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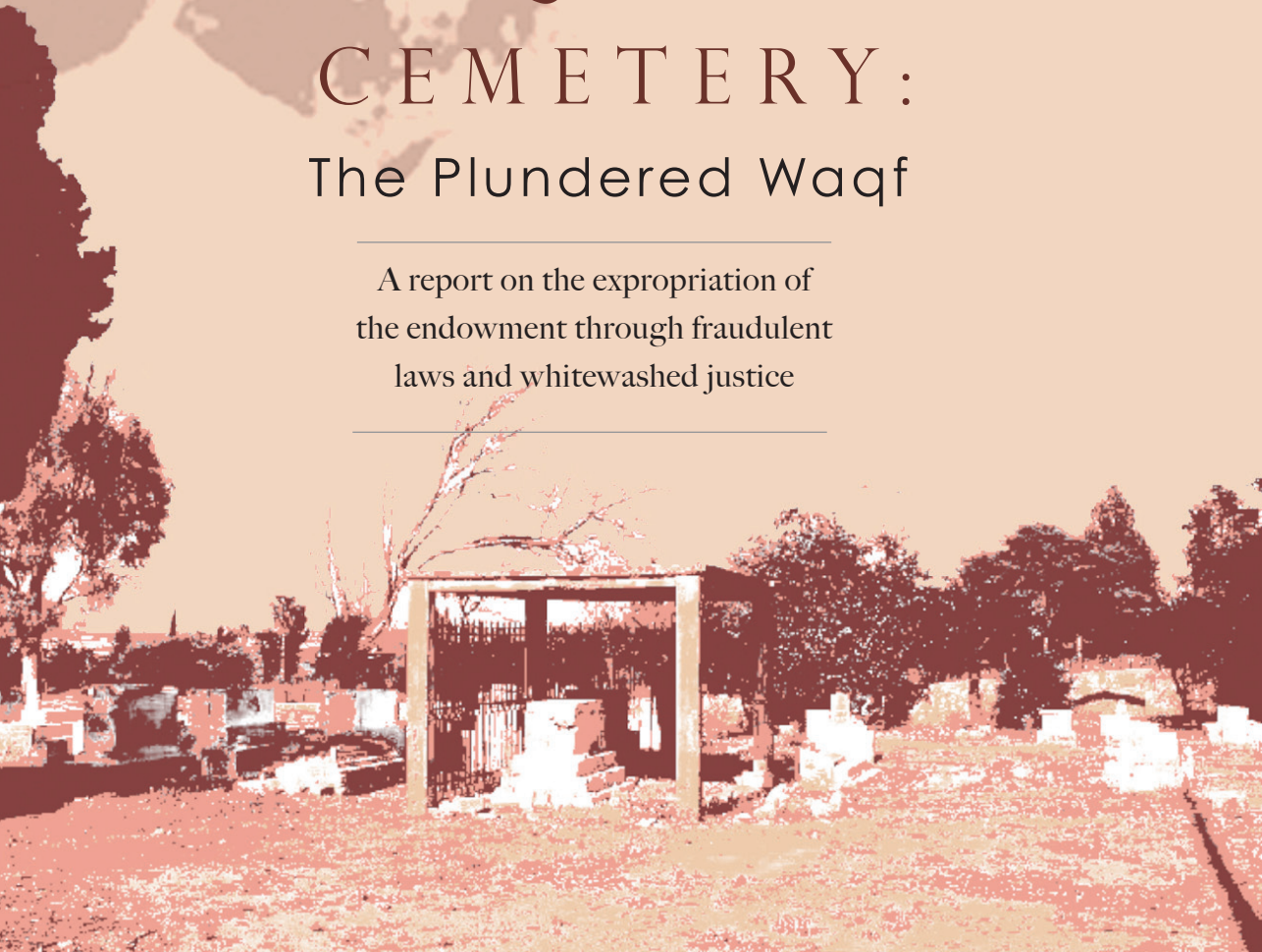
Organization for  
Human Rights

# AL-QASSAM CEMETERY: The Plundered Waqf

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A report on the expropriation of  
the endowment through fraudulent  
laws and whitewashed justice

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# AL-QASSAM

## C E M E T E R Y :

The Plundered Waqf

A report on the expropriation of the endowment  
through fraudulent laws and whitewashed justice

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## MEEZAAN Organization for Human Rights

This is an independent, non-governmental human rights organization headquartered in Nazareth and enjoys a consultative status with the United Nations Economic and Social Council. It was established in 2000 by a group of Palestinian lawyers and human rights activists with the goal of consolidating the concept of justice and defending freedoms and human rights.

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# FOREWORD

## Within This Book

In contemplating the events of the Al-Qassam Cemetery tragedy, which is occurring in the displaced Balad e-Sheikh (Haifa district), one will find that it summarizes the history of Palestine's tragedy, with the displacement, ethnic cleansing, racism, Judaization, confiscation, conspiracies, forgeries, betrayals and disappointments from near and far, as well as the endurance, perseverance, resistance, struggle, and sacrifice of the Palestinian people.

Fundamentally, Islamic endowments (waqf) are institutions whose primary function is to benefit the people, and have been used extensively throughout Islamic history for the purposes of social development and support. However, these endowments have now become burdened with other charges and obligations, despite the Palestinian concepts of belonging and identity that have been ingrained into its soil and carved into its stone. In the same manner that cemeteries are where people visit their dearly departed and remember their virtues, these endowments are crucial to providing identity and affiliation; a key factor why the Israeli authorities have sought to, and continue attempting, to change.

The sad story of this report began in the year 2014, after the company, Kerur Ahzakot, filed a lawsuit against the Al-Aqsa Foundation for Endowments and Heritage and the trustee of the Al-Istiqlal endowments in the magistrate court of Kiryat Bialik (Krayot) in Haifa bay. The company petitioned the court to issue a ruling preventing the defendants from entering the endowment land or performing maintenance and cleaning acts, citing that the company was the rightful owner of the land.

It was at this point that the Meezan Organization became involved.

After reviewing the pleadings and documents of the lawsuit, the organization's lawyers made a shocking discovery. The specifics of the suit revealed that a questionable agreement had been made many decades ago between deceitful parties (under cover of secrecy) that involved selling part of the cemetery's land to establish an entertainment and commercial complex.

The torrent of injustice, subjugation, and racism did not end with the obliteration of a large portion of the cemetery - including several landmarks as well as the lands attached to and associated with the Al-Istiqlal Mosque Waqf in Haifa - but rather the lawsuit also included a petition from Kerur Ahzakot demanding the removal of twenty-three graves from Al-Qassam Cemetery in order to construct economic projects on the cemetery's land. This petition came directly after Israeli authorities had confiscated thirty dunams of the original forty-five dunams of the Balad e-Sheikh cemetery, housing many of the burial sites of the village's families. These include the graves of several martyrs, among them the tomb of the martyr and warrior, Izz ad-Din al-Qassam.

This report presents a sample of the unjust and illegal practices perpetrated by the Israeli establishment for multiple decades, in order to undermine the rights of the Palestinian people in their lands, sanctities, and endowments, with the Al-Qassam Cemetery becoming one of the many victims of these practices. This report also documents the legal and public procedures associated with the Al-Qassam Cemetery case. these proceedings lasted a period of eight years filled with both hope and pain. The Meezan Organization, as well as several other figures, have served as observers and advocates during the entirety of the case. Regrettably, the outcome ruled in favor of Kerur Ahzakot, awarding them the right to appropriate an area of 15 dunams of the endowment's land (in addition to another 15 dunams that had been confiscated). The company intends to construct projects upon the rubble of the cemetery and its Arab Islamic identity, with the ultimate goal of completely Judaizing it.

**Attorney Firas Dallasha**

President of Meezaan Organization for  
Human Rights



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# ENDOWMENTS AND SANCTITIES

## Are Among Our Priorities

The issue of Islamic and Christian endowments tops our list of priorities as a human rights organization, and we believe that preserving them is part of the endurance of our people and their commitment to their sanctities and land. Therefore, we have worked and continue to work— to the best of our ability— to intercept the wicked plans that varying state institutions have devised over the decades to steal Palestinian endowments and sanctities through forgery, pettifoggery, and through the enactment of unjust and unfair laws.

The most prominent of the methods Israel has used to steal endowment lands are the “Absentee Property Law” which was enacted in 1950, and the “Land Acquisition Law” which was enacted in 1953. These two laws resulted in the possession of thousands of dunams of endowment land that had been registered in the name of the Supreme Muslim Council in Jerusalem, after its members were announced as absentees. It was on this basis that the state of Israel expropriated ownership of most Islamic endowments and sanctities. To further facilitate the usurping of sanctities and endowments and the registering of their ownership over these bodies, it established agencies such as the “Development Authority” and the “Israel Lands Administration”. As a result, private commercial companies were then “sold” the lands, confirming Israel’s intent to steal our lands and endowments through the mechanisms of fraud perpetrated by their institutions.

In spite of their actions, our hearts do not fill with despair nor do they weep over the continued wreckage of our lands, but rather we become reinvigorated with the strength and persistence to push forward with writing and defending our true story. We work to only secure our rights, which will never become negotiable nor be willingly surrendered. The endowments have been dedicated to God and are considered sacred for now and forever. The concept of endowments is such that they cannot be surrendered or subjected

to any emergency situation outside the will of their owners. This is because the ownership of endowments is not subject to change due to any emergency situation. Any attempt to change their purpose or ownership would be detrimental to the original intention of the endowment. Therefore, we will not sit idly by and witness the pillaging of our endowments.

I recall when the judge asked us a deplorable question while we were arguing the case of the Al-Qassam Cemetery at the magistrate court in the Krayot, “Why had no one moved a muscle or objected to the confiscation of the cemetery in 1955?”. Our response was, “We remind you that this was a short time after the Nakba on our people, after which Jewish gangs such as the Haganah, Etzel, Lehi and others continued to displace, evict and destroy hundreds of Palestinian villages. Martial law had been imposed on us during this period, including house arrests, curfews, travel restrictions, arrests and more. How could any individual take action against that law or any other, while an entire nation’s homes and lands were being looted, and its residents forcibly displaced and left with nothing?” We then said, “We had expected you to ask the state representatives, ‘Why did you confiscate the Islamic Al-Qassam Cemetery? Why did the state conspire with the state appointed trustee of endowments at the time? The trustee had been responsible for moving the graves in return for a monetary sum, but he instead stole the money and fled without moving the graves.’ Rather than these questions, you demanded answers from the morally upright people among the trustees and asked them to answer for the shameful and disgraceful agreements that had happened between the state and its colluders!?”

We affirm that the Meezaan Organization for Human Rights remains committed, in line with its vision and objectives, to the monitoring and addressing of societal issues and concerns. We consider the preservation of endowments and sanctities as our topmost priority. We will do everything in our power to continue defending the Islamic endowments and sanctities that have been confiscated under the “Absentee Property Law”, because endowments must neither be confiscated nor sold, and what we apply to Islamic endowments apply to Christian endowments as well.

**Attorney Omar Khamaisi**

Executive Director of Meezaan Organization  
for Human Rights



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# INTRODUCTION

The issue of the endowment land of Al-Istiqlal Mosque in Haifa, and at its head the case of the endowment land of Al-Qassam Cemetery, is a paradigm reflecting Israel's policies and plans, since its establishment in 1948, with the goal of expropriating Islamic and Christian endowment lands in Palestine. In order to achieve their objective, they have employed diverse tactics, such as the exertion of force, deceit, and trickery, along with the implementation of discriminatory regulations and an unjust legal system, all serving the Zionist agenda. These actions seek to eradicate the religious, historical, cultural, and civil heritage embodied in these endowments, despite their knowledge of the fact that they once constituted 116/th of Palestine's land area.

Of the racist laws that Israel enacted with the goal of confiscating Palestinians' lands is the "Land Acquisition Law" of 1953 or its Hebrew abbreviation "H.R.M." (ח.ר.מ. - חוק רכישה מקרקעים). This law allowed the Zionist government to confiscate the land and forcibly expropriate it under the pretence of using it for the benefit of the public. In under a year, the land was sold to a private company, which is a clear contradiction to the false assertion that the confiscation was for the good of the public.

In 1965, the Israeli government enacted the "Custodian Committee Law", which established a committee of custodians over Islamic endowments in Haifa, Jaffa, Acre, Lod, and Ramla. The law was ostensibly aimed at creating a "legal entity" that would enable the sale of endowment properties under supposed Islamic and official auspices. In reality however, this body was established to execute the directives and plans of the government entity that had appointed it, and was thus a controlled entity masquerading as an Islamic



⬆ **Above:** Al-Qassam Cemetery in Balad e-Sheikh

and official institution. The Zionist state uses this entity to make fraudulent agreements to seize endowment land, disguising these fictitious deals as legitimate contracts. This tactic was used with the state-appointed trustee of Al-Istiqlal Waqf, Suhail Shukri, when a purported land exchange was arranged between the Al-Qassam Cemetery and a new cemetery in Kafr Samir in Tirat Carmel (also known as Al-Tira, Haifa). However, it was later revealed that the state had granted lands in Kafr Samir to both the Jewish and Christian communities without compensation, and that the supposed exchange deal with the trustee was nothing more than a fraudulent ploy to mask the expropriation of the Al-Qassam Cemetery.

## Al-Qassam Cemetery: HISTORICAL BACKGROUND

Al-Qassam Cemetery is an endowed land, and it is one of the biggest Islamic cemeteries, holding within its soil hundreds of martyrs. During the British occupation in the twentieth century, the cemetery became the first cemetery in Palestine to serve as a burial place for martyrs. It is now the second largest martyrs' cemetery within the Green Line, following Tasso Cemetery in the city of Jaffa, which dates back to the eighteenth century during the period of French occupancy.

Al-Qassam cemetery is located in Palestinian, Balad e-Sheikh in Haifa district, at a distance of 5 km in the southeast of Haifa. In 1948, the year of the Nakba, the village continued to resist and defend until the year of the spring, and the Zionist forces were unable to occupy it. In April 1948, Haifa was captured with the assistance of British forces, leading to the evacuation of the village's inhabitants who subsequently relocated to Acre. After it was occupied and cleansed of its original residents by the Zionist gangs, it was renamed Tel Hanan, and became part of the Nesher colony.

Al-Qassam Cemetery covers an area of 45 dunams. It was named after the martyr Sheikh Izz ad-Din al-Qassam, who fought against the British forces in 1935 and whose death sparked the 1936 rebellion against British occupation.

For context, it is worth noting the following information on Sheikh Izz ad-Din al-Qassam. Sheikh Izz ad-Din al-Qassam was born in 1882 AD in the town of Jableh, in the Latakia governorate of Syria. His efforts to resist the French occupation of Syria caused

him to be sentenced to death in absentia. Sheikh al-Qassam fled to Palestine in 1921 with some of his comrades, where he took up residence in Al-Istiqlal Mosque in the old neighborhood of Haifa. This neighborhood was where poor farmers had settled after being expelled from their villages. Sheikh al-Qassam became involved with the community, working to educate and combat the high levels of illiteracy that were prevalent among them. By offering evening classes and making frequent visits to members of the community, he garnered support and appreciation from the people. Sheikh Izz ad-Din al-Qassam played a significant role in the resistance against the British occupation of Palestine. His influence enabled him to effectively mobilize, spread awareness, attract recruits, and establishment organization.

When Sheikh Izz ad-Din al-Qassam was martyred along with a number of his comrades on 20/1935/11/, the British occupational forces became wary of confrontations and acts of anarchy from the people of Haifa. They anticipated that thousands would participate in the funeral procession of the martyr Sheikh al-Qassam, due to his inspirational personality, and his steadfastness towards because of religious, symbolic and nationalistic status of the Palestinian resistance. Therefore, the British occupational forces decided to bury the martyr al-Qassam in a place far from Haifa, so that his grave would not become a shrine in the city. The burial place they chose for al-Qassam and his comrades was a plot of land in the Palestinian village of Balad e-Sheikh.



**Above:** The martyr Izz ad-Din al-Qassam



**Below:** Al-Qassam Cemetery in Balad e-Sheikh and appearing in the center the grave of the martyr Izz ad-Din al-Qassam

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**Above:** The destruction of Balad e-Sheikh and the displacement of its residents in 1948

A year after his burial in November 1945, the 1936 revolt erupted, leading to clashes between the rebels of Haifa and neighboring areas, against the British occupation and the Jewish settlers who had established colonies in the Beisan area. Numerous Arab Palestinians were martyred during the revolt, prompting the decision to bury all of them in the Balad e-Sheikh cemetery. The cemetery came to be known as “Al-Qassam Cemetery” due to its symbolic significance for the martyrs.

Since then and up until 1948, all of the martyrs from Haifa and its neighboring Palestinian villages who lost their life at the hands of the British occupation, or were massacred by the Zionist gangs, were buried in the Balad e-Sheikh cemetery (a.k.a. Al-Qassam Cemetery). Even the rebels and martyrs of the Palestinian revolt of 1936 -1939 were buried in this cemetery, along with victims of the oil refinery massacre, the Hawassa massacre, and the Balad e-Sheikh massacre, perpetrated by the Zionist Haganah gangs on 31 December 1947. More than sixty Palestinians were martyred day, many of whom were women and children.

In the year of the 1948 Nakba, the Israeli authorities closed Al-Qassam Cemetery and forbade further burials in it. Following the displacement of nearby villages and the Endowments and Imams Committee, Israel proceeded to seize all the endowed lands, looted

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⬆ **Above:** The massacre of Balad e-Sheikh in December of 1947

their documents and then confiscated them, while concealing majority of the records.

After the Nakba of 1948 and the displacement of most of the residents of Haifa and the villages in the area, the cemetery became a target for Zionist greed. The state, official establishments, and capitalist circles were complicit in a systematic campaign of theft and pillage, all of which was facilitated by the puppet colonial courts

Fortunately, fate smiled upon the cemetery, as it had been registered under the name, Waqf Al-Istiqlal, which belonged to the Muslim community of Haifa. Despite the enormity of the Nakba and its devastating consequences, Muslims managed to maintain the continuity and existence of the waqf. The occupying authorities were unable to classify this endowment as “absentee property” like they had done with thousands of other endowments. The arbitrary “Absentee Property” law, which was enacted in 1950 and allowed for the confiscation of land belonging to those who had been displaced, was not applied to this particular waqf.



**Below:** The grave of the martyr Izz ad-Din al-Qassam - Al-Qassam Cemetery in Balad e-Sheikh



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# OPPOSING PLANS

## And Uncovering Judicial Fraud

Starting from the 1950s, a series of fraudulent attempts began with the aim of erasing the sanctity of the cemetery and undermining the ownership of the waqf, in order to convert the land into commercial real estate. The cemetery's land was divided into three lots, of which only one was acknowledged as cemetery land, while the other two were seized by the occupation.

In 1954, the Israeli authorities seized the lands of Al-Istiqlal Waqf, using their so-called "Land Acquisition Law" of 1952. Shortly after, they rented and later sold one of the sections to a private company called Kerur Ahzakot. The authorities then appointed Suhail Shukri as "Waqf Trustee", a person with no affiliation with the original rights-holders, and entered into an agreement with him that they called an "exchange agreement". It later became clear that this was a fraudulent deal orchestrated by the Israeli establishment to legitimize the sale of the waqf land to an investment real-estate company.

