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## SPECIAL COMMITTEE ON PALESTINE

## VERBATIM RECORD OF THE THIRTY-FIRST MEETING (PRIVATE)

Held at the Y.M.C.A. Building, Jerusalem,  
Palestine,  
Tuesday, 15 July 1947, at 9.00 a.m.

## PRESENT:

CHAIRMAN:	Mr. Sandstrom	Sweden
	Mr. Hood	Australia
	Mr. Rard	Canada
	Mr. Lisicky	Czechoslovakia
	Mr. Garcia Granados	Guatemala
	Sir Abdur Rahman	India
	Mr. Entezam	Iran
	Mr. Blom	Netherlands
	Mr. Garcia Salazar	Peru
	Mr. Fabregat	Uruguay
	Mr. Simic	Yugoslavia
SECRETARIAT:	Mr. Hoo	Assistant Secretary- General
	Mr. Garcia Robles	Secretary

CHAIRMAN: I call the Thirty-First Meeting to order.

The agenda for this private meeting contains two items - the hearing of the Right Reverend Father Custos of the Holy Land and the hearing of representatives of the Sephardic Community. Shall we adopt this agenda?

(No objection raised).

Adopted.

Sir Abdur RAHMAN (India): May I know whether anything has been decided about going to Beirut or anywhere else? We see all kinds of

things in the papers but we know nothing officially.

CHAIRMAN: I can tell you just as much as you have seen in the papers. Answers have been received from three of the States - Egypt, the Lebanon and Iraq.

I shall now ask His Paternity, Father Custos, to come to the table.

(Reverend Brother Simon Bonaventure, representing Father Custos, took a seat at the table).

Brother BONAVENTURE: I have a letter from His Paternity addressed to the Committee. With your permission I will read it:

"15 July 1947

"Mr. Justice Sandstrom, Chairman, United Nations Special Committee on Palestine, Jerusalem, Palestine.

"Mr. Chairman,

"We take this opportunity to thank you and all the associated delegates of the United Nations Special Committee on Palestine in favouring us with this present occasion to present to the Committee our memorandum bearing on the Christian Holy Places in Palestine. For the presentation of our memorandum we have delegated as our representative the Reverend Simon Bonaventure, our confrere, whom, we trust, will be acceptable to your honourable Committee.

"With due thanks for your kind consideration, I have the honour to be, sir,

Your obedient servant,

Fr. Alberto Gori,  
Custos of the Holy Land".

CHAIRMAN: Are you prepared to expose to us what His Paternity has to say?

Brother BONAVENTURE: Yes.

CHAIRMAN: Will you please begin?

Brother BONAVENTURE: Mr. Chairman, Members of the Special

Committee:

Mindful of the terms of reference conveyed by the General Assembly of the United Nations authorizing its Special Committee on Palestine to ascertain, if possible, additional information of facts for the peaceful solution of turbulent Palestine, and instructing this same Special Committee to give "most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity", we feel not only privileged but more so conscience-bound to aid your Special Committee to give that careful consideration of the religious interest of Christianity here in this sacred land of Palestine. Our position as Custos of the Holy Land, emanating directly by appointment from the Holy See, confers a heavy responsibility, a duty that obliges us to safeguard rights and practices held throughout the course of centuries, as well as the decorous maintenance of the Christian Holy Places entrusted to our care on behalf of the Roman Catholic Church. The Custody of the Holy Land - an international body of religious men forming part of the world-wide Franciscan Order - is composed of twenty-five different nationalities with a local membership of over four hundred priests and brothers. Excluding a few sanctuaries held in joint proprietorship with other religious communities, we hold immediate and exclusive jurisdiction over more than forty-five Holy Places scattered throughout Palestine - protecting and preserving these monuments of Christian heritage in full accordance with their religious dignity. We therefore appear on behalf of more than 300,000,000 of our Catholic brethren throughout the world who have deep religious regard and keen sensibilities for these Holy Places.

Rightly so is Palestine called the Holy Land, made holy by the physical presence of the Divine Master, and entrusted with the memorable and sanctified sites of His birth, life and death. And

/because

because this land of Palestine is holy to almost 600,000,000 Christians throughout the length and breadth of all continents, watchful eyes and throbbing hearts follow with greatest concern the impending destiny of their sacrosanct shrines. The question of the Christian Holy Places cannot and must not be fogged by the rivalry of clashing political ambitions. The question is neither one of power, aggrandizement nor material gain; these Holy Places cast their lustre from the presence and divine power of the Omnipotent. The question of the Holy Places is not a national problem as to whether political expediency counsels partition, sovereign independence or a bi-national state. The question is independent of whatever political decision may be deemed conducive to the peace of Palestine. And yet it is bound up most intimately with whatever solution may be imposed. The shrines of Christian heritage dot the land from north to south, be it on the shores of the Lake of Tiberias or in the hamlet of Cana, be it at Nazareth made memorable by the Annunciation and boyhood days of Jesus Christ or on the secluded summit of Mount Tabor in testimony of the Transfiguration; likewise Jerusalem, Behtlehem, the Jordan River with its traditional site of the Baptism of the Saviour.....these and many more of varied importance garland Palestine as the Holy Land of universal recognition, reverence and respect.

We are indifferent to the political tug-of-war that is now raging in Palestine and which has riveted world-wide attention. However, in view of the insistent demand for political autonomy - be it partition or independent sovereignty, should such an eventuality ever be realized - it is of paramount importance that solid international guarantees embodying effective protective measures for the safeguarding and preservation of these Christian shrines be assumed. It would be somewhat far-fetched to expect a non-Christian Government to exercise an active and sympathetic regard for Christian Shrines of which they would have little or no understanding or evaluation. Should history

repeat itself with regard to Christian shrines within the domain of a non-Christian Government, unfettered in moments of decision regarding the possible difficulties that might ensue, there is a very probable likelihood that universal Christian reaction might result in serious consequences. Free access to all sanctuaries at all times and the unhampered conducting of religious services must necessarily constitute prerequisites in whatever modus vivendi established. The oft-repeated "enclave" for the Holy Places in Jerusalem and Bethlehem may well ensure these shrines, but what about the isolated ones as mentioned above? For all practical purposes a Commission specially deputized, and to whom juridical recourse could be had in case of need might serve the required purpose of avoiding any friction, danger or, if we may say so, even desecration.

We express our firm hope that as this Special Committee on Palestine is instructed to give its careful consideration to the religious interests of Christianity in Palestine, this very definite and all-important problem of safeguarding and preserving these Holy Places, so dearly venerated by Christendom, be given weighty consideration in its recommendations to the General Assembly, irrespective of whatever new political solution — provisional or permanent — may be established.

CHAIRMAN : I thank you, Brother Bonaventure. Will you answer the questions that we will put to you?

Brother BONAVENTURE: To the best of my ability.

CHAIRMAN: The memorandum speaks about certain guarantees which would embody effective protective measures for the safeguarding and preservation of the Christian shrines and, in perhaps guarded terms, you have suggested first of all, free access to all Sanctuaries at all times and the unhampered conducting of religious services; further, an "enclave" for the Holy Places in Jerusalem and Bethlehem; and thirdly, the constitution of a commission specially deputized, to whom juridical recourse could be had in case of need. Do you recommend these measures?

Brother BONAVENTURE: Should there be a non-Christian State, certainly we recommend that measures — international guarantees — be embodied in any arrangement with the new State that may possibly be set up.

/Chairman

CHAIRMAN: Do you consider these measures which are suggested in this memorandum as sufficient, or do you suggest any other measures?

Brother BONAVENTURE: Of course we suggest effective protective measures. The minutiae of working out these details would go to a working committee in conjunction with the religious heads of the Christian communities in Palestine, and, I would also add, in conjunction with the individuals who would compose that commission. It might be suggested that this commission would be composed of Western countries, and there would have to be a consensus of opinion between the member States, you might say, on the commission and the Government here in Palestine. I dare say it would be workable, but coming down to the minutiae that would be up to the commission to work out the agenda.

CHAIRMAN: When you speak of an "enclave" for Jerusalem, do you refer to any special plan, or what do you mean by this "enclave" ?

