Biased UN Human Rights Council Report Unleashes Ludicrous Antisemitic Assault on Israel

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The United Nations Human Rights Council is beginning its 50th session this week. On Day One, its agenda items include an interactive dialogue on the recently published [report](https://www.ohchr.org/en/press-releases/2022/06/commission-inquiry-occupied-palestinian-territory-including-east-jerusalem) of the **Independent International Commission of Inquiry on the Occupied Palestinian Territory.**

Continuing the United Nations’ long-standing record of spewing hatred against the only democratic State in the Middle East, this report accuses Israel, inter alia, of violating the law of armed conflict and human rights law, and implicitly holds Israel responsible for crimes committed even by Palestinians. Continuing the ACLJ’s long-standing record of defending Israel, we are responding to this biased report at the U.N.

One can simply look at the record of the Commission members and determine that their report cannot be impartial. See their previous statements against Israel [here](https://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10079&LangID=E), [here](https://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=1029), and [here](https://nowisthetimecoalition.com/). Many are well known for their anti-Israel rhetoric. No wonder Israel did not participate in this so-called “independent” inquiry. In fact, in responding to the Commission’s invitation for cooperation, [Israeli officials stated](https://www.ohchr.org/en/press-releases/2022/06/commission-inquiry-occupied-palestinian-territory-including-east-jerusalem) that “there was no reason to believe that Israel would receive reasonable, equitable and non-discriminatory treatment from either the Human Rights Council or the Commission.”

The report proves that the Israelis were right.

The Commission’s report accuses Israel of violating international law and appears to place the blame for the entire ongoing conflict and its consequences on Israel’s so-called “occupation.” (See [here](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4087694) for why that ridiculous lie is completely unfounded.) Incredibly, the Commission itself entirely disregarded international law when it stated that it “considers that the State of Palestine comprises the West Bank (whether Area A, Area B or Area C), all of East Jerusalem, and the Gaza Strip.”

First, the Commission did not provide any reference as to how it came to “presume” that such a state exists or that the areas mentioned above are within that presumed state’s territorial boundaries. Are such “boundaries” based on the U.N. partition plan under General Assembly Resolution 181, which the Arabs refused and thus was never implemented? Are they based on the Armistice Agreements (aka the Green Line) which explicitly included a caveat, at the Arab states’ insistence, that those lines should not be considered borders? Or, are such boundaries based on Security Council Resolution 242, which, contrary to the Commission’s utterly wrong implication, didn’t even consider Arab residents of the West Bank and the Gaza Strip (aka “Palestinians”) as a separate entity, let alone indicate any territorial boundaries? The report has no answers for these questions.

Second, the Commission disregarded the Oslo Accords, the terms of which were mutually agreed to by Israeli and Palestinian leaders. The Oslo Accords established Areas A, B, and C of the West Bank and included an agreement that final borders would be decided by negotiations between Palestinian and Israeli leaders. Palestinian leaders continue to reject every Israeli effort toward negotiations and a peaceful resolution. Thus, the borders are not decided and the so-called West Bank and the Gaza Strip are, at best, disputed territories.

Third, the Commission disregarded customary international law on statehood. “Palestine” [does not satisfy](http://media.aclj.org/pdf/ICC-Request-for-Leave---Palestine-Filed20200204.pdf) the Montevideo criteria for statehood. Even Palestinian leaders continue to insist that they are moving toward statehood, which remains aspirational. The Commission, however, not only assumed the existence of a state, but also brazenly presumed to define its exact borders. Falsely accusing Israel of violating international law without any evidence and, at the same time, disregarding international law itself is a common theme at the U.N.—at least when it comes to dealing with the Jewish State.

The report is also internally and inherently contradictory in its obsessive desire to find fault with Israel. On the one hand, it states that the West Bank, East Jerusalem, and the Gaza Strip are “occupied” territories and, as such, the law of armed conflict applies therein. At the same time, however, it alleges that Israeli security measures—which are lawful under the same law of armed conflict—are unlawful. For instance, security barriers, naval blockades, check points, military tribunals, etc. are all lawful measures under the law of armed conflict. Commissions like this demand that Geneva Conventions apply to Israeli actions; and when Israel takes measures that are lawful under the Geneva Conventions, such commissions again condemn those actions as unlawful. This is a common argument one finds in almost every report that condemns Israel’s behavior. An action cannot be lawful and unlawful at the same time. Unless, of course, it involves the U.N. looking at the State of Israel.

