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Chair: Mr. Blanco Conde (Dominican Republic)
later: Mr. Venancio Guerra (Vice-Chair) (Portugal)

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The meeting was called to order at 10 a.m.

Agenda item 68: Promotion and protection of human rights (continued)

(a) Implementation of human rights instruments

(continued) (A/77/40, A/77/44, A/77/228, A/77/230, A/77/231, A/77/279, A/77/289 and A/77/344)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)

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(c) Human rights situations and reports of special rapporteurs and representatives (continued)

(A/77/149, A/77/168, A/77/181, A/77/195, A/77/220, A/77/227, A/77/247, A/77/255, A/77/311, A/77/328 and A/77/356)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) (A/77/36)

1. **Ms. Pillay** (Chair of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel), introducing the report of the Commission (A/77/328), said that almost 75 years had passed since the General Assembly had adopted resolution 181 (II) recommending the establishment of a Jewish State and an Arab State. That, as well as numerous other resolutions, stood as a reminder of the responsibility of the United Nations and its Member States to ensure a just solution to the situation in Israel and Palestine that respected and protected the human rights of all. Those resolutions were also a stark reminder of the role of the United Nations of ensuring respect for international law and accountability for violators.

2. The General Assembly had been briefed consistently on the human rights situation in the Occupied Palestinian Territory, including on specific violations, committed with impunity, by Israel and other

duty bearers. The mandate required that the members of the Commission of Inquiry consider the full context of the conflict and the occupation, identify the role of third States and outline measures to ensure accountability. The Commission of Inquiry had observed that a significant number of Israeli policies and actions in the West Bank were not intended to address concerns of security and that security was often used as a pretext by Israel to justify territorial expansion.

3. The General Assembly had the responsibility to address the current reality that Palestine was occupied owing to the persistent refusal of successive Israeli Governments to abide by international law. The United Nations must ensure that international law was applied and respected by all nations, without distinction or favour. November 2022 would mark 55 years since the adoption of Security Council resolution 242 (1967) calling for Israel to withdraw from the territories it had occupied in 1967, yet Israel remained in occupation of those territories without any consequence.

4. **Mr. Erdan** (Israel), describing the killing of a five-year-old Israeli boy living in Sderot, an Israeli town bordering Gaza that for years had experienced thousands of deliberate rocket attacks from Hamas, a designated terror organization, said that the stories of Israeli victims of terror were meaningless to the hate-filled members of the Commission of Inquiry. Their report deliberately omitted any mention of Hamas or its thousands of indiscriminately fired rockets while exclusively placing the blame for every aspect of the conflict on the law-abiding liberal democracy of Israel.

5. Neither the Commission of Inquiry nor its report held a grain of legitimacy. For 2,000 years, the Jewish people had been exiled, tortured and butchered. The antisemites had always blamed the Jews for all of the world's evils. Because it was no longer politically correct to openly blame the Jews for all of the world's problems, antisemitism adapted. Rather than burning the Jew at the stake, antisemites burned the Jewish State at the stake. Nowhere was that more apparent than at the Human Rights Council, where all of the blame was placed on the most vibrant democracy in the Middle East, while the crimes of the biggest human rights violators were ignored. The Council had adopted more resolutions condemning Israel than resolutions condemning Syria, Iran, and North Korea combined. The Council had dedicated a permanent special agenda item against Israel, ensuring that not a single Council session passed without the opportunity to bash Israel. Thirty per cent of the Council's Commissions of Inquiry had targeted Israel, a country representing one tenth of one per cent of the global population. Libya, Somalia, Venezuela, Russia and China were some of the countries

that had voted to establish the current inquisition, while the United States, the United Kingdom, Canada, Austria, Germany and many other robust democracies had spoken out against the clear bias against Israel.

6. That Commission of Inquiry was the first in history to be given an open-ended mandate and it had also been given more staff and funding than any before it. Most importantly, its members had been chosen not for their investigative skills, but rather for their very public and poisonous hatred of Israel. The only reason Ms. Pillay had been chosen to lead the Commission was that she had called Israel an apartheid State and had supported the boycott of Israel. Mr. Sidoti ridiculed antisemitism and strongly supported numerous pro-Palestinian organizations. According to Mr. Kothari, Israel did not even deserve to belong to the United Nations. Such Jew-hatred had no place in any workplace, let alone in such an institution. The Human Rights Council had long since lost any semblance of legitimacy and the decision to establish the Commission was likewise illegitimate; therefore, the report lacked legitimacy and belonged in the dustbin. The only decision of the Committee during the present session should be to demand that that destructive, terror-supporting Commission be disbanded.

7. **Ms. Abdelhady-Nasser** (Observer for the State of Palestine) said that she, in contrast to the toxic and hateful accusations just made by the representative of Israel, would focus on the report. First, however, she wished to extend condolences to all Palestinian and Israeli parents who had lost children in that horrific conflict.

8. It was imperative not to lose sight of the facts and legal analysis contained in the report. Israel had no sovereignty over or in the Occupied Palestinian Territory, including East Jerusalem. That was the law and not a Palestinian opinion. Her delegation therefore condemned the refusal of Israel to allow the Commission of Inquiry entry to the State of Palestine. Israel had in fact continually refused the entry of Special Rapporteurs and every Commission of Inquiry to the Occupied Palestinian Territory, a decades-long record of obstruction and non-cooperation that should not be normalized. Israel had even obstructed efforts by the Security Council to conduct a visit because Israel had wanted to prevent others from seeing the appalling reality of its apartheid and colonial regime. The Commission of Inquiry was mandated by the Human Rights Council and its mandate was ongoing because the Israeli occupation was ongoing. In fact, the occupying Power exhibited no intention of ending it but rather was acting to entrench it, in grave breach of international law.

9. The report revealed the true intentions of Israel to seize the Occupied Palestinian Territory, lay claim to it and alter its character and demographic composition. The intention of Israel was annexation. If that were not the case, then Israel would not impose restrictive and discriminatory planning policy on Palestinian land. If its actions had all been done for security reasons, Israel would not have transferred hundreds of thousands of its own civilians to Palestinian land, nor would it have built and expanded its settlements or annexed Jerusalem. It would not forcibly remove Palestinian families through home demolitions, forced evictions, transfer or by creating a threatening environment wherein settlers violently attacked civilians with the support of the Israeli army.

10. Although the Security Council, General Assembly and Human Rights Council had adopted resolutions calling for an end to the Israeli occupation, none had been implemented. The refusal of Israel to implement those resolutions and the lack of action by the international community to enforce them and to hold Israel accountable for its ongoing violations led to more suffering, trauma and loss for the Palestinian civilian population, including women and children. It meant more killing, maiming, arbitrary detention, land theft, exploitation of natural resources, injustice and domination and oppression of the Palestinian people. It meant enabling an unprecedented, permanent illegal occupation with no freedom, no justice and no peace on the horizon. She asked the Chair of the Independent International Commission of Inquiry to discuss the human rights implications of the Israeli annexation policy for the Palestinian civilian population, including women and children, in particular in the light of continued impunity and lack of accountability, and what obligations third parties had in that regard.

11. **Mr. Zellenrath** (Netherlands) said that while no one was above scrutiny, the Netherlands was worried about the wide scope of the mandate of the Commission of Inquiry and its unlimited time period for investigation. As a consequence, the Commission's mandate contributed to the disproportionate attention given to Israel in the United Nations system. The United Nations should address all country situations of concern in a balanced manner.

12. **Ms. Clune** (Representative of the European Union, in its capacity as observer) said that individual member States of the European Union that had been members of the Human Rights Council in May 2021 had not supported the creation of the Commission of Inquiry because of concerns about its broad mandate and permanent nature. The European Union reiterated its principled position of constructive engagement with

United Nations bodies and investigative mechanisms and respect for their independence. The European Union was gravely concerned that the occupation of Palestinian territory continued and welcomed steps taken recently by both sides to improve cooperation, including through high-level political meetings, within the framework of their signed agreements. The European Union called on Israel to take additional steps to significantly improve the lives of the Palestinian people.

