Chapter VI

JERUSALEM

Jerusalem is one of the few holiest cities in the world which has the highest form of spiritual devotion. The faithlessness of the outside world had not touched it; the materialism of urbanity had not contaminated it. Jerusalem is the heart, the soul, the confidant of the three religions of the world: Islam, Christianity and Judaism.

The Christians look for the very essence of their religion in Jerusalem. It encompasses the Roman Catholic, the Greek and the Russian Orthodox, the Armenian, the Coptic and a score of Protestant Churches. It is in Jerusalem that a true Christian finds himself in direct communication with God and identifies himself with the incidents of historical importance.

The holiness and significance of Jerusalem is clearly spelled out in the Holy Quran. Chapter XVII, Verse I of the Quran reads: "Glory be to Him Who carried His servant by night from the sacred Mosque to the Remote Mosque (al Masjid al Aqsa), the precincts of which we have blessed, that we might show Him some of our signs."

In A.D. 638, the second Caliph Umar Ibn al-Khattab accepted in person the capitulation of Jerusalem. Since then Jerusalem has always been a part of Arab culture, history and sovereignty. The Roman name was dropped and it became al-Bait al-Muqaddas. The Muslim rulers of Palestine did not follow the policy of discrimination against other religions and its holy places. Islamic law propounded by Harun al-Hashid accorded special tolerance to "the People of the Book", the Jews and the Christians.

The Christian and Muslim holy places are abundantly described by pilgrims and historians. There is no evidence in the standard works
by early Muslim historians or jurists of the existence of any Jewish place of worship in the city. One Persian traveller who visited Jerusalem some fifty years before the Crusades, however, did mention of a Jewish holy place. Nasir-i-Khusrau mentioned Jews who came to visit the Synagogue. He describes Christian churches but does not say anything more about the Synagogue than merely mentioning it. Rabbi Benjamin of Tudela, a Spanish traveller wrote an account of his journey to Jerusalem which he made in 1167. He did not mention about any holy place of Jews but wrote that there were about two hundred Jews living in Jerusalem. (1)

Some ten years later, another Jewish traveller, Rabbi Petachia of Regensburg, "found only one Jew in Jerusalem, a dyer." (2)

The Jewish immigration started after 1187 when the crusades was on and European Jews were taking shelter with Saladin in his Islamic kingdom. The well-known Jewish historian Graetz observed that the Jews found in Saladin's Empire "a safe asylum from persecution." (3)

This practice of granting asylum to persecuted Jews continued even during the Turkish rule. The Arab population of Jerusalem had always shown the Jews consideration and hospitality, and they were treated by the Arabs with courtesy and tolerance. The emergence of Zionism was mainly responsible for the change of attitude among the Arabs which took place after 1914. The Jews under Zionist philosophy assumed extremist and hostile postures and claimed many places as

2. Ibid.
3. Ibid.
holy and sacred. One of the most important claims they put forward was about the Wailing Wall which, according to the Jews, was a part of the Old Temple wall. Dr Chaim Weizmann wrote a letter to Balfour on May 30, 1918 in which he demanded (4) "the handing over of the Wailing Wall to the Jews". The Zionists wanted to possess the Wailing Wall and under the British Mandate they were encouraged in their demand. In April 1920, the first major clash between the Arabs and the Jews occurred in Jerusalem. The Arabs were alarmed at the Zionist incursions on the wailing place. The Zionists gave an extremely dangerous and explosive twist to the question of the Wailing Wall by removing it from the domain of religion to politics. The most interesting and revealing aspect of the Zionist attempt at giving the issue of Wailing Wall a political colour was an entry on the Wall in "the universal Jewish Encyclopedia" published in 1939, while "The Jewish Encyclopedia" published in 1901 had not included any article on the Wailing Wall. The Zionist propaganda intensified and their pressure on Great Britain increased. The clash between the Zionists and the Arabs became a feature of Jerusalem's life and feelings ran high on both sides. In September 1929, Great Britain appointed an Ad Hoc Commission with an appeal to the Council of the League of Nations to determine the rights and claims of Muslims and Jews in connection with the Wailing Wall. The Commission's conclusions were (5):

"A. To the Muslims belong the sole ownership of, and the sole proprietary right to the western wall, seeing that it forms an integral part of the Haram esh-Sherif area, which is a Waqf property.

4. Letter has been quoted by A. L. Tibawi, ibid., p. 18.
To the Moslems there also belongs the ownership of the pavement in front of the wall and of the adjacent so called Moghrabi (Moroccan) Quarter opposite the wall.

