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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by United Nations Watch, a non-governmental organization in special consultative status

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

[11 February 2019]

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



Evidence of Hamas Crimes Submitted to the Commission of Inquiry

The mandate of the Commission of Inquiry on the “2018 protests in the Occupied Palestinian Territory” (COI), enshrined in Resolution S-28/1, is prejudicial and one-sided. It focuses on Israel’s alleged “military assaults” on “civilian protests.” Nevertheless, the COI cannot ignore Hamas’s alleged violations.

The Office of the High Commissioner for Human Rights recently reminded members of fact-finding missions that the “professional obligations of all United Nations personnel require independence, impartiality and objectivity. This means in principle that the investigation should cast a wide net and give no consideration to who gets caught in it.”¹

In this regard, we note that in his oral update to the 39th session of the Human Rights Council, COI chairman Santiago Canton said “We wish to stress again that the Commission is approaching its mandate without any preconceived ideas and will base its findings on a solid, objective assessment of the information verified. We will go where the evidence leads us.”

We hope this statement was sincere and that, unlike previous commissions of inquiry on Israel, this COI will address Hamas’s many violations of international law, including the following evidence that we submitted to the COI:

Incitement to terrorism and genocide by Hamas leaders

- **Hamas Gaza leader Yehya Sinwar shouts:** “We will tear down the border and we will tear out their hearts from their bodies.” *Al-Jazeera*, April 6, 2018.²
- **Hamas leader Ismail Haniyeh says:** “Palestine and Jerusalem belong to us... We will break the walls of the blockade, remove the occupation entity and return to all of Palestine.” *Times of Israel*, April 9, 2018.³
- **Hamas leader Ismail Haniyeh says:** “Our people will outnumber the occupation and force it from our land.” *Chicago Tribune*, April 20, 2018.⁴
- **Hamas Gaza leader Yehya Sinwar rallies the crowd:** “We would rather die as martyrs than die out of oppression and humiliation... We are ready to die, and tens of thousands will die with us.” *New York Times*, May 9, 2018.⁵
- **Hamas official Fathi Hamad calls on Muslims:** “to kill ‘Zionist Jews’ wherever they find them.” *Times of Israel*, July 26, 2018.⁶

¹ Who’s Responsible? Attributing Individual Responsibility For Violations of International Human Rights and Humanitarian Law in United Nations Commissions of Inquiry, Fact-Finding Missions and Other Investigations, OHCHR (2018), p. 43

<https://www.ohchr.org/Documents/Publications/AttributingIndividualResponsibility.pdf>.

² Arsen Ostrovsky (@Ostrov_A), TWITTER (May 15, 2018, 1:09 AM),

https://twitter.com/Ostrov_A/status/996301534718844928.

³ *Hamas vows Gaza protests to last until Palestinians ‘return to all of Palestine,’* TIMES OF ISRAEL (April 9, 2018), <https://www.timesofisrael.com/hamas-vows-gaza-protests-to-continue-until-they-return-to-all-of-palestine/>.

⁴ *Fares Akram and Karin Laub, Israeli soldiers kill 4 Palestinians in 4th Gaza border protest,* CHICAGO TRIBUNE (April 20, 2018), <http://www.chicagotribune.com/news/nationworld/ct-gaza-israel-protests-20180420-story.html>.

⁵ David M. Halbfinger and Iyad Abuhweila, *As Gaza Teeters on Precipice, a Hamas Leader Speaks Out,* NEW YORK TIMES (May 10, 2018),

<https://www.nytimes.com/2018/05/10/world/middleeast/gaza-protests-yehya-sinwar.html>.

⁶ Adam Rasgon, *“Hamas official urges killing all Zionist Jews, praises ‘peaceful’ Gaza protests,”* TIMES OF ISRAEL, July 26, 2018, <https://www.timesofisrael.com/hamas-official-urges-killing-of-zionist-jews-praisespeaceful-gaza-protests/>.

Indiscriminate attacks on civilians

- **“Sons of Zouari” kite-burning unit proclaims:** “Not dozens, but hundreds of kites will be flown toward the enemies, burning their crops, and causing them confusion and panic, Allah willing.” *Al-Jazeera and Wattan News Agency*, April 18-20, 2018.⁷
- **Arson terrorists launch explosive balloons** into Israel, setting fire to Israeli fields. *Palestinian sources*, May 2018.⁸
- **Hamas’s military wing directs arson terrorism.** *IDF and Palestinian sources*, June 2018.⁹ In January 2019, Hamas renews funding for kite unit. *Times of Israel*, January 9, 2019.¹⁰
- **Gaza incendiary balloons** land in Israeli kindergartens. *Ynet*, July 17, 2018¹¹; *Haaretz*, November 1, 2018.¹²

Concealing combatants among ostensibly civilian protests

- **Palestinian rioters cross security fence** and set fire to IDF installation. *Palestinian sources*, May 22, 2018.¹³
- **Rioters throw objects with sling shots** near border fence under cover of heavy smoke. *Hamas*, May 14, 2018.¹⁴
- **Gazan armed with an ax** attempts to cross into Israel and is shot dead by Israeli forces. *Haaretz*, June 4, 2018.¹⁵
- **Hamas snipers shoot at IDF patrol, killing soldier**, under cover of “return march.” *Hamas*. July 20, 2018.¹⁶
- **Terrorists plant IEDs at border fence** under cover of “return march.” *Times of Israel*, Sep. 14, 2018.¹⁷

⁷ *Activists Use “Firebomb Kites” to Set Fire to Israeli Fields and Houses*, MEMRI (April 18-20, 2018), <https://www.memri.org/tv/gaza-activists-use-firebomb-kites-set-fire-to-israeli-fields>.

