



## **Israel's Takeover of Palestinian Sacred and Heritage Sites in the West Bank**

Forty Heritage Sites and the Occupation Practices of Dispossession and Appropriation

נשים נגד הכיבוש ולמען זכויות אדם  
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Women against the Occupation and for Human Rights



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**Note :** names of the Maqam sites transliterated in English have retained the spoken Palestinian version as far as possible

**Note:** Coordinates of the Maqam sites are in Decimal Degrees

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# Introduction

Israel's takeover of the mountain ranges and peaks throughout the West Bank did not overlook sites traditionally sanctified by Palestinians – these sites were annexed to Jewish settler-colonies by means of Israeli military edicts, and have been included in the army's maneuver areas, in official Israeli nature reserves and archeological sites and digs.

Prayer sites, Maqam sites (burial sites or memorials of sheikhs – Muslim holy men), functioned as organizing focal points – religious, cultural and social – in Palestine's rural areas. Palestinians used to hold pilgrimages to the Maqam and the sacred trees surrounding them on holidays and religious occasions (mawassem)<sup>1</sup> for prayer, religious ceremonies and rituals, circumcision celebrations and weddings, public and private occasions, and simple family recreation outdoors.

The community aspect is clearly present at Maqam sites which Palestinians are still allowed to reach (Sheikh Qatarwani at 'Atarah, Sheikh Huwas at Deir Ghassana, and Sheikh Amer Bdeir at Deir Dibouan) – Palestinians planted well-tended public gardens around them for the enjoyment of their respective communities. Regular use of these sites is a typical example of the common combination of the traditional, religious dimension and popular celebrations in Palestinian culture. Tawfiq Kana'an, Palestinian physician and folklore researcher, studied the Maqam and their cultural traditions in the early 20th century. According to him:

The tombs of Muslim holy men, with their white domes, are some of the most typical sights in Palestine's landscape. They differ in shape, nature and importance. The inhabitants regard them with religious awe. [...] The tomb is usually built as a square structure, not large, with a white round dome topped by a crescent. [...] In the center stands a water jug for pilgrims. At times, a large tree grows near the building, and it too is sacred. Pilgrims arrive at the tomb to pray for the recovery of a patient, wish for offspring, and request blessings of success. [...] On certain holy days processions are held around the tomb. These sites have various names – "E-Nnabi", "Seedna", "Wali", "Sheikh" and "Maqam". [...] Maqam is "a sacred place", not always necessarily a tomb, but rather marking the name of the person buried there.<sup>2</sup>

<sup>1</sup> Mawassem – seasonal holidays, the spring holiday celebrating the gathering of the crops.

<sup>2</sup> Tawfiq Kana'an, Muslim Holy Tombs in Palestine: Religion, Ritual and Muslim Holy Tombs in Eretz Yisrael. Sefi Ben Yosef, ed; Eli Schiller, trans.; Ariel publishers, 1996: Jerusalem, p. 23. The original appears in

The list of holy men who had tombs and Maqam sites named after them is long. Maqam names are taken from the Qur'an, the Bible, the New Testament and from local model personages, and all Maqam sites are sanctified by Muslims without distinction.

Ze'ev Vilnai cites European pilgrims who, as early as the 10th-century, documented their visits to important active Maqam sites in Palestine, well-kept by Palestinians – thus Joseph's Tomb, Rachel's Tomb, and Nabi Samuel (Samauil).

Ever since the 1967 occupation of Palestine by Israel, a clear distinction has been made between Maqam sites bearing names of Biblical figures – these have been recognized by the Israeli authorities, renovated, and are at present the destinations of massive Jewish pilgrimages – and Maqam sites sanctified by Muslims alone, erected in honor of Mohammad's friends or other Muslim iconic figures. Such Maqam sites have not been recognized by the Israeli authorities in charge of prayer sites to prevent their desecration and preserve their accessibility. They are caged inside Israeli settler-colonies, nature reserves and army firing zones, and their present condition is an obvious hazard to their future existence. These are heritage and religious sites located inside an occupied territory and therefore subject to international law which requires the occupier to preserve and make them accessible to their occupied observants. This legal aspect is brought here by Attorney Netta Amar-Shiff.

A team of MachsomWatch volunteers has surveyed the Maqam sites where accessibility to Palestinians is either prevented altogether or restricted. The information presented here does not encompass the situation in its entirety.

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<sup>3</sup> Ze'ev Vilnai, *Holy Sites in Eretz Yisrael*. Jerusalem: Achiever, 1985.

# Abstract

Israeli military occupation of the West Bank persists, and Palestinian sites of heritage and Muslim ritual are erased one by one. In their stead, Jewish heritage sites are officially declared and well-tended. The Civil Administration practices three combined strategies in order to wipe out Palestinian heritage and sacred sites in the West Bank:

- 1** The practice of enclosing them in Closed Military Zones – namely Israeli settler-colonies and army maneuver zones, all out of bounds for Palestinians – totally cuts off Palestinians from visiting their prayer sites, preserving them and carrying on their traditions. In the absence of any ruling authority preventing their dilapidation, they are left to vandalization and slur graffiti and destined for destruction. This is the situation of Maqam sites located even in closed maneuver zones such as the one surrounding the Beitunia hill range.
- 2** Maqam sites enclosed in nature reserves (in addition to those included in reserves located inside settler-colonies) are made the responsibility of whoever is supposed to preserve nature and not a heritage and religious site. Thus, for all practical purposes these cultural and religious sites turn into universal nature sites open to the general public. This colonialist measure takes place in several stages: the intentional erasure of Palestinian heritage by failing to mark the Maqam sites by name on road signs or any other local indication – signs placed by Israel's Nature and Parks Authority usually detail nature phenomena and do not name the Maqam site. An example of this is the Salman Al-Faresi reserve that is now officially named the Alonei Yitzhar Reserve (Yitzhar Oaks), and Abu Ismaeel reserve is named the Atlantic Terebinth Reserve. Needless to mention, such official signs are written in English and Hebrew only. The Judaization and politicization of the site also take the form of placing memorial plaques and monuments commemorating Israeli army officers or settler-colonists. Typical of this are signs placed next to the Maqam that aggrandize the continuity of Jewish dominance of the entire country, for example the sign that cites, "for all the land that you see I will give to you and to your offspring forever" (Genesis 13:15) at the site which contains Maqam



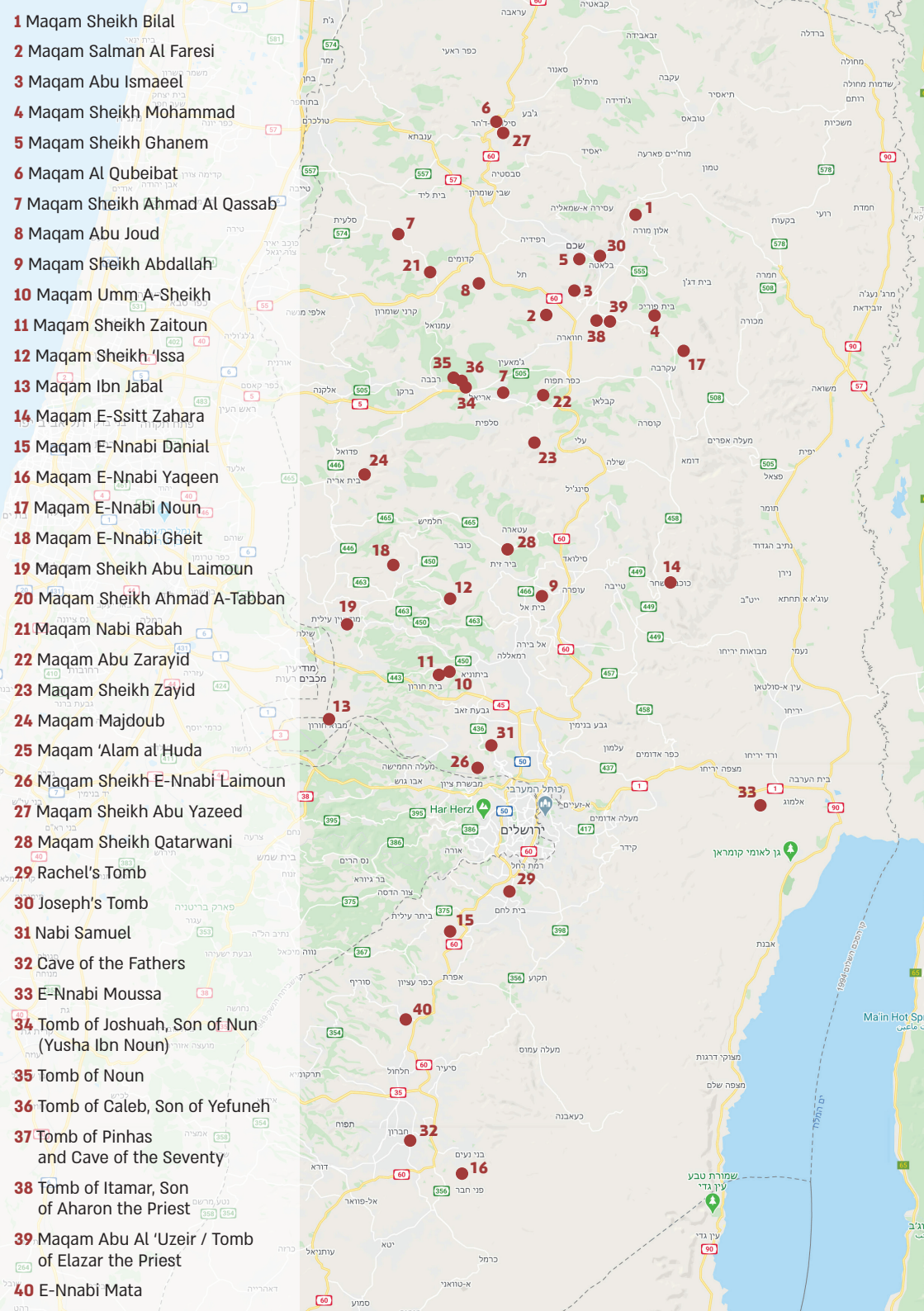
Salman Al-Faresi. In relief maps placed at such observation points, names of Israeli settler-colonies are mentioned, and not a trace of the Palestinian villages in the vicinity.

The nature reserves differ from each other in their dimensions and state of planning: some are officially declared<sup>4</sup> as part of Judea and Samaria (the West Bank in official Israeli parlance), others are classified as un-administered or only partly so, temporarily – a status that might change incrementally to fit the needs of the settler-colonies nearby and their hold on the staff officer of the Nature and National Parks Authority.

- 3** Non-recognition by the staff officer of Muslim shrines as sanctified sites to be preserved, exemplified in the words found on the Civil Administration website: "We implement the holy sites edict stipulating that all holy sites be protected against any kind of desecration or anything that might impair the freedom of access of all religions to their holy sites or hurt their religious feelings". The situation on the ground is very different: huge budgets are invested in Maqam sites attributed to Jewish Biblical figures, such as the tombs of Rachel and Joseph, and Palestinians have long since been barred from them. On the other hand, prayer sites established by Palestinians and honoring relatives of the Prophet Mohammad or local holy men in the West Bank have been neglected and prey to vandalism – Palestinians are barred from approaching them by military orders as well.

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<sup>4</sup> Nature reserves declared as such are areas that have been made nature reserves according to the Oslo Accords, requiring the agreement of the Palestinian Authority to such a declaration. Other reserves, in the absence of such agreement, are officially part of Judea and Samaria – to be declared.





Maqam, mosque



Holy site for the monotheistic religions



Nature reserve



Controlled by a settler-colony



Permanently or temporarily controlled by the Israeli army



Maqam sites recognized by the Israel Ministry of Religious Affairs



Archeological site or national park

# Survey

The following is a survey of Maqam sites in the West Bank. They have been arranged in three categories:

- a. Maqam sites honoring Muslim holy men and caged inside settler-colonies, out of bounds for Palestinians;
- b. Maqam sites inside nature reserves (in addition to those included in nature reserves contained within settler-colonies);
- c. Maqam sites and mosques honoring Jewish Biblical personages;

## **Maqam sites honoring Muslim holy men and caged inside settler-colonies, out of bounds for Palestinians**

A centuries-old tradition of pilgrimages to Muslim shrines and Sheikh tombs on mountaintops was disrupted with the founding of Israeli settler-colonies and the caging of these sites in closed military zones. Palestinians were denied access there, and Israel has callously violated their right to maintain their religious and traditional rituals, which international law is supposed to uphold. These heritage sites, with the white domes that have characterized the Middle East for centuries, now stand dilapidated and debased, their decomposing walls smeared with racist graffiti. Mass pilgrimages of Jews to Mount Meron belong to the same popular religious tradition and emphasize for one and all the constitutive injustice embodied in denying Palestinians access to their own cultural heritage sites.