As per the exchange agreement between the two parties, the waqf trustee, Suhail Shukri, relinquished the right of disposal over a portion of Al-Qassam Cemetery land in lot number 47 and lot number 49 of block 11229 to the Israel Lands Administration. In essence, Suhail Shukri was complicit in the legalization of the seizure of waqf land and its sale to a Zionist real estate company. By participating in the exchange of land agreement, he gave the

ففيلة الشيخ موسى الطبرى المحترم

قاضى عكا الشري

المعرض لفضيلتكم .

نحن الموقعين ادناه المتولين علي وقف الاستقلال بحيفا نعروض علي فضيلتكم ما يلي :

ان المقبرة المحروقة بمقبرة تل حنان في بلوك ١١٢٢٩ قسيمة ٢ التي هي من ضمن اوقاف الاستقلال بحيفا مهجورة منذ زمن بعيد وحيث لم يكن للمسلمين في حيفا مقبرة لدفن موتاهم فقد قامت السلطات بانتشاء مقبرة جديدة في حيفا بمساحتها ٣٠ دونا على الفسائم ٢٢٠٢١، ٢٢٤، ٢٤٤، ١٠٥، ١٠٨٤ ، من بلوك ١٠٧٣٥ وقد قامت السلطات بتسييج هذه المساحة وشيدت عليها بناء يحتوى علي غرفتين ومخاض ومطبخ احدى الغرفتان لسكنى الحارس والثانية لتحصيل الموتى التي جرت لها تجهيزات اللازمة كما قامت السلطات مؤخرا بمد طريق من الشارع العام الي المقبرة وهدت سحاحة لوقوف السيارات كما انها تعهدت بصرف ممر طول ٢٥٠ مترا داخل المقبرة نفسها .

وحيث اننا راينا من الضرورة تسجيل هذه المقبرة الجديدة بالطابو باسم المسلمين فقد تدارنا مع السلطات المختصة على استبدال مساحة قدرها ٣٠ دونا تقريبا من مقبرة تل حنان المهجورة ببلوك ١١٢٢٩ قسيمة ٢ بموجب البطاقة المرفقة مقابل قيام السلطات بتسجيل مساحة المقبرة الجديدة بالطابو مع محتوياتها وابنياتها وفقا صحيحا مويدا باسم متولين وقف الاستقلال واننا نرى حظا ومنفعة للوقف من هذه المبادلة

فيرجى من فضيلتكم الموافقة علي ذلك وكذلك الموافقة علي ازالة وصف الوقف عن المساحة المراد

استبدالها من مقبرة تل حنان

تفضلوا بقبول وافر الاحترام

عبد الكريم ابراهيم

فواز السعد

سعدى قومان

راسم صدقي

سهيل حسن شكوى

Letter from the trustee of Al-Istiqlal Waqf to the Acre Sharia Court judge petitioning him to approve the "exchange agreement"





⬆  
**Above:** Al-Qassam  
 Cemetery in Balad  
 e-Sheikh

impression of a mutual exchange, when in reality, the land had been confiscated through force. The extent of the deception became even more apparent when it was revealed that the Israeli government had granted land from the village of Kafr Samir in Tirat Carmel in Haifa, for use as cemeteries to all communities, both without compensation and without striking land exchange deals with the other communities.

The following is a scanned copy of a letter sent to the Sharia Court in Acre at the beginning of 1961, signed by members of the Al-Istiqlal Waqf trustees: Suhail Hasan Shukri, Rassim Sidqi, Saadi Qarman, Fawaz Al-Saad, and Abd Al-Karim Abu Dabbus. The letter petitions the Sharia Court judge in Acre, Sheikh Musa Al-Tabari, to approve the “exchange agreement” under which the mentioned area of Al-Qassam Cemetery’s land would be ceded “in exchange for” 30 dunams of lot 2, block 11229. The Al-Istiqlal Waqf trustees’ letter also requests approval to remove the endowment classification from the area of Al-Qassam Cemetery, that they want to exchange.

On 13 /2/ 1961 the Sharia Court in Acre ruled to approve the “exchange agreement” under which the mentioned area of Al-Qassam Cemetery’s land would be ceded “in exchange for” 30 dunams in lot 2 of block 11229 in Kafr Samir in Tirat Carmel in Haifa, to make use of them as graves in which to bury Muslims. As we indicated above, the Israeli government had granted all the communities lands for their use as cemeteries in the village of Kafr

Samir and it did not take any recompense in exchange for those lands nor did it strike an agreement of land exchange with the other communities. It was the Muslims' right also to receive cemetery land in Kafr Samir. There was no justification for the government to require an exchange of the Al-Qassam land a plot in Kafr Samir. The Muslim community was entitled to receive a cemetery plot in Kafr Samir without any compensation to the Israeli government, just as the other communities did.

It should be noted that the decision of the Sharia Court stated that the land allocated to the Muslims must be free of graves, which means that no exchange agreement could be made if the land had existing graves. However, the land in question was indeed occupied by graves, and yet both of the parties involved in the deal (Suhail Shukri and The Israel Lands Administration) concealed this fact in order to circumvent the condition set by the Sharia Court. Therefore, the agreement was null and void from the beginning because it went against the Sharia Court's decision for the land to be empty of graves. Furthermore, the agreement was signed while concealing the truth from the court about the existence of said graves.

Later in this report, we will explain how it was proven that there were graves on lot number 47 and lot number 49 in block 11229, i.e. the lots mentioned in the "exchange agreement" that required the waqf trustee, Suhail Shukri, to transfer the right of disposal of an area of the Al-Qassam Cemetery's land to the "Israel Lands Administration."

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Here is a copy of the decision of the Sharia Court in Acre.

And here is a copy of the letter which the Al-Istiqlal endowments trustee, Suhail Hasan Shukri, sent to the "Israel Lands Administration" on 15 /10 /1969:





قرار رقم ٦٤/٤

الحاقا بالقرار الرقم ٦١/١١ الصادر من محكمة الشرعية بمكة المنعقدة بحيفا بتاريخ ٢٦ رمضان ١٣٨٠ هجزة الموافق ١٣/٢/١٦٦١ بخصوص موافقتنا على استبدال المقبرة المعروفة بمقبسة تل حنان والتي هي من اوقاف الاستقلال الاسلامي بالمقبرة الجديدة في حيفا التي انشأتها السلطات وحيث قد ظهر اختلاف في ارقام القسامم بعد الافراز فانهي أمر بهذا باجراء المبادلة حسب كل الشروط المذكورة في قرار المحكمة رقم ٦١/١١ الانف الذكر بموجب الخارطة المرفقة بهذا القرار والموقعة من قبلنا وما هو الواقع حرر وجرى في يوم ٨ ربيع الاخر ١٣٨٢ الموافق ٧ ايلول ١٩٦٢ .

قاض محكمة عكا الشرعية

المنعقدة بحيفا



لعمري  
رسم صورة قرار رقم ٦٤/٤  
٢٥  
٢٤

١٩٦٤/٩/١٠  
٩٦٤/٩/١٠

مصدق  
مصدق  
مصدق

١٩٦٤-١٩٦٥  
١٩٦٤-١٩٦٥  
١٩٦٤-١٩٦٥

Document of decision number 11 / 61 : The Sharia Court in Acre judge's response to the petition of the Al-Istiqlal Waqf trustee

Attached are scanned documents from the legal fraud procedures of the agreements signed between Suhail Shukri, the previous trustee of Al-Istiqlal Waqf, and the Israel Lands Administration. These documents show that Shukri requested a certain amount of money in exchange for transferring the graves buried in Al-Qassam Cemetery to the new cemetery in Al-Tira.



Document of the Al-Istiqlal Waqf trustee, Suhail Shukri's letter to the "Religions Office in Haifa" and another copy to the "Israel Lands Administration" (10/11/1968)

457  
TV

11.8.69

ע. ברנבלום - משרד עורכי דין  
A. BERNBLUM - LAW OFFICE  
ע. ברנבלום - מכתב חאמי

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64593, 62030 : 1970

Reference No. 79/79-ס"י - 2154

HAIFA, 10.8.69 ח'פה  
חיפה

מנוהל מקרקעי ישראל  
מ.א.ת. 11.8.69  
מספר: 10735/9

לכבוד  
מינהל מקרקעי ישראל  
לחשומה לב סר יום טוב  
רח' העצמאות 13,  
חיפה  
א.נ.

הנדון: בית קברות בנשר  
מספר: 10735/9

1. נא להודיעני מהי בהערכתם לגדר אה השטחים המופרדים.
  2. יש לדאג להפדר להעברת הקברים בהחאם להסכמ ולאשור המקורי של ביה"ד.
- נא להודיעני מה הסדורים שנעשו.

בכבוד רב,  
ע. ברנבלום, עו"ד

מה שיהי

ע.  
העק: 1. מר דנא  
2. מר שוקרי הנאמן על הווקפים "אל אסחלל"

Document of the letter from the law firm in Haifa (A. Barlenbaum) to the "Israel Lands Administration" and the so-called "Yom Tov", demanding they fulfill the agreement with the Al-Istiqlal Waqf trustee, Suhail Shukri (11/8/1969)

טל. (סודר 2 חובר 1)

6899

11.8.70

ל. ברנבלום - משרד עורכי דין  
A. BERNBLUM - LAW OFFICE  
ע. ברנבלום - מכתב עמין

A. Bernblum Adv. and Notary  
J. Oron Adv.

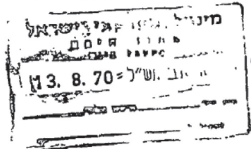
70, HANUUM STR.  
P.O.B. 4237 HAIFA  
TEL. 67030, 64593

ע. ברנבלום מחامي وكاتب عدل  
ي. اورون محامي  
شارع هانوم 70  
حيفا س.ب. 4237  
تلفون : 64593 - 67030

ל. ברנבלום עורכי דין ונוטריון  
י. אורון עורכי דין  
רחוב הנביאים 70  
ת.ד. 4237 חיפה  
64593, 67030 : 11870

Reference No. סמ. לחיבור 689/1

חיפה 11.8.70  
HAIFA, חיפה



לכבוד  
מר יום טוב  
מנהל סקר קעי ישראל  
רח' העצמאות 13  
חיפה

הנדון: ביה קברות בנשר.  
מספרכם: 10735/9

נאמר לי שעם קבלת החקורות - בצעה את  
העסק החליפין - נא אשר לי זאת.  
עתה יש לדאוג להעברת הקברים ונקוי ביה -  
הקברות.  
יש לעשות זאת ללא כל דחוי - ועל השבונכם.  
נא לתאם עם משרד הדתות ועם מרשי מר שוקרי,  
את הסדורים לכך.

בכבוד רב,  
ע. ברנבלום ע"ד

סמ/  
העק מר דנא משרד הדתות חיפה,  
מר שוקרי מוחוואלי.

Document of the letter from the law firm in Haifa (A. Barlenbaum) to the "Israel Lands Administration" and the so-called "Yom Tov", asking them to coordinate and cooperate completely with the Al-Istiqlal Waqf trustee, Suhail Shukri, to complete the transfer of the graves buried in Al-Qassam Cemetery to the new cemetery in Al-Tira (11/8/1970)

מס' 1 סגור 11

Handwritten initials and a circled stamp.

Handwritten number: 5,112.00

מדינת ישראל  
משרד הדתות

תאריך: ב"ה, חיפה, השבוע השלישי  
אוקטובר 1970

צוניתה  
מדינת ישראל  
מחלקת כספים  
מחלקת מע"מ  
מס' 11.70-5  
מס' במספר

לכבוד  
מר ע. יום טוב  
מנהל מקרקעי ישראל  
חיפה

הנשוא: ביה"ק המוסלמי בנשר

בהמשל לשיחתנו הטלפונית הריני להודיעך כי מר שוקרי העביר אלי הערכה כספית של ההוצאות הקשורות בפינוי הקברים מהאיזור המועבר לרשותכם.

רשימת ההוצאות מסוכמת בסך 6,150 ל"י לפי פירוט זה:

- 1. העברת 25 קברים x 150 ל"י = 3,750 ל"י
  - 2. הכשרת קבר אחים = 1,800 ל"י
  - 3. דלת ברזל = 400 ל"י
  - 4. מפנדס = 200 ל"י
- 6,150 ל"י

כך יצויין שעמ"י סכום ישיבה שנערכה לפני מספר בין שני הצדדים ואשר הח"ם היה נוכח בה - צריך המנהל לשאת בהוצאות הנ"ל.

בכבוד רב,  
נסים זינה

Handwritten signature.

Document of the letter from the Israeli authorities- the religions office in Haifa- to the so-called "Yom Tov" and the "Israel Lands Administration" laying out the details of paying the money according to the agreement to transfer signed by Suhail Shukri (October 1970)



קבלה

הנני החתום בטה, סוהיל שוכרי, ה.ז. מס' 204316 אשר פתח כמתוואלי וקף אסחקלאל מאשר בזה כי ביום 4 בנר. 1971 קבלתי מאח יורם בן סך של 4000 ל"י בז"ק מס' 99-830470 חמסוך על שם בנק הדואר וכוסב לסקורחי בהתאם להסכמ שנערך עם רשות המחוז, בגשר.

הנני מאשר כי בזה נסתימו כל הביקוהי כלפי האפוטרופוס קל יכטי-נסקדים לביה הקברום דללול, הנמצא בנוש 11229 חלקה 2.

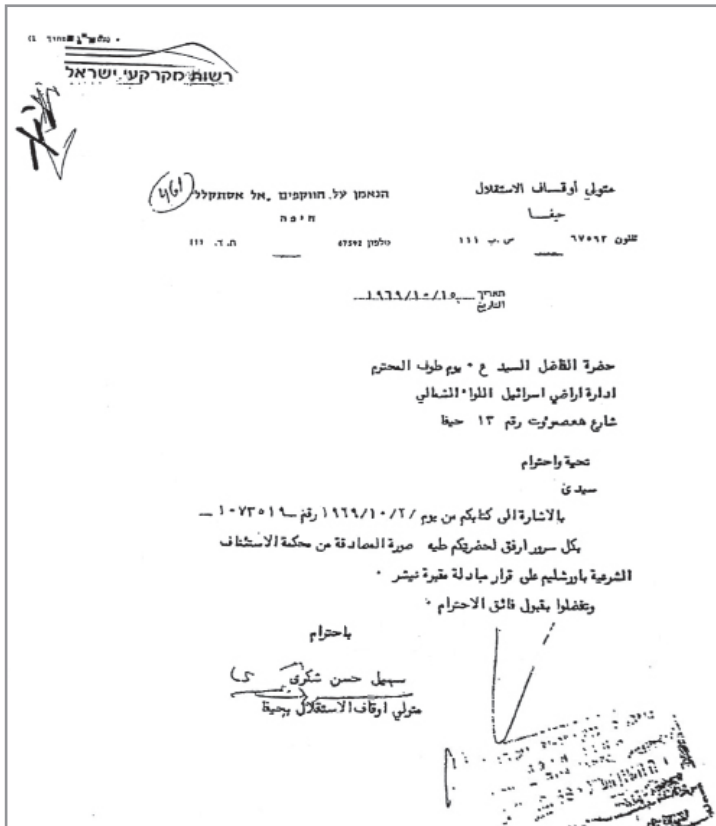
סוהיל שוכרי



Document of a proof of receipt signed in the name of the Al-Istiqlal Waqf trustee, Suhail Shukri, revealing his receipt of an amount of 4000 lira in compensation for - according to the "exchange agreement" - completing the transfer of graves from Al-Qassam Cemetery to the cemetery in Al-Tira ( 4 / 9 / 1971 )

It is important to note that the government-appointed waqf trustee submitted an unsigned document from the Jerusalem Sharia appellate court, which he referred to as "Urushalim" (Jerusalem), claiming that the appellate court had also approved the agreement. The trustee continued to cooperate with the lands administration while hiding the truth about the existence of graves in the lot and the invalidity of the agreement.

*The respectable honorable eminent Mr. O. Yom Tov... Israel Lands Administration Northern District... Salutations and respect. Sir, with reference to your correspondence of 21969/10/ number -107351- it is with great pleasure that I attach for your eminence herein a copy of the validation from the Sharia appellate court on Urushalim, regarding the decision on the Nesher cemetery exchange. Please accept with the utmost respect.*



Attached is the letter from the trustee Suhail Shukri to the "Israel Lands Administration"

مِيزَان  
MEEZAAN  
Organization for Human Rights

محكمة الاستئناف الشرعية - اورشليم

رقم ٦٦ / ١

٧

قرار

١٧/١٢/١٩٦٩

في المجلس الشرعي الضمده لدى محكمة الاستئناف الشرعية في القدس المشكلة من القضاة  
الشيخ حسني الرضي والشيخ توفيق صليبه والشيخ امين مدلج .  
بمدا الاطلاع على القرار الصادر من محكمة مكة المكرمة الضمده في جملة رقم ٦٦ / ١٠  
بتاريخ ١٤ / ٢ / ١٩٦٦ .  
لأننا نحاذق على هذا القرار .

تحريرا في ٢٥ رجب سنة ١٢٨٩ هـ وفق ١٠ / ٧ / ١٩٦٩ م -

صدر محكمة الاستئناف الشرعية  
توفيق صليبه

عضو  
امين مدلج

عضو  
حسني الرضي



לשכת רישום המקרקעין  
חיפה  
2014-12-24  
מ"ט  
ב/רשם המקרקעין

The ruling from the Sharia Appellate Court in Jerusalem dated 7/10/1969

– On 9 /8 /1970, the “exchange agreement” was signed, and under it the waqf trustee of that time, Suhail Shukri, ceded to the “Israel Land Authority” the majority of the area of Al-Qassam Cemetery (approximately 31 dunams, 15 dunams of which had been previously confiscated) in exchange for dedicating a piece of land for Muslims in the Kafr Samir cemetery complex in Tirat Carmel in Haifa, even though the question here is: Why did Muslims have to exchange the land in return for their share of the cemetery in the Kafr Samir area whereas the people of the Christian and Jewish communities had a piece of land dedicated for them to bury their dead in for free?

Additionally, it is worth noting that the exchange agreement was not signed by Suhail Shukri himself, but was signed “on his behalf” by a person named “Oved Yom Tov,” who was later found to be using a fake name. The negotiations were conducted by “Oved Yom Tov” on behalf of the manager, according to a power of attorney granted by Shukri in 1968, which authorized “Oved Yom Tov” to sign the exchange agreement. Although it seemed that Suhail Shukri authorized “Oved Yom Tov” to sign the exchange deal on his behalf, the agreement was actually made between the “Israel Lands Administration” and “Oved Yom Tov” as a proxy for Suhail Shukri. However, it was later revealed that a company named “Kerur Ahzakot” claimed ownership over a 15 dunam area of the Al-Qassam cemetery land, asserting that they had acquired it from the “Israel Lands Administration” to construct a commercial complex on the site. Upon investigation by the Meezaan Organization for Human Rights in Nazareth, it was revealed that the “Israel Lands Administration” had sold this section of land to the company, claiming that it had obtained ownership through the aforementioned exchange agreement, under the pretext that this area was not part of the cemetery and did not contain any graves.

