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31 October 1986

MEMORANDUM FOR: See Attached Distribution

FROM:

[Redacted]

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Chief, Geographic Issues Division
Office of Global Issues

SUBJECT:

Jerusalem's Dayr al-Sultan Case: Turf Battle
with International Overtones [Redacted]

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1. The attached report describes the history of the Egyptian Coptic Orthodox/Abyssinian Orthodox dispute over Dayr al-Sultan in Jerusalem's Church of the Holy Sepulchre, and the cases' international implications for Israel. The report includes a chronology of events related to the dispute and an architectural plot of the Church of the Holy Sepulchre. [Redacted]

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2. The report was prepared by [Redacted] the Near East-Africa Branch, Geographic Issues Division, Office of Global Issues. Questions or comments are welcome and may be referred directly to the author or his branch chief, [Redacted]

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Attachment:

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Jerusalem's Dayr al-Sultan Case: Turf Battle with
International Overtones [Redacted]

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GI M 86-20254, October 1986, [Redacted]

[Redacted]

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SUBJECT: Jerusalem's Dayr al-Sultan Case: Turf Battle with
International Overtones [redacted]

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Washington, D.C. 20505

DIRECTORATE OF INTELLIGENCE

31 October 1986

Jerusalem's Dayr al-Sultan Case: Turf Battle with
International Overtones

Summary

With the signing of the Taba arbitration compromis in September 1986, one of the principal bilateral issues remaining between Egypt and Israel is the status of Dayr al-Sultan--a monastery and two chapels in the Church of the Holy Sepulchre in Jerusalem. Formerly under Egyptian Coptic Orthodox control, Dayr al-Sultan was taken over by Ethiopian Orthodox monks in 1970. A subsequent Israeli Supreme Court decision favored return to Coptic control but the Israeli Government intervened and issued an interim order keeping the site in Ethiopian hands while the government considered the substantive issues of the case. Such has been the situation for the past 16 years. Egyptian Copts blame the takeover and the continuing Ethiopian occupation on Israel, and the Coptic pope therefore has refused to allow his spiritual followers to visit the holy sites in Jerusalem. Israel desires better relations with Egypt, but at the same time seeks to improve relations with Ethiopia. Moreover, Israel is wary of antagonizing Addis Ababa in consideration of the Jewish population remaining there. In our judgment, Israel will try to put off deciding the case for as long as possible. If pressured, however, it will attempt to enact a compromise regarding the site--a particularly difficult course considering the stubborn nature of the two centuries-old denominations. [redacted]

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This memorandum was prepared by [redacted] the Geographic Issues Division, Office of Global Issues. The information contained herein is updated to 3 October 1986. Comments may be directed to [redacted], Chief, Geographic Issues Division, Near East-Africa Branch, [redacted]

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Jerusalem's Dayr al-Sultan Case: Turf Battle with
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Introduction

The dispute over Dayr al-Sultan between the Egyptian Coptic Orthodox Church¹ and the Ethiopian Orthodox Church² is one of the most recent disruptions of the Status Quo--the complex system initiated in Ottoman times which has governed and preserved rights of ownership of, worship in, and access to the holy sites of the Holy Land. In 1970, the Israeli Government elected to get involved in the Dayr al-Sultan case, which because of the nature of the players involved and their home countries, has since taken on international significance. To understand the issue and the potential implications of any solution, a review of the case's setting and history is necessary. 25X1

Setting

Dayr al-Sultan consists of a monastery on the roof of, and two chapels within, the Church of the Holy Sepulchre--a 12th century multid denominational church in Jerusalem's Old City occupying the site that many Christians believe to be where Christ was crucified, buried, and resurrected (see architectural plot). The lowermost chapel, the Chapel of

¹ One of the world's oldest Christian communities, one of the first to develop monasticism, and the descendants of the ancient Egyptians. The Egyptian government officially estimates that some three million Copts reside in Egypt, while the Copts themselves claim eight million members. The figure is probably closer to five million--about ten percent of the population. About 1500 Copts reside in Israel and the occupied territories. 25X1

² Originally a daughter church of the Egyptian Coptic Orthodox Church, indeed, overseen by the Coptic Patriarchate of Alexandria until 1959. Around 1970, the church officially changed its name from the Abyssinian Coptic Orthodox Church to the Ethiopian Orthodox Church. Today, about 17 million Ethiopian Orthodox reside in Ethiopia, comprising about 40 percent of the population. About 200 Ethiopian Orthodox reside in Israel and the occupied territories. There are essentially no doctrinal differences between the two denominations. 25X1

