

**SPECIAL SESSION ON THE "GRAVE HUMAN RIGHTS SITUATION IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM" – 27 MAY 2021**

**Ms Nazhat Shameem Khan – President of the Human Rights Council**

The Special Session was requested by **Pakistan** (coordinator of the Organization of Islamic Cooperation) and the **State of Palestine** on 19 May 2021. The following **22 member States** of the Human Rights Council **supported the request**: Bahrain, Bangladesh, Bolivia, Burkina Faso, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Indonesia, Libya, Mauritania, Mexico, Namibia, Netherlands, Pakistan, Philippines, Senegal, Somalia, Sudan, Uzbekistan, Venezuela.

The following **47 observer States** also **supported the request**: Afghanistan, Albania, Algeria, Azerbaijan, Benin, Brunei Darussalam, Chad, Chile, Comoros, Djibouti, Egypt, Gambia, Guinea, Guinea-Bissau, Guyana, Iran, Iraq, Ireland, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Luxembourg, Malaysia, Maldives, Mali, Morocco, Mozambique, Niger, Nigeria, Oman, Peru, Qatar, Saudi Arabia, Sierra Leone, South Africa, Suriname, Syria, Tajikistan, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Yemen, State of Palestine.

**Ms Michelle Bachelet – United Nations High Commissioner for Human Rights**

This is the most significant escalation in hostilities since 2014. The Israeli security forces utilized excessive force against civilians and undertook large-scale destruction of civilian objects including houses, offices, humanitarian organizations, schools and hospitals, without providing evidence of terrorist presence therein. Despite certain precautions in attacks such as advance warning, the bombing of densely populated areas caused high collateral civilian deaths and infrastructure damage. Such attacks constitute violations of international humanitarian law (IHL) principles of distinction between civilian and military targets and proportionality, and may thereby constitute war crimes. According to OHCHR figures, 242 Palestinian civilians were killed by Israeli forces strikes in Gaza, including 56 children, while rockets launches by Hamas killed 10 Israeli citizens, including 2 children.

Israel's blockade of Gaza prevents its residents from access to basic services such as health and adequate nutrition, resulting in a denial of fundamental human rights due to all citizens. Serious violations of international law continue inside Israel, especially in the West Bank. These include forced evictions, seizure of land, and forced displacement. Israel as an Occupying Power is under international legal obligations to protect the occupied Palestinian population. There is a crucial need for accountability.

**Mr Michael Lynk - Special Rapporteur on the situation of human rights in the Palestinian Territory**

We have witnessed a calamitous repetition of crises that have occurred in previous decades and years. The present crisis haunts the conscience of the world. IHL obligations have almost certainly been breached. The blockade is a form of collective punishment, Gaza has been called the world's largest open-air prison. Furthermore, destruction of hospitals has severely set back efforts to fight the Covid pandemic. An investigation by the International Criminal Court (ICC) and a concerted international effort to end a prolonged culture of impunity will be decisive to obtain a lasting peace. Active international intervention is indispensable to ensure accountability and put an end to a decades long occupation, within the framework of international law and not on considerations of realpolitik.

**Mr Issam Younis - Commissioner General of the Palestinian Independent Commission of Human Rights**

Member States have a choice to make because of both recent and long standing events occurring in Israel and Palestine. Because of the systematic impunity certain States grant to Israel. Because Israel, with its control over Palestinians in the OPT and with its vast military power and technology decided to use its power to deliberately attack civilians and to kill indefensible children. Between the 10<sup>th</sup> and 21<sup>st</sup> of May in Gaza, entire families were huddled in hallways and kitchen floors because those seemed like

the safest places, but nowhere is safe in Gaza. The Israeli military destroyed 1800 homes. Israel's unlawful blockade was tightened, aggravating the devastating economic, social and mental impact it has on more than 2 million people in Gaza. So today, States have a choice. Either to vote in favour of the resolution, to move Palestinians forward under the shelter of IHL, or to withhold support and choose geopolitical and economic interests.

**Mr Muhammad Barakeh – Former Member of the Knesset and Chairman of the Arab Higher Committee**

Palestinians living in Israel remained in their homeland after 1948. Over the past decades, they have faced different forms of discrimination, arrests, confiscation of lands, restrictions of job opportunities. In 2018, the Knesset approved the Nationhood law which stipulates that the land of Israel is the historical land of Jews and that the right to self-determination is exclusively for Jews. Instructions were given by Mr Netanyahu at the time, it was the most violent law promulgated in the 21st century. The Palestinian community within Israel are living under prohibition and discriminations. This is a form of collective punishment against a whole nation. Over the past weeks, Israeli soldiers have been storming the Al-Aqsa mosque, launching tear gas on worshippers. By violently repressing peaceful demonstrators of Palestinians, Israel decided to suppress the democratic right of Palestinians to demonstrate.

