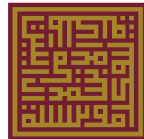


THE HASHEMITE CUSTODIANSHIP OF JERUSALEM'S ISLAMIC AND CHRISTIAN HOLY SITES 1917–2020 CE

White Paper

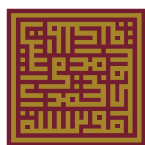


THE ROYAL AAL AL-BAYT INSTITUTE FOR ISLAMIC THOUGHT



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ABSTRACT

THIS WHITE PAPER *summarises* the century-plus history of the Hashemite Custodianship of the Islamic and Christian Holy Sites in Jerusalem. It *explains* the significance, functions and legal status of this Custodianship. And it *shows* how this unique historical institution guarantees the rights of Muslims and Christians to worship in their own Holy Sites and preserve their own distinct religious and cultural identities, thereby enabling and maintaining the fragile peace between religions in the Holy Land.

The Hashemite Custodianship of the Islamic and Christian Holy Sites in Jerusalem has been acknowledged by (among others): the State of Palestine, represented by the Palestinian Liberation Organisation and the Palestinian Authority; the Arab people of Jerusalem and of Palestine; the twenty-two countries of the Arab League; the fifty-six countries of the Organisation of Islamic Cooperation (OIC); the EU; the USA; Russia; Turkey; H.M. King Mohammed VI of Morocco (who is also the Head of the OIC Jerusalem Committee); H.H. the Pope; all the Primates of Anglican Church (including H.G. the Archbishop of Canterbury); H.H. the Patriarch of Russia; the President of the World Lutheran Federation, all the Christian Church leaders of Jerusalem (starting with H.B. the Orthodox Patriarch of Jerusalem), and the Director General of UNESCO. It is also referred to in the 1994 Jordan-Israel Peace Treaty.



*In the Name of God, the Compassionate, the Merciful
Praise be to God, and may peace and blessings be upon the Prophet Muhammad*

INTRODUCTION

THE HASHEMITE CUSTODIANSHIP OF THE HOLY SITES IN JERUSALEM

I. Starting from 1917 CE and until the present, the Hashemite Kings' Custodianship of Jerusalem's Holy Sites has preserved and guaranteed the religious rights of Muslims and Christians in Jerusalem and the integrity of their Holy Sites. His Majesty King Abdullah II inherited the Custodianship of Jerusalem's Islamic and Christian Holy Sites from his Hashemite ancestors starting with his great-great-grandfather King and Sharif Hussein bin Ali.¹ When H.M. King Abdullah II's father, the late H.M. King Hussein bin Talal (d. 1999), declared Jordan's disengagement from the West Bank in 1988, he specifically excluded East Jerusalem's Holy Sites and *Waqf* properties from the disengagement, and so maintained the Hashemite Custodianship that he had inherited from his own great-grandfather Sharif Hussein bin Ali. The exclusion was coordinated with PLO President Yasser Arafat. Jordan's special role was subsequently acknowledged in the 1994 peace treaty between Jordan and Israel. After Palestine was recognised as a non-member observer state by the UNGA in 2012, the President of the State of Palestine, H.E. Mahmoud Abbas,² reaffirmed and defined the scope of the Hashemite Custodianship with H.M. King Abdullah II in the 2013 Hashemite Custodianship of the Holy Sites Agreement (see Appendix IV).

¹ H.M. Sharif Hussein bin Ali (1853–1931 CE), the Emir of Mecca and King of the Hejaz and the Arabs (r. 1908–1924 CE) was the 42nd Hashemite to serve as Emir of Mecca, and Custodian of Mecca and Medina, as well as (starting from 1917 CE) Jerusalem. The Hashemite family are the direct descendants of the Prophet Muhammad ﷺ through the male line of Al-Hasan bin 'Ali bin Abi Taleb ؑ, his grandson ؑ. Al-Hasan bin 'Ali bin Abi Taleb ؑ was also the fifth of the Righteous Caliphs (*Khulafaa Rashidun*) after the Prophet Muhammad ﷺ, succeeding his father, the fourth Caliph, 'Ali bin Abi Taleb ؑ for a period of six months. The name 'Hashem', after whom the family was named refers to Hashem bin 'Abd Manaf (fl. 5th century CE), from who the family is descended and who was the paternal great-grandfather of the Prophet Muhammad ﷺ, and whom, in addition to being the grandson of Qusayy bin Kilab, the first King of Mecca, was also the landowner of what is now Gaza where he died and was buried. H.M. Sharif Hussein bin Ali was the 37th generation direct descendant of the Prophet Muhammad ﷺ.

² After signing the Hashemite Custodianship of the Holy Sites Agreement on 13th March, 2013 CE, HE President Mahmoud Abbas said the following to reporters: 'We coordinate our positions regarding the Awqaf with Jordan. The Agreement that was signed the day before yesterday is a renewal of what was done in 1987 CE. The sovereignty over all the Palestinian land is ours; there is no debate about that.' Abbas further clarified that 'In 1988 CE when the decision to disengage was announced, we spoke to the late King Hussein bin Talal about the matter and how to follow up and we agreed that the responsibility of the Awqaf would rest with Jordan, which was the situation originally. Jordan would continue to uphold its responsibilities and it continues to do so until today.' *Al-Ghad Newspaper*, 1st April, 2013 CE. After signing the Hashemite Custodianship of the Holy Sites Agreement, President Abbas also declared that the Agreement was 'a reiteration of what has been the state of affairs between us for decades.' *Al-Ra'i Newspaper*, 1st April, 2013 CE.



Part One

THE ARAB, JEWISH,
CHRISTIAN AND
ISLAMIC HISTORY OF
JERUSALEM IN BRIEF

Backpage: Dome of the Rock in the center of the Al-Aqsa Mosque/Al-Haram Al-Sharif. Photo taken from Wadi Al-Joze (Suwwaneh houses); Al-Yusfiyyeh Cemetery is seen just behind the view of the houses (*right*); Bab Al-Rahmah Cemetery exactly at the Eastern Wall of the Al-Aqsa.
[© Raja'i Al-Khatib/]TV Eye On Jerusalem]

THE ARAB ORIGIN OF JERUSALEM (3000 BCE–1000 BCE)

2. The Arabs were the first inhabitants of Palestine in history, including in Jerusalem. This is shown in the archaeological record where Jerusalem is mentioned by name in the Amarna Correspondence, a series of diplomatic letters between Canaanite city-state kings and their Egyptian overlords during the 14th century BCE. These cuneiform tablets were uncovered in Egypt in the late 19th century CE. In these letters, King Abdi-Heba, the soldier-king of Jerusalem, writes to Pharaoh Amenhotep III asking for archers to help defend Jerusalem from brigands and other Canaanite city-state kings.



A clay tablet from the Amarna Correspondence located in the Metropolitan Museum of Art NYC (E153).



THE BIBLICAL RECORD (1000 BCE–33 CE)

3. The Biblical record shows that the Arabs, Hamites, Canaanites and Jebusites were the original inhabitants of the land of Palestine, including the area of Jerusalem, as attested in Genesis, 10: 1–20:

¹⁰ These are the generations of the sons of Noah, Shem, Ham, and Japheth; sons were born to them after the flood. ...

⁶ The sons of Ham: Cush, Egypt, Put, and Canaan. ⁷ ...

¹⁵ Canaan became the father of Sidon his first-born, and Heth, ¹⁶ and the Jeb'usites, the Amorites, the Gir'gashites, ¹⁷ the Hivites, the Arkites, the Sinites, ¹⁸ the Ar'vadites, the Zem'arites, and the Ha'mathites. Afterward

the families of the Canaanites spread abroad. ¹⁹ And the territory of the Canaanites extended from Sidon, in the direction of Gerar, as far as Gaza, and in the direction of Sodom, Gomor'rah, Admah, and Zeboi'im, as far as Lasha. ²⁰ These are the sons of Ham, by their families, their languages, their lands, and their nations.

4. Indeed, the Canaanites and Jebusites were there long before (at least 2,000 years before) the Jews, and even long before Judaism was revealed. They were also still there when the Jews arrived. This is attested in the Book of Exodus, 3:7–8:

⁷ Then the LORD said, "I have seen the affliction of my people who are in Egypt, and have heard their cry because of their taskmasters; I know their sufferings, ⁸ and I have come down to deliver them out of the hand of the Egyptians, and to bring them up out of that land to a good and broad land, a land flowing with milk and honey, to the place of the Canaanites, the Hittites, the Amorites, the Per'izzites, the Hivites, and the Jebusites.

5. Moreover, it was Jebusites who first built and inhabited Jerusalem. This is attested in the Book of Judges, 19:10–11:

¹⁰ But the man would not spend the night; he rose up and departed, and arrived opposite Jebus (that is, Jerusalem). He had with him a couple of saddled asses, and his concubine was with him. ¹¹ When they were near Jebus, the day was far spent, and the servant said to his master, "Come now, let us turn aside to this city of the Jeb'usites, and spend the night in it."

6. Consequently, Jerusalem was always an Arab city. This is attested in the Book of Ezekiel, 16:3:

'And say, "This is what the Sovereign Lord says to Jerusalem: Your ancestry and birth were in the land of the Canaanites; your father was an Amorite and your mother a Hittite".'

7. However, when the Ancient Jews came, they attacked, killed and destroyed everyone and everything they could. This is attested in the Book of Joshua, 10:40:

⁴⁰ So Joshua defeated the whole land, the hill country and the Negeb and the lowland and the slopes, and all their kings; he left none remaining, but utterly destroyed all that breathed, as the LORD God of Israel commanded.

8. Even after they conquered the city of Jerusalem, however, they were never able to expel all the original Arab inhabitants. This is attested in the Book of Joshua, 15:63:

As for the Jebusites the inhabitants of Jerusalem, the children of Judah could not drive them out: but the Jebusites dwell with the children of Judah at Jerusalem unto this day.

9. Indeed, the Palestinian Arabs of today are largely the direct descendants of the indigenous Canaanite Arabs who were there over 5,000 years ago. Modern-day Arab Muslim and Christian Palestinian families (such as the prominent 'Kanaan' tribe who are, literally, the direct descendants of the Canaanites) are the oldest inhabitants of the land, and perhaps of any land on earth.³

10. In short, the Biblical record shows that the Palestinian Arabs are the first and original inhabitants of Palestine and Jerusalem; that they first built Jerusalem and settled Jerusalem itself; that they have been there continuously and uninterruptedly through Biblical times. And they are still here today, over 5,000 years later.



JERUSALEM IN THE JEWISH PERIOD (C.1000 BCE–600 BCE)

11. Around 1,000 BCE, the Prophet-King David ☪️ conquered Jerusalem and it became the capital of his kingdom. Despite invasions from the Pharaohs, the Assyrians and others, it remained under Jewish control off and on for about 400 years until around 605 BCE when it was besieged by the Neo-Babylonians. From around 597 BCE until 581 BCE many of its inhabitants were taken into captivity in Babylon.

JERUSALEM AS A MIXED JEWISH CITY (539 BCE–37 BCE)

12. Jews were then allowed to return in 539 BCE after the Persian King Cyrus the Great conquered Babylon. Persian over-lordship of Jerusalem ended when the Persian Empire fell to Alexander the Great of Macedon (d.323 BCE), and Jerusalem then came under his successors: first the Ptolemies, and then the Seleucids. However, Jews became more or less independent again in Jerusalem under the Hasmonean dynasty from 140 BCE to 37 BCE, when it became a Roman Province with Jewish Kings (the Herods).

³ See *Al-Mufasal fi Tarikh Al-Quds*, Al-Ma'arif Publishing, 1950.

JERUSALEM UNDER THE ROMAN PERIOD (37 BCE–324 CE)

13. The Jewish population rebelled against Rome in 66 CE but it was conquered and sacked in 70 CE by the future Emperor Titus. Jerusalem remained under Roman pagan rule until the Roman Emperor, Constantine the Great (d.337 CE), converted to Christianity. Jerusalem then fell under his Byzantine heirs.

JERUSALEM UNDER BYZANTINE AND SASANIAN RULE (324–638 CE)

14. Jerusalem remained under Christian Byzantine rule until 614 CE when it was conquered by the Persian Sasanian Empire. The Sasanians expelled all the Christian inhabitants and left their Jewish allies. When in 630 CE it returned to the Byzantine Emperor Heraclius, he expelled all the Jewish inhabitants. When the Muslims entered in 638 CE, they found no Jews and allowed the Jews to return.

THE FIRST ISLAMIC PERIOD IN JERUSALEM (638–1099 CE)

15. In 638 CE, Sophronius, the Patriarch of Jerusalem, peacefully surrendered the city and the welfare of the Christian community to the Second Caliph Omar bin Al-Khattab in person. In an age when conquest was often characterised by intolerance and violence towards a conquered community, the terms of surrender of Jerusalem, which is known as the Pact of Omar, were generous and humane:

In the Name of God, the Compassionate, the Merciful.

This is what the servant of God, Omar bin Al-Khattab, the Commander of the Faithful, has offered the people of Jerusalem: their security, granting them protection for their selves, their money, their churches, their children, their lowly and their innocent, and the remainder of their people. Their churches are not to be taken, nor are they to be destroyed, nor are they to be degraded or belittled, neither are their crosses or their money, and they are not to be forced to change their religion, nor is any one of them to be harmed.

16. Omar also ordered that the Al-Aqsa Mosque/Al-Haram Al-Sharif be built on the very place where the Prophet Muhammad ﷺ had made the Night Journey (*Al-Isra' wal-Mi'raj*). This marks the beginning of the Muslim presence in Jerusalem.

17. Muslim rule over Jerusalem continued under the Umayyad Dynasty. Caliph Abdel Malik bin Marwan rebuilt the then Al-Aqsa Mosque/Al-Haram Al-Sharif and expanded it with the golden Dome of the Rock, which was completed in 691 CE.



Above and page.15: A photo of one of the copies of the Pact of Omar which is preserved in the Greek Orthodox Patriarchate in Jerusalem. The copy is signed by Muhammad Ali Al-Khalidi who worked as Jerusalem's Shari'ah Judge during the reign of the Ottoman Sultan Mahmud II, (reigned 1808–1938 CE). In other copies of the Pact of Omar is what is reported in Al-Tabari's third volume of *Tarikh al-Rusul wa al-Muluk* (History of the Prophets and Kings), p.609: 'and no Jews will dwell with them in Aelia.'

من يوافقهم ويقتطع عنهم أسباب جوهرهم حسب ما قدر جري منهم من الطاعة
 والخضوع وليكونا عليهم الأمان وعليهم كإيهم وزياراتهم التي يديهم داخلًا وخارجًا
 وفي القامة وببيت لحم مولد عيسى عليه السلام كنيست الكبر والمغارة ذي الثلاثة
 ابواب قبلي وشمال وغربي وبقية اجناس النصارة الموجدون هناك وهم الكرج
 والحيش والذين ياتون للزيارة من الافرنج والقيط والسريان والارمن والنساطرة
 واليعاقبة والموارنة تابعين للبطررك المذكور ويكون متقدم عليهم لانهم اعطون
 حضرة النبي الكريم والحبيب المرسل من الله تعالى وشرفوا بخدمته الكريمة وامر
 بالنظر عليهم والامان اليهم كذلك عن المومنين تحسن اليهم كرامة لمن احسن اليهم
 ويكونوا معافا من الجزية والغفر والمواجب ومسلمين من كافة البلايا في البر والبحر
 وفي دخولهم للقامة وبقية زيارتهم لا يوجد منهم شيئا واما الذين يقبلون الي الزيارة
 الي القامة يوردون النصرة فيهم الي البطررك بهم وتلت من الفضة وكل مومن ومومنه
 يحفظ امرنا هذا به سلطانا ام حاكم ام ولي يجرى حكمه في الارض غني ام فقير
 من المسلمين المومنين والمومنات وقد اعطى لهم مرسومنا هذا بحضور جمع الصحابة
 الكرام عبد الله وعثمان ابن عماره وسعد بن زيد وعبد الرحمن بن عوف وبقية
 الاخوة الصحابة الكرام فليعتمروا على شرفنا في كتابنا هذا ويعمل به وابقاه
 في يديهم وصلى الله على سيدنا محمد واصحابه وسلم
 والحمد لله رب العالمين وحسينا الله ونعم الوكيل
 في العشرون من شهر ربيع الاول
 سنة خمسة عشر للهجرة النبوية
 وكلمة قري مرسومنا هذا من
 المومنين والمومنات وخالفه
 من الان الي يوم الدين
 فليكن لعبد الله
 تأتكا ورسوله
 المحمد
 بأغضا



القام
 صل
 طم
 الفجر
 القم
 المومنين
 محمد بن خالد
 كاتبا

18. Jerusalem remained central in its importance to the Abbasid and Fatimid dynasties that followed the Umayyads as rulers of the Islamic Empire, and the city became a hub for spiritual and religious scholarly life for Muslims throughout the Empire. Indeed, the Abbasid Caliph Abu Ja‘far Al-Mansur visited Jerusalem and ordered that renovations be conducted on the Al-Aqsa Mosque/Al-Haram Al-Sharif

CRUSADER RULE (1099–1187 CE)

19. In 1099 CE, Muslim Jerusalem fell to the European forces of the First Crusade. The devastation caused by the Crusaders is well documented. Meron Benvenisti writes that the Crusaders, drunk with victory, conducted a massacre in the city, such as has seldom been paralleled in the history of war. The troops ran amok through the streets of the city, stabbing everyone they encountered⁴ (Muslim, Jew and Orthodox Christian alike). The few thousand people remaining from a population which had numbered 40,000 were assembled near the gates and sold into slavery. The Crusaders controlled the city from 1099 to 1187 CE, proclaiming their Latin Kingdom of Jerusalem.

AYYUBID AND MAMLUK RULE IN JERUSALEM AFTER THE CRUSADES (1187–1517 CE)

20. In 1187 CE, Salah Al-Din Al-Ayyubi—known in the West as ‘Saladin’—recovered Jerusalem. In contrast to the Crusaders’ slaughter when they conquered Jerusalem, he granted amnesty and free passage to all common Catholics and to the defeated Christian army, as long as they were able to pay a paltry ransom for themselves. Salah Al-Din allowed the native Christians to remain and allowed Jews expelled from Jerusalem by the Crusaders to resettle in the city. Salah Al-Din also restored the rights of pilgrimage to several eastern Christian denominations whom the Crusaders considered heretics.

21. After Salah Al-Din’s recovery of the Holy City, an extensive restoration of the Al-Aqsa Mosque/Al-Haram Al-Sharif took place with endowments established for many of its buildings and public areas for the service of Muslim pilgrims. The most prominent Waqf established by Salah Al-Din was *Al-Khanqah Al-Salahiyyeh* on the roof of the Holy Sepulchre; where he built a small retreat and lodging (*al-Khulwah al-Salahiyyah*) within that endowment in order to protect the church from the return of

⁴ Meron Benvenisti, *The Crusaders in the Holy Land*, Jerusalem, 1970. See also, Amin Ma‘louf, *The Crusades through Arab Eyes*, Saqi Books, London, 2012.

the Crusaders or others. H.M. King Abdullah I adopted *al-Khulwah al-Salahiyyah* as his own retreat during some of his visits to Jerusalem. In 2012, H.M. King Abdullah II ordered that *al-Khulwah al-Salahiyyah* be renovated and it currently houses the Hashemite Fund for the Restoration of Al-Aqsa Mosque/Al-Haram Al-Sharif. *Al-Khulwah al-Salahiyyah* is protected both by Muslims and Christians until today.

22. Ayyubid rule was followed by that of the Mamluks. Under the direct rule of the Sultan in Cairo, Jerusalem flourished. The majority of *madrassas* (schools), *ribats* (hostels), *sabils* (water fountains) and bazaars in and around the Al-Aqsa Mosque/Al-Haram Al-Sharif today date back to this period. During the reign of Mamluk Sultan Al-Ashraf Al-Ghuri, rule over Jerusalem was eventually handed over to the Ottoman Sultan Selim I.

OTTOMAN JERUSALEM (1517–1917 CE)

23. The peaceful transition of power to the Ottomans was welcomed by Jerusalem's dwellers, especially since endowments had lapsed and travellers on roads to the city were being terrorised by bandits. The Ottomans sought to retain the city's Islamic identity. Sultan Suleiman the Magnificent renovated the Dome of the Rock and wholly reinforced the walls of the city. During his rule, the city market became a centre for trade.

24. Ottoman decrees were issued in 1757 CE, 1852 CE, and 1853 CE that preserved the division and responsibilities of ownership of Holy Sites between the various Christian communities. These decrees were later recognised internationally in the 1856 Treaty of Paris and the 1878 Treaty of Berlin—the latter defining this as the 'Status Quo'.

PALESTINE UNDER THE BRITISH MANDATE (1917–1948 CE)

25. Following the Great Arab Revolt in 1916 CE, the land of Palestine fell under the British Mandate in 1917 CE, but also in the same year the Custodianship of Jerusalem's Islamic and Christian Holy Sites passed on to the Hashemite family under H.M. Sharif Hussein bin Ali, the leader of the revolt (and it remains until this day [2020 CE]). Under the British Mandate of Palestine, the British acknowledge in Article 9:

Respect for the personal status of various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious laws and the dispositions of the founders.⁵

⁵ *Mandate for Palestine*, League of Nations, July 24th, 1922.

JERUSALEM AS PART OF THE HASHEMITE KINGDOM OF JORDAN (1948–1967 CE)

26. In 1948 CE, after the first Arab-Israeli war in Palestine, the Hashemite Kingdom of Jordan took control of the West Bank including Jerusalem and unified the Banks of Jordan in the December 1948 Jericho Conference. During that war, around 750,000 Palestinians were expelled from their lands in the territory of what became Israel.

JERUSALEM UNDER ISRAELI CONTROL (1967–2020 CE)

27. Israel conquered the West Bank (including Jerusalem) from Jordan in the June 1967 War. In 1980, it declared the annexation of Jerusalem, but up until 2017 no country has formally recognised this annexation, including the USA. Moreover, UNSC Resolutions 242 (in 1967) and 338 (in 1973) recognised Jerusalem as occupied territory and called on Israel to withdraw, and UNSC Resolutions 476 and 478 (in 1980 CE) specifically rejected Israel's declared annexation. Even during this period, the Hashemite Custodianship and Jordanian *Waqf* were maintained, and indeed recognised in the 1994 Jordan-Israel Peace Treaty.



RELIGIOUS DEMOGRAPHICAL CHANGE IN PALESTINE IN THE 20TH CENTURY CE

28. The religious demographics of Palestine changed dramatically during the 20th Century CE. During the first half of the twentieth century, this was largely caused by Jewish immigration into Palestine, fleeing antisemitism and religious persecution in Europe, particularly by the Nazis in Germany before the Second World War, and then as a result of the Holocaust of approximately 6 million Jews in Europe during the War itself.

29. In 1922, the British Census put Palestine's population at 752,048 with approximately 589,177 Muslim Arabs, 71,464 Christian Arabs and 83,790 Jews. Most of the pre-1948 Jewish immigration was facilitated during the British Mandate period when more than 400,000 Jews immigrated to Palestine (between 1920 and 1945). The Jewish community grew from one-sixth to almost one-third of the population. Immigration accounted for most of the increase in the Jewish population at that time, while the much less dramatic increase of the non-Jewish population was due to high birth rates.

30. As a result of the Arab Palestinian revolt of 1936 and the protest against Jewish immigration to Palestine, the British government issued the MacDonald White Paper,

a document that sought to restrict Jewish immigration and land acquisition in Palestine. Nevertheless, Zionist organisations succeeded in increasing the number of Jews in Palestine to about 630,000 by 1948. A British Report cited in ‘Aref Al-‘Aref’s *Al-Mufasal fi Tarikh Al-Quds* states that the population in the Old City of Jerusalem in 1947 was 33,600 Arabs and 2,400 Jews.⁶

31. This increase in Jewish immigration to Palestine was in parallel to the Zionist massacres against Palestinians, killing 3,650 Palestinians and driving out 750,000 Palestinians from their homeland, creating the Palestinian ‘*Nakbah*’ 1946–1948. Many Palestinians and their descendants are still living as refugees outside of Palestine. The following chart shows the ethnic demographic change in the land of Palestine.

ESTIMATES OF POPULATION GROWTH IN HISTORIC PALESTINE OVER THE 20TH CENTURY ARE AS FOLLOWS:

YEAR	ARABS [Muslims and Christians and others]	JEWS
1900	600,000 ⁷	36,000 ⁸
1922	673,400 ⁹	83,800 ¹⁰
1931	861,216 ¹¹	174,717 ¹²
1946	1,237,334 ¹³	608,225 ¹⁴
1967	1,355,900 ¹⁵	2,383,600 ¹⁶
2008	5,700,000 ¹⁷	5,886,300 ¹⁸
2019	7,357,610 ¹⁹	6,668,000 ²⁰

⁶ Aref Al-Aref, *Al-Mufasal fi Tarikh Al-Quds*, 1950, p. 191.

⁷ According to Ottoman statistics studied by Justin McCarthy, the population of Palestine in the early 19th century was 350,000, in 1860 it was 411,000 and in 1900 about 600,000 of which 94% were Arabs. See Justin McCarthy, *The Population of Palestine: Population History and Statistics of the Late Ottoman Period and Mandate*; Columbia University Press; 1990, pp. 26,

⁸ Ibid.

⁹ *British Report on Palestine Administration*, December 31st, 1922.

¹⁰ Ibid.

¹¹ A. Zaiman, “Census of Palestine, 1931”, *Journal of the Royal Statistical Society*, Vol. 96, No. 4 (1933), pp. 660–662

¹² Ibid.

¹³ United Nations General Assembly, A/364, “UNSCOP Report to the General Assembly,” September 3, 1947

¹⁴ Ibid

¹⁵ The number of 1,355,900 Palestinians is the total of the population of Palestinians in the West Bank and Gaza (963,200, from UNCDAT report Population and Demographics in the West Bank and Gaza Strip until 1990, page 80) added to 392,700 Israeli Arabs, as per the *Jerusalem Statistical Yearbook*.

¹⁶ Ibid.

¹⁷ *The Jerusalem Statistical Yearbook*, 2019.

¹⁸ Ibid.

¹⁹ The Palestinian Central Bureau of Statistics; (the total of 2,304,000 Palestinians living in Israel added to 5,053,610 Palestinians living in the West Bank and Gaza, according to the *Jerusalem Statistical Yearbook*).

²⁰ *The Jerusalem Statistical Yearbook*, 2019.