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St. Michael, is one of several chapels on either side of the church's parvis--a large open plaza fronting the main entrance to the church. A worn sign painted over the door to the Chapel of St. Michael reads, "Coptic Orthodox Patriarchate" in Coptic, Arabic, and English. Along the northern wall of this chapel, a staircase leads up to the second chapel--variously known as the Chapel of the Four Martyrs,³ the Chapel of the Four Bodiless Spirits, or the Chapel of the Four Animals. The underlying decor of both chapels is Coptic; wooden screens with geometric patterns of inlaid mother-of-pearl are reminiscent of similar decorations in Coptic shrines throughout Egypt. Today, the chapels also contain Ethiopian tapestries, icons, and ancient manuscripts. From the Chapel of the Four Martyrs, a door leads to the rooftop of the Armenian Orthodox Chapel of St. Helena --the easternmost chapel in the Church of the Holy Sepulchre. Here several primitive mud huts located around a courtyard and the dome of the Chapel of St. Helena comprise the Monastery of Dayr al-Sultan, where several Ethiopian monks and one Coptic monk serving as a guardian reside. [redacted]

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History

Both the Egyptian Coptic Orthodox Church and the Ethiopian Orthodox Church have claimed ownership of Dayr al-Sultan since the early 1800s. Both denominations have a historic presence in the church of the Holy Sepulchre. In the 17th century however, the Ethiopians lost their holdings elsewhere in the church but, they claim, obtained possession of the rooftop monastery, which they have occupied ever since. The Copts maintain, however, that Dayr al-Sultan has always been their property and that they allowed the members of the daughter church to move into the huts and to officiate in the Chapel of the Four Martyrs as an act of Christian charity. [redacted]

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Documentation definitively proving either claim of ownership is lacking, although the Copts have several official documents from around 1820 recording Coptic approval on repairs to the monastery, as well as an even earlier document referring to Coptic occupation of the monastery. The Ethiopians, on the other hand, claim that the Copts burned all copies of Ethiopian documents and acquired the keys to the monastery and the chapels when a plague killed off all Ethiopians in Jerusalem in 1838. However, in 1914, the Ethiopians reportedly discovered in

³ The name used in this paper. [redacted]

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Constantinople the originals of these destroyed documents, which, they state, swayed the Jordanian Government to return temporarily the site to the Ethiopians in 1961.

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When in 1852 the Ottomans codified the principle of the Status Quo, thereby delimiting in great detail the territorial, processional, and ceremonial rights enjoyed by each religious community:

- The Copts held the keys and regulated access to the chapels and monastery.
- Each Easter, the Copts ceremonially proceeded from their own nearby monastery through the central square of Dayr al-Sultan, the Chapel of the Four Martyrs, the interconnecting stairway, the Chapel of St. Michael, and the parvis, into the Church of the Holy Sepulchre.
- The Copts held no services in either of the two chapels, although one of their members daily lit the oil lamps in them.
- The Ethiopians held daily services in the Chapel of the Four Martyrs but not in the Chapel of St. Michael.
- Each Easter, the Ethiopians held services in the square of the monastery.
- The Ethiopians continued to live in the monastery's huts under the supervision of a Coptic monk.

In 1889, the Ethiopians violently opposed the Copts' right to repair a gate near the monastery, and the Copts retaliated by denying the Ethiopians their ab antiquo right to officiate in the Church of the Four Martyrs. With the exception of this incident and two short periods when the keys changed hands, the situation remained the same until 1970 (see chronology.)

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Ethiopian Action and Israeli Response

On 25 April 1970--Orthodox Easter Eve--after the Copts had processed as usual through Dayr al-Sultan and into the Church of the Holy Sepulchre to pray, the Ethiopian monks assembled in the Dayr al-Sultan square and proceeded to change the locks on the outer doors of the two chapels. Because of violence between the two groups in the years following Israel's 1967 occupation of the old City, many Israeli police were present. The Ethiopians, however, convinced the onlooking police that their job was to lock the doors after the Coptic patriarch had passed. Their keys, of course, did not fit, so the monks produced a handy locksmith who changed the

locks, locked the doors, and gave the new keys to the Ethiopians. When the Coptic monks came out of the church to retrace their route, they were stopped by the newly locked door of the Chapel of St. Michael. The Israeli police had taken no action to stop the Ethiopian lock switching, nor did they permit the Copts to reenter the area and replace the new locks with others of their own; the Copts, therefore, accused the Israeli Government of being in cahoots with the Ethiopians.

