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## SPECIAL DOCUMENT FILE

### JERUSALEM 1967

<b>A. Firsthand Account of the Fall of Arab Jerusalem, by Anwar al-Khatib al-Tamimi, Governor of Jerusalem District. . . . .</b>	<b>89</b>
<b>B. Memorandum from the Jerusalem Municipal Council to the Occupation Authorities on the Annexation of Jerusalem, 22 July 1967. .</b>	<b>95</b>
<b>C. Jerusalem's Muslim Religious Establishment versus the Occupation Authorities, a Firsthand Account, by Shaykh Abd al-Hamid al-Sayih, President of the Shari'a Court of Appeal. . . . .</b>	<b>96</b>
<b>D. Memorandum Concerning the Measures Taken by Israel with Respect to the City of Jerusalem, Submitted by Ruhi al-Khatib, 26 August 1967. . . . .</b>	<b>106</b>

*In commemoration of the fortieth anniversary of the occupation of East Jerusalem during the 1967 war, JPS is publishing a selection of documents pertaining to the city's capture and the first few months under Israeli rule.*

*Almost immediately after East Jerusalem's fall on 7 June, Israel set about changing the face of the city, razing the ancient Mughrabi (Moroccan) Quarter (including its shrines, evicting some 650 persons in the process) to create the plaza fronting the Wailing Wall, forcibly evicting an additional 3,000 residents of the Jewish Quarter, and demolishing numerous other buildings inside and outside the old city in preparation for a massive building program. On 28 June, it annexed (under the guise of "expanding the jurisdiction" of the Jerusalem municipality) not only East Jerusalem but a large swath of West Bank territory to the north and south, disbanding the Jordanian Municipal Council the next day, repealing the laws in force, and imposing a host of new regulations and orders. Concurrently, however, the authorities endeavored to co-opt or integrate to the extent possible the existing administrative and religious establishment into the new Israeli system.*

*The following documents describe various aspects of actions taken in these first months. The account of Jerusalem's fall by Anwar al-Khatib, governor of the Jerusalem district, gives a sense of the utter disarray and confusion that reigned in the city in the days following the Israeli attack, the complete lack of preparedness, and the almost immediate collapse of any resistance. The next two documents both reflect the stirrings of an early, nonmilitary, and indeed passive resistance to the occupation by the local establishment in the form of determined noncooperation with the Israeli authorities. The memorandum from the members of Jerusalem's disbanded Municipal Council is a collective response to Israel's attempt to secure their cooperation by dealing with each of them separately. The account by Shaykh Abd al-Hamid al-Sayih, the city's most senior Muslim official, details the persistent attempts of the Israeli*

*ministry of religious affairs to integrate Jerusalem's religious hierarchy and Islamic courts and institutions into the Israeli system, the Muslim establishment's countering moves, and the stalemate that ultimately led to al-Sayib's deportation. The memorandum by Rubi al-Khatib, Jerusalem's deposed mayor, and several of his colleagues from the dissolved municipal council provides a low-key catalogue of the occupation measures in various domains (administrative, economic, social).*

*It bears mentioning that the emphasis in a number of the documents on the West Bank as an integral part of Jordan reflects the prevailing mood of the Palestinian establishment of the time and relates to the tactical priority of securing a return to the status quo ante bellum.*

**A. FIRSTHAND ACCOUNT OF THE FALL OF ARAB JERUSALEM, BY ANWAR AL-KHATIB AL-TAMIMI, GOVERNOR OF JERUSALEM DISTRICT.**

*Anwar al-Khatib, the Jordanian-appointed governor of the Jerusalem District, was the highest-ranking Jordanian civilian administrative official in the West Bank at the time of the 1967 war. Before his appointment as Jerusalem's governor in 1965, he had served as mayor of Jerusalem, in several Jordanian cabinets, and as ambassador to Egypt. Born in Hebron in 1917, he died in the West Bank in 1993. The following excerpts, translated from the Arabic by Alex Baramki, were taken from his 1989 memoir With Saladin in Jerusalem: Reflections and Reminiscences.*

After midnight on 6 June, I left the operations room at police headquarters in the company of Hazem al-Khalidi and headed for the nearby Ritz Hotel, where I hoped to get some rest after a trying day and nerve-wracking night. But with bombs and rockets falling all around us, whistling in our ears before they hit the ground, we ended up crawling on hands and knees in the pitch-black darkness, requiring more than a half hour to cover the short distance to the hotel. I had come to find a bed, but in the intensity of the firing one had to lie on the floor to make sure not to be hit. Someone came to inform me that advance units of the Israeli army had penetrated the Shaykh Jarrah quarter, with the Israeli flag flying from the poles of the French St. Joseph Hospital and the police academy (used as the UNRWA headquarters), and were now advancing towards the Palestine Museum and the Damascus Gate area outside the city walls. Upon hearing this painful news, I tried to contact Brigadier General Atta Ali but was told that he had left his headquarters and retired to within the city walls along with the chief of police, Colonel Muhammad al-Surayf.

With the Israelis closing in, I could not remain in the hotel for fear of being taken prisoner. I decided to follow the two officers into the Old City, even though I was upset that they had left without telling me, though they had known where to find me. The way from the Ritz Hotel to Herod's Gate inside the Old City was fraught with danger. By that time the Israelis had occupied the Schmidt Building next to Damascus Gate and the Palestine Museum, and to reach the old city it was necessary to pass by both buildings. Israeli soldiers, posted on the museum's towers and rooftops, were firing at anything that moved, even stray dogs or cats scrounging for food in the piles of debris. Hazem al-Khalidi and myself and two others made our way under a hail of bullets, sometimes crawling on all fours, sometimes ducking behind the walls of houses. It was with great

difficulty that we finally reached Herod's Gate. One of our companions was martyred along the way, and another was wounded. A bullet whizzed past my forehead, leaving a dusting of powder on my face. When Hazem saw it he said, "You escaped by a miracle." My time had not yet come.

Herod's Gate was locked. At its entrance stood Colonel Mansour Kreishan, commander of the Second Hussein Battalion,<sup>1</sup> who had heroically defended French Hill and the cemetery outside Herod's Gate [in an effort to keep the advancing Israeli forces from reaching Mount Scopus]. As soon as Mansour saw me, he ordered the soldiers up on the wall to open the great wooden gate. The first thing he told me was that he had lost the greater part of his battalion. Mansour himself was denied martyrdom on Jerusalem soil but later achieved it in the hills of Ajlun in the East Bank during an Israeli attack in February 1968. Martyrdom on Ajlun soil is equivalent to martyrdom on Jerusalem soil, for it is in the same cause. Kreishan was an officer and a gentleman, a man of great moral integrity who had behaved splendidly during the protest demonstrations that followed Israel's treacherous attack on the village of Samua the previous autumn.<sup>2</sup>

Once inside the Old City, I set up new headquarters for myself in the Department of Religious Endowments [Awqaf] overlooking the courtyards of al-Aqsa mosque. I caught my breath after the perilous journey from the Ritz to Herod's Gate, and then set out to make two visits. The first was to Brigadier General Atta Ali, who apprised me of the seriousness of the situation. He told me that the brigade at Ramallah under the command of Brigadier General Kamal al-Taher, which was holding the heights of the village of Nabi Samwil [the Prophet Samuel], had retreated. This was the most strategic position overlooking Jerusalem, the place from which any army invading the city would launch its attack. Atta Ali added that the retreat had been effected without either notifying or coordinating with him. The battalion in Hebron, under the command of Brigadier General Bahjat Muhaysin, had also retreated. Thus the Holy City was left defenseless in the face of attacks from both north and south.

We now know from the papers of the late Abdul Munim Riad, the Egyptian commander of the joint [United Arab Republic]<sup>3</sup>-Jordanian forces stationed in Amman,<sup>4</sup> that it

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<sup>1</sup>While the Jordanian-appointed civilian administrative and religious officials in the West Bank were almost invariably Palestinian, the command of the Jordanian army units posted in the West Bank tended to be from the East Bank.

