



General Assembly

Distr.
GENERAL

A/HRC/S-1/SR.2
18 July 2006

Original: ENGLISH

HUMAN RIGHTS COUNCIL

First special session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 July 2006, at 10 a.m.

President: Mr. DE ALBA (Mexico)

CONTENTS

THE HUMAN RIGHTS AND HUMANITARIAN SITUATION IN PALESTINE AND OTHER
ARAB OCCUPIED TERRITORIES (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Council at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.06-12948 (E) 170706 180706

The meeting was called to order at 10.55 a.m.

THE HUMAN RIGHTS AND HUMANITARIAN SITUATION IN PALESTINE AND OTHER ARAB OCCUPIED TERRITORIES (continued)

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

1. The PRESIDENT said that, at the previous meeting, the representative of Switzerland had introduced 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.”

2. Mr. GODET (Switzerland) said that, following consultations with other members of the Council, Switzerland had decided to withdraw paragraph 4 *quater*.

3. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said that the Organization had seriously considered the amendment submitted by the representative of Switzerland and proposed the following sub-amendment, which reflected all the concerns expressed in the Swiss text:

“4 bis. Urges all concerned parties to respect the rules of international humanitarian law, to refrain from violence against the civilian population and to treat, under all circumstances, all detained combatants and civilians in accordance with the Geneva Conventions.”

4. Mr. GODET (Switzerland) requested a suspension of the meeting to give his delegation time to study the sub-amendment, to engage in consultations and to obtain instructions from the Swiss authorities.

The meeting was suspended at 11.05 a.m. and resumed at noon.

5. Mr. GODET (Switzerland) said that, after careful consideration, Switzerland had decided that it was unable to accept the sub-amendment proposed on behalf of the Organization of the Islamic Conference.

6. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said that the Organization's sub-amendment deserved support, since it addressed all facets of the issue before the Council. He therefore urged all Council members to support it.

7. Mr. LEVANON (Observer for Israel), speaking as a concerned party, urged the Council to vote against the draft resolution.

8. Mr. ABU-KOASH (Observer for Palestine), speaking as a concerned party, said that at that very moment Israeli tanks were shelling Palestinians. The Parliament building had been besieged by Israeli troops with a view to abducting the Speaker and other members of Parliament. The draft resolution before the Council was couched in very mild terms and merely called for compliance with the Geneva Conventions. Moreover, the sub-amendment introduced on behalf of the Organization of the Islamic Conference urged all parties concerned to comply with the Conventions instead of singling out one party. Although the Palestinian people were the victims of assault and occupation, it was still their wish to live in peace with Israel. He urged the Council to support the draft resolution and the sub-amendment.

9. Mr. HIMANEN (Finland), speaking on behalf of the European Union members of the Council and the acceding country Romania, said that the sub-amendment failed to achieve the balance required for the European Union to support it. If the text was put to the vote, the European Union members of the Council would abstain.

10. Mr. CORMIER (Canada) said that, while Canada appreciated the efforts of Switzerland and Pakistan to build consensus on a difficult issue, it would abstain if a vote was taken on the sub-amendment since it raised controversial issues of international humanitarian law that should not be considered in haste, such as the applicability of the Geneva Conventions to various situations, the determination of the legal status of different categories of belligerents and the protection regimes applicable to detained persons.

11. Mr. LOSHCHININ (Russian Federation) said that both the Swiss amendment and the sub-amendment made the draft resolution more balanced and acceptable. The Russian Federation would vote in favour of the sub-amendment if it was put to the vote first.

12. Mr. FERRER RODRÍGUEZ (Cuba) said that Cuba would vote for the sub-amendment submitted by the Organization of the Islamic Conference, which was more balanced than the Swiss amendment.

13. Mr. GODET (Switzerland) said that the sub-amendment proposed by the Organization of the Islamic Conference failed to strike the necessary balance since both parties, and not just one, ought to be reminded of their obligations. Switzerland therefore requested a vote on the sub-amendment.

14. At the request of the representative of Switzerland, a recorded vote was taken on the sub-amendment submitted by Pakistan on behalf of the Organization of the Islamic Conference.

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Ecuador, Ghana, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

Against: None.

Abstaining: Cameroon, Canada, Czech Republic, Finland, France, Germany, Guatemala, Japan, Netherlands, Nigeria, Peru, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

15. The sub-amendment was adopted by 28 votes to none, with 17 abstentions.

16. The PRESIDENT said that the sub-amendment would replace the amendment proposed by Switzerland. He invited the Council to consider the draft resolution as revised. The Organization of the Islamic Conference had introduced the following revision of paragraph 5 at the previous meeting:

“5. *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. ...”