Further, by calling Israel the occupying power and the Jewish settlements unlawful, the Commission disregarded the Mandate for Palestine, an international legal instrument that called for the establishment of a Jewish national home in the entire territory of the Mandate for Palestine. Article 6 of the Mandate explicitly encouraged “close settlement by Jews on the land.” Without any legal basis, the Commission called Jewish settlements unlawful. (See [here](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4087694) for ACLJ’s detailed analysis on the legality of the Jewish settlements.)

Moreover, the Commission apparently placed the entire responsibility for Palestinian deaths and the destruction of infrastructure in the so-called occupied territories on Israel, while minimizing the fact that Hamas and other Palestinian groups commit war crimes when they indiscriminately fire [thousands of rockets](https://aclj.org/israel/brink-of-war-hamas-launches-600-rockets-at-israel) into Israel; use civilians as human shields; use civilian infrastructure, such as hospitals, schools, and residential buildings for military purposes; and pay salaries and commissions to those who [murder innocent Israelis and Americans](https://aclj.org/israel/more-palestinian-rocket-attacks-hammer-israel-as-we-prepare-to-take-action-at-the-icc). The Commission disregarded that Israel is and always has been responding in self-defense, a lawful response to armed attacks.

Another common accusation is Israel’s alleged discriminatory treatment of its Arab citizens. Regardless of such accusation’s falsity, which I will discuss below, the Commission did not explain how that would even theoretically be relevant to its report on the so-called “occupied Palestinian territories”—other than to fuel hatred against Israel and repeat anti-Israel rhetoric in order to make it sound believable.

As to the accusation’s merits, Israel treats all of its citizens, Arabs, Jews, and others, alike. Israeli law [protects](https://www.cfr.org/backgrounder/what-know-about-arab-citizens-israel) the rights of all citizens. Arab citizens of Israel have full and [equal voting rights](https://www.wilsoncenter.org/event/promoting-civil-society-between-arab-and-jewish-israelis-ngos-perspective). In fact, Israel is one of the few places in the Middle East where Arab women have the right to vote. 64.7% of Arab citizens of Israel voted in the [2020 election](https://www.theguardian.com/world/2020/mar/04/israel-arab-parties-make-historic-gains-election-support-surges). As a result, Arab politicians hold 14 out of 120 seats in the Knesset, making them the [third most powerful coalition](https://www.reuters.com/world/middle-east/whos-who-israels-new-patchwork-coalition-government-2021-06-13/) in the legislative branch. In fact, the [United Arab List](https://www.reuters.com/world/middle-east/whos-who-israels-new-patchwork-coalition-government-2021-06-13/), an Arab political party, is currently a part of the governing coalition in Israel. In addition, Arabs have served in [cabinet positions](https://www.aljazeera.com/news/2021/6/14/whos-who-in-israels-new-patchwork-coalition-government), and several Arabs have sat on Israel’s [Supreme Court](https://versa.cardozo.yu.edu/justices/kara-george). The facts on the ground show that Israel is a model of equality and justice that other countries in the Middle East would do well to imitate and emulate, rather than attack. Yet, the Commission did not hesitate to make another baseless accusation.

The Commission’s report contains nothing new. It is full of false accusations that are often made as part of the lawfare being conducted against Israel. But it is important that we respond and point out the glaring inconsistencies and the lack of legal basis for accusations made in such reports. It is no coincidence that this report – and the body behind it – is so single-mindedly disgraceful in its approach to the only Jewish State on the planet. Holding out unique perversions of logic and law when it comes to Jews is an ancient and formulaic part of antisemitism. Indeed, this report is simply the modern version of the ancient blood libel – lies and conspiracy theories calculated to justify incitement to violence against the Jews.