

Check against delivery

Human Rights Council 50th Session

**The United Nations Independent International Commission
of Inquiry on the Occupied Palestinian Territory, including
East Jerusalem, and in Israel**

**Chair Navi Pillay, Remarks to the Human Rights Council
Geneva, 13 June 2022**

Item 2: Presentation of COI OPTEJI report

Mr. Vice President,

Excellencies, Members of the Council.

We are pleased to present our first **report (A/HRC/50/21)** which responds to the fifth point in our mandate, “analysing the similarities in the findings and recommendations of all United Nations fact-finding missions and commissions of inquiry on the situation”.

The report is an assessment of recommendations made by previous Commissions of Inquiry and Fact-Finding Missions, as well as recommendations made since 2018 by United Nations Treaty Bodies, Special Procedures, and the Universal Periodic Reviews of both the State of Israel and the State of Palestine. In doing this, we have focused on the findings and recommendations that directly related to underlying root causes of recurrent tensions, instability and protraction of conflict. In conjunction with this, in March of this year we held consultations in person in Geneva and Amman and by video-conference with relevant stakeholders and continue to review written submissions, complaints, reports and statements received from individuals and organizations from diverse sectors of society and political backgrounds, from disparate geographic locations.

Mr Vice President,

In conducting our review, we noted that many findings and recommendations relevant to the underlying root causes related to Palestinian entities and armed groups, but the vast majority were directed towards the State of Israel, confirming the asymmetrical nature of the conflict, dispelling the view that there are two parties on equal footing, and reflecting the reality of one state occupying another.

Mr Vice President,

It is clear from our review that this state of “perpetual occupation” of Palestine and longstanding discrimination in both Israel and Palestine is a core underlying root cause of ongoing violence. Threats of forced displacement, forced displacement, demolitions, settlement construction and expansion, settler violence and the blockade of Gaza have all contributed to and will continue to contribute to cycles of violence

This reality, which has endured for decades, brings a general sense of despair and hopelessness within the Palestinian population in Palestine, in Israel and in the diaspora. They are left without hope of a better future that affords them their full range of human rights, without discrimination.

Successive Israeli governments have developed clear policies for ensuring and entrenching complete control over the entirety of the occupied Palestinian territory as well as the occupied

Syrian Golan. A recent Supreme Court decision notably contributed to this process, in ruling that thousands of Palestinian residents of Masafer Yatta in the West Bank could be forcibly removed. This decision stands in stark contrast to core principles of international humanitarian law and international human rights law identified in our report.

This continued situation of occupation and discrimination is being used by Palestinian duty bearers to justify their own violations and abuses of international law, **including the failure of the Palestinian Authority to hold legislative and presidential elections.** The *de-facto* authorities in Gaza have shown little commitment towards upholding human rights, and no adherence to international humanitarian law.

Since the finalisation of this report, we have sadly received reports of continued violations of individual and collective rights- including excessive use of force- sometimes lethal, by Israeli security forces against Palestinians, including women and children and journalists.

Policies of occupation, dispossession, and discrimination, can only translate into increased hatred and further acts of violence. These acts of violence serve to further fuel endless cycles of conflict- on both sides.

Mr. Vice President,

The May 2021 escalation in hostilities in Gaza, including the increased violence within Israel itself and against Israeli civilians – which led to the creation of this Commission - was fuelled by the wider context of tensions in the West Bank and East Jerusalem. The reports that we have reviewed trace the connections and the consequences.

It is our strong view too that the continued occupation of the Palestinian Territory, including East Jerusalem and Gaza, the 15-year blockade of Gaza, and longstanding discrimination within Israel are all linked and cannot be looked at in isolation.

We emphasise that **impunity for human rights violations, identified by all previous commissions of inquiry and fact-finding missions, has compounded the situation, and has led to increased resentment and distrust among Israelis and Palestinians.** Impunity is a key factor fuelling conflict and violence, compromising chances for sustainable peace, coexistence and, ultimately, security. It exonerates the perpetrators of past violations and abuses of human rights and international humanitarian law and encourages future violations and abuses.

