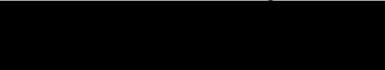




9 June 2016

VIA OVERNIGHT DELIVERY SERVICE

H.E. Ban Ki-moon
Secretary-General
United Nations Headquarters



United States of America

RE: HAMAS TERRORIST ATTACKS IN TEL AVIV

Your Excellency:

By way of introduction, the European Centre for Law & 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 elsewhere around the world. The ECLJ also holds Special Consultative Status as an NGO before the United Nations¹.

As you know, on Wednesday, 8 June 2016, two Palestinian terrorists opened fire "at a Max Brenner restaurant in Tel Aviv's downtown Saron Market"². Four Israelis were killed, and sixteen were injured³. Hamas, an internationally-recognised terrorist organisation, "claimed responsibility for the attack in an official Twitter statement, acknowledging the two terrorists as Hamas members and calling the shooting 'heroic'"⁴.

Many in the international community quickly issued unequivocal statements condemning the attacks. The European Union, for example, said in a statement, "Wednesday night's terror attack in the Saron complex in Tel Aviv exposed scores of innocent civilians and families to indiscriminate fire... Those responsible for these murders must be brought to

¹*Consultative Status for the European Centre for Law and Justice*, U.N. DEPT ECON. & SOC. AFF., <http://esango.un.org/civilsociety/consultativeStatusSummary.do?profileCode=3010> (last visited June 9, 2016).

²Abra Forman, *UN Is "Shocked" That Hamas Is Celebrating Its Own Terror Attack*, BREAKING ISR. NEWS (June 9, 2016, 11:30 AM), <http://www.breakingisraelnews.com/69518/uns-ban-ki-moon-expresses-shock-hamas-celebrations-tel-aviv-terror-bloodbath/#Pzsel0hJW3S7jvQv.97>.

³*Id.*

⁴*Id.*



justice. Those who praise this attack must be condemned”⁵. The United States similarly condemned these attacks “in the strongest possible terms”⁶.

We acknowledge your condemnation of these attacks and, in particular, your statement that “there is no justification for terrorism nor for the glorification of those who commit such heinous acts”⁷. We are, however, a bit taken aback by your statement that you were “*shocked*” that the leaders of Hamas have chosen to welcome this attack and some have chosen to celebrate it”⁸. In light of Hamas’ open, notorious, and lengthy history of violence against Israel and its citizens, it should be of no surprise to you or any other senior official at the UN that Hamas would continue to engage in such heinous acts.

Your tepid response raises serious questions about the United Nations’ willingness to address and condemn Hamas for its ongoing blatant violations of international law. In 2014, for example, Hamas stored rockets in UNRWA facilities in gross violation of international law⁹, thereby endangering UN facilities and personnel by removing IHL protection of such facilities. That violation was compounded when UN personnel returned the rockets to Hamas’ control, knowing that the rockets were intended to be used in violation of IHL against Israeli civilians.

Moreover, Hamas openly boasts that its rockets “accurately target the homes of the Israelis and the Zionists”¹⁰. Hamas spokesman Sami Abu Zuhri has stated that “all Israelis [are] legitimate targets”¹¹. During the 2014 Gaza conflict, for example, Hamas indiscriminately fired more than 4,480 rockets at Israel¹². *By its own admission*, these rockets were directed at civilian homes, thereby establishing—without question—Hamas’ intent to target civilians. In short, Hamas’ firing of rockets into Israel, specifically targeting civilians, is a war crime that must be addressed by the UN.

Also, Hamas has made it clear that its goal is to destroy the Jewish State of Israel. The Hamas Charter specifically proclaims: “Israel will exist and will continue to exist *until Islam abolishes it*”¹³. The entire Hamas Charter, from its preamble to the last article, advocates one

⁵European External Action Service Statement 160609_01_en, Statement by the Spokesperson on the Attack in the Saron Complex in Tel Aviv (June 9, 2016).

⁶Press Release, U.S. Dep’t of State, Terrorist Attack in Tel Aviv (June 8, 2016), <http://www.state.gov/r/pa/prs/ps/2016/06/258249.htm>.

⁷Statement, United Nations Secretary-General, Statement Attributable to the Spokesperson for the Secretary-General on Terrorist Attack in Tel Aviv (June 8, 2016), <http://www.un.org/sg/statements/index.asp?nid=9783>.

⁸*Id.* (emphasis added).

⁹Elad Benari, *UN Chief ‘Outraged’ Over Rockets Stored in UNRWA Schools*, ARUTZ SHEVA: ISRAEL NATIONAL NEWS (July 24, 2014), http://www.israelnationalnews.com/News/News.aspx/183277#.V1m0l_krKUK; Toviah Lazaroff, *UNRWA Investigating 20 Rockets Found in One of Its Vacant Schools*, THE JERUSALEM POST (July 17, 2014), <http://www.jpost.com/Middle-East/UNRWA-investigating-20-rockets-found-in-one-of-its-vacant-schools-363279> (discussing the UNRWA’s discovery of twenty rockets hidden in a vacant, UNRWA-run school in the Gaza Strip).

¹⁰Steven Emerson, *Hamas Claims Rockets Only Target Jews*, THE ALGEMEINER (July 28, 2014), <http://www.algemeiner.com/2014/07/28/hamas-claims-rockets-only-target-jews/>.

¹¹Khaled Abu Toameh, *Hamas: All Israelis Now Targets for Missile Attacks*, THE JERUSALEM POST (July 8, 2014), <http://www.jpost.com/Operation-Protective-Edge/Hamas-All-Israelis-now-targets-for-missile-attacks-361965>.

¹²IDF (@IDFSpokesperson), TWITTER (Aug. 31, 2014), <https://twitter.com/IDFSpokesperson/status/506104993012002816>.

¹³The Covenant of the Islamic Resistance Movement – Hamas, preamble, ¶ 2, (1988), available at <http://www.memri.org/report/en/0/0/0/0/50/1609.htm>.

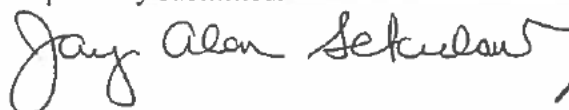
sole goal: the violent elimination of Israel. The Hamas Charter calls the existence of the State of Israel on the land that was formerly held by Muslims a "Zionist invasion"¹⁴. It pledges to wage "jihad in the face of the oppressors, in order to deliver the land and the believers from their filth, impurity, and evil"¹⁵ and "to raise the banner of Allah over every inch of Palestine"¹⁶.

Your Excellency, in light of these (and numerous other possible) examples, your saying that you were "shocked" that Hamas would claim responsibility for and support such an attack is simply beyond belief. Hamas makes no secret of its goals. Hamas is a brutal, unrepentant, terrorist organisation that seeks nothing less than the total destruction of the State of Israel.

It is critical for persons like yourself to recognise what Hamas stands for. You cannot claim the moral high ground while simultaneously tolerating immoral behavior. Hamas' goals are clear. No one in your position can honestly profess "shock" when Hamas simply does what it has clearly said it will do.

We urge you to recognise Hamas for what it is—a vicious terrorist organisation—and to clearly and publicly condemn its continuing violations of international law and every shred of decency. You occupy an office which can sway actions for the right. We respectfully urge you to do so now by unequivocally condemning Hamas' intentional flouting of international law and common decency.

Respectfully submitted,



Jay Alan Sekulow
Chief Counsel



Robert W. Ash
Senior Counsel

¹⁴*Id.* art. 28, 35.

¹⁵*Id.* art. 3.

¹⁶*Id.* art. 6.