



الحملة الأهلوية للحفاظ على
مقبرة مأمّن الله المقدسية
Campaign to Preserve
Mamilla Jerusalem Cemetery

June 5, 2014

H.E. Mr. Mohamed Sameh Amr
Chairman of the Organization of Islamic Conference
United Nations Educational, Scientific and Cultural Organization
dl.egypte@unesco-delegations.org

H.E. Mr. Elias Sanbar
Permanent Representative of the State of Palestine
United Nations Educational, Scientific and Cultural Organization
dl.palestine@unesco-delegations.org

Excellencies:

We wish to thank you for forwarding to us copies of your recent correspondence with UNESCO regarding the historic *Ma'man Allah* (Mamilla) cemetery. We sincerely commend your efforts to highlight the desecration that Mamilla cemetery has experienced as a consequence of the ongoing project of the Los Angeles-based Simon Wiesenthal Center (SWC) to build a so-called "Museum of Tolerance" on part of the cemetery. While we understand that UNESCO has again brought its concern to the attention of the Government of Israel, we regret that UNESCO's response to date has been ineffectual in obliging Israel and SWC to respond to repeated appeals to halt this project and respect the sanctity of this ancient holy site. Moreover, UNESCO's role in co-organizing an exhibit with the SWC entitled "People, Book, Land: The 3500 Year Relationship of the Jewish People with the Holy Land" contributes to the perception that UNESCO is validating the SWC's uprooting of Mamilla Cemetery in the Holy City of Jerusalem, an action which seeks to erase the long and deep history of Muslims and Palestinians in the same land.

As you may be aware, we have pursued the Mamilla case for the past four years through a Petition by 60 Jerusalemites representing 15 Jerusalem families, descendants of some of those interred in Mamilla. The Campaign to Preserve Mamilla Jerusalem Cemetery and the Center for Constitutional Rights (CCR) submitted the Petition in February 2010 to the UNESCO Director-General, as well as to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and three United Nations Special Rapporteurs under the Human Rights Council.

Since then we have acted on all possible fronts, yet the SWC project continues apace, and with it the desecration of Mamilla. The UN Human Rights Council in March 2010 (A/HRC/13/L.29)

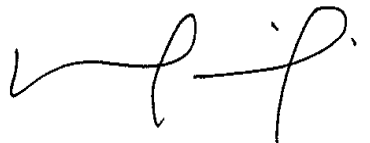
and again in April 2011 (A/HRC/RES/16/29) expressed “its grave concern at the excavation of ancient tombs and removal of hundreds of human remains from part of the historic Ma’man Allah (Mamilla) Cemetery in the holy city of Jerusalem in order to construct a museum of tolerance” and demanded that Israeli authorities cease their “illegal activities therein.” We have repeatedly requested that UNESCO and other United Nations officials pursue this matter with the Israeli authorities, so far without response from Israel. Over the years, the Campaign has also addressed itself to Rabbi Hier of SWC, the Board of Trustees of SWC and the Mayor of Jerusalem; 45 Jerusalem Palestinian community leaders appealed to UNESCO and the High Commissioner for Human Rights to intervene to protect the Mamilla site; and some 84 distinguished international archaeologists also raised their concerns, copying UNESCO and OHCHR regarding the “archaeological crime” constituted by this ongoing desecration of Mamilla (copies of these letters are attached for your further information).

We understand that the SWC exhibit at UNESCO is set to run from June 12 through June 20, 2014 at UNESCO Headquarters in Paris. We encourage you to urgently intensify your efforts in the coming period to oppose UNESCO’s cooperation with the SWC and to activate existing mechanisms within UNESCO to safeguard and preserve what remains of Mamilla Cemetery. We also urge you to consider appropriate steps to suspend the associate status that SWC enjoys at UNESCO as long as it perseveres in its desecration of the Cemetery and continues to flaunt the standards of tolerance that it supposedly advocates, while blatantly contradicting the humanistic values that UNESCO stands for.

Sincerely,



Maria C. LaHood
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, New York 10012



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

Encls.



الحملة الأهلية للحفاظ على
مقبرة مأمّن الله المقدسية
Campaign to Preserve
Mamilla Jerusalem Cemetery

March 1, 2012

Rabbi Marvin Hier
Founder and Dean
Simon Wiesenthal Center
1399 South Roxbury
Los Angeles, CA 90035

Re: Mamilla Cemetery

Dear Rabbi Hier,

We are writing from the Center for Constitutional Rights and the Campaign to Preserve Mamilla Jerusalem Cemetery to ask you—as the Founder and Dean of a Center whose goals include promoting human rights and dignity—to stop the construction of a “Museum of Tolerance – Center for Human Dignity” on top of part of the ancient Mamilla cemetery in Jerusalem. As you know, we have been appealing to the Simon Wiesenthal Center’s Board of Directors and its supporting foundations, Israeli authorities, and the international community, submitting petitions to the United Nations High Commissioner for Human Rights, several Special Rapporteurs, the Director-General of UNESCO, and the Swiss Government, to urge their intervention in this matter.

