

August 17, 2010

Ms. Farida Shaheed
Independent Expert in the Field of Cultural Rights
c/o OHCHR-UNOG
CH-1211 Geneva 10, Switzerland

Re: RECENT DEVELOPMENTS regarding the Petition for urgent action on human rights violations by Israel: desecration of the Ma'man Allah (Mamilla) Muslim cemetery in the Holy City of Jerusalem

Dear Ms. Shaheed:

We wish to update you on the current situation regarding the continued desecration by Israeli authorities of the historical Mamilla cemetery in the Holy City of Jerusalem. On June 10, 2010, Petitioners submitted an Addendum to their February 10, 2010 Petition for urgent action on human rights violations by Israel: desecration of the Ma'man Allah (Mamilla) Muslim cemetery in the Holy City of Jerusalem. Since the Addendum, Petitioners have been monitoring the situation in the cemetery as a whole and on the site where Israeli authorities have sanctioned the building of a "Museum of Tolerance," and several important developments have occurred.

Of particular concern is the reported decision by Israeli authorities to allow the erection of a judicial complex on another portion of the cemetery. Such a project would certainly and inevitably cause the desecration of thousands more graves and human remains in the process of infrastructure and construction works in the ancient cemetery. The sanctioning of this project indicates the continued disregard by Israeli authorities for the religious, cultural and human rights of individuals and families with ancestors buried in the cemetery and of all who claim the cemetery as part of their cultural heritage. Nor has the current Petition which is aimed at stopping such desecration, or the significant political, media and public attention that the issue has generated, led the Israeli authorities to reconsider their actions on the cemetery.

Also of concern to Petitioners are reports that a large number of restored tombs in the intact portion of the cemetery have been bulldozed by the Jerusalem Municipality over the period of 4-7 August. Although the Israeli *Shari'a* court-appointed caretaker of the cemetery was permitted over past months to undertake minor maintenance and renovation in the cemetery, the newly refurbished grave-markers, as well as some older tombs and headstones were destroyed by Israeli bulldozers. This brazen act occurred at night and without prior notice, and was confronted by the Cemetery Custodian, Hajj Mustafa Abu Zahra (one of the co-petitioners) and other Jerusalemites who attempted to block the bulldozers with their bodies. It is a matter of grave concern that

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Israeli authorities are continuing to treat the Islamic religious sites and cultural heritage in the Holy City of Jerusalem in a manner that amounts to further desecration.

Finally, while construction on the "Museum of Tolerance" site seems to be at a standstill at present, the U.S.-based Simon Wiesenthal Center that is financing the project has vowed to complete the construction, and has announced that in September it will name a new architect who will be responsible for redesigning and implementing the building plans. There is no indication, therefore, that the Museum project will be abated, that the Petitioners will be notified of the location of the disinterred remains, or that anything will be done to rebury the remains and restore the cemetery in a dignified manner, as was requested in the Petition.

In light of these developments, we urge you to continue your investigation of this matter through on-site inspection, to demand that the Israeli Government cease its illegal actions in the cemetery in line with paragraph 6 of UNHRC resolution A/HRC/13/L.29 of 19 March 2010, and to consider the impact of the sustained desecration of an important historical and religious site in Jerusalem on Petitioners and other interested individuals and groups. The unresponsiveness of the Israeli authorities to any appeals to abide by fundamental international human rights law makes our appeal to you particularly important.

Thank you for your urgent attention to this matter. We look forward to your response as you continue to examine this case. Please feel free to contact us at 212-614-6430 or mlahood@ccrjustice.org if you have any questions or need any additional information.

Sincerely,



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Campaign to Preserve Mamilla Jerusalem Cemetery
Rashid I. Khalidi
Edward Said Professor of Arab Studies
Columbia University, New York

cc:

H.E. Ibrahim Khraishi, Permanent Observer for Palestine to the United Nations Office at Geneva

H.E. Saad Al Faragi, Ambassador, Permanent Observer of the League of Arab States to the United Nations

H.E. Riyadh Mansour, Permanent Observer of Palestine to the United Nations