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President: Mr. Uhomoibhi (Nigeria)

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Adoption of the resolution and closure of the session

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

Request of the Permanent Representative of Egypt as President of the Arab Group and Coordinator of the African Group, the Permanent Representative of Pakistan as Coordinator of the Organization of the Islamic Conference and the Permanent Representative of Cuba as President of the Non-Aligned Movement to convene a special session of the Council to consider “the grave violations of human rights in the Occupied Palestinian Territory including the recent aggression of the occupied Gaza Strip” (*continued*) (A/HRC/S-9/1 and A/HRC/S-9/L.1/Rev.1 and 2, A/HRC/S-9/G/1, A/HRC/S-9/NGO/1-10)

1. **Ms. Rose** (Irish Human Rights Commission) expressed solidarity with the Independent Commission for Human Rights of Palestine and voiced her deep concern over the humanitarian situation and human rights violations in the Gaza Strip. She urged all parties to respect human rights and to take immediate measures to put an end to the current crisis. She strongly supported the statements of the United Nations Secretary-General and High Commissioner for Human Rights calling for the belligerents on both sides of the conflict to stop the violence. She urged the international community without delay to strengthen its capacity for monitoring the human rights situation in Palestine. In particular the national human rights institution of Palestine must be strengthened and provided with additional resources to enable it to carry out its task of promoting and protecting human rights.

2. **Mr. Netter** (B'nai B'rith International and Coordinating Board of Jewish Organizations) said that the current special session of the Human Rights Council would end as night followed day with a severe one-sided condemnation of Israel. The official media of the countries which had called for the session would be indifferent to the uselessness of resolutions in relieving the suffering of civilians on both sides. While some members of the media and the international community had emphasized the disproportionality between the number of victims on either side, they had ignored its immediate cause, namely the decision by Hamas to end the truce and to fire hundreds of rockets into southern Israel. As a United Nations Member State, Israel had the right and responsibility to protect its citizens from those terrorist attacks. In doing so, nevertheless, it had also understood its humanitarian obligation to civilians in Gaza trapped under the illegal rule of Hamas, by warning civilians ahead of strikes, allowing increasing humanitarian aid into the Strip, and observing periods of calm to allow the aid to be distributed. Meanwhile, Hamas had intensified its indiscriminate targeting of Israeli civilians.

3. Over the previous year, Israel had been engaged in negotiations with the Palestinian Authority seeking a two-State solution to the conflict. Throughout that period, Hamas had refused to recognize the very existence of the State of Israel. If the Council wished to help resolve the conflict in Gaza, it must condemn the destruction wrought by Hamas in igniting the current crisis and recognize that it was a major obstacle to lasting peace in the region. For the Council's resolution to be truly meaningful and relevant, it must call for civilians to be protected from being used as targets for attacks from neighbouring territory and as shields for combatants unwilling to face the consequences of their belligerency.

4. **Mr. Lack** (International Association of Jewish Lawyers and Jurists) said that the military operation Israel had initiated against Hamas and other terrorist groups in Gaza on 27 December 2008 had been in response to the multiple attacks the latter had launched on civilian communities in southern Israel between January 2001 and December 2008, and in the exercise of its inherent and legitimate right of self-defence under Article 51 of the Charter of the United Nations. Therefore, any criticism of Israel in that regard had no basis in international law.

5. On the other hand, the terrorist actions of Hamas fully corresponded to the generally accepted definition of terrorism as being acts indiscriminately directed against a country's civilian population with the intent to kill as many victims as possible and thereby create widespread terror and panic. The acts perpetrated by Hamas and the other terror groups in flagrant violation of article 28 of the Fourth Geneva Convention made them guilty of war crimes, thereby becoming lawful targets.

6. Israel's actions in combat and measures of justified retaliation were falsely described as collective punishment. The alleged criticism of Israel's control of Gaza's airspace and water resources was equally baseless since the terrorist occupation of Gaza conveyed no rights analogous to those of a sovereign State. Moreover, Israel did not purport to exercise any functions in Gaza, and still less those of a government. In accordance with Security Council resolution 1373 (2001) under Chapter VII of the Charter of the United Nations, Israel was nevertheless duty-bound to take certain steps against Hamas and other terrorist groups in the territories who were perpetrating acts of a genocidal and terrorist nature. That obligation also applied to the other States which were required "to cooperate, particularly through bilateral and multilateral arrangements and agreements to prevent and suppress terrorist attacks and take action against perpetrators of such acts".

7. In the circumstances, the draft resolution submitted for adoption by the Human Rights Council was a one-sided and self-defeating statement, which, like the preceding ones on the issue, would have a negative impact on the credibility of the Council.

8. **Mr. Littman** (Association for World Education), speaking also on behalf of the World Union for Progressive Judaism, said that, in the report that he had presented at the Council's seventh session in 2008, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 had strongly advised the United Nations to withdraw from the Quartet, whose road map he had rejected, stating that there was "no immediate prospect of reconciliation between Hamas and Fatah", which was still the case.

9. Gaza, under the administration of Hamas since its coup d'état, was a classic example of a divided society, with a division between Gaza and the West Bank, Gaza and Israel, Gaza and Egypt, and Gaza and the wider world. One possible solution to the grim situation would be to make Gaza an independent State with economic ties to the West Bank, Israel and Egypt, on the understanding that Gaza's future status was a key issue for all negotiations. Four States — Israel, Jordan, and the mutually agreed West Bank region and Gaza — could coexist in the geographic area designated as "Palestine" in the original mandate of the League of Nations in 1921; in 1947, the United Nations General Assembly had even considered partitioning the territory into two States, one Jewish and the other Arab, a plan which had been rejected by the Arab League. The establishment of a "United States of Abraham" in the Middle East could also be envisaged, based on a partnership between Israel, Jordan and the Palestinians, as his Association for World Education had proposed 20 years previously.

10. He wondered whether those dreams had been dashed and why the Council could not undertake that task. The Association's written statement (A/HRC/S-9/NGO/3) provided precise details of the Hamas Charter, which made any meaningful discussion impossible. The time had come, however, to set in motion reconciliation, leading to renunciation by Hamas of its genocidal Charter.

11. **Ms. Oviedo** (World Federation of Trade Unions) said she strongly condemned the massacre of the Palestinian people in the Gaza Strip by Israeli military forces, using cluster munitions and phosphorous and uranium bombs in an area that was densely populated, also by children, destroying houses, hospitals, schools, mosques and infrastructure in general, including that of the United Nations, and blocking assistance to the war-wounded and the

delivery of humanitarian aid, all the more crucially needed on account of the blockade Israel had been imposing for 18 months.

