

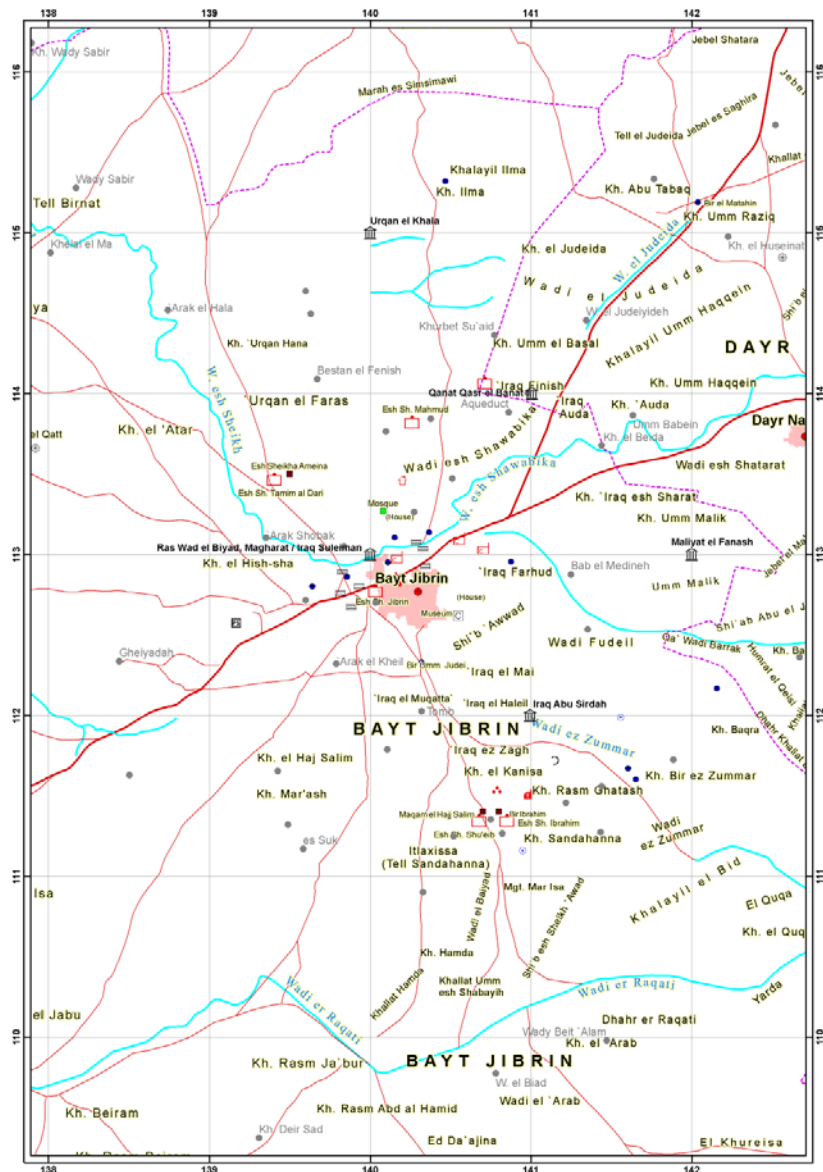
Ownership

The State Party of Israel is stated to be the sole owner of the property, as regards both its above-ground and subterranean parts.

This statement is not true.

1. The Legal Owners of the Land

Map 1 shows the property site which retained essentially the same annotation and occupied by the same people for at least 20 centuries until 1948. The same people remained *in situ* although their rulers changed. For 14 centuries the people and rulers were Arab and/or Muslim except for a brief period in which the Crusaders stationed a garrison at Bayt Jibrin.



Map 1: Village Names and Historical Locations on Property from at least the Fourth Century.

This map is based on Survey of Palestine maps during the British Mandate (1920- 1948) and the Survey of Western Palestine initiated by Palestine Exploration Fund which started in 1871.

In 1948/1949, the Israeli forces executed an ethnic cleansing operation in which land was occupied, people were expelled, villages were destroyed and massacres were committed (such as at al Dawayima on the ruins of which Amazyia kibbutz was established).

Fig 1 shows the remains of the destroyed Bayt Jibrin village. **Fig 2** shows the remains of two houses whose owners are now refugees at UNRWA Bayt Jibrin camp near Bethlehem. **Fig 3** shows a typical title deed for land in Bayt Jibrin owned by one of its inhabitants before their expulsion.