SUMMARY AND CONCLUSION

32. In summary then, the historical record of Jerusalem inexorably shows:

(1) That the Arabs were the *first* inhabitants of Jerusalem for at least 5,000 years—and that they founded and built it in the first place—and that they have been there ever since. In other words, contrary to the misperception that Arabs are newcomers to Jerusalem, *Arabs founded Jerusalem and have been there continuously for 5,000 years.*

(2) That Jews have been there for about 3,000 years, Christians have been there for about 2,000 years, and Muslims have been there for about 1,400 years. However, Islam has been dominant in Jerusalem for 1,210 out of the last 1,388 years. This is more than the period of Jewish domination over the last 3,020 years (953 years) or Christian domination over the last 2000 years (417 years). In other words, contrary to the misperception that Islam is a stranger to Jerusalem, *Islam has been dominant in Jerusalem for longer in total than either Christianity or Judaism, despite being the youngest of the three religions.*

(3) That whenever Muslims took over in Jerusalem (in 638 CE, in 1187 CE, and in 1948 CE), they did not expel Christians and Jews. Rather they guaranteed their rights and their religious rights and even welcomed Jews into the city. This is in contrast to the Christian expulsion of Jews in 630 CE and their slaughter of Jews and Muslims (and even Orthodox Christians) in 1099 CE. It is also unlike the Jewish slaughter of Jerusalem's original inhabitants in 1000 BC; the Sasanian-Jewish expulsion of Christians in 614 CE, and even the expulsion of Palestinians in 1948 CE. In other words, contrary to the misperception that Islam has no moral right to Jerusalem, *Islam has historically been more peaceful and tolerant of other religions than either Judaism or Christianity.*





Part Two

THE CUSTODIANSHIP
OF THE ISLAMIC HOLY
SITES IN JERUSALEM

I. THE RELIGIOUS SIGNIFICANCE OF JERUSALEM AND ITS HOLY SITES TO MUSLIMS

33. To understand the significance of the Custodianship of the Islamic Holy Sites, it is first necessary to understand the importance of Jerusalem and its Holy Sites in Islam.

THE THREE HOLY SITES

34. The Al-Aqsa Mosque/Al-Haram Al-Sharif—and by extension the whole ancient city of Jerusalem—is one of Islam’s three Holy Sites. It is not the ‘third holiest’—as is sometimes falsely claimed—it is simply and inseparably one of the three Holy Sites. That is to say, the Islamic Holy Sites in Jerusalem are as important to Muslims as those of its sister cities, Mecca and Medina in the Hejaz in the Arabian Peninsula. Jerusalem was the first direction of prayer (*qiblah*) for the first sixteen or seventeen months of Islam whilst the Prophet Muhammad ﷺ was in Medina. This is attested to by God’s words in the Holy Qur’an:

The fools among the people will say, ‘What has turned them from the direction they were facing in their prayers formerly?’ Say: ‘To God belong the East and the West. He guides whomever He will to a straight path’. | Thus, We appointed you a midmost community that you might be witnesses to the people; and that the Messenger might be a witness to you, and We did not appoint the direction you were facing, except that We might know, who followed the Messenger from him who turned on his heels—though it were a grave thing, save for those whom God has guided; but God would never cause your faith to be wasted; truly, God is Gentle with people, Merciful. (Al-Baqarah, 2:142–3)

THE PROPHET MUHAMMAD’S ﷺ NIGHT JOURNEY

35. Jerusalem is also the place to which the Prophet Muhammad ﷺ was miraculously transported from Mecca through the miracle of *Al-Isra’* (Night Journey) to *Al-Masjid Al-Aqsa* (literally, the ‘Farthest Mosque’) in Jerusalem. There, the Prophet Muhammad ﷺ led all God’s prophets in prayer, and then ascended to Heaven where he received the gift of the all-important five daily prayers, which all Muslims have been required to perform ever since. God says in the Holy Qur’an:

Glory be to Him Who carried His servant by night from the Sacred Mosque to the Farthest Mosque (Al-Masjid Al-Aqsa); the environs of which We have blessed, that We might show him some of Our signs. Indeed He is the Hearer, the Seer. (Al-Isra’, 17:1)

JERUSALEM IN THE QUR'AN

36. Jerusalem is referred to many other times in the Qur'an, including in the following verses:

And when We said, 'Enter this city, and eat freely therein wherever you will, and enter it at the gate prostrating, and say, 'exoneration', and We shall forgive you your transgressions and We shall give more to those who are virtuous'. (Al-Baqarah, 2:58)

And when We made a covenant with you, and We raised above you the Mount, 'Take forcefully what We have given you, and remember what is in it so that you might preserve yourselves'. (Al-Baqarah, 2:63)

And when We made a covenant with you, and raised over you the Mount, 'Take forcefully what We have given you, and listen', they said, 'We hear and disobey'; and they were made to drink the calf in their hearts on account of their unbelief. Say: 'Evil is that which your belief enjoins on you, if you are believers'. (Al-Baqarah, 2:93)

And We raised above them the Mount, by the covenant with them, and We said to them, 'Enter the gate, bowing'; and We said to them, 'Transgress not the Sabbath, and We took from them a firm covenant. (Al-Nisa', 4:154)

O my people, enter the Holy Land which God has ordained for you, and do not turn back in flight, or you will end up as losers'. (Al-Ma'idah, 5:21)

Glory be to Him Who carried His servant by night from the Sacred Mosque to the Farthest Mosque; the environs of which We have blessed, that We might show him some of Our signs. Indeed He is the Hearing, the Seeing. | And We gave Moses the Scripture, and made it a guidance for the Children of Israel [saying] that they should not choose beside Me any guardian. | [They were] descendants of those whom We carried with Noah. Indeed he was a grateful servant. | And We decreed to the Children of Israel in the Scripture: 'You shall indeed work corruption in the land, twice and you shall indeed become great tyrants'. (Al-Isra', 17: 1-4)

And We decreed to the Children of Israel in the Scripture: 'You shall indeed work corruption in the land, twice and you shall indeed become great tyrants'. | So when the time for the first of the two [prophecies] came, We roused against you servants of Ours of great might, who ransacked [your] habitations, and it was a promise fulfilled. | Then We gave you back the turn, [to prevail] over them, and We aided you with children and wealth, and made

you greater in number. | 'If you are virtuous, you are being virtuous to your own souls, and if you do evil, it is for them'. So when the time for the other [prophecy] comes, that they might ravage you, and that they might enter the Temple, just as they entered it, the first time, and that they might destroy all that they conquered, utterly. (Al-Isra', 17:4-7)

And after him We said to the Children of Israel, 'Dwell in the land; but when the promise of the Hereafter comes to pass, We shall bring you [gathered] in mixed company'. (Al-Isra', 17:104)

And We called him from the right side of the Mount and We brought him near in communion. (Maryam, 19:52)

By the fig and the olive, (Al-Tin, 95:1)

37. According to the classical commentaries on the Qur'an 'the city', 'the land', 'the Holy Land', 'the Mount', 'the Temple' and 'the Olive' all refer to Jerusalem, or places in Jerusalem.

JERUSALEM IN THE HADITH

38. The Prophet Muhammad ﷺ also mentioned Jerusalem in a number of his sayings (*hadith*, pl. *ahadith*) such as:

'Count six things that will happen before the Hour: my death, then the conquest of Bayt Al-Maqdis (Jerusalem), then two deaths that will overtake like the sudden plague that afflicts sheep; then an abundance of money so that a man is given one hundred dinars and yet remains displeased; then a sedition that enters into the house of every Arab; and then a truce between you and the fair-skinned people, but then they will trick you and come against you under eighty banners, and under each banner twelve thousand.' [This last part can be understood as a reference to the Crusades.] (*Sahih Bukhari, Kitab al-Jizya*)

And:

'Whoever dies in Jerusalem, it is as though he has died in the heavens.' (*Musnad al-Bazzar; Musnad Abu Hamzah Anas ibn Malik*)

And:

'A prayer in my mosque is superior to one thousand prayers anywhere else other than Al-Masjid Al-Aqsa.' (*Musnad Al-Imam Ahmad*)

ISLAMIC PILGRIMAGE TO JERUSALEM

39. Accordingly, for over 1300 years, it was customary for Muslim pilgrims to visit Jerusalem after they had completed the *Hajj* (pilgrimage) to Mecca, and visited Medina. This became known as ‘the Long *Hajj*’. The Prophet Muhammad ﷺ himself enshrined this rite when he ﷺ said:

‘There is no journeying except to three mosques: *Al-Masjid Al-Haram* [in Mecca], *the Mosque of Al-Aqsa* [in Jerusalem], and *my mosque* [in Medina].’
(*Sahih Bukhari, Kitab al-Sawm*)

JERUSALEM AND ALL THE PROPHETS

40. Jerusalem is also important to Muslims because of its association with the prophets mentioned in the Holy Qur’an such as Adam, Abraham, Ishmael, Isaac, Jacob, Joshua, David, Solomon, Zechariah, John, the Blessed Virgin Mary, and in particular Jesus Christ, the Messiah (peace be upon them all). All of these personages are sacred in Islam, and in fact they are regarded as free of sin, including David and Solomon who are regarded as perfect prophets, not merely as wise kings. So all the reasons that Judaism and Christianity have to regard Jerusalem as holy are also part of what makes it holy to Muslims. This is particularly so for Jerusalem’s association with Jesus Christ ﷺ, whom Muslims recognise as the Messiah, and about whom the Prophet Muhammad ﷺ said:

‘Whoever testifies that there is no god but God, Alone, with no partner, that Muhammad is His servant and Messenger, and that Jesus is the servant of God and His Messenger and a Word that He cast into Mary and a Spirit from Him, and that heaven is real and hellfire is real will enter heaven whatever his [or her] actions (*Sahih Bukhari, Kitab Ahadith Al-Anbiya*)’

JERUSALEM AND THE DAY OF JUDGEMENT

41. Moreover, Jerusalem is the place where creation will be alerted to the beginning of the Day of Judgment. God says in the Holy Qur’an:

And listen on the day when the caller calls out from a place that is near.
(*Qaf, 50:41*)

42. The commentators on this verse write that the caller is the Archangel Israfil (Seraphiel) ﷺ and a place that is near is Jerusalem:

‘The rock of the Holy House [of Jerusalem], the place on earth that is nearest to heaven’ (Tafsir al-Jalalayn, 50:41)

43. For all these reasons, Jerusalem is an integral part of Islam, no less important than Mecca or Medina.

THE HOLIEST PART: THE DOME OF THE ROCK

44. The Dome of the Rock, which is within the sanctuary of the Al-Aqsa Mosque/Al-Haram Al-Sharif, houses the Blessed Rock bearing the footprint of the Prophet Muhammad ﷺ. It is from this rock that the Prophet ﷺ ascended to Heaven. This means that the Dome of the Rock is actually the holiest part of the Al-Aqsa Mosque/Al-Haram Al-Sharif, although all of it is holy and sacred to Muslims.

‘BLESSED’, ‘HOLY’ AND ‘SACRED’

As mentioned earlier, the Qur’an states that the ‘environs’ (the surrounding area) of the Al-Aqsa Mosque/Al-Haram Al-Sharif have been ‘blessed’. The Arabic word for ‘blessed’ is *mubarak*, which is derived from the word *barakah*, meaning ‘an increase’ or ‘growth’. This blessing is a Divine favour not limited to Muslims, but to anyone living in, or even visiting, the area surrounding the Al-Aqsa Mosque/Al-Haram Al-Sharif. God says in the Holy Quran:

And We delivered him, as well as Lot [and brought them] to the land which We have blessed for all peoples. (Al-Anbiya, 21:71)

45. Jerusalem itself is also ‘holy’ as its name in Arabic (‘*Al-Quds*’, meaning ‘the Holy’) shows. To be ‘holy’ means to have been sanctified by God.

46. Finally, the Al-Aqsa Mosque/Al-Haram Al-Sharif is also ‘sacred’ (‘haram’ in Arabic) as its name ‘Al-Haram Al-Sharif’ shows. To be ‘sacred’ means to be made inviolable by God, so that certain activities are not permitted there in particular, according to Islamic Law.

47. This means that the Al-Aqsa Mosque/Al-Haram Al-Sharif is unique in that it is ‘blessed’, ‘holy’ and ‘sacred’, and that its blessings encompass non-Muslims and Muslims alike, unlike Mecca and Medina, where non-Muslims are not allowed to go.



II. WHAT IS MEANT BY THE ‘ISLAMIC HOLY SITES OF JERUSALEM?

48. God says in the Holy Qur’an:

Glory be to Him Who carried His servant by night from the Sacred Mosque to the Farthest Mosque (Al-Masjid Al-Aqsa); the environs of which We have blessed, that We might show him some of Our signs. Indeed He is the Hearer, the Seer. (Al-Isra’, 17:1)

An aerial view of Al-Aqsa Mosque/Al-Haram Al-Sharif from south to north: the Umayyad Palaces remains (outside); the Qibli Mosque with the silver dome (center inside); the Khata-niyah School south to lower level of the Qibli Mosque (inside-outside); the lower level Marwani Mosque (right); Al-Aqsa Library and the Islamic Museum (left to the Qibli Mosque).



THE DEFINITION AND DELINEATION OF THE 'AL-AQSA MOSQUE/AL-HARAM AL-SHARIF'

49. 'Al-Aqsa Mosque/Al-Haram Al-Sharif', also defined as the 'Al-Aqsa Mosque Compound', is one of Islam's three holiest sites. It is located in the south-eastern corner of the walled, Old City of Jerusalem. The Al-Aqsa Mosque is defined by Muslim clerics and UNESCO as the entire Al-Haram Al-Sharif in Jerusalem. The expressions 'Al-Aqsa Mosque' and 'Al-Haram Al-Sharif' herein signify identical things. 'Al-Aqsa Mosque' is the name of the space and land (inclusive of constructions) that is surrounded by walls on all four sides with a total area of more than 144 *dunams* (one *dunam* equals 1,000 m²) with lengths of 491m west, 462m east, 310m north, and 281m south. The Al-Aqsa Mosque/Al-Haram Al-Sharif includes the Qibli Mosque (*Al-Jami' Al-Aqsa*); the Marwani Mosque; the Dome of the Rock Mosque; Al-Buraq Mosque; the Lower Aqsa, and Bab Al-Rahmah. It also includes all grounds, prayer halls, schools, libraries, Sufi *zawiyahs*, offices, ritual baths, *sabils* (drinking-water fountains), corridors, *mistabahs* (elevated platforms), water cisterns, waterways, and all that exists above and underneath the Al-Aqsa Mosque/Al-Haram Al-Sharif's space. This includes all the roads and ramps that lead to its gates, and the walls themselves, including Al-Buraq Al-Sharif Wall. It also includes the *Waqf* ('*Waqf*' means a permanent inviolable Islamic charitable endowment) properties tied to the Al-Aqsa Mosque/Al-Haram Al-Sharif, its environs and its pilgrims. Indeed, inside and outside the 144 *dunam* space of the Al-Aqsa Mosque, there are hundreds of *Waqf* properties, real-estate and structures endowed to the Al-Aqsa Mosque.²¹

²¹ The *Waqf Deed* issued in 1155 AH indicates that all the schools around Al-Aqsa Mosque (such as: the Fanariyyah School, the Talouniyyah School, the Dawoudriyyah School, the school in which Mr. Ali Jar-Allah lives, the Awhadiyyah School, the Basiyyah School, the Aminiyyah School, the Malikiyyah School, the Sa'radiyyah School, the Fariyyah School, the Mankajjiyyah School, the Jawhariyyah School, the Mazhariyyah School, the home attached to Bab Al-Qattanin, the Zamaniyyah School, and the Uthmaniyyah School), are all *Waqf* buildings attached to the land of the blessed Al-Aqsa Mosque/Al-Haram Al-Sharif and are part of it. Their sanctity is part and parcel of the sanctity of Al-Aqsa Mosque/Al-Haram Al-Sharif.

THE 'STATUS QUO' OF THE 'AL-AQSA MOSQUE/AL-HARAM AL-SHARIF'

50. All of the 'Al-Aqsa Mosque/Al-Haram Al-Sharif' is under the Custodianship of H.M. King Abdullah II ibn Al Hussein of Jordan, as it was before him under his father, H.M. King Hussein bin Talal; and before him under his grandfather, H.M. King Talal ibn Abdullah I; and before that under his great grandfather, H.M. King Abdullah I bin Al-Hussein, and before that under his great, great grandfather H.M. King and Sharif Hussein bin 'Ali. This is a continuation of the historical 'Status Quo' that has existed before the occupation of Jerusalem in 1967. The 'Al-Aqsa Mosque/Al-Haram Al-Sharif' continues to be administered by the organs of the Government of Jordan under Jordanian law. This too is part of the 'Status Quo'.

51. This definition was adopted by several UNESCO Executive Boards and World Heritage Committees (2015–2019) in an effort to stop attempts to change 'Al-Aqsa Mosque's' meaning, definition and functions (see: Appendix V). This definition was also reiterated in the Hashemite Custodianship of the Holy Sites Agreement signed by H.M. King Abdullah II and the President of Palestine Mahmoud Abbas on March

31st, 2013. Finally, the Jordanian Ministry of *Awqaf* and Islamic Affairs, the Supreme Judge of Jordan, the Jordanian General *Iftaa'* Department, the Grand Mufti of Jerusalem, the Jerusalem *Awqaf* Council, the Islamic Supreme Council, the Palestinian Ministry of *Awqaf* and Islamic Affairs, the Supreme Judge of Palestine, and Muslim scholars all over the Muslim world maintain an unwavering consensus about the above-mentioned definition of the 'Al-Aqsa Mosque/Al-Haram Al-Sharif'.



III. THE SIGNIFICANCE OF THE CUSTODIANSHIP OF JERUSALEM'S ISLAMIC SITES

52. The word for 'Custodianship' (*wisayah*) in Arabic indicates 'something that is entrusted to the care of'. This makes the Custodian—currently H.M. King Abdullah II ibn Al Hussein of Jordan, on behalf of approximately 1.9 billion Muslims worldwide—responsible for:

- (1) The care and physical upkeep of the Al-Aqsa Mosque/Al-Haram Al-Sharif
- (2) The very purpose of the Al-Aqsa Mosque/Al-Haram Al-Sharif in the first place, which is for Muslims to pray in.
- (3) The other facilities at the Al-Aqsa Mosque/Al-Haram Al-Sharif including an Islamic Museum.
- (4) The salaries of all the employees of the Al-Aqsa Mosque/Al-Haram Al-Sharif.
- (5) All funding for the Al-Aqsa Mosque/Al-Haram Al-Sharif, and indeed any fundraising for the Al-Aqsa Mosque/Al-Haram Al-Sharif outside that which is organised by the Custodian is illegitimate and usually a fraud.
- (6) Finally, and crucially, the Custodian is responsible (*Sahib al-amr*) for protecting the Al-Aqsa Mosque/Al-Haram Al-Sharif. This means that it is only the Custodian that can call for the defence of the Al-Aqsa Mosque/Al-Haram Al-Sharif. Thus, any and all the other calls for *jihad* in the name of defence of Al-Aqsa Mosque/Al-Haram Al-Sharif are illegitimate, false and attempts at sedition which lead to terrorism.



IV. THE HISTORY OF THE HASHEMITE CUSTODIANSHIP OF JERUSALEM'S ISLAMIC HOLY SITES



Photo taken in 1915 showing the Dome of the Rock and the Qibli Mosque [Library of Congress]

THE FALL OF OTTOMAN JERUSALEM AND THE TRANSITION TO HASHEMITE CUSTODIANSHIP UNDER H.M. SHARIF HUSSEIN (1917–1931 CE)

²² In *Ma Ra'ayt wa ma Sam'it*, in the chapter entitled '*Tis'un Lalya ma' Al-Sharif Al-Malik Al-Hussein bin Ali*', Khair Al-Din Al-Zarkali mentions that in 1917 CE he witnessed the *bay'ah* of Sharif Hussein bin Ali as Commander of the Faithful by the Arab and Muslim Ummahs. The text of the *bay'ah* was: 'I pledge allegiance to my Sayyid and Liege-Lord Al-Hussein bin Ali bin Muhammad bin Awn Al-Qurashi Al-Hasani as Commander of the Faithful who works under the guidance of the Book of God and the Sunnah of his Prophet ﷺ. I hereby swear an oath of obedience and loyalty; privately and publicly, as long as he upholds the religion, and consider him a religious authority for the Islamic World on the Covenant of God.' *Al-Qibla Newspaper*, issue 22, Mecca' Monday 3rd of *Muharram*, 1335 AH / 1917 CE.

53. The British Mandate archive records show that the first time that H.M. Sharif Hussein bin Ali was mentioned in the Friday sermon by the imam of the Al-Aqsa Mosque/Al-Haram Al-Sharif was in 1917 CE.²² This marked a historic transition from the 400-year-old responsibility of the Ottoman Sultan, as Caliph of the Muslim *Ummah*, to Sharif Hussein. *Al-Qiblah* newspaper No. 38 of 1917 CE quotes the text of the supplication (*du'a*) during the Friday sermon:

'May God keep His support and His help to *sayidna* and *mawlana* Al-Sharif Al-Hussein bin Ali bin Muhammad bin Abdul-Mu'in bin 'Awn, the Caliph of Muslims and the Emir and Sharif of Mecca and the King of the Arabs...'

54. In the years 1918 and 1919 CE, residents of Jerusalem renewed the *bay'ah* to Sharif Hussein bin Ali as King of the Arabs, Caliph of Muslims and protector of the city's people and its Holy Sites. (*Al-Qibla Newspaper*, issue no.164; Monday 5th *Jumada Al-Thaniya* 1336 AH / 1918 CE.). In 1924 CE, when the Ottoman Caliphate officially ended, the Arabs of Hejaz, Syria, Jordan, Lebanon, Palestine and others searched for a *de jure* caliph. The Hashemite Emir Abdullah bin Hussein bin Ali (later H.M. King Abdullah I) of Transjordan and the Palestinian leader Hajj Amin Al-Husseini were the first two figures to pledge allegiance to Sharif Hussein on March 11th, 1924. Arab and Palestinian figures followed in pledging allegiance to him in Aqaba and from cities across the West Bank.



القدس الشريف

صاحب السمو الملكي مولانا الزبير المظم ايداه الله
 تشرفت بالور القريم المؤرخ ٢٨ محرم ١٣٤٢ هـ ٧٧٢ قفالت هذه الثقة التي
 تفقتم بها على هذه الهيئة التي هي من الشكر والثناء والوفاء اليه تعالى ليدبر
 ملككم السلامي بروج منه والله بزيكم من كلام الزعموه النبوية التي بعثت منكم
 هذه الصفة والسوم لتتبع
 والله اعلم بالاسم الذي ودية عمارة الحرم الشريف فوجها تفقتم بالاشكر والثناء وحبنا اعداد
 واتق بالنيابة عننا ايديكم الله تفضلوا بنية اخذ وهي انه يكره ان يثابته الحرم الشريف
 تحت رئاسةكم وقت حياية جلالة سيدنا ابراهيم بنده ايداه الله
 وفي ذلك فذوقوا سكر الله تفضلوا على ان يثابته في كل كون حتى يرضوا العمارة والله
 تفضلوا بايصال منكم الله تفضلوا على ان يثابته في كل كون حتى يرضوا العمارة والله
 على ان يثابته في كل كون حتى يرضوا العمارة والله
 لوجه امركم العادي . والله يثابكم بعبد حلوته ورياح بكم تبارك وتعالى والله اعلم
 اهلنا في ١٤٤٢ هـ
 في ١٤٤٢ هـ
 في ١٤٤٢ هـ

في ١٤٤٢ هـ
 في ١٤٤٢ هـ
 في ١٤٤٢ هـ

March 30th, 1924 CE Letter by Haj Amin Al Husseini to HRH Prince Abdullah bin Al-Hussein Amir of Trans-Jordan, thanking HRH for trusting the Higher Islamic Council and the Restoration Committee of Al-Haram Al-Sharif. Haj Amin, on behalf of the two entities, requests HRH Amir Abdullah to supervise the entire restoration of Al-Haram Al-Sharif and to view the detailed accounts and process 'under the sponsorship of His Majesty Amir Al-Mu'mineen' Sharif Hussein Bin Ali.



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

القدس الشريف

صاحب السمو الملكي الامير عبد الله امير الشرق السعودي المعظم *

السلام عليكم ورحمة الله وبركاته ، وبعد فان المجلس الاسلامي الاعلى
في فلسطين ، يشكر الله كثيرا على توفيقه اياه في خدمة بيت من اعظم
المبوت التي اذن الله ان ترفع ويذكر فيها اسمه ، بيت الله المشرف باسراء
تبيه ، والمبارك حوله بنص تنهله ووجهه ((سبحان الذي اسرى بمعه لهلا
من المسجد الحرام الى المسجد الاقصى الذي باركنا حوله)) اول القبلتين ،
وثالث الحرمين الشريفين والذرة الثمينة في الاثار الاسلامية الخالدة .
ذلك هو المسجد الاقصى الذي علمتم سموكم ما كان عليه من خطر التصدع
والانهيار ، فكنتم خير عون في سبيل الاحتفاظ به ومساعدة مشرع عمارته ،
(انما يسمر مساجد الله من آمن بالله واليوم الآخر)) *

واذ من الله تعالى وقدر بالتوفيق في عمارته تبة هذا المسجد والاقسام
المتداخلة منه ، على اتمن وضع واحسن شكل ، فالمجلس الاسلامي الاعلى
يتشرف بدعوة سموكم الى شهود الاحتفال بافتتاح العمارة المذكورة قبل
ظهريوم مولد صاحب الاسراء الاعظم صلى الله عليه وسلم ، الموافق للثاني
عشر من شهر ربيع الانور سنة ١٣٤٧ هـ ، في ساحة الحرم القدسي الشريف .
وانه يتمنى ان يتلقى شاكرا الجواب بتلبية سموكم هذه الدعوة ، وفيها
من شرف الزيارة لثالث المساجد التي تشد الرحال اليها كما جاء في
الحديث النبوي الشريف ، ومن الاشراف على تمام العمارة في ذلك الاثر
الخالد ما ترتاح اليه نفوسكم وتطمئن قلوبكم والله وليّ مشورتكم ، وهو نعم
المولى ونعم الوكيل *

المطيع المحض
رئيس المجلس الاسلامي الاعلى

د. أمين

THE HASHEMITE CUSTODIANSHIP UNDER KING ABDULLAH I (1931–1951 CE)



55. After the passing of Sharif Hussein in 1931 CE, the Custodianship of Islamic and Christian Holy Sites in Jerusalem was transferred to his elder ruling son Emir Abdullah, who was Emir of Transjordan at the time (later H.M. King Abdullah I of the Hashemite Kingdom of Jordan). The Custodianship reflected the fact that in 1924 CE, the Head of the Islamic Supreme Council in Jerusalem Hajj Amin Al-Husseini had sent a letter on behalf of the council and on behalf of the Committee for the Restoration of the Al-Aqsa Mosque/Al-Haram Al-Sharif requesting that the entire restoration of the Al-Aqsa Mosque/Al-Haram Al-Sharif be supervised by Emir Abdullah, under the sponsorship of H.M. Sharif Hussein bin Ali, whom the letter referred to as ‘*Emir Al-Mumineen*’ (Commander of the faithful).