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Three days later, the Coptic Orthodox Patriarchate in Jerusalem brought the case before the Israeli Supreme Court. The Court decided on 16 March 1971 that the Ethiopians had infringed on the Copts' de facto possession of the site, and violated the public order and peace. However, the court order obligating the police to restore Coptic possession was postponed for three weeks to enable the Israeli Government to exercise its powers "and deal with the substantive dispute in such a manner as it thinks fit."

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The Israeli Government elected to exercise such powers, and, on 28 March 1971, established a ministerial committee to investigate the substantive issues of the case and submit recommendations to the Cabinet. At this time, the government issued an interim order leaving Dayr al-Sultan under Ethiopian control until the issue was resolved, but providing the Copts with the right of passage. The ministerial committee met twice in mid-1971, then, after resolving nothing, set aside the issue. The committee has met only a few times since; according to the Israeli press, most members on the committee do not take it seriously and rarely attend its meetings. The Coptic Archbishop again petitioned the Israeli Supreme Court in 1977, but the court decided that once the Israeli Government had elected to consider the substantive issues, the Court's original decision was invalid and the case was entirely in the hands of the government.

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Since 1970, then, Dayr al-Sultan has remained under Ethiopian control, although the Copts have refused to exercise their rights of passage as long as the Ethiopians hold the keys. Dr. Anba Basileos, Coptic Archbishop of Jerusalem, has not set foot in the Church of the Holy Sepulchre since 1970, stating that his direct path to the church is barred by the Ethiopians, and the alternative of procession through the streets would be a violation of the Status Quo. Each year since 1970, the Coptic Orthodox Patriarchate has cancelled its Easter celebrations and receptions as a protest of continued Israeli failure to return Dayr al-Sultan. Finally, Coptic Pope Shanudah in Alexandria, blaming Israel directly for the initial change of locks and for continuing stagnation on the issue, has banned travel by Copts from Egypt to Israel until the case is resolved in the Copts' favor.

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International Implications

According to the Israeli press, Israeli authorities knew about the Ethiopian plan to change the locks, but did nothing about it. Israel Lippel, a former Director General of Israel's Ministry of Religious Affairs, claims that the government was ill-advised on the issue. Some senior officials believed that granting ownership rights to the Ethiopian Orthodox would lead to the establishment of an embassy in Jerusalem by the Ethiopian Government--then headed by devout Ethiopian Orthodox members. In addition, these officials reportedly implied that, at the very least, passive cooperation in altering the status quo in favor of the Ethiopians would improve the status and chances for emigration of Jews from Ethiopia. [redacted]

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On the other hand, with the War of Attrition between Egypt and Israel just ending and no sign of serious peace overtures in sight, Israel probably had no real concern in 1970-71 for any possible irritation such action on Dayr al-Sultan (or later, lack of action) might have on Egypt. [redacted]

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Today, however, the situation has changed; Israel established relations with Egypt in 1979, but Ethiopia broke relations with Israel in 1973. As part of the Taba negotiations package deal, Egypt and Israel have discussed Dayr al-Sultan and other bilateral points of dispute (Canada Camp, the Daqar submarine, war memorials in the Sinai, etc.) Although the two countries recently signed an arbitration compromis for the Taba dispute, and have decided some other issues of the package, the Dayr al-Sultan case remains unresolved. A few weeks after the September 11 Taba compromis signing, Egyptian Foreign Minister Abdel Meguid told the US Ambassador in Cairo that resolution of the Dayr al-Sultan issue was becoming a key objective in Egyptian policy concerning Israel. Egypt also sees successful resolution of the issue as one additional way of keeping its own Coptic population content. [redacted]

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If the Israeli Government returned possession of Dayr al-Sultan to the Copts, one probable benefit to Israel and to Israeli-Egyptian relations would be an increase in pilgrimages by Egyptian Copts to Israel. At present, [redacted]