Opposition to the SWC’s plans to build this museum in such a sensitive location, and to its complicity in removing thousands of human remains and graves from the site, has been widespread among people of all faiths and backgrounds, and especially among those who understand Jerusalem’s rich history, volatile politics, heightened religious meaning, and multi-layered cultural heritage. While people of conscience around the world look on with shock at the SWC’s actions, the SWC continues to ignore all arguments against the museum’s location.

We remind you of some of the specific opposition to this project:

- The **Public Petition signed by nearly 10,000 individuals from around the world** demanding: a halt to construction, the declaration of the historic cemetery an antiquity, the restitution and reburial of all exhumed human remains in their original resting place, and the disclosure of the whereabouts of the human remains and artifacts exhumed to the families whose ancestors are buried in the cemetery. See <http://mamillacampaign.org/sign.php?list=1>.
- **Outcry from international bodies**, including resolutions by the U.N. Human Rights Council expressing “its **grave concern at the excavation of ancient tombs** and removal of hundreds of human remains from part of the historic Ma’mān Allah (Mamilla) Cemetery in the holy city of Jerusalem in order to construct a museum of tolerance.” The Swiss Secretary for Foreign Affairs has stated that Switzerland “**deplore[s] the decision** to build such a museum on the site of an ancient Muslim

cemetery” which “was not helpful with regard to fostering the peaceful cohabitation between the different faiths.” Various states and organizations have brought the matter to the attention of the United Nations Security Council and the Secretary-General of the United Nations, **urging that the Museum project be abandoned** and that the Cemetery be preserved.

- The **Central Conference of American Rabbis (CCAR) and Rabbis for Human Rights have publicly condemned the museum’s location** on the Mamilla cemetery. CCAR passed a resolution stating that “If we hold our own cemeteries to be sacred, we surely must treat the burial places of others with respect...Therefore, it is self-evident that we must oppose the removal of another people’s sacred burial ground, no matter how worthy the purpose.” See <http://www.ccarnet.org/rabbis-speak/resolutions/2009/jerusalem-location-of-the-museum-of-tolerance/>
- A letter, signed by **84 leading international archaeologists**, urging the SWC Board, Jerusalem Mayor Nir Barkat, and the Israeli Antiquities Authority to **immediately halt construction** of the Museum on the site of the Mamilla cemetery, and citing the violations of international ethics rules for the archaeological profession, Israeli laws, and other transgressions that took place during excavation of the museum site. See http://www.ccrjustice.org/files/mamilla_letter.pdf.
- The vocal opposition of **several renowned Israeli academics** to the SWC project. In particular, Yehoshua Ben-Arieh, Professor Emeritus of Geography at the Hebrew University of Jerusalem and an expert on the historical geography of Jerusalem, has confirmed the historical importance of the “clearly defined and delineated” Mamilla cemetery, “whose existence is **etched in collective and personal memory, past and present.**” Ben-Arieh counsels that it is “imperative that the public approach the Museum’s sponsors, requesting that they themselves initiate the abandonment of the scheme to build the Museum within the Mamilla Cemetery, and to **locate an alternative site in Jerusalem...**that will allow the Museum to pay reverence...to the message of tolerance it seeks to bring.” See <http://www.ipcri.org/files/yehoshua-eng.html>.
- **Professor Shimon Shamir, former Israeli Ambassador to Egypt** and a respected scholar, has been outspoken, even joining the legal case against the SWC in Israel. He has said, in the context of discussing the erroneousess of the Israeli Supreme Court decision on Mamilla, that “a project for tolerance that is forced upon others with flagrant intolerance is a **devious idea rejected by common sense** in a way that renders superfluous all the learned deliberations of the court.” See <http://www.haaretz.com/culture/books/the-controversy-of-the-museum-of-tolerance-1.403486>.
- **Dr. Yitzhak Reiter, former Deputy-Advisor on Arab Affairs to several Israeli Prime Ministers** and a scholar of Islamic affairs, has written a book discussing the repercussions of the SWC’s museum project on the Mamilla cemetery. As he states, “The very fact of conflict having erupted and reached the court casts a **shadow over the**

initiative and its goal.” See
<http://jjiis.org/index.php?cmd=publication.7&act=read&id=612>.

Much public opinion in Israel is unfavorable to the SWC’s project for the above reasons and because Israelis rightly believe in the sanctity of their own cemeteries, and want them to be treated with the same respect Palestinians demand for theirs. The fact that the SWC has alienated world-renowned architect Frank Gehry from the project, as well as the latest architects it retained and other sub-contractors, is evidence that the SWC is treading in deep water.

The SWC’s continued insistence on building this museum on a site that has religious, cultural and historical significance to all Palestinians, and its continued denial of this significance, is a reflection of its gross insensitivity. The disingenuous manner in which the SWC has operated reveals that tolerance and human dignity are not the goal. Rather, the intention is evidently to impose the SWC’s presence in Jerusalem literally on top of a centuries-old Muslim and Palestinian presence in a city that is holy to all of us. But removing all traces of those who were laid to rest in Mamilla will not silence those who have witnessed this transgression - it will only increase tensions in this vulnerable land.

