

Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel, Issues First Report

By [Office of the High Commissioner for Human Rights](#)

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The continued occupation by Israel of Palestinian territory and discrimination against Palestinians are the key root causes of the recurrent tensions, instability and protraction of conflict in the region, according to the first [report](#) by the new United Nations Independent International [Commission of Inquiry](#) on the Occupied Palestinian Territory, including East Jerusalem, and Israel, issued today.

The Commission also noted that impunity is feeding increased resentment among the Palestinian people. It identified forced displacement, threats of forced displacement, demolitions, settlement construction and expansion, settler violence, and the blockade of Gaza as contributing factors to recurring cycles of violence.

“The findings and recommendations relevant to the underlying root causes were overwhelmingly directed towards Israel, which we have taken as an indicator of the asymmetrical nature of the conflict and the reality of one State occupying the other,” Navanethem Pillay, chair of the Commission, said.

The Commission released its 18-page report after conducting an assessment of recommendations made by previous Commissions of Inquiry and Fact-Finding Missions, as well as other United Nations mechanisms and its own hearings.

The Commission undertook two missions to Geneva and one to Jordan, and held consultations with various stakeholders, including Israeli and Palestinian civil society organizations.

“We also found that these recommendations have overwhelmingly not been implemented, including calls to ensure accountability for Israel’s violations of international humanitarian and human rights law and the indiscriminate firing of rockets

fire by Palestinian armed groups into Israel. It is this lack of implementation coupled with a sense of impunity, clear evidence that Israel has no intention of ending the occupation, and the persistent discrimination against Palestinians that lies at the heart of the systematic recurrence of violations in both the Occupied Palestinian Territory, including East Jerusalem, and Israel,” Ms. Pillay added.

In its report, the Commission focused on the findings and recommendations directly related to underlying root causes of recurrent tensions, instability and protraction of conflict. In its assessment, key recommendations have not been implemented and this lies at the heart of the conflict. The Commission identified several overarching issues that lay at the core of most recommendations, including Israel’s failure to uphold the laws and customs of war, including those of belligerent occupation, violations and abuses of individual and collective rights, and a lack of accountability.

“Our review of the findings and recommendations of previous UN mechanisms and bodies clearly indicates that ending Israel’s occupation, in full conformity with Security Council resolutions, remains essential in stopping the persistent cycle of violence. It is only with the ending of occupation that the world can begin to reverse historical injustices and move towards self-determination of the Palestinian peoples,” Commissioner Miloon Kothari noted.

Commissioner Chris Sidoti added:

“Israel clearly has no intention of ending the occupation. In fact, it has established clear policies to ensure complete permanent control over the Occupied Palestinian Territory. This includes altering the demography of these territories through the maintenance of a repressive environment for Palestinians and a favourable environment for Israeli settlers. Israel’s policies and actions build Palestinian frustration and lead to a sense of despair. They fuel the cycle of violence and the protraction of conflict.”

The report also noted that the Palestinian Authority frequently uses the occupation as a justification for its own human rights violations and as the core reason for its failure to hold legislative and presidential elections. At the same time, the de facto authorities in Gaza have shown little commitment to upholding human rights, and no adherence to international humanitarian law.

The report, which will be presented to the [50th session of the Human Rights Council](#) on 13 June 2022, concludes by laying out that the Commission will conduct investigations and legal analysis into alleged violations and abuses, and will work with judicial accountability mechanisms toward ensuring individual, State and corporate accountability. It will also carefully assess the responsibilities of third States and those of private actors in the continued policies of occupation.

Background

The [UN Human Rights Council](#) mandated the Commission on 27 May 2021 to “investigate, in the Occupied Palestinian Territory, including East Jerusalem, and in Israel, all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up and since 13 April 2021”. In July 2021, the President of the Human Rights Council announced the appointment of Navanethem Pillay (South Africa), Miloon Kothari (India) and Christopher Sidoti (Australia) to serve as the three

members of the Commission and indicated that Ms. Pillay would serve as Chair. [Resolution A/HRC/RES/S-30/1](#) further requested the commission of inquiry to “investigate all underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity.” The Commission of Inquiry was mandated to report to the Human Rights Council and the General Assembly annually from June 2022 and September 2022, respectively.

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Featured image: Graffiti on the Israeli separation wall dividing the East Jerusalem neighborhood of Abu Dis (Photo: Ryan Rodrick Beiler via shutterstock.com)

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