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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-first year

Letter dated 1 November 1976 from the Permanent Representative of
Israel to the United Nations addressed to the Secretary-General

On the instructions of my Government I have the honour to refer to annex II of the Secretary-General's report (A/31/235).

That annex contained information submitted by the Islamic Conference purporting to relate to the situation at the Ibrahimi Mosque in Hebron. However, a cursory reading of that "information" makes it clear that all Jewish associations with the city of Hebron, both religious and historical, are completely brushed aside, if not denied outright. Moreover, in the last paragraph (para. 28) an appeal is made to revert to the discriminatory situation prevailing for almost two decades before 1967 under the occupying Jordanian régime - when, it will be recalled, Judæa and Samaria (the "West Bank") were kept clear of Jews in accordance with article 3 of the Jordanian Citizenship Law No. 6 of 4 February 1954, and when, in contravention of Jordan's international undertakings, Jews were barred access to all Holy Places there, including those in Hebron.

The grossness of this approach can be seen in the fact that Jewish connexions with Hebron span almost 4,000 years. In about 2000 B.C.E., the Hebrew Patriarch Abraham "dwelt in the plain of Mamre, which is Hebron, and built there an altar unto the Lord" (Genesis, 13:18). Since then, there has been an almost continuous Jewish presence in Hebron (see annex II). Abraham and his wife Sarah, together with the other Hebrew Patriarchs and Matriarchs (Isaac and Jacob, Rebecca and Leah) are buried in Hebron, making the site (the "Tomb of the Patriarchs") the most ancient shrine venerated by Jews to this day, predating Jerusalem by several centuries. The Arab conquerors of Hebron in the seventh century were cognizant of these ancient ties, for the Mosque erected over the Tomb of the Patriarchs is called the Ibrahimi Mosque - the Mosque of Abraham.

Israel has administered the West Bank since 1967. The overriding principles guiding its policy regarding all the Holy Places have been, and are, to guarantee the access of members of all faiths to these places and to ensure freedom of worship there to members of every religion. These principles apply to the Tomb of the Patriarchs, and thus sanctity of the shrine is strictly observed. To guarantee orderly conditions of worship for both Muslims and Jews, the following arrangements have been in force for over a year (see annex I):

(a) Entry and exit

1. The eastern gate is used for entry and exit by Muslim worshippers.
2. The south-western gate is used by Jewish worshippers.
3. The western gate is used by visitors of all faiths.

(b) Areas of worship

1. Muslims - Hall of Isaac and Rebecca; Jawliyya Hall and Yusufiyya Halls.
2. Jews - Hall of Abraham and Sarah, Hall of Jacob and Leah, balcony and courtyard linking the two halls.
3. Visitors and tourists are able to visit all areas at times when no prayers are in progress.

(c) Times of worship

1. Muslims are able to pray in their area 24 hours a day, every day of the week.
2. Jews are able to pray in their areas on weekdays and on the Jewish Sabbath, as well as on Jewish holidays, in accordance with accepted hours of prayer. However, on Fridays - the Islamic special day of prayer - Muslims are able to pray throughout the whole day, whereas Jews are limited to evening prayers to greet the coming Jewish Sabbath.

These arrangements were established with the greatest consideration for Muslim religious sentiments and without affecting or infringing Arab privileges. That they have been working to the satisfaction of all sides in itself refutes the burden of the charges in the "information" supplied by the Islamic Conference. However, the utter spuriousness of this document is also evidenced by numerous other falsities which it contains. A few examples will suffice:

(a) It is absolutely not the case that the Israel authorities destroyed the remains of a Mamluk school (para. 8), pulled down a stairway on the eastern side of the Mosque (para. 11), and destroyed a monumental well, used for ritual purposes, adjoining the fence of the Mosque (para. 12). The remains of the school, the

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stairway and the well were indeed removed, but for the purpose of renovations, landscaping and the expansion of the area around the Mosque carried out by the Municipality of Hebron itself, with financial aid from the Israel authorities. In the course of these renovations, the Municipality built a new ritual washing stand in place of the old one.

(b) Contrary to the claims in paragraph 22, it is a blatant lie, bordering on incitement, to state that Jews are allowed to pray in the Al-Aqsa Mosque in Jerusalem. Similarly there is no "grand Israeli plan" against the Muslim Holy Places (also para. 22).

(c) Arab children in the territories study according to the Jordanian educational syllabus, and not the Israeli one, as alleged in paragraph 23 (a).

