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Committee on the Exercise of the Inalienable Rights of the Palestinian People

Summary record of the 419th meeting

Held at Headquarters, New York, on Thursday, 31 October 2024, at 10 a.m.

Chair: Mr. Niang (Senegal)

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The meeting was called to order at 10.05 a.m.

Briefing on international legal responsibilities for preventing genocide, holding perpetrators of war crimes accountable and ending the unlawful occupation of Palestine

1. **The Chair** said that the year-long conflict in Gaza had caused immeasurable suffering to Palestinian civilians. The United Nations continued to investigate and document the situation on the ground, sifting through documents and hearing testimonies to gather evidence and separate facts from misinformation. In a joint statement issued on 11 October 2024, United Nations special rapporteurs and independent experts had described Gaza as a wasteland of rubble and human remains, where constant bombing had turned humanitarian zones into killing fields. The Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, in its report to the General Assembly ([A/79/232](#)), had found that Israel had implemented a concerted policy to destroy the healthcare system of Gaza, with Israeli security forces deliberately killing, detaining and torturing medical personnel and targeting medical vehicles. The joint statement and the report were balanced, addressing the atrocities committed by Israeli security forces and Palestinian militants. For instance, in its report, the Commission of Inquiry noted that many hostages taken by Palestinian armed groups had been subjected to physical and sexual violence, abuse, forced isolation, threats and limited access to hygiene facilities, water and food. All violations of international human rights law must be condemned and those responsible held to account.

2. The situation in Gaza highlighted the power imbalance between the occupying Power and the Palestinian people, who were being attacked by air, land and sea. Over 43,000 Palestinians had been killed and more than 100,000 injured, with many still buried beneath the rubble. In addition, attacks on the West Bank, including East Jerusalem, and State-supported settler violence had intensified. The escalating conflict in the Occupied Palestinian Territory risked igniting a regional war.

3. The two-State solution, with Israel and Palestine living side by side in peace within secure borders, was the only way to end the conflict. Once the current war had ended, the parties would have to be brought back to the negotiating table. Until then, the most pressing tasks were to, first, secure an immediate ceasefire and the unconditional release of all hostages in Gaza and Palestinian detainees in Israel and scale up humanitarian aid to Gaza. Second, General Assembly resolution [ES-10/24](#), calling on all States to comply with their obligations under international law, including as reflected in the advisory opinion of the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, must be fully implemented. Third, Member States must safeguard rules-based multilateralism. The continuation of the illegal occupation and the killing of Palestinian civilians would make it increasingly difficult to achieve peace. The Committee would continue to engage with Member States, regional organizations, United Nations bodies and other partners to end the war and avert a regional conflagration.

4. **Ms. Abdelhady** (Observer for the State of Palestine) said that the actions of the occupying Power had turned Gaza into a hell on Earth. Acting with complete impunity, Israel had inflicted terror on the Palestinian people, killing tens of thousands of defenceless civilians and injuring many more. Some 2 million people had been forcibly displaced, and thousands had been abducted and imprisoned in Israeli torture camps. Nowhere in Gaza was safe. Those not killed by the occupying Power's weapons were being starved to death and ravaged by disease, as Israel deprived Palestinians of food, water and medicine and targeted hospitals and aid workers. The actions of Israel were intended to destroy the Palestinian people.

5. Israel continued to act with impunity, committing atrocities, annexing more land and persecuting Palestinians across Occupied Palestine. Israeli war criminals were shielded from accountability because of the veto power of the United States of America in the Security Council and the failure to implement relevant resolutions and impose consequences in the face of flagrant violations of international law. Israel claimed to be under attack from the United Nations, yet Israel had targeted facilities managed by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), killing and injuring UNRWA staff. In addition, it had obstructed the Agency's humanitarian mission, waged a smear campaign and passed laws banning it from operating. Israel was waging an all-out war against the entire United Nations system and any country that dared to speak out. The United Nations High Commissioner for Human Rights had warned that the international rule of law was being progressively dismantled.

