

**Alternative Report of United Nations Watch to the 99th Session  
of the Committee on the Elimination of Racial Discrimination  
for its review of State of Palestine**

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12 July 2019

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## **SUMMARY**

This alternative report is submitted by United Nations Watch, an accredited NGO in Special Consultative Status to the UN Economic and Social Council (ECOSOC). United Nations Watch is primarily concerned with the just application of the UN Charter principles. It is a leader at the UN in the struggle against antisemitism, and campaigns at world bodies against all forms of racism and discrimination.

United Nations Watch presents this submission to the UN Committee on the Elimination of Racial Discrimination (“Committee”) for its review of the compliance by the State of Palestine with the International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD”) at the Committee’s 99th session. The State of Palestine purported to accede to ICERD in April 2014.

This report reviews compliance with ICERD by the Palestinian Authority (“PA”) and Hamas, the respective governing entities in the West Bank and Gaza Strip, focusing on ICERD Articles 3, 4, 5 and 7. The information in this report is taken from publicly available academic and media sources, many of which originate in Palestinian media.

This report presents examples of numerous violations of ICERD which are completely ignored in the PA’s State party report. We note that the PA report to the Committee fails even to acknowledge the rampant murderous antisemitic and terrorist incitement disseminated by Palestinian officials and media and in the Palestinian education system (violations of Articles 4 and 7). This antisemitism is rooted in the foundational documents of the PA and Hamas which classify Zionists and Jews as the enemy and call for the elimination of the State of Israel; and has made its way into Palestinian laws criminalizing the sale of land to Israeli Jews and financially rewarding terrorists for the murder of Israeli Jews (violations of Articles 3 and 5). In addition, the rights of Jews to worship at religious sites in Palestinian-controlled areas are routinely violated by desecration of the sites and attacks on convoys of Jewish worshippers (Article 5).

Although Israel has a thriving Arab minority that actively participates in and contributes to Israeli society, there are no Jews in the Palestinian-controlled territories and it is dangerous for Jews, particularly Israeli Jews, even to travel there. It appears that because of the absence of Jews from the territory, the PA believed it was not necessary to address the issue of antisemitism in its report to the Committee. However, ignoring the issue does not erase the harm such antisemitism causes to both Israelis and Palestinians. Moreover, it does not change the fact that it blatantly violates ICERD. Accordingly, we call on the Committee to thoroughly examine and address this issue.

## **INTRODUCTION**

ICERD obligates state parties, among other things, to:

- “Prohibit and eradicate” all practice of “racial segregation and apartheid.” (Article 3);
- Criminalize racial propaganda and incitement to racial discrimination and violence; and prohibit public authorities or institutions from “promot[ing] or incit[ing] racial discrimination.” (Article 4);

- Guarantee the right of everyone to basic freedoms, including security of the person, the right to own property, freedom of thought, conscience and religion (Article 5); and
- Adopt measures in the fields of “teaching, education, culture and information with a view to combating prejudices...and to promoting understanding, tolerance and friendship among nations” (Article 7).

However, the PA and Hamas routinely violate these provisions through laws, policies, and statements aimed at denying any Jewish rights in Israel or the Palestinian-controlled territories; and inundating Palestinian society, including children, through the education system and the media with messages of hate and violence, which encourage the killing of Israelis and glorify martyrdom in the struggle to liberate all of Israel (from the Jordan River to the Mediterranean Sea) for Palestine. Thus, instead of preventing racial incitement against Jews and Israelis, Palestinian leaders actively promulgate such incitement with impunity.

The systematic Palestinian incitement to murder Israeli Jews because of their identity has the danger of leading to atrocity crimes. “Atrocity crimes,” in the words of UN Secretary-General Antonio Guterres, “do not generally happen suddenly or spontaneously. The processes leading to them take time to unfold.” One of the most common of these signs, noted Mr. Guterres, is “the dissemination of hate speech—messages in public discourse and the media, including social media, which spread hostility and encourage people to commit violence against specific communities, often based on their identity.”<sup>1</sup>

It is emphasized that the antisemitic incitement is carried over into laws, policies and actions. For example, Palestinian land laws prohibit the sale of land to Israeli Jews; and Israeli law prohibits Israelis from entering the territories controlled by the PA and Hamas for safety reasons—Israelis that enter these territories risk being physically attacked and even killed. Even worse, Palestinian law incentivizes the murder of Israeli Jews by providing financial rewards to Palestinian terrorists who kill or attempt to kill Israeli Jews.

Palestinian violations of ICERD, including incitement to racial hatred and failure to protect the right to freedom of thought, conscience and religion also violate other international treaties, including the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

Disturbingly, in its report to the Committee, the PA attempts to deflect the Committee’s focus from its own violations by repeatedly blaming Israel for violating Palestinian rights. For example, while the PA ignores widespread antisemitic and terrorist incitement by its own officials, it accuses Israeli officials of engaging in anti-Palestinian racist incitement and refers to a culture of impunity in Israel. In addition, the PA submission accuses Israel of harming Palestinian holy sites such as the Al Aqsa Mosque, but completely ignores Palestinian violations against Jewish holy sites in the Palestinian-controlled territories.

We further note that the PA submission also contains a gratuitous and false narrative of the history of the Jewish and Palestinian presence in the region and the origins of the Israeli-Palestinian conflict. Due to space limitations, we will not rebut that false narrative here.

Complaints about Israel are appropriately addressed by the Committee in its review of Israel. The Committee’s last report on Israel addressed many of the issues raised against Israel in the PA’s present report.<sup>2</sup> By using its own treaty body review as a second opportunity for lodging

complaints against Israel, the PA is wrongly attempting to avoid its own responsibility. Moreover, the PA is exploiting and abusing the treaty body review process and wasting the Committee's valuable time.

In this regard, United Nations Watch is troubled by the 2018-2022 UNDAF agreement,<sup>3</sup> between the PA and 17 UN agencies, which budgets \$18 million for the strategic priority titled "human rights mechanisms are increasingly engaged to hold Israel accountable for its obligations under international law." Among other things, this funding is earmarked for "documenting and reporting on grave violations [by Israel] of child rights, women's rights, and rights of other vulnerable groups."

Allocating UN resources for one-sided advocacy against a UN member state at international bodies directs UN agencies to side with one of the parties to hostilities—the Palestinians against Israel in the Israeli-Palestinian conflict, and thus is contrary to the principle of UN neutrality.<sup>4</sup>

This politicized funding also completely ignores the numerous rights violations by the PA and Hamas against Israeli Jews, most outrageously their active and pervasive incitement of the Palestinian population to kill Israeli Jews.

To the extent any of the UNDAF-budgeted funds were utilized in any way in preparing the PA's report to the Committee, including through UN agencies or NGOs who contributed data to the report, this is a gross misuse of scarce UN resources.

We hope the Committee will avoid being drawn into the politics of the Israeli-Palestinian conflict, save any comments or criticisms about Israel for its review of Israel, and use this review to address only Palestinian compliance with ICERD.

## **JURISDICTION**

There are serious questions about the legitimacy of the PA and its current leadership under President Mahmoud Abbas to represent the State of Palestine. Under the Oslo Accords, the PA is the governing body of specified areas of the West Bank and the Gaza Strip.<sup>5</sup> In 2005, Israel completely withdrew its armed forces and civilian population from Gaza. In 2006, Hamas was elected to power, and in 2007 it violently seized control of the territory from the Fatah party, leading to the current *status quo* where Hamas controls Gaza and the Fatah-led PA controls only the West Bank.