**Ms Mona Elkurd – Journalist and resident of Sheikh Jarrah in Jerusalem**

Palestinians have no entitlement to live freely. In Sheikh Jarrah, the area is illegally forbidden by Israel, without any reasons. Nobody can get in this area. Families, friends, loved ones cannot enter freely in Sheikh Jarrah. The colonial violence Palestinians have suffered is extreme and barbaric. In Sheikh Jarrah, where Palestinians demonstrated peacefully, calling for their rights, they have been suppressed and fired upon with rubber bullets. What is happening in Sheikh Jarrah violates human rights and international law. War crimes, forced displacements and ethnic cleansing are being committed by Israel. What's happening in Sheikh Jarrah and everywhere in Palestine is a clear violation of IHL.

**Israel – Speaking as the country concerned**

Hamas has used civilians, including children, as human shields. Rockets were fired on Israel from civilian structures in Gaza such as homes, schools, hospitals and on Israeli civilians. This amounts to several violations of IHL, including indiscriminate attacks and complete disregard for civilian lives, both in Israel, and in Gaza by putting endangering its population. In turn, Israel used its right of self-defence by respecting the principles of distinction, proportionality and necessity. The Human Rights Council needs to decide if it is pro-Palestinian, pro-Hamas or in support of democracy and the rule of law.

**State of Palestine – Speaking as the country concerned**

Recalled the barbaric violence perpetrated against the Palestinian people. The international community has failed to hold the Occupying Power responsible for IHL violations, thereby encouraging it to pursue apartheid policies, consolidate colonialism and refute the inalienable rights of Palestinians to self-determination, life and freedom. Israel is exercising a right it does not have under international law. The Human Rights Council should support the draft resolution and set up an independent inquiry.

**Dignitaries who took the floor during the Special Session**

Ms. Netumbo Nandi-Ndaitwah (Deputy Prime Minister of **Namibia**), Mr. Abdul Momen (Minister Foreign Affairs of **Bangladesh**), Mr. Shah Mahmood Qureshi (Minister Foreign Affairs of **Pakistan**), Ms. Najla Elmangoush (Minister Foreign Affairs of **Libya**), Mr. Othman Jerandi (Minister Foreign Affairs of **Tunisia**), Mr. Ahmed Nasser Al-Mohammad Al-Sabah (Minister Foreign Affairs of **Kuwait**), Mr. Mevlüt Çavuşoğlu (Minister Foreign Affairs of **Turkey**), Mr. Faysal Mekdad (Minister Foreign Affairs of **Syria**), , Sultan bin Saad Al-Muraikhi (Minister State for Foreign Affairs of **Qatar**), Mr. Sameh Shoukry (Minister for Foreign Affairs of **Egypt**), Mr. Dato' Kamarudin Jaffar (Deputy Foreign Minister of **Malaysia**).



### Member States of the Human Rights Council and group of countries that took the floor (33 states):

Egypt (on behalf of the Group of Arab States), Pakistan (on behalf of the OIC), Portugal (on behalf of European Union), Sweden (on behalf of Nordic countries), Azerbaijan (on behalf of the Non-Aligned Movement), South Africa (on behalf of the Group of African States), Mauritania, Indonesia, Brazil, Russian Federation, Bolivia, Bahrain, India, Argentina, Cuba, Mexico, France, China, Republic of Korea, Senegal, Czech Republic, Venezuela, Sudan, Nepal, Somalia, Bulgaria, Denmark, United Kingdom, Netherlands, Philippines, Ukraine, Japan, Uzbekistan.

### Non-member States of the Human Rights Council that took the floor (42 states and 1 Un Agency):

Jordan, Costa Rica, Djibouti, Mali, Brunei Darussalam, Ireland, Lebanon, Saudi Arabia, Ecuador, Iraq, Chile, Democratic People's Republic of Korea, Malta, Viet Nam, Morocco, Australia, Nigeria, Niger, Algeria, Maldives, Albania, Sovereign Order of Malta, South Africa, Peru, Timor-Leste, Oman, Liechtenstein, Yemen, Canada, Holy See, Iran, Colombia, Botswana, New Zealand, Luxembourg, Guyana, United Arab Emirates, Hungary, Sri Lanka, Paraguay, Switzerland, Angola, UNRWA.