Document: Scans of the signed exchange agreement dating from 1970



MEEZAAN  
Organization for  
Human Rights

**ת צ ה י ר**

אני החו"ם **סוהיל חסן אוקי' סוהיל** וזקף אל אסחקלאל בחימה  
 מצהיר כדלקמן-

1. אני הוא הממונה (סוהילי) על וזקף מסגר אל אסחקלאל בחימה אסר סוגיית על ידי בית הדין הסרעי של הערה הסוטלמית.
2. מסרות הווקף הנ"ל כפי שפורטו בשטר הווקף הם כדלהלן-
  - א. שגור ושקום מסגר אל אסחקלאל בחימה, שגור ושקום הקדשיו, מינוי אימאם והטיב(נואם) טורה וקריין ומסרתם רהוטו וכיו"ב,
  - ב. חנוך והסכלה לבני הסוטלמים בחימה.
  - ג. קיזם טרמאח כאחד סכסי הווקפים האלה.
  - ד. שקום וחזון מסגר אל חג' עבדאללה אבו יונס, ריהוטו ומסכורה לאימאם ו-ה'טיב (הנואם) הטורה קריינו ומסרתו.
  - ה. הוספת בנינים לווקף של המסגר הנדון ספרות הווקף עזמו.
3. ההכנסות של הקדש סיועדות אך זקף לקדום מסרות הקדש ולא לעשיה רווחים, ומשמשות כפועל למטרות הנ"ל
4. הקדש הנו הקדש אמיחי (וקף סחיה) - ע"י דיין, וחלות בנינו כל הוראת החוק הסדעי.
5. בכסי הווקף להלן הירשוסים על שמו בספרי האחוזה משמשים למטרות המפורטות שלהלן:

השקופ	שטח	חלקה	גוש
בית קברות מוסלמי	4,317 ד'	10	20842
קרקע המשמשת כמסוך	1.485	15	"
מסגר ומסכיב מכנים חנויות		16 א'	"
מחסנים בית סלון וכו'	1.356	16 ב'	"
		17	"
בית קברות	4.691	21	"
מגרש ועליו סבנים	431.555	22	"
		23	"
בית קברות סיועד לחליפין עם ר"ב	29.818	47	11229
בית קברות קיים ב-חל-חל נתון	12.768	48	"
בית קברות (דוק)	1.147	49	"

אין לוקף הנ"ל נכסים טאינם משמשים למרות הנ"ל.

מצהיר זה ניהן בתסיבה לבקשה שהוגשה ע"י מינהל סקרעי ישראל לסטור את הווקף מאגרת רשום עסקת חליפין עם רשות הפתוח לפי תקנה 10 א' לחוק המקרקעין (אגרות) חס"ל-1970 המכובעת בחיק לשכה רכום המקרקעין בחימה מס' 9210/69.

ולראיה כאחי על החתום

היום 3 לחודש דור שנת 1970

היועץ 21/11 הותיע כפני אני עו"ד ע. ברנבלום מר סוהיל שוקרי המוכר לי אישית ולאחר שהזדהו על חשנשים הצפויים לו בחוק בנין הצטרף לכוזבה הצהיר

החיימה סוהיל חסן שוקרי מוח'לג וזקף ב"סע אל אימאם קולאל בסכיתמה

Documents of the signing of the exchange agreement dating back to 1970

מדינת ישראל  
 משרד המשפטים  
 אגף רישום והסדר הקרקעות  
 משרד שפרי החלוקה בחיפה

מספר הבקשה \_\_\_\_\_  
 מספר השטר \_\_\_\_\_  
 מספר: 7655 / 14/12/09

מחוז: חיפה      נפה: חיפה      כפר או עיר: בלד - א-שייך, סירה

**שטר חליפין ופיצויים**

שנערך ביום 4 לחודש אלול 1970 שנים

- בין: רשות הפתוח ע"י מינהל מקרקעי ישראל להלן: "א" מצד אחד, -  
 ובין: הנאמן של ווקף ג'מע אלאיסחויקילל של חיפה, להלן: "ב" מצד שני, -
- הואיל וצד "א" הינו הבעל הרשום בספרי האחזקה של החלקה 62 בגוש 10735 ו-122, 138 בגוש 10738, סירה, -  
 והואיל וצד "ב" הינו הבעל הרשום בספרי האחזקה של החלקה 47, ו-49 בגוש 11229 בלד א-שייך (תל-הנץ), -  
 והואיל ורשות הפתוח רכשה שטח של 15 ר"מ מהגן החלקה 11229/47 הנ"ל לפי חוק רכישה מקרקעין (אגודת פעולות ופיצויים) חשי"ג-1953 בהתאם להודעה שפורסמה בילקום המרטומים מס' 352 מיום 15.6.54 (להלן: "השטח הנרכש"), -  
 והואיל ושני הצדדים הסכימו ביניהם לבצע חליפין בנכסיהם הנ"ל כמפורט להלן בגוף השטר, -
- והואיל וצד "א" לפצוח את צד "ב" עבור השטח הנרכש, וצד "ב" הסכים לקבל פצוי בקרקע עבור "השטח הנרכש", -  
 אי לכן מעיד שטר זה כדלקמן: -
1. האמור במבוא לשטר זה מתווה חלק בלתי נמנר מן האמור בגוף השטר.
  2. צד "ב" מעביר בזה לצד "א" את החלקה 49 א ואת החלקה 47 בגוש 11229 בפסימות להודעת הרכישה האמורה במבוא לשטר זה.
  3. בתמורה לחלקות המועברות על ידי צד "ב" לצד "א" וכן בפיצויים עבור "השטח הנרכש", מעביר בזה צד "א" לצד "ב" את החלקות 62 בגוש 10735 ואת החלקות 122 ו-138 בגוש 10738.
  4. החליפין הנ"ל מתבצעים ללא חמורה נוספת או אחרת כלשהי.
  5. הצדדים טעוירים בזה שהם בעלי הנכסים הנזכרים וכי הנכסים הנ"ל נקיים מכל ערעור זכות צד שלישי חוב או שעבוד, שרט לאמור במבוא לשטר זה.

מנהל מקרקעי ישראל  
 רשם

לשכת רישום והסדר הקרקעות  
 יקום חתימתו  
 24-12-2014

ה ה ש י ה

הנכסים המועברים לצד "א" (רשות הפתוח) -

שם	גוש	הקפה	שטח	חלקים	סוג	תאריך הקצנה
בלד-א-סייך	11229	47	29,818	בשלמות		בכפיהו להקרת הפקעה של 15 ד"ם מתוך החלקה לטובת רשות הפתוח ששורטטה בילקום טרנסמיס מס' 30.5.54-352

בלד-א-סייך	11229	49	1,147	בשלמות		
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הנכסים המועברים לצד "ב" (הנאמן של ווקף ב"מק אלאימתיקליל של חיפה) -

סירה	10735	62	0,293	בשלמות		
סירה	10738	122	10,606	בשלמות		
סירה	10738	138	9,516	בשלמות		

ביום 9 לחודש אולול שנת 1970

פנתול מוקרקעי ישראל  
בשם רשות הפתוח  
חתימת יד או חותם

נחתם בחתימת יד או חותם של  
מינהל מוקרקעי ישראל בשם  
רשות הפתוח

*למטעמי יד או חותם של מר סוהיל  
הסן שוקרי הנאמן של ווקף ב"מק אלאימתיקליל  
של חיפה בהתאם לכתיב מינוי נאמן מס' 148/65  
שהוקם על ידי בית הדין המדעי בעכו ביום  
21.7.65.*

נחתם בחתימת יד או חותם של מר סוהיל  
הסן שוקרי הנאמן של ווקף ב"מק אלאימתיקליל  
של חיפה בהתאם לכתיב מינוי נאמן מס' 148/65  
שהוקם על ידי בית הדין המדעי בעכו ביום  
21.7.65.

אני מקיד בזה שכירוס 9 לחודש אולול שנת 1970 בא לפני מר

מאשר חתימת וחותמת מינהל מוקרקעי ישראל בשם רשות הפתוח  
ובא לפני מר יזיק 16  
בשם הנאמן של ווקף ב"מק אלאימתיקליל של חיפה ואישר  
שהחתימה והחותמות שעל גבי שטר זה הם שלו כמו כן אישרו בפני שני הצדדים שהחומר על שטר  
זה ברצונם השוב והחופשי בהבינם את תוכנו.

מקיד לשבת רכוש הקרקעות

כשכרת רישור המוקרקעי  
מס' 24-12-29'4

סטר זה נרשם במסדר ספרי האחריות לרשמת המוקרקעי לפי מספר  
בספר האחריות מס' \_\_\_\_\_ דף מס' \_\_\_\_\_ של כפר או עיר \_\_\_\_\_  
אגדת רשום בסך \_\_\_\_\_ ל"י \_\_\_\_\_ אג' שולמו לפני קבלה מס' \_\_\_\_\_  
מיום \_\_\_\_\_

חותם הלמטה

רשמת המוקרקעות

Documents of the signing of the exchange agreement dating back to 1970

31/682

הח' מס רכיב וקדן מיטאים  
מס שט: מקדשעין, זימטה  
זי: סלולר וה' אפקד במשרדנו  
החתימה:

לפני כח בארבעה עשר ימים



אני הח"מ סוריל חסן עוקרי, כוחואלי וקדן ג' מע  
מסאקאלל, שבנה בזאת את פרקלים כחוז חיספה וכ"מ  
מסנניו סירי פצם ועוברד יום טוב ויעקב בן צור להיות  
כולם יחדיו וכל אחד מדם לחור, באי כחי לבצוע כל  
המעולות הדרושה להעשה כדון לפט:-

1. אשר הבנית החליקה שנעשה ע"י מר ל. ספורובסקי  
במס/מס 655/67 כפי שאושרה ע"י הועדה הכחוזית לתכנון  
ובניה ביטיבחה מס. 22 מיום 10.1.67 בבצועה בחוק  
במשרד מפרי האחוז.
2. לשם עקית כל פעולה הדרושה עכ"י דין להוררה ו/או  
בסול ו/או שנוי סדוג הקרקע במסח הסמוכן א/א ו-2/2  
על התכנית הנ"ל.
3. לשם עקית כל פעולה זימ לעשותה כדון על מנה  
ירכום את הקרקע הסמוכן באוח א/א ו-2/2 הנ"ל במס  
האזוטרואום לנכסי נשקדים ו/או כנהל סקרקעי ישראל  
ו/או בהתאם להוראות חיסם - בתנאי כי באוחו זכך ובאוחו סעבר  
ירשט שט ביה הקברות דחוט במכואות חיספה כגוש 10735  
ו-10736 כפי שחולק בחיק רח"מ 907/56 ש"ח במאי אבי.
4. לחתום על כל הסמסים בעשות כמכסים, שפרוט סמסים  
לרכות שטרי הלימין ו/או שטרי סבר ויהודר הלוקה וכיו"ב  
כפי שיהיה צורך סירי פעט בפעט לכפרה האכורה.
5. לשלם כל סכום יהיה צורך בחסלומו בתנאי שלא אחויב  
בו ו/או אמכע לשלמו.
6. כל אשר יקעט באי כחי הנ"ל או כי מהם, הריני כאכר  
ומקבל ויהשכ שנעשה על ידי אבי.
7. ובדרך כלל לעשות ולבצוע את החלסות ובית הדון  
הסדעי קבו - במושבו בחיפה בנוגע לאסוד לעיל לכפרות  
בצו מס. 61/11 ו-62/24.
8. היות וישטוי כח זה ניתן לפי פט"ר וזכויות זד  
סליטו קצורוח בו - הריני כאכר שיטני כח זה הוא כלה  
הזור וכחייב זוהי וזה הבאים במקוטי.

1968

לפני כח בארבעה עשר ימים



לשכת רישום המקרקעין  
ת"י  
24-12-2014



Documents of the signing of the exchange agreement dating back to 1970





The gate of the Islamic cemetery in the village, and above it an engraving of verse 26 from the chapter Al-Rahman: "Every being on Earth is bound to perish" (April 1991, Balad e-Sheikh)



The gate of the Islamic Al-Qassam Cemetery from the southern side, where the gate constructed over the cemetery is apparent



One of the documents that proves fraud was committed against the Sharia Court regarding the existence of graves on the lot is the following development: On 19 /11/ 1991 a session was held in Al-Istiqlal Mosque between a representative of the "Israel Lands Administration" and between a representative of the waqf trustees, in the presence of Judge Salim Samara, the judge of the Sharia Court. During this session, the "Israel Lands Administration" detailed the terms of the "exchange agreement" and claimed that the land was owned by the lands administration in accordance with the aforementioned agreement. He then claimed that a recent repainting and cleaning of the graves was an unauthorized act. At the end of the session, Judge Salim Samara requested that the lands administration submit the documents related to the agreement.

On 1 /12/ 1991, the "Israel Lands Administration" sent a letter to Judge Salim Samara, indicating that the trustee had pledged to

remove the graves from the area transferred to the development authorities (lots 47 and 49) as part of the «exchange agreement.» The trustee had requested payment of 400 lira on 4 /2/ 1971 to cover the cost of transporting the remains from the graves, but for some reason, this payment has not been processed to this day.

The content of the aforementioned letter serves as evidence that graves exist and have always existed on the lot, thus rendering the agreement null and void as it contradicts the Sharia Courts condition of approving the agreement, which stipulated that the lot be devoid of graves.

– On 24 /6 /1999 the “Israel Lands Administration” filed a suit with the magistrate court in Haifa (case file number: 1623099/) to procure a court ruling against the Haifa waqf trustee and custodian committee. As per the suit, it was alleged that under the exchange deal, the trustee was responsible for relocating all human remains from every grave in the lot received by the “Israel Lands Administration.” However, the trustee failed to complete this task. The court was requested to issue a ruling mandating the defendants to relocate the graves from lot 47 to the Muslim cemetery in Tirat Carmel, lot 4811229/, or any other suitable location.

⬇ The tomb of Sheikh Izz ad-Din al-Qassam, with the marble slabs shifted off him (April 1991, Balad e-Sheikh)



– On 14 /11/ 1999 the “Israel Lands Administration” submitted a petition to issue a temporary order against the Al-Istiqlal Waqf trustee and against the Muslim trustee committee in Haifa. A ruling was issued in absentia on 112000/1/, obligating the defendants to execute the process of transporting the remains in the graves on lot 47 to the Muslim cemetery in Tirat Carmel or to lot 48 or any other suitable location.

All of the above documents prove the falsity of the image the parties to the exchange agreement had presented to the Sharia Court as well as the falsity of their claim that the lot was devoid of graves (the condition that the Sharia Court had set for approving the deal). These documents prove that the agreement was void to begin with. However, the Israeli judiciary, in pursuit of its agenda to appropriate endowed lands, ignored this clear truth in order to legitimize the theft of the endowments land, thus perpetrating injustice.



AL-QASSAM  
CEMETERY:  
The Plundered Waqf

- ④ **To the left:** An aerial picture of Al-Qassam Cemetery (the cemetery is outlined in red)
- ④ **To the right:** The confiscated portion of the Al-Qassam Cemetery as shown inside the yellow border



**בתי המשפט**

ת"ד 016230/99

**בית משפט השלום בחיפה**  
רח' תל-אביב 11, חיפה.

תאריך: 11/01/2000

במני כ"ב השופט מ. רניאל

**הנתבע/ת/ים**

מדינת ישראל - רשות הפיקוח וק.ל.  
ע"י ב"כ עוזי"ד א. בר-חוק

**בעניין:**

**- 7 1 1 -**

**הגאמן על האקף ג' מאגנת אילאיסחקקאל**

**הנתבע/ת/ים**

ע"י ב"כ עוזי"ד

**ב"כ התובעת - ע"ד בר - חוק**  
**ב"כ הנתבעים - אין הופעה**

**נכחים:**

**פרוטוקול**

- ב"כ התובעת:**
- 1
  - 2
  - 3
  - 4

**מסגרת דין**

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13



ניתנה היום, ד' שבט תש"ס, (11 בינואר 2000), בפעם הצדדים.

- 16
- 17

בית המשפט השלום בחיפה  
אני מאשר  
שהעזקה זה נכון ופת"ל למקור

נטל י. / 001a.001 / 01623099p

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התל"מ

A lawsuit filed by the "Israel Lands Administration" authority to the magistrate court in Haifa against the endowment trustees to transfer the remains located in lot 47 (11/1/2000)

70620

בבית המשפט השלום בחיפה

ש"ד ענייניו 202 ט"ו יזיר 1999  
בית משפט השלום חיפה  
ת.א 16230/99  
מדיני נ. הנאמן וואקף  
תאריך פתיחה: 21/06/99

בענין שבין:

מדינת ישראל, רשות המבחן  
וק.ק.ל. באמצעות מינהל מקרקעי  
ישראל מחוז חיפה ע"י ב"כ היועץ  
המשפטי לממשלה א. בר-חוק, עו"ד  
שכתובתו למסירת כתבי בי-דין  
ר' ההגנה 10, ת.ד. 316 קריית אתא 28000  
טל' 052358259, 04-8444122

נגד

ת"ב ע  
בית משפט השלום  
בחיפה  
24-06-1999  
נתקבל/נבדק  
התיעת  
78

1. הנאמן של וואקף ג'מע אל-אסתיקאל

2. ועד הנאמנים המוסלמי בחיפה  
ע"י יו"ר חסן דרוויש  
טל' 04-8666422  
שניהם מר' גלויות 1 חיפה

הנתבעים

מהות התביעה: צו עשה וצו מניעה קבוע

1. החובעות באמצעות מינהל מקרקעי ישראל (להלן "התובע") תהיינה מיוצגות ע"י ב"כ היועץ המשפטי לממשלה שכתובתו כאמור לעיל.
2. הנתבע מס' 1 הינו הבעלים הרשומים על ת" 11229/48 והוא אשר ניהל מ"מ עם מינהל מקרקעי ישראל כמפורט בהמשך בכתב הביעה זה.
3. הנתבע מס' 2 מופקד מתוקף תפקידיו על שמירת בתי קברות של העדה המוסלמית בחיפה וכתובתו כמפורט לעיל. ברם אין לנתבע 2 כל זכויות קניניות או חוזיות במקרקעין נושא כתב הביעה זה והוא צורך כצד מתוקף תפקידיו בלבד.
4. בין שאר חלקות אדמות, רשומה החלקה 48 בגוש 11229 בשטח של 12,768 מ"ר ע"ש הנאמן על וואקף ג'מע אל אסתקאל של חיפה נסח רישום היסטורי מסומן א ונסח רישום ממוחש מסומן ב.
5. החלקה 48 הנ"כ שווה בית קברות לעדה המוסלמית בחיפה ונוצרה כתוצאה מפיצול חלקה 11229/2 כפי שמצויין בנסח הרישום בשטר מס' 4112 מיום 18.7.68.
6. כתוצאה מפיצול הפיצול הנ"ל נוצרו שתי חלקות נוספות, קרי חלקה 11229/47 בשטח של 29.818 מ"ר וכן חלקה 11229/49 בשטח של 1.147 מ"ר כמצויין בנסחי הרישום הסדורים על יסוד אותו שטר פיצול חלקות ע"ש 4112 מיום 18.7.68.
7. נסחי הרישום ההיסטוריים והממוחשבים מצורפים ומסומנים ג, ד, ה, ו.
8. פיצול החלקה 2 הישנה בגוש 11229 בשטח של 43,733 מ"ר לשלוש חלקות החדשות קרי חלקות 47, 48 ו-49 באותו גוש הוותה צעד מקדמי והכרחי במסגרת המי"ם שהתנהל בין הנאמן של וואקף ג'מע אל אסתקאל חלן "הנאמן" לבין מינהל מקרקעי ישראל בדבר עריכה ותיעתם על שטר חליפין ופיצויים ביניהם כפי שיפורט להלן.
9. ואכן ביום 3.3.70 ערך ותתם הנאמן הנ"ל על תצהיר עליו פירט את תפקידו ומסרות ההקשר (הוואקף) וצוין כי החלקות 11229/47 ו-11229/49 מיועדות לחליפין עם רשות

A lawsuit filed by the "Israel Lands Administration" authority to the magistrate court in Haifa against the endowment trustees to transfer the remains located in lot 47 (II/I/2000)

התצהיר מצורף ומסומן באות ז.

