



# General Assembly

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## Human Rights Council

### First special session

#### Summary record of the first meeting

Held at the Palais des Nations, Geneva, on Wednesday, 5 July 2006, at 3 p.m.

*President:* Mr. De Alba ..... (Mexico)

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*The meeting was called to order at 3.15 p.m.*

**The human rights and humanitarian situation in Palestine and other Arab occupied territories**

*Request by the Permanent Representative of Tunisia, on behalf of the Group of Arab States, “to consider the latest escalation of the situation in the Palestinian and other occupied Arab territories” (A/HRC/S-1/1, A/HRC/S-1/L.1)*

1. **The President** declared open the first special session of the Human Rights Council, which had been convened pursuant to General Assembly resolution 60/251 at the request of the Permanent Representative of Tunisia, on behalf of the Group of Arab States (A/HRC/S-1/1).
2. **Mr. Dugard** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) said that he hoped that both Corporal Gilad Shalit and the Palestinian prisoners held by Israel were being well-treated and would be released in good health. Recalling his visit to the Occupied Palestinian Territory in mid-June 2006, he said that the human rights situation in the Territory had been appalling even before the eruption of the present crisis. In the West Bank, the construction of the wall had deprived Palestinians of access to their land, separated families and created a new category of internally displaced persons. The more than 500 checkpoints had destroyed the economy and humiliated the Palestinian people without serving any apparent security need. Israel was extending its control over the Jordan Valley and expanding its settlements throughout the West Bank.
3. Gaza had been tightly controlled before the capture of Corporal Shalit. Artillery fire, sonic booms and targeted assassinations, frequently also resulting in the death of innocent civilians, were evidence of Israel’s control of Gaza airspace. In addition, Israel had bombarded Gaza indiscriminately from the sea and external borders had been frequently closed, with disastrous consequences for the supply of food and medicine.
4. Israel’s unlawful withholding of Palestinian tax revenues and the “Quartet’s” decision to withhold aid had impoverished the West Bank and Gaza. The withholding of essential aid, coupled with the prohibition on money transfers to the Palestinian Authority imposed by a United States-controlled banking system, amounted to economic sanctions. It was the first time an occupied people, whose welfare should be protected under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, had been subjected to economic sanctions, with serious consequences for their social and economic rights. Over one million people were directly affected by the non-payment of government salaries and unemployment was on the rise.
5. Israel was in breach of countless United Nations resolutions and refused to comply with the International Court of Justice Advisory Opinion of 9 July 2004 finding the construction of a wall in the Occupied Palestinian Territory contrary to international law. The Quartet had taken no action against Israel, had failed to remind the country of its obligations under the Advisory Opinion, and had proceeded to impose sanctions, not on the Palestinian Authority but on the Palestinian people.
6. In the past week the situation had worsened, with water, food and medicine shortages, power cuts following the destruction of the only power plant in the Gaza Strip, heavy artillery fire, the disruption of transport by the destruction of roads and bridges, and the closing of external borders to people and supplies.
7. Israel’s conduct was morally indefensible and violated international law and international human rights standards. Israel’s operation “Summer Rains” violated the prohibition on collective punishment and measures of intimidation and terrorism

established in article 33 of the Fourth Geneva Convention and the arrest of Hamas ministers and legislators violated the prohibition on the taking of hostages. By undermining the rights to life, to health, to food and to freedom of movement, Israel was in breach of its obligations under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

8. Israel justified its military incursion into Gaza as a response to the firing of Qassam rockets into Israel from Gaza. While those Palestinian actions were deplorable, the retaliation was disproportionate and violated the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 1977.

9. As to the West Bank, he said that the so-called “realignment plan” would in reality be an annexation of the zone between the Green Line and the wall and would be in violation of the Charter of the United Nations.

10. Israel’s siege of Gaza and the area’s economic isolation by the Quartet hurt the Palestinian people. In the past, Western powers had refused to impose economic sanctions on the apartheid regime because of their potential negative impact on the black people of South Africa. No such sympathy was being extended to the people of Palestine and their human rights.

11. Respect for human rights and humanitarian law in the region could be achieved only by the resumption of peace talks between Israel and the Palestinians. The European Union and the United Nations were best qualified to act as honest brokers in the current crisis, but it was questionable whether they could do so while remaining members of the Quartet.

12. **Mr. Khan** (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), thanked the Special Rapporteur for his testimony, which confirmed the relevance of the special session. The international community must take urgent action to prevent the region from descending further into an irreversible cycle of violence.

13. United Nations agencies had warned of the humanitarian disaster that might result from the economic siege of the Occupied Palestinian Territory and the Secretary-General of the United Nations had called on Israel to facilitate the import of medical supplies, food and fuel into the Territory as a matter of urgency. Media reports bore witness to the seriousness of the situation. Israel’s response to Palestinian action consisted in disproportionate use of force, complete insensitivity to human suffering, collective punishment in violation of international humanitarian law and continuous military strikes against the impoverished population and civilian infrastructures. In the interests of peace and stability, Palestinian institutions and infrastructure should be protected rather than destroyed.

14. Efforts must focus on promoting peace and mutual respect in a war-torn region, not psychological warfare. Despite intense diplomatic activity, the escalation of the situation on the ground continued unabated and infringed human rights principles and international humanitarian law.

15. The Council should speak up for the human rights of the Palestinian people, demand an end to Israeli military operations and call on Israel to abide by international humanitarian and human rights law. The arbitrarily detained Palestinian politicians must be released without condition. An urgent fact-finding mission headed by the Special Rapporteur could help save innocent lives, protect human rights and salvage hope for peace. Rapid de-escalation and immediate resumption of dialogue were required to defuse tensions and resolve the crisis.