# 1 Maqam Sheikh Bilal Ibn Rabah • مقام الشيخ بلال ابن رباح

Coordinates: 32.240476, 35.315302 | Altitude: 646 meters | Location: Inside Area C



This Maqam is located at the top of Mount Sheikh Bilal, closed within the Mount Kabir nature reserve (declared by Israel as part of Judea and Samaria on August 10, 1983). The area of the reserve stretches over 26,000 dunams. entry of the Maqam compound is through the Israeli settler-colony Alon More, and is out of bounds for Palestinians.

Sheikh Bilal Ibn Rabah is a highly significant figure in Muslim culture: he was the very first Muezzin and a favorite of the Prophet Mohammad. The Maqam named after him is located at the top of Mount Sheikh Bilal, on the south-eastern slopes of the Kabir mountain range. An ancient oak tree grows next to the Maqam.

The building is visible from afar at the top of the mountain. Archeologist Gideon Sulimani of the Emek Shaveh archeologist organization established that it was constructed about 400-500 years ago. Its ceiling is conical and graded in shape, plastered on the outside. Its entry is on the east side. The structure is about 7 meters long, its walls sturdy and thick.

Neglect is visible everywhere – peeling plaster, cracked walls, fallen stones – and an iron grate closes the ancient structure so no one may enter.

Through the grate one sees the garbage inside, and the general look that expresses nothing but contempt and disregard for the place.

The site offers a magnificent view of the entire area – the city of Nablus, Nablus stream descending to the Jordan Valley, and the town of Toubas in the north.



photo: Gideon Sulimani



Maqam Sheikh Bilal, February 28, 2018



There is no sign indicating the name of the Maqam or the relation of Sheikh Bilal Ibn Rabah to the Prophet Mohammad. Signs at the site do lead to the Luntz Observation Point, located some 100-meters north-east of the Maqam itself. Unlike the neglected Muslim Maqam, the commemoration site of the Israeli governor of Nablus, Joseph Luntz, is beautifully tended. Under a giant oak tree overlooking the Tirtza river bed, a sign says: "The late Brigadier-general Joseph Luntz (Luntzi): orientalist, hiker, friend, commander, fighter, patriot". A visit here is a lesson in the Israeli rulers' disregard of Palestinian cultural and religious heritage, and the aggrandization of the occupation heritage and figure of the military governor. Responsibility for Palestinian heritage sites lies entirely with the State of Israel, which holds them under its military occupation.



Luntz observation point, September 27, 2017

The tradition of pilgrimages to Maqam Sheikh Bilal by the nearby villagers was disrupted when their lands were confiscated in order to construct the settler-colony of Alon More. The farmlands and water sources of the Palestinian villages Deir Al-Khatib, 'Azmout and Salem as well as the Waqf property over which the Maqam itself is built were sequestered. Access of Palestinian private landowners is conditioned solely by a special permit that, at best, is issued only for a few days a year. The forced absence of such landowners is used by the settler-colonists to take over privately-owned Palestinian land to build their own outposts. The plentiful water spring 'En Al-Kabeera, below Mount Al Kabeera, too, has been confiscated for the enjoyment of the Jewish settler-colonists : pools were built, the spring water is channeled to them, and its name has been changed by them to En Kfir, in memory of Avner Kfir Hezi, born in the settler-colony of Alon More and killed in the Lebanon War.

<sup>5</sup> At a meeting at Deir Al-Khatib on January 31, 2018, Ismaeel Abed Ismaeel, a landowner, told us that he had petitioned against such takeover. The court accepted the petition, the settler-colonist removed whatever he had planted there, and immediately replanted over an even larger plot of land. See the B'Tselem report.

**In an interview held on November 9, 2016, Ismaeel Abed Ismaeel, village elder of Deir Al-Khatab, spoke about Maqam Sheikh Bilal:**

My name is Ismaeel Abed Ismaeel, I work in the mosque and at other jobs as well, such as electricity and piping. I was born in 1961. My family is from Deir Al-Khatab, where I too was born, and ever since I have lived in this village.

The tomb of Sheikh Bilal is situated on top of the mountain – we inherited it from our forefathers. It is a holy place for us. The location is a plot officially registered with the Muslim Waqf.

In the past we used to come there to celebrate and pray at the mosque, especially from Deir Al-Khatab and 'Azmout villages, but from other villages as well, such as Salem, Rujib and 'Awarta, Beit Furiq and the city of Nablus, even from further sites such as Jawareesh.

When the villagers farmed the land, during the olive harvest as well as the wheat harvest, they used to gather and come to pray at the site. Ceremonies were held, sacrifices made, barbecues enjoyed and hikes taken - it was a recreation place. Whenever a son was born, the whole family including the children would celebrate there.

About 4-5 years after the settler-colony was founded, since 1985, the settler-colonists and occupation soldiers began to prevent Palestinians from coming there, claiming the place was too close to the settler-colony, or that it was a closed military zone, or that one needed a special permit to approach.

We hope and demand to go there – the place is ours, we should be free to visit it as in the past, without any delays and with no harm to the settler-colonists. I pray to God that this situation be changed.

Interviewed by Irit Segoli;



The gate of Alon More settler-colony, 27.9.2017

## 2 Maqam Salman Al-Faresi • مقام سلمان الفارسي

Coordinates: 32.16887, 35.232805 | Altitude: 802 meters | Location: Inside Area C



This Maqam is located on top of Mount Salman, caged inside the Salman Al-Faresi nature reserve and at the heart of Yitzhar settler-colony. The reserve is declared as part of the Judea and Samaria occupied area, and measures 25 dunams. entry of the reserve is through the settler-colony. For Palestinians it is out of bounds.

The Maqam itself was erected in honor of Salman Al-Faresi, a close friend of the Prophet Mohammad and his personal barber. The 2-story structure has a domed roof, is surrounded by ancient oak trees and has a waterhole nearby. Archeologist Gideon Sulimani estimates its age at about 400 years. Nowadays it stands neglected, its plaster peeling and its walls deeply cracked. Immediate restoration and renovation works are urgently needed. Filth and neglect are visible in all its parts, and the waterhole in front of the building is blocked.



photo: Irit Segoli

Maqam Salman Al-Faresi, April 20, 2016

Our visit at this site, on April 20, 2016, revealed a red cloth strip nailed to the wall, bearing an Indian mask, and a red tablecloth spread over an old table – these items apparently attest to the recreation of youths living in the area.



Interior of the Maqam, top floor, April 20, 2016

Visiting there three months later, we found a mattress inside the top floor of the Maqam, among stones that had fallen out of its walls.



Central space of the second floor, July 13, 2016

On the bottom floor we saw cracks in the walls, stones that had fallen out of them, plaster gone, and a startled swarm of mosquitoes attacked the uninvited guests.

photo: Irit Segoli



Entrance to the bottom floor, April 20, 2016

photo: Irit Segoli



During our visit on July 13, 2016, three 5-year children were quickly and agilely climbing the spiral-shaped protrusions up to the Maqam dome to fly kites.

Children on the Maqam dome flying kites, downstairs archeologist Gideon Sulimani and photographer Kobi Wolf, July 13, 2016

No written mention of the Maqam name, Salman Al-Faresi, is to be seen anywhere. However, there are abundant signs fixed by settler-colonists at the observation point: a commemorative plaque for Yerucham Sagi, Yitzhar settler-colonist, who 'fought bravely for the erection of a Jewish settlement in the vicinity of Joseph's Tomb', and a plaque financed by his family showing the locations of the settler-colonies visible from the observation point, including the following Biblical quote: "For all the land that you see I will give to you and to your offspring forever" (Genesis 13:15). Not a single Arab community is mentioned on this plaque.





Map of the region showing settler-colonies only, July 13, 2016



photo: Irit Segoli

Plaque of the Israel Nature and Parks Authority directing visitors to the nature reserve of Alonei Yitzhar, July 13, 2016



photo: Nurith Popper

Observation Point commemorating Yerucham Sagi, July 13, 2016

This plaque shows the name Alonei Yitzhar Reserve in Hebrew and English.



photo: Irit Segoli



Entry gate to Yitzhar settler colony, August 2, 2017

Entry of the Yitzhar settler-colony gate is forbidden for Palestinians as well as Palestinian citizens of Israel. It is open only to Jewish Israelis and holders of foreign passports. When we arrived at the gate on August 2, 2017 with a Muslim Israeli driver from Kafr Qassem, the guard refused to let him enter the settler-colony.

The security official Yitzhak Levi explained to him on the phone that the refusal is out of concern for the driver's wellbeing! In B'Tselem videos one sees the armed security official leading masked settler-colonists to invade lands owned by Palestinian farmers of Palestinian villages Madama, 'Urif and Huwwara who dare risk themselves and tend their fields close to the fence that surrounds the settler-colony.

Below the range lie six Palestinian villages. Until 1982 the villagers held pilgrimages to the Maqam and celebrated their ceremonies and traditional events there. In 1982 the Israeli army took over the mountain and gave it to the Yitzhar settler-colonists. Ever since, villagers of Boureen, Madama, 'Aseera Al-Qabaliya, 'Enabous, 'Urif and Huwwara are prevented from visiting their holy site.

In the words of **Samir Moussa**, a literature and Arabic teacher from Boureen village:



**Samir Moussa**,  
on his home porch in Boureen  
overlooking Mount Salman and Yitzhar settler-colony

My name is Samir Moussa, from Boureen. I was born in this village, but sadly I cannot access many of the areas I frequented in my childhood and youth. The Israeli settler-colonists confiscated and stole all the mountain ranges around the village, that actually belong to the villagers. The most painful impact is that we may not access our holy site, the Salman Al-Faresi mosque located at the top of the mountain, which itself is named Mount Salman.

We, villagers of Boureen, Madama, 'Aseera Al-Qibaliya and Huwwara, used to meet there around the Maqam on the hilltop for our feasts and holidays. For us this is a holy site. We attended prayers at this mosque, our children played in its yards and climbed the surrounding trees.

In 1983 these areas were confiscated by force of a military edict. The army overtook them claiming security needs, and the owners never had a chance to appeal or oppose this act. We found out that appeal is only possible within 40 days, and the notice reached us 35 days late, so that we only had 5 days left to appeal – not nearly enough time for people to gather their documents and grant power of attorney to lawyers who would represent them in court. The confiscation took place by force of a military edict.

We were surprised to discover, a year or two later, that the place we were told was taken for security reasons had turned into a civilian settler-colony inhabited by scum-of-the-earth people, extremist settler-colonists who oppose any peaceful, shared ways of life. They surround us, burn our trees and prevent us from approaching even areas distant from the heart of their colony. They continue to chase us in the hills and beat up people. Ancient trees, thousands of years old, were cut down and burnt. These are criminal people. One woman was shot and wounded while on a tree, as she fell from it. Such harassments are ongoing to this day.

From my home, looking out to the mountain, I recall my childhood there, and truth be told – it makes me very sad. How could anyone prevent us from acting upon

our natural right to pray in our mosque, to retain our memories and preserve our history and heritage?

I recall that in 1982, one year before the lands were confiscated, I was then a high-school senior – I would go up to the mosque in daytime and stay there until nightfall to study for my matriculation exams. I would do this quietly and peacefully. The place had a certain sense of traditional grace and simplicity. We felt safe. Now there is no sense of safety any more.

I tell my children that one day, I climbed the mountain among the oak trees, to the 2-story mosque where I used to pray and play with my friends. When the children ask me if we could visit there, I tell them it's impossible because of the settler-colonists. I hope to be able to visit the mosque at least once before I die, see it and recall places where I used to pray and sit studying.

Many like me long for the day when they could visit there.

