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Minister of State

Dear Sir,

Thank you for your email of 28 March to the Near East Department, enclosing a letter addressed to the Foreign Secretary, about the UN Human Rights Council (HRC) Commission of Inquiry report on the protests in Gaza and Item 7 at the UN HRC. I am replying as Minister of State at the Foreign and Commonwealth Office.

The Government remains deeply concerned about the situation in Gaza. The violence over the past year has been, and continues to be shocking, and the loss of life and large number of injured Palestinians is devastating. It is a source of great concern that, since 30 March 2018, over 29,000 Palestinians have been injured and 195 Palestinians have been killed in the context of the protests.

We have been clear that Palestinians have the right to protest peacefully, without fear for their safety. And we have reiterated strong concerns to Israel about their response to the protests, in particular the volume of live fire used. We call on Israel to adhere to the principles of necessity and proportionality when defending its legitimate security interest. On 27 March, our Ambassador in Tel Aviv reiterated to the Israeli authorities the importance of restraint in the event of further protests. He also outlined our serious concerns about Israel's use of live fire, and the need for an independent investigation, while recognising Israel's right to defend itself. We also reiterated our position at the UN Security Council on 26 March.

It is also totally unacceptable that Hamas and their operatives have been cynically exploiting the protests for their own benefit. Hamas, and other terrorist groups, must cease all actions that proactively encourage violence or that put civilian lives at risk.

That is why the UK abstained on the HRC resolution calling for a Commission of Inquiry, on the basis that the substance of a resolution must be impartial and balanced. It remains our position that we could not support an international investigation that refused to explicitly call for an investigation into the action of non-state actors such as Hamas. It is clear that Hamas hold significant responsibility for encouraging violent protest in Gaza, which is totally unacceptable.

While the Commission of Inquiry's report did look into Israel's actions at the perimeter fence, and highlighted some deeply upsetting instances of deaths and injuries during the protests, it did not look substantively into the role of Hamas and other militant groups. We therefore abstained on the Accountability Resolution at the 2019 HRC which included references to the report.

We have been clear that the UK fully supports the need for an independent and transparent investigation into last year's events in Gaza. The Prime Minister and former Foreign Secretary made this position clear to Prime Minister Netanyahu last year and we continue to urge the Israeli authorities to look into the Israel Defense Forces' (IDF) conduct at the perimeter fence.

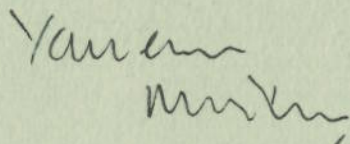
We welcome that the Israeli Military Advocate General has recently ordered five criminal investigations which relate to eleven separate instances of Palestinian fatalities during the Gaza border protests. These investigations are ongoing. Given the importance of accountability, it is vital these investigations are independent and transparent; that their findings are made public; and, if wrongdoing is found, that those responsible be held to account.

You will have seen that on 22 March the UK voted against all resolutions under item 7. I would like to set out our reasons for doing so below.

The UK has long been clear that the Council's disproportionate focus on Israel threatens the HRC's credibility. Israel remains the only country with a dedicated standalone place on the HRC agenda – Item 7. Item 7 represents systematic institutional bias, and as such weakens the voice of the Council, and hardens positions.

The UK's votes against all the Item 7 resolutions sent a clear signal that the UK stands against the persistence of unacceptable and systematic bias and the unfair and implicit supposition that Israel's conduct deserves greater scrutiny than any other country. We will continue to press for the abolition of Item 7, which only undermines the credibility of the world's leading human rights forum.

However, our votes do not mean that we will hold back from voicing or raising concern about Israel's actions when warranted. The UN and its member states have every right to address these grave matters in a measured, balanced and proportionate way. In future, Britain will continue to support scrutiny of Israel and the Occupied Palestinian Territories in the HRC, so long as this scrutiny is justified, proportionate, and is not proposed under Item 7. This was why we abstained on the resolution calling for Israel to be held accountable for its actions in Gaza when it was tabled under Item 2.



The Rt Hon Mark Field MP
Minister of State