



7 October 2015

VIA FACSIMILE [REDACTED] &  
OVERNIGHT DELIVERY SERVICE

H.E. Ban Ki-moon  
Secretary-General  
United Nations Headquarters  
2 United Nations Plaza  
New York, New York 10017  
United States of America

**RE: UNBALANCED COMMENTS REGARDING RECENT DEATHS IN  
JERUSALEM AND IN THE WEST BANK**

Your Excellency:

By way of introduction, the European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation, dedicated, *inter alia*, to the promotion and protection of human rights and to the furtherance of the rule of law in international affairs. The ECLJ has held Special Consultative Status before the United Nations/ECOSOC since 2007<sup>1</sup>.

We are writing to you to express our deep concern about a number of recent comments made on your behalf by your Spokesman expressing your alarm at Palestinian deaths and injuries while wholly ignoring unprovoked attacks by Palestinians on Israeli civilians that resulted in Israeli deaths and injuries<sup>2</sup>. While we agree that the death of any *innocent* Palestinian is regrettable, we must insist that the death of innocent Israeli civilians is no less regrettable—*and no less worthy of your alarm and mention*. Whenever a statement is issued in your name, which—whether by design or default—suggests that Israeli lives do not matter, the very reputation of your office is diminished and your objectivity and judgement are called into question. Such statements may, in fact, encourage further Palestinian violence directed at innocent Israeli civilians.

Further, in light of the long, open, and notorious history of incitement to violence by Palestinian officials against Israel and its citizens, as Secretary-General, you must be especially careful to use measured language when commenting on events in the region mere hours after such events take place. Until the dust has settled and the facts are established,

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<sup>1</sup>*Consultative Status for the European Centre for Law and Justice*, UN DEP'T ECON. & SOC. AFF., <http://esango.un.org/civilsociety/consultativeStatusSummary.do?profileCode=3010>.

<sup>2</sup>*See Statement attributable to the Spokesman for the Secretary-General on the situation in the West Bank and Jerusalem* (6 Oct. 2015), available at <http://www.un.org/sg/statements/index.asp?nid=9100>.

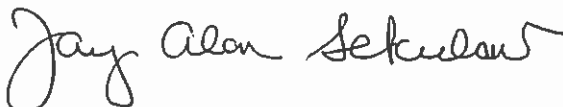


imprudent remarks from your office do nothing to dampen emotions and can, instead, enflame the situation and lead to further violence. For example, when a statement issued on your behalf looks only to the Government of Israel “to conduct a prompt and transparent investigation”<sup>3</sup> of what occurred (as did the statement issued by your Spokesman on 6 October 2015), you and your office are implying that Israel alone bears responsibility for the outbreak of the violence. Moreover, by failing to call on Palestinian authorities to take measures to reduce tensions, you give a pass both to those Palestinians who summarily executed an Israeli father and mother in front of their four children and who indiscriminately stabbed to death Israeli civilians going about their daily lives in Jerusalem as well as to the persons who incited them to commit such heinous acts in the first place.

Moreover, in your position as Secretary-General, you must also take care not to take sides in the conflict. When you take sides, you seriously undermine your ability to influence ultimate outcomes. In the 6 October statement, your Spokesman attributed to you readiness “to work with all parties to create the conditions . . . [for] a two-state solution”<sup>4</sup>. Yet, in the same statement, you publicly adopt the Palestinian talking point that Israel is building settlements “on occupied Palestinian land”<sup>5</sup>. As you are no doubt aware, the determination of which parts of the West Bank are to make up a future Palestinian state is one of the issues to be resolved via bilateral negotiations between the Israelis and the Palestinians. Until that occurs, there is no way to establish what constitutes “Palestinian land”. When you espouse the position of one party to the negotiations, you have ceased to be an honest broker. Instead, you have become an advocate for one side against the other. Accordingly, since you appear to have adopted the Palestinian script, Israel has every right to doubt your sincerity regarding the achievement of a fair resolution of the conflict under UN auspices and to consider you as biased in favour of the Palestinians.

Your Excellency, words have consequences. Words from a world leader like yourself have even greater consequences. We urge you and your staff to exercise prudence at all times when dealing with the powder keg that is the Middle East. Israeli lives matter no less than Palestinian lives. The statement issued by the Spokesman on your behalf suggested otherwise, and for that suggestion alone you should apologise forthwith to all Israelis. Further, resolution of the Israeli-Palestinian crisis can only be resolved via good-faith, face-to-face, negotiations between the Parties. Encouraging such negotiations should be your principal goal. Taking sides concerning desired outcomes serves only to undermine the very goal that you claim to be seeking.

Respectfully submitted,



Jay Alan Sekulow  
Chief Counsel



Robert W. Ash  
Senior Counsel

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<sup>3</sup>*Id.*

<sup>4</sup>*Id.*

<sup>5</sup>*Id.*