Fig. 1: The Remain of Bayt Jibrin Village Destroyed by Israel.



Fig. 2a & 2b: Two Houses of Prominent Families in Bayt Jibrin, Now at Refugee Camps.

The original inhabitants of the villages on the property site hold title deeds to their land, now kept at the UN, which are valid under international law. This ownership is already affirmed by United Nations' resolutions. See for example resolutions A/RES 52/62 of 10 December 1997, A/RES 53/51 of 3 December 1998 which state:

Reaffirms that the Palestinian Arab refugees are entitled to their property and to the income derived there from, in conformity with the principles of justice and equity.

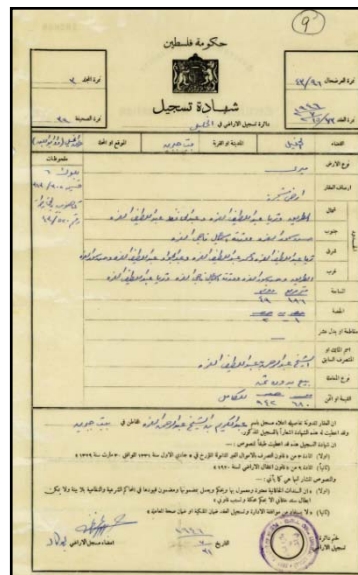
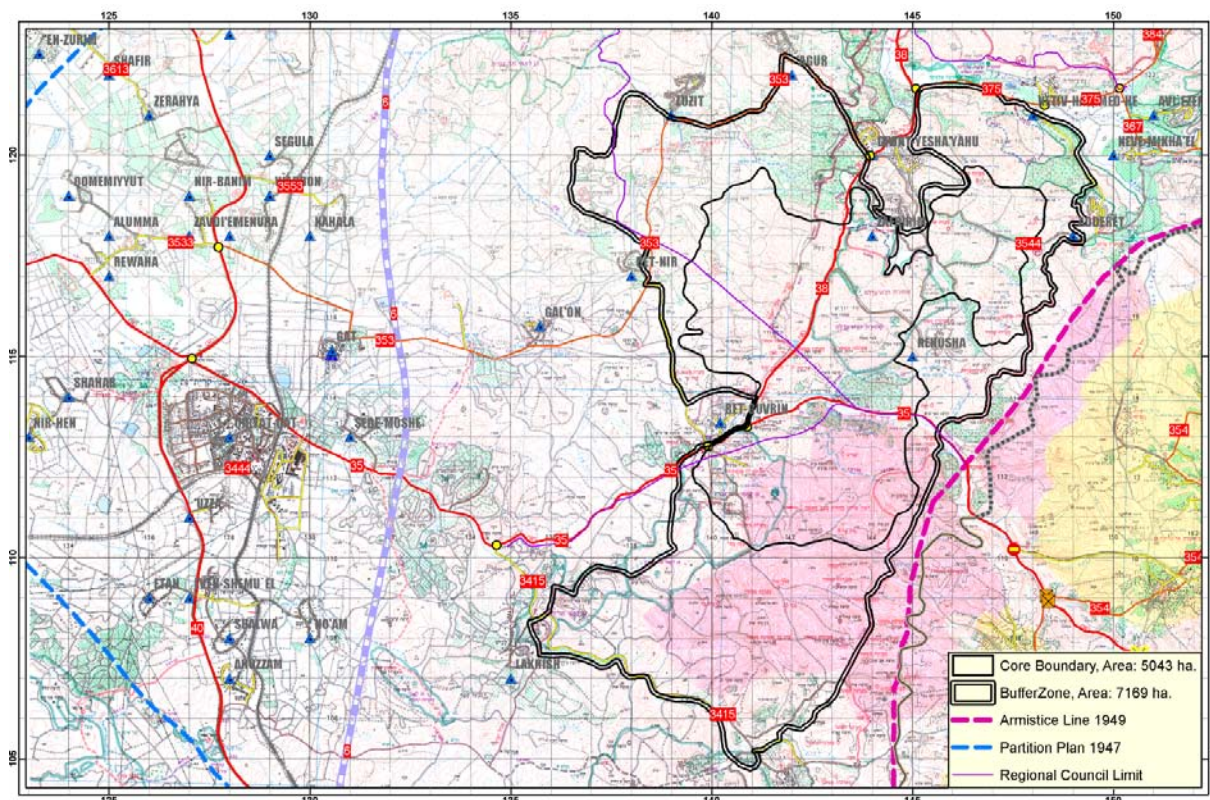