We therefore urge you to halt the building of this museum on part of the Mamilla cemetery. The interests of peace, justice and tolerance dictate that you gracefully withdraw from this contentious site, and choose another location for your proposed museum. We invite you to display tolerance by supporting efforts to make the Mamilla cemetery into a monument for all of those buried there over many hundreds of years.

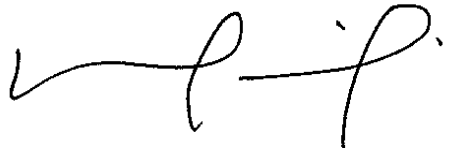
We believe nothing would send a more powerful message than the Simon Wiesenthal Center agreeing to abandon its plans to build on this site, and instead joining others in honoring the cultural and archeological importance of the cemetery to the history of the Holy City of Jerusalem. This would be a genuine example of tolerance and human dignity.

Thank you for your consideration. We look forward to your response, and would welcome an opportunity to meet with you to discuss this critical matter.

Sincerely,



Center for Constitutional Rights
Michael Ratner, President Emeritus
666 Broadway, 7th Floor
New York, New York 10012
mamilla@ccrjustice.org



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

cc: Board of Directors of the Simon Wiesenthal Center
Foundations supporting the Simon Wiesenthal Center



الحملة الأهلية للحفاظ على
مقبرة مأمّن الله المقدسية
Campaign to Preserve
Mamilla Jerusalem Cemetery

May 24, 2010

Lary A. Mizel
Chairman of the Board and Chief Executive Officer
M.D.C. Holdings, Inc.
4350 South Monaco Street, Suite 500
Denver, CO 80237

Dear Mr. Mizel:

As a Board Member of the Simon Wiesenthal Center (SWC), you may be aware that it is building a Center for Human Dignity – Museum of Tolerance in Jerusalem. You may not be aware, however, that construction of this Museum has already resulted in the disinterment and desecration of thousands of Muslim graves and human remains. These were buried in part of the ancient Mamilla Cemetery, which the SWC has chosen as the site of the Museum. The Cemetery is a historically significant site, which dates back at least to the 12th century and is the resting place of many generations of Jerusalem's most respected leaders, scholars, judges, and families. In desecrating this cemetery, the SWC has shown disrespect for the dead, and has offended the living descendants of individuals buried there.

We urge you, as supporters of a Center whose goals include promoting human rights and dignity, to insist that the SWC heed the pleas of the descendants of those buried in the cemetery to accept another site for the Museum of Tolerance. Not only would such a move ease tensions in Jerusalem; it would also illustrate the sincerity of the Center's goal of advocating tolerance.

Since 60 individual descendants from 15 of Jerusalem's oldest Muslim families submitted a Petition in February, 2010 to United Nations bodies urging them to help stop the building of the Museum atop the cemetery, the issue has gained attention world-wide. Over 8,500 people have signed a public petition supporting the demands of the Petition. These include ensuring that the disinterred remains are reburied by Muslim authorities, that the Museum be relocated outside of the Cemetery, and that the Cemetery be preserved. Please find the Petition enclosed; all referenced documents and facts are available within or online at www.mamillacampaign.org. An Addendum will soon be submitted to update the case.

Opposition to the SWC's desecration of the Mamilla Cemetery has continued to build. *Rabbis for Human Rights* have written a letter to the SWC asking it to move the Museum. In addition, the U.N. *Human Rights Council* passed a resolution expressing "its grave concern at the excavation of ancient tombs and removal of hundreds of human remains from part of the historic Ma'man Allah (Mamilla) Cemetery in the holy city of Jerusalem in order to construct a museum of tolerance." The *Swiss Secretary for Foreign Affairs* has stated that Switzerland "deplore[s] the decision to build such a museum on the site of an ancient Muslim cemetery" which "was not helpful with regard to fostering the peaceful cohabitation between the different faiths." Permanent Representatives of the *Organization of the Islamic Conference* and the *Group of Arab States* have brought the matter to the attention of the *United Nations Security Council* and requested that the *Secretary-General of the United Nations* intervene personally, urging that the Museum project be abandoned and that the Cemetery be preserved.

While honorably fighting for the preservation of Jewish cemeteries all over the world, SWC has defended its own destruction of part of an ancient Muslim cemetery. It is indisputable that the site of the Museum is in fact part of Mamilla Cemetery, as evident from the thousands of graves and human remains hastily disinterred during construction and others thought to be still under the site (most recently demonstrated in the article and photographs published in *Ha'aretz* newspaper on May 18, 2010). The cemetery's sanctity under Islamic law was never rescinded and opposition to desecration of the cemetery has been consistent, especially since 1967.

