



## **Human Rights Council – Session 34**

### **Item 7**

#### **General Debate**

**21 March 2017**

#### **Al Mezan Centre for Human Rights**

**Co-sponsors: Adalah – The Legal Center for the Arab Minority Rights in Israel  
Lawyers for Palestinian Human Rights**

Thank you Mr. President,

This year the Israeli occupation will enter its fiftieth year, and the closure of Gaza will enter its tenth. The pursuant breakdown in human rights and systematic violations of the laws of war in the occupied Palestinian territory continue to be propped up by an Israeli legal system that is geared towards protecting the impunity of its armed forces and political leadership, and by ineffective intervention by the international community to secure justice and legal accountability.

Concerning Operation Protective Edge, Al Mezan and Adalah filed complaints on 28 incidents of suspected serious international humanitarian and human rights law violations to the Israeli authorities, demanding that they open independent criminal investigations and prosecute those responsible. Al Mezan also filed an additional 107 complaints concerning suspected war crimes.

Two and a half years after the bombardment, Israel has not opened a single investigation into any of Al Mezan's 107 serious criminal complaints, and among Adalah and Al Mezan's complaints, not a single indictment has been issued. Only incidents of looting by Israeli soldiers and abuse of civilians in military detention were prosecuted, which reflects the Israeli leadership's stated position during the Operation of investigating and prosecuting what qualify as 'common crimes'.<sup>1</sup> The investigations into a few of the serious attacks on UNRWA shelters and civilian targets were closed without further procedures.

Even in the case where the MAG recognized that a missile attack, which killed five members of the Abu Dahrouj family including two children, was carried out directly on a home and did not target any combatant or military objective, no investigation was opened. The MAG stated that "for an

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<sup>1</sup> See " Defense Minister Ya'alon: No Place for Criminal Probe of Gaza War's Black Friday", Haaretz, 8 January 2015, available at <http://www.haaretz.com/israel-news/.premium-1.636074>, last accessed on 29 August 2016.

unclear reason, likely an unexpected technical malfunction”, the missile hit the home of the family. The case was closed without any action against those involved.

Concerning civil redress, the residents of Gaza continue to face severe barriers in accessing justice in Israel. The overarching challenge remains the mounting legislative restrictions that shield the government from torts liability for its troops’ and commanders’ actions.

The handling of our serious complaints has proven what we have long experienced: Israel is unwilling to conduct genuine, independent investigations into suspected war crimes and does not hold those responsible to account as required by international law.<sup>2</sup> This continues to be the case even after the Israeli military established its Fact-Finding Assessment Mechanism.

We call on the Human Rights Council and members states to:

1. Conclude that Israeli domestic investigations demonstrate an unwillingness and inability to genuinely carry out investigations or prosecutions according to international standards;
2. Demand that Israel remove all barriers for Palestinians to access Israeli courts to pursue civil tort claims against the Israeli military’s actions that include killings and damages; and
3. In accordance with the accountability resolution adopted by the HRC one year ago, ensure that those responsible be held to account through appropriate fair and independent mechanisms.<sup>3</sup>

Thank you.

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<sup>2</sup> See Adalah's submission to the UN Commission of Inquiry on the 2014 Gaza Conflict: <http://www.adalah.org/en/content/view/8417>.

<sup>3</sup> See Resolution of the United Nations Human Rights Council, A/HRC/31/L.38, 22 March 2016.