### Themes addressed in the statements by States and dignitaries:

Condemnation of **attacks against civilians and infrastructures**, resulting in deaths, including women and children, and destruction of homes, hospitals, schools and access to basic services; Call for respect by all sides, including in self-defence operations, of the **fundamental IHL principles of distinction, proportionality, humanity and necessity**; Unhindered **access in Gaza to humanitarian assistance**; Halt to the **unlawful demolitions, evictions, forced displacement and settlement policies** in East Jerusalem and the West Bank; Cease **alterations of identity and status of Palestinian territories**; Condemnation of the **scorched earth policies pursued by Israel**, of undermining the sanctity of **holy places of worship**; Refusal of **equivalence between the Occupying Power and the occupied population**; Investigation of **war crimes by the ICC to ensure accountability**; Recognition of the inalienable **right to self-determination** of the Palestinian people and the founding of a sovereign State with Jerusalem as its capital; relaunching of peace negotiations with a view to a **2 State solution**; Solicit **support for the draft resolution** presented to this 30th Special Session of the Human Rights Council.

### Non-Governmental Organizations (18 NGOs):

International Commission of Jurists, European Union of Jewish Students, Human Rights Watch, Al-Haq (joint statement), Defence for Children International, International Service for Human Rights, Palestinian Initiative for the Promotion of Global Dialogue and Democracy (joint statement), Norwegian Refugee Council, Women's International League for Peace and Freedom (joint statement), Institute for NGO Research, Medical Aid for Palestinians, Ingenieurs du Monde, World Jewish Congress, Amnesty International, Cairo Institute for Human Rights Studies, ADALAH - Legal Center for Arab Minority Rights in Israel, International Association of Jewish Lawyers and Jurists, Women's Centre for Legal Aid

### Themes addressed in the statements by Non-Governmental Organizations:

Condemn **disproportionate and indiscriminate attacks** engendering **civilian deaths** including women and children; Traumatic effects **on Palestinian children** on their lives; Support establishment of an **independent commission of investigation** by the ICC; Need to address the **root causes of the conflict** and ensuing suffering; These include the underlying **denial of individual and collective rights**, the policy of **settlements, racial domination, apartheid, institutionalized system of oppression**, strategic fragmentation and **separation of Palestinians, mass arrests, raids and selective lockdowns** to quell legitimate and peaceful resistance; **Settlements** are an act of aggression and constitute a threat to peace; Call for unimpeded **delivery and access to humanitarian relief**; lift the **blockade of Gaza**; Condemn use of **human shields by Hamas** for launching military operations; pursue **peace efforts**; Crucial **role and responsibility of the UN, the Human Rights Council** and the international community.

**RESOLUTION A/HRC/S-30/L1**

The resolution **A/HRC/S-30/L1**:

*“Decides to urgently **establish an ongoing independent, international commission of inquiry**, to be appointed by the President of the Human Rights Council, to investigate in the Occupied Palestinian Territory, including East Jerusalem, and in Israel all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021, and all underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity;”*

*“Requests the United Nations High Commissioner for Human Rights to provide an **oral update** on the **progress made** in the implementation of the present resolution to the Human Rights Council at its **forty-eighth session**;”*

The commission of inquiry established by the resolution shall, among other: **Establish facts**; Collect and analysis **evidences of crimes perpetrated**; Have the **capacity to document** and verify information including through **field engagement**; Ensure that perpetrators of violations are **held accountable**; identify **patterns of violations** over time; **Make recommendations** on **accountability** measures and on measures to be taken by third states to **ensure respect for IHL** in the Occupied Palestinian Territories; **Report** on its main activities on an annual basis to the **Human Rights Council** under **agenda item 2** as of its fiftieth session, and to the **General Assembly** as of its seventy-seventh session.

**Project Budget Implications: between 5,4 million and 8 million dollars.**

**VOTING PATTERNS FOR THE RESOLUTION**

**THE RESOLUTION IS ADOPTED**

**VOTES IN FAVOUR: 24**

**AGAINST: 9**

**ABSTAIN: 13**



Access the full recording of the session: [PART 1](#) ; [PART 2](#)