Above Right: The tomb of HM Sharif Hussein in Al-Aqsa Mosque

Above Left/Below: The funeral procession of HM Sharif Hussein in 1931 CE [Library of Congress/Alamy]





56. In December 1948 CE, after the Arab-Israeli war, groups of Palestinian leaders and notables from the West Bank convened a conference in Jericho, and conferences in Ramallah, Nablus and Amman where they called for King Abdullah I to take immediate steps to unite the two Banks of the Jordan River into a single state under his leadership. On April 11th, 1950 CE, elections were held for a new Jordanian parliament that included MPs representing the population of the West Bank. On 24th April 1950 CE, the Jordanian Parliament endorsed the unity of the two Banks headed by H.M. King Abdullah I and emphasized that the unity is to preserve and maintain the full Arab rights in Palestine and defend them by all legal means. This was endorsed by the Arab League on May 11th, 1950 CE. Thus, the unity of the two Banks of the Jordan River constitutionally expanded the Hashemite Kingdom of Jordan and safeguarded what was left of Palestine until 1967 CE. As the Hashemite ruler, H.M. King Abdullah I maintained the role of Hashemite Custodian of Islamic and Christian Holy Sites in Jerusalem. King Abdullah I visited Jerusalem often, especially on Fridays, and when hosting kings and presidents of Arab states. In 1951 CE, King Abdullah I was assassinated inside the Al-Aqsa Mosque/Al-Haram Al-Sharif.

Above Right/Below Left:
Emir Abdullah of Jordan with his younger brother King Feisal I of Iraq at the Al-Aqsa Mosque in Jerusalem. c. 1933. [Library of Congress]

Below Right:
King Abdullah I and his sons Prince Talal bin Abdullah (to the King's right) and Prince Nayef in military uniform (to the King's left) 1948.





Above Left: The 1924 Pledge of Allegiance by Jerusalem and Levantine notables to Sharif Hussein bin Ali as the Caliph of Muslims
 Above Right: The 1948 Pledge of Allegiance by Jerusalemite and Palestinian notables to H.M. King Abdullah I

THE HASHEMITE CUSTODIANSHIP UNDER H.M. KING TALAL BIN ABDULLAHI (1951–1952 CE)

57. After the assassination of King Abdullah I on July 20th, 1951 CE, as he was entering the Qibli Mosque/Al-Jami' Al-Aqsa accompanied by his grandson, the then Prince Hussein bin Talal, to perform Friday prayer in the Al-Aqsa Mosque/Al-Haram Al-Sharif, Custodianship was passed on to his eldest son, H.M. King Talal of the Hashemite Kingdom of Jordan, who fought in Jerusalem as an Arab Legion officer in the 1948 war.

THE HASHEMITE CUSTODIANSHIP UNDER H.M. KING HUSSEIN BIN TALAL (1952–1999 CE)

58. The Hashemite Custodianship passed to King Talal's son, H.M. King Hussein of the Hashemite Kingdom of Jordan, in 1952 CE. In 1954 CE, King Hussein established the Jordanian Law of the Hashemite Restoration Committee, which continues to work effectively in funding and supervising restoration projects at the Al-Aqsa Mosque/Al-Haram Al-Sharif to this day. Between the years 1967 and 1988, Custodianship continued with King Hussein under the Israeli occupation of Jerusalem.

THE HASHEMITE CUSTODIANSHIP AFTER DISENGAGEMENT FROM THE WEST BANK (1988 CE)

59. Jordan's decision to disengage from the West Bank in 1988 CE, under the reign of King Hussein, excluded Holy Sites in East Jerusalem,²³ thereby maintaining the

²³ In H.M. King Hussein's speech on 31st July, 1988 CE in which he excluded Muslim and Christian Holy Sites from the disengagement decision and declared that they would remain under Jordanian control.

Custodianship of the Hashemite King of Jordan over them. Due to this exclusion, the Jordanian Jerusalem *Awqaf* Department has continued to practise its role of administrating the Al-Aqsa Mosque/Al-Haram Al-Sharif and the affairs of hundreds of Waqf properties until this day (2020 CE). This role also included the supervision and support of the Palestinian Authority's administration of 40 schools that are Waqf properties.

60. The purpose of exclusion of the Holy Sites from the 1988 CE disengagement, for both Jordan and Palestine, was to ensure that while political negotiations were ongoing between the PLO and Israel, no vacuum or 'protection gap' would result or allow Israel to alter the religious character and status of East Jerusalem as an occupied city. Jordan retains legal and administrative control of Islamic and Christian Holy Sites in East Jerusalem, in particular the Al-Aqsa Mosque/Al-Haram Al-Sharif and the Church of Holy Sepulchre, with H.M. the King of Jordan personally as their Custodian. The Hashemite Custodianship of the Holy Sites has thus continued uninterrupted even after the 1967 CE occupation and the 1988 CE disengagement decision.

THE WASHINGTON DECLARATION (1994 CE)

61. The Hashemite Custodianship of Jerusalem's Islamic Holy Sites was affirmed by the Washington Declaration of July 25th, 1994. It was signed by King Hussein and Israeli Prime Minister Yitzhak Rabin at the White House, formally ending the 46-year state of war between the two countries and seeking the achievement of 'a just, lasting and comprehensive peace between Arab States and the Palestinians, with Israel.'

62. The declaration safeguards H.M. the King of Jordan's control over the Islamic Holy Sites of Jerusalem, as follows as:

'Israel respects the present special role of the Hashemite Kingdom of Jordan in the Muslim Holy Shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines.' (Article B (3) of the Washington Declaration.)

THE 1994 JORDAN-ISRAEL PEACE TREATY

63. The October 26th, 1994 Jordan-Israel Peace Treaty acknowledges the Hashemite special and historic role in Jerusalem's Holy Sites. The Treaty stipulates in Article 9: 'Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these sites'.

THE HASHEMITE CUSTODIANSHIP UNDER H.M. KING ABDULLAH II (1999 CE–PRESENT)

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suffering, the Parties will seek to further alleviate those problems arising on a bilateral level.

2. Recognising that the above human problems caused by the conflict in the Middle East cannot be fully resolved on the bilateral level, the Parties will seek to resolve them in appropriate forums, in accordance with international law, including the following:

a. In the case of displaced persons, in a quadripartite committee together with Egypt and the Palestinians;

b. In the case of refugees,

i. In the framework of the Multilateral Working Group on Refugees.

ii. In negotiations, in a framework to be agreed, bilateral or otherwise, in conjunction with and at the same time as the permanent status negotiations pertaining to the Territories referred to in Article 3 of this Treaty;

c. Through the implementation of agreed United Nations programmes and other agreed international economic programmes concerning refugees and displaced persons, including assistance to their settlement.

Article 9. Places of Historical and Religious Significance and Interfaith Relations

1. Each Party will provide freedom of access to places of religious and historical significance.

2. In this regard, in accordance with the Washington Declaration, Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines.

3. The Parties will act together to promote interfaith relations among the three monotheistic religions, with the aim of working towards religious understanding, moral commitment, freedom of religious worship, and tolerance and peace.

Article 10. Cultural and Scientific Exchanges

The Parties, wishing to remove biases developed through periods of conflict, recognise the desirability of cultural and scientific exchanges in all fields, and agree to establish normal cultural relations between them. Thus, they shall, as soon as possible and not later than 9 months from the exchange of the instruments of ratification of this Treaty, conclude the negotiations on cultural and scientific agreements.

Article 11. Mutual Understanding and Good Neighbourly Relations

1. The Parties will seek to foster mutual understanding and tolerance based on shared historic values, and accordingly undertake:

a. To abstain from hostile or discriminatory propaganda against each other, and to take all possible legal and administrative measures to prevent the dissemination of such propaganda by any organisation or individual present in the territory of either Party;

A page from the 1994 Jordan-Israel Peace Plan highlighting article 9 respecting the Hashemite Kingdom of Jordan's special role in Jerusalem.

64. After the passing of H.M. King Hussein in 1999 CE, the Custodianship was transferred to his son, H.M. King Abdullah II of the Hashemite Kingdom of Jordan. H.M. King Abdullah II started his work with directives to restore the Minbar of Salah Al-Din in Al-Aqsa Mosque. In 2007 CE, King Abdullah II established the Hashemite Fund for the Restoration of the Al-Aqsa Mosque/Al-Haram Al-Sharif and the Dome of the Rock, which has facilitated numerous significant donations and restoration projects.

65. The 2013 Hashemite Custodianship of the Holy Sites Agreement signed between H.M. King Abdullah II and Palestinian President Mahmoud Abbas, in his capacities as head of the PLO, the Palestinian Authority and the State of Palestine, reaffirmed that King Abdullah II is the Custodian of the Holy Sites in Jerusalem, and has the full right to exert all legal efforts to safeguard and preserve them, including the entire Al-Aqsa Mosque/Al-Haram Al-Sharif (of 144 *dunams*).



INTERNATIONAL ACKNOWLEDGEMENTS OF THE HASHEMITE CUSTODIANSHIP OF THE ISLAMIC AND CHRISTIAN HOLY SITES DURING THE REIGN OF H.M. KING ABDULLAH II IBN AL HUSSEIN

66. There has been a world-wide consensus on H.M. King Abdullah II's Custodianship of the Islamic and Christian Holy Sites of Jerusalem. Specific acknowledgements include the following:

ORGANISATION OF ISLAMIC COOPERATION (OIC)

- May 18th, 2018, in the final communiqué of the 7th OIC Extraordinary Summit in response to the grave developments in the State of Palestine.
- June 1st, 2019, in the final communiqué of the OIC's 14th Islamic Summit held in Mecca.

THE ARAB LEAGUE

- April 16th 2013, the Arab League issued a letter accrediting the Hashemite Custodianship of the Holy Sites Agreement as an Arab League official document.
- April 15th, 2018, at the 29th Arab Summit in Dhahran, Saudi Arabia, Arab leaders declared their support for the Hashemite Custodianship in the final communiqué.
- May 31st, 2019, at the 30th Arab Summit in Tunis, the final communiqué affirmed support for the historical Hashemite Custodianship of Islamic and Christian Holy Sites in Jerusalem.

THE EUROPEAN UNION

- February 25th, 2019, the EU-League of Arab States Summit in Sharm El Sheikh reaffirmed the importance of upholding the historic Status Quo for the Holy Sites in Jerusalem, including the Custodianship undertaken by the Hashemite Kingdom of Jordan.

- June 17th, 2019, High Representative of the European Union for Foreign Affairs and Security and Vice-President of the European Commission Federica Mogherini said at a press conference in Luxembourg: ‘I would like to take this opportunity to thank once again—as we always do—His Majesty [King Abdullah II] and the Hashemite Kingdom of Jordan for the special role as Custodian of the Holy Sites. This is particularly important for the European Union and we stand by Jordan in this important responsibility that His Majesty has.’

THE ARAB INTER-PARLIAMENTARY UNION

- March 10th, 2019, the Arab Inter-Parliamentary Union sent a letter to H.M. King Abdullah II reaffirming its support for the Hashemite Custodianship of Islamic and Christian Holy Sites in Jerusalem.
- February 8th, 2020, the Arab Inter-Parliamentary Union sent a letter to H.M. King Abdullah II reiterating Arab parliamentarians’ support for the Hashemite Custodianship.

RUSSIA

- April 3rd, 2013, the Russian Ministry of Foreign Affairs released a statement welcoming the Hashemite Custodianship of the Holy Sites Agreement.

TURKEY

- December 13th, 2017, President of Turkey Recep Tayyip Erdogan, addressing the OIC’s Extraordinary Summit in Istanbul, noted King Abdullah II’s role as the protector of the Al-Aqsa Mosque/Al-Haram Al-Sharif.

THE UNITED STATES OF AMERICA

- February 14th, 2018, US Secretary of State Rex Tillerson stated: ‘I think it’s important to note that when President Trump made his decision to recognise Jerusalem as the capital of Israel, he first committed to respecting Jordan’s role as the Custodian of the Holy Sites.’

MOROCCO

- March 28th, 2019, Their Majesties King Mohammed VI of Morocco and King Abdullah II released a joint communiqué in which H.M. King Mohammed VI of Morocco stressed the importance of the historic Hashemite Custodianship of Islamic and Christian Holy Sites in Jerusalem. This is especially significant since H.M. King Mohammed VI is the head of the OIC Jerusalem Committee.

THE VATICAN

- December 19th, 2017, H.H. Pope Francis recognised H.M. King Abdullah II’s Custodianship of the Islamic and Christian Holy Sites in Jerusalem. According to the Vatican, ‘the cordial conversations [between H.H. Pope Francis and H.M. King Abdullah II] focused above all on the theme of the promotion of peace and stability in the Middle East, with particular reference to the question of Jerusalem and the role of the Hashemite Sovereign (the king of Jordan) as Custodian of the Holy Places.’²⁴

²⁴ <https://www.ncronline.org/news/vatican/pope-meets-jordans-king-amid-rising-tensions-jerusalem>

- October 3rd, 2019, the Vatican’s cardinal for eastern churches, Leonardo Sandri, and Father Francisco Patton Custos of the Holy Land led a high-level group of Franciscan religious leaders to Al-Aqsa Mosque, together with the Director General of Jerusalem’s *Awqaf* Department Sheikh Azzam Khatib and members of the Jerusalem *Awqaf* Council, the Franciscan delegation issued a seven-point communiqué reaffirming the participants’ adherence to the Pact of Omar, support for the Hashemite Custodianship of H.M. King Abdullah II of Islamic and Christian Holy Sites, and rejection of attempts to change the Historic Status Quo.

THE ANGLICAN CHURCH

- January 13th, 2020, the Archbishop of Canterbury Justin Welby, on behalf of 37 Primates of Anglican Churches from all over the world during a meeting in Jordan, underscored the importance of the Hashemite Custodianship of Holy Sites in Jerusalem, commending King Abdullah II’s efforts to safeguard them and maintain the Christian presence in the Holy Land and the region.

THE HEADS AND REPRESENTATIVES OF ORTHODOX CHURCHES AROUND THE WORLD

H.B. ORTHODOX PATRIARCH THEOPHILOS III OF JERUSALEM; H.H. PATRIARCH KIRILL OF MOSCOW AND ALL RUSSIA; H. H. PATRIARCH IRINEJ OF SERBIA, THE ROMANIAN ORTHODOX CHURCH REPRESENTATIVE H. E. METROPOLITAN NIFON OF TARGOVISTE; POLISH ORTHODOX H.E. ARCHBISHOP ABEL OF LUBLIN AND CHELM, AND THE ORTHODOX CHURCH H.B. METROPOLITAN RASTISLAV OF THE CZECH LANDS AND SLOVAKIA.

- On February 26th, 2020 they released a statement in which they expressed their ‘gratitude to His Majesty King Abdullah II, King of the Hashemite Kingdom of Jordan and Hashemite Custodian of the Christian and Muslim Holy Places in the Holy Land and to the people of Jordan for facilitating [their] gathering in their capital city, Amman, noting His Majesty’s outstanding work in promoting interfaith dialogue internationally’.

UNESCO

- March 3rd–6th, 2020, the Director-General of UNESCO, Audrey Azoulay, during her first official visit to the Hashemite Kingdom of Jordan, ‘commended King Abdullah II for his constructive role as custodian of the holy sites in Jerusalem, as well as for his vision in aiming to ensure that Jerusalem remains a unifying city of peace and harmony for the three monotheistic religions. UNESCO, within the scope of its mandate, will work with all concerned parties to preserve the cultural heritage of the World Heritage site of the Old City of Jerusalem and its Walls. This site of outstanding universal value requires safeguarding in line with relevant international standards, including UNESCO’s World Heritage Convention and World Heritage Committee decisions.’²⁵

²⁵ <https://en.unesco.org/news/visit-director-general-unesco-jordan-3-6-march-2020>.

V. THE FUNCTIONS OF THE CUSTODIANSHIP OF JERUSALEM'S ISLAMIC HOLY SITES

THE ROUTINE FUNCTIONS OF THE CUSTODIANSHIP OF JERUSALEM'S ISLAMIC HOLY SITES

67. The routine functions of the Custodianship of Jerusalem's Islamic Holy Sites include:

- (1) to maintain, preserve and physically upkeep the entire Al-Aqsa Mosque/ Al-Haram Al-Sharif and its facilities, and functions;
- (2) to protect and ensure decorum in it;
- (3) to administer it, hire and pay its employees including its preachers, guards, administrators, cleaners, lawyers, accountants, architects etc.;
- (4) to supply and raise funds for it;
- (5) to maintain prayer and pilgrimage, and access to it;
- (6) to maintain the Status Quo;
- (7) to maintain correct moral behaviour and preaching in it; to co-ordinate with the Palestinian Authority about it; to represent it in the face of the occupying power (and Israel is legally bound by UN Security Council Resolutions 242, 338, 252, 476, 478, and by the 1954 The Hague Convention, to protect and not alter the Holy Sites of Jerusalem), and before international bodies.
- (8) to speak for its condition before God and the entire Islamic World,
- (9) to co-ordinate with the Palestinian Authority about it;
- (10) to defend it and protect it if necessary.

68. This last point ('to defend it and protect it if necessary') is extremely sensitive, because the very permission and justification for a just war (*casus belli*) is given in the Holy Qur'an as the defence of religious sites (including churches and synagogues). God says in the Holy Qur'an:

Permission is granted to those who fight because they have been wronged. And God is truly able to help them; Those who were expelled from their homes without right, only because they said: 'Our Lord is God'. Were it not for God's causing some people to drive back others, destruction would have befallen the monasteries, and churches, and synagogues, and mosques in which God's Name is mentioned greatly. Assuredly God will help those who help Him. God is truly Strong, Mighty. (Al-Hajj, 22:39-40).

69. Accordingly, responsibility for the Al-Aqsa Mosque/Al-Haram Al-Sharif is 'fard 'ayn' (an individual obligation) on every single Muslim in the world. However, it is

only the Custodian H.M. King Abdullah II who can call for its defence physically, and for him to determine the exact way to do that. All other claims in the name of the Al-Aqsa Mosque/Al-Haram Al-Sharif are illegitimate, false and attempts at sedition which lead to terrorism. It is the Custodian who keeps the peace in the Holy Land, and consequently interfaith peace in the world.



THE HASHEMITE KINGS' SERVICES IN DEFENCE OF PALESTINE, JERUSALEM AND ITS HOLY SITES

70. From the first day of the Great Arab Revolt in 1916, the Hashemite Kings have led the Arab Army in defence of the identity of Palestine, its people, and the Holy Sites of Jerusalem. Below the soil of Palestine and Jerusalem are the bodies of thousands of Jordanian soldiers who paid with their blood in defence of the Holy Land. This fight and these sacrifices can be summarised in the following major historic stages:

- **1917–1933:** T.M. Sharif Hussein and King Abdullah I supported all Palestinian and Jordanian efforts to foil the implementation of the Balfour Declaration. Their most important role was the defence of Al-Buraq Wall; 1929-1931. It ended with a clear decision that Al-Buraq Wall and its Plaza are integral parts of the western wall of the Al-Aqsa Mosque.
- H.M. King Abdullah I was at the frontline of the **1936–1939** Arab uprising in opposition to the sale of Palestinian land to Jewish settlers of that period.
- In **1947**, H.M. King Abdullah I ordered the Arab Legion to enter Palestine and protect its cities and people.
- In **1948**, H.M. King Abdullah I was at the forefront of many fights in Jerusalem's surroundings including Bab Al-Wad, Atzion, Al-Khan Al-Ahmar, and more importantly in the salvage of the Old City of Jerusalem. In this fight, the Jewish Haganah surrendered to the Arab Legion and Jordan maintained control over Jerusalem until 1967.
- In **1948**, H.M. King (then Prince) Talal bin Abdullah personally fought in Jerusalem as an officer in the Arab Legion.
- In **1967**, H.M. King Hussein bin Talal engaged in heavy battles in defence of Jerusalem and the West Bank. The most documented of the Arab Army's sacrifices were at the Walls of the Old City, Jabal Al-Mukabber, Al-Khan Al-Ahmar, Mount of Olives, Sheikh Jarrah, and others.
- In **1968**, H.M. King Hussein led both the Jordanian Arab Army and the Palestinian volunteers to victory in defence of Jordan against an Israeli incursion. The Karamah Battle stopped the aggressive ambitions of achieving an expansionist vision of a 'Greater Israel'. It was also the first Arab victory after the 1948 'Nakbah'.
- From **1967–2020**, under the Hashemite Custodianship of H.M. King Hussein and H.M. King Abdullah II, not a single inch of the Al-Aqsa Mosque/Al-Haram

Al-Sharif's 144 *dunams* has been lost to Israel. For 53 years, the Custodianship has preserved and maintained the Al-Aqsa Mosque/Al-Haram Al-Sharif under occupation.



THE HASHEMITE RESTORATIONS OF JERUSALEM'S HOLY SITES

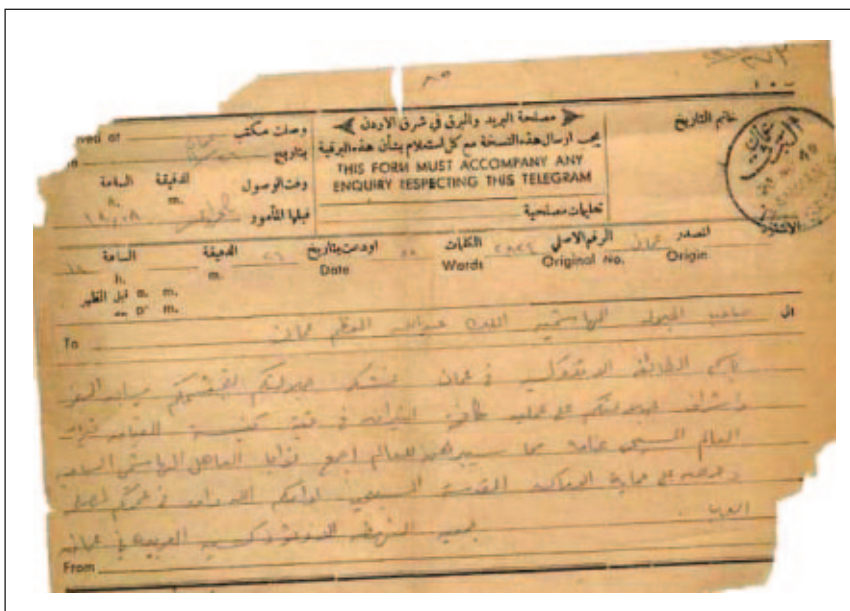
71. In addition to all of the above, the Hashemite Kings have restored the Al-Aqsa Mosque/Al-Haram Al-Sharif no less than five major times in the last hundred years, at great personal expense.

First Restoration (1922–1952 CE)

72. In 1922 CE, the Islamic Higher Council (IHC) was established to preserve Islamic ideals and protect the sanctuaries of Palestine. The IHC, headed by Hajj Amin Al-Husseini, took responsibility for raising funds to restore the Dome of the Rock. A delegation visited H.M. Sharif Hussein in 1924 CE and explained to him the mosque's condition. H.M. Sharif Hussein contributed 38,000 golden lira.

73. H.M. Sharif Hussein's son, Emir Abdullah, the first ruler and Emir of Transjordan, personally supervised the restorations. He also supervised the 1940s renovations, known as the Egyptian Restoration due to Egyptian technical participation and the import of ceramic tiles from Egypt.

74. During the 1948 War, the Old City of Jerusalem, the Al-Aqsa Mosque/Al-Haram Al-Sharif, and the roof of the Holy Sepulchre suffered considerable damage. H.M. King Abdullah I succeeded in saving the Al-Aqsa from occupation, and the Zionist Haganah surrendered to the Arab Legion, under the leadership of Officer Abdullah Al-Tall. Immediately after the end of the war, King Abdullah I visited the Al-Aqsa and declared the restoration of *Mihrab Zakariah* (Niche of the Al-Aqsa) as part of the reconstruction of surrounding buildings which had also suffered structural damages.



TELEGRAM TO HIS MAJESTY KING ABDULLAHI, AMMAN

'On behalf of the Orthodox denomination in Amman, we thank Your Majesty for traveling a distance and for Your Majesty's supervision in extinguishing the fire in the dome of the Church of the Holy Sepulchre. Christendom has witnessed that which will prove to the entire world the noble intentions of the Hashemite monarch and his keenness in protecting Christian Holy Sites. May God preserve you and extend your life for the benefit of Arabs.'

1. King Hussein bin Talal with King Muhammad V and Gen. Habis Al-Majali, Chairman of the Joint Chiefs of Staff of the Jordanian Armed Forces at the Al-Aqsa Mosque in 1958.

2. King Hussein bin Talal (*left*) and Shah Muhammad Reza of Iran and Habis Al-Majali, Chairman of the Joint Chiefs of Staff of the Jordanian Armed Forces (*centre*) in 1959.

3. King Hussein bin Talal (*right*) hosts President of Tunis Habib Bourguiba (*centre*) with Jordan's Prime Minister Wasfi Al-Tal (*left*) at the Seven Arches Hotel on the Mount of Olives in 1965.

4. King Hussein bin Talal (*right*), King Faisal bin Abdulaziz of Saudi Arabia (*left*) and Jordan's Governor of Jerusalem Anwar Al-Khatib (*centre*) in 1966.

5. King Hussein bin Talal (*left*), Chief Commander of the Joint Arab Army Abdul-Hakim Amer (*centre*) and Governor Jerusalem Anwar Al-Khatib in 1964.

6. King Hussein bin Talal (*centre*), the Amir of Kuwait Sheikh Sabah Al-Salem (*right*) and Jordan's Governor of Jerusalem Anwar Al-Khatib in 1966.

75. In 1949, H.M. King Abdullah I personally helped to extinguish a fire that destroyed parts of the Church of the Holy Sepulchre. H.M. King Abdullah I assiduously maintained the role of the Custodian of the Holy Sites in Jerusalem throughout his reign, until his assassination in the Qibli Mosque in the Al-Aqsa Mosque/Al-Haram Al Sharif when he went to perform the Friday prayer on July 20th, 1951.

