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Chair: Mr. Marschik (Austria)

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The meeting was called to order at 3.05 p.m.

Agenda item 71: Promotion and protection of human rights (continued) (A/78/198)

(a) Implementation of human rights instruments (continued) (A/78/40, A/78/44, A/78/48, A/78/55, A/78/56, A/78/240, A/78/263, A/78/271, A/78/281, A/78/324 and A/78/354)

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(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/78/204, A/78/212, A/78/223, A/78/244, A/78/278, A/78/297, A/78/299, A/78/316, A/78/326, A/78/327, A/78/338, A/78/340, A/78/358, A/78/375, A/78/511, A/78/526, A/78/527, A/78/540, A/78/541 and A/78/545)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) (A/78/36)

1. **Ms. Pillay** (Chair of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel), introducing the report of the Commission (A/78/198), said that the eruption of violence in Israel and Palestine since 7 October 2023 was profoundly concerning. The Commission of Inquiry unequivocally condemned the killing of over 1,000 Israeli citizens, the injury of thousands more and the taking of more than 200 hostages, including children, by Hamas and other Palestinian armed groups. The Commission of Inquiry also unequivocally condemned Israeli military attacks that had resulted in the deaths of thousands of Palestinian civilians and hundreds of children. The Commission of Inquiry called for the immediate cessation of hostilities and the immediate and safe return of all hostages.

2. There were clear indications that international crimes were being committed. In accordance with its investigative mandates, the Commission of Inquiry had begun collecting and preserving evidence and would focus on crimes and violations, identify the individuals responsible and establish the root causes of the conflict. The Commission of Inquiry would pay particular attention to allegations of murder, rape and other forms of sexual violence. The Commission of Inquiry called on the Israeli Government, the Palestinian Authority and Hamas, the de facto authority in the Gaza Strip, to facilitate and support the investigation, including by permitting investigators to access Israel and Gaza as soon as possible.

3. The report of the Commission of Inquiry had been completed before the latest upsurge in violence, yet its findings were tragically relevant. It focused on the use of force by Israel and the de facto authorities in Gaza as just one dimension of the unlawful occupation of the Palestinian Territory by Israel, which had devastating implications for Palestinians and a detrimental impact on the lives of Israelis.

4. The mandate of the Commission of Inquiry had been founded on the understanding that justice took time, but Member States had a collective obligation to pursue it. The Commission of Inquiry was encouraged by progress made towards justice and accountability by the General Assembly, which, at its seventy-seventh session, had decided to request an advisory opinion from the International Court of Justice relating to the Israeli occupation of Palestinian territory. All parties must cooperate fully with investigations. Above all, the Government of Israel must end its occupation and recognize the people's right to self-determination without delay.

5. **Mr. Erdan** (Israel) said that 30 babies and children were among the 222 Israeli hostages being held deep underground in the clutches of Hamas, a terrorist organization crueller than Islamic State in Iraq and the Levant and more barbaric than Al-Qaida, which had not only carried out the worst atrocities imaginable, decapitating babies, violently raping girls and women and burning its victims alive, but had also proudly filmed those unimaginable acts for all the world to see.

6. Since the moment the Commission of Inquiry had been set up, it had been dedicated to excusing, justifying and downplaying Palestinian terror, while demonizing and delegitimizing the efforts of Israel to defend itself. It had sent a clear message to Hamas, to Palestinian Islamic Jihad and to Iran that they had little to fear on the international front and that the Human Rights Council and its open-ended Commission of Inquiry

would do everything in their power to create an immoral equivalence between a democracy that was defending itself and respecting international law and radical, bloodthirsty terrorist groups.

7. Excusing terror encouraged it. Justifying terror emboldened it. Downplaying the threat terror posed created the conditions for its cancerous growth. The despicable massacre by Hamas on 7 October 2023 had left 1,400 babies, children, women and men dead and was the worst terrorist attack in recent history. Hamas and other Palestinian groups had been planning and executing terrorist attacks for decades and had continued since the Commission of Inquiry's establishment. In April 2018, during its so-called Great March of Return, which the report portrayed merely as a protest, Hamas had been open about its goals to take down the border with Israel and tear the hearts of Israelis from their bodies.

8. The report was not just a mockery, it was a damning indictment of the moral corruption of the Commission of Inquiry, which excused and legitimized terror, twisted international law and made baseless claims. The report bent over backwards to equate Israel with terrorist groups, claiming that Israeli authorities and so-called Palestinian armed groups had failed to take effective precautionary measures to avoid civilian casualties. Israel went to extraordinary lengths to avoid civilian casualties, despite the fact that Palestinian terrorists used Palestinian civilians as human shields. However, when Palestinian terrorists had deliberately burned small children alive and when they had held down a pregnant woman, cut open her stomach, pulled out her baby and stabbed him, they had indeed failed to take precautionary measures. It would take hours to list the inaccuracies, sins of omission and commission and ridiculous claims and conclusions in the report.

9. The United Nations had been founded with the sacred vow that the Holocaust would never again be allowed to happen. Following the worst massacre of Jews since then, it was time to decide which side of history to be on. The Commission of Inquiry had sadly already made the wrong choice. Israel would not rest until it had defeated Hamas, it had brought all of the hostages home, and the citizens of the Jewish and democratic State of Israel could live in peace and security.

10. **Ms. Salem** (Observer for the State of Palestine) said that her delegation wished to know if anyone could explain why the situation of human rights in Palestine, as a conflict area and occupied territory, should not be examined and debated by the Third Committee and why the violations of the occupying Power should not be

looked at. She wondered if it was because Israel enjoyed special status as an occupying Power or because Palestinians were considered less worthy. The State of Palestine sought to uphold its duty and obligation to protect its own citizens through legal and political channels. The Commission of Inquiry, which had a mandate to investigate violations against the citizens of Palestine, presented facts that many States had already been informed of by their own diplomatic missions on the ground, and its mandate would continue until the protracted protection and accountability crisis faced by the citizens of Palestine as a result of the Israeli occupation was justly addressed.

11. The scale of the brutal war of Israel against the Gaza Strip was massive, but the military conduct of Israel there was not new. Israel had always resorted to collective punishment and the unlawful use of force, targeting Palestinians civilians, including children, journalists, aid workers, medical personnel, and hospitals, schools and other civilian and residential buildings. Israel continued to forcibly transfer Palestinian communities, colonize Palestinian land, demolish homes and evict families and had previously cut off electricity, fuel, water, food, medicine and humanitarian aid from the Palestinian territory. Through decades of suffocating occupation and 17 years of siege against Gaza, Israel had mastered a policy of deliberate infliction of maximum suffering on the Palestinian people. Her delegation called on Member States not to join the criminal campaign of Israel to collectively dehumanize Palestinians and make its crimes against them tolerable. The Palestinian people were human beings who had suffered loss, oppression and injustice generation after generation. Palestine called on Member States to be just and to put values before political calculations.

12. Calls for the respect of international humanitarian law and the protection of civilians were not enough. The international community should have the courage to recognize the equal value of Palestinian life and to put an immediate end to the Israeli war against them. Abandoning the Palestinian people was a betrayal to humanity and international law, and no amount of humanitarian aid would address the situation in Gaza if Israel was left to carry out more killing, destruction and devastation. Member States should put all their efforts and resources into bringing about the reality in which no Palestinians or Israelis were killed and in which all enjoyed equal measures of freedom, peace and security. Palestine called for Member States to support peace and justice, rather than war and vengeance.

13. **Mr. Croker** (United Kingdom) said that his delegation regretted the establishment in May 2021 of a

Commission of Inquiry with an overly expansive mandate. The United Kingdom could not support an investigation that furthered the disproportionate focus of the Human Rights Council on Israel by failing to include a time limit for that mandate. The United Kingdom firmly supported the Human Rights Council and believed strongly in its mandate to protect human rights and secure accountability for abuses when they occurred. However, the Commission of Inquiry did not further those goals.

14. **Mr. Al-Khaqani** (Iraq) said that his delegation shared the concern of the Chair of the Commission of Inquiry regarding the oppressive actions of the occupying Power in occupied Palestine, including the use of blockade and starvation and the cutting of electricity, among other human rights violations. He asked what mechanism the Commission of Inquiry believed would be the most effective tool for holding the occupying Power accountable for war crimes and crimes against humanity, including its recent systematic violations of the Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention) and the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention).