Brother BONAVENTURE: This "enclave" has been mentioned frequently in the press as serving the purpose of the shrines in Bethlehem and Jerusalem— either a part of the country having extra-territorial rights, or you might also have it as being embodied in this commission. When we come to the final analysis of these arrangements, it would have to depend on what State is constituted and what best arrangements could be effective. But this oft-repeated, much publicised "enclave" of Jerusalem and Bethlehem is not in accordance with the Holy Places as such. The Holy Places are not merely in Jerusalem and Bethlehem; they are scattered throughout Palestine, and even though at the present time Jerusalem and Bethlehem are considered the all-important sanctuaries, that does not mean that we are to permit these other sanctuaries of Christianity to be rubbed out in the course of time by not attending to their safeguarding and protection.

CHAIRMAN: But because of the special importance of the Shrines in Jerusalem and Bethlehem, you propose this special measure of an "enclave"?

Brother BONAVENTURE: I would not necessarily say they are of special importance, because while we have the Nativity at Bethlehem and the Death of our Divine Master here in Jerusalem, we also have the Annunciation, which is a very important shrine. So these are not the only important shrines; there

15 / are others

are others outside of this section of the country-- that is, Jerusalem and Bethlehem.

CHAIRMAN: I mention the special importance of these Shrines and perhaps also that there are so many shrines concentrated in this area; do you therefore propose a special measure of an "enclave"?

Brother BONAVENTURE: That would be helpful, since there is a large number of Shrines in Bethlehem and Jerusalem. And that would be helpful as regards the Shrines. As regards the political element I do not wish to enter into that part.

CHAIRMAN: You mean that "enclave" to be placed under special administration?

Brother BONAVENTURE: Yes.

CHAIRMAN: Would in your opinion a restricted area -- let us say to the Old City -- be sufficient?

Brother BONAVENTURE: By no means, because right outside the Old City we have shrines. There is the Garden of Gethsemane and there is the Tomb of the Blessed Virgin. There is the Mount of Olives, the site of the Ascension, outside of the Old City; we have the site of the Cenacle. The wall would not be a means of circumscribing all the shrines of Jerusalem.

Sir Abdur RAHMAN (India) : Might we have a list of the important shrines and sanctuaries which, according to the Brother, are important and should be safeguarded. If we get a list it will be helpful to us.

CHAIRMAN: Have you got a list of all these shrines?

Brother BONAVENTURE: Is that only for Jerusalem, or for all Palestine?

Sir Abdur RAHMAN (India) : For all of Palestine, and for Jerusalem particularly. I am asking you to give it later, not now.

Brother BONAVENTURE: You can have it tomorrow. In fact, I have it here, but it is in a different language, and I would much prefer not to present that.

Sir Abdur RAHMAN (India): If you would kindly let us have a list of the important shrines and sanctuaries scattered throughout Palestine, and in

/Jerusalem

Jerusalem, both inside and outside the city.

Brother BONAVENTURE: I would like to draw a distinction there. We do not wish to suggest only the important places. There are places of varied importance. There are some shrines you might call first-class, and others of lesser importance. We consider these shrines of lesser importance, not of equal value, but of equal esteem. Therefore I would prefer the list to contain all the shrines.

Sir Abdur RAHMAN (India): You might give a list of all the shrines and point out which, according to you, are very important and which are important.

Brother BONAVENTURE: That we cannot do because we consider them all important.

CHAIRMAN: May I consider that it is against your feelings to classify them?

Brother BONAVENTURE: No, it is not against my feelings — by no means. But once it is declared that this is important and that is not important, should it ever come to pass that a new state be born in Palestine there might perhaps be a distinction made as to those which would be entitled to protection, and the others not considered very important.

CHAIRMAN: My conclusion is that we would be content with a list of the shrines without any classification.

Sir Abdur RAHMAN (India) : That is quite enough.

Mr. AND (Canada) I should like to know something of the nature of the proprietorship and the legal position of your administration. For instance, prior to 1917, what sort of title— I am using terms in law with which I am familiar— what was the nature of the title in any of these important shrines in this city? The Chairman spoke of a deed. Do you have actual title in any body of men, or in a man, to that particular site?

Brother BONAVENTURE: May I ask you a question first to correct any misunderstanding that I may have? Does the gentleman wish to question me as to whether we have a right to these shrines?



whether we have a right to these shrines?

Mr. RAND (Canada): I am just trying to find out the nature of the ownership?

Brother BONAVENTURE: First of all, I might say this. The ownership of these shrines is recognised by the Government of Palestine as belonging to the Community. Thus exclusive jurisdictions in any shrines are not in question.

Mr. RAND (Canada): I am not questioning anything of that sort at all. Could you give me the nature of the title which is conceived to reside in such a place? For instance, in the country where I come from if you build a church the land of that church has to be owned by some individual or some corporation - some recognized body. Now, is that the nature of your ownership here?

Brother BONAVENTURE: Well, the ownership of our shrines is centered in the custody of the Holy Land.

Mr. RAND (Canada): It is vested in the trustees?

Brother BONAVENTURE: In the person of the Custos of the Holy Land who is the official representative of the Holy See here in Palestine for the Holy Places.

Mr. RAND (Canada): Now where does the Holy See get its legal basis for jurisdiction here, both as to ownership of the shrine and as to administrative powers? Under the Turkish rule who was the custodian?

Brother BONAVENTURE: The Custos of the Holy Land, for the past six hundred years.

Mr. RAND (Canada) And then it was given by the sovereign power having jurisdiction over Palestine at that time?

Brother BONAVENTURE: Yes.

Mr. RAND (Canada) : Well, then, that is really the basis of your legal jurisdiction.

Brother BONAVENTURE: The basis of our legal jurisdiction goes back further than that, I dare say. If we are going to find the basis for any legality as to these places, we cannot begin only six hundred years ago; we must begin at the very beginning of these Christian places. At that time there must have been a legal basis.

Mr. RAND (Canada): I do not care how far back you go if you tell me exactly the legal sources.

/Brother

A/AC.13/P.V.31

Brother BONAVENTURE: We have perm.nence of jurisdiction from the time of the Turkish regime.

Mr. RAND (Canada): And that has been recognized throughout the intervening time?

Brother BONAVENTURE: Yes.

Mr. RAND (Canada): And what is the scope and extent of the jurisdiction which you actually exercise? What does it consist of?

Brother BONAVENTURE: That jurisdiction extends to the right of proprietorship at the shrine, the conducting of religious services, the arrangement of the personnel stationed there, and whatever repairs are necessary.

Mr. RAND (Canada): I suppose there is a division of interest among the various denominational groups?

Brother BONAVENTURE: Well, each denomination takes care of its own shrines.

Mr. RAND (Canada): How does it get its own shrines?

Brother BONAVENTURE: As I said--by the Turkish regime.

Mr. RAND (Canada): The division was made by the Turks?

Brother BONAVENTURE: Yes.

Mr. RAND (Canada): And the same division has continued ever since?

Brother BONAVENTURE: More or less.

Mr. RAND (Canada): How was it changed? You said "more or less"; if it is not exactly the same has the governing power changed it, or has the Custodian changed it?

Brother BONAVENTURE: No, the Custodian does not change it, by no means. Whatever is within his jurisdiction he is free to change. But where there is a question of proprietorship of other shrines with other communities, there, of course, we have the Government as more or less of a supervisor.

Mr. RAND (Canada): That is the civil Government?

Brother BONAVENTURE: Yes, naturally.

Mr. RAND (Canada): And have changes been made, modifications made by the civil Government?

/Brother Bonaventure

A/AC.13/P.V.31

Brother BONAVENTURE: Well, that Mr. Delegate, is on the question of the status quo, and that really does not come within--

Mr. RAND (Canada): Pardon me for interrupting, but I am just trying to find out the jurisdiction. I would like to know the legal setting of this thing. If you do not care to give it, it is all right; I can get it somewhere else.

Brother BONAVENTURE: No, it is all right. I will give it to the best of my ability. Throughout six hundred years it has been legally recognized, since we are here.

Mr. RAND (Canada): I have no doubt about that, but I want to know the nature of the underlying legal claim.

Brother BONAVENTURE: Well, during the Turkish regime the Government stated that this community should have this shrine and that community should have that shrine. That was the basis for the present status quo.

Mr. RAND (Canada): And any modification of that would come from the existing government?

Brother BONAVENTURE: Certainly.