Interviewed by Irit Segoli;

Testimony of Abu Mursi, shepherd and member of the Boureen council:



**Abu Mursi,**  
shepherd and member of the Boureen village  
council, against the background of Mount  
Salman, July 2016

Mount Salman is a holy site, named after Salman Al-Faresi, friend of the Prophet Mohammad. We used to hike there especially during the month of March, on the seasonal holiday which is now no longer celebrated: we would boil eggs, go there and play, spending the day. Whoever made a vow and then begot a son would bring him there for his first haircut, make a sacrifice, and invite the whole family, and host them for lunch. Not only in my lifetime – in my father's and grandfather's time, this was the custom. However, since 1983 we have been prevented from going up there.

Interviewed by Irit Segoli; Translated into Hebrew by Khitam Naamneh

### 3 Maqam Abu Ismaeel • مقام أبو إسماعيل

Coordinates: 32.177921, 35.268130 | Altitude: 598 meters | Location: Inside Area C



This Maqam was built in honor of Abraham, father of Isaac and Ishmael. It is located on Mount Abu Ismaeel, nowadays inside the Nabi Ismaeel nature reserve, part of the Judea and Samaria occupied territory. It covers about 25 dunams. The name of both the Maqam and the mountain is Abu Ismaeel, and appears on the British survey map of 1880. This is also the name Palestinian villagers use. In spite of this fact, on Israeli maps the site is called Nabi Ismaeel – indicating the son of Abraham rather than Abraham himself. The question is when and by whom the name was changed from Abu Ismaeel to Nabi Ismaeel – from Abraham, revered by all three monotheistic faiths, to his son's – Ismaeel, Ishmael.



A British survey map of 1880, showing Maqam Sheikh Abu Ismaeel

Samir Moussa of Boureen told us in July 2016, that:

Abu Ismaeel, namely Abraham, in our tradition and faith, is father of the nation. His eldest son was Ismaeel. In Judaism and the Torah, Isaac was the chosen son. In our tradition, Abu Ismaeel (Abraham) is a prophet of God, and this is traditionally believed by the Samaritans here too, I think. They believe that the mountain on which Abraham wanted to sacrifice his son is right here opposite us, close to the Samaritan Mountain. This was the reason this Maqam was established here.

photo :Nurith Popper



Maqam Sheikh Abu Ismaeel (called Nabi Ismaeel on Israeli maps)

The Maqam itself is a domed, square building with an inner space that is broad and about 5-meters high. Its walls are solid, thick and strong. Remains of decorative motifs are visible on the walls despite the neglect. Jewish nationalist graffiti appear on the walls both inside the Maqam and on its exterior.

photo :Nurith Popper



The façade of Maqam Abu Ismaeel is smeared with the slogan "The Land of Israel belongs to the People of Israel, not to Ismaeel", July 27, 2016



Nationalist slurs on the walls of a building close to the Maqam

The slurs "Death to Arabs" and "A state of Palestine will not come into being" are written on the walls of a very impressive but dilapidated villa near the Maqam. Its owner left the place when it was occupied in the 1967 war, and lives in Jordan (according to a Boureen villager).

The site grows ancient Atlantic Terebinth trees. Below Abu Ismaeel Mountain runs a large water source named 'En Mahna, whose water irrigated Boureen's fertile lands in the past. Nowadays the spring is divided into a Jewish ritual basin for men of the surrounding settler-colonies and two small wading pools called Amasa, commemorating Amasa Meshulami who was killed in the Second Lebanon War.



At the entrance to the Maqam roof, a sign placed by the Israel Nature and Parks Authority, warns in three languages: "Danger! Passage forbidden!" July 27, 2016



The sign attests to the presence of the Authority's inspectors at the reserve and follow-up of the state of the building, for the sake of the Israeli visitor. Erasure of the Palestinian heritage site is expressed in the sign placed at the roadside leading to the settler-colony of Har Beracha and Mount Grizim. This sign ignores Maqam Abu Ismaeel and directs the tourist to the outdoors recreation area nearby.



photo :Nurith Popper

Sign of the Israel Nature and Parks Authority indicating "Atlantic terebinth" in English and Hebrew only, directing the tourist to the Maqam, July 27, 2016

Unlike other Maqam sites, Maqam Abu Ismaeel is not caged inside a settler-colony, and therefore Palestinian access to it is not restricted by law. Still, because of repeated harassment by Beracha settler-colony and its outpost Sneh Yaacov, any time spent there is hazardous for Palestinians. This was witnessed by shepherd Abu Mursi of Boureen village – his donkey and seven of his sheep were shot when he came to the spring with his flock.

## 4 Maqam Sheikh Mohammad • مقام الشيخ محمد

Coordinates: 32.167404, 35.335076 | Altitude: 826 meters | Location: Inside Area C



This Maqam is located on Mount Mohammad (Hill no. 851). The area is entered through Itamar settler-colony. It is out of bounds for Palestinians. The mountaintop overlooks the valley and the Palestinian village of Beit Furiq. The British survey map of 1880 shows Maqam Sheikh Mohammad.



British survey map of 1880, showing Maqam Sheikh Mohammad

The entire mountain is considered sacred, and villagers around it – especially of Beit Furiq and 'Awarta – used to meet and spend time there. 'Aref Shuqri, Palestinian historian of Beit Furiq, recalls that during his childhood there were a shed, a large oak tree and even swings for children at the site. Women would take off their headdress, circumcisions would be celebrated there, children's hair would be cut, and eggs were painted. These traditions were disrupted when settler-colony Itamar was established, overlooking Mount Mohammad and Mount Jedu'a (the Gideon Range).

Now the top of Mount Mohammad holds the tomb of (Jewish) Judge Gideon. The structure there was built by Jewish settler-colonists about 15 years ago. It is open in all directions, and Braslav Hassids meet there to pray and drink arak (alcoholic beverage).

A communications antenna was erected at the observation point at the top of Mount Mohammad, and every week Itamar's security official uses the site

to brief Israeli soldiers how to act 'in protection' of the settler-colonies and outposts – including the Geva'ot Olam outpost created by the settler-colonist Avri Ran in 1996 on the Gideon Range. Ever since then, Ran has been terrorizing the Palestinians living in the nearby hamlet of Yanoun.

(Aviv Lavie, *Terror of the Hills*, Haaretz daily newspaper, August 21, 2011)



The security official of Itamar settler-colony briefing Israeli soldiers at the top of Mount Mohammad, September 27, 2017



Yedidiya Meshulami, against the background of the Prophet Gideon Monument, May 25, 2016, is quoted from Yana Pevzner's, "Me and the small air strip I established near the outpost", Mako website, May 16, 2016

In Yana Pevzner's quoted story, Yedidiya Meshulami, owner of the outpost Havat Alumot at the settler-colony of Itamar explains: "We are standing on Pilot Hill, behind us is a tomb that was registered as that of Sheikh Mohammad". Meshulami says that settler-colonists destroyed it in order to erase any trace of Palestinian lives on this land. "This is now the tomb of Gideon", he says proudly in the stone shed erected to mark the grave.

## 5 Maqam Sheikh Ghanem • مقام الشيخ غانم

Coordinates: 32.199809, 35.273247 | Altitude: 863 meters | Location: Inside Area C



This Maqam is situated on Mount Grizim, inside an archeological site run by the Israel Nature and Parks Authority. Sheikh Ghanem of Boureen village was one of the army commanders of Salah-A-Din. He died here, this is his grave.



Maqam Sheikh Ghanem, July 27, 2016

Unlike many of the Maqam sites surveyed here, this one is restored and preserved, and even mentioned by name. The archeology staff officer at the Judea and Samaria HQ and the restoration unit of the Antiquities Authority are responsible for the restoration and preservation of the site. The digs and restoration works were financed by the Judea and Samaria Civil Administration. A sacred ritual site, this Maqam, has been turned into a finding on display in an archeological site, entry to which now involves entry fees, accessible to Jewish Israelis only. Samir Moussa of Boureen tells us about his village's tradition of climbing up the hill from the village and going to Maqam Abu Ismaeel, and from there continuing to Sheikh Ghanem on Mount Grizim. Now, because he is a Palestinian from Boureen, he is barred from these sites.



Entry to the archeological site containing Maqam Sheikh Ghanem, July 27, 2016

## 6 Maqam Al-Qubeibat • مقام القبيبات

Coordinates: 32.313164, 35.199265 | Altitude: 651 meters | Location: Inside Area C



This Maqam is caged inside the settler-colonist outpost of Homesh. The outpost was dismantled in 2005, but settler-colonists continue to man it, and the Israeli army has announced it a closed military zone, inaccessible to Palestinians. According to a Burka village elder, before Homesh was founded the Palestinian villagers would go to the Maqam regularly and even renovated it. Whenever they noticed that a brick had fallen, they would replace it. However, since they are denied access, they can no longer maintain the structure nor continue holding their traditional events there.



## 7 Maqam Sheikh Ahmad Al-Qassab

Coordinates: 32.108340, 35.198461 | Altitude: 573 meters | Location: Inside Area C



Maqam Sheikh Ahmad Al-Qassab is located in the area that used to belong to the Palestinian village of Marda. The Jewish settler-colony of Ariel was built on 55% of this village's land. Ariel's Separation Fence has wiped this Maqam from the face of the earth.



photo: Irit Segoli

Ariel's 'security road' and the Separation Fence that erased Maqam Sheikh Ahmad Al-Qassab (On the right: Ariel, on the left: Marda), December 12, 2018



## 8 Maqam Abu Joud • مقام أبو جو

Coordinates: 32.192159, 35.173439 | Altitude: 545 meters | Location: Inside Area B



Maqam Abu Joud is named after a local dignitary and located on the outskirts of the Palestinian village of Far'ata. Settler-colonist outpost Havat Gil'ad was built to the north. Settler-colonists from the outpost invade and carry out demonstrative incursions at the Maqam, claiming this is the tomb of Judge Abdoun son of Hillel of Far'atun, buried in Far'atun (Judges 12: 15).



Maqam Abu Joud in Far'ata, March 7, 2018

After the rabbi of Havat Gil'ad was murdered on January 9, 2018 near the settler-colony of Yitzhar, dozens of settler-colonists from Havat Gil'ad invaded Far'ata, broke windows panes, used clubs to hit doors and wrought general havoc in the village. Following this traumatic experience, a certain boy living near the Maqam has been stuttering ever since. No treatments have helped.



A Star of David painted there on the night the rabbi was buried, March 7, 2018

Taweel, father of this boy, told us that he himself had stones thrown at him while working the farmland near the outpost. He has not dared approach it since.

## 9 Maqam Sheikh Abdallah • مقام الشيخ عبد الله

Coordinates 31.949492, 35.231958 | Altitude: 886 meters | Location: Inside Area C



This Maqam has a double-dome structure. Archeologist Gideon Sulimani estimates its age at about 800 years. It is presently neglected and dilapidated. The central space is a mess, stones lie around what looks like a former base of a headstone – in spite of being part of an archeological site, for which the Israel Antiquities Authority is responsible. The site is included in the area of the Beit El settler-colony. Palestinians are not allowed into the settler-colony, and therefore have no access to the Maqam and cannot restore it nor hold their traditional events there.

The Maqam is surrounded by the remains of farming, terraces and plenty of water sources, including En Abdallah, all typical evidence of traditional Palestinian farm culture that was common in these parts, and in the Palestinian village of Dura Al-Qar'i, from which the land of the site was confiscated.



photo: Irit Segoli

The Israeli Civil Administration antiquities staff officer is responsible for the site, and it is his job to safeguard the Maqam and maintenance it, but this is not done.



A sign directing visitors to Maqam Sheikh Abdallah, February 7, 2018



The archeological site is now called Jacob's Dream, February 7, 2018

The sign says: "Muslim Maqam of the early Muslim period". Information on the sign ignores the continuity of activity at the Maqam until its disruption by the 1967 Israeli occupation and gradual takeover of the area. J., resident of Dura Al-Qar'i village, told the MachsomWatch team members at his village on March 11, 2018:

Maqam Sheikh Abdallah is located on Mount Sheikh Abdallah. The village Dura Al-Qar'i is situated below and has existed for 450 years. I remember the ancient trees on the mountain. Celebrations would take place there. I recall the last time I was at Maqam Sheikh Abdallah, in 1981.

The Maqam has a low dome, and next to it stands a mosque with a tall dome. The men would pray at the mosque, and the women at the Maqam. I recall that at night one could see the city lights of Jaffa from there. At the time, the structure was still well-kept. People would go up there every Friday to pray.

In the summertime whole families would put up their tents and stay there. In addition, there were also 12 sheds to store farm produce.