15. **Mr. Lamce** (Albania) said that the report of the Commission of Inquiry remained one-sided and imbalanced and failed to reflect the destructive actions of Hamas and other terrorist groups, which clearly aimed to cause indiscriminate destruction, civilian casualties and human suffering. Such actions were illegal and immoral and posed a severe threat to the security and well-being of the Israeli and Palestinian people. His delegation expressed concern regarding the open-ended time frame and geographical scope of the mandate of the Commission of Inquiry. The failure of the Commission of Inquiry to remain independent and impartial would be counterproductive to efforts to advance peace between Israel and Palestine. Albania rejected and condemned all forms of antisemitism, including antisemitic comments.

16. **Ms. Mocanu** (Romania) said that her delegation condemned in the strongest terms the indiscriminate and atrocious terrorist attacks committed by Hamas across Israel. There was no justification for terrorism. The Commission of Inquiry had an essential responsibility to present a report that would not trigger further inflammatory antisemitic speech. Romania was disturbed by the large number of lives lost and of innocent victims of the conflict. Hostages must be immediately released, and civilians wishing to leave Gaza should be allowed to do so safely. It was important to reaffirm respect for international law and

international humanitarian law. A two-State solution based on international law and relevant Security Council resolutions remained indispensable for just and lasting peace in the Middle East.

17. **Ms. Pullela** (Australia) said that the actions of Hamas had precipitated a devastating scenario in Israel and Gaza. The protection of civilian lives must be the utmost priority, and the rules of war and international humanitarian law must be observed. Australia called for immediate, safe, unimpeded and ongoing humanitarian aid to ensure essential relief to civilians in need in Gaza. Her delegation supported any processes that brought a just and enduring two-State solution closer. The disproportionate scrutiny of Israel by the Human Rights Council and the excessive mandate of the Commission of Inquiry did not advance the cause of peace.

18. **Mr. González Behmaras** (Cuba) said that the recent escalation of violence in Gaza was a consequence of the decades of illegal occupation and colonization by Israel, in violation of the rights of the Palestinian people, the Charter of the United Nations and international law. Cuba condemned the murder of civilians and humanitarian workers, the indiscriminate bombing of Gaza and the destruction of civilian infrastructure. Depriving the Palestinian people of water, food, electricity and fuel constituted collective punishment, a war crime and a crime against humanity. Nothing could justify such actions by Israel. Cuba demanded an immediate ceasefire, the provision of humanitarian aid and an end to warmongering rhetoric and the complicity of the United States of America, which was responsible for the impunity enjoyed by Israel.

19. **Mr. Eldahshan** (Egypt) said that his delegation was deeply alarmed by the crimes committed by the Israeli occupation forces, including the withholding of bodies of the deceased, including those of women and children, as bargaining chips and its 150 air strikes on densely populated areas in Gaza in May 2021. While 2022 had been the deadliest year for Palestinian children, it appeared that 2023 would be even bloodier, owing to the use of arbitrary and excessive force against civilians. The international community must work to ensure accountability for the grave violations of international human rights law and international humanitarian law taking place in Gaza.

20. **Ms. Nishihara** (Chile) said that her delegation called for all parties to respect international humanitarian law and human rights and to protect the civilian population. Civilians and health centres could never be considered as military targets, yet the indiscriminate attacks against the Palestinian population

openly violated that rule. Israel urgently needed to ensure that its military actions complied with its international obligations, including the principles of distinction, precaution and proportionality. Chile demanded the immediate and unconditional release of the hostages taken by Hamas. Her delegation joined the call for Israel to end all settlement construction and expansion and act effectively to prevent violence by settlers.

21. **Mr. Passmoor** (South Africa) said that his delegation welcomed the insightful and critical report of the Commission of Inquiry and its ongoing work. South Africa was concerned about the recent escalation in violence and regretted the loss of civilian life. His delegation was concerned that the Government of Israel had taken very little action to condemn the use of violence detailed in the report, which South Africa considered as effectively being complicit in those heinous acts. The report demonstrated that Israel was institutionalizing a regime of systematic oppression, which, being racial in nature, constituted apartheid.

22. **Mr. Yahiaoui** (Algeria) said that the blatant violations of international law taking place during the recent escalation in the Gaza Strip demonstrated the importance of the work of the Commission of Inquiry. Algeria condemned in the strongest possible terms the policies of the occupying Power and stressed the need for international intervention to ensure protection for the Palestinian people. In the light of Security Council paralysis, his delegation wished to know what measures should be taken to end settlement activity and settler violence in the Occupied Palestinian Territory. His delegation also wished to know whether existing courts could ensure the payment of compensation for human rights violations, or whether a special mechanism should be established.

23. **Mr. Pretterhofer** (Austria) said that his delegation condemned in the strongest possible terms the heinous terrorist attack by Hamas on Israeli civilians. Such actions were not justifiable, and Austria called on Hamas to immediately release all hostages without precondition. Israel had the right to defend itself in line with international humanitarian law.

24. His delegation reiterated the importance of providing humanitarian aid and ensuring that it was not abused by terrorist organizations. International law remained the guiding principle of Austria with regard to its position on the Middle East peace process, and a negotiated two-State solution, allowing Israelis and Palestinians to live side by side in peace and security, was needed. His delegation wished to know how the

Commission of Inquiry was planning to investigate the crimes committed by Hamas against civilians in Israel.

25. **Ms. Iileka** (Namibia), highlighting key findings from the report of the Commission of Inquiry, said that there were significant inconsistencies in the application of the Charter of the United Nations and in Member States' commitment to international law, human rights and international human rights law.

26. **Ms. Arab Bafrani** (Islamic Republic of Iran) said that the situation in Palestine demanded urgent international attention. For decades, Palestinians had suffered from the occupation, aggression, discrimination and apartheid policies of the Israeli regime. The Palestinian conflict could only be resolved by ending the occupation and recognizing the inalienable right of Palestinians to self-determination. Iran commended the investigation of the Commission of Inquiry into the killing of Shireen Abu Akleh, which had revealed the cruelty of the Israeli regime.

27. It was regrettable to witness the representative of the Israeli regime resorting to baseless claims and falsehoods to malign Iran. Such actions and atrocities were not surprising, since deceitful lies had been a recurring tool for that notorious regime. Her delegation asked what Member States could do to ensure that the Israeli regime was included in the annexes of the Secretary-General's annual report on children and armed conflict.

28. **Mr. Zahneisen** (Germany) said that his delegation expressed its solidarity with the State of Israel and unequivocally condemned the horrific acts of terrorism committed by Hamas. There was never any justification for terrorism. Israel had the right to defend itself against armed attacks. In doing so, it must respect the principles of international law and international humanitarian law. Germany was firmly against any form of antisemitism. His delegation reiterated its criticism of the open-ended nature of the mandate of the Commission of Inquiry. While Germany respected the independence of United Nations bodies and the investigative mechanisms of the Human Rights Council, it remained concerned about the disproportionate attention given to Israel in United Nations forums. The only way to end the occupation and conflict was through negotiations that did justice to the legitimate expectations of both sides.

29. **Ms. del Águila Castillo** (Guatemala) said that her delegation reiterated the importance of dialogue and opposed to the bias shown by the Commission of Inquiry in promoting hostility and prejudice against Israel and blaming that State for all violent acts and violations of international law. Her delegation called on the Commission of Inquiry to ensure that its reports and

statements gave priority to the respect for life, avoided distorting facts and recognized the legitimate right of Israel to defend its population against the terrorist attacks committed by Hamas and other terrorist organizations. Guatemala demanded the immediate release of hostages and emphasized the importance of an objective and impartial study on the situation.

30. **Mr. Barreto Da Rocha Paranhos** (Brazil) said that his delegation thanked the Commission of Inquiry for its report. All parties to the conflict must respect international law, international human rights law and international humanitarian law. Brazil condemned in the strongest terms all forms of violence against civilians, including the acts of terrorism by Hamas and the taking of hostages, and called for their immediate release. Brazil also condemned attacks against civilian targets, especially health and educational facilities. The protection of civilians, especially children, must be prioritized. His delegation called for the immediate establishment of humanitarian corridors for the safe conduct of aid, water, food, medical supplies, fuel and electricity to Gaza. A two-State solution was needed with Israel and Palestine living side by side in peace, prosperity and security within mutually agreed and internationally recognized borders.