B. "The Jews shall have free access to the western wall for the purpose of devotions at all times".

The Zionists were not ready to accept the verdict because it was not to their liking. They kept up their political struggle for the Jewish State which would include Jerusalem. The scheme of partition granted the Zionists their long cherished Jewish State but Jerusalem and its environs were declared as international zone.

Part III of the United Nations Partition Resolution said (6):

A. "The city of Jerusalem shall be established as a corpus separatum under a special international regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations".

B. The city of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis, the most southern, Bethlehem, the most western, Ein Karim (including also the limit up to area of Motsa), and the most northern Shu'fat, as indicated on the attached sketch map." (7)

The Resolution also requested the Trusteeship Council (8) "to complete the preparation of the statute of Jerusalem."

It is difficult to understand how an international administrative machinery could be imposed upon a city with a clearly defined sovereign. The United Nations had bypassed the state territorial

7. For further details see Chapter I, pp. 57-61.
8. UN Doc./Res. No. 303(IV), December 9, 1949, p. 25.
competence and issued directives for internationalization without concluding a formal treaty with the concerned competent authorities. The international regime envisaged under the Partition Plan of November 29, 1947 did not come into existence. Fighting broke out between the Jews and the Palestinian Arabs. The military balance was in favour of the Zionists and their terrorist groups which were fully armed. When the British mandatory rule came to an end on May 15, 1948 the Jewish attack started on three sides of the old city of Jerusalem. The Palestinian Arabs along with nominal forces from Trans-Jordan and Iraq defended Jerusalem till a truce came into effect on November 30, 1948 followed by an armistice agreement on April 3, 1949. The armistice agreement sanctioned a de facto partition of Jerusalem whereby Israel achieved more territorial gains than the United Nations had granted it two years before. The areas gained by the Jewish forces before and after May 15, 1948 included Western Galilee, the New City of Jerusalem, the area west of Jerusalem to the Mediterranean, the Arab cities of Jaffa, Acre, Samleh, etc.

The Security Council assigned priority to the question of hostilities in Jerusalem and discussed it. On May 28, 1948 the President of the Security Council, A. Parodi of France read out a telegram from the Truce Commission in which "the bombardment of the suburb of the city" (9) was mentioned. The chairman concluded from the telegram that the situation in the Holy City was alarming and said (10):

"I wonder if we should not now concentrate all our efforts on the situation in Jerusalem" because "if we could bring about a cessation of hostilities in Jerusalem itself, we should have made the authority of the United Nations prevail in one place in Palestine".

Jessup of the USA also expressed his country's deep concern for what was happening in Jerusalem. He said (11): "The city of Jerusalem is of special concern to mankind... The Security Council should order an unconditional ceasefire in Jerusalem... so that the destruction of Jerusalem will come to an end."

Count Bernadotte in his Report dated September 16, 1948 had suggested that the city of Jerusalem be accorded "special and separate treatment because of its religious and international significance and the complexity of the interests involved". (12) The UN was concerned with the flare up in the Holy City and ordered a ceasefire.

Israel flagrantly and consistently violated the ceasefire directives of the United Nations and its attitude was so stubborn that negotiations at Lausanne could not make much headway regarding Jerusalem. The New City of Jerusalem was under occupation of Israel which was proceeding with its policy of annexation of the area under its control. The Conciliation Commission in its Third Progress Report said that Israel had established (13) "ministerial services" within the area under its occupation which was in contravention of the resolution of December 11, 1948. The General Assembly had adopted a resolution on December 9, 1949 under which an international regime was envisaged. The Resolution had restated the General Assembly's intention

12. UN Doc. A/648, p. 17.
14. UN Doc./RES. No. 303(IV), December 9, 1949, p. 25.
"that Jerusalem should be placed under a permanent international regime, which should envisage appropriate guarantees for the protection of the Holy Places". It confirmed "specifically the following provisions of the General Assembly resolution No. 181 (II):

1. the city of Jerusalem shall be established as a corpus separatum under a special international regime and shall be administered by the United Nations;

2. the Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority...; and

3. the city of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns."

Israel after signing the Armistice Agreement with Jordan showed scant respect for its undertakings assumed under the agreement. The Demilitarized Zone of Mount Scopus became the target of Israeli attacks. Jordan was deeply concerned about Israeli encroachments on Mount Scopus. The zone was of immense significance for the security of Jordan's sector of Jerusalem because it dominated the roads leading to Jerusalem. If Israel could capture the zone (15) it "would," according to General L.L.M. Burns, "dominate and could eventually compel the surrender of Jerusalem and probably cause the collapse of Jordanian control of the area west of the Jordan River."

