

June 15, 2015

NGO Monitor Submission to the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

NGO Monitor, a project of the Amuta for NGO Responsibility, an organization in Special Consultative Status with UN ECOSOC since 2013, respectfully submits this report to Special Rapporteur Makarim Wibisono to provide him with information as he prepares his report for the UN General Assembly.

NGO Monitor (www.ngo-monitor.org) is a Jerusalem-based research institution that tracks the activities, campaigns, and funding of non-governmental organizations (NGOs) operating in the Arab-Israeli conflict. For more than a decade (following the NGO Forum of the 2001 UN World Conference Against Racism in Durban, South Africa), NGO Monitor has published numerous detailed and systematic research studies on the issues of NGO transparency, accountability, international law, human rights, humanitarian aid, and the laws of armed conflict. These works include *Filling in the Blanks: Documenting Missing Dimensions in UN and NGO Investigations of the Gaza Conflict* (2015); *Best Practices for Human Rights and Humanitarian NGO Fact-Finding* (Nijhoff 2012), "IHL 2.0: Is there a Role for Social Media in Monitoring and Enforcement" (*Israel Law Review* 2012), and *The Goldstone Report "Reconsidered": A Critical Analysis* (2011).

Members of NGO Monitor's Advisory Board include Nobel Peace Prize Laureate Elie Wiesel; Harvard Professor Alan Dershowitz; Colonel Richard Kemp, former commander of British forces in Iraq and Afghanistan; Hon. Alexander Downer AC, former Foreign Minister of Australia, UN Special Advisor to the Secretary General on Cyprus, and currently Australian High Commissioner to the UK; Hon. Michael Danby MP, senior member of the Australian Labor Party; R. James Woolsey, former US Director of Central Intelligence; former Member of Italian Parliament, Fiamma Nirenstein; US Jurist and former Legal Advisor to the State Department, Abraham Sofaer; UCLA Professor and President of the Daniel Pearl Foundation, Judea Pearl; Harvard Professor Ruth Wisse, former US government official, Elliot Abrams; Einat Wilf, former member of Knesset with the Israel Labor Party and advisor to Shimon Peres; Douglas Murray, Director of the Centre for Social Cohesion, best-selling author and commentator; Senator Linda Frum, a member of the Province of Ontario's Senate Standing Committee on Social Affairs, Science and Technology; and British journalist and international affairs commentator, Tom Gross.

Mandate of the Special Rapporteur

Before we respond to specific issues involving the Arab-Israeli conflict, we must address the one-sided nature of the Special Rapporteur's mandate "to investigate Israel's violations of the

principles and bases of international law, international humanitarian law and the Geneva Convention ...in the Palestinian territories occupied by Israel since 1967.”

As a result of this biased mandate and the hiring of anti-Israel ideologues to carry it out,¹ previous reports by past Rapporteurs such as Richard Falk and John Dugard have been “employed not to discover evidence of real probity, but to ... re-enforce predetermined political conclusions” to be used for “propaganda purposes.”² This lack of impartiality is a primary reason why Israel has not cooperated with the Special Rapporteur and is completely justified in making that decision.

While, of course, Special Rapporteur Wibisono is not responsible for the adoption of the mandate, and we appreciate his efforts to incorporate a wider range of sources and materials in his reports, we believe that the Special Rapporteur should speak openly and forcefully against this biased mandate and call for its repeal or at the very least, modification. Doing so would send a strong message to the UNHRC that its special procedures must be carried out in accordance with the Council’s mandated principles of impartiality, objectivity, non-selectivity, balance, and universality. Adopting such changes may also lead to the participation of Israeli officials. Without doing so, the UNHRC should have no expectation of Israeli cooperation in a biased and selective process.

Another significant problem in the Special Rapporteur process and reporting mechanisms is the excessive reliance on the unverified and unsourced claims of political advocacy NGOs, contributing to the lack of objectivity. These groups, including Human Rights Watch, Amnesty International, Al Haq, Badil, Al Mezan, Diakonia, Defence for Children International- Palestine Section, and B’Tselem, approach the Arab-Israeli conflict in the same manner as the biased UNHRC mandate.