Sir Abdur RAHMAN (India): Mr. Chairman, just one more question. Why has not the Holy Sepulchre been properly repaired? It is in a bad state. Why can it not be repaired by all the Christian communities?

CHAIRMAN: Are we concerned with that?

Sir Abdur RAHMAN (India): When I saw it I was struck by it, and I did not like the Holy Sepulchre being in that state. Therefore I wanted to know the reason why it was not properly repaired. Is there any dissension among the various communities, or are there other reasons? I just want to know that.

Brother BONAVENTURE: I feel in perfect accord with the delegate's question. Why can it not be rebuilt, I should say, not repaired--rebuilt to give honour and glory to the sanctity of the shrine? I agree with you, sir, to the fullest extent.

CHAIRMAN: Sir Abdur Rahman, we have a report on the repair. We will hand it over to you.

/Sir Abdur

A/AC.13/P.V.31

Sir Abdur RAHMAN (India): That is all right. I did not know it.

Mr. RAND (Canada): May I ask you one more question? What you said about proprietorship and legal administrative power does it apply to all of the shrines which you will enumerate?

Brother BONAVENTURE: Yes, yes.

CHAIRMAN: I suppose that in all cases the rights conceded by the Turkish Government are not uncontested, that there are disputes in certain cases? Among other things, I should like to ask you if the French Government does not claim, what shall I call it, trusteeship for certain holy places?

Brother BONAVENTURE: Well, there are several questions here, Mr. Chairman.

CHAIRMAN: And all come back to this question of status quo?

Brother BONAVENTURE: Yes, status quo.

CHAIRMAN: I don't think we have to go into that question.

Brother BONAVENTURE: No, that is not within the scope of the Investigating Committee.

CHAIRMAN: It is enough here to state that there are certain disputes going on.

Brother BONAVENTURE: For that you might have to stay four or five years in Palestine.

CHAIRMAN: Fortunately, we do not have to solve all the contested questions in this country.

Brother BONAVENTURE: Yes.

Mr. ENTEZAM (Iran) (Interpretation from French): Mr. Chairman, I just want to know if, in the opinion of the Brother, Nazareth also should be considered as a special Holy Place in the same way as the Holy Places in Jerusalem or Bethlehem, or whether Nazareth could be counted as a Holy Place respected, of course, with a little less status quo than Jerusalem and Bethlehem.

Brother BONAVENTURE: In other words, a second "enclave"?

Mr. ENTEZAM (Iran): Yes.

Brother BONAVENTURE: When we begin to increase "enclaves" we are getting  
/into more

A/AC.13/P.V.31

into more difficulty, I should imagine.

Mr. HOOD (Australia): Would the Brother explain why, if there is clear recognition of the existing titles by any new administration here of a future government, there should at the same time be any necessity for a special commission of the nature which you proposed in the paper here?

Brother BONAVENTURE: Oh, this Commission proposed here would not go into the actual legality of the places. This Commission would in a sense, ensure free access and unhampered conducting of religious services after the state is established because, if, as it says here, a non-Christian Government would be established, it is rather far-fetched to expect a non-Christian Government to give sympathetic aid, consideration, or evaluation of these Holy Places. Therefore, to ensure the free access, and that unhampered religious services may be conducted, this commission should be established. It is not intended that this commission should go into the past history or legality of these places, but to see that the religious conducting of the services is continued smoothly and to avoid any friction that might possibly result.

Mr. HOOD (Australia): Is there any special significance in the use of the word "juridical"?

Brother BONAVENTURE: Well, juridical is understood in this sense--that we can have recourse to this commission, and that the commission can do something about it. Otherwise, the body would not be effective.

CHAIRMAN: Would it have the character of an arbitration court?

Brother BONAVENTURE: I should imagine that in drawing up this commission there should be some arrangement made between the commission and the existing government that in the eventuality of any serious difficulty some court be established. There are many shrines involved, and that would be most helpful.

Sir Abdur RAHMAN (India): I might inform you, Mr. Chairman, that in India, in Madras and in the Punjab there are tribunals to protect the rights of the Sikhs in the Punjab and of the Temple of Madras. I am listing them for you, and that legislation, if it is known, may be of some use to you when we are deliberating on that question.

/yes, if need

CHAIRMAN: Yes, if need be we shall address ourselves to you then.

Mr. FABREGAT (Uruguay) (Interpretation from Spanish): Do you consider it to be in the interest of Christianity that all the Holy Places and Sanctuaries should be maintained under a special jurisdiction?

Brother BONAVENTURE: In a non-Christian government I would say offhand, yes.

Mr. FABREGAT (Uruguay): Would this special jurisdiction also enter the civil jurisdiction or would it be only religious?

Brother BONAVENTURE: Well, that is beyond the competence of my authority to speak on that because we are entering into the rights of the Christian minorities, and I am not qualified to give any answer to that.

CHAIRMAN: Another question. Would this commission have jurisdiction in the status quo question?

Brother BONAVENTURE: I should imagine so, yes.

CHAIRMAN: To maintain the status quo?

Brother BONAVENTURE: Not to make changes, but possibly to look into the original claims. That could be done in due time, considerately, and it might be most helpful.

Mr. Garcia SALAZAR (Peru): I understand that the Holy Places were in former times under the protection of some Christian country, France or Spain. Is it your idea to replace that protection by a commission.

Brother BONAVENTURE: That is practically the idea.

Mr. Garcia SALAZAR (Peru): Where those Western countries would be represented?

Brother BONAVENTURE: Except that in the case of the Catholic country-- which was the protecting power you referred to--the arrangement was solely in the Catholic interests. Whereas, this Commission would be for all the shrines, whether held by Catholics or non-Catholics.

Mr. Garcia SALAZAR (Peru): And that commission would not, of course, be entitled to any civil jurisdiction, as those powers were not entitled to it?

Brother BONAVENTURE: No.

/Mr. Garcia SALAZAR

Mr. Garcia SALAZAR (Peru): But it is only to replace one authority with another; is that true?

Brother BONAVENTURE: To a certain extent, yes.

Mr. BLOM (Netherlands): In this memorandum we read that the Roman Catholic Church has exclusive jurisdiction over more than forty-five Holy Places, joint proprietorship with other religious communities, and some other cases. Are there many more Christian Holy Places entirely outside your jurisdiction?

Brother BONAVENTURE: Yes, yes, there are places that do not come within our jurisdiction. First I speak of the exclusive jurisdiction which we have, and then of the partial jurisdiction. Where we have no jurisdiction, we cannot talk about that.

Mr. BLOM (Netherlands): Are there many Christian Holy Places where you have no jurisdiction?

Brother BONAVENTURE: Yes, yes, but they are very few.

Mr. BLOM (Netherlands): Could we in one way or another obtain a list of those Holy Places from you, also?

Brother BONAVENTURE: Certainly. I have already promised the Committee to send in a copy of the Holy Places that we have under our exclusive jurisdiction and of those under partial jurisdiction.

Mr. BLOM (Netherlands): But I am just now referring to the Holy Places where you have no jurisdiction.

Mr. FABREGAT (Uruguay): All the Holy Places.

Brother BONAVENTURE: Yes, that list can easily be drawn up. Drawing up the list is not difficult, but the question is whether it would be feasible to draw up those shrines because then we get once again into the question of the status quo.

CHAIRMAN: Do you mean that we ought to address ourselves to the other Christian communities to get the list of places under their jurisdiction?

Brother BONAVENTURE: Well, that is not up to me to decide. If you wish to get it from the other communities--from the Catholic standpoint we will present the Catholic shrines. My point is, what would be the point in enumerating shrines which



18 we de facto do not have under our jurisdiction because we would really  
come then into the question of the status quo.

19 Mr. BLOM (Netherlands): I am not asking why there is no jurisdiction in the Roman Catholic Church over such shrines but just a list: of which Holy Places are under the jurisdiction of the Roman Catholic Church, partly or entirely, and which are not. Of course it is possible to get a list from other sources, but I am just drawing the attention to the fact that we should try to get a complete list.

/CHAIRMAN

CHAIRMAN: Would you draw up as complete a list as you can?

Brother BONAVENTURE: Yes, certainly.

