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President: Mr. Costea(Romania)

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(*continued*)

Adoption of the report and closure of the session

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The meeting was called to order at 10.10 a.m.

Request by the Permanent Representative of the Syrian Arab Republic, as President of the Group of Arab States, and the Representative of Pakistan, as Coordinator of the Working Group on Human Rights and Humanitarian Questions of the Organization of the Islamic Conference, on behalf of 23 Member States of the Human Rights Council, to convene a special session of the Council on the subject of “Human rights violations emanating from Israeli military attacks and incursions in the occupied Palestinian Territory, particularly the incursions in the occupied Gaza strip and the town of Nablus in the West Bank” (continued) (A/HRC/S-6/1, A/HRC/S-6/L.1, A/HRC/S-6/G.1, A/HRC/S-6/NGO/1, A/HRC/S-6/NGO/2, A/HRC/S-6/NGO/3, A/HRC/S-6/NGO/4, A/HRC/S-6/NGO/5, A/HRC/S-6/NGO/6, A/HRC/S-6/NGO/7)

1. **Mr. Loulichki** (Observer for Morocco), associating himself with the statements made on behalf of the Group of African States, the Organization of the Islamic Conference (OIC), the Group of Arab States and the Movement of Non-Aligned Countries, said that Morocco had formally and strongly condemned the practice by Israel of collective punishment of the Palestinians in violation of international and humanitarian law. That policy was jeopardizing the progress made at the Annapolis Conference and the Paris Donors’ Conference for the Palestinian State and WAS creating further obstacles to settlement of the conflict in the Near East. Two days earlier the Ministers of Foreign Affairs of the Western Mediterranean countries had expressed their deep anxiety regarding the worsening of the situation in the Occupied Palestinian Territory.
2. Morocco stood side by side with the Palestinian people in calling on Israel to cease its military attacks, raise the siege of Gaza and comply with international law. It called for a final solution to the conflict, based in particular on the Security Council resolutions and the decisions of the Arab peace initiative.
3. **Mr. Jazairy** (Observer for Algeria), associating himself with the statements made on behalf of the Group of Arab States, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference, observed that the resolutions adopted by the Council at its two previous sessions, both of which had been devoted to Israel’s violations of the human rights of the Palestinian people, had still not been implemented. The Israeli policy of collective punishment – condemned by most countries, including the members of the European Union – and the siege of Gaza had brought about a fearsome humanitarian crisis. The population of the Gaza Strip was being held hostage; that was creating a dangerous and unacceptable precedent.
4. If, as recommended by some member States, the Council were to place the victims legitimately struggling for their rights on an equal footing with the aggressor who violated the rules and conventions in force, it would be committing an injustice and damaging its own credibility. Council members should therefore avoid all politicization and compel Israel to respect international law, and particularly all the relevant Council resolutions.
5. **Mr. Martínez Gondra** (Observer for Argentina) said that the Argentine Government was seriously concerned at the situation which had arisen in the Occupied Palestinian Territory, particularly in the Gaza Strip, following the closure of the borders, the suspension of fuel deliveries and the continual military attacks and incursions, which had caused scores of deaths among Palestinian civilians - some of them women and children. All those practices could in international humanitarian law be deemed collective punishments.
6. Argentina had noted that the Israeli authorities had recently taken steps to restore the supply of essential goods to the Gaza Strip to normal, but still considered the humanitarian

situation in the territory extremely precarious and strongly urged Israel to put an end to all its practices affecting the civilian population.

7. The Government of Argentina was convinced that the differences between the two communities involved, far from being an obstacle to integration, were a source of enrichment. It was continuing its diplomatic efforts to bring peace and security to the Middle East and urged the parties to begin a genuine dialogue. Argentina considered it essential for the draft resolution to be adopted by consensus in order to demonstrate the determination of the international community as a whole.

8. **Mr. Mohamed** (Observer for the Sudan) said that he supported the statements made by the representatives of Egypt on behalf of the Group of African States, of the Syrian Arab Republic on behalf of the Group of Arab States and the Organization of the Islamic Conference and of Cuba on behalf of the Movement of Non-Aligned Countries. In the light of the statistics presented by the High Commissioner for Human Rights showing the deterioration of the human rights situation in the occupied Arab territories, the Sudan categorically condemned the Israeli practices, which were strictly prohibited under international law. Since the underlying cause of all the violations committed in those territories was the occupation, the Council, whose task it was to safeguard human rights, must adopt resolutions specifically stating that the first requirement for the cessation of the violations was the end of the occupation, that being the principal cause of the current situation.

9. Lastly, in view of the atrocious attacks being launched by Israel with the most sophisticated tools of destruction in the world and of Israel's practice of collective punishment and murder, the Council must establish the mechanisms required to monitor the implementation of its decisions and adopt a clear, precise and binding plan for the purpose.

10. **Mr. Eshragh Jahromi** (Observer for the Islamic Republic of Iran), associating himself with the statements made by the Syrian Arab Republic on behalf of the Organization of the Islamic Conference and Cuba on behalf of the Movement of Non-Aligned Countries, said that it was to be regretted that the inhuman siege policy followed in the Gaza Strip and the cutting off of basic supplies such as fuel and electricity had worsened still further a situation which was liable to develop into a humanitarian tragedy. The Islamic Republic of Iran firmly condemned the recent Israeli attacks and incursions and had already proposed that the Ministers of Foreign Affairs of the Organization for the Islamic Conference should hold a special meeting in order to take the necessary measures.