<sup>2</sup>On 13 November 1966, the IDF totally demolished the West Bank village of Samua, just inside the Jordanian border, in retaliation for the killing of three Israeli soldiers in a fedayeen raid (organized from Syria) not far from the village the day before. (The raid was launched despite the fact that King Hussein had immediately apologized to Israel, which was well aware of Jordan's ongoing efforts to prevent cross-border raids.) The Samua attack was followed by riots and violent demonstrations throughout the West Bank, including attacks on police stations and army units, with Palestinians angered at what they saw as Jordan's failure to protect the village. The Samua raid was an important link in the chain of events leading to the June 1967 war, and with the deteriorating situation, was a contributing factor in Hussein's decision to join the mutual defense pact with Egypt.

<sup>3</sup>The formal name of Egypt at the time.

<sup>4</sup>The joint forces were established as a result of the mutual defense pact concluded between King Hussein and United Arab Republic President Gamal Abd al-Nasser on 30 May 1967.

was he who ordered the retreat. To this day, I do not know the secret of this decision, nor the false information that must have led to it. According to military experts, General Riad was among the most competent of the Arab officers, but the Egyptian command for reasons known only to itself had removed him from the national army and attached him to the Secretariat of the Arab League as assistant to the secretary general for military affairs—a worthless and meaningless post and yet another example of how talents and capabilities are wasted in our part of the world to serve the ends of ambitious and paranoid minds.<sup>5</sup> Gamal Abd al-Nasser had returned this capable military officer to the ranks of the regular Egyptian army right after the 1967 war when he began to rebuild it in preparation for the next battle; General Riad was martyred as he stood on the battle lines of the Sinai front in March 1968.<sup>6</sup> It was thus that I was unable to carry out my resolve to visit him in Cairo after the war to ask him about the orders of general retreat as well as about his ill-considered decision when the war broke out to occupy the demilitarized zone on Mount Mukabbir [the Hill of Evil Counsel], where UN truce supervision officers were headquartered, rather than the far more strategic demilitarized area of Mount Scopus, which housed the Hadasah hospital and the Hebrew University and which had a commanding position over the entire city. With Riad's death less than a year later, these mysteries of the June war lie buried with him and will remain forever unsolved.

Of Brigadier General Kamal al-Taḥer of the Jordanian army I hold the worst memories. He withdrew the Ramallah brigade under his command without a fight, leaving the strategic Nabi Samwil heights—this position so crucial for the defense of the Holy City—unprotected. Assigning the Nabi Samwil village heights to a command that is not part of an integrated plan for the defense of Jerusalem led to a fatal military error. I still remember, before the war, the brutalities he committed against the Palestinian refugee camp at Jalazoun [at the time of the riots following Israel's raid on Samua]. Thus was Brigadier al-Taḥer a lion unto the refugees and a rabbit in the face of the enemy.

The other visit I made on that second day of the hostilities was to the emergency hospital we had set up in the Sisters of Zion [Catholic nuns] school. I had wanted to visit the wounded Arab soldiers, and I especially remember standing at the bedside of Ali al-Fayez, who lay seriously injured. This was the officer who had stood guard at the General Post Office when it was under attack during the Samua riots in November and who refused to turn his weapon against the demonstrators even when they physically attacked him in their attempt to disarm him.

I spent the rest of Tuesday in my office at the Awqaf Department. Nobody slept that night, in the course of which a few friends came to see me. Of these I remember Shaykh Sa'id Sabri, the president of Jerusalem's Shari'a court (the qadi), Husni al-Ashhab, director of education, as well as Fuad Tahboub and my friend Hazem al-Khalidi, both military men.

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<sup>5</sup>Doubtless a reference to Field Marshal Abd al-Hakim Amer, deputy commander in chief of the Egyptian armed forces, who was blamed for his country's total lack of military preparedness.

<sup>6</sup>Despite the formal cessation of hostilities, skirmishes continued almost uninterrupted on the Egyptian-Israeli front, culminating in the "war of attrition" beginning in 1969.

Later that night—or rather, at 2 A.M. Wednesday—Brigadier General Atta Ali came to my office. There was no moon and it was pitch black, with no electric lamps or even a single candle lit because of the bombing. Only the blaze of the flares dropped by Israeli planes as they flew over the Jerusalem-Jericho road—the route from which we had been expecting help and the counterattack to arrive—dispelled the darkness.

Brigadier General Atta put an end to any hopes of a counterattack. He informed me that it had failed and that the city was surrounded. He had lost all hope of relief from the outside. All communications were down, with no transmission or reception possible, leaving him no choice but to retreat with his remaining soldiers. He was afraid to announce this to his troops lest they mutiny, so he had ordered them to leave their positions in order to redeploy. He asked me to prepare myself to retreat with him, since he feared that as military governor I would be taken prisoner or killed.

I could not see Atta Ali's face as he uttered those painful words. I felt daggers tearing my innards as I heard the word "retreat." I did not argue or question his decision, for he was in a better position than I to assess the situation. He was the one responsible for the safety of his troops, he was not under my command, and he did not take orders from me. Still, I asked him whether this was his own decision or whether it had been handed down from above. He replied that there was no communication with the outside world at all and that the decision was his.

A long silence followed these words. I still could not see his face given the darkness, but I could hear the pain and distress in his voice. This was a man lacking neither courage nor dignity. To the very end, he remained calm and controlled, suppressing his anger and bitter disappointment when some of his officers abandoned their positions and fled. But I do not wish to dwell on such things, since all the world's armies include cowards who prefer a despicable life to martyrdom.

I told Atta Ali that since the decision had been his I would not interfere, but that my own decision was to remain with the people of the city. I wished him and his troops safety. We embraced, and he went out into the dark night, heading for Wadi al-Nar and thence to Khan al-Ahmar and Jericho and on to Amman. I have the fondest memories of this courageous officer, even while I question his military judgment and whether he possessed the knowledge and combat skills required by modern warfare.

I remained alone, waiting for dawn to break and for whatever developments the day might bring. Israeli loudspeakers were blasting in my ears, demanding surrender and the raising of white flags. Flags of defeat and submission, proclaiming the fall of Jerusalem and the sanctity and history it represents.

The sun had barely risen on Wednesday, 7 June, when I sent out word that everyone remaining within the city walls who was able should gather at my office. I tried to summon Ruhi al-Khatib, the mayor of Jerusalem, who had taken refuge in the Catholic monastery next to New Gate (Bab al-Jadid). I sent the policeman assigned to protect me, who had been my constant companion, to fetch him. But because of the indiscriminate shelling throughout the entire city he was unable to come, and I excused him.

I described the critical situation we were in to those who had assembled, informing them that our forces had been withdrawn and that the city was now entirely surrounded. Even as I spoke, the roar of the cannon was deafening, and the Israeli loudspeakers

continued to blare orders for us to surrender and raise the white flags. I laid out to the assembly our limited options. The first was to resist to the extent possible with whatever arms remained in our hands. The second was to go out of the city walls to meet the invaders, hoping in this way to spare the city and its holy places. The third was simply to stay where we were until the enemy stormed the place. When discussing the first option, I said I thought it unlikely that the enemy would bomb the city from the air, since they would not want to destroy the concentration of holy sites intermingled with the residential areas.

I recognized most of the people in the hall, but I glimpsed some strange new faces I had never seen before. I had no idea where they came from or how they entered, but since the matter involved the whole community, it was not my place to prevent anyone from attending. But I noticed that within an hour of my talk, planes began flying over the Holy City and bombing residential quarters near al-Aqsa mosque, such as Bab Hutta to the north, the Red Minaret, and the Indian zawiya, as well as the Sa'adiya Quarter. This resulted in the destruction of a number of houses and the martyrdom of some pilgrims and seminarians affiliated with the mosque. I later learned that some of those present in the hall when I spoke were Israeli agents who had infiltrated our ranks, apparently quick to relay our deliberations.