Few, if any, mechanisms exist within the HRC and other UN frameworks to verify and evaluate the credibility of allegations proffered by these NGOs. As Chair of the University of

¹ In fact, it appears that a public record of animus directed at Israel is a requirement for the staffing of positions established by the HRC. As noted by legal scholar and former member of the Inter-American Commission on Human Rights, Christina Cerna:

In my view Israel has a unique status in the UN Human Rights Council. Impartiality is not a requirement sought by the Council for the appointment of experts when it comes to Israel. I was selected as the consensus candidate of the Consultative Committee for the post of UN Special Rapporteur on the Occupied Palestinian Territories earlier this year, but the Organization of Islamic Cooperation and the League of Arab States both officially opposed me, which killed my candidacy. They opposed me for “lack of expertise,” although my entire professional life has been involved with human rights, but because I had never said anything pro-Palestinian and consequently was not known to be “partial” enough to win their support. The candidate that they officially supported was considered to be partial in their favor. No other special procedures mandate is similarly biased. At the end of the day, neither I nor the OIC candidate was appointed, but the Indonesian diplomat, Makarim Wibisono, who was appointed, was considered sufficiently “pro-Palestinian” to be acceptable to the OIC. Consequently, I don’t think Bill Schabas could have been selected to lead the “independent” inquiry if he hadn’t made the comments he had made about Netanyahu.

² Franck, Thomas M. and H. Scott Fairley, Procedural Due Process in Human Rights Fact-Finding by International Tribunals, 74 AM. J. INT’L L. 308 (1980).

Essex Human Rights Centre, Nigel Rodley has commented, “[r]egrettably, the United Nations has not provided comprehensive criteria for the guidance of fact-finding missions to be carried out under its auspices.”³

For more than a decade, NGO Monitor has conducted systematic research studies regarding the reporting practices of NGOs in the Arab-Israeli conflict. Our research shows the following:

1. NGOs do not adhere to a consistent or rigorous research methodology in their publications.
2. NGOs frequently misreport the facts in armed conflict situations and apply false or inconsistent legal definitions.
3. NGOs possess limited military knowledge and/or expertise, contributing greatly to the factual and legal errors in their reporting.
4. NGO staffing, particularly as it relates to Israel, involves intense bias, personal animus, and even antisemitism.

As a result of these severe problems, political advocacy NGOs operating in the Arab-Israeli conflict cannot be viewed as a credible source of information and should not be relied upon without undertaking independent verification of their claims.

The following address several topics that have been a focus for these NGOs and have undoubtedly been presented to Special Rapporteur Wibisono for inclusion in his report:

Water

The issue of water has been ceaselessly exploited and politicized by the PLO and pro-Palestinian activists and NGOs claiming a human rights and humanitarian agenda in an attempt to portray Israel as a violator of human rights. This includes false accusations of water “discrimination” and “stealing water”; pressure on international corporations to boycott the Israeli national water company, Mekorot; and blatant distortions of binding international agreements between Israelis and Palestinians.

Water safety and protecting the environment transcend international borders and lines on a map. Close cooperation and coordination between all parties are required in order to creatively and constructively address problems and ensure equitable, maximal access to clean and safe water. The complexity and centrality of water in the context of the Arab-Israeli conflict is heightened by the desert-climate and regional water shortages.

³ Nigel S. Rodley, “Assessing the Goldstone Report,” *Global Governance*, April-June 2010, available at http://findarticles.com/p/articles/mi_7055/is_2_16/ai_n55407196/?tag=content;col1

As a result, a Joint [Israeli-Palestinian] Water Committee (JWC) was [established](#) in 1995 as part of the Oslo Agreements to “deal with all water and sewage related issues in the West Bank.” The decision making mechanism of the JWC is based on “consensus, including the agenda, its procedures and other matters,” and where each side has veto power. Likewise, a central tenet of the [1994 Israel-Jordan Peace Treaty](#) is that “co-operation in water related subjects would be to the benefit of both Parties and will help alleviate their water shortages.”

Unfortunately, despite the existence of cooperation between Israelis, Palestinians, and Jordanians, water has also become a destructive weapon in the hands of political advocacy NGOs, which use allegations regarding water rights and availability as part of their delegitimization and anti-normalization campaigns against Israel. NGOs present a distorted narrative of the water issue, ignoring the negotiated agreements (binding international law) between Israel, Jordan, and the Palestinians that determine water arrangements, internal Palestinian dynamics, and other complexities – in order to falsely accuse Israel of violating international law relating to water rights. In reality, Israel’s supply of water to the Palestinians is actually “far beyond its [Israel’s] obligation in the Water Agreement.”

