

## HUMAN RIGHTS COUNCIL – 56th SESSION

### Interactive dialogue with the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel

19 June 2024

**Ms Navi Pillay, Chair of the Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel**, presented her report on the findings of the two parallel investigations: first, into attacks by Hamas and other Palestinian armed groups in Israel on 7-8 October and, second, into Israeli military operations and attacks in Gaza between 7 October and 31 December.

International law has strict and clear regulations on the conduct of war and self-defense. A fundamental principle of international law is that unlawful action by one party to an armed conflict does not justify unlawful action by another party. Israel has a right to protect its citizens from violence by Palestinian armed groups but, in doing so, it must comply with international law. Hamas and Palestinian armed groups must also comply with international law.

She affirmed that in relation to Israel's military operations and attacks in Gaza from 7 October, **Israeli authorities are responsible for war crimes, crimes against humanity, and violations of international humanitarian and human rights law**, including extermination, intentionally directing attacks against civilians and civilian objects, murder or wilful killing, using starvation as a method of war, forcible transfer, gender persecution targeting Palestinian men and boys, sexual and gender-based violence amounting to torture, and cruel or inhuman treatment. Israel's "total siege" of the Gaza Strip has weaponized the provision of life-sustaining necessities for strategic and political gains including through cutting off supplies of water, food, electricity, fuel and other essential supplies, including humanitarian assistance. It constitutes collective punishment, disproportionately impacting pregnant women, and persons with disabilities, and is causing grave harm to children, including starvation-related deaths. Israeli forces committed sexual and gender-based violence with the intent to humiliate and further subordinate the Palestinian community.

Further, she reported that in relation to the attack of 7 October 2023 in Israel, the Commission found that **Hamas and other Palestinian armed groups are responsible for the war crimes** of intentionally directing attacks against civilians, murder or wilful killing, torture, inhuman or cruel treatment, destroying or seizing the property of an adversary, outrages upon personal dignity and taking hostages.

In conclusion, informing the Council about the new Security Council's resolution, the Commission reiterated the call for an immediate, full, and complete ceasefire; it called for a complete cessation of hostilities; the immediate and full end of the siege; for the release of all detainees, including all of the Israeli hostages; and for Palestinian armed groups to stop the indiscriminate firing of rockets into Israel.

A mother of a 23-year-old woman who was shot by Hamas on 7 October, shared her personal story and experience on behalf of **Israel (concerned country)**. Since 7 October, the world has been confronted with the grim reality of sexual violence which occurred on the date. However, the report of the Commission of Inquiry failed to address these accounts. The testimonies of the released hostages had been overlooked by the report. The enforced disappearances of the hostages by Hamas constituted cruel and inhumane treatment, a reality completely overlooked by the Commission of Inquiry. Everyone should be on the same side, the side against hostage-taking. More could be done for the hostages.

**Palestine (concerned country)** reported a high number of deaths and wounded in Gaza and in the West Bank. In addition to the daily and continuous attacks by the occupation's army, other violations had been committed against the residents of Jerusalem, including the continued theft of land, the construction of settlements, the theft of Palestinian funds, and the threat of punitive measures. The occupying power continued its aggression and the war of genocide against the Palestinian people.

The report referred to the forcible displacement of more than 1,700,000 people and the Commission considered that this act also constituted a war crime. The Commission found that crimes against humanity, war crimes, and genocide were committed against Palestinian civilians on racial, national, ethnic, cultural, religious, and gender grounds. States needed to assume their responsibilities under the Geneva Conventions, namely the need to conduct investigations of such crimes under domestic and universal jurisdiction, as well as to fully support and cooperate with the investigation conducted by the International Criminal Court. States needed to stop the transfer of weapons to Israel.

### Interactive dialogue

75 country delegations took the floor during the interactive dialogue. **The majority of the countries** noted with concern reports of violations of international law including IHL and massive human rights violations in Israel, Gaza, and the West Bank. They stressed the need to cooperate with the relevant HRC mechanisms and to respect their mandate and independence fully. **Most of the countries** condemned in the strongest terms the acts of aggression and collective punishment by Israel, the occupying power against the Palestinian people in grave breach of international law and human rights law including the killing and injury of tens of thousands of Palestinian civilians including many children and women. They further, demanded all states to assume their responsibilities.

