



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

Ms. Agnes Callamard
Special Rapporteur on extrajudicial, summary or
arbitrary executions

Mr. Dainius Puras
Special Rapporteur on the right of everyone to
the enjoyment of the highest attainable
standard of physical and mental health

Mr. Nils Melzer
Special Rapporteur of torture and other cruel,
inhuman or degrading treatment or punishment

Ms. Dubravka Simonovic
Special Rapporteur on violence against women,
its causes and consequences

Office of the High Commissioner for Human
Rights
8-14 avenue de la Paix
1211 Geneva 10

Geneva, 7 September 2018

Re: Joint urgent appeal from Special Procedures (Ref.: UA ISR 11/2018)

Sirs, Mesdames,

I acknowledge receipt of your communication, and have conveyed it to the competent authorities in Israel. Let me assure you that the concerns contained in your communication are being looked at very seriously. In the meantime, however, there are several points I feel compelled to relate to already at this stage.

Anyone familiar with the Israeli-Palestinian conflict is well aware of its complexity. And any complaint relating to the complex realities between Israel and Gaza cannot ignore the wider context of these realities, first and foremost the fact that for the past eleven years Gaza has been governed by a terror organization, which acts with impunity against both Israeli and Palestinian civilians. In order to establish that a territory is under the effective control of foreign forces,

international law requires that the foreign forces are physically present in the territory ("boots on the ground") and capable of effectively exercising governmental functions. Israel manifestly does not have the control, authority or responsibility of an occupying power in Gaza.

Rather, Gaza under the decade-long rule of the Hamas terror organization, has asserted itself as a hostile entity to the State of Israel, serving as a launching pad for an exceedingly high number of attacks against Israel civilians. These attacks have taken many different shapes and forms over the years, including the indiscriminate shelling of Israeli communities by rockets, the digging of attack tunnels and shooting incidents. Despite this ongoing aggression, Israel has shown an extraordinary commitment to facilitating the passage of goods and humanitarian aid to the residents of Gaza, which doubtfully many other countries would do in a similar situation. As the Prime Minister of Israel made very clear, we do not see the residents of Gaza as our enemies.

I have also noted with great dismay that your communication inexplicably makes some far-reaching assumptions which we reject outright. The allegations implied about gender-based violence or summary executions, among others, are not only utterly groundless, but they are not even supported by the facts as detailed in your communication itself.

Another point of concern is the fact that you chose to share this communication, which is addressed to the Government of Israel, with what you call "the Palestinian authorities." While we do not know to which authorities you are referring to, we object to the fact that a Special Procedures communication is shared with an authority which is not a party to the said communication. We do not recall having received copies of the many communications that we assume Special Procedures must have sent to these "Palestinian authorities" about the countless human rights violations of the human rights of Israeli civilians.

Lastly, let me draw your attention to the latest pronouncement by the Israeli Supreme Court (ruling 5693/18 of 26 August) which relates to the individual cases mentioned in your communication. Under this decision, five out of the seven Palestinian women who petitioned the court were to be admitted to a hospital in Jerusalem for medical care, including three of those mentioned in your letter. Subsequently, Ms. Hala 'Araqan has been granted entry as of 28 August, and has since gone back to Gaza on 3 September; Ms. Amal Abu Jama'aa has been granted an entry permit as of 18 September as per her request; and Ms. Nivin Habub will be granted a permit once she provides an updated request with the dates of her appointments. The requests of the two remaining women who petitioned the court, including that of Ms. Faida Abid who was also mentioned in your letter, were to be approved by the Israeli authorities regardless of the court's ruling.

Yours sincerely,



Aviva Raz Shechter
Ambassador
Permanent Representative