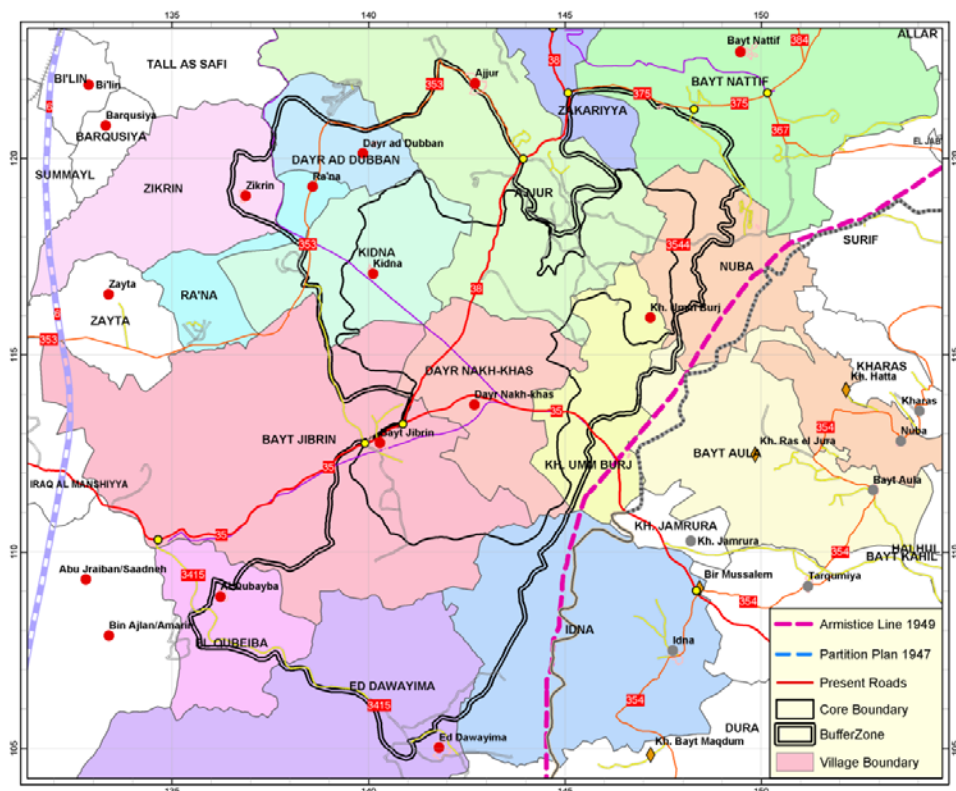
Fig. 3: A Typical Title Deed of Bayt Jibrin Land issued by the Government of Palestine during the British Mandate.

Map 2 shows the site in the period (1949-2011) which shows the Buffer Zone, the present road system and the new Kibbutz established on Palestinian villages' land. Notice the proximity to the Armistice Line and the Occupied West Bank to the east. The Partition Line is further to the west. The State of Israel was supposed to be located west of and beyond the Partition Line westwards.



Map 2: The Proposed Property Site and the newly Established Kibbutz on it (1948-2011).

Map 3 shows the lands of 15 Palestinian villages which are partly taken over for the Buffer Zone. **Table 1** shows the village land area and percentage taken over for the Buffer Zone (including the Core area) from each village land.



Map 3: Palestinian Village Lands taken over by the Buffer Zone. (See Table 1)

S. No.	Village Name	Area within Buffer Zone, ha	Total Village Land, ha	Percentage %
1	Bayt Jibrin	2145.64	5637.68	38.06
2	El Qubeiba	477.99	1172.67	40.76
3	Ed Dawayima	1185.80	5944.41	19.95
4	Ajjur	2081.44	5832.29	35.69
5	Ra'na	194.28	699.10	27.79
6	Kidna	1225.41	1559.85	78.56
7	Zikrin	184.86	1720.40	10.75
8	Dayr ad Dubban	544.67	773.45	70.42
9	Dayr Nakh-khas	1456.20	1458.94	99.81
10	Idna	596.50	3401.88	17.53
11	Kh. Umm Burj	955.52	1306.59	73.13
12	Bayt Aula	42.59	2418.74	1.76
13	Zakariyya	253.52	1535.08	16.51
14	Bayt Nattif	380.74	4468.73	8.52
15	Nuba	605.34	2302.52	26.29
Total		12330.50	40232.32	30.65

Table 1: Area of Villages Lands taken over by the Buffer Zone.