12. For more than 40 years, the Palestinian people's right to life, to self-determination and to the construction of an independent State had been flouted by Israel in blatant violation of international law, humanitarian law and United Nations resolutions, including those of the Human Rights Council, with the support and complicity of the United States of America and other allies in Europe. The credibility of international institutions and their commitment to international law and human rights was at stake; the international community could not stand idly by and be spectators to genocide. The holocaust must be stopped. The Human Rights Council must step up its efforts and take the necessary measures to relieve the suffering of the Palestinian people, and its members must unanimously adopt a resolution containing proposals for specific action. There must be an immediate ceasefire; Israeli troops must withdraw from Gaza, and the Israeli blockade and occupation must be ended.

13. **Mr. Fattorini** (Movement against Racism and for Friendship among Peoples – MRAP) said that the massacres of the previous weeks in the Gaza Strip constituted war crimes and crimes against humanity, for which the perpetrators must be brought to justice, and the victims must be able to exercise their right to reparation. MRAP expressed its solidarity with any member of the Israeli armed forces who refused to participate in those crimes, and supported the all too few organizations in Israel which encouraged disobedience by Israeli soldiers. On Friday, 9 January 2009, MRAP and 30 other associations had filed a war crimes complaint with the Prosecutor of the International Criminal Court and had called on France to do likewise.

14. MRAP denounced the xenophobic and racist policy conducted by the Israeli Government, which tended to make the existence of a Palestinian State impossible. At the same time, in France, MRAP would continue to denounce any act or manifestation of anti-Semitism.

15. In the field, MRAP considered it necessary: for Gaza Strip border countries to allow free passage to any person seeking refuge who wished to leave the territory; for an immediate ceasefire to be declared; for an international commission of inquiry fully to investigate the international law violations committed in the Gaza Strip since the beginning of December 2008; and for humanitarian workers and representatives of non-governmental organizations and the press to be ensured safe access to the Gaza Strip. The time had come for the international community to fully and effectively ensure the Palestinian people's right to self-determination, and to implement the means provided under Chapter VII of the Charter of the United Nations for lifting the Gaza blockade, for fully restoring movement in or out of Gaza from Israel or Egypt, for putting an end to all Israeli offensives in the Occupied Palestinian Territories and for implementing the relevant Security Council resolutions.

16. **Ms. Polito** (Caritas Internationalis), in a joint statement with Dominicans for Justice and Peace, International Young Catholic Students and Pax Romana, expressed deep concern at the considerable number of Palestinians who had been killed or wounded and at the victims caused by the rockets Hamas continued to fire into Israel. Many more civilians would be killed if the hostilities continued.

17. Caritas Jerusalem reported that its humanitarian programmes and medical relief operations in Gaza had been seriously affected since the beginning of the bombings. Those conditions had made it dangerous for the organization, which provided primary health care to the Palestinian population in a medical centre, a mobile clinic and six medical posts, to carry out its work. The Israeli military operation was added to the growing humanitarian crisis in Gaza. The medical services in Gaza could not cope with the wounded and access to

the Caritas medical centre in Al Shati camp in Gaza City had been made difficult for most people because of the attacks. A three-hour ceasefire was merely a first step and it was vital to call for an immediate and permanent ceasefire in order to allow humanitarian relief into Gaza and to protect human life.

18. On behalf of the organizations she represented, she strongly condemned the human rights violations perpetrated by both parties to the conflict and called on the Council: (a) to urge the parties to declare an immediate and permanent ceasefire; to allow free access for humanitarian assistance, and to protect the lives of civilians and enforce international humanitarian law and international human rights law; (b) to urge the Israeli authorities, in accordance with the Fourth Geneva Convention, to end the indiscriminate collective punishment inflicted on the civilian population and immediately terminate the excessive use of force; (c) to urge Hamas to end its unlawful rocket attacks on civilians in Israel; (d) to urge the international community to use all its influence to ensure effective protection of civilian populations and facilitate all discussions leading to a just and durable solution to the conflict; and (e) to request relevant mechanisms of the Council to investigate and assess the human rights violations and the humanitarian situation.

19. **Ms. Brun** (Centre Europe – Tiers Monde), in a joint statement with the American Association of Jurists, the Alternative Information Center, the National Lawyers Guild and the Union juive française pour la paix, denounced the human rights violations that the Palestinians had been enduring for more than 60 years. Currently, the attacks targeting the Gaza Strip were part of a systematic and deliberate policy aimed at the mass destruction of civilian assets which deliberately disregarded obligations under general international law and humanitarian law.

20. All those acts constituted international crimes according to articles 7 and 8 of the Rome Statute of the International Criminal Court, in other words unlawful acts directed against a civilian population protected in times of war under the provisions of the Fourth Geneva Convention. The State of Israel was committing war crimes and crimes against humanity in all impunity, breaching international laws and obligations systematically and on a large scale. It was time to bring to justice, at the national and international levels, the perpetrators of the serious violations of international humanitarian law, war crimes and crimes against humanity, so as to discourage future violations, to help re-establish international peace and security and respect for the law and for human values, and to ensure that those responsible for such crimes could no longer enjoy impunity.

21. **Mr. Lonn** (International Youth and Student Movement for the United Nations) said that men and women the world over had been not only shocked by the barbarism of the Israeli aggression in Gaza, but also disappointed and despairing at the international community's inability to maintain a degree of humanity and to take effective action to put an end to the grave crimes committed by Israel. People wondered why double standards were practised, why some countries supported Israel and why the United Nations was unable to put an end to those crimes against humanity and bring peace and justice to the people of Palestine and the Middle East.

22. The Movement hoped that the current Special Session of the Human Rights Council would lead to a strong condemnation of Israel's actions in Gaza against the Palestinian people, and requested the Council to act to put an end to impunity and send a clear message regarding the consequences of such flagrant crimes and the undermining of the entire fabric of international law. The Movement called on all Member States of the United Nations as a matter of urgency to stop all forms of military collaboration with Israel so long as it continued its occupation of the Palestinian territories. It invited the Human Rights Council to request the parties to the Fourth Geneva Convention to meet urgently to consider effective means of ensuring full compliance with the Convention, in accordance with their responsibility. It also called on the Council to establish a commission of inquiry into the

war crimes and human rights violations perpetrated by Israel, in particular during the ongoing aggression against Gaza, and, on the basis of its findings, to make recommendations to the General Assembly on holding the leaders of the State of Israel accountable for their actions.

