

**Submission by United Nations Watch  
to the UN Human Rights Committee  
for its Initial Review of the State of Palestine  
138<sup>th</sup> Session**

*Submitted By:*

Hillel Neuer and Dina Rovner  
United Nations Watch  
Case Postale 191  
1211 Geneva 20, Switzerland  
Tel: +41 22 734 1472

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## TABLE OF CONTENTS

I.	Introduction .....	1
II.	Critique of the Palestinian Authority’s Report .....	2
	A. PA Report Contains Gratuitous Attacks on Israel .....	2
	B. PA Report Presents False and Revisionist Narrative That Rejects Israel’s Right to Exist and Justifies Terrorism .....	3
III.	Right of the Jewish People to Self-Determination (Article 1) .....	5
	A. PLO and Fatah Charters .....	5
	B. Hamas Charter .....	6
IV.	PA and Hamas Responsibility for Palestinian Attacks Against Israelis (Articles 6, 7, 9, and 20) .....	7
	A. PA and Hamas Responsibility for Security of Israelis in Territory They Control...8	
	B. PA Law Promotes and Rewards Terrorism Against Jewish Israelis .....	9
	C. PA and Hamas Incitement to Terrorism .....	11
V.	Violations of Religious Freedom (Article 18) .....	17
	A. Palestinian Violations Against Jews .....	17
	B. Palestinian Violations Against Christians .....	19
VI.	Conclusion .....	21

## I. INTRODUCTION

United Nations Watch, an ECOSOC-accredited NGO, submits this report for the first review by the Human Rights Committee (“Committee”) of the State of Palestine’s compliance with the International Covenant on Civil and Political Rights (“Convention”).

The State of Palestine under President Mahmoud Abbas gained non-member observer status at the United Nations in 2012 by virtue of General Assembly resolution 67/19. This granted it the privilege to accede to the core international human rights treaties, including the International Convention on Civil and Political Rights, which it did in April 2014. At that time, United Nations Spokesperson Rupert Colville hailed the Palestinians’ accession to the treaties as “a significant step towards enhancing the promotion and protection of human rights in Palestine.” The UN Spokesperson further praised the Palestinians for joining the treaties “without making a single reservation,” noting that this was highly unusual for the region.<sup>1</sup>

Regrettably, however, the Palestinians have been using their membership in these human rights treaties to shift responsibility and blame for non-compliance to Israel, as the “occupying power,” instead of addressing their own dismal human rights record in the West Bank and Gaza. Indeed, nearly 20% of the PA report submitted to this Committee focuses on criticizing Israeli policies and actions and presenting a revisionist historical narrative in which the Israeli Jews are colonialist conquerors while the Palestinian Arabs are innocent victims.

This is a misuse of the Committee’s time and resources and shows contempt for the United Nations and the Convention which the Palestinians were so eager to join. Moreover, this is not the appropriate forum to debate the historical context and root causes of the conflict, which are political issues that have no bearing on the legal obligations of the PA and Hamas to their citizens. Because the State of Israel is a party to the Convention and undergoes its own periodic review by the Committee, there is also no need for the Committee to address Israel in this review, which should focus only on PA and Hamas compliance with the Convention.

At the same time, the report for the most part ignores or glosses over numerous ongoing violations of the Convention being committed by the PA in the West Bank and by Hamas in Gaza and focuses primarily on positive steps taken by Palestinian actors. Palestinian violations not addressed in the report include:

- Failure to hold presidential elections since 2005 and legislative elections since 2006 (Article 25).
- Widespread arbitrary detentions and torture against political opponents (Articles 7 and 9).
- Violations of the right to freedom of expression, including censorship of the media and critical voices (Article 19).
- Violations of the right to assembly and association, including excessive force against peaceful protesters (Articles 21, 22).

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<sup>1</sup> *Press Briefing Notes on Palestine*, UN (May 2, 2014), <https://www.un.org/unispal/document/auto-insert-196396/>.

- Violence and discrimination against women and the LGBT community, including physical abuse, rape, and honor killings (Articles 6, 7, 26).
- Incitement and attacks against Jews and Israelis (Articles 1, 6, 7, 9, 18, 20)

This report by United Nations Watch critiques the PA report and provides the Committee with additional information on Palestinian non-compliance with Articles 1, 6, 7, 9, 18, and 20, particularly as it relates to the rights of Jews and Israelis.

## II. CRITIQUE OF THE PALESTINIAN AUTHORITY’S REPORT

As noted, the PA’s 68-page report seeks to absolve Palestinian actors of responsibility for compliance with the Convention and to deflect attention from their own egregious violations by repeatedly pointing the finger at Israel.

### A. PA Report Contains Gratuitous Attacks on Israel

The PA is so intent on misusing its report to demonize Israel that it depicts a completely distorted version of reality where there is no critical self-reflection on the PA’s own policies and practices, while all Israeli policies and actions are presented as evil.

- *Right to Life (Article 6)*: The PA report claims that the right to life “lies at the very heart of human rights and therefore enjoys full legal protection...” (Para 112). It further asserts that the State of Palestine has strengthened its laws to prevent enforced disappearances. The report then accuses Israel of engaging in “a systematic and broad-ranging policy that deliberately targets the right to life of the Palestinian people,” excessive force against protesters, and subjecting Palestinians to “enforced disappearances” by holding the bodies of terrorists in so-called “cemeteries of numbers.” Israel is also accused of “ethnic cleansing” against the Palestinians during the 1948 Arab-Israeli war, referred to in the report as “Nakba,” Arabic for disaster. (Para 113-120). There is no acknowledgement of the ongoing military conflict with Israel in which Palestinian terrorists routinely attack and kill or injure Israelis, or of the complete expulsion of Jews from the West Bank from 1948 to 1967 when the territory was under Jordanian control. Furthermore, the report does not address numerous instances of excessive force, enforced disappearances, and extrajudicial or arbitrary killings by Palestinian actors against Palestinians.
- *Torture (Article 7)*: The PA report accuses Israel of torturing Palestinian prisoners. (Para 175-180). However, with regards to the Palestinians’ own egregious and widespread use of torture, the report merely refers to various legal provisions that supposedly prohibit torture and provides some outdated statistics about torture complaints, many of which were dismissed for lack of evidence. (Para 142-174). It does not provide any specifics about individual cases, punitive action taken against perpetrators, or compensation to the victims.
- *Arbitrary Detention (Article 9)*: The PA report claims that Palestinian law “guarantees individuals the enjoyment of freedom and personal security, which cannot be infringed except by law...” It then assails Israel for “arbitrary arrests” of “thousands of

Palestinians.” (Para 195-218). There is no acknowledgement or discussion of routine arbitrary arrests of Palestinians by the PA and Hamas.

- *Religious Freedom (Article 18)*: The PA report claims that religious freedom is enshrined in Palestinian law and cites various laws and policies meant to protect religious minorities (Para 315-328). The report goes on to libel Israel by accusing it of “daily violations” at al-Aqsa mosque, while completely ignoring the desecration and attacks perpetrated by Palestinians at that site. The report further accuses Israel of restricting access of Muslims and Christians to holy sites in Jerusalem and abusing worshippers. (Para 329-332). Yet, the report completely ignores Palestinian attacks against Jewish and Christian holy sites and worshippers in territory under Palestinian control. In fact, Israel protects all religious sites under its jurisdiction and ensures the rights of Muslims, Christians, and Jews to worship peacefully at their holy sites.
- *Freedom of Journalists (Article 19)*: The PA report asserts that Palestinian law fully protects journalists’ rights to freedom of expression, while Israel “suppresses the media” and “attacks journalists.” (Para 333-358). There is no acknowledgement of arbitrary arrests and other forms of intimidation and harassment against journalists by both the PA and Hamas.
- *Incitement to Racism (Article 20)*: The PA report claims that Palestinian law prohibits incitement to racism or sectarianism, but Israel is guilty of “inciting racism against Palestinians, spreading inflammatory and racist statements...” (Para 359-364). The report ignores rampant anti-Israel and antisemitic incitement in Palestinian media and education and by Palestinian officials.

Notably, the PA’s description of the situation in the State of Palestine is mostly theoretical and divorced from reality, as it refers to official laws and policies and largely ignores what happens on the ground. According to the NGO Freedom House, the West Bank under the PA and the Gaza Strip under Hamas are ranked as “Not Free.” Neither tolerates dissent, and both subject government critics and other vulnerable groups to abuse.<sup>2</sup>

## **B. PA Report Presents False and Revisionist Narrative That Rejects Israel’s Right to Exist and Justifies Terrorism**

The report presents a rejectionist Palestinian narrative which effectively denies Israel’s right to exist, blames Israel for the lack of Palestinian self-determination, denies Jewish historical rights in Israel, ignores the Oslo Accords, and justifies terrorism.

- *Denies Israel’s right to exist.* The report refers to the founding of the State of Israel as a “historical injustice” (Para 5) and “colonization more than 72 years ago” (Para 113). It also characterizes the Jews who founded Israel in 1948 as “the Israeli occupiers” (Para 114), terms that deliberately impugn Israel’s legitimacy as a state.