(Translated by Odeh Bisharat)

Now only one shed remains, exhibited in the archeological site as a guard-shed of the Second Temple Period.



The old sign, "Guard shed", hidden among the oak branches, 7.2.2018



A new sign says "Remains of the early Zionist settlement period", 7.2.2018

The old sign, "Produce shed" has been discarded and replaced by the more recent sign

## 10 Maqam Umm A-Sheikh

مقام أم الشيخ

Coordinates 31.884287, 35.144286  
Altitude: 756 meters | Location: Inside Area C



## 11 Maqam Sheikh Zaitoun

مقام الشيخ زيتون

Coordinates: 31.887572, 35.134741  
Altitude: 729 meters | Location: Inside Area C



Two Maqam sites, Umm A-Sheikh and Sheikh Zaitoun, are caged within army maneuver area 934 on the Beitunia range spreading over 14,755 dunams. No army maneuvers have ever been held here. ("Locked Garden", 2015) Guided tours are conducted in the local landscape and among the antiquities, all coordinated with the army (see website of Beit Horon settler-colony and Shai Laslo films. See also the Nature and Landscapes in Israel website).

The Palestinian landowners are allowed to access their fields only a few days a year. To this end they must be issued a license and cross the "agricultural checkpoints" – one located inside the settler-colony and the other – in the fence of Israeli army's Ofer Camp. Until the Israeli occupation and the construction of settler-colony Beit Horon, Palestinians from the villages of Beit Ghor Al-Foqa, Beit Ghor A-Tahta, Beitunia and others would visit the site on their pilgrimages.



Maqam Umm A-Sheikh, May 17, 2017



The courtyard at Umm A-Sheikh, under an ancient oak tree, May 17, 2017





Ceiling and decorated walls of the inside space of Maqam Umm A-Sheikh, May 17, 2017



The ceiling of one of the rooms adjacent to Maqam Umm A-Sheikh shows a relief of Crusader tradition, May 17, 2017

Maqam Umm A-Sheikh is surrounded by a courtyard and structures. This important heritage site has been neglected and dilapidated inside the area declared closed army maneuver zone.

photo: Irit Segoli



Maqam Sheikh Zaitoun, May 17, 2017

A scene out of a video: the photographer's son points to the Muslim prayer niche, saying "this is the animal corner" and disparagingly demonstrates the Muslim prayer posture.



This video was taken in July 2009 and is shown proudly on the Beit Horon settler-colony's website. This and other videos by Shai Laslo of this settler-colony show that the Beitunia range is a would-be military maneuver area but in actual fact is now a tourist site for Jews only, and the water sources flowing among the Palestinian terraces and olive trees are an idyllic nature spot for the settler-colonist children of Beit Horon.



## 12 Maqam Sheikh 'Issa • مقام الشيخ عيسى

Coordinates 31.944237 35.143558 | Altitude: 670 meters | Location: Inside Area C



This Maqam is situated in an archeological site named Winery Hill. Access to it is through the settler-colony of Talmon. For Palestinians it is out of bounds. The site has ancient trees, wine presses and many archeological findings. Explanatory signs at the site date the findings to the Talmudic period.



Ruins of Maqam Sheikh 'Issa, July 28, 2017

Abed A-Razek, village elder of Mazra'a Al-Qibliya, told us that prior to the construction of the Talmonim settler-colony bloc, the villagers used to hold pilgrimages to three sacred sites: E-Nnabi 'Aner, E-Nnabi 'Anbar and Sheikh 'Issa – and among the sanctified oak and olive trees surrounding them they used to hike, pray, light candles and have picnics.

## 13 Maqam Ibn Jabal • مقام ابن جبل

Coordinates: 31.835197, 34.991408 | Altitude: 286 meters | Location: Inside Area C



Maqam Ibn Jabal in Park Ayalon-Canada

Until 1967 this Maqam was the site of prayer and gatherings of the surrounding villagers from Yalu, Beit Nouba, 'Imwas and Bir Ayoub. People came there from other villages in the area as well, such as Beit Leekiya and Beit Sira. Following the 1967 occupation, the villagers were expelled and the villages destroyed.



The local sign mentions the Mamluk period, April 15, 2019



The interior of the Maqam, KKL-Jewish National Fund in charge, April 15, 2019

Villages destroyed in 1967 are not mentioned throughout the Ayalon-Canada Park. An example of this is the sign placed next to Maqam Ibn Jabal in the photo above. The State of Israel has erased them in their entirety and wishes to erase them from memory as well. However, the refugees have not forgotten and hope to return and rebuild their homes there.

## 14 Maqam E-Ssit Zahara • مقام الست زهرة

Coordinates: 31.945626, 35.354401 | Altitude: 689 meters | Location: Inside Area C



Maqam E-Ssit Zahara is included in the Kokhav Ha-Shachar nature reserve, declared as part of the Judea and Samaria area since December 17, 1984. It spreads over about 14,200 dunams. The Maqam is a sanctified tomb near the peak called Qubbet A-Najme (Star dome). entry of this nature reserve is through the Kokhav Ha-Shachar settler-colony. Out of bounds for Palestinians. The Maqam was built in honor of a local saint considered "patron of births and babies"<sup>6</sup>, and villagers of nearby Deir Jarir held pilgrimages and conducted traditional ritual ceremonies there. Archeologist Gideon Sulimani estimates that it was built about 400 years ago. Its walls are about 90 centimeters thick. Photographs of the Maqam from 1975 and in a 1996 publication show the structure and the dome on top as whole, whereas in a photograph of 2018 it appears ruined. When and how did this happen?



Maqam E-Ssit Zahara, 1975 (photo: Amikam Shuv. An identical black/white photograph appears in the Israel Guide of 1979), Park Ayalon-Canada<sup>6</sup>

<sup>6</sup> Sefi ben Yosef (ed.), Eli Schiller (trans.), Religion, Ritual and Muslim Holy Men's Tombs in Eretz Yisrael. Ariel: Jerusalem, 1996, p. 111.

<sup>7</sup> Sefi ben Yosef, "The Judean Desert and the Jordan Valley", The New Israel Guide. Jerusalem: Keter and the Israeli Ministry of Defense, 1979, p. 233.



In 1986, Menachem Marcus visited the Maqam and reported: "This is a small prayer site, its area 2x2 meters (probably interior dimensions, N.A.), with a plastered dome on top."<sup>8</sup>



Maqam E-Ssit Zahara<sup>9</sup>



photo :Nurith Popper

Maqam E-Ssit Zahara, July 2018

<sup>8</sup> Menachem Marcus, Beit El Mountain Range (Benyamin District): Landscape Survey and Hiking Guide, Jerusalem: Israel Nature and Park Authority and Maariv Publications, 1991, p. 132.

<sup>9</sup> Ben Yosef, Holy Grave Sites in Samaria (see note 6), p. 41

On October 3, 2018 during our visit at the Deir Jarir local council, we were told that bulldozers belonging either to the settler-colonists or to the Israeli army demolished the Maqam. The Israel Nature and Parks Authority is responsible for the site, and is thus obliged to look into the issue.



The round-shaped balcony at the top of Qubbet A-Najme

Marcus wrote: "At the top of Qubbet A-Najme a handsome lookout has been prepared at the initiative of the Nature and Parks Authority, built as a rounded balcony."<sup>10</sup>



Rehav'am Ze'evi lookout at Qubbet A-Najme, 7.2.2018



A sign indicating a nature reserve refers to Rehav'am Ze'evi, to whose memory both reserve and balcony are dedicated, 7.2.2018

<sup>10</sup> Marcus, Bet El Mountain Range (see note 8), p. 132.

## 15 Maqam E-Nnabi Danial • مقام النبي دانيال

Coordinates: 31.687779, 35.146085 | Altitude: 984 meters | Location: Inside Area C



Maqam E-Nnabi Danial was built by Muslims on land belonging to Al Khader villagers, close to Bethlehem. One day it simply disappeared, and in its stead settler-colonists of Neve Daniel and its outpost Sdeh Boaz arranged picnic tables. At the site, an entrance area and steps to the Maqam yard have remained, on a soil-covered floor. According to Al Khader resident as well as a villager of nearby Khirbet Bet Zakariya, villagers of the vicinity used to come there to pray and celebrate. They say the Maqam was demolished 15 years ago, about one year after the outpost of Sdeh Boaz was founded nearly 16 years ago



The site still shows the steps and floor of the Maqam yard

The site is caged between the settler-colony of Neve Daniel and its outpost Sdeh Boaz. Palestinian farmers from Al Khader who own tended fields and olive tree groves around the site are forced to walk there from their village, after even the road bypassing Neve Daniel has been declared out of bounds for them.



## 16 Maqam E-Nnabi Yaqeen • مقام النبي يقين

Coordinates: 31.499043, 35.157018 | Altitude: 937 meters | Location: Inside Area C



The Maqam, inside Area C, is situated on a hill about half a kilometer south of the Palestinian village Bani Na'im. It can be seen from the road leading to settler-colony Pnei Hever. According to the B'Tselem map, it is located under the jurisdiction of the South Hebron Hills regional council.

An Israeli army post is situated on the hill. Minutes after we arrived, two soldiers approached and asked us what we were doing there. They said the post was erected after incendiary bombs were hurled at passengers on the road. They also said that a day earlier, a group of Israeli archeologists and guests visited the place. We suspect plans are being made to develop the site and turn it into a Jewish tourist site.

The site, located in the Nabi Yaqeen nature reserve, is named The Three Angels Lookout.

It was built upon a high hill overlooking the landscape of the entire Judean Desert mesa. According to Muslim tradition, Abraham and his nephew Lot looked down from here at the destruction of Sodom and Gomorrah. The inhabitants of Bani Na'im and other Palestinian villages in the Judean Desert sanctify this site.

The Maqam includes a square wall containing a rectangular yard with a northern gate. The western wall shows a lengthy room with a mahrab and an iron grate around an exposed surface of natural rock, with 'foot prints'. [...] Tradition has it that our forefather Abraham stood here overlooking the Dead Sea during the destruction of Sodom and Gomorrah, saying: 'God, this is true judgment and justice' (in Arabic – Ya Allah, al haq al yaqeen) – which is the source of the site's name. This tradition was already known in the days of Muqaddasi (985 CE).

East of the yard is a burial cave where most of the sacrifices and other religious rituals are held. The place shows hand prints (hamsa), vow cloths, oil lamps and various offerings.<sup>11</sup>

<sup>11</sup> Ben Yosef, Grave of Holy Men in Samaria (see note 6), pp. 116–117.

photo: Irit Segoli



Maqam E-Nnabi Yaqeen, 21.6.2017

photo :Nurith Popper



Israeli army post on the E-Nnabi Yaqeen hill, 21.6.2017

## **Maqam sites inside nature reserves (beside those enclosed in nature reserves inside Israeli settler-colonies)**

The Israeli Nature Reserves Declaration was signed on March 1, 1983, following the resolution of a ministerial committee for settlements, as “a program for overtaking territories”. Namely, it is perceived as transferring territory to Israeli state rule. [...] The reserves are destined to be developed as tourist sites, eventually forming a lucrative basis for settler-colonies to be founded in their vicinity.

Traditional Palestinian farming culture was based on using terraces for planting on hill slopes. At Maqam sites situated on hilltops, the farmers used to rest and even store their farm tools and crops, safe from theft due to the sanctity of the sites.<sup>12</sup>

According to religious tradition, the Maqam projects its sanctity upon the woods that surround it – oak, carob, Atlantic Terebinth and almond trees – and this sanctity has kept the trees, some of them centuries-old, entirely safe. Over the years, without the Palestinians being aware of this, vast farm lands were transformed into nature reserves and laws have been implemented there which contradict farming and cultural traditions as well as owners’ rights, such as planting a young tree instead of one that has taken ill or died. Israel’s Civil Administration forbids the Palestinians to restore, maintenance and expand Maqam sites inside nature reserves, but the Jewish settler-colonists are free to smear them with racist slurs, and the Civil Administration does not bother removing such graffiti.

This move of erasing an ancient cultural tradition alongside dispossession under the guise of universal preservation of nature, and turning a blind eye to settler-colonist activity typify the role that Israel Nature and Parks Authority plays in the West Bank.

Following are 12 Maqam sites situated inside nature reserves.

<sup>12</sup> Meron Benbenisti, *Judea and Samaria Lexicon: Settlements, Administration and Society*, Jerusalem: Kana, 1983, p. 122.

