

## Sparking the Next War?

### **Any Restrictions to Al Aqsa Imposed During Ramadan Will Violate Muslim Freedom of Worship and Liable to Foment Unrest**

Since October 7, 2023, to date, Israel has imposed severe collective entry restrictions to the Haram a-Sharif/Temple Mount (HAS/TM) on nearly all East Jerusalem Palestinian Muslim residents and the Muslim public within Israel.

Over the course of several weeks following October 7, Israel barred the entry of all Muslim worshippers except for Old City residents above the age of 55-60. Those who are not residents of the Old City were likewise prohibited from even entering the Old City area.

Israel has never imposed on Muslims such entry restrictions to the Mount for more than a few days at a time. The decision to close the Holy Esplanade to most of the Muslim public is not only unprecedented, but unlike any other action Israel has implemented around the holy site.

Such a move not only neglects to actually meet purported security needs, but also increases friction in the city and infringes upon the basic rights of East Jerusalem residents and Muslim citizens of Israel. Even if the restrictions exist in the context of genuine concern for escalation and security challenges, their prolonged imposition is particularly acute, unparalleled, and unjustified.

**Moreover, the application of entry restrictions over the years has proven to only exacerbate tensions and spark more unrest rather than contribute to maintaining public order and security.**

### **Ease on Restrictions Juxtaposed with Government Intent to Apply Limitations Over Ramadan**

Over the past two weeks in February 2024, restrictions have considerably eased although not entirely lifted. More worshippers have been permitted to enter the holy compound. Despite that, there have been announcements that the Israeli government has been considering the imposition of strict restrictions throughout the month of Ramadan. Although the [most recent reports](#) claim that there will be no application of sweeping restrictions on Muslim entry, they do cite that the police will determine a quota for worshippers according to “capacity and safety considerations.”

**Yet, it should be underscored that there has never been a quota set in the past for worshippers on the HAS/TM based on so-called safety precautions during Ramadan or any other time. Likewise, such a decision would likely be taken without any coordination or consultation with the**

**Waqf and the Hashemite Kingdom, who is responsible for administration of the holy compound. As such, it raises questions as to the motivation behind this proposal.**

The numerous conflicting government statements does not provide full clarity on Israeli intent and indicates that the pressures to impose restrictions continue. **It would be a mistake to assume that partial restrictions even under the guise of safety considerations ensures complete freedom of worship for Muslims and a sufficient solution to prevent an escalation over Ramadan.** Such restrictions are seen as both an infringement on Muslim autonomy and Waqf authority in the holy place and an Israeli attempt to limit Muslim access to the Mount.

In instances where restrictions were applied in the past for specific days during the month, Israel always attributed them to concrete and imminent security concerns; there has never been a decision to limit access weeks ahead. If carried out over Ramadan, even in a partial manner, this would constitute a new and dangerous violation of Israel's duty to ensure Muslim freedom of worship on HAS/TM and a severe breach of the status quo.

Over the past decade, [Israeli decisions to restrict access of worshippers to the Mount on some days during Ramadan](#) has proven to fuel widespread violence rather than serve as a measure to provide public order and security. This becomes all the more pronounced when taking into account that decisions concerning Muslim entry restrictions are not made on the basis of security considerations alone. They also relate to the stated ambition of [Temple Movement](#) supporters in the government—including the Minister of National Security—to fundamentally subvert the accepted arrangements at the holy site.

**It should be underscored that in contrast to the restrictions imposed on Muslims over the course of the past four months, access to the Mount for Jewish visitors and Temple Movement activists has remained unfettered.** Even amid the unique situation following the outbreak of the war, the strict prohibition on Muslim entry while Jewish visitation continues as routine constitutes a grave violation of the status quo. Despite this, Israel repeatedly claims to uphold the status quo, which deems the HAS/TM a Muslim place of worship, while non-Muslims are solely permitted to visit during certain hours and in certain places.

If the violations on Muslim access to the HAS/TM and freedom of worship have not yet resulted in an outbreak of violence, then such a risk will greatly increase with the start of the month of Ramadan around March 10. **The time left ahead of Ramadan should be used to lift all remaining restrictions and ensure complete Muslim freedom of worship throughout the holy month with no limitations. Likewise, necessary coordination should be facilitated with important Arab and**

**Muslim actors to enable the observance of Ramadan on Al Aqsa to proceed as normal and without friction.** For more in-depth policy recommendations on measures which will uphold Muslim freedom of worship and prevent an escalation during Ramadan, [see our 2023 alert](#).

