

Al-Aqsa Mosque Compound

An internationally recognized occupied Palestinian territory, holy to 1.7 billion Muslims worldwide.

During 2015 we have witnessed an escalation of Israeli attacks against the sanctity of the Al-Aqsa Mosque Compound. Following an incitement campaign led by members of the Israeli Government and funded by both the State of Israel and a number of so-called non-profit organizations from abroad, thousands of extremists have attempted to change the status quo of the Al-Aqsa Mosque.

With a right-wing extremist Israeli government focusing on turning a political question into a religious conflict, the attacks on the sanctity of Al-Aqsa come at the same moment that calls are being made for recognition of Israel as a Jewish State. This publication will contextualize the Israeli violations against Al-Aqsa as well as highlight the dangers of turning the Israeli occupation of Palestine and its Holy Sites into a religious war.



Historical Background

The introductory status quo arrangement was established by the Ottoman Empire in 1852, when Sultan Abdul Majid issued an edict (Firman) concerning the Christian Holy places in Jerusalem and Bethlehem to forbid various Christian denominations from any construction or changes to the existing "status" of these holy places. This arrangement later received international recognition by the Conference of Paris in 1856 and by the Congress of Berlin in 1878, which stated in Article 62 of the Treaty of Berlin: "[It is] well understood that no alterations can be made to the status quo in the Holy Places."¹ The Treaty of Berlin extended the status quo arrangement to include all holy places and not only Christian holy sites.

When Jerusalem and its holy sites passed from Ottoman to British Mandate (1920-1947), the management of the holy sites remained the same. Despite several riots carried out by Jewish groups in the 1920's to challenge the status quo of Al-Buraq Wall (Western Wall) and to take it over, Palestinian Muslim rights were reaffirmed: "[...] it is legally the absolute property of the Muslim community... as its shown by documents preserved by the Guardian of the Waqf."² While Jews were allowed to pray at the Wailing Wall section of the Western Wall, British Mandate authorities rejected Jewish claims of possession based on the treaties.

Tensions followed by Jewish worshippers objecting to Palestinian efforts to repair facilities near the Wall resulted in a British Inquiry Commission issuing the following statement following an investigation in December 1930:

"Subsequent to the investigation it has made, the Commission herewith declares that the ownership of the Wall, as well as the possession of it and of those parts of its surroundings that are here in question, accrues to the Moslems...it has emerged that the Pavement in front of the Wall, where the Jews perform their devotions, is also Moslem property."³



1. <https://legacy.fordham.edu/halsall/mod/1878berlin.asp>

2. <http://foa.org.uk/uploads/al-aqsa-report2013.pdf>

3. <http://unispal.un.org/UNISPAL.NSF/0/59A92104ED00DC468525625B00527FEA>

Israel's Grave Violations against the Al-Aqsa Mosque Compound Continues to Undermine the Status Quo Agreement & all International Resolutions & Treaties:

In 1967, Israel forcibly seized control of al-Buraq Wall (Western Wall) and destroyed al-Mughrabi Quarter, including two mosques and 135 homes, leaving 650 Palestinian Muslims homeless, with the objective to create a large plaza in front of the Wall for Jewish worshippers.⁴

Since then, consecutive Israeli governments continue to carry out armed assaults against this holy place to undermine the internationally recognized status quo agreement. Although though an agreement with Israel, Jordan became the custodian and administrator the Compound, which unequivocally includes the Western Wall, Israel's seizure of Jerusalem tasked Israel with security for the Compound.

Until the Oslo Peace Process, the agreement between Jordan and Israel was relatively stable in regard to administration of the Compound. However, pandering to Jewish fanatics who feared Israel would abandon Jewish worship rights to the Wailing Wall, pledged a violent undertaking to ensure Israeli negotiators would think twice before coming to a peaceful, inclusive agreement on the right of worship.

As the occupying power, Israel is obligated to provide security to Palestinian worshippers, they instead routinely intimidate and prevent Palestinian Muslims from accessing the holy site. [Today, Israeli police are stationed inside the compound, a shift following the Second Intifada, and Palestinians Muslims are completely barred from accessing the Western Wall while Jews are routinely escorted by Israeli security authorities into the Al-Aqsa Mosque Compound.

Since 1969 Israeli extremists, the Israeli government, and Israeli security forces have committed countless attacks, incitements, and violations of international law and peace treaties against the Al-Aqsa Mosque Compound and Palestinian worshippers. The following is merely of snapshot of these incidents:

- Thousands of attacks and incitements against the Compound and Palestinian worshippers resulting in thousands of injured Palestinians, including 484 incidents of such attacks since January 2014 alone;⁵
- The brutal murder of at least 81 Palestinians since 1982, not including the over 1,700 Palestinians killed as a result of Al-Aqsa incitements leading to the Second Intifada;⁶
- Destruction of the ancient Minbar (prayer platform) of Salah ad-Deen al Ayyubi and interior of Al-Qibli Mosque (1969);⁷
- At least two foiled terrorist attacks by extremists to detonate explosives to destroy the Compound (1984);⁸
- Israeli Court order allowing Jews to pray within the Compound (1976), then confiscating the Western Wall as property of the "Jewish State" (1984);⁹
- Storming of the Compound by Ariel Sharon, 60 Israeli Special Forces troops and hundreds of Israeli police, sparking the Second Intifada which lead to killing of 1,700 Palestinians (2000);
- Illegal and unauthorized excavations directly below and around the Compound resulting in at least 20 tunnels dug under the holy site (1996, 2007, 2009, until today);¹⁰
- Storming of the Compound by over 31,000 Israeli settlers in an attempt to incite Palestinian worshippers (2011, 2012, & 2014);¹¹
- Daily trespasses by Israeli forces and settlers which cause the closure of the Compound, denial of access to worshippers and students;
- Complete destruction of 20 Islamic graves to make room for a "Jewish Biblical Garden" (2014);¹²
- Systematic and complete closures of the Al-Aqsa Mosque Compound, banning Muslim worshippers from exercising their right to worship, the first such closures Israel has imposed on the holy site since 1967.¹³

