

Special Feature / By Menachem Lubinsky

The Law Is the Law - Except on Har Hazeism

An injunction to halt construction of an expanded mosque near the oldest Jewish cemetery in the world is being ignored – and the Jerusalem Municipality and police are ignoring pleas to take action, due to the ‘sensitive’ nature of the area.

It is no secret that the Waqf is waging a war on the territorial integrity of Jewish Yerushalayim. This was clear in the expansion and excavations near the Har Habayis and the fake graves planted in Romema in what was clearly a land grab. But most disturbing is the ongoing illegal expansion of the Ras al Amud mosque on Har Hazeisim. Despite a stop-work order that was issued by the Jerusalem Municipality in June, the Arabs continue to expand the mosque to within a few feet of Jewish graves, most notably those of the late former Prime Minister Menachem Begin and his wife Aliza.

“It’s not really contracting work,” an official in the Prime Minister’s Office told Avrohom Lubinsky, chairman of the International Committee for the Preservation of Har Hazeisim. “It’s just minor touch-up work.”

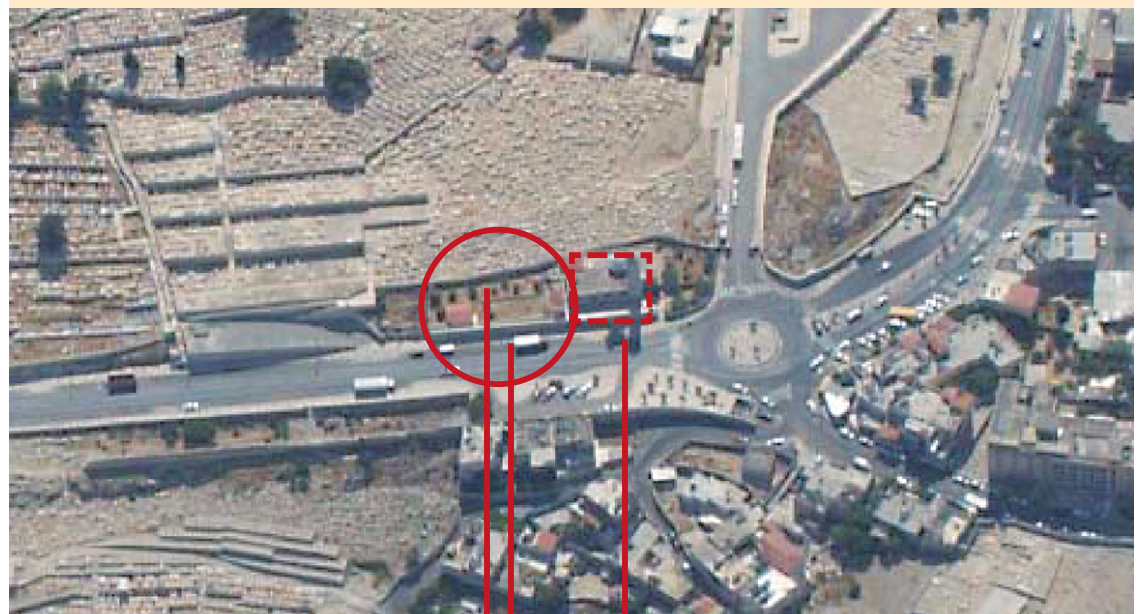
But Arieh King, an activist and head of the Israel Land Fund, who lives just across the road in Maleh Hazeitim, sees things differently, as he documents below. King says the expansion continues, and if it is not stopped, a huge mosque will be functioning adjacent to graves of *kedoshim* and others that will deny access to Jewish mourners and visitors, and turn Har Hazeisim into a huge place of assembly for Yerushalayim’s Arabs. He continues to document the gross violation of Jewish history and law. Of late, he says, the mosque has even become home to squatters.