Second Restoration (1952–1964 CE)

76. The 1950s restorations replaced the lead plates of the dome of the Dome of the Rock, which allowed water to leak in, with aluminium support beams and gilded plates. The dome was also losing its golden polish. In 1952–1953, the newly sworn-in H.M. King Hussein oversaw the maintenance of these plates.

77. In 1954, H.M. King Hussein issued a directive to establish the Jordanian Law of the Hashemite Restoration Committee, upon which H.M. supervised the restoration of the Dome of the Rock, the Silsileh Dome, Sabil Qaytbay, the Women's Mosque and other sites.

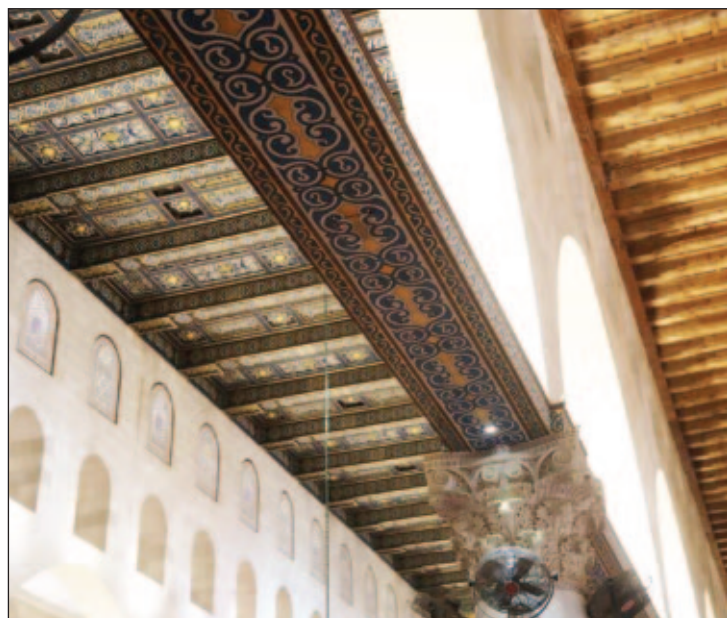
78. H.M. King Hussein personally guided his royal guests around the Al-Aqsa Mosque/Al-Haram Al-Sharif. Some of these guests included President Shukri Al-Quwatli of Syria in 1957, H.M. King Mohammed V of Morocco in 1958, Shah Mohammad Reza of Iran in 1959, Abdul-Hakim Amer, Commander in Chief of the Joint Arab Military in 1964, President Habib Bourguiba of Tunisia in 1965, H.M. King Faisal bin



Abdul-Aziz of Saudi Arabia in 1966, and Sheikh Sabah Al-Salem, Amir of Kuwait in 1966.

Third Restoration—Emergency Restorations (1969 CE–present)

79. The Minbar of Salah Al-Din in Al-Qibli Mosque in Al-Aqsa Mosque/Al-Haram Al-Sharif suffered great damage when it was set on fire on August 21st, 1969, by an Australian Zionist, Dennis Michael Rohan. The Minbar, which was made by Sultan Nur Al-Din Zengi, was brought from Aleppo to Jerusalem by Salah Al-Din after his liberation of Jerusalem from the Crusaders in 1187 CE. Its restoration was supervised and sponsored by H.M. King Abdullah II and cost the Jordanian treasury US\$2.115 million. The Minbar was installed in its proper historic place in the Al-Aqsa Mosque/Al-Haram Al-Sharif on February 2nd, 2007. Some restorations of the damages of the 1969 fire continue to this day.

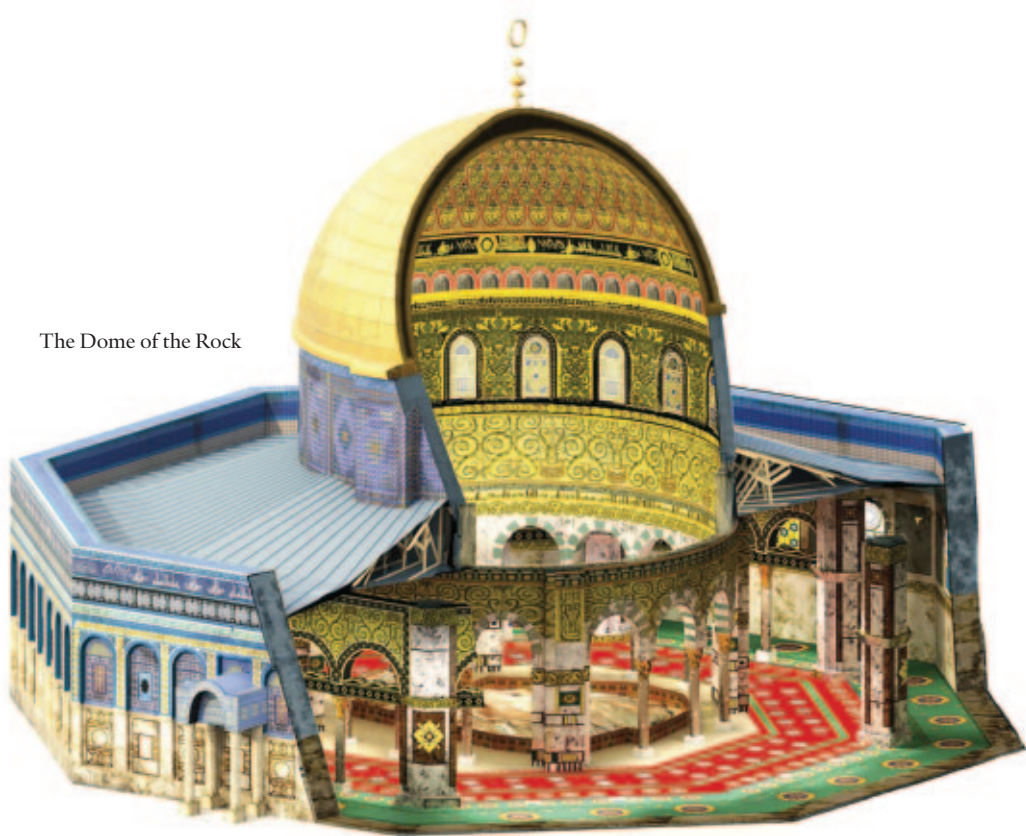


Fourth Restoration (1990-1994 CE)

80. By the 1990s, the Dome of the Rock was again beginning to suffer damage due to both environmental conditions and frequent Israeli police sound bombs. This could be seen on both the interior and exterior. In 1992 CE, the late H.M. King Hussein sold his house in London for US\$ 11.636 million in order to pay for the 1994 restorations to the Dome of the Rock. Under H.M. King Hussein's instructions, Jordan's Ministry of Awqaf and Islamic Affairs commissioned professionals to undertake the job of covering the Dome of the Rock with 1200 copper and nickel plates gilded with 24-carat gold, as well as rebuilding the roof supports, repairing the basic structure of the building and fireproofing of the Dome from inside.

Above:
Renovation of the Qibli Mosque's wooden beams and ceiling decorations, 1969–2012
[© Rami Al-Khateeb / Jerusalem Awqaf]

The Dome of the Rock



Fifth Restoration (1994 CE–present)

81. The Christian and Islamic holy sites in Jerusalem remain of great importance to H.M. King Abdullah II. As a continuation of the royal commitment to their care, H.M. King Abdullah II established the Hashemite Fund for the Restoration of the Al-Aqsa Mosque/Al-Haram Al-Sharif and the Dome of the Rock under a new law issued in 2007.

82. Projects for the care and reconstruction of Holy Sites in Jerusalem under H.M. King Abdullah II include the reconstruction of the Minbar of Salah Al-Din and the renovation and strengthening of the southern and eastern walls of the Al-Aqsa Mosque/Al-Haram Al-Sharif. In December 2016 CE, an eight-year-long project of renovating and preserving the mosaics of the Dome of the Rock and the Qibli Mosque was completed. More than 20 other restoration and maintenance projects have been completed. Many have been obstructed by Israeli authorities.

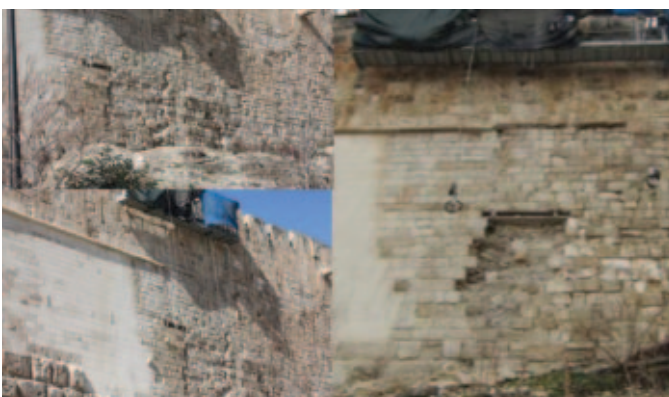
83. From 1924 and until early 2020 CE, the Hashemite restoration projects of the Al-Aqsa Mosque/Al-Haram Al-Sharif alone have cost US\$ 1.25 billion, according to estimates by the Jerusalem *Awqaf* Department and the Jordanian Ministry of Awqaf and Islamic Affairs. The restoration projects are executed by the Jerusalem *Awqaf* Department, which is also responsible for maintaining Islamic Holy Sites and endowments in Jerusalem.



84. The Jerusalem Awqaf Department has at least 938 employees, who receive their salaries from the Government of Jordan, in addition to a similar number of pensioners. Under royal benefactions, East Jerusalemite employees of the *Awqaf* department have received a 400% pay raise to support their steadfastness and to help them cope with the high cost of living in Jerusalem. Since the Arab Summit in Beirut in 2002, Arab and Muslim states have pledged about US \$ 3.5 billion to support Jerusalem's people and its Holy Sites. The Jerusalem *Awqaf* Department, however, maintains that it has only received minor sums (less than US \$ 20 million in total) that have been paid through NGOs.

Left and Centre:
Reconstruction of the Minbar
Salah Al-Din Al-Ayyubi,
1999–2007

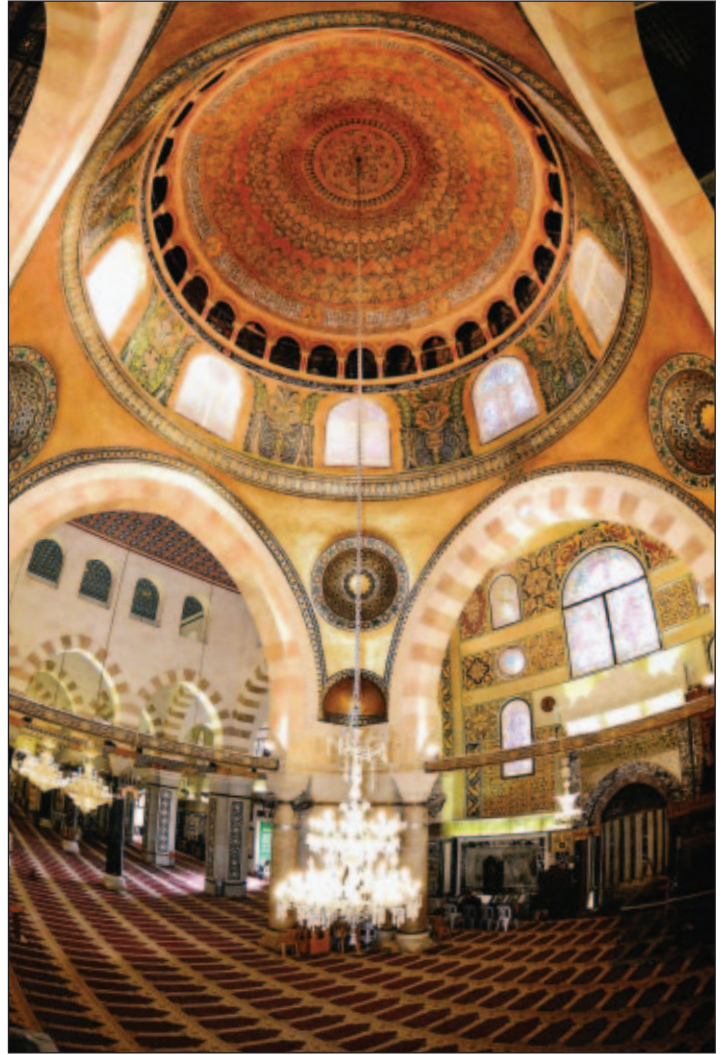
Right:
Photo of the original minbar



Top Left: Renovations to the Southern Wall of Al-Aqsa Mosque/Al-Haram Al-Sharif, 2006–2009

Bottom Left: Renovations to the Eastern Wall of Al-Aqsa Mosque / Al-Haram Al-Sharif, 2013 and onwards

Right: Covering the Roof of the Qibli Mosque/Al-Jami' Al-Aqsa with lead



(Left) Interior of the Dome of the Rock and (Right) the Qibli Mosque (renovations by H.M. King Abdullah II, 2008–2016) [© Rami Al-Khateeb / Jerusalem Awqaf]



Renovations of the Dome of the Rock, the Dome of the Silsilah and renovations to 13 out of 16 colonnades in the Marwani Mosque (2005–2020)



THE HASHEMITE CUSTODIANSHIP'S SAFEGUARDING OF THE PRE-1967 STATUS QUO AT THE AL-AQSA MOSQUE/AL-HARAM AL-SHARIF

85. The historic Status Quo at the Al-Aqsa Mosque/Al-Haram Al-Sharif is defined as the situation up until 1967 CE. This prevailed intact up until September 2000. Under the historic Status Quo, the Jordanian Jerusalem *Awqaf* Department exercised exclusive authority over the Al-Aqsa Mosque/Al-Haram Al-Sharif. Its mandate extended to all affairs relating to the unrestricted administration of Al-Aqsa Mosque/Al-Haram Al-Sharif, including maintenance, restoration, and the regulation of access of Muslim worshippers and non-Muslim visitors. The Peace Treaty of 1994 between Jordan and Israel respected the Status Quo as expressed in Article 9 of the Treaty.

86. In many resolutions since 1967 CE, the United Nations General Assembly, the UN Security Council and the UNESCO have declared any and all measures taken by Israel to change the Status Quo of occupied Jerusalem are invalid. Security Council Resolution 252 (1968) considered 'that all legislative and administrative measures and actions taken by Israel, which tend to change the legal status of Jerusalem, are invalid and cannot change that status'. Israel was urgently called upon 'to retract all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem'. UN Security Council Resolution 2334, taken on December 23rd, 2016, reaffirmed its relevant resolutions, including Resolutions 242 (1967); 338 (1973); 446 (1979); 452 (1979); 465 (1980); 476 (1980); 478 (1980); 1397 (2002); 1515 (2003), and 1850 (2008). All of these resolutions confirm that Israel is an occupying power and that any actions taken by Israel to impose its laws, jurisdiction, narrative and administration on the City of Jerusalem are illegal and therefore null and void and without validity.



VI. TERMINATION OF THE ISLAMIC CUSTODIANSHIP

87. The Hashemite Custodianship of the Islamic Holy Sites can only be terminated in the same way it came about, through all four of the following steps:

- (1) through the request of the Palestinian people (or their legitimate representatives);
- (2) through the consent of the Hashemite Custodian himself;
- (3) through the unanimous consensus of the Islamic world (or their legitimate representatives, the OIC); and
- (4) through the presence of a viable replacement.

Additionally, because the Al-Aqsa Mosque/Al-Haram Al-Sharif is under Israeli occupation, there would have to be:

- (5) a legal mechanism (under international law) that ensures that the occupying power (Israel) could not claim Custodianship or responsibility for the Holy Sites. In fact, it was primarily to avoid that very danger that in 1988, the late H.M. King Hussein, when Jordan officially disengaged from the West Bank, retained the Custodianship and left the Jordanian *Waqf* in place (with the agreement of the then Palestinian leader, Yasser Arafat).





Part Three

THE CUSTODIANSHIP
OF THE CHRISTIAN
HOLY SITES IN
JERUSALEM

I. THE RELIGIOUS SIGNIFICANCE OF JERUSALEM AND ITS HOLY SITES TO CHRISTIANS

ASSOCIATION WITH JESUS CHRIST

88. Whilst Christians revere the association of Old Testament personages and events with Jerusalem, Jerusalem is primarily significant to Christians because of its association with Jesus Christ, the Messiah. Christians understand Jesus to be a prophet and more than a prophet. They believe him to be the incarnation of the Eternal Word of God, the incarnation as a human being and at a particular point in human history of one of the Three Persons of the Trinitarian understanding of the One God. This momentous belief about the decisive and redemptive action of God in Jesus is geographically and temporally anchored in Jerusalem. Jesus is believed to be ‘the Messiah, the son of David, the son of Abraham’ (Matthew 1:1). Consequently, Christians believe that Jesus is the fulfilment of the promises given to Abraham, ‘... By your offspring shall all the nations of the earth gain blessing’ (Genesis 22:18). This means that Jesus is understood as the fulfilment of the covenant since Jesus is descended from Abraham (according to Galatians 3:16). Even more fundamentally, Jesus is understood as the second Adam, a new beginning and a renewal of creation, ‘... as all die in Adam, so all will be made alive in Christ. But each in his own order: Christ the first fruits, then at his coming those who belong to Christ...’ (1 Corinthians 15: 22–3) and ‘The first man, Adam, became a living being; the last Adam became a life-giving spirit...’ (1 Corinthians 15:45). Consequently, by association with Jesus Christ the Holy Sites are not external to the Christian faith but are within it and actually help to constitute that faith.

JESUS’ CHILDHOOD

89. Although Jesus’ childhood and teaching ministry took place in Nazareth, the definitive final acts of his life took place in Jerusalem. These acts inevitably took place in Jerusalem as the teaching of Jesus and the access to God which he promised were a direct and sustained challenge to the authorities of the Temple in Jerusalem.

ENTRY INTO JERUSALEM

90. The four Christian gospels give accounts of the triumphal entry of Jesus into Jerusalem before his betrayal, trial and death (Matthew 21:1–11, Mark 11:1–11, Luke 19:28–44, and John 12:12–19). This is in fulfilment of prophecy, ‘Tell the daughter of Zion, ‘Here is your king, who comes to you in gentleness, riding on a donkey....’ (Matthew 21:5). Jesus enters Jerusalem, the City of David, hailed as a different kind of king. The tradition tells us that in a further challenge, Jesus entered the Temple and drove out those who were selling and buying, and overturned the tables of the money changers and the seats of those who sold pigeons. He said, ‘It is written, “My house

shall be called a house of prayer” but you are making it a den of robbers’ (Matthew 21:13 and see Mark 11:15-19 and Luke 19:45-48). This act crystalized Jesus’ conflict with the Temple authorities and precipitated his betrayal and death. This act has made the site of the Temple a place of pilgrimage for Christians for whom the cleansing of the Temple is very important.

THE LAST SUPPER

91. The gospel traditions relate that, having had the Last Supper with his disciples, Jesus, foreseeing his death, withdrew to pray in the garden of Gethsemane at the foot of the Mount of Olives. Here Jesus was betrayed by Judas Iscariot, deserted by his disciples, arrested by the emissaries of the chief priests, and taken for questioning to the house in Jerusalem of Annas, the father-in-law of Caiaphas who was high priest that year (John 18:13). It was in the courtyard of Annas that the disciple Peter initially denied Jesus. Annas had Jesus bound and sent him to the house of Caiaphas the high priest, and early in the morning he was sent to the headquarters of the Roman governor, Pilate. All of these locations are of enormous importance to Christians.

THE CRUCIFIXION

92. It was to Pilate that Jesus declared, ‘My kingdom is not from this world’ (John 18:36) and Pilate offered to release him, affirming that he could find no case against him. The crowd instead demanded the release of a bandit, Barabbas, and Pilate ordered Jesus to be flogged. According to the gospel tradition, the soldiers placed a crown of thorns upon Jesus’ head in mockery of his kingship and dressed him in a purple robe. They derided him and struck him on the face (John 19:3). Pilate sat on the judge’s bench at The Stone Pavement (Gabbatha) and asked the people whether he should have Jesus crucified. Consequently, the place of the imprisonment of Jesus, the place where he was beaten, and the Pavement (Gabbatha) where he was condemned by Pilate are places in the Old City of Jerusalem of great sanctity. At the insistence of the crowd, Jesus was condemned to death by crucifixion.

93. Carrying his cross, Jesus was taken to The Place of the Skull (Golgotha, John 19:17). Here Jesus was crucified between two thieves, and the soldiers cast lots for his clothing. From the cross, Jesus said, ‘Father, forgive them, for they do not know what they are doing’ (Luke 23:34). Seeing his mother, Jesus (referring to his disciple John) said, ‘Woman, here is your son’ (John 19:26). After being given a drink of sour wine, Jesus said, ‘It is finished’ (John 19:30) and died. After his death, one of the soldiers pierced his side with a spear.

THE RESURRECTION

94. Joseph of Arimathea gained the permission of Pilate to remove the body of Jesus from the cross and anointed it for burial in a nearby rock-cut tomb. On the third day, Jesus rose from the dead and his disciples found that the stone which had closed the tomb had been rolled away and his grave clothes were left folded inside the tomb.

95. The risen Jesus appeared to his disciples and comforted them. To the doubting disciple Thomas, he said, 'Put your finger here and see my hands. Reach out your hand and put it in my side. Do not doubt but believe' (John 20:27). He led them to Bethany, a village on the Mount of Olives, and from there he ascended into heaven (Luke 24:50-51).

THE HALLOWED PLACES

96. To Christians, every detail of the life of Jesus, the incarnate life of the Eternal Word of God, is of incalculable significance at a number of different levels. As both 'the Word of God' and 'the perfect human response to God' under any imaginable temptation and trial, every step of Jesus' journey is revered and none more so than his death on behalf of the world and his last two days in Jerusalem. Every place where Jesus went, visited lived or prayed is revered and hallowed.

THE HOLIEST PLACE: THE CHURCH OF THE HOLY SEPULCHRE

97. The death of Jesus is of indescribable importance for all Christians and it follows that the place where he died, Golgotha, within the structure of the Church of the Holy Sepulchre, is the holiest place of all. In the Church of the Holy Sepulchre, on the ground floor, underneath the Golgotha chapel where Jesus was crucified, there is the Chapel of Adam. According to tradition, Jesus was crucified over the place where Adam's skull was buried. Jesus is understood as the Second Adam, who brings a new creation. All of these complicated strands and overlapping traditions are present and remembered in the Church of the Holy Sepulchre.

98. The Church of the Holy Sepulchre also contains the tomb within which the body of Jesus was placed after his crucifixion and from which he rose from the dead on the third day. Following the teaching of the Apostle Paul, Christians believe that the resurrection of Jesus provides the possibility of everlasting life for those who believe in him. St Paul wrote, 'If the Spirit of him who raised Jesus from the dead dwells in you, he who raised Jesus from the dead will give life to your mortal bodies also through his Spirit that dwells in you' (Romans 8:11). Thus Holy Sites within the Church of the Holy Sepulchre are of absolutely fundamental importance to Christian faith and practice. Christianity is a historical faith and Christians have to know where the key events in the life of Jesus took place.

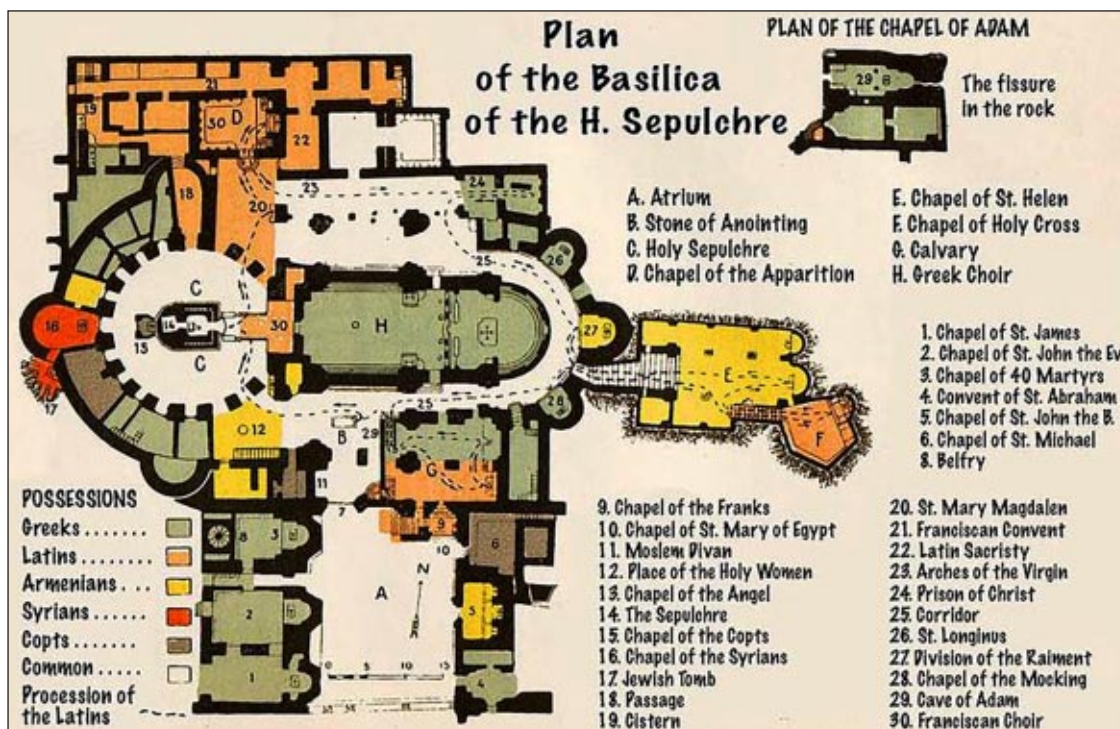
II. WHAT IS MEANT BY THE 'CHRISTIAN HOLY SITES' OF JERUSALEM?

99. The city of Jerusalem is full of very significant Churches related to Jesus' life and to Christianity in general. These include: Mary's Tomb, the Grotto of the Apostles, and the Church of St Anne, which marks the traditional site of the home of Jesus' maternal grandparents, Saints Anne and Joachim, and the birthplace of the Virgin Mary. All of these Holy Sites are places of pilgrimage for all Christians. However, perhaps the most important Holy Sites to Christians in Jerusalem are (A) the Church of the Holy Sepulchre; (B) the Church of Gethsemane, (C) the *Via Dolorosa* (the Way of Grief), and (D) the Chapel of the Ascension.