**i. Since the Outbreak of the War: Collective Restrictions on Palestinian Entry while Jewish Entry Remains Unhampered**

Disconnecting hundreds of thousands of East Jerusalem residents from the Old City, which serves as a religious, social, and commercial center for them, has resulted in substantial economic damage to businesses and the total disruption of daily routine in the Old City. Rigorous inspection at checkpoints deployed at the Old City gates have led to incidents of harassment and police violence. All of these are clearly overshadowed by the fact that restricting entry to the Old City also entails preventing access to Al-Aqsa.

Barring entry to the Old City was strictly upheld for over a month following the start of the war and only began to ease throughout the second half of November. The easing of restrictions is conducted arbitrarily and inconsistently without explanations to clarify when entry to the Old City is open to all and when restrictions apply. Sometimes, Palestinians denied entry via one gate were able to enter through another. Since mid-December, while there have been nearly no limitations on entry to the Old City on weekdays, restrictions on accessing the holy compound continue to remain in place.

For a period of over a month, Muslim entry restrictions to the Mount resulted in a profound decrease in the number of participants in Friday noon prayers. The number of worshippers dropped from 50,000 to a mere few thousand and a few hundred on weekdays compared to typically thousands. In late November, while police began to permit entry to Al Aqsa for non-Old City residents, the age restrictions have remained in place. On December 16, the number of participants in Friday prayers reportedly increased to 7,000. This trend has gradually continued, and in mid-January, a total of 12,000 worshippers were reported. Since the beginning of February 2024, restrictions on Fridays have further eased allowing the number of worshippers to increase to 25,000. This is still half of the typical number.

During the months when restrictions were strictly applied, large police forces were stationed at the Old City gates and several other points on roads leading to them, preventing access to those who do not meet the age requirement (*which for nearly four months applied to those who were under 50 years old; hence the majority of worshippers*). Checkpoints at Lions' Gate, Flowers Gate, Damascus Gate, and the New Gate solely permitted entry to Old City residents or adults who met

the age requirement. A less rigorous inspection was conducted at the Jaffa Gate. Furthermore, checkpoints were placed along roads leading to Lions' Gate. Police also blocked Jericho Road that leads to Lions' Gate. One checkpoint is erected to the north in Wadi Joz and another checkpoint to the south between Ras al-Amud and Silwan. These barriers entirely prevent the passage of vehicles. Since Jericho Road is a central axis connecting the northern neighborhoods of East Jerusalem to the neighborhoods south of the Old City, blocking this area generates major traffic jams beyond merely preventing access to the Old City. Beyond points of inspection on Fridays enroute to the Old City, there are further security checks conducted within the Old City while police officers are posted at all entrances to the HAS/TM.

The number of checkpoints deployed escalate tension between residents and Israeli forces, along with increasing the risk of violent confrontations among them. Over the course of several months of war, there has been repeated documentation and footage of violence or harassment perpetrated by the Israel police and Border Patrol forces towards Palestinians whom they have inspected. Some of the worshippers who are blocked and detained at the checkpoints hold Friday prayers in close proximity to police barriers as a form of protest and an expression of their commitment to pray at Al-Aqsa. The police will often violently and forcefully disperse worshippers following the conclusion of the prayers. Thus, on most Fridays, clashes occurred around the prayer gatherings, with the police using physical violence, tear gas, and even skunk water to distance or disperse gatherings. A particularly grave incident occurred when several police officers attacked a journalist and continued to strike him even while he was handcuffed.<sup>1</sup>