11. The Iranian delegation regretted that the resolutions on the practices of the Israeli regime adopted so far by the Council had remained without effect and that Israel was continuing to act with complete impunity. He urged the international community and the Council to take the necessary steps to put an immediate end to the continuance of the occupation, aggression and human rights violations being committed by the Israeli regime.

12. **Mr. Labidi** (Observer for Tunisia), concurring with the statements made on behalf of the Group of Arab States, the OIC and the Group of Non-Aligned Countries said that Tunisia was deeply concerned at the human rights situation in Gaza, which was on the point of developing into a humanitarian catastrophe. The organizations and institutions in the region had warned of the seriousness of the situation and called for an end to the crisis.

13. The Tunisian delegation was opposed to all forms of argument based on force and to Israel's arbitrary practices. It reiterated the many appeals which the President of Tunisia had addressed to the international community calling on it to extend its protection to the people of Palestine and end their sufferings. It was to be hoped that the draft resolution would be adopted by consensus.

14. **Mr. Al-Adoofi** (Observer for Yemen) associated himself with the statements made by the Syrian and Cuban delegations. He condemned the attacks, the siege of Gaza and the policy of collective punishment being pursued by Israel's bloodthirsty military machine. The only response of the international community to the sufferings of the Palestinian people in the Gaza Strip, The West Bank and Israeli prisons had been one of silence. The Yemeni delegation was astonished to hear some members recommending equality of treatment of adversaries, whereas the problem was one of restoring their legitimate rights to the Palestinian people.

15. The Council's earlier resolutions had had no effect. The Yemeni delegation therefore urged its members to assume their responsibilities, protect the Palestinian people and, eschewing policies comprising double standards, insist that Israel raise the siege of Gaza.

16. **Mr. Ba** (Observer for the Organization of the Islamic Conference), speaking on behalf of the Secretary-General of that organization, welcomed the appeal of the High Commissioner for urgent action to ensure respect for human rights in the region independently of developments in the process of political settlement of the Palestinian crisis.

17. The Secretary-General of the Organization of the Islamic Conference had condemned in the strongest terms the raids against Palestinian civilians by Israel in the Gaza Strip. By those raids the occupying Power was punishing the Palestinian people for choosing its leaders at the conclusion of a democratic process the legality and regularity of which had been universally recognized.

18. It was the duty of the Council firmly to remind the Israeli authorities that they must make up their minds to show more responsibility and restraint and greater respect for their international commitments and the agreements concluded with the Palestinians.

19. **Mr. Benomran** (Observer for the Libyan Arab Jamahiriya) said that, by tightening the noose around Gaza, stepping up its policy of repression and privation and committing collective murder on an ever-increasing scale, spurning human values and flouting conventions and agreements entered into, the occupying Power was likely to provoke a humanitarian catastrophe. The Council, whose primary aim was to establish justice and to ensure respect for human rights while avoiding all politicization and partiality, was faced with a real challenge – that of taking courageous decisions clearly condemning the practices of the occupying Power and compelling it to end them; if it failed to do so it would lose all credibility.

20. **Mr. Choe Myong Nam** (People's Democratic Republic of Korea), associating his delegation with the statements made by Cuba on behalf of the Movement of Non-Aligned States and by Pakistan on behalf of the Organization of the Islamic Conference, strongly condemned the recent military attacks and incursions by Israel in the Gaza Strip. Those attacks and incursions were only one example of the many violations of human rights systematically committed by Israel in the occupied territories. His delegation considered that those violations must stop and that the perpetrators of those crimes should be brought to justice. It unreservedly supported the draft resolution submitted jointly by the Organization of the Islamic Conference and the Group of Arab States.

21. **Ms. Mint Abdellah** (Observer for Mauretania), endorsing the statements of the Syrian Arab Republic, Egypt and Cuba, said that the escalation of tension resulting from the continuing siege of the Gaza Strip and the Israeli raids was not conducive to the achievement of stability in the region and ran counter to the commitments entered into at the Annapolis Conference.

22. Mauretania called on Israel to abandon its policy of collective punishment forthwith and to raise the siege of the Gaza Strip. In view of the deteriorating situation in the Occupied Palestinian Territory she urged the Council fully to assume its responsibilities.

23. **Ms. Ugdul** (Turkey) stated that a stable two-State solution elaborated in accordance with United Nations Security Council resolutions should be achieved as quickly as possible. The Annapolis Conference had revived the negotiations following a seven-year interruption, and the Paris Donors' Conference had begun the process of preparing the institutional and economic infrastructure of the Palestinian State to be created. However, according to independent sources, an alarming humanitarian situation had developed in Gaza as a result of restrictive measures imposed by Israel. The Israeli military operations, the closing of the Gaza-Israel border and the tightening of the restrictions, which were in fact a collective punishment, could undermine the negotiation process begun in Annapolis. Turkey called for restraint and demanded an immediate end to both the firing of rockets into Israel and Israeli military operations.