Indeed, up until the Israeli attack, Jerusalem had been thriving, particularly in the tourist sector. The city's hotels were full, the markets crowded, the souvenir shops overflowing with visitors, the tourist buses clogging the streets of Jerusalem and the West Bank. We would see dozens of hitchhikers with their backpacks on the roads between towns, thumbing down rides to their next destination. Later, it became clear that dozens of those hippies, coming as tourists with American and European passports, were actually working for Israeli intelligence.

When I had suggested resistance that morning to the assembled group, I had been hoping that the UN Security Council would pass a cease-fire resolution before the surrender of the Old City. Israel had been fearing such a resolution, so there was a race against time. And in fact, the Security Council *did* issue the cease-fire resolution, but the Israeli army ignored it and stormed the Old City after it was passed. In any case, after the aerial attack, the resistance option was out, and many of the people to whom we had distributed weapons came to my office to return them.

Meanwhile, a letter had fallen into my hands addressed by the pastor of the Evangelical Lutheran Church in Jordan to the Greek Orthodox Patriarch of Jerusalem in his capacity as dean of the Christian clergy. It was dated 7 June 1967 and was in English:

Your Beatific Holiness,

Since it is impossible for me to contact you by telephone I ask your permission to meet with you to consider the dangers facing the Holy City, so that we might act to spare the city further bloodshed and destruction. I suggest you extend the invitation to other parties to join in this meeting.

Respectfully,  
Hans Georg Kohler

Upon reading this letter I realized that efforts were afoot to contact the enemy behind the back of the Jordanian government. This was entirely inappropriate, since the Jordanian government as represented by its civil service was still officially in charge.

As for the second possible option of going out to meet the invaders, I refused even to consider it, which left the third option of remaining where we were until the Israeli troops reached us, come what may. Once this decision was taken, Hazem al-Khalidi began hanging white flags at the entrance of the building and from its windows. I tried to stop him, but he insisted. Thus the flags of surrender were raised, flags of humiliation and disgrace proclaiming the fall of Jerusalem, the city upon which God bestowed nine-tenths of the world's beauty. The memory of the scene still causes me deep pain.

At around 11 A.M. on that ill-fated day of 7 June, Israeli soldiers stormed the office and ordered us to raise our hands over our heads. After body searches to look for weapons, we were led with hands raised to al-Aqsa courtyard, where we were ordered to face the wall and keep our hands up. A soldier with weapon drawn stood behind each of us. At this point Hazem, who was standing next to me, whispered that we had better say our *shabadabs* [the Muslim creed], since this position meant that we were about to be shot. We remained in that posture, hands raised and facing the wall, until a soldier came and asked me and Shaykh Sa'id Sabri to accompany him to see the force commander. He was outside the northern entrance to the Dome of the Rock, kneeling on the ground and bent over a large map unfolded in front of him. He stood up as soon as we arrived, shook hands with me, and said that he wanted us to know that the Israelis had not come to kill or destroy but to drive out the Jordanian army. He said his troops would not fire except in self-defense. Then he asked if I had any idea of the number of [Israeli] casualties in the Israeli sector of Jerusalem. When I said I did not know, he said the number exceeded 800 casualties.<sup>7</sup>

After this encounter, the soldier led us to the basement of the building that housed the offices of the Awqaf Department and placed us under guard. We remained there until sunset, by which time the Israeli army had completed its occupation of the entire city. Then the commander, Mordechai Gur,<sup>8</sup> summoned me again and asked me to attest in writing that the holy sites were safe and undamaged. I referred the matter to my companion Shaykh Sabri, the Shari'a judge, who refused to make any attestation of the sort until authorized Muslims could examine al-Aqsa and the Dome of the Rock. We requested that the matter be postponed until the keys were handed over and inspection of all parts of the mosques was completed.

After this encounter, the commander permitted us to leave for our homes. But with a curfew in force for the whole city, and trigger-happy Israeli soldiers everywhere, I preferred to spend the night at a nearby hospice. The next day, when the curfew was lifted for two hours, I went to the Herod's Gate quarter where I spent the night at the

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<sup>7</sup>The number of Israeli casualties seems vastly exaggerated. The American Consul-General in Jerusalem at the time talks about the "low figure of only 15 civilians killed, of whom 11 were air-raid wardens" (Evan M. Wilson, *Jerusalem, Key to Peace* [Washington, DC: Middle East Institute, 1970], p. 100).

<sup>8</sup>Gur was commander of the paratrooper brigade that captured East Jerusalem.



Children's School (Dar al-Tifl) just outside the city walls. On the third day I proceeded on foot for home in Bayt Hanina, on the road to Ramallah. While passing the British consulate I sent one of my companions to request a car to carry us the six kilometers to Bayt Hanina, but the [staff of the] consulate excused themselves, claiming they lacked fuel.

**B. MEMORANDUM FROM THE JERUSALEM MUNICIPAL COUNCIL TO THE OCCUPATION AUTHORITIES ON THE ANNEXATION OF JERUSALEM, 22 JULY 1967.**

*On 29 June 1967, the day after Israel's decree annexing Arab East Jerusalem and its West Bank hinterland, an aide to the Israeli Military Commander of Jerusalem issued an "Order for the Dissolution of the Municipal Council of al-Quds [Arab Jerusalem]" in the name of the Israel Defense Forces. In addition to dissolving the eight-member elected council, the order declared that all Arab municipal personnel in all departments of the city administration were henceforth "temporary employees of the [Israeli] Municipality of Orshalim [Jerusalem] until such time as it is decided to appoint them through the Municipality of Orshalim on the basis of job applications to be presented in writing." The order concluded by "thank[ing] Mr. Rubi al-Khatib [the mayor] and the members of the Municipal Council for their services during the period of transition from the entry of the IDF to this day."*

*Several weeks after the order of dissolution, the Israeli authorities approached the members of the disbanded council with a view to discussing with each individually possible membership in the new [Israeli] Jerusalem Municipal Council. The following is their collective response. It was reproduced in the documentary collection The Resistance of the Western Bank of the Jordan to Israeli Occupation, 1967, published by the Institute for Palestine Studies, Beirut, in 1967.*

To: His Excellency Raphael Levy, Assistant Administrative Governor of the City of Jerusalem, through Mr. Antoine Safia, Jerusalem.

With reference to your written invitation of 22 July 1967, addressed to us and signed by Mr. Antoine Safia, to meet you one at a time on Sunday morning, 23 July 1967, and with reference to our telephone conversation with Mr. Safia, in which we asked him to tell us what subject was to be discussed at these meetings, and in which he informed us that each of us was to be asked whether he wished to become a member of the Jerusalem Municipal Council after the amalgamation of the two parts of the city, we wish to inform you the following: Any discussion of this subject requires prior consultation amongst ourselves as members of the Jerusalem Municipal Council, inasmuch as we are duly and legally elected by the people of the City of Jerusalem. In fact, a number of us, including Mr. Ruhi al-Khatib, mayor of Jerusalem, have met, and after discussing the matter we have reached the following conclusions:

1. Discussion of the possibility of joining the Jerusalem Municipal Council under Israeli rule, in the form in which it was announced by the Israeli authorities, would, from our point of view as Arabs, constitute an official recognition on our part of the principle of the annexation of Jerusalem to the sector of Jerusalem occupied by Israel, which we neither accept as a *fait accompli* nor acknowledge. We regard it as a violation of the

United Nations Charter and of the resolutions adopted at the last UN General Assembly extraordinary session, as well as a violation of international law and an illegal measure, and we demand the restoration of the status quo that existed before 5 June 1967.

2. We therefore find ourselves regretfully unable to accept your invitation to discuss this matter.

Signed: Ruhi al-Khatib [Mayor], Nihad Abu Gharbiya, Dr. Ibrahim Talil, Faiyq Barakat, Ali al-Taziz, Dr. Rashid al-Nashashibi, Musa al-Bitar, Abdul Ghani al-Natsha.