Mr. BLOM (Netherlands): In this memorandum it is recommended that there should be some guarantees in some way or another, especially where there may be a future non-Christian Government. Could the Reverend Father tell us whether, under Turkish rule when there was a non-Christian Government, there were any practical difficulties in this connection which are not existing now?

Brother BONAVENTURE: For that reason we had the protection of the Western Powers. Under the Turkish regime, it was France who acted as the protecting power of the Catholic rights. If there is a protecting power, that means there are difficulties that arise. Otherwise, you do not need protection. And difficulties did arise.

Mr. LISICKY (Czechoslovakia): I was interested in this list of Holy Places which are considered as such by the Roman Catholics and are not under the jurisdiction of Roman Catholics. I think there is no difficulty in getting such a list.

CHAIRMAN: The Reverend Father seems to think that it would be possible to draw up such a list.

Brother BONAVENTURE: Certainly it is possible to draw it up, but not in contentious matters, though we are including this in the presentation of our memorandum. We are not claiming them. That is the reason why, at first, I did not wish to include them. I did not wish to bring a contentious question into the memorandum by including shrines we do not have. It may be thought that we were trying to obtain these shrines by virtue of this memorandum. That is what I was trying to avoid.

CHAIRMAN: Then the list will be drawn up so that you will indicate the shrines under your entire jurisdiction, further, the shrines partially under your jurisdiction, and finally, the shrines outside of your jurisdiction, over which you have no jurisdiction.

/Brother

Brother BONAVENTURE: If you desire, Mr. Chairman.

Sir Abdur RAHMAN (India): If a note is made against the shrines about which there is any contention, it will be better.

CHAIRMAN: Can you also indicate the shrines in regard to which there is a contention or a dispute?

Brother BONAVENTURE: Yes, certainly.

CHAIRMAN: Then we shall expect this list.

Are there any other questions?

Then it remains for me to thank you, Reverend Father.

Brother BONAVENTURE: Thank you, Mr. Chairman and Members of the Committee for your kind attention.

CHAIRMAN: Are you appearing also with the Sepharadi?

Brother BONAVENTURE: No, this will be my one and only appearance.

Hearing of Representatives of the Sepharadi Community.

(At this point, the representatives of the Sepharadi Community took their seats at the table.)

CHAIRMAN: Will you, Mr. Eliachar, present the delegates to us?

Mr. ELIACHAR: May I present His Eminence the Chief Rabbi in his capacity as the highest religious authority of the Sepharadi Jewish world. He is the recognized religious head of the Spanish, Portuguese and Oriental Jews throughout the world. He heads this delegation. Mr. Elmaleh is the head of the Moroccan Community in Palestine. He was a member of the Jerusalem Municipality, of the Jewish Council, and he has had many other positions. His profession is a journalist and a writer. Mr. Sassoon is a lawyer and the President of the Iraqi-Jewish Community in Palestine. I represent the Sepharadi Community of Jerusalem and Palestine.

CHAIRMAN: And the ladies we see here?

Mr. ELIACHAR: They are members of the Community, part and parcel of us who are interested, every one of them, in a different sector of the report and evidence we are going to submit to the Commission.

CHAIRMAN: Who is going to speak first?

Mr. ELIACHAR: His Eminence, the Chief Rabbi, will make an introductory speech. Then I will give you my evidence. Should you care to do so afterwards, you can hear special notes on various Eastern countries and special notes on Iraq. Or, you may ask questions and Mr. Elmaleh will answer those dealing with all Arab countries from Morocco down to Yemen. Mr. Sassoon will specifically answer questions about Iraq. Mr. Elmaleh and I can also answer on local questions.

CHAIRMAN: Then I call on His Eminence, Chief Rabbi Ben Zion Ouziel.

(Chief Rabbi BEN ZION OUZIEL spoke in Hebrew, and the translation of his remarks is as follows:)

I have the privilege of appearing before you again, accompanied this time by the representatives of the Sepharadi Community. The Sepharadi Jews are the off-spring of the remnants of those Jews who never left Eretz Israel and those of the remnants of the Spanish expulsion who were the pioneers in the resettlement of Palestine. Resettlement of Jerusalem commenced some 700 years ago by Rabbi Moshe BarNahmani, in whose steps followed settlers from Spain to Safed and the Galilee.

Our appearance today has the object of presenting to you our evidence as to conditions under which our brethren in the Oriental countries are living. Their immediate future is a matter of deepest concern to us following upon the events both open and overt that take place there and endanger their future. The eyes and hopes of these unfortunate people are turned to the land of their fore-fathers for safe refuge. Will all their home-coming brethren they wish to rebuild their homeland and make it bloom by the labours of their seat in peace and goodwill with all peoples living therein and with whom we expect and hope to work hand in hand so that the blessings of the Almighty shall shine on our joint labours for the good of all the inhabitants of Eretz Israel.

Mr. ELI'CHAR: Mr. Chairman and honourable Members of the Committee:

We thank you for granting us this hearing in camera. Not that we have anything to say that we would not like everybody to know, but for fear that this may endanger the position of our brethren in the Arab countries, as we shall explain further.

The Sepharadi and the Oriental Jews are an integral part of the Jewish People. The differences are those created by different environments, habits and the use of slightly different Prayer Books and rituals.

"Sepharadi" means a descendant of Jews from Spain and Portugal, as against Ashkenazi, a descendant from Jews of Germany and Central Europe. The denomination Sepharadi includes all Jews using the same Prayer Books and following the same rituals; therefore it includes all Jews of the Oriental and Middle Eastern countries.

In Palestine, with the revival of Hebrew, these differences are gradually disappearing and one nation, with one religion and the same ideals and aspirations is growing.

As you have been told already, gentlemen, Jews resided in Palestine without interruption ever since the dispersion by the Romans. The most ancient community is that of the Oriental Jews who never left Palestine or the Middle Eastern countries, and they were followed by the Spanish Jews returning here after the expulsion from Spain in 1492. Our Community, which we have the honour to represent today, was organised and has continued to exist since 1276, without interruption. We number, in Jerusalem, over 50,000 Jews of the Oriental Communities. Our number exceeds 160,000, or probably more than one-quarter of the entire Jewish Yishuv. Jerusalem has always had a majority of Jews. We would like to stress this point. Before the British and Allied occupation of the Middle East, this entire area was under Turkish rule and domination. It appears that this point has not been made clear to you. We want to insist on this point; that this was a territory, together with all the other Middle Eastern countries which are now called Arab countries, Arab

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independent states, which for hundreds of years was under Turkish domination, and there were no so-called independent states before the occupation of the Middle East by the British and their Allies sometime in 1916 and afterwards. Jew and Arab alike were subjected to the iron fist of the Turk. None had any advantage over the other, except the advantages granted by Moslem law to Moslems over the infidels. Jews of Turkish nationality were allowed to move about freely, to settle anywhere they liked, to buy land wherever they pleased. Immigration from outside the Turkish Empire was regulated, but illegal immigration was flourishing. The only difference with present times was that no immigrant was expelled once he had entered Palestine and no British fleet or Turkish fleet took them to British concentration camps in Cyprus, with all the ensuing misery and suffering.

Arab-Jewish relations were good in the social and economic fields. They traded freely together, they met socially, and Jewish schools were attended by the upper classes of the Arabs. I have myself studied with many of the present day Arab leaders in Palestine and abroad, and many are still my best friends. We were comrades in arms during the first war, and better friends it is difficult to find.

The Turks did not tolerate any disorder. Allow us, gentlemen, to stress this point with all our might. No disorder prevailed for centuries in this country. What is the cause? We leave it to you to consider. A special system granted foreign protection to certain Christians, Jews, and even Moslems. **Without** both these preventives, the Arab masses, who are generally of a peaceful character, are, due to their illiteracy and fanaticism, easily aroused to bloodshed.