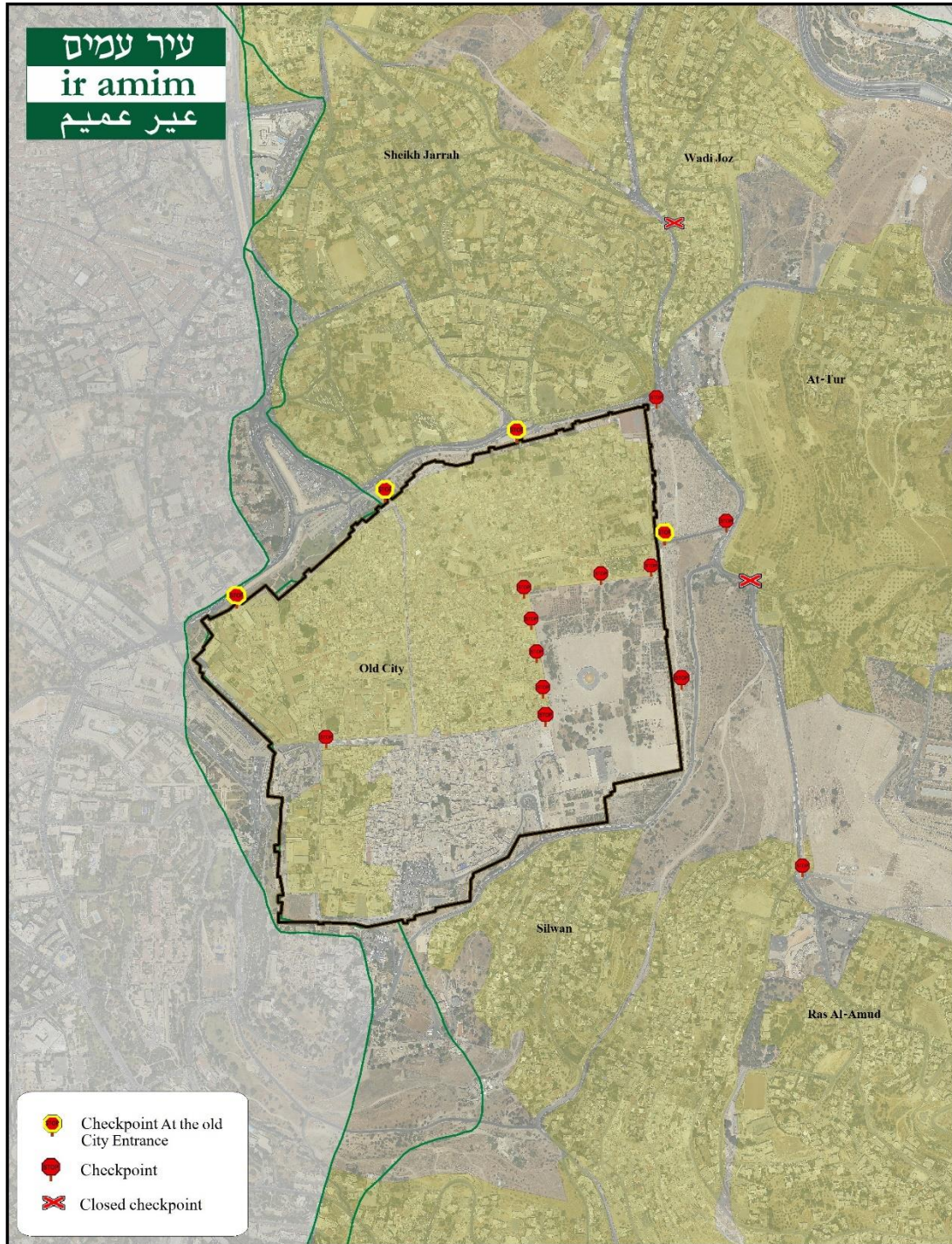
It is important to underscore that prayers held in front of police barricades have been relatively small. **However, if Israel decides to apply restrictions during Ramadan, the number of participants in these prayers is expected to significantly grow. This will likely lead to more aggressive police conduct and a forceful dispersal of the worshippers, greatly increasing the risk of violent confrontations.**

In contrast to these restrictions, access to the Old City and the HAS/TM for Jews has remained entirely unhampered over the course of the past four and half months.

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<sup>1</sup> Nir Hasson, [Israeli Border Police Officers Filmed Attacking Arab Journalist in East Jerusalem](#), December 15, 2023.





Map of entry restrictions to the Old City

**ii. Prolonged Collective Restrictions – Unprecedented Move in Fragrant Violation of the Status Quo**

**Quo**

The scope, scale, and duration of the restrictions imposed on East Jerusalem residents and Muslim citizens of Israel are not only unprecedented, but unlike any other measure Israel has carried out

in the Holy Esplanade. While in the past, Israel has implemented some collective entry restrictions, it has only been for a very limited amount of time.