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<sup>2</sup> *Freedom in the World 2023: West Bank*, Freedom House (2023), <https://freedomhouse.org/country/west-bank/freedom-world/2023>; *Freedom in the World 2023: Gaza Strip*, Freedom House (2023), <https://freedomhouse.org/country/gaza-strip/freedom-world/2023>.

- *Blames Israel for lack of Palestinian self-determination.* The report claims that Israel’s creation is a “historical injustice” that resulted in “the denial of their [Palestinians’] right to self-determination and independence” (Para 5) and asserts that Israel is “the fundamental obstacle” to the Palestinians’ ability to exercise their right of self-determination. (Para 13). The truth is that the 1947 UN Partition Plan proposed separate states for the Jewish and Arab residents of the territory. The Jews accepted this proposal and declared the State of Israel, but the Arab states completely rejected it and launched a war of annihilation against the nascent Jewish state. Since then, the Palestinians have continued to reject all peace offers that would have given them an independent state, choosing instead to pursue terrorism (intifada) and unilateral measures in the international arena.
- *Ignores Oslo Accords.* The report refers to the Palestinians’ “inalienable rights, notably the right to self-determination, the right of return and the independence of the State of Palestine with Jerusalem as its capital...” (Para 6). This characterizes as “inalienable rights” matters which the parties themselves had agreed in the Oslo Accords would be left for final status negotiations, such as refugees, borders, and Jerusalem. When, six years after the interim accords went into effect, it came time to resolve these final status issues through negotiations, the Palestinians rejected Israeli offers, walked away from the table, and launched a campaign of terrorist attacks against Israeli civilians which, besides leading to thousands of deaths, accomplished nothing for the Palestinian cause.
- *Denies Jewish historical rights in Israel.* The report repeatedly applies the paradigm of colonialism to the conflict, referring to Israel with words such as “colonists,” “colonialism,” “colonialist,” and “colonization.” (Para 14, 15, 113, 251, 292, 293, 363). This is a complete distortion which denies the historical rights of the Jewish people in the territory by attempting to portray Israel as some kind of alien conqueror with no connection to the land. Indeed, Jews have continuously resided in the Land of Israel since Biblical times and there are numerous Jewish holy sites throughout the Land of Israel, including in the West Bank. Jews have directed their prayers towards the Temple Mount—Judaism’s holiest site which housed two Jewish temples—for thousands of years, fervently praying to return.
- *Justifies terrorism.* The report portrays Palestinian terrorism against Israeli civilians as “the legitimate resistance of the Palestinian people against the occupation and their right to self-determination” and defends Palestinian financial rewards to terrorists and their families as social welfare payments (Para 364), even though it has been established that these payments are based purely on the severity of the crime committed and are not connected to social need. The report goes so far as to accuse Israel of “inciting against the struggle of the Palestinian people” and violating the Fourth Geneva Convention because of Israel’s efforts to hold Palestinian terrorists accountable for their crimes and to ensure terrorism is not encouraged or rewarded.

### III. RIGHT OF THE JEWISH PEOPLE TO SELF-DETERMINATION (ARTICLE 1)

Article 1 of the Convention provides that “all peoples have the right to self-determination.” Yet the Palestinian Arab population has consistently rejected the right of the Jewish people to self-determination in their historic homeland. This pattern of rejectionism is exemplified by the Arab states’ refusal to accept the 1947 UN partition plan and choosing war instead. Since the Oslo Accords in the mid-1990s, the Palestinians have rejected outright three peace proposals.<sup>3</sup> In 2000, under the leadership of Yasser Arafat, the Palestinians responded to the Camp David Accords with the terrorist uprising known as the Second Intifada in which more than 1,000 Israelis were killed and many more injured. In 2008, under the leadership of Mahmoud Abbas, they refused Israeli Prime Minister Ehud Olmert’s plan which would have given them control of more than 95% of the West Bank.<sup>4</sup> They also rejected final status proposals from two US administrations in 2014 and 2020.

Moreover, the foundational documents of the main Palestinian nationalist movements, specifically, The Palestine Liberation Organization (PLO), its dominant Fatah faction, and Hamas expressly reject Israel’s right to exist in any part of the region, and view Jews and Zionism as the enemy.

#### A. PLO and Fatah Charters

The Palestinian National Charter<sup>5</sup> (PLO Charter) describes Palestine as “the homeland of the Arab Palestinian people” (Article 1), calls for its “liberation” through “armed struggle” (Articles 8-9), and defines Palestine according to its boundaries during the British Mandate (Article 2), which include the entire State of Israel. Furthermore, the “liberation of Palestine” is described as “a national duty” and “aims at the elimination of Zionism in Palestine.” Although Yasser Arafat promised, as part of the Oslo Accords, that the PLO Charter would be amended to remove these provisions, that change never occurred.<sup>6</sup>

Instead, the Charter continues to absolutely reject the national rights of Jews in Palestine, stating that only Jews who resided in Palestine “until the beginning of the Zionist invasion will

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<sup>3</sup> For a timeline of Israeli-Palestinian peace talks see Jeffrey Heller, *Long line of Israeli-Palestinian peace bids precede Trump push*, **Reuters** (January 27, 2020), <https://www.reuters.com/article/us-israel-palestinians-plan-history/long-line-of-israeli-palestinian-peace-bids-precede-trump-push-idUSKBN1ZQ0RQ>; see also *Israel and the Palestinians: Chronology of a Two-State Solution*, **Congressional Research Service** (June 30, 2020), <https://fas.org/sgp/crs/mideast/IF11237.pdf>.

<sup>4</sup> Mark Lavie, *Missed Opportunity: Olmert, Abbas, and Media Bias*, **Tablet** (November 24, 2015), <https://www.tabletmag.com/sections/news/articles/missed-opportunity-olmert-abbas-and-media-bias>.

<sup>5</sup> *The Palestinian National Charter: Resolutions of the Palestine National Council July 1-17, 1968*, **The Avalon Project** (Last visited May 1, 2023), [http://avalon.law.yale.edu/20th\\_century/plocov.asp](http://avalon.law.yale.edu/20th_century/plocov.asp).

<sup>6</sup> Andrew C. McCarthy, *The Father of Modern Terrorism; The True Legacy of Yasser Arafat*, **National Review** (November 12, 2004), <https://www.nationalreview.com/2004/11/father-modern-terrorism-andrew-c-mccarthy/>; Julie Stahl, *One Year Later, New PLO Covenant Nowhere to Be Found*, **CNS** (July 7, 2008), <https://www.cnsnews.com/news/article/one-year-later-new-plo-covenant-nowhere-be-found>; Dr. Mordechai Kedar, *Arabs and Muslims Will Not Accept Israel as the Jewish State*, **Begin-Sadat Center for Strategic Studies** (January 18, 2018), <https://besacenter.org/perspectives-papers/muslims-israel-jewish-state/>.

be considered Palestinians” (Article 6). Although there is no date given here, the first Jewish migration to Palestine under the auspices of Zionism, known as “The First Aliya,” occurred in 1882.<sup>7</sup> In this regard, the Charter adds that Jews are “citizens of the states to which they belong” (Article 20). Thus, the PLO Charter denies outright the rights of most Israeli Jews to live in the territory it defines as Palestine, even though Jews have had a continuous presence in the territory since Biblical times and maintained their connection to the territory throughout history. The PLO Charter also extends its rejection of Jewish rights in Palestine to the Balfour Declaration, which is viewed “as null and void” (Article 20), and to the UN partition plan which is considered “illegal” (Article 19).

Moreover, the charter of the PLO’s largest faction—Fatah—headed by PA President Mahmoud Abbas—contains similar language. The Fatah Charter, which was amended in 2009, states that “Palestine is part of the Arab World,” (Article 1), “Israeli existence in Palestine” is “a Zionist invasion” (Chapter 1, Article 8), and Palestine must be liberated through “armed public revolution” (Chapter 1, Article 17). As referenced in the Charter, Palestine includes the territory of the State of Israel. Indeed, the goal of the struggle is “uprooting the Zionist existence” and “this struggle will not cease unless the Zionist state is demolished and Palestine is completely liberated” (Chapter 1, Article 19).<sup>8</sup>

PA institutions and officials continue to call for the “liberation” of Palestine and to reject Israel’s right to exist as a Jewish state. In July 2016, PA President Mahmoud Abbas confirmed that he would never recognize Israel as a Jewish state: “it is impossible that I will accept [the demand to recognize Israel as a Jewish state]. Let [Israel] continue to talk about a Jewish state and we will soundly reject it.”<sup>9</sup>

## **B. Hamas Charter**

Hamas is the governing authority in the Gaza Strip. The 1988 Hamas Charter<sup>10</sup> proclaims that “the land of Palestine is an Islamic Waqf consecrated for future Muslim generations until Judgment Day” (Article 11); and “there is no solution for the Palestinian question except through Jihad” (Article 13). Jihad, described in military terms, is to “confront the enemies and join the ranks of the fighters” (Article 15) and is primarily understood to involve “carrying of arms” and “confrontation of the enemy” (Article 30). The enemies here are the Jews and Zionists: “in the face of the Jews’ usurpation of Palestine, it is compulsory that the banner of Jihad be raised” (Article 15); “the Zionist invasion is a vicious invasion” (Article 28).