7. לפני חתימתו על התצהיר הנ"ל יימה הנאמן על פי יפוי כח נוסרינוני מיום 8.3.68 את מר עובד יום טוב (בין שאר מיופי כח) לחתום בשמו על שטר חליפין ופיצויים כפי שיפורט להלן.

יפוי הכח הנוסרינוני מצורף ומסומן ח.

8. ביום 9.8.70 נערך ונחתם שטר חליפין ופיצויים בין רשות הפיתוח לבין הנאמן. לפיו טעביר הנאמן לבעלותה של רשות הפתוח. שלמות החלקה 11229/47 שטחה 29,818 מ"ר כפוף להודעה על רכישת של 15 דונם ממנה על פי חוק רכישת מקרקעין (אישור פעולות ופיצויים) תשי"ג-1953 וכן שלמות ח"9/11229 שטחה 1.147 מ"ר. בתמורה מעבירה רשות הפיתוח בחליפין לרבות מפיצויים ע"ש הנאמן הבעלות על החלקות הבאות מאדמות טירה והכל כאמור בשטר חליפין ופיצויים המצורף ומסומן ט.

(א) שלמות ח' 62 גוש 10735 בשטח של 0.293 מ"ר.

(ב) " ח' 122 " 10738 " 10.606 מ"ר.

(ג) " ח' 138 " 10738 " 9.516 מ"ר.

נסחי הרישום של החלקות 62, 122, 138 הנ"ל מסומנים י, יא, יב.

9. חלקות החליפין נמסרו לנאמן על מנת שיטשטו בית קברות למוסלמים בחיפה ושאליהן או לחלקה 11229/48 יועברו הקברים הנמצאים על חלקה 11229/47 באופן שרשות הפיתוח תוככ לנהוג מנהג בעלים בחלקה 47 הנ"ל ולעשות שימוש בה לצרכיה.

10. כיום 10.11.68 ועל פי המוסכם בין רשות הפיתוח לבין הנאמן, פנה הנאמן בכתב למשרד הרתוח בבקשה לקבל "כספים הדרושים לשם העברת המתים לבית הקברות החדש בסירה. להלן "חלקות החליפין". המכתב מצורף ומסומן יג.

11. ביום 5.11.70 נתקבל במשרד רשות הפיתוח מכתב סאת ד"ר נ. דנא ממשרד הדתות ובו פירוס "ההוצאות הכספיות חקשירות בפינוי הקברים מהאיזור המועבר לרשותכם" וכי רשות הפיתוח היא שצריכה לשאת בהוצאות הנ"ל.

מכתבו של ד"ר דנא מצורף ומסומן יד.

12. ביום 9.11.70 בקש נציג רשות הפתוח אל האפוטרופוס לנכסי נפקדים להמציא לו הפתא על סך 4,000 ל"י לקפודת הנאמן מר סיהיל חסן שוקי מותוואלי וואקף ג'מע אל איסתיקלאל וזאת בצירוף פירוט הוצאות העברת הקברים המופיעים במכתבו של ד"ר נ. דנא.

מכתבו של נציג רשות הפתוח מצורף ומסומן טו'.

13. אכן החמתא ע"ס 4,000 ל"י נמסרה לנאמן ע"י לשעבר הייעוץ לענייני הערכים במשרד ראש הממשלה וחנאמן אישר קבלתה.

הקבלה מצורפת ומסומנת טז'.

14. על יסוד התחייבותו של הנאמן ולאחר קבלת 4,000 ל"י הנ"ל בוצעה חלקת העברת קברים טח' 11229/47 שבבעלות רשות הפיתוח ונותרו קברים נוספים שלא הועברו לבית הקברות החדש בסירה בחלקות החליפין.

A lawsuit filed by the "Israel Lands Administration" authority to the magistrate court in Haifa against the endowment trustees to transfer the remains located in lot 47 (II/I/2000)

15. שנים חלמו והעברת הקברים בשלמותה לא בוצעה מן הסיבה שהנאמן עזב את הארץ ולא היה גוף שיטל את מקומו ולא ניתן היה להשיגו.
16. לאחרונה החלו גורמים מטעם נתבע מסי' 2 להסיג את גבולה של החלקה 11229/47. לנוסע עצים בה, להקים גדר מתומה ואף לערוך פעולות שיפוץ ובניה בבנין ישן העוסד על החלקה תנ"ל וזאת ללא רשותה וללא הסכמתה וללא ידיעתה של רשות הפיתוח וכן תוך הפרה בוטה של החוק תוך פגיעה בזכויותיה של רשות הפיתוח וללא היתר בניה מאי המוסדות המוסמכים.
17. בעקבות המתיאור בסעיף 16 לעיל הוגשו תלונות במסגרת ישראל ע"י עובדי מינהל נקרעני ישראל אשר עקרו את העצים שהושתלו שלא כדין והרסו את חנדר שהוקמה בניגוד לכלל דין.
18. הועדה המקומית לתכנון ולבניה מורדות הכרמל הוציאה צו הפסקה שיפוטי כנגד ועד נאמני וראתף אל איסטיקלל ביום 9.12.98.
- העתק מהצו מצורף ומסומן יז.
19. רשות המוח באמצעות מינהל מקרקעי ישראל מעונינת לנצל את זכויותיה הקניניות בחלקה 11229/47 וכייעד אותה למטרות בניה.
- ברם המצאותם של הקברים על החלקה 47 הנ"ל בניגוד לתחייבותו של הנתבע מסי' 1 אינה מאפשרת זאת ומכאן בנייתה של רשות המוח אל כב' בית משפט זה.
20. לכב' בית המשפט הסמכות העניינית והמקומית לדון בתביעה זו.
21. לאור האמור לעיל מתבקש כב' בית המשפט להזמין את הנתבעים לדין וליתן לתובע את הטעמים הבאים:
- א) לחייב את הנתבעים שניהם יחד וכל אחד לחוד לבצע את העברת הקברים הנמצאים על חלקה 11229/47 שבבעלות רשות המוח לבית הקברות המוסלמי שבטירה או לחלקה 11229/48 או לכל מקום אחר.
- ב) להנמנע מלעשות כל פעולות קבורה חפירה, בניה, הריסה, נטיעה או גידור על החלקה 11229/47.
- ג) להסמיך את הבעלים על ח' 11229/47 באמצעות מינהל מקרקעי ישראל לבצע את העברת הקברים הנ"ל לבית הקברות המוסלמי החדש בטירה או לחלקה 11229/48.
- ד) לתת כל סעד אחר כפי שייראה לכב' בית המשפט בנסיבות הענין תוך ששירה על זכויותיה הקניניות של רשות המוח כבעלים ובמחויבה את שלמות החלקה 11229/47.

א. בר-חוק, עו"ד  
ב"כ היווה"מ לממשלה  
ב"כ רשות הפיתוח

מצורפים ומסומנים באות:

- |    |                   |          |
|----|-------------------|----------|
| א. | נסח היסטורי של ח' | 11229/48 |
| ב. | " ממוחשב "        | " "      |
| ג. | " היסטורי "       | 11229/47 |
| ד. | " ממוחשב "        | " "      |

A lawsuit filed by the "Israel Lands Administration" authority to the magistrate court in Haifa against the endowment trustees to transfer the remains located in lot 47 (II/I/2000)



The congregation of a number of Haifa and Balad e-Sheikh families outside the Krayot courthouse (Haifa bay)- 2014

As previously mentioned, the Israeli authorities employed various methods and laws to confiscate the endowment's land, and one of these methods was to confiscate the land under the guise of public interest or benefit, then lease it for 49 years to a real estate company, and eventually transfer the ownership of the land to that company.

And this is what the Israeli authorities did concerning the Al-Qassam Cemetery endowment land. It confiscated the land, then leased it to a real estate company called “Kerur Ahzakot” for a period of 49 years, then altered the agreement to grant ownership of the land to the company, in place of the lease.

– In 2013, the ownership rights of the Al-Qassam endowment land were registered to the company “Kerur Ahzakot.”

– In 2014, the company “Kerur Ahzakot” filed a lawsuit with the magistrate court in Kiryat Bialik (Krayot) in Haifa bay, against the Al-Aqsa Foundation for Endowments and Heritage and against the Al-Istiqlal Mosque endowment. The company petitioned the court to issue a ruling preventing the defendants from entering the endowment land or performing maintenance and cleaning on the pretext that the company is the owner of the land. The lawsuit also included the company’s petition to issue a ruling ordering the removal of 23 graves from Al-Qassam Cemetery, including the grave of the martyr Izz ad-Din al-Qassam, in order to construct economic projects on the cemetery’s land. Several political and religious figures and leaders participated in the court hearing, and several families from Haifa and Balad al-Sheikh staged a protest outside the courthouse, holding up signs that denounced the violation of graves and rejected the desecration of the deceased.

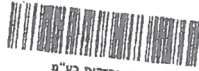
مِيزَان

MEEZAAN  
Organization for  
Human Rights





מחלקת עסקות  
כ"ט אייר, תשע"ג  
9 מאי 2013  
תיק: 30515109 א  
מס' חשבון: 353149990



קרור אחזקות בע"מ  
077848 99 30515109א (חיסה 3)



**הסכם מכר**

שנרד ונתנם ב- תשרי ביום 10 לחדש יוני שנת 2013  
ביום \_\_\_\_\_ לחדש \_\_\_\_\_ שנת \_\_\_\_\_

בין  
מיתל מקרקעי ישראל  
כמנהל מקרקעי המדינה, רשות המיוחדת וקק"ל  
שייקרא להלן "המיתל"

**מצד אחד**

לכין:

מס' ח.מ. 520001546

קרור אחזקות בע"מ  
בנובט: רח' לינקולן 20, תל אביב, 67134  
שייקרא להלן "הרוכש"

**מצד שני**

**מבוא**

(א) האילו וחמדינה/רשות המיתוח/קק"ל (להלן "הבעלים") הינה הבעלים החוקי והרשום הבלעדי או עומדת להירשם כבעלים חוקי של הנכס המתואר מטה שייקרא להלן - "הנכס".

**"הנכס"**

היישוב	חלק מחלקות	החלק הנמכר	תב"ע	שטח החלק הנמכר
נשר	11228 11229	נמ"י תשרים שנורף לחזה מיום 11/1/1962	ג/580	29,073.00 מ"ר

(ב) ותואילו והסכם זה בא לממש את התחייבת המינהל מיום 11/1/1962.

(ג) ותואילו והרוכש ביקש מחמינהל למכור לו את הנכס עם כל המחובר אליו חיבור קבע.

(ד) ותואילו והמיתל מוכן למכור את הנכס לרוכש בחתאם לתנאי הסכם זה.

*איל קרור אחזקות בע"מ*

אי לכך הותנה הרוכש בין הצדדים כדלקמן:

מועד קבלת קהל: ימים א, ד: 08:00 - 12:00. יום ב: 16:00 - 10:00. ימים ג, ה: אין קבלת קהל.

The registration of rights to the company "Kerur Ahzakovt" in 2013

The lawyer, Mohammed Suleiman Ighbariah, who followed the cemetery's case file for the Al-Aqsa Foundation for Endowments and Heritage (the organization that was later banned in 2015 on the pretext that it was one of the organizations of the Islamic Movement headed by Sheikh Raed Salah), stated that the court decided to postpone ruling on the case and asked the prosecution to amend the case pleading because of the presence of errors in it.



From in front of the courtroom of the magistrate court in Krayot- 2014

At the time, the court suggested the possibility of a settlement between the state and the company, excluding the endowments board, in which the company would be compensated for the cemetery land. During the trial, the defense team emphasized the endowed status of the cemetery, its sanctity, and the need to uphold the inviolability of the dead. They stressed that any encroachment upon the cemetery, even by a mere handsbreadth, would be a clear desecration and an offense to the sentiments of Muslims, not just in Haifa but worldwide. The defense team further asserted that the company's targeted area contains dozens of Islamic graves. This is part of a larger pattern of expropriating Islamic endowments that the Israeli authorities are carrying out through different channels. The former president of the Al-Aqsa Foundation for Endowments and Heritage, Attorney Mohamed Sobhi Jabareen, echoed this sentiment.

Khaled Dagash, a lawyer and a member of the "Haifa Waqf Board of Trustees," called for a solidarity protest in front of the magistrate court in Krayot, as well as an urgent call to form a community committee. This came after an Israeli company attempted to take control of a part of the Izz ad-Din al-Qassam Cemetery in Balad e-Sheikh. Dagash presented the circumstances of this case file, and

مِيزَان

MEEZAAN  
Organization for  
Human Rights

said that Al-Qassam Cemetery, which is under the ownership of Haifa endowments Al-Istiqlal and Al-Jarina, is being subjected to an assault of dangerous court proceedings in preparation for taking a section of it to construct a commercial project in favor of an Israeli company.

Attorney Khaled Dagash pointed out that the Israeli company had filed an urgent petition to the magistrate court in Krayot to excavate and empty graves from the Izz ad-Din al-Qassam Cemetery, referring to a ruling in absentia that it claims a court issued 15 years ago. It was at this time that the court decided to postpone ruling on Kerur Ahzakot's petition to remove the graves from Al-Qassam Cemetery until hearing from witnesses and gathering evidence.

Among the claims that the company Kerur Ahzakot alleges in the suit that it filed with the Krayot court in 2014, was the claim that there is a final ruling that had been issued on 11 /1/ 2000 against the Al-Qassam endowment trustee committee, and that this ruling is binding, despite being a ruling made in the absence of the defendants, and on the pretext that they did not submit an answer to the suit that had been filed against them.

In response to that claim, the board of trustees of the Haifa endowments Al-Istiqlal and Al-Jarina, said that it had not been party to any legal proceeding that this Israeli company claims. They state, "We did not receive and did not know of any legal proceeding concerning Al-Qassam Cemetery, and we denounce the order from the ruling in absentia and refuse it part and parcel. We have not, and will not, agree and we refuse any attempts to violate the sanctity of the cemetery or any attempts to take a portion of its land."

The board issued an appeal for assistance to all free individuals, organizations, associations, and human rights groups, both inside and outside the country, to support them and stand with them against this attack. They urged everyone to unite with them in every decision and step taken to address this issue. According to their statement, they urgently called upon every professional and specialist to correspond with them and coordinate their efforts. They also appealed to their political parties, national movements, and representatives both inside and outside of the Knesset to take swift action to put an end to the assault.

– On 15 /2/ 2016, the Sharia Court in Haifa rescinded all the agreements and contracts which the previous endowment committee, officially disbanded since 2009, had concluded, and which the court considered illegal and illegitimate. This was deemed a significant milestone for the Al-Istiqlal Waqf trustee committee in Haifa, following the decade-long fight of professional, public, and legal struggles.

The ruling that the court issued came after the lawsuit that Attorney Fareed Hussein filed in the name of the Al-Istiqlal Waqf trustee committee in Haifa to the Sharia Court, that petitioned the court to "rescind all the questionable and illegal agreements which the disbanded endowment committee had concluded." Upon considering the petition

filed by the Al-Istiqlal Waqf committee, Judge Hashim Swaid issued a decision to revoke all previous agreements and to require the former party to cover the costs and legal fees of the plaintiff, which amounted to 15,000 shekels.

It should be noted that this verdict builds upon Judge Adnan Adawi's 2009 ruling to dissolve the previous committee, as well as the rulings of Judge Iyad Zahalqa who presided over the case in recent years. Both judges supported the endowments' cause and worked towards the establishment of the nationalist trustee committee, which has been active since 2009.

The trustee committee of the Al-Istiqlal Waqf, in turn, said that this ruling forms a legal precedent which paves the way for rescinding agreements concluded in the nineties and the beginning of the two thousands by the previous endowment committee that had led to the sale of endowments such as Al-Istiqlal Cemetery and Al-Jarina Mosque, illegally benefitting from the endowment for their personal interests. The Al-Istiqlal Waqf's current trustee committee was appointed by the Sharia Court in 2009 after a public campaign against the sale and liquidation of endowments in Haifa. Over the past decade, the committee has been fighting a legal and public battle to defend, free, and maintain endowments as well as invalidate dubious sales and confiscations of endowments. It is comprised of the following members: Sheikh Rashad Abu Al-Haijaa, Hajj Fouad Abu Qumair, Advocate Sami Sharif, Advocate Khaled Daghdash, Suhail Bushkar, and the late Mr. Eid Sweitat. Accompanying the committee are Attorney Fareed Hussein, the legal counsel to the committee, and city planner, Arwa Sweitat.

According to the information provided, the Al-Istiqlal Waqf trustee committee has initiated a public community movement to back endowments, it has resisted schemes to seize the previously mentioned endowment, and it has taken on the responsibility of safeguarding and upkeeping the endowments in Haifa.

– On 20 /6/ 2016, Attorney Mostafa Suhail Mahameed, submitted a request to the Sharia Court in Acre on behalf of the Meezaan Organization for Human Rights, to review the Sharia Court case files numbered 1062/24 ,61/11 ,65/ and copy/scan any document from the files. Meezaan's lawyer requested the Sharia Court's administrative office to comply with the order and specify a date to review the files and scan them, based on the ruling by the magistrate court in Krayot of 20 /6/ 2016.



תאריך : 20.06.2016  
פקס : 04-9913875

לכבוד  
מזכירות בית הדין השרעי בעכו  
שלום הגליל 1, ת.ד. 1027, עכו.  
מיקוד 241100

### בקשה לעיון וצילום תיקים

מצ"ב החלטת בית המשפט הנכבד מיום 06.06.2016, לפיה נתן בית המשפט צו המופנה לבית הדין השרעי בעכו לאפשר לבי"כ הנתבעים בתיק ת"א 14-07-32371 המתנהל בבית המשפט השלום בקריות, לעיין בתיקי בית הדין השרעי שמספריהם 10/65, 11/61, 24/62 ולהעתיק / לצלם כל מסמך מהתיק.

אשר על כן מתבקשת בזאת מזכירות בית הדין השרעי לקיים את הצו ולתאם עם משרד הח"מ מוגד לעיון וצילום התיקים

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מחאמיד מוסטפא, עויד

The letter from Meezaan to the Sharia Court in Acre on 20 /6 /2016

לכבוד

תאריך : 20.06.2016  
פקס : 02-5788849

מזכירות בית הדין השרעי לערעורים  
רחוב הלל 37, ת"ד 2441, ירושלים.  
מיקוד 9102302

### בקשה לעיון וצילום תיקים

מצי"ב החלטת בית המשפט השלום בקריות מיום 06.06.2016, לפיה נתן בית המשפט צו המופנה לבית הדין השרעי לערעורים בירושלים לאפשר לבי"כ הנתבעים בתיק ת"א 32371-07-14 המתנהל בבית המשפט השלום בקריות, לעיין בתיק בית הדין השרעי שמספרו 9/69, ולהעתיק / לצלם כל מסמך מהתיק הנ"ל.

