



الحملة الأهلية للحفاظ على
مقبرة مأمّن الله المقدسية
Campaign to Preserve
Mamilla Jerusalem Cemetery

Via Federal Express

June 5, 2012

Mayor Nir Barkat
Jerusalem Municipality
1 Safra Square
Jerusalem 91007, Israel
Tel: 972-2-6297720

Re: Mamilla Cemetery

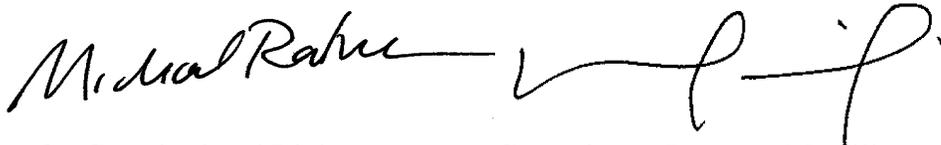
Dear Mayor Barkat,

We received Mr. Rosenberg's letter of March 26, 2012, in response to our letter of March 2, 2012, enclosed herewith. The letter appears to have been hastily translated from Hebrew and hence we are not able to fully understand some of its assertions, especially that all of the exhumed graves have been "copied and re-buried, in coordination with representatives of the Muslim religion." As you are aware 60 individuals from 15 Jerusalem families have been appealing to international bodies and to the SWC since 2010 to stop this outrageous project. We have not yet been able to ascertain where their ancestors' remains have been unceremoniously dumped in the process of clearing the cemetery site for construction. Nor have we previously heard of any "representatives of the Muslim religion" that were involved in this reburial. Indeed, senior Israeli Muslim religious figures, Shari'a Judges and community representatives have spoken out consistently against the desecration of the Mamilla cemetery. Please provide us with any information you have about the location of the reburials and the identity of those "representatives" you allude to, as well as their role in the reburial process.

Regardless of the current state of the construction on part of the ancient cemetery, it is incumbent upon you to ensure that sites of such religious, cultural and historical importance are not treated in such a disgraceful manner that promises to fuel tensions in this most vulnerable Holy City. It is clear from the recent City Council vote in which only six of thirty-one members approved the new contract for the Museum that it not only faces international condemnation but also lacks local government support, as also illustrated by Deputy Mayor Pepe Alalu's comment that "This museum was born in sin." See <http://www.jpost.com/NationalNews/Article.aspx?id=272576>.

We therefore urge you, once again, to do whatever is in your power to have this museum relocated away from this badly chosen site. By copy of this letter to the appropriate United Nations authorities, we are bringing to their attention your assertions regarding the disposition of the human remains excavated in conjunction with our Petition first submitted to their offices in February 2010.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is 'Michael Ratner' in a cursive style. The signature on the right is 'Rashid I. Khalidi' in a more stylized, cursive script.

Center for Constitutional Rights
Michael Ratner, President Emeritus
666 Broadway, 7th Floor
New York, New York 10012
mamilla@ccrjustice.org

Campaign to Preserve Mamilla
Jerusalem Cemetery
Rashid I. Khalidi
Edward Said Professor of Arab Studies
Columbia University, New York

Encls.

cc: Pepe Alalu, Deputy Mayor, Jerusalem Municipality
Ido Rosenberg, Advisor to the Mayor, Jerusalem Municipality
Navi Pillay, High Commissioner, Office of the United Nations High Commissioner
for Human Rights
Irina Bokova, Director-General, United Nations Educational, Scientific and Cultural
Organization
Farida Shaheed, Special Rapporteur in the Field of Cultural Rights
Heiner Bielefeldt, Special Rapporteur on Freedom of Religion and Belief
Mutuma Ruteere, Special Rapporteur on Contemporary Forms of Racism, Racial
Discrimination, Xenophobia and Related Intolerance



To:
Michael Ratner
President Emeritus
666 Broadway 7th Floor
New York, New York 10012
USA

26th March 2012
12-3-3246

Shalom,

The establishment of the Museum of Tolerance has been years after all phases of the permit and construction is already underway. All the graves have ever been in the museum has been copied and re-buried, in coordination with representatives of the Muslim religion.