24. **Mr. Árnason** (Observer for Iceland) said that his country was gravely concerned at the surge in violence and other developments in Gaza, which posed a serious threat to the peace process and undermined the efforts of the international community to arrive at a lasting settlement of the conflict. While Israel had a legitimate right of self-defence, the measures it took must be proportionate and comply with international humanitarian law. Iceland called for an immediate cessation by both sides of the use of force, including the cessation of the firing of rockets into Israeli territory; both parties must respect international humanitarian law and show restraint so as not to exacerbate the situation.

25. The situation in Gaza had worsened significantly following the border closures and the restrictions on the movement of persons and essential goods such as fuel and electricity. To improve the humanitarian situation Israel must rescind those measures without delay. The parties concerned must spare no effort to move the peace process forward and refrain from the use of force and continuation of the establishment of settlements in the Occupied Palestinian Territory, including East Jerusalem. Iceland also called on regional and international partners to work for a peaceful and lasting solution to the Israeli-Palestinian issue and peace in the Middle East as a whole.

26. In conclusion, Iceland welcomed the start of negotiations between Israel and Palestinian officials following the Annapolis Conference; they were essential for the restoration of the trust without which lasting peace was impossible. Iceland also continued to support the creation of an independent, democratic, contiguous and viable Palestinian State in the West Bank and Gaza living at peace with its neighbours.

27. **Mr. Ghaffor Mohamed** (Observer for the Maldives), associating his delegation with the statements made on behalf of the Movement of Non-Aligned States and the Organization of the Islamic Conference, said that the Maldives had always strongly supported the right of the Palestinian people to an independent homeland in which they could live in peace and prosperity and enjoy human rights and universal fundamental freedoms to the full.

28. For that dream to be realized the international community must intensify its efforts to work with all sides in the Middle East to establish a just and lasting peace based on the establishment of a viable, sovereign and independent Palestinian State. In the meantime the Maldives called upon all the parties concerned to respect international human rights law and to refrain from any action which might threaten the lives and rights of the civilian population.

29. **Mr. Salazar Pineda** (Observer for the Bolivarian Republic of Venezuela) said that he was fully in agreement with the statement of the representative of Cuba on behalf of the Movement of Non-Aligned States. Venezuela deplored the clear violations of human rights

and international humanitarian law committed by Israel in the Occupied Palestinian Territory. It condemned in the strongest possible terms the inhuman conditions to which the Palestinian people were being subjected as a result of the military operations being conducted by Israel in Gaza. International humanitarian law required all parties to make a clear distinction between civilian zones and military objectives; that requirement remained valid even when Israel was responding to attacks and regardless of the designation it attached to them. If a just and lasting peace and the development and well-being of peoples were to be attained the Israeli blockade must be lifted, for it constituted a collective punishment and was compromising efforts to bring about peace. Venezuela was convinced that the commitments accepted by the parties should enable a settlement to be reached before the end of 2008.

30. The Council had held three sessions on account of clear violations of human rights in the Palestinian occupied territory; but Israel was refusing to cooperate and was not respecting the Council's resolutions and decisions. The Council and the United Nations must therefore send clear signals of their commitment to peace and condemn human rights violations. In conclusion, in accordance with positions it had often defended at international meetings, Venezuela supported the inalienable right of the Palestinian people to self-determination and sovereignty in an independent Palestinian State with the boundaries established in 1967.

31. **Mr. Marafi** (Observer for Kuwait), associating his delegation with the statement made by the representative of the Syrian Arab Republic on behalf of the Group of Arab States, said that once again the Council was holding a special session to consider the grave violations of human rights perpetrated by Israel in the Occupied Palestinian Territory, and especially the asphyxiating blockade imposed on the Gaza Strip. If the credibility and prestige of the Council were to be upheld, it was of the utmost importance that its decisions should be implemented; the Council must therefore take immediate and direct action to execute its mandate.

32. The situation in the Palestinian territory demanded action by the Council to end the grave violations of human rights, guarantee the protection of the civilian population and enable humanitarian organizations to bring in the aid urgently needed to avert a humanitarian catastrophe. The Kuwaiti delegation was deeply concerned by the practices of the occupation authorities and urged the Council to end the restrictions those authorities were imposing in the Occupied Palestinian Territory. It called upon the Council, the Office of the High Commissioner for Human Rights and the international community to assume their legal and moral responsibilities to speed up implementation of the relevant decisions and support efforts to bring the peace process to a satisfactory conclusion and guarantee stability in the region as a whole. It also called on Israel to act without further delay to comply with its obligations under international humanitarian law and international law and to cooperate immediately with United Nations bodies.

33. **Mr. Al-Mahri** (Observer for the United Arab Emirates), concurring with the statements made by the representative of Cuba on behalf of the Movement of Non-Aligned States and the representative of Pakistan on behalf of the Organization of the Islamic Conference, also associated himself with the delegations seeking peace, freedom and justice and strongly condemning Israeli aggression against Gaza and Nablus and other towns in occupied Palestine.