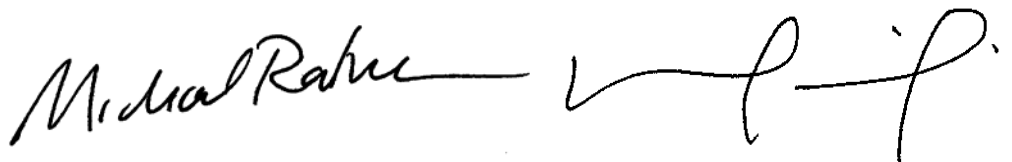
Since the filing of our Petition on February 10, 2010, Rabbi Hier has declared that construction will continue. Countless graves, remains, and other archeological artifacts have already been destroyed and displaced, yet the SWC has not disclosed their current whereabouts. Furthermore, there are likely to be many more graves underneath the site of the Museum.

We therefore appeal to you to consider the effect that the construction of the Museum atop the oldest Muslim cemetery in Jerusalem will have on the prospects for peace and tolerance in the entire region. If the Museum is finally built on the planned site, it will represent anything but the tolerance and human dignity that its name suggests. Instead, it will symbolize insensitivity and hypocrisy, and will continue to elicit widespread opposition. We believe that the ultimate responsibility for the continuation of this project now rests with the Board members, who are accountable to the public and private world for supporting this assault on common sense and decency. While appreciating that the Board is not directly involved in SWC operations, we believe that the weight of this decision can no longer be left to the discretion of Rabbi Hier.

We commend the idea of a Museum of Tolerance. But why, of all the places in the world, must it be built on top of the ancient Mamilla Cemetery? What logic and fairness dictates that an American institution should build a Museum on top of a foreign Muslim Cemetery, while desecrating the dead and angering their descendants and a whole community? Will you allow the SWC to desecrate what others deem sacred, and deign to call it tolerance?

We encourage you to learn more about the historic Mamilla Cemetery, and to question the tendentious assertions made by Rabbi Hier. As this is a pressing matter, we would hope to hear from you within the week regarding any questions or additional information you might need. We would be glad to have discussions with you or with the entire Board, as we are hopeful that this matter can be resolved.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is 'Michael Ratner' and the signature on the right is 'Rashid I. Khalidi'.

Center for Constitutional Rights
Michael Ratner, President
666 Broadway, 7th Floor
New York, New York 10012
mamilla@ccrjustice.org

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

March 2, 2012

Mayor Nir Barkat
Jerusalem Municipality
1 Safra Square
Jerusalem 91007, Israel

Re: Mamilla Cemetery

Dear Mayor Barkat,


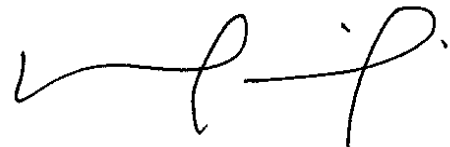
As you are aware, since 2010, we have acted on behalf of 60 Petitioners to the United Nations Human Rights Council, all of whom are descendants of Jerusalem residents buried in the historic Mamilla cemetery. The Petitioners are seeking redress for the violation of their cultural and religious rights as a result of the plan to build a "Museum of Tolerance" on part of the cemetery site. The issue is due to be discussed in the coming weeks at the Human Rights Council which in 2010 and 2011 insisted that this desecration be halted. The Council might well demand further action in this regard.

We brought to your attention recently a letter from 84 world-renowned archaeologists protesting the violation of professional ethics and standards in the manner in which the Jerusalem Municipality and the Israel Antiquities Authority has permitted the excavation of the site to proceed.

We have repeatedly addressed ourselves to the Simon Wiesenthal Center Board with a plea that this project be undertaken elsewhere, as we believe that you yourself have proposed, an initiative for which we are most grateful. Our most recent entreaty is to Rabbi Marvin Hier himself, in the attached letter, in the hope that an appeal to basic humanity, reason and morality will elicit a positive response.

We would highly appreciate if you would use your good offices to persuade those responsible that continuation of this project can only fuel tensions and resentment among people of all faiths. It is not too late to save the Mamilla site as a real symbol of tolerance, diversity and cultural heritage in the Holy City of Jerusalem and we hope that you can lead the way forward in this respect.

Sincerely,

Center for Constitutional Rights
Michael Ratner, President Emeritus
666 Broadway, 7th Floor
New York, New York 10012
mamilla@ccrjustice.org

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

Encl.



To:
Michael Ratner
President Emeritus
666 Broadway 7th Floor
New York, New York 10012
USA

26th March 2012
12-3-3246

Shalom,

The establishment of the Museum of Tolerance has been years after all phases of the permit and construction is already underway. All the graves have ever been in the museum has been copied and re-buried, in coordination with representatives of the Muslim religion.