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<sup>7</sup> *Immigration to Israel: The First Aliya (1882-1903)*, **Jewish Virtual Library** (last visited June 10, 2019), <https://www.jewishvirtuallibrary.org/the-first-aliyah-1882-1903>.

<sup>8</sup> *Fatah Charter*, **PMW from Fatah website** (July 1, 2009), [http://www.palwatch.org/main.aspx?fi=640&doc\\_id=1160](http://www.palwatch.org/main.aspx?fi=640&doc_id=1160); C. Jacob, *Fatah Sixth General Conference Resolutions: Pursuing Peace Option Without Relinquishing Resistance or Right to Armed Struggle*, **MEMRI** (August 31, 2009), <https://www.memri.org/reports/fatah-sixth-general-conference-resolutions-pursuing-peace-option-without-relinquishing>.

<sup>9</sup> *Abbas: I will never recognize Israel as a Jewish State*, **PMW** (July 27, 2016), [https://palwatch.org/main.aspx?fi=820&doc\\_id=19012](https://palwatch.org/main.aspx?fi=820&doc_id=19012).

<sup>10</sup> *Hamas Covenant 1988*, **The Avalon Project** (last visited May 1, 2023), [http://avalon.law.yale.edu/20th\\_century/hamas.asp](http://avalon.law.yale.edu/20th_century/hamas.asp).



The Charter is overtly antisemitic, comparing Jews to Nazis (Article 20), promoting conspiracy theories about Jewish power, such as that the Jews were behind World Wars I and II, “there is no war going on anywhere, without having their [the Jews] finger in it” (Article 22), and accusing the Zionists of trying to take over the world (Article 32).

In May 2017, Hamas released a new policy document which some said was a sign of moderation. However, the new document does not replace the charter and continues to view Israel as an enemy that needs to be eliminated.<sup>11</sup> The new document states that the goal of Hamas is to “liberate Palestine and confront the Zionist project” and that “Hamas rejects any alternative to the full and complete liberation of Palestine, from the [Jordan] river to the [Mediterranean] sea” (*i.e.*, including all of the territory of the State of Israel). The document also calls the establishment of Israel “entirely illegal,” and states “there shall be no recognition of the legitimacy of the Zionist entity.”

**Recommendations: The Committee should firmly reject the revisionist historical narrative in the PA report and its characterization of Israel as a colonial enterprise. The Committee should also demand that the State of Palestine accept the rights of the Jewish people to self-determination in the State of Israel.**

#### **IV. PA AND HAMAS RESPONSIBILITY FOR PALESTINIAN ATTACKS AGAINST ISRAELIS (ARTICLES 6, 7, 9, 20)**

The Convention states in Article 6 that every person has “the inherent right to life.” Article 6 further obliges state parties to protect the right to life through legislation. As explained by the Human Rights Committee in its General Comment 36, this duty requires enactment of laws to protect life from “all reasonably foreseeable threats,” including those “emanating from private persons or entities.” Thus, a state party must enact “effective criminal prohibitions on all manifestations of violence or incitement to violence that are likely to result in deprivation of life,” including violent hate crimes and terrorist attacks. Further, “States parties are obliged to take adequate preventive measures in order to protect individuals against reasonably foreseen threats of being murdered or killed by criminals and organized crime or militia groups, including armed or terrorist groups” as well as to “disband irregular armed groups.” States must also investigate and punish violations.<sup>12</sup>

Accordingly, the PA and Hamas are generally responsible for the safety and security of Jews and Israelis who enter territories under their jurisdiction. They are also responsible for terrorist attacks against Jews and Israelis committed by Palestinian perpetrators—wherever the attack occurs—and must investigate and punish perpetrators. Regrettably, however, rather than criminalizing such acts and punishing perpetrators, Palestinian law rewards them.

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<sup>11</sup> Kate Havard, *Hamas’s New Document: More of the Same*, **FDD** (May 2, 2017), <https://www.fdd.org/analysis/2017/05/02/hamass-new-document-more-of-the-same/>; Adam Rasgon, *Analysis: The New Hamas Charter – No Moderation Here*, **Jerusalem Post** (May 3, 2017), <https://www.jpost.com/Arab-Israeli-Conflict/Analysis-No-moderation-here-489581>.

<sup>12</sup> *General Comment 36*, **Human Rights Committee**, UN Doc. CCPR/C/GC/36, Para 18-21 (September 3, 2019), <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-36-article-6-right-life>.

As explained in General Comment 36, failure to comply with Article 6 is often linked to non-compliance with other Articles of the Convention, such as Article 7 (prohibition against torture or cruel, inhuman, or degrading treatment), Article 9 (security of the person and prohibition against arbitrary detention), and Article 20 (prohibition against advocacy of national, racial, or religious hatred). General Comment 36 notes that there is a “particular connection” between Articles 6 and 20, pointing out that non-compliance with Article 20 “may also constitute a failure to take the necessary measures to protect the right to life under Article 6.”<sup>13</sup> This is especially relevant to the compliance obligation of the PA and Hamas who routinely incite hatred and violence against Jews and Israelis in violation of both Articles 6 and 20.

### **A. PA and Hamas Responsibility for Security of Israelis in Territory They Control**

The PA and Hamas clearly are responsible for the security of Israelis in territory they control and failure to do so violates Article 6 and other articles of the Convention. Although the PA report discusses arbitrary detention (Article 9) (Para 195-218), the discussion is mostly theoretical, focusing on various legal provisions and guarantees meant to protect Palestinians. It does not mention any specific cases of either Palestinians or Israelis who have been arbitrarily detained by the PA or Hamas.

During the reporting period, Hamas took captive two Israelis who crossed into Gaza by mistake—a 29-year-old Israeli Bedouin who entered Gaza in September 2015 and a 30-year-old Ethiopian-Israeli who entered Gaza in April 2015, both of whom suffer from mental illness.<sup>14</sup> Hamas continues to hold these young men incommunicado without providing information on their location, permitting contact with the families, or allowing Red Cross visits, thus also violating Articles 7 and 9 of the Convention.<sup>15</sup> Hamas also holds the bodies of two Israeli soldiers—Hadar Goldin and Oron Shaul—killed in the 2014 Gaza conflict in violation of international law, causing the families severe mental suffering in violation of Article 7.

In addition, during the reporting period in June 2014, Hamas terrorists in the West Bank abducted three Israeli teens, holding them hostage in a vehicle before shooting them to death at point blank range. In the *Fraenkel v. Iran* case brought by the family of one of the murdered teens—Naftali Fraenkel—the U.S. District Court for the District of Columbia found that Hamas was responsible for this attack and that the teen had suffered at the hands of his kidnappers because he was “aware that he was kidnapped and in imminent danger of losing his life due to the weapons used by the terrorists.”<sup>16</sup> Certainly, this violated Articles 6, 7, and 9 of the Convention. The PA and Hamas each bear responsibility for this as the terrorists were affiliated with Hamas, influenced by PA and Hamas incitement, and planned and implemented the attack from PA-controlled territory.

Furthermore, the PA continues to violate Article 6 of the Convention by failing to assure security for Israelis who enter PA territory. Over the years, there have been numerous cases of

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<sup>13</sup> *Id.* at Para 59.

<sup>14</sup> Raphael Ahren, *Families of Israeli civilians held in Gaza hold joint prayer, appeal to Hamas*, TOI (September 6, 2018), <https://www.timesofisrael.com/families-of-israeli-civilians-held-in-gaza-hold-joint-prayer-appeal-to-hamas/>.

<sup>15</sup> 2 *Israelis Who Entered Gaza Held Incommunicado*, HRW (May 2, 2017), <https://www.hrw.org/news/2017/05/03/2-israelis-who-entered-gaza-held-incommunicado>.

<sup>16</sup> *Fraenkel v. Islamic Republic of Iran*, 248 F.Supp.3d 21 (D.D.C. 2017).

Israelis entering such areas, often by accident, and being attacked by local Palestinians. Below are some recent examples:

- On April 30, 2022, an Israeli couple was attacked with pepper spray and carjacked in the West Bank city of Qalqilya.<sup>17</sup>
- On December 1, 2021, two Israelis were attacked by a Palestinian mob and their car set on fire after they mistakenly entered the town of Ramallah.<sup>18</sup>
- On January 9, 2018, two Czech tourists were rescued by police after accidentally entering the Palestinian village of Teqoa.<sup>19</sup>
- On June 30, 2016, nine Israeli peace activists were rescued from Ramallah after they were attacked with rocks and one of their cars set on fire.<sup>20</sup>
- On May 16, 2014, two Israeli journalists were attacked while covering clashes near Beitunia in the West Bank.<sup>21</sup>

While PA security officers have assisted in the rescue of these Israelis, we are not aware of PA prosecutions against Palestinians who participate in such attacks. This lack of accountability and deterrence for Palestinians who attack Israelis violates Article 6 and sends a clear message that such attacks are acceptable, and that Israelis should have no expectation of safety in Palestinian-controlled areas. We hope the Committee will demand accountability from the PA and Hamas for these violations.

