Letter from Human Rights Watch President in Support of the Commission of Inquiry

Dear Friends,

We were disappointed to learn of a proposed joint statement, led by the USA, which seeks to undermine the legitimacy of the COI on the OPT and Israel, created by a clear majority of the Human Rights Council (24 in favour to 9 opposed, with 13 abstentions) at a Special Session in May last year.

The COI was created following widespread cross-regional concern about an escalation in violence in Israel and the OPT that resulted in the killing of hundreds of Palestinians, including dozens of children, in Israeli airstrikes, over a dozen civilians in Israel killed by indiscriminate Hamas rocket attacks, the destruction of civilian infrastructure, including large apartment and office buildings, and the worsening of the humanitarian crisis in Gaza.

The UN Secretary-General Guterres underlined at the time: “*These horrific events did not arise in isolation. They must be viewed in the context of decades of military occupation, political deadlock, grievances and hopelessness, and a failure to address the core issues at the heart of the conflict*.” Five UN Special Procedures similarly [noted](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27102&LangID=E) that the violence had a “*depressingly familiar pattern*” to it, and urged the international community to “*act decisively to address the underlying source of the conflict*.”

Unfortunately, rather than supporting efforts to address these efforts, the US-led joint statement seeks to undermine the COI through a number of exaggerated and inaccurate claims.

The draft joint statement claims that the Special Session resolution established, “for the first time in the Council’s history, a COI of unlimited mandate, with no sunset clause or end date.” This is not, however, the first time in the Council’s history that an open-ended mandate has been created: the first time was the creation – jointly by the EU and OIC – of the Independent Investigative Mechanism for Myanmar (IIMM), an even stronger accountability mechanism than a COI.

The draft joint statement asserts that the establishment of the COI demonstrates a “particular bias against Israel” – a misrepresentation of the COI’s mandate, which extends even-handedly to all parties to the conflict, and a needless slur against the majority of Council members who voted for its establishment, suggesting they can only have been motivated by bias, rather than a genuine desire to meaningfully address the deeply-entrenched patterns of violations and abuse that have led to the loss of so many lives.

The statement further suggests that the COI will “do little to resolve the longstanding disagreements on the ground” and contribute to “polarization.” However, in addition to prejudging the value of the COI’s work – before it has even issued its first report – it is not the mandate of the COI to “resolve the longstanding disagreements on the ground” but to monitor and document human rights violations and abuses, and advance accountability.

While there may be some changes to the text in a bid to attract support, we note that the lead sponsors have opposed every mechanism – and every resolution - on the OPT and Israel, regardless of the scope or duration of the mandate, suggesting that the concern is less with the specific framing of the COI mandate, than maintaining a long-standing pattern of shielding Israel from scrutiny.

**We urge states not to support this ill-conceived joint statement, which contributes to the very “polarization” it decries, and instead support the COI’s efforts to address these repeated cycles of violence, and the climate of impunity that fuels them.**

Please feel free to contact us for additional information, or if you would like to discuss the matter further.

Best regards,

John

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**John Fisher**

*Deputy Director, Global Advocacy*

Human Rights Watch

+41-79-472-4931

[fisherj@hrw.org](mailto:fisherj@hrw.org)

@JohnFisher\_hrw