23. **Mr. Smith** (Cairo Institute for Human Rights Studies – CIHRS), speaking also on behalf of nine partner organizations from the Arab region, including Egypt, Lebanon, Saudi Arabia, Bahrain, Tunisia, Yemen, Morocco and Syria, expressed his deep concern regarding the ongoing humanitarian crisis and widespread use of disproportionate and indiscriminate force by Israel in the Gaza Strip, resulting in the unlawful killing of hundreds of civilians, including aid workers and United Nations staff. While neither the Israeli occupation forces nor the Palestinian armed groups had taken necessary precautions to prevent the loss of civilian life, the most recent attacks by Israel in the Gaza Strip demonstrated a total disregard for humanitarian and human rights standards.

24. The Human Rights Council must demand an immediate ceasefire and the withdrawal of the Israeli occupying forces from the Gaza Strip, and call for effective measures to ensure that both those forces and Hamas facilitate the entry and work of international relief workers and the full access of relief materials and equipment into the Gaza Strip. The Council should also establish a fact-finding mission to assess human rights and international humanitarian law violations; that mission should be empowered to consider the criminal responsibility of individuals who had committed war crimes and to submit any evidence it gathered to the International Criminal Court. CIHRS also called on the Council to urge the Security Council to send peacekeeping forces to the Occupied Palestinian Territories under Chapter VII of the Charter of the United Nations, with a mandate to: (a) provide international protection for the Palestinian people; (b) ensure that any resultant ceasefire was observed by all parties to the conflict; (c) help alleviate the serious humanitarian crisis; and (d) remain in place until all Israeli occupation forces had withdrawn to the 1967 borders of both the Gaza Strip and West Bank.

25. **Mr. Fernandez Puyana** (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos) said that Israel's armed actions in the Gaza Strip had led to a massive escalation of violence. Its armed response to the Hamas rocket attacks on southern Israel was completely disproportionate and a clear breach of the Fourth Geneva Convention, particularly article 33 which prohibited collective penalties.

26. He welcomed the adoption, on 8 January 2009, of Security Council resolution 1860 (2009), which called for an immediate and durable ceasefire in order to enable the delivery of humanitarian aid, the withdrawal of Israeli forces from Gaza and a settlement of the conflict through dialogue and peaceful means. If the current resolution was not implemented, the Human Rights Council should ask the United Nations General Assembly to implement its resolution 377 (V), adopted in November 1950. The Member States should also call on Israel to fully comply with its international obligations with respect to human rights and humanitarian law. The Human Rights Council for its part should set up a commission of inquiry to investigate effectively and impartially the human rights and humanitarian law violations being committed in the Gaza Strip. Lastly, the Council should adopt a consensus text calling for an immediate end to all Israeli military operations, and for reparations to the extent possible for the serious harm inflicted upon the civilian population, as well as for a settlement of the armed conflict through dialogue and peaceful means.

27. **Mr. Khouri** (Union of Arab Jurists), speaking also on behalf of the International Organization for the Elimination of All Forms of Racial Discrimination, the General Arab Women Federation, International Association of Democratic Lawyers, International Educational Development, Association of Humanitarian Lawyers, General Federation of Iraqi Women, Association of Arab Lawyers (UK), Monitoring Net of Human Rights in Iraq

and the Association of Iraqi Diplomats, said that at the same time as the Human Rights Council was meeting in special session, the Israeli war machine continued to kill Palestinian civilians and destroy civilian infrastructure in Gaza. The acts committed by Israel constituted war crimes, crimes against humanity and genocide according to international conventions. In fact, Israel had never complied with international humanitarian law principles, which prohibited weapons that caused unnecessary suffering, and which obliged armed forces to draw a clear distinction between civilians and combatants, and between civilian targets and military installations.

28. The attacks in Gaza could not be justified by the Hamas rocket attacks on Israel, since Israel had been occupying Palestine well before Hamas had even come into existence; it had also attacked Lebanon in 2006 before the rise to power of Hamas in Gaza, had flouted United Nations resolutions calling for its withdrawal from the Golan Heights, and more generally, had refused to implement any of the international resolutions adopted since 1967. The apartheid wall Israel had erected in the occupied territories was also a crime, which resulted in resistance on the part of Palestinians, who were merely exercising the legitimate right of all peoples living under occupation.

29. By providing Israel with information, financial resources and weapons, the major powers and Western governments were helping Israel, which was attempting to resolve the conflict through destruction and genocide, thereby hindering the achievement of peace and stability in the region. In that respect, he called attention to the fact that according to article 1 of the Fourth Geneva Convention, the High Contracting Parties undertook to respect and to ensure respect for that Convention in all circumstances. That article, like many other provisions of international law, was being seriously breached. Complying with international humanitarian law and human rights and strengthening peace and security in the area in accordance with the provisions of the Charter of the United Nations, meant bringing to justice at the national and international level all those responsible for those violations, without allowing any statutory limitation for the crimes committed.

30. **Ms. Boyle** (Franciscans International) said that she was deeply concerned about the escalation of violence, which had led to a humanitarian tragedy and completely disregarded the most basic principles of international humanitarian law. The Israeli military offensive had added further suffering to the civilian population in Gaza which was already enduring the blockade, thereby exacerbating the humanitarian situation even further.

31. Franciscans International called on the Human Rights Council to condemn the targeting of civilians by both sides and to urge Israel and the Hamas leadership to durably cease all hostilities and to fully respect the principles of international humanitarian law. In view of the humanitarian and human rights consequences of the current situation, Israel must be urged to allow full access to Gaza to humanitarian agencies, lift the blockade and cease all measures that amounted to collective punishment of the civilian population. The Council must also call on Israel to fully cooperate with the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and review, at its tenth session, the steps taken by the actors concerned to implement its recommendations.

32. **Ms. D'Aloisio** (Defence for Children International) said that her organization had estimated that at least 158 children had been killed in the Israeli military offensive since its onset on 27 December 2008, and United Nations agencies had reported even more fatalities. On 29 December 2008, an Israeli missile which had struck a mosque in Jabalia camp had killed five children, aged 4 to 17 years, who had been sleeping in an adjacent house. On 6 January 2009, the Israeli bombing of a United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) school, also in Jabalia camp, had killed 40 civilians, including 14 children. While the indiscriminate firing of rockets into Israel by

Palestinian militants was illegal and should be condemned, Israel's offensive was grossly disproportionate and clearly failed to distinguish between military and civilian targets.

