UN rights council orders unprecedented open-ended probe of Israel

May 27, 2021

The Times of Israel

<https://www.timesofisrael.com/un-rights-council-orders-unprecedented-open-ended-probe-of-israel/>

The top United Nations human rights body decided on Thursday to create an open-ended international investigation into Israel’s treatment of Palestinians, after the UN rights chief said Israeli forces may have committed war crimes and faulted the Hamas terror group for violations of international law in their 11-day war this month.

The 24-9 vote, with 14 abstentions, capped a special Human Rights Council session on the rights situation faced by Palestinians. The session and the resolution were arranged by the Organization of Islamic Cooperation, which has strongly supported the Palestinians in their conflicts with Israel.

The resolution called for the creation of a permanent “Commission of Inquiry” — the most potent tool at the council’s disposal — to monitor and report on rights violations in Israel, the Gaza Strip and the West Bank. It would be the first such COI with an “ongoing” mandate.

Israel rejected the resolution, saying it would not cooperate with such a probe. The Foreign Ministry said the move “completely ignores the 4,300 rockets toward Israeli citizens” fired from Gaza during the recent bout of fighting. It called the decision a “moral stain on the international community and the UN.”

It said it will “continue to defend itself against politically biased entities that seek to undermine the legitimacy of legal and justified activity.”

Prime Minister Benjamin Netanyahu said the council, with its “shameful decision,” had shown a “blatant anti-Israel obsession,” adding that the “automatic majority at the council whitewashes a genocidal terrorist organization that deliberately targets Israeli civilians while turning Gaza’s civilians into human shields.”

President Reuven Rivlin lamented the “inexplicable decision against Israeli citizens who faced the criminal fire of thousands of missiles against innocent civilians.

“The world turned upside down,” he said.

Israel’s ambassador to the UN, Gilad Erdan, called the decision “outrageous.”

“This appalling, one-sided, antisemitic resolution has effectively predetermined the results of the so-called investigation. It ignores the rockets fired at Israeli civilians and equates Israel with Hamas, a terrorist organization, thereby legitimizing Hamas and other terrorist organizations worldwide,” Erdan said.

Defense Minister Benny Gantz said the decision “ends all legitimacy for the Human Rights Council’s continued existence,” insisting that “any peace-loving country” would target Hamas the way Israel has.

Yisrael Beytenu chairman Avigdor Liberman said that Israel should end its membership in the Geneva-based body, adding that “Netanyahu’s weak government” has not adequately responded to the diplomatic targeting of Israel abroad.

The commission is also to investigate “all underlying root causes of recurrent tensions, instability, and protraction of conflict” including discrimination and repression, according to the text. Amid signs that the resolution would pass, its authors added more teeth to its language with a late revision on Wednesday.

The revised text called on states to refrain from “transferring arms” — the recipients were not specified — when they assess “a clear risk” that such weapons might be used to commit serious violations of human rights or humanitarian law. That appeared aimed at countries that sell weapons to Israel.

China and Russia were among those voting in favor. Several Western and African countries voted no, among them Austria, the UK, Germany, Bulgaria and the Czech Republic. Israel thanked the countries that opposed what it called a “scandalous decision.”

Many others abstained, including France, Italy, Japan, Poland, Brazil and the Netherlands.

British ambassador Simon Manley said the commission’s “overly expansive mandate… risks hardening positions on both sides,” and Austrian ambassador Elisabeth Tichy-Fisslberger said the session “continues the regrettable practice of singling out Israel for criticism in the Human Rights Council.”

The US, which is not currently a member of the council, said it “deeply regrets” the decision, calling it “a distraction that adds nothing to ongoing diplomatic and humanitarian efforts” but rather “threatens to imperil the progress that has been made.”

Russian representative Olga Vorontsova said her country supported the resolution, saying it “has the goal of establishing all of the facts behind all alleged violations in the latest period.”

UN High Commissioner for Human Rights Michelle Bachelet, who spoke early in the session, called on Israel to allow an independent probe of military actions in the latest spasm of deadly violence, which ended with a ceasefire last week.

The 11-day war began with Hamas firing rockets at Jerusalem, followed by towns in south of Israel and the Tel Aviv area. Israeli retaliatory airstrikes on targets in the Strip killed some 250 people, including 66 minors, according to the Hamas-run Health Ministry, which does not differentiate between terror group members and civilians. Twelve people were killed in Israel, all but one of them civilians, including a 5-year-old boy and a 16-year-old girl.

Israel has said the majority of those killed were terror operatives and insists it did everything to avoid civilian casualties while fighting armed groups deeply embedded in populated areas.

Bachelet said that “airstrikes in such densely populated areas resulted in a high level of civilian fatalities and injuries, as well as the widespread destruction of civilian infrastructure.

“Such attacks may constitute war crimes,” she added, if they are deemed to be indiscriminate and disproportionate in their impact on civilians. Bachelet urged Israel to ensure accountability, as required under international law in such cases, including through “impartial, independent investigations” of actions in the escalation.

Bachelet also said Hamas’s indiscriminate rocket fire during the conflict was a clear violation of the rules of war, and derided the group’s tactics that included placing military assets in densely populated civilian areas, and firing rockets from them.

“These rockets are indiscriminate and fail to distinguish between military and civilian objects, and their use, thereby, constitutes a clear violation of international humanitarian law,” Bachelet said. “However, the actions of one party do not absolve the other from its obligations under international law.”

She cautioned violence could erupt again unless the “root causes” are addressed.

The day-long debate involved personal accounts from Palestinians — like one of a young woman journalist from the Sheikh Jarrah neighborhood in East Jerusalem, an early flashpoint that has been tied to the violence — as well as the statements from the council’s 47 member states and also observer states.

Israel — backed at times by the United States — has long accused the council of anti-Israel bias and has generally refused to cooperate with its investigators.

Israeli envoy to the UN in Geneva Meirav Eilon Shahar said the Hamas terror group had fired 4,300 rockets at Israeli civilians from “from Palestinian homes, hospitals, and schools. Each one of these rockets constitutes a war crime.”

“What would you do if rockets were fired at Dublin, Paris, or Madrid?” she asked.

Riad al-Maliki, the Palestinian foreign minister, sought to highlight years of suffering by Palestinians in territories controlled by Israel.

“The Israeli war machinery and terrorism of its settlers continue to target our children who face murder, arrest, and displacement, deprived of a future in which they can live in peace and security,” al-Maliki said.