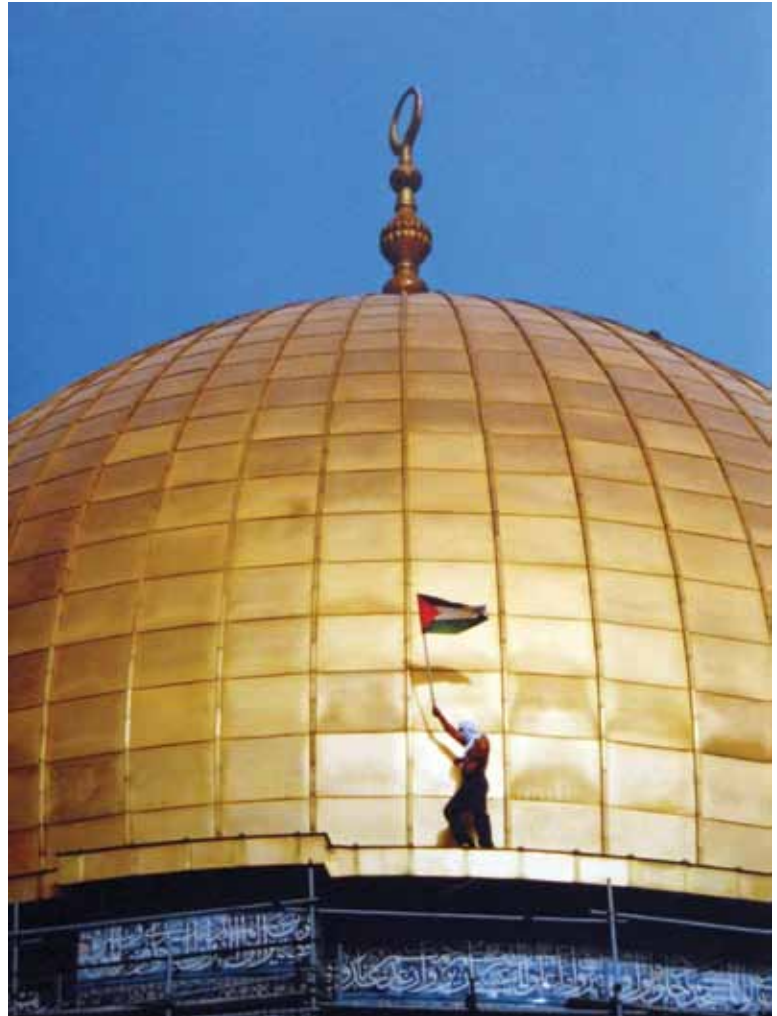
to the Palestinian people and Israel’s occupation and annexation of it as well as its measures to change the status quo are illegal in international law. As long as these facts continue to be ignored despite international recognition of Palestinian ownership of Al-Aqsa Mosque compound and failures to hold Israel responsible for its violations, fundamentalists on both sides of the conflict will gain momentum and turn the holy city of Jerusalem into a powder keg.

Israel should beware of the dangers inherent in turning the current political conflict into a religious war. In the words of one observer, any “attempt to re-couple the religious myth with the political-diplomatic sphere,” is dangerous because “it is very difficult to act in a judicious manner out of messianic fervor.”⁷² To avert further outbreaks of violence, a responsible Israeli leadership must halt Jewish provocation on the holy compound.

Above all, it is impossible to ignore the elephant in the room: the ongoing belligerent occupation that discriminates against and neglects the entire Palestinian population, and not only in Jerusalem.⁷³ If the occupation is not brought to an end, the situation on the ground will deteriorate even further and the “city of peace” will remain a ticking bomb.

⁷² Persico, Tomer, *op. cit.*

⁷³ For a detailed account of Israeli policies and practices vis-à-vis Palestinians in Jerusalem see *Arab East Jerusalem – A Reader*, Jerusalem: PASSIA, 2014.



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