

## CHECK AGAINST DELIVERY

53<sup>rd</sup> session of the Human Rights Council

Interactive dialogue on the COI OPTEJI report on the  
Occupied Palestinian Territory and Israel

Statement by Navi Pillay, Chair of the Commission of Inquiry

20 June 2023

Mr. President,

Excellencies,

I am pleased to present our second report to the Human Rights Council's 53<sup>rd</sup> session - A/HRC/53/22, on behalf of the Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel.

The report presented to you today focuses on attacks, restrictions and harassment of civil society. In preparing the report, the Commission has engaged with victims and witnesses, as part of our mandate and through two sets of public and closed hearings held in November 2022 and March 2023. We express our gratitude to all those who have provided information to us, often at great personal risk.

Palestinian and Israeli civil society members have long stood at the forefront of advocating for self-determination for the Palestinian people, for an end to the occupation and recurring human rights violations and for accountability. Consistent pressure exerted by civil society to hold authorities accountable for human rights violations has made them a target for those who have no desire for change.

**We found that the rights to freedoms of association, expression and opinion, and to peaceful assembly, as well as a number of economic, social and cultural rights, are being violated by all three responsible authorities:**

**the Government of Israel, the Government of the State of Palestine and the de-facto authorities in Gaza.**

Our examination revealed that the majority of violations are being committed by Israeli authorities as part of the Israeli Government's goal of consolidating its permanent occupation at the expense of the rights of the Palestinian people.

We found that the Israeli Government has increasingly restricted civic space through a strategy of delegitimizing and silencing Palestinian and Israeli civil society, to quell dissent, thwart democratic institutions and practices, and strengthen authoritarianism. This includes criminalizing Palestinian civil society organisations and their members by labelling them as 'terrorists' and threatening institutions that give a platform for civil society discourse. It also entails pressuring donors and implementing measures to cut or end funding. We found that this strategy is implemented towards Israeli and Palestinian civil society organisations and activists, and internationally towards advocates of Palestinian rights worldwide, with the support of extremist right-wing organisations.

Our report found that Israeli authorities have used **a variety of punitive methods intended to deter and interfere with the activities of Palestinian civil society members**. Deprivation of liberty, including through arbitrary arrests and detention, administrative detention, travel bans and restrictions of movement, deportations and revocation of identity and residency documents, are all widely practiced against civil society members. Additionally, the Commission found that Israeli authorities have subjected Palestinian human rights defenders, including journalists, to ill-treatment while in detention.

The Commission found that security agencies of the Palestinian Authority and the Gaza authorities have also used detention, torture and ill-treatment to punish and intimidate critics and opponents.

**Legislation, including counter-terrorism legislation**, is increasingly used by all responsible authorities to undermine the ability of civil society to operate effectively. We consider such legislation to be neither necessary nor proportionate. In particular, we found that Israeli authorities' application of its 2016 counter-terrorism law to Palestinian civil society organisations, through the designations of some organisations as terrorist or unlawful organisations, violates international human rights law. In the Occupied Palestinian Territory, the Cybercrime Law is used to enhance surveillance and control of online activism.

We also found that some actions undertaken by the Israeli Government against civil society organisations may amount **to violations of international humanitarian law and may constitute crimes under international law.**

Our report sought to identify the impact of the shrinking civic space on different segments of civil society. We found that Palestinian **journalists** are particularly targeted by all duty bearers with harassment, assaults, smear campaigns, arrests, detentions, accusations and charges of incitement to violence. We found these attacks to be an intricate part of efforts to deter journalists from carrying out their work of investigating, reporting and holding authorities to account. Israeli journalists are also being monitored and harassed, and increasingly practise self-censorship out of fear of retribution. We heard testimonies on the killing of the journalist Shireen Abu Akleh during our public hearings. We will include the results of that investigation in our next report to the General Assembly.

**Palestinian and Israeli women human rights defenders** have been targeted by all duty bearers and by non-State actors. They have been specifically targeted by Palestinian State actors and anti-gender rights groups, because they are seen to challenge patriarchal and traditional norms. Israeli women human rights defenders who support Palestinian rights have also been targeted. We found that the lack of accountability for gender-based violence, including sexual violence, enables and encourages the targeting of women human rights defenders.

The Commission documented multiple actions undertaken by Israeli and Palestinian authorities and other actors, that threaten and shrink **cultural space affecting artists and cultural activists** in Israel and the Occupied Palestinian Territory. In Israel, the Government is intervening more frequently to prevent artistic activity and events that criticise the Government's occupation policies or focus on the rights of the Palestinian people or promote Palestinian identity, culture, arts, history and heritage.

We note that attacks and arrests of civil society members have adversely affected **children**, both as human rights defenders themselves and as witnesses to the targeting of their family members.

Mr. President,

We continue to be **gravely concerned with the deteriorating situation in the Occupied Palestinian Territory.** Just last month we witnessed yet another escalation of hostilities in Gaza resulting in civilian casualties and damage to

civilian objects. Civilians were also killed in Israel as a result of rocket attacks from Gaza. We are alarmed by the high number of civilians including children killed in the West Bank and Gaza in recent years, including in the recent escalation. In 2023, Israeli authorities continued dispossessing Palestinians of their identity, land and livelihood in the occupied West Bank, including through expansion of illegal settlements and outposts, with the aim of further advancing the permanent occupation and annexation. At the same time, settler violence is increasingly frequent and serious and is now a daily reality for Palestinians. Our next report to the General Assembly will examine the use of force and unlawful killings, including recurring Israeli attacks and rockets fired from Gaza.

We call on all duty bearers and all Member States to take measures enabling Palestinian and Israeli civil society members to continue their important work, free from fear of punishment and retribution against themselves or their families. We emphasise again that the far-reaching and intersectional harm caused by the Israeli occupation reaches all segments of Palestinian and Israeli society and is intrinsically intertwined with actions and policies examined in our report. We therefore reiterate our call that Israel complies fully with its international legal obligations and ends the occupation.