



October 20, 2011

To: Board Members of the Simon Wiesenthal Center

The Mayor of Jerusalem, Mr. Nir Barkat

Director-General of the Israeli Antiquities Authority, Mr. Shuka Dorfman

We are addressing you as professional archaeologists who are aware of the significance of the past to modern societies and who respect living traditions and religions in our attempts to understand that past. We are obliged to appeal to you regarding the plans by the Simon Wiesenthal Center (SWC) to commence construction of a “Museum of Tolerance” on the site of one of the most historically renowned and ancient Muslim cemeteries in the world, Mamilla cemetery (*Ma'man allah, the sanctuary of God*).

Not only are we opposed to building on such massive and revered sites in any context, but we are also concerned by the surreptitious and unscientific removal of hundreds of human burials, in violation of international and domestic laws and the ethical obligations of archaeologists. Such insensitivity towards religious rites, towards cultural, national and religious patrimony, and towards families whose ancestors lay buried there causes grave concern from a scientific and humanitarian standpoint. The abusive treatment of such an important archaeological and cultural heritage site is not acceptable.

We are aware of the undeniable importance of Mamilla as one of the oldest and most prominent cemeteries in Jerusalem and throughout the Holy Land. We are also confident, in accordance with the archaeological data collected by the Israeli Antiquities Authority’s Chief Excavator of the museum site, that the area of the historic cemetery remains replete with several layers of Muslim graves housing human remains and archaeological monuments dating back to at least the 12th century.

The well-documented history of the Mamilla cemetery, which once covered 134 dunums (about 33 acres), reveals that it is a hallowed burial ground where centuries of Muslim notables, military officials, religious figures, and countless other Jerusalemite families were buried. The caves in the cemetery that contain human remains are claimed to be the resting site of Jews, Christians and Muslims. They are documented to be the site of mass burials from Persian massacres of Christians in the 7th Century. The cemetery also contains the Mamilla Pool, an ancient reservoir

dating back to the 1st Century B.C.E., which provided water for the city of Jerusalem for centuries and was likely linked to a Herodian aqueduct system.

Mamilla has thus lived through and contains the built and buried remains of many major historical events spanning the Jewish, Christian and Muslim history of the Holy Land, making it a heritage site of global interest and value. While we understand that portions of the original cemetery have been converted into parks and other structures, we also know that opposition to these previous projects was consistent, and that the latest and most invasive encroachment on the cemetery to build the “Museum of Tolerance” involved deep excavations that resulted in the disinterment of hundreds of human bones and other important antiquities in an unscientific and disrespectful manner.

The treatment of this site in the SWC’s latest intrusion into the cemetery’s depths constitutes a violation of archaeological, ethical and human rights principles. While we question the decision to build on the site in the first place, the manner in which the excavation of the site occurred is jarring to any scientific sensibilities. As we have learned, the Israeli Antiquities Authority (IAA) conducted the groundwork in the form of ‘rescue excavations’ in a portion of this historical site prior to approving the construction of this Museum. The IAA’s Chief Excavator of the museum site, Gideon Suleimani, provided an account of this excavation, which was submitted as an affidavit to the Israeli Supreme Court in a case opposing construction of the Museum. The affidavit reveals that significant archaeological transgressions that go to the heart of ethical issues in the archaeology profession took place on the Museum site. Among them, the following stand out:

SWC knew that the site was full of human remains: Suleimani warned SWC representatives that the Museum site was part of the Mamilla cemetery, and the test trenches that Suleimani excavated in 2005 to determine the density of graves on the planned Museum site revealed that the site “abounded with graves” and “was a crowded cemetery, containing three or four layers of graves.”

SWC hurried the excavations, resulting in poor archaeological practices: The huge rescue operation that Suleimani directed in 2005 to 2006 was required by the IAA prior to releasing the site for construction. The excavation was put under pressure from SWC, which wanted “to complete the works quickly”. This resulted in long workdays in poor weather conditions, “which made analysis of the findings even more difficult. The earth was muddy, and separation between findings and periods became almost impossible.” Suleimani concluded that the pressure to complete the excavation quickly, at the expense of establishing a correct and complete record, constituted “an ‘archaeological crime’ which resulted “in the destruction of a valuable archaeological site.”

SWC and the IAA misrepresented the extent of human remains present on the site and the status of the excavations to the Israeli Supreme Court: In the case before the Supreme Court, the IAA misrepresented the facts to the Court, reporting details “totally contradictory to the

findings on the site” and telling the court that most of site was approved for construction “because it contains no further scientific data,” a claim that Suleimani calls “a factual and archaeological lie.” Suleimani has attested that most of the excavations were in initial stages and that he had excavated about 200 skeletons and exposed an additional 200 graves that remained closed. He estimated that an additional 2000 graves remained on the SWC site. The IAA’s report stated that whole areas, which Suleimani averred had in fact not been excavated, were cleared “and there is no concern for the existence of skeletons.”