In addition, Abbas's four-year presidential term ended in 2009, and the mandate of the PA parliament—the Palestinian Legislative Council ("PLC"), which has been paralyzed since the Hamas take-over of Gaza in 2007—expired in 2010. Elections have been repeatedly postponed as a result of the inability of Hamas and the Fatah-led PA to reconcile, and the insistence of both sides that free and fair elections are not possible due to intimidation of opponents by the other side in the territory each party controls.<sup>6</sup>

While the PA acted in the name the State of Palestine in purportedly acceding to 15 international treaties in April 2014, including ICERD, it is questionable whether it had the authority to do so.

In any event, any review of Palestinian compliance with ICERD, must include a review of both the PA and Hamas. Violations of ICERD, both by the PA and Hamas, are numerous. This report provides some examples for each violation but is not exhaustive.

## **PALESTINIAN AUTHORITY AND HAMAS VIOLATIONS OF ICERD**

### **I. RACIAL SEGREGATION AND APARTHEID (Article 3)**

One of the most disturbing features of the PA's report to the Committee is its complete and utter failure even to acknowledge the existence of any discrimination towards, or violence against, Israelis and Jews, or incitement thereto. This may be due to the fact that no Jews reside in the Palestinian-controlled territories, by the express design of the Palestinians and their Jordanian predecessors in the West Bank.

Article 3 of ICERD obligates state parties to "undertake to prevent, prohibit and eradicate all practices" of "racial segregation and apartheid." As explained in the Committee's guidelines for state party reports, the reference to apartheid refers to "all forms of racial segregation."<sup>7</sup> Racial segregation, more specifically the ethnic cleansing of Jews, has been the policy in the West Bank at least since Jordan took control in 1948 when it massacred or forcibly expelled any remaining Jewish residents and destroyed Jewish synagogues, cemeteries and schools.<sup>8</sup>

At the end of the 1948 war for Israel's independence no Jews were left in the West Bank. The West Bank, including East Jerusalem and the Jewish Quarter of the Old City, remained free of Jews for the next 19 years until Israel defeated Jordan in the Six Day War, after which Jews returned to lands Jews had purchased there prior to Israel's independence.<sup>9</sup> At the same time that Jordan ensured the West Bank was free of Jews, those Arabs who remained in Israeli territory following the 1948 war gained Israeli citizenship and became part of Israeli society. Today, there are many prominent Israeli Arab figures, including doctors, lawyers, judges, politicians and media personalities in Israel. However, there is no Jewish community in the Palestinian-controlled territories.

Moreover, the vision for any future Palestinian state is one of a state that is completely free of Jews (*judenrein*). This is clearly set out in the foundational documents of the main Palestinian nationalist movements, specifically, The Palestine Liberation Organization (PLO), its dominant Fatah faction, and Hamas. Those documents reject Israel's right to exist in any part of Palestine and view Jews and Zionism as the enemy. This Palestinian rejection of the rights of Jews to any part of the territory continues today, as it has been enshrined in Palestinian legislation prohibiting land sales to Jews and rewarding Palestinian terrorists for murdering Jews, and is reflected in statements by Palestinian officials, in the media and in the education system.

#### **A. Palestinian Charters Reject Israel's Right to Exist**

##### *1. PLO and Fatah Charters*

The Palestinian National Charter<sup>10</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 all provisions calling for the destruction of the State of Israel, that change never occurred.<sup>11</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 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>12</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. Furthermore, the PLO Charter 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>13</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, as detailed in Section II below. As recently as July 2016, PA President Mahmoud Abbas said 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>14</sup>

## 2. *Hamas Charter*

Hamas is the governing authority in the Gaza Strip. The 1988 Hamas Charter<sup>15</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 is described in military terms, 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).

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>16</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.”



## **B. Palestinian Authority law prohibits land sales to Jewish Israelis**

Palestinian rejection of Jewish rights in Palestine is not limited to the aforementioned charters, but is manifest today in Palestinian legislation, including in PA land laws. In December 2018, the case of American-Palestinian Isaam Akel made headlines when he was sentenced to life in prison with hard labor for violating the Palestinian law prohibiting land sales to Israelis. He was tried for attempting to sell property located in the Muslim Quarter of the Old City of Jerusalem to a Jewish Israeli organization. The Palestinian Grand Criminal Court convicted Akel of “attempting to cut off a part of the Palestinian land and adding them to a foreign country.”<sup>17</sup>

Akel’s conviction was part of a PA crackdown on land sales to Jews. One week before the conviction, the PA announced the arrest of 44 Palestinians for involvement in attempted sales of properties in the West Bank and East Jerusalem to Jewish Israelis.<sup>18</sup> Two months earlier, in November 2018, two Palestinians were sentenced to 15 years of hard labor for selling land to Israeli Jews.<sup>19</sup>

Palestinian persecution of those attempting to sell land to Jews is not a new phenomenon. In 2016, a group of Palestinian activists, operating with the blessing of senior PA and Hamas officials, undertook a campaign against Palestinians engaged in land sales to Jews.<sup>20</sup> In 2009, a Hebron court sentenced a Palestinian man to death by hanging for selling land near his village in the West Bank to Israelis.<sup>21</sup> In 2010, another PA court ruled that selling, or attempting to sell land to a foreign country could result in the death penalty.<sup>22</sup> Prior to that, at least eight Palestinians suspected of involvement in the sales of property to Jews had been kidnapped and executed extrajudicially.<sup>23</sup>

The prohibition against selling land to Israeli Jews is based on PA laws and fatwas (Islamic religious decrees).<sup>24</sup> Article 114 of the Jordanian Penal Code, applicable to the Palestinian territories, prohibits Palestinians from selling lands to “an enemy state or one of its subjects.”<sup>25</sup> Enemy state refers to Israel. In a 2014 executive order, PA President Mahmoud Abbas amended this section of the penal code to increase the penalty for this crime from temporary hard labor to hard labor for life.<sup>26</sup> However, courts have meted out the death sentence based on the PLO’s Revolutionary Penal Code (1979) which applies the death penalty to traitors and those accused of “transferring positions to the enemy.”<sup>27</sup>

Palestinians consider it treason to sell land to Israeli Jews. In October 2018, amidst the recent crackdown, the Palestinian Fatwa Supreme Council issued a statement renewing the ban on property transactions with Israelis, emphasizing that “selling [property] to the occupation or facilitating the transfer of its ownership...is a great betrayal of the religion, the homeland, and morals.”<sup>28</sup> At around the same time, the PA daily *Al-Hayat Al-Jadida* reported that Abbas’s Fatah faction emphasized that “sale of properties and lands to the occupation...constitutes high treason.” Likewise, a recent study by the Palestinian Center for Policy and Survey Research found that nearly 90% of surveyed Palestinians would call Palestinians who sell land to Jews “traitors.”<sup>29</sup>

To this day, Jewish Israelis cannot live in or even enter the territories controlled by the PA (areas A and B of the West Bank), which include a number of Jewish holy sites. Jews risk being physically assaulted or murdered if they enter these areas even by accident.<sup>30</sup> The Palestinian prohibition on the sale of land to Jews and the draconian penalties for violating this prohibition

demonstrate that the PA intends to keep its territory *judenrein*. This amounts to apartheid and a blatant violation of Article 3 of ICERD.

### **C. Palestinian Authority law promotes and rewards terrorism against Jewish Israelis**

The continuing Palestinian rejection of Jewish rights in Palestine is further manifest in the so-called “pay for slay” laws. Consistent with the PLO’s declared goal of liberating Palestine and eradicating Zionism, Palestinian law actively encourages the murder of Jewish Israelis through its program of martyr and prisoner payments. 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>31</sup> A series of other laws from 2004 and 2013 mandate payments to these terrorists and/or their families with the amount of the payment determined according to the severity of the crime.