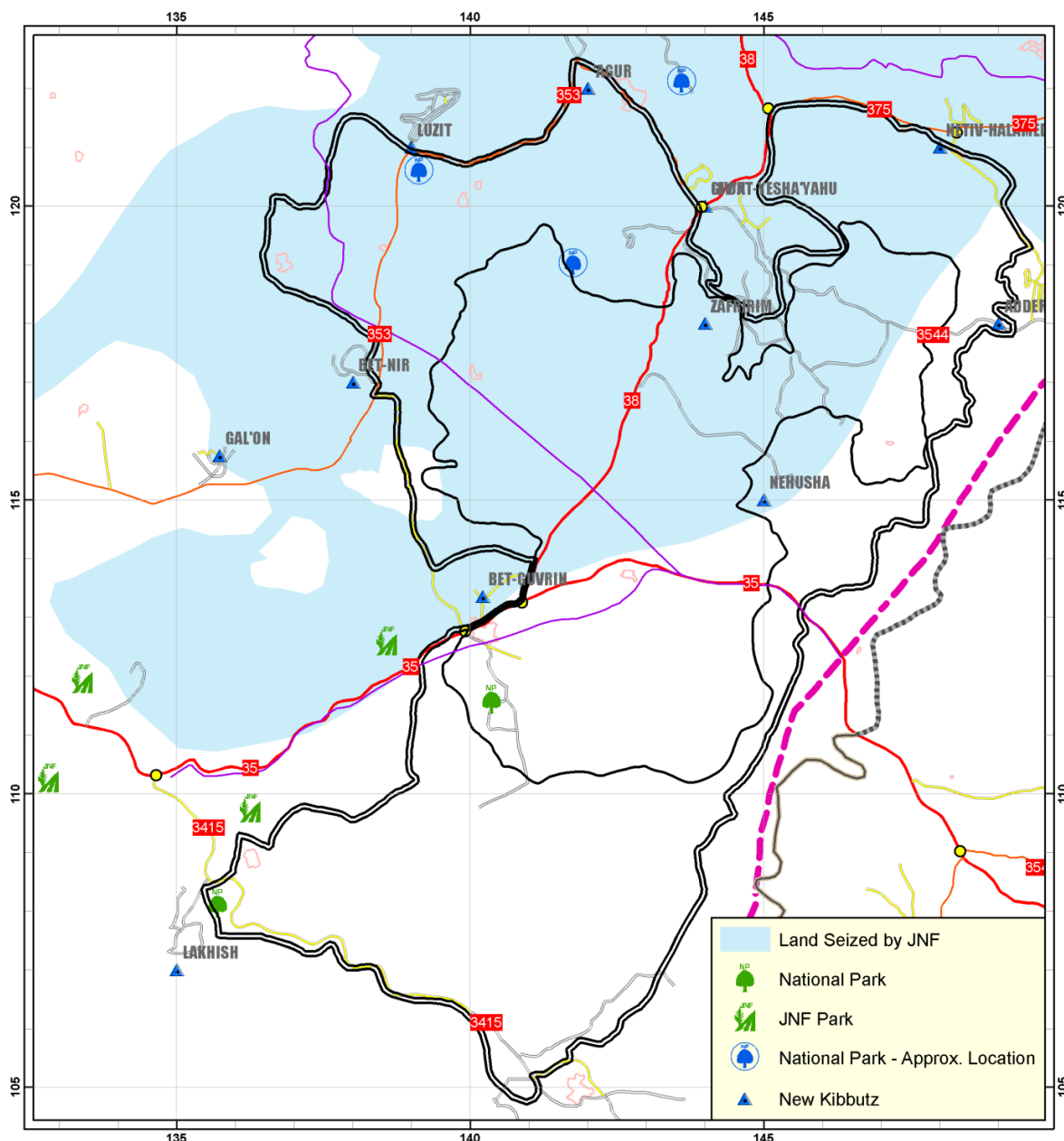
It should be recalled that Israel's admission to UN membership was conditional upon its compliance with resolution 194 (return of the refugees) and resolution 181 (Partition Plan). Therefore the land area occupied by Israel between the Partition Line (dashed blue line) and the Armistice Line (dashed pink line) is a

violation of international law. Taking over the Palestinians' property and denying them repossession of their property is another violation. The recognition of Israel by many countries is *de facto* not *de jure*.