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[redacted] the Egyptian Ministry of the Interior is enforcing Pope Shanudah's travel ban by refusing to grant Copts the necessary permits to travel to Israel. Archbishop Basileos, however, has promised that thousands of Copts would visit Jerusalem each year once Israel hands back Dayr al-Sultan. Although many Egyptian Copts are relatively poor, the holy sites of Christendom in Israel and the occupied territories would probably attract as many pilgrims as Basileos predicts, just as the shrines of Mecca and Medina annually entice Muslims in similar financial straits to make the Haj. Round trip bus fare from Cairo to Tel Aviv is only about \$40.00, according to a recent travel guide, and fair accommodations are available in East Jerusalem for under \$20.00 a night; a three-day pilgrim's holiday is therefore possible for around

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\$100.00. Coptic tourists probably would not spend much money in Israel, but their visits could increase goodwill and understanding between the two countries. [redacted]

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Any ultimate decision Israel may make on the Dayr al-Sultan case, however, must consider Ethiopia. Although the present Ethiopian Government is Marxist and officially atheist, Jerusalem continues to hold an important place in the hearts of Ethiopia's Christians; moreover, most Ethiopian Government officials retain some ties to the church. The Israeli press reports that the Ethiopian Government has sent diplomatic messages to Tel Aviv demanding that Israel, when considering Dayr al-Sultan, not attempt to improve relations with Egypt at the expense of Ethiopian interests. Ethiopia's leverage consists of Israel's desire to reestablish relations with Addis Ababa, the Israeli airline El Al's use of Ethiopian airspace on the Tel Aviv-Johannesburg run, and, more importantly, the Israeli Government's concern for the relatively large unofficial Israeli community and the about 10,000 Ethiopian Jews remaining in Ethiopia. [redacted]

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Concerns of Other Religious Denominations

In addition to the Governments of Ethiopia and Egypt, Israel must also consider the other religious denominations of Jerusalem when deciding what to do in the Dayr al-Sultan case. Many denominations are wary that an Israeli Government decision in the case would establish precedents of interference with the Status Quo and rights of sovereignty over the holy places by an occupying power. In the past, circumstances forced other occupying governments to address specific issues concerning the Status Quo--the British and the Western Wall issue, for example. However, no nation besides Israel recognizes Israeli sovereignty over East Jerusalem, and representatives of both the Roman Catholic and (White) Russian Orthodox Churches in Jerusalem have told US officials that they would raise the question of sovereignty if Israel intervened on either side of the Dayr al-Sultan case. With such backing, it is conceivable that the issue would reach the floor of the United Nations Security Council, which has on several occasions adopted resolutions addressing Israeli actions affecting the status of Jerusalem. [redacted]

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Israeli Options

In resolving the Dayr al-Sultan case, Israel has few options. If the Israeli Government elects to go along with the Supreme Court's decision and return control of the monastery and the chapels to the Copts, it would risk antagonizing Ethiopia and possible recriminations against Ethiopian Jews. If the government elected to legitimize Ethiopian Orthodox control over the site, relations with Egypt would deteriorate, though probably not as much as they did during the "cold peace" brought on by the Taba dispute and Israel's invasion of Lebanon. If Tel Aviv did anything that appeared to

change the 1852 Status Quo, it would incur the anger of other religious denominations in Jerusalem. Based on these no-win situations Israel will, in our judgment, keep the issue pigeonholed as it has for the past 16 years, until enough serious pressure (probably from Egypt) is brought upon it to act. If forced to decide between one party's claim or the other's, Israel probably will support the Copts because of the 1971 Supreme Court decision, because such a decision is in line with the Status Quo, and because Israel considers its relations with Egypt to be more important than relations with Ethiopia. However, before it makes such an either/or decision, Israel most likely will seek to establish some sort of a compromise in which the two denominations share control of Dayr al-Sultan. [redacted]

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A noted British legal expert who has studied the case suggests that Israel should consider several obvious pieces of a compromise pie:

- Replace the illegal Ethiopian locks with ones provided by the Israeli Government, then provide each denomination with a set of keys for its own independent use.
- Officially restore the Ethiopian's pre-1889 right to officiate in the Chapel of the Four Martyrs, since the Copts never use this chapel and since the Ethiopians have no other place to worship in the Church of the Holy Sepulchre.
- Eliminate the Coptic guardian and Coptic lamp lighting privileges--historical remnants of Coptic dominance over the Ethiopian Orthodox Church that effectively ended in 1959.