17. Mr. MANALO (Philippines), speaking in explanation of vote before the voting, said that the Philippines was deeply concerned that the escalating violence and military attacks in the Occupied Palestinian Territory could aggravate the humanitarian situation and further endanger civilians and the human rights of all affected parties. As his country accorded the highest priority to safeguarding civilian lives and upholding international humanitarian and human rights law, it supported all steps aimed at resolving the crisis peacefully and through diplomacy. Both sides should exercise restraint in order to prevent any escalation of the armed operations. For those reasons, the Philippines would support the draft resolution.

18. Mr. MARTÍNEZ ALVARADO (Guatemala) said that the Council should play a positive role in addressing urgent situations involving human rights violations wherever they occurred. Guatemala would vote in favour of the draft resolution because of its concern about the situation of the Palestinian people. All parties should give dialogue a chance, since confrontation would inevitably lead to an even more deadly conflict in the region. Palestinians and Israelis should show mutual respect for their aspirations and embark on a path of genuine negotiation, returning to the road map as a matter of urgency and complying with their respective obligations.

19. Mr. SHA Zukang (China) said that China would vote in favour of the draft resolution. He called on Israel to exercise restraint, halt its military operations forthwith and release arrested Palestinian ministers, members of the Legislative Council and civilians. China hoped that the Palestinians would cooperate actively with mediation efforts and immediately release the hostage with a view to ensuring an early settlement of the crisis.

20. Mr. HIMANEN (Finland), speaking on behalf of the European Union members of the Council and the acceding country Romania, said that the European Union had raised its concerns with the sponsors of the draft resolution and regretted that there had not been a constructive dialogue that might have led to consensus. In particular, the European Union had proposed that the text should address the situation in a more balanced way by reflecting all relevant aspects of the current crisis. The draft resolution should have called for the immediate and unconditional release of the kidnapped Israeli soldier, condemned the murder of the Israeli victim of a

kidnapping in the West Bank and called on the Palestinian leadership to end violence and terrorist activities, including the firing of rockets into Israeli territory. The European Union members of the Council and Romania would therefore vote against the draft resolution.

21. The European Union had repeatedly expressed its concern about the situation that had evolved in recent days between Israel and the Palestinians and called on all parties to abstain from any actions that violated international humanitarian and human rights law. It reminded all parties of their responsibility to protect civilian lives, emphasized the primacy of diplomatic means and called on all parties in the region to make every effort to resolve the current situation by peaceful means. Only a negotiated two-State solution could bring peace and security to the Israeli and Palestinian people.

22. Mr. RODRÍGUEZ CUADROS (Peru) said that Peru would vote in favour of the draft resolution. While it would have preferred a more balanced text, urgent action was needed to halt the escalating violence and to ensure that all parties to the conflict - the Government of Israel, the Palestinian Authority and armed groups - complied with the norms of international humanitarian and human rights law. The military attacks in Gaza, especially those directed at the civilian population, should cease immediately. Acts of violence and the launching of rockets against Israeli territory and the civilian population should also cease, and the kidnapped Israeli soldier should be released forthwith. The only long-term solution to the crisis lay in the creation of conditions for the peaceful coexistence of two States, Israel and Palestine, with secure mutually agreed borders, through negotiations based on the road map. Peru supported the dispatch of a mission to the region to report on the international humanitarian and human rights situation.

23. Mr. LARENAS SERRANO (Ecuador) said that, while Ecuador would have preferred a consensus text, it would nevertheless support the draft resolution. Painful situations such as that currently faced by the civilian population in the Occupied Palestinian Territory called for urgent action by the Council.

24. Ecuador consistently advocated dialogue and the negotiated resolution of conflicts, in keeping with Article 2 of the Charter of the United Nations. As a member of the Council, Ecuador would have liked to have participated in the drafting of the text under discussion. While it understood that the urgency of the humanitarian situation demanded immediate action, it hoped that the failure to hold due consultations would not set a precedent. However, when human lives were at stake, procedural issues could not be allowed to prevail. Primacy must be given to the spirit of the law and the Council's law was that of human rights protection.

25. Mr. GODET (Switzerland) said that positive elements of the draft resolution included the call for respect for international human rights and humanitarian law, and the expression of concern at certain practices that Switzerland had publicly denounced on several occasions. Nevertheless, the draft resolution was one-sided, and Switzerland would abstain when it was put to a vote. His delegation regretted that it had not been possible to reach agreement on a consensus text, which would have helped to consolidate the Council's position at its current stage of existence.