אשר על כן מתבקשת בזאת מזכירות בית הדין השרעי לקיים את הצו ולתאם עם משרד הח"מ מועד לעיון וצילום התיקים.

מחאמיד מוסטפא, עו"ד

The letter from Meezaan to the Sharia Court in Acre on 20 /6 /2016

On the same day, Meezaan's lawyer also submitted a similar request to the Sharia Court in Jerusalem to review the case file number 969/, and copy/scan any document from the above case.



תאריך : 26.10.2016

פקס : 04-8699739

לכבוד

מזכירות בית הדין השרעי חיפה

שיבת ציון 60, ת"ד 216, חיפה .

מיקוד 3100102

### בקשה לעיון ולצילום תיקים

מצ"ב החלטת בית המשפט הנכבד מיום 06.06.2016, לפיה נתן בית המשפט צו המופנה לבתי הדין השרעיים לאפשר לב"כ הנתבעים בתיק ת"א-32371-07-14 המתנהל בבית המשפט השלום בקריות, לעיין בתיקי בית הדין השרעי שמספריהם 10/65, 11/61, 24/62, ולהעתיק / לצלם כל מסמך מהתיק.

אשר על כן מתבקשת בזאת מוזכירות בית הדין השרעי לקיים את הצו ולתאם עם משרד הח"מ מועד לעיון וצילום התיקים

מחאמיד מוסטפא, עו"ד

The letter from Meezaan to the Sharia Court in Acre on 20/6/2016

– Additionally, Attorney Mostafa Mahameed, on behalf of Meezaan Organization for Human Rights, sent another letter dated 26/10/2016 to the Sharia Court in Haifa, and in it requested to review the Sharia Court's case files numbered 1062/24, 61/11, 5/ and copy/scan any document from the file, based on the Krayot magistrate court's ruling on 20/6/2016.

إلى من يهمه الأمر :

أنا الموقع أدناه د. مشهور فواز محاجنه حامل هوية رقم [REDACTED] أقدم رأيي المهني الذي يمثل وجهة النظر الشرعية وأنا مكان شهادتي أمام المحكمة وأعلم أن حكم هذا الرأي المهني كحكم شهادة في المحكمة وأن كل ما فيه هو الحقيقة ولا شيء غير الحقيقة وإنني سأكون عرضة للمساءلة القضائية إذا لم اكتب الحقيقة .

أنا حامل شهادة الدكتوراة في الشريعة الإسلامية منذ سنة 2006م وشغلت منصب رئيس الإفتاء منذ سنة 2011 م وعملت كأستاذ في الفقه الإسلامي في كليات متعددة في داخل البلاد وخارجها وقد أخرجت العديد من الكتب والمؤلفات ونشرت عشرات المقالات في الصحف والمجلات أصرح وأقول بكل مهنية وموضوعية وأمانة علمية أنه وبحسب الشريعة الإسلامية يحرم بناء ورفع القبور في المقابر العامة لأن في ذلك تضييقاً على المسلمين ، فالأصل الشرعي ألا يرفع القبر ولا يبنى ، ولكن مع التأكيد ولفت الانتباه أنه إن بني القبر فلا يهدم لأن ذلك يتنافى مع حرمة ومكانة الإنسان التي لا تزول بموته كما ويتنافى مع قدسية المقبرة الدائمة والباقية ولو بعد اندراسها ولو تقادم الزمان وطال

هذا وقد كتبت هذه الفتوى تحريراً بتاريخ 27.11.2016 م

د.مشهور فواز محاجنه



Mashhour Fawwaz, president of the Islamic Council  
for Fatwa, dated 27/11/2016

– On 27 /11/ 2016, Dr. Mashhour Fawwaz, the chairman of the Islamic Council for Fatwa in the Palestinian interior, gave his professional opinion which represents the Sharia viewpoint and his testimony in front of the magistrate court in Krayot. In it he stated that “In accordance with Islamic Sharia, it is considered forbidden to erect structures or raise graves in public cemeteries as this causes distress for Muslims. The principle in Sharia is that graves should not be erected or built, with an emphasis on the fact that if a grave is built, it should not be demolished. This is due to the sanctity and status of a human being which do not disappear after their death, as well as the lasting sanctity of the cemetery even after its physical existence has vanished, regardless of how much time has passed.”





**Above:** The team of lawyers from Meezaan Organization, from the right to the left: Mustafa Mahameed, Omar Khamaisi, Ahmad Dahamsha, and in the back sits Attorney Abd Al-Raouf Mawasi



– On 30 /11/ 2017, a session was held in the magistrate court in Krayot to discuss the case file on the confiscation of Izz ad-Din Al-Qassam Cemetery but the ruling on the issue of Al-Qassam Cemetery’s land was postponed to a later date. The parties reached an agreement to hire an expert in soil and earth layers (geology), as well as an expert in Islamic Sharia to determine the issue of the existence of graves in the specified area and the Sharia ruling on the issue of the graves.

In the presence of members of the Haifa endowment trustee committee, lawyers from the Meezaan Organization for Human Rights, tens of families, political and social leaders, as well as the grandchildren of martyrs whose relatives had been buried in Al-Qassam Cemetery, the magistrate court examined the case file concerning the confiscation of the Sheikh Izz ad-Din al-Qassam Cemetery.

Meezaan Organization for Human Rights assumed the legal representation in this case, and it had been decided that the court would listen to the testimonies of the parties and the testimonies of people from the residents of Haifa and the residents of the village of the displaced Balad e-Sheikh village. These residents indicated in their testimonies to the court the locations of the graves where their relatives were buried in the past. Their testimonies refute the claims of the commercial company that the cemetery does not have any graves in it. The discussion revolved around an area of approximately 15 dunams of the Al-Qassam Cemetery land, situated in lot 47. Meezaan affirmed that the state had known that the cemetery contained graves, but had sold it to a private company through its claim that it was devoid of any graves.

– On 30 /1/ 2018, several specialists conducted an inspection of the areas where the graves are situated in Al-Qassam Cemetery, as part of their ongoing monitoring of the case involving the cemetery's confiscation. Meezaan Organization, representing the Haifa trustee, confirmed the matter in the following issued statement, "After a comprehensive inspection completed by Meezaan, it has been confirmed that graves are present in all of the areas of the cemetery, which voids the alleged sale and nullifies the company's claim."

Based on an initial inspection conducted by the experts (from partial excavations), it was found that there are graves located beneath the surface of the 15 dunam land claimed to have been purchased by the Kerur Ahzakot company. This examination refutes the company's allegations that the land is empty. In any case, it is part of the cemetery's land which is an absolute Islamic endowment.

– On 4 /2/ 2018, after carrying out a partial and preliminary inspection, through which it became apparent that the indicated area contains hidden graves underneath the earth, each of Al-Istiqlal Waqf Haifa board of trustees, Meezaan Organization for Human Rights, the Association for Defense of the Rights of the Displaced People, and the Tantor Movement, released a statement affirming that the preliminary inspection conducted by the experts had provided conclusive evidence of hidden graves in the section, even if the headstones have been removed, covered with soil layers, or buried due to natural factors or the passage of time. They also affirmed that the preliminary results were sufficient and that there was no need to continue with the inspection process of the entire 15 dunam area.

They also confirmed in the statement that the Al-Istiqlal Waqf trustee committee in Haifa is the legal owner of the cemetery land, and that it is an endowed land that can neither be sold nor bought, On this basis they specified there was no acknowledgement of any deal nor of any confiscation of the land. They issued a statement warning against violating the cemetery or any of its parts. They also cautioned anyone who might be tempted to do so, including any individuals, companies, or contractors, against attempting to disturb any part of the cemetery. They rejected any attempt to exhume or dig in the cemetery's land, as it constitutes a flagrant trespass, a desecration of the sanctity of the graves and the dignity of the dead, and an outrageous transgression against the sanctity of endowments.



→  
**To the right:** Surveying  
 the graves in Al-  
 Qassam Cemetery –  
 302018/1/

The statements signatories emphasized that the only legally, morally, and Sharia authorized body to take necessary actions in the complicated legal case of the Balad e-Sheikh's Al-Qassam Cemetery is the Al-Istiqlal Waqf board of trustees. They further noted that the board is supported and represented by a team of proficient lawyers from the Meezaan Organization, who possess extensive experience in endowment and cemetery cases.

On 6 /3/ 2018, Professor Ahmad Natour, the former head of the Sharia Court of appeals and an Islamic Sharia instructor at The Hebrew University Faculty of Law, issued a fatwa in response to

a question regarding the Sharia ruling on exchanging part of Al-Qassam Cemetery's land and exhuming the graves in it. The question was raised in light of a statement by Meezaan Organization for Human Rights and Haifa's Al-Istiqlal Waqf trustees. The fatwa was requested after the former Al-Istiqlal Waqf trustee, Suhail Shukri, had solicited a ruling from the Acre, Haifa Sharia Court judge, Musa Al-Tabari, to exchange a part of the cemetery with another land, to be registered as an Islamic cemetery, provided that the area to be exchanged was empty of graves. It had been said that this ruling was validated by the Sharia appellate court in extreme brevity, dated 7 /10/ 1969, by a panel of judges: Husni Al-Zuobi, Ameen Midlij, and Tawfiq Asaliya. The company Kerur Ahzakot then claimed that the trustee had been contracted to do so. The Israeli court responded to Muslim protests in front of the court by ordering experts to excavate the cemetery and inspect whether there were graves or not.

The fatwa of Professor Ahmad Natour may be summarized as follows:

- The “exchange” of the cemetery land did not have a Sharia justification, according to the conditions of the exchange, as none of those conditions were present to begin with.
- The judge’s decision to what he termed “removing the appellation of endowments” from part of the cemetery has no basis in Sharia, as it is strange, odd, unsupported by any Sharia ruling, for the sanctity of the dead and their soil endowed only for burial, is an everlasting and persisting sanctity that never fades and cannot be removed. It is part of Muslims’ creed and thus, it is naturally not constrained by the judge’s judgment.
- The trustee has committed an egregious sin in exhuming the graves and the judge should have dismissed him from the trusteeship immediately because of that.
- The testimony of state employees and the then-trustee of exhuming the graves and extricating the remains of the dead, is conclusive evidence that the cemetery land is in use and has graves throughout.
- This uncontested evidence makes the exchange void to begin with for the judge’s condition that the land be empty of graves.
- It is impermissible to use cemetery land for farming, building, or any kind of usage as long as the land is endowed for burial.

Attached are scans of Professor Ahmad Natour’s fatwa on 6 /3/ 2018

## بسم الله الرحمن الرحيم

بروفيسور احمد الناطور

أستاذ الشريعة الإسلامية في كلية الحقوق

الجامعة العبرية

رئيس محكمة الاستئناف الشرعي العليا سابقا

### فتوى

لقد توجه الينا محامو مؤسسة الميزان لحقوق الانسان ومتولي وقف الاستقلال في حيفا بسؤال مفاده ان شركة تجارية إسرائيلية قد ادعت ان لها حق الملكية والاستغلال في جزء من مقبرة بلد الشيخ من اعمال حيفا , حيث ادعت انها كانت قد تعاقدت مع مؤسسات الدولة على ذلك بعد ان قام متولي وقف الاستقلال آنذاك - سهيل شكري , باستصدار قرار من قاضي محكمة عكا - حيفا الشرعي - موسى الطبري باستبدال جزء من المقبرة بارض أخرى تسجل كمقبرة إسلامية , على ان يكون هذا الجزء خاليا من القبور , وقد قيل ان هذا القرار قد صدق من لدن محكمة الاستئناف الشرعية باقتضاب شديد بتاريخ 7.10.1969 وذلك بهيأة القضاة حسني الزعبي وأمين مدالج وتوفيق عسليبة , ثم ادعت ان المتولي قد تعاقد على ذلك . ولدى اعتراض المسلمين على ذلك امام المحكمة الإسرائيلية فقد امرت هذه بان يقوم خبراء بالحفر في المقبرة لفحص ما اذا كانت هناك قبور ام لا .

فهل يجوز كل ذلك وما هو حكم الشرع فيه ؟

فنجيب بان المقابر الحية والمندرسة على حد سواء انما هي وقف مقدس له حرمة موبدة , وهي بذلك محبوسة على ملك الله تعالى حسبنا دائما مؤبدا , لذا فان استغلالها محصور في وجه البر الذي وُفقت عليه وهو الدفن دون غيره (انظر فتوى بشأن مقبرة الجماسين - يافا , القاضي احمد الناطور- رئيس محكمة الاستئناف الشرعية العليا , كصفته آنذاك, بتاريخ 3.10.2005). وعليه , فهي لا تباع ولا توهب ومحبوس أصلها عن اشكال التمليك والتملك . ذلك لانها موقوفة للانتفاع بها بعينها لا بريعتها (نفس المصدر).

ان المقابر الإسلامية انما وُفقت لمصلحة من مصالح المسلمين , وهي دفن موتاهم وهذه كما ترى مصلحة قائمة دائمة لا تنتقطع . ولما كانت المقبرة وقفا ينتفع بعينه لا بريعه كالمساجد والزوايا فهي مال إسلامي محض يخص المسلمين دون غيرهم , ولا يجوز إدخاله في الأموال

العامة التي تعود ثمراتها على عامة الخلق من غير المسلمين , تماما كما كانت الكُنس والكنائس , مخصوصة في وقفها على أهلها من مالهم دون غيرهم .

وحرمة القبور حرمة مؤبدة لا تنتقطع , وهي ثابتة على الاجماع , ومنها النهي عن الجلوس عليها والنوم والمشى عليها وقضاء الحاجة على ترابها لقوله عليه الصلاة والسلام " لا تجلسوا على القبور ولا تصلوا اليها " وقال " لنن يجلس احدكم على جمرة فتحرق ثيابه فتخلص الى جلده خير له من ان يجلس على قبر " (صحيح مسلم النيسابوري) .

ان الميت في قبره مودع بين يدي الله الى ان تقوم الساعة ويصدر الناس اشتاتا ليُروا أعمالهم , كما ان حرمة عظم الميت كحرمة عظم الحي ( فتوى بخصوص مقبرة اجزم , القاضي احمد الناطور , رئيس محكمة الاستئناف الشرعية العليا , كصفته آنذاك - بتاريخ 29 رجب 1425 )

### الاستبدال ونيش القبور

أ – وكما لا تزول عن المساجد المسجدية حتى لو انفضّ الناس من حولها ( فتوى بشأن جامع الطابية – يافا , القاضي احمد الناطور – قاضي يافا الشرعي كصفته آنذاك , بتاريخ 4 صفر 1410 للهجرة , ص 2 وكذلك فتوى بشأن جامع بئر السبع الكبير , القاضي ناطور بتاريخ 20 من جمادى الأولى 1420 , ص 2 ) , كذلك هي المقابر حتى لو انقطع الدفن فيها وصارت القبور ترابا , لا تزول حرمتها ولا تزال ( فتوى بشأن مقبرة الشيخ موتس – يافا , القاضي احمد الناطور , بتاريخ 4 من صفر 1410 ) . وعلى ذلك , فانه لا يجوز الانتفاع بارض المقابر الموقوفة على الدفن الال للدفن .

قال في الإسعاف ( الإسعاف في احكام الأوقاف , برهان الدين الطرابلسي الحنفي , ت سنة 1516 ) ما نصه " مقبرة قديمة لمحطة لم يبقَ فيها اثار المقبرة , هل يباح لاهل المحلة الانتفاع بها ؟ قال أبو نصر رحمه الله : لا يباح . قيل له فان كان فيها حشيش , قال : يُحش منها ويُخرج للدواب وهو أيسر من ارسال الدواب فيها . (فتوى رقم 356 بتاريخ 16.11.1939 – الشيخ عبد المجيد سليم (شيخ الازهر ) الفتاوى الإسلامية ط4 ص 2 القاهرة 1991 س43 م 56- ص44 , في الفتاوى الإسلامية ط2 القاهرة م4 1991 ص 1261 ) . وسئل القاضي الامام شمس الانمة محمود الازوجندي عن المقبرة في القرى اذا اندرست ولم يبق فيها اثر الموتى لا العظم ولا غيره , هل يجوز زرعها واستغلالها ؟ قال : لا , ولها حكم المقبرة (الفتاوى الهندية , الشيخ نظام وجماعة من علماء الهند , دار صادر , بيروت(د.ت) ص471) وكذا جاء في المحيط ( المحيط الرهباني لابي المعالي بن مازة المرغيناني . ت 1219 ) .

اما قول الزيلعي ( فخر الدين عثمان بن علي . ت 1343م ) في ذيل باب الجنائز من كتابه - تبيين الحقائق - شرح كنز الدقائق (م، بيروت، ص246) " ولو بلي الميت وصار ترابا جاز دفن غيره في قبره وزرعه والبناء عليه " فهو ليس واردا في حالنا أصلا لا ولا في أي من مقابر المسلمين الموقوفة على الدفن ، ناهيك عن ان التتارخانية قد عارضته فيما ذهب اليه (الفتاوى التتارخانية للشيخ الامام فريد الدين الدهلوي الهندي ،ت 786 للهجرة ) فاذا صار الميت ترابا في القبر يكره فتح قبره لدفن اخر فيه لان الحرمة باقية .

من ناحية أخرى فان هذا القول ما جاء الا للضرورة والضرورة لا بد من تحقق ضوابطها وشروطها ، بحيث يكون هناك خطر حقيقي محقق على احدى الضرورات الخمس وهي مقاصد الشريعة ( احمد الناطور ، مقابر يافا بين المصالح والمفاسد، مجلة الدراسات الفلسطينية ، بيروت ، شتاء 2013، ص90 ) . لقد احسن إيضاح ذلك ابن عابدين ( محمد امين بن عابدين ، رد المحتار على الدر المختار ، م2ص233) بقوله : " قلت : لكن في هذا (قول التتارخانية أ . ن) مشقة عظيمة فالاولى اناطة الجواز بالبلا اذ لا يمكن ان يُعد لكل ميت قبر لا يدفن فيه غيره ، وان صار الأول ترابا لا سيما في الامصار الكبيرة الجامعة ، والا لزم ان تعم القبور السهل والوعر (هناك ، ص 234 ) . معناه ان جواز فتح القبر حتى عند من يجيزه للضرورة لا يكون الا في حال البلا أولا ثم لغرض دفن اخر فيه فحسب، وليس هذا حالنا هنا .

يضاف الى ذلك ان الجواز الذي ذكره الزيلعي كجملة عارضة في اخر باب الجنائز وخصصه ابن عابدين في حال الخوف من ان تملأ القبور السهل والوعر ، انما هو لدفن ميت اخر فيه لا لبناء الفنادق والشركات عليه . اما الزرع والبناء عند الزيلعي فهما زرع وبناء زمانه حيث لا يحفر القبر من اجلهما بشيء لا كما هو الحال في زماننا حيث تحفر الأرض حتى الأعماق ( انظر :

Natour A , The Battle over the Muslim cemeteries in Israel in  
Sacred Space in Israel and Palestine , Marshall , Reiter and  
hammer (eds.)Routledge 2011 pp.176

هذا وتحصر الفتاوى الهندية قول الزيلعي وتقصره على المدافن العشوائية غير الموقوفة فتقول زرعه والبناء عليه لان المانع هنا كون المحل موقوفا على الدفن فلا يجوز استعماله في غيره .. ( الفتاوى الهندية ، هناك ص471 ) .