16. **Mr. Labidi** (Tunisia), speaking on behalf of the Group of Arab States, said that he associated himself with the statement made by the representative of Pakistan on behalf of OIC. The destruction of civilian infrastructure in Gaza by the Israeli military posed a direct

threat to 1.5 million Palestinian citizens who were already suffering from food and medical supply shortages and United Nations humanitarian organizations had voiced grave concern about the situation. The Special Rapporteur had painted a dramatic picture of the situation in the Occupied Palestinian Territory. The Council must take a firm stand: it should call on Israel to comply with international law, respond to international efforts to revive the peace process and take all necessary action to restore respect for human rights in the region.

17. **Mr. Jazairi** (Algeria), speaking on behalf of the Group of African States, said that he associated himself with the statements made by the representatives of Pakistan on behalf of OIC and of Tunisia on behalf of the Group of Arab States. The African Group was deeply concerned at the continuing deterioration of the situation in the Occupied Palestinian Territory and strongly condemned Israel's actions, which constituted breaches of human rights and international humanitarian law. The arbitrarily detained members of the Palestinian Government and Legislative Council and other civilians should be released immediately and the oppressive practices of the Israeli occupying Power must cease at once. The African Group fully supported the Palestinian people's inalienable right to self-determination, a return to their lands, recovery of their property and a life in peace and dignity in an independent Palestinian State with Jerusalem as its capital. The African Group continued to support a peaceful settlement of the Israeli-Palestinian conflict based on the principles of international law, relevant United Nations Security Council and General Assembly resolutions, Organization of African Unity and African Union resolutions, the Arab Peace Initiative adopted in March 2002, and the Road Map to Middle East Peace. He recalled the recent decision by the Executive Council of the African Union on Palestine and the Middle East, which had called on the two parties to refrain from violence and to honour their commitments and mutual agreements, and on the international community and the Quartet to facilitate a return to the negotiating table.

18. **Mr. Kassé** (Mali) said that he associated himself with the statements made by the representatives of Pakistan on behalf of OIC and of Algeria on behalf of the Group of African States. On 26 June 2006, his delegation had told the Council of its grave concern over the deteriorating situation in the Occupied Palestinian Territory and had invited the international community to assume its responsibility and end the human rights violations committed against the Palestinian people. All parties must ensure that the fundamental rights of the Palestinian people were respected. The international community, and the Quartet in particular, must take all necessary measures to facilitate the resumption of dialogue and the implementation of the Road Map. Only dialogue and political solutions could lead to a comprehensive, just and lasting peace in the Middle East.

19. **Ms. Hsu King Bee** (Malaysia) said that her delegation had supported the request for a special session and fully associated itself with the statement made by the representative of Pakistan on behalf of OIC. The Council must not turn a blind eye to the unfolding emergency but take urgent and effective measures to fulfil its mandate and meet the high expectations of the international community by responding to the gross, flagrant and systematic violations of the human rights of the Palestinian people by the Israeli occupying Power, violations that had further exacerbated Palestinians' hardship and suffering.

20. Israel's bombardment and wanton destruction of civilian infrastructures, the arbitrary detention of democratically elected Palestinian officials and other civilians, were disproportionate and deplorable. The collective punishment of the Palestinian people was unjustifiable and deserved worldwide condemnation. The Council must call for the immediate cessation of Israeli military aggression and the release of all those who had been detained arbitrarily, before the situation escalated into wider conflict and instability in the region. The United Nations High Commissioner for Human Rights should continue her efforts to put a stop to the human rights violations committed against the Palestinian people.

Her delegation called on Israel to cooperate fully with any fact-finding mission that might be deployed to the Occupied Palestinian Territory.

21. **Mr. Amirbayov** (Azerbaijan) said that he associated himself with the statement made by the representative of Pakistan on behalf of OIC. Acts of hostage-taking and kidnapping undermined the already fragile prospects for peace in the region. His Government was alarmed at the arrest of elected Palestinian officials and deplored the destruction by Israel of Palestinian civilian infrastructure. According to United Nations sources, the total blockage of the Gaza Strip by the Israeli armed forces had further worsened the humanitarian situation. Goods to be delivered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) could not enter Gaza, access to safe drinking water could not always be guaranteed and sanitation was becoming a problem.

22. **Mr. Mtesa** (Zambia) said that he associated himself with the statement made by the representative of Algeria on behalf of the Group of African States. The tragic situation of the Palestinian people called for action rather than words, for Palestinians were dying simply because they demanded to live in a country of their own. Recalling the common ancestry of Palestinians and Israelis, he said that they both deserved to live in clearly demarcated and internationally recognized territories of their own.

23. **Mr. Endo** (Japan) said that his Government shared the views expressed in the Chairman's statement delivered at the meeting of Foreign Ministers of the Group of Eight (G-8) on 29 June 2006. The deterioration of the situation in the Occupied Palestinian Territory caused by the recent violence of Palestinian extremist groups and the military operations of the Israeli Defence Force was deeply regrettable. He called for the immediate release of the Israeli soldier abducted on 25 June 2006 and urged Israel to refrain from any actions that might cause civilian casualties or damage to civilian facilities. His Government was gravely concerned over the detention by Israel of elected Palestinian ministers and parliamentarians and feared that the recent developments might hamper future efforts towards peace. Both sides must exercise the utmost self-restraint to prevent further deterioration of the situation and to facilitate the promotion and protection of human rights in the region.