31. **Mr. McBean** (Ireland) said that his delegation would welcome the views of the Commission of Inquiry on how accountability could best be ensured. Ireland was gravely concerned by the tragic and shocking events witnessed in Israel and the Occupied Palestinian Territory in the aftermath of the heinous attacks by Hamas in Israel. Ireland unequivocally condemned the attacks by Hamas. The deliberate and systematic targeting of civilians could never be justified. Ireland called on all parties to the conflict to comply with their obligations under international law. It was important to distinguish between Hamas and Palestinian civilians in Gaza. Ireland supported the call of the Secretary-General for a humanitarian ceasefire to allow aid to reach those in desperate need in Gaza. Increased humanitarian aid and continued efforts to meet the basic needs of the civilian population were needed.

32. **Ms. Carlsson Szlezak** (Representative of the European Union, in its capacity as observer) said that the European Union recalled its principled position of constructive engagement with United Nations bodies and investigative mechanisms and respect for their independence. Individual States members 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 resolution of the conflict through a two-State

solution, based on international law, relevant Security Council resolutions and internationally agreed parameters, was indispensable for comprehensive peace in the Middle East.

33. **Ms. Kókai** (Hungary) said that her delegation condemned in the strongest possible terms Hamas and its brutal and indiscriminate terrorist attacks across Israel and deplored the loss of lives. There was no justification for terror. Hungary strongly emphasized the right of Israel to defend itself in the face of such violent and indiscriminate attacks. Hungary recalled its serious concern about the establishment and work of the Commission of Inquiry and its biased approach, open-ended nature and overly broad scope. Her delegation expressed its solidarity with the Government and people of Israel and rejected antisemitism and anti-Israel bias.

34. **Mr. Kim Nam Hyok** (Democratic People's Republic of Korea) said that the grave situation in the Palestinian territories raised great concern among many countries. The Democratic People's Republic of Korea condemned the ongoing unjustified military attack and siege of Gaza by Israel, in grave violation of the human rights of all Palestinian people. The massacre of Palestinians and siege of Gaza by Israel were war crimes and crimes against humanity, in flagrant violation of international law. Peace and stability would never be settled in the region as long as Israel continued to kill innocent Palestinian civilians, including children and women. The Israeli authorities must immediately stop all military attacks and human rights abuses in Gaza that threatened the lives of innocent Palestinian people. His delegation extended its support and solidarity to the Palestinian people in their just cause of restoring their national rights.

35. **Mr. Dimitrov** (Bulgaria) said that his delegation was concerned about the imprecisely defined scope, territorial limit and timeframe of the work of the Commission of Inquiry, which contributed to the disproportionate attention given to Israel within the United Nations. In the light of recent tragic developments, the next report of the Commission of Inquiry should investigate the crimes committed by Hamas and include recommendations on accountability measures.

36. **Mr. Zumilla** (Malaysia) said that his delegation condemned efforts to discredit the Commission of Inquiry and its work in documenting the gross human rights violations in the Occupied Palestinian Territory by the apartheid Israeli regime. Israel had enjoyed impunity for its flagrant violations of international law for too long, although its unabated aggression had been well documented. The atrocities committed by the

apartheid regime must swiftly be ended. Malaysia was committed to the realization of a sovereign Palestinian State based on pre-1967 borders and stood in solidarity with the people of Palestine.

37. **Mr. Greco** (Italy) said that his delegation was concerned about the ill-defined and open-ended mandate of the Commission of Inquiry, which could harm the overall credibility of the monitoring and inquiry mechanism of the Human Rights Council, which Italy staunchly supported. His delegation therefore called for the Commission of Inquiry to carry out its tasks with impartiality and to strictly address the facts. That call was all the more urgent given the ongoing crisis brought on by the attacks of Hamas against Israel, which had come down upon unarmed civilians with unprecedented savagery. Such unwarranted violence must be condemned. The magnitude of the confrontation and its impact on civilians of both sides required the Commission of Inquiry to exercise its mandate with the utmost impartiality. There could be no excuse for terrorism. The right to self-defence and to hold perpetrators accountable must be exercised in a proportionate manner and in full respect of international human rights and humanitarian law.

38. **Ms. Monica** (Bangladesh) said that her delegation expressed its full support to the mandate and investigative work of the Commission of Inquiry and condemned all attempts to undermine its authority. Bangladesh called on all States to fully cooperate with the Commission of Inquiry. Her country strongly condemned all illegal acts by Israel in the Occupied Palestinian Territory, including in the course of ongoing military operations in Gaza, in violation of international humanitarian law and the rules of war. It also condemned the continued occupation and abuse of policies and practices by Israel in the Occupied Palestinian Territory, in flagrant violation of international human rights law. Her delegation was alarmed by the continued impunity enjoyed by Israel, often under the pretext of its right to self-defence, and underscored that Israel should be held accountable for its violations. As such, Bangladesh welcomed the recommendation contained in the report for the International Criminal Court to prioritize the investigation in the situation of the State of Palestine, including the identification of those exercising command responsibility in the killing of Shireen Abu Akleh.

39. **Ms. Al-mashehari** (Yemen) said that her delegation supported the inalienable right of the Palestinian people to establish a sovereign State on the basis of the June 1967 borders, with East Jerusalem as its capital, in accordance with United Nations

resolutions and the Arab Peace Initiative. Yemen condemned in the strongest possible terms the killing and wounding of thousands of Palestinians, including women and children, by the Israeli occupation army and called for the protection of civilians, an immediate ceasefire and the unimpeded delivery of humanitarian aid, including food and fuel, to the Gaza Strip. Moreover, Yemen strongly opposed any attempts to forcibly expel the Palestinians from their land. Regional peace would be realized only when the occupation was ended and the Palestinians exercised their right to self-determination.

40. **Mr. Yang Xiaokun** (China) said that his delegation was deeply concerned at the mass civilian casualties and the humanitarian crisis caused by the Palestinian-Israeli conflict. China opposed and condemned all acts that harmed innocent civilians and violated international humanitarian law. Ending hostilities and opening humanitarian corridors to effectively ease the suffering of the population of Gaza should be prioritized. The root cause of the deteriorating human rights situation in the Occupied Palestinian Territory was its protracted occupation. China firmly supported the just cause of the Palestinian people to have their legitimate national rights restored, as well as the full implementation of a two-State solution, establishing a sovereign and independent State of Palestine based on the 1967 borders, with East Jerusalem as its capital. China called for Israel to coexist with Palestine in peace and to provide assurances of the enjoyment of human rights by the people in the region.

41. **Mr. Welles** (Federated States of Micronesia) said that his delegation unequivocally condemned the abhorrent attack by the terrorist organization Hamas against civilians in Israel. The unprecedented nature of the Commission of Inquiry and the disproportionate focus on Israel clearly demonstrated an obsession that targeted and singled out Israel and entirely ignored the instigation of Hamas and other terrorist groups and their role in the conflict. The antisemitism and anti-Israel bias expressed by members of the Commission of Inquiry were irresponsible and unacceptable and ran counter to the impartial and independent role expected of them. The United Nations must remain objective and impartial in its efforts to find lasting peace in the region.

42. **Mr. Aydil** (Türkiye) said that Türkiye continued to support the work of the Commission of Inquiry in investigating the causes of all violations and abuses of international human rights law in the region. New crises would be inevitable until the root causes of the conflict were addressed. Member States must be unequivocal in condemning and opposing the loss of any innocent lives. There could be no justification for indiscriminate

attacks against civilians and civilian infrastructure. Israel must abide by its obligations under international law and respect the rights and fundamental freedoms of the Palestinian people. A just and lasting peace could not be achieved by disregarding the aspiration of Palestinians for freedom, dignity and sovereignty. There was no alternative to a two-State solution based on established international parameters.

43. **Mr. Kulháněk** (Czechia) said that disregard and contempt for human rights resulted in barbarous acts. Czechia was a strong supporter of the United Nations human rights system and mechanisms but had voted against the establishment of the Commission of Inquiry and could not support a one-sided mechanism with an open-ended mandate that had no potential to contribute to a peaceful solution to the Israeli-Palestinian conflict. Member States must not remain silent in the face of the barbarous terrorist attacks perpetrated by Hamas against Israel. His delegation supported Israel and its right to defend itself in line with international law. The lives of civilians must be protected.