**Recommendations: The Committee should demand the PA and Hamas immediately release the two Israelis being held by Hamas in Gaza as well as the bodies of Israeli soldiers Hadar Goldin and Oron Shaul. It should also insist that the PA and Hamas take action through legislation and criminal proceedings against perpetrators to ensure the safety of Jews and Israelis who enter territories controlled by them.**

## **B. PA Law Promotes and Rewards Terrorism Against Jewish Israelis**

Palestinian law actively encourages the murder of Jewish Israelis through its program of martyr and prisoner payments in violation of Article 6 of the Convention. The 2003 Amended Palestinian Basic Law guarantees the right of “martyrs, prisoners of war, the injured and the disabled,” to “education, health and social insurance.”<sup>22</sup> A series of other laws from 2004 and

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<sup>17</sup> *Israeli couple attacked with pepper spray, carjacked while shopping in Qalqilya*, **TOI** (April 30, 2022), <https://www.timesofisrael.com/israeli-couple-attacked-with-pepper-spray-carjacked-while-shopping-in-qalqilya/>.

<sup>18</sup> *Palestinian mob attacks 2 Israelis in Ramallah who entered city by accident*, **Ynet** (December 1, 2021), <https://www.ynetnews.com/article/h1ckqsrfy>.

<sup>19</sup> *Police rescue Czech tourists who accidentally entered Palestinian village*, **TOI** (January 9, 2018), <https://www.timesofisrael.com/police-rescue-czech-tourists-who-accidentally-entered-palestinian-village/>.

<sup>20</sup> *Judah Ari Gross, Israeli activists evacuated from Ramallah after car is set on fire*, **TOI** (June 30, 2016), <https://www.timesofisrael.com/israeli-activists-evacuated-from-ramallah-after-car-is-set-on-fire/>.

<sup>21</sup> *Gili Cohen, Two Israeli Journalists Attacked in West Bank Clashes*, **Haaretz** (May 16, 2014), <https://www.haaretz.com/2-israeli-journalists-attacked-in-west-bank-1.5248566>.

<sup>22</sup> Article 22, 2003 Amended Palestinian Basic law (last visited May 1, 2023), <https://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>.

2013 mandate payments to prisoners and/or their families with the amount determined according to the severity of the crime.

Each of these laws<sup>23</sup> defines a prisoner as “anyone incarcerated in the occupation’s prisons for his participation in the struggle against the occupation,”<sup>24</sup> meaning involvement in attacks against Israel, including terrorist attacks against Israeli civilians. Significantly, these laws reward only those who killed or injured Israelis or attempted to do so. Persons convicted of other crimes, like theft, do not receive similar rewards.

The rewards to these terrorists include monthly salary and benefits, such as tuition fees at state universities and priority job placements at state institutions upon release, with seniority determined based on the length of the prison term.<sup>25</sup> Likewise, pursuant to PA Government Decision No. 23 of 2010, the amount of the monthly salary is fixed based on the length of the prison term.<sup>26</sup> Thus, the more serious the crime, the longer the prison sentence and the more seniority and higher the salary.

Thousands of Palestinian prisoners currently serving or having served time in Israeli jails for terror-related offenses receive salaries and benefits from the PA.<sup>27</sup> Despite a financial crisis in 2019 which led to cuts in the salaries of the PA’s actual public employees, PA salaries to terrorists increased from 2018 to 2019.<sup>28</sup> In 2020, the PA paid more than \$181 million to incarcerated or released terrorists, not including payments to families of “martyrs.”<sup>29</sup> In April 2023, PA Prime Minister Muhammad Shtayyeh acknowledged that the payments were causing the PA financial damage, but added that the PA had no intention of stopping the payments.<sup>30</sup>

In its report, the PA attempts to justify these payments as a form of welfare for people “without adequate means of support or who are unable to earn a living” (Para 364). This is disingenuous, however, as the payments are not based on need and the budget separately allocates funds for welfare. The PA has also refused to transfer these prisoner salaries to its Ministry of Social Affairs. Moreover, the claim is expressly contradicted by PA Ministry of

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<sup>23</sup> Law No. 14 (2004); Amended Palestinian Prisoners Law No. 19 (2004); and Decree No. 1 (2013) on the Amendment of the Prisoners and Released Prisoners Law No. 19 (2004).

<sup>24</sup> Sander Gerber, *Incentivizing Terrorism: Palestinian Authority Allocations to Terrorists and their Families*, Appendix 5, **Jerusalem Center for Public Affairs** (2017), <http://jcpa.org/paying-salaries-terrorists-contradicts-palestinian-vows-peaceful-intentions/#appendix-5>; PA Law No. 19, **Birzeit University** (last visited May 1, 2023), <http://muqtafi.birzeit.edu/pg/getleg.asp?id=14777>.

<sup>25</sup> *Id.*

<sup>26</sup> PA Government Decision No. 23, **Birzeit University** (last visited May 1, 2023), <http://muqtafi.birzeit.edu/pg/getleg.asp?id=16259>.

<sup>27</sup> PA salaries to terrorists and their families, **PMW** (last visited May 1, 2023), <https://palwatch.org/analysis/220>.

<sup>28</sup> Maurice Hirsch and Nan Jacques Zilberdik, *PA salaries to terrorists rise by 11.8% in 2019 – amidst self-inflicted financial crisis*, **PMW** (July 3, 2019), [http://palwatch.org/main.aspx?fi=157&doc\\_id=27753](http://palwatch.org/main.aspx?fi=157&doc_id=27753).

<sup>29</sup> Maurice Hirsch, Itamar Marcus and Nan Jacques Zilberdik, *How much did the PA spend on terrorists’ salaries in 2020?* **PMW** (February 22, 2021), <https://palwatch.org/page/18603>.

<sup>30</sup> Maurice Hirsch, *PA defies the world to continue terror reward payments*, **PMW** (April 30, 2023), <https://palwatch.org/page/33050>.

Detainees official Hassan Abd Rabbo who admitted in January 2022 that the detainees are “fighters, not social cases.”<sup>31</sup>

The PA program of terror payments, which promotes and encourages the murder of Israeli Jews, has been widely condemned. In March 2018, the United States Congress passed the Taylor Force Act to cut aid to the Palestinians until they end their policy of reward payments to terrorists.<sup>32</sup> The Biden administration affirmed the U.S. position against these payments.<sup>33</sup> Criticizing Palestinian terror payments, EU official Johannes Hahn, then in charge of financial assistance to the Palestinians, stated in April 2019 that payments to Palestinian terrorists and their families should be based on need only.<sup>34</sup>

**Recommendation: The Committee should follow the examples of the U.S. and EU by condemning these PA laws mandating rewards for terrorists.**

### **C. PA and Hamas Incitement to Terrorism**

As noted above, non-compliance with Article 20 also violates Article 6 when it endangers lives. That is exactly the situation here. Article 20 of the Convention provides that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” Clearly this would cover antisemitic and terrorist incitement against Jews and Israelis which is disseminated on a wide scale by Palestinian officials and in Palestinian media and education. Yet the PA and Hamas unabashedly violate this provision, endangering lives.

In its report, the PA cites various laws which it claims prohibit incitement to racial and religious hatred. However, none address antisemitic and terrorist incitement—not mentioned at all in the report. For example, Article 150 of the 1960 Criminal Code (Para 359) simply criminalizes acts which “seek to incite conflict between the communities and groups of the nation.” This does not cover incitement against Jews/Israelis since they are not part of the “Palestinian nation.” Likewise, Article 37 of the Printing and Publications Act cited in the PA report (Para 360) prohibits material that would “give rise to sectarianism among members of society,” presumably meaning Palestinian society. In any event, none of these laws is broad enough to cover the widespread incitement against Jews and Israelis.

Recently, two UN treaty bodies reviewing Palestinian compliance with international human rights treaties criticized Palestinian racism against Israelis and Jews. In February 2020,

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<sup>31</sup> *Palestine Rejects US Proposal to Transfer Prisoners’ Salaries to ‘Social Welfare,’ Asharq Al-Awsat* (January 27, 2022), <https://english.aawsat.com/home/article/3439576/palestine-rejects-us-proposal-transfer-prisoners-salaries-social-welfare>.

<sup>32</sup> *Congress passes Taylor Force act as part of \$1.3 trillion budget bill, TOI* (March 23, 2018), <https://www.timesofisrael.com/congress-passes-taylor-force-act-as-part-of-1-3-trillion-budget-bill/>.

<sup>33</sup> *Jacob Magid, Biden administration says it’s pushing Ramallah to reform terror payment policy, TOI* (June 23, 2021), <https://www.timesofisrael.com/biden-administration-says-its-pushing-ramallah-to-reform-terror-payment-policy/>.