(d) Arab banks in the territories remain closed because of Arab unwillingness to open them, and both Israeli and Jordanian currency are legal tender, contrary to the allegations in paragraph 23 (b).

(e) It is completely untrue to state that "finished goods of Arab origin are subjected to higher taxes in order to make them uncompetitive with Israeli manufactures" (para. 23 (c)).

I trust, therefore, that no credence will be placed in this "information", which is as malicious as it is dubious.

For its part, Israel is proud of its record in respect of the Holy Places of all faiths. Its policy will continue to adhere strictly to the fundamental principle of free access for prayer and worship by all believers of all faiths to all Holy Places.

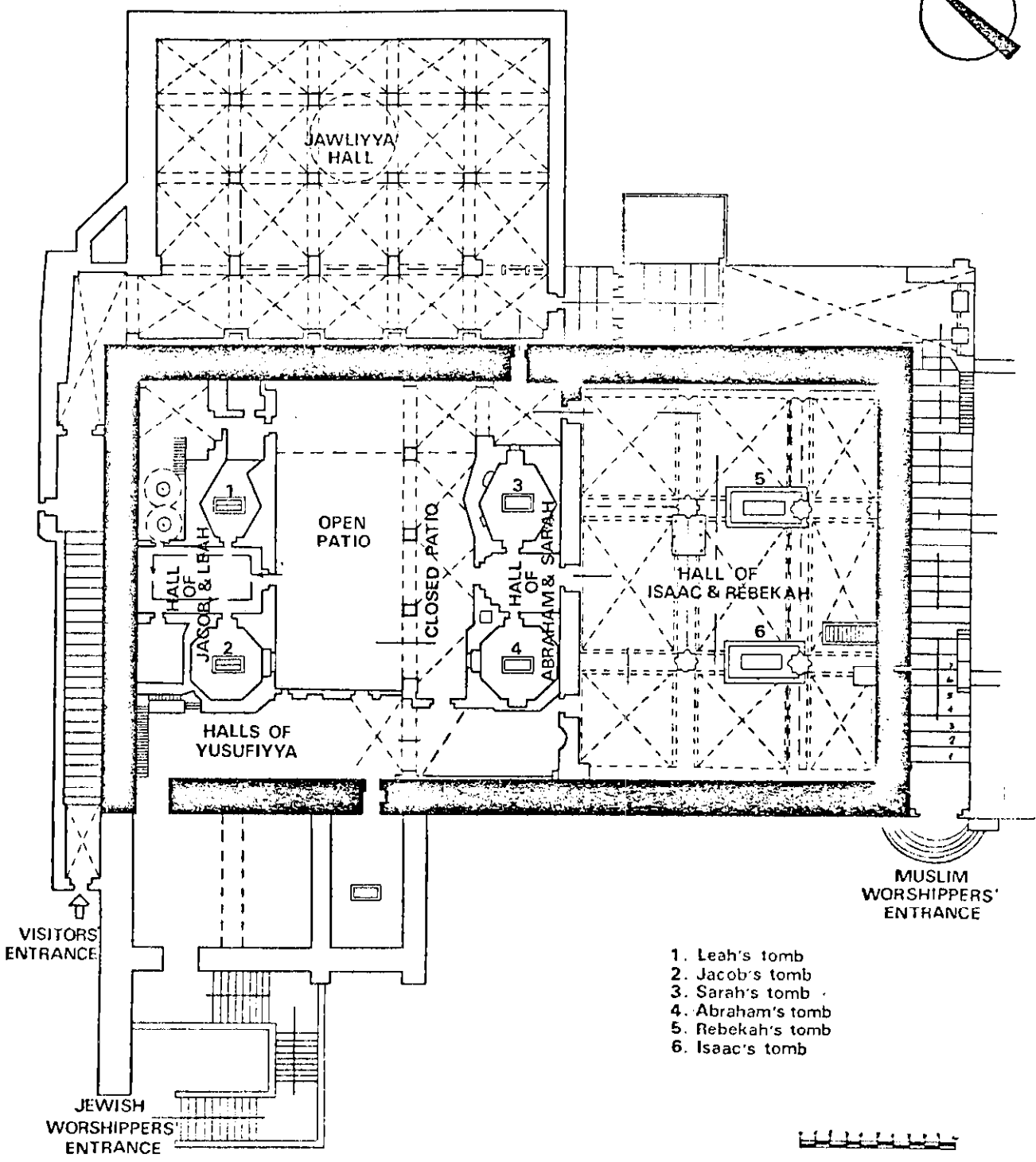
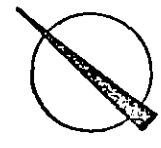
I have the honour to request that this letter and its annexes be circulated as an official document of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Chaim HERZOG
Permanent Representative of Israel
to the United Nations

