

NEWS RELEASE

Zionist Organization of America

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ZOA to Israel Gov't: Stop Police and Muslim Wakf Discrimination Against Jews On Temple Mount

Israel's Temple Mount (*Har Habayit*), not the Western Wall (*Kotel*), is Judaism's holiest site. The Zionist Organization of America (ZOA) believes that unfettered access and freedom to pray at a holy site is a basic, universally recognized right, which certainly should be accorded to Jews in the Jewish State of Israel. Safe and unimpeded access to holy sites also is guaranteed under Israeli law.

More Jews have wanted to visit the Temple Mount in recent years as, increasingly, rabbinic authorities are stating publicly that Jewish law does not prohibit this. Yet, Israeli police and security personnel, hoping to appease Muslim extremists including the Wakf authority on the Temple Mount, have been engaging in blatantly discriminatory and humiliating behavior toward Jewish visitors.

The ZOA has sent a letter to the appropriate government officials urging them to rectify this untenable situation. The recipients include Knesset Interior Affairs and Environment Committee Chair MK Amnon Cohen and fellow committee members; Prime Minister Benjamin Netanyahu; Foreign Minister Avigdor Lieberman; Minister of the Interior Eli Yishai; Minister of Internal Security Yitzchak Aharonovitch; Minister of Justice Yaakov Ne'eman; Minister of Public Diplomacy and Diaspora Affairs Yuli Edelstein; and Minister of Religious Affairs Yakov Margi.

Access to holy places is a right guaranteed by Israeli law, but the law is not being implemented

When Jerusalem once again became a united city in 1967 as a result of the Six Day War, the Israeli Knesset passed an amendment to the Law and Administration Ordinance, extending Israeli sovereignty to Jerusalem's eastern sector. That includes the Old City, and the Temple Mount in its center.

In addition, at the same time, the Knesset passed the Safeguarding of the Holy Places Law which includes:

□The holy places shall be safeguarded against desecration and any other harm, and from anything liable to impede freedom of access of members of religious denominations to the places sacred to them or to their feelings regarding those places.

□ *Whosoever does anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places shall be liable to imprisonment for a term of five years.*

The Safeguarding of the Holy Places Law also directs the Religious Affairs ministry with the approval of the Justice ministry to formulate "regulations" for the law; that is, a set of procedures specifying how to implement it. Yisrael Medad, Jerusalem Post contributor and a recognized expert on Temple Mount issues, views this as a necessity as the law in its current configuration, without regulations, is weak. Medad emphasized, "The rights are within reach, but until the regulations are established the law is a dead letter."

Identifiably Jewish visitors to the Temple Mount are singled out for biased treatment

Unfortunately there is more concern for the extremist demands of the Wakf than regard for the rights of all citizens, including Jewish citizens, under Israeli law. For years, Israeli authorities have been engaging in many discriminatory practices on the Temple Mount directed against openly identifiable Jews.

For example, Jews wearing overt Jewish symbols or dress have to endure:

- waiting in a special security line before entering the Temple Mount while all others pass them by
- showing their IDs before entering the Temple Mount
- special "ritual item searches" before entering the Mount
- division into groups while others are permitted to walk around alone
- humiliation as they are followed and filmed by Israeli police and representatives of the Wakf
- prohibitions against visiting the Mount more than once a day
- arrests for "crimes," such as —
 - praying, even silently if one's lips are moving
 - studying *Torah*
 - holding a religious book
 - wearing a prayer shawl or *tefillin* (phylacteries)
 - closing one's eyes
 - swaying or bowing
 - singing or dancing
 - ripping one's shirt in mourning for the ancient Jewish Temples
 - picking up dirt to place on a groom's forehead, also to mourn the Temples

Remarkably, if your appearance or behavior openly shows you are a Muslim you are treated with respect, and there is no disruption whatsoever for pursuing your religious activities as you wish to practice.

Examples abound – from extra scrutiny to arrests and rough handling

A mother of five was arrested for quietly reciting the Hallel prayer on the fifth day of Chanuka last December. On a particularly hot day in September, a 67-year-old man was arrested after he sat down and quietly recited a blessing before taking a sip of water, as required by Jewish law. Another person found his water confiscated at the entrance to prevent the possibility a blessing might be recited.

