

איתי מק, עו"ד
Eitay Mack, Advocate
ايتاي مك، محام

מרכז כלל, משרד 745, רח' יפו 97, ירושלים ■ טל' 02-5877766, פקס 02-5877744
Clal Center, Office 745, 97 Yaffo St., Jerusalem ■ Tel 02-5877766, Fax 02-5877744
eitaymack@gmail.com

June 22, 2020

To members of the UNSC:

Ambassador Zhang Jun (China) ChinaMissionUN@Gmail.com	Ambassador Kelly Craft (US) usun.newyork@state.gov	Ambassador Christoph Heusgen (Germany) info@new-york-un.diplo.de
Ambassador Nicolas de Rivière (France) france@franceonu.org	Ambassador Marc Pecsteen de Buytsverve (Belgium) newyorkUN@diplobel.fed.be	Ambassador Dian Triansyah Djani (Indonesia) ptri@indonesiamission-ny.org
Ambassador Vassily A. Nebenzia (Russia) mission.russian@vtxnet.ch press@russiaun.ru	Ambassador Francisco A. Cortorreal (Dominican Republic) drun@un.int	Ambassador Abdou Abarry (Niger) nigermission@ynm.com
Ambassador Jonathan Allen (UK) uk@un.int	Ambassador Sven Jürgenson (Estonia) mission.newyork@mfa.ee	Ambassador Inga Rhonda King (Saint Vincent and the Grenadines) svgmission@gmail.com
Ambassador Jerry Matthews Matjila (South Africa) pmun.newyork@dirco.gov.za	Ambassador Kais Kabtani (Tunisia) at.newyork@diplomatie.gov.tn	Ambassador Dang Dinh Quy (Viet Nam) info@vietnam-un.org

Subject: A demand from the UN Security Council to impose sanctions on the State of Israel and Israeli officials if the West Bank annexation plan is approved by the Israeli government

Greetings,

1. This appeal is sent to you in the name of "Combatants for Peace", an Israeli-Palestinian NGO, which is committed to promoting peace and the ending of the Israeli military occupation of the West Bank and Gaza. The NGO's actions are based on building partnerships for a bi-national activity based on non-violence and activism.

2. Unfortunately, the State of Israel has declared its intention to unilaterally annex the West Bank, in whole or in part, with the support of the U.S. Trump administration, starting July 1.
3. The State of Israel has deliberately announced the scheduling of the annexation at a time when the focus of the global community is on the Covid19 pandemic and the global economic crisis, and to also divert attention away from the serious corruption charges against Prime Minister Benjamin Netanyahu.
4. The unilateral annexation would constitute a violation of a long list of UN Security Council resolutions, a violation of the provisions of the Convention on the Laws and Customs of a Land War, including Regulations on the Law and Customs of the War on Land (The Hague 1907), the Fourth Geneva Convention relative to the protection of Civilian Persons in Time of War (1949), and the United Nations Charter (1945). This annexation would gravely violate the rights of the Palestinian residents of the West Bank.
5. UN Security Council Resolution 2334¹, adopted on December 23, 2016, following Security Council resolutions 242 (1967), 338 (1973), 446 (1979), 452 (1979), 465 (1980), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), and 1850 (2008), have explicitly stated that unilateral annexation intended to change the status of parts of the West Bank has no legal effect and is invalid, and that its enactment constitutes in itself a violation of international law.
6. Article 2(4) of the United Nations Charter² states that: **"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."**
7. Unilateral annexation shall be deemed an act of aggression that violates the UN Charter spirit and provisions, as well as a crime under the provisions of Article 8 (2) (a) of the Rome Convention signed in July 1998³, prohibiting: **".... any annexation by the use of force of the territory of another State or part thereof..."**
8. The State of Israel's official statement regarding the planned annexation is exceptional, since in general states do not publicly declare their

¹ <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>

² <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>

³ <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

intention to violate international law and UN Security Council resolutions, but rather try to deny such intentions.

