

May 15, 2018  
Committee on the Elimination of Racial Discrimination  
Office of the High Commissioner of Human Rights  
United Nations  
Geneva

We are writing to you with concern regarding your [May 14, 2018 statement](#) on Israel.

We find it highly improper that the Committee chose to release a statement on Israel's response to a planned Palestinian military incursion on the Gaza border – an issue far beyond the scope of the Committee's mandate and competence. It also represents the continuing politicization and exploitation of the Convention on the Elimination of Racial Discrimination (CERD) in violation of the principles of the CERD and the treaty bodies more generally.

The statement makes claims of fact regarding supposed “disproportionate use of force” against “protestors” who were “posing no imminent threat at the time they were shot.” However, the Committee has no access to the necessary information regarding the circumstances surrounding each casualty required to make such claims, whether the person was civilian or combatant, and whether the use of force was “disproportionate.” For a UN Committee to make legal and factual assertions outside of its area of competence and in the absence of verified knowledge is unprofessional, unethical, and a violation of the Committee's mandate.

We also note that the legal standard invoked by the Committee, “imminent threat to life,” stems from a domestic law enforcement paradigm and is inapplicable in situations of international armed conflict. If Gaza is “occupied” as you claim in your statement, the latter is the applicable legal paradigm. You have provided no evidence to support a claim that Palestinian casualties were not combatants or civilians directly participating in hostilities. Nor have you provided any proof of civilian harm or that such harm was in excess of the military advantage anticipated.

It is telling that the word “ Hamas ” appears nowhere in your statement. Instead, you completely erase the context of violence at the border including the placing of IEDs, the launching of “ fire-kites ” to ignite Israeli agricultural fields, and damaging the border fence in order to invade Israeli communities and murder civilians. You are also strangely silent regarding the mass burning of tires, creating highly toxic smoke and an environmental and public health catastrophe. Most importantly, you say nothing about the cynical and horrific abuse of Palestinian children, placing them in harm's way at a violent riot. For a Committee that is charged with upholding human rights, such failures are a disgrace.

We are equally disturbed by your implication that the Israeli response to Hamas military action at the Israeli border is motivated by discrimination. Again, this is a false charge used as a pretext by the Committee to condemn Israel while turning a blind eye to Palestinian violations.

The most egregious part of your statement, however, is that you decry “a rise of racist hate speech and incitement to racist violence against Palestinians by Israeli governmental officials and members of the ISF.” These words are truly Orwellian. For decades, Palestinian leadership from all parties have engaged in a well-documented, far-reaching campaign of antisemitism and incitement. This campaign includes calling for violence against Jews on PA- and Hamas-sponsored children’s shows; and naming schools, parks, women’s centers, public institutions, and sports tournaments for terrorists who have killed hundreds of civilians. Both Fatah and Hamas have published guides showing how best to stab or run over Jewish civilians. Some of these materials are even targeted towards children. Palestinian television, newspapers, social media, and textbooks are replete with virulent antisemitism.

Notably, on April, 30 2018, in a speech to the Palestinian National Committee, PA President Mahmud Abbas offensively proclaimed that the Holocaust was caused by Jews’ “social behavior, [charging] interest, and financial matters” and denied the connection of the Jewish people to land of Israel. While leaders around the world and other UN officials condemned his repulsive remarks, this Committee said nothing.

Similarly, on March 30, at the start of its operation, Hamas commander Yasyah Sinwar stated, “*Let them wait for our big push. We will take down the border and we will tear out their hearts from their bodies.*” Mahmoud Zahar, another Hamas leader, noted that its confrontations “would continue until the Palestinians return to ‘all of Palestine’ (i.e. Israel within the 1948 borders). Despite these words of hate, discrimination, and incitement, this Committee failed to issue any statement of Early Action or Urgent Warning.

If the Committee continues to exploit its standing for propaganda far removed from its mandate and areas of expertise, it will quickly become discredited and irrelevant. We therefore urge the Committee to responsibly adhere to its mandate under the treaty and abandon its participation in the political warfare campaign against Israel.

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cc:

Mr. Zeid Ra’ad Al Hussein, United Nations High Commissioner for Human Rights  
Mr. Ibrahim, Salama, Chief of the Human Rights Treaties Branch  
Mr. Francesco Motta, Chief of the Asia and the Pacific, Middle East and North Africa Branch