(A) THE CHURCH OF THE HOLY SEPULCHRE

100. The Church of the Holy Sepulchre, known in Arabic as the Church of the Resurrection, was built by the Emperor Constantine and his mother Empress Helena in 326 CE. It houses (1) Golgotha or Calvary, which is the place where Jesus was crucified (Matthew 27: 32-55, Mark 15:16-41; Luke 23: 13-49, and John 19: 16-27). The Church also contains (2) the place where Joseph of Arimathea took down the body of Jesus and wrapped it in linen cloth (Mark 15: 42-46), and (3) the Tomb of Christ, known as the Aedicule, which encases the empty tomb where Joseph of Arimathea laid Jesus in the rock (Mark 15: 42-46, Matthew 27: 57- 62, Luke 23: 50-56, and John 19: 38-42). According to tradition, St Helena, the mother of the Emperor Constantine, found the True Cross of Christ in a cistern not far from the Hill of Calvary, and it is now (4) also at the Church of the Holy Sepulchre. In addition, the Church includes (5) the place where the Virgin Mary received the body of her son after crucifixion. This spot symbolically features a statue of the Virgin Mary with a silver dagger in her chest (Our Lady of Sorrows).

Plan of the Basilica of the Holy Sepulchre



(B) THE CHURCH OF GETHSEMANE

101. The Church of Gethsemane is built on the lower western slopes of the Mount of Olives. It is also known as the Basilica of the Nations. The Basilica has the Rock of Agony where Jesus prayed all night before he was betrayed and arrested by the servants of the chief priests. The Gospel of Mark relates this as follows:

³² And they went to a place which was called Gethsemane; and he said to his disciples, 'Sit here, while I pray.' ³³ And he took with him Peter and James and John, and began to be greatly distressed and troubled. ³⁴ And he said to them, 'My soul is very sorrowful, even to death; remain here, and watch.' ³⁵ And going a little farther, he fell on the ground and prayed that, if it were possible, the hour might pass from him. ³⁶ And he said, 'Abba, all things are possible to thee; remove this cup from me; yet not what I will, but what thou wilt.' ³⁷ And he came and found them sleeping, and he said to Peter, 'Simon, are you asleep? Could you not watch one hour? ³⁸ Watch and pray that you may not enter into temptation; the spirit indeed is willing, but the flesh is weak.' ³⁹ And again he went away and prayed, saying the same words. ⁴⁰ And again he came and found them sleeping, for their eyes were very heavy; and they did not know what to answer him. ⁴¹ And he came the third time, and said to them, 'Are you still sleeping and taking your rest? It is enough; the hour has come; the Son of man is betrayed into the hands of sinners. ⁴² Rise, let us be going; see, my betrayer is at hand.' (Mark 14: 32–42. See also: Matthew 26: 36–54; Luke 22: 39–51; John 18: 1–14)



The Church of Gethsemane [© Robert Hoetink/Shutterstock]

(C) THE VIA DOLOROSA

102. The Via Dolorosa is the path where Jesus was led in agony, carrying the cross, as detailed in the Gospels. It comprises 14 stations:

- (1) where Jesus is condemned to death (Mark 15:1–15);
- (2) where he receives the cross (John 19: 13–17);
- (3) where he falls for the first time under the cross (Isaiah 53: 4–7);
- (4) where he meets his mother (Luke 2: 48–49; Luke 2: 34–35; John 19: 26–27);
- (5) where Simon of Cyrene helps him carry his cross (Mark 15: 21);
- (6) where Veronica wipes his face (Luke 23:27);
- (7) where he falls the second time (according to Christian tradition);
- (8) where he speaks to the women of Jerusalem (Luke 23: 27–32);
- (9) where he falls the third time (Hebrews 4: 15–16);
- (10) where he is stripped of his garments (John 19: 23–24);
- (11) where he is nailed to the cross (Luke 23: 33–43);
- (12) where he dies on the cross (John 19: 28–37);
- (13) where he is taken down from the cross (John 19: 38–40), and
- (14) where he is laid in the tomb (Mark 15: 46–47).

The Via Dolorosa
[© Rami Al-Khateeb/Jerusalem
Awqaf]



(D) THE CHAPEL OF THE ASCENSION

103. The Chapel of the Ascension is located on the Mount of Olives, and it is where Jesus is believed to have ascended to heaven and where the rock that bears his footprints rests.. The Gospel of Luke relates this as follows:

⁵⁰ Then he led them out as far as Bethany, and lifting up his hands he blessed them. ⁵¹ While he blessed them, he parted from them, and was carried up into heaven. (Luke 24: 50-51)

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The Chapel of the Ascension on the Mount of Olives renovated by the Hashemite Restoration team of the Jerusalem Awqaf 2015–2017.

III. THE SIGNIFICANCE OF CUSTODIANSHIP OF JERUSALEM'S CHRISTIAN SITES

104. The Hashemite Custodianship of Jerusalem's Christian Holy Sites is significant because:

- (1) it represents the continuity of the historic Status Quo that all Churches of Jerusalem, whether those which were existent since the time of the Pact of Omar, 1400 years ago, or those established in later centuries, have enjoyed in terms of Sultanic or Royal accreditation.
- (2) The Hashemite Custodianship guarantees the rights of churches to their Holy Sites and the protection and support of the rights of all denominations in the Holy Land. Under Islamic Law, Christians have an inviolable right to worship in their churches; the Hashemite Custodianship preserves and guarantees those rights.
- (3) The Custodian protects the Christian legal status in Jerusalem as the Custodianship maintains laws under which churches function, including the election of patriarchs.
- (4) The Custodian guarantees and maintains the Christian Church Courts, whereby Christians determine and apply their own laws of personal status, marriage, divorce and inheritance, and are exempt from Muslim Shari'ah law. This is a unique arrangement that gives Christians their own religious and cultural independence safeguarding Christian identity, and is present in the Hashemite Kingdom of Jordan as well.
- (5) The Custodian also guarantees and supports the Christian Church Council, which not only determines the official recognition of Churches, but also allows them to write their own religious curricula in state schools (and of course private ones). This is a unique arrangement that safeguards future Christian identity, and is present in the Hashemite Kingdom of Jordan as well.
- (6) H.M. the King supports the Heads of Churches with Jordanian passports, donations, and accreditation. Jerusalem Patriarchs and archbishops do not start their official work before obtaining accreditation from H.M. the King of Jordan. Similar to the majority of East Jerusalemites, Christian Heads of Churches avoid obtaining Israeli passports in order to avoid being part of the illegal occupation of their Holy Sites.
- (7) The Custodianship of both Islamic and Christian Holy Sites reflects a historic relationship between Muslims and Christians in respecting each

other and protecting each other's Holy Sites in peace and harmony. A Hashemite Muslim king preserving the rights of Christians to their Holy Sites is unique in world history. H.M. King Abdullah II's Custodianship of Christian Holy Sites holds legal and historic significance for the world's 2.4 billion Christians. It underpins the continuation of the Muslim duty in caring for and protecting Christian Holy Sites in Jerusalem and, more importantly, in protecting the principles of coexistence between the people of the two faiths. Thus, Custodianship of Christian Holy Sites is also equally important to the world's 1.9 billion Muslims.

Letter from 13 Patriarchs and Heads of Churches in Jerusalem affirming the Hashemite Custodianship of Jerusalem's Christian Holy Sites, 2020



PATRIARCHS AND HEADS OF LOCAL CHURCHES IN JERUSALEM

A Statement by the Patriarchs and Heads of the Holy Land churches on the "Deal of the Century"

After a thorough consideration of the United States of America's Middle East peace plan, also known as, the "Deal of the Century", and after reviewing the reactions of all concerned parties on the matter, we, Patriarchs and Heads of the Holy Land churches, affirm our strong devotion to achieving a just and comprehensive peace in the Middle East based on the international legitimacy and the relevant UN resolutions and in a manner that guarantees security, peace, freedom and dignity to all of the peoples of the region.

The American peace plan that was announced yesterday in the White House in the presence of the Israelis and the absence of the Palestinians, invites us to request from the U.S. administration as well as the international community to build on the vision of two states and develop it in line with international legitimacy in addition to opening a political communication channel with the Palestine Liberation Organization, the internationally recognized sole legitimate representative of the Palestinian people, to ensure that its legitimate national aspirations is also satisfied within the framework of a comprehensive and durable peace plan to be accepted by all relevant parties. And on Jerusalem we refer again to our statement addressed to President Donald Trump on Dec 6, 2017 and recall our vision for the Holy City to be open and shared by the two people, Palestinians and Israelis, and for the three monotheistic religions and our confirmation to uphold the Hashemite custodianship over the Holy sites. The resurrection of our Lord from Jerusalem reminds us all of the sacrifices to ensure justice and peace in the Holy Land.

We also call upon all Palestinian political parties, factions, and leaders to meet to discuss all disputes, end the state of internal conflict, terminate division, and adopt a unified stand towards concluding the state building based on plurality and democratic values.

Patriarchs and Heads of Churches in Jerusalem (January 30, 2020)

- +Patriarch Theophilus III, Greek Orthodox Patriarchate
- +Patriarch Nourhan Manougian, Armenian Apostolic Orthodox Patriarchate
- +Archbishop Pierbattista Pizzaballa, Apostolic Administrator, Latin Patriarchate
- +Fr. Francesco Patton, ofm, Custos of the Holy Land
- +Archbishop Anba Antonious, Coptic Orthodox Patriarchate, Jerusalem
- +Archbishop Gabriel Daho, Syrian Orthodox Patriarchate
- +Archbishop Aba Embakob, Ethiopian Orthodox Patriarchate
- +Archbishop Yaser AL-Ayash, Greek-Melkite-Catholic Patriarchate
- +Archbishop Mosa El-Hage, Maronite Patriarchal Exarchate
- +Archbishop Suheil Dawani, Episcopal Church of Jerusalem and the Middle East
- +Bishop Ibrahim Sani Azar, Evangelical Lutheran Church in Jordan and the Holy Land
- +Bishop Pierre Malki, Syrian Catholic Patriarchal Exarchate
- +Most Rev. Krikor-Okosdinos Coussa, Armenian Catholic Patriarchal Exarchate

IV. THE HISTORY OF THE HASHEMITE CUSTODIANSHIP OF JERUSALEM'S CHRISTIAN HOLY SITES

JERUSALEM'S CHRISTIAN LEADERS' PLEDGE OF ALLEGIANCE TO H.M. KING AND SHARIF HUSSEIN BIN ALI IN 1924

105. In 1924 CE, the Heads of Churches in Jerusalem, including the Latin Patriarch, the Armenian Patriarch, the Coptic Patriarch, the Ethiopian Patriarch, the Syrian Patriarch and the Greek Orthodox Patriarch, all pledged their allegiance (*bay'ah*²⁵) to H.M. King and Sharif Hussein. They reaffirmed the Hashemites' historic role in safeguarding and protecting Jerusalem's Holy Sites.



PROTECTION OF JEWS AND JEWISH SYNAGOGUES UNDER H.M. KING HUSSEIN BIN ALI AND H.M. KING ABDULLAH I'S CUSTODIANSHIP (1922-1951 CE)

106. The Hashemite Custodianship also protected Jewish rights in the City. Records show Sharif Hussein's commitment to protect and defend the rights of the then Jewish minority of Palestine, as mentioned in a letter sent to him by the National Jewish Palestinian Commission in Jerusalem on August 18th, 1922. The letter says:

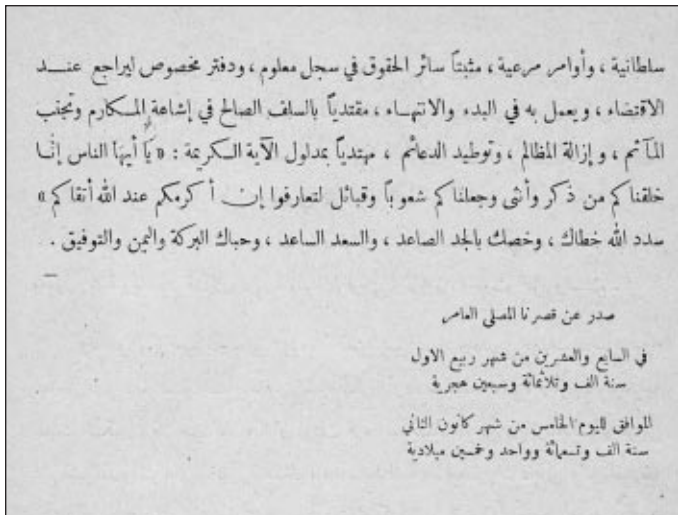
'The cable of Your Majesty to the Executive Islamic Christian Society in Jerusalem regarding the Holy Sites reminded us of the former Muslim Caliphs' protection of their Jewish brethren in many historic roles. The Jews respect the Holy Sites, the same way Muslims respect these sites. We pray to God that Your Majesty, *mawlana* [our liege-lord], is assured of the respect of all Jews for Your Majesty and for all Muslims. We congratulate Your Majesty and all Muslims on the occasion of *Eid Al-Adha*.'²⁷

107. The protection of Jewish synagogues and Jewish religious rights was included in many Royal Decrees before the occupation of East Jerusalem in 1967 CE. On January 5th, 1951, King Abdullah I issued a royal decree addressed to Raghib Basha Al-Nashashibi, naming him Overseer of the Al-Aqsa Mosque/Al-Haram Al-Sharif and High Caretaker of the Holy Sites of Jerusalem. According to King Abdullah I, the duties of this position included:

'... that you consolidate the Custodianship and protection of all denominations and religious pilgrims under your authority; strive to uphold their

²⁶ The *bay'ah* is a pledge of allegiance that the residents of Palestine pledged to the Hashemite King, including a *bay'ah* regarding the Islamic Khilafah. The Hashemites protected the Holy Sites and the people of the sacred city by virtue of their being successors over the Islamic political body, the Muslim Ummah.

²⁷ From the papers of Akram Zu'aiter in the National Library of Jordan, MK/46/1.



The Royal Decree addressed to Raghīb Basha Al-Nashashibi, naming him Overseer of Al-Haram Al-Sharif and High Caretaker of the Holy Sites of Jerusalem



safety, freedoms, rites, and places of worship with utmost determination; set every matter in its proper place and rectify every due right according to the Status Quo pertaining to the rights of denominations, mosques, churches, and synagogues one and all. This is in order that all people may find peace of mind; peace, harmony, and the examples of the great prophets may prevail; heavenly creeds may manifest themselves under the rubric of human brotherhood in a sacred Arab country that religions exalt, where prayers are established, supplications are raised, and goodwill is preserved. In doing so, follow the path of the Pact of Omar and received tradition... And also to take into consideration all Sultanic *firmans* already in the hands of the Patriarchs.'

108. By asking their executive employees, like Raghīb Nashashibi, to take care of the Jewish community and its synagogues in Jerusalem, Sharif Hussein and King Abdullah I were following in the footsteps of former Muslim Caliphs, starting with Omar ibn Al-Khattab, and continuing through to the Umayyad, Abbasid, Fatimid, Ayyubid, Mamluk and Ottoman Caliphs.²⁸

²⁸ Gil, Moshe, *A History of Palestine, 634–1099*, Cambridge University Press, 1997, pp. 70–71.

THE HASHEMITE CUSTODIANSHIP OF CHRISTIAN HOLY SITES AFTER THE DISENGAGEMENT OF THE WEST BANK (1988 CE)

109. After King Hussein's 1988 decision to disengage from the West Bank, a delegation of Christian notables met with H.M. the King and asked him to continue his Custodianship of Christian churches in Jerusalem and that they be excluded from the disengagement decision.

110. On January 21st, 2009 the Jordanian government officially recognised the Council of the Heads of Churches in Jordan as the government's reference point for all Christian affairs. The Council comprises all the heads of officially-recognised Christian denominations in the Holy Land. All the denominations have headed churches in Jerusalem and Jordan since the beginning of Christianity and continued to do so in the 20th century. While Jerusalem's Churches are religiously responsible and have ultimate authority over all their Jordanian denominations, H.M. the King of Jordan is personally and politically the Custodian and has the authority of accreditation and protection of Jerusalem's Churches.



Letter from H.B. Patriarch Theophilos III, the Greek Orthodox Patriarch of the Holy City of Jerusalem, October 1st, 2015:

'I present to you today a testimony for the sake of Jerusalem, the city that is dear to your heart, of whose Holy Sites you are Custodian. I write to renew the pledge of 11 March 1924, when the dignitaries, scholars, religious leaders, and people of Jerusalem and Palestine pledged allegiance to your great-great-grandfather Sharif Hussein bin Ali... we deduce from your position and your legitimate and historical Custodianship, every day, the great love you have for Jerusalem, its sanctity, and its history of coexistence since the meeting between its Patriarch Sophronius and the leader of the Arab nation Caliph Omar Al-Farouq ... We hereby call on all people of goodwill to uphold their duty to protect the Holy City and support your efforts to safeguard its Holy Sites, so that it can become the capital of spiritual and humanitarian values, and an example of the coexistence of people of various sects, religions and nationalities ... And from Jerusalem, the home of believers and the heart and mind of this blessed land, we come forward to renew our allegiance to you as Custodian of the Church of the Holy Sepulchre, Christ's Tomb, and all Christian sites in the city of the path of the Via Dolorosa that our Lord Jesus Christ walked, culminating in His resurrection, making Jerusalem the Christian direction for prayer (*qiblah*) for the past 2000 years.'



To His Majesty
Abdullah II bin Al Hussein
King of the Hashemite Kingdom of Jordan

I write to Your Majesty in a spirit of cordial appreciation of your efforts over many years to maintain and strengthen the bonds of friendship and mutual understanding between Muslims and Christians. I recall the words of my Predecessor, His Holiness Benedict XVI, who wished, on the occasion of his farewell from the Hashemite Kingdom in May 2009, to put on record his appreciation of Your Majesty's commitment to fostering inter-religious dialogue and of the particular consideration that Your Majesty has shown towards the Christian community in Jordan. The spirit of openness, for which Your Majesty is known, has helped the members of different ethnic communities to live together in peace and concord in Jordan and has contributed to Jordan's far-sighted political initiatives to build peace throughout the Middle East (cf. *Address of His Holiness Benedict XVI, "Queen Alia" International Airport – Amman, 11 May 2009*).

In that spirit, therefore, and in virtue of the international commitment of the Hashemite Kingdom of Jordan to provide freedom of access to places of worship in the Holy City of Jerusalem, I wish to place before Your Majesty's consideration my desire that the Catholic Church may have greater access to worship in the Cenacle, the place of the Last Supper of our Lord Jesus Christ, and the birthplace of the Church with the outpouring of the Holy Spirit on the



feast of Pentecost, making this one of the holiest places for all Christians throughout the entire world.

As Your Majesty knows well, for many centuries the Cenacle has been formally recognised as a place of Catholic Christian worship. Indeed, the uncontested historical records show that the Cenacle was the property of the Franciscan Custody of the Holy Land from 1333 to 1551, after which its care was entrusted to the Dejami family by the Turkish Authorities who had expelled the Franciscans from the Cenacle. I am deeply conscious that, in virtue of Your Majesty's internationally recognised role as Custodian of the Holy Places of Jerusalem, the care of the Holy Places of Jerusalem has always been the highest priority of the Hashemite Royal Family and the Kingdom of Jordan.

Recent developments have opened up the possibility of a more frequent use of the Cenacle and the "Upper Room" for worship. Therefore, without prejudice to the actual juridical and religious status of the Cenacle, and with the sole intent of maintaining and strengthening the already existing good relations between Christians and Muslims in the Holy Land, in support of the request already presented by the Franciscan Custody of the Holy Land I ask Your Majesty to look with favour, as you have graciously done before, upon this request by the Catholic Church, represented in this regard by the aforementioned Franciscan Custody, for a more frequent use of the Cenacle, in accordance with the modalities set out in the accompanying Explanatory Note.

It is my firm conviction that a favourable response from Your Majesty to this request would not only consolidate the international reputation of the

Hashemite Kingdom as a builder of peace, understanding and harmony between Christians and Muslims, but would also contribute to bringing God's blessing of peace to the Holy Land and to the world.

In thanking you once again for your attentiveness, I invoke upon Your Majesty abundant divine blessings.

From the Vatican, 24 May 2013



Letter from H.H. Pope Francis, May 24th, 2013:

'I recall the words of my predecessor, His Holiness Benedict XVI, who wished, on the occasion of his farewell from the Hashemite Kingdom in May 2009, to put on record his appreciation of Your Majesty's commitment to fostering inter-religious dialogue... I am deeply conscious that, in virtue of Your Majesty's internationally recognised role as Custodian of the Holy Places of Jerusalem, the care of the Holy Places of Jerusalem has always been the highest priority of the Hashemite Royal Family and the Kingdom of Jordan.'

III. After signing the Hashemite Custodianship of the Holy Sites Agreement of 2013, the Greek Orthodox Patriarchate (which still runs its affairs according to the Jordanian 1958 Law of Churches), the Armenian Patriarchate, the Latin Patriarchate, the Anglican Church, the Lutheran Church, the Syrian Orthodox Church, and His Holiness the Pope sent letters recognising that their Christian Holy Sites in Jerusalem are under H.M. King Abdullah II's Custodianship and asking that they continue to be so.

THE CHRISTIAN CHURCHES' OF JERUSALEM'S APPLICATION OF JORDANIAN LAW

II2. Jerusalem's churches, notably the Greek Orthodox Patriarchate of Jerusalem, continue to function under, and use, the 1933 and 1958 versions of the Jordanian Law of Churches. This indicates their legal acknowledgment of, and functioning under, the Jordanian Constitution. According to the Jordanian Law of Christian Denominations, Jerusalem's patriarchs and bishops are required to obtain a Royal Decree of approval to appoint the new patriarch or bishop in order that he can officially start his work.

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الكنيسة الإنجيلية اللوثرية في الأردن والأراضي المقدسة
The Evangelical Lutheran Church in Jordan & the Holy Land
 Bishop Dr. Munié A. Younan المطران الدكتور منيب أ. يونان

القدس في ٢ نيسان ٢٠١٣

حضرة صاحب الجلالة الملك عبدالله الثاني المعظم حفظه الله ورعاه
عمان

من القدس الشريف نرفع إلى مقامكم السامي خالص المودة والاعتزاز والتقدير وبعد،
 فقد استطلعنا على فحوى الاتفاقية التي أبرمت مؤخرًا بين جلالته وبين فخامة
 الرئيس محمود عباس (أبو مازن) في عمان.

أولاً: نود أن نعرب عن كامل ترحيبنا بهذه الاتفاقية والتي تمت بناء على تنسيق
 أخوي. وقد كان ذلك ضرورياً لأننا اليوم، أكثر من أي وقت مضى، بحاجة إلى مواقف
 عربية منسقة تهدف إلى حماية عروبة القدس والأماكن المقدسة فيها المسيحية
 والمسلمة على حد سواء.

ثانياً: لقد عهدنا فيكم يا صاحب الجلالة وفي النهج الهاشمي الثابت على مدى العصور
 الماضية حرصكم ومحببتكم وعملكم الدؤوب من أجل هذه المدينة المقدسة العريقة على
 قلوبنا جميعاً. وقد جاءت هذه الاتفاقية الأخيرة لتعزز قناعاتنا بأنكم الرجال الأوفياء
 الذين يسهرون ويعملون جاهدين من أجل الحفاظ على عروبة القدس وأماكنها المقدسة
 المسلمة والمسيحية على حد سواء.

إننا نهيئ بجلالتكم بأن يستمر هذا التنسيق الأخوي مع فخامة الرئيس أبو مازن من
 أجل الحفاظ على الحقوق العربية المشروعة في القدس الشريف ومن أجل تطبيق
 الشرعية الدولية للتصنيف الفلسطينية.

نكرر خالص اعتزازنا ومحبتنا وتقديرنا لجلالتكم، داعين لجلالتكم أن تبقوا ذخراً
 وسنداً وسداً منيعاً يحفظ القدس ويؤكد عدالة قضايا الأمة، والرب التقدير يمنحكم
 الصحة والقوة ويحفظكم.

أخوكم المخلص،
 المطران د. منيب أ. يونان
 مطران الكنيسة الإنجيلية اللوثرية في الأردن والأراضي المقدسة
 رئيس الأمانة القومية للعالمية



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Letter of Allegiance to His Majesty King Abdullah II by the Evangelical Lutheran Church in Jordan and the Holy Land

113. The first Jordanian Law of Christian Denominations was decided upon by the Jordanian Legislative Council and approved by Emir Abdullah of Transjordan on February 23rd, 1933 CE. The law was named ‘The Law of Mandate of the Councils of the Religious Non-Muslim Sects’. The primary mandate of this law is that the non-Muslim denominations in Jordan are allowed to form their own legal councils or religious courts in order to deal with personal law, such as marriage, divorce and inheritance within their religious communities. Under this law, religious denominations are also able to appoint or elect heads of their own communities, and the new appointee (patriarch, bishop or head of court) requires the accreditation of His Highness the Emir of Transjordan (and later that of the King of Jordan).



الكنيسة الانجيلية الاسقفية في القدس والشرق الأوسط
مطرانية القدس
رئيس الأساقفة سهيل سلمان دولي

حضرة صاحب الجلالة الهاشمية الملك عبد الله الثاني ابن الحسين حفظه الله ورعاه

اننى ان تصلكم رسالتنا هذه وانتم يا صاحب الجلالة بغير وصحة ونعمة ، و لا يسعنا الا ان نكون ممتنين وفخورين بحراستكم للمقدسات الاسلامية والمسيحية في القدس . كيف لا وانتم حمايتنا منذ عهود ، فكما نسلم الفاروق عمر مفاتيح القدس وكان الامين عليا كذلك انتم يا صاحب الجلالة الامين العادل على شواهد البنيين الاسلامي والمسيحي في القدس. هذه المدينة هي امانة في اعناق جميع المؤمنين بقداستها. فتسييس القدس واحتكارها والاستئثار بها هو تدنيس لقدسيتها وتهديد لتاريخها ووجودها.

اليوم وبصفتي رئيس اساقفة الكنيسة الانجيلية في القدس والشرق الأوسط نرسل لكم كلماتنا هذه مؤكدين على مبادئكم كصاحب للوصاية وانتم اصحاب الدور التاريخي والشرعي والقانوني في حماية المقدسات المسيحية والوفياء الحاميين للقدس والحاملين همها والم شعيا وقضيتها . فانتم آل هاشم كنتم وستبقون أهل الثقة والامانة ومصدر الامن للمقدسات القدس واهلها من بعد الله تعالى.

و اذ نقدر مواقفكم التي تعكس الحرص والاهتمام الخاص بالمسيحيين نتمن جهودكم الكريمة تجاه القضية الفلسطينية وفخورين بانكم انتم حماة مقدساتها وحاملوا رسالة العيش المشترك. ونؤكد دعمنا الراجح للوصاية الهاشمية ودورها المبارك في رعاية المقدسات الإسلامية والمسيحية.