13. **Mr. Castañeda Solares** (Guatemala) said that his delegation rejected any antisemitic statement that would engender prejudice against the people of Israel and called for decorum and respect and to avoid any accusations against the State of Israel. The Commission of Inquiry should be objective and impartial and regretted the parts of the report considered antisemitic. It was a matter of concern that the mandate of the Commission had an unprecedented scope and indefinite time frame. Guatemala recognized the authority of the Human Rights Council but considered inappropriate some of the accusations made against Israel, a democratic State that guaranteed the human rights of its inhabitants.

14. **Mr. Passmoor** (South Africa) said that the report prompted strong feelings of anger, as the tactics of Israel were the same as those deployed by the South African apartheid regime against black, Indian and coloured South Africans. There could only be one conclusion: Israel was perpetuating an apartheid system against the Palestinian people in the Occupied Palestinian Territory. That was a strong assertion and not made lightly. His delegation had read with dismay of the forced evictions and demolitions and was reminded of the forced removals in South Africa. Legislation in Israel to legitimize settlements and confiscate land recalled the Natives Land Act (1913). The report clearly demonstrated that Israel was institutionalizing a regime of systematic oppression by one group over another.

15. **Ms. Brossard** (Cuba) said that the establishment of Commission's mandate demonstrated the concern of the international community regarding the grave human rights situation of the Palestinian people and the atrocities over decades against the Palestinians by Israel, the occupying Power, with the complicity of the United States of America. The policies applied against the Palestinians contravened the Charter of the United Nations and General Assembly resolutions. Cuba supported a just, comprehensive and durable solution to the conflict in the Middle East that guaranteed the inalienable right of the Palestinian people to establish a State within the 1967 borders, with East Jerusalem as its

capital. The Palestinian people would always have the solidarity and admiration of the Cuban people.

16. **Ms. Horváth** (Hungary) said that her delegation had serious concerns about the establishment of the Commission of Inquiry. The Human Rights Council and other human rights bodies and mechanisms should address all human rights concerns, regardless of country, in an impartial and even-handed manner and end the longstanding disproportionate scrutiny of Israel. Hungary was also outraged by the recent antisemitic and anti-Israel comments made by a member of the Commission of Inquiry, which deepened concern about the Commission's open-ended nature and overly broad scope. Such blatantly biased, antisemitic comments were completely unworthy of the United Nations.

17. **Mr. Mohd Zim** (Malaysia) said that the Israeli-Palestinian conflict was a stark reminder of the sheer failure of the international community in resolving the conflict. It could not continue to sit idly by while unabated aggression by the apartheid Israeli regime eroded the two-State solution. Malaysia strongly supported the recommendations contained in the report. Israel must immediately cease its atrocious acts and be held accountable for its violations if trust in the international human rights system was to be restored. The Security Council must discharge its duty to end the Israeli occupation of the Occupied Palestinian Territory.

18. **Mr. Zahneisen** (Germany) said that the open-ended nature of the Commission had led his country to vote against its establishment. In addition, Germany stood firmly against any form of antisemitism and therefore denounced the statements made by the member of the Commission, Mr. Kothari. While Germany respected the investigative mechanisms of United Nations bodies, it remained concerned about the disproportionate attention given to Israel in United Nations forums. The most recent report raised important questions but fell short of taking Israeli security concerns into account. Israel had the right to defend itself against armed attacks and hold perpetrators accountable. In doing so, it must respect the principles of international law and international humanitarian law. In the view of Germany, the only way to end the occupation and the conflict was through negotiations towards a two-State solution.

19. **Mr. Amorín** (Uruguay) said that his country had not supported the creation of the Commission of Inquiry in May 2021. While such commissions were a valuable instrument in fulfilling the mandate of the Human Rights Council, in that specific case it was inopportune, owing to the ceasefire negotiations between the parties. When it came to the Council's consideration of human

rights situations in specific countries, Uruguay reiterated its endorsement of General Assembly resolution 60/251, which established the need to ensure universality, objectivity and non-selectivity in the consideration of human rights issues and the elimination of double standards and politicization.

20. **Ms. Webster** (Australia) said that her delegation reaffirmed its view that the Human Rights Council disproportionately scrutinized Israel. Australia did not support the fact that Israel was the only country to be the subject of a permanent item at the Council and therefore did not and would not engage on that item during Council debates.

21. While Australia agreed that settlements remained an obstacle to peace, the report did little to assuage concerns about the mandate of the Commission of Inquiry. The report's broad and one-sided recommendations were further evidence that the mandate was excessive. While Australia remained deeply concerned about the ongoing conflict and the lack of progress towards a just and enduring two-State solution, the current report did little to advance the cause of peace.

22. **Mr. Marschik** (Austria) said that Israelis and Palestinians had the right to live in peace and security and all sides must uphold international law. Austria deplored the loss of civilian lives on both sides and condemned the firing of rockets by Hamas and other terrorist groups from Gaza into Israel. Austria had not supported the creation of the Commission because of its mandate and permanent nature. While the mandate covered all violations of international law occurring in the Occupied Palestinian Territory and in Israel, Austria noted that the report's recommendations were addressed exclusively to the Government of Israel. The impartiality of United Nations investigative mechanisms was a cornerstone of the United Nations human rights system and one-sided reports could be unhelpful.

23. **Mr. Croker** (United Kingdom) said that his delegation regretted the establishment in 2021 of a further Commission of Inquiry with an overly expansive mandate. The United Kingdom could not support the disproportionate focus of the Human Rights Council on Israel and the failure to include a time limit for the investigation in the mandate. It remained committed to improving the human rights situation and supported justified and proportionate scrutiny of the situation in Israel and the Occupied Palestinian Territory at the Human Rights Council. The United Kingdom believed that a just and lasting resolution to the occupation was long overdue and would continue to press both sides on

the need to refrain from actions that made peace more difficult.

24. **Mr. Kelen** (Marshall Islands), speaking also on behalf of the Federated States of Micronesia, Nauru and Palau, said that those delegations wished to reiterate the concerns raised in the statement of the cross-regional group of 22 countries regarding the open-ended Commission of Inquiry. No one was above scrutiny and it was the responsibility of the Human Rights Council to protect human rights globally. The nature of the Commission of Inquiry, however, was a demonstration of longstanding, disproportionate attention given to Israel in the Council. The Council should address all human rights concerns, regardless of country, in an even-handed manner. Regrettably, the Commission of Inquiry would further contribute to the polarization of the situation.

25. **Mr. Lamce** (Albania) said that his delegation joined others in expressing concerns about the Commission of Inquiry, especially with regard to its open-ended mandate. Efforts to ensure accountability and combat impunity, which Albania strongly supported, should be based on consistent and universally applied standards and avoid one-sided approaches. The Human Rights Council should address all human rights concerns, regardless of country, and should take into consideration the views, concerns and positions of all parties involved. Failure to do so would further contribute to the polarization of the situation and would only fuel the longstanding, disproportionate attention given to Israel in various United Nations bodies. Albania rejected any antisemitic statements, expressions or positions.

26. **Mr. Nenov** (Bulgaria) said that, when the Commission of Inquiry had been established, his country had expressed concerns about the imprecise scope, territorial limit and time frame of its mandate. The report's content and approach confirmed the validity of those concerns. Furthermore, certain public statements of members of the Commission of Inquiry had left the impression of a lack of impartiality. Bulgaria continued to believe that Israelis and Palestinians must demonstrate, through policies and actions, a genuine commitment to a political solution that ended the conflict.

27. **Mr. Klíma** (Czechia) said that his delegation underlined its strong support for the United Nations human rights system and its mechanisms, which played a key role in the efforts of the international community to promote and protect human rights globally. Czechia had nevertheless voted against the establishment of the Commission of Inquiry owing to serious concerns about

its broad and open-ended mandate and permanent nature. Moreover, his delegation had been shocked by a recent interview in which one of the members of the Commission had used terms such as “Jewish lobby” and had questioned the membership of Israel in the United Nations. Czechia strongly rejected any form of antisemitism. Such comments contributed to polarization and threatened to undermine the impartiality of United Nations human rights mechanisms. Czechia remained committed to a just and comprehensive resolution of the Israeli-Palestinian conflict based on the two-State solution.

