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REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
POPULATION OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Thirty-third year

Note verbale dated 12 April 1978 from the Permanent
Representative of Jordan to the United Nations
addressed to the Secretary-General

The Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations presents his compliments to His Excellency the Secretary-General of the United Nations and has the honour to communicate to him, upon instructions from the Government of Jordan, the text of a communication pertaining to further Israeli actions designed to evacuate and demolish the historic premises of the Abu-Median al-Ghouth religious and historic site which is almost seven centuries old, and which is adjacent to the Aqsa Mosque within the Holy Sanctuary. The information which I am communicating herewith is authentic beyond any shadow of doubt and is part of a plan to complete the destruction of the remaining Maghreb (Arab-North African Philanthropic Foundation) and to obliterate what has remained of the Arab-Islamic and religious Maghreb legacy and presence in the area.

Inspections on the spot by qualified engineers of the Waqf custodians have revealed that the depths of diggings below these premises has already reached 11 metres, which would lead to a collapse of the said historic and religious premises.

Furthermore, it is the definite view of my Government that unless immediate measures are taken to halt forthwith the current diggings, the collapse of these historic premises will become imminent. This would constitute changing the historic, religious and demographic landscape of occupied Arab-Jerusalem in flagrant violation of numerous resolutions of the General Assembly, the Security Council and the United Nations Educational, Scientific and Cultural Organization on this matter, in addition to violating articles 53 and 55 of the Hague Convention.

* A/33/50/Rev.1.

It is the earnest hope of the Permanent Mission of the Hashemite Kingdom of Jordan to the United Nations that His Excellency the Secretary-General will take prompt action to ensure the cessation of the new Israeli encroachments upon the historic structures and people of the aforementioned areas.

On account of the seriousness with which my Government views these unfolding developments, the Permanent Mission of the Hashemite Kingdom of Jordan to the United Nations further requests that this note and the communication from the Government of Jordan be circulated as an official document of the General Assembly, under item 55 of the preliminary list, and of the Security Council.

It is with regret that the Permanent Mission of Jordan takes this opportunity to recall that no reply has been received on its previous communication dated 21 February 1978 (A/33/60-S/12575) concerning a similar serious violation which is endangering the integrity of the Holy Sanctuary in Jerusalem. If Israel fails to reply positively to the present and previous complaints, the Permanent Mission of Jordan will be left with no alternative but to bring up the matter before the Security Council, as it has done in the past on several occasions, and request the Security Council to shoulder its responsibilities, in the light of its own resolutions and its obligations under the Charter of the United Nations.

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ANNEX

Communication from the Government of Jordan concerning new
Israeli attempts to evacuate and demolish the Zawiyah of
Abu-Median al-Ghouth, adjacent to the Aqsa Mosque in
Jerusalem

1. Unimpeachable information has been received to the effect that the Zawiyah of Abu-Median al-Ghouth, an Islamic hospice located in the middle of the Magharbah Quarter adjacent to the sacred Aqsa Mosque, and the remaining properties of the Magharbah Waqf charitable foundations adjoining it are presently threatened with demolition and with the expulsion of residents and custodians, thereby erasing the cultural and religious heritage of the Arab-Islamic Maghreb (North Africa) in the aforementioned area.

2. This structure and the mosque adjoining it have been and continue to be, in the view of the Israeli military occupation authorities, an obstacle to the complete implementation of measures to transform the remainder of the five Islamic quarters adjacent to the Western Wall of the Jerusalem Holy Sanctuary into Jewish areas. The aforementioned quarters were illegally seized by the Israeli occupation authorities on 18 April 1968, in defiance of United Nations General Assembly and Security Council resolutions.

In order to dispose of the Zawiyah and the adjoining mosque, the Israeli occupation authorities have resorted to three different methods:

(a) They attempted to persuade the custodians of the Zawiyah and the Magharbah Foundation to exchange these premises for residential premises within the old city and to transfer the custodians and residences to the new premises. These attempts were turned down by the custodians of the Magharbah Foundation;

(b) They carried out deep excavations near the site, starting in early 1976. This was a repetition of operations which the occupation authorities have undertaken with regard to the hundreds of neighbouring structures and their inhabitants over the past nine years and which has resulted in serious structural damage, followed by their demolition and, finally, the expulsion of their inhabitants. The new excavations caused deep concern to the Islamic Waqf authorities in Jerusalem. They requested their engineers to carry out an on-the-spot inspection and to assess the dangers the excavations could cause to the safety of the Zawiyah and the adjoining mosque. The engineers carried out the inspection entrusted to them and submitted a report on 26 April 1976 which read as follows:

"We carried out an inspection on the site of the premises of Abu-Median al-Ghouth on 26 April 1976 and came to the following conclusion:

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"(i) The society known as The Jewish Quarter Development Corporation has already begun to demolish the structures located 20 metres east of the site, using heavy equipment. Almost half of this demolition phase has been completed;

"(ii) The depth of the excavation has reached 11 metres below the basement of the said premises;

"(iii) If this deep excavating should continue in the direction of the premises, it will cause the foundations to tilt, owing to the displacement of earth, thereby causing the collapse of the entire premises;

"(iv) These operations must stop forthwith in order to preserve this structure. Precautions must be taken to prevent the disturbance of earth adjacent to the foundations of the premises and to stop the eventual collapse of the premises by building a supporting wall at an appropriate distance from the structure's frontage."

It appears that the efforts which the Waqf Department has made to resist the implementation of this phase of the plan have led to a temporary postponement of the plan;

(c) The custodians of the Zawiyah and the Islamic Waqf Department in Jerusalem were taken by surprise when the Israeli occupation authorities recently announced a plan to build a new road, under the guise of town planning, which would pierce directly through the Zawiyah and adjoining mosque. Preliminary measures have already been initiated to carry out the plan.

3. It should be noted that the Zawiyah of Abu-Median al-Ghouth - the latest prospective victim of Israeli aggression and Judaization - is one of the oldest Maghreb Islamic institutions in Jerusalem. It was founded by the Algerian ascetic scholar, Sheikh Abu-Median ibn Abdullah al-Ghouth, in the Hegira year 720 (678 years ago according to the Muslim calendar). The adjoining mosque was built by the dedicated Maghreb (Moroccan) scholar, Sheikh Omar al-Mujarrad, in the Hegira year 730 (668 years ago).

Since its foundation, the Zawiyah has served as a religious and scholastic sanctuary for pilgrims coming from Morocco, Algeria, Tunisia and Libya to Jerusalem. Properties were bequeathed to it in order that it might carry out the following functions:

(a) To provide Islamic religious instruction with particular emphasis on Sufism (mysticism);

(b) To accommodate scholars and poor Muslim pilgrims from north Africa;

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(c) To provide assistance to poor Muslim families which have come from North Africa and have chosen to live in the vicinity of the Aqsa Mosque.

4. The Zawiyah and the mosque constitute premises for worship and charitable purposes. Their status is governed by articles 53 and 55 of the Hague Convention, according to which occupation authorities are prohibited from tampering, in any way, or by whatever means, with all structures devoted to worship, charitable works, scholarly pursuits and arts. The articles apply equally to historic premises whether these are owned by the preceding State or by institutions or individuals.

5. Reports received from Jerusalem carried appeals to the Government to intervene promptly by transmitting this information to the United Nations and the United Nations Educational, Scientific and Cultural Organization and requesting that an on-the-spot investigation be carried out immediately, that prompt action be taken to stop the proposed new road and that an end be put to the continuous acts of aggression.
