

The State of Israel's Universal Periodic Review - Second Cycle: Annex Document

1. The Annex of Human Rights Council Resolution 5/1 summarizes the foundation for the Council's Universal Periodic Review. Article 2 of the Resolution states: "In addition to the above and given the complementary and mutually interrelated nature of international human rights law and international humanitarian law, the review shall take into account applicable international humanitarian law".
2. While Israel recognizes that there is a profound connection between human rights and the laws of armed conflict, and that there may well be a convergence between these two bodies of law in some respect it is the longstanding position of the State of Israel that in the current state of international law and state-practice, these two bodies of law, which are codified in separate instruments, nevertheless remain two distinct bodies of law, and apply in different circumstances. This distinction has become well-established under international law and it is still valid and reinforced today in armed conflicts over the world. We therefore question the relevance of examining matters which are governed by international humanitarian law in the context of a human rights review.
3. Moreover, the applicability of human rights conventions to the West Bank and the Gaza Strip has been subject of considerable debate over the past years. In its past periodic reports to the UN Treaty Bodies, Israel did not include details on the implementation of such Conventions in the West Bank and the Gaza Strip. The reasons range from legal considerations to practical realities. Israel's position on this issue has been outlined in detail in our previous presentations, not only before the UN Human Rights Council, but in various international fora. It is Israel's view that these Conventions do not apply beyond its territory, including in the West Bank and the Gaza Strip. This is especially true in light of the ongoing armed conflict and hostile situation in these areas.
4. We therefore consider some of the recommendations made during Israel's second UPR as falling outside the scope and ambit of the review process. Nonetheless, in the spirit of achieving a fruitful and productive dialogue, and regardless of the aforementioned legal position of Israel, we herewith attach, *ex gratis*, this annex document to the addendum which notes Israel's position regarding all recommendations that relate to certain matters beyond the UPR's mandate.

i. Application of International Conventions and Norms

5. *The following recommendations enjoy the support of Israel in part:* 136.158; 136.200;
6. *The following recommendations do not enjoy the support of Israel:* 136.160; 136.161; 136.188; 136.194; 136.236; 136.237.

ii. Economic, Social and Cultural Rights

7. *The following recommendations enjoy the support of Israel:* 136.220.
8. *The following recommendations enjoy the support of Israel in part:* 136.142; 136.143; 136.145; 136.205; 136.226; 136.227; 136.228; 136.234; 136.235.
9. *The following recommendations do not enjoy the support of Israel:* 136.109; 136.157; 136.193; 136.202; 136.203; 136.215.

iii. Investigations of alleged violations of international law

10. *The following recommendations enjoy the support of Israel in part:* 136.140; 136.209; 136.210.
11. *The following recommendations do not enjoy the support of Israel:*; 136.135; 136.141; 136.208;

iv. Palestinians in Israeli Military Justice System

12. *The following recommendations enjoy the support of Israel:* 136.112; 136.124.
13. *The following recommendations enjoy the support of Israel in part:* 136.113; 136.121; 136.125; 136.130; 136.134; 136.139; 136.159.
14. *The following recommendations do not enjoy the support of Israel:* 136.114; 136.115; 136.116; 136.117; 136.118; 136.119; 136.122; 136.123; 136.126; 136.127; 136.128; 136.129; 136.131; 136.132; 136.136; 136.137; 136.138.

v. Israeli Security Practices and the Provision of Humanitarian Aid and Assistance

15. *The following recommendations enjoy the support of Israel in part:* 136.191.
16. *The following recommendations do not enjoy the support of Israel:* 136.111; 136.148; 136.149; 136.150; 136.151; 136.152; 136.162; 136.169; 136.176; 136.178; 136.181; 136.192; 136.207; 136.214; 136.216; 136.217; 136.229.