28. **Mr. Hirji** (Canada) said that the Human Rights Council could play a critical role in protecting human rights and promoting accountability. However, the nature of the Commission of Inquiry was proof of the longstanding, disproportionate attention given to Israel by the Council. Regrettably, the report demonstrated an unbalanced and unfair focus on Israel. Disproportionate scrutiny applied to Israel contributed to polarization of positions and undermined the two-State solution. Canada reiterated its stated concerns about the Commission’s scope as well as its budget and ongoing nature. He asked the Chair of the Commission how the Commission would in the future ensure a more balanced portrayal of the responsibilities and obligations of all parties to the conflict.

29. **Mr. Anderson Finlay** (Ireland) said that as long as accountability was absent and the root causes of the conflict remained unaddressed, cycles of conflict and violence in the Occupied Palestinian Territory and Israel would continue. Ireland was gravely concerned by the high number of recent Palestinian civilian fatalities in the West Bank, including East Jerusalem. The use of live ammunition by Israeli forces had resulted in the killing and maiming of civilians, including children. Ireland called on Israel to refrain from using excessive force and called for impartial and transparent investigations into all incidents that had led to death or injury. Those responsible for violations must be held accountable. Ireland also remained concerned by the relentless expansion of new Israeli settlements, in flagrant violation of Security Council resolution [2334 \(2016\)](#) and international law. He asked the Chair of the Independent International Commission of Inquiry how accountability for violence of settlers could be ensured.

30. **Ms. McGill** (Liberia) said that her delegation shared the view that the nature of the Commission of Inquiry was a demonstration of the longstanding, disproportionate attention given to Israel in the Human Rights Council. The work of the Human Rights Council to counter impunity and promote accountability should be based on consistent and universally applied

standards, including non-selectivity, impartiality and objectivity. Liberia was therefore concerned not only about the open-ended mandate of the Commission, but also its composition. Just recently, an appointed member of the Commission had made disparaging and antisemitic comments and had questioned the right of Israel to membership in the United Nations. That was unacceptable.

31. **Ms. Zinchenko** (Russian Federation) said that her delegation was concerned to hear about the escalation of hostilities, systematic violations of international humanitarian law and human rights, the destruction of civilian infrastructure and the deteriorating humanitarian situation in the Occupied Palestinian Territory. The lack of real steps towards alleviating the situation undermined the prospects for sustainable peace and security in the region. A comprehensive and just solution to the Israeli-Palestinian conflict could be achieved only on the basis of universally recognized international law and the two-State solution as the central element. Refraining from provocative actions was imperative in the current circumstances. Russia, as a member of the Middle East Quartet of international mediators, was ready to facilitate compromise solutions.

32. **Ms. Inanç Örnekol** (Türkiye) said that her delegation welcomed the establishment of the Commission of Inquiry to investigate all violations of international human rights law in the region. Resolution of the Israeli-Palestinian conflict was essential for lasting peace and stability in the region. All unilateral policies in the Occupied Palestinian Territory must be abandoned. New crises would be inevitable until the root causes of the conflict were eliminated. Türkiye remained committed to supporting all efforts towards a comprehensive and lasting solution to the conflict, which must involve the establishment of an independent, sovereign and contiguous State of Palestine on the 1967 borders, with East Jerusalem as its capital.

33. **Ms. Bafrani** (Islamic Republic of Iran) said that her delegation expressed its support for the work of the Commission of Inquiry. In the months following the establishment of the Commission, the brutal Israeli regime had resorted to a new lie in order to hinder the Commission’s work and its cooperation with civil society. Several Palestinian non-governmental organizations were dubbed “terrorist” by the occupying regime because they had been instrumental in informing the world about the systematic apartheid Palestinians faced every day. Another shameless attempt by the Israeli regime to stifle global awareness had been the murder of Shireen Abu Akleh, a fearless journalist. The Iranian delegation wished to hear the thoughts of the

Chair of the Commission on the role of civil society in resolving the question of Palestine.

34. **Ms. Seid** (Palau) said that her delegation wished to express its concerns regarding the Commission of Inquiry. First, the guidance and practice handbook for commissions of inquiry explicitly stated that members should, in all cases, have a proven record of independence and impartiality. Palau questioned whether the three members of the Commission had been able to lead the investigation in such manner, given the numerous outright anti-Israel public statements made by them before and during their tenure. The report stated that Israel had been unwilling to participate in the investigation, but perhaps that was understandable as the members of the Commission had already shown their bias publicly. Second, the mandate of the Commission was unprecedented in scope and lacked clear limitations. Third, the mandate reflected the disproportionate attention given to Israel in the Human Rights Council. Perhaps it was time to try other approaches that were not biased against Israel.

35. **Ms. Knani** (Tunisia) said that her delegation welcomed the report, which documented grave violations of human rights and the intentional breach of international law by the occupying Power, including hostile and racist and provocative measures against the Palestinians. Tunisia reiterated its condemnation of Israeli policies aimed at isolating the Palestinian people, changing the demographic character of Palestinian territory, entrenching settlements, forcibly transferring populations and carrying out arbitrary arrests. It strongly condemned the killing of the journalist Shireen Abu Akleh by occupation forces. The Palestinian people had the right to self-determination and the right to pursue their economic and development interests, including sovereignty over their natural resources.

36. **Ms. Kuzee** (Namibia) said that her country supported the work of the Commission of Inquiry and had no objection to its open-ended mandate. The energy spent by delegations on setting an end date to the Commission's mandate should be placed on ending the longstanding conflict. The continuation of apartheid practices in the Occupied Palestinian Territory was grounded in archaic colonial practices which completely disregarded the two-State solution espoused in General Assembly resolutions. Although the United Nations had always been acclaimed for its decolonization agenda, its inability to find lasting solutions for a people yearning for self-determination remained a blemish on that esteemed Organization.

37. **Ms. Rizk** (Egypt) said that her country had always supported the cause of the Palestinian people and their

right to self-determination through the establishment of a Palestinian State on the 1967 borders, with East Jerusalem as its capital. Egypt called on the international community to consider the report's findings and the recommendations and to take effective measures to resolve the longstanding Palestinian question.

38. **Ms. Padmasari** (Indonesia) said that it was truly a matter of concern that the illegal occupation had no end in sight and that human rights violations and violence continued to increase. Israel, the occupying Power, had made no serious effort to halt such actions or to bring perpetrators to justice. Instead, it continued to create irreversible alterations on the ground and expand control while imposing a policy of apartheid. She asked the Chair of the Commission of Inquiry to elaborate on the lack of cooperation by the occupying Power with the Commission's mandate. In addition, she asked how third-party responsibility should be viewed from a legal perspective and what should be done to prevent further violations of international law.

39. **Ms. Carty** (United States of America) said that her country was committed to advancing human rights in Israel, the West Bank and Gaza. Promoting human rights and fundamental freedoms was important in its own right and as a means of preserving and advancing the prospects for a negotiated two-State solution. The United States remained deeply concerned about the creation of the Commission of Inquiry and reiterated its position that it did nothing to advance peace between Israelis and Palestinians. The report's recommendations reflected the unwieldy scope of the Commission. Her delegation also reaffirmed its condemnation of antisemitism and anti-Israel bias and categorically rejected the antisemitic comments made in August 2022 by a member of the Commission. It was regrettable that senior United Nations leadership had not publicly repudiated those comments or asked that member to resign.

40. **Mr. Gueye** (Senegal) said that his delegation thanked the Chair of the Commission for her efforts to gather relevant information on the human rights situation in the Occupied Palestinian Territory despite a very difficult and unstable global context. Senegal, as Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, urged the international community to redouble its efforts towards a negotiated two-State solution, which remained the cornerstone of lasting peace and security in the region. In order to promote peace between Israelis and Palestinians, the international community must always bear in mind the historical, political and legal rights of

the Palestinian people, which were inalienable and not time-limited.

41. **Ms. Xu Daizhu** (China) said that although the Palestinian-Israeli issue had been on the United Nations agenda for more than 70 years, the Palestinian people had been unable to secure their human rights. The regional situation remained fragile. All parties concerned, particularly Israel, should exercise restraint, abide by the relevant United Nations resolutions and avoid further escalation. China continued to support the just cause of the Palestinian people in their struggle for the restoration of their legitimate national rights as well as the full implementation of the two-State solution establishing a sovereign and independent Palestinian State based on the 1967 borders, with East Jerusalem as its capital. China would continue to work with the international community for a comprehensive, reasonable and just solution to the Palestinian issue.