Sincerely,

Ido Rosenberg
Advisor to the Mayor



الحملة الأهلية للحفاظ على
مقبرة مأمن الله المقدسية
Campaign to Preserve
Mamilla Jerusalem Cemetery

Via Federal Express

June 5, 2012

Mayor Nir Barkat
Jerusalem Municipality
1 Safra Square
Jerusalem 91007, Israel
Tel: 972-2-6297720

Re: Mamilla Cemetery

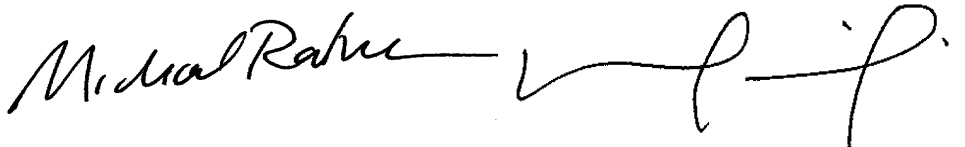
Dear Mayor Barkat,

We received Mr. Rosenberg's letter of March 26, 2012, in response to our letter of March 2, 2012, enclosed herewith. The letter appears to have been hastily translated from Hebrew and hence we are not able to fully understand some of its assertions, especially that all of the exhumed graves have been "copied and re-buried, in coordination with representatives of the Muslim religion." As you are aware 60 individuals from 15 Jerusalem families have been appealing to international bodies and to the SWC since 2010 to stop this outrageous project. We have not yet been able to ascertain where their ancestors' remains have been unceremoniously dumped in the process of clearing the cemetery site for construction. Nor have we previously heard of any "representatives of the Muslim religion" that were involved in this reburial. Indeed, senior Israeli Muslim religious figures, Shari'a Judges and community representatives have spoken out consistently against the desecration of the Mamilla cemetery. Please provide us with any information you have about the location of the reburials and the identity of those "representatives" you allude to, as well as their role in the reburial process.

Regardless of the current state of the construction on part of the ancient cemetery, it is incumbent upon you to ensure that sites of such religious, cultural and historical importance are not treated in such a disgraceful manner that promises to fuel tensions in this most vulnerable Holy City. It is clear from the recent City Council vote in which only six of thirty-one members approved the new contract for the Museum that it not only faces international condemnation but also lacks local government support, as also illustrated by Deputy Mayor Pepe Alalu's comment that "This museum was born in sin." See <http://www.jpost.com/NationalNews/Article.aspx?id=272576>.

We therefore urge you, once again, to do whatever is in your power to have this museum relocated away from this badly chosen site. By copy of this letter to the appropriate United Nations authorities, we are bringing to their attention your assertions regarding the disposition of the human remains excavated in conjunction with our Petition first submitted to their offices in February 2010.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is 'Michael Ratner' and the signature on the right is 'Rashid I. Khalidi'. Both signatures are fluid and cursive.

Center for Constitutional Rights
Michael Ratner, President Emeritus
666 Broadway, 7th Floor
New York, New York 10012
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Campaign to Preserve Mamilla
Jerusalem Cemetery
Rashid I. Khalidi
Edward Said Professor of Arab Studies
Columbia University, New York

Encls.

cc: Pepe Alalu, Deputy Mayor, Jerusalem Municipality
Ido Rosenberg, Advisor to the Mayor, Jerusalem Municipality
Navi Pillay, High Commissioner, Office of the United Nations High Commissioner
for Human Rights
Irina Bokova, Director-General, United Nations Educational, Scientific and Cultural
Organization
Farida Shaheed, Special Rapporteur in the Field of Cultural Rights
Heiner Bielefeldt, Special Rapporteur on Freedom of Religion and Belief
Mutuma Ruteere, Special Rapporteur on Contemporary Forms of Racism, Racial
Discrimination, Xenophobia and Related Intolerance

UNOFFICIAL TRANSLATION

Jerusalem, 20 July 2011

Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights;

Ms. Irina Bokova, Director-General, UNESCO

RE: Urgent Action to Prevent the Jerusalem Municipality from Completely Desecrating Ma'man Allah (Mamilla) Cemetery

With our warmest regards from the Holy City of Jerusalem,

Mamilla Cemetery is one of the oldest Palestinian cemeteries, in which were buried numerous Companions and followers of the Prophet Muhammad, learned scholars, military commanders and many notables of Jerusalem throughout history. Unfortunately, this cemetery has been targeted by the Israeli authorities, and continues to be until this day. Indeed, 85% of its area has been turned into parks and streets, while buildings and parking lots have been erected over parts of it. Only 23 dunums of the cemetery remain, and even this area is not being spared from the hands of the Israeli authorities, which attempt by numerous means to dispose of what is left of it.