<sup>34</sup> *Tovah Lazaroff, EU Official Proposes Palestinian Terrorism Payments on Needs Basis, Jerusalem Post* (April 30, 2019), <https://www.jpost.com/Arab-Israeli-Conflict/EU-official-proposes-Palestinian-terrorism-payments-on-needs-basis-588326>.

the UN committee charged with reviewing state compliance with the Child Rights Convention expressed concern about “reports that the contents of some textbooks do not promote peace and tolerance” and urged the Palestinians to ensure that the curriculum is “aligned with the aims of education as included in Article 29 of the Convention,” particularly “to promote peace and tolerance.”<sup>35</sup>

In August 2019, CERD, the UN committee charged with reviewing state compliance with the Anti-Racism Convention, found that Palestinian laws and policies failed to implement UN treaty on racism, or to properly investigate complaints for acts of racial discrimination. The panel urged Ramallah to combat “hate speech and incitement to violence,” saying it was “concerned” about statements by Palestinian public figures, politicians and media officials, as well as in school textbooks and curricula, pointing to “hate speech against Israelis” which it found “fuels hatred” and “may incite violence” and “antisemitism.” The Committee further called on the Palestinians to “remove any derogatory comments and images from school curricula and textbooks that perpetuate prejudices and hatred.”<sup>36</sup>

Nevertheless, official Palestinian incitement continues. Below are some recent examples from both the PA and Hamas:

- **Celebrating terrorist murder:** Fatah celebrates terrorist murder of Israeli brothers Hallel and Yagel Yaniv, boasting that it carried out “more than 2,750 acts of resistance” in 2023 leading to “the killing of 12 Israelis...” and advocates more terror— “continuing the path...by blasting bullets into the heads (*Fatah Facebook and Telegram*, February 2023).<sup>37</sup>
- **Praising terrorist attack:** After Palestinian gunmen murdered a mother and her two daughters in a drive-by shooting during the Passover holiday, Hamas praised the attack as “a natural response to [Israel’s] ongoing crimes against the Al-Aqsa mosque and its barbaric aggression against Lebanon and the steadfast Gaza.” (*Hamas Statement*, April 2023).<sup>38</sup>
- **Inciting violence during Ramadan:** Deputy Commander of Hamas military wing Marwan Issa affirmed the necessity of “resistance activity” in all “Palestine” and warned that any change in the status quo of Al-Aqsa would lead to a “regional earthquake.” (*Al-Aqsa TV*, March 2023).<sup>39</sup>
- **Praising terrorist attack:** Hamas praised the January 27<sup>th</sup> killing of seven Israelis outside a synagogue in Jerusalem as a “natural response to the slaughter in Jenin, the

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<sup>35</sup> *Concluding observations on the initial report of the State of Palestine*, UN Doc. CRC/C/PSE/CO/1, ¶¶ 54(e) and 55(e) (February 10, 2020).

<sup>36</sup> *Concluding observations on the combined initial and second periodic reports of the State of Palestine*, UN Doc. CERD/C/PSE/CO/1-2, ¶¶ 19 and 20 (August 29, 2019).

<sup>37</sup> Nan Jacques Zilberdik, *Fatah celebrates its terror and murderer of Israeli brothers*, **PMW** (April 5, 2023), <https://palwatch.org/page/32977>.

<sup>38</sup> *Two British-Israeli women killed in West Bank shooting*, **BBC** (April 7, 2023), <https://www.bbc.com/news/world-middle-east-65211160>.

<sup>39</sup> *Hamas threatens escalation and encourages terrorist attacks during Ramadan*, **Meir Amit Intelligence and Terrorism Information Center** (March 23, 2023), <https://www.terrorism-info.org.il/en/hamas-threatens-escalation-and-encourages-terrorist-attacks-during-ramadan/>.

desecration of al-Aqsa mosque and the escalation of the crimes and attacks against the Palestinians.” (*Hamas website*, January 28, 2023).<sup>40</sup>

- **Rallying against Jews who “defiled” Al-Aqsa Mosque during Ramadan:** The PA routinely uses the Al Aqsa Mosque to incite violence against Jews. During Ramadan, PA officials and media channels publicly called on Palestinians to “defend” Al Aqsa from “the defilement of the Jews” and “Jewish extremists” who “violate its sanctity” using violent language such as “we won’t lower the rifle, the stone, nor any [other] means of resistance to the occupation.” (*Multiple sources*, May 2022).<sup>41</sup>
- **Threatening revenge against Jews if Al-Aqsa Mosque is desecrated:** In a rabble-rousing speech at the end of Ramadan, Hamas Gaza leader Yahya Sinwar threatened to desecrate thousands of synagogues around the world if the Al-Aqsa Mosque was desecrated and accused Israel of turning the Israeli-Palestinian conflict into a regional religious war. He also called for more terror attacks. (*Al-Jazeera*, April 30, 2022).<sup>42</sup>
- **Blaming Israel for internal Palestinian violence:** On the PA’s state-run TV, the PA Security Forces Spokesman accused Israel of deliberately spreading weapons to create internal strife within Palestinian society, “Certainly, and especially in areas that have all kinds of social problems, we see these weapons being spread [by the occupation] in a noticeable manner...this occupation also certainly views the internal conflicts in the Palestinian society as a means of getting rid of confrontations that are part of the popular uprising (*i.e.*, term used by Palestinians, which also refers to the use of violence and terror) against this occupation.” (*PA TV*, August 23, 2021).<sup>43</sup>
- **Denying Israel’s right to exist:** PA Grand Mufti Muhammad Hussein assured PA TV viewers that Israel’s destruction is only a matter of time, “The injustice will certainly pass and the occupation (*i.e.*, Israel) will pass...Jerusalem will certainly be liberated and return to the embrace of Islam.” (*PA TV*, September 29, 2021).<sup>44</sup>
- **Denying Jewish ties to Temple Mount:** In July 2021, several PA officials accused Israel of trying to take over the Temple Mount. For example, PA Presidential Office Advisor Ahmed Al-Ruweidi said “Our position is clear: This is our land, this is our mosque, the Al-Aqsa Mosque with its entire territory of 144 dunams (*i.e.*, all of the Temple Mount and the Western Wall), and it is an exclusive right of the Muslims and no one shares this with them... ‘What is happening at the blessed Al-Aqsa Mosque is laying the

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<sup>40</sup> *Palestinian reactions to the two deadly shooting attacks in Jerusalem*, **Meir Amit Intelligence and Terrorism Information Center** (February 2, 2023), <https://www.terrorism-info.org.il/en/palestinian-reactions-to-the-two-deadly-shooting-attacks-in-jerusalem/>.

<sup>41</sup> Nan Jacques Zilberdik, *PA incited riots and terror during Ramadan, using PA libel that Al Aqsa is being “desecrated” by Jews*, **PMW** (May 15, 2022), <https://palwatch.org/page/31423>.

<sup>42</sup> *Hamas Gaza Leader Yahya Sinwar, MEMRI* (April 30, 2022), <https://www.memri.org/reports/hamas-gaza-leader-yahya-sinwar-we-will-desecrate-synagogues-throughout-world-if-al-aqsa>.

<sup>43</sup> Nan Jacques Zilberdik and Maurice Hirsch, *You can always blame Israel! PA: Israel spreads weapons among Palestinians to fuel internal disputes*, **PMW** (September 3, 2021), <https://palwatch.org/page/29124>.

<sup>44</sup> Nan Jacques Zilberdik and Itamar Marcus, *Israel’s destruction is inevitable – a repeating PA promise*, **PMW** (October 22, 2021), <https://palwatch.org/page/29279>.

groundwork for a religious war that will reach you, your countries.” (*Fatah Commission of Information and Culture Facebook Page*, July 18, 2021).<sup>45</sup>

- **Antisemitic Libel:** Director of Palestinian Prisoner Club in Hebron Amjad al-Najjar accused Israel of deliberately harming Palestinian prisoners by using unqualified “Russian doctors [who] failed the ‘Israeli Medical Association’ test” to treat them. (*Official PA TV*, July 17, 2021).<sup>46</sup>

Sadly, such incitement is also widespread in Palestinian education. Several recent studies of PA textbooks show that the Palestinian curriculum radicalizes Palestinian children by advocating “national, racial or religious hatred” in violation of Article 20. In May 2020, the European Parliament condemned the PA in this regard, expressing concern “that problematic material in Palestinian school textbooks has still not been removed” and “about the continued failure to act effectively against hate speech and violence in school textbooks.” The European Parliament stated that EU funds should be used only to draft “curricula which reflects UNESCO standards of peace, tolerance, coexistence, and non-violence.”<sup>47</sup>

IMPACT-se, a NGO dedicated to reviewing school textbooks for compliance with UNESCO standards of peace and tolerance, conducts regular reviews of Palestinian textbooks. In a study covering 2020-2021, IMPACT-se found that the Palestinian curriculum had “moved further from meeting UNESCO standards,” contained “a systematic insertion of violence, martyrdom and jihad across all grades and subjects,” and “rejected” the possibility of peace with Israel.<sup>48</sup>

Examples from IMPACT-se’s report include:

- Fifth grade Arabic textbook teaches reading comprehension with a detailed 10-page text on the terrorist Dalal Mughrabi, perpetrator of the 1978 Coastal Road massacre, exalting her “heroism” and celebrating the massacre as “immortal” in the “hearts and minds” of Palestinians.
- Eleventh grade history textbook implies that Jews control the world, using classic antisemitic imagery of an arm with a Star of David holding a globe under the caption “Cultural Colonialism: The Most Dangerous Type of Colonialism, Because It Attacks the Spirit of the Nation and Its Beliefs.”

