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## **BRIEFING TO MEMBER STATES**

16 April 2024, Geneva

Statement by Navanethem Pillay, Chair of the  
Independent International Commission of Inquiry  
on the Occupied Palestinian Territory, including  
East Jerusalem, and Israel

Excellencies,

Good morning. I would like to start by thanking Egypt - as the coordinator of the Arab Group - for organizing this briefing on the work of the Commission of Inquiry. I will present an update on the work of the Commission. Afterwards, Commissioner Sidoti will present updates on the

Commission's investigations and investigative missions.

Before I speak about the Commission's work over these last few months, I would like to express my serious alarm over the latest developments in the region and the military escalation between Israel and the Islamic Republic of Iran, and the risk of triggering a regional conflict. It is critical that all parties work towards a military de-escalation at this junction and prioritize the mitigation of impact of conflict on civilians - in Israel, in the Occupied Palestinian Territory, including East Jerusalem, and elsewhere.

Since the establishment of this Commission in 2021, we have produced four reports in line with

our mandate: two reports to the Human Rights Council and two reports to the General Assembly. The Commission has covered the most salient issues such as the legality of the occupation, the shrinking of civic space, and the increased militarization of the use of force by Israeli Security Forces across the Occupied Palestinian Territory. The Commission made specific recommendations on accountability in the case of the unlawful deportation of Salah Hammouri from occupied Territory to France; and the unlawful killing of the Al Jazeera journalist Shireen Abu Akleh.

The Commission's recommendation in its report to the General Assembly in 2022 looked at the legality of the occupation and led to the current advisory proceedings at the International Court of

Justice on the legality of the occupation and the responsibility of states, including third states.

Since 7 October 2023, the Commission has focused all of its work on the current conflict and has investigated acts committed by all duty bearers. According to official Israeli data, the attacks in southern Israel by members of Hamas' military wing, the Al Qassam brigades and other Palestinian armed groups on the morning of 7 October 2023 killed more than 1,200 persons and more than 14,000 people were injured. More than 200 people were taken hostage and as of April 2024, 134 people are still held hostage, with their fates unknown.

The scale of the war unleashed by Israel following this attack has been unprecedented. As of 8 April, after six months of the war, OCHA has reported that at least 33,207 Palestinians have been killed in Gaza according to the Ministry of Health. Of those killed, at least 14,500 were children and 9,560 were women. Also according to OCHA, forty-percent of schools in Gaza have been directly hit by Israeli attacks. More than 1.7 million people have been internally displaced in Gaza.

The health system in Gaza is on the brink of collapse. According to the World Health Organization, only 10 out of 36 hospitals in Gaza are partially functioning. Doctors, nurses, and medical staff are operating without anaesthesia, and with little to no medications, medical supplies,

or equipment. Women are giving birth or undergoing Caesarean-sections with no anaesthesia and receiving no pre- or post-natal care. The WHO documented more than 400 attacks against health facilities, ambulances and health workers. This is a clear violation of international humanitarian law. Earlier this month, the Israeli Security Forces withdrew from a two-week long operation at the Al-Shifa Hospital in Gaza City that left the medical complex in ruins.

The complete siege imposed on Gaza since October 2023, has resulted in an unimaginable humanitarian catastrophe, with famine and starvation now a reality for its residents. The destruction of roads and infrastructure has severely compromised the ability of humanitarian

actors to bring in aid to the population. The Israeli authorities have regularly stopped and denied the entry of humanitarian aid into Gaza. This is in direct contravention to the provisional measures ordered by the International Court of Justice that Israel must “take all necessary and effective measures to ensure, without delay” the unhindered provision of urgently needed basic services and humanitarian assistance in conformity with Israel’s obligations under the Genocide Convention. Humanitarian aid convoys have been attacked on multiple occasions, and Israeli forces have also targeted civilians seeking humanitarian aid, including the attack on crowds of Palestinians gathered to collect flour in the south-west of Gaza City on 29 February 2024.

Against this devastating backdrop, the Commission has continuously investigated violations of international human rights law and international humanitarian law, and crimes under international criminal law since 7 October 2023. The Commission has investigated international crimes committed on 7 October 2023, in southern Israel, by the militant wing of Hamas and other non-State armed groups. The Commission also investigated international crimes committed by the Israeli Security Forces in Gaza, and the West Bank, including East Jerusalem. We will present the first set of findings to the Human Rights Council in June of this year. The investigations continue and our next set of findings will be presented in October in New York to the General Assembly.



The Commission needs the strong support of all Member States to be able to efficiently fulfil its mandate. Due to the liquidity crisis since last year, the Commission has been operating with less than its full roster of staff, which in the first place we consider not being enough. The inability to hire staff to fill existing regular budget posts has a serious impact on the workload of the current staff, and the Commission's ability to fulfil its mandate and produce the quality work that this situation deserves.

The Commission is now mandated to pursue two new investigative lines of inquiry given to it by resolutions passed by the Human Rights Council on 5 April: first, to investigate violent settlers and

settler groups; and second, to investigate the arms transfer by Member States to Israel. Each one will result in a full report presented by us to the Human Rights Council next year in June. Without the necessary staffing and resources to support this additional work, it simply cannot be done. I ask for your full support in the budget process, including at the ACABQ and the 5<sup>th</sup> Committee in New York, to approve our proposed additional staff and resources, which again may just be barely sufficient to fulfil the requests of the Council.

Seeking accountability for violations of international law committed by all sides of the conflict is an important part of the Commission's mandate. As such, the Commission has been sharing, on an ongoing basis, information with the

Office of the Prosecutor of the International Criminal Court. Commissioner Sidoti and I have met both with Prosecutor Karim Khan and Deputy Prosecutor Nazhat Khan. We look forward to and expect to see progress on the ICC investigations this year.

On the International Court of Justice, the Commission received a Request for Assistance from South Africa in its case against Israel under the Genocide Convention. The Commission will share information relevant to this request with South Africa, who shall submit it to the ICJ in those proceedings. I note that should Israel – or any other state for that matter – send the Commission a similar Request for Assistance, the Commission would act on it accordingly.

On the ICJ advisory opinion, the public hearings took place in February with 49 Member States of the UN and three international organizations presenting oral statements. The vast majority of these statements emphasized that currently, Israel's occupation of Palestine is unlawful under international law which triggers obligations by all member states and the UN.

Before I turn it over to Commissioner Sidoti, I would like to thank those of you who have provided support to the work of the Commission of Inquiry. The mandate of this Commission is vast, and the scale of the current conflict is unprecedented. The Commission needs your sustained support now even more than ever. The current staffing and

resources of the Commission are not commensurate to the growing demands of our work. This Commission is the only, standing, ongoing United Nations Commission of Inquiry with both an investigative and accountability mandate. Our work is crucial in that we publicly report our findings, and we actively seek avenues for justice and accountability for victims. Without operational resources and political support from Member States, the work of the Commission will be severely compromised.

I give the floor to Commission Sidoti. Thank you.