The Israeli attitude has been from the very beginning one of defiance, not to accept the scheme of the internationalization of Jerusalem. The United Nations directives were of no significance as far as Israel was concerned. In 1949 the Trusteeship Council called upon Israel to submit to the UN authority. Its response to this was one

of utmost defiance manifested in its transfer of its capital from Tel Aviv to Jerusalem. David Ben Gurion, the Prime Minister of Israel had a sense of pride in defying the United Nations resolution which declared Jerusalem "Corpus Separatum" and which according to him was "wicked counsel" and said that (16): "our rebuff of this wicked counsel was unequivocal and resolute". The Government and Knesset at once moved their seat to Jerusalem and made Israel's Crown and Capital irrevocably and for all men to see."

Jordan's representative wrote a letter dated September 4, 1957 to the President of the Security Council in which Israel was charged of committing violations (17) of "the General Armistice Agreement in the area of Jabal El Mukabbir," in the Jerusalem Sector. The Security Council made many appeals to Israel to act as a law abiding nation but no amount of efforts proved successful. Israeli leaders were always dreaming and planning to occupy the City of Jerusalem. The Zionist General Council declared (18): "Do not allow yourself any rest; do not give the communities any cause - till Zionism is rebuilt, the unity of the Jewish people assured, and till Jerusalem has become, indeed, the symbol of the Jewish oneness and the glory of the earth." Israel was looking for an opportunity to occupy Jerusalem and make it a part of "Hetz Israel". The opportunity came in June 1967 when Israel launched aggression against Jordan, the UAR and Syria.

17. SCOA, 787th Meeting, September 6, 1957, p. 9.
Jerusalem was the main target of Israeli armed forces. The Israelis were itching for the Holy City.

The Israeli Armed Forces had the supreme objective of liberating Jerusalem and conquering it. Their aim was to make divided Jerusalem an all-Israeli city and drive Jordan out from the West Bank. The colonization of Jerusalem and its annexation was the most significant part of Israeli policy of expansion. Levi Eshkol in an interview published in the German magazine Der Speigel confessed that the people of Israel would not tolerate a Government which did not think of colonizing Jerusalem. He said (19): "Israel without Jerusalem is Israel without head... Jerusalem is the heart of the Jewish people in its present rebirth."

Israel was not prepared to withdraw from Jerusalem come what may. Moshe Dayan was far from being ambiguous when he said (20): "The Israeli Defence Forces liberated Jerusalem. We have reunited the torn city, the capital of Israel. We have returned to this most sacred shrine, never to part from it again". Aba Eban was reiterating the same stand when he told the Fifth Special Session of the General Assembly (21): "In our nation's long history there have been few hours more intensely moving than the hour of our reunion with the Western Wall. A people had come back to the cradle of its birth. It has renewed its link with the mystery of its origin and its continuity."

Israeli Government undertook immediately after the capture of Jerusalem, drastic measures to absorb the old city within Israeli

20. Ibid., Tel Aviv, June 7, 1967.
administrative fold. A Master Plan was undertaken and a $50 million fund was earmarked for the reconstruction of historical and religious sites (22). On June 21, 1967, the Knesset adopted a series of enabling laws extending Israeli sovereignty in the Holy City. On June 27, 1967, the Knesset passed an act which announced the annexation of Arab Jerusalem to Israel. The measures undertaken by Israel to annex Jerusalem were in direct contravention of the General Assembly resolution of November 29, 1947. Aba Eban denied Israeli annexation of Jerusalem at a Press Conference in New York and suggested that the laws passed were purely administrative in character (23).

The General Assembly was seized of the situation in the Middle East and it recorded its disapproval for Israeli measures aimed at annexing the Holy City. The General Assembly resolution asking Israel to rescind its measures in regard to the status of Jerusalem was sponsored by Pakistan. The resolution was adopted on July 4, 1967 and it said (24):

"The General Assembly,

Deeply concerned at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City,

1. Considers that these measures are invalid;
2. Calls upon Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem".

The USA abstained from voting on the resolution but at the same time the US Government made it clear that Israeli policy in Jerusalem was

22. **US Dispatch, Jerusalem, June 9, 1967.**
23. **UPI Dispatch United Nations, June 29, 1967.**
24. **General Assembly Resolution 2253 (ES-V), July 4, 1967.**
a direct violation of international law. The USA regarded the Eastern portion of Jerusalem (25) as "occupied territory and therefore subject to the provisions of international law governing the rights and obligations of an occupying power."

