

دولة فلسطين

البعثة المراقبة الدائمة لدى الأمم المتحدة  
جنيف



*State of Palestine*

*Permanent Observer Mission to the United Nations  
Geneva*

The Permanent Observer Mission of the State of Palestine to the United Nations and other International Organisations in Geneva, and the State Representative, designated in accordance with Article 11, paragraph 5 of the International Convention on Elimination of All Forms of Racial Discrimination, H.E. Mr. Ammar Hijazi (hereinafter: the State Representative), present their compliments to the Secretariat of the United Nations Office of the High Commissioner for Human Rights (hereinafter: the Secretariat), and has the honor to transmit the attached observations to the Committee on the Elimination of Racial Discrimination (hereinafter: the Committee), further to the Note, dated 23 August 2019, of the Secretariat on behalf of the Committee, and the Note submitted by Israel of 20 August 2019 addressed to the Secretariat relating to the interstate communication brought by the State of Palestine against Israel under Art. 11 CERD, as well as the Note, dated 26 August 2019, of the Secretariat transmitting the Committee's decision on Palestine's request to have a meeting with the Committee.

The Permanent Observer Mission of the State of Palestine and the State Representative acknowledge and welcome the fair and balanced approach taken by the Committee in light of the attempt, by the State of Israel, to undermine the ongoing interstate complaint procedure under Arts. 11-13 CERD, and are submitting the attached observations "(...) to guarantee fairness of the proceedings (...)", as determined by the Committee.

Furthermore, the attached observations are presented in light of the recent developments and following the Committee's decisions, which were transmitted in the above-mentioned communications:, namely (1) to "(...) delay the proceedings related to the interstate communication submitted by the State of Palestine under article 11 of the Convention (ICERD-ISC-2018/3) (...) at the Committee's 100th session", due to the fact that Israel had illegally obtained access to the confidential communication between the Committee and the United Nations Office of Legal Affairs (hereinafter: OLA) and (2) that "(...) during the ongoing session (...) no meeting with the parties involved will therefore take place". In this regard, the Permanent Observer Mission of the State of Palestine and the State Representative also feel compelled to note observations regarding the OLA memorandum.

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The Permanent Observer Mission of the State of Palestine and the State Representative underline that, given the fact that Israel has had access to the OLA memorandum, in yet unascertained circumstances, and in violation of its procedural good faith obligations arising under ICERD, Israel must be estopped from relying on the position taken by OLA, and that the constructive dialogue with Israel at the Committee's 100th session cannot in any manner whatsoever address the procedure or content of the pending interstate communication, submitted by the State of Palestine under article 11 of the Convention (ICERD-ISC-2018/3).

The Permanent Observer Mission of the State of Palestine and the State Representative, kindly requests the Secretariat to bring to the attention of the Committee and its members the content of this note and of the enclosed document while the Committee is still in session.

The Permanent Observer Mission of the State of Palestine and the State Representative avail themselves of this opportunity to renew to the Secretariat of the United Nations (Office of the High Commissioner for Human Rights) the assurance of their highest consideration.

Geneva, 28 August 2019