**C. JERUSALEM'S MUSLIM RELIGIOUS ESTABLISHMENT VERSUS THE OCCUPATION AUTHORITIES, A FIRSTHAND ACCOUNT, BY SHAYKH ABD AL-HAMID AL-SAYIH, PRESIDENT OF THE SHARI'A COURT OF APPEAL.**

*As president of Jerusalem's Shari'a Court of Appeal, Abd al-Hamid al-Sayih was the highest Muslim religious official in the West Bank at the time of Israel's occupation in 1967, senior to both the president of the Shari'a court (the qadi) and the mufti. Born in Nablus in 1907, he studied at al-Azhar in Egypt, specializing in Shari'a law. Appointed Secretary General of the Higher Islamic Shari'a Council in 1939, he became a judge on the Shari'a court in 1941 and on the Shari'a Court of Appeal in 1946, becoming its president in 1948. Soon after the occupation, in a direct challenge to Israel's moves to extend jurisdiction over the powerful religious courts, religious endowments, and the religious establishment in general, Sayih became the prime mover behind the formation of a new body, the Higher Islamic Council of the West Bank, to take charge of Islamic affairs throughout the territory. Underlining the new body's territory-wide function was the simultaneous creation of a new position, "Chief Qadi of the West Bank," assuring a centralizing and coordinating function with regard to the qadis in other towns of the West Bank. Though the Council's purview was Islamic matters, its aspiration to serve as a focus of resistance was clear and well-recognized: The long memorandum announcing its creation was widely disseminated at the time and garnered enthusiastic support from Muslims and Christians alike. The memorandum, which also catalogued Israel's interferences in Islamic religious affairs, was the first such petition of protest following the occupation, and it triggered a spate of other protests from civil society groups across the West Bank. The memorandum is reproduced in full in Sayih's narrative below. Shaykh Sayih was deported to Jordan in September 1967, the first Palestinian to suffer this fate. He died in Amman in 2001. The following excerpts were taken from No Prayers under Bayonets: Memoirs of Shaykh Abd al-Hamid al-Sayih, published in 1994 by the Institute for Palestine Studies in Beirut (second edition, 2001). The excerpts were translated from the Arabic by Alex Baramki.*

At the time of the 1967 hostilities, I was president of the Shari'a Court of Appeal, with an office in Amman and another in Jerusalem. Every Monday morning I would travel from Jerusalem to Amman, remain there until Wednesday, and then return to Jerusalem. At one point, Shaykh Muhammad Amin al-Shanqiti, then Jordan's chief justice, had attempted to interfere with this arrangement, requesting that I reside permanently in Amman. I refused and complained to Prime Minister Sa'id al-Mufti, who told me to ignore him.

On Monday, 5 June 1967, just as I was beginning the day's work at the courthouse in Amman, we began hearing reports that Israel had launched its aggression. I received a telephone call from my home in Jerusalem asking that I return immediately because the shelling had reached our neighborhood. I left work at once, asking my personal driver to take me and Shaykh Hilmi al-Muhtasib, a fellow member of the Shari'a Appeal Court, back to Jerusalem. En route, at Azariyya, a village on the outskirts of Jerusalem, the Jordanian army stopped us, saying there was terror bombing everywhere. Using an army telephone, I called my house in Jerusalem and was told not to come because the shelling was intense and all the neighbors were gathered in our basement, using it as a bomb shelter. During the two days I spent in Azariyya, I spoke to some of the soldiers who were wandering aimlessly about, and was pained to hear from them that resistance had collapsed and the soldiers couldn't hold their ground because their superiors had left.

When the air strikes reached Azariyya, I managed to get a ride to Jericho, where I found my own driver who had gone off with the car. I got a room at the Hisham Palace Hotel, worrying the entire time about my family and wondering how I could reach them. In the meantime my son Bassam, who had learned where I was, arrived and told me that the Jews had come to our house in Jerusalem and demanded that the family either leave the house or stay put and not go out. They preferred to leave, even though my wife and son Qadri were unwell, and since there was no other transport went on foot under bombardment as far as Khan al-Ahmar, where they found a truck to take them to Jericho and my hotel. There we remained, waiting all together.

### *First Encounters with Occupation Authorities*

On the third day, Israeli planes dropped flyers stating that it was futile to resist and calling on people to surrender. Soon after the Israeli army arrived at Jericho unimpeded. Jewish soldiers came to the hotel, but I avoided them until the military commander summoned us to inform us that the town was occupied and that no movement was allowed. I remained in Jericho with my family several days longer until a car arrived from Jerusalem with a certain Abu Jarir, who introduced himself as an Arab from Nazareth married to a member of the al-Muhtasib family and who worked for Israeli broadcasting. He was accompanied by Hassan Tahboub, director of Jerusalem's Awqaf Department and representatives of the Israeli military command. They told me that the military governor general of Jerusalem wanted to see me. I said my family was with me and that I could not leave without them, so they brought a large car and we all returned to Jerusalem together. Once there, they asked me to go to the military headquarters to see the governor general. I asked that Shaykh Hilmi al-Muhtasib, my colleague on the Shari'a Court of Appeal, Shaykh Sa'adeddine al-Alami, the mufti of Jerusalem, Shaykh Sa'id Sabri, the qadi of Jerusalem, and Hassan Tahboub all accompany me, which they did.

We met first with an aide of the governor general, an Arab, who briefed us about the impending meeting. He told us that the Israeli commander would greet us and give us a proper welcome, and asked that we reciprocate and be cooperative. When we were ushered into the commander's office, he read us a prepared speech that included the following statement: "We were forced against our will to enter this war. Jordan had attacked Jewish centers in Jerusalem." After requesting that I call the people to Friday

prayers the next day so that life could return to normal, they asked me, with the tape recorder running, to speak. I declined and asked Shaykh Sa'adeddine to speak instead. He did so, avoiding any reference to politics but asking instead for relief supplies and for food for the orphans. His words displeased them, and they turned off the tape recorder. At that point, with the tape recorder off, I began to talk. I said Jordan did not attack anything, and that the Jews in any case had no centers in [East] Jerusalem. As for the commander's request that we summon the people to Friday prayers, I said that it was not permissible for us to pray with weapons pointed at us, and that I would not call people to prayers so long as their soldiers remained on sacred ground. I ended the discussion, resolutely sticking to my position, and left with my companions. Abu Jarir, the Arab from Nazareth, ran after me, asking, "Why did you do this?" I replied, "I want to deal with them candidly from the very first day."

When the Israelis saw my resolve, they did remove the troops [from the esplanade of the Haram al-Sharif], whereupon I instructed those responsible to proclaim from the minarets that Friday prayers would be offered at the al-Aqsa mosque the next day. This was done, and after the Friday prayers I was taken home in a car belonging to the occupation authorities. After lunch they ordered me to go to Jericho. I asked if they wished to take possession of my house, and they said no, but when I went with my family to Jericho I left my son Bassam behind to look after the place. Although I did not discuss the matter with the authorities, I suspect that I had been sent to Jericho as punishment for refusing to be recorded; I had not wanted to say anything that could be exploited and propagated. At all events, after a few days they notified my son Bassam that they had no objection to my returning to Jerusalem. Upon my return I ordered the Shari'a Court of Appeal to open and resume its functions. Immediately thereafter, I was summoned by the Israeli minister of religious affairs, Dr. Zerach [Warhaftig]. At my request, the meeting was also attended by Shaykh Hilmi al-Muhtasib, Shaykh Sa'id Sabri, Shaykh Sa'adeddine al-Alami, and Hassan Tahboub.

The following dialogue took place between us and the Israeli Minister of Religious Affairs, the latter speaking through an aide who knew Arabic:

*Minister:* Welcome. I am ready to listen to your requests and desires, and will consider them.

*Myself:* We thank you for your welcome. We did not ask to meet with you. Rather you asked to meet with us, and we are ready to listen to your requests and desires, and will consider them.

*Minister:* That's good, too. I wish to discuss three matters: 1) The Shari'a Court of Appeal and its regulatory system, so it may function; 2) the Shari'a Court of Jerusalem, and the measures that need to be taken for it to function; 3) the Department of Religious Endowments, and putting in place a regulatory system for it, to enable it to function.