33. It was difficult to see how the slaughter of more than 800 Palestinians, of whom nearly a quarter were children, and the blockade imposed on Gaza could make Israel or the Middle East safer. It was also difficult to understand why the international community was not taking action when Israel was deliberately creating a humanitarian disaster that aid agencies could no longer contain, and was bombing a locked-in territory where children made up 56 per cent of the population.

34. Consequently, Defence for Children International urged the Human Rights Council: (a) to issue recommendations for Israel to cease its military offensive immediately, allow the provision of urgent humanitarian assistance to Gaza, and lift its blockade of the Gaza Strip; (b) to dispatch a fact-finding mission to Israel and Gaza to investigate all incidents involving child fatalities during operation "Cast Lead"; and (c) to recommend that those found responsible for war crimes be brought to justice.

35. **Mr. Wavre** (World Organization against Torture – OMCT) said that his organization was deeply concerned about the military operations conducted since 27 December 2008 by the Israel Defense Forces (IDF) in densely populated areas of the Gaza Strip, which had reportedly caused the death of at least 842 Palestinians, including 175 children and 58 women, and left more than 3,000 injured. OMCT strongly condemned the disproportionate use of force by Israel, as well as other grave violations of both human rights and humanitarian law.

36. The blockade, which the Gaza Strip had been under since 2007 and which deprived its population of medical supplies, food and basic commodities such as fuel and electric power, could cause a further sharp increase in the death toll. OMCT called on the Israel Defense Forces (IDF) to ensure the unhindered movement of medical personnel and ambulances to carry out their duties. It was deeply concerned by the extensive damage sustained by the Gaza Community Mental Health Programme (GCMHP), whose centre had ceased operating as a result of the aerial bombing of a nearby police station. OMCT was also preoccupied by reports that some of the Palestinians detained by Israeli forces during attacks on Gaza had been transferred to Israel for interrogation. OMCT urged Israel to ensure that all detainees were held in strict accord with the relevant provisions of international humanitarian law and international human rights law, and recalled the absolute prohibition of torture and other forms of ill-treatment.

37. OMCT also called on Hamas and other Palestinian armed groups to stop firing rockets from densely populated areas and to cease indiscriminate rocket attacks against Israeli towns and villages, even if those actions could not be compared in magnitude or impact with the actions of the Israel Defense Forces (IDF).

38. **Mr. Neuer** (UN Watch) said that much of the current special session of the Council revolved around a fundamental misconception that was pervasive in the United Nations, the media, and influential circles of opinion the world over, namely that in the current war between Hamas and Israel, culpability was determined simply by counting the number of deaths and casualties on either side of the conflict. According to that logic, Israel had to be the guilty party since the number of victims was much higher on the Hamas side. That was certainly the implied argument of the draft resolution which would be submitted for adoption by the Council, where the tongue-in-cheek tone used to describe Israeli casualties sought to dismiss the suffering endured by Israelis under Hamas terror, with no less than 10,000 rockets being launched against Israel over the previous eight years.

39. In the diplomatic world, that argument was reflected in the frequently heard accusation that Israel was acting "disproportionately"; a simple message repeated so often that it seemed to have been accepted. It should be understood, however, that the numbers

comparison was not based on any provision of international law, state practice, precedent or rationale. The proportionality obligation under international law was completely different, requiring that a military operation be directed at a “legitimate military objective”, and that expected collateral damage to civilians not be excessive in relation to the military advantage anticipated.

40. No sovereign State represented in the Human Rights Council would tolerate an aggression like the one waged against Israel by Hamas, which was committing a two-fold war crime by deliberately targeting Israeli civilians while taking shelter behind the Palestinian population. Hamas had set up its headquarters in hospitals, hidden its weapons in mosques and was killing civilians. Its aim was to destroy a Member State of the United Nations, negating the very notion of international humanitarian law. Hamas and its backers bore full responsibility for the dead and wounded, and they alone had the power to put an end to the hostilities.

41. **Mr. Splinter** (Amnesty International) said that, despite the near unanimous adoption of Security Council resolution 1860 (2009), a human catastrophe was continuing to unfold in Gaza, where some 1.5 million civilians were trapped and where the number of casualties was mounting.

42. The Human Rights Council must demand that all parties to the current conflict immediately end all unlawful attacks against civilians and other serious violations of international human rights and humanitarian law. It must demand measures to relieve the suffering of civilians in Gaza and to put an end to the indiscriminate rocket attacks that endangered the lives of civilians in southern Israel. The Council must call on Israel to allow human rights and humanitarian workers and journalists immediate unfettered access to Gaza. Their presence was needed urgently to independently assess humanitarian needs and report on the situation there, including violations of international law.

43. There was increasing prima facie evidence of possible war crimes and crimes against humanity, which the Council could not ignore. It must call for an urgent, thorough and impartial investigation into the facts. Those who perpetrated war crimes, crimes against humanity and other serious violations of international law must be held to account. The Council must therefore ensure that the investigation was conducted by a body made up of independent experts of proven integrity, who were adequately resourced and prepared to go to the conflict zones as soon as security conditions permitted. War crimes and crimes against humanity could not remain unpunished, and the States must be prepared, as appropriate, to open criminal investigations and to prosecute before their own courts if there was sufficient evidence.

44. The Council must also insist on the immediate deployment in the area of international monitors, in charge of investigating and reporting on any ongoing abuses of human rights or international human law by any of the parties to the conflict. The Council must also undertake to take appropriate action in response to those reports.

45. The grave transgressions of human rights or international human law which were a conspicuous feature of the conflict must cease, and Amnesty International trusted that the Council would be able unanimously to adopt a draft resolution which included many of its recommendations. Any failure to achieve unanimity would tarnish the image of the Council itself, besides that of any States that voted against the adoption of the draft.

46. **Ms. de Rivero** (Human Rights Watch) said she was gravely concerned at the catastrophic proportions the humanitarian situation in Gaza had reached and at the particularly high number of casualties of the Cast Lead operation. She noted furthermore that Israeli forces had denied medics access to some of the wounded, causing more people to die, and that some medics had even come under attack.