Other possible solutions that have been suggested include rotation of control; return to Coptic possession but with equal access by Ethiopians; and control of the site by a third party such as the Roman Catholic Church, the Greek Orthodox Church, or the Israeli Government. However, such points of compromise are based on an outsider's rational logic--something not necessarily present when two religious denominations are engaged in a dispute. Egypt and Ethiopia might be content with a compromise but the Egyptian Coptic Orthodox Church and the Ethiopian Orthodox Church (as well as the other Christian denominations in Jerusalem) probably would regard such a solution as an Israeli affront to the Status Quo. In short, the Israeli Government has stepped into a religious territorial quagmire from which there is no easy way out. [redacted]

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Chronology

- 1149 Crusaders complete present Church of the Holy Sepulchre.
- 1300s-1400s Medieval writers refer to both Coptic and Ethiopian presence in the Church of the Holy Sepulchre.
- 1668 Ethiopian Orthodox Church, along with other smaller denominations, loses its holdings in the Church of the Holy Sepulchre because of inability to pay exactions to the Ottomans. Ethiopians move into the rooftop Dayr al-Sultan Monastery, probably owned by the Coptic Orthodox Church at that time.
- 1820s Dispute over Dayr al-Sultan first surfaces.
- 1838 Plague in Jerusalem devastates Ethiopian community.
- 1852 Ottoman Sultan Abdul Mejid formalizes the Status Quo in the holy places. Copts hold the keys to Dayr al-Sultan at this time.
- 1863 Ethiopians temporarily acquire the keys. Ottoman officials order Ethiopians to return keys to Copts--when they refuse, officials provide new locks and entrust keys to Copts.
- 1868, 1869 Sultan reaffirms Status Quo.
- 1878 Treaty of Vienna terminating Russo-Turkish war again reaffirms Status Quo.
- 1889 Jerusalem Municipality gives Copts permission to enlarge northern gate of Dayr al-Sultan. Ethiopians violently oppose Coptic rights to alterations. Copts reciprocate and deny Ethiopians their ab antiquo rights to officiate in the Chapel of Four Martyrs.
- 1893 At request of the Russian ambassador (assuming the role of protector of Ethiopian Orthodox interests), Constantinople orders new inquiry into Dayr al-Sultan case. Local Jerusalem authorities reply that matter is already settled.
- 1919, 1923, 1927 British order local municipal authorities to undertake necessary repairs and tree pruning at Dayr al-Sultan when the two denominations are unable to decide rights of repair on their own.

- 25 June 1959 Egyptian Coptic Orthodox Church grants Ethiopian Orthodox Church full independence, except on issues of doctrine.
- 22 Feb 1961 Jordanian commission of investigation finds Ethiopian claims to be justified. On the basis of this decision, Ethiopians take possession of Dayr al-Sultan and conduct religious services.
- 1 April 1961 Jordanian Governor (possibly because of improved Jordanian-Egyptian relations) freezes previous Jordanian order. Ethiopians return control of Dayr al-Sultan to Copts.
- 7 July 1962 New Jordanian committee of investigation decides that only legal course on Dayr al-Sultan is to maintain Status Quo as it had been under Ottomans.
- 7 June 1967 Israel occupies the Old City. Coptic pilgrimage to Dayr al-Sultan effectively ceases.
- 25 April 1970 Ethiopians change the locks while Copts are in Church of the Holy Sepulchre celebrating Orthodox Easter; take possession of Dayr al-Sultan.
- 16 March 1971 Israeli Supreme Court decides in favor of Copts, but allows the Israeli Government three weeks to address the substantive issues of the case.
- 28 March 1971 Israeli Government, accepting Supreme Court's offer, appoints a ministerial committee to study the dispute. Government issues an interim order maintaining Ethiopian possession but preserving Coptic rights of passage during Easter celebrations.
- 31 March 1971 First ministerial committee meeting.
- 8 June 1971 Second committee meeting.
- 13 April 1975 Third committee meeting. Other meetings took place every other year or so.
- April 1977 Coptic Archbishop presents new petition to Israeli Supreme Court.
- 9 January 1979 Israeli Supreme Court rules that because the Israeli Government decided to deal with the substantive issues of the case, the original 16 March court order was invalid.
- June 1980 Coptic Archbishop again files new petition.

