

Human Rights Council – 29th session (15 June – 3 July 2015)

**Interactive dialogue with the Independent Commission of Inquiry on the
2014 Gaza conflict**

Statement by Ireland

29 June 2015

Mr. President,

I would like to add some remarks to those made on our behalf in the statement of the European Union, with which we fully agree.

Ireland commends the Commission of Inquiry, including all of its members and staff, for the valuable and important work they have done. This includes their clear intention from the outset to investigate alleged violations of international law by all relevant parties, and their determined efforts to carry out that investigation despite serious obstacles placed in their way.

In this context, Ireland regrets the decision of Israel not to cooperate with the Inquiry, and also to refuse to allow the Commission to enter Israel or the occupied Palestinian Territory to take evidence. The Commission has, laudably, endeavoured also to take into account the arguments advanced elsewhere by Israel.

We also note and regret the failure of Hamas and other militant groups to engage with the Commission. It is absolutely clear that the launching of missiles indiscriminately at cities is contrary to international law, and the groups in question had already for the most part openly claimed responsibility for such attacks. Their actions have already led the EU and others to class them as terrorist organisations.

We fully accept the right of any state, including Israel, to defend itself, including if necessary by military means. But this right does not negate the rights of others, or confer *carte blanche* to react with disproportionate force. To be lawful, any military action must obey the principle of distinction and the rules on precautions and proportionality in attack. During the conflict last summer, Ireland expressed the view that it seemed evident to us that neither side

was respecting these principles. Regretfully, the evidence and findings of the Commission seem to reinforce that view.

The Commission's full report is a detailed one and my authorities are still studying it. There are complex issues and judgements involved. We can however state that we regard it as a serious and conscientious document, balanced, sober and reasoned, worthy of respect and careful study. We agree with the broad thrust of its conclusions.

The report asks serious questions of all the parties to the conflict, and of the international community. It necessarily asks many difficult questions of Israel, which is a member state of the United Nations, and whose military actions caused the overwhelming majority of the casualties and destruction.

It is particularly important that the report addresses not just the conduct of individuals, but the policies they were instructed to carry out, and the lack of real and credible accountability among all concerned.

Allow me, in closing, once again to thank the members of the Commission for their work and for their presence here today.

I thank you, Mr. President.