



General Assembly

Distr.: General
XX February 2024

English only

Human Rights Council

Fifty-fifth session

26 February–5 April 2024

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Institute for NGO Research, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2024]

* Issued as received, in the language of submission only.

The UN and Human Rights Community Must Also Be Held Accountable for the Atrocities of October 7

On October 7, 2023, thousands of Palestinian terrorists poured across the border from Gaza into Israel, slaughtering 1200 people, torturing and maiming thousands, including 36 children who were slaughtered in their homes. Hamas, and other terrorist groups, also kidnapped more than 200 individuals, including women and children. In parallel, thousands of rockets were fired at Israeli population centers, sending millions rushing to shelters.

Every one of these attacks constitutes a blatant violation of international humanitarian and human rights laws, which should have brought immediate condemnation from the human rights community. Instead, UN Special Experts and NGOs that routinely and forcefully condemn Israel blamed the victims, whitewashed the terrorists, and exploited the attacks to repeat the campaign accusing Israel of “apartheid” and other lies.

This debased rhetoric reflects an immoral agenda that directly contradicts the human rights mandate that their government funder-enablers claim to promote.

Incitement

On October 7, Hamas and other Gaza-based terror groups perpetrated the world’s deadliest one-day massacre in more than 20 years. The horrific murder, torture, rape, desecration of bodies, and kidnapping of civilians posed a challenge for the network of ideologically driven UN Special Experts and anti-Israel NGOs, as well as many funded by European governments and UN agencies, that routinely paint Israel as the worst violator of human rights in the world. In the aftermath of the brutal pogrom, how could Israel continue to be portrayed as worse than Hamas?

This strategy reflects the commitment of many in the human rights sphere to the ideology of post-colonialism, which automatically assigns victimhood status to Palestinians and categorizes Israel as an aggressor. In this ideology, which is amplified by antisemitism, Palestinians cannot be accused of war crimes, and Israelis are not considered to be victims.

This atrocity inversion – whereby the real crimes of Hamas, including attempted genocide and ethnic cleansing, are projected onto Israel – is antisemitic, simultaneously denying the unimaginable experiences of Jewish victims and constituting a blood libel against Israel.

As documented in detail by NGO Monitor, many leveled false accusations of “genocide” against Israel. They also exploited the massacre and war to amplify their ongoing campaign to attach the “apartheid” label to Israel. In some instances, the “apartheid” claims were explicitly used to justify and minimize the October 7 attack.

Additionally, rather than use law and international justice frameworks to support the victims of the atrocities, these actors have sought to use lawfare to spread anti-Israel propaganda and to target allied support for Israel in an effort to harm the IDF’s ability to defeat Hamas. NGOs have filed lawsuits against the United States, UK, and the Netherlands, seeking judgments that would force those governments to adopt BDS measures against Israel. The NGOs have also intensified their ICC lobbying. The legal basis for these lawsuits are exceedingly weak, if not frivolous, and may meet the threshold for sanctionable conduct in some of the jurisdictions.

Terror-Linked NGOs

The Popular Front for the Liberation of Palestine (PFLP), an EU-designated terror group and longtime ally of Hamas in Gaza, participated in the brutal October 7 slaughter and is reportedly holding Israeli hostages. On its website and Telegram, the PFLP proudly shared videos, images, and text celebrating the massacre and the attacks against “occupation army troops and the herds of their settlers” in southern Israel.

In the aftermath of the brutal October 7 massacre, many NGOs with ties to the PFLP justified and celebrated the attacks in an immoral attempt to grant legitimacy to terrorism and Hamas. Mostly, the NGOs use the language of “resistance” – code for targeting any and all Israelis, including civilians, though some NGOs have been explicit in defending and supporting terrorism. For example, on Sunday, Oct. 8, the day after the attacks began, three NGOs with links to the outlawed PFLP terror group issued a joint statement appearing to justify “an operation in response to escalating Israeli crimes against the Palestinian people.” Far from condemning Hamas’s barbarism, they “urge[d] the international community to take immediate and urgent action to stop Israel’s revenge and reprisal against Gaza’s civilian population... and to impose sanctions and an arms embargo on Israel.” Many UN officials shamefully continue to falsely label these groups as “human rights defenders”

Diversion of Aid

Humanitarian efforts in war zones are inherently susceptible to extortion and theft by violent actors, including terrorist organizations. In particular, Hamas has a history of raiding aid warehouses and convoys, as well as developing tax schemes designed to skim money off of international largesse. UN Gaza aid mechanisms similarly suffer from corruption, compromising the integrity of imported materials.

For years, UN agencies and humanitarian NGOs have turned a blind eye to terror actors’ diversion of humanitarian aid to produce rockets, build terror tunnels and other instruments, and to personally enrich themselves at the expense of ordinary Gazans. The UN and NGO community have ignored, and in many cases, openly covered up the embedding and co-locating of Hamas weaponry within civilian infrastructure like schools, mosques, and hospitals.

Since October 7, there have been further examples of aid diversion from the Palestinian people for use in terrorist activity. For example, on October 16, UNRWA admitted that personnel from the Hamas-run Ministry of Health “removed fuel and medical equipment from the Agency’s compound in Gaza city.” Reflecting the influence of Hamas, UNRWA later denied the claim after public outcry. Additionally, on December 12, a video clip circulated on social media, showing humanitarian trucks entering Gaza being hijacked by Hamas gunmen. Few UN officials have taken accountability for this diversion. Instead, the standard approach is one of willful blindness and denial of these crimes.

Grave Concerns of the UN Commission of Inquiry’s Ability to Conduct a Fair Investigation

Following the barbaric massacre, the UN Human Rights Council (UNHRC’s) permanent “Independent Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and in Israel” (COI) announced that it had “begun collecting evidence of war crimes committed by Hamas and other Palestinian armed groups and by Israeli security forces.” It offensively claimed “Our report is painful and timely...It emphasises that the only path towards ending violence and achieving sustainable peace...requires addressing the root causes of the conflict, including the occupation of Palestinian territory.”

NGO Monitor has grave concerns in the COI’s ability to conduct a fair investigation. Since its founding, the COI has placed sole blame for the conflict on Israel and erased genocidal antisemitism of Palestinian actors as a driving force of violence. In addition, the COI itself has repeatedly engaged in antisemitism.

The Commission has consistently minimized and negated Israel’s right to self-defense against Palestinian terrorism, implying that terrorism is not a valid justification for Israel’s security concerns claiming that the term “is not clearly defined under international law.” It has whitewashed terrorists as “human rights defenders”, abusing this framework. The COI’s latest report (October 2023) also placed scare quotation marks around the word terrorism, terrorist, and terror every time it appeared in the report, in order to belittle the

term and discount Israel's legitimate security measures. The COI itself must be held accountable for its role in inflaming the conflict. By denying Israel's right to self-defense against terrorism, and denying the existence of Palestinian terrorism, the Commission ultimately emboldens and encourages terrorist organizations and violent acts against Israel, such as what occurred on October 7.