Each of these laws—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)—defines prisoner as “anyone incarcerated in the occupation’s prisons for his participation in the struggle against the occupation,”<sup>32</sup> a reference to involvement in terror attacks against Israel. Furthermore, the law’s description of the prisoners as “a fighting sector and an integral part of the fabric of the Arab Palestinian society,” legitimizes their acts of terrorism and demonstrates their important position in Palestinian society. Significantly, these laws reward only terrorists who killed or injured Israelis or attempted to do so. Persons convicted of non-terrorist related crimes like theft do not receive similar rewards.

According to the law, the rewards to these terrorists include a monthly salary and other benefits, such as tuition fees at state universities and priority job placements at state institutions upon release from prison, with seniority determined based on the length of the prison term.<sup>33</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>34</sup> Thus, the more serious the crime, the longer the prison sentence and the higher the salary.

More than 4,500 Palestinian prisoners serving time in Israeli jails for terror-related offenses receive salaries and benefits from the PA.<sup>35</sup> Each year, the PA allocates approximately 7% of its budget to terrorist payments. The PA budget for 2018 allocated \$155 million (out of \$5 billion) to support for prisoners. Another \$185 million was allocated to support the families of 24,000 “martyrs,” *i.e.*, Palestinians killed while carrying out terrorist attacks or militant activities against Israel.<sup>36</sup> These payments cannot be characterized as welfare as the payments are not based on need and the budget separately allocates \$212 million for welfare. In 2017, \$353 million was allocated to terrorist salaries and in 2016, \$303 million was allocated to terrorist salaries.<sup>37</sup> Despite a financial crisis this year which led to cuts in the salaries of the PA’s actual public employees, PA salaries to terrorists increased by 11.8% from 2018 to 2019.<sup>38</sup>

The PA program of terror payments, which promotes and encourages the murder of Israeli Jews, has been widely condemned. Last year, the United States Congress passed the Taylor Force Act to cut aid to the Palestinians until they end their policy of giving reward payments to terrorists.<sup>39</sup> Criticizing the Palestinian terror payments, top European Union official Johannes Hahn recently stated that payments to Palestinian terrorists and their families should be based on need only.<sup>40</sup> In March 2018, British lawmakers Joan Ryan and Ian Austin urged Prime Minister Theresa May to

cut British aid to the PA by 14% over its payments to terrorists.<sup>41</sup> In the past, the United Kingdom has frozen part of its aid to the PA over such payments.<sup>42</sup>

In response, President Mahmoud Abbas reiterated the PA's commitment to these payments, stating "even if we have only a penny left, we will give it to the martyrs, the prisoners and their families."<sup>43</sup>

Like the land laws, the "pay for slay laws" are aimed at keeping Jews out of areas controlled and claimed by the PA, thereby promoting apartheid in violation of ICERD Article 3.

**RECOMMENDATIONS: The PA and Hamas must end all practices of racial segregation and apartheid, including by removing racist laws that criminalize the sale of property to Israeli Jews; terminating all legal proceedings and discrimination against Palestinians suspected of involvement in land sales to Israeli Jews; ending the practice of financial rewards to terrorists for killing or attempting to kill Israeli Jews; accepting the historical connection of the Jews to the land of Israel; and the rights of Jews to self-determination in the State of Israel.**

## **II. ANTISEMITIC INCITEMENT BY PALESTINIAN OFFICIALS (Article 4)**

State parties to ICERD have an obligation to take affirmative action to eliminate racial incitement. Article 4 provides, *inter alia*, that State parties "shall not permit public authorities or public institutions...to promote or incite racial discrimination." Compliance with Article 4 is mandatory and requires State parties both to enact appropriate legislation and ensure enforcement. Yet the PA and Hamas unabashedly violate this provision when their officials incite antisemitic racial hatred with impunity. Moreover, the Palestinian criminal laws concerning propaganda referenced in the PA's report do not address the problem of antisemitic incitement.

As documented below, themes repeated by Palestinian officials include:

- Jews have no historical connection to Palestine
- Israel and Zionism must be eliminated
- Palestine must be liberated from the Jordan River to the Mediterranean Sea
- Terrorists are heroes
- Jews are filthy
- Jews are usurers
- Jews control the world
- Jews are responsible for all the problems in the world
- Jews try to poison Palestinians

It is therefore astonishing that the PA claimed in its report that racist hate speech is rare.

### **A. Incitement by Palestinian Authority President Mahmoud Abbas**

Instead of prohibiting government officials from engaging in incitement to racial hatred pursuant to ICERD Article 4, Palestinian officials at the highest level routinely broadcast such incitement.

President Abbas himself spreads antisemitic incitement in his public speeches and statements, including in these examples:

- **Repeating libel that Israel poisoned Arafat:** Speaking to members of the press in Cairo, Abbas suggested Israel was trying to kill him and said: “They can also kill me with poison, as they poisoned the late President Yasser Arafat...” (*Al-Hayat Al-Jadida*, Jan. 15, 2019).<sup>44</sup>
- **Glorifying and inciting terrorism:** In a speech praising Palestinians who committed terrorist attacks against Israelis, Abbas said: “Even if we have only one penny left it will only be spent on the families of the Martyrs and the prisoners...[who are] paving the way for Palestine’s independence... We view the Martyrs and prisoners as stars in the sky of the Palestinian people...and they have priority in everything.” (*Official PA TV*, July 24, 2018).<sup>45</sup>
- **Spewing classical antisemitism:** In a speech to the Palestinian National Council, the legislative body of the PLO, Abbas spewed classic antisemitism, claiming the Jews are not “Semites,” that they are descendants of the “Khazar Kingdom,” that Jews have no historical connection to the land of Israel, and arguing that the Jews of Europe were hated “not due to their religion, but rather due to their social role...that was connected to usury, and banks...” (*Official PA TV*, May 2, 2018).<sup>46</sup> The speech was widely condemned as antisemitic, including by UN envoy Nickolay Mladenov, German Foreign Minister Heiko Maas, the European Union, the Swiss government, and several US officials.<sup>47</sup>
- **Blaming Israel for all the world’s problems:** In a speech on the Public Service Ethics Code, Abbas claimed: “The international community is becoming more and more convinced that the occupation of the Palestinian state by Israel is the reason for all the disasters that the region and the world are suffering from...” (*Official PA TV*, March 12, 2017).<sup>48</sup>
- **Spewing antisemitic libel:** In a speech to the EU Parliament, Abbas spewed a classic antisemitic libel, stating that “Some Rabbis rose up in Israel and explicitly announced and demanded of their government that it poison the water in order to kill Palestinians.” (*Official PA TV*, June 23, 2016).<sup>49</sup>
- **Justifying terrorism:** In the midst of the 2015/2016 wave of terror referred to by some as the Jerusalem Intifada, after four Israelis had been killed in terror attacks, Abbas justified the attacks and blamed them on Israel, threatening: “the occupation is responsible for what is happening,” and “the continuation of the settlers’ provocation at the blessed Al-Aqsa Mosque will lead to disastrous consequences.” (*Al-Hayat Al-Jadida*, Oct. 12, 2015).<sup>50</sup>
- **Inciting to terrorism:** At the beginning of that wave of terror, Abbas incited terrorism saying: “We bless every drop of blood that has been spilled for Jerusalem” and referred to Jews as filthy saying: “The Al-Aqsa [Mosque] is ours...and they have no right to defile it with their filthy feet. We will not allow them to...” (*Official PA TV*, Sep. 17, 2015).<sup>51</sup>

## **B. Incitement by Other Palestinian Authority Officials**

Following President Abbas’s example, PA officials spew Jew-hatred and terrorist incitement as a matter of routine, including in the following examples.

