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**Israel**

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Mr. President,

My name is Maj. Avishai Kaplan, I am a member of the International Law Department in the Israel Defense Forces.

The International Law Department (ILD) is responsible for consulting the IDF on issues concerning, inter alia, International Humanitarian Law and Human Rights Law.

I would like to briefly address several issues that were raised in the comments of several delegations, including:

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and also in the advanced questions presented by

- Belgium, Germany, UK

Regarding Administrative Detention, let me first reiterate that it is a **lawful** security measure that is used as a preventative measure of **last resort** against persons posing **grave threats to the security of the West Bank or the state of Israel**, whose detention is absolutely necessary for imperative reasons of security, against those planning suicide or other terrorist attacks, or actively assisting in the commission of such acts.

Administrative detention is in full conformity with Article 78 of the Fourth Geneva Convention, and it is only used when there is credible, current and reliable information, showing that the person poses **a specific and concrete security threat** of a substantial nature. **Also, administrative detention cannot be employed where criminal prosecution is possible.**

Administrative detainees may be represented by **legal counsel of their choice** at every stage of these proceedings and have a right to examine the unclassified evidence against them.

It is also important to note, that once a detention order has been issued, it is limited to up to six months, and is subject to a **multi-layered system of judicial review by the Military Courts** in the West Bank, and ultimately, the detainee may challenge the judgments of these courts by filing a **petition with Israel's Supreme Court** sitting as the High Court of Justice. All of them **are known for their active intervention in these cases**.

#### Israel's Policy Toward The Gaza Strip

**Let me reiterate, that the Gaza Strip has not been under Israeli control** since September 12, 2005, when Israel's last IDF forces left the area of the Gaza Strip following the implementation of Israel's "Disengagement Initiative". Since then, **Israel clearly does not have effective control in the Gaza Strip**.

Over the years, Following Hamas' violent take-over of the Gaza Strip, Hamas and other terrorist organizations in Gaza, were involved in many direct terror attacks against the State of Israel and its citizens, while also directing terror activities from the West Bank.

Such is the "Islamic Jihad", an Iranian-funded militant group, with a single purpose to inflict terror and harm Israelis. Today, following months of attacks against Israeli citizens, Israel began a campaign, Operation "Shield and Arrow", against "Islamic Jihad" military targets, which is conducted in accordance with the Law of Armed Conflict. **Israel directs these attacks only against military targets and takes all feasible precautions to mitigate harm to civilians**.

**Thus, Israel's obligations towards the Gaza Strip stem from the continuing state of armed conflict** with the Hamas terrorist organization and other terrorist organizations in Gaza.

**Due to this volatile security situation, and in light of its obligations under international law, the government of Israel imposed a legal naval blockade to prevent weapons transfer to Hamas.**

However, since 2010, **Israel's policy towards the Gaza Strip has been that all goods can enter the Gaza Strip freely**, with the sole exception of those goods that **may pose a security risk to Israel, such as dual-use materials**, which will require authorization. In 2022 alone, over 2.2 million tons and over 82,000 trucks of goods have entered the Gaza Strip.

Israel has also, despite the lack of legal obligation to do so, **chosen to take a calculated risk and allow entry of Palestinians from Gaza to Israel, including for medical care.** Since the last review of Israel in 2018, the competent authorities approved **over 550,000 requests of Palestinians** to enter Israel, for various purposes. Over 95,000 requests of them were for medical purposes. Recently, Israel also significantly increased the quota of permits granted to merchants and senior businessmen living in the Gaza Strip to the highest level since the disengagement (20,000 permits), out of a desire to help rehabilitate Gaza.

**It should also be stressed that the movement of people and goods to and from the Gaza Strip is also possible through the Rafah crossing**, which is not controlled by Israel, but rather is controlled exclusively by Egypt on one side and Hamas on the other.

**I thank you.**