24. He hoped that the new Palestinian Authority would follow a path of peaceful coexistence and shared prosperity with Israel, and that Israel would refrain from taking any action that would prejudice future final status negotiations. A peaceful solution should be based on the creation of a viable Palestinian State and the international community should help the Palestinian people achieve economic growth once peace was established. His Government felt much compassion for the Palestinian people, to whom it had extended substantial assistance. He hoped that the Council would agree to send a clear message to the world.

25. **Ms. Mtshali** (South Africa) said that she associated herself with the statement made by the representative of Algeria on behalf of the Group of African States. Foreign domination and occupation constituted a denial of the right to self-determination and an impairment of fundamental human rights, and the Israeli policy of collective punishment was a direct violation of international humanitarian law. A peaceful resolution of the Israeli-Palestinian conflict would contribute to global peace and security, which could never be achieved through violence and military means. Her Government called for an immediate cessation of the violence.

26. Her Government fully supported the recent decision on Palestine and the Middle East, adopted by the Executive Council of the African Union at its ninth ordinary session, and which called upon the international community to reactivate their plan so as to pave the way for a return to the negotiating table in order to achieve a lasting and comprehensive

solution to the Israeli-Palestinian conflict on the basis of two States living side by side in peace and security. She called on Israel, Palestine and the Quartet to commit themselves to full implementation of the Road Map with no preconditions. The Council should continue to engage with the Israeli-Palestinian issue until its peaceful resolution.

27. **Mr. Loshchinin** (Russian Federation) expressed serious concern at the sharp increase in confrontations between Israel and the Palestinians. His Government was promoting the normalization of relations and the resumption of the peace process, both at the bilateral level and within the framework of the Quartet.

28. The military operations by Israel within Palestinian territory and the rocket attacks from the Palestinian side had exacerbated the humanitarian and human rights situation in the region. Israel must refrain from the disproportionate use of force and the Palestinian Authority must take real measures to end terrorist activity. Rather than escalating tensions, both parties should do their utmost to find a political solution. The kidnapped Israeli military official and the detained members of the Palestinian Government and Legislative Council must be released without delay. His Government was deeply concerned over the worsening economic and humanitarian situation in the Occupied Palestinian Territory, especially following the latest Israeli military operations. The international community was alarmed at use of force against civilians and collective punishment of the Palestinian people in violation of international humanitarian law. There was a danger that the situation might spiral out of control. The parties concerned and the Council must take concrete measures to halt the escalation of violence.

29. **Mr. Loulichki** (Morocco) said that he associated himself with the statements made by the representatives of Pakistan on behalf of OIC, of Algeria on behalf of the Group of African States and of Tunisia on behalf of the Group of Arab States. The arbitrary arrest by Israel of elected Palestinian officials and the destruction of public buildings had disrupted the normal functioning of Palestinian institutions. The siege imposed on the territory, which impeded the free movement of goods and persons, had deprived Palestinians of their most basic rights. The gratuitous violation of international law would further worsen the security situation in the region. His Government firmly condemned the latest escalation of violence and called on the international community to live up to its responsibilities by persuading Israel to halt its military attacks and protecting the human rights of the Palestinian people. Military action was no solution to the situation in the Middle East.

30. **Mr. Camara** (Senegal) said that he associated himself with the statements made by the representatives of Pakistan on behalf of OIC and of Algeria on behalf of the Group of African States. His Government called for an immediate end to the cycle of violence in the Occupied Palestinian Territory. He urged the two parties to heed the voice of reason and called on the international community to take urgent action to promote the resumption of dialogue, build a climate of trust between Israelis and Palestinians, and address the deteriorating humanitarian situation in the Occupied Palestinian Territory. He recalled that, in January 2006, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 had again drawn attention to the numerous barriers to health care and education that deprived the population of their economic, social and cultural rights. Attainment of the objectives of the Council's first special session required an objective evaluation of the situation on the ground, followed by measures to address the problems of poverty, unemployment and human rights violations in the Occupied Territory.

31. As Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and a member of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, Senegal supported all initiatives aimed at promoting peace, dialogue and respect for the human rights of civilians in the occupied territories. The release of the detained

Palestinian officials would appease the situation and facilitate a resumption of the peace process.

32. **Mr. Singh** (India) said that the deteriorating humanitarian and security situation in West Asia could lead to a large-scale military conflict. His Government condemned all acts of violence and terrorism, provocative statements and actions, and threats and intimidation. The volatile and fragile situation in West Asia demanded careful handling and the utmost restraint.

33. It was unfortunate that Israel should have chosen to resort to military action and threats, rather than diplomacy, in response to the capture of one of its soldiers. The actions of the Israeli Defence Forces in targeting innocent civilians and government officials had seriously hampered the chances for reopening dialogue. All sides must immediately cease all acts of violence, observe maximum restraint and respect human rights. Urgent steps must be taken to defuse the growing tension. A negotiated outcome to the long-standing conflict was the only way to secure lasting peace, security and stability in the region.

34. **Mr. Attar** (Saudi Arabia) said that he associated himself with the statements made by the representatives of Pakistan on behalf of OIC and of Algeria on behalf of the Group of African States. Over the years, the acts perpetrated against the defenceless Palestinian people by the Israeli occupation forces had cost thousands of lives. The Council must prove its credibility by taking appropriate measures to protect the Palestinian people, their institutions and their infrastructures from Israeli violations of international law. The Council could not stand by and watch as a democratically elected Government was brought down.

35. Israel's unilateral actions and notably the bombing of Palestinian homes, undermined all efforts for peace and illustrated its disregard for regional security. If it was truly interested in peace and stability, Israel should adopt a policy that would help solve, rather than exacerbate, the problem. He trusted that the international community would handle the situation responsibly, taking due account of humanitarian considerations.

