In response to the call for submissions issued by the Commission of Inquiry of the United Nations Human Rights Council, I wish to respectfully submit the following comments.

To begin with, it is clear to any fair-minded and honest observer that this Commission of Inquiry with its open-ended and ongoing mandate is intended as blatantly biased exercise of propaganda by states, organizations, and individuals that have singled out Israel for unfair and slanderous criticism for a long time. No other member state of the United Nations has been the subject of such a Commission of Inquiry ever. Grievous human rights violations are committed by many UN members all the time, such as the genocidal oppression of the Uighurs in China, the suppression of women’s rights in Iran and many other Muslim countries, the persecution of Christians and the Ahmadi Muslim minority by Pakistan, the violence used by Iran against anyone who dares to oppose its Islamic dictatorship, the violent coercion exercised by Cuba against anyone who dares to criticize its communist dictatorship, the persecution of the Rohinga people in Myanmar, etc, etc. etc. Yet, the Human Rights Council says absolutely nothing about these and many other human rights abuses. The reason, of course, is clear: such gross human rights abusers as China, Cuba, Libya, Saudi Arabia, Pakistan, Russia, and Venezuela sit on the Council and abuse it as a platform to scapegoat Israel rather than admitting their own misdeeds. What is more, the resolution that created the Commission of Inquiry was organized by the Organization of Islamic Cooperation, which surely has a preconceived enmity toward Israel, not the least because the fictitious “State of Palestine,” which seeks to delegitimate and ultimately eliminate Israel, belongs to it.

What is more, the very head of the Commission of Inquiry is Ms. Navi Pillay, who has distinguished herself by her many prejudiced and biased criticisms of Israel. In 2010, while being UN High Commissioner for Human Rights, for instance, she declared that “the Israeli Government treats international law with perpetual disdain.” In 2020, she signed a petition titled “Sanction Apartheid Israel”; in 2021 she said in a lecture that Israel’s treatment of the Palestinians was “inhuman” and defended the systematic singling-out of Israel under a targeted agenda item at the Human Rights Council. In the same year, she also wrote in a letter to President Biden that Israel is guilty of “domination and oppression of the Palestinian people” and “ever-expanding discrimination and systematic oppression.” Since “systematic discrimination and repression” is one of the Commissions topics of interests, Ms. Pillay’s eventual finding is a foregone conclusion, which surely means that she lacks the impartiality required of any member of the Commission of Inquiry. Indeed, it is astonishing that the United Nations Human Rights Council appointed an individual as the chair of an inquiry immediately after she declared one of the parties guilty in the very controversies that are at issue in the investigation. By heading this inquiry despite having previously and repeatedly declared Israel guilty of precisely the crimes that she is supposed to investigate, Ms. Pillay embodies the injustice that the Human Rights Council, as well as the United Nations as a whole, practice toward Israel.

My further comments directly address three of the five topics that the Commission has stated to be of interest.

1. “Underlying root causes of recurrent tensions, instability and protraction of conflict in and between the Occupied Palestinian Territory, including East Jerusalem, and Israel; as well as systematic discrimination and repression based on national, ethnic, racial or religious identity.”

The root cause of the “recurrent tensions, instability and protraction of conflict” between Israel, the Palestinians, and many Arab states is the unrelenting hostility and violent aggression that the Arabs of Palestine and elsewhere have shown and used against Israel from before its founding. Before Israel became a state, the Jews who peacefully settled in Palestine on land that they had lawfully purchased, were violently attacked by the local Arabs, organized in large measure by the fanatically anti-Semitic Mufti of Jerusalem, Amin Haj al-Husseini, who cooperated with Adolf Hitler in the Holocaust. When Israel became a state in 1948, based on a resolution by the United Nations, the armies of the surrounding Arab states attacked to destroy Israel and slaughter its Jewish inhabitants. Two more wars followed in which the Arabs tried to do the same. In addition to regular warfare, Israel has been subjected to relentless attacks by terrorists, who prefer to murder civilians, from the *fedayeen* in the 1950s, Arafat’s PLO in the 1970s and 1980s, to Hamas since 1987. Israel has offered peace and an independent state to the Palestinians a number of times, most significantly in 2000 and 2008, but their leaders, from Yasser Arafat to Mahmoud Abbas, have always rejected the offers because they are not really interested in peace. Most egregiously, Arafat launched the “Second Intifada” that is, a wave of terrorist attacks, in 2000, just when the relaxation of tensions subsequent to the Oslo Accords of 1993 offered the best chance for Palestinian statehood and an end to the conflict.