47. Human Rights Watch was deeply concerned about attacks that might have caused indiscriminate or disproportionate loss of civilian life in violation of the laws of war. Most notably, the attack on 6 January 2009 near a United Nations school housing displaced persons had killed a reported 40 civilians. Israeli government statements about targeting any person affiliated with Hamas, as well as the attacks on police stations and ministry buildings, indicated that the Israel Defense Forces were not limiting their attacks to military targets as required by the laws of war. Hamas and perhaps other Palestinian armed groups had also violated the laws of war with deliberate or indiscriminate rocket attacks against population centres in Israel, which had killed three Israeli civilians and wounded at least 64.

48. The extensive 18-month blockade of Gaza by Israel, reinforced by Egypt at the Rafah border, had had a disastrous impact on the health and well-being of the civilian population. The closure of Gaza constituted the unlawful collective punishment of the civilian population there. Human Rights Watch called for both sides to take all necessary measures to protect the civilian population as required by the laws of war. In particular attacks must be made only against military targets, must distinguish at all times between civilians and combatants and must not be conducted when the expected civilian losses exceeded the anticipated military advantage.

49. Human Rights Watch urged the Human Rights Council: (a) to call upon Israel, Hamas and other Palestinian armed groups to abide by the laws of war, to take all feasible measures to avoid harm to civilians and to respect the prohibition against deliberate, indiscriminate and disproportionate attacks on civilians, including rocket attacks against Israeli population centres; (b) to call upon Israel to allow journalists and human rights monitors immediate access to Gaza; (c) to call upon Israel to take all necessary steps to ensure that the civilian population had access to sufficient food, medical care and other essential humanitarian goods and services; and (d) to call upon Israel to stop the use of white phosphorus in military operations conducted in densely populated areas.

50. **Ms. Madmony** (European Union of Jewish Students) said that she was a law student who lived in Sderot, a town in Israel that for eight years had been terrorized by ten thousand rockets fired against it from Gaza. On reading the draft resolution before the Council, she had wondered why all human beings did not have the same right to peace and security and why the United Nations had remained silent when the terrorists had committed countless violations of human rights and international humanitarian law. Were human rights for some but not for others?

51. The constant assault on Sderot had destroyed its inhabitants' ability to lead a normal life. The warning before each attack gave people only 15 seconds to run for shelter, 15 seconds that would decide life or death. Everyone suffered in Sderot; fathers and mothers were afraid to go to work; children were afraid to go to school; friends were afraid to visit and the streets lay empty.

52. And yet she still dreamed of peace, which would come when the rulers of Gaza chose humanity over hatred and stopped firing on the children of Sderot while hiding behind their own children. The inhabitants of Sderot refused to grant victory to the terrorists. They chose to live, united around their faith and their love for their country. Israel was trying its best to protect human rights and its population, and all those who loved life and desired peace should pray that they succeeded.

53. **Ms. Vukovic** (Permanent Assembly for Human Rights) condemned the serious violence inflicted on the civilian population of the Palestinian territory. The persecutions, the killings, the criminal blockade and the Israeli bombing targeting the Palestinians of the Gaza Strip undoubtedly showed contempt for life, for culture and for children, and constituted particularly grave violations of humanitarian law and human rights. The blockade of Gaza, apart from being a crime against peace, was aimed at maintaining the

unlawful occupation of territories that had been invaded in 1967 and deliberately creating a further obstacle to a political and humanitarian settlement of the conflict.

54. The Israeli Government must imperatively cease all further attacks on the civilian population, put an end to the blockade of Gaza and abide by its international commitments, in particular as an occupying power in the meaning of the Geneva Conventions.

55. The international community must arbitrate between the parties in order to ensure the return of its territory, including East Jerusalem, to the Palestinian people, and the prosecution of crimes committed in violation of international law. The United Nations for its part must intensify its efforts to put an end to the humanitarian crisis and to avert genocide.

56. **Mr. Pary** (Indian Movement Tupaj Amaru) noted that the Israeli occupying power had perpetrated a new crime against Palestinians in the Gaza Strip, to the indifference of the western States — with the European Union leading a double standards policy — and with the complicity of the United States of America. Under the pretext of fighting against terrorism, Israel had launched a cruel air and land attack on the Palestinians of Gaza, which had left more than 800 dead and 3,000 wounded and had destroyed facilities that were vital for the Gaza population. It had justified its barbaric aggression on the grounds of the need to defend itself against the home-made bombs of Hamas and because the mosques, schools and hospitals might conceal bombs and shelter Hamas fighters.

57. The population of that arid territory covering an area of 350 km², where one and a half million Palestinians were concentrated, was humiliated, martyred and condemned to live in a ghetto behind a total blockade. The humanitarian crisis of that situation brought about dramatic consequences for a population that was deprived of everything. Israel's State terrorism and racism constituted a violation of the most elementary rules and fundamental principles of modern international law.

58. The aim of Israel's war of aggression in Gaza was to destroy the ability to resist of Hamas and to overthrow the government democratically elected by the Palestinian people. It might be wondered in that respect why Israel, the European Union and the United States of America refused to recognize that the Government of the Gaza Strip was legitimate and representative and persisted in considering Hamas as a terrorist organization. Speaking on behalf of the European Union, the President of the Czech Republic had recently stated that Israel's action was defensive, and the authorities of the United States continued to veto the relevant resolutions of the Security Council, which had the effect of preventing an immediate and unconditional ceasefire. That allowed the Israeli Government, with the full support of the United States of America and the complicity of the European Union, to continue its war of aggression in total impunity, disregarding the many resolutions of the Security Council, such as resolution 1860 (2009) adopted on 8 January 2009. Israel similarly failed to take the resolutions of the Human Rights Council seriously.

59. The international community and the Human Rights Council must no longer tolerate the fact that an occupying power should try to exterminate a helpless people, whose only crime was to claim the right to its own land and territory and the right to live in dignity and peace. The Indian Movement Tupaj Amaru therefore urged the Human Rights Council and the Security Council to consider the possibility of establishing without delay an international tribunal for Israel to judge the military personnel and politicians involved in the crimes against humanity committed against the Palestinian people.

60. **Mr. Machon** (International Commission of Jurists) said that Palestinian civilians continued to pay the heaviest toll in the 17-day Israeli military operations, with 858 killed and over 3,500 wounded since the beginning of the attacks, many of whom were civilians, including women and children. Thirteen Israelis, including three civilians, had also been killed during the operations. The Israeli military operation and the Hamas rocket attacks

continued to inflict suffering on civilians on both sides in violation of Security Council resolution 1860 (2009). Ensuring respect for that resolution was essential to ending the hostilities by both sides.