6. The international community must uphold international law and human rights and ensure that Israel was held to account for the war crimes, crimes against humanity and acts of genocide it had committed. The advisory opinion of the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory and General Assembly resolution [ES-10/24](#) clearly set out the obligations of States. The recent decision of the Court requiring Israel to take provisional measures to protect the Palestinian people and the growing global demands for an end to the genocide and the occupation had improved the prospects for justice and accountability.

7. **Ms. Albanese** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) said that history was repeating itself. The international community needed to recognize that the crimes being committed against the Palestinian people amounted to genocide. As early as 14 October 2023, she had warned of the risk of genocide. While Israel had been expelling Palestinians from their homes for decades, the current situation was much more serious because of the advanced weaponry being used by Israel and the impunity it enjoyed.

8. Israel had attacked the United Nations, bombing 70 per cent of UNRWA infrastructure in Gaza, waging a smear campaign against the Agency and killing over 230 UNRWA staff. Israel had also targeted United Nations peacekeepers, the Secretary-General, special rapporteurs and the General Assembly. It was time to consider suspending the membership of Israel in the Organization. No other State had maintained an unlawful occupation for decades, in violation of numerous resolutions of the Security Council, General Assembly and Human Rights Council.

9. Genocide was an insidious crime. To constitute genocide, there must be a proven intent. While some claimed that it was difficult to determine intent, she disagreed. Genocidal intent was the mental determination to destroy a group. Once that determination was made, the intent to commit genocide was formed, meaning that one did not need to wait until a genocide was unfolding to intervene. The international community had already failed the Palestinians and must now intervene to stop the genocide, which was expanding to the West Bank, including East Jerusalem. No Palestinian was safe under Israeli rule. Despite being a self-proclaimed rule of law system, with checks and balances, the State of Israel, including its executive, parliament and judiciary, had done nothing to prevent the genocide.

10. **Ms. Mofokeng** (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health) said that Israel had fulfilled its pledge to destroy Gaza. According to the World Health Organization, just 17 of the 36 hospitals in Gaza remained partially functioning. A total of 765 people had been killed in attacks on healthcare facilities. There were critical shortages of healthcare workers and medical equipment. Israel was also intentionally depriving

people of food and water. She was concerned about the spread of waterborne and airborne diseases, the complex injuries caused by Israeli weaponry, and the complications resulting from lack of timely medical care. Pregnant women were not receiving adequate nutrition and healthcare, and children under 5 were at risk of stunting due to severe malnutrition. As a result of the protracted violence, much of the population was in need of psychological support. Healthcare workers had been arrested while on duty and detained, with some reportedly beaten and tortured. Several healthcare workers had died while in detention.

11. An immeasurable number of violations of the special protection afforded to civilians and medical personnel under international humanitarian law had occurred. Genocide and the destruction of health systems were incompatible with the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Israel and its allies had ignored the International Court of Justice and the United Nations and had continued to commit violations against civilians, including children, and medical personnel. Israel had an obligation to protect, promote and respect the human rights of all individuals.

12. It was difficult to measure the true impact of the genocide because of the long-term trauma and the intergenerational physical and mental health impacts of structural discrimination, racism and violence. Even prior to 7 October 2023, the situation in Gaza had not been conducive to the right to health. Interventions aimed at achieving lasting peace must focus on restoring the dignity of the Palestinian people, including by rebuilding the healthcare system and expediting medical evacuations.

13. **Mr. Sidoti** (Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel) said that the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel was mandated to investigate the underlying root causes of recurrent tensions, instability and protraction of conflict. The Commission had identified two of the root causes to be the occupation and discrimination. Based on its own analysis, the Commission had found that there were reasonable grounds to conclude that the occupation was unlawful and had recommended that the General Assembly urgently request an advisory opinion from the International Court of Justice on the legal consequences of the continued refusal on the part of Israel to end its occupation of the Occupied Palestinian Territory, including East Jerusalem. The Commission had welcomed the Court's advisory opinion of 19 July 2024, which indicated that the occupation was unlawful and that the right of the Palestinian people to self-determination had been violated.