36. **Mr. Ali** (Bangladesh) said that he associated himself with the statement made by the representative of Pakistan on behalf of OIC. His Government was deeply concerned by Israel's excessive and wanton use of force against Palestinian civilians. The destruction of the power station that supplied 43 per cent of Gaza's electricity, the attack on the Prime Minister's office and the arbitrary detention of a large number of democratically elected representatives of the people could not be condoned. There was also no excuse for stopping the entry of food and medicine into Gaza. Israeli military operations and atrocities committed against the Palestinian people in total disregard of international law must end immediately. In light of the Special Rapporteur's account of the situation in the Occupied Palestinian Territory, the Council must take a clear and unequivocal stance against such flagrant defiance of international law.

37. **Mr. Sha Zukang** (China) said that the recent deterioration in the situation in the Occupied Palestinian Territory, characterized by food and fuel shortages, a sharp rise in unemployment and a total breakdown of the health and education systems, had further compounded the misery of the Palestinian people. The escalation of violence, especially the recent military attacks by the Israeli Defence Forces in an attempt to free a kidnapped soldier, threatened to exacerbate the situation further. His Government was deeply concerned about the current tensions and the impending humanitarian crisis. Both parties must exercise restraint to prevent further escalation. Israel must halt its military operations and the Palestinian Authority must release the kidnapped soldier without undue delay. Commending the Government of Egypt for its positive contribution, he said that his Government stood ready to work with the international community towards a peaceful solution to the crisis. There was hope that the opening of the Carney Crossing by Israel for

international humanitarian aid might eventually lead to a complete lifting of the blockade. He welcomed the decision of the Quartet and the international community to provide assistance to the Palestinian people.

38. **Mr. Ferrer Rodríguez** (Cuba) said that extrajudicial executions, selective assassinations, torture of detainees, arbitrary arrest, destruction of civilian homes and infrastructure, indiscriminate use of force and collective punishment had become permanent features of Israeli action, in defiance of repeated criticism by the international community, successive resolutions of various United Nations organs, human rights law and international humanitarian law. The large-scale Israeli military operation in the Occupied Palestinian Territory, including the violation of Syrian air space, was cause for grave concern. Using the capture of an Israeli soldier as a pretext, Israel had again launched an inhumane and criminal attack against the Palestinian people. In June 2006 alone the Israeli army had killed 52 Palestinians, including 9 children. In addition, Palestinians were now being cruelly blackmailed by Western Powers that refused to recognize the will of the Palestinian people as expressed in the elections of January 2006. Israel was again acting with arrogance and impunity, thanks to United States military support and its power of veto in the United Nations Security Council. The situation was an acid test for the Council's reputation as a universal, impartial and non-selective institution. The Council should adopt the draft resolution by consensus or at least by an overwhelming majority, and take urgent measures to end the continued violations of the Palestinian people's human rights.

39. **Mr. Puja** (Indonesia) said that the recent disproportionate attacks by Israel and the destruction of water pipelines and Gaza's only power station had deprived the area of power and safe drinking water. The indiscriminate killing of civilians and the kidnapping of over 60 Palestinians, including 8 ministers and several senior government officials, had precipitated the impending human rights and humanitarian crisis. Negotiations to resolve the issue of the kidnapped persons were crucial to the peace process and he called for the immediate release of the recently detained Palestinians as a token of goodwill.

40. Concerted efforts were required to address the humanitarian consequences of the recent military operation and prevent further deterioration of the situation. Inaction on the part of the Council might heighten mistrust and hostility and make the prospects for peace even more remote. Palestinians — leaders and people — must stand united; any division would undermine hopes for the independent State to which they had so long aspired.

41. **Mr. Cormier** (Canada), reiterating the call by Canada's Minister of Foreign Affairs for the immediate and unconditional release of Corporal Gilad Shalit, said that the escalating violence caused grave concern and all sides must exercise restraint and take all possible measures to protect civilian lives. The Council must play a constructive role in the promotion and protection of human rights in the region and recognize the responsibilities and obligations of all parties involved. It was unacceptable for the Council to focus all its criticism on Israel, ignoring that country's legitimate security concerns. The Council should acknowledge that the Palestinian Authority had a duty to prevent the firing of rockets into Israel, resolve the hostage situation, and prevent the recurrence of such acts. His Government was concerned about the humanitarian implications of the operations in the Gaza Strip. It called on Israel and the Palestinian Authority to respect international law, ensure the protection of civilians and facilitate the safe transport of humanitarian supplies. The international community, the parties and regional governments must make constructive efforts to move the long-standing conflict to a peaceful solution, thus ensuring the rights and well-being of all peoples in the region.

42. **Mr. Florêncio** (Brazil) said that both parties to the conflict must desist from the use of force and resume negotiations in order to overcome the crisis. The international community, including the Council, must assist in that endeavour. Protecting the human rights of the civilian population was crucial in the present context. There should be no



unjustified restrictions on the freedom of movement or the right of residence. The constant deterioration of Palestinian people's living conditions and the suffering inflicted on civilians with no access to electricity or drinking water were deeply worrying.

43. Violence was not an acceptable instrument for achieving the goals of any party, as it only fuelled conflict. Hamas must desist from using violence, recognize the lawful existence of the State of Israel, comply with agreements made in the framework of the peace process, including the Road Map, and promote reconciliation, starting with the release of Corporal Gilad Shalit. Both parties should protect civilians and refrain from imposing collective punishment.

