UN Human Rights Council report aims to put Israelis behind bars

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The United Nations Human Rights Council’s Commission of Inquiry on the May 2021 Israel-Hamas conflict released its highly anticipated [report](https://undocs.org/en/A/HRC/50/21) on Tuesday. The commission distorts history and erases Jerusalem’s security concerns to cast Israeli actions as the byproducts of racism.

The early days of May 2021 were a tense time for Israelis and Palestinians. Palestinian Authority President Mahmoud Abbas had just [canceled](https://apnews.com/article/hamas-middle-east-elections-religion-government-and-politics-e88636bc919f8aab455e01fbbd4b4391) the first national elections in 15 years. Palestinians were [protesting](https://www.reuters.com/world/middle-east/east-jerusalems-sheikh-jarrah-becomes-emblem-palestinian-struggle-2021-05-10/) an unfulfilled order to evict Palestinians from Jewish-owned homes in the Sheikh Jarrah neighborhood of Jerusalem. And it was Ramadan, a perennially restive time in the Holy Land.

Seeking to assert its declared role as leader of the Palestinian cause, something it had hoped to prove through elections, Hamas seized on the tension and [threatened](https://news.trust.org/item/20210510134547-q3asm/) to attack Israel. It fulfilled that promise on May 10, instigating an 11-day war that saw massive destruction, hundreds killed, and thousands of rockets launched indiscriminately at Israel.

The fighting ended on May 21, but the UNHRC waited only until May 27 of that year to launch an initial salvo against Israel, passing a [resolution](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/114/96/PDF/G2111496.pdf?OpenElement) establishing the mandate for a COI to investigate the conflict. The resolution was remarkable in that it called for an “ongoing” COI to investigate “all underlying root causes” of the conflict, specifically including “systematic discrimination and repression based on national, ethnic, racial or religious identity.”

The COI’s permanent nature constitutes merely another U.N. [mechanism](https://www.fdd.org/analysis/2021/06/30/palestinian-organizations-at-the-united-nations/) to scrutinize Israel indefinitely and drain U.N. resources accordingly. The specific call to investigate “systematic discrimination” as a root cause of the conflict is nearly identical to the demand issued by Human Rights Watch in its April 2021 [report](https://www.hrw.org/sites/default/files/media_2021/04/israel_palestine0421_web_0.pdf), which [concocts](https://www.ngo-monitor.org/hrws-inconsistency-and-incoherence-continues-ejil-talk-symposium-on-a-threshold-crossed/) a new definition of apartheid and slaps it onto Israel.

Israel braced for this accusation to appear in the COI’s June 2022 report to the UNHRC. Though the term appears only in one footnote, the COI laid the groundwork for making this accusation in its report to the U.N. General Assembly in [September](https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index) 2022.

The COI report merely summarizes previous U.N. reports criticizing Israel, producing very little fresh information. The authors noted that a 25% budget reduction, approved in [December 2021](https://www.un.org/press/en/2021/gaab4378.doc.htm), hampered their work. It is unclear if the COI moderated its message to avoid further funding cuts or if it is holding its punches for the report.

Notably, the report itself admits that it is one-sided. The authors explain that the findings regarding the “underlying root causes” were overwhelmingly directed toward Israel because of “the reality of one State occupying the other.” Yet the conflict predates 1967, and Israel’s presence in the West Bank persists primarily as the result of Palestinian aggression against the Jewish state.

The report consistently ignores Israel’s security needs. In framing the outbreak of the May 2021 war, the authors overlook the Hamas-Fatah rivalry and Hamas’s saber-rattling that helped initiate the war, focusing instead on Israeli evictions that never occurred. The report also criticizes Israel’s construction of a West Bank “wall” without mentioning the Palestinian terrorism of the Second Intifada that led to its construction.

Similarly, the authors present the blockade of Gaza as an example of Israel pursuing “political objectives” rather than advancing legitimate security concerns. In this context, the COI report calls Israel’s efforts to prevent Hamas from amassing weapons for further attacks on Israeli civilians a “15-year economic and social blockade.”

The authors also argue that Israel’s supposedly perpetual occupation has created inequalities (that a future report might determine amount to apartheid). But the different legal systems in place in the West Bank — a product of the Oslo agreements between Israel and the Palestinians — center around citizenship, not race, as permitted in the [International Convention on the Elimination of All Forms of Racial Discrimination](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial).

The COI report does recognize that the Oslo Accords would have gradually transferred much of the West Bank and Gaza to Palestinian control, but it states that “these agreements have never been fully implemented.” The report does not mention that the Palestinians rejected or ignored multiple Israeli peace offers. “Israel has no intention of ending the occupation,” the report states, yet it overlooks Israel’s spurned offers to withdraw from most of the West Bank as part of a peace agreement.

This report is not just about putting Israel under scrutiny. It’s about putting Israelis behind bars. The COI seeks to end what it perceives as a “culture of impunity” in the Israeli-Palestinian conflict by submitting individual Israelis to prosecution, presumably at the International Criminal Court, for perceived crimes.

Budgetary restraints have hampered the COI’s operation and may have temporarily prevented some of the more incendiary allegations that Israel feared the UNHRC would make. The United States should seize the momentum, withhold further funds from the UNHRC, and prioritize defunding the COI in the end-of-year budget debates.