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Descendants File Key New Evidence with United Nations over Israeli Construction on 12th Century Muslim Cemetery

Simon Wiesenthal Center vows to build “Museum of Tolerance” Despite Mounting Opposition: Petitioners Appeal to Board of Directors

June 14, 2010, New York, Jerusalem, Geneva— Today, parties defending a 12th Century Muslim cemetery and holy site in Jerusalem from desecration by Israeli authorities and a U.S. financier submitted key updates and new evidence to UNESCO, the High Commissioner for Human Rights, United Nations Special Rapporteurs, and the Swiss government.

The original Petition for Urgent Action was filed on February 10, 2010 in Geneva by the **Center for Constitutional Rights** in New York on behalf of descendants of individuals buried in the Mamilla Cemetery, including 60 signatories from 15 of the oldest Jerusalem families. The Petitioners argue that disinterring thousands of Muslim graves and building a “Museum of Tolerance” by the Simon Wiesenthal Center (SWC) on part of the cemetery violates international conventions protecting cultural heritage, the manifestation of religious beliefs, and the right to culture and family.

International reactions

The Addendum to the Petition submitted today highlights the widespread interest that the Petition has generated in the UN, the media, and among the public. This includes dozens of articles and other press reports around the globe, and the endorsement of 8700 individual co-petitioners that have joined a Public Petition in support. An investigative series published in the Israeli newspaper *Haaretz* in May 2010 has confirmed with new evidence and exclusive photographs the arguments and evidence presented in the Petition and generated a new wave of public concern about the issue.

While the UN officials undertake the investigations requested of them in the Petition, the matter was taken up by the UN Human Rights Council, which adopted in March a strong resolution expressing “its grave concern at the excavation of ancient tombs and removal of hundreds of human remains from part of the historic Ma’man Allah (Mamilla) Cemetery in the holy city of Jerusalem in order to construct a museum of tolerance.”

Meanwhile, Arab and Islamic Ambassadors in New York presented the Petition to the UN Security Council and met with Secretary General Ban Ki-Moon, who promised to follow up with Israel and with UNESCO on the matter. In addition, the Swiss Foreign Minister endorsed the Petition and encouraged continued efforts to resolve the matter, stating in a letter to Petitioners that Switzerland

“deplore[s] the decision to build such a museum on the site of an ancient Muslim cemetery” which “was not helpful with regard to fostering the peaceful cohabitation between the different faiths.”

Said **Rashid Khalidi**, Edward Said Professor of Arab Studies at Columbia University and the descendent of several individuals buried in Mamilla, “Our efforts to insure that the competent UN authorities fully address this issue will continue, and we intend to keep the campaign on the international agenda until Israel and the Simon Wiesenthal Center desist from this project that has desecrated an important Muslim and Palestinian cultural heritage site.”

Petitioners Appeal to the Simon Wiesenthal Center

The Addendum to the Petition also refutes claims made by the SWC following the submission of the original Petition. New photographs presented in the Addendum show that ancient walls and tombs remain on the site, contrary to the SWC’s claim that the several layers of graves and artifacts known to be on the site have already been removed by infrastructure works.

SWC also claims that an obscure 1945 Supreme Muslim Council proposal to build on the cemetery justifies the current project. This ignores the fact that the alleged plan was never sanctioned by legitimate Muslim scholars, since the Council at the time was appointed by British Mandate officials and had no authority to make judicial decisions about religious affairs. Nor did the idea gain traction or come anywhere near fruition. The Addendum also affirms that Petitioners, represented by the Center for Constitutional Rights, have initiated this wholly civil, voluntary and family-based effort with no affiliation to any political or other organizations.

Last week, the Petitioners and the Center for Constitutional Rights sent each member of the Board of Directors of the SWC a letter fully explaining the facts behind the case and calling for them to intervene, stating “that the ultimate responsibility for the continuation of this project now rests with the Board members, who are accountable to the public and private world for supporting this assault on common sense and decency.”

Said **CCR President Michael Ratner**, “We have reached out to the board of the Simon Wiesenthal Center in the hope that they will put a stop to the terrible irony of building a museum of tolerance on the site of a Muslim cemetery. Each board member who fails to act effectively condones the desecration of human remains and the violation of a sacred burial site.”

The Mamilla Cemetery has been a Muslim burial ground and holy site since as early as the 7th century, when companions of the Prophet Muhammad were reputedly buried there. In addition, numerous Sufi saints and thousands of other officials, scholars, notables, and Jerusalemite families have been buried there over the last 1000 years. The cemetery was declared a historical and antiquities site by successive authorities in Jerusalem, including the Supreme Muslim Council, British Mandate and even Israeli authorities. It was an active burial ground until 1948, when the new State of Israel seized the western part of Jerusalem and the cemetery fell under Israeli control.

The Petition, the Addendum and other documents may be consulted at www.mamillacampaign.org.

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. Visit www.ccrjustice.org.