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<sup>45</sup> Itamar Marcus, *PA leaders continue to deny existence of Jewish Temples*, **PMW** (August 4, 2021), <https://palwatch.org/page/26049>.

<sup>46</sup> Itamar Marcus, *New PA libel: Israel uses unqualified Russian doctors to treat Palestinian prisoners*, **PMW** (July 21, 2021), <https://palwatch.org/page/26024>.

<sup>47</sup> *Report on discharge in respect of the implementation of the general budget of the European Union for the financial year 2018, Section III – Commission and executive agencies*, **European Parliament**, Doc. No. A9-0069/2020 (March 3, 2020), [https://www.europarl.europa.eu/doceo/document/A-9-2020-0069\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/A-9-2020-0069_EN.pdf); Raphael Ahren and TOI Staff, *EU parliament passes resolution condemning hate speech in Palestinian textbooks*, **TOI** (May 15, 2020), <https://www.timesofisrael.com/eu-parliament-passes-resolution-condemning-hate-speech-in-palestinian-textbooks/>.

<sup>48</sup> *The 2020-21 Palestinian School Curriculum Grades 1-12*, **IMPACT-se** (May 2021), [https://www.impact-se.org/wp-content/uploads/PA-Reports\\_-Updated-Selected-Examples\\_May-2021.pdf](https://www.impact-se.org/wp-content/uploads/PA-Reports_-Updated-Selected-Examples_May-2021.pdf).



- Seventh grade science textbook teaches Newton’s Second Law with an image of a masked Palestinian boy aiming a slingshot at approaching soldiers.

Concerningly, these same textbooks are used by UNRWA, which is unique among UN agencies in that it provides government-like services to its constituents, including healthcare and education. UNRWA operates 706 schools for 545,000 students with approximately 20,000 educational staff.<sup>49</sup> In addition to violating this Convention, the textbook content that incites terrorism and racism also violates UN and UNRWA internal policies concerning staff neutrality and impartiality. Attempts by UNRWA to change this curriculum have been met with fierce resistance by the PA. In 2017, the PA Ministry of Education categorically opposed any attempt by UNRWA to alter the curriculum in a way that would contradict the philosophy of the PA with respect to “Palestinian national identity and heritage,” which in this case refers to the belief that Jews have no rights in Palestine and that Palestinians will one day return to their ancestors’ former homes in Israel.<sup>50</sup>

Separate from the issue of textbooks, both the PA and Hamas misuse educational opportunities to incite violence in children as a matter of course. For example, the PA has a practice of using school names to honor terrorists and glorify martyrdom, thus turning terrorists into role models for children. Children studying at these schools have expressed the aspiration to “reach the level” of the terrorist for whom the school is named.<sup>51</sup>

Both the PA and Hamas also turn educational activities into platforms to teach hate and violence. Every year Hamas runs summer camps in which it trains children in military tactics and weapons use.<sup>52</sup> Its summer camps for 2021, teaching kids to handle weapons and kidnap soldiers, were widely publicized in the news and on social media.<sup>53</sup>

Likewise, summer camps run by Fatah and the PLO teach children to venerate famous Palestinian martyrs like Abu Jihad, who was responsible for terror attacks in which 125 Israelis were killed.<sup>54</sup> Even after summer ended, the PA continued to operate camp-like activities. For

<sup>49</sup> *What we do: education*, UNRWA (last visited May 13, 2021), <https://www.unrwa.org/what-we-do/education>.

<sup>50</sup> *PA Ministry of Education strongly opposes any attempt by UNRWA to change PA curriculum and schoolbooks*, PMW (November 8, 2017), [https://www.palwatch.org/main.aspx?fi=122&doc\\_id=24274](https://www.palwatch.org/main.aspx?fi=122&doc_id=24274).

<sup>51</sup> See, e.g., *Palestinian girl’s goal: “to reach the level” of terrorist who killed 37*, PMW (Apr. 14, 2014), [http://www.palwatch.org/main.aspx?fi=157&doc\\_id=11243](http://www.palwatch.org/main.aspx?fi=157&doc_id=11243); see also *Names of schools in the PA*, PMW (last visited Feb. 21, 2019), <https://www.palwatch.org/main.aspx?fi=608>.

<sup>52</sup> *COGAT: Hamas summer camp trains kids to ‘commit acts of terror,’* Jerusalem Post (June 11, 2020), <https://www.jpost.com/middle-east/cogat-reports-hamas-summer-camp-back-in-session-595804>; *Hamas opens registration for annual summer camp*, I24 News (July 15, 2019), <https://www.i24news.tv/en/news/international/middle-east/1562832005-hamas-launches-annual-summer-camp>; *As part of Hamas summer camps, children and youths undergo military and paramilitary training at the military wing’s outposts and facilities*, The Meir Amit Intelligence and Terrorism Information Center (Aug. 9, 2018), <https://www.terrorism-info.org.il/en/part-hamas-summer-camps-children-youths-undergo-military-paramilitary-training-military-wings-outposts-facilities/>.

<sup>53</sup> See, e.g., *Hamas Summer Camp Trains Youths to Fire Guns, Kidnap Soldiers*, I24 News (July 5, 2021), <https://www.youtube.com/watch?v=ibS9yyqocfI>; Amelia Navins, *Hamas’ Summer Indoctrination Camps for 50,000 Children*, JCPA (July 12, 2021), <https://jcpa.org/hamas-summer-indoctrination-camps-for-50000-children/>; @Jtruzmah, Twitter (June 14, 2021, 12:01 PM), <https://twitter.com/Jtruzmah/status/1404363343956164611>.

<sup>54</sup> Nan Jacques Zilberdik, *What did you learn in camp today? To “praise” terrorists, admire “Martyrs,” and erase Israel*, PMW (August 5, 2021), <https://palwatch.org/page/26048>.

example, the PA's police academy operated a camp program for 50 female high school students in which the teenagers were taught to view the female terrorist Dalal Mughrabi as a role model.<sup>55</sup>

These examples of antisemitic and terrorist incitement in the Palestinian education system call into question the PA's claim that it teaches students about human rights as part of the curriculum (see Para 42). Certainly, the curriculum does not teach about the human rights of Jews and Israelis. The opposite is the case. Palestinian misuse of its educational system to indoctrinate Palestinian youth to hatred and violence should be alarming to anyone who wishes for a peaceful solution to the Israeli-Palestinian conflict.

In this climate of incitement, it is not surprising that Palestinian deadly terrorism against Israelis continues, clearly demonstrating how the failure of the PA and Hamas to comply with Article 20 also violates Article 6. This includes indiscriminate rocket attacks from the Hamas-controlled Gaza Strip<sup>56</sup>; shootings<sup>57</sup>; bombings<sup>58</sup>; stabbings<sup>59</sup>; car-rammings<sup>60</sup>; and rock-throwing attacks.<sup>61</sup> To the extent carried out by non-State actors, the PA and Hamas are responsible for these attacks under the Convention because they fail to criminalize such acts or to punish the perpetrators and they actively incite and encourage them.

**Recommendations: The Committee should condemn this widespread and pervasive incitement by Palestinian officials, in Palestinian media, and in the education system. Furthermore, the Committee should demand that the PA and Hamas criminalize incitement against Jews and Israelis and punish perpetrators.**

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<sup>55</sup> Nan Jacques Zilberdik, *PA Police and Fatah teach 50 girls to see terrorist murderer Mughrabi as role model*, **PMW** (October 26, 2021), <https://palwatch.org/page/29307>.

<sup>56</sup> *Israel hits Hamas targets in Lebanon, Gaza in response to rocket attacks*, **TOI** (April 7, 2023), <https://www.timesofisrael.com/israel-hits-hamas-tunnels-weapons-sites-in-response-to-rocket-attacks-from-gaza-lebanon/>; *Palestinian Rockets in May Killed Civilians in Israel, Gaza*, **HRW** (August 12, 2021), <https://www.hrw.org/news/2021/08/12/palestinian-rockets-may-killed-civilians-israel-gaza>.

<sup>57</sup> Raffi Berg, *UK-Israeli mother dies after West Bank shooting*, **BBC** (April 10, 2023), <https://www.bbc.com/news/world-middle-east-65227638>; *Tel Aviv terror attack victim dies of his wounds*, **Jerusalem Post** (March 20, 2023), <https://www.jpost.com/breaking-news/article-734869>.

<sup>58</sup> *Israel announces arrest of November Jerusalem bombing suspect*, **Al Jazeera** (December 27, 2022), <https://www.aljazeera.com/news/2022/12/27/israel-arrests-suspect-over-jerusalem-twin-bombings-in-november>.

<sup>59</sup> *IDF: Palestinian attempts ramming, stabbing near Ariel in West Bank, is shot dead*, **TOI** (April 27, 2023); *Israel hunts Palestinian axe attackers who killed three*, **BBC** (May 6, 2022), <https://www.bbc.com/news/world-middle-east-61344529>.

<sup>60</sup> Raffi Berg, *Jerusalem: Five injured in Palestinian car ramming attack*, **BBC** (April 26, 2023), <https://www.bbc.com/news/world-middle-east-65374749>; *Four dead in stabbing, car-ramming in southern-Israel*, **France 24** (March 22, 2022), <https://www.france24.com/en/live-news/20220322-four-dead-in-stabbing-car-ramming-in-southern-israel>.