Arab nationalism was non-existent, or at least dormant before the occupation of Palestine. The Balfour Declaration was accepted tacitly by the Arabs of Palestine. Only outside intriguers aroused opposition. The word of King Hussein and that of his son, Emir Feisal, was taken by the Arab world and the Arabs of Palestine at the time as the final law and the final word of law. But gradually opposition was organised by the Christian-Moslem Association

founded for this specific purpose in Palestine. The masses of the Arabs were inflamed on religious grounds, which resulted in the terrible massacres of Jaffa, Hebron, Jerusalem, Safad, Mosha, and so forth. These massacres were perpetrated by the Arabs against their erstwhile friends, neighbours, partners. The Community of Hebron, the most ancient Jewish settlement in Palestine, was thus destroyed and evacuated. It remains so until today. A town, a whole Jewish community in Jerusalem, which had existed <sup>over</sup> for eight or nine centuries without interruption, has been wiped out under British rule. Such a destruction could not have happened to the Jews under the Turks, particularly since the Government was aware that the Arab masses were being incited and encouraged by their leaders to believe that the Government supported these deeds. "Al Dole Maana" was the password in those days.

Many Arabs condemned these murders. Many have resumed their friendly relations with the Jews, but the fact remains that no longer can Jews inter-mingle freely in Arab towns and villages, even if they be of the Oriental Communities and of the oldest inhabitants.

On the strength of our experience of generations past and of recent events, we cannot visualize our dependence on an Arab State. Our bare lives will be in danger, and the fate of the Hebron Community may be ours too.

Without going into the causes which have brought the change of attitude, we cannot but deplore that present day Arab leadership is most extremist and most outspoken as to their intentions. No Jew can depend on the Mufti's goodwill or that of his lieutenants. Using his religious position and prestige, he has been calling for massacres of the Jews ever since he fled to Germany.

May I quote to you a few words from Mr. Crum's book\* on this subject. I imagine all of you have read it, but I would like to quote from it.

CHAIRMAN: Not too long a quotation.

Mr. ELI CHAR: No, sir. You can stop me any time you like.

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\*Bartley C. Crum: "Behind the Silken Curtain." (1947).

"In 1941, the Mufti fled to Germany for refuge. He immediately set to work with all his influence to agitate against ghettoization of the Jews and for a final solution: extermination. The result was the third stage of Nazi policy, the planned destruction of the Jewish race... Instead, he said, they should be sent to a place in which they would be 'under stringent control as, for instance, Poland'. The Mufti's protest was successful. No children's transport left Bulgaria after July, 1943.

A few weeks later he dispatched a similar letter to the Foreign Minister of Rumania, concerning eighteen hundred Jewish children. This time he again suggested Poland, pointing out that they would be under what he called 'active supervision', a euphemism for the gas chambers...

This 'common enemy', of course, was British. He went on to say, 'But most of all they have definitely solved the Jewish problem.'"

We therefore proclaim before the great nations of the world that no Jew in Palestine of sound mind will ever accept being in a minority any longer in Palestine.

The Arabs of Palestine are not organised democratically. Their present-day leaders have never been elected. Self-appointed, they have destroyed and continue to destroy any opposition by gun and dagger. Recent murders are an indication of what may be the fate of the Arab opposition unless the authorities put an end to it.

66 /I would



I would like very much to quote from a little booklet I have here, published by one of the leaders of the opposition, who was murdered in Baghdad, Fakhri Nashashibi. It may take some time, but I would not like to have you escape from hearing this, so that you may realize our position. I have the booklet here and I will present it to the Committee. In the memorandum which Fakhri Nashashibi presented to the High Commissioner, he declares that the Mufti does not represent the Arabs of Palestine. "It will not be an exaggeration if I state that the leaders who oppose Haj Amin el Husseini and his destructive ideology represent seventy-five per cent of Arabs with special interests in Palestine, and those supporting them and their views exceed half of the Arabs of Palestine. In order to eliminate all opposition within the Arab Community, Haj Amin destroyed them. During 1937-1938, a hundred Arab leaders and heads of families were murdered under his direction. Those who remained alive fled the country. The numbers of heads of families, tribal chiefs and leaders who were destroyed or left the country reached 150." He names here the best, the flower of the youth of the Arabs of Palestine, who were killed. I shall read only a very few names: Hassan Sidki Dajani, members of the R'sheyid Family, Farid El-Hamdallah, Abdel Salam e-Barkawi, Haj Khalil Taha, Haj El-Huneidi, Haj Ali El-Karzoun, Nasr Ed-Din, Vice-Mayor of Hebron. This is what he contends at the time was called a democratic imposition of the views of the present day leaders of the Arabs.

This, coupled with the statements by Crum, gives you a correct view of our reasons for objecting to any minority régime in Palestine.

We have not touched upon the Jewish case as a whole. This has been submitted to you by the Jewish Agency, of which we

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form part and parcel. We summarized our position in Palestine before the British occupation.

About one million Jews reside in the various Arab or Moslem countries. Their position is one that requires all your attention. Their case has been linked to the Palestine problem by the force of events and of the acts of their rulers.

Whilst we deplore the fact that you have not as yet visited the D.P. camps in Europe, which would have enlightened our problem more than any reports and speeches -- too many speeches have been given to you, too many reports have been submitted to you --- nothing, absolutely nothing will convince you of the imminence of the danger unless you have seen, as I have, one miserable day last year, a glimpse of what is happening in the D.P. Camps in Europe. To come to Palestine, to discuss the Palestine problem, to approach it through books, through reports and speeches will have only tired you, will have only made you probably so tired that you will not be able to digest the real issue of the problem. The real issue of the problem, Gentlemen, is in the D.P. Camps. I have had a glimpse of it. And, Gentlemen, Members of the greatest nations representing the entire united world, you cannot talk about, you cannot understand the Palestine problem until you devote a few more days of your time --- all the trash that has been going on in Palestine, submitting to you words and words will have disappeared and you will see the problem as it is. What is Palestine? What is Zionism? What does it mean? Thousands and thousands are looking to you to settle their means of life, to give a verdict, to approach the problem from the real point of view. Gentlemen, do not rely on any speeches. Do not rely on any report reading. You cannot possibly have had the time even to read the hundreds of pages

68 /which were

which were submitted to you. We cannot believe that you can digest them all. You can digest the whole problem in twenty-four hours, in one single day, by passing through any concentration camp in Europe. I have had the unpleasant position of being there. I myself have never had to suffer. I was born a free man in Palestine. For over six hundred years, my family has resided here. All the time we realized one thing; that the Jewish problem, even as a Jew could see it -- whether he lives in Washington, London, the Argentine, Palestine, or anywhere else -- is totally different from what you will see for yourselves in one day in the D.P. Camps.

There is another thing which you have to see if you want to appreciate the problem that is facing you, that is demanding a solution. These are the ghettos of the Arab States, of those independent, sovereign, democratic Members of the United Nations. The ghettos in these Arab States, in the Yemen, in Iraq, in <sup>Syria</sup> Damascus -- if you will visit any of them, all the reports, all our speeches, all our proofs as to whether such and such a prophet was born on such and such a day, all that will have vanished and you will face the problem of humanity in the raw demanding a solution.

It is through you that we are in duty bound to sound the alarm and call upon the human conscience of the world to take stock before it is too late. What has happened under the Nazi regime in the West may happen under the rule of certain Governments, Members of the United Nations Organization. Many hundreds of thousands of Jews look up to you, Honourable Gentlemen, to prevent a repetition of massacres such as those in Baghdad under Rashid Ali, when hundreds were killed, or in Tripolitania under the British flag of occupation, where 120 men, women and children were brutally butchered. It is an open

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secret that the Arab League and the Arab Government consider the Jews in their realms as hostages for the Palestine problem. They have declared this openly. If you require any evidence, we have the evidence with us. We do not want to take too much of your time, but if you want any evidence on these statements made by the Arab League, made by various governments, made by Dr. Jamali, the Foreign Minister of Iraq, we are ready to give them. Jew-hatred and Jew-baiting is growing daily in almost all Arab countries. What has happened once in Baghdad, in Tripolitania, Urfa, the boundary of Syria and Turkey where a whole family was massacred overnight, in Egypt, what happened on 2nd November, 1945, Balfour Declaration Day, may happen again with increased violence.

So-called democratic countries, Members of the United Nations, sitting with you are indulging in racial discrimination bearing the seeds of unrest, maltreatment and eventual massacres.

Gradually and methodically the Jews in Iraq, in Syria, in Lebanon, in Egypt, are being subjected to a special treatment which is enforced administratively but cannot be traced in legal documentation.

Threats to individuals are a daily occurrence.