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لذا ، فقد فرق العلماء بين قبر عشوائي في الفلاة قد بلي وصار ترابا وبين ارض موقوفة على الدفن ، فقالوا ان من يبيح الزرع في ارض القبر العشوائي اذا بلي وصار ترابا انما يعتمد على الضرورة تجنباً لامتلاء السهل والوعر بالقبور من جهة ، إضافة الى كونه مقتصرًا على الأرض غير الموقوفة على الدفن ، وعلى ذلك مذهب ابي يوسف النخعي – صاحب ابي حنيفة ، الذي يقرر بشكل حاسم ان المقبرة الموقوفة تبقى مقبرة ولا ينتفع بها بالزرع او بالبناء ولا بغيره ( انظر فتوى الشيخ عبد المجيد سليم ، هناك ص1251).

ب – لقد اشترط القاضي الطبري في قراره المرقوم ( الصادر يوم 13.3.1961 في ملف 11/61

بقوله : "... انما الاستبدال وقع على المساحة الخالية من العمار والقبور فقط .. " معناه ان أي جزء فيه قبور ليس فيه تصديق او اذن من القاضي وهو خارج عن ولاية القاضي بالاستبدال . أي ان المتولي يكون قد تصرف من غير اذن القاضي الذي هو صاحب الولاية العامة - الامر الذي يجعل تصرفه هذا باطلا . معناه انه ليس هناك قرار بالاستبدال أصلاً . ذلك لان ما ورد من شهادات لموظفي الدولة والمتولي نفسه بانه قد جرى نقل رفات موتى من هذا الجزء من المقبرة حتى انهم قد شهدوا بشهادتهم الخطية بان المتولي قد قبض ثمن هذا النقل من الدولة بواقع 4000 ليرة – وهي خيانة يستحق عليها العزل . وهذا دليل علة مخالفة اذن القاضي بالاستبدال – الامر الذي يؤدي الى اعتبار هذا الاذن باطلا ولاغيا من أساسه . ( كتاب المدعو يوم طوب – المفوض اللوائي الى شبيرا بتاريخ 9.1.1970 ) ، كما ان الموظف دانا قد وثق بشهادته الخطية عدد القبور التي نبشت وجرى استخراج الموتى، ومنها ما كان قبرا جماعيا (كتاب المدعو دانا الى يوم طوب في أكتوبر 1970 ) .

من ناحية أخرى فاننا نؤكد على ان الحكم الشرعي بحرمة المقابر يسري بطبيعة الحال على ارض المقبرة الموقوفة على الدفن بكاملها أي ان الحرمة تسري على تمام الأرض بما فيها الأجزاء التي لم يدفن فيها بعد و ذلك لان الحرمة لا تتجزأ ، تماما كما كان صحن المسجد له حرمة المسجد نفسه . أريت لو لم يكن الامر كذلك لكانت المساحة ما بين القبر والقبر غير ذات حرمة – وهو امر لا يقبله عقل ، حيث ان حرمة المسافة ما بين القبر والقبر كحرمة القبر نفسه فكله تراب المدفن .

اما من حيث قرار القاضي نفسه فانه ومع انه يستخدم لفظ الاستبدال فانه لم يف بالشرط الشرعية للاستبدال ، فهو لم يبين ما هي الأسباب التي استند اليها في قراره الاذن بالاستبدال غير سرده بان مقبرة بلد الشيخ مهجورة منذ زمن بعيد (؟؟) وان السلطات قد أنشأت مقبرة للمسلمين . ان لاستبدال الوقف شروطا لا بد من توفرها والا فلا ، منها ان يخرج الموقوف عن الانتفاع به بالكلية أي يصبح عديم المنفعة تماما – وهذا بطبيعة الحال بالنسبة للوقف الذي له ريع وثمر والمقبرة ليست كذلك . والا يكون للوقف ريع يعمر به . اما القول ان السلطات

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قد أنشأت مقبرة للمسلمين فهو ليس سببا لاستبدال المقبرة بآية حال . ليس من واجب الدولة ان تهئ للناس - مهما كانت ديانتهم مدفنا لموتاهم؟! ان هذا الواجب حق أساس للمواطنين على هذه السلطات وهوليس مئة او صدقة . وهو لا يكون بآية حال على حساب خراب مقابرهم التي تحتضن رفات اباائهم واجدادهم .

ان نبش القبور حرام شرعا وهو عند الحنفية مُتَلَّة , والمُتَلَّة منهى عنها بالاجماع وهي التنكيل بالميت ذي الحرمة والكرامة . وقد اتفق العلماء على منع نبش القبور الا لعذر وغرض صحيح (الموسوعة الفقهية الكويتية , وزارة الأوقاف , ج32 ص252) . ويقصد بالعذر والغرض الصحيح ان يكون قد فات الميت شيء من الواجبات الدينية كغُسل او تكفين او انه قد دفن لغير القبلة او في ارض مخصوبة , والمقصود بالارض المخصوبة هو ما اذا كانت قد أُخذت من صاحبها عنوة ثم دُفن فيها الميت . واكد ابن تيمية ذلك في الفتاوى يوم قال : " لا ينبش الميت من قبره الا لحاجة , مثل ان يكون المدفن الأول فيه ما يؤدي الميت . ( احمد بن تيمية , الفتاوى الكبرى , م24 ص303) . وهذا الزحيلي يؤكد التحريم هو الاخر (الزحيلي وهبة و م2 ص1555) .

اما نقل الميت من مستقره فهو محظور شرعا وقد حرّمته الحنفية مطلقا ( الزحيلي , هناك ص 1559 )

هذا وان الموضع الذي يدفن فيه الميت باتفاق العلماء انما هو وقف عليه ما بقي منه شيء وحرّمته باقية دائمة (سيد سابق . فقه السنة ج1 ط2,بيروت 1998 ص410) .

هذا ولما ورد في أوراق هذه القضية ان المتولي قد عمل على نقل قبور من مساحة المقبرة التي قيل انه هو الجزء المقصود باذن الاستبدال فهو دليل كما اسلفنا على أمور :

1- ان المتولي قد خالف شرع الله يوم ارتكب اثم نبش القبور وتجراً على نقل رفات الموتى من مستودعهم الذي اودعوا فيه الى يوم يبعثون , حيث يحرم نبش القبور وجمع العظام منها

2- ان الأرض التي أخرجت منها الرفات تبقى مقبرة ذات حرمة مؤيدة لانها لا تخرج عما جعلت له .(فتوى فضيلة الشيخ عبد المجيد - شيخ الازهر آنذاك, هناك, ص1261.

3- ان هناك في هذا الجزء من الأرض قبور بخلاف اذن القاضي .

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## خلاصة

1. ان " استبدال " ارض المقبرة لم يكن له مسوغ شرعي وفقا لشرائط الاستبدال حيث لم تتوفر أي من هذه الشرائط أصلا .
2. ان قرار القاضي بما اسماه " رفع اسم الأوقاف " عن جزء من المقبرة لا أساس له شرعا , فهو قول غريب عجيب لا يستند الى حكم شرعي , حيث ان حرمة الموتى وتراهم الموقوف على الدفن انما هي حرمة قائمة دائمة لا تزول ولا تزال وهي جزء من عقيدة المسلمين وطبيعي انها ليست منوطة بتقدير القاضي .
3. ان من له صلاحية النظر في تغيير معالم الوقف انما هو قاضي القضاة وليس أي قاض في الالوية والنواحي . (ابن عابدين , هناك م4 ص424 ) .
4. قرار القاضي بتسوية عملية الاستبدال لاغ من أساسه وهو باطل كأنه لم يكن , ذلك لانه اشترط لادنه هذا ان يكون الجزء المقصود خاليا من القبور الامر الذي ثبت خلافه .
5. لقد ارتكب المتولي اثما فاحشا في نبش القبور وكان على القاضي عزله عن الولاية بسبب ذلك فورا .
6. لقد خالف المتولي اذن القاضي وعمل على تنفيذ التخلي عن ارض المقبرة مع انه يتيقن ان هناك قبورا بخلاف ما امره القاضي .
7. لم يكن للمحكمة ان تأمر بنبش المقبرة ثانية في هذه القضية أيضا لان هذا مخالف للشرع كما بينا ولم يكن للأطراف المسلمين ان يوافقوا على مثل هذا الامر من حفر ونبش لانه ضغثٌ على ابالة . وكان الاولى الرجوع الى المرجعيات الشرعية قبل اتخاذ أي موقف من اقتراحات المحكمة لقوله تعالى : : فاسألوا اهل الذكر ان كنتم لا تعلمون " .
8. ان شهادة موظفي الدولة والمتولي آنذاك بنبش القبور واستخراج رفات الموتى لهو بيئة قاطعة على ان الأرض مقبرة مستخدمة وفيها قبور منتشرة .

9. ان هذا الدليل الذي لا خلاف عليه يجعل الاستبدال باطلا من أساسه لاشتراط القاضي خلو الأرض من القبور .

10 . ان حرمة المقابر الإسلامية حرمة مؤبدة لا تزول ولا تزال وكذا شأن هذه المقبرة ذائعة الصيت في كل حذب وصوب على كرة الأرض.

11 . تراب المقابر كله مقدس سواء ما هو مدفون فيه وما هو ليس مدفونا فيه . ولا يجوز اعتبار أية بقعة من مساحة المقبرة خارجة عن الحرمة لمجرد ان لا رفات فيها , تماما كما هو الحال بالنسبة للمسافات بين القبور . وكذا حتى لو استخرجت منها عظام الموتى .

12 . حتى لو بليت القبور وصارت ترابا تبقى الحرمة قائمة ويحرم التعامل مع الأرض كما لو كانت ارضا عادية .

13 . لا يجوز استغلال ارض المقابر للزرع او البناء او أي نوع من أنواع الاستغلال طالما كانت الارض موقوفة على الدفن .

هذا والله اعلم

ربنا آتانا من لذك رحمة وهيء لنا من امرنا رشدا .

انك على ذلك لتقدير وبالإجابة جدير

في الثامن عشر من جمادى الآخرة 1439

الموافق 6.3.2018

بروفيسور احمد الناطور

رئيس محكمة الاستئناف الشرعية العليا سابقا

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– On 11 /4/ 2018, numerous Palestinian youths in the interior heeded the call of the community committee to safeguard Al-Qassam Cemetery in Balad e-Sheikh, and they congregated at the cemetery to thwart an effort to excavate the graves under the pretext of verifying their presence. Their presence prevented the Israeli bodies from executing their operation to exhume the graves, despite the police’s attempts to force the families to permit the “geological investigator” to exhume the graves, by alleging that he was tasked by the court. The committee, in a statement it issued, considered that “this step by the Israeli bodies is criminal and refused by us as families and relatives of the dead in Al-Qassam Cemetery and by our status as a community committee.”



**Above:** Dozens of the children of the Palestinian Interior oppose an attempt to exhume the graves in Al-Qassam Cemetery

مِيزَان

MEEZAAN  
Organization for  
Human Rights

→  
The families of Haifa  
and those with relatives  
buried in Al-Qassam  
Cemetery in the  
magistrate court in  
Krayot- (2018)



– On 15 /7/ 2018, a session was held in the magistrate court in Krayot, in the Haifa area, to hear the case of Al-Qassam Cemetery. The court listened to the pleadings and requests of the Israeli company, Kerur Ahzakot, to excavate around 15 dunams of Al-Qassam Cemetery land, of which Israel had confiscated around 30 dunams in the fifties.

The families of Haifa, and the relatives of the dead buried in the cemetery, refused the company's allegations, and insisted on intercepting the questionable deal with the Israeli company, Kerur Ahzakot, which according to their allegations, aims to take control of the cemetery and exhume its graves for the sake of commercial projects.

The endowment's trustee committee was represented by a team of lawyers from the Meezaan Organization for Human Rights: Attorney Mustafa Suhail, Attorney Omar Khamaisi, and Attorney Hassan Tabaja, who was hired by the families of the deceased buried in the cemetery for the case.

The court session was extensive, covering many aspects of the case file. The proposal involved the endowment trust committee and the families purchasing the disputed section from Kerur Ahzakot. In response, the lawyers stated that the question and suggestion are linked to several parties, including the endowment's trustee committee and the leadership bodies of the Palestinian interior. Additionally, the defense team believed that any restitution to the company claiming ownership of a section of the cemetery, should be the responsibility of the Israeli establishment, given that they had wrongfully granted the disputed cemetery land to Kerur Ahzakot.



The director of Meezaan Organization, Attorney Omar Khamaisi, and Attorney Khaled Dagash from the trustee committee in the magistrate court in Krayot (2018)

The court gave the defense team one month to respond to the judge's suggestion of buying the disputed section of the cemetery. The judge posed several questions regarding the case file to the defense team, who committed to providing responses within a period of no more than three months. The judge also scheduled three additional sessions to continue the hearing of the «Al-Qassam Cemetery» case file, with the first session scheduled for January 2019.

On October 15<sup>th</sup>, 2018, the Krayot Magistrate Court issued its final verdict in response to the lawsuit filed by Kerur Ahzakot against the Al-Istiqlal Waqf trustees in Haifa. The company had requested the transfer of graves containing Muslim burials and the emptying of the cemetery to construct a commercial complex on the land.

The Meezaan Organization for Human Rights - the legal representation for this case - affirmed that the endowment's trustee committee are the legal owners of the cemetery, and that the land is an endowed land that can neither be bought nor sold.

The ruling issued by the magistrate court in Krayot on 15 /10/ 2018 specified that the court did not consider itself authorized to make a decision regarding the transfer of graves in the cemetery. To reiterate. To reiterate, this was in spite of the confirmation of the existence of graves in part of the disputed land, directly contradicting the claims made by the public prosecutor and the company that the land was empty of graves.

In his ruling, the judge also mentioned that the public activism

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⤴ The attorney team from Meezaan with other attorneys in front of the magistrate court in Krayot (2018)

had prevented the hired experts from continuing to inspect the remaining sections of the land for the presence of graves, in protest of a possible desecration of the dead. He also noted that one of the experts who had inspected the cemetery had indicated that the presence of graves in the cemetery could not be denied. Through the inspection carried out, the presence of hidden graves underneath the earth had become apparent, even though they were not marked by headstones or any other type of marker. With the presence of these graves confirmed, it is not possible to rule out the existence of any other graves that may not have been found by said experts.

It is worth noting that the Krayot Magistrate Court's decision, on the surface, responds to the suit filed by Kerur Ahzakot. However, the reasonings that the judge used to give his ruling, implied that the company was the rightful owner of the land and had the right to dispose of it as an owner would, without needing to prove ownership, file a suit, or seek permission from the court. The judge cited a prior ruling in this case from 2000 (the ruling in absentia that was mentioned earlier) as part of his reasoning.

After the court session, Attorney Omar Khamaisi, director of the Meezaan Organization for Human Rights, reiterated that the preservation of endowments and sanctities is a top priority for the organization. He emphasized that safeguarding these institutions

strengthens the resilience of the Palestinian people and their firm grasp on their land and holy sites, which are often subjected to theft and falsified documents by state institutions. It has become a prevalent practice for these institutions to confiscate sites under weak pretexts, before proceeding to "sell" them to private parties several years later. He also confirmed that the legal process was far from over and that it required ongoing community support and mobilization to ensure the success of the cause so as to ensure that the ruling issued was only the first step towards reclaiming the Al-Qassam Cemetery endowment.

– A lawsuit was filed in the Haifa district court in 2018 by a group of families and the community committee, seeking to nullify any previous ruling in absentia related to the Al-Qassam Cemetery, as well as any agreement and confiscation of the cemetery by the state of Israel and Kerur Ahzakot company. They petitioned the court to summon all parties involved and hear their arguments. They believed that by hearing from the families and the endowment's board of trustees, they could convince the court to annul the ruling in absentia issued in 2000, any agreement to exchange parts of the cemetery, and the confiscation procedure under the guise of public benefit, which had allowed the land to be handed over to a private company for a profit-making project. The defendants' (the state of Israel and the company Kerur Ahzakot) response was to request the dismissal of the suit on the grounds that the plaintiffs' argument lacked a foundation, without giving the parties or their arguments the chance for a hearing. They claimed that the ruling issued in 2000 cannot be rescinded due to the statute of limitations, arguing that the legal time to do so had passed.

– In June of 2020, the district court decided to accept the claims of the defendants, (the state and the company Kerur Ahzakot), and dismissed in absentia the lawsuit that the families and the community committee had filed, without conducting negotiations or hearing from witnesses. They instead relied on feeble procedural justifications, agreeing with the existence of the 2000 judicial ruling, regardless of the fact that it was in absentia, and accepted the claim that the time to file the suit had passed, due to the statute of limitations.

– On 4 /7 /2020, the community committee for the Defense of the



Cemetery of Al-Qassam decided to appeal the in- absentia ruling and turned to the Supreme Court in Jerusalem, in an attempt to save the cemetery from imminent desecration of the graves through excavation, and construction. This decision was made after consulting the defense team and those following the matter, in response to the biased ruling in absentia which aimed to expropriate the Al-Qassam Cemetery.

The community committee for the Defense of the Cemetery of Al-Qassam released a statement at that time, presenting documents and evidence showing that the "exchange deal" with the endowment trustees was a fraudulent agreement based on deceit. The state had allocated lands for graves in Kafr Samir to all religious communities without any compensation, except for the Muslims, who were granted those lands in exchange for relinquishing the Al-Qassam Cemetery, according to the controversial agreement with the endowment trustees at the time.

The committee further highlighted that the plaintiffs in the lawsuit had emphasized that even if the ownership of the cemetery was transferred from the endowment trustees to the state, according to the prejudiced confiscation laws, it does not negate the fact that the land is a cemetery with its sanctity and inviolability. It is not permissible under any circumstances to sell the land to a commercial entity such as the company Kerur Ahzakot, as this would violate the

Graves of people buried in Al-Qassam Cemetery 



dignity of the deceased and the sentiments of Muslims as well as the families of those buried in the cemetery.

The community committee's statement revealed that the district court judge had rejected the lawsuit and dismissed it, citing the statute of limitations and claiming that the subject matter of the lawsuit had already been exhausted in a previous ruling between the endowment and the state. This previous ruling was issued in absentia in 1999 by the appellate court, which the endowment trustees did not attend, and it was not possible to determine whether the endowment had knowledge of the lawsuit or not. The committee concluded their statement with:

*"We turn towards you, the children of our generous, giving people, in the name of our sanctities, the cemeteries of our deceased, our families, our loved ones, and our endowments which have been targeted in the last decades, to extend a helping hand and contribute to the community committee for the Defense of the Cemetery of Al-Qassam with what you can give out of the generosity of your hearts and out of your gallantry, to help us bear the weight, the costs, and the fees of the defense team, and the required amount is 35 thousand shekel."*

The attorney on the case, Hassan Tabaja of Meezaan Organization said: "I truly do not know how the judge's pen does not tremble as he signs a ruling in absentia to desecrate the graves of Muslims; for if the conversation was about Jewish graves, this matter would be inconceivable. Never before has permission been given to transfer or exhume a Jewish grave, since the establishment of the state to this day."

– On 27 /10/ 2020, the endowment trustees and families of the deceased buried in Al-Qassam Cemetery (Balad e-Sheikh) filed an appeal to the Israeli Supreme Court in Jerusalem, contesting the ruling of the Haifa district court which dismissed their petition to nullify the sale agreement between the development authority and Kerur Ahzakot, a deal that involved around 14 dunams of the cemetery where graves had been confirmed.