- **Advocating genocide against the Jews:** On Iranian television, Fatah official Abbas Zaki rejects idea of a two-state solution, stating that the Palestinian state would be “from the

[Jordan] River to the [Mediterranean] Sea” and that the “the Jews want to gather so they will be annihilated. Nobody accepts them.” (*Al-Alam TV*, May 29, 2018).<sup>52</sup>

- **Antisemitic libel:** PLO prisoners’ official publishes op-ed claiming that Israel keeps Palestinian “Martyrs [i.e., killed terrorists]” in freezers in fear of a “Talmudic [i.e., Jewish] legend” about their souls remaining alive. (*Palestine News Network*, Oct. 11, 2017).<sup>53</sup>
- **Denying Jewish ties to Israel:** PLO official Saleh Rafat states on PA TV that Jewish historical ties to the land of Israel is “a Zionist invention,” and the Jews are in “Palestine” because “Europe wanted to get rid of the Jews...” (*Official PA TV*, Nov. 15, 2017).<sup>54</sup>
- **Denying Jewish ties to Temple Mount:** PA Security Forces spokesman claims that the basis of the religious conflict in Jerusalem is “the extremist Israeli government’s insistence on taking control of the Al-Aqsa Mosque on the pretext of the Temple myth.” (*Wafa*, Official PA news agency, July 16, 2017, referring to Israel’s installation of metal detectors for security reasons).<sup>55</sup>
- **Antisemitic libel:** On PA television, PLO Executive Committee member Dr. Ahmed Majdalani accuses Israel of trying to destroy Palestinian society with drugs. (*Official PA TV*, Aug. 21, 2016)<sup>56</sup>
- **Demonizing Israel and equating it with the Nazis:** PLO official Bassam Abu Sharif alleges that Israel’s “crimes...exceeds the Nazi’s crimes by a few levels.” (*Donia Al-Watan*, Feb. 18, 2016).<sup>57</sup>
- **Classic antisemitism:** Fatah Spokesman Raafat Alayan refers to Jews as “apes and pigs.” (*Official PA TV*, Nov. 1, 2015).<sup>58</sup>

### C. Incitement by Hamas Officials

Likewise, Hamas officials routinely call for the destruction of Israel and include antisemitic motifs in their speeches. Some examples are excerpted below.

- **Antisemitic incitement:** Senior Hamas official Ismail Radwan rallies rioters at Gaza March of Return, referring multiple times to the Jews as “apes and pigs” who “will be burned,” and adding that “the Jews and Zionists are your enemies and the enemies of the Arab and Islamic nation.” (*Ismail Radwan’s Facebook page*, Dec. 27, 2018).<sup>59</sup>
- **Antisemitic incitement:** Hamas leader Ismail Haniyeh rallies Gaza rioters with antisemitic chants such as the famous call to kill the Jews, “Khaybar, Khaybar, O Jews, the army of Muhammad will return,” cries of “death to Israel,” and the promise to eliminate Israel “we shall never forget Palestine from the [Mediterranean] Sea to the [Jordan] River.” (*Palestinian web sources*, May 11, 2018).<sup>60</sup>
- **Calling for Israel’s destruction:** Hamas Gaza leader Yahya Sinwar rejects Israeli and U.S. demands for Hamas to disarm, and proclaims that Hamas is done discussing recognizing Israel and is only debating “when to wipe out Israel.” (*Shehab news agency*, Oct. 19, 2017).<sup>61</sup>
- **Calling to expel Jews from Israel:** Hamas leader Mahmoud al-Zahar states that “removing Jews from the land they occupied in 1948 is an immutable principle” found in

the Quran. He adds that the position of Hamas is “Palestine in its entirety [including Israel], and not a grain of soil less.” (*Al-Aqsa TV*, March 7, 2017).<sup>62</sup>

- **Antisemitic libel:** Hamas member of PA parliament Marwan Abu Ras calls the Jews “the most impure people,” accuses them of spreading “usury,” “porn,” “drugs,” and “AIDS among young Muslims,” and calls to kill the Jews proclaiming that “everything on this earth hates the members of the impure religion.” (*YouTube Channel of the International Union of Muslim Scholars*, Jan. 6, 2017).<sup>63</sup>

**RECOMMENDATIONS: The PA and Hamas must end all antisemitic and terrorist incitement by government officials by enacting and enforcing appropriate legislation.**

### **III. ANTISEMITIC INCITEMENT IN PALESTINIAN MEDIA AND EDUCATION (Articles 4 and 7)**

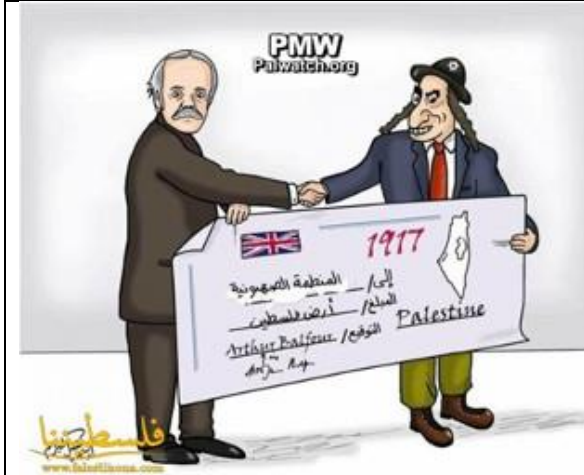
ICERD Article 4 obligates State parties to criminalize racial propaganda and Article 7 requires the adoption of measures “in the fields of education, culture and information, with a view to combating prejudices” and “promoting understanding, tolerance and friendship among nations and racial or ethnical groups.” Yet in violation of these Articles, both Palestinian media and education are used as tools to disseminate antisemitic propaganda and incitement. Regrettably, in its report to the Committee, while the PA references various laws, it completely ignores the existence of antisemitic and terrorist incitement in education and the media.

#### **A. Incitement Against Jews and Israelis in Palestinian Media**

The PA and Hamas routinely use their state-controlled mass media (television, radio, print, and social media) to demonize Israel, propagate antisemitism, celebrate martyrdom and incite terrorism, including in media specifically aimed at a child audience. PA and Hamas media also expressly encourage children to engage in violence by using images of children committing violence to promote such activities, and by hosting children who profess support for martyrdom through poems, songs, and statements. Thus, instead of being used to “combat prejudices” and “promote understanding, tolerance and friendship among nations” as required by ICERD Article 7, the Palestinian media is used to enhance prejudice and preach hatred and violence against Jews.