On June 25th, 2011, under cover of darkness in the middle of the night, Jerusalem Municipality bulldozers entered Mamilla Cemetery and completely destroyed close to 100 graves and grave markers. The authorities are still determined to continue the leveling and destruction of the graves of Jerusalem's ancestors, and they have placed red marks on dozens of additional graves in preparation for their destruction. This comes at the same time as official permission has been given for construction work to begin on the site of the cemetery for what they brazenly and unashamedly call "A Center for Human Dignity – Museum of Tolerance"! *We ask you: What humanity could this possibly refer to? And what dignity? And what tolerance?*

In the face of these troubling developments, we the undersigned, in the name of our Arab, Muslim and Christian people steadfast in the holy land, from here in the "flower of cities", in the Holy City of Jerusalem, appeal urgently to you for immediate intervention to stop the desecration of this cemetery via your sending a delegation to investigate the situation, and putting pressure on the Government of Israel, as was requested by the Human Rights Council resolution of 2010. This is especially important in light of the sanctity, location and historical importance of this cemetery, and the fact that it is an exceptional archaeological site, which is no less holy than the Christian or Jewish cemeteries whose profanation is also prohibited.

We therefore ask that you give the necessary priority to the study of the Petition submitted to you by a distinguished group of Jerusalemites, represented by the Center for Constitutional Rights in New York, which includes thorough historical and legal documentation on this issue, and rightful and just requests that no reasonable person could refuse.

Thank you for your cooperation.

[In Arabic alphabetical order, per Arabic original]

- Shaykh Ibrahim Sarsour – Member of Knesset Mrs. Ilham Salama – Social Department, YMCA Jerusalem.
- Mr. Ibrahim Matar – The National Christian Society.
- Mr. Ahmed Hashem al-Zaghayer – President, Union of Chambers of Commerce.
- Mr. Usama al-Sa’adi – Attorney.
- Ms. Ilham Salama, Social Department, YMCA.
- Mr. Iyad al-Masrouji – Businessman and Investor.
- Mr. Bernard Sabella – Member of Palestinian Legislative Council.
- Mr. Tawfiq Habash – Businessman.
- Mr. Jamal Zahalqa – Member of Knesset.
- Dr. Jamal Nusseibeh – Attorney-at-Law.
- Mr. Hatem Abd Al-Qader – Minister for Jerusalem Affairs, Palestinian Authority.
- Mr. Hana Siniora – Businessman.
- Mr. Hana ‘Amira – Member of the Executive Committee, Palestine Liberation Organization.
- Engineer Khaled al-Kaluti – Member of the Board of Trustees of the Welfare Association.
- Ms. Dina Zarina – Secular Committee in the Holy Land.
- Ms. Rania Elias – Director, Yabous Cultural Center.
- Ms. Randa Makhoulf – Secular Committee in the Holy Land.
- Engineer Zaki Aghbariya – President, Al-Aqsa Association for Waqf and Culture.
- Ms. Zahira Kamal – Secretary General Fida, Former Minister, Palestinian Authority.
- Dr. Sari Nusseibeh – President, Al-Quds University.
- Mr. Salah Atallah – Businessman.

- Engineer Adnan al-Husseini – Governor of Jerusalem District, Palestinian Authority.
- Mr. Azzam Abu Sa'ud – General Director, Jerusalem Chamber of Commerce.
- Dr. Afu Ighbaria – Member of Knesset.
- Archbishop Atallah Hanna.
- Shaykh Dr. Akrama Sabri – President of the High Islamic Council and Preacher of the Aqsa Mosque.
- Mr. Omar al-Alamy – Associate General Director, Jerusalem Cigarette Company.
- Mr. Francis Tamas – Financial Expert and Jerusalemite Activist.
- Engineer Fouad al-Daqqaq – Advisor, Jerusalem Holding Company.
- Shaykh Kamal al-Khatib – Vice President of the Islamic Movement in Israel.
- Engineer Mazen Sinokrot – Former Palestinian Authority Minister and Chairman of the Board of Jerusalem Holding Company.
- Mr. Muhammad Baraka – Member of Knesset.
- Dr. Muhammad Jadallah – Representative of National Forces in Jerusalem.
- Mr. Muhammed Zaydan - President, Arab Higher Follow-up Committee in Israel.
- Dr. Mohamed al-Masrouji – President of the Board of Directors, Businessmen's Association.
- Rosary Sister's High School.
- Mr. Mas'ud Ghanaim – Member of Knesset.
- Engineer Mustafa Abu Zahra – President of the Council of Islamic Cemeteries in Jerusalem.
- Dr. Mahdi Abd al-Hadi – President, Palestinian Academic Society for International Affairs.
- Shaykh Najih Bakirat – Head, Manuscripts and Culture Section, Al-Aqsa Mosque.
- Professor Nabil Mashhour – President of the Union of the Arab Orthodox Club.
- Ms. Hind Khoury – Former Palestinian Authority Minister and Ambassador.

- Mr. Hisham al-Kalouti – Jerusalemite Activist.
- Mr. Wasif Thahir – President of the Board of Directors, YMCA Jerusalem.
- Mr. Yusef Sanahir – Center for Church Relations.

Cc:

Mr. Michael Ratner, Ms. Maria LaHood, Center for Constitutional Rights, New York.