44. **Mr. González Arenas** (Uruguay) said that, although the long-standing conflict could not be resolved within the Council, the renewed suffering inflicted on the civilian population, and especially on Palestinians, warranted the Council's attention. International humanitarian law must be implemented fully in Palestine and the occupied Arab territories. Whatever the circumstances, it was unacceptable that defenceless civilians should be exposed to the escalating violence and become the direct or indirect victims of military operations. An agreement ensuring the Palestinian people's right to self-determination and the establishment of their own independent State, while maintaining secure borders with the State of Israel, could be achieved only through dialogue. The Council must be a forum for mutual support and cooperation rather than an arena of political confrontation. It must handle politically sensitive issues with the utmost care and focus on the promotion of dialogue between the parties. It must also monitor critical human rights situations and play a constructive part in alleviating the suffering of civilian populations and protecting their rights and dignity.

45. **Mr. Godet** (Switzerland) said that the Council's credibility as a human rights monitoring body empowered to intervene in crisis situations was at stake. The spiral of violence threatened to undermine dialogue between Israel and the Palestinian Authority for a long time to come. International human rights law and humanitarian law must apply to all parties to a conflict.

46. As an occupying Power with considerable military capability, Israel had specific legal and political responsibilities. While it had the legitimate right to free a captured soldier through military action, any such operation must respect the principle of proportionality. Israeli action in Gaza was disproportionate and constituted collective punishment of the Palestinian people, which was prohibited under international law. Israel had also failed to take all necessary measures to ensure the protection of civilian populations and infrastructures, as required under international law. Israel must cease its attacks on civilian property, protect the population and release the detained representatives, unless the charges against them were based on the principles of the rule of law.

47. His Government firmly condemned all acts of violence committed by Palestinian armed groups against Israeli civilians, including the firing of Qassam rockets into Israel, suicide attacks and the recent murder of a young Israel settler in the West Bank. The Israeli soldier captured by Palestinian militants must be treated with humanity. His release could greatly help in defusing tensions.

48. **Mr. Abdulla** (Bahrain) said that he associated himself with the statements made by the representatives of Pakistan on behalf of OIC and of Tunisia on behalf of the Group of Arab States. His Government was gravely concerned at the deterioration of the humanitarian situation in the Occupied Palestinian Territory following the escalation of Israeli aggression, the imposition of a stifling siege, the destruction of civilian infrastructures and the detention of elected political representatives. International protection must be extended to the Palestinian people. His Government would support any initiative

by the Council to strengthen the human rights machinery in order to end human rights violations and protect civilians in the region.

49. **Mr. Himanen** (Finland), speaking on behalf of the European Union and the acceding countries Bulgaria and Romania, called on all parties to abstain from any actions in breach of international human rights and humanitarian law. The duty to protect civilian lives applied to all.

50. The European Union called for the immediate and unconditional release of the kidnapped Israeli soldier. It also strongly condemned the murder of an Israeli kidnapped in the West Bank and called on the Palestinian leadership to put a stop to violence and terrorist activities, including the firing of rockets into Israeli territory. The detained members of the Palestinian Government and Legislative Council should be accorded their full legal rights under international law. Israel in turn must exercise the utmost restraint and avoid disproportionate action. Notwithstanding its legitimate right to self-defence, ongoing military operations must respect international law. The restoration of electricity and water supplies and access for humanitarian organizations must be a priority.

51. A return to the peace process and the implementation of the Road Map was imperative. Both parties must meet their responsibilities and demonstrate their commitment to the search for a negotiated two-State solution, the only way to bring peace and security to Israel and the Palestinian people. The Council must contribute effectively to the protection and promotion of human rights for all and the special session should provide an opportunity to enhance dialogue and seek common ground.

52. **Mr. Ripert** (France) said that the special session should result in the adoption of a balanced resolution that would help defuse tensions. The de-escalation of the situation in Gaza must be a priority. Israel had a legitimate right to defend itself but must stop its destruction of Palestinian infrastructure and military incursions into Gaza and the West Bank. The Palestinian Authority for its part must take urgent measures to prevent violent acts targeting Israeli civilians, and release the kidnapped Israeli soldier. He called on the Hamas-led Government to renounce violence, recognize the State of Israel and accept all international instruments and obligations, as requested by the Quartet. It was vital to protect the Palestinian Authority as an institution. The arrest by Israel of Palestinian political representatives posed a direct threat to Palestinian institutions and he called for their immediate release. It was never too late to create the conditions for a resumption of dialogue.

53. **Mr. Soufan** (Observer for Lebanon) said that the convening of the special session reaffirmed the value of international law as a means of settling disputes and giving a voice to the voiceless. For innocent civilians, the law was protector, saviour, liberator and healer. The arrest of Palestinian Government representatives and civilians, in total disregard of international law and human rights law, was without precedent in modern history. Israel was blatantly violating the Palestinian people's rights under the Universal Declaration of Human Rights. He called on the Council to adopt the draft resolution (A/HRC/S-1/L.1) and to continue promoting a negotiated solution to the current crisis.

54. **Mr. Abu-Koash** (Observer for Palestine) said that he associated himself with the statements made by the representatives of Pakistan on behalf of OIC and of Tunisia on behalf of the Group of Arab States. He was grateful to all previous speakers for their concern. The Israeli "Summer Rains" military offensive constituted the most abhorrent crime against humanity. Israel claimed that the attacks were carried out in self-defence, but he wondered whether making an entire population suffer for one Israeli soldier captured from a military base firing missiles against Palestinian civilians constituted self-defence. That incident had been used as a pretext for the collective punishment of the Palestinian people for having elected their representatives, many of whom had been kidnapped and

detained by the occupying Power. The aim was to undermine the Palestinian Authority and its institutions, thus creating political instability that would make it easier for Israel to impose its policies on the Palestinian people.