##### *1. Examples of classic antisemitism*

- Fatah website posts op-ed arguing that Shakespeare’s Shylock was an accurate description of the Jews. “William Shakespeare correctly described the deceitful, greedy, trickster extortionist and lowly character of the Jews in the story.” (*Falestinona*, Jan. 31, 2018).<sup>64</sup>
- Palestinian girl recites poem with classic antisemitic libel on official PA television, accusing Jews of drinking “our blood from a goblet” and asking, “Why did you bring the Jews to us, who defile Jerusalem and its great mosque?” (*Official PA TV*, Dec. 15, 2017).<sup>65</sup>
- Official PA television reporter spreads libel that Israeli rabbis called to poison “the drinking water and natural wells in the [Palestinian] villages and towns throughout the West Bank.” (*Official PA TV*, June 20, 2016).<sup>66</sup>
- Palestinian media routinely publishes antisemitic cartoons:



Cartoon posted on Fatah website shows antisemitic depiction of Jews with a big nose, Star of David and Israeli military uniform receiving the Balfour declaration as a check for the territory of “Palestine.” (*Falestinona*, Dec. 2, 2017).<sup>67</sup>



Official PA newspaper publishes cartoon depicting Israel controlling the United States which controls the world. (*Al-Hayat Al-Jadida*, Oct. 4, 2016).<sup>68</sup>



Official PA newspaper publishes cartoon showing Jews crucifying Palestinian boy, while Israeli soldier watches and does nothing. (*Al-Hayat Al-Jadida*, Dec. 2, 2015).<sup>69</sup>



Cartoon published on Fatah website depicts Israelis as Nazis (*Website of Fatah Information and Culture Commission*, Nov.11, 2015).<sup>70</sup>

## 2. Examples of demonizing Israel and Jews

- Official PA daily publishes op-ed describing Israel as “the colonialist satanic plant” in the region and the “Zionist project” as “a project that rejects life.” (*Al-Hayat Al-Jadida*, April 5, 2018).<sup>71</sup>
- Narrator of morning program on official PA television refers to the Israeli “invaders,” as “evil...satans,” and concludes with “the song of Palestine, My weapon has emerged, My

weapon has emerged,” showing arch-terrorist Abu Jihad in the background. (*Official PA TV*, July 6, 2017).<sup>72</sup>

- Fatah website posts cartoon depicting Israel as an ultra-orthodox Jew killing innocent Palestinians and complaining that it is being attacked. (*Fatah website*, Nov. 28, 2016).<sup>73</sup>

### 3. *Examples of denying Jewish rights in Israel*

- Official Palestinian radio host refers to Israel as a “cancerous entity,” and says that “everyone knows that... [the Jews] have no right to this land.” (*Official PA radio*, Jan. 1, 2018).<sup>74</sup>
- Official PA newspaper publishes op-ed rejecting Jewish historical ties to the land of Israel, claiming it is “made-up history, written by thieves...claiming to be Jews,” and “there is no archaeological remnant of any Jewish kingdom in Palestine.” (*Al-Hayat Al-Jadida*, Feb. 14, 2016).<sup>75</sup>
- Hamas TV’s Tomorrow’s Pioneers teaches rejection of Israel by asking young girl about capital cities in the Middle East, when she gets to Israel, the child responds: “There is no Israel – Palestine.” The host responds “Superb,” and tells the child she is “so clever.” (*Al-Aqsa TV*, May 23, 2014).<sup>76</sup>

### 4. *Examples of inciting and glorifying terrorism*

- Song on official PA television promises to attack Jews, “We will come at you from the sea like the wave... Our hearts are for [Fatah], and we are soldiers, until we break the Jews.” (*Official PA TV*, Nov. 10, 2017).<sup>77</sup>
- Fatah Facebook page glorifies terrorist who killed 9 Israelis as a “heroic martyr,” who “loved the game ‘Jews and Arabs,’ a game that children of the neighborhood would play. He always played the role of the Arab who, with his simple weapon, attacked the treacherous Jew who occupied his homeland and settled in it...” (*Official Fatah Facebook page*, Jan. 14, 2017).<sup>78</sup>
- Hamas’s Al-Aqsa TV broadcasts a music video showing a band performing in front of a smoking, blown-up bus with images of the terror attack and lyrics inciting more terrorism “Strap on an explosive belt... O Martyrdom seeker, respond to Al-Aqsa’s call... send them to Hell... Let fire burn them, turn them into body parts, roast them...” (*Al-Aqsa TV*, Feb. 6, 2016).<sup>79</sup>
- Hamas TV children’s program interviews young children dressed in military fatigues. One child says he wants to be an engineer when he grows up “so that I can blow up the Jews.” Another child recites a poem about liberating Jerusalem. The child host responds: “Keep waging Jihad...when you grow up you will wage resistance against the Jews...” (*Al-Aqsa TV*, Sep. 4, 2015).<sup>80</sup>

## **B. Incitement Against Jews and Israelis in Palestinian Education**

Similarly, instead of using the educational system to train the next generation in “understanding, tolerance and friendship among nations...,” the PA and Hamas direct all of their educational resources for the opposite purpose. This is evident from statements by PA educational officials



and staff inciting children to terrorism, the hateful content of the PA curriculum, the naming of schools, summer camps, and educational activities after terrorists, and the use of educational activities and events to promote violence.

*1. Statements by PA educators promoting hatred and violence*

PA educational officials and staff routinely praise and honor terrorists at school events, inciting the children to become martyrs, and at the same time reject Israel’s right to exist, claiming Israel as Palestine. The PA also plays a key role in the curriculum taught by UNRWA, and influences its Palestinian teachers, who, a systematic level, were found to be inciting antisemitism and Jihadist terrorism against Jews. An April 2017 report by United Nations Watch documented 60 examples.<sup>81</sup> Thus, instead of teaching acceptance and respect for their Jewish and Israeli neighbors, these caregivers are driving children to kill Jews and Israelis.

Palestinian President Mahmoud Abbas has personally encouraged child terrorists. On 5 March 2017, his Facebook page posted a photo of Abbas embracing 14-year-old Osama Zeidat who was injured while attempting to stab Israelis at a bus stop.<sup>82</sup> In September 2015, Abbas hosted an event for 12-year-old Palestinian rock-thrower Muhammad al-Tamimi, praising the boy and his family for their so-called “peaceful resistance.”<sup>83</sup>



Below are some additional examples of PA educators inciting children to hatred and violence:

- **Rejecting Israel’s right to exist:** Emphasizing the importance of “instilling the ideology that Palestine from the [Mediterranean] Sea to the [Jordan] River is Arab and Jerusalem its eternal capital.”  
—Secretary of the Teachers’ Office of the Fatah Movement, Tawfiq al-Haj Muhammad (Dec. 27, 2017).<sup>84</sup>
- **Glorifying martyrdom:** “The Palestinian keffiyeh has been colored with the purest blood, the blood of Martyrs (Shahids) of Palestine during their resistance to the occupation, and the keffiyeh has become the shroud of the Palestinian fighter who has sacrificed his soul for the homeland.” —Director of the Qalqilya Directorate of Education (a branch of the PA Ministry of Education) Naela Fahmawi (Nov. 17, 2017).<sup>85</sup>

- **Honoring terrorists:** “It is a joy for all of us to mark Prisoners Day as part of our national obligation,” emphasizing that “we are standing by the prisoners in the battle that they are waging under the leadership of fighter Marwan Barghouti [terrorist who orchestrated three shooting attacks killing five]...” —School Principal Sa’eda Qatanani (Apr. 19, 2017).<sup>86</sup>
- **Praising martyrs:** “We are unable to speak when among us are the fathers of two young wonderful Martyrs (Shahids), who gave their lives as a gift to the homeland, as a gift so that you...will enjoy freedom. They are praised and distinguished, and Paradise is their place.” —PA Directorate of Education representative at school event (Apr. 26, 2016).<sup>87</sup>

## 2. *School curriculum indoctrinates children to hatred and violence*

Several recent studies of PA textbooks show that the Palestinian curriculum does the opposite of promoting “understanding, tolerance and friendship among nations...,” and instead radicalizes Palestinian children. IMPACT-se (The Instituted for Monitoring Peace and Cultural Tolerance for School Education) has published several studies on Palestinian textbooks in recent years, all of which found that Palestinian textbooks promote hatred and are anti-peace.<sup>88</sup>