⁸ @Jtruzmah, TWITTER (May 8, 2018 11:05 PM), <https://twitter.com/Jtruzmah/status/994096114688299008>; @Jtruzmah, TWITTER (May 30, 2018 11:30 AM), <https://twitter.com/Jtruzmah/status/1001893743211962368>. Joe Truzman is an independent analyst who shares photos and videos of the Gaza border violence from verified sources, many on the Palestinian side.

⁹ *Institutionalizing Arson Terrorism*, MEIR AMIT INTELLIGENCE AND TERRORISM INFORMATION CENTER (July 1, 2018), <https://www.terrorism-info.org.il/en/institutionalizing-arson-terrorism-began-local-initiative-turned-hamas-leading-modus-operandi-policy-controlled-violence-israel-kites-launched-un/>.

¹⁰ Avi Issacharoff, *Hamas renews funding for incendiary kite units ahead of expected escalation*, TIMES OF ISRAEL (Jan. 9, 2019), <https://www.timesofisrael.com/hamas-renews-funding-for-incendiary-kite-units-ahead-of-expected-escalation/>.

¹¹ Matan Tzuri, *Incendiary balloon falls on kindergarten during kids’ playtime*, YNET (July 17, 2018), <https://www.ynetnews.com/articles/0,7340,L-5311701,00.html>.

¹² Almog Ben-Zikri, *Suspicious Object Found in Israeli Kindergarten Courtyard, Near Gaza Strip*, HAARETZ (Nov. 1, 2018), <https://www.haaretz.com/israel-news/premium-suspicious-object-found-in-israeli-kindergarten-courtyard-near-gaza-strip-1.6614398>.

¹³ @Jtruzmah, TWITTER (May 22, 2018 4:32 PM), <https://twitter.com/Jtruzmah/status/999070648218587136>.

¹⁴ @PalinfoAr, TWITTER (May 14, 2018 10:24 AM), <https://twitter.com/PalinfoAr/status/996078776516825088>.

¹⁵ Almog Ben-Zikri, *Ax-wielding Palestinian Shot dead by Israeli Forces on Gaza Border, Army Says*, HAARETZ (June 4, 2018), <https://www.haaretz.com/israel-news/ax-wielding-palestinian-shot-dead-by-israeli-forces-on-gaza-border-1.6140819>.

¹⁶ *Fourth round of escalation between Israel and Hamas*, MEIR AMIT INTELLIGENCE AND TERRORISM INFORMATION CENTER (July 23, 2018), <https://www.terrorism-info.org.il/en/fourth-round-escalation-israel-hamas-ended-hamas-announcement-agreeing-end-fighting/>.

Using child soldiers

- **Photos of children actively participating in border violence**, using sling-shots and transporting tires. *Ynet*, April 23, 2018.¹⁸
- **Sixteen-year-old Saadi Abu Salah**, killed at the border, eulogized by Hamas as “heroic shaheed,” after he burned tires, threw stones, sabotaged fence, and clashed with IDF. *Shehab Facebook page*, May 16, 2018.¹⁹
- **Photo of young boy learning to use a sling-shot** posted to Hamas Twitter account. *Hamas*, May 26, 2018.²⁰
- **Thirteen-year-old Yasser Abu al-Naja** is killed at border while attempting to cut fence as part of the Tire and Fence Cutting Unit. *Hamas and other media sources*, June 29-30, 2018.²¹
- **Children cutting border fence** with wire cutters under cover of heavy smoke. *Palestinian sources*, September 24, 2018.²²
- **Children at front lines hang onto security fence and throw rocks at IDF vehicles** along border. *Palestinian sources*, Jan. 11, 2019.²³

Using human shields, including women and children

- **Palestinian rioters use children for cover** as they attack Israeli forces, and involve children by having them bring tires and throw objects. *IDF video footage*, May 5, 2018.²⁴
- **Women participate in riots** using sling shots, and transporting burning tires near fence. *Hamas Twitter*, May 11-14, 2018.²⁵
- **Rioter captured by Israel admitted Hamas’s use of human shields**: “They [Hamas] tell women to go forward. ‘You are a woman, go forward, the army does not shoot women.’ They tell young children to go forward ‘the army does not shoot young children.’ They tell the child to go forward, and he does. They trick him.” *IDF*, May 16, 2018.²⁶

¹⁷ *Army finds another IED on Gaza border; police disarm boobytrapped balloon*, TIMES OF ISRAEL (Sep. 14, 2018), <https://www.timesofisrael.com/army-finds-another-ied-on-gaza-border-police-disarm-boobytrapped-balloon/>.