Mr. Vice President.

This Commission is but the latest in a series of investigative bodies tasked by the international community to examine the

escalations of hostilities involving Israel and the Occupied Palestinian Territory.

However, our mandate differs significantly from those that came before us, in allowing us the depth and breadth to investigate all underlying root causes of this situation and the examination of recurrent patterns of human rights violations and abuses, and specific thematic areas, with a geographic scope spanning the Occupied Palestinian Territory, including East Jerusalem, and Israel, on a continuing basis.

While our review of past findings and the status of implementation of recommendations documents numerous violations and abuses of international law, as well as international crimes, **we plan to conduct our own investigations and legal analysis and reach independent findings in relation to alleged violations and abuses.** In line with the Commission's mandate, we will then **make recommendations, in particular on accountability measures,** and seek to work with judicial accountability mechanisms that adhere to internationally accepted due process and fair trial standards towards ensuring individual, state and corporate accountability. **We are already interacting with international judicial accountability mechanisms in line with our mandate to end impunity and ensure accountability, including individual criminal accountability.**

Mr. Vice President,

The Commission has made numerous attempts to engage with the Government of Israel, underlining the importance of hearing from all concerned parties, duty bearers, victims and witnesses. We regret that Israel has so far refused to cooperate, or to allow entry to Israel. Israel has also refused to permit access to the occupied territory of the State of Palestine, despite the latter's active cooperation and desire to allow the Commission to visit. This refusal has obstructed the Commission from engaging with some stakeholders in all territories - including victims of rocket and other attacks directed at civilians inside Israel.

Mr. Vice President,

As previously noted by the independent commission of inquiry on the 2014 Gaza conflict, **the persistent lack of implementation of UN resolutions contributes to the systematic recurrence of violations in Israel and the Occupied Palestinian Territory.**

Given a clear refusal by Israel to take concrete measures to implement the findings and recommendations of past commissions, the international community must urgently explore new ways of ensuring compliance with international law. We note that the international community has thus far failed to take any meaningful measures to ensure compliance with international

law, and influence Israel in bringing an end to the occupation. This is despite the unavoidable parallels with the recent demonstration of the ability of third States and international mechanisms to take prompt and unified action to ensure respect for international law in the face of aggression, occupation and violations of international law by a member state of the United Nations. The question has to be asked why such a difference in approaches exists, and why there are glaring double standards when it comes to holding perpetrators accountable.

In accordance with our mandate from the Human Rights Council, we will carefully assess the responsibilities of third states along with that of private and other actors in the continued violations and abuses of human rights law, and violations of international humanitarian law in Palestine and Israel. This includes, but is not limited to, the transfer of arms when there is a clear risk that they might be used to commit or facilitate serious violations or abuses of international human rights law or serious violations of international humanitarian law.

My fellow commissioners and I therefore stress three overarching recommendations at this initial phase of our work, which we have found from our review are necessary to address the root causes of conflict: **the occupation must end now; all persons in Palestine and Israel must be afforded all their human rights, without discrimination including their right to**

live in peace and security alongside their neighbours. The international community must adhere to its international obligations to ensure full respect for international law in Israel and the Occupied Palestinian Territory, and work towards ensuring that those responsible for international crimes are held to account.

Finally, let me stress that, while the three Commissioners intend to faithfully implement the broad and complex mandate entrusted upon them, we are dismayed that our capacity has been weakened by the budget of the Commission having been reduced by 25% of the amount that this Council had approved. We urge this Council to look at this situation that detracts from the United Nations commitment to human rights and indeed the decisions of this Council itself. We ask members of the Council to consider measures to reinstate resources to enable the Commission to operate at an adequate capacity.

Thank you.