Oral Update to the Human Rights Council
24 September 2018

CHECK AGAINST DELIVERY

Mr. President, Distinguished Delegates, Observers, Ladies and Gentlemen,

I am honoured to deliver this oral update in my capacity as the Chairperson of the Independent International commission of inquiry on large-scale protests in the Occupied Palestinian Territory (OPT), established by Human Rights Council resolution S-28/1, together with my fellow Commissioners, Ms. Sara Hossain and Ms. Kaari Betty Murungi. I arrived in Geneva only this weekend after being appointed on Thursday - this may be the shortest time a Commission of Inquiry has ever had to prepare its oral update to this Council.

Your resolution S-28/1 mandates the Commission to, I quote, *“investigate all alleged violations and abuses of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military assaults on the large-scale civilian protests that began on 30 March 2018, whether before, during or after”.*

Humbled by the importance of the task entrusted to us, each of us have committed to carrying out our role independently, impartially, and conscientiously. We are committed to discharging the mandate with the sole objective of contributing to the promotion and protection of human rights, and only in accordance with the principles and values, and the Charter, of the United Nations. To be clear, we will not seek out nor accept instructions from any Government or any other source.

We will, however, accept information and submissions. We encourage you, Member States, and the media, individuals and NGOs, to assist the Commission in its work by communicating to us information relevant to our mandate. We have placed on the OHCHR website, and repeat today, a call for such submissions and note that we have already begun receiving information in volume. We would like to take this occasion to invite any others who wish to submit information - including photographs and videos - to the Commission to do so.

In line with international established methodology and best practices for investigating alleged violations of international human rights, humanitarian and criminal law, we will cast a wide net, to include a diversity of sources. We will make full use of modern technology, including for the verification of information received, through open sources and other channels.

We are also mindful that our temporal mandate is quite broad, directing us to examine incidents “before, during or after” the large-scale protests that began on 30 March. We must nevertheless focus on, in a substantive sense, violations and abuses that take place “in the context of” large-scale protests. Here, to fall under our purview, we will require a link to large-scale protests that have been taking place in and around the OPT and in particular the Gaza Strip. Events not linked to those events fall outside our mandate.

International human rights, humanitarian and criminal law will of course provide the foundation by which we will make our determinations. As with the other tasks of the Commission, we will approach this one also with objectivity and a receptiveness to considering the various viewpoints. We will not, however, adopt interpretations that fail to uphold universal human rights and international humanitarian law standards. As the members of this council are well aware, these norms and standards are obligations that apply to each and every duty-bearer.

Mr. President,

We note with deep concern that the events that triggered this Council to call for a Commission of Inquiry are not over. Protests are continuing to take place.

Putting aside our eventual findings on the allegations, which we would not wish to pre-empt, it is clear to us that there is a grave and deadly situation ongoing, that requires urgent attention.

It is important for us to see with our own eyes the sites of these alleged violations and abuses and to speak directly with the affected people and with the authorities. For that reason, we have requested the Government of Israel to provide us with access to the Gaza Strip, the West Bank including East Jerusalem and Israel. We are hopeful for a positive response. We have also approached neighboring countries to seek access. We firmly believe that it is in in the interests of both Palestinians and Israelis to be able to communicate their views and information directly to the Commission. We are grateful for the open dialogue with the countries of the region so far.

The Commission is convinced that where the facts and the law support finding a violation or abuse, accountability must follow. Shedding light on violations and abuses, no matter the victim, no matter the perpetrator, helps to prevent their recurrence and goes a long way in providing justice for the victims. We are fully conscious of the importance of the Commission’s mandate for ensuring accountability.

Mr. President,

We are mindful that the task before us is challenging, entailing very serious allegations of violations and abuses.

We believe this Commission can contribute to furthering accountability for the violations and abuses that may have been committed in the context of one of the world’s most long-standing conflicts. We are fully conscious that our work, and most certainly our determinations, will be closely scrutinized by the Human Rights Council other international mechanisms, and indeed the whole of the international community. We wish to stress again that the Commission is approaching its mandate without any preconceived ideas and will base its findings on a solid, objective assessment of the information verified. We will go where the evidence leads us.

We thank you for your attention.