4. The Furthest Masjid: The History of Al-Aqsa Masjid, p29.

5. Al-Quds International Institution

6. Report on "The Holy Al-Aqsa Sanctuary Under Threat" <http://foa.org.uk/uploads/al-aqsa-report2013.pdf>; Jonathon Cook, "Targeting Haram Al-Sharif"; UNISPAL <http://bit.ly/1KKIW98> ; Al-Quds International Institution; Interview with Sheikh Azzam al-Khatib, Head of Islamic Waqf

7. <http://foa.org.uk/uploads/al-aqsa-report2013.pdf>

8. It should be noted that those arrested in connection to the attempted bombings were later released; <http://nyti.ms/1LotGjp>; <http://lat.ms/1gAcDOP>

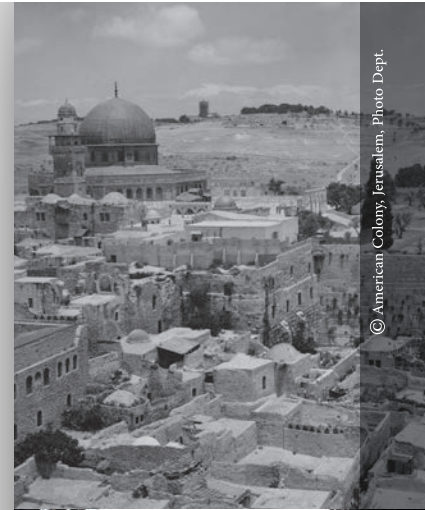
9. Jonathon Cook, "Targeting Haram Al-Sharif", Al-Ahram Weekly, 31 July- 6 August 2003

10. www.paltelegraph.com/palestine/west-bank/1338-israel-digs-20-tunnels-under-al-aqsa-Masjid-in

11. <http://english.wafa.ps/index.php?action=detail&id=27468>

12. Al-Quds International Institution, page 15: http://alquds-online.org/userfiles/File/3in/2015/20150821_15721.pdf

13. Albawaba <http://www.albawaba.com/news/israel-shuts-down-al-aqsa-mosque-after-shooting-617265>



© American Colony, Jerusalem, Photo Dept.



© Tanya Habbouja



© Islamic Waqf Department (Jerusalem)



© Mati Milstein



The Position of International Law

Jerusalem's Old City is an integral part of Occupied East Jerusalem. Under the Fourth Geneva Convention, the occupying power shall take measures to protect the religious rights of those they occupy. Further, numerous UN Resolutions have been passed specifically reiterating international law regarding religious rights and the barring Israel from taking any measures changing the status of holy places in Jerusalem, and deploring the desecration of Al-Aqsa.¹⁴

Despite the fact that Israel has been insistently trying to change the status quo of the occupied city since 1967, the international community has never recognized Israeli sovereignty over the occupied Palestinian capital. Security Council Resolutions 476 and 478 state in relevant sections:

“[A]ll legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of...[and] all such measures which have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void and must be rescinded in compliance with the relevant resolutions of the Security Council[.]”¹⁵

Israeli attempts at changing the status quo on Al-Aqsa are an attempt at changing the status of the whole city. It is linked also to restrictions to freedom of worship imposed on Palestinian Christians and other Israeli policies aimed at forcibly displace Palestinians from their homeland, a crime against humanity under international law.¹⁶

Moreover, the International Covenant on Civil and Political Rights (ICCPR) enshrines the right of freedom of religion for all.

Finally, Israel's attempt to effectively and illegally annex Jerusalem as the “eternal and undivided capital of the Jewish people” reflects a systematic Israeli policy of Judaizing Jerusalem, thereby changing the historical significance of the land and negating any non-Jewish claims to the city.

Conclusion

Israeli attacks on the Al-Aqsa Mosque Compound are not isolated events but part of a larger Israeli strategy to appropriate Occupied East Jerusalem as an exclusively Jewish-only city. Attacks on the rights of Palestinians to worship freely, both Christians and Muslims, cannot be separated from other policies such as settlement expansion, home demolitions, evictions, and the impunity granted to occupation forces and illegal settlers who attack Palestinian residents on a daily basis.

The State of Palestine requires protection for the Palestinian people under occupation and for each state to assume its responsibility under international law. Sanctions must be imposed on Israel for the ongoing violations to international law, including the right to worship. We call upon states and civil society to divest from companies profiting from the Israeli occupation, including taking action against certain Non-Governmental Organizations (NGOs) that promote hate-speech, incitement and the colonization of Occupied Palestine, particularly in and around Jerusalem's Old City.

14. UN Resolutions 46, 271, 452, 672, 1073, and 1322.

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

16. Rome Statute Art. 7(1)(d).