



9 October 2023

VIA OVERNIGHT DELIVERY SERVICE

HE António Guterres
Secretary-General of the United Nations
United Nations Headquarters
1st Avenue and 46th Street
New York, NY 10017
United States of America

RE: The Barbarous Attacks on Israel by Hamas and Its Allies

Your Excellency:

By way of introduction, the European Centre for Law and Justice (ECLJ) is an international not-for-profit law firm located in Strasbourg, France, dedicated to protecting human rights and religious freedom in Europe and around the world. The ECLJ holds Special Consultative Status as an NGO before the United Nations.

As the world reacts in horror to Hamas's unprovoked, vicious attack on Israel and the barbarous, indiscriminate murders committed by Hamas and its allies of defenceless Israeli men, women, and children, it is high time for the UN to recognise publicly and explicitly Hamas to be the terrorist organisation that it truly is. No civilised organisation, including the UN, can ever condone the murder and abduction of defenceless men, women, and children under any circumstances.

In conjunction with its attack on Israel and contrary to all norms of civilised behavior, Hamas and its allies fired thousands of rockets indiscriminately into Israel. Each indiscriminate rocket launch constituted a separate war crime. Additional war crimes were committed when Hamas operatives and their allies indiscriminately murdered or abducted defenceless Israeli men, women, and children.

Given the nature of the vicious and barbarous attacks visited upon Israel, Israel has the absolute right to defend itself and to defeat utterly those organisations in the Gaza Strip that have been attacking Israel for years. The UN must publicly recognise Israel's right to do so and studiously avoid making any statements alleging some equivalency between what Israel does and what Hamas and its terrorist allies do.

Israel does not indiscriminately or intentionally target civilians as Hamas does. Israel seeks to attack only military targets, going so far as to give Palestinian civilians advanced warnings by telephone, by the dropping of leaflets, and by use of so-called "knock on the roof" explosives.

Civilian casualties in the Gaza Strip occur primarily because Hamas and its allies intentionally collocate militarily significant facilities in civilian areas. Hamas does this for two main reasons: First, it knows that Israel agonises over any civilian casualties that its actions may cause, and Second, that any civilian casualties due to Israel's actions constitute a potent propaganda tool. Hamas, in effect, values the lives of the Palestinian people in the Gaza Strip far less than the Israelis do.

Hamas's unprovoked and barbarous actions call for a serious response from your office. We urge you to do the following: First, publicly condemn Hamas for its actions; Second, demand the immediate return to Red Cross/Red Crescent custody all persons taken as hostages from Israel; Third, announce the commencement of a thoroughgoing review of all UN funds committed for use in the Gaza Strip; Fourth, publicly affirm the legality of Israel's right to respond to the Hamas attack under the UN Charter and the laws of armed conflict; and Fifth, disclaim any equivalency between Hamas's actions and those of Israel.

Respectfully submitted,



Jay Alan Sekulow
Chief Counsel



Robert W. Ash
Senior Counsel