## 17 Maqam E-Nabi Noun • مقام النبي نون

Coordinates: 32.145783, 35.355597 | Altitude: 652 meters | Location: Inside Area C



Maqam E-Nnabi Noun (in the maps: Nabi Yanoun) is situated inside a nature reserve in the Judea and Samaria area, declared as such on August 4, 1993. To date this nature reserve has not been recognized officially, since the Oslo Accords require the agreement of the Palestinian Authority to declare a nature reserve within Area C. It covers 26 dunams, is close to the Palestinian village of Yanoun to the east, and the settler-colonist outpost Giv'at Arnon of settler-colony Itamar to the south.

The building contains two rooms, and is surrounded by a yard on the hilltop with woods of ancient common oak, common carob, and Atlantic Terebinth trees. A deep hole in the ground in the interior room of the Maqam gives off warm air. The entire structure is neglected and needs restoration. South of the Maqam, nearby, stand the remains of a mosque, and on the hill slope – a Muslim cemetery. According to Yanoun village tradition, the name of the village as well as the Maqam next to it is ascribed to the Prophet Jonas, called Joud A-Noun in the Qur'an.

A Palestinian shepherd from Yanoun village whom we met near Maqam E-Nnabi Noun told us that settler-colonists from the outpost of Giv'at Arnon come from their outpost to the Maqam area on a daily basis, threatening and frightening him.



Maqam E-Nnabi Noun, 1.3.2017

## 18 Maqam E-Nnabi Gheit • مقام النبي غيث

Coordinates: 31.969979, 35.105755 | Altitude: 560 meters | Location: Inside Area B



The Maqam is situated inside the nature reserve of Nabi Gheit (in Arabic: prophet of dew) in the Judea and Samaria area, approved as a nature reserve on December 10, 1987. Its area is about 120 dunams.

The Maqam structure is square, with a dome on top, with no memorial mention, standing in the midst of ancient pine trees. According to local tradition, Nabi (the prophet) Gheit is responsible for opening the sky to rain, and in dry years the area's inhabitants used to come to the site to pray for rainfall.<sup>13</sup> Next to the structure is an ancient rock stage. The Maqam was restored about 15 years ago. A ruined waterhole and cave are situated on the eastern side of the hill.



Maqam E-Nnabi Gheit in the Nabi Gheit nature reserve, 2017

<sup>13</sup> Emanuel Hare'uvani, *Arise and Walk the Land*, Tel Aviv: Israel Ministry of Defense, 1986, p. 246.

## 19 Maqam Sheikh Abu Laimoun • مقام الشيخ أبو ليمون

Coordinates: 31.925204, 35.056493 | Altitude: 295 meters | Location: Inside Area C



Remains of the Maqam are situated inside the Bil'in Oaks nature reserve, declared as part of the Judea and Samaria area on January 20, 1993. To date it has not been made official for political reasons. It covers 35 dunams, and is situated about one- kilometer west of the Palestinian village Bil'in, and about 350 meters east of the Israeli settler-colony town of Modi'in Ilit, containing 160 oak trees. Since June 2011 it lies beyond the Separation Fence on the Bil'in side, and can only be approached from Bil'in, inside Area B.



## 20 Maqam Sheikh Ahmad A-Tabban

Coordinates: 32.229328, 35.101304 | Altitude: 382 meters | Location: Inside Area B



This Maqam is situated inside the Kur nature reserve, approved as part of the Judea and Samaria area on August 10, 1983, upon a hill several hundred meters south of the Palestinian village of Kur. On the hill a Jordanian guard post was dug and used until the 1967 Israeli occupation. The reserve covers 28 dunams and is planted with olive trees.

The Maqam structure is extremely neglected, with its center showing a hole in the ground, and parts of its dome are dilapidated.



photo: Irit Segoli

Maqam Sheikh Ahmad A-Tabban, 2017

## 21 Maqam E-Nnabi Rabah • مقام النبي رباح

Coordinates: 32.202599, 35.125474 | Altitude 396 meters | Location: Inside Area C



The Maqam is situated inside the Nabi Rabah nature reserve, near the Palestinian village of Hajja. The cracked and neglected grave site is surrounded with remains of oil presses, a waterhole, a large carob tree and Palestinian farmers' olive groves. The nature reserve covers 45 dunams. It was declared officially on July 1, 1986. The loss which Palestinians suffer by this declaration has been twofold: they are denied the right to preserve the Maqam, restore it and hold their traditional events there; furthermore, the area is restricted – namely they are not allowed to plant new trees there. It is not clear whether these restrictions are already enforced.



photo: Irit Segoli

Maqam Nabi Rabah, 2017

## 22 Maqam Sheikh Abu Zarayid • مقام الشيخ أبو زريد

Coordinates: 32.103816, 35.231320 | Altitude: 649 meters | Location: Inside Area B



On a hill top between the Palestinian villages of Yasouf and Iskaka lies Maqam Sheikh Abu Zarayid, inside the Alonei Tapuach nature reserve, part of the Judea and Samaria occupied area. It covers 29 dunams. The Maqam is well kept and preserved by inhabitants of both villages – they hold pilgrimages there, maintain their traditional events and use it for family and community recreation. The site's appropriation by the settler-colony of Tapuach by naming the nature reserve Alonei Tapuach (Tapuach Oaks in Hebrew), and its location between the settler-colony of Tapuach and Ariel University give rise to fears that the staff officer of Israel Nature and Parks Authority means to organize a nature reserve strictly for the inhabitants of the two settler-colonies with the by-now well practiced trick of disguising a Palestinian heritage site as part of a nature reserve. Thus, it will be subject to regulation valid for nature reserves and confiscated from its legal owners.

Around the site, the settler-colonist outposts of Tapuach West, north of the Maqam, and Nofei Nehemya south of the Maqam have been founded. They are both expanding towards Palestinians' land. The outpost settler-colonists invade these villagers' lands, damage homes and vehicles and smear racist graffiti. On the 'Amud Anan' Israeli website, the Palestinian villages of Iskaka and Yasouf have been erased.



photo :Nurith Popper

Maqam Sheikh Abu Zrayid, 2017

## 23 Maqam Sheikh Zayid • مقام الشيخ زيد

Coordinates: 32.068533, 35.223214 | Altitude: 791 meters | Location: Inside Area B



This Maqam lies at the top of Mount Truja, inside the Sheikh Zayid nature reserve, approved as part of the Judea and Samaria area. It covers ams. There are ancient oak trees next to the Maqam.



The Maqam on Mount Truja, 2017

Sefi Ben Yosef writes about Maqam Sheikh Zayid:

The grave is highly respected by the villagers of Luban A-Sharqiah, Sawiya, and Amoriya, and is ascribed spiritual qualities. [...] Ritual activity abounds at the grave of Zayid Truaji. The grave site is filled with vow cloths and oil lamps. This grave too is situated on a high hilltop (like Sheikh Qatarwani), overlooking the hills of Samaria, and here too grow large, ancient wild trees, the likes of which are seldom seen in this country. [...] The villagers prefer to ride up rather than walk to the site, for the more elaborately their horse, donkey or mule is decorated, the better they appease the holy man's spirit. The grave site itself is well-kept. It bears green holy curtains, embroidered inscriptions, and traditional musical instruments of the Sufi Darwishes are placed in its corners: large hide drums, wooden flutes, and a one-string rababa [...].

The grave serves as an activity center for a Sufi cult whose members live in the Nablus hill villages and are considered the wisest and most respected inhabitants of the area. The site's reputation is especially noted and once a year, close to Eid Al Adha (the holiday of sacrifice) a glorious pilgrimage is held there.<sup>14</sup>

<sup>14</sup> Ben Yosef, *Graves of Holy Men in Samaria* (see note 6), pp. 108-109



## 24 Maqam Majdoub • مقام مجدوب

Coordinates: 32.041490, 35.069626 | Altitude: 791 meters | Location: Inside Area B



The Maqam is situated in an un-administered part of the Upper Shilo nature reserve, in between two large settler-colonies: Peduel and Beit Arye. The reserve is approved as part of the Judea and Samaria area. It lies over 12,713 dunams. The Maqam itself is restored and active. A villager of nearby Deir Ghassana told us that in the past the villagers came from Deir Ghassana, Jaljuliya, Kafr Qassem and Sanariya, and are the ones to have initiated the restoration of the Maqam, taking part in it themselves as well.



Maqam Majdoub (appearing on the Israel Trails map as Rijel Su'afa), 5.9.2018



Maqam Majdoub – grave headstones are seen in the larger space of the Maqam, 22.8.2018

Archeologist Gideon Sulimani estimates that it was constructed about 800 years ago, at the same time as Maqam Sheikh Abdallah (in Beit El). The two structures are similar in shape.

The Upper Shilo nature reserve is replete with archeological sites, among them a monumental one of the Roman Period – Deir Qal’a. Guided tours of settler-colonist schoolchildren arrive there through the settler-colony of Peduel. The site is situated on land belonging to a Palestinian family of Deir Balout village, but the owners are not allowed to reach it through the settler-colony and are therefore denied motorized access to their own lands.



## 25 Maqam 'Alam al Huda • مقام علم الهدى

Coordinates: 32.153908, 35.197451 | Altitude: 628 meters | Location: Inside Area B



Next to the Maqam grow huge ancient oak trees preserved thanks to the sanctity of the site. The structure is situated inside a suggested nature reserve.



photo: Irit Segali

Maqam Gh'Alam Al Huda, 21.2.2018

Legend has it that Sheikh Nabi Huda herded his sheep one day along with his servant and nearly died of thirst. The servant (in Arabic: 'Alam) ran to bring his master water. For this good deed, the Maqam was erected in his honor. After his death, the servant was buried next to the place of his honorable action.

## 26 Maqam Sheikh E-Nnabi Laimoun • مقام الشيخ النبي ليمون

Coordinates: 31.825185, 35.170959 | Altitude: 794 meters | Location: Inside Area C



The Israel Nature and Parks Authority has renamed the site the Alonei Shmuel nature reserve. It has not yet been approved. It covers 15 dunams.



Ancient oak trees at the site that used to be Maqam Sheikh E-Nnabi Laimoun, 7.6.2017

The Nabi Laimoun site contains no trace of the Maqam, but the ancient oak trees there are sanctified by Muslims. Around them, inhabitants of the Palestinian village of Beit Iksa built low-lying terraces with a seating area in the style used for restoration of the historical site of Kafr Haks at Beit Iksa itself. Maqam E-Nnabi Laimoun and Maqam E-Nnabi Samaul are very close to each other, each on a hilltop, with a valley in between. Olive groves planted on the slopes of both hills contain terraces built by the inhabitants of both villages. At present, the space is divided, and villagers of Beit Iksa and Nabi Samaul are prevented from moving between them in spite of their geographical proximity, because of the network of long roads and tunnels built in the area, as well as the many checkpoints.

## 27 Maqam Sheikh Abu Yazeed • مقام الشيخ ابو يزید

Coordinates: 32.304777, 35.219355 | Altitude: 716 meters | Location: Inside Area C



Maqam Sheikh Abu Yazeed is situated inside the Homesh nature reserve. The nature reserve is named after the settler-colony of Homesh, which was dismantled but continues to exist as an outpost with military protection. Four walls have survived at the Maqam – the structure is roofless. Around it is a compound the remains of which show that it was fenced in the past. It was built in honor of Sufi Sheikh Abu Yazeed, known in local tradition as the just man who helped inhabitants of nearby Jab'a village destroy the female demon that had killed the male villagers.

Mount Abu Yazeed is surrounded by the Palestinian villages of Burqa, Seelet A-Dhaher, Al-Funduqumiye, Jab'a, Beit Imreen and others.

## 28 Maqam Sheikh Qatarwani • مقام الشيخ القطرواني

Coordinates: 31.995399, 35.197433 | Altitude: 825 meters | Location: Inside Area B



Maqam Sheikh Qatarwani is a double-domed structure, adjacent to the Palestinian village of 'Atarah. Although the site is designated as a nature reserve called Alonei Atarah, the villagers have managed to save it from Israeli takeover, restore it, and surround it with a fence, as well as turn it into a community site for weddings and recreation of entire families.



Maqam Sheikh Qatarwani, 22.3.2017

Unlike the Maqam, the spring nearby has been confiscated, and the settler-colony Ateret has overtaken it, and restored it accordingly. The name of the spring was originally 'En A-Zaghira, but the settler-colonists renamed it Ateret Spring. The sign on the road leads to Ateret Spring, named after the settler-colony.