According to attorney Omar Khamaisi, (director of Meezaan Organization) the Supreme Court judge cited several obstacles surrounding the appeal, including the statute of limitations and previous court rulings related to the case, and recommended that the

”



↑ Several leaders next to the families and the Meezaan team and attorneys in the Supreme Court session in Jerusalem (2020)

appeal be withdrawn. However, Khamaisi stated that the plaintiffs were determined to continue with the appeal until the end.

Hassan Tabaja, the lawyer representing the families of those buried in Al-Qassam Cemetery and the section involved in the disputed deal with Hasan Shukri, stated that the families' determination to pursue the appeal is unwavering. He also stated that it is impossible for them to relinquish their right to protect the graves of their loved ones buried in the cemetery. He said,

*«Based on the documents and evidence we possess, we have faith that the forthcoming court session in Jerusalem will embarrass the Supreme Court. Therefore, we will persist with our appeal and not concede to the Court judge's appeal for its withdrawal. The cemetery land is an esteemed Islamic endowment where people are buried, and hence the doubtful agreement made by Israeli governmental entities with an individual named Hasan Shukri should be cancelled.»*

– On 29 /11/ 2021, in the last hearing of the Al-Qassam cemetery case in the displaced Balad e-Sheikh village, the Israeli Supreme Court in Jerusalem declined to intervene due to the statute of limitations law. The court recommended that the representatives of the families and relatives of the deceased buried in the cemetery withdraw their appeal to revoke the confiscation and sale of part of



From the the Supreme  
Court session in  
Jerusalem – 29/ 11/ 2021

the cemetery. The court also suggested that the parties negotiate to reach an agreement with the Israeli authorities.

The court proposed that the representatives of the families withdraw their lawsuit and appeal, and instead engage in negotiations with the state and other parties involved to explore potential solutions and reach an agreement on the matter in question.

Following that, Attorney Hassan Tabaja of Meezaan Organization said,

*“The Israeli Supreme Court refuses to dig into history but it does not object to digging up the graves of Muslims in Al-Qassam Cemetery.”*

According to Attorney Tabaja, the state representative (public prosecutor) proposed exploring potential solutions without any obligation. Based on this, and after the Israeli Supreme Court's ruling, they withdrew their appeal. Tabaja explained that pursuing the appeal would result in further rulings that would legitimize the confiscation and sale of the cemetery. He added that they will now pursue a legal procedure through the community committee to seek negotiation and find a solution.



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## PUBLIC ACTIVISM And Ongoing Struggle

– After 11 years of legal debates in the Israeli courts, the families and relatives of the dead buried in Al-Qassam Cemetery, as well as the trustee committee of the Islamic endowment in Haifa, refused to accept the Israeli Supreme Court's refusal of their appeal to revoke the confiscation and sale of a part of the cemetery. The court considered the case to be a «historical case» rather than a «real estate case,» a classification that was not accepted by the families and the committee.

Subsequently, in early December 2021, a protest tent was established in Al-Qassam Cemetery by the High Follow-Up Committee and the Al-Istiqlal Waqf trustee committee in Haifa. Both committees emphasized that the case of Al-Qassam Cemetery is a matter of utmost religious, national, and moral significance, and called upon the entire Palestinian community, including families, political groups, and social organizations, to unite against the confiscation of the cemetery.

⬇️ A night picture of the protest tent set up on the edge of Al-Qassam Cemetery (2021)

Groups of supporters from the different Arab towns in the protest tent in Al-Qassam Cemetery





Several youths in Haifa organized a rally to support the protest tent that was established in Al-Qassam Cemetery, and they continued to guard it since its inception. The protest tent received visitors from various Arab towns in the Palestinian interior and hosted several activities and events.

– On 3 /12 /2021, the High Follow-Up Committee and the Al-Istiqlal Waqf trustee committee invited Sheikh Asad Qalaq, the imam of Al-Istiqlal Mosque in Haifa, to deliver the Friday sermon and prayer on the outskirts of the Al-Qassam Cemetery in the displaced Balad e-Sheikh village near Haifa.

– On 10 /12 /2021, many Palestinians residing in the interior joined the Friday prayer held on the periphery of the Al-Qassam Cemetery, which is at risk of being confiscated and sold. This was one of the events organized by the protest tent that was established on the cemetery land.



⬆ **Bottom of the page:** Friday prayers in Al-Qassam Cemetery–3 /12/ 2021  
**Above:** (Friday prayers in Al-Qassam Cemetery–10 /12 /2021)



A group of women from the interior in solidarity with Al-Qassam Cemetery

Sheikh Kamal Khatib, the president of the Freedoms Committee, delivered the Friday sermon and spoke about the biography of the martyr Izz ad-Din al-Qassam, in whose honor the cemetery is named. He affirmed the determination of the Palestinian people in the interior to use all possible public activism methods to confront projects that threaten the cemetery, including the confiscation, excavation, and destruction of the graves of their forefathers.



Groups of supporters from the different Arab towns in the protest tent in Al-Qassam Cemetery

Sheikh Kamal Khatib also saluted the families of the city of Haifa and gave thanks and appreciation to the families of those buried in the cemetery who formed an active community framework. He also expressed his gratitude to the trustees of the Al-Qassam Cemetery endowment and the honest endowments board for their efforts in reclaiming the cemetery and lifting the injustice inflicted upon the living and the dead. The people on this board are working in conjunction with legal experts and organizations that specialize in endowment and cemetery cases to wage a legal battle against the Israeli government.





On 15 /12 /2021, a legal forum was held in the protest tent in Al-Qassam Cemetery in the displaced Balad e-Sheikh village near Haifa. Participating in the forum were Attorney Omar Khamaisi, the director of Meezaan Organization for Human Rights and the representative for the trustee committee of the Al-Istiqlal Waqf; Attorney Hassan Tabaja, a member of Meezaan Organization and the representative for the Committee of Families for the Defense of Al-Qassam Cemetery; Dr. Yusuf Jabarin, president of the legal panel for the High Follow-up Committee; and Engineer Mu'taz Kilani. The forum itself was coordinated by Attorney Khaled Dagash, a member of the Al-Istiqlal Waqf trustee committee.

The speakers addressed the details of the case file in the Al-Qassam Cemetery case and its particulars from all historical, legal, and civil aspects. During this (with the audience including representatives of the families of the dead buried in the cemetery) they investigated other solutions to help preserve the history and future of the cemetery.

The director of Meezaan Organization for Human Rights and the attorney retained for the defense of the cemetery, Attorney Omar Khamaisi, spoke about the legal progression of the Al-Qassam Cemetery case file, and he affirmed that



A legal forum in the protest tent in Al-Qassam Cemetery 152021/12/





From right to left:  
 Engineer Mutaz Kilani,  
 Attorney Hassan  
 Tabaja, Dr. Yusuf  
 Jabarin, Attorney Omar  
 Khamaisi, Attorney  
 Khaled Dagash

*“The Meezaan Organization’s defense led to a favorable ruling, with the court rejecting the claim made by a private company. This was a significant victory as it established that endowment trustees cannot be coerced into relocating graves. Unfortunately, the state has manipulated Islamic endowments by transferring their lands to private businesses to take them over, not just in the Al-Qassam Cemetery endowment, but in all historical endowments of Palestine. Pursuing legal procedures in the Israeli Supreme Court in Jerusalem is akin to swimming against the tide with one’s hands tied. Nonetheless, we have pursued this course of action to buy time for the state to find a solution to this problem, which only exists due to public community pressure.”*

In his speech, the representative of the committee of families for the defense of Al-Qassam Cemetery, Attorney Hassan Tabaja of Meezaan Organization, indicated that

*“The Al-Qassam Cemetery case is deeply intertwined with the larger, gaping wound that is the Palestinian struggle for our land and against occupation. From a legal standpoint, it is striking to note that the state has been attempting to quietly and surreptitiously expropriate land for years, using tactics such as appointing select individuals, employing deceitful methods, and enforcing laws upon the Palestinian Interior.”*

Attorney Hassan Tabaja concluded his speech by saying, “Despite this, the state required a Sharia Court ruling to legitimize its position, and the ruling that approved the agreement was illegitimate since the court did not have the authority to dispose of endowed lands such as a cemetery. To justify his wrongful ruling, the judge wrote, ‘I approve the state to take 30 dunams with the condition that there



are no graves or buildings.’ Based on this ruling, the state seized the land, and in exchange, offered its employee land in the village of Kafr Samir in Tirat Carmel, Haifa.

– On 23 /12/ 2021, the Israel Lands Authority posted an eviction notice before a scheduled demolition of the protest tent set up on the Al-Qassam Cemetery land, with the excuse that it owns the confiscated cemetery land. After this, the Al-Istiqlal Waqf board of trustees’ team along with the tent’s committee undertook rapid actions to prevent the demolition of the tent.

– On 7 /2/ 2022, a number of activists intercepted Israeli excavators, who had broken into Al-Qassam Cemetery under the protection of Israeli police, to complete excavations and building infrastructure. However, the quick uprising of youth to defend the cemetery, forced the contractor and his excavators to leave.

Excavators were then sent along with Kerur Ahzakot’s contractor (with their claim that they had bought 15 dunams of the cemetery’s 44 dunam land) to complete their commercial project.

Sheikh Fouad Abu Qumair, a member of the Al-Istiqlal Waqf board of trustees in Haifa, proclaimed that

*“What is happening is a crime in every meaning of the word, and we cry out to every free honorable person to support us in protecting the cemetery.”*



The notice posted to demolish the protest tent in Al-Qassam Cemetery– 23 /12/ 2021

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CEMETERY:  
The Plundered Waqf



He affirmed the refusal of touching even a handsbreadth of the cemetery’s land, saying:

*“We will oppose that with every allowable method, because touching the inviolability of our dead and the desecration of our sanctities cannot be legalized by the rulings of the unjust Israeli courts.”*

– On 11 /2/ 2022 Friday afternoon, dozens of political activists demonstrated in a protest against the violation of Al-Qassam Cemetery in the displaced Balad e-Sheikh, confirming the necessity of continuing the struggle and not allowing the Israeli authorities to enter the cemetery or begin excavations.

The protesters held up signs and shouted slogans, calling for the preservation of Al-Qassam Cemetery and demanding that the graves not be desecrated and no excavations take place.



Protest next to Al-Qassam Cemetery against the violation of the cemetery (11 /2/ 2022)

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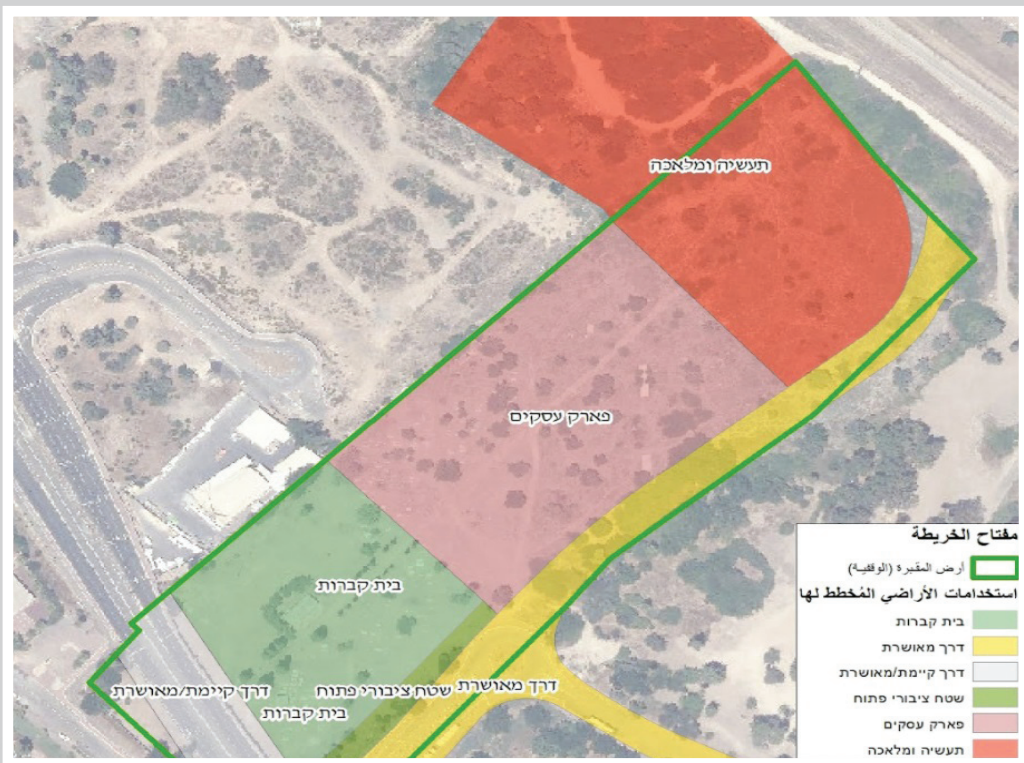
ALIO ASSAM  
COMMITTEE  
The Al-Baqer Waqf



## MAPS AND DOCUMENTS

Related to the Al-Qassam  
Cemetery Case File

Following: An appendix of maps and documents Meezaan Organization for Human Rights used in waging its long legal battle in the halls of the Israeli courts to uncover the operation to expropriate the Al-Qassam Cemetery endowment through fraudulent laws and whitewashed justice



