

We hereby publish a very grave report by Israel's State Comptroller – a secret report upon which confidentiality was imposed in the summer of 2010. The report is critical of government authorities for not exercising their lawful authority on the Temple Mount, thereby leaving control of the Mount entirely in the hands of the Moslem Waqf, a Jordanian entity, funded and operated by Jordan, with the de facto result being that the Temple Mount is not under Israeli sovereignty.

The 24-page report (47 in English) is so grave and damning that Prime Minister Netanyahu has done everything in his power to keep it from being published. To that end, he dispatched the then cabinet secretary Zvi Hauser to the Knesset State Audit Subcommittee, and it exercised its authority – in a closed meeting – to keep the report classified with only its main points published in a one-page report, explaining that the report might harm Israel's foreign relations and expose the police's methods of operation. However, a perusal of the report makes it obvious that this rationale is merely a means to conceal the government's ineptitude, weakness and absence of sovereignty, all of which it seeks to paper over so that it can continue to manage affairs in this way, leaving actual sovereignty in the hands of the Muslims.

A practice has taken root in Israel according to which the Prime Minister decides on every matter concerning the Temple Mount, with the police actually doing so. This is because the Waqf only "recognizes" the police – as the arm of the "occupying force" – while refusing to recognize the authority of Israel's civil government on the Temple Mount. The Antiquities Authority is supposed to be responsible for authorizing and supervising all work done on the Temple Mount, a declared antiquities site of major importance worldwide. In practice, the Muslim Waqf has carte blanche to do whatever it likes there. In November 1999, it perpetrated an unprecedented archaeological crime when it excavated massive amounts of earth filled with artifacts from the First and Second Temple periods to build an entrance to the gigantic underground mosque in Solomon's Stables, also built illegally and without any permit inside a huge, ancient space.

The report offers a long list of cases of incompetence, partial and ineffective supervision in subsequent years too, and it also quotes the director of the Antiquities Authority who stated that they were forced to authorize a dig in the Temple courtyard with a tractor-backhoe loader, because of threats issued by the Waqf, who would have proceeded in any case to execute the earthworks without authorization too...

The Jerusalem Municipality needs to approve any construction activity in the city and oversee that it is carried out according to the rules, without irregularities. In reality,

municipal supervisors are almost never present on site, and only stop by occasionally as regular visitors, refraining from exercising any authority at all.

The only entity present at all times on the Temple Mount is the Israel Police, and from reading the report, the police appear to have assumed the authority of both the Antiquities Authority and the Municipality – except that the police comply with the Muslim Waqf’s every whim in order to preserve “good working relations,” so that the Muslims don’t get angry – Heaven forbid – and riot. This makes the police no more than puppets of the Waqf, which decides everything on the Temple Mount.

The report also sharply criticizes the Attorney General, who established a procedure whereby all violations of the law on the Temple Mount must be reported to him before any law enforcement activities may be carried out. All authorities – including the police – have interpreted these instructions as authorization not to do their jobs. One can only conclude that the Attorney General himself has played a significant role in the fact that Israeli law has and is not enforced with regard to the Muslim Waqf on the Temple Mount, effectively making it immune before the law.

Strangely, the report does not criticize Prime Ministers Olmert and Netanyahu, during whose terms all the Waqf’s violations of the law, meticulously detailed in the report, occurred, despite noting in the introduction that the report would critique the PMO.

It should be further noted that two reports are being published here: a long, detailed report, delivered in September 2008, and a shorter final report, delivered two years later in September 2010. The longer report was apparently submitted to the audited authorities for review, and they managed to mitigate and prune the Comptroller’s words, who dispensed with two-thirds of the text – those parts that include considerable detail and serious indictment of the authorities. They are not reflected in the final report, which nevertheless is a very serious one. The longer report became a “non-paper,” although every word in it is true.

Here are quotes from various sections in the shorter report’s conclusions:

- (178) Over the years, the Waqf has carried out extensive works on the Temple Mount. Large-scale construction and renovation projects have been executed in Solomon’s Stables. In 1999, the Waqf excavated an entrance to the northern facade of Solomon’s Stables. In 2000, work was expanded in Solomon’s Stables, development, construction and paving of the southern part of the Temple Mount continued, and extensive areas of the Mount were paved. In 2001-2003, the Waqf executed extensive paving work on the Temple Mount,

despite the Antiquities Authority's objections. In 2007, the power line to the Dome of the Rock was repaired and the power cable to Solomon's Stables was replaced. Most of the work was done without any coordination, without obtaining proper authorizations or permits as required by law and without full supervision. The works were carried out using mechanical equipment, regrettably causing damage to archaeological findings in the process.

- (180) According to the State Comptroller, the Attorney General should re-examine the guidelines he issued in 1988 and consider whether they need to be adjusted in view of what is happening on the ground. The Antiquities Authority, the Jerusalem Municipality and the Israel Police must fulfill their supervisory and reporting obligations in good faith, gravely and with the proper precautions.

In conclusion, another important point – one that is not in the main body of the report but appears in it as a footnote – should be noted. Since the Six Day War, the Israel Police have forbidden Jews to pray on the Temple Mount with the claim that this is in accordance with a decision made by the Israeli government in 1967. On the other hand, it has been maintained that this is not the case and that the aforementioned decision dealt with a specific incident, and the government never decided to issue a blanket prohibition of Jewish prayer on the Temple Mount. In the published report, the Comptroller sides with the claim of those who seek to pray on the Mount, and in footnote 16, notes: “A discussion of the Ministerial Committee on the Holy Places held in October 1967 indicates that no general decision was ever made to forbid Jewish prayer on the Temple Mount.” It is quite possible that this footnote also contributed to the Prime Minister's interest in shelving the report.