Road sign Ateret Spring on road 465, 22.3.2017

## Maqam sites and mosques honoring Jewish Biblical personages

Islamic tradition places personages of the Bible and their sanctity no lower than the ones close to the Prophet Mohammad. They are mentioned in the Qur'an and commemorated in Maqam sites and mosques throughout the Middle East. Each of the structures erected in their memory contains the mahrab – a Muslim prayer niche. Thus, for example, at the tombs of Rachel, Joseph, Samuel (Samauil), and Hebron's Cave of the Fathers (the Ibrahimi Mosque).

When Christianity rose to power in the Roman Empire in 324 CE, a change took place in the status of the Land of Israel as perceived by the world's nations and their regimes. From a far-off province named Syria-Palestine, it became a "holy land" in the eyes of the ruling religion, pilgrims began arriving in masses and searching for "holy sites". Christians, seeing themselves as the lawful heirs of the People of Israel's past (Scriptures included), began to consider not only the sites mentioned in the Evangelions, but also the entire historical topography of the Bible.<sup>15</sup>

Ever since – in the Byzantine, Early Arabic, Crusader, Mamluk, Ottoman, the British Mandate and Israeli periods – control of the holy sites has changed hands. When Israel seized control of the West Bank, the Ministry of Religious Affairs recognized only sites held sacred because of Biblical personages related to them. Gradually, Muslims are excluded from the sites which they had cherished for generations.

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<sup>15</sup> Michael Avi-Yona, *Medba Map*, Jerusalem: Israel Exploration Society, 1953, p. 1.



## 29 Rachel's Tomb – Qubbet Raheel • قبة راحيل

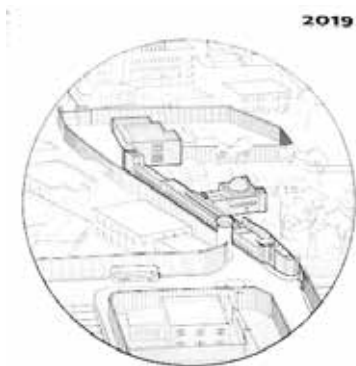
Coordinates: 31.719692, 35.202010 | Altitude: 759 meters | Location: Inside Area A



Qubbet Raheel is situated in the northern approach to Bethlehem, south of Jerusalem. Early traditions, over 1,700 years old, identify the place as the burial site of Rachel, wife of Jewish Forefather Jacob, and it is thus sanctified by all three monotheistic religions. At present it is a prayer site strictly for holders of Israeli IDs or tourists – whereas Palestinians have been totally estranged. It is caged by a "sleeve" of walls, and entry is through the city of Jerusalem.



The sleeve of walls through which Rachel's Tomb is entered, 11.11.2018



The enclave that now contains Rachel's Tomb (illustration: Stav Dror, Ozeri Shefter)<sup>16</sup>

The Israeli Separation Fence erected incrementally since 2002 has extended to the Palestinian city of Bethlehem in order to surround the burial site and disconnect it from rest of the West Bank, for the sake of exclusive, safe passage for Jewish observants. The burial site and the way leading to it have been surrounded by an 9-meter high concrete wall that includes watchtowers, creating an Israeli enclave in the heart of Palestinian territory.

<sup>16</sup> From the exhibition "In Status Quo": Structures of Negotiation, Tel Aviv Museum of Art. The exhibition exposes the hidden apparatuses that enable the day-to-day function of disputed holy sites in the territories of Israel and the West Bank. Published in Haaretz, 8.5.2019, p. 7.



Rachel's Tomb after its restoration and the added room at the initiative of Montefiore in 1841<sup>18</sup>

In 1841, at the behest of the Turkish rule, Moshe Montefiore – a Jewish-English philanthropist – restored the tomb and added a lobby. This is where a mahrab was installed. "Eventually, Muslims sometimes purified their deceased there".<sup>17</sup>

The mahrab was installed in the southern wall to the right of the window, and hidden after 1967.<sup>19</sup> "Rachel's Tomb has been sanctified by Muslims, too, and is therefore surrounded by a Muslim graveyard. The tomb itself is called Qubbet Raheel in Arabic – Rachel's Dome. The Arabs say that Jewish Foremother Rachel was called Raheel in Arabic, derived from the word rihla – wandering, for she was always wandering, and thus found her death."<sup>20</sup>

<sup>17</sup> Photo from Nadav Shragai, *On the Crossroads: the Story of Rachel's Tomb*, Jerusalem: Gates to Jerusalem Exploration, 2005, p. 58.

<sup>18</sup> *Ibid*, p. 59

<sup>19</sup> *Ibid*, p. 340, note 36.

<sup>20</sup> Vilnai, *Sacred Monuments* (see note 3), p. 158.

## 30 Maqam Nabi Yousef / Joseph's Tomb • مقام النبي يوسف

Coordinates: 32.213064, 35.284790 | Altitude: 506 meters | Location: Inside Area A



Mass pilgrimage to Joseph's Tomb (Channel 7 website)

Joseph's Tomb is located inside the Palestinian city of Nablus, near Balata refugee camp. According to the Oslo Accords of 1995, the burial compound and road leading to it are an enclave under Israeli military control within Area A, which is supposedly subject to full Palestinian control. The southern wall of the Maqam contains the mahrab. The Qur'an dedicates an entire chapter to Joseph, Jacob's favorite son. Mohammad identified with Joseph and found similarities in his own biography and that of Joseph – both were ridiculed in their youth. Only as adults did they rise to grandeur and won the admiration of their own people. In order for Jews to access Joseph's Tomb, the State of Israel ruled that it would fully control even the road leading to the site. Thus, Muslims are excluded from their own sacred site. Jewish mass pilgrimages are a focus of friction and restrict Palestinian freedom of movement. The Joseph's Tomb Administration organizes such visits and publicizes the dates of pilgrimages to holy men's graves at 'Awarta and Kifl Harith (both Palestinian villages) as well. Israeli government ministers and members of Knesset (Israel's parliament) take part in pilgrimages to Joseph's Tomb.

## 31 E-Nnabi Samauil / Tomb of the Prophet Samuel • النبي صموئيل

Coordinates: 31.832622, 35.181061 | Altitude: 867 meters | Location: Inside Area C



The mosque and tomb ascribed to the Prophet Samuel are located in a Palestinian village called Nabi Samauil. Since the British Mandate times, the name Nabi Samuel has taken root. In 1971 the Israeli army demolished the village, and its inhabitants were evicted to a hill east of the mosque. At present this village is small, neglected and isolated, and inhabited by about 250 Palestinians.

Eran Torbiner's film *Nabi Samuel 1099-2099* tells the story of the village that is now subject to occupation, behind a fence, disconnected from both Jerusalem and the West Bank. Its inhabitants live under massive restrictions and threats on the part of the Israeli regime, but its history is long and colorful – occupiers came and went, Nabi Samuel has always remained.



The demolished village Nabi Samauil at the foot of Nabi Samauil mosque, tomb of the Prophet Samuel 24.5.2018

The village is surrounded by a network of roads, fences, and large settler-colonies, among them Giv'at Ze'ev and Giv'on, isolating it from other Palestinian villages – among them Beit Ikksa and Bidu.



Nabi Samauil as seen from Nabi Laimoun which has been renamed Alonei Shmuel nature reserve, 7.6.2017

There is no way to access Nabi Samauil from Nabi Laimoun.<sup>21</sup>

The mosque does separate Palestinians from Jews at prayer times, but in actual fact, all the fences, checkpoints, roads and settler-colonies closing in on it from all sides enable very few Palestinians to reach it. Jews, on the other hand, swarm to the site by organized transports and buses from all over the country. There are mass visits at the site arranged by the Civil Administration and the Israel Nature and Parks Authority.



Invitation to the Prophet Samuel's Celebration at Nabi Samauil, 24.5.2018

<sup>21</sup> See Maqam Sheikh E-Nabi Laimoun, no. 26 in this survey.



In 1995 the site was declared a national park, spread over 3,500 dunams. This includes the archeological site, the villagers' homes and their farmlands extending over thousands of dunams.

Legally, the Civil Administration is responsible for the site, and the archeological digs there are held in the name of the Civil Administration's archeology staff officer. Responsibility for the national park of Nabi Samuel is that of the Israel Nature and Parks Authority. The Oslo Accords have defined the place as belonging to Area C.

The Nabi Samuel national park is one of the largest in the West Bank, and the archeological site and religious center situated there have become instrumental in the State's fight against the Palestinian villagers. Most of the village's lands have been declared a national park, their original village has been demolished and transformed into an archeological site, and the future of the present village is in danger. The case of Nabi Samuel is unique, as it is the first West Bank village whose inhabitants were expelled by the Israeli authorities and its houses were destroyed in order to turn it into an archeological site. This is also the most prominent case of including such vast areas of village farmlands in a national park in keeping with the National Parks Law, without any reasonable professional explanation.

Story of the captive garden (Emek Shaveh website)

## 31 Al Haram Al Ibraheemi / Cave of the Fathers • الحرم الإبراهيمي

Coordinates: 31.524659, 35.110740 | Altitude: 886 meters | Location: Inside Area C



According to the Scriptures, the Cave of the Fathers / Al Haram Al Ibraheemi contains the tombs of Forefathers Abraham, Isaac and Jacob, as well as those of Leah and Joseph. (The Mamluks built a hall in the compound which they named Yusefiyah - "Joseph's Hall", for they ascribed great importance to Joseph's sanctity and wished to compare it to the other Forefathers). About 2000 years ago, King Herod the Great built a large compound around the tombs. Its walls are made of huge, chiseled stones, and its style greatly resembles the supporting wall that surrounds the Temple Mount and the Jerusalem Temple (of which the Wailing Wall is a part). Inside the Herodian compound, a Byzantine church was constructed, and the Muslim regime built a two-minaret mosque at the site.

On February 25, 1994, on Purim Day, Baruch Goldstein murdered 29 Muslims who prayed there. After the murder, the compound was divided between Jews and Muslims. The central space, Isaac and Rebecca Hall, is open to Muslim observants exclusively on most days of the year.

In 2017 UNESCO recognized Al Haram Al Ibraheemi as a Palestinian world heritage site. As in Nabi Samuel, the Ministry of Religious Affairs declared equality in prayer arrangements for Palestinians and Jews. However, in actual fact the network of checkpoints and restrictions imposed by the Israeli army in the area limits the Muslims' approach for prayer in their sacred mosque.



Map of Hebron city center and Restrictions imposed on Palestinians



The main entrance to the Cave of the Fathers – for Jews only, 3.7.2018



Being photographed in front of the entrance to the Cave of the Fathers, 3.7.2018



Side entrance for Palestinians, 3.7.2018

### 33 Maqam E-Nnabi Moussa • مقام النبي موسى

Coordinates: 31.786374, 35.431666 | Altitude: 104 meters | Location: Inside Area C



Maqam E-Nnabi Moussa is located in the Judean Desert, on the way from Jerusalem to Jericho, and is one of the largest and most sacred for Muslims. It used to be the destination of mass pilgrimages and spring celebrations that left the Temple Mount in Jerusalem, until 1936.

The structure of this grave was first founded by the Mamluk ruler Bibares. [...] In 1270 he built a tomb at the site, with a mosque nearby. [...] The Maqam got its present structure only in the 19th century, as the khan (inn) was restored and enlarged to accommodate the thousands of celebrants and pilgrims.<sup>22 23</sup>



The grave of Nabi Moussa and all the buildings around it belong to the Muslim Waqf, and under the charge of the Al Hussein family, one of the most well-known Muslim families in the country.

In 1937, about a year after the outbreak of the Arab Revolt, British rule prohibited the traditional pilgrimage to the site for fear that the holiday would incite more rioting. This prohibition lasted even after the area eventually came under Jordanian rule. The Jordanians restricted the Mawasseem celebrations. In 1987 the Muslim Waqf in Jerusalem reinstated them. About 50,000 pilgrims participated. As the First Intifada broke out at the end of that year, the celebrations were canceled yet again. A renewed attempt to celebrate the holiday in 1997 was limited, and travel restrictions of West Bank inhabitants set a reduced number of celebrants.

<sup>22</sup> "Nabi Moussa (Moses' Tomb)", from Schiller (ed.), Religion and Ritual (see note 2), p. 82.