It is hard to fathom that the Israeli public is simply indifferent to this serious defamation of Judaism’s holiest and oldest (3,000 years old) cemetery. Surely, if the memory of the *kedoshim* buried there is irrelevant to government officials, then at least they should preserve the honor of a former prime minister of Israel and the heroes Moshe Barzani and Meir Feinstein, who committed suicide rather than be hung by the British. It was because of his desire to be buried next to these martyrs that Mr. Begin chose Har Hazeisim instead of Mt. Herzl, where other Israeli officials are buried. His closest associates say that he wanted to be buried opposite the Har Habayis and with a view of Yerushalayim, which will be distorted should the mosque be completed.

For that matter, Mr. Begin would no doubt have to apologize to Joseph and Caroline Gruss, whom the late prime minister urged to be buried next to him. The Grusses were major philanthropists who supported many Torah causes, and to this day the Gruss Foundation continues its support of Jewish education. Sources say that Mr. Gruss had all but decided on a burial plot in New York until Mr. Begin convinced him otherwise.

There is the sense that the Jerusalem Municipality, and indeed, the government of Prime Minister Binyamin Netanyahu, would rather see this “problem” simply disappear. They are fearful

AN AERIAL PHOTO OF THE AREA OF THE MOSQUE ON HAR HAZEISIM, 15 MONTHS AGO



- The original area of the mosque
- Building as of October, 2010
- Building as of February, 2011

that dismantling the mosque would provoke local disturbances and an international outcry. Never mind that, according to King, the area is zoned as a cemetery.

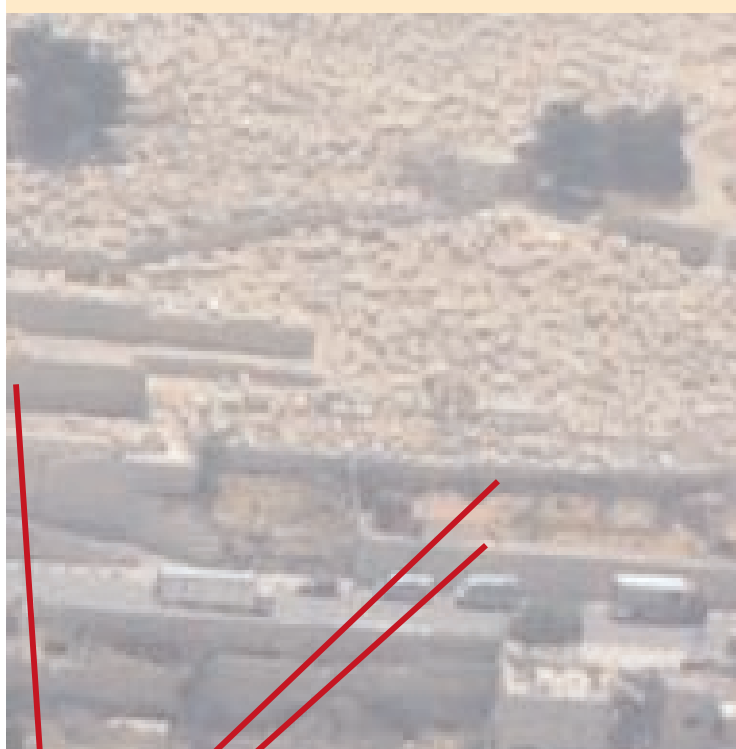
In fact, while the city and the government install surveillance cameras, restore graves and upgrade security elsewhere on Har Hazeisim, they are avoiding enforcing Israeli law and making sure that the Arabs comply with the injunction forbidding building at the site of the mosque. It is as if they are saying, “Anything but the mosque.”

Avrohom Lubinsky is furious “at the lip service and double-talk” he has received from officials regarding the mosque. He says that even such prominent activists as Malcolm Hoenlein, executive



The Jerusalem Municipality acknowledges receipt of complaint of illegal building on Har Hazeisim.