14. The Commission was also mandated to collect, verify and analyse evidence, with a view to ensuring that perpetrators of violations were held accountable. To date, the Commission had shared over 10,000 pieces of information with the Office of the Prosecutor of the International Criminal Court in support of its investigation into the situation in the State of Palestine. The Commission had also provided 6,000 pieces of information in connection with the proceedings against Israel before the International Court of Justice. The International Court of Justice, which did not have its own investigative arm, had relied heavily on the Commission's own investigative work.

15. As set out in its most recent report ([A/79/232](#)), the Commission had found that Israel had implemented a concerted policy to destroy the healthcare system in Gaza. The attacks on medical facilities providing reproductive, paediatric and neonatal care had caused immediate physical and mental harm to women and girls and would have irreversible long-term effects on the mental health and the physical reproductive and fertility prospects of the Palestinian people as a group, which amounted to one of the five acts of genocide under the Genocide Convention. In its future work on healthcare, housing and education, the Commission would be examining the capacity of

Palestinians to sustain life under the current conditions, with a view to determining whether the situation amounted to another of the five acts of genocide, namely deliberately inflicting on a group conditions of life calculated to bring about its physical destruction.

16. States parties to the Genocide Convention had an obligation to prevent genocide and to punish incitement to commit genocide. They did not need to wait to act until the International Court of Justice decided whether a particular situation constituted genocide. Some of the statements made by Israeli political and military leaders clearly constituted incitement to genocide; the question of whether the Government of Israel had acted on that incitement was a separate issue that was irrelevant to prosecuting the criminal offence of incitement.

17. **Ms. Buttu** (Independent Commission for Human Rights), speaking via video link, said that for 390 days, the world had watched as Israeli bombs flattened Gaza, killing over 43,000 Palestinians, including 13,000 children. Over 10 per cent of the population was dead, injured or missing. It had been estimated that it would take 18 years to clear the rubble. In northern Gaza, where Israel was conducting a campaign of ethnic cleansing, Palestinians had only three options: starve, be killed or flee. Israel had denied that it was committing genocide, but the evidence was there for the world to see. Israeli soldiers had even shared footage of their crimes on social media, confident that they would not be held accountable for their actions. Nowhere in Gaza was safe. Israel had issued countless so-called evacuation orders, but had not provided shelters for displaced Gazans. Over 80 per cent of the population had been displaced at least once.

18. It was important to remember that the genocide was taking place in the context of a military occupation. The occupying State had a duty to protect Palestinians. In its advisory opinion of 19 July 2024, the International Court of Justice had noted that the violations by Israel of the prohibition of the acquisition of territory by force and of the Palestinian people's right to self-determination had a direct impact on the legality of the continued presence of Israel, as an occupying Power, in the Occupied Palestinian Territory. The Court had further noted that the sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violated fundamental principles of international law and rendered its presence in the Occupied Palestinian Territory unlawful.

19. All States had a moral and legal imperative to take action to end the genocide being perpetrated against a defenceless refugee population. The international community's failure to speak with one voice against the occupation, land theft, colonization and ethnic cleansing had led to the current situation. Despite the ruling of the International Court of Justice of 26 January 2024 that it was "plausible" that genocide was being committed, some States had continued to provide Israel with financial and military support and shield it from accountability for its actions, in violation of their duty to prevent genocide. Israel had not complied with the Court's order to take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance, instead killing a further 18,000 Palestinians and intensifying its attacks on the West Bank.