32. The collective punishments being inflicted on over 1.5 million persons in Gaza and the West Bank, the murders, the acts of destruction and the starvation of the population were revolting crimes in international law and flagrant violations of the basic principles of international humanitarian law. The international community, as represented by the Council, had a duty not only to condemn those crimes but also to remind Israel that the problems in the region derived from the military occupation of Palestinian territory, the

continuing establishment of settlements and acts of destruction extending over decades. The situation in Gaza and the West Bank was extremely serious and must be dealt with as speedily as possible. Measures must be taken to end the unjust siege of Gaza and to authorize the supply of humanitarian aid to the population. The Council must condemn in the strongest terms the repeated violations committed by the occupation authorities so as to protect Palestinian civilians against Israeli aggression. In that connection his delegation pointed out that the only solution was for the occupying Power to respect international legitimacy and abandon its policies of aggression, which systematically derailed all attempts to settle the conflict.

35. **Ms. Thompson Chacón** (Observer for Costa Rica) deplored the alarming situation in the occupied territories of Gaza and Nablus and the violations of human rights and international humanitarian law being committed there. The United Nations, and particularly the Human Rights Council, must send a clear signal to all the parties, requiring them to assume their responsibilities, respect their international obligations and ensure the protection of human rights and respect for international humanitarian law in the region.

36. Costa Rica was extremely concerned at the lamentable consequences of the deprivation of food and basic medicines, border closures and electric power cuts for the civilian population. The restrictions imposed by Israel on the civilian population in the Gaza Strip were disproportionate, unjustified and contrary to international law. As a subject of international law and a State Member of the United Nations, Israel must permanently guarantee the supply of the goods and services necessary for the civilian population as well as freedom of movement, which could be restricted only on a proportionate and exceptional basis. It should also guarantee respect for the economic, social and cultural rights of the Palestinian population, which had been jeopardized by the economic isolation imposed on the Gaza Strip by Israel.

37. That being said, Costa Rica also regretted the indiscriminate attacks against Israeli territory and urged the Palestinian Government to control the persons or groups using its territory for those attacks, which affected the civilian population in Israel and were equally deserving of condemnation. Costa Rica hoped that the Council would reach by consensus a decision which would ensure the protection without distinction of all civilians affected by the conflict and prevent all collective punishments and suffering. The current crisis was compromising the possibility of finding a negotiated solution to the conflict and achieving peace in the region. Costa Rica once again expressed the hope that a peaceful solution would finally be found.

38. **Ms. Riachi Assaker** (Observer for Lebanon), endorsing the statements made on behalf of the Group of Arab States, the Organization of the Islamic Conference and the Group of Non-Aligned Countries on the subject of the flagrant violations of human rights in the Occupied Palestinian Territory resulting from the Israeli incursions and the blockade of the territory, said that the military escalation in the Occupied Palestinian Territory, particularly in Gaza, the Israeli blockade, the closure of roads and border crossing points and the starvation of the population were flagrant violations of the human rights of the Palestinian people. The Lebanese Government condemned those practices, which could not be justified by any political considerations, and demanded their cessation. Once again, Israel had shown that its aim was to break the determination of the Palestinian peoples, who rejected the occupation and demanded respect for their legitimate right to an independent State and a decent life. Violence bred violence, and one might wonder why those crimes were still being committed precisely at a time when the Annapolis Conference should have raised hopes. The Lebanese Government therefore called on the international community immediately to take the measures necessary to end that aggression and prevent recourse to those practices in future.

39. **Ms. Millar** (Observer for Australia) said that Australia strongly supported the Middle East peace process and welcomed the opening of bilateral negotiations between the Israeli Prime Minister and the Palestinian President in November 2007. Australia did not underestimate the difficulties but was encouraged by the commitment of the two sides to move forward, and urged them to continue their efforts in 2008 and not let recent events threaten the progress made.

40. Against that background Australia was concerned at the Council's decision to hold yet another session on the Palestine question, which would contribute nothing to the progress of negotiations on the ground. The international community must assist the parties to find a peaceful and just solution. Australia called on all concerned to make every effort to end the violence which was affecting the civilian population in both Israel and the Palestinian territories. It remained concerned at the humanitarian situation of the Palestinian people, particularly in Gaza, and had announced in December 2007 that in 2008 it would double its aid to the Palestinian territories.

41. Australia encouraged the Council to promote and protect human rights in a balanced and even-handed way; the singling out of one side only for blame in a complex situation served no purpose. The Council had devoted four of the six special sessions convened since its establishment to the situation in the Middle East. Australia considered that that excessive focus on one region demonstrated a lack of balance on the part of the Council, whose credibility would ultimately depend on its ability to act on a broad range of pressing situations. Australia hoped that a peaceful solution based on dialogue and negotiation would be found to the current conflict and urged all sides to support Israel and the Palestinian Authority under President Abbas in their efforts to reach a peaceful settlement which would meet the aspirations of both the Palestinian and Israeli peoples.

42. **Ms. Pérez Gómez** (Observer for Colombia) said that her country supported all the efforts being made to establish a peace process, and particularly the progress made in the context of the Annapolis Conference and the Paris Donors' Conference towards the emergence of a Palestinian State. The civilian population should not be subjected to violence. It was of the utmost importance that the principles of international humanitarian law should be respected in practice. .