<sup>23</sup> "Nabi Moussa (Moses' Tomb) Celebrations", from Schiller (ed.), Religion and Ritual (see note 2), p. 139.



Recently, the site has undergone restoration, financially enabled by the Palestinian Authority, the European Union and the UN.



Courtyard at Nabi Moussa, 25.2.2020



## **Maqam sites inside Palestinian Villages, blocked by the Israeli army to accommodate Jewish Needs**

Pilgrimages of Jews to Maqam sites named after Biblical personages are organized in the form of military incursions, as closures are imposed on the Palestinian villages. Information and transport are organized and updated on the Joseph's Tomb Administration website. This administration organizes pilgrimages to Joseph's Tomb, and to Maqam sites in the Palestinian villages of Kifl Harith, 'Awarta, Halhoul and Tuqu'a.

### **Maqam sites in the Palestinian Village of Kifl Harith**

Kifl Harith contains three ancient gravesites which Jewish tradition associates with Yehoshua Bin Nun (Joshua Son of Nun): the first is the tomb of Joshua who, as the Bible tells it, conquered Canaan after forty years of wandering in the desert; the second is that of his father Nun; the third is of spy Caleb Son of Yefuneh, adjacent to which lies a Muslim cemetery. This fact shows that the tomb was sanctified by Muslims.

Muslim tradition associates two of the three graves to Joshua: the grave of Yusha and that of Dhau Al Kifl, after whom the village is named. The third grave, Nun's Tomb, is that of the Prophet Jonah, who is mentioned twice in the Qur'an and whose Arabic name is Dunnoun.

On April 30, 2019, for documentation's sake, we joined the pilgrims traveling to the three graves in Kifl Harith to mark the burial date of Joshua. The village was closed from 9 p.m. until 7 a.m. the next morning (May 1, 2019). Thousands of Jewish pilgrims entered the village during the night and walked the track connecting the three gravesites.

The walls of the tombs show signs naming the Maqam. Nowhere was it mentioned that this night journey takes place inside a Palestinian village whose inhabitants were instructed by the military rulers to stay indoors. Lockdown, pure and simple.

Unlike the villagers, the Jews had a celebratory, loud time, moving throughout the village. Water troughs, tables laden with refreshments, toilets and full lighting were arranged for them all along the way, about three kilometers amidst the village homes whose inhabitants were keeping an imposed silence.

## 34 Maqam Yusha / Joshua's Tomb • مقام يوشا

Coordinates: 32.118865, 35.156922 | Altitude: 512 meters | Location: Inside Area B



Wall of the grave building, 30.4.2019



Crowds of Jewish observants near Joshua's Tomb, 30.4.2029

Close to Joshua's Tomb, in a commercial area near the market, the village council house is being built. The Maqam structure is not prominent among the other buildings around. Its entry is narrow. Women crowded in the street near the gravesite in an open area defined as the "ladies' section".

## 35 Maqam Dunnoun / Nun's Tomb • مقام ذو النون

Coordinates: 32.117837, 35.156790 | Altitude: 506 meters | Location: Inside Area B



This Maqam is located between two large houses.



The area designated for women's praying at Nun's Tomb, 30.4.2019

## 36 Maqam Dul Kifl / Caleb's Tomb • ذو الكفل

Coordinates: 32.110897, 35.162588 | Altitude: 513 meters | Location: Inside Area B



The open area near Caleb's Tomb, 4.5.2016



Cemetery adjacent to Caleb's Tomb, 30.4.2019



Inside the Maqam, near the gravesite, 4.5.2016

The gravesite compound is close to the entrance to Kifl Harith village. The structure is prominent. The tomb itself is spacious, its walls domed and whitewashed. A small structure is built next to it. The Maqam is surrounded by ancient trees. Next to the Maqam yard is a Muslim cemetery, fenced in order to prevent pilgrims from entering it during their celebrations. Still, on April 30, 2019, the gate of the cemetery was wide open and Jews used it to enter the Maqam yard.

## Maqam sites in the Palestinian Village of 'Awarta

Historically, 'Awarta's famous Maqam sites are closely connected to the Samaritans living on Mount Grizim (in Nablus) – they are the ones who have looked after them over the years. Both Maqam sites honor the sons of Aharon the Priest – Elazar and Itamar – and a third Maqam, containing the Cave of the Seventy Elders, honors Pinhas the Priest. The compound of Maqam Elazar (in Arabic: Abu Al 'Uzeir) is the larger and fancier one. It was renovated in 1985 thanks to a wealthy Samaritan from Mount Grizim.

Rabbi Eliezer Halevi, secretary to Minister Montefiore, toured 'Awarta village and its holy gravesites in 1838, and described the handsome site:

I could hardly part from it. The Samaritans are responsible for the graves, and do not spare expenses on account of their vow. [...] But the Arabs too paid all the respect due these gravesites. And at times, even the wives of Muslims light them with their oil, for assuring themselves of offspring.<sup>24</sup>

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<sup>24</sup> Vilnai, Sacred Monuments (see note 3), p. 267.



## 37 Maqam Al Sab'in / Maqam of the Seventy / Pinhas' Tomb and the Cave of the Seventy Elders • مقام السبعين

Coordinates: 32.163414, 35.294065 | Altitude: 589 meters | Location: Inside Area B



Pinhas' Tomb, 3.4.2019

This Maqam is adjacent to the local cemetery. During the Jewish celebrations, pastries were being served next to the tomb, and the Israeli army prevented the pilgrims from entering the cemetery. The compound was flooded with projector lights and observants crowded there and held loud celebrations.

## 37 Maqam Sheikh Al Mufa'del / Tomb of Itamar, Son of Aharon the Priest • مقام الشيخ المفضل

Coordinates: 32.162783, 35.281814 | Altitude: 571 meters | Location: Inside Area B



Tomb of Itamar, Son of Aharon the Priest, 3.4.2019

In the village center, next to a taxi station, lies Itamar's Tomb. The nearby Jewish settler-colony of Itamar is named after him. The village is totally darkened, and the graveside with the sign next to it completely ignore the fact that the villagers are hiding in their homes.



Tomb of Elazar the Priest, 3.4.2019

The large compound of Elazar's Tomb lies on a hill west of the village. The sanctified oak tree next to the grave appears in all the old photographs. Jewish celebrants pull off its branches. From various talks we learned that the person tearing the branch off would have as many offspring as the number of leaves on that branch. Muslim tradition stipulates that damage to the holy tree next to the Maqam is forbidden and is considered vandalism of the tomb itself.

## **A Maqam in Beit Umar**

## 40 Maqam E-Nnabi Mata • مقام النبي ماتا

Coordinates: 31.620756, 35.10163 | Altitude: 962 meters | Location: Inside Area B



This Maqam is situated in the heart of the Palestinian town of Beit Umar, not far from its central mosque. It was built in honor of Mata, father of the Prophet Jonah, during the Mamluk period (1291-1516) above the foundation of an earlier Byzantine building, and its square-shaped tower characterizes the Mamluk style of construction around Hebron and Jerusalem.



Maqam E-Nnabi Mata, 5.7.2017

A low minaret rises above the Maqam. The compound has three levels, is well-kept and impressive in its size and appearance. The site is active with regular Islam classes and community activity. On the night of June 29, 2017, ten Israeli army vehicles entered the village, with soldiers and Jewish religious officials. They knocked on the iron gate of the Maqam. The maintenance person was alerted to open it up for them. According to Palestinians reporting on July 5, 2017, the soldiers and religious officials spent over three hours at the site, measuring every headstone and criticized its maintenance.

This surprise nocturnal visit heavily escorted by the Israeli army has raised much concern among Palestinians, fearing that this is the opening signal for Jewish takeover of this Maqam in the future.



## Survey Summary

Ever since the Israeli occupation of the West Bank in 1967, the Civil Administration has recognized two types of prayer sites:

- 1** Prayer sites named after Biblical personages, recognized by the staff officer for religious affairs: these have been renovated and are at present destinations of Jewish massive pilgrimages;
- 2** Prayer sites, Maqam, sanctified by Muslims alone, that have not been recognized, but neglected, destroyed, or vandalized by Jewish settler-colonists. They are caged in settler-colonies, inside military firing zones and nature reserves, and their neglect endangers their actual survival. Palestinians are forbidden access to them and may not renovate them nor maintain their own traditions.

Such discrimination does not abide by either Israeli or international law, that commit the occupier to maintain freedom of worship and ritual sites of the occupied population.

# **Legal background – Maqam sites inside Area C of the West Bank**

By Attorney Netta Amar-Shiff

## **Who is responsible for the Maqam sites in the West Bank?**

The State of Israel, the occupier of Area C and in effective control of it, is responsible for the safety of Maqam sites in this area, as they are civilian structures. Responsibility lies both with the state authorities – including Staff Officer for Archeology and Staff Officer for the Nature and Parks Authority – and with non-governmental bodies such as local or regional councils of settler-colonies and even unorganized groups of settler-colonists (see the detailed below).

The source of Israel's responsibility and authority regarding cultural, historical and religious property is contractual international law, stipulated by the international treaties to which the State of Israel has been signatory, and has ratified them regarding everything it does in the area of the West Bank, under its effective military control. Israel is also subject to customary international law, to which all states in the world are subject even if they are not signatory to international treaties and conventions, and even if they have not adapted its demands to their own local law. The obligations of the State of Israel in the West Bank rely on customary international law regarding everything related to the protection of civilians and their privately-owned property by the occupying power, especially by the Fourth Geneva Convention for the Protection of Civilian Persons in Time of War, 1949, and the first protocol appended to it in 1977. Regarding any cultural property, customary international law is reflected in the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the protocol appended to it – which Israel signed and ratified in 1954.

Article no. 1 of the convention stipulates that a cultural property is real estate that holds extensive significance for the cultural heritage of any people – such as architectural, artistic or historic memorials, be they religious or secular. Cultural property also includes buildings whose main purpose is the preservation of cultural property. Hence, all Maqam sites are cultural property deserving of protection according to customary international law. Furthermore, the source of authority regarding the right to culture of the Palestinian inhabitants is the International Covenant on Economic, Social and Cultural Rights of 1966, to which Israel is signatory as well, and having ratified it in 1991. This convention is valid in the entire West Bank as an area subject to the effective authority of the State of Israel. According to the Convention Concerning the Protection of the World Cultural and Natural Heritage, to which Israel was signatory in 1972 and ratified in 1999, some

cultural property is entitled to enhanced protection by definition.

### **What kind of damage has been inflicted on Maqam sites?**

The damage to Maqam structures is of the civilian type – related to public order and law enforcement in the occupied area – or damage under the circumstances of military warfare. The latter is subject to the usual rules to be enforced by the sides of armed conflict:

1. The principle of distinguishing civilians from combatants;
2. Proportionality between the military target and the extent of damage to civilians;
3. The obligation to take cautionary measures in order to minimize damage to civilians;
4. Necessary and immediate military need for action;

These rules are not relevant to the kind of damage done to Maqam sites, since it is usually damage caused under civilian circumstances of maintaining so-called public order in an occupied area and enforcement of local law, as established by the military commander in 1967. May we emphasize that even under the circumstances of Maqam sites inside closed military zones, when carrying out routine military maneuvers in varying ways and degrees, there is no apparent justification not to apply the broadest protection possible of public order and law enforcement.

Any direct damage of the kind detailed below, separately or combined, is a violation of humanitarian international law, and of the State of Israel's obligations as an occupying power in the West Bank, including Area C:

1. Denial of access of Palestinian inhabitants;
2. Settler-colonist takeover of the Maqam structures;
3. Development of the structure by settler-colonists and denial of its significance for the Palestinian inhabitants;
4. Destruction of the structure;
5. Neglect and lack of protection of the structure;

6. Exclusion of the Palestinian inhabitants and lack of support of Palestinian culture, education and religious institutions to develop the structure and its uses;

The background for damaging Maqam sites often resides in other illegal circumstances that enable organizations or individuals to damage them. For example, declaring the official jurisdiction of a settler-colony, takeover of natural resources such as springs of water, and the confiscation of private land are all violations of humanitarian international law (detailed below). At any time, the main test of illegal interventions in local matters of the occupied population is the fact that occupation is temporary by definition. Actions taken to anchor occupation

and make it permanent transgress the authority of military rule according to Regulation 42 of the Fourth Hague Convention concerning the Laws and Customs of War on Land, of October 1907. Actions meant to annex the occupied area violate the UN Charter that forbids forcible takeover of land, to which Israel is committed (Article 2(4) of the Charter).