<sup>61</sup> *Palestinian hurls cinderblock at Israeli car in West Bank, is shot by soldier*, **TOI** (May 13, 2022), <https://www.timesofisrael.com/palestinian-hurls-cinderblock-at-israeli-car-in-west-bank-is-shot-by-troops-idf/>; Nir Hasson, Deiaa Haj Yahia, Jack Khoury, *Five Wounded in Palestinian Stone-throwing at Temple Mount, Police Enter Compound*, **Haaretz** (April 17, 2022), <https://www.haaretz.com/israel-news/israel-police-enter-temple-mount-compound-to-allow-jewish-visitors-in-1.10746398>; *Israeli army: Soldier killed by rock during West Bank raid*, **ABC** (May 12, 2020), <https://abcnews.go.com/International/wireStory/israeli-army-soldier-killed-rock-west-bank-raid-70630358>.

## V. VIOLATIONS OF RELIGIOUS FREEDOM (ARTICLE 18)

Article 18 of the Convention provides that “Everyone shall have the right to freedom of thought, conscience and religion...” Palestinian law does not guarantee this right. Article 4 of the Palestinian Basic Law states that “Islam is the official religion in Palestine.” While it adds that respect for other religions will be maintained, it also states that “the principles of Islamic Sharia shall be a principal source of legislation.” As scholars have noted, subordination of legislation to Islamic Sharia law means that Sharia supersedes traditional western human rights even if such rights are technically guaranteed in law.<sup>62</sup> Furthermore, Article 18 of the Basic Law states that freedom of religion is guaranteed only if “public order and morals are not violated”—a vague and limiting phrase that does not comply with the language of Article 18.<sup>63</sup>

### A. Palestinian Violations Against Jews

The Oslo Accords lists twelve Jewish religious sites in the West Bank and Gaza Strip which are supposed to be protected by the PA, including by ensuring free access and freedom of worship.<sup>64</sup> However, the PA fails to protect these religious sites or to ensure free access and freedom of worship for Jews at the sites in violation of Article 18.

As outlined herein, a key aspect of the Palestinian narrative reflected in the PA report, as well as in the laws, policies and statements of the PA and Hamas, is the absolute rejection of any Jewish historical claim to Israel or the Palestinian territories. Judaism’s holiest sites, including the Western Wall, the Cave of the Patriarchs, Rachel’s Tomb, and many other sites, are in territory that was controlled by Jordan from 1948 to 1967 and is now part of the West Bank or East Jerusalem. During Jordan’s occupation, Jews were denied access to these sites. Moreover, under Jordan’s rule, synagogues in the Jewish Quarter of the Old City were destroyed or desecrated and the Jewish cemetery on the Mount of Olives was desecrated.<sup>65</sup> Jewish access to these sites was restored only after Israel gained control of the area in 1967.

Unfortunately, after the PA took control of Areas A and B of the West Bank pursuant to the Oslo Accords, Jewish access to many of these sites again became restricted. Palestinian officials have made clear their position that Jews have no rights in such historically Jewish religious sites as the Western Wall or the Cave of the Patriarchs, claiming them as Islamic sites.<sup>66</sup>

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<sup>62</sup> Majid Rafizadeh, *Christians Sentenced to Death Under Sharia Law*, **Gatestone Institute** (October 14, 2018), <https://www.gatestoneinstitute.org/13122/christians-death-sharia>; Antonio Gutierrez, *Compatibility of Sharia law with the European Convention on Human Rights*, **Council of Europe Parliamentary Assembly** (2018) (last visited July 4, 2019) <http://website-pace.net/documents/19838/4246196/20181214-PRESSSHARIA-EN.pdf/c3faf77a-c8c7-448d-ac91-a79db1cf4822>.

<sup>63</sup> Articles 4, 18, 2003 Amended Basic Law (last visited May 1, 2023), <https://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>.

<sup>64</sup> The Israeli-Palestinian Interim Agreement – Annex III, Schedule 4 (September 28, 1995), <https://mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20israeli-palestinian%20interim%20agreement%20-%20annex%20iii.aspx>.

<sup>65</sup> Mitchell Bard, *Will Palestinians Protect Freedom of Religion and Holy Places in Jerusalem?* **Algemeiner** (January 10, 2018), <https://www.algemeiner.com/2018/01/10/will-palestinians-protect-freedom-of-religion-and-holy-places-in-jerusalem/>.

<sup>66</sup> *Id.*; *Fatah and PA officials: Cave of the Patriarchs “is a purely Islamic mosque where the Jews have now right,”* **PMW** (August 9, 2018), [https://www.palwatch.org/main.aspx?fi=1100&doc\\_id=26303](https://www.palwatch.org/main.aspx?fi=1100&doc_id=26303).

The Palestinians also have misused international bodies like UNESCO to impose a politicized agenda which denies Jewish historical rights to these holy sites, and falsely accuses Israel of endangering those sites.<sup>67</sup> In fact, it is the Palestinians who, for example, have been endangering the Temple Mount by illegally removing archaeologically-rich earth from the area.<sup>68</sup> Even today, Jews do not have freedom of worship on the Temple Mount—Judaism’s holiest site—and their access to the site is highly restricted because of the threat of Palestinian violence.

Against this background, it is not surprising that the PA fails to protect Jewish holy sites and ensure the safety of Jewish worshippers at these sites in the territory under its control. Below are some examples:

- **Joseph’s Tomb** – Located in the heart of the PA-controlled city of Nablus, Joseph’s Tomb is a popular pilgrimage site for Jews. However, due to its location, Jews cannot freely and securely worship there. Under the Oslo Accords, the site was to remain under Israeli control, but the Israeli army withdrew in October 2000 after the site was burnt down by Palestinians.<sup>69</sup> Now monthly Jewish visits must be coordinated and pre-authorized. The visits take place at night, under heavy guard by the Israeli army and are routinely attacked by Palestinian rock throwers or worse.<sup>70</sup> In October 2015, at the height of a renewed wave of Palestinian terrorism, Palestinian rioters set fire to the Tomb.<sup>71</sup> Although Abbas condemned that attack, he himself had incited Palestinian violence with accusations that Israel was trying to take over the Al Aqsa.<sup>72</sup> The site was attacked several times in 2022, including in April when Palestinian vandals set fire to the tomb

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<sup>67</sup> *Reasons Why Israel & U.S. Pulled Out of UNESCO*, **UN Watch** (December 23, 2017), <https://unwatch.org/israel-pulls-unesco/>; *PLO outraged as UNESCO chief Irina Bokova slams own agency’s Arab-drafted resolution on Jerusalem*, **UN Watch** (October 17, 2016), <https://unwatch.org/plo-outraged-unesco-chief-irina-bokova-slams-agencys-arab-drafted-resolution-jerusalem/>

<sup>68</sup> Amanda Borschel-Dan, *Muslim cleanup project ‘illegally disturbed, removed’ ancient soil on Temple Mt.*, **TOI** (June 22, 2018), <https://www.timesofisrael.com/muslim-cleanup-project-illegally-disturbed-removed-ancient-soil-on-temple-mt/>; Daniel K. Eisenbud, *Disproving ‘Temple Mount Denial’ One Bucket at a Time*, **Jerusalem Post** (October 6, 2017), <https://www.jpost.com/Magazine/Disproving-Temple-Mount-denial-one-bucket-at-a-time-506539>.

<sup>69</sup> Marcy Oster, *2 Palestinians killed in Nablus after throwing explosives at soldiers guarding worshippers at Joseph’s Tomb*, **JTA** (March 20, 2019), <https://www.jta.org/quick-reads/2-palestinians-killed-in-nablus-after-throwing-explosives-at-soldiers-guarding-worshippers-at-josephs-tomb>.

<sup>70</sup> Jacob Magid, *Activists’ given special entry to Joseph’s Tomb*, **TOI** (May 11, 2017), <https://www.timesofisrael.com/activists-given-special-entry-to-josephs-tomb/>.

<sup>71</sup> *Palestinian rioters torch Jewish holy site Joseph’s Tomb*, **BBC** (October 16, 2015), <https://www.bbc.com/news/world-middle-east-34547523>.