44. **Mr. Holguín** (Observer for Ecuador) announced with regret the death of a young Ecuadorian on 15 January 2008. The young man, who had been a volunteer in an Israeli kibbutz near the Gaza Strip, had been killed by a stray bullet during an exchange of gunfire while going peacefully about his normal activities. That regrettable event, which had plunged Ecuadorian society into mourning, showed that violent death was no respecter of nationality. An end to the violence had to be found, for the loss of human lives due to blind and irrational acts of violence was unacceptable.

44. The Council must be the guarantor and protector of all human rights – and particularly the right to life – and of all human beings without distinction on grounds of origin, religious belief or nationality. Ecuador therefore called on all the parties to the conflict to abandon violence and hostilities and follow the paths of dialogue and reconciliation in order to arrive at a peaceful settlement and allow the peoples of the region to live in peace, harmony and respect for one another.

45. **Ms. Angell-Hansen** (Observer for Norway) stated that Norway condemned the rocket attacks on Israel and recognized Israel's right to defend itself and protect its population. However, Norway strongly urged Israel to show restraint and refrain from any actions which might constitute violations of human rights law and international humanitarian law. She called on all the parties concerned to end the violence in the region. The measures taken by the Israeli authorities to punish the entire population of the Gaza Strip for the actions of militant groups were unacceptable, and in any case

counterproductive, since the armed groups were still receiving funding and weapons. The Israeli siege of the Gaza Strip was destroying the economy, society and the community in the territory. Norway had strongly urged the Israeli authorities to resume fuel supplies and reopen its borders for the passage of humanitarian and commercial supplies. It was convinced that peace could only be achieved through the credible political process, initiated at Annapolis and embracing Gaza and the entire Palestinian population.

46. **Mr. Martabit** (Observer for Chile) understood the reasons behind the referral to the Council and expressed deep concern at the events in the Gaza Strip. He urged the parties strictly to comply with the standards and principles of international law, and particularly human rights law and international humanitarian law. While recognizing that the Israeli population, like the population of the Occupied Palestinian Territory, had a legitimate right to live in security, Chile condemned all disproportionate reprisals, both collective and targeted, since they only exacerbated the deplorable humanitarian situation of the Palestinian population and were both incomprehensible and counterproductive.

47. Chile called on the parties to renounce the threat and use of force and urged them to comply with the resolutions of United Nations bodies and particularly the resolutions of the Council on the human rights situation in the Occupied Palestinian Territory.

48. **Mr. Alfaragi** (Observer for the League of Arab States), fully supporting the statement made on behalf of the Group of Arab States, said that he was appalled by the Israeli acts of aggression in the Gaza Strip and the West Bank, which were contrary to the Geneva Conventions and international law. Israel justified its military operations by referring to the firing of rockets from Gaza; but it was itself flouting the laws of war prohibiting the premeditated murder of civilians and was turning Gaza into a prison with 1.5 million inmates. In actual fact it wanted to keep the Palestinian territories, deport the population and prevent the creation of a Palestinian State. Every time it was criticized it threw the blame on a handful of Palestinians, whereas it had created illegal settlements, murdered Palestinian civilian leaders and was occupying Palestinian territory in breach of the agreements signed by the Palestinian Authority in Oslo, Madrid and finally Annapolis. The League of Arab States therefore requested the Council strongly to condemn the Israeli violations and to support the Palestinian peoples to enable them to enjoy the rights guaranteed by the Universal Declaration of Human Rights.

49. **Mr. Pabari** (Nord Sud XXI) said that the violence occurring in Palestine and Israel was due to the illegal occupation of territories by Israel and that the only solution was to end the occupation in compliance with international law. It was totally unacceptable that Israel should deprive the Palestinian people of their sources of energy and of sovereignty over the country's natural resources and subject them to continual violations of their most fundamental human rights. Israel must be compelled to end those practices. Nord Sud XXI pleaded with the States present to take effective action and again demanded that Israel respect its obligations under international law in order to bring to an end 60 years of Palestinian suffering.

50. **Mr. Littman** (World Federation for Progressive Judaism) expressed the hope that the day of commemoration of the victims of the Shoah would be attended by as many representatives as the sixth special session of the Council. To understand the self-inflicted Palestinian tragedy in the Gaza Strip, one had to turn to the provisions of the genocidal charter of Hamas, and particularly article 13, which stated that peace initiatives and international conferences were contrary to the principles of the Islamic Resistance Movement and jihad was the only solution to the Palestinian problem. That racist, judeophobic and Nazi-inspired charter quoted Hassan-al-Banna, the founder of the Muslim Brotherhood, as stating that "Israel will exist ... until Islam will obliterate it just as it obliterated others before it."

51. **The President** interrupted the speaker and requested him to confine his remarks to the matter under consideration.

52. **Mr. Littman** (World Federation for Progressive Judaism) concluded with the observation that there was a general malaise due to the feeling that “something is rotten in the State of ... the Council”.