A strait-jacket is tightening on Jews there in their economic life. Any Jewish-Hebrew culture is objected to. Any connection with Jewish Palestine is discouraged. Obstacles and difficulties are placed in the way of all Jews desirous to visit Palestine for any reason. Passports are marked "Not valid for Palestine". All Iraqi Jews are held prisoners and may seldom leave Iraq and only against heavy cash deposits. Jews of all nationalities - American,

/British or any

70

British or any other - cannot cross Iraq even in transit and no transit visas are granted to Jews by any State Members of the Arab League except under great pressure. Recently all transit<sup>of</sup>/goods to Iraq via Palestine, has been officially prohibited, so as to tighten the boycott against Palestine Jews.

Racial economic boycott, supposed to be condemned by the Atlantic Charter, is openly declared and enforced by all Arab States against Jewish Palestine. Notices to this effect can be seen exhibited at certain customs stations. It is a continual cause of amazement that this continues to be tolerated to this day by the Mandatories, who is supposed to protect our interests, and by the United Nations, who have accepted the Four Freedoms.

Heavy penalties are imposed upon Jews trying to leave Syria for Palestine, and should anyone succeed in escaping, his relatives left behind are persecuted and imprisoned. That these anti-Jewish campaigns have reached alarming proportions is evidenced by the recent broadcasts of Premier Nokrashy of Egypt and Dr. Recep Peker, Premier of Turkey, appealing to their peoples for moderation. We have referred to Iraq, Syria and Egypt. Conditions in the Yemen, Afghanistan, Tripolitania and elsewhere are incomparably worse. In Afghanistan there is terror.

Mr. Chairman, at this point I want to make a special appeal to one of the Members of the Committee. Over 280 refugees from Afghanistan are living in India. They have run away for their skins and lives. They are not permitted to remain in India for longer than six months at a time. Thanks to all sorts of intervention, India granted them an extra six months. These six months are nearly over. May we appeal

71

to the Indian representative that to this small case of 280 Jews, human beings - if you tickle them, they laugh, if you prick them, they cry - who are sitting there in India<sup>waiting</sup> for a decision as to where to go. In India they cannot remain; to Afghanistan they will not return because if they return to Afghanistan they will be murdered. To Palestine they cannot come. We do not know where to send our brethren from Afghanistan. May I appeal to you, Sir Abdur Rahman, to appeal to your Government to be lenient, to retain them there and not force them to go back to their territory, to their own country of origin where their lives are endangered, until such time as we may have an opportunity to find a refuge for them, in the only place and the only country in the world which is ready, as far as their co-religionists are concerned, to receive them.

About Yemen I am not going to speak. This is something from the Middle Ages. I advise the members of this Committee only to note the Arab-Christian writer's book, Amin El Rihani. If you read only a few pages of that book, I do not think that any man who believes that he was born a man can stand and tolerate, in the twentieth century, such treatment of man by man.

Conditions in Morocco, Algeria and Tunis are now deteriorating due to anti-French feelings growing high, and as usual the Jew is the first to suffer. In many countries, such as Egypt, xenophobia is the basis of all these events and moods, but the Jews - the usual scapegoats - with no power to back them, will have to pay for the lot.

Religious fanaticism, coupled with national chauvinism and mass ignorance, are fraught with dangers, particularly since an anti-Jewish campaign is kept ablaze everywhere under

anti-Zionist pretences.

If the Jewish communities in all the countries referred to cannot come forward and make their own statements to you, if those communities denounce all our evidence, we rely on your judgment to realize that they cannot do otherwise. It is sufficient to read Crum's statement about the evidence given by the <sup>Syria</sup> Damascan Jews before the Anglo-American Committee. They were granted twenty-five minutes. They spoke for forty-five seconds. That was enough.

We are entitled to speak for them because of our direct connection and kinship as well as our relative security. Furthermore, the presence of His Eminence, the Chief Rabbi - the recognized highest religious authority of Sepharadi Jewry throughout the world, as his title FIRST IN ZION denotes - may suffice to bear evidence of our grave forebodings. Our numbers in Palestine are gradually and regularly increasing by immigration from those countries in the face of all obstacles, dangers and risks for the immigrants themselves and for their relatives and friends remaining behind. Suffice it to note that the Community of Damascus, which numbered about 20,000 before the First World War, now numbers not more than 2,000 souls, most of them having reached Palestine.

Another illustration is the 'illegal' boat, among so many illegal boats, named after our great Zionist of 700 years ago from Spain, the famous recognized writer-poet and philosopher of the Arab world as well as the Jewish world, Yehouda Halevi. That boat carried 350 passengers from North Africa, from Tripolitanian and Tunisian soil. There are no persecutions yet in North Africa, but if 350 souls, 350 men dare risk and venture all the difficulties entailed to sail, packed in those small boats and leave that country when they know they will be

intercepted by the strongest fleet in Europe and they will be sent to concentration camps in Cyprus, when they know that in Cyprus they will not know how long they will remain there, you cannot find in any country 350 men, of any religion, ready to leave and embark upon such a dreadful adventure unless they fear that their lives and skin are in danger. This is not propaganda. You have to see them to realize that it is not propaganda paid by the Jewish Agency or anyone else. If people dare risk sailing in an unseaworthy ship, crowded as they are, and finishing in Cyprus, it is because they are afraid that what happened in Tripolitania will happen to them tomorrow. And they are ready to leave anywhere, naked, leaving everything behind, provided their brethren sympathize here, where they can live as men, as other men under the sun.

Having been born in Oriental countries, knowing their customs and languages, their mode of life and their ethics, the Sepharadim are called upon to play a greater role in the establishment of harmony and peace throughout the Middle Eastern countries, provided the United Nations Organization is strong enough to impose upon all their members to enforce the tenets of real and true democracy, the tenets of the Atlantic Charter and the practice of the Four Freedoms.

Most of the Arab countries, with the exception of Egypt, are underpopulated. No Arab country is in a position alone to put to good use the extensive areas allocated to them so very generously by the victors of the First World War.

It is high time that the wrongs done to Judaism in the West be somewhat repaired by the assistance required to establish a haven of refuge for them in their national and historical cradle. The more so, before more and irreparable



wrong is done to the Jews of the East by the Arab rulers.

For these and many more reasons given to you by the official spokesmen of the Jewish people, it is imperative that the gates of Palestine be thrown open to receive not only those who escaped the Hitlerite crematoria, but also for those in imminent danger for their lives in certain countries of the Middle East. Oriental Jewish immigration into Palestine will not alter the number of Jews in the Middle East. To believe Fadil Jamali, the present Foreign Minister of Iraq, any satisfactory solution in Palestine will be revenged upon the Jews in the Arab countries. We shall produce evidence to you on this if it is required.

Our present position in Palestine is degrading. From free citizens we were turned -- I am speaking of the Jewish population of this country -- into second-rate citizens by the White Paper of 1939, and this, against all provisions of the Mandate and contrary to our own status under Turkish law. There are closed zones established by the Mandatory; these were open to us before the British occupation. Such is Trans jordan, such are other zones in Palestine itself, details of which were given to you by our official spokesmen.

Against such discriminations we protest. Against discrimination in taxation we protest. We are not rich. Someone in this Committee mentioned that we are rich. We are not rich. This is a fallacy. May I venture to invite you to visit some of our quarters a few hundred yards from Kadimah, your present residence.

CHAIRMAN: I must remind you that our time is rather short, and I would request you to omit things which are not of primary importance. If such an expression has been used, I do not think you need to refute it.

Mr. ELIACHAR: May I invite you to visit these quarters to give you an idea of our street urchins, our slums, our

/overcrowded

75

overcrowded families, which area flat denial of the myth of our riches.

The Mandate declared a Commonwealth for the Jews. May I ask that you glance over this booklet containing the signatures of twenty-two Members of the Privy Council, seventy-four Members of Parliament and scores of other dignitaries, all of whom concurred in 1919 that a Jewish Commonwealth shall be established in Palestine.

Allow me to make a parenthesis: Whilst political rights of the Jews in Palestine are to be protected under the Preamble of the Mandate, only civil and religious rights of the non-Jews in Palestine are safeguarded. This certainly is no omission, and clearly establishes the intentions of the Members of the League of Nations in this matter.