26. Mr. CORMIER (Canada) said that the Council should play a constructive role with respect to the promotion and protection of human rights in the region and recognize the rights and responsibilities of all parties. Even as amended, the draft resolution was not consistent with paragraph 4 of General Assembly resolution 60/251, which called on the Council to be guided by the principles of universality, impartiality, objectivity and non-selectivity. It focused almost entirely on Israel while ignoring that country's legitimate security concerns. Moreover, the draft resolution failed to acknowledge that the Palestinian Authority had a responsibility to prevent the constant firing of rockets into Israel, resolve the hostage-taking crisis and prevent the recurrence of such criminal acts. Canada would therefore vote against the draft resolution.

27. A recorded vote was taken on the draft resolution, as revised.

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Ecuador, Ghana, Guatemala, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Morocco, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

Against: Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Cameroon, Mexico, Nigeria, Republic of Korea, Switzerland.

28. The draft resolution, as revised, was adopted by 29 votes to 11, with 5 abstentions.

29. Mr. ABREU E LIMA FLORÊNCIO (Brazil), speaking also on behalf of Argentina and Uruguay, said that Argentina, Brazil and Uruguay had voted in favour of the draft resolution because of their deep concern at the deterioration in the living conditions of the Palestinian population and the suffering caused by lack of access to electricity and drinking water. Both parties should refrain from using force and resume dialogue and negotiations to resolve the current crisis. He urged the international community and the United Nations in particular to facilitate the resumption of peace negotiations.

30. While the Council could make a constructive contribution by promoting human rights in the region, it should not systematically revert to the methods used by the Commission on Human Rights, such as the adoption of separate resolutions on every issue that arose.

31. Argentina, Brazil and Uruguay considered the use of violence by any party to achieve its goals as unacceptable. Violence, regardless of its motivation or source, merely fuelled conflict. They vigorously condemned all forms of terrorism and would continue to support international cooperation to combat terrorism and its underlying causes while respecting human rights. Hamas must be called upon to renounce the use of force, recognize Israel's right to exist, comply with agreements reached in the context of the peace process, including the road map, and promote reconciliation, beginning with the release of the kidnapped Israeli soldier.

32. Argentina, Brazil and Uruguay supported the efforts of the Egyptian President and others to resolve the current crisis. Both parties must give priority to the protection of civil society and refrain from resorting to collective punishment.

33. Mr. ENDO (Japan) said that Japan had voted against the draft resolution because the revised text was one-sided and was not constructive. Further consultations should have been held to reach consensus among the members of the Council and the concerned parties. The way business had been conducted served neither to enhance the Council's reputation nor to resolve the legitimate issue before it.

34. Mr. CAMPUZANO (Mexico) said that Mexico would have preferred a balanced text referring to the worsening of the crisis between Israel and Palestine and the obligation of all parties to respect international humanitarian and human rights law. It was essential to halt all human rights violations, including the destruction of the infrastructure in Gaza, the detention of members of the Palestinian Government, the kidnapping of the Israeli soldier and the attacks on the Israeli civilian population from Gaza.

35. The conflict could be resolved only by peaceful means, including dialogue and direct negotiations between the parties. Mexico was concerned about the recent escalation of violence and stressed the importance of safeguarding civilians and guaranteeing access to basic services such as water, food and electricity. It urged Israel and the Palestinian Authority to engage in dialogue with a view to halting the violence and resuming the peace process.

36. Ideally, the Council should be able to prevent human rights violations and emerging crises through dialogue and joint action instead of denouncing them when they occurred. Mexico supported the decision to dispatch a fact-finding mission to the region as soon as possible to report to the Council on the human rights situation and to submit recommendations.

37. The PRESIDENT said that, when the Council decided to hold a special session, it was important to ensure that the proceedings were conducted in a spirit of constructive dialogue so that the decisions taken were as strong and effective as possible. The Council had just decided by a clear majority to dispatch a fact-finding mission to the region headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

38. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said that he did not understand why Council members had voted against the draft resolution or abstained in the voting, since intense cross-regional consultations had been held with a view to building a consensus. He noted with dismay that, in the face of escalating human rights violations in the Occupied Palestinian Territory, particularly Gaza, some members had allowed political considerations to cloud their judgement. They should have joined the majority in calling for the release of the Palestinian ministers, lawmakers and civilians who had been arbitrarily arrested and detained, and in deciding to dispatch a fact-finding mission to the region.

39. The Organization of the Islamic Conference thanked Switzerland for its efforts at mediation and the European Union for its strong expression of concern about the deteriorating situation in the Occupied Palestinian Territory and for its work behind the scenes to mitigate the suffering of the Palestinian people. The Council's political will should be respected and immediate steps should be taken to defuse the crisis through negotiations.

The meeting rose at 1 p.m.