53. **Mr. Cahn** (Centre on Housing Rights and Evictions (COHRE)) observed that the Israeli authorities had been restricting movements of persons and goods between the Gaza Strip and the rest of the world since June 2007. On 18 January 2008 Israel closed all border crossings. That blockade, imposed with the support or complicity of other governments and agencies, was endangering the health of the population, since it deprived Gaza of material needed for the maintenance of water supply and sewage services. In addition, wells and sewage treatment plant were unable to operate for lack of fuel and the Gaza electric power station could only operate at part capacity. As a result, since December 2007 some 250,000 people had no running water and 1.5 million persons were deprived of electricity, sometimes for as much as eight hours a day.

54. Israel was imposing the blockade and sanctions because of threats to its security. But that did not justify the deprivation of the people of Gaza of their fundamental rights; moreover, those measures were not necessary for Israel's protection. The Centre urged the Government of Israel to lift the blockade immediately and allow the free flow of essential goods between Gaza and the rest of the world.

55. **Ms. De Rivero** (Human Rights Watch) said that, notwithstanding the withdrawal of its military forces and its settlers in 2005, Israel remained an occupying Power in international law. Admittedly, Israel had to protect its population from rocket attacks, but it also had to guarantee the safety and well-being of the Gazan population under its occupation. The fact that the inhabitants in their thousands had forced their way through the Rafah border crossing changed nothing in Israel's legal obligations towards them.

56. The severe restrictions placed by Israel on the movement of goods and people in and out of Gaza were a form of collective punishment of the civilian population and violated international humanitarian law. The restrictions on fuel deliveries, which had led to electricity rationing, were also a collective punishment and were exacerbating the humanitarian crisis.

57. Palestinian armed groups were also continuing to flout international humanitarian law by firing rockets, which had wounded at least 82 Israeli civilians during the previous six months. Human Rights Watch reminded all the parties to the conflict that they must distinguish between combatants and civilians and take every precaution to protect the latter.

58. The Council should request the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health urgently to assess the health system in Gaza and the impact of the closure of the borders on the health of the civilian population. It should urge Israel to cease all measures amounting to collective punishment and immediately lift all restrictions on the movement of individuals, medicines, food and other essential supplies. Israel should report to the March session of the Council on the measures it had taken to implement those requests.

59. The Council should also urge Hamas to use its authority to compel the Palestinian armed groups to cease firing rockets into Israel. It should also request Egypt to keep the Rafah border crossing open so as not to exacerbate the humanitarian crisis and at the same time to ensure that arms and other military material that Palestinian armed groups might use against civilians were not allowed to pass.

60. **Mr. Al Sourani** (Palestinian Centre for Human Rights and International Federation for Human Rights) quoted several examples of attacks on civilians killed during Israeli

military operations and violations of human rights committed by Israel in the occupied territories. Referring to recent events, he failed to understand how anyone could contemplate stopping the provision of fuel, health care for the sick, water and basic foodstuffs in the Gaza Strip, and how the population could survive in those conditions. Politicization and selective application of human rights was the most dangerous possible development in that sphere. Nothing could legitimize the war crimes systematically committed by the Israeli armed forces against Palestinian civilians in the occupied territories. He called on the States present, and particularly the members of the European Union, to respect the obligation to protect the Palestinian civilian population incumbent on them under article 1 of the Fourth Geneva Convention.

61. **Ms. Torre** (International Youth and Student Movement for the United Nations (ISMUN), also speaking on behalf of the Women's International League for Peace and Freedom (WILPF), Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), the International League for the Rights and Liberation of Peoples (LIDLIP) and the European Third World Centre (CETIM)), welcomed the convening of the current special session of the Human Rights Council, since the ongoing atrocities against the Palestinian people called for effective action.

62. Recently the Palestinians had begun to hope for a more peaceful future. However, that hope had been dashed by the Israeli military attacks and the criminal siege, which was causing immense suffering to the civilian population of Gaza. Once again Israel was openly demonstrating its contempt for the United Nations Charter, international human rights standards and the core principles of international humanitarian law and was being encouraged in that attitude by the support it had received from the international community in recent years. The entire population of the Gaza Strip and the West Bank was a victim of collective punishment by Israel; its sufferings were being further aggravated by international sanctions targeting, not the occupier and aggressor, but Palestinian institutions.

63. However, people throughout the world were expressing their solidarity with the Palestinian people and demanding effective action by governments and international organizations, especially the United Nations. The Human Rights Council must therefore remain seized of the question and offer the Palestinian people the international support it desperately needed.

64. **Ismun** called on all States Members of the United Nations, and particularly the European Union countries, to bring pressure to bear, individually and collectively, on Israel and to withhold support of its occupation policy. The Human Rights Council should recommend that the States parties to the Fourth Geneva Convention should meet to examine the grave violations of international humanitarian law committed by Israel.

66. **Mr. Netter** (B'nai Brith International) observed that certain members of the Council had once again taken advantage of their automatic majority to convene yet another special session for the sole purpose of adding one more resolution to the pile designed to place Israel in the pillory of the international community. The draft resolution before the Council ignored Article 51 of the United Nations Charter, which gave each State the right of self-defence. Israel was exercising that right in response to the attacks against the civilian population which had been going on for seven years; a mortar shell or rocket was fired every hour. If the authors of the proposed resolution really had the restoration of peace and the ending of the humanitarian crisis in the Gaza Strip at heart, they would have mentioned those attacks and recognized that the crisis could not be resolved for as long as they continued. If the Council continued to allow itself to be manipulated into an anti-Israel stance, even as peace negotiations were being resumed after a lapse of seven years, it would suffer the same destiny as its discredited predecessor.