*Myself:* The Shari'a Court of Appeal is established and functioning.

*Minister:* On what legislative basis are you functioning? What laws are you applying?

*Myself:* In accordance with the provisions of the Geneva Convention[s], we are applying Qur'anic law and Jordanian legislation.

*Minister:* What does the Geneva Convention state?

*Myself:* It states that under occupation the judiciary apparatus of the occupied territory is to remain in place and continue to apply the laws it had been applying prior to the occupation.

*Minister:* Why don't you apply our laws?

*Myself:* Your judiciary law stipulates that before a judge can exercise his powers he has to appear before the head of state and pledge loyalty to the state. We tell you frankly that we have no loyalty to you, because you have occupied our lands and violated our rights, and the Qur'an forbids us to enter into a contract of clientage with you [muwalaat], wherein Allah, praise be upon Him, teaches thus: "*Allah forbiddeth you only those who warred against you on account of religion and have driven you out from your homes and helped to drive you out, that ye make friends of them—(All) such are wrongdoers.*" (Surah LX, She That is to Be Examined, verse 9)

*Minister:* In this case, you must resign your positions.

*Myself:* And to whom do we submit our resignations?

*Minister:* To us.

*Myself:* We do not recognize that you have any rights except those of the occupier. It is not your business to meddle with our courts and Islamic affairs. If we wish to resign, we will submit our resignations to King Hussein.

*Minister:* And who will pay your salaries?

*Myself:* We want no salaries from you, nor anything else.

The minister then asked about the Shari'a Court of Jerusalem, so I referred him to Shaykh Sabri, the presiding judge.

*Shari'a judge:* We stand behind all that the President of the Court of Appeal has said.

*Minister:* What about the Department of Religious Endowments?

*Awqaf Director:* The Department of Religious Endowments is functioning as it was prior to the occupation. It never ceased to function.

*Minister:* I will present a report to my government, to take the necessary measures.

With that, the meeting came to an end.

### ***The Establishment of the Higher Muslim Council***

Shortly after the meeting with the minister, a Muslim acquaintance who resides in the territories occupied in 1948, contacted me to inform me that the occupying authorities were about to pass legislation empowering them to seize the registers of the Shari'a Court of Jerusalem as well as the records and deeds of the Awqaf Department.

The records in question are precisely those that establish our relationship to Jerusalem and indeed to the whole of Palestine. It is well known that a high proportion of Palestinian territory is waqf property, and the Shari'a court records of Jerusalem, the written evidence of land transactions, date back to the eighth century Hejira [thirteenth

century C.E.], hundreds of years before the establishment of Palestine's [civilian] Land Registry Department. These records constitute the most important resource we have for documenting our ownership of the land.

It was therefore imperative to foil the intentions of the occupying power. To this end, I began poring over Islamic legal texts in search of a way out. In the course of my research, I came upon a law stating that if non-Muslims committed hostilities against Muslim lands, the Muslims must assemble and elect from amongst themselves persons who would govern their affairs and regulate matters pertaining to their properties. I began contacting fellow notables of good sense and judgment with a view toward forming such a body, doing so secretly to prevent the enemy from discovering the plan and nipping it in the bud. Among those I contacted and who responded to my call were Anwar al-Khatib, governor of Jerusalem; Ruhi al-Khatib, mayor of Jerusalem; Shaykh Hilmi al-Muhtasib of the Shari'a Court of Appeal; Shaykh Sa'id Sabri, qadi of Jerusalem; Shaykh Sa'adeddine al-Alami, mufti of Jerusalem; Kamal al-Dajani, Ibrahim Bakr, Anwar Nusaybeh, Hafez Tahboub, Sa'id Alaaddin, Omar al-Wari, and Abdul-Muhsin Abu-Maizar, lawyers; Fuad Abdul-Hadi, notable and lawyer; Abdul-Rahim al-Sharif, notable and lawyer; Ishaq Darwish; Ishaq al-Duzdar; Dr. Daud al-Husseini; Dr. Subhi Ghawsheh; Faeq Barakat; Aref al-Aref, the curator of the Palestine Museum; Ali al-Taziz, the president of the Jerusalem Chamber of Commerce; and Hassan Tahboub, director of Awqaf.

I explained to the group why I had called the meeting, recounting the interview with the Israeli minister of religious affairs and the measures that the occupying authorities were planning to take. They asked what we could do in this situation, with our country being occupied by force. I emphasized the dangers that would ensue if the enemy got hold of the Shari'a court records and the Awqaf registers, since these documents constitute our sole means of establishing our rights in Palestine not only with regard to the awqaf but for other matters as well. Indeed they constitute the sole recourse for establishing rights concerning religious endowments and related sales and commercial transactions not only for Muslims, but also for Christians and Jews. Upon hearing all this, some of those present asked what I proposed. After further deliberations, I told them about the piece of Islamic jurisprudence I mentioned earlier, and they all agreed that we should use it as the basis of our position. We then formed a committee from among the lawyers present, and the following statement was drafted to be sent to the military governor of the West Bank. [In addition to announcing the formation of the Muslim leadership body, the statement also condemned the annexation of Arab Jerusalem that had occurred several weeks earlier and enumerated the ways in which the occupying authorities were interfering in Islamic religious affairs.]

### ***The Memorandum to the Israeli Authorities***

Whereas a state might occupy territory belonging to another state, the nature of the occupation does not grant the occupier sovereignty over the said territory. Rather, the activities permitted to the occupying state are restricted to observing the interests of the occupied territory and respecting the laws in force therein, in addition to respecting the lives, rights, and property of its inhabitants. The occupying state is also obliged to protect their freedom of religious belief and worship.

We hereby declare that the decisions issued by the Israeli legislative and administrative authorities to annex Arab Jerusalem and its hinterland to Israel are null and void, for the following reasons:

1. Arab Jerusalem is an integral part of Jordan, and by virtue of the provisions of Paragraph 4 of Article 2 of the United Nations Charter, Israel is prohibited from violating the integrity and political independence of Jordanian territory, and consequently is prohibited from annexing any part of Jordanian territory.
2. The United Nations has ruled the annexation of Arab Jerusalem to Israel to be illegal in its resolutions passed at the special emergency session held between 17 June 1967 and 21 July 1967.
3. The Israeli Knesset has no authority to annex the territory of another state.
4. We also declare that the people of Arab Jerusalem and its surrounding areas, together with the other inhabitants of the West Bank, enjoyed complete freedom of choice when they opted for union with the East Bank, thus forming the Hashemite Kingdom of Jordan by virtue of the unanimous decision of the Jordanian National Assembly on 24 April 1950.

We hereby record that the annexation of Arab Jerusalem is an invalid measure taken unilaterally by the occupation authorities against the will of the inhabitants of the City, who reject this annexation and insist on continued unity of Jordanian territory.

At the same time, we observe that the Israeli occupation authorities have begun to interfere in Muslim affairs in ways that are both illegal and incompatible with the provisions of the Islamic religion. Examples of such interference are as follows:

1. Censorship of the Friday Sermon at the Aqsa Mosque by the Israeli Ministry of Religious Affairs. Many passages were deleted from these sermons, including verses from the Qur'an.
2. Israeli male and female visitors have been allowed to enter the Aqsa Mosque immodestly attired, offending both the principles of religion and Arab and Islamic custom.
3. The demolition by the Israeli authorities of two mosques along with the entire Moroccan Quarter of Jerusalem, the entire quarter being waqf property.
4. The violation of the Sanctuary of Abraham in Hebron, which has been closed to Muslims except for a few hours on Friday while Israelis enjoy free access to it throughout the week for the performance of rites offensive to the precepts of the Islamic Religion.
5. Interference in Islamic Waqf affairs by the Israeli Ministry of Religious Affairs.
6. Seizure of the waqf land known as "al-Nazir" situated on the road to the Mount of Olives in Jerusalem, and the disposal of this land for their own purposes without the knowledge of the Waqf authorities and in violation of waqf interests.