The treatment of the Muslim burial site would not have occurred with a Jewish burial site: Suleimani stated that Jewish religious authorities must intervene when Jewish remains are found, whereas Muslim authorities were not consulted in this case. He stated that an official from the Israeli Ministry of Religious Affairs told him “If one Jewish skeleton were found, I would stop the excavations immediately.”

We, as archaeologists, substantiate that such methods of forceful interference in what is an obligatory assessment of archaeological deposits prior to excavation, and attempts to falsify the data are indeed grave violations of archaeological ethics. We further contend that the conditions under which the SWC obliged the excavations to be concluded are unquestionably inhumane, and that the bias evident in the treatment of Jewish and non-Jewish remains is deplorable. Moreover, given current debates on the ethics of the treatment of human remains and efforts by indigenous local and religious communities across the globe to stop disturbance of their dead, we are shocked that these excavations were allowed to continue once graves were identified.

Any preliminary assessment that necessitates excavation on the site of a crowded cemetery would logically require special care to avoid disturbing human remains more than is absolutely necessary. Pictures of the site reveal the utter disregard for these human remains, including disarticulated and fractured bones haphazardly placed in cardboard boxes. The images are testament to the use of inappropriately heavy tools such as pickaxes (instead of less destructive brushes and wooden tools commonly used in such instances) for the removal of fragile remains.

It has been reported but not officially confirmed that the human remains that were disinterred have been placed in a mass grave. There is thus no indication that proper records of the exhumed remains were maintained or that they were used for any legitimate scientific purposes. Rather than this being an issue of scientific value versus ethical and religious concerns over the remains, it would appear that the intent of the SWC was to conceal the hundreds of disinterred remains so as to continue with the Museum project.

Dr. Raphael Greenberg, an Associate Professor of Archaeology at Tel Aviv University, “has argued that Mamilla is one of the few surviving Islamic sites in western Jerusalem and therefore must be left intact.” He has stated that: “In another country, they would devote years to such an excavation, and also build a special lab to analyse the results.’ He accused the antiquities authority of betraying its role as the guardian of the country’s historical assets and instead is promoting the ‘wellbeing of entrepreneurs.’”

The array of domestic, regional and international laws and regulations, and ethical codes governing archaeological treatment of human burials makes clear that the above treatment of the Mamilla cemetery goes against the legal and ethical requirements of our profession. These laws are the product of decades of efforts by indigenous and other populations to have the remains of their ancestors afforded the same respect and veneration as those of colonial populations all over the Americas, Africa and Europe. In particular, a few such laws, regulations and ethical codes are worthy of mention:

- The Vermillion Accord on Human Remains was adopted by the World Archaeological Congress in 1989 to provide ethical guidelines in the treatment of human remains. It requires equal respect for the remains of all origins, religions and races, respect for the local community's wishes, respect for the scientific research value of human remains if such value exists, and that agreement on the disposition of human remains be reached by negotiation with communities who are concerned with the disposition of their ancestors. All of these principles were apparently trampled by the excavation of the museum site.
- In Israel, the 1978 Antiquities Act prohibits excavation in areas known to be burial sites. There are also regulations from 1994 mandating that human remains be turned over to the Ministry of Religious Affairs for reburial. IAA policy requires thorough recording of burial excavations, and the IAA has guidelines for the treatment of human remains.
- In the United States, the Native American Graves Protection and Repatriation Act of 1990 mandates that human remains be inventoried and repatriated to descendants, and regulates excavations of human remains on federal land.
- In the UK, the exhumation of human remains is governed by the Burial Act of 1857 and the Disused Burial Grounds Act of 1981 (Amended).

We therefore add our voices to the many voices of conscience and reason who have spoken out against the archaeological destruction and brazen desecration wrought by the construction of this Museum on the site of the Mamilla cemetery, an ancient heritage locale. The insensitivity accompanying this project would not be acceptable in any context, and goes against decades of work to forge ethical and equitable laws and regulations to deal with burial sites in archaeological and development contexts. In light of the clear international consensus regarding the need to respect human burial sites, we appeal to you to:

1. Act now to save this valuable archaeological and heritage site by refraining from plans to build the "Museum of Tolerance," and to restitute the exhumed remains to the proper authorities. As SWC has rightfully demanded respect for and the preservation of Jewish cemeteries all over the world, so must it show its commitment to the tolerance and human dignity that the planned museum's name suggests by respecting the dead and their living

descendants, and by ceasing construction on the burial grounds of generations of Jerusalem's Muslim population.

2. Ensure a definitive halt to any future building plans on the Mamilla cemetery and to instead treat it as an archeological and cultural heritage site. As scientists, we must protect this site as we would any other, and illuminate the threat to one of the most beautiful and ancient historical cemeteries in the world.

Continued neglect to preserve this valuable archaeological and heritage site will only demonstrate the failure of Israeli authorities and the SWC to uphold the same ethical, religious and archaeological standards equally and without bias, for the burial sites of Jews and non-Jews alike.

Signed,*

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*** An additional six archaeologists signed, but asked that their names not be publicized. Their names have been removed from all public versions of this letter.*

cc:

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