In September 2017, the Simon Wiesenthal Center published its study of 150 Palestinian textbooks, which found that “there was no hope for peace in the region.”<sup>89</sup> Among other things, the textbooks claimed Jews have no rights in Palestine, deny the existence of Jewish holy places there and delete Israel from the map. The books also promote violent struggle as the path to liberation. In March 2017, an investigative report by the British newspaper, *Mail on Sunday*, revealed that Palestinian educators systematically circumvent donor guidelines (by European and other donors) seeking to control the curriculum.<sup>90</sup>

Notably, these textbooks are also used in UNRWA schools. Attempts by UNRWA to change this curriculum were met with fierce resistance by the PA, and in April 2017 UNRWA Commissioner-General Pierre Krähenbühl assured: “UNRWA is completely committed to the Palestinian curricula, and...no change will be made to these curricula.”<sup>91</sup> In November 2017, the PA Ministry of education reiterated its categorical opposition to any attempt by UNRWA to make any change to the curriculum 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>92</sup>

The findings in the latest report by IMPACT-se published in September 2018 should be alarming to anyone who supports the Israeli-Palestinian peace process and the two-state solution. The report found that Palestinian textbooks radicalize Palestinian children by severely demonizing Israel, glorifying martyrdom, teaching that Palestinians will “return” to Israel proper, and that the Palestinians will defeat Israel in a Crusader-like conquest over the territory. Furthermore, hate is at the center of the curriculum, which is overtly antisemitic and contains no respect for the Israeli/Jewish other.<sup>93</sup> Western governments, including the EU, UK, and US were outraged to learn their funds were being used to teach hate, and are demanding change.<sup>94</sup>

In one example from the IMPACT-se study, a fifth-grade textbook indoctrinates children with antisemitism. The textbook recounts an unsubstantiated myth rejected by mainstream Islam that Jews tried to murder the Prophet Muhammad by poison, referring to Jews as “enemies of Islam.”

In another example, a third-grade Arabic language textbook brainwashes children to violently expel Jews from the land. The textbook teaches a violent poem calling for “sacrificing blood” to remove the Israeli enemy from the land by eliminating “the usurper,” and “exterminat[ing] the remnants of the foreigners.”

A third example shows that Palestinian textbooks teach children that “Palestine” includes the territory of the State of Israel. When teaching math, a sixth-grade math textbook uses the map of Israel without referencing Israel or Israeli cities and claiming the entire territory as Palestine. The textbook contains the following activity: “The Negev Desert is an integral part of the land of Palestine. Its area is around 14,000 square km. Calculate the ratio of this desert from the area of Palestine, which is 27,000 square km.”

### *3. Turning terrorists who murdered Jews and Israelis into role models for children*

The PA has a practice of using school names to honor terrorists and glorify martyrdom, thereby 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>95</sup> According to Palestinian Media Watch (PMW), dozens of PA Ministry of Education Schools are named for terrorists.<sup>96</sup>

In September 2017, a scandal erupted when PMW exposed that a PA elementary school named after the terrorist Dalal Mughrabi (leader of a terrorist attack that killed 37 Israelis, including 13 children) was funded with money from Belgium.<sup>97</sup> Belgium condemned the use of its funding to glorify terrorists, stating it “will not allow itself to be associated with the names of terrorists in any way,” and demanded that the name of the school be changed. However, one year later, the school name had still not been changed.<sup>98</sup> Finally, after being exposed again, the PA renamed the school “The Belgian School,” but transferred the name Dalal Mughrabi to two other schools. This time, Belgium withdrew its cooperation from the PA Ministry of Education and released this statement: “As long as school names are used to glorify terrorism, Belgium can no longer cooperate with the Palestinian Education Ministry and will not give out budgets for the constructions of schools.”<sup>99</sup> PA schools are also named for Munich Olympics mastermind Abu Iyad and Hamas terror leader Ahmed Yassin, among others.

This abhorrent practice is not limited to schools. Palestinian youth centers, summer camps, and sporting events also are frequently named for terrorists. In May 2017, Norway froze all new funding agreements with UN Women Palestine, after Norwegian funds were used to build a youth center named after Dalal Mughrabi. Norwegian Foreign Minister Børge Brende strongly condemned the incident stating: “The glorification of terrorist attacks is completely unacceptable, and I deplore this decision in the strongest possible terms. Norway will not allow itself to be associated with institutions that take the names of terrorists in this way. We will not accept the use of Norwegian aid funding for such purposes.”<sup>100</sup>

In 2016, Hamas gave its summer camps names like “Knife Camp,” “Soldiers of Al-Quds,” and “Baha Aliyan,” one of the terrorists who carried out the October 2015 combined shooting and stabbing attack on bus 78 in Jerusalem, killing three and wounding nine.<sup>101</sup> There are numerous other examples of summer camps and camp activities being named for terrorists.<sup>102</sup>

### *4. Exploiting educational activities to train children in terrorism*

Both the PA and Hamas turn educational activities into platforms to teach hate and violence.

In March 2017, the top prize in a PLO-sponsored competition entitled “What is a Fighting Women in Your Eyes?” was awarded to 17-year-old high school student for her drawing depicting a Palestinian family holding an AK-47 next to a map of “Palestine” erasing Israel. Disturbingly, the contest was supported by US and EU funding.<sup>103</sup>



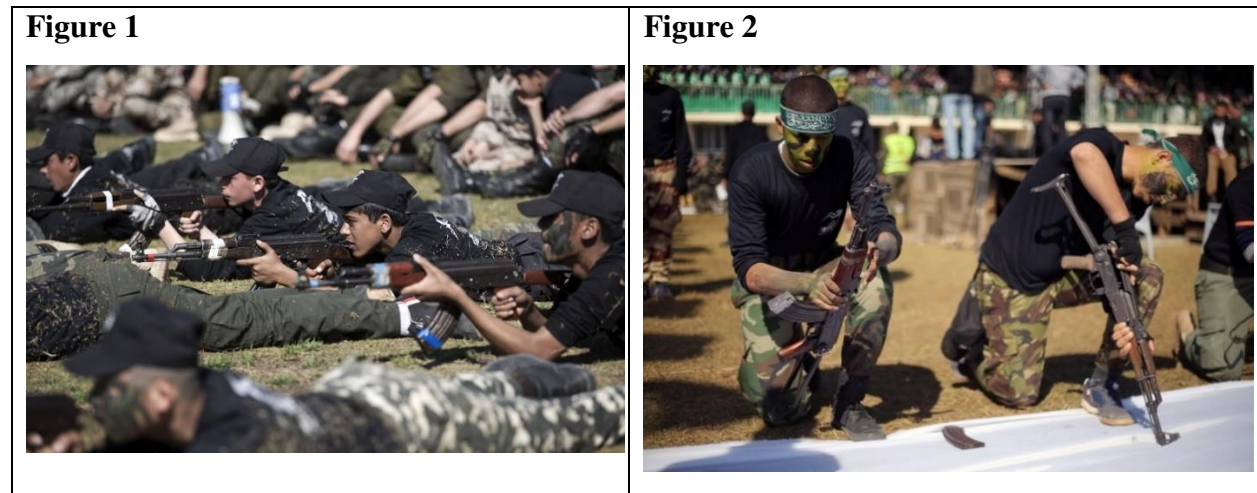
In school plays, child actors pretend to be Palestinian victims of Israeli aggression who fight back with weapons. One school play from 2016 demonized Israel, having Israeli soldiers frame a Palestinian youth as a stabber by planting a knife next to him and then shooting him in cold blood. Another school play from 2016 had a boy wearing a ribbon of the Palestinian flag preparing to “execute” another child dressed as an Israeli soldier.<sup>104</sup>

In the summer of 2016, the “Pioneers of Liberation” camps of Hamas’s military wing, attended by 30,000 children, were dedicated to the theme of the “Al-Quds [Jerusalem] Intifada,” the Palestinian’s name for the wave of terror against Israelis that year. The camp symbol was an image of a hand holding a rifle as the flag post for the Palestinian flag with the Al-Aqsa mosque in the background.