44. **Mr. Kuzmenkov** (Russian Federation) said that the unprecedented deterioration of the Israeli-Palestinian conflict was the tragic outcome of the arrogant policy of the United States in the Middle East. His delegation was surprised by the double standards shown by the United States in cooperating with certain commissions and mechanisms but not others. The casualties, especially as a result of the indiscriminate air strike on the Al-Ahli Hospital, could have been avoided if the United States, the United Kingdom, France and Japan had not spoken out against the Security Council resolution proposed by the Russian Federation on humanitarian assistance for those in need in Gaza. Those countries shared the blame for the deaths of hundreds of innocent people in Gaza.

45. **Ms. Mousa** (Saudi Arabia) said that action was urgently needed to secure an immediate halt to military operations, to provide protection to civilians in compliance with international humanitarian law and to end the spiral of violence. Saudi Arabia urged the international community to exert pressure on Israel to lift the blockade and stop the killing of innocents. She asked the Chair of the Commission of Inquiry what actions the international community could be encouraged to take to implement the recommendations contained in its report.

46. **Mr. Shrier** (United States of America) said that the United States remained deeply concerned about the scope and nature of the open-ended Commission of Inquiry, which demonstrated a particular bias against Israel by subjecting it to a unique mechanism that did

not exist for any other Member State. His delegation was also concerned that many speakers had failed to recognize that Hamas, a terrorist group, bore responsibility for sparking the current conflict with its horrific acts on 7 October 2023. The United States unequivocally condemned the attacks by Hamas terrorists, called for the release of the hostages held by Hamas and supported the right of Israel to self-defence in line with the Charter of the United Nations. On a recent visit to the region, President Biden had stressed the importance of resuming and sustaining the continuous flow of lifesaving humanitarian assistance to civilians in Gaza.

47. **Mr. Khairunsyah** (Indonesia) said that humanitarian aid was needed for the Palestinian people, especially children, suffering in Gaza. Indonesia called for an immediate ceasefire and for safe and unimpeded humanitarian access. Acts of violence must stop immediately to avoid further civilian casualties, and international humanitarian law must be respected. The international community needed to focus on humanitarian issues in Gaza, resolve the root causes of the conflict, continue meaningful peace processes and achieve the two-State solution. Without resolving the situation of the Palestinian people, lasting peace would never be achieved.

48. **Ms. Idres** (Sudan) said that, against the backdrop of the recent humanitarian suffering in Gaza, her delegation reiterated its calls for a ceasefire, for the lifting of the blockade and for the opening of border crossings to ensure the full and unconditional delivery of humanitarian aid. The Sudan reiterated its support for the two-State solution and the right of the Palestinian people to self-determination through the establishment of a Palestinian State, with East Jerusalem as its capital, in accordance with the relevant United Nations resolutions. Furthermore, the Sudan rejected any attempts to forcibly expel the Palestinian people.

49. **Ms. Dongobir** (Nauru) said that her delegation was deeply concerned at the open-ended Commission of Inquiry. Its members had not taken a balanced approach and were targeting Israel. The nature of the Commission of Inquiry was a further demonstration of the disproportionate attention given to and double standards regarding Israel. The General Assembly and the Human Rights Council should address all human rights concerns in an unbiased manner. The report of the Commission of Inquiry made no reference to the recent horrendous terror attack by Hamas, the genocidal jihadist terror organization. It was not Israel that should be subject to an inquiry, and all questions should be shifted to Hamas, the entity which had taken over the

Gaza Strip and which was responsible for causing the loss of 700 innocent lives in Israel.

50. **Mr. Altarsha** (Syrian Arab Republic) said that the impunity of the occupying Power that allowed it to commit more atrocities had been enabled by the United States and its allies, which continued to commit crimes and barbaric acts against the Palestinians. His delegation fully supported the work of the Commission of Inquiry in ensuring the rights of the Palestinian people. Throughout history, no occupation had been able to survive or last forever. The occupation by Israel would not be the exception to that rule and would end sooner or later.

51. **Ms. Al Jarad** (Oman), speaking on behalf of the Cooperation Council for the Arab States of the Gulf, said that the systematic targeting by Israel of civilians, health-care facilities and infrastructure violated international humanitarian law. The Cooperation Council called for an immediate ceasefire in the Gaza Strip, an end to the illegal Israeli blockade, guarantees of delivery of humanitarian aid and the resumption of water, electricity and fuel supplies in Gaza. The current situation was a test for the international community. States must reject selectivity and double standards in the implementation of international law and adopt a strong position in support of accountability.

52. **Ms. Zoghbi** (Lebanon) said that, on 13 October 2023 in southern Lebanon, Israel had targeted a group of journalists wearing equipment clearly showing that they were members of the press, killing journalist Issam Abdallah and injuring five others, some of whom were still hospitalized. Journalists should never be a target. Those attacks should be condemned, and their perpetrators held accountable.

53. **Ms. Al-halique** (Jordan) said that her delegation expressed its support for the work of the Commission of Inquiry. Jordan called for the immediate end of the war on Gaza, the protection of civilians, and the adoption of a unified position against the targeting of all civilians and in favour of the sustained and uninterrupted delivery of humanitarian aid, fuel, food and medicine to the Gaza Strip. Jordan reaffirmed its unequivocal rejection of the forced displacement of the Palestinian population. The injustice of the occupation continued, yet the world had failed to make tangible progress towards peace for Palestinians and Israelis alike.

54. **Mr. Hamed** (Libya) said that, under the Universal Declaration of Human Rights and other international instruments, the international community was obligated to protect all human rights and fundamental freedoms. The Palestinian people were not an exception to that. His delegation stood in support of the right of the

Palestinian people to remain on their land and their legitimate rights to self-defence and to resist the Israeli occupation until they had established their own State. Libya urged the international community to uphold its responsibility to ensure that human rights issues were treated in a non-selective and non-politicized manner.

55. **Ms. Jabou Bessadok** (Tunisia) said that in recent weeks more than 5,000 Palestinians had been killed, 62 per cent of them children and women, and thousands had been injured. More than 1 million Palestinians had been forced to flee. There was no electricity or fuel. She asked whether those were not war crimes and genocide. After more than two weeks of violence, the international community, to its eternal shame, appeared powerless to stop the massacres, but any delay in upholding its responsibilities would lead to more innocent victims and increased threats to international stability. Swift action must be taken to apply the basic rules of international humanitarian law and to impose a ceasefire.

56. **Ms. Pillay** (Chair of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel) said that the report of the Commission of Inquiry had been prepared well before the attack by Hamas on 7 October 2023. As soon as the incident had happened, the Commission of Inquiry had issued a press statement saying that there was already clear evidence that war crimes had been committed and that all those who had violated international law and targeted civilians must be held accountable. The Commission of Inquiry agreed with Member States on the need for justice and accountability in relation to violations of international humanitarian law committed by any party to the conflict. The very unique, expanded mandate of the Commission of Inquiry gave it the power to investigate such situations, without requiring the creation of another institution. The Commission of Inquiry had immediately stopped its planned work and started an investigation into the international crimes that had been committed.

57. She sympathized deeply with the allegations made by the representative of Israel regarding atrocities such as the decapitation of babies and the attack on a pregnant woman. It was atrocities such as those that must be investigated. She had served for over eight years as President of the International Criminal Tribunal for Rwanda, which had heard similar allegations, delivered on justice and had never been accused of being biased, even by the defence counsel. Therefore, although some Member States held that the members of the Commission of Inquiry were not impartial, they had experience in judging and investigating such crimes.

58. She appealed to Israel to allow the Commission of Inquiry access to Israel and Palestine, so that it could begin investigations of those very serious allegations. The Commission of Inquiry called for the General Assembly to support it in gaining such access, so that it could obtain the reliable evidence it needed. It was natural for States that had suffered serious violations to ask the United Nations to intervene and investigate. Rwanda had done so and had achieved the justice it had desired. She therefore agreed with calls for all States to adhere to the rules of war and to international humanitarian and human rights law. The Commission of Inquiry was mandated to safeguard information collected from its investigations and to share it with judicial institutions, whether national courts or, preferably, the International Criminal Court, to help them prosecute perpetrators.