واذ نصلي من أجل أن يحفظ الله الأردن مثال التعايش و التوام وان يسدد خطى جلالتهكم وبوقفكم ومن خلفكم.

٢٠١٥/١٠/١



النوقيع

سعادة المطران سهيل دولي
رئيس المجمع الكنسي

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 www.j-diocese.org

Letter of Allegiance to His Majesty King Abdullah II from the Episcopal Diocese of Jerusalem and the Middle East:

‘Just as Al-Farouq Omar received the keys to Jerusalem and was the custodian of it, Your Majesty is the just custodian of Islamic and Christian monuments in Jerusalem.’

‘We affirm our firm support for the Hashemite Custodianship and its blessed role in caring for Muslim and Christian Holy Sites.’

114. The 1958 Law (Article 9) remains in effect until today. It was signed by H.M. King Hussein bin Talal after being approved by the members of both banks of the Jordanian Parliament. It is simply an amended version of the 1933 Law and its 1938 version. In accordance with the 1958 Law, it became applicable in the West Bank. The law was named 'The Law of Non-Muslim Religious Denominations Councils—Its Implementation in the West Bank'. The amended 1977 Law (Article 38) pertaining to religious denominations also applied to the West Bank and included Article 4(a) stating that the head and members of religious denominations in both banks of Jordan are appointed by the Jordanian Prime Ministerial Council upon nomination by the higher spiritual authority/chair of the religious group, and that his appointment must be approved by the Royal Decree of His Majesty the King.

115. In light of the above laws pertaining to religious denominations, the Greek Orthodox Church in Jerusalem officially passed its law under the title of 'The Law of Jerusalem Greek Orthodox Patriarchate No. 27 1958'. The details and implementation of this law represent the continuity of the historic Status Quo, as the law maintains the Church's autonomous administration. It also manifests the Greek Orthodox Patriarchate's legal acknowledgement of Hashemite Custodianship, since all important appointments require an approval by His Majesty's Royal Decree.

٦- تستبدل عبارة (او يحاول) الواردة في الفقرة (١) من المادة (٢١) للقانون بعبارة (او يصير على) .
١٩٣٣-٢-٢٢

رئيس الوزراء
عبد الله سراج

نحن عبد الله بن الحسين أمير شرق الأردن
بمقتضى المادة (١٩) من القانون الأساسي .
وبناء على ما قرره المجلس التشريعي في جلسته المنعقدة بتاريخ ٢٣-٢-١٩٣٣ .
تصادق على القانون الآتي ونأمر بإصداره :

(قانون مجالس الطوائف الدينية غير المسلمة لسنة ١٩٣٣)
المادة

١- يسمى هذا القانون (قانون صلاحية مجالس الطوائف الدينية غير المسلمة لسنة ١٩٣٣) ويعدل به من تاريخ نشره في الجريدة الرسمية .

٢- يجوز للطوائف الدينية غير المسلمة الموجودة في شرق الأردن والمدرجة في جدول هذا القانون وأية طوائف دينية أخرى غير مسلمة قد تؤسس في شرق الأردن بعد نفاذ هذا القانون وتترف بها الحكومة تصناف بعد ذلك الى جدول هذا القانون ان تؤلف محاكم تعرف بمجالس طوائف دينية لها صلاحية النظر والبت في قضايا الاحوال الشخصية بمقتضى احكام المواد ٤-٢٢ من هذا القانون

٣- يجوز تعيين رؤساء الطوائف الدينية غير المسلمة في شرق الأردن ورؤساء مجالس الطوائف الدينية واعضائها من قبل الطائفة الدينية التي ينتمون اليها على ان يصادق على ذلك سمو الأمير المعظم في المجلس التنفيذي .

٤- لمجالس الطوائف الدينية صلاحية معاقبة في النظر في الدعوى التالية للمتعلقة بالاحوال الشخصية بقدر ما تسمح بذلك قواعد دياناتهم :

١- الزواج
٢- المهر
٣- الطلاق
٤- الفقة
٥- الاعالة بين الزوج والزوجة
٦- تصديق وصايا افراد الطائفة المختصة غير الاجاب منهم ما عدا ما يتعلق بالمسائل الفاضلة ببيت صلاحية الحاكم النظامية .

مجلس الوزراء
مجلس الاعيان والقنصل
تصادق على القانون الآتي ونأمر بإصداره واضافه الى قوانين الدولة :

قانون رقم (٩) لسنة ١٩٥٨

قانون مجالس الطوائف الدينية غير المسلمة
(تطبيقه على الضفة الغربية)

المادة ١ - يسمى هذا القانون (قانون مجالس الطوائف الدينية غير المسلمة - تطبيقه على الضفة الغربية لسنة ١٩٥٨) ويعدل به من تاريخ نشره في الجريدة الرسمية .

المادة ٢ - اعتبارا من تاريخ العمل بهذا القانون يسري مفعول قانون مجالس الطوائف الدينية غير المسلمة (رقم ٢ لسنة ١٩٣٣) المصوب به في الضفة الشرقية من المملكة مع جميع التعديلات التي طرأت عليه وجميع الانظمة الصادرة بقتضاء على الضفة الغربية منها .

المادة ٣ - يعطى العمل في الضفة الغربية من المملكة بما يشرع فلسطيني سابق والى الذي الذي يعارض فيه مع احكام هذا القانون .

المادة ٤ - رئيس الوزراء والوزراء كل فيما يخصه مكلفون بتنفيذ احكام هذا القانون .

١٩٥٨/١/٢٢

المسلمين من طوائف		المسلمين من طوائف	
وزير الاقتصاد الوطني	وزير الداخلية	نائب رئيس الوزراء وزير الخارجية وزير الرضا	رئيس الوزراء عبد الله سراج
خوصي الشيري	فلاح المداح	وزير المواصلات	وزير المالية ووزير الانشاء والتصوير بالوكالة انتظام حنايا
وزير الصحة والشؤون الاجتماعية جميل التوتحي	وزير التربية والتعليم وزير العدل بالوكالة احمد الطراونة	عاشم الجيوسي	وزير الزراعة والصناعة عاشم حنايا
		وزير الاشغال العامة	وزير الزراعة والصناعة عاشم حنايا
		سليم البعيت	

REITERATION OF THE HASHEMITE CUSTODIANSHIP OF THE CHRISTIAN HOLY SITES, 2013 CE

²⁹ Article D of the Preamble of the Agreement states that H.M. King Abdullah II's Custodianship encompasses the Orthodox Patriarchate of Jerusalem.

II6. In April 2013, the Greek Orthodox Church and Chair of the Council of Jerusalem Churches, commended the 2013 agreement 'considering it a continuation of the Hashemite Custodianship of the Holy Sepulchre and the Greek Orthodox Patriarchate.'²⁹ During a joint Jordanian-Palestinian Christmas celebration attended by H.M. King Abdullah II and President Mahmoud Abbas on December 18th, 2018 H.B. Patriarch Theophilos III of Jerusalem said:

'For you, Your Majesty, the King of beloved Jordan, are the Custodian of the Islamic and Christian Holy Sites in Jerusalem, including the Holy Sepulchre and the Greek Orthodox Patriarchate of Jerusalem. This Custodianship forms a shield of protection and an extension to the Pact of Omar that took place between the Patriarch Sophronius and Caliph Omar bin Al-Khattab. We will keep this covenant with you until God inherits the earth.'

٥٥٦

نحو (طبرين للقدس) (مكتبة للارثوذكسية)

بمقتضى المادة (٣١) من الدستور .
وبناء على ما قرره مجلس الاعيان والنواب .
نصادق على القانون الآتي ونأمر باصداره و اضافته الى قوانين الدولة .

قانون رقم (٢٧) لسنة ١٩٥٨

قانون بطريركية الروم الارثوذكس المقدسية

المادة ١ - يسمي هذا القانون (قانون بطريركية الروم الارثوذكس المقدسية لسنة ١٩٥٨) ويعمل به بعد مرور شهر على نشره في الجريدة الرسمية .

التصل الاول
تمهيد

المادة ٢ - يكون للفاظ والعبارات التالية الواردة في هذا القانون المعاني المتحصصة لما ادناه الا اذا دلت القرينة على خلاف ذلك :-
تعني لفظ (البطريركية) البطريركية المعروفة ببطريركية الروم الارثوذكس المقدسية او بدير القبر المقدس ، او بأخوية القبر المقدس او بالقبر المقدس ، او بدير الروم الارثوذكس . وتكون لها شخصية معنوية يمثلها البطريرك بمقتضى احكام هذا القانون .
تعني لفظ (البطريرك) بطريرك الروم الارثوذكس المقدسي ، وتشمل تأمقاهم البطريرك في حالة عدم وجود البطريرك او غيابه .
وتعني عبارة (البطريرك في المجمع) البطريرك مأملا بموافقة المجمع المقدس او منفذا لقراراته .
وتعني عبارة (البطريرك في المجلس) البطريرك مأملا بموافقة المجلس المختلط او منفذا لقراراته .

التصل الثاني
(واجبات البطريرك)

المادة ٣ - ١ - البطريرك هو الرئيس الاعلى للمكتبة الارثوذكسية في الكرسي البطريركي المقدسي ويمثلها ورئيس مجمعها المقدس ومجلسها المختلط ورابطة اتحادها مع الكنائس الارثوذكسية المستقلة ويتمتع بالحقوق والامتيازات الذهبية وله الولاية العامة على ما في الكرسي البطريركي المقدسي من اديرة وكنائس ومدارس وحيئات وجمعيات ولجان طائفية واولاف خيرية سواء كانت داخل البلاد او خارجها .
البطريرك مكلف :-
أ - باجراء جمع المراسم الدينية على الوجه المقتضى في الالونات الرسومة لما في الكنائس والمزارات القائمة للبطريركية بالانفراد او بالاشتراك مع طوائف اخرى .

The 1958 law of the Greek Orthodox Patriarchate



ՊԱՏՐԻԱՐԿԱՐԿՆԵՐՆԻ ՆՅԱՅՈՅ
ARMENIAN PATRIARCHATE

التاريخ: 2018/09/12

ملك المملكة الأردنية الهاشمية، عمان
صاحب الجلالة الملك عبد الله الثاني بن الحسين المعظم حفظه الله

تحية طيبة وبعد،

باسمى ويسمى السنود المقدس لدير مار بطروب، في القدس، ويسمى الطائفة الأرمنية في الأراضى المقدسة وفي المملكة الأردنية الهاشمية، أرفع إلى جلالكم كامل التقدير والاعتراف بحكمكم فرشيده ووسائلكم الحكيمة لجميع الأماكن المقدسة الإسلامية والمسيحية، بما فيها الكنيسة الأرمنية بالقدس.

لتي كبطريرك الطائفة الأرمنية في مدينة القدس ومعنى كامل السنود المقدس وجميع أخوية مار بطروب، سواء في الأراضى المقدسة أو في سائر أنحاء العالم، كنا وما زلنا، نكفّر لجلالكم التقدير العظيم لما قدمتموه وما زلتم تقدموه لمدينة القدس الشريف، وخاصة لحمايتكم ووسائلكم لجميع الأماكن المقدسة في المدينة المقدسة، سواء تلك التي تخص الطوائف المسيحية أو التي تخص أخوتنا أبناء الديانة الإسلامية.

إننا نرى أن العلاقة المسيحية الإسلامية في مدينة القدس هي حجر الزاوية لحماية جميع الأماكن المقدسة فيها ولصمود أهلها، ونحن لا نحدد شيئاً فيما نقول، حيث أننا نشجع الأسلاف في مواقفهم واهتماماتهم، وما هو البطريرك الأرمني أبراهام بسلمة العهدة العمورية من الخليفة عمر بن الخطاب سنة 637، وثلاثه البطريرك أبراهام الثالث فوسلم عهدة الفلاح لمدينة القدس لملك صلاح الدين الأيوبي سنة 1187، الذي عاد وأكد على ما جاء في العهدة العمورية، وتكلم سلاطين العماليق، ومن بعدهم سلاطين الإمبراطورية العثمانية، الذين منحوا الطائفة الأرمنية عدة فراملات، أرفق بعضها، ومنها فرمان السلطان سليم الأول البطريرك سركيس سنة 1520، و فرمان السلطان سليمان القانوني سنة 1521، وأخرها فرمان الحديث المرسوم الصادر عن المرجوم بياض الله تعالى والملك الملك حسين لبطريرك الأرمن يغيثيه درديبان وبتطيريك طوركروم ملوحيان.

وجميع هذه الفراملات والمراسيم جاءت وأكدت على الإحترام المتبادل القائم بين الأديان السماوية، وعهدة الخلفاء والسلاطين والشوك لحماية الأماكن المقدسة المسيحية وحماية الطوائف المسيحية المختلفة، ومنها بالطبع الطائفة الأرمنية العريقة والموجودة في مدينة القدس منذ القرن الرابع الميلادي.

من حيثنا نحن، أبناء الطوائف المسيحية عامة، وأبناء الطائفة الأرمنية خاصة، سرورنا بهذه العهدة وبإيحاء سلفاءنا ونمود وبإيحاء جلالكم مجدداً لحماية ووسائلكم جلالكم على جميع الأماكن المقدسة في القدس الشريف، وخاصة الأماكن المقدسة للطوائف المسيحية، بما فيها بطريركية الأرمن الأرثوذكس، ونعتز ووسائلكم لهذه الأماكن، والتي تم التأكيد عليها من خلال اتفاق الوصاية الموقع بين السلطة الوطنية الفلسطينية والمملكة الأردنية الهاشمية بتاريخ 31 آذار سنة 2013، كما لا بد من الحفاظ عليه لما فيه من خيرات تدرّ على بطريركياتنا وعلى شعبنا ولحمايتكم على كينفتنا في هذا البلد المقدس.

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لنا إذ نلتون هذه الفرصة، نعتز عن تقديركم لجهود جلالكم ووسائلكم لتجسيد التقاضي والحوار بين أبناء الطوائف المسيحية والإسلامية، في أرض الوطن، ووسائلكم الدائم على إحلال السلام وتكثيف الشعوب والأديان في جميع أقطار هذا العالم.

وفي الختام، نرفع التحية إلى خالق العباد لكي يحفظكم ويؤمنكم ببد جلالكم ويؤازركم بكل أسلحتكم.

المطران نورهان منوغيان
بطريرك الأرمن الأرثوذكس في القدس

2/2

Letter on 12th September, 2018 from Bishop Nourhan Manougian, the Armenian Patriarch in Jerusalem to H.M. King Abdullah II reiterating the bay'ah and H.M.'s Custodianship of the Holy Places in Jerusalem and particularly the Holy Places of Christian denominations, including the Orthodox Armenian Patriarchate.

V. THE FUNCTIONS OF THE CUSTODIANSHIP OF JERUSALEM'S CHRISTIAN HOLY SITES

THE ROUTINE FUNCTIONS OF THE CUSTODIANSHIP OF JERUSALEM'S CHRISTIAN HOLY SITES

117. The routine functions of the Custodianship of Jerusalem's Christian Holy Sites include:

- (1) To guarantee the rights of Christians to their own Holy Sites, to live and pray in peace;
- (2) To protect Christians from any and all parties, including Muslims
- (3) To maintain the Status Quo;
- (4) To maintain the correct moral behaviour and interfaith tolerance, harmony and goodwill in the Holy Land;
- (5) To maintain the independence of the Churches and of Church Courts from any state interference or pressure;
- (6) To maintain Christian laws and traditions, in accordance with the laws, and that the Orthodox Patriarch is elected according to the 1958 Jordan Law of Churches and that of the Orthodox Church;
- (7) To protect senior Christian Clergy (who are given Jordanian diplomatic passports);
- (8) To co-ordinate with the official Palestinian Authorities regarding the Christian Holy Sites; to represent them in the face of the occupying power (and Israel is legally bound by UN Security Council Resolutions 242, 338, 252, 476, 478, and by the 1954 The Hague Convention, to protect and not alter the Holy Sites of Jerusalem), and before international bodies.
- (9) To fund and help raise funds for the upkeep and restoration of these Holy Sites.



The Custodianship of Jerusalem's Christian Holy Sites in Action

118. Between 1948–1950 CE, and in response to a request from the Patriarch of the Holy City, the Greek Orthodox Patriarch of Jerusalem and H.E. the Franciscan Apostolic Nuncio, H.M. King Abdullah I renovated the dome of the Holy Sepulchre at his own expense, (see Appendix VI). In early 2016 CE, H.M. King Abdullah II issued a Royal Benefaction (makruma) to provide for the restoration of Christ's Tomb in the Church of the Holy Sepulchre in Jerusalem, at H.M.'s personal expense. In the same year, H.M. also made a major contribution to the restoration of the Dome of the Ascension on the Mount of Olives. H.B. Patriarch Theophilos III, Patriarch of the Holy City of Jerusalem and All Palestine and Jordan, thanked H.M., saying,

‘The generosity of His Majesty for remaining the faithful custodian of the Christian and Muslim Holy Sites in Jerusalem. His Majesty Abdullah

embodies in deed, and not only in word, the shared living of Muslims and Christians all over the world and particularly in the Holy Land’.

H.B. Patriarch Theophilos III also said:

‘[this] continuing Jordanian Hashemite patronage has been an indelible source of support for all the churches in the Holy Land and all the Christians in the East’.

119. In 2017 CE, H.M. King Abdallah II met H.B. Patriarch Theophilos III twice and together they launched a campaign defending the Patriarchate against attempts to confiscate Church properties in Jerusalem. This demonstrated H.M. King Abdallah II’s awareness of the fact that toppling the Greek Orthodox Patriarch would undermine the Status Quo and consequently all other Churches would fall under the pressure of Israeli policies. Since the Greek Orthodox Church is the largest land owner in the Holy Land, it has also been the most targeted Church by settler groups and the Israeli policy of confiscating as much Palestinian land as it can.

120. In November 2018, H.M. King Abdallah II announced his plan to help fund the restoration of the entire Church of the Holy Sepulchre from his own funds, in particular the US\$1.4 million received from the 2018 Annual Templeton Prize. Jerusalem church leaders welcomed the donation both as a demonstration of the King’s commitment to the Custodianship and as a way around the stalemate of who would fund the restoration. This project is expected to enable the greatest and most inclusive renovations of the Holy Sepulchre in centuries.

*Below: Christ’s Tomb in the Holy Sepulchre (renovated in 2016–2017 with a donation by H.M. King Abdallah II).
[© Shutterstock]*



VI. TERMINATION OF THE CHRISTIAN CUSTODIANSHIP

121. The Hashemite Custodianship of the Christian Holy Sites can only be terminated in the same way it came about, through all four of the following steps:

- (1) through the request of the Palestinian people (or their legitimate representatives);
- (2) through the consent of the Hashemite Custodian himself;
- (3) through the unanimous consensus of the traditional Christian Churches of the Holy Land; and
- (4) through the presence of a viable replacement.

SUMMARY AND CONCLUSION

SUMMARY AND CONCLUSION

In summary, the Hashemite Custodianship is a unique historical, one-hundred-year-plus interfaith institute that pertains to Islam's oldest dynasty and most prestigious family, and that maintains the Islamic Holy Sites and protects the Christian Holy Sites whilst guaranteeing the rights of four billion Muslims and Christians to worship in their Holy Sites in the Holy Land. It is a universally acknowledged bond of trust that represents both the consensuses of the Palestinian and Jordanian peoples, the Arab World, the Islamic World, the Christian Churches and that predates the founding of modern Jordan, and ultimately keeps peace between religions in the Holy Land.

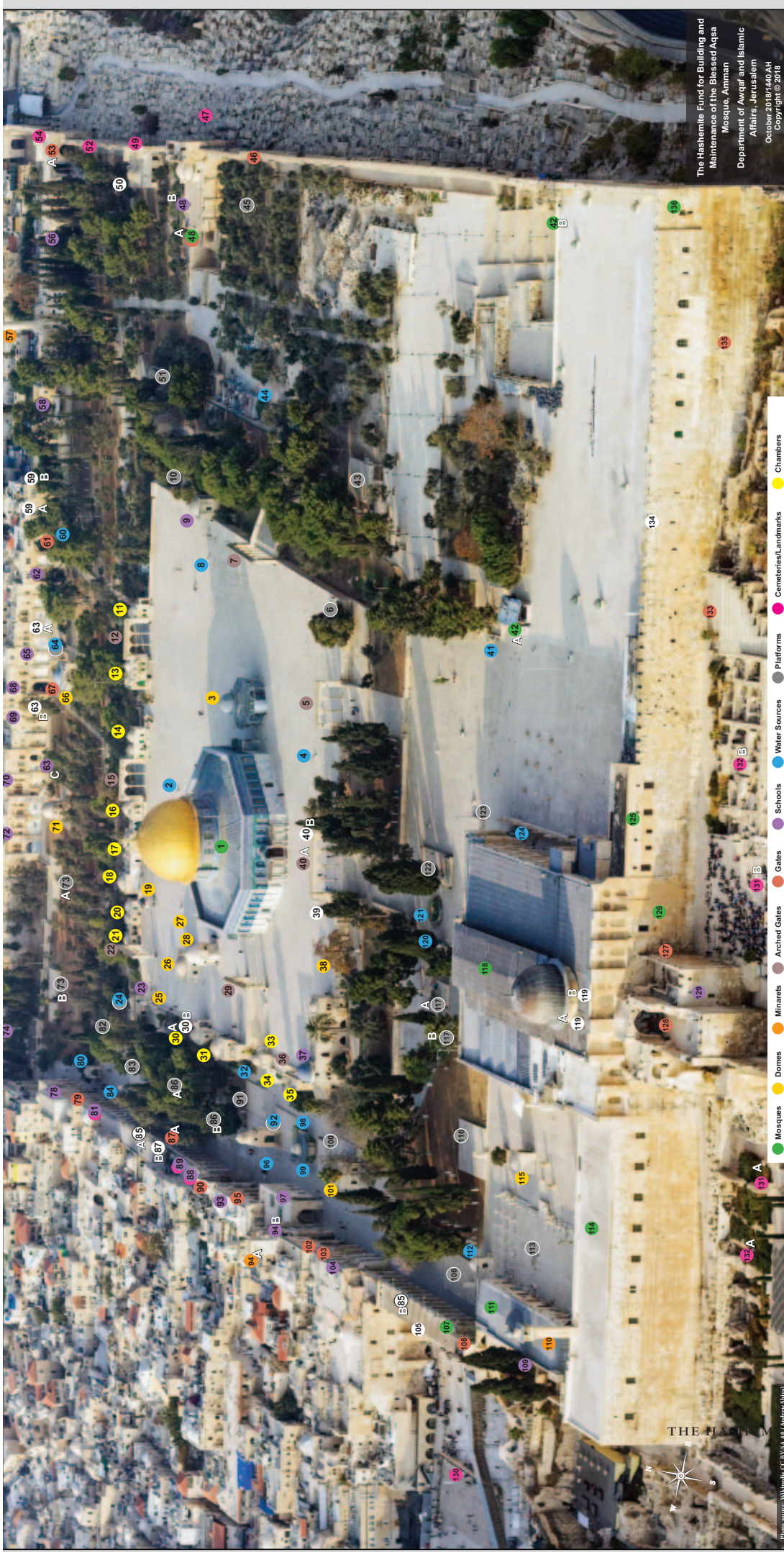




APPENDICES

APPENDIX I: MAP OF THE AL-AQSA MOSQUE/ AL-HARAM AL-SHARIF

Backpage Spread: The Dome of the Rock in the center of Al-Aqsa Mosque / Al-Haram Al-Sharif, the Qibli Mosque / Al-Jame' Al-Aqsa and part of Bab Al-Rahma Cemetery, and part of the Eastern Wall of Al-Aqsa Mosque. Photo taken from Ras Al-Amoud [© Rami Al-Khateeb / Jerusalem Awqaf]



THE HAQUEMITE FUND FOR BUILDING AND MAINTENANCE OF THE BLESSED AQQA MOSQUE, AMMAN
Department of Awaqaf and Islamic Affairs, Jerusalem
October 2018/1440 AH
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Photos: www.jerusalemcc.org.uk (Andrew Shaw)

● Mosques	● Domes	● Minarets	● Arched Gates	● Gates	● Schools	● Vitr Sources	● Platforms	● Completed/Landmarks	● Chambers
1	2	3	4	5	6	7	8	9	10
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101	102	103	104	105	106	107	108	109	110
111	112	113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128	129	130
131	132	133	134						

1 Dome of the Rock
2 Paradise (Al-Jannah) Wall
3 Dome of the Qiblah
4 Pomegranate (Al-Rumayh) Wall
5 Al-Karak Platform
6 Eastern Arched Gate
7 Chamber of Ahmad Pasha Bin Ibrahim Zawiya
8 Chamber of Ahmad Pasha Bin Ibrahim (behind the tree)
9 Chamber of Ahmad Pasha Bin Ibrahim
10 Chamber of Ahmad Pasha Bin Ibrahim
11 Northwestern Chamber of Ahmad Pasha Bin Ibrahim
12 Northwestern Arched Gate
13 Chamber of Ahmad Pasha Bin Ibrahim
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133 Chamber of Ahmad Pasha Bin Ibrahim
134 Chamber of Ahmad Pasha Bin Ibrahim

APPENDIX II: WAQF DEED OF THE SCHOOLS LOCATED ON THE LAND OF AL-AQSA MOSQUE/AL-HARAM AL-SHARIF

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الرقم: ٢٠٥/٨٠ **المحكمة الشرعية**
التاريخ: _____ **في القدس**
وفق: _____

حجة شرعية بالكشف على المدارس في المسجد الأقصى المبارك

لما كان بيوم السادس من شهر ربيع الثاني سنة 1155 حصل الكشف على المدارس الراكبة على المسجد الأقصى جميعا بحضور عمدة العلماء والمدرسين العظام السيد نجم الدين أفندي مفتي القدس الشريف وعمدة المدرسين السيد علي أفندي جار الله وعمدة العلماء والمحدثين أحمد أفندي المؤقت والسيد ابراهيم القتياني والسيد هداية الله أفندي الدجاني وجم غفير بحضور عمدة العلماء العظام محمد أفندي الضاعستاني وحصل الكشف اولا على المدرسة الفنزوية فوجدت جميعا راكبة على سطح لواوين الحرم الشريف ما عدا بيتا لجهة الشمال خارجا عن الحرم الشريف فامر شيخها السيد احمد الجاعوني وشركاه بان لا يسكنوا بها حريم وان يرفعوا الالاب خانات الموجوده بها ووجدت المدرسة الطيلونية المحاذية للفنزوية جميعا راكبة على الحرم الشريف فامر من بها بالخروج منها وان لا يسكنها حريم ووجدت المدرسة الداودرية راكبة على الحرم الشريف فامر باخراج من بها من الحرم وان لا يسكنها حريم ووجدت المدرسة الساكن بها السيد علي جار الله راكب بعضها من جهة القبلة على الحرم الشريف وبها بيتا على الحرم فامر بعدم السكن به وان لا يدخله حريم وان يفتح للدرجة بابا من جهة الغرب ووجدت المدرسة الاوحدية راكب بعضها على الحرم الشريف وبها بيتا على الحرم والساحة الواقعة تجاه البيت فامر الا يسكن في البيت حريم وان يسد البيت من دخول الحرم ووجدت المدرسة الباسطيه راكب بعضها على الحرم الشريف فامر شيخها السيد عبد الرحمن بمنع الحرم من الدخول للبيوت الراكبة على الحرم الشريف ويفتح باب المدرسة من الخارج لاستطراق الحرم من غير المستحدث الى بيوتهم الغير راكبات على الحرم الشريف ووجدت المدرسة الامينية راكب بعضها على الحرم الشريف فامر شيخها الشيخ يوسف بمنع الحرم من السكنى والدخول الى البيوت الراكبة على الحرم الأقصى وان يستطرق الحرم من الباب الواقع خارج الحرم ويسد استطراق الحرم من باب المدرسة الكاين بالحرم ووجدت المدرسة الملكية والسعدية راكب بعضها على الحرم الشريف ولها ابواب من خارج المسجد ومن المسجد فامر شيخها فتح باب كل واحدة من الخارج والاستطراق منه الى الحرم ومنع الحرم من السكنى والدخول الى الاماكن الراكبة على الحرم الشريف ويسد ابواب الاماكن الراكبة على الحرم الشريف ووجدت المدرسة الفارسية راكب بعضها على الحرم الشريف خالية عن السكنى لم بها احد ساكن فامر شيخها بعدم السكنى من الحرم ووجدت المدرسة المنجكية راكب بعضها على الحرم الشريف من جهة الغرب فامر متوليها وشيخها باخراج من ساكن من الحرم على الاماكن الراكبة على الحرم الشريف ووجدت المدرسة

الجوهريه بعض منها راكب على الحرم الشريف فوجد المحل الراكب على الحرم خال عن السكان لم به احد فامر شيخها بعدم السكن بالمحل الراكب على الحرم الشريف ووجدت المدرسة المزهرية كذلك راكب بعضها على الحرم الشريف ولم يكن بالمحل سكانا فامر شيخها بعدم السكنى به ويدخول الحرم وكذلك وجدت الدار الراكبة على باب القطانين راكب بعضها على الحرم الشريف فامر شيخها بعدم السكنى بالبيوت الراكبة على الحرم الشريف ووجدت المدرسة الزمنية راكب بعضها على الحرم الشريف فامر شيخها بعدم السكنى بالمحل الراكب على الحرم الشريف وبعدم دخول الحرم بها ووجدت المدرسة العثمانية راكب بعضها على الحرم الشريف وخالية عن السكنى فامر شيخها بعدم السكنى بالمحل الراكب على الحرم الشريف وان لا يسكنه الحرم وصدر الكشف والتنبيه على ذلك كله تنبيها اكيدا .