7. Attempts by the Israeli Ministry of Religious Affairs to interfere in the affairs of the Shari'a courts, including the Shari'a Court of Appeal in Jerusalem.

In view of the above, we demand the following:

1. No violation of the territorial integrity and political independence of Jordan, and respect for the United Nations Charter, the provisions of international law, and the resolutions adopted by the United Nations at its last session that ruled Jerusalem's annexation as illegal, and, consequently, the abrogation of the decision to annex Jerusalem and its outskirts to Israel.
2. No further interference in Muslim religious affairs, including matters of personal status, Shari'a jurisdiction, and affairs connected with preaching and guidance; respect for religious feelings and the inviolability of the holy places; and no infringement on Islamic Waqf properties.
3. Respect for Arab juridical, legal, administrative, municipal, and other institutions in Jerusalem, which must be allowed to exercise their prerogatives as they did before the occupation.

Inasmuch as Islamic jurisprudence explicitly stipulates that Muslims must control all their religious affairs in circumstances like those prevailing at present, and forbids non-Muslims from taking charge of Muslim religious affairs, we, the representatives of the Muslim citizens of the West Bank, including Jerusalem, met today in the hall of the Shari'a Appeal Court in Jerusalem. After a discussion of Islamic affairs and an exchange of views on all matters concerning religious rites, practices, the holy places and Islamic affairs, we have agreed:

*First*, to regard the undersigned as constituting a Higher Islamic Council charged with managing the Islamic (religious) affairs in the West Bank, including Jerusalem, until the occupation comes to an end; and

*Second*, the aforementioned body, thus constituted, resolves the following:

1. To invest His Eminence Shaykh Abd al Hamid al-Sayih with the authority of Chief Qadi of the West Bank, in accordance with the provisions of Jordanian Law.
2. To empower, in accordance with the provisions of Jordanian Law, the Shari'a Court of Appeal in Jerusalem to exercise all the prerogatives of the Council of Awqaf and Islamic Affairs and of the Committee for the Refurbishment of the Aqsa Mosque and the Dome of the Rock in the West Bank and also to exercise all the prerogatives granted to the Awqaf director general.
3. To empower His Eminence Shaykh Hilmi al-Muhtasib to exercise the prerogatives of the Director of Shari'a Affairs, in addition to his functions as a member of the Shari'a Court of Appeal.
4. To make His Eminence Shaykh Sa'adeddine al-Alami, Mufti of Jerusalem, a member of the Board of the Shari'a Appeal Court, in addition to exercising present functions.



5. To include His Eminence Shaykh Sa'id Sabri, Qadi of Jerusalem, in the Council of Awqaf and Islamic Affairs and in the Committee for the Refurbishment of the Aqsa Mosque and Dome of the Rock.
6. The above authorities shall exercise their powers and prerogatives on the West Bank, including Jerusalem, in accordance with Jordanian Law, until the occupation comes to an end.

The statement, which was dated 24 July 1967, was addressed to the Israeli military governor and was signed by all the persons, mentioned above, who participated in the meeting that led to the drafting of the statement.

In addition to dispatching the statement to the Israeli Military Governor of the West Bank, we had it broadcast by the radio stations of Amman, Damascus, the Voice of the Arabs [Sawt al-Arab], and others, causing tremendous reverberations in the Arab world, Israel, and internationally. Indeed, the statement was considered the harbinger of the Palestinian resistance, and after it was broadcast and news of it spread, petitions of support and endorsements began pouring in. Some were brought in by delegations of men and women, and copies of these statements of support were sent to the military governor. Several dozen of these were published by the Institute of Palestine Studies in 1967 as part of its documents series; the Jordanian Ministry of Information also published them in "Jordanian Documents 1967."

There is no need to point out that just as Muslims and their Christian brethren had previously stood side by side as one people in resisting the British occupation, they now took the same stance in resisting Israel's occupation in 1967 of what remained of their country. This solidarity was well illustrated in the messages of support that reached me when we announced our intention to resist the occupation and established the Higher Islamic Council of Jerusalem. Among those who sent us such support messages was Bishop Iliya Khoury, head of the Anglican community, who was later banished for it and eventually became a member of the Executive Committee of the Palestine Liberation Organization. The bishop did not confine himself to writing, but personally led a delegation to declare his endorsement and support. Hilarion Capucci, Archbishop of the Greek Catholic church, was also among the endorsers and supporters. He aided and supported the Palestinian revolution in many ways until the occupying authorities deported him.

#### ***Dealings with the Israeli Minister of Religious Affairs***

During this period, I had no official contact with the Jordanian government, since the occupying authorities were keeping close watch on me and preventing any communication—to such an extent that when an international fact-finding committee asked to meet with me, the Israeli authorities said I was unavailable. When that same international committee met with Anwar Nusaybeh and asked him about matters relating to religious endowments and the Shari'a courts, he told them that such inquiries should be addressed to me, whereupon the committee members informed him of the authorities' statement that I was unavailable. Nusaybeh assured them that I was in my office at that very moment. They immediately summoned me and I gave them my

testimony. After this incident, the Israeli minister of religious affairs asked to meet with me in the aim of organizing a social gathering at the King David Hotel to introduce me to the Shari'a judges from the Palestinian territories occupied in 1948, along with some other personalities. I excused myself from meeting him on the grounds that I was busy from morning until night. The Shari'a judges from the 1948 territories also said they were unable to attend because of other commitments. When the Israelis said the Shari'a judges wished to meet me directly, I said they were welcome to come to my house.

Around this time a messenger came to inform me that the Israeli minister of religious affairs, Dr. Zerach [Warhaftig], wished to "return my visit." I responded that I would give him an appointment at my convenience. I duly did so, and he came to see me at the courthouse.

During our discussion, I spoke to him about Islamic jurisprudence, and noted that its observance required ruling against Muslims in favor of non-Muslims, even if there was enmity and hatred between them, if the case so merited. To make my point, I showed him the record of a case where I had ruled in favor of the Custodian of Enemy (Jewish) Property<sup>9</sup> against the Mutawali (trustee) of Islamic Waqf properties, of one of Jerusalem's oldest and most venerable Muslim families, in so doing overturning a judgment by the Shari'a court of Jerusalem. In brief, the case had been brought before the Shari'a court by Shaykh Abdul-Mu'ti al-Alami, the mutawali of the al-Alami family awqaf. Alami claimed that a family ancestor had entered into a "hikr" (long lease) arrangement with a Jew, whose descendant was represented by the Custodian of Enemy Property, concerning a plot of Alami waqf land for the purposes of building or cultivation. Since the land had been neither cultivated nor built upon, Alami asked the judge to cancel the "hikr" agreement and return the land to the family waqf. The Custodian of Enemy Property having conceded that the land in question had neither been cultivated nor built upon, the Shari'a court judge had ruled for Alami. The Custodian of Enemy Property then appealed the ruling, and as I was president of the Shari'a Court of Appeal, it fell to me to review the case. Upon studying the facts, it became apparent to me that the judge had misruled, since he had not given the Custodian the opportunity to pay the arrears in rent owed for the waqf property; if he had done so, and if appropriate back revenues had been collected, the interests of the family waqf would have been safeguarded under Shari'a law. I therefore revoked the ruling and referred it back to the Shari'a court to apply the decision. And in fact there was a retrial, and my ruling was upheld. The Custodian was indeed prepared to pay the appropriate rent, which was duly collected and the mutawali's case was dismissed.

The Israeli minister then asked me, "Did you restore the land to the Custodian of Enemy Property?" I said yes. He then asked, "In accordance with what authority did you make your ruling?" "In accordance with the Qur'an," I replied. He then asked me what the Qur'an said, and I replied, "It says, '*... and let not hatred of any people seduce you that ye deal not justly. Deal justly, that is nearer to your duty ...*'" (Surah V, The Table Spread, verse 8). At this the Israeli minister respectfully stood up. He asked me for a

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<sup>9</sup>A Jordanian official appointed to oversee property owned or leased by Jews located on the Jordanian side of the 1949 Israeli-Jordanian armistice lines.

copy of the ruling, which I gave to him. With that our relationship ended, on account of my refusal to submit our rulings and decisions to Israeli authorities.