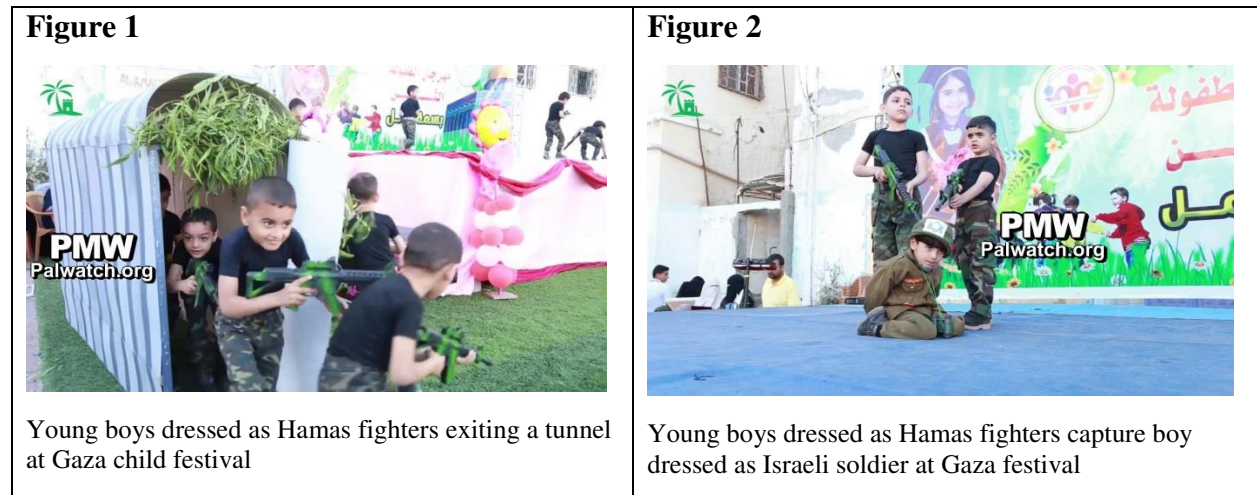


Camp activities included weapons and other military training, civil defense exercises, and lessons in religion and battle heritage. They also included tours of real Hamas terror tunnels.<sup>105</sup> According to Hamas military wing officials, “the goal of the camps is to stoke the embers of Jihad among the generation of liberation, to include Islamic values and to prepare the army of victory for liberating Palestine.”<sup>106</sup>

In February 2015, Hamas’s military wing used camps to train 17,000 youths (aged 14-21) in weapons and ambush techniques. According to Hamas, teaching children to fight is legitimate “resistance” to the Israeli occupation.<sup>107</sup> Below are photos of the camp graduation ceremony.



General community activities also promote violence and martyrdom to children. A YouTube video from a 2016 Islamic Association child festival in Gaza displayed images of young boys dressed as Hamas fighters exiting a Hamas tunnel with rifles, dancing with their rifles, and capturing Israeli soldiers. A girl narrates, encouraging children to die as martyrs: “Forward, my child, to the duel. You will die as a Martyr (Shahid) and blow up the enemies.”<sup>108</sup>



Similarly, at a Fatah ceremony in Bethlehem celebrating the launch of the first Intifada, children marched in the procession holding RPGs and explosive belts, and wearing T-shirts honoring 19-year-old Jihad Al-Jaafari as a martyr for being killed after throwing a Molotov cocktail at Israeli soldiers.<sup>109</sup>

Figure 1



Child holding RPG at Fatah ceremony

Figure 2



Child wearing explosive vest at Fatah ceremony

**RECOMMENDATIONS: The PA and Hamas must eliminate all antisemitic and terrorist incitement from the media and the education system by criminalizing such incitement and punishing perpetrators; reforming the curriculum; and providing appropriate training to educational and media personnel.**

#### IV. GUARANTEE OF EQUAL TREATMENT (Article 5)

Pursuant to ICERD Article 5, State parties must prohibit and eliminate racial discrimination and guarantee certain rights, including the right to personal safety, the right to own property, and basic civil liberties such as freedom of religion. Both the PA and Hamas violate this Article by failing to ensure these rights and taking no or insufficient action against violators.

##### A. Failure to protect Israelis from violence (Article 5 (b))

The PA and Hamas fail to guarantee protection to Israelis who enter territories under their control, even by accident, as required by Article 5(b). Regrettably, this section of the PA's report discussed only alleged Israeli violations of Palestinian rights, but completely ignored Palestinian violations of the rights of Israelis.

Indeed, 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 Israeli Ethiopian who entered Gaza in April 2015, both of whom suffer from mental illness.<sup>110</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.<sup>111</sup>

In addition, Israeli law forbids Israelis from entering the parts of the West Bank controlled by the PA because of the likelihood they will be attacked.<sup>112</sup> Over the years, there have been numerous cases of Israelis entering such areas, often by accident, and being attacked by local Palestinians. Israelis still vividly recall with horror the bloody lynching of two Israeli reservists who entered Ramallah by mistake at the beginning of the Second Intifada in October 2000. The men were brutally stabbed and beaten to death and their mutilated bodies were dragged to the town square.<sup>113</sup> More recently, in February 2018, two Israeli soldiers were wounded after they accidentally entered Jenin and were attacked by a Palestinian mob who threw rocks at them and banged on their car.<sup>114</sup>

Below are some examples of similar attacks on Israeli civilians:

- On February 2, 2018, an Israeli man was rescued after accidentally entering the Palestinian town of Abu Dis and being attacked by rock-throwers.<sup>115</sup>
- On January 9, 2018, two Czech tourists were rescued by police after accidentally entering the Palestinian village of Teqoa. Their car was attacked with rocks and slightly damaged during the rescue.<sup>116</sup>
- On June 30, 2016, nine Israeli peace activists were rescued from Ramallah after they were attacked with rocks and one of their cars was set on fire.<sup>117</sup>
- On May 16, 2014, two Israeli journalists were attacked while covering clashes near Beitunia in the West Bank.<sup>118</sup>
- On June 27, 2011, an Israeli man was rescued by a local Mukhtar after making a wrong turn into the East Jerusalem village of Issawiya. The man was immediately attacked by a murderous crowd screaming “Jew, Jew” and hurling rocks and cement blocks at him.<sup>119</sup>

While PA security officers often assist in the rescue of these Israelis, we are not aware of PA prosecutions against the Palestinians who participate in such attacks. This lack of accountability and deterrence for Palestinians who attack Israelis violates ICERD Article 5(b) and sends a clear message that such attacks are acceptable and that Israelis should have no expectation of safety in Palestinian-controlled areas.

### **B. Right to own property (Article 5(d)(v))**

Another right which the PA is supposed to guarantee under Article 5 is the right to own property. However, as noted throughout this report, the PA infringes this right for all three ethno-religious groups discussed herein—Jews, Christians, and Samaritans. Regrettably, the PA does not acknowledge its discriminatory property laws, discussed in Section I.B. above, which criminalize the sale of property to Israeli Jews.

