

Item 7: General Debate Monday, 19 June 2017

Thank you Mr. President,

Al Mezan Centre for Human Rights, Lawyers for Palestinian Human Rights and Diakonia reiterate High Commissioner Al Hussein's concern at Israel's position of non-cooperation with UN Special Procedures, in particular the country-specific mandate.¹ Preventing the entry of the Special Rapporteur on the situation of human rights in the oPt is unacceptable and restricts the application of his significant legal expertise and independence to identify serious protection gaps of the Palestinian population and implement measures to remedy and correct them.

We also reinforce concern at the very disturbing pattern of Israeli non-compliance with treaty bodies obligations—including the obligation to submit timely reports (noting here the outstanding report to the Committee Against Torture) and crucially, to implement the committees' recommendations. These obligations are “not optional”² said the High Commissioner. Israel's “lamentable track record in holding wrongdoers accountable”³ (in the words of the Commission of Inquiry) requires the intervention of independent, international mechanisms—including Special Procedures and treaty bodies—so as to provide overdue necessary justice for victims and provide vital deterrence against repetition.

Al Mezan continues to document the commission of serious violations of international law that form Israel's 50-year occupation of Palestine. We highlight here our imminent request for action by Special Procedures on twenty-three serious cases of torture and ill-treatment of Gaza residents by Israeli forces and agents, which are atrocious crimes, but unfortunately within the *status quo*. These crimes are perpetrated in a context of a failed justice system, which is designed to protect Israel's government leaders and military commanders from prosecution rather than deliver accountability and justice in line with international law obligations.

Our work pursuing accountability and justice for Palestinian victims of serious violations of international law has long evidenced what the High Commissioner starkly concluded in his Comprehensive Review: Israel is repeatedly failing to comply with the calls for accountability made by the entire human rights system.⁴ It is unassailable that the Comprehensive Review has created a significant and authoritative presumption, in the context of the complementarity assessment that will be made by the Office of the Prosecutor of the International Criminal Court, that Israel is unable or unwilling to carry out genuine investigations to hold perpetrators of serious crimes accountable. We submit that Israel is required to provide objectively credible and compelling evidence to rebut this clear presumption flowing from the High Commissioner's important report.

In accordance with previous accountability resolutions adopted by the HRC and the OHCHR's comprehensive review, this Council must fully support the preliminary examination into the situation of Palestine being undertaken by the Office of the Prosecutor for the International Criminal Court, so as to ensure that those responsible are held to account.

1 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21687&LangID=E>

2 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21687&LangID=E>

3 Para 664, UN independent Commission of Inquiry on the 2014 Gaza Conflict

4 A/HRC/35/19