### *Deportation*

Indeed, the occupying authorities continued to use all possible means, both enticements and threats, in their efforts to get me to obtain from them prior approval for appointments, promotions, transfers, and other decisions we were making and measures we were instituting in the religious courts and Department of Religious Endowments. They would repeat their demands, and I would reiterate that according to the Fourth Geneva Convention, whose terms I would cite, Israel was an occupying power without sovereign rights.

Their last attempt came when I was summoned to appear before the deputy military governor-general, in the presence of Major David Farhi, the military governor's liaison officer with the Arabs. When they again asked that we come to an understanding. I said, "We can come to an understanding on the basis of your leaving our country and handing it back to us. Without this, there is no way we can come to an understanding."

"From where do you derive your authority?" they asked. I replied, "I base myself in my work on Islamic jurisprudence, which states that when you or anyone else occupies our country, then it is incumbent on Muslims to select someone from their number to manage their affairs, and they chose me." In response, he asked, "And who selected you? We have information that you were chosen by a small number of people." I replied, "I was selected by notables, deputies, magistrates and official Islamic personages. After that delegations came from all quarters, making pledges of allegiance and support; copies of these have been sent to you. In any case, if there is anyone who is unhappy with my leadership, I am prepared to hand it over to that person and to cooperate with him."

He then said, "We do not oppose you. We offer and will give you support." I said, "I will not be satisfied until you leave the country and give it back to its people. That is my only request."

After several days—actually, at about three o'clock in the morning of 25 September 1967—there was a knock on my door. When I emerged I was told, "You have to go to see the authorities in order to answer a question, and then you can return." I asked whether I should pack a bag, and they said no. I got a small bag, just in case, and packed pajamas and a towel. I was then taken to the Russian compound, where an official rose to his feet to greet me respectfully and offered me coffee or tea. I declined, saying that I wished to pray, as it was time for dawn prayers. After I finished my prayers he handed me the order of deportation. Written in Hebrew, it stated that Moshe Dayan, who was defense minister at the time, has decreed my deportation in accordance with article such and such of the emergency regulations . . . After they gave me the deportation order, they took it back and replaced it with an Arabic translation, saying that since I was going into enemy territory, I should not be carrying a document written in Hebrew.

I was then driven straight to the Allenby Bridge in a small car, without stopping by my house. I asked why I had not been told that the matter involved deportation so that I could at least have brought some personal belongings. They said I should draw up a list of what I wanted, and said that they would send whatever I requested through the Red Cross. They indeed did so, as promised.

Thus was I banished from Jerusalem and my country, becoming the first to suffer this fate. Shortly afterwards the occupying authorities deported the renowned attorney Ibrahim Bakr, who became the second. Deportations then followed one after the other until they included my friend Ruhi al-Khatib, mayor of Jerusalem, and many others. Deportation is the worst punishment one can suffer, particularly for a Muslim Arab. Yet we have the example of our Prophet; in the end, right triumphed over those who forced him to leave his home in Mecca.

The leaders of Jerusalem, both Muslim and Christian, hastened to send letters protesting my deportation to Israeli Prime Minister Levi Eshkol. Copies were sent as well to Minister of Defense Moshe Dayan and to U Thant, the Secretary General of the United Nations.

**D. MEMORANDUM CONCERNING THE MEASURES TAKEN BY ISRAEL WITH RESPECT TO THE CITY OF JERUSALEM, SUBMITTED BY RUHI AL-KHATIB, 26 AUGUST 1967.**

*The following memorandum, enumerating Israeli actions that had radically changed the face of the city in the less than three months since the occupation, was drafted by a small group most of whose members had been on Jerusalem's dissolved Municipal Council, led by deposed Mayor Rubi al-Khatib. Khatib had first been elected mayor in 1951 and was twice reelected, holding the post until his dismissal by the occupation authorities in June 1967 (see document B above). Deported in March 1968, Khatib was allowed to return to the West Bank in 1993 and died the next year. The memorandum, submitted to the United Nations, was reproduced in the documentary collection The Resistance of the Western Bank of Jordan to Israeli Occupation, 1967, published by the Institute for Palestine Studies, Beirut, in 1967.*

The Israeli occupation authorities have not complied with the two United Nations resolutions on Jerusalem. Notwithstanding the UN directives, they have proceeded with and given effect to annexation measures without heeding world public opinion and against the wishes of the Arab inhabitants, thus violating fundamental and elementary international law relating to occupied countries. These measures, the ultimate goal of which—territorial expansion—the occupation authorities have not succeeded in concealing, include the following:

**(a) Basic measures**

1. They have torn down the barriers separating the two sectors of the city, and they have authorized their army and their people to harass the civilian population by pillaging houses, shops, and vehicles; seizing hotels; and restricting the freedom of movement of the population during long curfews.

2. They have tacitly authorized the desecration of Christian and Muslim holy places and have permitted access to them during hours of prayer. We must also protest the complete lack of decorum in dress and behavior shown by both men and women. This lack of respect has offended the religious sensibilities of the faithful of both religions.

3. One hundred and thirty-five houses in the Moroccan Quarter adjoining the Wailing Wall and adjacent to the two Mosques of Omar and Aqsa, have been dynamited and razed

by bulldozers. Because of this, 650 Muslims, all of them poor, were driven from their homes after having been given no more than three hours' notice to evacuate, which they had to do while the curfew was in effect.

4. The occupation authorities also forced the evacuation of 3,000 residents of the area known as the "Jewish Quarter" inside the boundaries of the Old City with one to three days' notice. It should be noted that most of these houses in the "Jewish Quarter" were Arab property.

5. The occupation authorities proceeded to take a general census of the city and its environs lying within an arbitrary demarcation line which they established to limit the population of the City of Jerusalem. Closed shops and houses were marked with a distinctive sign. Absentee owners were, as a result, liable to summary requisitions.

***(b) Measures Taken against the Municipality of Jerusalem***

1. The Israeli Parliament adopted a decision authorizing the occupation authorities to annex to the State of Israel whatever they deemed necessary, without regard to international law or to the will of the inhabitants. Accordingly, their minister of the interior ordered the annexation of Arab Jerusalem and several neighboring villages to the Jewish sector of the city and the placing of the entire area under the administration of the Jewish Municipal Council.

2. Consequently, their authorities dissolved the Arab Municipal Council and dismissed the mayor and the members of the Council after having seized their files and their movable and immovable property.

3. The Jewish municipal authorities later dismissed some officials of the Arab Municipality and transferred others to the Office of the Mayor of the Jewish sector.

4. The "unified" Jewish Municipality continues to carry out Israel administrative measures, which are wholly at variance with the Jordanian administrative policies which the residents are supposed to continue to follow under the most recent resolutions of the United Nations and under international law.

5. The Jewish Municipality demolished many Arab buildings both inside and outside the walls of the Old City and it is continually taking similar measures in order to erase the last trace of the demarcation lines between the two sectors and to create a *fait accompli*, while at the same time weakening the Office of the Arab Mayor as a separate authority, in order ultimately to do away with it entirely.

***(c) Measures Taken against the Arab Administration***

1. The Jordanian postal and telegraph, income tax, health and customs services, police system, cadastral survey, and other city offices have been abolished.

2. Arab officials have been subjected to pressure to sign work applications bearing the seal of the State of Israel. Most of them have refused to sign them or to cooperate.

3. All the Jordanian laws in force in the Arab sector of the city have been repealed and replaced by Israeli measures and laws, in violation of international law, which stipulates that the laws in force in the occupied territories must be respected.

4. The occupation authorities have erected barriers between Jerusalem and the other Arab villages on the West Bank and have obstructed the free movement of its inhabitants by instituting a system of passes issued by the occupying forces.

5. They have set up customs posts on the boundaries of the City of Jerusalem for the purpose of taxing merchandise originating in the occupied Arab areas (West Bank),

while merchandise of Israeli origin is left tax-free in order to compel the Arabs to buy Israeli products.