55. Calls for the release of the Israeli soldier had brought to the fore the plight of thousands of Palestinian detainees in Israeli jails, who were kept in inhumane conditions and whose families' patience had been exhausted waiting for their release.

56. The Israeli military attacks violated the international prohibition on indiscriminate attacks against civilians. Israel had evicted 25,000 civilians from their homes in Beit Hanoun and Beit Lahia. Israeli F-16s and sonic booms had been traumatizing children in Gaza. The deliberate destruction by Israel of the only power station in the Gaza Strip, and of water supply networks, schools, bridges and Palestinian ministries constituted a war crime.

57. The Israeli military operations further aggravated the crisis resulting from the economic siege imposed on the Palestinian people. Several United Nations agencies had warned of an impending humanitarian disaster. Thousands of already vulnerable households had had no income for four consecutive months and poverty levels had increased as a result. Shortages of medical supplies and food had plunged thousands into malnutrition and disease. The long list of grave breaches of international law by Israel included the unabated confiscation of lands, the building of settlements, the construction of the wall on Palestinian land, severe restrictions of the freedom of movement and border closures.

58. The international community must work towards a negotiated solution to the current crisis. His Government remained committed to a just and peaceful solution to the Arab-Israeli conflict, based on relevant United Nations resolutions. The Palestinian people had not yielded to Israeli military power for decades and would not yield now. The only option was for Israel to end its occupation of the Palestinian Territory for the good of all peoples in the region.

59. **Mr. Ja'afari** (Observer for the Syrian Arab Republic) said that his delegation had been disappointed that, at its first regular session, the Council had been unable to adopt decision 1/106 entitled: "Human rights situation in Palestine and other occupied Arab territories" by consensus. Some countries had even voted against the draft, which had been neutral and balanced. He reminded those who emphasized the need for balance that exterminating an entire people by cutting access to water and electricity was a serious crime. Where was the balance when thousands of Palestinians and Arabs languished in Israeli prisons for decades while some parties focused only on the capture of a soldier who had been shooting civilians in Gaza in the course of a military operation?

60. In a civilized world, Israel must be held responsible for its acts of collective punishment and military terrorism. Since the founding of the United Nations, the international community had worked to eradicate fascism and support its victims. He failed to understand why that same community failed to assist the victims of the Israeli occupation. He called for the deployment of a fact-finding mission to investigate the violations of human rights and international humanitarian law in the Occupied Territory. The Council had a historic opportunity to demonstrate that special sessions were not a talking shop, but a genuine forum for the defence of human rights. It must send a clear message by adopting the draft resolution (A/HRC/S-1/L.1) by consensus.

61. **Mr. Levanon** (Observer for Israel) said that the current special session had been requested for political reasons and was part of a plan by Arab States to politicize the Council and another attempt to put Israel in the dock. He rejected the allegations against Israel. The inflammatory statements made by certain speakers had been a mere repetition of their speeches in the defunct Commission on Human Rights, which everyone had wished to

abolish. It had taken Arab and Islamic countries only two weeks to reintroduce the flaws of the Commission and render the notion of a transparent, equitable and non-selective Human Rights Council a dead letter.

62. The current crisis had been triggered, not by Israel's incursion into Gaza, but rather by Palestinian terrorist groups' attack on sovereign Israeli territory via a tunnel dug with the acquiescence of the Palestinian Authority. Moreover, they had showered dozens of Qassam rockets on Israeli civilians, abducted Corporal Shalit from sovereign Israeli territory, and kidnapped and murdered a teenager, Eliyahu Asheri. Since the establishment of the Hamas Government six months before, cities in southern Israel had been incessantly under fire, yet Israel had withdrawn from the Gaza Strip and handed over control to the Palestinian Authority. The bombardments disrupted the life of the citizens of Sderot and children no longer went to school for fear of being injured by rockets, while Palestinian terrorists rejoiced at their crimes in front of their television screens. It was absurd for the Council to ignore the rights of one side and at the same time convene a special session to defend the rights of the other. It might be preferable to discuss Palestinian terrorists' attempts on Israeli people's right to life.

63. One person and two governments carried the full responsibility for the current crisis. Khaled Mashaal of Hamas had planned the attack and the abduction of Corporal Shalit. The Government of Syria granted refuge to terrorists such as Mashaal, allowing him to plan his lethal attacks, and the Hamas Government had endorsed the attacks and thus sided with the terrorists.

64. Israel's operations were measured, in order to minimize the risk to civilians. Palestinian hardship was the direct result of acts perpetrated by terrorists who operated in populated areas, using their fellow citizens as human shields. The solution was simple: the release of the abducted soldier unharmed would put an end to the current crisis. Having left Gaza of its own volition in 2005, Israel did not intend to return a year later. If the Council wished to act fairly and justly, avoid past errors and not fall into disrepute, it must condemn the Palestinian terrorist actions, demand the immediate release of Corporal Shalit, and call for an end to the firing of Qassam rockets against the Israeli civilian population.

65. **Mr. Moaiyeri** (Observer for the Islamic Republic of Iran) said that, for the sake of its credibility and legitimacy, the Council must take urgent and effective measures to address the human rights and humanitarian situation in the Occupied Palestinian Territory and the Syrian Golan Heights and prevent the occupying Power from continuing to flout the will of the international community as expressed in numerous United Nations resolutions. The Council must not turn a blind eye to the situation and thus reinforce the impunity of the occupying Power. The High Commissioner for Human Rights should visit the Occupied Palestinian Territory as a matter of urgency and report to the Council on human rights violations committed by Israel.