Therefore, the State Party has no ownership status on the property.

2. Jewish National Fund (JNF) Seizure of the Land

Map 4 shows the area of the Buffer Zone seized illegally by JNF in 1949/1950.



Map 4: Area seized by the Jewish National Fund (JNF-KKL).

Jewish National Fund (JNF-KKL) is a company incorporated in England in April 1907 as an instrument of the World Zionist Organization to acquire land in Palestine, Lebanon and Syria for the use of Jews only. JNF acquired 93,600 ha by purchase and other means during the British Mandate.

In 1949/1950, JNF entered into a fictitious sale agreement with the Provisional Government of Israel (before it was admitted to the UN) to seize 238,014 ha from the expelled refugees' land. This possession is illegal as both the 'buyer' and the 'seller' had no title deed to the land. On this land, JNF established new Kibbutzim as shown for the Buffer Zone in Map 4.

The Israeli former deputy Mayor of Jerusalem, Meron Benvenisti, an authority on land, wrote (Sacred Landscape: The Buried History of the Holy Land, Berkeley: University of California Press, 200, p.177)

The heads of the JNF were well aware that the [fictitious] sale was not legal.

JNF is listed, as a tax-exempt charitable "environmental" organization, in USA and Western Europe. The JNF planted parks together with National Park Authority which serve to hide the debris of the destroyed villages.

Moreover, the racist and apartheid practices of JNF have been repeatedly censured by the UN Committee on Human Rights. Resolution E/C.12/1/ Add. 27 dated 4 December 1998 clearly censures JNF for its discriminatory practices,

*The Committee notes with grave concern that the Status Law of 1952 authorizes the World Zionist Organization/ Jewish Agency and its subsidiaries including the **Jewish National Fund** to control most of the land in Israel, since these institutions are chartered to benefit Jews exclusively. Despite the fact that the institutions are chartered under private law, the State of Israel nevertheless has a decisive influence on their policies and thus remains responsible for their activities. A State Party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The Committee takes the view that **large-scale and systematic confiscation of Palestinian land and property** by the State and the transfer of that property to these agencies, constitute an institutionalized form of discrimination because these agencies by definition would deny the use of these properties by non-Jews. Thus, these practices constitute a breach of Israel's obligations under the Covenant.*

JNF also violates Article II, para c and d of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

Since JNF is registered in some Western countries as a domestic corporation, court cases and objections have been raised in Scotland, Canada and Australia against JNF for violation of domestic laws. On June 6, 2011, David Cameron, UK Prime Minister, resigned as Patron of JNF.

Therefore, JNF cannot be the owner of the site or participant in its operations.

3. The Site has a Special UN Status

On Feb 24, 1949, Egypt and Israel signed the Armistice Agreement. The Agreement treats the territory from Iraq Sweidan land to Bayt Jibrin land, including Faluja and Iraq Manshiya in a special manner: to remain Palestinian-owned and Palestinian- populated. In the attached Appendix to the Agreement, an undertaking by Israel was made to the United Nation that,

*All of these civilians shall be fully secure in their persons, **abodes, property** and personal effects.*

Four weeks later, Israel expelled the population, looted their property and destroyed their villages. Part of the territory within the Buffer Zone remains legally under the terms of this Agreement.

From all the above,

the State Party is not “the sole owner of the property” nor its owner in any manner.