The General Assembly resolution of July 4, 1967 was not complied with by Israel and its reaction to the resolution was available the same day when Yigal Allon, Israeli Minister of Labour, gave a statement to the Press. He said: (26) "The world must reconcile itself to the fact that the city has at last returned to the nation that founded it and that turned it into a holy city."

Israel's policy of annexation continued and the General Assembly adopted another resolution July 14 recalling its earlier resolution of July 4, 1967. The resolution took (27): "note with the deepest regret and concern of the non-compliance by Israel" with its earlier resolution. It deplored (28) "the failure of Israel to implement General Assembly resolution" and reiterated "its call to Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem."

On May 3, 1968 Rouhi El Khatib, Mayor of Jerusalem, appeared before the Security Council and informed it about Israeli atrocities against the Arabs therein. He said (29): "The Israeli authorities started by spreading horror in all city corners, outside the walls and

28. Ibid.
inside, in the mosques as well in the churches, occupying large buildings and hotels, raiding houses, shops and garages, looting what comes under their hands, treating cruelly anyone who shows the slightest sign of dissatisfaction, gathering the inhabitants from their homes under heavy and disdainful measures, keeping them standing for hours....

Speaking about the administrative measures aimed at annexing Jerusalem undertaken by Israel, he said (30): "Following the annexation of the Arab sector of Jerusalem by Israel, the Municipality and various Ministerial Israeli offices started to apply Israeli laws and regulations and instruct the Arabs of Jerusalem to observe and abide by these laws and regulations. Israeli currency, customs, excise and income taxes, traffic, telephone rates, municipal taxes and by laws were imposed". Hebrew School curricula were applied for Arab schools and students."

The Israelis seized Arab Land under the stress of military occupation. The area of the land seized (31) "is 3345 dunoms or 848 acres". They seized the land in order to build up a Jewish housing area. Israel embarked upon a vigorous policy of liquidating the Arabs living in Jerusalem in order to expropriate their properties. The houses belonging to the Arabs were bulldozed and many Arab villages were wiped out. The International Herald Tribune reported (32): "Israel announced last Thursday that 838 acres of the former Jordanian sector of Jerusalem were "expropriated" by the Israeli Government". The Arabs

30. Ibid., p. 12.
31. Ibid., p. 15.
living in Jerusalem were discriminated against and prevented from participating even in local affairs affecting their destiny. Michael Adams, who visited Jerusalem and saw things with his own eyes wrote that the Arabs living in Jerusalem were (33) "not represented in the Municipal Council which has assumed control of the city's affairs, nor in the parliament of the country which now seeks to claim his allegiance".

Israel was bent upon ignoring world public opinion and the United Nations directives. It tried to hold a military parade in Jerusalem which was a flagrant violation of the Partition resolution. Jordan put up a complaint with the Security Council, which adopted a resolution on April 27, 1968. The resolution said (34): "The holding of a military parade in Jerusalem will aggravate tensions in the area and will have adverse effect on a peaceful settlement of the problems in the area." It called "upon Israel to refrain from holding the military parade in Jerusalem which was contemplated for 2 May 1968." Israel did not pay any heed to the call of the Security Council and showed deplorable disrespect to the resolution of April 27, 1968 by holding the military parade on May 2, 1968. The Security Council deplored (35) "the holding of Israel of the Military Parade in Jerusalem on May 2, 1968 in disregard of the unanimous decision adopted by the Council on 27 April".

34. SCOR, resolution 250, 1417 Mtg., April 27, 1968.
35. Ibid., resolution 251, 1420 Mtg., May 2, 1968.
On May 21, 1968 the Security Council adopted another resolution which reaffirmed all previous resolutions of the General Assembly and the Security Council. The Resolution reaffirmed (36) that "acquisitions of territory by military conquest is inadmissible", and affirmed that it

"1. Deplores the failure of Israel to comply with the General Assembly resolutions mentioned above.

"2. Considers that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid"

The resolution further stipulated that the Security Council

"3. Urgently calls upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem".

The Israeli response to the Security Council resolution No. 252 was that one of defiance. The Israeli representative said (37): "The resolution (just adopted) is neither practical nor reasonable. It ignores reality and disregards Israel's basic rights. It seeks to violate the natural unity of Jerusalem and to overlook the interests of Jerusalem's inhabitants and their welfare."