Israel claims that Muslim entry restrictions are required for security reasons, citing that the mosque compound is used for nationalist-religious incitement and that several severe attacks were carried out following operatives' visits to the Mount in the past. For example, mass Friday prayers on the HAS/TM has led to gatherings where some worshipers have chanted in support of Hamas in previous periods. Following October 7, Israel strictly prohibits any demonstration of support for Hamas, and it can be presumed that among the reasons for banning entry to the Mount for Friday prayers is to avoid incidents of this nature. Yet, in doing so, Israel infringes upon the freedom of worship of masses of Muslim worshipers who do not participate in such demonstrations. **Moreover, the imposition of entry restrictions is precisely what leads to escalation and an outbreak of severe hostilities.**

Israel's widespread use of collective restrictions on Muslim entry to the HAS/TM began in 2014 against the backdrop of the growing [Temple Movements](#) and mass counter-protests by Muslims in the holy compound. Over the course of five months, from June to November 2014, the police made frequent use of restricted entry of Palestinians. Even then, it was an offensive move –perceived as intending to oust Muslims from the Mount under the guise of security needs. Yet, it was typically placed in effect for one day at a time, and never for more than a few days in a row. For several years since 2015, Israel hardly imposed such restrictions.

Collective restrictions on Muslim entry to the HAS/TM are a blatant violation of the status quo and a breach of explicit commitments made by consecutive Netanyahu governments to ensure Muslim freedom of worship on the Mount and cease the use of entry restrictions. As Netanyahu avowed in 2015, "Israel believes and is of the opinion that those who visit and pray on the Temple Mount should be permitted to do so securely... We will continue to ensure access to the Temple Mount for peaceful worshipers and visitors while maintaining public order and security."<sup>2</sup> Moreover, the unilateral and far-reaching Israeli decision to impose such drastic and prolonged entry restrictions on Muslims is inconsistent with its obligation, as per the peace agreement with Jordan, to coordinate operations on the HAS/TM with the Hashemite Kingdom.

The exclusivity of Muslim worship on the HAS/TM is at the heart of the status quo, and in particular, the ability for Muslims to pray unimpeded at the site. Unlike other aspects of the status quo, there is no dispute between the parties that this right constitutes a cornerstone. In 2015, Netanyahu even

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<sup>2</sup> Itamar Eichner, "[Netanyahu Officially Approved Following an Understanding with Jordan: Solely Muslims Will Pray at the Temple Mount](#)," ynet, October 25, 2015.

explicitly committed to exclusive Muslim freedom of worship on the Mount when he stated, “Israel will continue to enforce its well-established policy – Muslims will pray on the Temple Mount, non-Muslims will visit the Temple Mount.”<sup>3</sup>

The current circumstances in Jerusalem are not as tense as in previous rounds of hostilities, and the continued restrictions in their current form cannot solely be attributed to security needs. Contrary to prevailing concerns, the Hamas attack and ongoing war has not resulted in an outbreak of violence and unrest in Jerusalem. **Yet, the risk has grown more tangible in lead-up to Ramadan and the government’s possible imposition of some form of restrictions during the holy month.**

### **iii. Muslim Entry Ban Coalesces with Messianic Aspirations of the Government and Temple Movements**

The unprecedented ban of much of the Muslim public from the Holy Compound coincides with the ambitions of Temple Movements and their allies in the government. Itamar Ben Gvir, the National Security Minister, who is responsible for the police and a central figure in the Temple Movements, even visited the Mount twice over the past year in his official capacity, accompanied by statements that Israel is the site’s landlord.

The “Temple Movements” is an umbrella term for various extreme Jewish groups who are opposed to not only exclusive prayer rights of Muslims on the Holy Esplanade, but also hostile to their very presence in the holy place. Their goal is to overturn the status quo and impose Jewish domination over the Mount. This includes achieving Jewish prayer rights, establishing a temporal and/or spatial division of the holy space, and ultimately destroying the Dome of Rock and replacing it with the third temple.

**The very fact that Israel denies its commitment to Muslim freedom of worship on the Mount and can bar access to most of the Muslim public for months at a time is a dramatic change, which the Temple Movements have attempted to promote for over 15 years.** They now carry it out under the auspices of the dangerous combination of the war and Israel’s extreme far right-wing government. On a conscious level, the war is used to normalize an ongoing reality of freedom of movement for Jews and severely restricted movement for Muslims. On a strategic level, reduced Muslim presence on the Mount, clearly makes it easier for Temple Movements to continue violating the remaining restrictions imposed upon them as part of the status quo.

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<sup>3</sup> Ibid.



#### iv. Deceptive Relative Quiet

It is critical not to misinterpret the state of relative stability in the city for a sound routine. Israel engages in aggressive policing throughout East Jerusalem that includes heavy surveillance, crackdown on freedom of expression, police violence against bystanders and various forms of collective punishment. Nevertheless, the relative calm in East Jerusalem stands in sharp contrast to previous periods of crisis, when violent deterioration between Israelis and Palestinians also included fierce clashes, both surrounding and within the HAS/TM.