There have been ten arrests in the past four months alone. Most recently, Yosef Rabin, a Temple Mount activist and Temple Renewal Institute liaison, informed ZOA's Israel Office that Yosef Idan, son of prominent Sephardic rabbi and scholar Rav Tzvi Idan, had been arrested for praying. Allegedly, Idan also was physically struck by the authorities even though, according to reports, he offered no resistance.

Identified Jews are shunted to the side to wait separately in what some have come to cynically call “the *selekzia*,” alluding to the Nazis’ orderly process of deciding which Jews would live and which Jews would go to their demise. [While ZOA does not condone inappropriate use of Holocaust imagery, especially in matters relating to Israel, it is telling that Jews subjected to systematic abuse on the Temple Mount would even contemplate using this term.]

Waiting on the segregated line, and submitting to special scrutiny as though they are probable troublemakers, is bad enough. A new policy — it seems, to add to the stress of and deliberately discourage Jewish visitors — now requires they also wait on another, “the regular,” line to have their IDs examined.

Not just Israelis or Jews are targets of Temple Mount discrimination

Openly identifiable Jews are treated shamefully, no matter whether they are Israeli citizens or visitors from abroad. An American citizen wearing a *kippa* (Jewish skullcap), for example, would be subject to the same treatment due to his religious identification.

The same oppressive measures are extended to a non-Jew in the company of an identifiable Jew, in which case guilt is suspected by association. And a Christian visiting the Temple Mount alone, then caught reciting a prayer, also faces the consequences: Wakf representatives notify the police with their walkie talkies, who then confiscate IDs and arrest the “perpetrator” once he/she leaves the Mount.

There is no security basis for targeting Jews on the Temple Mount; the same cannot be said for Muslim violence at this location

Fact is, not one act of desecration or disrespect for Muslim holy places has been committed by Jews on the Temple Mount. No Jews ever have terrorized Muslims there or engaged in rioting.

Contrary to some false reports, the 1969 Al Aqsa fire actually was started by Michael Dennis Rohan, a non-Jew. And the worst acts of Temple Mount violence and desecrations have been perpetrated by Muslims, such as raining rocks on Jewish worshippers below at the Western Wall. And it is the Wakf that has illegally been digging up and trashing tons of earth laden with First and Second Temple artifacts, thereby devastating a priceless archeological historical record. Gabi Barkai, a renowned Bar Ilan University archeologist attempting to salvage whatever he could from the rubble termed this activity “barbaric.”

Suspending Jewish religious rights will not keep ‘the calm’

A recent Jerusalem Post editorial (‘The shofar blowers,’ February 2) observed, in connection with a similar situation, “[Muslim] bullies are being accommodated because they resort to violence.” The ZOA shares the paper’s apprehension that when religious freedom is limited to placate extremists, even when it seems appropriate in order to keep the public order, “the inevitable conclusion to be drawn is that irrational behavior and intimidation pay.”

The Post made these comments after the Jerusalem Magistrate’s Court finally adjudicated a case dating back to 2006: On Rosh Hashana, which also was Ramadan that year, the police had detained Eliyahu Kleiman when he ignored their order to stop blowing his shofar while praying at an extension of the Western Wall (*Kotel Hakatan*). The court ruled in favor of the police who had argued it was necessary to “guard the calm [that] could explode very quickly.” The ZOA however maintains that the broader security picture also must be considered; Israel’s repeated acquiescence to threats of violence more likely emboldens, rather than satisfies, Muslim extremists.

The shofar incident echoes what is occurring daily on the Temple Mount. It also is reminiscent of the shofar ban imposed at the nearby Western Wall (*Kotel*) by the British during the pre-State Mandate. That edict, too, was meant to accommodate Arab objections to Jewish religious expression; then, as now, disregarding of the ban frequently brought arrests and sometimes beatings. Thus Jerusalem Post letter writer Rabbi David Willig brings up the caveat worth pondering: "Have we become the British?"

Muslims deny Jewish linkage to holy sites, Israeli police deny there is discrimination

On March 29, 2011 ZOA's Israel Office director, Jeff Daube, testified before the Knesset's Interior Committee about violence directed at mourners and visitors, as well as grave desecrations, at the oldest Jewish cemetery which is on the Mount of Olives. This is another instance, among numerous others throughout the Land of Israel, of Arab aggression and encroachments meant to force Jews to abdicate their holy sites, in particular, and sovereignty in general.