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ANNEX I

THE CAVE OF MACHPELAH



- 1. Leah's tomb
- 2. Jacob's tomb
- 3. Sarah's tomb
- 4. Abraham's tomb
- 5. Rebekah's tomb
- 6. Isaac's tomb

ANNEX II

Hebron and the Tomb of the Patriarchs

Historical survey

A. Summary

1. Hebron, one of the oldest known cities in the world, derives its name from the root of the Hebrew word for "companion". It has been the site of almost continuous Jewish settlement since biblical times until the present day, and contains the Tomb of the Patriarchs (the "Cave of Machpela"), an ancient Jewish Shrine and Holy Place. In August 1929, 67 local Jews were massacred by an Arab mob incited by their religious leaders. After the war of 1967, the Israeli authorities opened the Tomb of the Patriarchs for prayer to worshippers of every faith from all countries, both friendly and hostile to Israel. A Jewish community was also permitted to re-establish itself, not however in the town of Hebron itself, but nearby. The Israel Government decided that the optimal way to organize life in the Hebron area was to allow the Arab inhabitants to develop their city as they wished, in keeping with their own way of life, while a Jewish township bearing the ancient name of the "City of the Patriarchs" - Kiryat Arba - was set up outside the municipal boundaries of Hebron. Arab Hebron has not been supplanted by the Jewish town but the two coexist, side by side, with each growing and developing in its own way.

B. Biblical times

2. Hebron can be traced back in Jewish history to almost 2000 B.C.E., when the Bible recounts how the Hebrew Patriarch Abraham, the founding father of the Jewish people and religion, settled there (Genesis 13:18 and 18:1). When Abraham's wife, Sarah, died "in Kiryat Arba - that is Hebron" (Genesis 23:2), Abraham bought a burial place for 400 shekels of silver from Ephron the Hittite and "buried Sarah his wife in the cave of the field of Machpela before Mamre - that is Hebron" (Genesis 23:19). Later Genesis 49:29-31 relates how the Patriarch Jacob, also known as Israel, asked to be buried with his fathers in the Cave of Machpela. "There they buried Abraham and Sarah his wife; there they buried Isaac and Rebecca his wife; and there I buried Leah." Hebron thus became the most ancient shrine in Judaism, revered by Jews until this very day.

3. Hebron maintained its importance throughout the following centuries. Under the Prophets of Israel, Hebron became one of the three "cities of refuge" west of the Jordan, the others being Kadesh in Galilee and Shechem in Mount Ephraim. Around 1000 B.C.E., King David was born in Bethlehem, midway between Hebron and Jerusalem. David is said to have asked the Lord in II Samuel 2:1: "Shall I go up into any of the cities of Judah? And God said, 'Go up ... unto Hebron'." Here David reigned as King of Judah for seven and one half years, and here six of his

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sons were born. After David moved his capital to Jerusalem, Hebron's centrality declined, although it was still an important trading centre and road junction.

4. Jews moved from the city with the First (Babylonian) Exile (6th century B.C.E.) but they returned within half a century, for Nehemia 11:25 describes how "some of the children of Judah dwelt at Kiryat Arba, and in the villages thereof". At the turn of the eras, Herod the Great, the Jewish king and rebuilder of Jerusalem, reshaped the Tomb of the Patriarchs, and gave it its present form. Above the Tomb in the Cave of Machpela, he constructed a quadrangle measuring 60 by 34 metres, the enclosing walls nearly three metres thick, rising to a height of over 12 metres. The ramparts are made of beautifully worked, huge bordered ashlar, some over seven metres in length, similar to those used in the Herodian structures on the Temple Mount in Jerusalem.

C. Roman and Byzantine times

5. During the Jewish wars against Rome, Hebron, being an important Jewish centre, was burnt down by the Roman commander Cerealius (Josephus, The Jewish Wars, 4:554). None the less, Jews continued to live there.

6. It was during the Byzantine period that a church was erected over the Cave of Machpela and the building was named the Church of St. Abraham. In the sixth century C.E. the Church was divided into parts - one for Jews the other for Christians.

D. Arab conquest and Crusader times

7. The Arabs conquered Hebron in 638 C.E., and in memory of the Hebrew Patriarch, renamed the town Khalil Al-Rahman ("the companion of (God) the Merciful - i.e. Abraham) or simply al-Khalil. The Arabs allowed the Jews to be supervisors of the Cave of Machpela, although part of it was used as a mosque - the Mosque of Ibrahim.