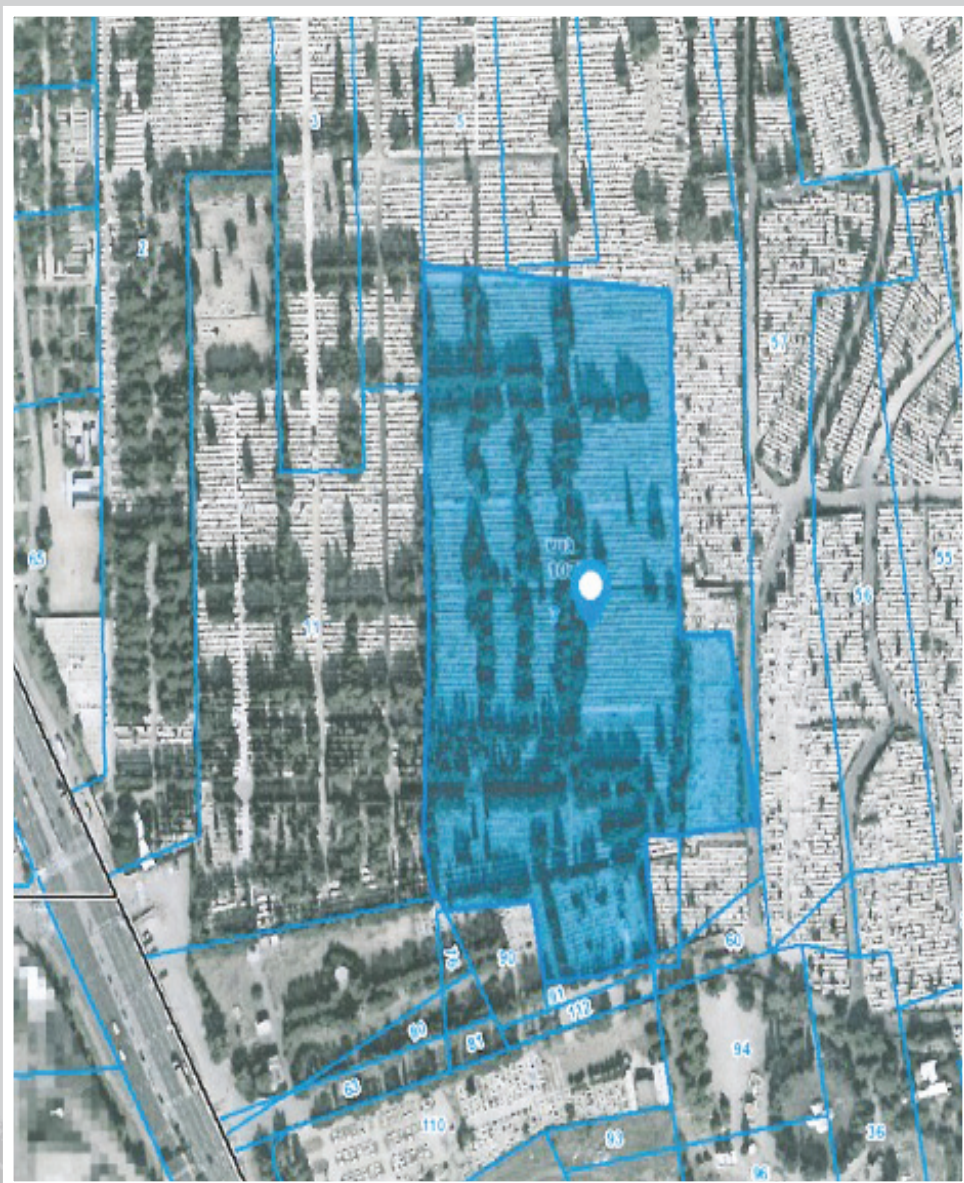




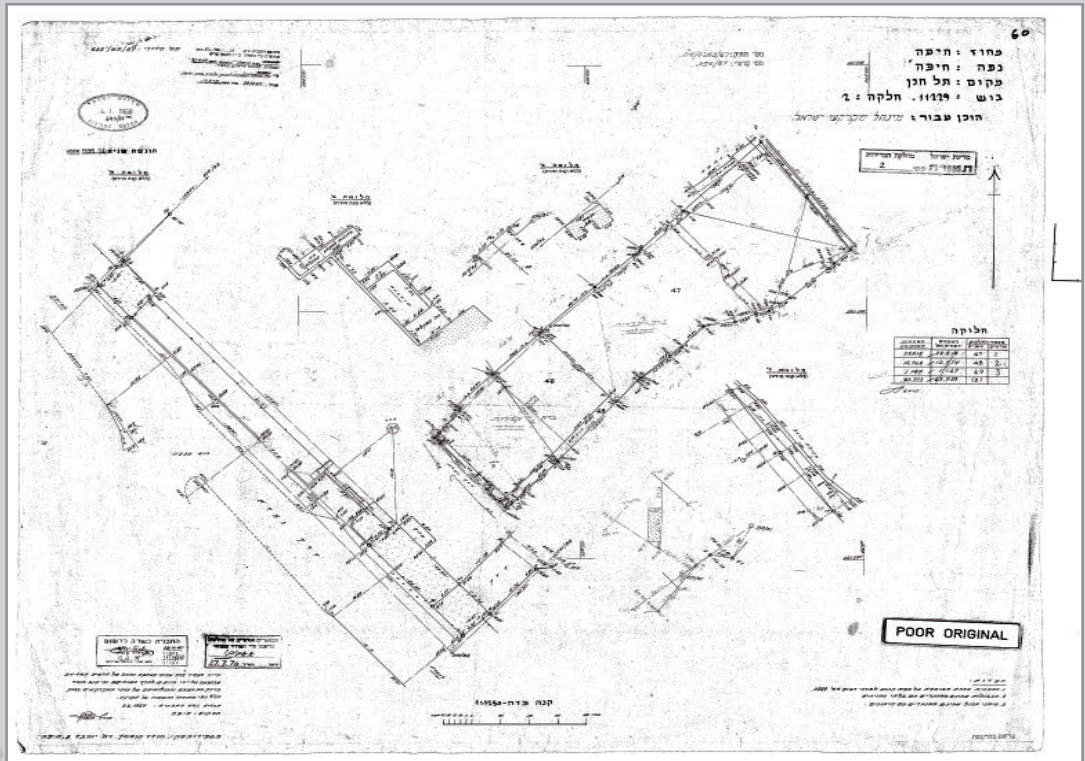


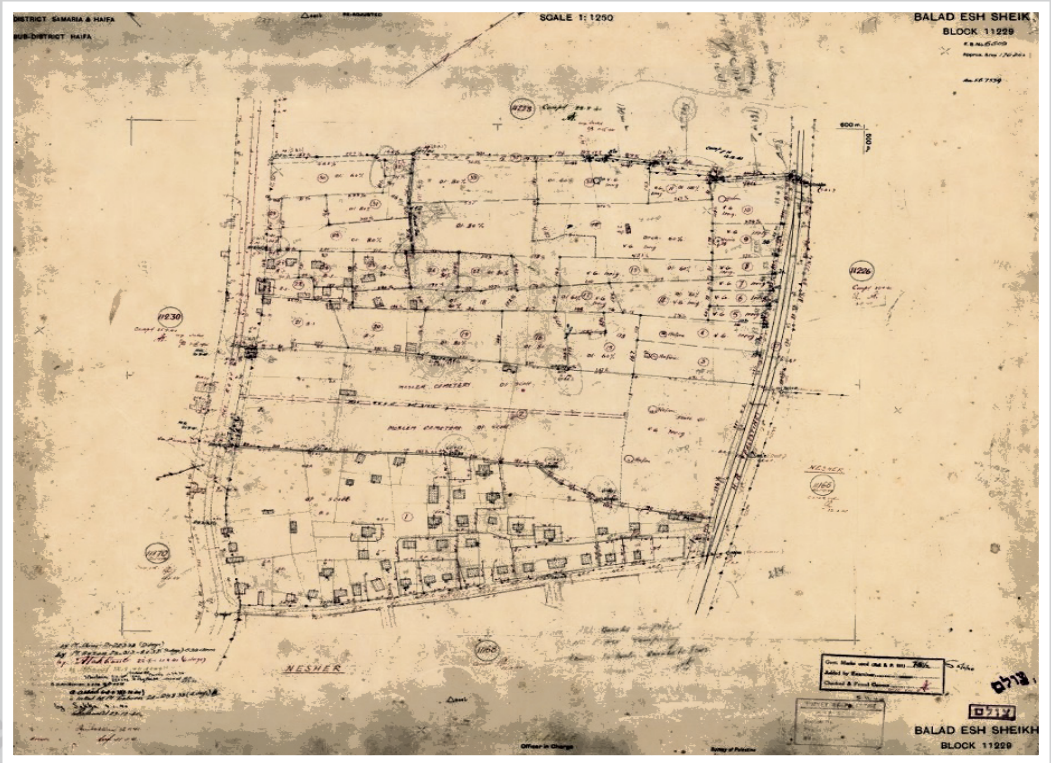
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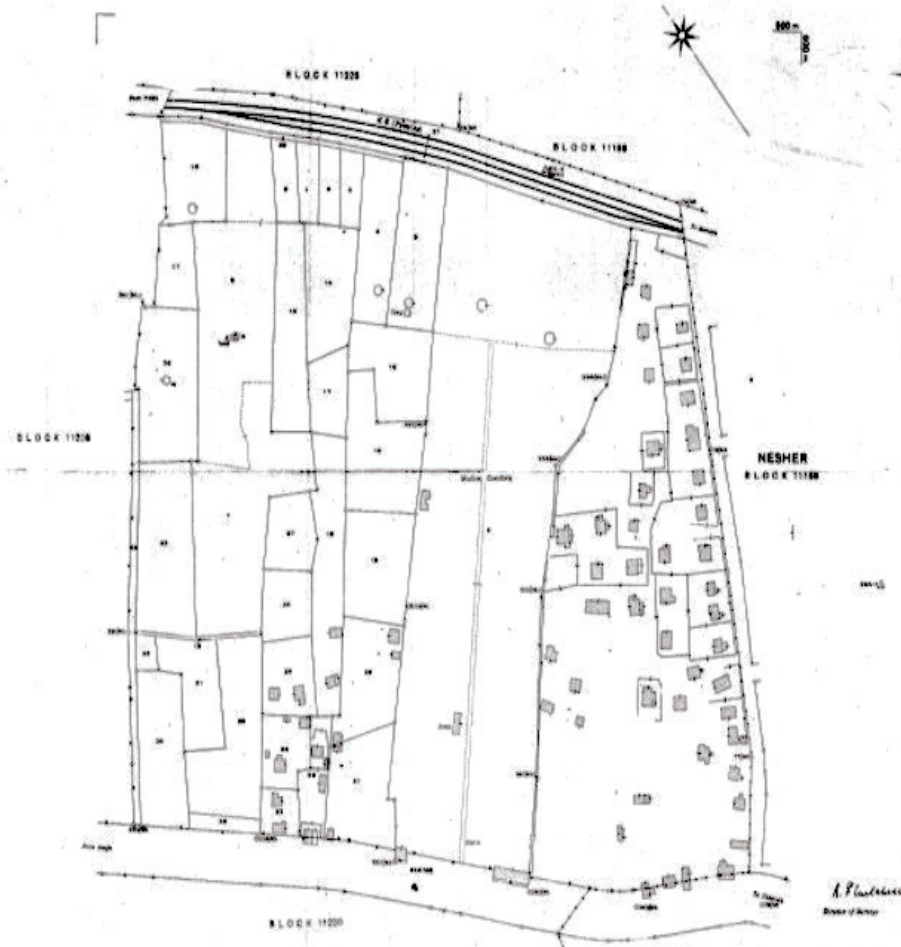


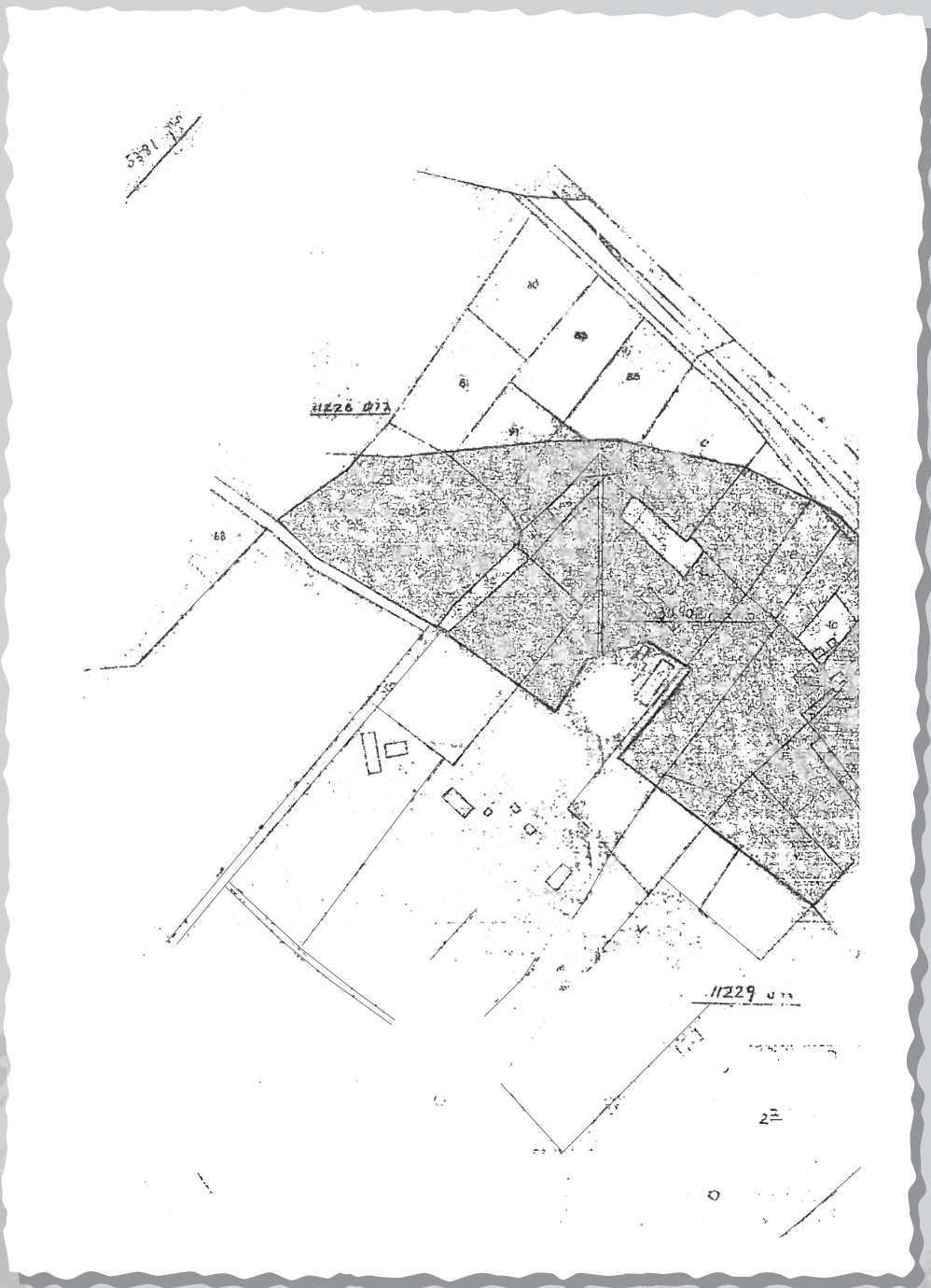
DISTRICT MAPS  
SUB-DISTRICT MAPS

BALAD ESH SHEIKH  
REGISTRATION BLOCK 11229  
(El Tayinat)  
Area 12362 Douna

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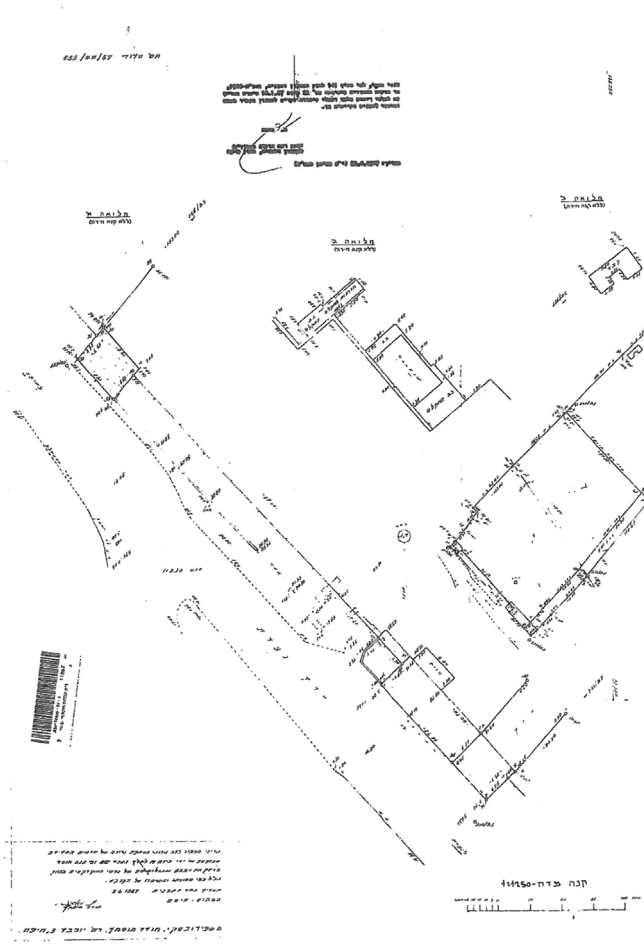
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16. שום ויחור, הנגאט, מחיל ספקולח או, סחן ארכה' מצד המחכיר  
להוכר לא ייחשבו כוויחור מצדו על זכויותיו. ולא יאסמט מניפה לחביעה  
אלא אם ויחר המחכיר על זכויותיו באופן שפוש ובחבג.

16. כחובה הצדדים לצרכי הסכם זה תן ז:

המחכיר רשות מפיחה, הקריה - ורושליטה

החוכר החברה האלי לקורר והמסקה בעים סג'ף חיתה  
דרך הקצמאות 26 חיה.

וכל חורפה אשר שלח בחתום לחסכם זה בדואר רשום לפי אות  
מכתובות דלעיל היחשב שנתקבלה בדין 2 (שלשה) ימים אחרי המשלוח.

ולרמיה באו הצדדים על החתום

היום יום 1 בחודש טבת שנת תשכ"ב  
יום 11 בחודש קנין שנת 1962

הח' נתיי לקורר והמסקה בעים  
המחכיר  
החוכר

המחכיר

X  
(12)

**א. נמוכה**

ילקוט חשבוניות מספר 352 מיום 30.5.54 עמ"ס 1120

חשק רכישת מקרקעין (אגודת פעילות ומימון) חש"ב-1953

העודה לפי סעיף 2

בתוקף סמכותי לפי סעיף 2 לחוק רכישת מקרקעים (איגוד פעילות ומימון) חש"ב-1953, אני מעיד כי במקרקעים המפורטים בתוספת הנקיימן שלושה חלקי-

1. כיום ו' בניסן חש"ב (1 במריל 1952) לא היו בחזקת בעליהם
  2. בחזקת החוקמה שבין ח' באייר חש"ת (14 במאי 1948) לבין ו' בניסן חש"ב (1 במריל 1952) הוקמה לצורכי החיסכות וניהוח מיוזמייה
  3. עודם ודושים לתרכים המפורים
- ולכן יקומו לבנין רעות המסנה מיום יב' באדר ב' חש"י (17 במרט 1954).

**ת ו ט ת**

הכפרי בלר חש"יך הנסמ - חסמ.

ג' ס	חלקה	ש ש ח	חלקים	ת' ע' ר' ו' ת
א	41	0,329	משלוח	11229
	8	3,286	משלוח	11239
	26	3,281	משלוח	
	2	4,580	משלוח	11235
	8	4,159	משלוח	11236
	75	-1,110	משלוח	11228
ב	2	43,733	דונם כתר כמסונן לשם זימתי כקר אדום בתורים השדוך בקמה מידה 1:1250 והמגס על ע"ס	11229

העקף החסרים המפור מוקפים במסרן גרף רשום והמטר הקרקעות ירושלים ובמסרדי המסונה על מסרז בחיסמ זבל המעונין כדבר זכאי לפיין בהם כשענת העבודת הרגילות

(-) לוי אשכול  
שר המדמ

יב' באדר ב' חש"י (17 במרט 1954)

1. ס"ח 122, חש"ב, עמ"ס 58.

749  
 עיסקה מס' 69/1881  
 ד"ר ג'ורג' 851

מינהל יישוב  
 מינהל מקרקעי יישוב  
 מחוז חיפה  
 ת.ד. 548, טל. 60951-העמדות 13

חיפה, ט' אב תשי"ז  
 16.8.1970  
 ח"ק מס' 10735/9

אלו מינהל מקרקעי יישוב, ירושלים, ליידי מר איש שלום,

**החלטות**

הנדון: חודקה על פעולות רישום  
 במסגרת פקדי המנהל

בח"ק ריש מקרקעות חיפה מס' 5210/69 נובעו ביום 9.3.70 פעולות הרישום הבאות:-

**החלטות** - **הגנת המנהל** **מפני לרישום** של זוקי ג' פע על אימתיקלל של חיפה זה וזה הנכסים הבאים:-

מס' זוקי	מס' ח.ר.ח	מס' זוקי	מס' ח.ר.ח	מס' זוקי
10735	0.293	62	10735	מס' זוקי
10738	10.606	122	10738	"
10738	9.316	138	10738	"

הנזקם של זוקי ג' פע מלאימתיקלל של חיפה **מפני לרישום המנהל**:-

מס' זוקי	מס' ח.ר.ח	מס' זוקי	מס' ח.ר.ח	מס' זוקי
11229	29.818	47	11229	נכד
11229	1.147	49	11229	"

**העובדות**

- הנכסים הנמסרו ע"א רשות המנהל כנ"ל לנאמן חודקה במידה כנ"ל, מועדים ומשכמים לבית קברות טוטלטי איש בקצום בית הקברות המוסלמי הישן במחלקת טרסה המנהל מקבל כנ"ל נכד ושישונה משרדי קברים ישנים.
- החליטין הנ"ל בנידון נובעו במסגרת השלטת העתיקות עם הנאמן על זוקי אומימתיקלל בחיפה, ולאחר שחלק החלק 11229/47 בשטח של 15 ד"מ הוסק ע"ד קורט לכן לשונה רשות המנהל עם"י חודקה שפורסמה בילקוט הפרסומים מס' 352 מיום 15.6.59 לפי אזה רביעה מקרקעין.
- החליטין הנ"ל נובעו אישורה במתייטוב לחקקה הנ"ל, כך שכיום החלק 11229/47 בשלמות עוברת לבעלות רשות המנהל.
- החלק 11229/49 הנ"ל שיוזר מעין ירך גישה למטח לחלק 11229/47, ועל כן היה הוצעורה לרשות המנהל גם כן במסגרת החליטין הכוללת הנ"ל.

ב כ"ק ח  
 קמ"ו  
 ב/מס' קמ"ו על רישום והסדר

**העמדות**  
 למחר הנכסים - כאן  
 למפרי ומעידות - כאן  
 להסדרות ורישום לנכסי מקרקעים - כאן

## SOURCES:

Meezaan Organization for Human Rights archives in Nazareth

Data and documents from Meezaan Organization for Human Rights' legal proceedings in the Israeli courts' sessions

Press releases from the Al-Istiqlal Waqf trustee committee in Haifa

Press releases

Meezaan Organization for Human Rights' website <https://www.meezaan.org/>

"Arab 48" website <https://www.arab48.com/>

"Mawteni 48" website <https://www.mawteni48.com/>

Internet archives

## **Meezaan Organization for Human Rights: About us**

In 2000, a group of activist Arab lawyers in the human rights field in the Palestinian interior came together to establish the Meezaan Organization for Human Rights, an independent and nonprofit human rights organization. Their aim was to bridge the gap between theoretical concepts, values, and principles of human rights and freedoms, and their actual application in reality. They sought to reinforce the use of these principles and spread awareness among the general public, considering it a basic and natural human right that cannot be surrendered. They operate on the principle of respecting human beings as human beings, and protecting their basic rights including political, social, educational, ideological, religious, and other internationally recognized rights, and defending them through local laws and international treaties and accords.

Meezaan Organization holds a consultative status with the United Nations Economic and Social Council, which permits it to take part in the council's activities, as well as those of other United Nations entities. This allows Meezaan to collaborate with international organizations, member states, and the United Nations to increase its advocacy efforts. Additionally, this status allows the organization to designate its own representatives to work in the United Nations headquarters and offices located in Geneva and New York.

Meezaan works to develop public relations with associations and bodies that work in the human rights field and to develop domestic and social work associations and organizations in the Palestinian interior.

Furthermore, Meezaan works on legal representation in matters that concern political, social, cultural, ideological and religious rights for the Palestinian community in the Palestinian interior. They also directly address various government organizations, committees and decision makers in order to file lawsuits, appeals, petitions, and any required legal proceedings.

Likewise, Meezaan works to document human rights and freedoms violations and to issue reports that document these violations in accordance with international standards.



**MEEZAAN**

Organization for  
Human Rights

[www.Meezaan.org](http://www.Meezaan.org)

