



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

July 13, 2014

To: Ms. Navanehem Pillay, the High Commissioner of Human Rights

Subject: The High Commissioner statement in light of the on-going hostilities in Israel and Gaza

Madame High Commissioner,

The International Association of Jewish Lawyers and Jurists (IAJLJ) wishes to express its concern in light of the High Commissioner media statement from July 11, regarding the on-going hostilities in Israel and Gaza. After carefully reading the High Commissioner's statement we are of the opinion that it is a one-sided statement that does not reflect the responsibility that should be shared by both parties to the conflict, Hamas de-facto authority included.

As an organization that has always supported a peaceful and long lasting solution to the Israel-Palestinian conflict, we oppose the view reflected in the High Commissioner statement, which impose the burden and responsibility for international law violations solely on Israel, disregarding Hamas' direct responsibility for international humanitarian law violations and war crimes. The hundreds of rockets fired from Gaza toward Israel's cities, towns and civilians are fired by Hamas personnel and with the support of both its military and political branches and leaders. The rockets are not fired indiscriminately, but rather intentionally toward heavily populated areas – an example to such policy is Hamas' warning from yesterday (July 12) in which it explicitly stated it would fire rockets toward Tel Aviv – the largest city in Israel. Such policy, of intentionally targeting civilians and civilian object is a war crime. The High Commissioner also ignored in its statement the reports from Gaza, calling for civilians to remain in their houses although they have been warned by the IDF of an imminent attack and to stand on rooftops of houses, which constitute legitimate military targets to render them, protected. This policy as well is a violation of international humanitarian law and constitutes a war crime.

All of these facts have been absent from the High Commissioner's statement. The High Commissioner has also refrained from addressing the Palestinian Authority and its representative at the Human Right Council regarding their responsibility for recent events, as Hamas is now a member of the Palestinian government as part of the government unity agreement between Hamas and the PA. Actually, the words "Hamas' responsibility" do not appear anywhere in the High Commissioner's statement, thus factually ignoring that there are 2 parties to this recent escalation, both bearing responsibility for their actions.

Finally, the International Association of Jewish Lawyers and Jurists is deeply concern from the recent escalation of violence in the area, and distressed from the number of casualties this on-going

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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conflict has costs to both sides. Nonetheless cannot remain silent in face of the High Commissioner's one-sided statement, which in our view poses and obstacle to the quick resolution of the current situation, deepens the distrust and encourages extremists in both sides. We hope that the High Commissioner will find time to clarify her view and release a more balanced statement.

Yours sincerely,

Irit Kohn, Adv.

President