4. Factors affecting the property

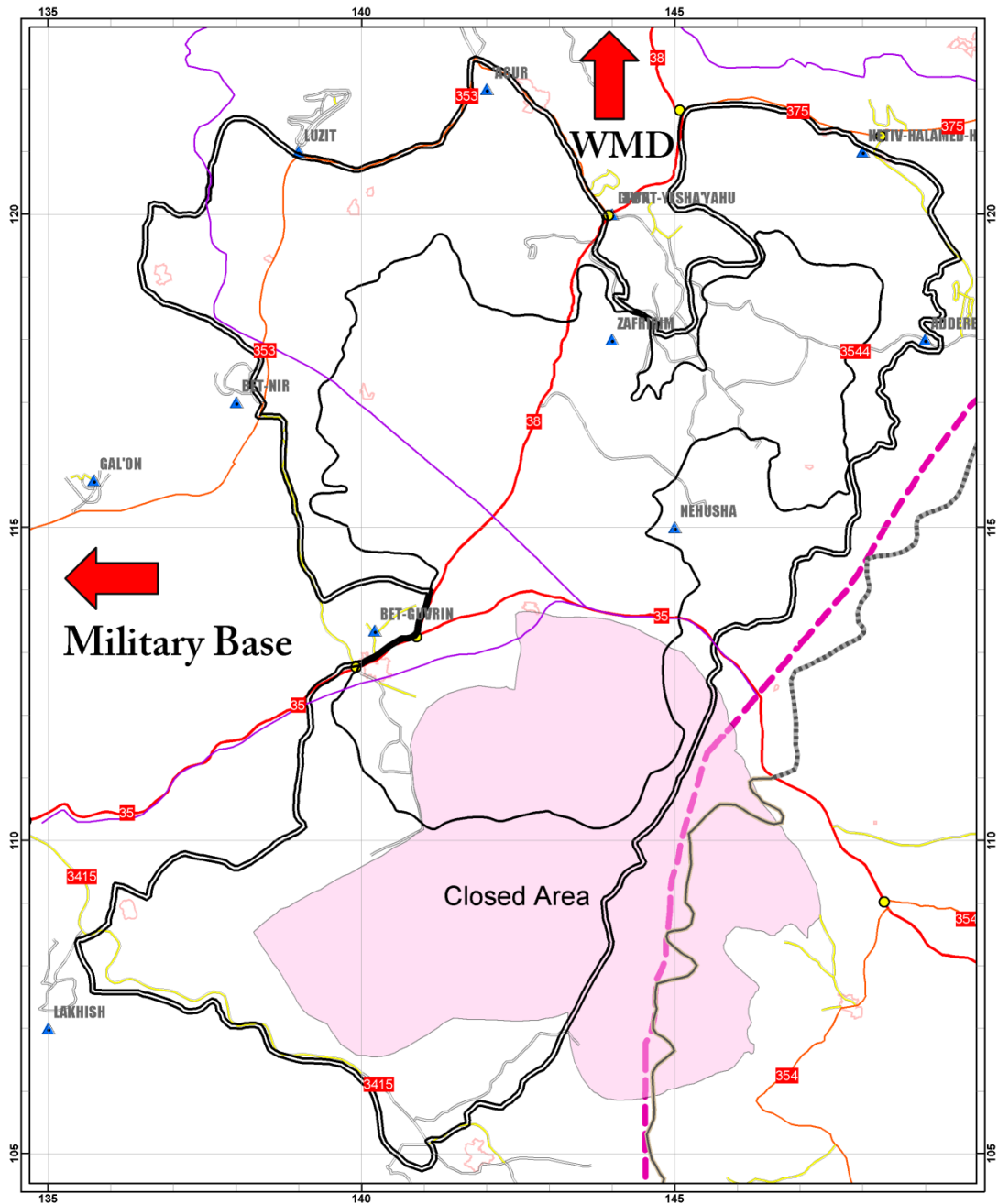
ICOMOS considers that there is no major threat to the property. However, details must be given of the impact on the property from military activities and from the rehabilitation centre, and from possible agricultural development projects in the vicinity of the property.

The military threat is much more than indicated. **Map 5** shows possible sources of military threat. The Closed Area occupies most of the southern half of the property. This area is the source of military raids into the West Bank. Possible retaliation to these raids will affect the site.

A few kilometres to the west, a large military base and a military airport are situated. These are constant source of military activity.

More ominously, Weapons of Mass Destruction are stored and deployed 5 km to the north of the property (at Tirosh). This is a grave danger. Barring WWIII, in which the whole region may be destroyed, radiation or accidental failure in the control system may cause a very large number of fatalities and casualties.

Kibbitz Beit Guvrin itself, north of the destroyed village of Bayt Jibrin, has a suspect building.