The next portion of the hearing was devoted to investigating the veracity of complaints about the police's discriminatory behavior on the Temple Mount. The commander of the Temple Mount police, David Avi Roif, asserted there was no discrimination:

http://www.youtube.com/watch?v=DSyO2pDMiNU&feature=player_embedded (in Hebrew)

Sitting three seats to the police commander's left, Daube witnessed the proceedings during which Members of Knesset took Roif to task, in particular MK Aryeh Eldad (National Union Party) who all but called Roif a liar. Later, upon viewing the footage in the second part of the video, Daube agreed that Roif's testimony was suspect: "The tape clearly shows that identified Jews are not treated like other visitors. They have to wait on a long line reserved just for them, for as much as 90 minutes, and listen to a litany of dos and don'ts while other visitors enter freely. This is without any reasonable concern that Jews bring additional security risk. And then there are the periodic news reports of disturbing incidents on the Mount itself. It is no wonder MK Eldad was so troubled by Roif's absurd claim."

During his own visit to the Temple Mount in January with ZOA National Vice Chairman Steven Goldberg, Esq., Daube observed some of these blatantly discriminatory practices personally — though having been warned, neither he nor Goldberg was dressed in anything more Jewishly identifying than a baseball cap. Daube commented, "I wonder, where are all the progressive rights organizations when it comes to these abuses? You know, the same groups that cry 'harassment!' every time Palestinian Arabs wait in line at a checkpoint or undergo a security check by the IDF. And in those circumstances security *is* a legitimate concern."

Daube added, "The authorities were able to come up with a *modus vivendi* for the Cave of the Patriarchs (*Ma'arat Hamachpela*) in Hebron that seems to have worked since 1994. I do not understand why a compromise that is mindful of Jewish rights cannot be worked out on the Temple Mount, too — unless, perversely, it is the Wakf and the PA's ongoing denial of any Jewish linkage to the site that must be respected."

ZOA strongly urges action to end discriminatory Temple Mount policy

The ZOA recognizes the need to maintain the highest level of security at a site as sensitive as the Temple Mount. Yet, it has been demonstrated that security threats to date have come from, rather than have been directed toward, the Muslims praying there.

And while the ZOA feels it is proper to be attuned to the sensibilities of all religious groups, including Muslims, it objects to the unjustified and unnecessary abrogation of one group's rights, to pray non-provocatively at its holiest site, in order to accommodate another group's enmity.

The ZOA especially is concerned that current draconian policies on the Temple Mount are causing the mistreatment, sometimes excessively harsh, of Jews who want to self-identify as Jews.

The ZOA, therefore, urges the Government of Israel to take steps to end the discriminatory policy that is applied on the Temple Mount, so that visiting Jews and other non-Muslims may be accorded all of the civil and religious rights taken for granted in the international community. Constituting and implementing regulations for the Safeguarding of the Holy Places Law could achieve this. Yisrael Medad, for example, has suggested adding regulations such as: "Non-Muslims may ascend the Temple Mount during all daylight hours except for a 30-minute period prior to and following Muslim prayer." Or, "The reading from religious texts such as the Bible may be done in the area delineated as follows..."

The ZOA also calls on the authorities to ensure the safety of visitors. This includes renovating the accesses to the Temple Mount, especially the structurally dangerous Rambam (Mughrabi) Bridge, whose repair the Wakf has falsely accused is meant to undermine its own structures.

As the oldest and preeminent Zionist organization, the ZOA reminds Israel supporters that Jerusalem, *i.e.*, the center of Zion, serves as the animating source for Israel and the Jewish people everywhere. As affirmed by Daube, "A Jew who understands the significance of Jerusalem, and the Temple Mount which is its greatest symbol, cannot remain silent and let the Muslims expropriate what is lawfully and rightfully ours. Our co-religionists want to practice a simple act of faith at the ultimate Jewish holy site, they just want to pray quietly and respectfully, and we must advocate for them. For if not here, then where?"

The ZOA strongly urges the ADL, AJ Committee, the Orthodox Union, Emunah, AMIT, RZA and other groups to work to end bias and discrimination on the Temple Mount against identified Jews.