20. **Ms. Patel** (Law for Palestine) said that the international community had ample information on what was happening in Gaza. Member States received monthly updates on the situation in Palestine; the special procedures of the Human Rights Council, the Independent International Commission of Inquiry and the International Court of Justice had presented documentary evidence; and Palestinians themselves had been documenting the situation on the ground. States must take urgent action to

end the genocide and the settler-colonial occupation and apartheid regime. Not only did they have a moral obligation to prevent Palestinian civilians from being killed, forcibly displaced, arbitrarily detained, starved and tortured, but they also had a legal responsibility to prevent genocide.

21. In its advisory opinion of 19 July 2024, the International Court of Justice had determined that the continued presence of Israel in the Occupied Palestinian Territory was unlawful. Israel had violated the International Convention on the Elimination of All Forms of Racial Discrimination and peremptory norms of international law, including the right to self-determination and the prohibition of the acquisition of territory by force. In response to that advisory opinion, the General Assembly had adopted resolution [ES-10/24](#) demanding that Israel end the occupation within 12 months. In addition, the Court had affirmed that all States had an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining that situation.

22. The Commission of Inquiry, in its report on the advisory opinion, had stated that all States had an obligation to act, both individually and collectively, to bring the occupation to an end, including by putting political, economic and cultural pressure on the Israeli Government. States could be deemed to be complicit in internationally wrongful acts if they continued to provide assistance to Israel. She recalled that in *Nicaragua v. Germany*, the International Court of Justice had reminded States of their international obligations relating to the transfer of arms to parties to an armed conflict, in order to avoid the risk that such arms might be used to violate the Genocide Convention or the Geneva Conventions.

23. According to the Commission of Inquiry, all States must distinguish in their dealings between Israel and the Occupied Palestinian Territory and cease all financial, trade, investment and economic relations with Israel that maintained the unlawful occupation. States also had an obligation not to provide assistance to academic, research or cultural institutions that supported the occupation. However, given the prolonged nature of the occupation, the entrenched settler-colonial regime, and the illegal annexation and settlement of large swathes of Palestinian territory, it was virtually impossible to make such a distinction. States must prosecute corporations and individuals engaged in rendering assistance that maintained the occupation, and avoid criminalizing those calling for measures such as boycotts, divestment and sanctions.

24. Israel had attacked UNRWA and the United Nations Interim Force in Lebanon (UNIFIL) and killed United Nations staff. The Israeli bills banning UNRWA directly contravened the provisional measures ordered by the International Court of Justice and Article 105 of the Charter of the United Nations. Israel refused to engage with United Nations mechanisms or allow visits from special rapporteurs, had declared the Secretary-General persona non grata, and had flouted multiple Security Council resolutions. In order to maintain international peace and security, Member States must suspend the membership of Israel in the Organization. The credibility of the United Nations was at stake.

25. **Mr. Romero Puentes** (Cuba) said that while Israel had the right to self-defence, that did not give it carte blanche to kill tens of thousands of Palestinian civilians, mostly women and children, as well as United Nations staff. Almost the entire population of Gaza had been displaced. In addition, Israel had declared the Secretary-General persona non grata and its Permanent Representative had shredded a copy of the Charter during an address to the General Assembly. The International Court of Justice had provided a clear definition of complicity in genocide and had put forward

a legal road map to peace. The international community must act to end the genocide, avoiding hypocrisy and double standards.

26. **Ms. Frazier** (Malta) said that her delegation had been unequivocal in its calls for an immediate and permanent ceasefire and for unhindered humanitarian aid into Gaza. Malta had also condemned the atrocities of 7 October 2023 and continued to call for the immediate and unconditional release of all hostages. While she acknowledged that the resolutions adopted by the Security Council had not been implemented in full, resolution [2712 \(2023\)](#) had led to a seven-day pause in hostilities. The only way to resolve the situation was through diplomacy and dialogue. Malta would continue to use its influence to encourage the parties to agree to a ceasefire.