42. **Mr. Altarsha** (Syrian Arab Republic) said that his delegation did not find the content of the report to be weird or unreal but rather the natural result of an occupation that had continued since 1948. The statement of the representative of the occupying Power had been an attempt to distract the attention of the Committee from the crimes that had been committed by the occupying Power over decades. Syria also welcomed the report's mention of the Syrian Golan, which had been occupied since 1967. Syria fully supported the right of the Palestinians to live in safety and security and without threats of atrocities by the occupying Power.

43. **Mr. Tegoni** (Observer for the Sovereign Order of Malta) said that the Sovereign Order of Malta, with its local network of associations and relief and volunteer corps, had a very strong presence in Palestine and Jerusalem, where it provided health-care treatment and emergency relief to the local population regardless of race, religion, culture, social situation or ability to pay, thereby having a direct impact on the human rights of the population. In addition, the Holy Family Hospital of the Sovereign Order of Malta had developed a fund that subsidized the high cost of neonatal intensive care for the poorest patients, enabling approximately 800 women and children annually to receive life-saving care free of charge. Between July 2021 and February 2022, 94 newborns had received neonatal care free of charge under that scheme.

44. **Mr. Greco** (Italy) said that his delegation reiterated its concern about the ill-defined and open-ended mandate of the Commission of Inquiry. The manner in which the Commission of Inquiry had been established could potentially cast a shadow on the overall credibility of the monitoring and inquiry

mechanism of the Human Rights Council, which Italy staunchly supported. The independence of the United Nations investigative mechanism was a cornerstone of the human rights system; his delegation invited the Commission to carry out its tasks with impartiality.

45. Italy was alarmed by ongoing tensions in the Occupied Palestinian Territory, including East Jerusalem, and by restrictions on civil society. While Israel had the right to defend itself from armed attacks and hold perpetrators accountable, it must do so in a manner that was proportionate and in line with international human rights law and international humanitarian law. The current tensions demonstrated the dire need for political efforts towards a two-State solution.

46. **Ms. Abdelhady-Nasser** (Observer for the State of Palestine) said that she appreciated the many delegations that had addressed the systematic human rights violations being perpetrated by the Israeli Government, army and settlers against the Palestinian people as well as the human rights crisis and grave breaches of international human rights law that were thoroughly and factually addressed in the report. Her delegation was deeply concerned that delegations had criticized the open-ended nature of the mandate as opposed to condemning the open-ended nature of the Israeli occupation that had been brutalizing and destroying an entire people for over 55 years of occupation and for over 75 years since the Nakbah.

47. **Ms. Pillay** (Chair of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel) said that she was disappointed by the personal criticisms levelled against the members of the Commission of Inquiry. That was the very first time in her life that she had been accused of antisemitism and in her country, that would not be received well as everyone knew the role she had played. Likewise, the two other members of the Commission were not antisemitic. Reference had been made to a statement made by one of the members of the Commission. That issue had been dealt with by the President of the Human Rights Council, who was the proper authority to address criticism of the mandate and of those he had appointed to the Commission. Moreover, she was astonished that delegations had said that the report itself was antisemitic. It was clear that the report was based on law and Israel, like all other States, had international obligations. Any other Commission noting violations carried out by any other State would have done the same.

48. Regarding criticism of the mandate itself, she noted that the mandate had been adopted by the Member

States. The Commission, once it had started its work, had seen the usefulness of the mandate's open-ended nature, as that would enable the Commission to address many of the issues that had been raised by the delegations. The unique mandate granted to the Commission would allow it to investigate the issue of Palestinian armed groups, for example, or the implications of the human rights situation on civil society and children. Furthermore, it should not be forgotten that the mandate was open-ended to address an occupation that had no end in sight. Delegations that accepted an endless occupation but objected to the mandate should reconsider that view.

49. The Commission had paid scrupulous attention to the human rights of Israelis and Palestinians and unequivocally condemned any acts of violence. During her tenure as United Nations High Commissioner for Human Rights, she had visited Sderot and had seen first-hand the trauma inflicted on Israeli children and if the Commission were to be given access to Israel, she would personally express her sympathy to bereaved families. The members of the Commission had agreed to serve on it, without payment, because they cared about human rights. The Commission rejected any act of violence that targeted civilians, whether Israeli or Palestinian, in line with the mandate and any possible violations of international law would be investigated as the members had a duty to preserve information on violations and abuses of international law committed by any duty bearer. In its previous report (A/HRC/50/21), the Commission had reviewed the findings of previous mechanisms, which had underlined the inherently indiscriminate nature of projectiles directed towards Israel by Palestinian armed groups, in violation of international humanitarian law and perhaps amounting to war crimes. As part of its ongoing assessment, the Commission had also noted the findings of the United Nations High Commissioner for Human Rights, including that such indiscriminate attacks during the May 2021 and August 2022 hostilities had violated international humanitarian law.

50. The report contained an acknowledgement of armed attacks on Israeli and Palestinians, noting the high number of civilian casualties incurred during the second intifada. Between September 2000 and August 2007, 1,024 Israelis had been killed by Palestinian armed groups in the West Bank and Israel, 69 per cent of them civilians. In the same period, 4,228 Palestinians had been killed by Israeli forces, approximately 59 per cent of them civilians. While Israel had legitimate security concerns, its actions must comply with applicable international law. The permanent dispossession and denial of the basic rights of the

Palestinian people would never be a recipe for achieving sustainable security or peace.

51. The Commission had started its work by consulting immediately with civil society representatives and academics, who played a vital role in raising awareness of violations and possible international crimes. The Commission applauded the bravery of those Palestinian and Israeli actors in the face of restrictions of their freedom of speech. In addition, the Commission had laid out numerous human rights implications of the situation, including that there were reasonable grounds to believe that Israeli policies aimed at permanent occupation might constitute war crimes, and called upon the Office of the Prosecutor of the International Criminal Court to address those issues. The report underlined the obligations of other States under articles 146 to 148 of the Fourth Geneva Convention.

52. **Ms. Albanese** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), introducing her report (A/77/356), said that the Occupied Palestinian Territory was experiencing yet another spike in violence marked by heavy loss of Palestinian life. Israeli forces, on a daily basis, and with impunity, systematically targeted and extrajudicially killed Palestinians, while settlers destroyed properties and attacked and terrorized unarmed civilians. That was not an "intractable" conflict borne of irreconcilable rivalry and an incompatible sense of identity; it was the result of profound and protracted injustices and an anachronistic settler-colonial enterprise. The levels of pain and of agency differed dramatically between the two sides, as one was the colonizer and the other the colonized. As affirmed by previous Special Rapporteurs and the Commission of Inquiry, the Israeli military occupation, the longest in modern history, was unlawful and had crystallized into an apartheid regime.

53. She was disheartened that the international community tolerated the persistent violation by Israel of the most basic provisions of international law, which provided the basis for the international rules-based order. For 55 years, Israel had attempted to suppress the Palestinian people's inalienable right to self-determination in a territory that accounted for only 22 per cent of pre-1948 Palestine.

54. **Ms. Salem** (Observer for the State of Palestine) said that, according to the Charter of the United Nations and other international instruments, the right of peoples to self-determination was paramount. For decades, Israel, the occupying Power, had violated the right of the Palestinian people to self-determination and clearly intended to continue. Some States believed that nothing could be done beyond calls for negotiations and the

provision of humanitarian assistance. Some States said that they would recognize a Palestinian State only at the conclusion of negotiations, effectively granting Israel the right of veto over Palestinian statehood and right to self-determination. Negotiations were supposed to have allowed the realization of the Palestinian right to self-determination, not to perpetually delay or deny its exercise.

55. The Special Rapporteur had characterized the Israeli occupation as settler colonialism. Indeed, 700,000 Israeli settlers were unlawfully present in the Occupied Palestinian Territory, including East Jerusalem, and Israel was advancing the illegal annexation of that Territory in one of the gravest violations of the Palestinian right to self-determination. She asked the Special Rapporteur what obligations States and other international actors had in that context and what role should be played by the General Assembly.

