

## High Commissioner receives limited input to follow-up report on flotilla fact-finding mission

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On 14 June 2011 the Human Rights Council (the Council) held a general debate under Item 7 (the human rights situation in Palestine and other occupied Arab territories). Previous to the debate the High Commissioner for Human Rights presented [her report](#) (A/HRC/17/47) on the status of implementation of the recommendations of the [fact-finding mission](#) (resolution A/HRC/15/21), which was established to investigate the incident of the humanitarian flotilla attempting to reach occupied Palestinian territories. In response to a *note verbale* from the High Commissioner requesting information for this report, Israel and Palestine failed to submit any information. Turkey provided an update on its cooperation with the Secretary-General's Panel of Inquiry and the fact-finding mission.

The Israeli delegation, spoke as one of the four 'concerned countries' that included Palestine, Syria, and Turkey. Israel acknowledged the "unfortunate event" that occurred on board Turkish ships on 31 May 2010, but reaffirmed its disapproval of the use of flotillas to bring humanitarian aid into Gaza, citing them as a tool in the smuggling of weapons. It also stressed its concern that the continued focus on Israel under Item 7 risked deflecting attention away from the "real life events" occurring in the Middle East and North African region.

Palestine was quick to point out to the Council that Israel continues to demonstrate disregard for the UN and other international systems by not allowing the investigative fact-finding mission into the occupied Gaza territory. Israel has consistently refused to cooperate with UN missions, including refusing to allow the Special Rapporteur on the situation of human rights in the Palestinian Territories to enter the OPT, greatly undermining the Rapporteur's ability to obtain first-hand accounts of the issue.

Palestine continued by demanding that Israel make a public apology for its actions and seek to fully compensate the families of all victims involved – both of which recommendations Israel has previously rejected. Moving beyond the flotilla incident, Palestine alleged that Israel has broken the Fourth Geneva Convention by continuing to expand settlements in the West Bank and Gaza Strip regions, as well as in East Jerusalem, tantamount to forced eviction and transfer of Palestinian residents.

Syria concurred with many of Palestine's opinions, however it devoted the majority of its address to discussing the recent border protest violence, where 25 Palestinians protesting on the Syrian-Israeli border in the Golan Heights region were killed by Israeli forces. Syria was adamant in emphasising the alleged illegal acts committed by Israeli soldiers, while proclaiming that the Palestinians killed or wounded were protesting peacefully and "asserting their natural right" to self-determination granted by the international community. Syria also charged Israel with extrajudicial imprisonment, claiming that Syrians have been detained illegally for burning their Israeli identification cards. Collectively, Syria argues, these crimes warrant a full investigation by the International Court of Justice (ICJ).

Turkey stressed the significance of the flotilla incident as emblematic of Israel's continued neglect for international law. Turkey claimed that Israel has only compounded its problems by not acknowledging the violations they allegedly committed – reparations and continued communication may have been able to stem the growing distrust between the two states. Although the traditional defense Israel has taken cites their unfair scrutiny and treatment compared to other member states, Turkey avers that this argument no longer holds as the Council becomes more successful in dealing with human rights violations across the globe, and that as the number of allegations of human rights violations piles up, the international community must take an increasingly harder line against Israeli policy.

After Turkey's concluding remarks the floor opened up to all other States and groups. Egypt, on behalf of the Non-Aligned Movement (NAM) took the same tone as Palestine and Turkey and reiterated their concern about

Israel's use of extrajudicial detention, and the violence against Palestinians during their border protests. In addition, the delegation warned Israel not to be "on the wrong side of history", implying that political regimes who attempt to repress the rights of others are ultimately doomed to fail. Pakistan, representing the Organization of Islamic Conference (OIC) struck a similar chord, emphasising Israel's flagrant violations of the International Covenant on Civil and Political Rights (ICCPR) by continuing to push settlement expansion even in the wake of substantial international opposition. Palestine, speaking on behalf of the Arab group, affirmed this position and noted that by continuing to expand Israeli settlements the State is purposely undermining any chance for a peace treaty and the realisation of a two-state solution. Hungary (on behalf of the EU), along with Jordan, Sri Lanka, Oman, Kuwait, and the Maldives also mentioned their concern about settlement expansion.

The Russian Federation pointed out that it is paramount to Israeli security interests to reach a peace deal with the Palestinian population. Continued tensions, Russia surmised, only foster extremism on both sides, putting all involved States at greater risk. Russia continued by volunteering to host a forum on the Israeli-Palestinian peace issue in Moscow. The United States reiterated Russia's appeal for peace, however took a supportive attitude towards Israel, stating that resolution 14/1 (which set up the fact-finding mission) was fundamentally flawed, that the mandate it was given prejudged Israel's responsibility for violations of international law, and that not enough attention was being paid to the need to strike a balance between humanitarian aid for Palestinians and national security concerns for Israel.

At the end of the 17th session, Council adopted a resolution expressing regret at the lack of cooperation of Israel with the fact-finding mission and requesting the High Commissioner to submit a further report on status of the implementation of recommendations to its 20th session.