

**GA 78**  
**Third Committee: Item 74 (a-d)**  
**Promotion and Protection of Human Rights**

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

**24 October 2023, New York**

Excellencies, distinguished representatives, good afternoon.

I will take a moment of silence for myself and my team to express our deep condolences to all civilians in Israel and Gaza who have lost their lives and all civilians who have been seriously injured.

The eruption of violence in Israel and Palestine, since October 7, is profoundly concerning. And as a consequence, thousands of civilians have been killed or injured and civilian structures, hospitals and schools have been extensively damaged.

The Commission unequivocally condemns the killing of over one thousand Israeli citizens by Hamas and other

Palestinian armed groups, injuring thousands more and the taking of more than 200 hostages, including children.

We also unequivocally condemn Israeli military attacks that resulted in the deaths of thousands of Palestinian civilians, as well as hundreds of children.

The Commission calls for the immediate cessation of hostilities, and for the immediate and safe return of all hostages.

There are clear indications that international crimes have been and are being committed.

In accordance with its investigative mandates and in furtherance of justice and accountability, the Commission immediately stopped its planned work and began collecting and preserving evidence. The Commission will not only focus on crimes and violations but also will identify individual criminals responsible and will also establish the root causes of the conflict.

The Commission will pay particular attention to allegations of serious crimes, with an emphasis on murder, rape and other forms of sexual violence.

We call on the Israeli Government, the Palestinian Authority and Hamas, the de facto authority in Gaza, to facilitate and support our investigations, including by permitting investigators to enter Israel and Gaza as soon as possible. And we ask the General Assembly to support us in seeking this access.

I shall now proceed to present the findings of our report.

Our report was completed before this latest upsurge in violence; however, its findings are tragically relevant. The report examines the use of force by Israel and the de facto authorities in Gaza, one dimension of Israel's unlawful occupation of Palestinian Territory, which has carried devastating implications for Palestinians. The detrimental impact of the occupation on the lives of Israelis is also clearly evident today.

The report finds that Israel's increasingly militarized law enforcement operations in the West Bank, including East Jerusalem, and repeated attacks on Gaza consistently violate international human rights law and international humanitarian law. These actions are intrinsically linked to Israel's goals of maintaining the unlawful occupation, of weakening Palestinian

opposition, of fragmenting Palestinian political, economic and social cohesion, and ultimately denying Palestinian self-determination and preventing the establishment of a free Palestinian state. The Commission also finds unequivocally that the indiscriminate firing of projectiles by armed groups in Gaza towards Israeli towns and cities constitutes a war crime.

The prolonged Israeli occupation of Palestinian territory has led to widespread protests among Palestinians asserting their right to self-determination in the West Bank, including East Jerusalem, and Gaza. The Commission finds that Israeli security forces use excessive force and indiscriminate means to disperse demonstrators in Israel and in the West Bank, including East Jerusalem, resulting in serious harm, death and permanent injuries. The Commission concludes that the force used against Palestinian demonstrators as a crowd control measure is systematically excessive and consistently exceeds what is strictly necessary and proportionate. Our findings further reveal that Israeli security forces commonly use live ammunition to suppress protests in the West Bank, including East Jerusalem, harming unarmed demonstrators and other persons who did not pose an imminent threat to life.

We find that large scale search and arrest operations, primarily focused on dismantling armed groups in the West Bank, are on the increase. Several operations conducted in Jenin this year appear to have involved the use of unnecessary and disproportionate force by Israeli security forces. We also find that law enforcement operations are treated by Israel as military operations during hostilities, resulting in the application of far more permissive rules of engagement, in violation of international law.

Palestinian journalist Shireen Abu Akleh was shot and killed while preparing to report on an Israeli military operation in Jenin in May 2022. We consider that this killing was a direct result of Israel's militarization of law enforcement operations. We conclude on the evidence we found, and on reasonable grounds that the Israeli security forces used lethal force without justification under international human rights law and, intentionally or recklessly, violated Shireen Abu Akleh's right to life. We further conclude on reasonable grounds that the Duvdevan Unit of the Israeli security forces participated in the operation in Jenin on 1st May 2022 and that soldiers of the Duvdevan unit were likely in the vehicle from which the shot was fired that resulted in the death of Abu Akleh. The

Commission has established the name of the commander of this unit in May 2022.

The Commission's report also shed light on the practice of both Israeli authorities and Hamas in Gaza of withholding bodies to be used as bargaining chips. This practice is a clear violation of customary international humanitarian law, constituting a form of collective punishment. It has caused severe trauma to the families of the deceased, with a particularly gendered impact on Palestinian female relatives.

Excellencies,

Israel has carried out repeated military incursions and aerial attacks in Gaza which is one of the most densely populated areas in the world. The Commission finds that Israeli authorities have consistently failed to take effective precautionary measures to avoid civilian casualties, resulting in the death and injury of thousands of civilians.

Continuing unlawful occupation of the Palestinian territory has had an overwhelming impact on the lives of Palestinian children, who experience serious human rights violations.

In conclusion, we are saying that mandate was founded on the understanding that justice does take time, but it is our collective obligation to pursue it. We are encouraged by progress made towards justice and accountability by this very Assembly, which passed a resolution last year requesting an advisory opinion from the International Court of Justice relating to the Israeli occupation of Palestinian territory, as was recommended by our Commission. The recommendations of our reports are aimed at promoting justice and accountability. All parties must cooperate fully with investigations. Above all, the Government of Israel must without delay end its 56 years of occupation and recognise the people's right to self-determination.

Thank you.