56. **Mr. González Behmaras** (Cuba) said that Cuba reaffirmed its unequivocal support for the cause of the Palestinian people. Their human rights would continue to be negated as long as the occupation persisted and the Palestinians were unable to establish their own State. The policies applied to the Palestinians contravened the Charter and United Nations resolutions and constituted a threat to international peace and security. Cuba supported a just, comprehensive and lasting solution to the conflict that would guarantee the exercise of the inalienable right of the Palestinian people to establish their own State within the 1967 borders, with East Jerusalem as its capital.

57. **Ms. Garcia** (Luxembourg) said that her delegation called on the Israeli authorities to give the Special Rapporteur access to the Occupied Palestinian Territory. The report underlined that the prolonged occupation of the Territory by the Israeli State violated the inalienable right of the Palestinian people to self-determination. Luxembourg was extremely concerned by the systematic violations of human rights and the increase in violence committed by settlers against the Palestinians. Colonization, demolitions, confiscations and forced displacement were illegal under international law and threatened the two-State solution. Accountability for human rights violations must be ensured in an Independent and impartial manner. She asked the Special Rapporteur how the paradigm shift described in the report would put an end to violations of international law and human rights in the Occupied Palestinian Territory and advance the two-State solution.

58. **Ms. Rizk** (Egypt) said that her delegation took note of the conceptual framework presented in the report in an attempt to dismantle and reconstruct the political and legal approaches that had been used to uphold the cause of the Palestinian people. Egypt sought the views of the Special Rapporteur on how the recommendations in her report could be practically implemented.

59. **Mr. Ruidíaz Pérez** (Chile) said that his country was deeply concerned over the humanitarian crisis suffered by the Palestinian people, with its violence and economic deprivation. His delegation condemned the blockade of Gaza and its humanitarian consequences, especially for vulnerable groups. Chile repudiated acts that contravened international law, such as confiscation of land and property, expansion of settlements and restrictions on civil society. It believed in the two-State solution and the right of Israel and Palestine to live in peace within secure and internationally recognized borders.

60. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that his delegation affirmed its full solidarity with the just cause of the occupied people and State of Palestine, including East Jerusalem and the Gaza Strip, in the context of the steadily worsening human rights situation and war crimes committed by the occupying Power, Israel. The tone of the great champions of human rights changed when they discussed the situation in the State of Palestine; they demanded impartiality, out of an indifference to serious grave violations of all kinds by the occupying Power and an absence of genuine plans to reach a negotiated and just solution.

61. Venezuela fully supported the position of the Movement of Non-Aligned Countries, which called for full accountability for the military aggression of the occupying Power and called on the international community and the Security Council to enforce resolutions. The territorial control and blockade suffered by the Palestinian people had no historical precedent and was morally unacceptable.

62. **Mr. Kim Nam Hyok** (Democratic People's Republic of Korea) said that the question of Palestine remained a serious concern for many countries and aroused the indignation of those in the Middle East. The Israeli expansionist policy in the occupied Arab territories trampled on the democratic freedoms and rights of the Palestinian people. The massacre of Palestinians by Israel in East Jerusalem and the Gaza Strip was a war crime and a crime against humanity. The continuation by Israel of its illegal territorial dispossession and killing of civilians in defiance of the international community would and increase tensions in

the Middle East. Israel must stop all military acts that threatened the right to life of the Palestinian people and withdraw from the occupied Arab territories without delay. His country extended its support and solidarity to the Palestinian people in their just cause for restoring their legitimate national rights, including the right to establish an independent State with East Jerusalem as its capital.

63. **Ms. Mngomezulu** (South Africa) said that the report pointed to the urgent need for the international community to finally hold the Government of Israel accountable for the crime of apartheid as part of a broader system of oppression and domination over the Palestinian people. The report indicated that further consideration should be given to the similarities between the acts of Israel and those associated with settler colonialism, especially the denial of the right to self-determination, which was a key component of colonialism along with the dispossession and subjugation of the indigenous population. South Africa was also gravely concerned about the strategic fragmentation of the Palestinian territories through the gradual establishment of colonial settlement in the West Bank and East Jerusalem, which continued to violate international law. If the right to Palestinian self-determination had not been upheld for seven decades, little hope remained that questions of self-determination and foreign occupation would be addressed.

64. **Mr. Altarsha** (Syrian Arab Republic) said that the report was the bravest his delegation had ever read. According to paragraph 26, the creation of the State of Israel in most of the territory of Mandate Palestine had been accompanied by massacres and mass expulsion. That was how the occupying Power had established its so-called State. The seed of hatred would not bring apples, it would bring only blood, atrocities and crimes against humanity. While respect for the right of self-determination had been a highlight during the previous century, the occupying Power had succeeded in preventing the exercise of that right by the Palestinians and by Syrians in the occupied Syrian Golan.

65. **Ms. Almehaid** (Saudi Arabia) said that her country reiterated its solidarity with the Palestinian people and the need for comprehensive and lasting peace in the Middle East to end one of the most protracted conflicts of the contemporary world. That should be based on international references and the Arab Peace Initiative of 2002, which stipulated the establishment of a Palestinian State within the 1967 borders with East Jerusalem as its capital, the return of refugees and the end of the Israeli occupation of all Arab land, including the Syrian Golan and Lebanese territories. Saudi Arabia would continue to provide

humanitarian aid to the Palestinians. The previous week, Saudi Arabia had provided \$27 million in support to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The international community must shoulder its responsibility to support the Palestinian people and the aspirations of the Palestinians to establish an independent State in line with United Nations resolutions.

66. **Ms. Padmasari** (Indonesia) said that her delegation appreciated the Special Rapporteur's strong message that the international community must urge Israel to end its illegal occupation. Israel had violated the political, economic and cultural rights of Palestinians as well as Palestinian sovereignty over natural resources. Indonesia noted the fragmentation of Palestinian territories owing to the illegal expansion of settlements and the seizure of Palestinian-owned structures in order to intentionally segregate the Palestinian people and deny their right to self-determination. It supported the Special Rapporteur's recommendation that the General Assembly develop a plan to end the Israeli settler-colonial occupation and apartheid regime, as well as for the United Nations High Commissioner for Human Rights to update and release, without delay, the database of businesses involved in settlements. In the report, the Special Rapporteur underlined the need to deploy an international protective presence to constrain violence in the Occupied Palestinian Territory and protect the Palestinian population. She asked the Special Rapporteur to elaborate on how such a mechanism could be made effective.

67. **Mr. Mohd Zim** (Malaysia) said that the report confirmed the apartheid practices perpetrated by Israel in the Occupied Palestinian Territory, among other places, through settler colonialism. After more than 50 years, Israel continued to blatantly disregard international law, expand its illegal settlements and commit unspeakable atrocities against the Palestinian people, all with absolute impunity. Its ongoing blockade of Gaza had exacerbated the dire humanitarian situation. Self-proclaimed promoters of human rights in other contexts maintained a deafening silence when it came to Palestine; perhaps they had determined that the lives of innocent Palestinians were not as valuable as those in other conflict areas. Malaysia maintained its long-standing and principled position on the inalienable rights of the Palestinian people. The cessation of the apartheid practices and the realization of a sovereign Palestinian State based on the pre-1967 borders were necessary to preserve the rights of the Palestinian people.

68. **Mr. Al-Suwaidi** (Qatar) said that his delegation was extremely concerned about the lack of accountability, as noted in the report, for blatant Israeli violations against humanitarian workers and journalists. Qatar strongly condemned the killing in May 2022 of the Palestinian journalist Shireen Abu Akleh, a correspondent for Al-Jazeera, and the wounding of a producer, while investigating an Israeli raid in the Jenin refugee camp. Reports had concluded that they had been shot by Israeli soldiers. In addition, the Palestinian journalist Ghufraan Warasnah had been killed in June of 2022. Those killings were glaring violations of international humanitarian law and an attack on the freedom of the press and expression and the right to information. Qatar called for an immediate, thorough, transparent and impartial investigation into those crimes and for the perpetrators to be held responsible.