6. They have asked Arab owners of private vehicles to renew their licences and have required them to turn in their Jordanian number plates for Israeli number plates and to insure themselves with Israeli insurance companies, claiming that they do not recognize the validity of prior insurance and permits.

7. They have disregarded the Arabic language and, consequently, all their correspondence and documents have been drawn up in Hebrew.

8. Jordanian courts of justice have been suspended and made subordinate to the Israeli courts. The Jordanian judges have been asked to serve outside Jerusalem; they have refused, and continue to refuse, to do so, in order not to collaborate.

9. Government schools in the Arab sector of Jerusalem are now under the jurisdiction of the Jewish Municipality, which has forced them to adopt the Israeli curriculum. The occupation authorities have requested some of the Arab teaching staff to transfer to the municipality and some to the ministry of education. Following the refusal of the teachers to cooperate, seals were affixed to the educational offices of the Jordanian government.

***(d) Matters Relating to the Holy Places***

1. Following repeated desecration of the Christian holy places, the custodian of the holy places ordered the closing of some churches under his authority in the Arab sector and refused to open them to visitors. These holy places include the Church of Gethsemane (or Church of the Nations), the Church of Bethany, and the Church of the Prison of Christ on the Via Dolorosa.

2. The failure of the occupation authorities to prevent desecration of the holy places has led to the burglary of one of the largest and holiest churches in the world. The priceless, diamond-studded crown of the Statue of the Virgin, Our Lady of Sorrows, on Calvary itself was stolen some ten days ago.

3. The chief rabbi of the Israeli army, Brigadier Goren, with his escort and other Jews, on 15 August 1967 went to the Dome of the Rock compound with liturgical vestments and prayer books. They conducted a prayer lasting for two hours within the confines of the Mosque of Omar, thus infringing the inviolability of a holy place venerated by all Islam. They made known their intention of repeating such religious acts. At an official meeting, held in Jerusalem on 12 August 1967, the Israeli minister of religious affairs stated that the occupation authorities considered the Mosque of Omar and its outlying buildings as their property either by past acquisition or by recent conquest. He also expressly proclaimed that those authorities were determined sooner or later to rebuild their temple on the Dome of the Rock itself.

4. The occupation authorities are constantly drawing up plans for the expansion and erection of religious buildings near al-Buraq (the Muslim designation of the Wailing Wall); one of the most recent statements, reported in the *Jerusalem Post* of 8 August 1967, tells us that the occupying forces will continue to demolish other buildings belonging either to the Muslim Waqf or to Arab owners, close to al-Buraq.

5. They have occupied a government school for girls which was built on Waqf land in the Moroccan Quarter near the Aqsa Mosque, without having asked the permission of, or having even informed, the Muslim Waqf.

6. They have claimed jurisdiction over the Muslim religious courts and control over the sermons preached from the Aqsa Mosque; those claims were rejected by the Muslim judiciary of the City of Jerusalem as contrary to the precepts of Qur'anic law and the commands of Muslim theology.

**(e) Economic Matters**

1. The local banks were closed, their assets confiscated, and their work suspended.

2. Five of the main stores in the Arab sector were confiscated [*sic*].

3. The Israeli authorities abolished transactions in Jordanian currency and forced the inhabitants of the Arab sector to change their money into Israeli currency at a rate much below that recognized in the free world markets.

4. The occupying forces destroyed a large plastics factory inside the [city] walls, where 200 manual and clerical workers were employed. The goods produced there were marketed in Jerusalem, in other towns on the West Bank, and in some neighboring Arab countries. The buildings were demolished and the machinery was pillaged. By this action, the occupation authorities deprived the inhabitants of one of the major projects on the West Bank.

5. The tax authorities began to notify the inhabitants officially that motor vehicles and telephones would be subject to taxation in accordance with Israel law. They would also collect income tax. Practical measures were taken to impose customs duties on all merchandise in Arab shops and warehouses, although the owners had already paid Jordanian duties.

6. The occupying forces seized the Pullman buses belonging to a Jerusalem tourist company. Thus, the employees of the company were denied the earnings they could have derived from tourism in Jerusalem.

7. The authorities recently declared that the law concerning absentee property would be applied, and they appointed a custodian for "absentee" property. This notoriously severe law gives the Israeli government the right to confiscate the movable and immovable property of Arabs who are absent from the country and to use it as they see fit. The property in question includes enormous tracts of land and buildings, shares in companies, movable property and a variety of merchandise, the whole amounting to millions of Jordanian dinars.

8. In the Arab sector of Jerusalem there are a number of holy and historic places. A large number of tourist companies and Arab guides are established there. There are many hotels, souvenir shops, and motor vehicles catering to the tourist trade. There was a very close link between all these businesses and Jerusalem Airport (Ramallah), which thus represented the main source of income for the inhabitants of the Arab sector of Jerusalem. With the annexation of this sector to Israel, however, tourist agencies and companies are landing their aircraft at Lod Airport, and Israeli tourist companies, transport, companies, guides, hotels, and souvenir shops are monopolizing the tourist trade.

**(f) Social Affairs**

1. The annexation of Jerusalem separates those Arabs inside the city limits from their brethren living on the West Bank and from those in the other Arab countries.

2. This annexation creates complicated situations for the inhabitants of Jerusalem and those who work there. Many city officials, workers, and tradesmen reside outside

Jerusalem, either in the Bethlehem/Jericho areas or in the Ramallah/Bireh areas. As in every large town in the Kingdom and throughout the world, these persons come into town in the morning and leave in the evening. The separation of the city where they work from the areas where they reside causes inconveniences, including the tremendous waste of time at frontier posts or having to set up new homes inside the city.

3. Until 5 June 1967, the population of Jerusalem was about 75,000, and if the population of the surrounding areas—Shu'fat, Bayt Hanina, Ram, Qalandia, and Tour—is included the figure was about 130,000. All these people were natives of the country, and many of these inhabitants had relatives who had temporarily taken refuge in Jordan; similarly, many of them have members of their families working for a fixed period in Kuwait, Saudi Arabia, Libya, Qatar, Bahrain, or Abu Dhabi, or in other Arab countries. With what they earn, these [expatriates] help their relatives in the annexed country, thus ensuring their subsistence. They even managed, with the help of their savings, to purchase land or housing in anticipation of their return to the country. In the meantime, they were receiving the rentals for these properties. Some had invested their whole fortune in various companies in the country to provide for their old age. These expatriots alone number more than 60,000. They have rights in the city, like all the other present citizens; yet the annexation of Jerusalem to Israel will prevent them from returning and enjoying their property and will also deprive their relatives here of the help they were providing.

4. The Jews are beginning to unveil their projects for the construction of great buildings in the town and its surroundings to increase the number of the Jewish inhabitants to 500,000. The Arabs are afraid that these projects may be carried out at the expense of their properties and of their possessions by confiscation or under pressure. Likewise they fear that Jews may become the majority of the inhabitants of Jerusalem, thus appropriating the city, of which the Arabs would retain only memories.

5. The occupation authorities have infringed the individual liberty of the Arabs of the city by arresting certain members of the national committees who proclaimed their opposition to the annexation of the Arab sector of Jerusalem to the Jewish sector. They have also imprisoned other members of these committees for the same reason.

The inhabitants of the Arab sector of Jerusalem and those of the West Bank resolutely proclaim their opposition to all the measures which the Israeli occupation authorities have taken and which those authorities regard as constituting a *fait accompli* not subject to appeal or reversal, namely, the unification of the two sectors of the City of Jerusalem. They proclaim to the whole world that this annexation, even camouflaged under the cloak of administrative measures, was carried out against their will and against their wishes. In no event shall we submit to it or accept it.

Signed: Abdul Ghani al-Natsha, Ali al-Taziz, Khidr Abu Sawwan, Nihad Abu Gharbiya, Ruhi al-Khatib, Dr. Rashid al-Nashashibi, Fayiq Barakat, Dr. Ibrahim Talil.