



הארגון הבינלאומי של עורכי-דין ומשפטנים יהודים (ע"ר)
THE INTERNATIONAL ASSOCIATION OF JEWISH LAWYERS AND JURISTS (R.A.)

Human Rights Council 27th Session

Agenda Item 7 – General Debate

NGO: IAJLJ - The International Association of Jewish Lawyers and Jurists

Representative delivering the statement: Adv. Tom Gal

Thank you Mr. President,

On July 23rd the Council held its 21st special session regarding the conflict then occurring between Israel and Hamas. The International Association of Jewish Lawyers and Jurists took the floor then, as we take it today, criticizing the imbalanced resolution adopted by this Council. It is our opinion that the newly established CoI for the Gaza conflict functions under an unclear and ambiguous mandate, that does not name Hamas explicitly, and fails to refer to its responsibility and obligations under international law.

Moreover, the Israel Defence Force and the Israeli Ministry of Justice have held and continue to carry out investigations regarding any allegation of war crimes. As the representatives of Israel explained during Israel's UPR last year, special departments in both the military and the civilian sectors are constantly working to ensure the independence of these investigations. In practice, during the last military operation, the same operation investigated by the CoI, all operational decisions were reviewed, analyzed and evaluated from both the military and legal standpoints, and revised accordingly as necessary by the Attorney General of Israel himself.

Recently, we have learned that the legal department of the military will conduct thorough investigations into allegations of war crimes and will review all complaints received by individuals, NGOs and civil society operating in Israel. Clearly, Israel is abiding by its obligations under international law and especially humanitarian law. At a minimum, this Council and any special procedure it has established, should wait until national investigations and procedures have been exhausted and their outcomes revealed, before launching any international investigation. By establishing the CoI, this Council is dispossessing Israel of its obligations and responsibility, erroneously assuming that it is not able or willing to comply with them.

We are of the opinion that the CoI should suspend its investigation until the completion of national procedures. This will ensure conformity with international standards of complementarity, as expressed in the Rome Statute. In any event, we expect that the CoI mandate and guidelines will be corrected, to ensure the explicit reference to Hamas, including its international obligations.