This narrative also falsely accuses Israel of blocking Palestinian water development projects, including waste water treatment plants (WWTP); creating a “water crisis” in Gaza; and profiting from its “control over a Palestinian captive market” providing Palestinians with the “minimal quantity needed to survive in humanitarian-disaster areas,” but supplying settlers with generous amounts of water. In many respects, the NGO campaigns have worked in conjunction with the PLO’s anti-normalization wing, rejecting all engagement with Israel, even when doing so would primarily benefit Palestinian interests.

The NGOs leading these campaigns include [Al Haq](#), [Palestinian Center for Human Rights \(PCHR\)](#), [BADIL](#), [Coalition of Women for Peace/Who Profits](#), and [EWASH](#) (a coalition of Palestinian NGOs, international development organizations, and UN agencies). International and European NGOs, such as [Human Rights Watch](#), [Amnesty International](#) and [United Civilians for Peace](#) (UCP – an umbrella group comprised of Dutch NGOs [ICCO](#), [Oxfam Novib](#), [Pax](#) (formerly IKV Pax Christi), and [Cordaid](#)), also accuse Israel of denying the Palestinians “[fair access to water](#)” and make distorted claims regarding Israel’s alleged obligations vis-à-vis Palestinian water rights.

In many instances, the NGOs acknowledge that they are motivated by politics and demonizing Israel, not by improving Palestinian access to clean water. For instance, EWASH opposed an EU-funded desalinization project in Gaza, which would dramatically improve the water supply, [on political grounds](#), claiming that it would “accommodat[e] the occupation” and “legitimize Israeli actions.” EWASH also claimed, contrary to evidence, that desalination is an “interim solution,” which is belied by regional efforts to expand desalination as a [permanent solution for water shortages](#). These groups have also campaigned to [block much-needed infrastructure projects](#), aimed at improving sanitation and the environment in the West Bank.

The Water Agreement

Israel's involvement in the water sector in the West Bank, supplying water to Palestinian communities and to settlements, is entirely dictated by the 1995 Interim Agreement (Oslo II) mutually agreed to between Israel and the Palestinian Authority and guaranteed by the international community, which states the exact obligations of both sides. Contrary to NGO claims, this agreement does not "prevent the Palestinians from developing their own water and sanitation sector." Article 40 of the agreement states that approval of water projects in the West Bank is made by the Joint Water Committee (JWC) through mutual agreement. The Palestinians are free to build any and all components of their water and sanitation sector, subject to the approval of the JWC. Once approved, Israel has no further authority over projects in Areas A and B (Palestinian military and/or civil control). Palestinian water projects in Area C (Israeli civil and military control) require permits from the Israeli Ministry of Defense Civil Administration (CA), undergoing the same procedure as Israeli projects.

Water claims and reality

While the Palestinians and many NGOs claim that Israel "[profits](#)" from selling water to the Palestinians, in reality, the price at which the Palestinians purchase water from Mekorot was mutually agreed upon in the Oslo II accords. This price, set at NIS 1.66 per cubic meter (1996), has since been adjusted to NIS 2.85 per cubic meter (as stipulated in the agreement), reflecting increases in production costs (drilling, energy, maintenance, etc). Mekorot's total overhead as of 2013 was NIS 4.16 per cubic meter, meaning Mekorot sells water to the Palestinians at a loss. In contrast, Israelis pay NIS 8.89 per cubic meter, and in effect, subsidize the Palestinians.

Claims that Israel [hinders](#) the construction of water infrastructure projects are also unfounded. In most cases, implementation of the projects is the responsibility of the Palestinian Water Authority (PWA). In many cases the Palestinians refrain from implementing projects, which have been authorized and for which funding is readily available, due to political reasons, including intra-Palestinian conflict and heavy lobbying by the Palestinian agricultural sector.

Since 2000 the CA has approved 73 of 76 permit requests in Area C. Correspondence between CA and PWA officials shows that projects approved in 2001 had still not been implemented by the Palestinians as of 2009. A further 44 projects approved by the JWC (in Areas A and B), including several waste water treatment plants (WWTP), trunk lines, water distribution networks for several villages and towns, and water reservoirs, have also not been implemented.