### **What do the nature and uses of the Maqam sites mean?**

The nature of the Maqam and its uses, both past and present, define the extent of protection to which the structure is entitled according to humanitarian international law. Maqam sites may be divided into different types that served different needs, and at times combined:

1. Religious structures;
2. Cultural property (historical, artistic, educational etc.) of the Palestinian people, recognized by the State of Palestine;
3. Findings, sites or structures of archeological significance;

### **1. Protection of a Maqam serving religious ritual:**

Such Maqam sites constitute property for civilian purposes, and if they are owned by the Muslim Waqf – private ownership – they are protected against demolition as is all such property, under international customary humanitarian law, when demolition is not mandatorily and immediately required for military action (Article 53 of the 4th Geneva Convention of 1949) and from military appropriation that is not mandatorily and immediately required for mandatory and immediate defense needs (Article 52 of the Fourth Hague Convention Respecting the Laws and Customs of War on Land, of 1907).

According to Regulation 40 of the customary regulations established by the International Red Cross in 2005, each side of a conflict is required to protect cultural property:

- a. Sacred religious sites are not to be appropriated, demolished or purposefully damaged;
- b. Property highly meaningful to the cultural heritage of peoples is not to be stolen, looted, or abused or in any way vandalized. According to Article 39, such property may not be used for any purposes that will likely cause its exposure, destruction or damage, except if required by an absolute military need.

Article 69(1) of the first protocol appended to the Geneva Conventions of 1977, constituting customary international law to which Israel is committed, states: In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of

the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.

The State of Israel is to provide structures serving religious ritual according to the needs of the local population. Needless to say, it may not destroy existing structures serving religious ritual.

The obligation to respect the faiths, worship and local customs of the occupied civilian population and the prohibition of discrimination inside the occupied area, are stipulated in Article 27 of the 4th Geneva Convention:

For example, under Article 27 of the Fourth Geneva Convention: protected persons are entitled, in all circumstances, to respect for their persons, their dignity, their family rights, their religious convictions and practices, and their manners and customs.

According to the 1954 Hague Convention regarding protection of cultural property, this includes obligations of the State of Israel:

1. To avoid any use that might expose the property to damage, even if it is within the area of another state-society (Article 4);
2. Prohibit, prevent and halt any kind of stealing, looting, improper use or vandalism of cultural property (Article 4)<sup>25</sup>;
3. Prohibit any appropriation, destruction or intended damage to cultural property (Article 56);
4. Take all necessary measures required to enforce the State's criminal law in order to prosecute and punish or place administrative sanctions against anyone carrying out or ordering the violations of the convention (Article 28);

## **2. Appropriation and destruction of cultural property constitute a war crime**

The destruction of Maqam sites is a violation of Article 64 of the 4th Geneva Convention Concerning the Protection of Civilian Persons in Time of War, of 1949, that stipulates:

Art. 64. The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention.

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<sup>25</sup> To this end, in 2012 the United Nations General Assembly recognized the State of Palestine in its resolution G.A. Res. 67/19, The Status of Palestine in the United Nations, U.N. Doc. 67/19 (No. 29, 2012).



Regarding the Maqam sites, including those situated inside military firing zones, no known military action requires their total destruction. Violation of the prohibition to appropriate and destroy structures of education, charity, art and sciences, historical structures as well as art and science property constitutes a war crime, especially when such destruction and appropriation is not carried out for warfare needs but for civil needs as it were (see conclusion of this prohibition in Article 3[d] in the constitution of the International Criminal Court on War Crimes of ex-Yugoslavia, of 1994).

## **The right to culture**

This right includes the right to take part in cultural life, stipulated in Article 15 of the International Covenant on Economic, Social and Cultural Rights of 1966, to which Israel was signatory in 1991 and to which it is committed. Article 2 requires member states to take all the necessary measures in order to realize the rights detailed therein. According to international law, Israel is required to fulfill this convention in territories under its effective control as well (Article 1 of the convention, and see also the consulting opinion of the International Court of Justice of 2004 regarding the legality of the Separation Wall). According to general note 21 of the UN Commission on Economic, Social and Cultural Rights of 2009, cultural life reflects a living, historical, dynamic and developing process in the past, present and future. Culture draws its significance not only from its national basis but from universal aspects as well.

The State of Israel is obliged to support local Palestinian institutions that preserve and develop the Maqam sites, to support local institutions in occupied territories as well as protect and preserve cultural property. Article 5 of the 1954 Hague Convention stipulates the obligation of an occupying regime to support as far as possible and at its own initiative local institutions in order to attain such actions. This obligation is also anchored in Article 43 of the 4th Geneva Convention, stipulating the military commander's duty to ensure public order with all the existing proportional means at his disposal, following humanitarian international law.<sup>26</sup> In other words, the military commander cannot claim that he is restoring structures for the public good when they serve the settler-colonies, illegal in

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<sup>26</sup> Sassoli and Boutruche, 2011, p. 8 Theo and Sassoli Marco, Expert Opinion On International Humanitarian Law Requiring of the Occupying Power to Transfer Back Planning Authority to Protected Persons Regarding Area C of the West Bank, 2011 retrieved from

themselves. By the same token, the restoration of Maqam sites is not legal when carried out as the so-called preservation of nature, a part of the Israel Nature and Parks Authority's activity, when it impacts the indigenous inhabitants' right to dignity, family life, freedom of worship, custom and ritual (Article 27 of the 4th Geneva Convention of 1949).

From a different perspective, the obligation not to deprive local Palestinian institutions of their right to protect and preserve their own cultural property is anchored in the prohibition of changing legislation and existing customs on the ground prior to the occupation without legal justification (Article 43 of the Hague Regulations of 1907). In the case of Maqam sites surveyed above, there is no necessary defense justification nor reasoning of maintaining public order that would explain the denial of access, and the takeover – whether formal or informal – of Maqam sites, and the ignoring of their significance as cultural property and religious structures entitled to protection against destruction and neglect.

The right to culture includes protection against fundamentalist ideologies

The last report of the UN Special Rapporteur on Cultural Rights dated January 16, 2017 (A/HRC/34/56) specifically discusses the violation of the right to culture in the context of actions on the part of fundamentalist groups against cultural property. Consequently, one learns of every action against a Maqam that is derived of fundamentalist ideology. The rapporteur states that the right to culture includes obligations of the member states to abide by the International Covenant on Economic, Social and Cultural rights of 1966 (Article 27 of the report):

1. Halt the support, both direct and indirect, of fundamentalist ideologies;
2. Protect anyone against any action by fundamental or radical groups that aims to force them to adhere to certain identities, beliefs or customs;
3. Design plans that create the conditions for anyone to enjoy access, participation and contribution to cultural life, without discrimination;

The rapporteur also establishes that radical fundamentalist ideologies result in the violation of a wide variety of human rights provided by international conventions – among them the right to equality, life, liberty, sound body and human treatment, freedom from torture, the right to privacy, freedom of opinion, the freedom to fraternize, take part in cultural life and scientific and artistic freedoms, as well as rights to education, health, and participation in political life, freedom of thought, religion and conscience, and the right to work (Article 40 of the report).

### **3. Prohibition of archeological digs as part of the process of erasing history and culture around the Maqam sites**

Article 9(2) of the Second Protocol appended to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict prohibits archeological digs that are not carried out by the authorized national institutions of an occupied territory. Although this is not a customary prohibition, digs are to constitute action by the legal authorities of local bodies, and any change therein must be subject to the prohibition of change in legislation and local customs in force prior to military occupation, except in cases legally justified by defense needs or reasons of public order (Article 43 of the Hague Regulations of 1907) that do not involve any other illegal policy such as establishing settler-colonies in an occupied area (Article 49[6] of the 4th Geneva Convention of 1949). In addition, archeological digs by settler-colonists might result in violations of other rulings of customary international law: appropriation, destruction or intended damage to cultural property; demolition of civil structures unjustified by mandatory military activities; appropriation of private property without mandatory and immediate defense necessity, such as actions that result in the forcible transfer of protected Palestinian inhabitants.

Any change in local legislation, such as declaring an area that contains a Maqam a nature reserve or national park resulting in damage to the welfare of the occupied population and its basic human rights, such as access to cultural property and damage to it, is a violation on the part of the military commander of his obligation to preserve local legislation according to customary international law. At the end of the day, if in practical terms the state of cultural property and rights of the protected indigenous inhabitants are infringed upon, the military commander is required to change the legislation and fulfill his obligations *ad hoc*.

The State of Israel is obliged to take proper measures against settler-colonists who damage Maqam sites and Palestinian access to them.

This obligation arises from two legal sources:

1. Article 1 of all Geneva Conventions of 1949 stipulates the obligation of all states to honor the instructions of the conventions and ensure their fulfillment. Thus, every state is required to take all measures within its means to prevent violation of the conventions and punish the violators.
2. Article 43 of the Hague Regulations of 1907 and Article 91 of the First Protocol of 1977 appended to the 4th Geneva Convention, that constitute mandatory customary international law, stipulate the state's responsibility for the actions of its armed forces – such as its army and police – even when carried out by their members as

private persons. When non-governmental bodies act on the part of governmental elements or when they are under the control of the state, it is the state that is responsible for these actions.

The report of the UN Special Rapporteur on Cultural Rights of January 16, 2017 lists extreme cases where the entire realm of human rights is violated and violent practices of fundamentalist, extreme groups may be considered as terrorist acts or international crimes – including crimes against humanity, genocide, war crimes and violations of humanitarian international law – both whether the perpetrators are the state or non-governmental bodies.

### **Prohibition of founding settler-colonies**

Settler-colonies were established in severe violation of Article 49(6) of the 4th Geneva Convention on the Protection of Civilian Persons in Time of War, of 1949, which presents a customary prohibition to which the State of Israel is held accountable.

Damage to privately-owned or public land that contains Maqam (Waqf land is considered privately-owned):

Article 55 of the Regulations appended to the Hague Convention Concerning the Laws and Customs of War on Land (1907) demands protection of public land, if the Maqam sites are located in public land and in the case of using natural water sources inside the occupied area.

The occupying state is considered only as custodian of public buildings, real estate, woods and farming projects of the enemy state that are present in the occupied state. The occupier must preserve this property and administer it to the general good. Namely, the use of water sources in occupied territory as well as public land for the good of the occupying population is a violation of customary international law to which the State of Israel is committed.

The obligation of the State of Israel to protect Maqam sites and the privately-owned land where they are situated as private property and the prohibition of their confiscation:

Article 46 of the Hague Regulations Concerning the Laws and Customs of War on Land (1907) stipulates regulations regarding property including land and private structures.

Honor of family and its rights, human life, private property, as well as religious

faith and practices must be respected. No private property may be confiscated. Confiscation means taking hold permanently without offer of compensation.

Prohibition of taking over Maqam sites and the privately-owned land where they are situated:

Article 52 of the Hague Convention Concerning the Laws and Customs of War on Land (1907) stipulates rules about sequestering privately-owned land (explicitly temporary and for which compensation must be offered): nothing visible may be confiscated, and local authorities or inhabitants are not to be imposed upon to serve any purpose but for those of the occupying army. These purposes must be proportional to the local resources. The civilian population is by no means obliged to take part in military actions against their own land. Thus, any appropriation, confiscation or destruction of Waqf property, even if privately-owned, and even for putting up military maneuver zones whose use of cultural property in situ is damaging, is a violation of the Hague customary Regulations of 1907.

From the above references, one learns that the State of Israel's policy regarding Maqam sites inside Area C, including the Civil Administration as its executive body, is an illegal policy that blatantly, continuously and broadly violates the obligations of the state on the international level. As the policy regarding Maqam sites is inseparable from the policy of founding and developing settler-colonies, it constitutes an added layer in the severe violation of wartime regulations, and the State of Israel is obliged to cease it ad hoc, return to the previous state of affairs and restore any damages inflicted upon the supposedly protected civilians ever since the beginning of the Israeli occupation.

Finally, as long as Israel's control of the West Bank continues, and as long as Palestinians' movement is restricted and the checkpoints restricting it are still in place, the State of Israel is responsible for cleaning and restoring the Muslim prayer sites, making them accessible to Palestinians and enabling the latter to continue practicing their age-old traditions according to the international convention to which the Israeli occupation is committed.