CLOSE-UP PHOTO OF THE AREA BEFORE BUILDING



- The position of the building from 2011
- The position of the building from 2010
- The grave of Menachem Begin, z”l

THIS PICTURE, TAKEN ON OCT. 8, 2010, SHOWS NEW BUILDING ADJACENT TO THE MOSQUE



- Building as of October 2010
- The original mosque

THIS PICTURE, TAKEN ON JAN. 28, 2011, SHOWS HOW THE MOSQUE HAS BEEN EXPANDED

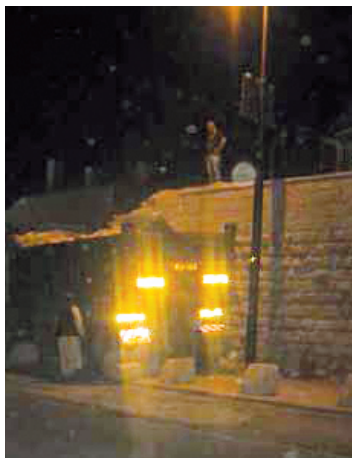


Expansion as of 2010

Original mosque

Important facts regarding the police and the municipality:

- As of October 2010 updates were sent to all the members of the Jerusalem City Council, including Mayor Nir Barkat, regarding the progress of illegal building adjacent to the mosque that is near the cemetery on Har Hazeisim.
- On Jan. 27, 2011, a municipal inspector came to the mosque to issue a stop-work order, but the police barred him from approaching the mosque.
- Only on June 21, 2011, more than eight months after a complaint was filed with the Jerusalem Municipality, did the city engineer sign a stop-work order – not a demolition order or one forbidding use of the illegal building.
- The stop-work order issued on June 21, 2011 was never enforced – the building work continues till this day – and the police supply false information to government officials and others who inquire as to what is happening on Har Hazeisim. For instance, an assistant to the police legal adviser, Michael Frankenburg, said in a letter dated Nov. 13, 2011 that the illegal work is “an internal renovation of bathrooms and the moving of a faucet. ...”
- The Jerusalem Municipality’s building supervision administration says it is waiting for a decision of the attorney general and the city prosecutor before taking action.
- At the beginning of June 2011, digging began for construction of the eastern building.



Construction work continued around the clock with no interference from the police.



An injunction ordered a halt to building (from June 21, 2011).

ON JUNE 27, 2011, CONSTRUCTION CONTINUES



The original mosque

The building of 2010 Building in 2011



The illegal building from 2011 has been used since the summer as a lodging for illegals.



Painful reminder: On June 21, 2011, an injunction was signed by the city engineer ordering a halt to building. Due to the failure of the police to enforce the June 21, 2011 injunction work continues at the site. This photo was taken on July 1, and shows preparations to pour cement for the ceiling.

vice chairman of the Conference of Presidents of Major American Jewish Organizations, repeatedly raises the “shame” of the mosque at the highest level of government, to no avail.

Indeed, the photos and documents revealed by Mr. King are indicative of a scandalous dereliction of duty and responsibility to Jews everywhere, not to speak of the desecration of the holy Har Hazeisim and the holy luminaries who are interred there dating back to our *neviim* (Zecharia, Chagai and Malachi are buried there).

It is clear that if this major *chillul* of Har Hazeisim is not corrected promptly, it will stand as an eternal blemish on the record of those who governed Israel and Yerushalayim in our time.

The material that follows has been presented to decision-makers and elected officials to shed light on the Jerusalem Municipality’s negligence in enforcing planning and building laws on Har Harzeisim. It also exposes the problematic relationship between the Israel Police and the Muslim Waqf, whereby the law

THE SITUATION A MONTH AGO



The original mosque

The first expansion, as of October 2010

The building of 2011

is not enforced when it comes to Arab criminal activity that harms Jewish interests in Yerushalayim.

The following is the response of the city council member who is in charge of eastern Yerushalayim, Mr. Yakir Segev (dated June 11, 2011):

Hello, Arie [King]
I’m familiar with the issue, but

to my sorrow it is not being dealt with. We have great difficulty with enforcement, especially as regards sensitive sites.

I can promise you that the problem is not a lack of will on the part of the municipality [to put an end to the illegal construction].

Yakir Segev