Regarding “systematic discrimination and repression based on national, ethnic, racial or religious identity,” there are no root causes because such systematic discrimination and repression do not exist on Israel’s part. Israel, including in East Jerusalem, accords full equality and all human rights to its Arab citizens, who vote, are represented by Arab parties in parliament, get their rights met at Israeli courts, and have risen to significant positions in Israeli society, from lawyers, doctors, and politicians, to government ministers and members of the supreme court. In the West Bank, which, by the way, is a “disputed territory” rather than an “Occupied Palestinian Territory” according to international law, the Palestinians live under their own government—the Palestinian Authority. The root cause of the restrictions they do suffer, in the most, checkpoints on the roads outside and Israeli arrests of terrorists in the Palestinian Authority’s domain, consists of the unrelenting efforts of Palestinian terrorists to attack Jews, against which Israel has every right to take defensive measures. The fact that the Palestinians of the West Bank cannot vote for Israel’s parliament, which is often cited by those who use the apartheid smear against Israel, rests on the simple and entirely legitimate fact that they are not citizens of Israel. They do have the right to vote for the Palestinian Authority, which, however, has not held any elections since 2005.

2. “Facts and circumstances regarding alleged violations of international humanitarian law and alleged violations and abuses of international human rights law leading up to and since 13 April 2021.”

Contrary to the propaganda of those bent on its destruction and delegitimization, Israel does not violate international humanitarian law and international human rights law. It treats the Palestinians as humanely as possible given the unrelenting hostility and aggression by people from their midst. In particular, it does not expropriate Palestinian land in any systematic and unlawful fashion, and Arab citizens of Israel as well as Palestinians living in the West Bank and East Jerusalem have full access to Israeli courts, which are renowned for upholding the rule of law. No other state goes as far as Israel in its effort to respect the rights of a population, many of whom are hostile to its very existence and engage in acts of major violence against its citizens. The rights abuses that do exist stem from the dictatorial and brutal regimes of Hamas in Gaza and of the Palestinian Authority in the West Bank, who jail, torture, and murder anyone among their own people who opposes them.

3. “Identification of those responsible”

Those responsible for the conflict between Israel and the Palestinians are those Palestinians who incite hatred against Jews and Israel, including the Palestinian Authority under Mahmoud Abbas, and who carry out acts of terrorism against Israel and Jews living in the West Bank. Since 1990s, the main terrorist offenders have been Hamas and Islamic Jihad. With the violent takeover of the Gaza strip by Hamas in 2007, this enclave has become a veritable terrorist haven. Again and again, Hamas and Islamic Jihad have launched rockets from Gaza that deliberately aim at Israeli civilians. Every so often, Israel is thus compelled to launch defensive air strikes against Hamas and Islamic Jihad cells in the Gaza strip, while taking every precaution to avoid injuring civilians, such as warning civilians of impending strikes by dropping leaflets and even calling them on the phone. In contrast, Hamas and Islamic Jihad regularly commit war crimes by using civilians as human shields.

In sum, Israel has not committed any of the human rights violation that its sworn enemies, including the prejudiced head of the Commission of Inquiry, accuse it of. The very fact that such a commission exists constitutes a flagrant injustice, and its actions will be nothing more than a farce that is injurious to the cause of peace.

Sincerely,

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