The lack of project implementation is accompanied by a lack of enforcement and maintenance. The PWA loses 33% of water in its system per annum (compared to 9% in the Israeli system) due to theft within the Palestinian Water Authority's water network and poor maintenance. Israel does not prevent the Palestinians from repairing their own pipe system. Many of the PWA water pumps are maintained poorly and are shut down for repairs for long

periods of time, due to a lack of technical ability to repair the pumps, a lack of concerted effort to do so, and the rejection of Israeli assistance by the Palestinian leadership.

Water theft by Palestinians, from both the Israeli and Palestinian networks, is a major source of water loss. Over 250 illegal drillings are known to exist in the northern West Bank alone. Israeli requests to reinstate the Joint [Israeli-Palestinian] Supervision and Enforcement Teams (JSETs) in order to combat water theft have been denied by the Palestinians. Minutes of JWC meetings show that in many instances the PWA had committed to shut down illegal drillings but did not do so.

Gaza

Regarding the situation in Gaza, there are [claims](#) that Israeli [restrictions](#) on “materials and equipment necessary for development and repair of infrastructure have led the water and sanitation situation to reach crisis point” ([EWASH](#), 2015). In reality, despite the fact that Oslo Accords [dictated](#) that the management of the water sector in Gaza was given over in its entirety to the Palestinians, and despite continuous attacks on Israeli civilians, including on IWA personnel by Hamas and other Palestinian armed groups, Israel continues to supply water to Gaza, recently increasing the supply to 10 MCM annually.

A major factor in the water shortage in Gaza is the poor maintenance of the water and sewage infrastructure in Gaza itself, resulting in losses of more than 40% (compared to 9% in the Israeli system and 33% in the Palestinian-run network in the West Bank). Addressing this issue would vastly improve the water supply in Gaza, and improvements can be implemented immediately with no outside assistance. Wastewater treatment and reuse, drip irrigation, and meter installation would also immediately improve the local water situation in Gaza. Yet, these efforts are hampered by gross mismanagement stemming from Palestinian in-fighting, theft of materials for infrastructure upgrades, and a desire by the PLO and Fatah to “punish” Hamas.

In the long term, desalination is likely the only permanent solution for providing a reliable and safe source of water for Gaza (as is true for Israel). The international community has offered to build such facilities; however the Palestinians and advocacy NGO partners refuse to cooperate on this issue, claiming that it would “accommodat[e] the occupation” and “legitimize Israeli actions.”

Israel, despite its security concerns and despite highly dysfunctional Palestinian governance, has been [allowing](#) equipment for [water projects](#) to [enter Gaza](#), and has completed the construction of an additional pipeline, capable of supplying an additional 5 MCM annually, into Gaza.

Palestinian Water Production, Israeli Settlements and Water

Many NGOs claim that Mekorot “exploits Palestinian water sources, supplies the settlements and transfers Palestinian water across the Green Line ” ([Who Profits](#), 2013). Others assert

that “in recent years, Palestinians have bought some 50 MCM water per year. This water is extracted by Mekorot from the Mountain Aquifer and Palestinians should be able to extract for themselves if they were allowed to dig and maintain their own wells” ([Stop the Wall](#), 2013).

In reality, the Water Agreement allows the Palestinians to dig and maintain their own wells, and the majority of wells in the West Bank are owned and operated by the Palestinians. Mekorot drills in the West Bank, as agreed upon by the Palestinians in the JWC, in order to provide water to both Palestinians and Israelis regardless of nationality. None of this water is transported by Mekorot outside of the West Bank. The water is supplied solely to Palestinian and Israeli West Bank residents. In fact, of the approximately 57 MCM that Israel sent to West Bank Palestinians in 2013, only approximately 10 MCM originates from West Bank wells. The rest is transferred from within Israel into the West Bank. In other words, Israel uses significant amounts of its own water to supply the Palestinians and not the reverse as claimed by the NGOs. The NGO claims regarding the “Palestinian water sources” (in this case the mountain aquifer – the only major source of water in the West Bank) are also baseless. The mountain aquifer is a joint aquifer; two-thirds fall under Israel, and the remaining third under the West Bank.

Further claims such as “Seventy percent of the water allocated to settlements in the occupied Jordan Valley originates in Mekorot drillings” ([Who Profits](#), 2013), or that “Israeli wells in the Jordan Valley produce around 40 MCM annually...used almost exclusively by the roughly 9,000 settlers operating agricultural settlements in the valley” ([Human Rights Watch](#), 2010), are also untrue.

