Dear Sir or Madam,

Re UNHCR Commission of Inquiry

I am submitting comments as requested by your call for submissions.

I am afraid that the creation of this Commission of Inquiry is based on flawed and politicized processes and serves as a bigoted attack on the Jewish State, applying standards not used for any other Member State. Provided below is evidence that contradicts the predetermined conclusions of this Commission and the Human Rights Council.

My submission relates to the "underlying root causes of recurrent tensions, instability and protraction of conflict in and between the Occupied Palestinian Territory, including East Jerusalem, and Israel; as well as systematic discrimination and repression based on national, ethnic, racial or religious identity.”

It also addresses the facts and circumstances regarding alleged violations of international humanitarian law and alleged violations and abuses of international human rights law leading up to and since 13 April 2021.”

1.  On May 1, Hamas unveiled what it terms “A Document of General Principles and Policies” from Qatar. This new policy document:

• does not replace the original charter;

• does not accept the existence of Israel in any borders;

• continues to embrace the goal of trying to destroy Israel; and

• does not repudiate violence, including against civilians.

*Backgrounder: New Hamas Platform, by CAMERA, June 9, 2017. (Topic: Underlying root causes of recurrent tensions)*

2. Civilians including children killed in Gaza during hostilities:   The New York Times cover page showed photos of children killed in Gaza during hostilities. The tragedy of this loss is undeniable, but so is the invalidity of the suggestion that the Israeli Defense Force bears responsibility for this tragedy. Instead, that responsibility almost certainly falls at the feet of Hamas because of its deliberate effort to use the presence of civilians as human shields.  Shielding its targets from attack is not the ultimate objective when Hamas exploits its own civilians to get between its assets and IDF attacks.  What Hamas really wants is to force the IDF into inflicting those casualties so that they may be leveraged in the international information space to delegitimize Israel. The New York Times front page is all the evidence needed to understand why Hamas would engage in such tactics.

In a New York Times report of its investigation into the destruction of two apartment buildings in Gaza, video goes to great lengths to establish that it was IDF precision-guided 2,000-pound bombs that destroyed these buildings. But the video also acknowledges that the targets of those attacks may have been the underground tunnel network running beneath the street in front of these buildings. But what about the law? First, the report erroneously states that the IDF was “obligated” to issue a pre-attack warning to the civilians placed at risk. This is a clearly erroneous statement of the warning obligation, which is not required when the operational circumstances indicate it will compromise the effect of the attack. Second, the report condemns the use of the munition based on a statement by the International Committee of the Red Cross that such ‘wide area effect’ weapons should not be used in urban areas. Setting aside the invalid suggestion that the ICRC is somehow the final say on what is or is not legal in conflict (it plays an important and influential role but is not the final say), the report’s failure to consider the ‘legality impact’ of the fact that the munitions were precision guided; and the fact that the use of these munitions may have been calculated to avoid the need to conduct a 2014-type large scale ground incursion into Gaza to destroy tunnels reveals how deeply misleading the inference of illegality is.
*Media Must Improve Conflict Coverage, by Geoffrey Corn, July 9, 2021 (Topic: Alleged violations of international law).*

3.  Application of the relevant legal standards reveals that Israel has a sound legal justification for using military force against Hamas, and that its use of such force likely conformed to the applicable international laws of war, whereas Hamas on the other hand has repeatedly violated the core, bedrock principle that civilians cannot be targeted, whatever the ostensible justification. the relevant legal standards reveals that Israel has a sound legal justification for using military force against Hamas, and that its use of such force likely conformed to the applicable international laws of war, whereas Hamas on the other hand has repeatedly violated the core, bedrock principle that civilians cannot be targeted, whatever the ostensible justification.
*Hamas, Not Israel, Violated International Humanitarian Law, by Samuel Estreicher and Julian G. Ku, June 10, 2021 (Reprinted here.) (Topic: Alleged violations of international law).*

Yours sincerely,

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