59. The mandate given to the Commission of Inquiry by Member States allowed it to identify individuals responsible for such crimes. In its forensic investigation of the killing of Shireen Abu Akleh, it had identified the military unit and commander responsible and intended to share that information with the International Criminal Court to bring a sense of closure for the family.

60. At the United Nations, Member States had created international humanitarian and human rights law and had passed many admirable conventions to address such situations. The Commission of Inquiry needed the support of Member States to demand implementation and adherence to those protective standards. Neither she, nor Commissioner Chris Sidoti was antisemitic, as their records showed. She asked for Member States to judge them on the independence of their work.

61. **Ms. Albanese** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), introducing her report ([A/78/545](#)), said that thousands of innocents had recently been killed, injured and traumatized on both sides of the Green Line. She expressed deep condolences to all those in the Occupied Palestinian Territory and in Israel who had been affected by the hostilities. The events of 7 October 2023 had marked a tragic turn in the history of the Occupied Palestinian Territory and Israel as around 1,400 people had been killed, thousands had been injured and hundreds had been taken hostage by armed groups from occupied Gaza. Such actions against civilians in Israel were war crimes and must be accounted for. Israeli occupation forces had responded by yet again indiscriminately bombarding Gaza, killing around 5,000 Palestinians, and further tightening the unlawful siege. Those actions were also war crimes and possibly crimes against humanity, and must be accounted for.

62. The recent events were the result of the international community's failure to address decades of illegal Israeli actions and to end the occupation. Although her report did not deal with the current crisis, it shed light on the structural violence endured by generations of Palestinian children, who constituted half of the population under the ever-expanding Israeli occupation.

63. Impunity and lack of respect for international law lay at the heart of the violence in the Occupied Palestinian Territory. She urged the international community, including the International Criminal Court, to end the cycle of impunity, bring to justice the perpetrators of all alleged crimes committed there and use all means to ensure that Israel complied with international law.

64. **Ms. Salem** (Observer for the State of Palestine) said that, over the course of 18 days, over 2,000 Palestinian children had been killed by Israel in the Gaza Strip and thousands more had been injured. Every 15 minutes, a Palestinian child was pulled from the rubble. Injured and traumatized Palestinian children whose entire families were killed experienced fear and unbearable pain as a result of the unrelenting Israeli bombardment. Her delegation called upon the international community to support the calls of the United Nations Children's Fund for an immediate ceasefire.

65. Palestinian children in the West Bank needed only to open their bedroom windows to see Israeli oppression and apartheid, the annexation wall and settlements. On their way to school, they faced checkpoints and armed terrorist settlers. It was difficult, or even impossible, to restore a sense of security to Palestinian children who had experienced such oppression and the loss of their homes, schools and loved ones. It was difficult to teach patience to children with leukaemia who were waiting for Israeli permits so that they could access hospitals outside of Gaza. All children must be protected and none should be targeted.

66. **Mr. Erdan** (Israel) said that as his country reeled from the worst massacre of Jewish people since the Holocaust, a United Nations official hid behind "human rights" and "international law" to spread lies about his country. The Special Rapporteur's libel ranged from public antisemitic statements that drew on old tropes to burning hatred of Israel. She flouted the principles of independence, impartiality and objectivity that were required of mandate holders. Her hatred for the Jewish people and her support for Hamas, a genocidal terror organization, showed that she was not impartial. The Special Rapporteur had used the antisemitic phrase

“Jewish lobby” and had praised others who had used it. She had said that the United States and Europe remained on the sidelines because of the Jewish lobby and a sense of guilt about the Holocaust, respectively, and that they continued to condemn the oppressed Palestinians, who defended themselves with the only means they had. She had pledged full solidarity with a Nazi sympathizer and had compared the Jewish State to the Nazis. In 2014, she had written on her Facebook page that it was “good news” that Hamas had been removed from the list of terrorist organizations by the General Court of the European Union. At an online conference, she had said that Hamas had a right to resist the occupation and that an occupation required violence.

67. He asked whether the abduction of children was a manifestation of the right to resist and whether slicing open a pregnant woman constituted “required violence”. Over the past two weeks, the world had seen that the “armed resistance” of Hamas involved hostage-taking, the murder of 1,400 Israelis and the firing of 7,500 rockets, which had paid for by United Nations funds provided as humanitarian aid.

68. The Special Rapporteur had audaciously questioned the proven acts of genocide committed by Hamas against Israeli civilians, referring to them as “unverified information”. She had refused to call Hamas a terrorist organization and had insisted that the atrocities committed by Hamas should be “put in context”. When her antisemitism was pointed out, the Special Rapporteur considered it a smear campaign. It was not a smear campaign, but a true statement about a person in a position of power and influence. Israel would not engage with someone who had proven herself to be unreliable and a source of antisemitism.

69. **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, apartheid and the genocide, crimes against humanity and war crimes committed by the occupying Power, Israel. It was a political and moral contradiction that the tone of the great champions of human rights changed when they discussed the situation in the State of Palestine, based on an indifference to serious violations of all kinds by the occupying Power and the absence of genuine plans to reach a negotiated and just solution. His delegation wished to know how a ceasefire could be achieved given the current situation, how humanitarian efforts could be advanced, and how a political process to definitively resolve the conflict could be started.

70. **Ms. Shino** (Japan) said that her delegation unequivocally condemned the terrorist attacks committed by Hamas and others on 7 October 2023 and expressed its condolences to the victims. Japan reiterated that the hostages must be released immediately, that the safety of civilians must be ensured and that all parties must comply with international law and defuse the situation as soon as possible. To ameliorate the deteriorating humanitarian situation in the Gaza Strip, Japan had decided to provide \$10 million in emergency aid through international organizations and would consider additional future assistance in line with needs on the ground.

71. **Ms. Novruz** (Azerbaijan), speaking on behalf of the Movement of Non-Aligned Countries, said that, at the eighteenth Summit Conference of Heads of State or Government of Non-Aligned Countries, held in Baku in October 2019, the importance had been stressed of General Assembly resolution 67/19, which had accorded to Palestine the status of non-member observer State in the United Nations. That resolution reflected the international community’s long-standing and principled support for the inalienable rights of the Palestinian people, including the right to self-determination.

72. **Mr. Passmoor** (South Africa) said that it was important for Member States to trust in the independence of special mandate holders. All children must be enabled to enjoy their childhood in a safe, healthy and nurturing environment in which human rights were valued and safeguarded, regardless of identity, race, religion or background. The relentless air strikes in Gaza, a small, densely populated area in which children made up half of the population, had led to a shockingly high civilian death toll. South Africa noted with deep concern that children had been killed and injured in every major escalation of the conflict and suffered from long-term mental health impacts. The only way to protect their lives was to halt the violence.

73. **Ms. Al-mashehari** (Yemen) said that Israel, the occupying Power, continued to target entire Palestinian families and destroy infrastructure in the Gaza Strip, which had led to the deaths of thousands of people, most of them women, children and older persons. Many remained under the rubble of targeted houses. The unjust and immoral blockade on Gaza ran counter to international law and humanitarian principles. The Palestinian people were subject to grave violations, including killing and maiming, by Israel. She asked the Special Rapporteur how her mandate could be used to ensure that Israel was added to the list of parties that committed grave violations affecting children and was held accountable for its continuing crimes against the Palestinian people.

74. **Ms. Al-halique** (Jordan) said that the relentless bombing campaign under way in Gaza was cruel and unconscionable. The collective punishment of a besieged and helpless population was a flagrant violation of international humanitarian law and a war crime. The Special Rapporteur had previously discussed the hardships she had faced while preparing her reports, including not being granted entry to the Occupied Palestinian Territory. Her delegation wished to know if her mandate continued to be hindered in that manner.

75. **Ms. Nishihara** (Chile) said that her country was concerned at the situation of children described in the report of the Special Rapporteur and urged Israel to fully comply with its obligations under the Convention on the Rights of the Child. Chile called on all parties to the conflict to respect international law and to protect the entire civilian population. It was essential to resume, with the support of the international community, direct negotiations in good faith between the two parties, in recognition of the right of Israel and Palestine to coexist in peace, within secure, mutually agreed and internationally recognized borders, in line with relevant resolutions, including Security Council resolution [2334 \(2016\)](#).

