Haley Threatens US Pullout from UNHRC Over Int'l Court Suit on Israel

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The United States warned that it would leave the United Nations Human Rights Council if it turns to the International Court of Justice at The Hague for a broad advisory opinion on Israeli actions in the West Bank and east Jerusalem.

US Ambassador to the UN Nikki Haley issued a statement on the matter after learning that the UN might ask the International Court of Justice to comment on the failure of both Israelis and Palestinians to comply with humanitarian law.

The High Commissioner for Human Rights Zeid Ra'ad Al Hussein plans to make an initial request to this effect when he addresses the UNHRC next Monday.

The initial request was part of a report he published this week called “Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem.”

While the ICJ request would include both Israeli and Palestinian action, Haley is concerned that the focus of an ICJ hearing and subsequent advisory ruling would deal almost solely with Israel.

She was also concerned by statements in the report that supported a business boycott of Israeli products produced over the pre-1967 lines.

“The report recommends that the UN General Assembly—through the Human Rights Council—ask the International Court of Justice to issue yet another advisory opinion focused on Israel, a move that is completely out of the purview of the High Commissioner for Human Rights,” her office said.

“Among other one-sided conclusions in the report, terror attacks by Hamas and other violent groups are brushed over, instead choosing to fixate on matters like the human rights practices of companies in the region,” her office added.

“It’s actions like these that are forcing us to evaluate the United States’ future on the Human Rights Council. The Council, and indeed the entire United Nations, were founded on the principles of equality and fairness. This report once again fails that mission,” it added.

“This report is just the latest example of the Human Rights Council singling out Israel rather than focusing on the world’s actual human rights abusers. Not only does it undermine the credibility of the Human Rights Council on human rights issues, but it once again highlights the unfair bias of the UN when it comes to the Israeli-Palestinian conflict,” Ambassador Haley said.

In 2004, the ICJ advisory opinion stated that Israel's security barrier and West Bank settlements were illegal under international law.

Zeid has now suggested that the ICJ take a broader look at the Israeli-Palestinian conflict so that the UN would have stronger tools by which to enforce compliance with its resolutions and recommendations.

“All stakeholders must recognize that compliance with international law is a sine qua non condition for peace,” Zeid’s office wrote.

“The general patterns of human rights violations and non-implementation of recommendations are not just symptoms of the conflict but further fuel the cycle of violence,” the report stated.

The report showed that over the last seven years, the UNHRC has issued 773 recommendations on the conflict, of which 27% dealt with issues of accountability and access to justice.

The data focused on reports the High Commissioner for Human Rights and the UN Secretary General have delivered to the UNHRC, as well as documents issued by fact-finding missions, special investigations and compliance procedures with UN human rights treaties.

The data does not include UNHRC resolutions against Israel.

Some 551 of the recommendations in those documents sought action from Israel, 75 targeted the Palestinian Authority and another 22 related to Palestinian armed groups. An additional 29 were directed at both Israel and the Palestinians. The remainder of the recommendations were directed toward the UN, its member states, businesses and civic society.

Some 267 of the recommendations were done as part of the UN’s review of Israel’s compliance with human rights treaties. The Palestinian Authority has only recently signed onto to some of those treaty bodies and therefore there are no corresponding lists of recommendations.

The UNHRC issued 253 recommendations on issues of accountability and access to justice, 187 of which were directed at Israel and another 68 at the Palestinians.

“Over the years, successive reports have detailed serious failings of accountability at all levels, and by all duty bearers,” Zeid’s report stated. It quoted UNHRC resolution S-21/1 stating: “Impunity prevails across the board for violations allegedly committed by Israeli forces, both in Gaza and the West Bank”.

“Israel must break with its lamentable track record in holding wrongdoers accountable” and “accountability on the Palestinian side is also woefully inadequate,” the report added.

Israel put in place only two of the recommendations and ignored 168 of the suggestions the UNHRC has put forward on this topic, the report stated. The Palestinians partially implemented nine of the recommendations and ignored 56 of them.