69. **Ms. Inanç Örnekol** (Türkiye) said that her country was deeply concerned by the lack of interest of the international community in finding a just, lasting and comprehensive solution to the longstanding conflict. The status quo in the Occupied Palestinian Territory was not sustainable. All unilateral policies in that Territory, such as illegal settlements, forced evictions, the use of disproportionate force against civilians, attempts to erode the status of Jerusalem and the blockade of Gaza, must be abandoned. As highlighted in the report, such actions violated the fundamental rights and freedoms of Palestinians and contravened international law and United Nations resolutions. There was no alternative to a two-State solution based on established international parameters. Returning to the political path and accelerating efforts to revitalize the peace process was an urgent necessity. A special responsibility lay with the Quartet members. The international community should not wait for a new escalation in the region to address the root causes of the conflict.

70. **Ms. Clune** (Representative of the European Union, in its capacity as observer) said that her delegation was interested in hearing about the Special Rapporteur's priorities in the context of increasing violence on the ground.

71. The position of the European Union on the Middle East peace process remained unchanged. It was committed to a just and comprehensive resolution of the Israeli-Palestinian conflict and welcomed the commitment, expressed recently by both Israel and Palestine, to the two-State solution. The parties were urged to take tangible steps towards restoring a political horizon and relaunching the peace process. The European Union reiterated its strong opposition to the settlement policy and activities of Israel in and around

East Jerusalem, especially in the sensitive E1 area. Evictions, forced transfers and demolitions and confiscations of homes escalated an already tense environment and threatened the viability of a two-State solution. Settlements were illegal under international law.

72. The European Union would not recognize changes to the 1967 lines, unless agreed by the parties. Israel was urged to halt settlement expansion, evictions, demolitions and forced transfers; to allow for improvements in freedom of movement for Palestinians; and to enable accelerated Palestinian construction and social and economic development.

73. **Ms. Dale** (Norway) said that Palestinians continued to be denied a wide range of human rights. While the Israeli Government, by virtue of its continued occupation, bore the main responsibility, Palestinian duty bearers in the West Bank and Gaza must also ensure Palestinian life and dignity. Since the previous report, human rights violations and abuses against the Palestinian population had continued at an alarming pace. Norway was deeply concerned about the unacceptable and widespread forced evictions, house demolitions and settler violence. Civilians must be protected and freedom of movement respected. Norway condemned the recent executions in Gaza. Freedom of speech remained under pressure. Journalists needed safe environments. Norway was concerned about the shrinking space for civil society and human rights defenders. Israel must end the excessive use of administrative detention without formal charge, including against children. The Special Rapporteur should be granted access to Palestine.

74. **Ms. Novruz** (Azerbaijan), speaking on behalf of the Movement of Non-Aligned Countries, said that, during the eighteenth summit of the Movement, held in Baku in 2019, the Heads of State and Government had stressed the importance of General Assembly resolution [67/19](#), which had accorded to the State of Palestine observer status in the United Nations, reflecting the international community's longstanding principled support for the inalienable rights of the Palestinian people. The Movement condemned the continuing Israeli military occupation of the Occupied Palestinian Territory, which violated international law and United Nations resolutions. The occupying Power had also continued to commit grave human rights violations, including the use of excessive, indiscriminate force, which had killed and injured thousands of Palestinian civilians, including children.

75. **Ms. Bafrani** (Islamic Republic of Iran) said that the Palestinian nation was experiencing escalating

levels of intolerable occupation, blockade, aggression and expansionism under the Israeli regime. The basic rights of the Palestinians, including the rights to life, housing and employment, were violated daily. Furthermore, the world was witnessing a new wave of illegal settlements, forced migration, confiscation of property and arbitrary detention. Her delegation believed that ending more than seven decades of conflict in the Middle East was possible only through ending the occupation, restoring the right of the Palestinian people to self-determination, the return of refugees to their homes and establishing a democratic mechanism that allowed all inhabitants of Palestine and refugees to determine their future. She asked the Special Rapporteur what she saw as the most significant challenges to the fulfilment of her mandate and how Member States and civil society organizations could help in that regard.

76. **Ms. Hama** (Niger) said that her country attached great importance to the situation in Palestine and reaffirmed its support for the Palestinian people. It was regrettable that, for many decades, the situation in Palestine had not improved. Niger deplored the violence and other violations of human rights and international humanitarian law and agreed that there should be accountability for serious abuses. She asked the Special Rapporteur what the United Nations should do to resolve the Israel-Palestinian conflict. Previous efforts had fallen short and an impartial diplomatic solution was needed to bring about lasting peace.

77. **Ms. Zinchenko** (Russian Federation) said that her delegation was concerned about the continuing deterioration of the situation of human rights in Palestine and other occupied Arab territories. The unilateral actions of Israel were significantly hindering international efforts towards the prompt resumption of direct negotiations between Israel and Palestine and thus the achievement of sustainable peace in the region. The mass arbitrary detention of Palestinians, the provocative violations of holy sites in Jerusalem, the increase in illegal settlement construction with continued forced evictions of Palestinians, the destruction of homes and the expropriation of property were cause for particular concern. The low rates of prosecution of perpetrators, challenges in the administration of justice and restrictions on the activities of human rights organizations and on freedom of the press, including the murder of reporters, were further cause for concern. Her country supported calls for a thorough and impartial investigation into the circumstances of the death of the Palestinian journalist Shireen Abu Akleh. A just and lasting solution to the Israeli-Palestinian conflict was possible only on the basis of universally recognized international law and the two-State solution.

78. **Ms. Xu Daizhu** (China) said that her delegation was troubled by the continuing deterioration of the human rights situation in the Occupied Palestinian Territory and called on the parties to earnestly implement the resolutions of the General Assembly and Human Rights Council on protecting the rights of the Palestinian people. China called on the occupying Power to halt its expansion of settlements, evictions of Palestinians and demolition of homes. China also condemned all indiscriminate attacks and asymmetric use of force against civilians. Efforts must be made to combat violent crimes and safeguard the human rights of the local population, particularly vulnerable groups such as women, children and older persons. China was especially concerned about the plight of the Palestinian people in the context of the coronavirus disease (COVID-19) pandemic and called for a faster humanitarian response and for the blockade on Gaza be lifted without delay.

79. China firmly supported the just cause of the Palestinian people to restore their lawful national rights and encouraged both sides to relaunch peace talks based on a two-State solution. China would continue to play a constructive role in the final settlement of the Palestinian issue and would continue to provide COVID-19-related humanitarian assistance, including through donations to UNRWA.

80. **Ms. Knani** (Tunisia) said that her delegation condemned the blatant violations of Israeli occupation forces against the right of the Palestinian people to self-determination. Current international concern about military confrontations and humanitarian crises should not obscure the responsibility of the occupying Power pursuant to international law and international humanitarian law. Tunisia called for international protection for the Palestinian people and for the adoption of clear measures to end Israeli violations and ensure that Israeli forces complied with United Nations resolutions and international law. Violations of international humanitarian law must not be met with selectivity or double standards.

81. **Mr. Croker** (United Kingdom) said that his delegation shared serious concerns about the deteriorating security situation in the West Bank. All parties must reduce tensions and avoid any destabilizing unilateral actions. The high number of Palestinian deaths at the hands of Israeli forces in 2022 was extremely worrying. While the United Kingdom fully supported the right of Israel to self-defence, it advocated swift, transparent investigations in cases of accusations of excessive force. The United Kingdom was appalled by terrorist attacks against Israeli citizens, which could not be justified. The parties were urged to prioritize

progress towards a durable solution for Gaza. Restrictions on movement, access and trade, which affected the living standards of Palestinians in Gaza, must be addressed.

82. The United Kingdom was fully committed to the two-State solution as the best path to regional peace and stability and would continue to press Israel and the Palestinians on the need to refrain from actions that made peace more difficult. He asked the Special Rapporteur what confidence-building measures could be advanced to rebuild trust, improve the lives of Palestinians and lay the foundations for final status negotiations.

83. **Ms. Kuzee** (Namibia) said that her delegation appreciated the report's legally grounded focus on the right to self-determination and its enumeration of the implications of the continued deprivation of that right. Namibia expressed disappointment that Israel had remained unwilling to engage the established mechanisms of the United Nations, then had subsequently accused those mechanisms of biased approaches, a narrative that undermined headway in resolving the conflict. The message of the report was clear: the status quo aided colonialism and supported separate development and apartheid practices. Namibia, as direct a beneficiary of successful United Nations decolonization efforts, continued to actively engage on those issues.