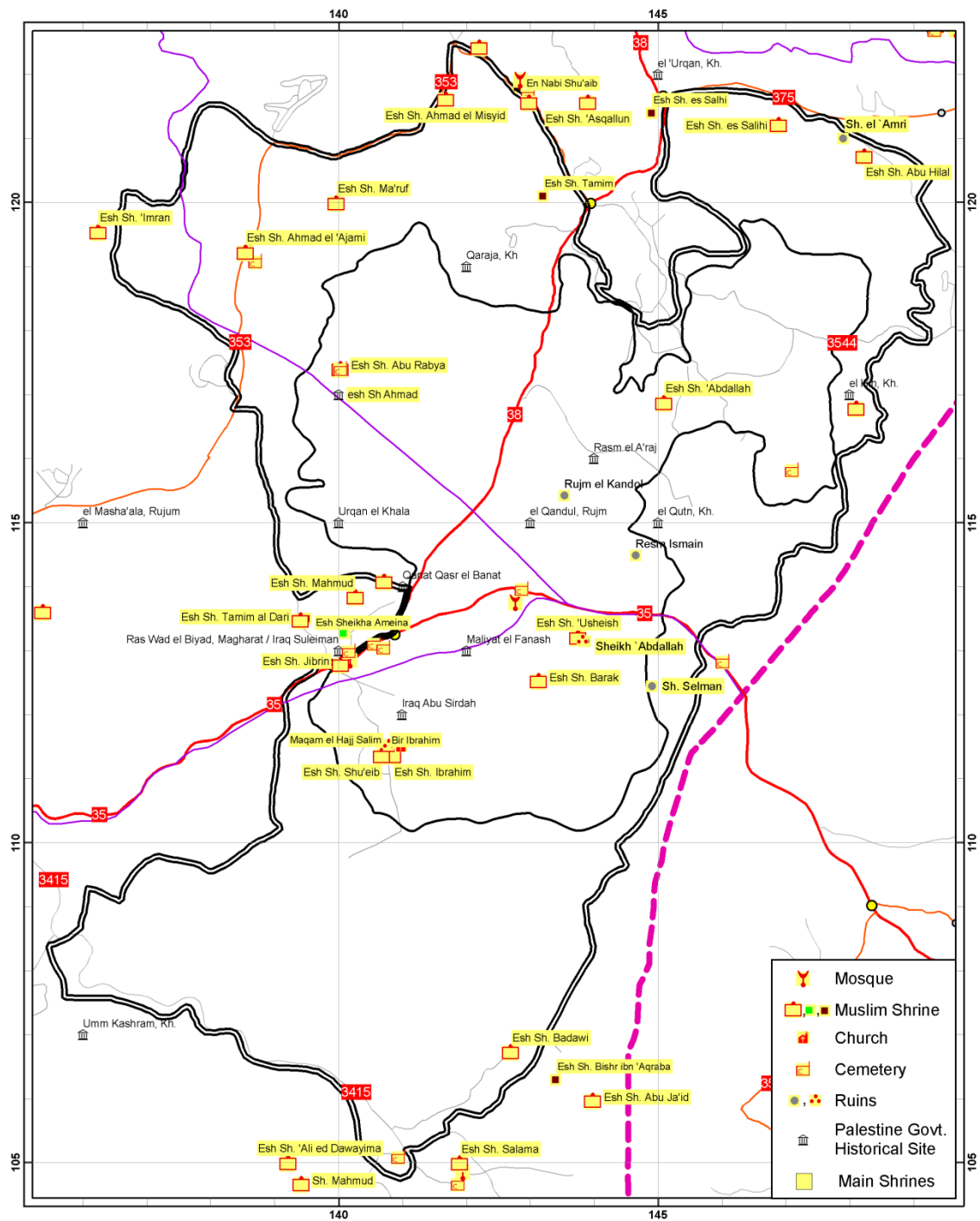
Map 5: Military Locations at/near the Site. 1. Closed (Military) Area within the Buffer Zone. 2. Large military base to the west. 3. Deployment and depots of Weapons of Mass Destruction (WMD) to the north.

5. Protection, conservation and Management

ICOMOS considers that the current boundaries of the property are not fully justified in the light of its potential values. ..etc.

The conservation of Cultural Property is not respected.

The property has dozens of Muslim and Christian shrines. See **Map 6**. These are partly or totally destroyed or neglected and became derelict. No repair is allowed. No worshippers are allowed to visit.



Map 6: Muslim and Christian Shrines within The Buffer Zone.

Fig 4 shows the Shrine of Tamim al Dari, left in a state of disrepair. This Shrine has a *waqf* land (religious endowment) for 14 centuries. **Fig 5** shows the title deed to the land, updated in 1905 by the Ottoman Empire. **Fig 6** shows the Shrine of Sheikh Jibrin (the guardian of Bayt Jibrin), also in a state of disrepair.



Fig. 6: The Shrine of Sheikh Jibrin, the Guardian of Bayt Jibrin.



Fig. 7: The Remains of the once Grand Mosque of Bayt Jibrin

The disrespect, disrepair and denial of worshippers' access to these shrines are all in violation of international law.