<sup>72</sup> *Joseph’s Tomb set ablaze by Palestinian rioters*, **Jerusalem Post** (October 16, 2015), <https://www.jpost.com/Arab-Israeli-Conflict/Josefs-Tomb-set-ablaze-by-Palestinian-rioters-426143>; Ari Rabinovitch, *Palestinians set fire to Jewish shrine; Israeli soldier stabbed*, **Reuters** (October 16, 2015), <https://www.reuters.com/article/us-israel-palestinians/palestinians-set-fire-to-jewish-shrine-israeli-soldier-stabbed-idUSKCN0SA0GY20151016>.

and in June when Palestinian gunmen fired on Jewish worshippers.<sup>73</sup> In September 2021, Palestinians had attacked the monthly pilgrimage with live fire, stones and explosives.<sup>74</sup>

- **Joshua’s Tomb** – As with Joseph’s Tomb, Jewish pilgrimages to Joshua’s Tomb, located in the Palestinian village of Kifl Haris, are conducted under heavy guard by the Israeli army in the middle of the night due to security concerns.<sup>75</sup> These visits have been attacked by Palestinian rioters.<sup>76</sup> In February 2018, the site was defaced with swastikas and graffiti.<sup>77</sup>
- **Burial site of Itamar and Elazar** – Another Jewish holy site in an area controlled by the PA is the burial site of Aaron’s sons, Itamar and Elazar, in the Palestinian village of Awarta. As with the other sites, Jewish visits are restricted and occur only on specific days under IDF protection. These visits have been subject to attacks and the site itself has been desecrated.<sup>78</sup>

**Recommendations: The Committee should reject the Palestinian narrative that denies Jewish historical rights in Israel and its holy sites located in the West Bank. The Committee should demand that the PA protect the rights of Jews to access and worship at their holy sites through legislation and accountability for perpetrators. The Committee should also demand that the PA preserve Jewish holy sites and refrain from engaging in activity that would damage the sites or their rich archaeological surroundings.**

## **B. Palestinian Violations Against Christians**

The PA and Hamas also fail to guarantee freedom of religion for Christians. The Christian population in the West Bank and Gaza has rapidly declined over the years, while the Christian population in Israel remains steady. Although Christians comprised 5% of the West Bank in the 1970s, they are now just 2% of the population. In the traditionally Christian cities of Bethlehem, Beit Sahour and Beit Jala, the Christian population dropped from 86% in 1950 to 12% in 2016.<sup>79</sup> In Gaza, the Christian population has dwindled from 5,000 in the year before

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<sup>73</sup> *Palestinians attack biblical figure Joseph’s tomb in West Bank*, **BBC** (April 11, 2022), <https://www.bbc.com/news/world-middle-east-61040362>; Tovah Lazaroff, Khaled Abu Toameh, *Palestinian gunmen fire on Jewish worshippers at Joseph’s Tomb*, **Jerusalem Post** (June 30, 2022), <https://www.jpost.com/breaking-news/article-710776>.

<sup>74</sup> *Two Israeli soldiers lightly hurt in clashes near West Bank shrine*, **TOI** (September 27, 2021), <https://www.timesofisrael.com/two-soldiers-said-lightly-hurt-in-clashes-near-west-bank-shrine/>.

<sup>75</sup> Tovah Lazaroff, *In pictures: thousands hike at midnight to visit Joshua’s grave*, **Jerusalem Post** (May 4, 2016), <https://www.jpost.com/Israel-News/Thousands-hike-at-midnight-to-visit-Joshuas-grave-453057>.

<sup>76</sup> *Firebombs on Joshua’s Tomb*, **Israel National News** (December 28, 2017), <http://www.israelnationalnews.com/News/News.aspx/239925>

<sup>77</sup> Jacob Magid, *Jewish worshippers find swastikas defacing holy site in Palestinian village*, **TOI** (February 22, 2018), <https://www.timesofisrael.com/jewish-worshippers-find-swastikas-defacing-holy-site-in-palestinian-village/>.

<sup>78</sup> Ron Ben-Tovim, *Beyond Temple Mount: A Look at Contested Holy Sites in the Israeli-Palestinian Conflict*, **Haaretz** (October 22, 2015), <https://www.haaretz.com/israel-news/.premium-a-look-at-contested-holy-sites-in-the-conflict-1.5412383?=&ts= 1561532376453>.

<sup>79</sup> Melanie Lidman, *Christians worry ‘Silent Night’ may soon refer to their community in Bethlehem*, **TOI** (Dec. 24, 2016), <https://www.timesofisrael.com/christians-worry-silent-night-may-soon-refer-to-their-community-in-bethlehem/>.

Hamis took control of the Strip to 1,100 today.<sup>80</sup> This matches similar trends in other parts of the Middle East where Christians are being targeted by Muslim extremists (e.g., in Egypt, Iran, Iraq, Pakistan and Syria).

In this respect, the Christians in the West Bank and Gaza are no different from their brethren across the Middle East, as they too suffer routine persecution and discrimination at the hands of radical Muslims, including physical attacks, attacks on property, pressure to convert to Islam, land theft, and other forms of intimidation and harassment. Furthermore, a Muslim who wishes to convert to Christianity in the West Bank or Gaza may face discrimination from both Muslims and Christians, may be rejected by his/her family or forcibly confined to his/her home, and in extreme cases may even be killed.<sup>81</sup>

As recently as October 2022, a Palestinian Orthodox Church near Bethlehem was attacked by Palestinian stone throwers.<sup>82</sup> In the first half of 2019 alone, there were at least three grave attacks on Christians in the West Bank. On April 25, 2019, the Christian village of Jifna near Ramallah was attacked by Muslim gunmen. During the attack, the PA failed to protect the Christian community and it did not arrest any suspects. On May 13, 2019, vandals desecrated a Maronite church in Bethlehem. On May 16, 2019, an Anglican church near Ramallah was attacked and desecrated.<sup>83</sup>

Regrettably, such attacks are not new. Many other similar attacks which were likewise ignored by the relevant governing authorities have been documented over the years.<sup>84</sup> For example, in 2016, Hamas in Gaza bulldozed the archaeological remnant of a Byzantine-era church. The same year, the PA police arrested a prominent Christian merchant from Bethlehem allegedly for threatening another merchant, a charge vehemently denied by the merchant.<sup>85</sup> In addition, Christians complain of land theft by a Muslim “mafia,” and there have been cases of Christians being kidnapped by militants and forcibly converted to Islam.<sup>86</sup> Sadly, this has led to a

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<sup>80</sup> *Id.*

<sup>81</sup> Duane Alexander Miller, *Freedom of Religion in Israel-Palestine: May Muslims Become Christians, and do Christians have the Freedom to Welcome Such Converts?* **St. Francis Magazine** (Vol. 10, No. 1, April 2014), pp. 19-21.

<sup>82</sup> Khaled Abu Toameh, *Christian leaders condemn attack on church near Bethlehem*, **Jerusalem Post** (October 30, 2022), <https://www.jpost.com/middle-east/article-720963>.

<sup>83</sup> Dr. Edy Cohen, *The Persecution of Christians in the Palestinian Authority*, **The Begin-Sadat Center for Strategic Studies** (May 27, 2019), <https://besacenter.org/wp-content/uploads/2019/05/1184-The-Persecution-of-Christians-by-the-PA-Cohen-English-final.pdf>.

<sup>84</sup> Justus Reid Weiner, *Middle Eastern Christians Battered, Violated, and Abused, Do They Have Any Chance of Survival?* **Jerusalem Center for Public Affairs** (2014), <http://jcpa.org/text/book.pdf>; Khaled Abu Toameh, *Palestinians: Erasing Christian History*, **Gatestone Institute** (April 12, 2016), <https://www.gatestoneinstitute.org/7832/palestinians-christian-history>.

<sup>85</sup> Khaled Abu Toameh, *Palestinians: Erasing Christian History*, **Gatestone Institute** (April 12, 2016), <https://www.gatestoneinstitute.org/7832/palestinians-christian-history>.

<sup>86</sup> Justus Reid Weiner, *supra note 84 p. 20; see also Rami Dabbas, 'Not suitable for living': Gaza's Christian population dwindles amid Hamas rule, job struggles*, **The Christian Post** (May 21, 2021), <https://www.christianpost.com/news/gazas-christian-population-dwindles-amid-hamas-rule.html>; Nidal al-Mughrabi, *Gaza Christians sense pressure to convert to Islam*, **Reuters** (July 6, 2012), <https://www.reuters.com/article/us-palestinians-christians-conversion/gaza-christians-sense-pressure-to-convert-to-islam-idUSBRE86P0J420120726>.

situation where Palestinian Christians feel intimidated, refrain from wearing crosses and carrying Bibles in public, and fear performing conversions on Muslims who wish to change faiths.<sup>87</sup>

Although many Palestinian Christians prefer to downplay the problem and even laud their relationship with their majority Muslim neighbors as a model of peaceful coexistence, some admit—though mostly in private—that they suffer violence at the hands of Palestinian Muslims as well as discrimination in hiring, housing, and education. As one Palestinian Christian said in 2013, “We are harassed, but you wouldn’t know the truth. No one says anything publicly about the Muslims. This is why Christians are running away.”<sup>88</sup>

**Recommendations: The Committee should demand that the PA and Hamas protect Christian holy sites and the rights of Christians to freely practice their religion through legislation and accountability for perpetrators.**

## VI. CONCLUSION

The PA’s report seeks to distract this Committee from its own obligations under the Convention by omitting crucial facts and data about egregious violations within its territory, while at the same time wrongly pointing the finger at Israel, which is not the subject of this review. This report documents how the PA and Hamas are guilty of committing gross violations of the rights under the Convention including violations of the right to life, arbitrary detentions, torture, restrictions on freedom of religion, restrictions on media freedom, racist incitement, and many other violations as detailed herein. We trust the Committee will look beyond the PA report and demand accountability from the PA for its non-compliance with the Convention.

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<sup>87</sup> Justus Reid Weiner, *supra note* 84 p. 19; Miller, *supra note* 81, p. 19.

<sup>88</sup> *Id.*