76. **Ms. Dale** (Norway) said that the current period was extremely challenging for Palestinians, Israelis and the entire Middle East. Norway had strongly condemned the heinous terror attacks by Hamas. It supported the right of Israel to take necessary and proportionate measures of self-defence, provided that they were in line with international humanitarian law. In particular, all feasible measures must be taken to prevent or reduce civilian casualties and damage. Humanitarian access must be dramatically improved and access to water and electricity must be restored. Humanitarian law applied to all parties. The situation was at a critical juncture and everything must be done to avoid a further increase of human suffering.

77. **Ms. Carlsson Szlezak** (Representative of the European Union, in its capacity as observer) said that her delegation was interested in hearing what the Special Rapporteur's priorities were in the light of the unfolding situation in the Middle East. The European Union had condemned in the strongest possible terms the brutal and indiscriminate attacks by Hamas across Israel and deeply deplored the horrendous death toll and suffering of innocent civilians. The European Union stressed the importance of respect for international humanitarian law and the need to ensure that civilians were protected at all times. Full, rapid, safe and unimpeded humanitarian access must be ensured. The resolution of the conflict on the basis of the two-State solution was necessary for peace in the region.

78. **Mr. Yahiaoui** (Algeria) said that his delegation reiterated its strong condemnation of the continuing grave violations of human rights by the occupation forces against defenceless Palestinians in Gaza. The international community must protect the human rights of Palestinian children, who, according to the law, were entitled to freedom and a safe environment. The Special Rapporteur recommended the creation of a mechanism to dismantle the Israeli settlements in the occupied territories. He asked what could be done to ensure that Israel would comply with such a mechanism.

79. **Ms. Arab Bafrani** (Islamic Republic of Iran) said that there had been a long-standing denial of the Palestinian people's legitimate right to self-determination in their occupied territories. In Gaza, women, children, young people, older persons and persons with disabilities were extremely vulnerable and in desperate need of humanitarian aid. As a result of continued attacks on hospitals, shelters, mosques, schools and other civilian infrastructure, no place in Gaza was safe. All the human rights of the Palestinian people had been violated. It was imperative that the international community act immediately and decisively to prevent the permanent tarnishing of the collective human conscience, especially since the representative of Israel was willing to offend anyone who shed light on the current situation in Gaza. She asked the Special Rapporteur how the international community could ensure that the crimes and atrocities carried out by Israel were documented.

80. **Mr. Ayad** (Iraq) said that current events were a test of the international system. If the bombing of hospitals and the killing of defenceless civilians, including women and children, did not spur the international community to pressure the occupying Power to halt its excessive force, it should reexamine its values. He asked the Special Rapporteur for her recommendations on what measures the international community should take to compel the occupying Power comply with international resolutions. He also asked her to elaborate on the legal and moral obligations of the Security Council when it came to upholding international peace and security.

81. **Mr. González Behmaras** (Cuba) said that the report of the Special Rapporteur did not include the crimes committed by Israel against the Palestinian people in recent weeks. The situation of Palestinian children had previously been alarming but was now even more serious. As long as the Israeli occupation persisted and the occupying Power continued to act with the impunity provided to it by the United States, the rights of Palestinian children would continue to be a pipe dream. His delegation wished to know what more

the international community could do to halt and reverse the current situation. Cuba expressed its full support to the cause of the Palestinian people.

82. **Mr. McBean** (Ireland) said that Ireland was concerned by the enormity of the situation in the occupied territories, in particular for children. It was greatly disturbed by the tragic and shocking events unfolding in Israel and the Occupied Palestinian Territory and wished to underscore that wars also were subject to rules. Ireland urged all parties to the conflict to comply with their obligations under international humanitarian law. Civilians, and children in particular, should not be targeted, and indiscriminate attacks were prohibited. Ireland also called for a humanitarian ceasefire or pause to allow aid to reach those in desperate need in Gaza. There was a need to consider the way forward, in the longer term. The continued support of the international community for civil society organizations was vital.

83. **Mr. Zumilla** (Malaysia) said that his delegation unequivocally condemned efforts to vilify the work of the Special Rapporteur. For more than 50 years, Israel had, with absolute impunity, defied international law, expanded its illegal settlements and committed egregious atrocities against the Palestinian people. Israel's ongoing siege of Gaza was exacerbating the dire humanitarian situation there. Malaysia was appalled by the deafening silence of those who purportedly championed human rights, with respect to the rights of the Palestinian people. The so-called custodians of human rights had apparently determined that the lives of innocent Palestinians did not have the same value of those in other areas or conflicts. He wondered what steps could be taken to hold third States accountable for aiding and supporting Israel's occupation of Palestine.

84. **Mr. Abdullah** (Bangladesh) said that children in the occupied Palestinian territories were being denied the most fundamental right, namely the right to life, owing to Israel's continued occupation and genocidal policies. The ongoing air strike that had begun on 7 October had already claimed the lives of over 2,000 children, some of whom had been killed in hospitals and shelters. Bangladesh welcomed the recommendation of the Special Rapporteur to include Israel on the list of parties that committed grave violations against children that was annexed to the Secretary-General's report on children and armed conflict (A/77/895-S/2023/363). He asked the Special Rapporteur how she planned to further engage with the relevant bodies, in order to implement that recommendation.

85. **Ms. Qureshi** (Pakistan) said that her Government was deeply concerned that Israeli forces were

continuing to kill, maim, orphan and detain hundreds of Palestinian children each year, thereby violating their right to life and preventing them from exercising the right to grow up in safety and dignity. Pakistan was disturbed by the ongoing situation in the occupied Palestinian territories, particularly in Gaza, and strongly and unequivocally condemned Israeli air strikes and military action in that zone, including attacks on schools, residential buildings and hospitals. The entire population of Gaza, including women, children and older persons, was being collectively punished by indiscriminate Israeli attacks. There was a need for strict compliance with the laws of war and international humanitarian laws, in particular the Third and Fourth Geneva Conventions. Pakistan demanded an immediate ceasefire.

86. **Ms. Zoghbi** (Lebanon) said that the role of the Special Rapporteur had become even more important, in view of the atrocities being committed by Israel in Gaza. More than 2,000 Palestinian children had been killed since 7 October 2023, and one Palestinian child was being killed every 15 minutes. Parents in Gaza were writing the names of their children on their bodies, to be able to identify them if they were killed, and some families were swapping their children, in a bid to increase their chances of survival. She wondered when the international community would stop the bloodshed.

87. **Ms. Almulla** (Kuwait) said that her delegation agreed with all of the observations contained in the report of the Special Rapporteur, which should be received by the international community with an open mind. She was surprised that the United Nations, and the Committee in particular, could talk about the protection of human rights when children had lost their parents and their schools, families had lost their homes and women had lost their husbands as a result of the violations committed by the Zionist entity. If the international community was serious about human rights, it must take swift action to bring about a ceasefire.

88. **Mr. Yang Xiaokun** (China) said that the human rights situation in the occupied Palestinian territories remain unimproved and unresolved, despite its annual review by the mechanisms of the United Nations. China deplored the recent escalation of the Israeli-Palestinian conflict and the worsening of the human right situation in the occupied Palestinian territories. It strongly condemned the attacks on hospitals, other public infrastructure and innocent civilians, and urged all parties to implement an immediate ceasefire, increase their efforts to protect civilians and prevent an escalation of the humanitarian disaster.

89. Recurrent turbulence had restricted Palestine's socioeconomic development and had undermined the human rights of its people. The only way to resolve the conflict was to resume peace talks and implement the two-State solution, while accommodating the legitimate concerns of all the parties concerned. International stakeholders should play a constructive role by increasing their humanitarian and development assistance to Palestine and defending the human rights of its people. China had firmly supported the just cause of the Palestinian people and would work tirelessly to achieve a comprehensive and lasting solution to the Palestinian question.

90. **Mr. Aldahshan** (Egypt) said that children suffered physically and psychologically as a result of the grave violations of children's rights by the occupying Power, including the killing and detention of children of all ages. The atrocities would not end unless the international community upheld all its duties in the occupied Palestinian territories, where the death toll among Palestinians had risen to more than 6,000, approximately a third of them children. Egypt wished to highlight the recommendation of the Special Rapporteur regarding the need for the international community to pressure Israel to stop its abusive practices towards Palestinian children.