61. Israel's attacks had been indiscriminate and disproportionate and it had failed in its legal obligation under international law to spare civilians and civilian infrastructure and to take care of the wounded. Violations of the prohibitions against indiscriminate and disproportionate attacks, such as the shelling of a United Nations school in Jabaliya, constituted crimes under international law. The International Commission of Jurists was also concerned that a substantial number of Palestinians from Gaza had been detained as "unlawful combatants" and illegally transferred for interrogation to Israel, where they faced incommunicado detention.

62. The International Commission of Jurists called for an immediate end to the Israeli military operations in Gaza, that had come in response to indiscriminate rocket attacks by Hamas on civilian targets in southern Israel. Hamas must also unconditionally stop those attacks, which should be condemned by the Human Rights Council.

63. Conclusion of an immediate and durable ceasefire was essential. In the interim, all parties must take effective measures to protect civilians and civilian infrastructure. Israel must end the siege of Gaza, open all its crossings to allow the access of humanitarian assistance, and provide effective and safe humanitarian corridors to allow essential supplies of food, water, medicines and fuel into Gaza.

64. In view of the gravity of the humanitarian and human rights situation, the International Commission of Jurists urged the Council: (a) to call on the parties to implement an immediate and durable ceasefire with a view to achieving a cessation of hostilities and a withdrawal of Israeli military forces from Gaza; (b) to establish a commission of inquiry, acting in conjunction with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and other Special Procedures of the Council, to conduct a fact-finding investigation on violations of international human rights and international humanitarian law by all parties and to make recommendations to the parties and to the Council. The Council should also request that those recommendations be forwarded to the Security Council for its consideration; (c) to call on Israel to ensure medical assistance to the sick and wounded and to allow journalists to enter Gaza; (d) to urge both parties to protect the right to life in the course of hostilities and prevent further violations of international law, hold those responsible accountable and provide their victims with remedies, including reparations; (e) to invite the Security Council to act immediately under chapter VII of the United Nations Charter to end the violence in Gaza and work for the conclusion of an immediate and durable ceasefire by both parties to the conflict. To that end, the Security Council should dispatch international observers to monitor compliance with the ceasefire; and (f) to condemn incidents such as the firing of rockets from Lebanon that could fuel the conflict and threaten the stability of the region.

65. **Mr. Nair** (Nord-Sud XXI) expressed his profound respect for the Palestinian people and their elected Government, who bravely asserted their legitimate right to self-determination. Nord-Sud equally condemned those who had contributed to the suffering of the Palestinian people for some sixty years and especially expressed its outrage at the unjustifiable and inhumanely intense violence perpetrated by the Government of Israel against Palestinians in Gaza.

66. According to international law, genocide was committed when a State or individuals killed or caused severe physical or mental suffering or deliberately created conditions of life leading to the destruction of a people in whole or in part. Genocidal intention certainly had to be proved. The current onslaught, which was part of an intentional effort made for

over half a century by the illegal occupier and its allies to destroy the Palestinian people, at least in part, could leave no doubt regarding Israel's genocidal intention against the latter.

67. The genocide of the Palestinian people must be stopped and those directly and indirectly responsible must be punished. While the ceasefire was the responsibility of the Security Council, the Human Rights Council and the General Assembly had the duty to investigate the grave breaches of individual rights in Gaza and to urge effective action to bring those responsible to justice. Nord-Sud therefore called on the Human Rights Council to make an express and urgent request to the General Assembly to invoke article 22 of the Charter of the United Nations to create a subsidiary body to ensure justice for the victims of Israel's war crimes in Gaza.

68. **Ms. Cramer** (Women's International Zionist Organization – WIZO) wondered where the Human Rights Council had been when almost 1 million citizens in southern Israel had been bombed with rockets and mortars during the week preceding the Israeli attack on Gaza, but also during the six-month Lull Agreement, when the same population had been subjected to hundreds, if not thousands, of mortar and rocket attacks, or even when non-governmental organizations had been trying to alleviate the fears under which thousands of Israeli children had been living for the previous eight years. For the Human Rights Council, were the lives of Israeli children worth less than those of Palestinian children?

69. She invited the representatives of the member States of the Council, before voting to condemn Israel's actions, to visit the day-care centre in Sderot run by WIZO to see how civil society in Israel protected the children and their families against constant rocket attacks. In Gaza, on the other hand, civil society, led by Hamas, was using children and women as human shields in order to protect buildings from Israeli air strikes. Rockets and mortar shells were fired at Israeli population centres from Palestinian residences, mosques or educational institutions. That calculated, cynical use of the civilian population was intended to offer Hamas terrorists a kind of immunity, since they were aware that Israel as much as possible avoided harming the civilian population, and to make it possible for Hamas to make political propaganda by representing Israel as a country that killed innocent civilians.

70. Using civilians as human shields was a war crime which breached the laws of armed conflict and a crime against humanity. The killing of women and children was obviously a crime, but rather than place the blame on those who were striving to protect human lives, would it not be preferable to hold the hostage takers accountable for the consequences of their action and the damage they caused?

Statement in exercise of the right of reply

71. **Mr. Khabbaz Hamoui** (Observer for the Syrian Arab Republic), whose country had been named by the Observer for Israel, said that the representative of a country that practised State terrorism against the Palestinians and deliberately killed children and civilians had no right to name anyone in statements before the Council.

72. Israel was conducting indiscriminate attacks which affected children, women and old people alike; it targeted buildings housing international organizations, ambulances and even a United Nations school where civilians, including women and children, had taken refuge. Thus Israel was once again committing war crimes and crimes against humanity, especially against the children of Gaza, who accounted for 40 per cent of the victims of the current war. And like every time it perpetrated a massacre, Israel uttered lies in order to escape sanctions, so that the accusations brought by that State's Observer were devoid of any credibility.

The meeting was suspended at 11.30 a.m. and resumed at 12.20 p.m.

Draft resolution entitled “The grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip” (A/HRC/S-9/L.1 and L.1/Rev.1 and 2, document in English only)

73. **Mr. Badr** (Egypt), presenting the revised version of the draft resolution containing the latest oral and written amendments (A/HRC/S-9/L.1/Rev.2, document in English only), said that most of the statements which had been made during the three meetings of the Council’s special session had expressed concern and even indignation at the situation in Gaza and the violations of international human rights law, international humanitarian law and the Geneva Conventions, which gave the Council a mandate to act. In view of the seriousness of the situation, the authors of the draft resolution had done their best, in the course of the ensuing consultations — in which all could participate — to take account of all the points of view expressed in order to arrive at a result as close to a consensus as possible. Since Israel’s rejection of Security Council resolution 1860 (2009), which had called for an immediate ceasefire, the massacre had continued and it was more important than ever for the international community, through the Human Rights Council, to send a clear message that it was time to stop the bloodbath and the human rights violations.