### **C. Freedom of Religion (Article 5(d)(vii))**

Contrary to what the PA states in its report, Palestinian law does not guarantee freedom of thought, conscience or religion. 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 principle 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>120</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.<sup>121</sup> Regrettably, in its submission to the Committee, the PA focuses on criticizing Israel for alleged violations, but completely ignores its own violations of the right to freedom of religion for non-Muslims.

#### *1. Failure to protect the holy sites of Jews and to ensure protection for Jews seeking to worship at those sites*

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>122</sup> However, the PA fails to protect these religious sites or to ensure free access and freedom of worship for Jews at the sites. Thus, the PA infringes on the rights of Jews to freedom of religion in violation of Article 5(d)(vii).

As outlined above, a key aspect of the Palestinian narrative reflected 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 located in territory that was controlled by Jordan from 1948 to 1967 and is now part of the West Bank or East Jerusalem. During that time, 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>123</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. In general, 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>124</sup> 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>125</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>126</sup>

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>127</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>128</sup> In October 2015, at the height of a renewed wave of Palestinian terrorism, Palestinian rioters set fire to the Tomb.<sup>129</sup> Although Abbas condemned that attack, he himself had incited Palestinian violence with accusations that Israel was trying to take over the Temple Mount.<sup>130</sup> In November 2018, Palestinians threw firebombs and shot at the Israeli soldiers escorting the pilgrims and two explosive devices were found at the Tomb.<sup>131</sup> In March 2019, Palestinians attacked the monthly pilgrimage with explosives.<sup>132</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>133</sup> These visits have been attacked by Palestinian rioters.<sup>134</sup> In February 2018, the site was defaced with swastikas and graffiti.<sup>135</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>136</sup>

## 2. *Failure to ensure freedom of religion for 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, according to Bethlehem’s Christian mayor Vera Baboun.<sup>137</sup> In Gaza, the Christian population has dwindled from 5,000 in the year before Hamas took control of the Strip to 1,100 today.<sup>138</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 living 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, theft of land, 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>139</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 who caused severe property damage and terrorized the residents. During the attack, the PA failed to protect the Christian community and it has not arrested any suspects. On May 13, 2019, vandals desecrated a Maronite church in Bethlehem, which had been the subject of numerous previous attacks including a 2015 arson attack following which the church was closed for over two years. On May 16, 2019, an Anglican church near Ramallah was attacked and desecrated.<sup>140</sup>

Regrettably, such attacks are not a new phenomenon. Many other similar attacks which were likewise ignored by the relevant governing authorities have been documented over the years in both the West Bank and Gaza.<sup>141</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 Christian merchant.<sup>142</sup> In addition to these violations, 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>143</sup> Sadly, this has led to a 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>144</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.<sup>145</sup> 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>146</sup>

One Palestinian Christian leader that does speak publicly on the issue, Samir Qumsieh, explained in 2013 that Palestinian Christian leaders such as the mayor of Bethlehem must be diplomatic and cannot afford to publicly criticize Muslims but added that “if somebody claims there is no discrimination, he is a liar.”<sup>147</sup> Qumsieh has been physically attacked for being so outspoken and regularly receives death threats. More recently, Qumsieh said that his cousin had received threats for publishing a Facebook post (later deleted) criticizing a Friday Muslim sermon that had threatened Christians.<sup>148</sup>

### *3. Persecution of Samaritans*

As with Christians, the Samaritan community also suffers PA discrimination and harassment, although to a lesser extent. This community consists of approximately 800 individuals, half of whom reside on Mount Gerizim, overlooking the Palestinian city of Nablus, an area controlled by the PA. This is an ancient community whose roots in the city of Nablus date back to Biblical times. Although they speak Arabic and they live, work and attend school with the Muslim Arabs of Nablus, their faith is closer to Judaism.<sup>149</sup> The Samaritans consider themselves to be Israelites—descendants of the twelve tribes—and they follow the five books of Moses, speak ancient Hebrew, and observe the Sabbath on Saturday.

About sixty years ago, the Palestinians began refusing to sell the Samaritans land to expand their homes, forcing them out of the ancient quarter of Nablus. In the late 1980s, to escape the violence of the First Intifada, they moved out of Nablus completely to their current neighborhood on top of Mount Gerizim.<sup>150</sup> From 1996 to 2004, the Samaritans had a seat in the Palestinian parliament. However, they have had no representation in parliament since 2004 due to a new law which canceled their seat.<sup>151</sup>

Although Samaritans present themselves as a bridge between Jews and Arabs, most Samaritans who participate in Arab life in Nablus refrain from revealing their true identity to strangers.<sup>152</sup> Furthermore, although half of the Samaritans live in the Israeli town of Holon and participate fully in Israeli society, including the Israeli army, the Samaritans in the West Bank report that they hesitate to join the Israeli army out of concerns for the safety of their community from their Muslim Arab neighbors in Nablus. Indeed, Yasser Arafat considered the Samaritans to be “occupied just like us” precisely because they “are not in the army.”<sup>153</sup>

**RECOMMENDATIONS: The PA and Hamas must respect the rights to freedom of thought, conscience and religion for Jews, Christians and Samaritans by ensuring protection for places of worship and worshipers, criminalizing intimidation, harassment, and violence against members of these faiths, and holding perpetrators to account. In addition, the PA and Hamas must criminalize violence against all persons on grounds of race, color, descent, or national or ethnic origin, and hold perpetrators to account.**

## **CONCLUSION**

This submission details multiple gross violations of the ICERD by the PA and Hamas, which are completely ignored by the PA in its report to the Committee. Even worse, the PA attempts to shirk its own obligations to eliminate racial hatred and discrimination, by focusing on blaming Israel instead of looking at what should be fixed in its own laws, institutions and policies. The pervasive antisemitic and terrorist incitement by Palestinian officials, Palestinian media and in Palestinian education must end. Any society exposed to the levels of hatred and violence present in the PA and Hamas controlled territories cannot be expected to seek peace. The only way future generations of Palestinians will be able to pursue peace with Israel is if they are educated with messages of peace and tolerance rather than hatred. We hope the Committee will address these important issues in its review.

## **ANNEX: PROPOSED LIST OF ISSUES**

1. Your report cites Palestinian laws concerning the media's obligation for tolerance, respect for the rights of minorities and the other. Please provide detailed information on measures taken or envisaged to eliminate antisemitic incitement and hatred from Palestinian media (radio, television, print, and social media).
2. Your report cites the Palestinian Education Law (2017) which states that the goal of the law is to develop "respect for human rights and freedoms, and the principles enshrined in international conventions..." Please provide detailed information about measures taken or envisaged to eliminate antisemitic incitement and hatred from Palestinian education (statements by educational officials, curriculums, names of schools, educational and cultural events for children).
3. What measures are being taken to ensure that Palestinians are not encouraged or incited to commit terrorist attacks against Israelis?
4. What measures are being taken to protect the rights of Palestinians who wish to sell property to Israeli Jews?
5. Your report states that the rates of racism among the Palestinian population are low, please provide detailed information about the levels of antisemitism and antisemitic violence among the Palestinian population.
6. What criminal laws are in place to deter and prevent (i) incitement against people on the grounds of race, color, descent, or national or ethnic origin; and (ii) attacks on people on the grounds of race, color, descent, or national or ethnic origin; and how and to what extent are these laws enforced.
7. What measures are being taken to prosecute and hold accountable Palestinian perpetrators who have attacked Israelis, or others on the assumption that they are Israelis, who enter Palestinian towns and cities?
8. Please provide detailed information about cases of harassment, violence, or abuse against Palestinian Christians and Samaritans.
9. What measures are being taken to prosecute and hold accountable perpetrators of harassment, violence, or abuse against Palestinian Christians and Samaritans?

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