8. With the Crusader conquest in 1100 C.E. the Mosque of Ibrahim once more became the Church of St. Abraham, and both Muslims and Jews were expelled. However, Jewish pilgrims continued to visit Hebron and the site of the Cave of Machpela, even though they were not allowed to enter the Tomb proper.

E. Mamluk and Ottoman rule

9. During the Mamluk rule, a small Jewish community lived in a closed-off ghetto-like section of Hebron. But Jews once again had access to the Cave of Machpela, where they were accustomed to pray daily. Many of them also sought to be buried in the vicinity of the Tomb.

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10. The Mamluk Sultan Baybars prohibited the Jews and Christians from praying within the area in the year 1267. Jews were permitted to ascend five, later seven, steps on the side of the eastern wall and to insert petitions into a hole opposite the fourth step. This hole pierces the entire thickness of the wall, to a depth of 2.25 metres. It is first mentioned in 1521, and it can almost certainly be assumed to have been made at the request of the Jews of Hebron, possibly on payment of a large sum, so that their supplications would fall into the Cave situated under the floor of the area. The extremity of the hole is below the blocked opening in the mosque floor and leads to the Cave.

11. This prohibition was strictly enforced until the twentieth century. None the less, given the holiness of the Tomb and the significance of Hebron in Jewish history, the local community remained, and Jewish pilgrims to the Holy Land did not consider their pilgrimage complete without a visit to Hebron. The chronicles of these medieval travellers, including Maimonides (from Egypt), Benjamin of Tudela (Spain), Ovadiah of Bertinoro (Italy) and Rabbi Petahia of Regensburg (Germany) have been preserved and make most informative and instructive reading. Ovadiah of Bertinoro wrote in one of his letters that "there is a tradition among all the people of the land that burial in Hebron (in the vicinity of the Tomb of the Patriarchs) is better than in Jerusalem".

12. Under the Ottomans, the Jewish community in Hebron continued to develop, despite occasional persecution and plunder. In 1659 a Yeshiva (Theological College) named Hesed Le-Avraham was established, and it later became an important centre of scholarship and a primary factor leading to the spiritual prominence of the local Jewish community. In the nineteenth century the community developed significantly and several Jewish public institutions, such as schools, alms houses and a hospital, were set up.

F. British Mandate and Jordanian annexation

13. In 1929, at the end of the first decade of the British Mandate, a tragic blow was dealt to the Jewish community of Hebron. The Arab population incited by their religious leaders, launched a well-planned assault with the obvious goal of eliminating the Jewish community. The mobs did not spare women, children or the elderly; 67 were massacred and 60 were wounded, the community was destroyed, synagogues razed and Torah scrolls burned. The centuries-old Jewish presence in Hebron came to a virtual halt at the hands of Arab rioters.

14. After the war of 1948, Transjordan occupied the West Bank and later annexed it within the Hashemite Kingdom of Jordan. During the years 1948 to 1967 no Jews lived in Hebron, and none were allowed to visit the town or its Holy Places.

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G. Israeli administration

15. Despite Israeli appeals transmitted to Jordan through the good offices of the United Nations, Jordan chose to attack Israel on 5 June 1967. As a result of that Jordanian aggression, Israel found itself in control of Judaea and Samaria (the "West Bank"), including the town of Hebron. Returning to Hebron for the first time in over 20 years, Israel discovered the old Jewish quarter totally destroyed; the Avraham Avinu Synagogue turned into a public latrine and a municipal warehouse; and the ancient Jewish cemetery of Hebron was almost obliterated.

16. Immediately after the War, the Government of Israel decided that the Holy Places throughout the territories should be open to all worshippers of all faiths. The Government proclaimed, on 28 June 1967, the Protection of Holy Places Law, which guaranteed to members of all religions free access to their respective Holy Places.

17. Thus, for the first time in exactly 700 years, the Tomb of the Patriarchs was opened to members of all faiths and in particular to the followers of the three major monotheistic religions - Judaism, Christianity and Islam.

18. At the same time, nothing has been done to minimize in any way the responsibility exercised by the Muslim Waqf over the Cave of Machpela. The personnel of the Waqf hold the keys to the Cave and is responsible for the daily opening and closing of the Cave, as well as its maintenance. The orderly conduct of Muslim prayers has in no way been interfered with and there has been no division of the Cave and no physical partition has been erected in this Holy Shrine.