Sincerely,

Ido Rosenberg
Advisor to the Mayor

March 2, 2012

Mayor Nir Barkat
Jerusalem Municipality
1 Safra Square
Jerusalem 91007, Israel

Re: Mamilla Cemetery

Dear Mayor Barkat,

As you are aware, since 2010, we have acted on behalf of 60 Petitioners to the United Nations Human Rights Council, all of whom are descendants of Jerusalem residents buried in the historic Mamilla cemetery. The Petitioners are seeking redress for the violation of their cultural and religious rights as a result of the plan to build a "Museum of Tolerance" on part of the cemetery site. The issue is due to be discussed in the coming weeks at the Human Rights Council which in 2010 and 2011 insisted that this desecration be halted. The Council might well demand further action in this regard.

We brought to your attention recently a letter from 84 world-renowned archaeologists protesting the violation of professional ethics and standards in the manner in which the Jerusalem Municipality and the Israel Antiquities Authority has permitted the excavation of the site to proceed.

We have repeatedly addressed ourselves to the Simon Wiesenthal Center Board with a plea that this project be undertaken elsewhere, as we believe that you yourself have proposed, an initiative for which we are most grateful. Our most recent entreaty is to Rabbi Marvin Hier himself, in the attached letter, in the hope that an appeal to basic humanity, reason and morality will elicit a positive response.

We would highly appreciate if you would use your good offices to persuade those responsible that continuation of this project can only fuel tensions and resentment among people of all faiths. It is not too late to save the Mamilla site as a real symbol of tolerance, diversity and cultural heritage in the Holy City of Jerusalem and we hope that you can lead the way forward in this respect.

Sincerely,

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Encl.



الحملة الأهلية للحفاظ على
مقبرة مأمّن الله المقدسية
Campaign to Preserve
Mamilla Jerusalem Cemetery

March 1, 2012

Rabbi Marvin Hier
Founder and Dean
Simon Wiesenthal Center
1399 South Roxbury
Los Angeles, CA 90035

Re: Mamilla Cemetery

Dear Rabbi Hier,

We are writing from the Center for Constitutional Rights and the Campaign to Preserve Mamilla Jerusalem Cemetery to ask you—as the Founder and Dean of a Center whose goals include promoting human rights and dignity—to stop the construction of a “Museum of Tolerance – Center for Human Dignity” on top of part of the ancient Mamilla cemetery in Jerusalem. As you know, we have been appealing to the Simon Wiesenthal Center’s Board of Directors and its supporting foundations, Israeli authorities, and the international community, submitting petitions to the United Nations High Commissioner for Human Rights, several Special Rapporteurs, the Director-General of UNESCO, and the Swiss Government, to urge their intervention in this matter.

Opposition to the SWC’s plans to build this museum in such a sensitive location, and to its complicity in removing thousands of human remains and graves from the site, has been widespread among people of all faiths and backgrounds, and especially among those who understand Jerusalem’s rich history, volatile politics, heightened religious meaning, and multi-layered cultural heritage. While people of conscience around the world look on with shock at the SWC’s actions, the SWC continues to ignore all arguments against the museum’s location.

We remind you of some of the specific opposition to this project:

- The **Public Petition signed by nearly 10,000 individuals from around the world** demanding: a halt to construction, the declaration of the historic cemetery an antiquity, the restitution and reburial of all exhumed human remains in their original resting place, and the disclosure of the whereabouts of the human remains and artifacts exhumed to the families whose ancestors are buried in the cemetery. See <http://mamillacampaign.org/sign.php?list=1>.
- **Outcry from international bodies**, including resolutions by the U.N. Human Rights Council expressing “its **grave concern at the excavation of ancient tombs** and removal of hundreds of human remains from part of the historic Ma’mān Allah (Mamilla) Cemetery in the holy city of Jerusalem in order to construct a museum of tolerance.” The Swiss Secretary for Foreign Affairs has stated 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.” Various states and organizations have brought the matter to the attention of the United Nations Security Council and the Secretary-General of the United Nations, **urging that the Museum project be abandoned** and that the Cemetery be preserved.