Para 7 of resolution 194 of 11 Dec 1984 states,

That the Holy Places, religious buildings and sites in Palestine should be protected and free access to them assured in accordance with existing rights and historical practice.

The 1954 Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, as amended and updated (1999), gives **enhanced protection** of religious property and establishes **individual criminal responsibilities** for its violation.

The International Covenant on Civil and Political Rights (ICCPR) (1966) provides for freedom of worship including access to and repair of places of worship.

Thus UN Human Rights Committee emphasized that the freedom of worship extends to the buildings of places of worship.

In its report, "Sanctity Denied: A report on The Destruction and Abuse of Muslim and Christian Holy Places in Israel, December 2004", The Arab Association for Human Rights based at Nazareth has listed 249 places of worship which were destroyed, abused, denied access or converted into restaurants or clubs.

A report by Yuval Yoaz in Haaretz (November 19, 2004), among many other similar reports, states that,

A Haaretz investigation revealed that although a law for protecting holy places has existed since 1967, it cannot be enforced since no regulations have been issued by the ministry responsible for the law's implementation. Such regulations were instituted in 1969 with regard to Jewish holy places.

Therefore the property is not "protected".

6. Legal protection

**The laws and regulations which apply for the protection of the property are:
The Israel Lands Administration Law (1960), completed by the Convention of November 1961 with the Jewish National Fund (KKL-JNF);**

The background to the Israel Lands Administration Law (1960) should be explained. Following the illegal seizure of the Palestinian Land by JNF, there was a quarrel between the Provisional Government of Israel and JNF about who will seize and use all Palestinian land, which is 93% of Israel. (Jewish ownership at the end of the British Mandate and at the declaration of the state was 5.5% of Palestine area, or 7% of Israel. The rest was Palestinian Arab.)

In the following 10 years, the dispute between the two was resolved by the establishment of Israel Land Administration (ILA) which would administer all seized lands under the JNF conditions, namely no Palestinian Arab can buy, use, cultivate, stay or live on the seized land. ILA board has about 50% seats for JNF.

Therefore the violation of international law and censure by the UN applies to ILA as well. Thus, there is no legal protection.

7. History

The description given has a glaring omission of the centuries old existence of the Palestinian people and their Arab/Islamic character for 14 centuries. There is also undue glorification of the tiny and extinct ancient Jewish presence.

The religious scriptures and similar writings are not reliable or acceptable historical records. Serious scholarship by respected scholars such Thomas Thompson, Keith Whitelam and Israel Finkelstein confirms that. Thompson wrote (Holy Land Studies, Volume 10, No.1, May 2011, Page 99),

The vast majority of Palestine's population, including that in the highlands and the Shephelah apart from Jerusalem and outside the province of Jehud, continued in the land and began to prosper in the course of the Persian period. While the biblical books of Chronicles, Genesis, Isaiah, Jeremiah and Ezekiel present us with allegorical and utopian pictures of an ideal, repentant remnant of the people, returning to the land and reconciling all of Israel, the extensive archaeological excavations of Jerusalem and the area immediately surrounding it does not provide us with evidence that any significant return occurred historically during the Persian Period. The population of Jerusalem remained unchanged: limited to a few hundred. The population of the province of Jehud as a whole continued to be insignificant throughout the Persian and early Hellenistic periods.

Therefore, the erasure of the Palestinian presence before the 7th century and the erasure of the dominant Palestinian Arab presence from the 7th century until the ethnic cleansing of 1948, in addition to the exaggeration of the finite and marginal ancient Jewish presence, is a deliberate falsification of the historical record.

8. Property Name

<p>Official name as proposed by the State Party Land of Caves and Hiding in the Judean Lowlands, Maresha, Bet-Guvrin and Adulam</p>
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This name ignores historical and geographical facts.

The name “Judean Low lands” is a crafted name. The location of Adulam is conjectural.

The proper name should be Bayt Jibrin Caverns. This is the known name for 17 centuries and earlier. The original name, Bayt Jabra (House of the Powerful), is Aramaic. During the brief Roman period the town was given a similar name, Eleutheropolis (the City of the Freeman). In the Islamic period (14 centuries), including the British Mandate period till 1948, it retained the original name, Bayt Jibrin. The present Israeli appellation is phonetically similar.

Therefore the proper name, Bayt Jibrin Caverns, should be upheld.