The current quiet in East Jerusalem can be deceiving and can lead to two flawed assumptions. The first is that after over four months of relative calm, there is no risk of an outbreak of violence in Jerusalem. As the reality in Jerusalem remains fragile, this assumption may prove dangerous as the month of Ramadan approaches. Moreover, against the backdrop of mass carnage in Gaza, unhinged settler violence and impunity, and outrage over [widespread home demolitions](#) and police brutality, any unanticipated incident is liable to swiftly ignite a violent outbreak. Such a risk will only intensify throughout the month of Ramadan, when throngs of Muslims visit the Old City and Al Aqsa daily with tens and hundreds of thousands of worshippers on peak days. Considering the volatile circumstances, any restrictions on access to Al Aqsa thus constitutes an ongoing threat to the relative calm in Jerusalem and will likely serve as major trigger if there is an outbreak of violence.

The second flawed and dangerous conclusion would be to assume that restricting entry to the HAS/TM may contribute to preventing an outbreak of hostilities in the city. Such a conclusion contradicts all prior experience indicating that entry restrictions imposed on Muslims swiftly fueled an escalation. Blocking worshippers from gathering on the Mount does not prevent individuals from congregating in front of police checkpoints around the Old City where the potential for conflict is much higher than in the holy site. Likewise restricted entry to the holy compound cannot effectively prevent acts of incitement and instead contributes to the opposite. It provides fertile ground for claims regarding Israel's purported intent to upend the status quo and establish Jewish control of the Mount.

Furthermore, Israel's aggressive policing generates fear among East Jerusalem residents, which some believe has prevented mass protests to date. Insofar as that may be the case, fear contains elements of rage and frustration that are liable to erupt far more severely down the line. Conversations with Palestinian officials also revealed that the East Jerusalem public is deeply shocked by the unfathomable death toll and destruction in Gaza and that their attention is currently less focused on what is happening at Al-Aqsa. Accordingly, there has been a relatively



minimal response to calls on social networks to come pray at the police checkpoints around the Old City. Thus, the number of worshipers there on Fridays has not been high, and no violent clashes have erupted there to date. Restraint thus far may also be attributed to efforts of civil society entities in East Jerusalem who have been working to prevent an outbreak of violence out of concern for the impact it would have on the city's residents beyond that of the war itself. Yet, these circumstances cannot be relied upon as Ramadan approaches.

#### **v. Ahead of Ramadan: Lifting Collective Restrictions**

If Israel had solely acted out of security considerations, this relative calm would have led to the removal or significant easing of these unprecedented entry restrictions much earlier than February. Moreover, there is no justification for the current declarations regarding potential restrictions throughout Ramadan. Yet, central parts of the Israeli government uphold a vision of Jewish dominance, if not exclusivity, on the Haram a-Sharif/Temple Mount. These figures have always understood that actualizing this extreme vision entails exploiting security crises in order to pave a dramatic path forward that would otherwise remain infeasible.

Since October 7, Israeli policy has been determined according to a mixture of factors. It is difficult to decipher between what policymakers perceive as genuine security needs and other considerations, including the government's survival, the interests of a prime minister who faces criminal charges, and calls by extremist politicians for the expulsion of Palestinians from Gaza.

Even on the HAS/TM, it is evident that alongside what security officials perceive as actions designed to reduce the risk of escalation, the government's policy is also determined with the aim of harming Muslim freedom of worship and promoting the Temple Movements' plans. This is a grave issue and a dangerous gamble with the safety of Jerusalem and the entire region. Even if the Israeli gamble has not yet caused a flare-up, this risk will persist insofar as some form of entry restrictions to the Mount remain in place.

As noted, the month of Ramadan will likely begin on March 10. **Israel must be urged to swiftly lift the remaining restrictions with the understanding that even amid calmer periods, tension on the Mount throughout the month of Ramadan is a situation destined for disaster.** Furthermore, merely permitting unrestricted entry to the Mount for Muslims is insufficient. Police forces must also be distanced from the site, and most of the checkpoints dismantled. Increased friction between crowds of worshipers and hawkish police officers against the backdrop of the past few challenging months could erupt into clashes that would ultimately disrupt the Muslim holy month and trigger violence that has so far been averted in Jerusalem.