66. **Mr. Neuer** (UN Watch) said that the draft resolution before the Council was a classic case of projection – a phenomenon known in psychology as the attributing of one’s own malicious impulses to others. It was in fact Palestinian terrorist groups which were firing rockets at innocent civilians in Israel. It was they who were launching attacks from populated areas, using their fellow-Palestinians as human shields. It was they who rejected any distinction between civilians and combatants.

67. Israel, like the rest of the civilized world, was doing the opposite. In accordance with international law, it was defending its population against those attacks. For Israel, a civilian casualty was an unintended tragedy; for Hamas it was a cause for celebration.

68. The countries which had convened the current session in order to accuse Israel of violating international humanitarian law were in fact those which flouted that law in both word and deed. Those countries included the Syrian Arab Republic, Saudi Arabia and Pakistan, all of which had been designated as “not free” in the annual survey published by Freedom House. There was also Cuba, which had just held elections with a single candidate. Those countries could not present themselves as arbiters of human rights.

69. The outcome of the session was fixed from the start, since its sponsors were assured of their automatic majority, whatever resolution they proposed. The real question was whether civilization could survive once its fundamental values came under attack in so august a forum as the Human Rights Council. All those who genuinely wished for peace in the Middle East, the survival of civilization and the credibility of the United Nations would vote against the draft resolution.

70. **Mr. Khouri** (Union of Arab Jurists) said that the siege endured for over 8 years by the innocent victims in the Gaza Strip was both a war crime and a crime against humanity. Israel invoked its right of self-defence; but that was only a pretext, for at no time had it raised the siege, stopped the building of the Wall or halted the installation of settlers, even when the Palestinians had suspended their rocket attacks. Israel could ensure its own security only by ensuring that of all the inhabitants of the region. In that connection it had to be remembered that the countries which participated in the Arab Peace Initiative, first proposed in Beirut in 2002, undertook to guarantee Israel’s security within its 1967 boundaries. That was a unique opportunity, of which the international community should take advantage. The Union of Arab Jurists asked the Council to send a clear message to Israel that its strength did not place it above the law and that it must honour its obligations and comply with international humanitarian law.

71. **Mr. Machon** (International Commission of Jurists) was deeply concerned at the deterioration of the human rights situation in the Occupied Palestinian Territory and particularly by the humanitarian crisis prevailing in the Gaza Strip on account of its continuous isolation. In December 2007 a mission of the International Commission of Jurists had observed the devastating impact of that situation; the civilians were deprived, not only of freedom of movement, but also of their most fundamental economic, social and cultural rights. Those privations were both a clear violation of international humanitarian law and a form of collective punishment, which was prohibited by the Fourth Geneva Convention. Israel must allow the population access to essential supplies in accordance with its international obligations.

72. The Israeli defence forces were continuing to launch indiscriminate and disproportionate military attacks, which were killing civilians in the Gaza Strip and the West Bank. Hamas and other Palestinian armed groups were continuing to launch Qassam rockets, which were endangering the lives of Israeli civilians and exposing Palestinian civilians to the risk of reprisals. The International Commission of Jurists called on all the parties to the conflict to respect international law and protect the rights of civilians. It also urged the Council, the General Assembly and the Security Council to revive action by the

international community to find a just solution to the conflict. The Council should ensure follow-up on its decision under its special procedures and review implementation in March 2008.

73. **Ms. Allen** (World Vision) was increasingly concerned by the isolation of the civilian population of Gaza, which was rendering living conditions increasingly difficult, especially with regard to food and health. All the parties in the conflict had been responsible for attacks on civilians. However, the decision to restrict supplies of fuel and electricity generation was a form of collective punishment contrary to international humanitarian law.

74. World Vision called on all the parties to the conflict to cease indiscriminate attacks against civilians, to prioritize protection of Israeli and Palestinian children and to resume negotiations. It also demanded the lifting of restrictions affecting innocent civilians in Gaza. In conclusion, it urged the international community urgently to seek a diplomatic solution to the conflict.

75. **Mr. Shoukry** (Egypt), speaking in exercise of the right of reply, refuted the inaccurate information proffered by Human Rights Watch. The Rafah border crossing was reserved for the passage of persons and was administered under an agreement between Israel as the occupying Power, the European Union and the Palestinian Authority. The decision to close the crossing on the Gaza side had been taken by Israel and did not involve the Egyptian authorities in any way. Goods and humanitarian aid transited through the Karm Abou Salem crossing.

76. The Egyptian authorities were aware of the disastrous humanitarian situation in the occupied Gaza Strip and had allowed hundreds of thousands of Palestinians to enter Egypt to purchase emergency supplies of food and medicines. The Egyptian Government and civil society were making great efforts to meet the humanitarian needs of the Palestinian population. Contacts had been established with all the parties concerned at all levels with the aim of having the restrictions lifted. The non-governmental organizations should therefore address their complaints to those who were making the lives of the Palestinians difficult rather than to those who were endeavouring to ease their sufferings.