Ambassador Ibrahim Khreishi, Permanent Observer for Palestine at the United Nations, Geneva

Ambassador Elias Sanbar, Permanent Observer for Palestine at UNESCO, Paris

Ambassador Riyadh Mansour, Permanent Observer for Palestine at the United Nations, New York



September 30, 2011

To: Board Members of the Simon Wiesenthal Center

The Mayor of Jerusalem, Mr. Nir Barkat

The Head of the Israeli Antiquities Authority

We are addressing you as professional archaeologists who are aware of the significance of the past to modern societies and who respect living traditions and religions in our attempts to understand that past. We are obliged to appeal to you regarding the plans by the Simon Wiesenthal Center (SWC) to commence construction of a “Museum of Tolerance” on the site of one of the most historically renowned and ancient Muslim cemeteries in the world, Mamilla (*Ma',man allah, the sanctuary of God*).

Not only are we opposed to building on such massive and revered sites in any context, but we are also concerned by the surreptitious and unscientific removal of hundreds of human burials, in violation of international and domestic laws and the ethical obligations of archaeologists. Such insensitivity towards religious rites, towards cultural, national and religious patrimony, and towards families whose ancestors lay buried there causes grave concern from a scientific and humanitarian standpoint. The abusive treatment of such an important archaeological and cultural heritage site is not acceptable.

We are aware of the undeniable importance of the Mamilla Cemetery in Jerusalem as one of the oldest and most prominent cemeteries in Jerusalem and throughout the Holy Land. We are also confident, in accordance with the archaeological data collected by the Israeli Antiquities Authority's Chief Excavator of the museum site, that the area of the historic cemetery remains replete with several layers of Muslim graves housing human remains and archaeological monuments dating back to at least the 12th century.

The well-documented history of the Mamilla cemetery, which once covered 134 dunums (about 33 acres), reveals that it is a hallowed burial ground where centuries of Muslim notables, military officials, religious figures, and countless other Jerusalemite families were buried. The caves in the cemetery that contain human remains are claimed to be the resting site of Jews, Christians and Muslims. They are documented to be the site of mass burials from Persian massacres of Christians in the 7th Century. The cemetery also contains the Mamilla Pool, an ancient reservoir

dating back to the 1st Century B.C., which provided water for the city of Jerusalem for centuries and was likely linked to a Herodian aqueduct system.

Mamilla has thus lived through and contains the built and buried remains of many major historical events spanning the Jewish, Christian and Muslim history of the Holy Land, making it a heritage site of global interest and value. While we understand that portions of the original cemetery have been converted into parks and other structures, we also know that opposition to these previous projects was consistent, and that the latest and most invasive encroachment on the cemetery to build the “Museum of Tolerance” involved deep excavations that resulted in the disinterment of hundreds of human bones and other important antiquities in an unscientific and disrespectful manner.

The treatment of this site in the SWC’s latest intrusion into the cemetery’s depths constitutes a violation of archaeological, ethical and human rights principles. While we question the decision to build on the site in the first place, the manner in which the excavation of the site occurred is jarring to any scientific sensibilities. As we have learned, the Israeli Antiquities Authority (IAA) conducted the groundwork in the form of ‘rescue excavations’ in a portion of this historical site prior to construction for this Museum was approved. The IAA’s Chief Excavator of the museum site, Gideon Suleimani, provided an account of this excavation, submitted as an affidavit to the Israeli Supreme Court in a case opposing construction of the Museum, which reveals that significant archaeological transgressions that go to the heart of ethical issues in the archaeology profession took place on the Museum site. Among them, the following stand out:

SWC knew that the site was full of human remains: Suleimani warned SWC representatives that the Museum site was part of the Mamilla cemetery, and the test trenches that Suleimani excavated in 2005 to determine the density of graves on the planned Museum site revealed that the site “abounded with graves” and “was a crowded cemetery, containing three or four layers of graves.”

SWC hurried the excavations, resulting in poor archaeological practices: The huge rescue operation that Suleimani directed in 2005 to 2006 was required by the IAA prior to releasing the site for construction. The excavation was put under pressure from SWC, which wanted “to complete the works quickly”. This resulted in long workdays in poor weather conditions, “which made analysis of the findings even more difficult. The earth was muddy, and separation between findings and periods became almost impossible.” Suleimani concluded that the pressure to complete the excavation quickly, at the expense of establishing a correct and complete record, constituted “an ‘archaeological crime’ which resulted “in the destruction of a valuable archaeological site.”

SWC and the IAA misrepresented the extent of human remains present on the site and the status of the excavations to the Israeli Supreme Court: In the case before the Supreme Court,

the IAA misrepresented the facts to the Court, reporting details “totally contradictory to the findings on the site” and telling the court that most of site was approved for construction “because it contains no further scientific data,” a claim that Suleimani calls “a factual and archaeological lie.” Suleimani has attested that most of the excavations were in initial stages and that he had excavated about 200 skeletons and exposed an additional 200 graves that remained closed. He estimated that an additional 2000 graves remained on the SWC site. The IAA’s report stated that whole areas, which Suleimani averred had in fact not been excavated, were cleared “and there is no concern for the existence of skeletons.”

