

HRC 56
Item 2

**Statement by Navi Pillay, Chair of the
Commission of Inquiry on the Occupied Palestinian Territory,
including East Jerusalem, and Israel**

19 June 2024, Geneva

CHECK AGAINST DELIVERY

Excellencies,

Good morning.

In the eight months since 7 October, tens of thousands of children, women and men have been killed and injured. Palestinians, Israelis and citizens of other States. Thousands of Palestinians have been detained and are being held incommunicado, and 120 Israeli hostages are still held in Gaza.

The enormity of this tragedy overwhelms us, and we are deeply disturbed by the immense human suffering. We come to this Council today to present our report. The mission of this Council, which is to promote and protect human rights, remains more important now than ever.

Excellencies,

The 7 October attack in Israel and Israel's subsequent military operation in Gaza have not occurred in a vacuum. They were preceded by decades of violence and retribution, dispossession, unlawful occupation and denial of the Palestinians' right to self-determination.

Since 7 October, our Commission has carried out 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. The findings of these investigations are summarised in the report presented to you today and detailed in the two conference room papers. These reports do not even begin to describe all the crimes and atrocities of the last eight months and focus on some of the most egregious events and incidents. We will report additional findings to the General Assembly in October.

International law has strict and clear regulations on the conduct of war and self-defence. A fundamental principle of international law, which underscored our findings, 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.

In relation to Israel’s military operations and attacks in Gaza from 7 October, we conclude that 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.

We found that the immense numbers of civilian casualties in Gaza and widespread destruction of civilian objects and infrastructure were the inevitable result of an intentional strategy to cause maximum damage, disregarding the legal obligations of distinction, proportionality and adequate precautions. Israel also forcibly transferred almost the entire population into small enclosures that are unsafe and uninhabitable. The deliberate use of heavy weapons with large destructive capacity in densely populated areas constitutes an intentional and direct attack on the civilian population.

Although Israeli officials have repeatedly stated that their operations in Gaza are intended to destroy Hamas and release hostages, yet neither of these aims has been largely achieved, at the expense of thousands of lives.

We found that Israeli forces committed sexual and gender-based violence with the intent to humiliate and further subordinate the Palestinian community. Palestinian women were targeted and subjected to sexual violence and harassment, online and in-person. Men and boys experienced specific

persecutory acts, including sexual and gender-based violence amounting to torture and inhuman and cruel treatment. The Commission concluded that specific forms of sexual and gender-based violence constitute part of Israeli Security Forces' operating procedures.

Excellencies,

The situation in the Gaza Strip has overshadowed that in the West Bank where Palestinian fatalities recorded since 7 October have exceeded any other recorded period. This is linked to increasingly militarized Israeli operations – a trend which we highlighted in our report to the General Assembly last year – as well as a surge in violent settler attacks on Palestinian communities, often assisted or condoned by Israeli forces.

The blatant disregard for international law across the entire Occupied Palestinian Territory has disproportionately impacted Palestinian children. In Gaza, Israeli Security Forces have killed and maimed tens of thousands of children, and thousands more likely remain under the rubble. Israeli attacks have also severely impacted infrastructure essential for

children's wellbeing, including hospitals, schools and basic services.

Excellencies,

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.

Members of Hamas, Palestinian armed groups, and some Palestinian civilians deliberately killed, injured, tortured, took hostages – including children – and committed sexual and gender-based violence against civilians and members of the Israeli Security Forces, some of whom were *hors de combat*. Children were killed, injured and physically and emotionally mistreated and instrumentalized by attackers for propaganda purposes.

The Commission identified patterns indicative of sexual violence and concluded that these were not isolated incidents

but perpetrated in similar ways in several locations by Palestinian perpetrators, primarily against Israeli women.

I must note, that the exploitation of sexual violence in conflict by all parties, for political propaganda, risks diverting attention from the experience and needs of the survivors, as well as further fuelling long-standing hostility.

Excellencies,

The Security Council passed a resolution last week calling for an immediate, full and complete ceasefire. The Commission reiterates that call and calls for a complete cessation of hostilities. We call for 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. The Commission reminds all parties that they must adhere fully to international humanitarian law and international human rights law in protecting civilians and civilian objects. The attacks against UN agencies and humanitarian actors must stop.

The Commission will continue its investigations into all crimes under international law with the aim of achieving justice

and accountability. The Commission requested Israel to ensure the Commission's immediate access to the Gaza Strip in order to investigate and preserve evidence, in compliance with the order of the International Court of Justice on 24 May. Israel has ignored the request.

The Commission welcomes and is cooperating with accountability processes in the International Court of Justice and the International Criminal Court. It calls on all States to support those processes in every possible way. The Commission welcomes the listing of all parties to conflict in the 2023 Secretary General report on Children and Armed Conflict for committing grave child rights violations in the Occupied Palestinian Territory and Israel. We call on the listed parties to immediately end all the grave violations against children; and in cooperation with the UN, adopt time-bound commitment to end and prevent grave violations against children.

Our world faces the biggest threat of impunity for violations of international law, unless perpetrators are held to account and justice is delivered for all victims. The protection

and promotion of human rights remains a paramount obligation of all member States.

I thank you.