Israeli residents in the Jordan Valley are given approximately 10 million cubic meters a year less than the volume of Jordan Valley well water that was explicitly approved for their consumption by the 1995 Oslo Accord. At the same time, approximately 7 million cubic meters of water from Israel’s National Water Carrier are annually supplied to the Palestinians in communities (including Jericho, Uja, Bardale, and others) in the Jordan Valley. That being said, the supply of water to Jordan Valley settlements, as well as the drilling of wells in that region, are all in accordance with the water treaty between Israel and the Palestinian Authority, and are conducted under the authority of the JWC. Mekorot is not depriving the Palestinians of water in the Jordan Valley or anywhere else. The vast majority of water that Mekorot supplies to the West Bank (to both Palestinians and Israelis) is sent from Israel (via Israel’s National Water Carrier). Furthermore, the Palestinians have drilled less than 50% of their approved aquifer water from wells in the Jordan Valley. The annual extractions from the Eastern Mountain Aquifer, which supply both Palestinians and Israelis in the Jordan Valley, remain far below the supply-capacity of the aquifer.

NGOs also claim that in order to “[t]o service settlers, Mekorot restricts water supplies to Palestinian communities” ([Who Profits](#), 2013) or that Israel reduces water to Palestinian communities during dry spells. These claims are also false: Israeli water supply to the

settlements is part of Israel's allocation of water and does not affect the supply to the Palestinians in any way. Additionally, Israel supplies less water to Israeli citizens in the West Bank than stipulated in the Oslo Accords and transfers the remaining quota to the Palestinians.

Claims of Excessive Force

In recent years, the NGO campaign against Israel's legal responses to violent demonstrations and riots has intensified. Leading this campaign are NGOs such as Amnesty International and B'Tselem.

For instance, Amnesty released a February 2014 a publication titled "[Trigger-happy: Israel's use of excessive force in the West Bank](#)," accusing Israeli security forces of being "trigger happy" and displaying a "callous disregard for human life." In its report, Amnesty makes numerous non-specific claims without any supporting evidence, such as "Palestinians killed by Israeli soldiers did not appear to be posing a direct and immediate threat to life."

Despite its sweeping legal and factual conclusions, Amnesty does not possess the information to analyze or assign blame for deaths in the context of violent confrontations in the West Bank. Accordingly, in a February 10 [interview with Al Jazeera](#), Amnesty International's Secretary General Salil Shetty admitted that "we are not an expert (sic) on military matters. So we don't want to, kind of, pontificate on issues we don't really understand."

In Amnesty's publication, no definitions or comparative data are provided to support the politicized allegations that Israeli forces are "trigger happy" and "reckless." In fact, a review of police conduct around the world reveals that Israeli police and military conduct is far more restrained, considering the constant state of armed conflict and the sheer number of lethal situations that justify the use of deadly force, including violent riots and terror attacks. For example, according to FBI statistics, in 2008-12, more than 2,000 people were killed by U.S. police forces. In February 2014 alone, one day of protests in Ukraine resulted in 39 to 100 people killed by law enforcement, at least 13 people were killed by police in Venezuela, and 4 killed and dozens injured in Thailand. Egyptian forces killed more than 500 protestors in a single day in August 2013.

In July 2014, Israeli NGO B'Tselem issued a similar report, claiming that Israeli security forces have been allegedly resorting to "[Excessive use of live fire](#)." B'Tselem surmised "that senior commanding officers in the West Bank permitted security forces to use live fire as a means of crowd control, even in clashes with unarmed stone-throwers and in circumstances that posed no mortal risk to anyone." B'Tselem's characterization of stone-throwers as "unarmed" reveals the tendentious and politicized nature of its allegations. Hundreds have been injured or killed by these supposed "unarmed" stone-throwers. B'Tselem also does not have the information to conclude that circumstances proved "no mortal risk".

In other words, B'Tselem erases the extent of violence at protests, to support its politicized narrative. In contrast, the Israel Security Agency reported a [sharp increase](#) in riots and attacks in the West Bank during July 2014. These included “507 attacks: 35 IED (5 in Jerusalem); 13 small arms shootings (1 in Jerusalem); 459 firebombs (77 in Jerusalem).”