Summarising the picture, we now see with grave apprehension that with the tacit consent of the Governments that could prevent it, men such as the Mufti in Cairo, Yunis El Bahri in Transjordan, Raschid Ali in Baghdad, Anton Saade in the Lebanon, Kawkaji in Syria, Drause in Damascus are helping to shape the future. Does it surprise you if we are worried?

We therefore appeal to you for an equitable solution on the lines claimed by our official spokesmen.

As the indigenous population of Palestine, we demand the restitution of our rights, the abolition of the White Paper of 1939 and all it stands for and the opening of the gates to all Jews in need of a home, whether from East or West. Not wanted anywhere - undesirables everywhere - the germ of restlessness and despair is eating us up root and branch.

To impose upon Palestine a permanent Jewish minority is to add insult to injury. Knowing what we have to expect under

/Arab rule

Arab rule, we cannot but declare to you that, one and all, we shall be faced with Samson's desperation.

The courageous establishment of a haven of refuge for the most persecuted people since man was created may bring peace to this country, to the Middle East and to the world, in collaboration with all our Semite and Arab brethren.

Honourable Members of this Committee, representatives of great nations, millions upon millions are awaiting your verdict; for the sake of humanity, do not let us despair of humanity.

CHAIRMAN: I thank you. I suppose you have given us the general picture now, and that the following gentlemen can be quite short? We were supposed to begin our public hearing already at 10:30, and therefore we shall have to limit the time of speech for the following gentlemen at the most to five minutes for each.

Mr. ELIACHAR: There is only Mr. Elmaleh to speak in French, just a few words, and Mr. Sasson.

(Mr. Elmaleh spoke in French, of which the following is a translation).

Mr. ELMALEH: Mr. Chairman, I shall request your permission to speak in French as I have a better knowledge of that language than of English.

I have not much to add to the brilliant statement delivered by my friend, Mr. Eliashar. Perhaps some may consider the picture he has drawn somewhat exaggerated, and yet believe that he has not told all there is to be told.

There is a proverb which says: "All that glitters is not gold". As you examine the situation of our coreligionists in the <sup>Arab</sup> countries he has described, you may perhaps think they are living in countries with a constitution. Unfortunately, the constitution applies only to some of the people. In these /countries

countries the Jews are considered an inferior race.

In these countries, our coreligionists live like "marane". No doubt you know what "marane" are: they are people who have certain convictions but are obliged to show other sentiments. Such is the case with our coreligionists in all these countries which Mr. Eliashar has described to you, and concerning which I shall not say anything further.

No doubt the Governments of the countries in question will tell you that the Isrealites enjoy full rights. That is not true. You need only take a look at these countries, and if you visit them you will be able to see the true situation for yourselves. The Isrealites of the Yemen are slaves. The orphan children are taken by the Government and brought up according to a law which is not their own.

All these Isrealites are devoted to Zion and all those who may tell you that there is a difference between Jews and Zionists are not telling the truth. A devout person prays three times a day, saying: "If I forget thee, O Jerusalem, let my right hand wither."

In 1920, I was deputed to help my friends the Isrealites of Syria when the Crane delegation went to that country. As an indication of the feelings of these Isrealites, I shall just read you a short memorandum which the Isrealites of Syria submitted to that Commission. The Isrealites of Aleppo said:

"In our daily prayers, in every manifestation of our life, in regard to all the happy and unhappy events of our existence, we repeat these significant words, which are sacred to us, which are full of bitterness but at the same time pregnant with hope: "If I forget thee, O Jerusalem, let my right hand wither."

"This prescription, which is almost a ritual, instituted by our ancestors in the days when they were torn from the soil which they had sprinkled with their blood, has been transmitted from father to son. We piously preserve it and repeat it in every circumstance of life.

78 /Our profound

Our profound love for this promised land, our unswerving devotion to Palestine - I am quoting the Isrealites of Syria - our hope of returning to the land of our fathers, which is so dear to us: all these feelings are alive in our hearts. Yes, Palestine is the country of our ancestors; history is there to prove it.

To attain this happiness for which we have longed without ceasing and which we have never ceased to claim as our right, we are waiting for the Messiah who will come to reestablish us in this dear country."

Is the Messiah in this instance incarnate in the person of Lord Balfour, President Wilson or Mr. Pichon? We believe so, or rather circumstances lead us to think so.

Our aspirations are not unknown to you. Permit us to remind you of them.

After the triumph of justice, right and liberty over force, violence and barbarism, the Entente restored freedom to the whole world, and especially to the oppressed nations, thus permitting their unrestricted political, civil and economic development. Amongst the oppressed nations we may cite the nation which has undergone the greatest trial in its valiant past and its heroic history: the Jewish people who for two thousand years have been obliged to wander homeless throughout the whole world, seeking refuge everywhere and but rarely finding a country which would open its doors to them.

There is only one way to make reparation for these thousands of years of injustice: to grant the Israelites a national home where they can develop all their moral and intellectual faculties.

There was general rejoicing amongst the Jews throughout the world at the announcement of Lord Balfour's declaration, on 2 November 1917, which promised the Israelites a home in Palestine.

I do not wish to dilate on this matter. Since then, there has not been any change in the situation; the Israelites throughout the whole world long for Palestine, as my colleague Mr. Eliashar has said.

The Community of Damascus, which numbered eight thousand several years ago, now numbers only two thousand. They have all come to Palestine, for here dwell their future and their hopes; here their national life will be revived and here a nation will be reborn. Here and only here will the Israelite who has bowed beneath the yoke of captivity and of the Diaspora raise his head and body again, to live as a free Israelite and to rebuild his national home, as all the other nations have done.

It is for you, Mr. Chairman, and you, Gentlemen, the representatives of the United Nations, to make the final decision. You will then have done this nation a great service. To a nation without a country you will restore a country without a nation.

/CHAIRMAN:

CHAIRMAN: I now call upon Mr. Sasson:

Mr. SASSON: I will try to be very short. I am going to speak to you about something that is a historical miracle. There is no parallel to it in our civilisation, that is, our Western civilisation, but there may be a parallel to it in India and in China, and so on. In our civilisation there is no parallel to the community to which I have the honour to belong, and that is the Babylonian community. Now, among the concentration camps that you have no doubt been told about, there is one very big omission, and that concentration camp is the City of the Arabian Nights, Baghdad. It is one big concentration camp, Mr. Chairman. No Jew can come out of there and no Jew can go into it unless a huge sum of money is either deposited or paid in various ways. If you do not believe me, send your secretary to the Iraqi Consulate, a stone's throw away, and say that a Jew wants to go to Iraq, or that a Jew wants to come out of Iraq, and then you will see the answer. Now, you will say, no doubt, there are Jews from Iraq, everywhere you go you see them. There are a few Jews who can afford to pay the enormous deposits in money, thousands of pounds - I think that if you have the same amount of thousands of pounds, any Jew from any concentration camp can get out of Europe and find his way to Palestine.

I would ask you or one of your colleagues or one of your secretaries to go disguised like Haroun Al Raschid to his old capital, that is, Baghdad, and you will see for yourself.

Now, who are these Babylonian Jews? Who are they? Mr. Eliachar told us that his connection with Palestine is some 600 or 700 years old. Our connection with Iraq is 4,000 years old. We know, we claim, and our Arab friends admit, that we are descended from Abraham. Sir Abdur Rahman made that quite clear. And Abraham? Who is Abraham? Abraham was a prince, and he came from the Land of Ur. Where is the Land of Ur? It is on the fringe of the desert between the present Arabia and the Persian Gulf. And he answered what he considered to be the Call. He was respected, and he took his wife and family and came to what he considered to be the Country of Promise, and he came here. So that we originate

/in this part

in this part of the world. We are not here in sufferance. We do not thank anybody for being here, and we do not have to apologize to anybody for being in this part of the world. We were born here 4,000 years ago.