The treatment of the Muslim burial site would not have occurred with a Jewish burial site: Suleimani stated that Jewish religious authorities must intervene when Jewish remains are found, whereas Muslim authorities were not consulted in this case. He stated that an official from the Israeli Ministry of Religious Affairs told him “If one Jewish skeleton were found, I would stop the excavations immediately.”

We, as archaeologists, substantiate that such methods of forceful interference in what is an obligatory assessment of archaeological deposits prior to excavation and attempts to falsify the data are indeed grave violations of archaeological ethics. We further contend that the conditions under which the SWC obliged the excavations to be concluded are unquestionably inhumane, and that the bias evident in the treatment of Jewish and non-Jewish remains is deplorable. Moreover, given current debates on the ethics of the treatment of human remains and efforts by indigenous local and religious communities across the globe to stop disturbance of their dead, we are shocked that these excavations were allowed to continue once graves were identified.

Any preliminary assessment that necessitates excavation on the site of a crowded cemetery would logically require special care to avoid disturbing human remains more than is absolutely necessary. Pictures of the site reveal the utter disregard for these human remains including disarticulated and fractured bones haphazardly placed in cardboard boxes. The images are testament to the use of inappropriately heavy tools such as pickaxes (instead of less destructive brushes and wooden tools commonly used in such instances) for the removal of fragile remains.

It has been reported but not officially confirmed that the human remains that were disinterred have been placed in a mass grave. There is thus no indication that proper records of the exhumed remains were maintained or that they were used for any legitimate scientific purposes. Rather than this being an issue of scientific value versus ethical and religious concerns over the remains, it would appear that the intent of the SWC was to conceal the hundreds of disinterred remains so as to continue with the Museum project.

Dr. Rafi Greenberg, an archaeologist at Tel Aviv University, “has argued that Mamilla is one of the few surviving Islamic sites in western Jerusalem and therefore must be left intact.” He has stated that: “In another country, they would devote years to such an excavation, and also build a

special lab to analyse the results.' He accused the antiquities authority of betraying its role as the guardian of the country's historical assets and instead is promoting the 'wellbeing of entrepreneurs.'"

The array of domestic, regional and international laws and regulations, and ethical codes governing archaeological treatment of human burials makes clear that the above treatment of the Mamilla cemetery goes against the legal and ethical requirements of our profession. These laws are the product of decades of efforts by indigenous and other populations to have the remains of their ancestors afforded the same respect and veneration as those of colonial populations all over the Americas, Africa and Europe. In particular, a few such laws, regulations and ethical codes are worthy of mention:

- The Vermillion Accord on Human Remains was adopted by the World Archaeological Congress in 1989 to provide ethical guidelines in the treatment of human remains. It requires equal respect for the remains of all origins, religions and races, respect for the local community's wishes, respect for the scientific research value of human remains if such value exists, and that agreement on the disposition of human remains be reached by negotiation with communities who are concerned with the disposition of their ancestors. All of these principles were apparently trampled by the excavation of the museum site.
- In Israel, the 1978 Antiquities Act prohibits excavation in areas known to be burial sites. There are also regulations from 1994 mandating that human remains be turned over to the Ministry of Religious Affairs for reburial. IAA policy requires thorough recording of burial excavations, and the IAA has guidelines for the treatment of human remains.
- In the United States, the Native American Graves Protection and Repatriation Act of 1990 mandates that human remains be inventoried and repatriated to descendants, and regulates excavations of human remains on federal land.
- In the UK, the exhumation of human remains is governed by the Burial Act of 1857 and the Disused Burial Grounds Act of 1981 (Amended).

We therefore add our voices to the many voices of conscience and reason who have spoken out against the archaeological destruction and brazen desecration wrought by the construction of this Museum on the site of the Mamilla cemetery, an ancient heritage locale. The insensitivity accompanying this project would not be acceptable in any context, and goes against decades of work to forge ethical and equitable laws and regulations to deal with burial sites in archaeological and development contexts. In light of the clear international consensus regarding the need to respect human burial sites, we appeal to you to:

1. Act now to save this valuable archaeological and heritage site by refraining from plans to build the “Museum of Tolerance,” and to reinter the exhumed remains to the proper authorities. As SWC has rightfully demanded respect for and the preservation of Jewish cemeteries all over the world, so must it show its commitment to the tolerance and human dignity that the planned museum’s name suggests by respecting the dead and their living descendants, and by ceasing construction on the burial grounds of generations of Jerusalem’s Muslim population.
2. Ensure a definitive halt to any future building plans on the Mamilla cemetery and to instead treat it as an archeological and cultural heritage site. As scientists, we must protect this site as we would any other, and to illuminate the threat to one of the most beautiful and ancient historical cemeteries in the world.

Continued neglect to preserve this valuable archaeological and heritage site will only demonstrate the failure of Israeli authorities and the SWC to uphold the same ethical, religious and archaeological standards equally and without bias, for the burial sites of Jews and non-Jews alike.