These attacks also included an attempted [lynching](#) of an Israeli woman near Nablus, and [dozens](#) of extremely violent confrontations, with thousands of rioters, firebombings, stonings, and the lighting of tires.

A similar NGO campaign emerged in 2011, when the Palestinian Authority was expected to pursue statehood status in the UN, and Palestinian protests were expected. A number of Israeli NGOs, including B'Tselem, Association for Civil Rights Israel (ACRI), and Public Committee Against Torture in Israel (PCATI), released a series of reports prejudging and pre-delegitimizing Israel's responses before any activity had taken place. The NGO statements falsely portrayed violent demonstrations as “non-violent,” when in fact protesters were [burning tires](#), [throwing rocks](#), and [Molotov cocktails](#). In contrast to the obligation under domestic and international human rights and humanitarian law of the Israeli military and police to maintain public order and safety, these groups ignored or erased very real threats to public safety and human life.

ACRI and Adalah penned [public letters](#) to high ranking Israeli officials, alleging that “military legislation governing protests and demonstrations in the West Bank denies Palestinian residents the right to demonstrate.” The letter “[Police Preparation for the Expected September Demonstrations](#),” invoked the “right to protest” within Israel, without recognizing legitimate security concerns and limitations that may be legitimately imposed both within Israel and in the West Bank.

These NGO campaigns share a common theme: they attempt to curtail Israeli self-defense measures and to demand Palestinians be granted an unlimited “right to demonstrate,” regardless of whether violence is a primary component.

Children's Rights

Palestinian, Israeli, and international NGOs have also leveled accusations of Israeli “abuse of children.” This term includes both the detaining of Palestinian children by Israeli security forces and the way in which the Israeli military justice system deals with these children.

Leading these allegations are NGOs such as Defense for Children International – Palestine Section (DCI-PS), Military Court Watch, and others. In general, these groups regularly accuse Israeli of abusing child detainees without evidence. Simultaneously, they ignore the fact that Palestinian terror groups and adult activists are exploiting children to attack Israeli civilians and security forces, callously placing them in legal and physical danger. Like other NGO reports on detention issues, these groups omit any comparative evidence or practice.

Were they to include such data, it would be proven that Israeli practice is far more restrained than other Western democracies that confront far less dangerous and explosive situations.

For example, Amnesty initiated [a tendentious campaign](#) to the US Congress to “Protect Palestinian Children,” claiming that “According to UNICEF, more than 7,000 Palestinian children in the occupied West Bank have been arrested or detained by Israeli security forces since 2003.” Amnesty fails to acknowledge, however, that according to [UK arrest data](#), in 2009 and 2010, nearly 250,000 children aged 10-17 were arrested by UK police forces. In the US, the number was closer to [one million annually](#). Proving Amnesty’s disproportionate focus, double standards, and bad data, the NGO was complaining that less than 700 children per year had been arrested by Israel since 2003, but these relatively low numbers were far more problematic to Amnesty than countries where the rate was from 350 to greater than 1000 times higher.

DCI-PS, Amnesty International, and others also claim without verifiable or credible evidence that Palestinian children are subject to “torture” by Israel. DCI-PS discounts all the measures that Israel has implemented in order to ensure that the rights of Palestinian children are respected, claiming that they “had little substantive effect,” and offered only politicized comments instead of hard evidence to substantiate its claims.

An April 2015 [MCW report](#) alleged that Palestinian children are arrested “In order to guarantee the protection of nearly 400,000 Israeli civilians living in over 200 illegal West Bank settlements.... In other words, **the military detention of Palestinians is an essential element in ensuring the viability of the settlement project**” (emphasis added). MCW does not offer any proof that these Palestinians were arrested simply to “ensure the viability of the settlement project” rather than because they were involved in violence and other criminal activity. Apparently, for these NGOs, rule of law does not apply and those engaged in violence or crime are to be granted immunity from arrest simply based on their ethnicity and the presence of Israeli civilians in the West Bank. The absurdity of these NGO claims again show that they are simply politicized and have no basis in substance. Other dubious allegations by MCW include,

“During the intervening two years there has been a significant level of official Israeli activity in response to the UNICEF report including dialogue, amendments to the military law and the reissuance of standard operating military procedures in a clear acknowledgement that there are fundamental problems with the system.”