Now in due course Abraham settled here. The Almighty blessed him, and you know it all from the glorious pages of the Bible, what happened. In due course a kingdom was established here, and about 600 B.C. the Babylonians, that is, the predecessors of the Persian Empire, the Babylonian Empire came down from their empire in Egypt and destroyed Jerusalem and took the King and the Princes and the people captive to Babylon. They were stunned, and of this you have been told. But certain prophets came and gave them heart. They said "that is the will of God. Build cities and live in them". And they took the prophets' words and built the city of Tel-Aviv -- ~~that~~ not the Tel-Aviv we have here near Jaffa, but the first Tel-Aviv, and that is in Iraq. That was 2,500 years ago. These people have remained there ever since; of that there is no question. Look up any history book written by anyone and you will see that it is a fact. For 2,500 years this community has continued absolutely uninterruptedly, without any change in either religion or morals or in outlook. I do not believe that in our Western civilization there is such a community; I do not know of such a one. They have continued for those years and they remained there until the Moslem conquest. When that great Moslem warrior, Haroun-el-Rashid, came and conquered Iraq for the Moslems, he was met by a community, all of whom had older descent than the oldest family in England today -- those people who pride themselves on having come over with William the Conqueror. Even the family of Mr. Churchill has not been a thousand years in England. But the Jews who were in Iraq when the Moslems came were there over a thousand years, and I think that entitled the Jews to believe they were in the country as of right.

But what happened? The Arab conquerors said, you acknowledge our supremacy and we will confirm you in your rights. And the Jews had no choice but to say: All right, you are the conquerors; we give you fealty; we bow the knee; you make the terms. And they did. As a result of that I may have to go back a little.



During this thousand years before the Arab conquest, the Jews of Abraham, of Iraq, produced marvellous prophets, who have written poetry which you, Mr. Chairman, and your friends round the table from time to time read, and they pledged themselves in these immortal words: "If I forget Thee, Jerusalem, let my right hand forget its cunning." That is not only said three times a day; it is said six times a day - three times at prayers, and every time we eat a piece of bread and take a glass of water we pray for the peace and prosperity of Jerusalem. This community having been there for so many years, they do the same thing to this day.

And when they die, how do they get buried? They get buried facing Jerusalem, so that if they cannot be buried in Jerusalem, they will be ready.

What I want to tell you is this, that this community which is so old has still remained loyal to its own ideals and to its own ideas, and has remained so continuously, without interruption until the last few years. It is a question of tens of years. As you know, the Babylonian Empire gave way to the Persian Empire, and the Persian Empire to the Greek Empire, and the Greek Empire to the Roman Empire, and in due course, to the Arab Empire and to the Turkish Empire. And then in the course of time, in God's good day, the British came, and, together with the Arabs, both Christian and Moslem, the Jews of Iraq welcomed the British because by that time the echoes of the French Revolution, with its message of liberty, fraternity, equality, had begun to come in, and they thought and believed that the British brought these three qualities with their Army. As a matter of fact, everything was very nice, and because the Jews had always given a great deal of their time to learning, they were the literate part of the population; and you will find until this day that they know how to read and write - the most ignorant of them; the men, that is. Naturally, the British made good use of them and they were the cadre, the beginning of the administration of Iraq. A marvellous constitution was given to Iraq by liberal-minded Englishmen who thought they were giving a constitution to some European people.

/In Iraq

In Iraq, as in the rest of the East, you have only a very thin crust - a very, very thin crust - of people who can read and write; the rest are ignorant, fanatical, and most miserable. But you have this thin crust of people who take it as their natural right that the common rabble are theirs to use as they please. So long as that great Prince was alive - King Feisal - all was well; and as a matter of fact after the first reception that the Jews of Iraq gave to King Feisal he said - and it is recorded in the Letters of Gertrude Bell - "I cannot understand why you Jews are nervous. You are our cousins; you can rely on us. What will be for us, will be for you."

I would ask you, Mr. Chairman, to look at that letter of Gertrude Bell's. King Feisal saw the Jews as his cousins, as people who had been in the country long before his own people had arrived there, and people whose rights had been continuously respected. Later on, unfortunately, King Feisal died and a new Pharaoh arose which knew not Joseph. And the new people who wanted to use the country for their own purposes resented the fact that in every department there were Jews who were members of the minorities, and they began throwing them out of the Government service. I do not complain about that. They are <sup>a</sup>minority; they should be a minority in the Government service. But what I complain about in this - and I do ask your assistance - that this very ancient community which has always had its own universities and its schools has now begun to be interfered with. The schools are no longer permitted to teach the Hebrew language. The Hebrew language has been taught there for 2,500 years, and now the present Government says, no, you cannot learn the Hebrew language. And then the present Government says, you cannot learn your own history from your own teachers. If you want to learn your history we will get some Arab teacher to teach it to you. I think that is wrong. An ancient community of such tradition should be entitled to its own schools and its own teachers, and to its own freedom, and I ask you really to take the position of the Jews of Iraq into consideration when you come to your report; to see that this ancient community is not wiped out from the face of the earth, because this is what is going to happen.

I do not know if you came across the Babylonian Community. There is a miserable remnant there. And this glorious community of Babylonian Jews had given the world famous prophets, universities - even more famous than Oxford and Cambridge today - until the Moslem conquest destroyed them and dispersed their conquerors, as happened at Alexandria and Constantinople and other places. This community is now in danger of disintegrating, and they feel themselves shut in with nowhere to go. They have only two alternatives: either to brook the dangers of crossing the desert - and some of them have done it and done it by foot; some of them have succeeded in reaching this country through all this desert; many of them have died by the wayside; or to go to the other alternative: and the only alternative party which is holding up to them a message of hope is the Communist Party. Unless something radical is going to happen, and happen quickly to this community, it is going to disappear. I would ask you, Mr. Chairman, as a civilised being, to see that this ancient community, for the sake of history, should not disappear from the face of the earth. It has existed so long it should not be allowed to disappear.

One more word and I am finished. I was born in Iraq. My family has been there, we claim - and it is acknowledged by the scholars - for many years. I studied at Oxford with their Princes, and believe me, on a footing of equality because I will admit no superior except him who is more virtuous or cleverer than myself. And when we were at Oxford we took it as an axiom that there was now going to be established a Jewish Commonwealth and it used to be a joke between us as to which ministerial post I was going to fill when I came back to this new Jewish Commonwealth.

What I want to tell you is that in the beginning it was accepted by all, and I do say - knowing the Arabs here, and I do know them and like them; I am very happy to be with them; I understand their language, and I do know them - that the rank and file, the man in the street, has no objection at all. If you do not believe me, all you have to do is to ask the people who know this country if this country is claimed as Arab, which is the Arab town that they /have built? .

have built? As far as I know, there are only two Arab towns of Arab origin and name. I do not know if you would call them towns. That is, Ramleh, which used to be the capital of Palestine at one time, and Tulkarm. Every other town is either of Jewish origin, or Greek, or Crusader, or something else. And the common people understand that. And they understand something more.

/there is

There is nothing nobler than the law of maintenance, as Sir Abdur Rahman will agree, which says that if you have a poor relative, and you are richer than him, you are bound to maintain him. That is the law. And this can be verified. We are their cousins and we have been born here. We have sprung from this part of the world. We do not come as conquerors. We are entitled, according to their own ideas, to this little place. What I want to say is that the man in the street knows the elements of his own law and knows that as of right we are entitled to a certain refuge. I say that there is in the man in the street no objection, but there is an objection among the leaders who look upon Palestine as something for them, as their own natural right, to exploit as their cousins and friends in Syria and in Iraq do, to use for their own purposes.

I think I have overstepped my time, but I have a great deal in my mind and it is a great subject and I would ask you, when making your report, to remember this very ancient community and its claim on you, as representing humanity.

Thank you very much for listening to me.

CHAIRMAN : Mr. Eliachar, you spoke about the evidence of the hostile intentions of the Arab States. I suppose you refer to some public statements or speeches they have made and that you have in writing. Will you hand it over to us ?

Mr. ELIACHAR : Yes, certainly.

Sir Abdur RAHMAN (India) : May I ask you to request Mr. Eliachar to let me have the details about the Jewish detainees in India ?

Mr. ELIACHAR : Yes; there are Jews from Afghanistan who are in India now. I will submit it to you in full.

CHAIRMAN : Will you hand to us the quotation to which you referred ?

/Mr. ELIACHAR...

Mr. ELIACHAR: Yes.

CHAIRMAN: Then it only remains for me to thank you, gentlemen.

Mr. ELIACHAR : We are presenting to you also a memorandum which does not embody our talks here but which gives you a general résumé of the matter.

CHAIRMAN: This private meeting is adjourned.

(The meeting adjourned at 11.20 a.m.)

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