27. Recent United Nations reports on the situation in the Occupied Palestinian Territory were extremely concerning. Her delegation called for accountability and justice for all victims, including through the International Criminal Court. It was essential to respect and implement the findings of the International Court of Justice and other international judicial institutions. The credible and irreversible realization of the two-State solution was the only way out of the conflict. Her delegation urged Israel to repeal the laws banning UNRWA, which had long been a stabilizing force in the region. UNRWA must be allowed to carry out the mandate given to it by the General Assembly.

28. **Mr. Muhamad** (Malaysia) said that Member States must stand in solidarity with Palestinians, uphold international law and make every effort to ensure the implementation of all relevant United Nations resolutions and orders of the International Court of Justice, with a view to ending the genocide. Israel was perpetrating a systematic smear campaign intended to undermine United Nations entities and mechanisms, including the special procedures. Member States should reaffirm their unequivocal support for United Nations entities and mechanisms working on issues related to Palestine and provide them with sufficient resources.

29. **Mr. Pieris** (Observer for Sri Lanka) said that his delegation commended the work of the special procedures, the Commission of Inquiry and other relevant United Nations entities, which contributed to upholding international human rights and humanitarian law, protecting human rights and achieving justice, accountability and peace, while also giving a voice to Palestinian civilians. Their investigations shed light on complex and sensitive issues and enabled Member States to make informed decisions. The entities' independence and impartiality gave legitimacy and credibility to their findings, which must lead to actionable steps. His delegation urged all Member States to cooperate fully with the entities and to provide them with the necessary resources, support and protection to carry out thorough investigations in a challenging environment.

30. **Ms. Rizk** (Observer for Egypt) said that while the United Nations had not been able to end the war, its work was important in supporting the just cause of the Palestinian people. The current genocidal war of aggression was one episode in a protracted cycle of violations of international law. Statements made by Israeli leaders had dehumanized Palestinians and paved the way for the genocide. Egypt, which had long defended the Palestinian cause, was working to secure a ceasefire and ensure unhindered humanitarian assistance to Gaza. Her delegation rejected attempts to discredit United Nations experts who had expressed concerns about the situation or spoken in support of the just cause of the Palestinian people.

31. **Ms. Dhanutirto** (Indonesia) said that Israel had imposed conditions that would lead to famine in Gaza, demonstrating its intent to eliminate the Palestinian population, yet Israel continued to be given a free pass to violate international law. Its adoption of two laws banning UNRWA violated the Charter, international

humanitarian law and relevant resolutions. She wondered about the extent to which those laws would intensify the genocide and affect the work of the special rapporteurs.

32. **The Chair** opened the floor for comments from other Member States and intergovernmental and civil society organizations.

33. **Mr. Ikondere** (Uganda) said that his delegation was deeply disturbed by the continued loss of civilian lives in Gaza. Member States must recommit to upholding the Charter and international law. The international community must exert all efforts to achieve a just and comprehensive peace in Palestine.

34. **Mr. Wildman** (Israel-Palestine NGO Working Group), recalling that the Human Rights Council had requested the United Nations High Commissioner for Human Rights to produce a database of business enterprises involved in certain activities related to the Israeli settlements in the Occupied Palestinian Territory, asked whether the General Assembly might consider taking a similar approach with regard to naming enterprises and States that did not comply with the provisions of the advisory opinion of the International Court of Justice.

35. **Mr. Hijazi** (Boycott, Divestment and Sanctions) said that States, institutions and corporations that armed, funded, traded with or invested in Israel, or that shielded Israel from accountability, were complicit in the ongoing genocide and the entrenched apartheid. A military embargo and trade sanctions should be imposed; States should sever diplomatic relations with Israel; and the membership of Israel in the Organization should be suspended.

36. **Ms. Albanese** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) said that States should review their political, economic, diplomatic and military relations with Israel and implement arms and oil embargoes. States should also consider intervening in the proceedings instituted by South Africa against Israel before the International Court of Justice and participating in the investigation into the situation in the State of Palestine being conducted by the International Criminal Court. Host countries should support and protect displaced Gazans, most of whom were deeply traumatized. States should also decriminalize the Boycott, Divestment and Sanctions movement.

