

28 April 2022

Submission of NGO Monitor at the 135th Session of the Human Rights Committee for the Adoption of the List of Issues for “State of Palestine”

Introduction

NGO Monitor, a project of the Institute for NGO Research, an organization in Special Consultative Status with UN ECOSOC since 2013, respectfully submits the following information to the Human Rights Committee (HRC or Committee) in advance of its adoption of the List of Issues for “State of Palestine” at the 135th Session.* We hope that this submission will aid the Committee in its preparation of the List of Issues to the Palestinian Authority (PA).

This submission focuses on the rampant campaign of antisemitic and anti-Israel incitement within the “State of Palestine”/PA. This campaign of incitement is endemic throughout Palestinian society and is especially aimed at inculcating hatred within many generations of Palestinian children. Palestinian incitement undergirds the ongoing armed conflict with Israel and is responsible for countless deaths of both Palestinians and Israelis. It also underlies the extensive recruitment and use of Palestinian children as combatants. This promotion of violence and hatred is further bolstered by the PA’s perverse “Pay to Slay” policy which financially incentivizes and rewards Palestinians who attack and kill Israelis – the more severe the crime, the more money the attacker and his family receive. Any review of the PA’s compliance with the International Covenant for Civil and Political Rights (ICCPR) must address the issues of antisemitism and incitement in depth.

We are also highly disturbed that the PA’s report to the Committee and claims made by NGOs who have participated in other treaty body reviews of “State of Palestine” appear to excuse or diminish the PA’s obligations under the ICCPR due to the ongoing armed conflict with Israel and control of Gaza by Hamas. The PA’s obligations to uphold the ICCPR do not cease in the context of armed conflict or situations of occupation. More than 95% of the Palestinian population falls under the control of the Palestinian Authority and the PA has jurisdiction and control over many aspects of life for Palestinians living in East Jerusalem and Area C of the West Bank. In Area C, for instance, the PA retains jurisdiction and control over education, non-security related criminal offenses, and other matters pertaining to the daily life and

* NGO Monitor is a project of the Institute for NGO Research is a Jerusalem-based research organization. Members of the Institute have published multiple studies and policy papers on international human rights and humanitarian law, antisemitism, the UN system and NGOs, and fact-finding in situations of armed conflict. Elliott Abrams, Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations; former Canadian Ambassador to Israel, Amb. Vivian Bercovici; Michal Cotler-Wunsh, former member of Knesset for the Blue and White Party; Hon. Michael Danby, MP, senior member of the Australian Labor Party; Harvard Professor Prof. Alan Dershowitz; Canadian Senator, Hon. Linda Frum; best-selling author and commentator and British journalist and international affairs commentator, Tom Gross; Bonnie Glick, former Deputy Administrator and Chief Operating Officer of USAID; Colonel Richard Kemp, former commander of British forces in Iraq and Afghanistan; Douglas Murray, Director of the Centre for Social Cohesion, best-selling author and commentator; former Member of Italian Parliament, Hon. Fiamma Nirenstein; UCLA Professor and President of the Daniel Pearl Foundation, Prof. Judea Pearl; US Jurist and former Legal Advisor to the State Department Judge Abraham Sofaer; Dr. Einat Wilf, former member of Knesset with the Israel Labor Party and advisor to Shimon Peres; Harvard Professor Prof. Ruth Wisse; R. James Woolsey, former US Director of Central Intelligence; and Israeli Supreme Court Justice, Justice Elyakim Rubinstein.

human rights of Palestinians living in those areas. It is important, therefore, that the PA excuses for noncompliance with its obligations under the ICCPR are rejected.

The ICCPR Explicitly Prohibits Discrimination and Incitement Campaigns Based on Religion or National Origin

According to the ICCPR, “State of Palestine” is required “to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Art. 2); “to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein” (Art. 5); to prohibit by law “any propaganda for war” and “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” (Art. 20); and to “prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Art. 26).

The “State of Palestine” has extensively violated all of these provisions.[†]

The Palestinian Authority Promotes Hatred and Violence Against Jews and Israelis

Despite the clear obligations mandated by the ICCPR, the PA systematically promotes hatred and violent incitement against Jews and Israelis.[‡] Much of this campaign is aimed at poisoning the minds of children, inculcating antisemitic hatred. The PA floods Palestinian society with racist and antisemitic messages, encouraging participation in violence, and heroicizing those who engage in antisemitism and extreme violence. This program emphasizes the targeting of civilians. The PA also rewards via its “pay to slay” policy those who commit violence (including children) with cash payments. The greater the crime and the more victims injured or killed, the more money received. More than \$300 million of humanitarian aid intended for social programs is diverted annually for this perverse scheme. The campaign of discrimination and incitement begins from birth and continues throughout the entire life of a Palestinian. It takes place through state media, schools (including those run by UNWRA), youth groups and centers, sporting and cultural events, unions, and civil society programming in both the West Bank and Gaza.[§] Destruction of Jewish cultural property is also a central component of PA antisemitism and incitement. The many aspects of this campaign has been extensively documented by NGOs, governments, and international institutions.