74. In response to requests by a number of member States, the draft resolution, in article 2, called in particular for the immediate cessation of Israeli military attacks that had resulted thus far in the killing of more than nine hundred and injury to more than four thousand Palestinians, including a large number of women and children, and the end to the launching of crude rockets against Israeli civilians, which had resulted in the loss of four civilian lives and some injuries. The draft resolution also called for the dispatch of an independent fact-finding mission to investigate current events and for the strengthening of the field presence of the Office of the United Nations High Commissioner for Human Rights for assessment and monitoring purposes, and requested the Secretary General to investigate the targeting of the facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA), including one school, that had resulted in the killing of tens of Palestinian civilians.

75. **The President** said that four other countries had joined the authors of the draft and that if the resolution was adopted it would have implications for the United Nations programme budget.

Implications for the United Nations programme budget

76. **Mr. Ward** (Office of the High Commissioner for Human Rights) said that, because the current special session was so short, the Office of the High Commissioner for Human Rights would not be able to draw up and submit a report on the administrative and financial implications of the draft resolution within the required 48-hour deadline. That being so, it could be noted that, on the one hand, the revised version of the draft resolution (A/HRC/S-9/L.1/Rev.2) called for activities for which the amount of resources required would need to be ascertained and that, on the other hand, no provision had been made under section 23 (Human Rights) or under any other section of the programme budget for the biennium 2008–2009. The adoption of the resolution would therefore probably require the provision of additional resources. The secretariat would carry out a detailed examination of the programme budget implications in due course and would submit a report to the General Assembly, at the time the Council’s resolution was considered, setting out the budget implications in detail.

General comments and explanations of vote before the vote

77. **Mr. Leshno-Yaar** (Observer for Israel), speaking on behalf of a country concerned, said he wished to address the Palestinian delegation directly before the Council voted. Recalling that the former Secretary-General of the United Nations, Kofi Annan, had

questioned whether the repeated passing of resolutions by the General Assembly and the holding of conferences and other forums condemning Israel's behaviour had proved really effective, he called on the Palestinian delegation to draw the lessons of sixty years of conflict and to realize finally that there could be no meaningful consensus without Israel.

78. The draft resolution the Council was about to adopt was not balanced and did not reflect the realities of the Gaza Strip, and did no service to the cause of peace or to the human suffering of Palestinians in Gaza. Such resolutions would only embolden Hamas, strengthen even further in the minds of Palestinians the illusion that the United Nations and its resolutions were the solution to their suffering, and weaken the trust of the Israeli public in the United Nations and the Human Rights Council.

79. Less than one month previously, the Quartet had reaffirmed its support for direct, bilateral, uninterrupted, confidential and ongoing Israeli-Palestinian negotiations, and the members of the Council should echo that support, since at the end of the day only such negotiations would bring the fulfilment of the Two State Vision.

80. **Mr. Khraishi** (Observer for Palestine), taking the floor as observer for one of the parties concerned, thanked all the States that had responded to the invitation of the Human Rights Council and all those that had joined in the effort to reach a consensus of the draft resolution.

81. The Palestinian delegation had adopted a flexible and positive attitude in the hope of arriving at a draft that was acceptable to everyone. But a mere expression of anxiety or concern was not appropriate when it was a question of murderous attacks on the Palestinian people in Gaza, of the fears of a whole population, of the denial of food, water, medicine and aid, of the destruction of housing and infrastructure and of the use of white phosphorus incendiary bombs. How could the mere expression of concern be enough when there were more than 4,000 wounded, including 500 with serious injuries, and more than 800 martyrs, half of whom were women and children and the other half mainly civilians who had not been involved in any act of war? In the circumstances, was it not better to ask the United Nations High Commissioner for Human Rights to draw up a report on the blatant violations of those rights in Palestine, and more specifically in Gaza? Did such a barbarous aggression not justify calling for the creation of a fact-finding mission to investigate the violations committed by Israel? And the principle alone of universal and indivisible rights should be sufficient to call for international protection for the Palestinian people.

82. The draft resolution was founded on the Charter of the United Nations, international human rights law, international humanitarian law and instruments concerning the protection of children and women in armed conflicts. All those instruments served as guides, but became meaningless if they were breached in letter and in spirit. For more than sixty years, the Palestinian people had shown determination and patience in its efforts to achieve its objective, which was to exercise its right to self-determination with the advent of an independent State with Jerusalem for its capital, and its right of return.

83. **Mr. Badr** (Egypt) said that the Council had not met to be taught lessons by Israel, which were more unwelcome than ever in the current circumstances. It was for Israel for once to listen to what the international community and the Human Rights Council were saying. Israel should remember the lesson of history, which was that peace and security could not result from the use of military force, or the deaths of women and children, or the usurpation of another people's territory, but only from justice. In the Millennium Declaration, which had been adopted in 2000, the whole international community had undertaken to protect peoples against genocide, war crimes, ethnic cleansing and crimes against humanity. Clearly Israel had not heard the message. The whole world agreed that international humanitarian law and the four Geneva Conventions applied to the Occupied Palestinian Territory, but once again Israel was turning a deaf ear. Yet it would be well

advised to change its attitude and to heed the advice of the international community, which urged it to stop acting in that way and to become committed to a real peace process.

84. **Mr. Grinius** (Canada) said that, while the Canadian delegation appreciated the Palestinian delegation's commitment to work towards a consensus resolution, the amended version of the text (A/HRC/S-9/L.1/Rev.2) still failed to recognize clearly that rocket fire on Israel had led to the current crisis. It also used unnecessarily inflammatory language. The Canadian delegation therefore requested a vote and announced that it would vote against the draft resolution.

85. **Mr. Schweppe** (Germany), speaking on behalf of the European Union, strongly deplored the large number of civilian victims in the Gaza Strip, which included women and children, and extended his warmest sympathy to their families. The European Union had welcomed the adoption of Security Council resolution 1860 (2009), which called for an immediate ceasefire between the belligerent forces in Gaza, and tangible steps towards intra-Palestinian reconciliation. The European Union reiterated its call for an immediate and permanent ceasefire and the revival of the peace process, as called for by the Annapolis Conference and pursuant to the relevant resolutions of the Security Council and the Quartet's roadmap. It called on the parties to avoid any acts that threatened the viability of an overall, just and durable settlement of the Israeli-Palestinian conflict.