37. Banning UNRWA would have a severe impact on the humanitarian situation in Gaza as the Agency was a lifeline for Palestinians. The vilification of UNRWA constituted an attack on the collective identity of the Palestinian people.

38. **Ms. Mofokeng** (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health) said that the Committee on Economic, Social and Cultural Rights, in its general comment No. 14 (2000), had stated that States had an obligation to respect the right to health, including by refraining from denying or limiting equal access for all persons, including prisoners or detainees, to preventive, curative and palliative health services. States should also refrain from limiting access to health services as a punitive measure. States had immediate obligations in relation to the right to health, such as the guarantee that the right would be exercised without discrimination of any kind and the obligation to take deliberate, concrete and targeted steps towards the full realization of the right to health. All States should comply with the ruling of the International Court of Justice and prosecute their citizens, including those with dual citizenship and those acting as mercenaries, who had committed crimes in the Occupied Palestinian Territory.

39. **Mr. Sidoti** (Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel) said that UNRWA had responded diligently to the allegations made by Israel. The Agency had carried out an

investigation and had terminated the contracts of 9 staff members, out of a total of 30,000 employees.

40. Aiding or assisting the commission of war crimes, crimes against humanity or genocide was a criminal offence. The onus was on States to examine their relations with Israel and determine whether they were in any way aiding or assisting the maintenance of the unlawful occupation, the settlement of Palestinian land or the displacement of Palestinian people.

41. Regrettably, the United Nations High Commissioner for Human Rights had not been provided with the resources necessary to keep the database of business enterprises involved in activities related to Israeli settlements fully updated. United Nations entities and mechanisms must be provided with adequate resources.

42. **Ms. Buttu** (Independent Commission for Human Rights), speaking via video link, said that despite the evidence before them about the situation in Gaza, many States were unwilling to challenge the United States of America and Israel. She urged States to form a coalition and speak as one against the genocide and the dehumanization of Palestinians. Israel could not be above the law.

43. **Ms. Patel** (Law for Palestine) said that States, institutions, corporations and individuals must be held accountable for their role in the genocide. Attempts to repress civil society were unacceptable.

44. **Mr. Hermida Castillo** (Nicaragua), condemning the double standards of certain States, said that some had backed calls for a ceasefire, yet continued to provide Israel with political, economic and military support, while others, including States members of the European Union, professed to support the two-State solution yet had not recognized the State of Palestine. The reasons behind the Security Council's inability to use the tools at its disposal to end the genocide were well known. Those States that continued to stand behind Israel, despite its actions, were losing all credibility. He urged all States to stop arming Israel.

45. **Mr. Ghelich** (Islamic Republic of Iran) said that his delegation condemned the war crimes, crimes against humanity and genocide being perpetrated by Israel. Member States should sever relations with Israel, support the investigations being conducted by international courts, and suspend the membership of Israel in the Organization. Israel continued to show total disregard for international law, human decency and the Charter. Its attacks on UNRWA were intended to undermine the hope and the cause of the Palestinian people and weaken the United Nations. Addressing the situation in the Occupied Palestinian Territory and the wider region should be the Organization's top priority.

46. **Ms. Abdelhady** (Observer for the State of Palestine) said that she welcomed the calls for accountability and the growing coalition of Governments, United Nations bodies and civil society organizations working to redress the historic injustice done to the Palestinian people. She urged the international community not to forsake the Palestinian people or become numb to the inhumanity and depravity of what was happening in Gaza. States must not be intimidated by Israel and its allies. Calling for an end to double standards, she said that States must stop arming and funding Israel. Nothing could justify the genocide being perpetrated against the Palestinian people. States should continue to support UNRWA and uphold international law.

The meeting rose at 12.50 p.m.