صورة طبق الاصل قوبلت

سجل ضبط 90 صفحه 305

الكاتب : احمد بلعد ابو سالم



APPENDIX III: MAP OF THE OLD CITY OF JERUSALEM



APPENDIX IV: TEXT OF THE 2013 HASHEMITE CUSTODIANSHIP OF THE HOLY SITES AGREEMENT

(ج) واتفقتا من الأهمية التبادلية العليا التي يمثلها لمجمع المسلمين المسجد الأقصى المبارك الواقع على مساحة 144 دونم والتي يتوسط الجامع الأقصى ومسجد قبة الصخرة ومجمع مسجده وسماويه وحجرانه وسادته وتوابعه فوق الأرض وحظتها والأزفاف الموقوفة عليه أو على زواره إرشاد إليه بـ "الحرم الأقصى الشريف"؛

(د) ويؤام على دور الملك الشريف الحسين بن علي في حماية ورعاية الأماكن المقدسة في القدس وإسماؤها منذ عام 1924، واستمرار هذا الدور بشكل متصل في ملك المملكة الأردنية الهاشمية من خلال التفويض الحسيني بن علي حتى اليوم، وذلك انطلاقاً من القيمة التي بموجبها تعهدت الوصاية على الأماكن المقدسة لتفويض الحسين بن علي والتي تشكلت بدليلته في 31 آذار سنة 1924 من قبل أهل القدس ولسطن، وقد ألت الوصاية على الأماكن المقدسة في القدس إلى جلالة الملك عبد الله الثاني ابن الحسين؛ بما في ذلك بتطبيقه الفروم الأوروپوس المقدسة التي تعصم قانون الأردني رقم 27 لسنة 1958؛

(هـ) إن رعاية ملك المملكة الأردنية الهاشمية المستمرة للأماكن المقدسة في القدس تعمله أكثر على العمل للتفاهج عن المقدسات الإسلامية و سيادة المسجد الأقصى الحرم الأقصى الشريف؛

(و) وحيث إن منظمة التحرير الفلسطينية هي المسئول التشريعي والتقني الوحيد لتتعب الفلسطينيين؛

(ز) وإيماناً بأن حق الشعب الفلسطيني في تقرير مصيره يتجسد في إقامة دولة فلسطين التي يتأمل أهلها الأرض الواقع فيها المسجد الأقصى المبارك (الحرم الأقصى الشريف)؛

(ح) واتفقتا منصوص الصريح الرسمي الصادر بتاريخ 31 تموز من عام 1988 عن المغفور له جلالة الملك الحسين، ملك المملكة الأردنية الهاشمية، صاحب الوصاية على الأماكن المقدسة في القدس، والخاص بفق الأرياف بين الأردن والسلطة العربية التي أسست الأماكن المقدسة في القدس من قبل الإنجليز؛

(ط) واتفقتا منصوص الصريح الرسمي الصادر عن الحكومة الأردنية بتاريخ 28 حزيران من عام 1994 بخصوص دورها في القدس، والتي أأكدت بوقوف الأردن قائلت ودوره التاريخي الحصري على الأماكن المقدسة؛

ويهدف إنشاء التزامات قانونية وتؤكد التزامهم بالمرافق القانونية الحديثة للأطراف المتبادلة في هذا الاتفاق، كتف الأفراف المتبادلة المذكورة أعلاه على ما يلي:

المادة الأولى:
تعترف منظمة هذه الاتفاقية جزياً لا بجزاً منها وتقر وتكفر معها كوحدة واحدة.

المادة الثانية:
1-2 وبمأ جلالة الملك عبد الله الثاني ابن الحسين بصفتة صاحب الوصاية وعام الأماكن المقدسة في القدس على بأن وجود المسكة لزعامة والحفاظ على الأماكن المقدسة في القدس وبشكل خاص الحرم الأقصى الشريف (المعروف في قند [ح] من ميثاق هذه الاتفاقية) وشكل مصالحتها في سبيل؛

(أ) لتكف احترام الأماكن المقدسة في القدس؛

(ب) لتكف حرية جميع المسلمين في الانتقال إلى الأماكن المقدسة الإسلامية ومنها أداء العبادة فيها بما يتفق وحرية العبادة؛

بسم الله الرحمن الرحيم

اتفاقية بين جلالة الملك عبدالله الثاني ابن الحسين صاحب الوصاية وعام الأماكن المقدسة في القدس و جلالة الرئيس محمود عباس رئيس دولة فلسطين ورئيس منظمة التحرير الفلسطينية ورئيس السلطة الوطنية الفلسطينية

قال تعالى: "سُبْحَانَ الَّذِي أَسْرَى بِعَهْدِهِ لَيْلًا مِّنَ الْمَسْجِدِ الْحَرَامِ إِلَى الْمَسْجِدِ الْأَقْصَى الَّذِي بَارَكْنَا حَوْلَهُ لِنُرِيَهُ مِنَ الْأَيْكَا إِنَّهُ حَقٌّ سَمِيعٌ بَصِيرٌ" سورة الإسراء: 1

قال تعالى: "إِنَّا فَتَنَّا قُتَيْبًا أَقْبَنَ يَلْفُؤْنَ فِي سَيْبِهِ صَعًا كَأَنَّهُمْ يُخَانُونَ" سورة الصدف، آية

أرشد هذه الاتفاقية بين الأطراف المتبادلة:

جلالة الملك عبد الله الثاني ابن الحسين، ملك المملكة الأردنية الهاشمية، صاحب الوصاية وعام الأماكن المقدسة في القدس، و

جلالة الرئيس محمود عباس، بصفتة رئيساً لدولة فلسطين، ورئيس اللجنة التنفيذية لمنظمة التحرير الفلسطينية، المسئول التشريعي لتتعب الفلسطينيين، ورئيس السلطة الوطنية الفلسطينية.

يقصد:

(أ) انطلاقاً من العروة الوثقى بين جميع أبناء الأمة العربية والإسلامية؛

(ب) وانطلاقاً من المسكة الخاصة بالقدس في الإسلام باعتبارها مدينة مقدسة وسارة، واستلهاماً لارتباط الأماكن المقدسة في القدس في القدس والحضرة والأزل وإلى الأبد بالمسلمين في جميع البلاد والمصورا ومشاركين أهمية القدس لأهل ديانات أخرى؛

(ج) إدارة الأماكن المقدسة الإسلامية وصيانتها بهدف (1) احترام مكنتها وأصالتها التبادلية والمحافظة عليها؛ (2) تكف الهوية الإسلامية الصحيحة والمحافظة على الطبع العائلي للأماكن المقدسة؛ (3) احترام أهلها التاريخية والثقافية والمجازية وكماها البدوي والمحافظة على تلك كله؛

(د) سلامة مصالح الأماكن المقدسة وقضاياها في المسائل الدولية وعلى المنظمات الدولية المختصة بالوسائل القانونية المتبادلة؛

(هـ) الاتفاق على مؤسسة الوفاء في القدس ومكنتها وإدارتها وفقاً للقوانين المسكة الأردنية الهاشمية؛

2-2 وبمصر ملك المملكة الأردنية الهاشمية بصفتة صاحب الوصاية وعام الأماكن المقدسة في القدس بيل تصامي كترسول إلى عقد التهام المشار إليها في المادة 1-2 من هذه الاتفاقية؛

3-2 تعترف منظمة التحرير الفلسطينية والسلطة الوطنية الفلسطينية ب دور ملك المملكة الأردنية الهاشمية التامين في التفراف (1) و (2) من هذه المادة التبادلية والتفراف من باعترافه.

المادة الثالثة:

1-3 لكفولة دولة فلسطين، باعتبارها المتبادلة لتق التتعب الفلسطيني في تقرير مصيره، مسارة المسادة على جميع أجزاء أهلها بما في تلك القدس؛

2-3 وبمصر ملك المملكة الأردنية الهاشمية والرئيس الفلسطيني لتتسبل والتشاور حول موضوع الأماكن المقدسة كلما دعت الضرورة؛

تم تحرير هذه الاتفاقية باللغة العربية وتوافقها في عمان هذا اليوم الأحد الموافق في ١٩ جمادى الأولى ١٤٣٤ للهجرة الموافق لـ ٣١ آذار ٢٠١٣ ميلادية.

جلالة الملك عبدالله الثاني ابن الحسين
ملك المملكة الأردنية الهاشمية
صاحب الوصاية على الأماكن المقدسة في القدس

جلالة الرئيس محمود عباس
رئيس دولة فلسطين
رئيس منظمة التحرير الفلسطينية، والسلطة الوطنية
والتشعب الفلسطينية
رئيس اللجنة التنفيذية الفلسطينية

شهد التوافق:

Below is the official translation of the Agreement.

Agreement between His Majesty King Abdullah II ibn Al Hussein, the Custodian of the Holy Sites in Jerusalem, and His Excellency Dr. Mahmoud Abbas, President of the State of Palestine, Head of Palestinian Liberation Organisation, and President of the Palestinian National Authority.

Glory to Him Who carried His servant by night from the Sacred Mosque to Al Masjid Al Aqsa, the environs of which We have blessed, that We might show him of our signs! Indeed He is the Hearing, the Seeing. (Al Isra', 17:1)

Indeed, Allah loves those who fight in His cause in a row as though they are a [single] structure joined firmly. (Al Saff, 61:4)

This agreement has been made by and between:

His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan, the Custodian of the Holy Sites in Jerusalem,

And:

His Excellency President Mahmoud Abbas, in his capacity as President of the State of Palestine, and Head of The Palestine Liberation Organisation, the representative of the Palestinian people, and President of the Palestinian National Authority,

Preamble

A. Recalling the indissoluble bond between all members of the Arab and Muslim Ummah;

B. Recalling the special status of Jerusalem as a holy and sacred city in Islam, and recalling the present and eternal association of the Holy Sites with Muslims of all lands and all ages; and bearing in mind the significance of Jerusalem to those of other faiths;

C. Recalling the unique religious importance, to all Muslims, of Al Masjid Al Aqsa with its 144 dunams, which include the Qibli Mosque of Al Aqsa, the Mosque of the Dome of the Rock and all its mosques, buildings, walls, courtyards, attached areas over and beneath the ground and the *Waqf* properties tied-up to Al-Masjid Al-Aqsa, to its environs or to its pilgrims (hereinafter referred to as 'Al-Haram Al-Sharif');

D. Recalling the role of King Sharif Hussein bin Ali in protecting, and taking care of the Holy Sites in Jerusalem and in the restoration of the Holy Sites since 1924; recalling the uninterrupted continuity of this role by His Majesty King of the Hashemite Kingdom of Jordan, who is a descendant of Sharif Hussein bin Ali; recalling that the *Bay'ah* (oath of allegiance) according to which Sharif Hussein bin Ali held the Custodianship of the Jerusalem Holy Sites, which Custodianship was affirmed to Sharif Hussein bin Ali by the people of Jerusalem and Palestine on March 11, 1924; and recalling that the Custodianship of the Holy Sites of Jerusalem has devolved to His Majesty King Abdullah II ibn Al Hussein; including that which encompasses the 'Rum' (Greek) Orthodox Patriarchate of Jerusalem that is governed by the Jordanian Law No. 27 of the year 1958;

E. The continuity of the Hashemite King of Jordan's Custodianship of the Holy Sites since 1924 makes His Majesty more able to maintain the Holy Sites and to preserve the Al-Masjid Al-Aqsa (Al-Haram Al-Sharif);

F. Recognising that the Palestine Liberation Organisation is the sole legitimate and legal representative of the Palestinian people and;

G. Recognising that the right of self-determination of the Palestinian people is expressed in realising the State of Palestine whose territory encompasses the land within which Al-Masjid Al-Aqsa (Al-Haram Al-Sharif) is situated;

H. Recalling the terms of the official statement by His Majesty King Hussein Bin Talal, King of the Hashemite Kingdom of Jordan, custodian of the Holy Sites in Jerusalem, concerning Jordan's qualified disengagement from the West Bank, made on 31 July, 1988; the statement excluded the Jerusalem Holy Sites;

I. Recalling the terms of the official statement by the Jordanian Government on its role in Jerusalem, made on 28 July, 1994, reaffirming Jordan's invariable position and historic, exclusive role over the Holy Sites;

Intending to establish legal obligations and to affirm their recognition of the legal status of the parties set out in this agreement, the parties to this agreement have agreed and declare as follows:

ARTICLE 1:

The 'Preamble' to this agreement shall be an integral part of this agreement and is to be read and construed with it as a whole.

ARTICLE 2:

2.1. His Majesty King Abdullah II, as the custodian of the Jerusalem Holy Sites, exerts all possible efforts to preserve the Jerusalem Holy Sites, especially Al-Haram

Al-Sharif, which is defined in item (c) in the Preamble to this agreement, and to represent their interests so as to:

A. assert the respect for the Jerusalem Holy Sites;

B. affirm that all Muslims, now and forever, may travel to and from the Islamic Holy Sites and worship there, in conformance with freedom of worship;

C. to administer the Islamic Holy Sites and to maintain them so as to (i) respect and preserve their religious status and significance; (ii) reaffirm the proper identity and sacred character of the Holy Sites; and (iii) respect and preserve their historical, cultural and artistic significance and their physical fabric;

D. to represent the interests of the Holy Sites in relevant international forums and competent international organisations through feasible legal means;

E. to oversee and manage the institution of *Waqf* in Jerusalem and its properties in accordance with the laws of the Hashemite Kingdom of Jordan.

2.2. The King of the Hashemite Kingdom of Jordan, the custodian of the Holy Sites in Jerusalem, will continue to endeavour to procure that the duties referred to in Article 2.1. here be fulfilled.

2.3. The Palestine Liberation Organisation and the Palestinian National Authority recognise the role of the King of the Hashemite Kingdom of Jordan set out in paragraphs (1) and (2) of this Article 2 and undertake to respect it.

ARTICLE 3:

3.1. The Government of the State of Palestine, as the expression of the right of self-determination of the Palestinian people, shall have the right to exercise sovereignty over all parts of its territory, including Jerusalem.

3.2. The King of the Hashemite Kingdom of Jordan and the Palestinian President will consult and coordinate with each other concerning the Holy Sites when necessary.

Done at the Royal Palace in Amman on Sunday, March 31, 2013 on Jumada I 19, 1434 Hijri.

APPENDIX V: THE LEGAL STATUS OF JERUSALEM UNDER INTERNATIONAL LAW

JERUSALEM'S STATUS QUO AND THE HASHEMITE CUSTODIANSHIP'S ROLE IN PRESERVING IT

In the period 1917-2020, the Hashemite Kings' Custodianship has been a religious and legal commitment to safeguard Jerusalem's historic Status Quo that has been continuously supported and respected by international and humanitarian law. Below is a brief illustration of the major historic incidents and agreements that represent the maintenance of Jerusalem's Status Quo. The brief illustrates some specifics of H.M.'s Custodianship in preserving the Status Quo, especially at the Al-Aqsa Mosque/Al-Haram Al-Sharif.

1852 CE

There is a well-recognized arrangement that is referred to as the 'Status Quo Arrangement of the Holy Places'. This arrangement was originally established in 1852 CE, when the Ottoman Sultan Abdul Majid issued an edict (firman) freezing claims by religious communities in Jerusalem and Bethlehem to Christian holy places and forbidding any construction or alterations to their existing status.

1856–1878 CE

Subsequently, this arrangement was internationally recognized at the 1856 CE Conference of Paris (at the end of the Crimean War) and through the 1878 CE Treaty of Berlin (between European powers and the Ottomans). Article 62 of the Treaty of Berlin states that: 'it is well understood that no alterations can be made to the Status Quo in the Holy Places'. Article 62 extended that arrangement to include all—not only Christian—holy places.

1920 CE

Following the defeat of the Ottomans and the partitioning of their Empire after World War I, the British Mandate authorities in Palestine (1920–1947) upheld the Status Quo arrangement, and included Al-Buraq (western) Wall at Al-Aqsa Mosque/Al-Haram Al-Sharif in Jerusalem and Rachel's Tomb on the outskirts of Bethlehem.

1928 CE

The first major violation of the Status Quo arrangement occurred in September 1928, when a group of Jewish worshippers set up chairs at the Al-Buraq Wall to separate men and women performing Yom Kippur prayers, triggering one of the first periods of serious unrest in Jerusalem. A subsequent White Paper, submitted to the British government in November 1928, reiterated the rights of Muslims to Al-Buraq Wall. Although unsuccessful in their search for documentary evidence of

Jewish rights to Al-Buraq Wall, the Zionist movement continued to demand that it be expropriated for the Jews.

1929–1930 CE

A dispute over prayer arrangements at Al-Buraq Wall escalated and, in August 1929, protests turned violent and resulted in the deaths of dozens of Jews and Arabs, and the injuring of hundreds more. The conclusions of the subsequent British Inquiry Commission, presented in December 1930, included the following:

‘Subsequent to the investigation it has made, the Commission herewith declares that the ownership of the Wall, as well as the possession of it and of those parts of its surroundings that are here in question, accrues to the Moslems. The Wall itself as being an integral part of the Haram-esh-Sherif area is Moslem property. From the inquiries conducted by the Commission, partly in the Sharia Court and partly through the hearing of witnesses' evidence, it has emerged that the Pavement in front of the Wall, where the Jews perform their devotions, is also Moslem property.’

1967 CE

Despite this, in the course of the 1967 War, Israel forcibly seized control of Al-Buraq Wall, confiscated the key to Al-Magharbeh Gate of the Al-Aqsa Mosque/Al-Haram Al-Sharif, and destroyed Al-Magharbeh Quarter, located in front of Al-Buraq Wall. In place of Al-Magharbeh Quarter a large prayer plaza for Jewish worshippers was created and was gradually extended from an area of 66m² (22m x 3m) to an area of some 6300m² (90m x 70m).

Immediately after the 1967 War, Israel nominally recognised the historical status and religious significance of the Al-Aqsa Mosque/Al-Haram Al-Sharif for Muslims, as well as the Custodianship of Jordan (i.e. the responsibility for administration and religious arrangements) regarding the site. Despite this nominal recognition, however, the Israeli authorities have controlled entry to the Al-Aqsa Mosque/Al-Haram Al-Sharif's gates and can enter (or cause others to enter) at will. Moreover, successive Israeli governments and their police and military forces have made efforts to undermine the internationally-recognised Status Quo.

1981 CE

International efforts have been made to protect the status and integrity of Al-Aqsa Mosque/Al-Haram Al-Sharif, including through the United Nations Educational, Scientific & Cultural Organisation (UNESCO). In 1981, the Old City of Jerusalem and its Walls were inscribed as a UNESCO World Heritage site upon the request of the Government of Jordan. In 1982, UNESCO's World Heritage Committee decided to inscribe the Old City of Jerusalem and its Walls on the List of World Heritage in Danger, thereby highlighting the threats and risks to the cultural

heritage of the Old City and its sites. Since that time, the World Heritage Committee, its Executive Board and the UNESCO General Conference have taken numerous decisions which call on Israel, as the occupying power, to stop the continuing violations against the heritage of the Old City of Jerusalem and its Walls. Israel, however, has continued to attempt to change Jerusalem's pre-1967 Status Quo.

1994 CE

Until the Oslo negotiations process in the early 1990s, the Jordanian Awqaf's Administration of the Al-Aqsa Mosque /Al-Haram Al-Sharif and the Waqf properties attached to it was relatively respected and stable. Article 9 of the Jordan-Israel Peace Treaty of October 26th, 1994 stipulates that:

‘Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim holy shrines in Jerusalem,’ and that, “when negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines’.

2000 CE

Extremist elements have become increasingly more vocal, powerful and mainstream in the past few decades. Since the second Palestinian Intifada, which erupted in September 2000 after the provocative visit of then Likud opposition leader Ariel Sharon to the Al-Aqsa Mosque/Al-Haram Al-Sharif, and against the wider backdrop of the failure of the Oslo process, there have been thousands of Israeli police and soldiers deployed in and around the Old City of Jerusalem (including inside the Al-Aqsa Mosque/Al-Haram Al-Sharif).

2003-2004 CE

During the course of the Second Intifada, Israel constructed a wall in and around East Jerusalem on the pretext that it was necessary for security purposes. On December 8th, 2003, the General Assembly of the United Nations requested the International Court of Justice to give an advisory opinion on the question of the legal consequences of the construction of the wall by Israel as an occupying power. On July 9th, 2004, the International Court of Justice delivered its advisory opinion. The International Court of Justice was of the opinion that the construction of the wall by Israel was contrary to international law as it impeded the Palestinian people's right to self-determination and further constituted a breach of Israel's obligations under international humanitarian law and human rights instruments. Israel continues to fail to comply with the findings of the International Court of Justice which it is obliged to respect.

2013 CE

In furtherance of the ongoing and ceaseless efforts to maintain the status and integrity of the Al-Aqsa Mosque/Al-Haram Al-Sharif, on March 31st, 2013,

H.M. King Abdullah II of Jordan and His Excellency Dr. Mahmoud Abbas, President of Palestine signed the Hashemite Custodianship of the Holy Sites Agreement. The agreement recalled the ‘unique religious importance, to all Muslims of the Al-Aqsa Mosque/Al-Haram Al-Sharif.



Recent Violations of the Status Quo

Unilateral Israeli archaeological excavations continue to take place in the Old City of Jerusalem and its surroundings at an unprecedented rate. The main purpose of these illegal excavations is to create facts on the ground, control Jerusalem’s heritage sites and landscape, and to justify Israel’s Judaisation of Jerusalem’s heritage and narrative. Most excavations are concentrated in the Old City and its environs and include overt and covert salvage tunnelling and excavations. Israel claims these are restoration and renovation works aiming at supporting the conservation of Jerusalem’s heritage. In fact, most works are imposing a Jewish historical narrative, while disregarding, undermining and often eliminating evidence of other civilizations.

Renaming monuments, sites, streets and valleys continue in many neighbourhoods in East Jerusalem. The worst violation against the heritage of the Old City of Jerusalem is the blatant removal of non-Jewish remains. Most of these works are funded by the Israeli government-supported settler organisations, which administer important archaeological sites and develop them in line with their ideological goals. This allows such organisations to effectively redraft the history of Jerusalem and control the narrative that is presented to the visitors to the city.

Settler organisations, mandated by the Israeli government and the Israeli Antiquities Authority, also continue digging a network of tunnels beneath the Old City of Jerusalem in order to facilitate the movement of tourists around the Old City from one site to another in tours. This aims to present most of Jerusalem under the ground as exclusively Jewish history.

These violations are policies that are changing the status of the Old City of Jerusalem and its Walls, thereby highlighting the threats to the cultural heritage of the Old City sites.

The sixteen decisions of the UNESCO Executive Board (185 EX/Decision 14, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 192 EX/Decision 11, 194 EX/Decision 5.I.D, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32, 199 EX/Dec.19.1, 200 EX/Decision 25, 201 EX/Decision 30, 202 EX/Decision 38, 204 EX/Decision 25 and 205 EX/Decision 28, 206 EX/Decision 32).

And the ten World Heritage Committee decisions (34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27, 40 COM/7A.13, 41 COM/7A.36, 42 COM/7A.21 and 43 COM/7A.22 recalled almost all the relevant legal references, including the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem.