86. The European Union was prepared, moreover, to increase its already substantial contribution towards the improvement of the humanitarian situation and would continue its efforts to send emergency aid to the Gaza population.

87. The European Union would have been prepared to co-sponsor the draft resolution if it had been more focused on the grave humanitarian situation currently prevailing in Gaza. It wished nevertheless to thank the Palestinian delegation for its sincere efforts to obtain a consensus on the text. It also welcomed the constructive discussions which had taken place within the framework of open unofficial consultations. The current special session would offer the Council the possibility of focusing on the human rights consequences of the current violence in Gaza and in Israel and considering the needs of the victims of the conflict. The European Union could, moreover, endorse some of the elements of the draft resolution, particularly the call to both parties to the conflict to respect the rules of international human rights law and international humanitarian law. Unfortunately, despite all the efforts made by the European Union, unlike Security Council resolution 1860 (2009) the draft resolution currently before the members of the Human Rights Council concerned only one aspect of the conflict. The European Union also regretted that some paragraphs of the draft contained legal terms that carried a very specific meaning, without any certainty that their use was fully justified in the circumstances. For those reasons, the member States of the European Union which were members of the Human Rights Council would abstain in the vote, while those which were not members were also in favour of abstaining.

88. **Mr. Martinelli** (Switzerland) said that his country deplored the catastrophic humanitarian situation in Gaza, which had led to so many deaths, so many injuries and so much suffering. Switzerland called on all the parties to respect their obligations arising from international law and condemned all violations of human rights and international humanitarian law.

89. The Swiss delegation commended the spirit of dialogue and opening shown by the Palestinian delegation, as the leading author of the draft resolution. Switzerland, which had supported the convening of the current special session and which had made a number of proposals for improving the text of the draft resolution, deeply regretted the fact that a last effort could not have been made by all the parties to arrive at adoption by consensus.

90. Switzerland was in favour of setting up an impartial investigating body. It had in fact launched an appeal to that effect at a previous meeting. It wished to insist on the need to

clarify all allegations of violations occurring in the course of the recent military operations in the Occupied Palestinian Territory, in Gaza in particular, and considered it therefore essential for the relevant monitoring, investigating and fact-finding mechanisms to examine all allegations of violations. For those reasons, the Swiss delegation would abstain in the vote on the draft resolution.

91. *At the request of the representative of Canada, a vote was taken on the draft resolution contained in document A/HRC/S-9/L.1/Rev.2.*

92. *For technical reasons, a roll-call vote was held.*

93. *The roll-call began with Nicaragua, whose name was drawn by lot by the President.*

In favour:

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Senegal, Uruguay, Saudi Arabia, South Africa, Zambia;

Against:

Canada;

Abstaining:

Bosnia-Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

94. *By 33 votes in favour, one against and 13 abstentions, the draft resolution contained in document A/HRC/S-9/L.1/Rev.2 was adopted.*

General comments and explanations of vote after the vote

95. **Mr. Ndimeni** (South Africa) said that his delegation had taken the decision not to make a statement at the commencement of the session, as it was unhappy with the original text, which had not reflected the gravity of the situation on the ground. His delegation understood the need for a consensus to ensure the full cooperation of the concerned parties, although such a consensus had been lacking for other resolutions adopted during previous special sessions of the Human Rights Council. Nevertheless, his delegation also understood realistically that not even one of those resolutions had been implemented by the concerned member State.

96. The South African Government's objective was to work towards the practical fulfilment and enjoyment of human rights by the Palestinian people, including their self-determination. That was why, since the start of the consultations, the South African delegation had conveyed the imperative need to have a comprehensive and balanced text, objectively reflecting the dire human rights and humanitarian situation of the Palestinian people. His delegation strongly supported mandating the respective Special Procedures mechanisms to report to the Council on the human rights situation in the Occupied Palestinian Territory and requesting the Secretary-General to investigate the latest targeting of UNRWA facilities in Gaza and to present a report to the General Assembly. It would have preferred, nevertheless, for the Council's text to deplore the impunity with which the Government of Israel had flouted the Geneva Conventions and their Additional Protocols, to reflect the human rights dimension of the conflict and to ensure that it was properly and fully addressed regardless of the development of a political settlement. Lastly, the South African delegation hoped that the resolution would be fully and effectively implemented with a view to alleviating the suffering of the Palestinian people as a matter of urgency and priority.

97. **Mr. Isomata** (Japan) said that his Government reiterated its deep concern at the deteriorating human rights and humanitarian situation in the Gaza Strip. Once again Japan strongly urged both Israel and the Palestinian militants to immediately halt the use of force and achieve a durable ceasefire, and it urged both parties to make their utmost efforts to allow progress on the peace process.

98. Regarding the resolution, the Japanese delegation approved the amendments that had been made, several of which were based on suggestions submitted by his delegation. However, it found it regrettable that generally speaking the resolution was not yet fully balanced. It also considered that it was important for the international community to speak with one voice, and that further efforts should have been made to that effect. For those two reasons, it has abstained in the voting. Japan would nevertheless continue to extend humanitarian assistance to the Palestinian people and to fully support the peace process.

99. **Mr. Loshchinin** (Russian Federation) said that his delegation had spared no effort to ensure that the draft resolution was more balanced, especially containing a mention of the need for all parties to respect international human rights law and international humanitarian law. While the Russian Federation's proposals for the title of resolution had been taken into account, other proposals for drawing up an unbiased draft had found no echo. In view of the gravity of the situation which had been created in the Gaza Strip as a result of Israeli operations, however, the Russian delegation had voted in favour of the draft resolution.

100. **Mr. Artucio Rodriguez** (Uruguay) said that his country had voted in favour of the draft resolution for the reasons given in the statement made at a previous session by the Chilean delegation on behalf of the Group of Latin American and Caribbean States. Uruguay considered that no lasting solution would be found so long as acts of mutual aggression were not halted, which was a necessary precondition to initiate peace negotiations in a climate respectful of international law, international humanitarian law and human rights.

101. Following the customary exchange of courtesies, **the President** declared the Meeting closed.

The meeting rose at 1.15 p.m.