66. **Mr. Al Dehaimi** (Observer for Qatar) said that history would record the Council's stance against Israel's continued violation of human rights in the Occupied Palestinian Territory. The Council must put an end to the state of terror imposed on defenceless civilians by the occupying forces and dispatch a mission headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to investigate the human rights violations committed by Israel. He called on all members to vote in favour of the draft resolution (A/HRC/S-1/L.1).

67. **Mr. Razzooqi** (Observer for Kuwait), referring to the allegation that the Arab countries were trying to politicize the issue, said that an Israeli journalist had called the Israeli operation in Gaza "blatantly illegitimate". The journalist had noted that the Israeli Defence Forces had kidnapped two civilians from their home in Gaza the day before the Israeli soldier, Corporal Shalit, had been captured. The article had ended with the words:

“As usual here: Quiet, we’re shooting. But this time we are not only shooting. We are bombing and shelling, darkening and destroying, imposing a siege and kidnapping like the worst of terrorists and nobody breaks the silence to ask, what the hell for, and according to what right?” Those words were worth a thousand pictures.

68. **Mr. Al Qassimi** (Observer for the United Arab Emirates) said that he associated himself with the statements made by the representatives of Pakistan on behalf of OIC and of Tunisia on behalf of the Group of Arab States. His Government was gravely concerned over the deteriorating situation in the occupied territories and the suffering of the Arab peoples. The Council must take a determined stand. It had been created for that purpose and it would be unacceptable for the international community to condone the persistent violations and collective punishment imposed on the Palestinian people by Israel. For the sake of its credibility and in order to avoid double standards, the Council must take a firm decision to protect the rights of the Palestinian people.

69. **Mr. Alfarargi** (Observer for the League of Arab States) said that the Council could not remain silent when Israel, an occupying Power, was engaging in massive human rights violations. Israel claimed to be acting in self-defence but self-defence did not apply to a situation that involved an occupying Power. It also claimed to be the only democracy in the region, yet it had arrested members of a democratically elected government and destroyed government buildings.

70. The Council must live up to the role conferred on it if it was not to lose its very *raison d’être*. Today the victim was Palestine, who would it be tomorrow? The Council must call on the occupying Power to cease its military operations, respect international law and release the detained Palestinian officials.

71. **Mr. Mackay** (Observer for New Zealand) said that he condemned the loss of innocent civilian lives on both sides and called on all parties to exercise restraint and abide by international law. Those holding the Israeli soldier hostage must facilitate his release. At the same time, the detention by Israel of democratically elected members of the Palestinian Legislative Council was cause for deep concern. It was regrettable that recent events had led the military wing of Hamas to terminate its ceasefire with Israel. He hoped that the situation could be resolved through diplomatic means, rather than by violence. Urgent action was needed to prevent a humanitarian crisis and restore essential supplies of food, fuel and medicine. Both parties must redirect their efforts towards dialogue.

72. **Mr. Martabit** (Observer for Chile) said that he was concerned at the spiral of violence in the Middle East and urged all parties to respect the life and liberty of the population. He deplored the number of dead and wounded, especially Palestinian civilians and condemned the practices of hostage-taking and of disproportionate retaliation. Nothing could be gained with destruction and humiliation. Violence was an obstacle to international efforts for peace in the Middle East. Experience had shown that only dialogue and compliance with the law could bring peace and security.

73. **Mr. Shalaby** (Observer for Egypt) said that he associated himself with the statements made by the representatives of Pakistan on behalf of OIC, of Tunisia on behalf of the Group of Arab States and of Algeria on behalf of the Group of African States. The Israeli military escalation against the Palestinian people and the indiscriminate targeting of civilians in recent days had made the holding of the special session of the Council an absolute necessity. His own Government was doing its utmost to contain the crisis, protect the Palestinian people and compel Israel to end the violence. The Israeli occupation policy threatened to cause a humanitarian catastrophe of unprecedented scale. The aspirations of the peoples of Palestine and Israel to live in peace and security and enjoy their human rights would not be fulfilled if Israel continued its violations. The Council and the international community must act to end those practices.

74. **Ms. Forero Ucros** (Observer for Colombia) said that the basic humanitarian needs of Palestinians, and particularly those of women and children, must be met urgently. All parties must end the violence and resume negotiations leading to a two-State solution to the conflict, in compliance with the recent resolutions adopted by the United Nations General Assembly.

75. **Ms. Ajamay** (Observer for Norway) said that she associated herself with the statement made by the representative of Finland on behalf of European Union States members of the Council.

76. The abduction of the Israeli soldier and the killing of the young Israeli settler were unacceptable, deplorable acts that would only aggravate further the already precarious situation of Palestinian civilians. The Palestinian Authority must fight terrorism and apprehend those involved in planning or carrying out such acts. Norway had repeatedly condemned the Qassam rocket attacks from Gaza into Israel.

77. Israeli military operations in such a densely populated area endangered the lives of civilians and must end as soon as possible. Although Israel had the legitimate right to protect its citizens, it must also conduct itself in accordance with the principles of international humanitarian law and respect human rights. Any countermeasures against the civilian population were unacceptable.

78. She called on donors to contribute to the revised Consolidated Appeal for the Occupied Palestinian Territory so as to assist the United Nations in its work.

79. **Mr. Almagly** (Observer for the Sudan) said that he associated himself with the statements made by the representatives of Pakistan on behalf of OIC, of Tunisia on behalf of the Group of Arab States and of Algeria on behalf of the Group of African States. The Special Rapporteur had painted a sombre picture of the tragic situation in the Occupied Palestinian Territory. The systematic and flagrant violation of international humanitarian law constituted a war crime and the Palestinian people must no longer be the victim of the silence of the international community. For more than 40 years, Israel had defied international law and deprived an entire people of its legitimate right to its own State and a life of dignity. The Council must make a strong appeal to the United Nations High Commissioner for Human Rights and the Security Council to ensure that they lived up to their historic responsibility in the face of an impending humanitarian catastrophe.