84. **Ms. Dabo N'diaye** (Mali) said that her country recognized the right of self-determination of all peoples and deplored the serious violations of human rights, including those of children. She asked what the international community could do to ensure a genuine discussion and a genuine solution to the crisis, which had wide-ranging impacts.

85. **Ms. Albanese** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) said that impartiality required an acknowledgment of the fundamental asymmetry between Israel and Palestine in terms of power, resources and intent. The international community must not invoke impartiality while blatantly ignoring the horrible reality. So far in 2022, 22 Israelis and 183 Palestinians had been killed. The responsibility for that lay with the occupying Power, which had refused to withdraw its troops and its colonial presence from the Occupied Palestinian Territory. The Government of Israel declined requests for meetings to discuss issues of concern and refused to allow human rights mechanisms to visit the Territory, in violation of the obligations of Member States as laid out in the Charter of the United Nations. At the same time, Israel vilified human rights

mechanisms with spurious accusations of antisemitism and bias. It was disconcerting that so many delegations had not addressed one substantive issue raised in the report of the Commission of Inquiry while accusing it of bias and antisemitism. The Human Rights Council, the source of her mandate and that of the Commission of Inquiry, had a mission to advance human rights over and above politics. The fact that the Council paid a high level of attention to the Israel-Palestine issue was a symptom of the failure to resolve a political question marked by profound imbalance and injustice owing to paralysis in the Security Council.

86. The report was clear on what should be done: abide by the law. A false equivalence between the parties could not be pushed; one party was an occupier and the other was occupied. The settler colonial occupation amounted to the crime of aggression and could not be defended on the grounds of self-defence. An occupier and colonizer had no right to self-defence. In the report, she criticized the three main approaches used by the international community vis-à-vis Palestine. Those who followed the political approach used "negotiation" as a mantra. However, countries that had undergone decolonization had not been forced to negotiate the conditions of their liberation with their colonizers and that should not be asked of the Palestinians. Self-determination should be realized first and as a precondition for negotiations.

87. The second approach related to development and economic growth. Economic development and growth could not, however, mean anything to people who could not take their children to school safely or access a civil court. Israel should be asked why it was displacing 1,200 Palestinians from Masafer Yatta in order to turn the area into a firing zone. Israel had the right to train its soldiers in its own territory, not in a territory over which it had no sovereignty. Delegations must be honest and avoid cognitive dissonance in cases where the reality on the ground was clear but there was a resistance to applying international law. Economic, political and diplomatic measures were available and could be applied by individual States in the face of Security Council paralysis.

88. The humanitarian approach was also deficient. Over time, the question of Palestine had been transformed from a political situation subject to international law into a permanent humanitarian crisis to be managed. While humanitarian aid was necessary, it was never a substitute for a political solution and political will.

89. In the report, she called for a protective presence in the Occupied Palestinian Territory, an idea that had

been proposed by the Secretary-General. Such a presence must be authorized by the Security Council, but diplomacy could also open a discussion with Israel on allowing an intermediary buffer between the settlers, who attacked and terrorized civilians, and the Palestinians.

90. While she faced many challenges in the fulfilment of her mandate, they did not compare to those faced by people on the ground, primarily the Palestinians, but also the Israelis. No one could dehumanize another people and not be dehumanized in turn.

91. There had been no accountability for the killing of Shireen Abu Akleh, a renowned journalist and an American citizen, even though investigations had made clear who had killed her. That lack of accountability had led to despair, which had prompted Palestinians to take to the streets and re-embrace armed struggle.

92. **Ms. Dyfan** (Independent Expert on the situation of human rights in Somalia), introducing her report ([A/HRC/51/65](#)) as transmitted by the note of the Secretariat ([A/77/168](#)), said that, despite the efforts of the Federal Government of Somalia and the African Union Transition Mission in Somalia (ATMIS), the security situation in the country remained a cause for serious concern. During the reporting period, and since the appointment of the new Government a few months previously, Al-Shabaab and various armed groups had escalated their attacks throughout the country, resulting in a high number of civilian casualties. On 23 October 2022, Al-Shabaab militants had stormed a hotel in Kismaayo, killing and injuring an unidentified number of people. On 3 October 2022, at least 17 civilians had been killed and 53 injured when three vehicle-borne improvised explosive devices had exploded in Beledweyne.

93. The parties to the conflict continued to commit the six grave violations against children in armed conflict at alarming rates. Between January 2021 and June 2022, the United Nations had verified more than 4,400 grave violations of children's rights. The Government must intensify its efforts to protect the human rights of civilians.

94. The Government, with the support of the international community, had made positive strides in its approach to civilian protection. That approach focused on transferring security responsibilities from ATMIS to the Somali security forces and institutions; enhancing an inclusive reconciliation process led by the community; and working with civil society and the international community to minimize the impact of armed conflict and insecurity, which continued to exact a heavy toll on civilians, damaged infrastructure, displaced millions of

people and impeded access to humanitarian relief for communities in need. According to the Office for the Coordination of Humanitarian Affairs (OCHA), in 2022, an estimated 366,000 people had been displaced by conflict and insecurity.

95. The election of President Hassan Sheikh Mohamud in May 2022 by a decisive majority of the Federal Parliament of Somalia and the appointment of a new Prime Minister and cabinet presented an opportunity to accelerate the implementation of the human rights agenda. However, the election had fallen short of the principle of one person, one vote stipulated in the Provisional Federal Constitution. Women remained seriously underrepresented in the House of the People, holding less than the 30 per cent minimum quota of seats. The Government was urged to ensure greater participation of women in public affairs.

96. Violations of freedom of opinion and expression remained a particular concern, especially in Somaliland. Security personnel increasingly harassed, intimidated and arbitrarily arrested journalists. According to the National Union of Somali Journalists, on 22 October 2022, a television reporter had been arrested by Somaliland police in Gebiley District. On 11 October 2022, the Secretary-General of the Somali Journalists Syndicate had been arrested and detained by authorities at the airport in Mogadishu and later released on bail. The Government was urged to amend laws criminalizing the work of journalists and media outlets.

97. The Federal Government was faced with the challenges of addressing the complex security situation, building fairer political institutions and responding to a humanitarian crisis caused by conflict and exacerbated by climate change. According to the OCHA situation report of August 2022, the country's humanitarian situation remained dire, with 7.8 million people impacted by drought, 1 million of whom were displaced. Somalia would face a humanitarian catastrophe and imminent famine if rainfall during the upcoming wet season fell below average. The international community was urged to increase technical cooperation and support to the Government and people of Somalia to build local resilience to recurring drought and environmental degradation.

98. The Government's efforts at implementing security, political and institutional reforms could not be sustainable without addressing issues related to economic, social, and cultural rights, such as improved and increased access to education, water and sanitation, health care and housing. While the Government's approach to supporting the operationalization of the humanitarian-development-peace nexus was

encouraging, an acceleration of the Heavily Indebted Poor Countries Initiative would help it to fulfil its human rights obligations.

99. The Government was urged to prioritize the establishment of a national human rights commission. It should also finalize its review of all bills relating to the promotion and protection of women and children's rights and bring them into line with international human rights standards.

100. *Mr. Venancio Guerra (Portugal), Vice-Chair, took the Chair.*

101. **Mr. Hassan** (Somalia) said that his delegation wished to note some of the achievements of the Government of Somalia during its three months in office. The creation of an inclusive Government had fostered political stability. The mobilization of Government forces against Al-Shabaab terrorist groups had reached its highest level and had led to the liberation of areas that had not been Government-held for almost 27 years. The Government's strategic plan to utilize the country's resources was also proceeding well and the country enjoyed improved relations with its neighbours and the international community.

102. Somalia was facing some of the most multifaceted crises in the world. The new Government was working diligently to transition from decades of devastating conflict, drought, famine and anaemic development to a new age of stability, progress and prosperity. Somalia was committed to upholding the principles of the Universal Declaration of Human Rights and the provisions of the International Covenant on Civil and Political Rights. The Somali Constitution stated that women must be included in all national institutions and elected and appointed positions across the three branches of the Government. The Government had launched a re-evaluation of important policies that included the establishment of a steering committee for peace and women's rights.