Remarks by PA Minister Jibril Rajoub and President of the Palestine Olympic Committee and of the Higher Council for Youth and Sports at the March 2022 Opening Ceremony of the Bethlehem Marathon provides a disturbing example. On stage while standing next to senior European diplomats, Rajoub

[†] While this submission addresses ICCPR provisions pertaining to discrimination and incitement, we note that the PA has also violated Articles 6 (right to life), 7 (torture and CIDT), 9 (arbitrary arrest and detention), 14 (fair trial), 18 (freedom of religion and belief), 19 (free expression), 21 (free assembly), 22 (free association), 23 (women’s rights), 27 (minority rights). We urge the HRC to review the PA’s obligations under these articles as well.

[‡] <https://palwatch.org/page/31092>

[§] <https://palwatch.org/page/31200>

stated that “The international law must be enforced against the ugly face of Naziism, meaning Zionism. They are the new Nazis that are trying to eliminate the Palestinian people. The time to banish them or resist them has come.”**

The PA Promotes the Recruitment and Use of Children for Antisemitic Violence

The recruitment and use of Palestinian children to carry out acts of antisemitic violence by the PA is endemic. The ruling Fatah party’s Tanzim and the Al-Aqsa Martyrs’ Brigades recruit and use children as combatants. Many other organizations in and members of the PA, the Palestinian Legislative Council, and the Palestine Liberation Organization are part of Palestinian terror groups such as Hamas, the Popular Front for the Liberation of Palestine (PFLP), the DFLP, and others. The PA routinely allows armed groups to recruit on school campuses under the guise of carrying out “social programs.” Such activity allows vulnerable children to be placed in contact with violent actors, placing them at risk for recruitment.

Incitement, Recruitment and Use by Palestinian Armed Groups Allowed by the PA

Not only does the PA extensively participate in recruitment and use of children for violence, it also does nothing to prevent incitement campaigns and recruitment and use by Hamas, Islamic Jihad, PFLP, and other Palestinian armed groups. Failure to prevent these activities is a violation of the PA’s obligations under the ICCPR. The following are only a few of the many examples of incitement and child recruitment and use by Palestinian armed groups.

The PA Promotes and Enables the Destruction of Jewish Cultural Property

As part of its campaign of antisemitism and incitement, the PA not only fails to safeguard Jewish cultural property, enabling its destruction. For example, in April 2022, in the wake of a gun attack by a Palestinian terrorist on patrons at a Tel Aviv bar, killing 3 and wounding dozens, a mob of Palestinians set Joseph’s tomb in Nablus (a revered Jewish cultural shrine) on fire and caused extensive destruction inside the tomb. Two Jewish worshippers who went the next day to try and repair the damage were violently attacked by Palestinians.^{††} The tomb is under PA jurisdiction and the authorities did nothing to stop the attack. This is one of many examples occurring since the PA’s establishment.

Recommendations for the List of Issues

This submission has briefly highlighted only a small portion of the extreme campaigns of antisemitic and anti-Israel incitement, violence, and recruitment and use of child combatants actively carried out by the Palestinian Authority and Palestinian armed groups. We intend to provide the HRC with extensive evidence of this campaign in our submission for the review of “State of Palestine,” though fully documenting this destructive campaign would require providing thousands upon thousands of pages to the Committee. Rather than creating a tolerant, liberal, and open society, the PA’s campaign fosters hatred, antisemitic discrimination, prolonged armed conflict, and endemic societal violence. This

** https://twitter.com/giladerdan1/status/1506067414445928454?ref_src=twsrc%5Etfw

†† <https://www.bbc.com/news/world-middle-east-61040362>

poisonous campaign is not only a violation of the PA's obligations under the ICCPR but is the primary obstacle to peace with Israel.

We therefore recommend the Committee to adopt the following in the List of Issues at the 135th Session:

- The PA must address the issue of antisemitic and anti-Israel incitement in its reporting to the Committee. The PA must specify what measures it has adopted to combat campaigns of antisemitism, racial discrimination, and violent incitement by PA officials and Palestinian armed groups, including Hamas.
- The PA must document what it is doing to combat the recruitment and use of child soldiers by itself and other Palestinian armed groups.
- The PA must address the “pay to slay” program and the eligibility requirements of this perverse funding.
- The PA must address its policy, as codified in Penal Law No 16 (article 114) of imposing severe punishments (“life imprisonment with hard labor”), on Palestinians who sell property to Jews.
- The PA must specify what steps it is taking to protect Jewish cultural heritage and to preserve Jewish historical sites within PA territory and explain what measures it is taking to end its blocking access to these sites in violation of the Oslo Accords.
- The PA must detail what steps it is taking to prevent further destruction of Jewish cultural property by the Waqf on the Temple Mount. The PA must also address its role in the harassment and violence targeting non-Muslims visiting the Plaza of the Temple Mount.

Respectfully submitted,

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