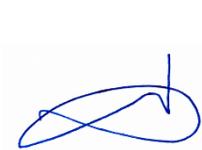
9. The UN Security Council's silence in the face of the State of Israel's declaration of its intent is expected to have serious implications for security, stability and peace all over the world, as this could set a bad example and constitute a license for other governments and regimes to act similarly, and not even be ashamed of declaring their intentions openly.
10. As is well known, the UN Security Council has imposed sanctions upon governments and individuals worldwide who violate its resolutions, including the freezing of assets and restrictions on travel, for example, in South Sudan⁴, the Central African Republic⁵ and the Democratic Republic of the Congo⁶.
11. From past experience, one can expect the Israeli ambassador to the UN to argue that there are no grounds to compare the annexation plan and Israeli officials to the serious crimes committed, or officials complicit in these crimes, in other countries for which the UN Security Council has previously imposed sanctions.
12. Such a predictable claim by the Israeli ambassador to the UN would be unfounded, since the State of Israel has sold weapons to some of the regimes that have violated international law and UN Security Council resolutions, and also since the criterion for imposing sanctions on the State of Israel and Israeli officials must be their specific deeds and the severity of the planned act of aggression and the threat to the peace, rather than comparing what is happening in the occupied Palestinian territories to situations elsewhere, such as the civil war in South Sudan. Furthermore, it would run contrary to common sense to sit and wait until the situation in the occupied Palestinian territories deteriorates further.
13. No government should be allowed the privilege to choose which parts of the UN Security Council resolutions and international law it would be comfortable to follow, and no government in the world should be immune from scrutiny by the UN Security Council, thanks to its diplomatic ties with a world power with a veto power. This is true for the State of Israel, and also for Security Council member states, some of which have themselves acted in violation of international law.

⁴ <https://www.un.org/securitycouncil/sanctions/2206/materials/summaries>

⁵ <https://www.un.org/securitycouncil/sanctions/2127/sanctions-list-materials/summaries>

⁶ <https://www.un.org/securitycouncil/sanctions/1533/materials/summaries>

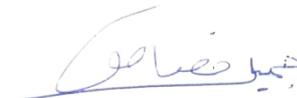
14. One's interest here is not only to prevent anarchy, but primarily to protect civilians, men, women, the elderly and children, in the occupied Palestinian territories and anywhere else in the world, from the arbitrary trampling on their rights and freedoms as human beings, and from the denial of their prospects for living in dignity.
15. **In these circumstances, since the State of Israel is declaring its intention to carry out an act of aggression that would constitute a threat to the peace, if the annexation plan is approved by the Israeli government, we ask the UN Security Council member states to exercise their powers under Chapter VII of the United Nations Charter, and to impose sanctions on the State of Israel, as well as those Israeli officials responsible for the illegal and dangerous annexation plan, including the freezing of their assets and the imposition of restrictions on their freedom to travel: Prime Minister Benjamin Netanyahu, Defense Minister and Alternate Prime Minister Benjamin Gantz and Foreign Minister Gabi Ashkenazi.**
16. **If any of the Security Council member states chooses to exercise its veto right, we ask the other member states to independently impose sanctions on the State of Israel and those Israeli officials.**
17. **Since according to the coalition agreement between Benjamin Netanyahu and Benjamin Gantz, the expected annexation date is July 1, we would appreciate your urgent reference to this letter.**



Eitay Mack, Adv.



Tuly Flint
Israeli General
Coordinator
Combatants for Peace



Jamil Qassas
Palestinian General
Coordinator
Combatants for Peace

Copies:

United Nations Secretary-General António Guterres (dujarric@un.org)
Nickolay Mladenov, Special Coordinator for the Middle East Peace Process
(unsc-media@un.org)
Prime Minister of Israel, Benjamin Netanyahu
Israel's Minister of Defense, Benjamin Gantz
Israel's Minister of Foreign Affairs, Gabi Ashkenazi