103. The Government commended the engagement of international partners for their support for capacity-building programmes to advance women, peace and security. The Ministry of Women and Human Rights Development and the Ministry of Justice and Constitutional Affairs would cooperate with Somali partners in creating relevant capacity-building programmes.

104. The Government had set benchmarks in the area of human rights, which included a re-evaluation of the periodic monitoring and assessment framework; changes to the judiciary and the security sector; effective institutional capacity-building; and

programmes aimed at strengthening institutional capacity in order to address complex crimes. The Office of the Attorney General, the Somali Bar Association and the judiciary were among the beneficiaries of efficient and specialized trainings related to extremism, violence, corruption and gender-based violence. Specialized units within the Ministry of Justice and Constitutional Affairs had also been established. The Office of the Attorney General and the Office of the Prime Minister were coordinating the transfer of cases involving serious crimes to military and civilian courts. As required by the Provisional Federal Constitution, legislation had been developed to protect children from the six grave violations.

105. **Mr. Lohr** (Luxembourg) said that the progress made by Somalia gave rise to hope that the country would soon have the resources and security improvements needed to address humanitarian and development challenges and to improve civil, political, economic and cultural rights. Owing to the COVID-19 pandemic and its economic impact, sexual violence had increased. Luxembourg was concerned that the Somali people were facing an imminent famine as a result of drought. The human rights of displaced persons, especially persons with disabilities and those from minority clans, must be prioritized. Similarly, more attention should be paid to the urban dimension of the humanitarian crisis and the link between climate change and human rights violations.

106. The use of online platforms by Al-Shabaab to spread propaganda remained a significant security threat. Such platforms must do more to counter terrorist propaganda. Luxembourg was, however, concerned about a recent vague and overly broad decree banning journalists from disseminating extremist messages, as restrictions on journalists undermined the country's State-building project. He asked the Independent Expert how, in her view, climate change would affect human rights in Somalia.

107. **Ms. Malac** (United States of America) said that her country welcomed the Government's recent appointment of a cabinet and its ongoing work on political reconciliation. While the United States welcomed the improving human rights situation and looked forward to working with Somalia to promote respect for human rights, it remained concerned by the country's history of arbitrary arrests and detentions, enforced disappearances, unlawful recruitment or use of child soldiers and curtailment of freedom of expression, including through attacks on and intimidation of journalists. The United States called on Somalia, including authorities in Somaliland, to release all arbitrarily or unlawfully detained persons. It also called

for continued efforts to end the unlawful recruitment and use of child soldiers. The Federal Government and its regional authorities should continue their efforts to create transparent democratic structures that protected human rights and held violators accountable. She asked how the Committee could help the new Government build democratic institutions that more effectively protected human rights.

108. **Mr. Nyman** (Representative of the European Union, in its capacity as observer) said that his delegation welcomed the successful electoral process and the peaceful transition of power that had taken place in Somalia in May 2022. It was a positive step that the first female Deputy Speaker of the House of the People had been elected and the European Union was hopeful that the 30 per cent minimum quota for women's representation would be met in future elections.

109. Despite the positive developments noted in the report, concerns remained regarding peace, security and humanitarian challenges. The humanitarian situation in Somalia was dire and complex and continued to worsen. An estimated 7.1 million people were acutely food-insecure and over 1 million had been displaced due to drought, which had left women and children increasingly vulnerable to sexual and gender-based violence. The European Union remained concerned about ongoing abuses of human rights and deplored the reported increase in grave violations of children's rights, violence against journalists, violence against women and girls and cases of female genital mutilation.

110. While the Government of Somalia had adopted a national action plan to address conflict-related sexual violence, no legislative framework had been adopted to advance gender equality and empower women. The Government was encouraged to finalize its review of the penal code, to adopt legislation on sexual offenses and children's rights and to endorse a bill on female genital mutilation.

111. He asked how Member States could assist Somalia in the implementation of the benchmarks and indicators set out in the report for the improvement of the human rights situation.

112. **Ms. Lee** (United Kingdom) said that supporting the protection of human rights in Somalia was essential for lasting peace and stability. Her delegation welcomed the renewal of the mandate of the Independent Expert and the benchmarks that she had developed to guide the progress of the Somali Government. The United Kingdom also strongly welcomed the principled positions taken by the Somali Government on recent votes in the United Nations in relation to the Xinjiang region of China and in supporting international

condemnation of the illegal attempted annexation by Russia of four regions of Ukraine.

113. The United Kingdom encouraged the Somali Government to prioritize the passage of key legislation on gender-based violence and children's rights and underlined the importance of accountability in the field of human rights. It also encouraged the establishment of a national human rights commission. The United Kingdom welcomed the expected participation of Somalia in the forthcoming international conference on preventing sexual violence in conflict.

114. **Ms. Vásquez Muñoz** (Mexico) said that her country was concerned by growing reports of sexual and gender-based violence committed not only by Al-Shabaab, but also by members of the police and security forces. It was regrettable that the 30 per cent minimum quota for women's political participation had not been met, as the full, equal and significant participation of women was essential for lasting peace.

115. She asked the Independent Expert what prospects she saw in the short and medium term for the ratification by Somalia of the Convention on the Elimination of All Forms of Discrimination against Women and the adoption of laws against sexual and gender-based violence, including female genital mutilation, early marriage and marital rape. She also asked whether civil society organizations were participating in the investigation of cases of sexual and gender-based violence committed by the members of security forces, as that could promote accountability and help to prevent future cases.

116. **Ms. Xu Daizhu** (China), responding to the statement made by the United Kingdom, said that the failure of the Human Rights Council to adopt a draft resolution related to Xinjiang demonstrated that the international community had rejected allegations made on that subject. China therefore advised the representative of the United Kingdom not to court humiliation.

117. **Ms. Dyfan** (Independent Expert on the situation of human rights in Somalia) said that Somalia was at a critical juncture amid the humanitarian crisis and the escalation of conflict by Al-Shabaab and other armed actors, which continued to pose challenges to peace and security with disastrous consequences for the civilian population. Between February and March 2022, and in June 2022, there had been a huge increase in attacks both in Mogadishu and elsewhere. If that continued, casualties would far exceed those in 2021, which was a huge cause for concern.

118. She welcomed the actions of the Government as noted by the representative of Somalia. While progress had been made, it was clear that civilians were bearing the brunt of continued armed attacks. Sustaining peace and advancing security sector reform should be done in parallel with strengthening the rule of law and accountability mechanisms, such as the Special Prosecution Unit to investigate crimes against journalists. Rule of law was as critical as enhancing other political institutions and courts should provide a minimum guarantee of due process and fair trial. The representative of Somalia had given some indication during the interactive discussion that those areas were being prioritized. It must be noted, however, that Somalia still practiced capital punishment. The Government should consider a moratorium on all executions as a step towards complete abolition.

119. The Government had made progress on the implementation of the benchmarks contained in the report and was urged to follow through with the commitments made in the Joint Programme of Human Rights, which included some of those benchmarks and indicators as well as proposals contained in the national action plan on ending sexual violence in conflict. The international community should continue its technical and financial support to Somalia in that regard, as reform of the police, the judiciary and other rule of law institutions would be an important first step in achieving those benchmarks.

120. The Government had continued to engage; that was clear from the work done by Somalia in the Human Rights Council as well as the universal periodic review. Yet it was important to note that there was still work to be done. The new Government, given its plan of action, was accelerating its efforts to ensure that there was effective capacity-building of the security forces and the judicial sector institutions.

121. In the light of the increase in grave violations of children's rights, she urged the Government to pass the child rights bill and the juvenile justice bill to bring the country's legal frameworks in line with international human rights standards. In recent years, the process to adopt several bills had stalled but there were at least five that could be accelerated as a first step to implementing the benchmarks.

122. In ensuring security and upholding the commitment of Somalia to human rights to ensure that minority and marginalized groups also enjoyed their own human rights, particular in the areas of elections and humanitarian support. The one person, one vote system could begin to address some of those inequalities. She called on all stakeholders to coordinate

their efforts to protect the rights of minorities and marginalized groups.

The meeting rose at 12.45 p.m.