The Old City is an integral part of occupied East Jerusalem and internationally recognized as such. Since June 1967, the UNSC and the UNGA have frequently condemned the Israeli violations against Jerusalem and called on Israel to stop them. Israel passed its own law in 1980 annexing East Jerusalem. The international community responded immediately through UN Security Council resolutions 476 and 478 inter alia:

Recalling its resolution 1980),

Reaffirming again that the acquisition of territory by force is inadmissible,

Deeply concerned over the enactment of a 'basic law' in the Israeli Knesset proclaiming a change in the character and status of the Holy City of Jerusalem, with its implications for peace and security,

Noting that Israel has not complied with resolution 476 (1980),

Reaffirming its determination to examine practical ways and means, in accordance with the relevant provisions of the Charter of the United Nations, to secure the full implementation of its resolution 476 (1980), in the event of non-compliance by Israel,

1. Censures in the strongest terms the enactment by Israel of the 'basic law' on Jerusalem and the refusal to comply with relevant Security Council resolutions;
2. Affirms that the enactment of the 'basic law' by Israel constitutes a violation of international law and does not affect the continued application of the

Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem;

3. Determines that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent "basic law" on Jerusalem, are null and void and must be rescinded forthwith;
4. Affirms also that this action constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;
5. Decides not to recognize the 'basic law' and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon:
 - (a) All Member States to accept this decision;
 - (b) Those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City.

2017 CE witnessed a blow to the Jerusalem Status Quo mainly due to the fact that many Israeli laws tightened Israel's legal grip on Occupied East Jerusalem. The most damaging was the Knesset's February 2nd, 2017 legislation which required a special two-thirds majority to approve relinquishing any portion of the city to non-Israeli power under any future peace deal. Israeli Ministers also approved articles of the Jewish State Bill which gives any Israeli Jew the exclusive right 'to preserve his culture, heritage, language and identity,' and that the right to realise self-determination 'is unique to the Jewish people.'

The majority of the United Nations members rebuked the above changes to Jerusalem's status, when the United Nations General Assembly voted 128 in favor to 9 against, with 35 abstentions, for a resolution demanding that Israel, the Occupying Power, to rescind all illegal decisions and actions that change the status of Occupied East Jerusalem, as clearly reaffirmed in the text of the following UNGA decision ES-10/L.22:

STATUS OF JERUSALEM

The General Assembly,

Reaffirming its relevant resolutions, including resolution 72/15 of 30 November 2017 on Jerusalem,

Reaffirming also the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 298 (1971) of 25 September 1971, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 2334 (2016) of 23 December 2016,

Guided by the purposes and principles of the Charter of the United Nations, and reaffirming, inter alia, the inadmissibility of the acquisition of territory by force,

Bearing in mind the specific status of the Holy City of Jerusalem and, in particular, the need for the protection and preservation of the unique spiritual, religious and cultural dimensions of the city, as foreseen in relevant United Nations resolutions,

Stressing that Jerusalem is a final status issue to be resolved through negotiations in line with relevant United Nations resolutions,

Expressing, in this regard, its deep regret at recent decisions concerning the status of Jerusalem,

1. *Affirms* that any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void and must be rescinded in compliance with relevant resolutions of the Security Council, and in this regard calls upon all States to refrain from the establishment of diplomatic missions in the Holy City of Jerusalem, pursuant to Security Council resolution 478 (1980);
2. *Demands* that all States comply with Security Council resolutions regarding the Holy City of Jerusalem, and not recognize any actions or measures contrary to those resolutions;
3. *Reiterates its call* for the reversal of the negative trends on the ground that are imperilling the two-States solution and for the intensification and acceleration of international and regional efforts and support aimed at achieving, without delay, a comprehensive, just and lasting peace in the Middle East on the basis of the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet road map, and an end to the Israeli occupation that began in 1967.



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and ninety-ninth session

199 EX/PX/DR.19.1 Rev.
PARIS, 11 April 2016
Original: English

PROGRAMME AND EXTERNAL RELATIONS COMMISSION (PX)

Item 19 OCCUPIED PALESTINE

DRAFT DECISION

Submitted by: Algeria, Egypt, Lebanon, Morocco, Oman, Qatar, and Sudan

I.

I.A Jerusalem

The Executive Board,

1. Having examined document 199 EX/19,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions related to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil/Hebron and in Bethlehem,
3. Affirming that nothing in the present decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem,
4. Deeply regrets the Israeli refusal to implement UNESCO previous Decisions concerning Jerusalem particularly 185 EX/Decision 14 and notes that its request to the Director-General to appoint, as soon as possible, a permanent representative to be stationed in East Jerusalem to report on a regular basis about all the aspects covering the fields of competence of UNESCO in East Jerusalem, has not been fulfilled and reiterates its request to the Director-General to appoint the abovementioned representative;
5. Deeply deplores the failure of Israel, the Occupying Power, to cease the persistent excavations and works in East Jerusalem particularly in and around the Old City, and reiterates its request to Israel, the Occupying Power, to prohibit all such works in conformity

with its obligations under the provisions of the relevant UNESCO conventions, resolutions and decisions;

6. Thanks the Director-General for her efforts to implement previous UNESCO decisions on Jerusalem and asks her to maintain and reinvigorate such efforts;

I.B Al-Aqsa Mosque/Al-Haram Al-Sharif and its surroundings

I.B.1 Al-Aqsa Mosque/Al-Haram Al-Sharif

7. Calls on Israel, the Occupying Power, to allow for the restoration of the historic *Status Quo*, that prevailed until September 2000, under which the Jordanian Awqaf (Religious Foundation) Department exercised exclusive authority on Al-Aqsa Mosque/Al-Haram Al Sharif, and its mandate extended to all affairs relating to the unimpeded administration of Al-Aqsa Mosque/Al-Haram Al Sharif, including maintenance, restoration, and regulating access;
8. Strongly condemns the Israeli aggressions and illegal measures against the freedom of worship and Muslims' access to their Holy Site Al-Aqsa Mosque/Al-Haram Al Sharif, and requests Israel, the Occupying Power, to respect the historic Status Quo and to immediately stop these measures;
9. Firmly deploras the continuous storming of Al-Aqsa Mosque/Al-Haram Al-Sharif by the Israeli right-wing extremists and uniformed forces, and urges Israel, the Occupying Power, to take necessary measures to prevent provocative abuses that violate the sanctity and integrity of Al-Aqsa Mosque/Al-Haram Al-Sharif;
10. Deeply decries the continuous Israeli aggressions against civilians including sheikhs, and priests, further decries the large number of arrests and injuries among Muslim worshippers and Jordanian Awqaf guards in Al-Aqsa Mosque/Al-Haram Al-Sharif by the Israeli forces and also urges Israel, the Occupying Power, to end these aggressions and abuses which inflame the tension on the ground and between faiths;
11. Disapproves the Israeli restriction of access to Al-Aqsa Mosque/Al-Haram Al-Sharif during the Eid Al-Adha 2015 and the subsequent violence and calls on Israel, the Occupying Power, to stop all violations against Al-Aqsa Mosque/Al-Haram Al-Sharif;
12. Deeply regrets the refusal of Israel to grant visas to UNESCO experts in charge of the UNESCO project at the Centre of Islamic Manuscripts in Al-Aqsa Mosque/Al-Haram Al-Sharif and requests Israel to deliver visas to UNESCO experts without restrictions;
13. Also regrets the damage caused by the Israeli Forces, especially since 23 August 2015, to the historic gates and windows of the Qibli Mosque inside Al-Aqsa Mosque/Al-Haram Al-Sharif, and reaffirms, in this regard, the obligation of Israel to respect the integrity, authenticity and cultural heritage of Al-Aqsa Mosque/Al-Haram Al-Sharif, as reflected in the historic *status quo*, as a Muslim Holy Site of worship and as an integral part of a World Cultural Heritage Site;
14. Calls on Israel, the Occupying Power, to stop violations against the Waqf properties east and south of Al-Aqsa Mosque/Al-Haram Al-Sharif, such as the recent confiscations of parts of Al-Youssefeyah cemetery and Al-Sawanah area by banning Muslims from burying their dead in some spaces and by planting Jewish fake graves in other spaces of the Muslim cemeteries, in addition to the dramatic change of the status and distinctive character of the Umayyad Palaces, in particular the violation of the continued conversion of many Islamic and Byzantine remains into the so-called Jewish ritual baths or into Jewish prayer places;
15. Expresses its deep concern over the Israeli closure and ban of the renovation of the Al-Rahma Gate building, one of Al-Aqsa Mosque/Al-Haram Al-Sharif gates, and urges Israel,

the Occupying Power, to reopen the Gate, and stop obstruction of the necessary restoration works, in order to repair the damage caused by the weather conditions, especially the water leakage into the rooms of the building;

16. Calls on Israel, the Occupying Power, to stop the obstruction of the immediate execution of all the 18 Hashemite restoration projects in and around Al-Aqsa Mosque/Al-Haram Al-Sharif;
17. Further deploras the Israeli decision to approve a plan to build a two-line cable car system in East Jerusalem and the so called "Liba House" project in the Old City of Jerusalem as well as the construction of the so called "*Kedem Center*", a visitor centre near the southern wall of the Mosque, the construction of the Strauss Building and the project of the elevator in Al-Buraq Plaza "Western Wall Plaza" and urges Israel, the Occupying Power, to renounce the above-mentioned projects and to stop the construction works in conformity with its obligations under the relevant UNESCO conventions, resolutions and decisions;

I.B.2 The Ascent to the Mughrabi Gate in Al-Aqsa Mosque/Al-Haram Al-Sharif

18. Reaffirms that the Mughrabi Ascent is an integral and inseparable part of Al-Aqsa Mosque/Al-Haram Al-Sharif;
19. Takes note of the 15th Reinforced Monitoring Report and all previous reports, together with their addenda prepared by the World Heritage Centre as well as the State of Conservation reports submitted to the World Heritage Centre by the Hashemite Kingdom of Jordan and the State of Palestine;
20. Deprecates the persisting Israeli unilateral measures and decisions regarding the Ascent to the Mughrabi Gate, including the latest works conducted at the Mughrabi Gate entrance in February 2015, the instalment of an umbrella at that entrance as well as the enforced creation of a new Jewish prayer platform south of the Mughrabi Ascent in Al-Buraq Plaza "Western Wall Plaza", and the removal of the Islamic remains at the site and reaffirms that no Israeli unilateral measures, shall be taken in conformity with its status and obligations under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954;
21. Further expresses its deep concern regarding the illegal demolitions of Ummayyad, Ottoman and Mamluk remains as well as other intrusive works and excavations in and around the Mughrabi Gate Pathway, and also requests Israel, the Occupying Power, to halt such demolitions, excavations and works and to abide by its obligations under the provisions of the UNESCO conventions mentioned in para 2;
22. Reiterates its thanks to Jordan for its cooperation and further urges Israel, the Occupying Power, to cooperate with Jordanian Awqaf Department, in conformity with its obligations under the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, to facilitate access of Jordanian Awqaf experts with their tools and material to the site in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate in accordance with UNESCO and World Heritage Committee decisions particularly 37 COM/7A.26, 38 COM/7A.4 and 39 COM/7A.27;
23. Thanks the Director-General for her attention to the sensitive situation of this matter and asks her to take the necessary measures in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate;

I.C The UNESCO Reactive Monitoring Mission to the Old City of Jerusalem and its Walls and The UNESCO experts meeting on the Mughrabi Ascent

24. Stresses yet again the urgent need of the implementation of the UNESCO Reactive Monitoring Mission to the Old City of Jerusalem and its Walls;

25. Recalls, in this regard, 196 EX/Decision 24 that requests, in case of non-implementation, to consider, in conformity with the International Law, other means to ensure its implementation;
26. Notes with deep concern that Israel, the Occupying Power, did not comply with any of the 11^{*} decisions of the Executive Board as well as the six^{**} resolutions of the World Heritage Committee that request the implementation of the Reactive Monitoring Mission to the Old City of Jerusalem and its Walls;
27. Regrets the continued Israeli refusal to act in accordance with UNESCO and World Heritage Committee decisions that request a UNESCO experts meeting on the Mughrabi Ascent and the dispatch of a Reactive Monitoring Mission to the Old City of Jerusalem and its Walls;
28. Invites the Director-General to take necessary measures to implement the above-mentioned Mission in accordance with World Heritage Committee decision 34 COM/7A.20, prior to the next session of the Executive Board, also invites all concerned parties to facilitate the implementation of that mission and experts meeting;
29. Requests that the report and recommendations of the mission as well as the report of the technical meeting on the Mughrabi Ascent, be presented to the concerned parties;
30. Thanks the Director-General for her continuous efforts to implement the above-mentioned UNESCO joint Reactive Monitoring Mission and all related UNESCO decisions and resolutions;

II. Reconstruction and development of Gaza

31. Deplores the military confrontations in and around the Gaza Strip and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, as well as the continuous negative impact in the fields of competence of UNESCO, the attacks on schools and other educational and cultural facilities, including breaches of inviolability of UNRWA schools;
32. Strongly deplores the continuous Israeli blockade of the Gaza Strip, which harmfully affects the free and sustained movement of personnel and humanitarian relief items as well as the intolerable number of casualties among Palestinian children, the attacks on schools and other educational and cultural facilities and the denial of access to education, and requests Israel, the occupying Power, to immediately ease this blockade;
33. Reiterates its request to the Director-General to upgrade, as soon as possible, the UNESCO Antenna in Gaza in order to ensure the prompt reconstruction of schools, universities, cultural heritage sites, cultural institutions, media centres and places of worship that have been destroyed or damaged by the consecutive wars on Gaza;
34. Thanks the Director-General for the information meeting held on March 2015 on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO in the Gaza Strip-Palestine, and invites her to organize another information meeting on the same matter;
35. Also thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, and

* The 11 Executive Board decisions: 185 EX/Decision 14, 186 EX/Decision 11, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 191 EX/Decision 9, 192 EX/Decision 11, 194 EX/Decision 11, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32.

** The six World Heritage Committee resolutions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27.

calls upon her to continue her active involvement in the reconstruction of Gaza's damaged educational and cultural components;

III. The two Palestinian sites of Al-Ḥaram Al Ibrāhīmī/Tomb of the Patriarchs in Al-Khalīl/Hebron and the Bilāl Ibn Rabāḥ Mosque/Rachel's Tomb in Bethlehem

36. Reaffirms that the two concerned sites located in Al-Khalīl/Hebron and in Bethlehem are an integral part of Palestine;
37. Disapproves the ongoing Israeli illegal excavations, works, construction of private roads for settlers and a separation wall inside the Old City of Al-Khalīl/Hebron, that harmfully affect the integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship, and urges Israel, the occupying Power, to end these violations in compliance with provisions of relevant UNESCO conventions, resolutions and decisions;
38. Deeply deplores the new cycle of violence, since October 2015, in the context of the constant aggressions by the Israeli settlers and other extremist groups against Palestinian residents including schoolchildren, and asks Israel, the Israeli authorities to prevent such aggressions;
39. Deeply regrets the Israeli refusal to comply with 185 EX/Decision 15 which requested the Israeli authorities to remove the two Palestinian sites from its national heritage list and calls on the Israeli authorities to act in accordance with that decision;

IV.

40. Decides to include these matters under the item entitled "Occupied Palestine" in the agenda of the Executive Board at its 200th session, and invites the Director-General to submit to it a progress report on these matters.



Resolution 2334 (2016)**Adopted by the Security Council at its 7853rd meeting, on
23 December 2016**

The Security Council,

Reaffirming its relevant resolutions, including resolutions 242 (1967), 338 (1973), 446 (1979), 452 (1979), 465 (1980), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), and 1850 (2008),

Guided by the purposes and principles of the Charter of the United Nations, and reaffirming, inter alia, the inadmissibility of the acquisition of territory by force,

Reaffirming the obligation of Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and *recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice,

Condemning all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including, inter alia, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions,

Expressing grave concern that continuing Israeli settlement activities are dangerously imperilling the viability of the two-State solution based on the 1967 lines,

Recalling the obligation under the Quartet Roadmap, endorsed by its resolution 1515 (2003), for a freeze by Israel of all settlement activity, including "natural growth", and the dismantlement of all settlement outposts erected since March 2001,

Recalling also the obligation under the Quartet roadmap for the Palestinian Authority Security Forces to maintain effective operations aimed at confronting all those engaged in terror and dismantling terrorist capabilities, including the confiscation of illegal weapons,

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Condemning all acts of violence against civilians, including acts of terror, as well as all acts of provocation, incitement and destruction,

Reiterating its vision of a region where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders,

Stressing that the status quo is not sustainable and that significant steps, consistent with the transition contemplated by prior agreements, are urgently needed in order to (i) stabilize the situation and to reverse negative trends on the ground, which are steadily eroding the two-State solution and entrenching a one-State reality, and (ii) to create the conditions for successful final status negotiations and for advancing the two-State solution through those negotiations and on the ground,

1. *Reaffirms* that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace;

2. *Reiterates* its demand that Israel immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem, and that it fully respect all of its legal obligations in this regard;

3. *Underlines* that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations;

4. *Stresses* that the cessation of all Israeli settlement activities is essential for salvaging the two-State solution, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the two-State solution;

5. *Calls* upon all States, bearing in mind paragraph 1 of this resolution, to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

6. *Calls* for immediate steps to prevent all acts of violence against civilians, including acts of terror, as well as all acts of provocation and destruction, calls for accountability in this regard, and calls for compliance with obligations under international law for the strengthening of ongoing efforts to combat terrorism, including through existing security coordination, and to clearly condemn all acts of terrorism;

7. *Calls upon* both parties to act on the basis of international law, including international humanitarian law, and their previous agreements and obligations, to observe calm and restraint, and to refrain from provocative actions, incitement and inflammatory rhetoric, with the aim, inter alia, of de-escalating the situation on the ground, rebuilding trust and confidence, demonstrating through policies and actions a genuine commitment to the two-State solution, and creating the conditions necessary for promoting peace;

8. *Calls upon* all parties to continue, in the interest of the promotion of peace and security, to exert collective efforts to launch credible negotiations on all

final status issues in the Middle East peace process and within the time frame specified by the Quartet in its statement of 21 September 2010;

9. *Urges in this regard* the intensification and acceleration of international and regional diplomatic efforts and support aimed at achieving, without delay a comprehensive, just and lasting peace in the Middle East on the basis of the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet Roadmap and an end to the Israeli occupation that began in 1967; and *underscores* in this regard the importance of the ongoing efforts to advance the Arab Peace Initiative, the initiative of France for the convening of an international peace conference, the recent efforts of the Quartet, as well as the efforts of Egypt and the Russian Federation;

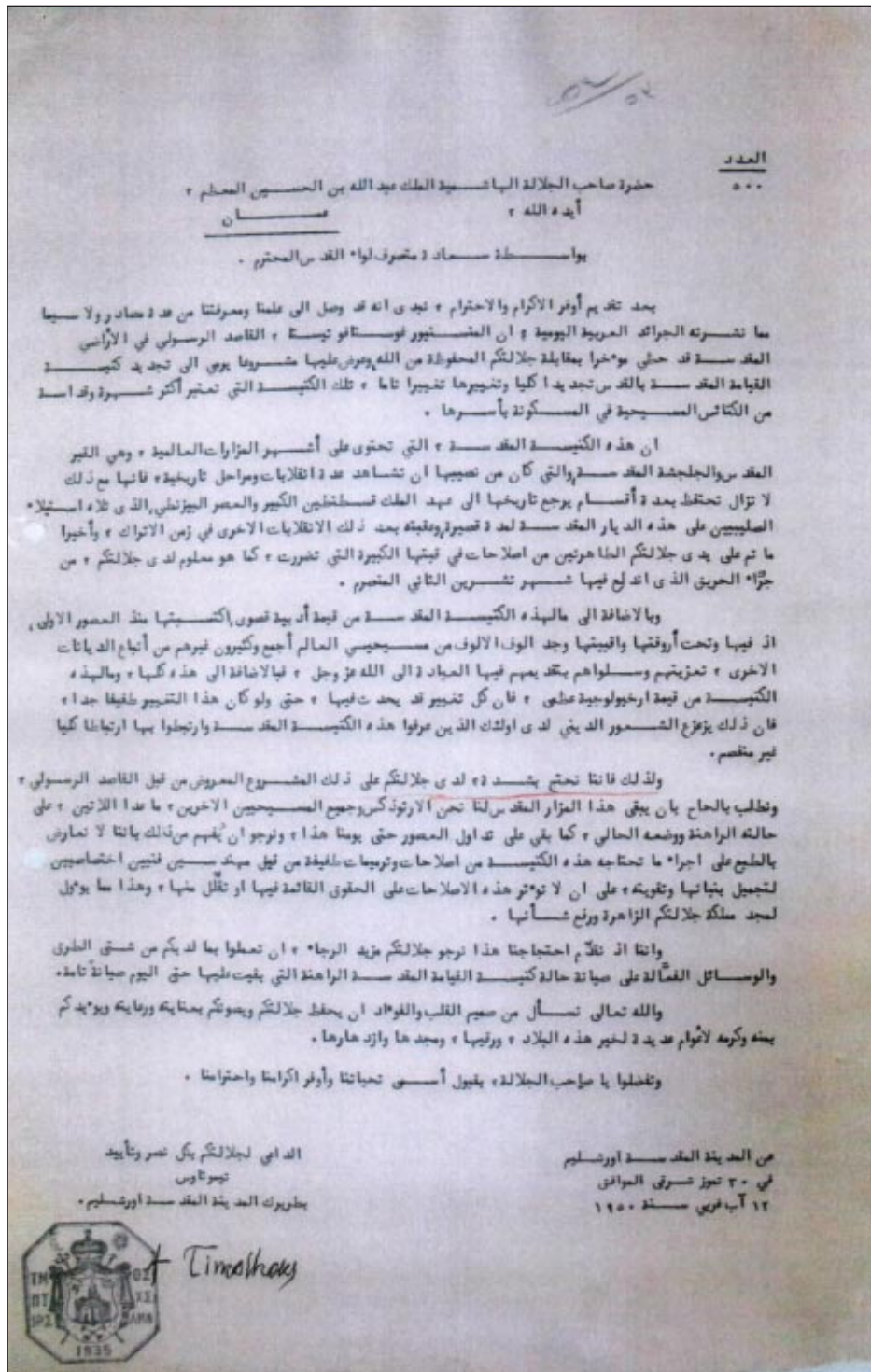
10. *Confirms its determination* to support the parties throughout the negotiations and in the implementation of an agreement;

11. *Reaffirms* its determination to examine practical ways and means to secure the full implementation of its relevant resolutions;

12. *Requests* the Secretary-General to report to the Council every three months on the implementation of the provisions of the present resolution;

13. *Decides* to remain seized of the matter.

APPENDIX VI: DOCUMENTS ON THE HASHEMITE RENOVATIONS TO THE HOLY SEPULCHRE 1948-1950 CE



٢٠٩ / ٢٤
المملكة الأردنية الهاشمية

وزارة المواصلات - المواصلات العامة

الرقم : ٤١٧١ / ٤٥ / ١ / ٢

التاريخ : ١٩٤٩ / ١٠ / ١٨

معالي رئيس الديوان الملكي الهاشمي العالي
الموضوع - كتيبه القيامه

لاحقا لكتابي رقم ٣٣٣٥ / ٤٥ / ١ / ٢ تاريخ ١٩٤٨ / ١١ / ٦
بناء على الرغبة الملكية السامية المبلغه الينا بواسطه امين بسك
عبد الهادي باصلاح قبه كتيبه القيامه على حساب المخصصات السنيه
اقدم ربطا صورته عن كتاب مدير الاشغال العامه في القدر وصوره عن
الكشف العرفق للتفضل باجراء المقتضى
وتفضلوا بقبول فائق الاحترام

وزير المواصلات

٤١ / ١١٩

الرقم - ١١/٢

التاريخ - ١٥/١/١٩٤٩

معالي وزير المواصـلات
عمـان

- الموضوع - صيانه الاماكن المقدسه - اصلاح كنيسه القيايه
- الاشاره كتابكم رقم ١/٢ / ٤٥ / ٣٢٠٠ المؤرخ في ٢٣ / ١٠ / ١٩٤٨
- اشير الى كتاب معاليكم المذكور اعلاه وارفق لكم تفصيلا باعمال الصيانه اللازمه لكنيسه القيايه
- ٢ - لقد اصبح الوضع الان من حيث الامن يمكننا من القيام بالعمل فارجو ان تحولوا لنا مبلغ مئه وواحد وسبعين جنيها كي نتمكن من القيام بالعمل قبل حلول فصل الشتاء الذي اصبح قريبا
- ٣ - لقد صدرت الاراده السنيه باجرا هذه الاصلاحات كما تذكرن في كتابكم على حساب السنيه الخاصه
- وتفضلوا بقبول مزيد احترامي

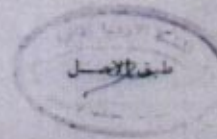
مدير الاشغال العامه

فلسطين

التوقيع

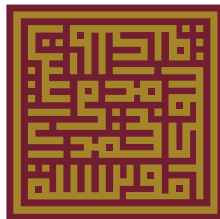


الرقم	نوع العمل	الكمية	السرعة	القياس	القياس
		الوحدة	السرعة	القياس	القياس
١	توريد الواح رصاصيه من قياس 100×180 سمك ٥ م مع تركيب وقمر الالواح على الشكل القديم بتلويه احرف الالواح العتيبه على شكل بوضه لمنع تسرب المياه الى الداخل .	٢٠	١٥	عدد	٣٠
٢	تت اربعة الواح رصاصيه لارتفاعها من مكانها لارتفاع الالواح الخريانه وتركيب الالواح الجديده واعاده تركيب الاربعه الواح	عمل	-	عمل	٨
٣	توريد اسمنت ونحائه ونقلها الى سطح كنيسه القيايه وعمل طوبار وصب البتون في مكانه .	-	-	-	١٢
٤	تصلح ما يقرب من ٢٥٠ اداكتر من التسبب في مختلف القبه لحام رصاص .	-	-	-	٤٠
٥	توريد سقاه ونقلها الى داخل البلد ورفعها على سطح الكنيسه ونصبها وتكثا وازالتها ، ارتفاع السقاه يزيد على عشرون مترا	-	-	-	٣٠
				المجموع	١٢٠
				منقوله	١٢٠
٦	توريد قزاز سمك ٨ م (الموجود حاليا على ظهر القبه ١٠ م) وقصه على الشكل المطلوب وتركيبه على ظهر القبه	٢٤	٢٤	عدد	٤٦
٧	القياسات بالتقريب $100 \times 160 \times 8$ م سمك عدد ٢٤	٢٤	٢٤	عدد	٤٦
				المجموع	١٧١





Western Gate of the Dome of the Rock opposite Bab Al-Qataneen, Jerusalem [© Shutterstock]



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