80. **Mr. Tichenor** (Observer for the United States of America) said that his Government did not believe that a special session should focus only on one aspect of the human rights situation in the Occupied Palestinian Territory, while ignoring the role of Hamas in the kidnapping of the Israeli soldier, the failure of the Palestinian Authority to denounce terrorism, and the role of Syria in harbouring rejectionists.

81. Each party must act responsibly in order to preserve the possibility of peace. In its recent operations, Israel had taken measures to spare lives. His Government cooperated with Israel and the donor community in addressing the humanitarian situation in Gaza; it also continued to support President Abbas, who had been elected on, and remained committed to, a peace platform.

82. There was much more to the conflict than Israeli human rights violations in the Occupied Palestinian Territory. Hamas could not claim to govern responsibly while calling for the destruction of Israel, sending in militants to carry out terrorist attacks, and firing rockets into Israel from Gaza. If the Hamas-led Palestinian Authority had any interest in governing responsibly, it must renounce violence, recognize Israel's right to exist, and accept all previous agreements between Israel and the Palestinians.

83. The Council must promote and protect human rights in an even-handed, fair and equitable way. Achieving lasting peace between Israel and the Palestinians would require

bold leadership from both peoples and active support from the broader international community. Each action of the Council should be weighed in the interest of short-term calm and the longer-term vision of two accountable, democratic States living side by side in peace. All delegations should consider ways in which their countries could make constructive contributions to peace.

84. **Ms. Al-Hajjaji** (Observer for the Libyan Arab Jamahiriya) said that she associated herself with the statements made by the representatives of Pakistan on behalf of OIC, of Tunisia on behalf of the Group of Arab States and of Algeria on behalf of the Group of African States. Some 200,000 families in the Gaza Strip were currently without electricity, approximately 170,000 families would have used up all their cooking fuel within the week, 194,000 families continued living in poverty, some 150,000 families lived on less than two dollars a day, 75,000 families had barely enough to guarantee their day-to-day survival, around 88,000 families in Gaza could not obtain clean drinking water, 22 hospitals were without electricity, 30,000 children were suffering from chronic malnutrition, 112,000 Gaza citizens were suffering from chronic illness and 90,000 of those had difficulty in obtaining medical treatment. There was tremendous suffering in Gaza as a result of the Israeli invasion, bombardments and siege and the situation in the West Bank was hardly better. She asked whether that situation was considered to be in compliance with the standards laid down by international humanitarian and human rights law.

85. **Ms. Millar** (Observer for Australia) said that she was concerned at the one-sided nature of the special session. The Council should act responsibly and promote and protect human rights in a balanced way. Singling out one side for blame in a complex situation was unhelpful and would not advance the cause of peace in the Middle East. The increasing number of Israeli and Palestinian casualties was a cause for grave concern. Both sides must avoid any action that could have adverse humanitarian effects or lead to further violence.

86. **Mr. Al-Bakili** (Observer for Yemen) associated himself with the statements made by the representatives of Pakistan on behalf of OIC, of Tunisia on behalf of the Group of Arab States and of Algeria on behalf of the Group of African States. He hoped that the Council would find a solution to the situation in the occupied Arab territories. The international community had stood silently by since 1948, incapable of halting Israeli practices in the Palestinian and other Arab territories, which were against international law and the sacred teachings of all religions.

87. **Ms. Martín Gallegos** (Observer for Nicaragua) said that her Government supported an impartial, objective and transparent Council that would look beyond ideological differences and inter-State relations in order to live up to its important mandate to protect, promote and defend human rights anywhere in the world through dialogue and cooperation. The Council had a duty to address the situation in Palestine. Nicaragua supported all actions by the Council aimed at ending the violation of the human rights of the Palestinian people.

88. **Mr. Khan** (Observer for Pakistan), speaking on a point of order, requested that action should be taken on the draft resolution (A/HRC/S-1/L.1).

*Draft resolution on the human rights situation in the Occupied Palestinian Territory (A/HRC/S-1/L.1)*

89. **The President** invited the Council to consider the draft resolution contained in document A/HRC/S-1/L.1.

90. **Mr. Khan** (Pakistan), introducing the draft resolution on behalf of the sponsors, thanked all Members and Observers who had expressed concern over the continued human rights violations in the Occupied Palestinian Territory. The sponsors wished to revise the draft resolution by replacing paragraph 5 with the words: "Decides to dispatch an urgent

fact-finding mission headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.”

91. In establishing the Human Rights Council, the international community had reaffirmed its commitment to strengthening the United Nations human rights machinery and had resolved that the Council should address gross and systematic human rights violations. The time had come for the Council to demonstrate its ability to do that by adopting the resolution by consensus.

92. **Mr. Godet** (Switzerland) proposed an amendment to the draft resolution, consisting of the following three new paragraphs:

“4. bis. *Urges* all Palestinian armed groups to respect the rules of international humanitarian law;

4. ter. *Urges also* all Palestinian armed groups to refrain from violence against the civilian population;

4. quater. *Urges* those who detain the Israeli soldier to treat him humanely, in all circumstances, in conformity with the Geneva Conventions.”

93. **Mr. Tistounet** (Secretary), in reply to a question from the President, said that there could be no further extension of the meeting, since no additional secretariat staff were available.

*The meeting rose at 6.30 p.m.*