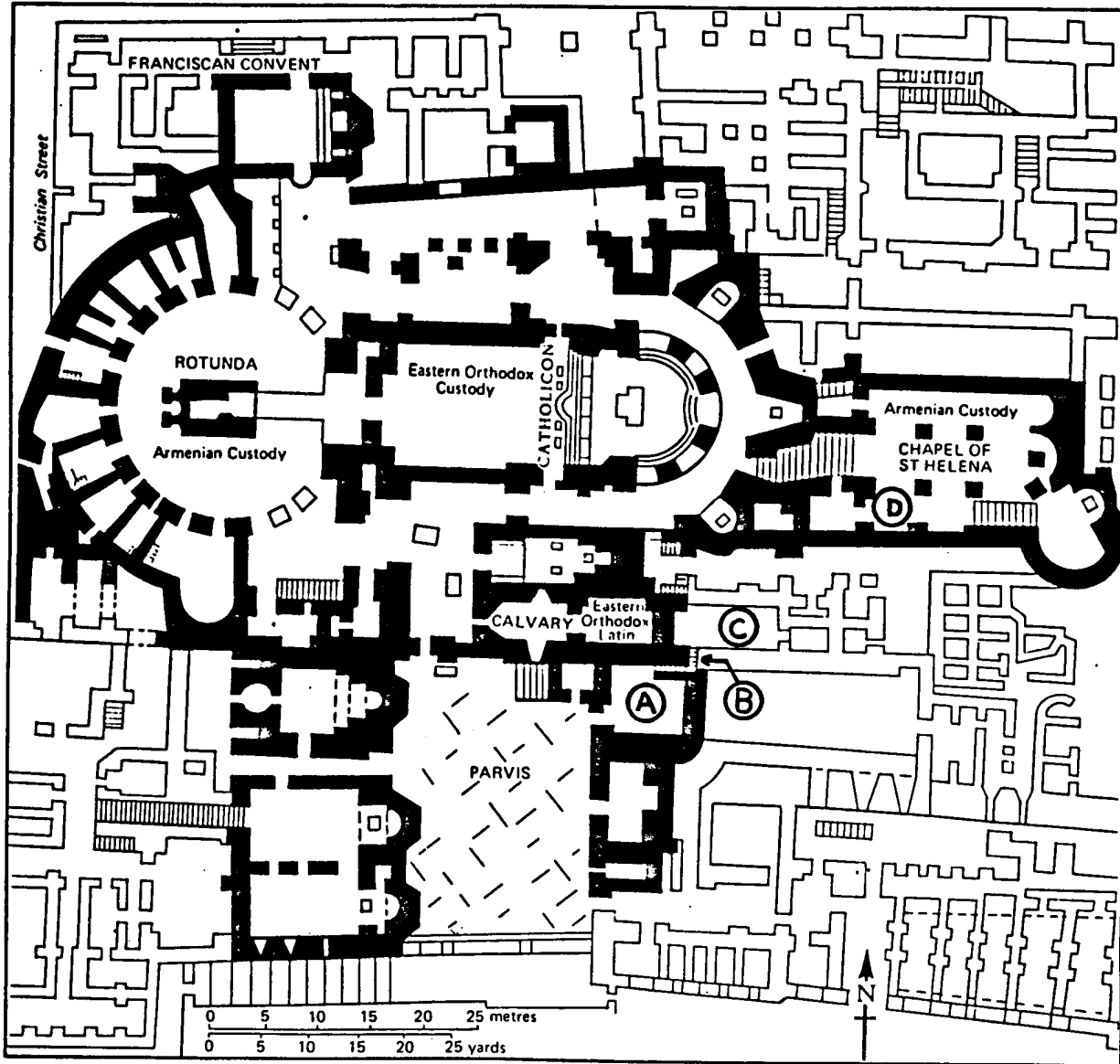


30 July 1981 Israeli Supreme Court dismisses petition, deciding nothing new had happened to warrant the Court's hearing the case again.

15 May 1985 Dayr al-Sultan included as part of package of issues to be discussed by Egyptian and Israeli officials during Taba negotiations. 

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The Church of the Holy Sepulchre



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KEY

- A - Chapel of St. Michael.
- B - Interconnecting Stairway.
- C - Chapel of the Four Martyrs.
- D - Dayr al-Sultan Monastery, located on the roof of the Armenian Chapel of St. Helena.



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