It is absurd and false to say that implementing changes and improvements to policy is a “clear acknowledgement that there are fundamental problems.” It is also representative example of how NGOs criticize Israel regardless of what policies are enacted, even when such policies are aimed at facilitating positive change – Israel is damned if it does, damned if it doesn’t.

Similarly, NGOs discount the changes enacted by the Israeli government to the law ([introducing order 1676](#)), which includes the creation of juvenile military courts and raises the age of majority to 18. These measures reflect a willingness on Israel's part to improve its procedures and increase child protection, even in cases where children have committed serious crimes such as murder and violent assault, and life threatening offenses such as firebombing and stone throwing.

It is also telling that these NGOs routinely ignore the rampant [exploitation of children](#) by Palestinian actors, including [indoctrinating them](#) with [hate and antisemitism](#), using them in riots and armed confrontations with the Israeli military, exploiting schools for storing weapons, and training tens of thousands of children to be [child soldiers](#).

In addition to turning minors into combatants, Palestinians deliberately place children at risk from Israeli counterterror measures by co-locating weapons and terror infrastructure inside schools, hospitals, and mosques. Hamas officials have appeared on TV calling on Gazans to serve as human shields and to ignore Israeli warning of pending strikes. Terrorists adorn civilian dress and launch rockets and other weapons from within civilian areas to maximize loss during retaliatory attacks, which will increase the propaganda effect. According to IDF estimates, more than 25% of Palestinian rockets fall short of their Israeli civilian targets within Gaza. Many Palestinian children have been killed as a result, including 13 children at the Al-Shati refugee camp on July 28, 11-month old Jihad Misharawi in November 2012 and a three-year old girl in July 2014. The bodies of dead Palestinian children are often posed and otherwise exploited for the media.

Moreover, NGOs ignore that Palestinian terror groups deliberately target Israeli children in violation of international human rights and humanitarian law.

On June 12, 2014, three Israeli teens – Gilad Shaer, Naftali Frankel, and Eyal Yifrah – were abducted from a bus stop and murdered by Hamas terrorists. Their bodies were mutilated and discarded in a shallow grave only to be discovered two weeks after their disappearance.

In contrast, the Palestinian public widely celebrated the crime, adopting a three-fingered salute honoring the “heroic” perpetrators and mocking the grieving families on social media. Coupled with these celebrations was major intensification by the Hamas terror group of [rocket attacks on Israeli population centers](#) targeting civilians. Many of these missile strikes hit kindergartens, schools, and synagogues, with the massive increase in rocket fire escalating into last summer's war.

The Palestinian tactic of targeting children is not new, and there are many examples: In 2011 Hamas launched a heat-seeking missile at an Israeli school bus, killing a 16-year old boy. In 2010, Palestinian terrorists associated with the PFLP murdered five members of the Fogel family, stabbing to death two small children and decapitating a 3-month old baby. In 2008, a Palestinian gunman open fired on children studying in a Jerusalem school library, murdering

eight. In 2004, Gazan terrorists affiliated with Islamic Jihad shot at point blank range and killed Tali Hatuel, eight-months pregnant, along with her four young daughters aged two to ten. And on August 23, a Hamas mortar killed 4-year old Daniel Tragerman as his father struggled to usher him into a safe room.

Palestinian terrorists have long detonated suicide bombers in pizza shops, buses, weddings, bar mitzvah celebrations, and malls to inflict the most casualties as possible on the defenseless. Many Hamas terror tunnels uncovered during the 2014 war contained entrances near Israeli kindergartens. Like the reaction to the June 2014 kidnappings, outrage from the Palestinian community for these atrocities is rare, if expressed at all.

Conclusion

The goal of the special procedures of the UN Human Rights Council is to prepare reports that offer constructive solutions for improving human rights and increasing civilian protection. For far too long, the reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 have been prepared with a lack of respect for and adherence to legal, moral, and ethical principles. Instead, they have simply been propaganda vehicles to be used for anti-Israel demonization and delegitimization. Contributing to the poor quality of these reports is the excessive reliance on the unverified and unsourced claims of political advocacy NGOs. The appointment of Rapporteur Wibisono offers a new opportunity to reform one of the most discredited mechanisms in the UNHRC framework.

We urge Rapporteur Wibisono to reject the practices of his predecessors and endeavor to prepare a fair, substantive, constructive, and verified report that can be used to promote positive change in the Arab-Israeli conflict.