¹⁸ Yossi Yehoshua, *IDF: Hamas sending children at us*, YNET (April 23, 2018), <https://www.ynetnews.com/articles/0,7340,L-5238249,00.html>.

¹⁹ *Hamas sends boys to their deaths in the “great march of return,”* MEIR AMIT INTELLIGENCE AND TERRORISM INFORMATION CENTER (May 28, 2018), <https://www.terrorism-info.org.il/en/hamas-sends-boys-to-their-deaths-in-the-great-return-march-the-case-of-saadi-abu-salah-16-who-died-in-an-attempt-to-cut-through-the-security-fence-on-may-14-2018/>.

²⁰ @PalinfoAr, TWITTER (May 26, 2018 6:58 PM), <https://twitter.com/PalinfoAr/status/1000556821088817158>.

²¹ *Hamas handles boys for sabotaging the security fence*, MEIR AMIT INTELLIGENCE AND TERRORISM INFORMATION CENTER (July 11, 2018), <https://www.terrorism-info.org.il/en/hamas-handles-boys-sabotaging-security-fence-part-return-marches-case-yasser-abu-al-naja/>.

²² @Jtruzmah, TWITTER (Sep. 24, 2018 3:05 PM), <https://twitter.com/Jtruzmah/status/1044347092498444289>.

²³ @Jtruzmah, TWITTER (Jan. 11, 2019 8:12 AM), <https://twitter.com/Jtruzmah/status/1083758587262849024>; @Jtruzmah, TWITTER (Jan. 11, 2019 8:24 AM), <https://twitter.com/Jtruzmah/status/1083761524324233216>.

²⁴ @IDF, TWITTER (May 5, 2018, 10:16 AM), <https://twitter.com/IDF/status/992815363581775872>.

²⁵ @PalinfoAr, TWITTER (May 11, 2018 11:44 AM), <https://twitter.com/PalinfoAr/status/995011688746205184>; @PalinfoAr, TWITTER (May 14, 2018 6:52 PM), <https://twitter.com/PalinfoAr/status/996206687768981504>.

²⁶ @IDF, TWITTER (May 16, 2018 10:04 AM), <https://twitter.com/IDF/status/996798515249598465>.

- **Hamas leader Yehya Sinwar admits use of women and children as human shields:** “When we decided to embark on these marches, we decided to turn that which is most dear to us – the bodies of our women and children – into a dam blocking the collapse in Arab reality.” *Al Jazeera*, May 16, 2018.²⁷
- **Video footage and photos of children participating in border riots.** *Coordination of Government Activities in the Territories*, Jan. 11, 2019.²⁸

Attacking humanitarian aid

- **Palestinian rioters burn fuel lines and buildings** at Kerem Shalom humanitarian aid crossing. *Jerusalem Post and Hamas*, May 4, 2018.²⁹
- **Palestinian rioters vandalize** Kerem Shalom crossing, damaging fuel lines. *Ynet*, May 11, 2018.³⁰
- **Palestinian rioters set fire to** Kerem Shalom crossing. *Times of Israel*, May 14, 2018.³¹

The above information was submitted to the COI. We trust that it will all be included in the report.

²⁷ *Hamas Leader in Gaza Yahya Sinwar: Our People Took Off Their Military Uniforms and Joined the Marches*, MEMRI (May 18, 2018), <https://www.memri.org/reports/hamas-leader-gaza-yahya-sinwar-our-people-took-their-military-uniforms-and-joined-marches>.

²⁸ @cogatonline, TWITTER (Jan. 11, 2019, 12:12 PM), <https://twitter.com/cogatonline/status/1083818967725211654>; @Jtruzmah, Twitter (Jan. 11, 2019, 10:17 AM), <https://twitter.com/Jtruzmah/status/1083790027023241216>.

²⁹ Anna Aronheim, *Kerem Shalom Crossing Set Ablaze on Palestinian Side by Protesters*, JERUSALEM POST (May 4, 2018), <https://www.jpost.com/Arab-Israeli-Conflict/Two-IDF-drones-crash-in-Gaza-Strip-350-Palestinians-wounded-in-clashes-553523>.

³⁰ Yoav Zitun, *Palestinians set fire to gas pipes at Kerem Shalom crossing*, YNET, (May 11, 2018), <https://www.ynetnews.com/articles/0,7340,L-5257868,00.html>.

³¹ Judah Ari Gross, *Israel to reopen Gaza crossing after rioters burn it for 3rd time*, TIMES OF ISRAEL (May 15, 2018), <https://www.timesofisrael.com/israel-to-reopen-gaza-crossing-after-rioters-burn-it-for-3rd-time/>.