91. **Mr. Kuzmenkov** (Russian Federation) said that his delegation was deeply concerned by the unprecedented scope and cruelty of the armed confrontation in the occupied Palestinian territories. The outburst of fighting was a direct consequence of ignoring Security Council resolutions and allowing the West to block the Quartet of international mediators, which had further reduced the likelihood of arriving at a just and lasting outcome. A solution would only be possible if the international community achieved a consensus on the two-State solution. Notwithstanding the foregoing, the Russian Federation was taking measures within the Security Council to swiftly resolve the crisis and enable the delivery of humanitarian assistance. Those efforts were being blocked by the United States.

92. **Ms. El Guera** (Mauritania) said that the current situation was a catastrophe by every standard. The destruction and blockade of Gaza and the blatant crimes against its defenceless civilians ran counter to all principles and values. There was a need for accelerated action to open humanitarian corridors and to restore basic services such as fuel, water, electricity and medicine. Moreover, an immediate ceasefire was necessary. Mauritania reaffirmed its unequivocal rejection of all attempts to expel the Palestinian people from their land. The only way out of the crisis was

through the end of the occupation and the implementation of the two-State solution.

93. **Ms. Mousa** (Saudi Arabia) said that Palestinian children were subjected to physical and psychological harm and experienced fears that no child should endure. Her delegation deeply regretted that more than 2,000 children had been killed in the past two weeks alone. Saudi Arabia reaffirmed its categorical rejection of all violations of international humanitarian law and called on the international community to pressure Israel to lift the blockade and to stop the military operation, which had led to the killing of innocent civilians and had had an adverse impact on regional and international stability.

94. **Mr. Altarsha** (Syrian Arab Republic) said that his delegation shared the Special Rapporteur's surprise at the statement delivered by the representative of the Israeli occupying authority and had been taken aback by the accusations made therein. The Israeli authorities had run out of excuses and were continuing to portray themselves as victims, while they killed Palestinians. They were accusing Palestinians and Arabs in general of antisemitism, when Arabs themselves also belonged to the Semitic race. The Syrian Arab Republic had always supported and would continue to support the Palestinian cause.

95. **Ms. Albanese** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) said that special rapporteurs were accustomed to attracting criticism from duty bearers alleged to have engaged in violations of international law. If the criticism of her addressed the facts and the law upon which her work was based, that would count for something. Attacks on her personal character did not address the evidence of continued persecution and crimes against Palestinian children. If the Government of Israel believed that her findings were inaccurate, she would respond constructively. She reiterated her call to be allowed into the Occupied Palestinian Territory in order to perform her tasks in accordance with the authority granted by the Organization.

96. The current tragic situation presented an opportunity for the international community to act wisely and even-handedly. It was possible to stand in solidarity with both the Israelis and the Palestinians, as both peoples had recently experienced incredible pain and sorrow and deserved support. However, the standards governing the actions of States was a different matter. Some of the statements made during the interactive dialogue indicated that delegations did not understand what was happening on the ground, and many, regrettably, had accused the Commission of Inquiry of bias. The mandate of the Commission of

Inquiry was not time-limited because military operations were repeatedly carried out in Gaza. The fact that the Commission of Inquiry was a permanent body allowed the United Nations to maximize its efforts and resources in that regard. Some delegations had accused the Commission of Inquiry of bias and had expressed support for Israel while failing to mention any of the crimes being committed against the Palestinians. Over 15 days, 5,000 people had been killed, more than had been killed during all the previous wars that had taken place in Gaza since 2004.

97. The principle of self-defence, which had been invoked by some delegations, was misplaced. No one questioned that Israel had needed to protect its citizens from the attack of 7 October 2023. However, under international law, the right of self-defence was limited to the legitimate use of force to repel an attack. Once an attack had been repelled, the right of self-defence no longer applied. If the international community believed that self-defence entailed the bombing of Gaza in order to eradicate Hamas from the Gaza Strip and the conflation of Palestinian civilians with the military wing of Hamas, it was legitimizing war crimes.

98. No significant humanitarian aid had been allowed into Gaza since 7 October 2023. Under international humanitarian law and the Charter of the United Nations, an immediate ceasefire was needed in order to allow the liberation of the hostages and the unimpeded delivery of humanitarian aid. United Nations entities had the capacity on the ground to supervise the delivery of aid without creating security issues for Israel.

99. Since the beginning of her mandate, she had asked for a protective presence to be deployed in the Occupied Palestinian Territory. Such a presence was greatly needed because, in addition to the thousands killed in the Gaza Strip, 90 Palestinians, including 30 children, had been killed in the West Bank at the hands of soldiers and the increasingly violent armed settler population.

100. With respect to her priorities for the future, she had considered examining the activities of private businesses in the Occupied Palestinian Territory or rampant anti-Palestinian racism, but owing to the current situation, she had not decided on the theme of her next report. She shared the surprise of some delegations that Israel was not included in the list of parties that committed grave violations affecting children and hoped that her report would help to rectify that.

101. In the case of protracted violations, the law of State responsibility should be applied. The Charter of the United Nations and international law afforded plenty

of guidance when it came to identifying unlawful acts and avoiding complicity in them.

102. **Ms. Dyfan** (Independent Expert on the situation of human rights in Somalia), introducing her report to the Human Rights Council ([A/HRC/54/78](#); see [A/78/358](#)), said that she looked forward to visiting Somalia in November 2023 and meeting with the different stakeholders. Her report focused on political, security and humanitarian developments, highlighted the impact of climate change on human rights and called attention to human rights violations against civilians, especially those in situations of vulnerability. The Federal Government of Somalia had convened meetings of the Somali National Consultative Council, which had taken decisions on several key issues, including the acceleration of the drought response, the prioritization of the constitutional review process, the adoption of a one-person, one-vote electoral model, the delegation of powers and the adoption of a federal judiciary model. Furthermore, in addition to ongoing political reconciliation efforts, the Federal Government had recently appointed a Senior Adviser on Women's Affairs to the Office of the Prime Minister and a former leader of Al-Shabaab as Minister for Endowment and Religious Affairs.

103. However, the security situation in Somalia remained volatile. During the reporting period, the Federal Government had launched a military offensive against Al-Shabaab with the support of clan militias, the African Union Transition Mission in Somalia (ATMIS) and the United States Africa Command. While important gains had been made by the Somali security forces during the ongoing offensive, Al-Shabaab continued to carry out deadly attacks across the country. It was imperative for the Federal Government to take the necessary measures to protect civilians and for armed groups to comply with international humanitarian and human rights law. The imposition of the death penalty on children in the Puntland region was extremely concerning. The Federal Government should treat children accused of crimes committed while they were allegedly or actually associated with armed forces or groups as victims rather than perpetrators and refer them to relevant child protection actors for their recovery and reintegration. Detention should be a measure of last resort, for the shortest appropriate period of time, and age verification guidelines should be adopted to protect children.

104. The decision by the Federal Government to grant amnesty to Al-Shabaab was a welcome one, and all members of that group should avail themselves of the amnesty deal, surrender their weapons to the Government and collaborate with the latter to fully

reintegrate into mainstream society and rebuild their lives. The request by the Federal Government for a three-month technical pause of the second phase drawdown of 3,000 ATMIS troops had been noted. However, the lack of funding from ATMIS posed a significant security threat and could jeopardize hard-won gains. In that regard, there was a need for continued funding, and the approval in March 2023 by the Political and Security Committee of the Council of the European Union of additional support for the Somali National Army and the military component of ATMIS was a welcome development. Such support would help to enhance the security situation in Somalia and prevent human rights violations, especially among civilians.

105. Despite calls for a cessation of hostilities and attempts by the Federal Government to de-escalate tensions, violence continued between Somaliland security forces and armed Dhulbahante clan members in Laascaanood. Civilians were paying the heaviest price, accounting for at least 552 casualties between 27 December 2022 and 15 June 2023. More than 185,000 people had been displaced from Laascaanood to neighbouring towns and villages or across the border to Ethiopia. The frequency of conflicts further exposed women and girls to sexual and gender-based violence, and had led to the closure or destruction of civilian infrastructure, including schools and medical facilities. Climate shocks had exacerbated an already dire humanitarian situation by bringing about recurrent droughts and flooding. Approximately 8.25 million people in Somalia, the majority of whom were women and children, were in need of urgent assistance, owing to heightening food insecurity and poverty.