- The **Central Conference of American Rabbis (CCAR) and Rabbis for Human Rights have publicly condemned the museum’s location** on the Mamilla cemetery. CCAR passed a resolution stating that “If we hold our own cemeteries to be sacred, we surely must treat the burial places of others with respect...Therefore, it is self-evident that we must oppose the removal of another people’s sacred burial ground, no matter how worthy the purpose.” See <http://www.ccarnet.org/rabbis-speak/resolutions/2009/jerusalem-location-of-the-museum-of-tolerance/>
- A letter, signed by **84 leading international archaeologists**, urging the SWC Board, Jerusalem Mayor Nir Barkat, and the Israeli Antiquities Authority to **immediately halt construction** of the Museum on the site of the Mamilla cemetery, and citing the violations of international ethics rules for the archaeological profession, Israeli laws, and other transgressions that took place during excavation of the museum site. See http://www.ccrjustice.org/files/mamilla_letter.pdf.
- The vocal opposition of **several renowned Israeli academics** to the SWC project. In particular, Yehoshua Ben-Arieh, Professor Emeritus of Geography at the Hebrew University of Jerusalem and an expert on the historical geography of Jerusalem, has confirmed the historical importance of the “clearly defined and delineated” Mamilla cemetery, “whose existence is **etched in collective and personal memory, past and present.**” Ben-Arieh counsels that it is “imperative that the public approach the Museum’s sponsors, requesting that they themselves initiate the abandonment of the scheme to build the Museum within the Mamilla Cemetery, and to **locate an alternative site in Jerusalem...**that will allow the Museum to pay reverence...to the message of tolerance it seeks to bring.” See <http://www.ipcri.org/files/yehoshua-eng.html>.
- **Professor Shimon Shamir, former Israeli Ambassador to Egypt** and a respected scholar, has been outspoken, even joining the legal case against the SWC in Israel. He has said, in the context of discussing the erroneousness of the Israeli Supreme Court decision on Mamilla, that “a project for tolerance that is forced upon others with flagrant intolerance is a **devious idea rejected by common sense** in a way that renders superfluous all the learned deliberations of the court.” See <http://www.haaretz.com/culture/books/the-controversy-of-the-museum-of-tolerance-1.403486>.
- **Dr. Yitzhak Reiter, former Deputy-Advisor on Arab Affairs to several Israeli Prime Ministers** and a scholar of Islamic affairs, has written a book discussing the repercussions of the SWC’s museum project on the Mamilla cemetery. As he states, “The very fact of conflict having erupted and reached the court casts a **shadow over the**

initiative and its goal.” See
<http://jjiis.org/index.php?cmd=publication.7&act=read&id=612>.

Much public opinion in Israel is unfavorable to the SWC’s project for the above reasons and because Israelis rightly believe in the sanctity of their own cemeteries, and want them to be treated with the same respect Palestinians demand for theirs. The fact that the SWC has alienated world-renowned architect Frank Gehry from the project, as well as the latest architects it retained and other sub-contractors, is evidence that the SWC is treading in deep water.

The SWC’s continued insistence on building this museum on a site that has religious, cultural and historical significance to all Palestinians, and its continued denial of this significance, is a reflection of its gross insensitivity. The disingenuous manner in which the SWC has operated reveals that tolerance and human dignity are not the goal. Rather, the intention is evidently to impose the SWC’s presence in Jerusalem literally on top of a centuries-old Muslim and Palestinian presence in a city that is holy to all of us. But removing all traces of those who were laid to rest in Mamilla will not silence those who have witnessed this transgression - it will only increase tensions in this vulnerable land.

We therefore urge you to halt the building of this museum on part of the Mamilla cemetery. The interests of peace, justice and tolerance dictate that you gracefully withdraw from this contentious site, and choose another location for your proposed museum. We invite you to display tolerance by supporting efforts to make the Mamilla cemetery into a monument for all of those buried there over many hundreds of years.

We believe nothing would send a more powerful message than the Simon Wiesenthal Center agreeing to abandon its plans to build on this site, and instead joining others in honoring the cultural and archeological importance of the cemetery to the history of the Holy City of Jerusalem. This would be a genuine example of tolerance and human dignity.

Thank you for your consideration. We look forward to your response, and would welcome an opportunity to meet with you to discuss this critical matter.

Sincerely,



Center for Constitutional Rights
Michael Ratner, President Emeritus
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Campaign to Preserve Mamilla Jerusalem Cemetery
Rashid I. Khalidi
Edward Said Professor of Arab Studies
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cc: Board of Directors of the Simon Wiesenthal Center
Foundations supporting the Simon Wiesenthal Center