Israel continued disregarding the United Nations resolutions. Its spoken words about the welfare of the people and reality of the situation were hardly coterminous. Arbitrary arrests, expropriation of Arab property, violation of religious places were incidents which reminded people of Nazi regime of Hitler.

The Representative of Jordan in a letter dated June 26, 1969, addressed to the President of the Security Council, said that the

36. Ibid., Resolution 252, 1426th Meeting, May 21, 1968.
37. Ibid., Resolution 252, 1426th Meeting, May 21, 1968, p. 43.
Government of Israel, in complete disregard of the UN directives (38) "had enacted Administrative Regulations Law 1968 which was to be put into force on 23 February and later was extended to 23 May 1969. On April 27, 1969, further provisions—and new regulations were enacted... Israel had continued to violate basic human rights in the Holy City".

The Secretary General's personal representative, Ernesto Thalmann, had confirmed this in his report when he said (39) that "the Israeli authorities had stated unequivocally that the process of integration was irreversible and not negotiable."

El-Farra of Jordan quoted from Israeli newspapers and said that (40) "more than 100 buildings had been destroyed within the Old City and 700 building were expropriated. The Arabs owned 595 of those buildings. The expropriated real estate included 437 places of business and 1,048 apartments housing over 5,000 people."

On July 3, 1969 the Security Council adopted another resolution censuring (41) "in the strongest terms all measures taken to change the Status of the City of Jerusalem". The resolution repeated its call upon Israel "to rescind forthwith all measures taken by it which may tend to change the Status of Jerusalem, and in the future to refrain from all actions likely to have such an effect."

The Arabs living in Jerusalem protested against the measures undertaken by Israeli authorities to undermine the Arab character of Jerusalem but all these protests fell on a deaf ear. Israel went ahead

39. Ibid., p. 37.
40. Ibid., p. 38.
with its policy of destroying Arab properties including Muslim Holy Places. The most criminal act was committed when Al-Aqsa Mosque was put on fire on August 21, 1969. The news was received with utmost shock in the entire world specially in the Muslim world. The fire caused much damage to Al-Aqsa, one of the holiest places of the Muslims. The criminal act evoked tremendous anguish and outrage among the Muslims. Israel was held responsible for the tragedy and was also charged with instigating the fire because Jerusalem was under its military control. Akhbar al-Kuwait wrote on August 23, 1969 (42): "When the mosque was burnt, we naively expected the whole world to share with us our indignation and sorrow. The magnitude of the sacrilege was a grave crime against civilization and against a holy place." The matter was brought before the Security Council which registered its anguish and was (43) "grieved at the extensive damage caused by arson to the Holy Al-Aqsa Mosque in Jerusalem on 21 August 1969 under the Military Occupation of Israel". The resolution adopted on September 15, 1969 reaffirmed all previous resolutions and also the "principle that acquisition of territory by military conquest is inadmissible." The resolution "calls upon Israel scrupulously to observe the provisions of the Geneva Conventions and international law governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Supreme Muslim Council of Jerusalem, including any cooperation that Council may desire from countries with predominantly Muslim population and from Muslim communities in relation to its plans for the maintenance and repair of the Islamic Holy Places in Jerusalem."

42. Akhbar al-Kuwait, August 23, 1969.
43. SCoN, Resolution 271, 1512th Meeting, September 15, 1969.
Israel was determined to defy the United Nations and do what was befitting its expansionist policy. From an avowed position of non-annexation, it has gradually proceeded to complete absorption of the Holy City by depriving it of its Arab character. Israel is in occupation of entire Jerusalem and its leaders seem determined to agree to withdraw from the City. Dayan and other Zionists are harping on religious emotions and sentiments and declaring that they had (44) "returned to this most sacred shrine, never to part from it again." Moshe Dayan on June 11, 1967 declared (45): "I think that Jerusalem still should and can be the capital of Israel and entirely under our control and within our country."

The occupation of Jerusalem by Israel imposes a set of duties and obligations on it which it has failed to carry out. Its rule in Jerusalem is extremely partisan, discriminatory and in violation of Geneva Conventions on Human Rights. The occupation of Jerusalem by Israel was not an act of defence, it was rather an act of fulfilment with Israel which was shown and established by many Israeli administrative fiats adopted immediately after the conquest. Israel is acting, and being allowed to act, as an aggressively defiant nation in our contemporary civilized world. Its unbridled behaviour disregarding all the directives of the United Nations and world public opinion is a reflection on our society and constitutes the biggest threat to international order and world peace.

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44. Facts on File, June 8, 1967.
45. Face the Nation, June 11, 1967.