



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

14 November 2012

To  
International Fact-Finding Mission  
on Israeli Settlements in the  
Occupied Palestinian Territory

The International Association of Jewish Lawyers and Jurists (IAJLJ) is a non-governmental organization founded in 1969 by Nobel Peace Prize laureate René Cassin of France, US Supreme Court Justice Arthur Goldberg and Israel Supreme Court Justice Haim Cohn. The Association enjoys Category II status at the United Nations. One of the primary goals of the IAJLJ is the advancement of human rights both in Israel and around the world, including international co-operation based on the rule of law and the fair implementation of international covenants and conventions. The Association is composed of lawyers, judges, judicial officers and academic jurists in many countries who are active locally and internationally. Membership is open to lawyers and jurists of all creeds who share the Association's aims.

As an organization of lawyers and jurists, the IAJLJ supports long-standing efforts by the Middle East Quartet (U.N., E.U., U.S. and the Russian Federation) and others in the international community, to advance a negotiated solution to the Israeli-Palestinian conflict. As such, the IAJLJ continues to be concerned by the ongoing politicization of the Human Rights Council and its unprecedented efforts to single out Israel for criticism, including by establishing regular fact-finding committees with mandates to investigate only one side of the Israeli-Palestinian conflict, or to deal with permanent status issues that are political in nature and, in accordance with international agreements and decisions of the Quartet, can only be resolved through negotiations between the parties.

In this context, the IAJLJ views the establishment of the present Fact-Finding Mission as yet another manifestation of this worrisome trend, which forms a further obstacle to the achievement of a negotiated solution to the Israeli-Palestinian conflict. In light of these circumstances, we ask the Mission to reject its one-sided mandate and refrain from facilitating any further politicization of the Human Rights Council. If the Mission chooses to proceed nonetheless, we strongly urge the Mission to be cognizant at all times of the deeply biased political processes leading to its establishment and that are inherent to its mandate. In order to minimize the harm of such processes, therefore, we urge the Mission to refrain from exceeding its mandate, including by avoiding statements or conclusions on specific issues not requested by its mandate.

רחוב דניאל פריש 10, תל אביב 64731 DANIEL FRISCH STREET, TEL AVIV 10  
טלפון: 972-3-6910673 TELEPHONE: 972-3-6910673 פקס: 972-3-6953855 FAX: 972-3-6953855  
IAJLJ@GOLDMAIL.NET.IL WWW.INTJEWISHLAWYERS.ORG



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Notwithstanding our reservations, and without derogating from our objection to such processes, the IAJLJ wishes to present the Mission with important information regarding Israel's legal system and law enforcement measures which we believe, among other things, is currently missing from the Human Rights Council's narrative pertaining to Israel. Where claims or suspicions surface of disregard for the rule of law or injury to human rights and the rights of states to live in peace, the IAJLJ will often undertake an inquiry into the matter anywhere in the world. The information compiled in the briefs submitted to the Mission is the fruit of research and collection efforts undertaken by the IAJLJ in the spirit of this tradition.

The IAJLJ firmly believes that the ability to freely voice a multitude of opinions, including constructive criticism when warranted, is key to a democratic society and the protection of human rights. In this respect, the IAJLJ notes the strong tradition of free speech and public debate that characterizes Israel. Civil rights in Israel have benefited from strong protection over the years by Israel's legal system and firmly independent judiciary, including the High Court of Justice (HCJ). The extensive jurisprudence, broad powers of judicial review and wide accessibility of the Israeli courts to public interest organizations and Palestinian residents of the West Bank and the Gaza Strip are well-known internationally. Prominent in the HCJ's jurisprudence are the many court decisions seeking to balance between the security needs of the State with the human rights of the residents of Israel and the West Bank, including many instances that have required changes to government policy or executive action. One of the briefs submitted by the IAJLJ addresses this topic in detail.

Within the framework of the Association's interests in the protection of human rights, the IAJLJ has also carried out research regarding measures taken by the Israeli authorities to deal with incidents of ideologically-motivated violence against Palestinians in the West Bank perpetrated by radical elements. This matter came up in a recent meeting with Israel's Attorney General, during which the IAJLJ were pleased to learn that this issue has been identified as a top priority within the Ministry of Justice. As detailed in our second brief, Israel's senior political leadership has emphatically spoken out against such incidents, making clear its "zero tolerance" policy regarding such violence, and additional substantial resources have already been dedicated to combat this phenomenon. In this context, the Association notes the central role of Israel's legal system in the protection and promotion of human rights both in Israel and with respect to the West Bank.



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Finally, I have also taken the liberty of including a brief note I have authored regarding the misuse of legal terminology concerning Israel. The piece is likely to be used by our organization in our forthcoming activity.

It is our hope that the Mission finds the enclosed information useful. We remain at your disposal, should there be a need to clarify or elaborate on any of the matters presented.

Yours sincerely,

Irit Kohn, Adv.  
President, IAJLJ