**Canada and Australia** shared concerns about the mandate of the Commission of Inquiry and its mandate. They were gravely concerned by the findings of the Commission in its most recent report. All parties to the conflict must comply with international humanitarian law. They expressed serious concern at all allegations of conflict-related sexual violence.

**The EU and Norway** reiterated their support to the UN Security Council Resolution 27/35 that leads an immediate full and complete cease-fire in Gaza, the immediate and unconditional release of all hostages, and the surge of humanitarian assistance to Gaza. In addition, **Ireland** recalled the binding order of the International Court of Justice. **Saudi Arabia** welcomed the positive decision of Norway, Slovenia, and Spain as well as the Netherlands to recognize the state of Palestine.

**Kuwait** reaffirmed its condemnation of the criminal war against unarmed civilians in the Gaza Strip and the targeting of civilians in Rafah. The world is still witnessing an increasing number of victims, the majority of which are children and women in addition to targeting the personnel and buildings of the United Nations.

Countries such as **China and the Russian Federation** focused on the promotion of a large, authoritative and more effective international peace conference to formulate a concrete roadmap and timetable for implementing the two-state solution.

**The Syrian Arab Republic** renewed the categorical rejection of any misleading justifications for these crimes that this occupation and its supporters seek to promote. It demanded urgently to address the cruelest and most severe crime which is the continued impunity of the occupation's criminals including government and military officials and settler gangs for their crimes which are motivated by blind extremism including acts of aggression and terrorism that threaten the peace and security in the region.

**Pakistan** rejecting efforts aimed to undermine the COI's mandate, affirmed the report's focus on violations of international law and war crimes. This is both timely and important. It deplored in strongest terms Israel's refusal to cooperate with the commission and other human rights mechanisms and also its blatant disregard for the binding UN resolutions and the equally important and binding interim measures to words awarded by the International Court of Justice.

**NGOs** focused on the increased number of Palestinian children killed in Gaza, since the last HRC session. Not a single perpetrator has been held accountable. Israeli forces are detaining a record number of Palestinian children without charge or trial. Strongly urged all Member States to demand an immediate and lasting cease-fire and withdrawal of Israeli forces from the Gaza Strip, demand the immediate release of all Palestinian children in Israeli detention centers and prisons. **The Al-Haq Law in the Service of Man** reported that despite recognizing Israel's commission of war crimes and crimes against humanity and intent to forcefully transfer the Palestinian population to Gaza and despite the ICJ's finding of a plausible genocide and three provisional measures orders, the report of COI fails to investigate the ongoing genocide.

Delegations that took the floor during the Interactive dialogue (75 country delegations):

*Australia, Norway (on behalf of Nordic-Baltic States), EU, Venezuela, Qatar, Pakistan (on behalf of OIC), Jordan, Uganda (on behalf of NAM), Chile (on behalf of a cross-regional group of countries), Norway (on behalf of a cross-regional group of states), Gambia (on behalf of African group), Chile, Türkiye, Kuwait, Egypt, Ireland, Sierra Leone, Indonesia, Qatar, United Arab Emirates, Japan, Morocco, Liechtenstein, Maldives, Luxembourg, France, Germany, Algeria, Belgium, Slovenia, Saudi Arabia, Netherlands, Spain, Iraq, Bangladesh, Colombia, Islamic Republic of Iran, Russian Federation, China, Malaysia, Syrian Arab Republic, Pakistan, Bahrain, Tunisia, Albania, Democratic People's Republic of Korea, Brazil, Senegal, Cuba, South Africa, Yemen, Oman, Jordan, Zimbabwe, Ghana, Eritrea, Libya, Gambia, Afghanistan, Sudan, New Zealand, Mauritania, Mexico, Uganda, Mozambique, Niger, Lebanon, Honduras, Bolivia, Canada, Republic of Korea, Namibia, Tanzania, RPD LAO, Venezuela.*

NHRIs and NGOs that took the floor during the Interactive dialogue (10):

Defence for Children International, United Nations Watch, Al-Haq, Law in the service of man, Article 19, Institute for NGO Research, Coordinating Board of Jewish Organization, Jerusalem Institute of Justice, Toure Law Center, the institute on Human Rights and the Holocaust, Centre for Global Non-Killings, Human Rights Watch.

International Organizations: Independent Commission for Human Rights (State of Palestine).

To watch the full meeting refer to the UN WEB TV: [Part 1](#) and [Part 2](#).