106. The continued restriction of civic space was dismaying. Journalists were being arbitrarily arrested and detained, or choosing to censor themselves, in the midst of widespread media censorship. Between 8 June and 5 October 2023, eight journalists had been detained, and two others had been convicted and sentenced to one-year prison terms. Authorities in Somalia should review the penal code and decriminalize journalism.

107. **Ms. Lundy** (United Kingdom) said that the human rights situation in Somalia remained poor, and her Government was particularly concerned by the increased risk of conflict-related sexual violence, high levels of internal displacement and restrictions on freedom of expression. In the wake of renewed counter-Al-Shabaab operations, there was a considerable risk of increased violations, especially of the rights of the child. In the period October to December 2022, Somalia had been the second most dangerous place in the world to be a child.

108. The United Kingdom welcomed the human rights efforts made by the Federal Government of Somalia, including the launch of a national action plan on women and peace and security. Her Government also encouraged progress towards the establishment of a national human rights commission and the enactment of key human rights legislation, in accordance with international norms. The Federal Government should take steps to ensure that journalists could report without fear of retribution. Further information would be welcome on how the Independent Expert planned to use her upcoming visit to Somalia.

109. **Mr. Nyman** (Representative of the European Union, in its capacity as observer) said that it was regrettable that the Independent Expert had been unable to conduct a visit to Somalia, and the Federal Government of that country should engage with her to facilitate such a visit. The European Union commended the Federal Government of Somalia for its efforts to address the deteriorating security situation and remained committed to supporting it in the fight against terrorism. In the face of various challenges and the continuous terrorist threat posed by Al-Shabaab, there was an urgent need for the Federal Government and auxiliary clan militias to protect civilians and, in particular, women and children.

110. The European Union was concerned about the difficult working conditions of journalists in Somalia and underscored that the ongoing offensive should not be carried out at the expense of freedom of expression. The fight against impunity should be prioritized, to ensure accountability for human rights violations, such as the alleged excessive use of force by security personnel. The European Union also welcomed the recent approval of a child rights bill and strongly encouraged the Federal Government of Somalia to take other legislative steps to strengthen human rights, including the finalization of the sexual offences bill. The dire human rights situation would be further exacerbated by the impact of climate change, leaving women and children in increasingly vulnerable situations and at risk of violence. Accordingly, Somalia should accelerate its accession to the Convention on the Elimination of All Forms of Discrimination against Women and other international conventions. He wondered how the international community could best support Somalia in the implementation of benchmarks and indicators for improving the human rights situation.

111. **Mr. Segesse** (Switzerland) said that, following the execution of six persons and the sentencing of a dozen others to capital punishment in Somalia, his delegation wished for further details on the

definition of the death penalty and the revision of criminal law.

112. Switzerland remained concerned about continued human rights violations in Somalia and the shrinking of civic space, including through the restriction of public freedoms, acts of intimidation and violence against journalists and human rights defenders, arbitrary detentions, and enforced disappearances. It therefore called on the Somali authorities to ensure that civil and political rights were fully respected and protected. While Switzerland welcomed the adoption of the Somali Women's Charter and other advancements, it recognized the need for a legal framework to combat conflict-related sexual violence, domestic violence and the impact of harmful practices such as female genital mutilation and child marriages. The rise in serious violations against children was also very worrying, as children continued to be the most negatively affected by the ongoing conflict.

113. **Ms. Leonard** (United States of America) said that the United States remained concerned by the dire humanitarian situation in Somalia, where at least half of the population required some form of humanitarian assistance. Conflict and the increasingly intense and frequent impacts of climate change had exacerbated vulnerabilities and increased displacement. The human rights situation in Somalia was also disturbing, and more than 1.2 million women and girls lacked access to specialized services for gender-based violence.

114. The United States commended the Federal Government of Somalia for increasing the health budget and urged it to do more to address critical needs in that sector. The deterioration of press freedom in Somalia was troubling, as were reports of arbitrary detentions of journalists and media workers. Local authorities, including those in Somaliland, should lift restrictions, as a free press was vital to the proper functioning of society and government. It would be interesting to know what efforts were being taken by Somalia and what more could be done to prevent and respond to increased rates of gender-based violence.

115. **Mr. Yang Fan** (China) said that the time had come for peace and reconstruction in Somalia, which continued to face multiple challenges. China had played an active role in the peace process in Somalia by providing humanitarian assistance and support for the socioeconomic development of the country, and backing national efforts to combat violent terrorism and protect the population. The international community should recognize the efforts and progress made by Somalia with a view to promoting and protecting human rights. All parties concerned should commit to bolstering stability,

rebuilding peace and strengthening dialogue and consultation. The international community should also respect the sovereignty and territorial integrity of Somalia and provide human rights-related assistance and capacity-building support, in keeping with the wishes of its Government and population.

116. **Mr. Kuzmenkov** (Russian Federation) said that his Government supported the efforts made by the Somali authorities to stabilize the country's internal political situation. Somalia continued to face economic challenges, together with a lack of foodstuff and growing hunger, which had been brought about by drought and other natural disasters. While the Federal Government of Somalia was making significant efforts, including to counter the threat of terrorism, combat religious extremism and strengthen the constitutional order, representatives of the United Nations and non-governmental organizations continued to encounter violence in the course of humanitarian operations. The extremist groups that were behind those acts of violence were preventing the delivery of humanitarian supplies in remote areas.

117. The Federal Government should continue undertaking measures to eradicate such unlawful actions. Member States, international human rights organizations and the donor community should continue engaging in constructive dialogue with Somalia, on the basis of respecting national interests, and take into account the history and specific context of the country. His delegation had taken note of the human rights violations mentioned in the report of the Independent Expert and expected the Government of Somalia to rectify them, as it continued to restore stability, strengthen local institutions and address socioeconomic issues.

118. **Ms. Dyfan** (Independent Expert on the situation of human rights in Somalia), in response to the questions raised by the European Union and the United Kingdom, said that she had already started to plan her upcoming visit to Somalia with the Federal Government. She would begin her visit by meeting with representatives of the Federal Government to prioritize benchmarks and indicators for implementation. In recent weeks, considerable work had been done to address benchmarks relating to children's rights and juvenile rights, and she hoped to focus more attention on benchmarks and indicators for addressing sexual and gender-based violence and strengthening the rule of law. Requests had been made for the assessment of the implementation of benchmarks pertaining to the media law, and a round-table discussion would be held in that regard. In the lead-up to the renewal of the ninth national development

plan, the time had come to evaluate and integrate those benchmarks into government and stakeholder approaches.

119. On the question raised by Switzerland about previously reported executions, she noted that she would seek to address that issue with the Federal Government. In 2023, while there had been a reduction in the number of executions conducted, more people had been sentenced to death. It would be important to observe if such judgments would continue to be handed down and she would raise the matter during discussions with the Federal Government.

120. Turning to the question asked by the United States on efforts for addressing increasing gender-based violence, she explained that the legal framework proposed in the 2018 sexual offences bill was critical to that end, and the proposed draft framework was currently under discussion, before being sent to Cabinet for consideration.

121. Somalia was at a crossroads and continued to face multiple challenges, including insecurity, violence, natural disasters, inequality, discrimination and youth unemployment. Civilians continued to bear the brunt of the conflict. Many children were malnourished and hundreds of thousands of families had been displaced. The situation required sustained attention and support from the international community, so that the gains made could be maintained. Peace and stability would not be achieved without meaningful recommitment by the Somali authorities, at all levels, to implement the key benchmarks and indicators outlined in previous reports. There was a need to build strong institutions, develop legal frameworks and place the protection of civilians at the centre of all efforts. To that end, minorities, marginalized groups and young people should be included in all aspects of political, peace and security processes. While the commitment of the Federal Government to promote political reconciliation with Federal States and recent legislative developments were commendable, progress towards achieving the benchmarks had been slow and more needed to be done.

The meeting rose at 5.40 p.m.