77. **Mr. Fernandez Palacios** (Cuba) said that he was not in the habit of using his right of reply in response to non-governmental organizations, whose statements were always appreciated, even when their opinions differed from those of the Cuban Government. He was now doing so to reply to what was the very antithesis of a non-governmental organization, namely UN Watch, a profit-seeking organization financed by the CIA and Mossad and devoted to besmirching the Council and some States Members. UN Watch claimed to form part of the civilized world along with Israel, thus implicitly designating Cuba and the other States which had convened the current session as savages. But did not Gaza offer an example of savagery? Hospitals plunged into darkness, thousands of people deprived of drinking water; was that what UN Watch called civilization? However, that bogus NGO might have a surprise waiting for it, since it would have to report to the Committee on Non-Governmental Organizations in order to retain its consultative status.

Draft resolution entitled "Human rights violations emanating from Israeli attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip" (A/HRC/S-6/L.1)

78. **The President** said that member States would vote on the draft resolution before it following the same procedure as at previous sessions; for technical reasons a roll-call voting process would be used. In the light of experience at previous sessions, Member States of the Council which refrained from making general comments before the voting would be able to do so afterwards.

79. **Mr. Khabbaz Hamoui** (Syrian Arab Republic), introducing the draft resolution, said that the primary task of the Council was the protection of the Palestinian people. The authors of the draft wished to avert a humanitarian catastrophe and end the violations of human rights and international humanitarian law. Throughout the consultations on the draft they had made every effort to accommodate the differing viewpoints and to show great flexibility so as to produce a text which would enjoy the greatest possible measure of consensus. However, they had observed with regret a determination to politicize the entire question, circumvent the Council's mandate and pass over the violations of human rights committed by Israel in silence under the pretext that the attitude shown towards the victim should be the same as that shown to his torturer. The proposed text was balanced; it was to be hoped that it would be adopted by consensus so that the Palestinian people would know that the Council was aware of its sufferings. A golden opportunity was being offered to the countries which claimed to be defenders of human rights to match their words with deeds; a negative vote on their part would harm their image in the eyes of the international community and the Palestinian people.

80. **The President** stated that five other countries had joined the list of sponsors of the draft resolution and that the latter would have no impact on the United Nations programme and budget.

General comments and explanations of vote before the voting

81. **Mr. Abu-Koash** (Observer for Palestine), speaking for one of the entities directly concerned, and observing that Israel was boycotting the current session, said that Israel should not even have been permitted to participate; in fact, it should be expelled from all United Nations agencies on account of its atrocious and inhuman policy towards the Palestinian people. Rather than having to force a passage across the border to obtain food and medicines, the Palestinians desired to celebrate the creation of a Palestinian State, in line with the vision of the international community that such a State might be established in 2008, and to live normal lives sheltered from foreign occupation. The draft resolution under consideration had its roots in international law. Its authors had shown great flexibility during the negotiations on the text, but its adoption by consensus would be prevented by a determination on the part of some delegations to politicize the question. It was to be hoped that the adoption of the draft resolution would encourage the international community to bring pressure to bear on Israel to raise the siege, restore supplies of fuel, food and medicines, reopen border crossings and end its repeated attacks over the whole of the Occupied Palestinian Territory.

82. **Mr. Logar** (Slovenia), speaking on behalf of the European Union, expressed the Union's grave concern at the situation in the Gaza Strip and called on Palestine and Israel to end the violence and the suffering of civilians on both sides. The Union reiterated its support for the Israeli and Palestinian efforts to advance the peace process initiated at the recent Annapolis Conference. It reaffirmed its conviction that only a negotiated two-State solution could bring peace and security to the Israeli and Palestinian peoples.

83. The European Union joined the authors of the draft resolution in calling on all the parties concerned to respect the rules of human rights law and international humanitarian law and to refrain from violence against the civilian population, but considered that the text did not acknowledge that civilian casualties had occurred on both sides. While acknowledging Israel's legitimate right to self-defence, the Council should call on all parties immediately to put an end to acts of violence and remind them of their obligation to protect civilian lives. Israel should immediately allow unimpeded access to Gaza for humanitarian aid and open crossings for goods and people.

84. The proposed text unfortunately failed to emphasize the need to ensure the safety of all civilians and to deplore all attacks causing civilian casualties on both sides. The Union

regretted that the text referred only to incursions into the Occupied Palestinian Territory but failed to mention the launchings of rockets from the Gaza Strip into Israel. It also regretted that none of its proposals for the improvement of the text had been accepted. For all those reasons the European Union was compelled to call for a vote, in which it would abstain, on the draft resolution.

85. **Mr. Martínez Alvarado** (Guatemala) said that his delegation deeply regretted the losses of lives on both the Palestinian and Israeli sides. At the same time it considered the situation in the Gaza Strip untenable and was deeply concerned by the humanitarian situation there, which had deteriorated on account of the restrictions imposed by Israel. Measures must be taken in that regard and Israel must be requested to allow humanitarian aid to mobilize in order to bring to an end the undeserved punishment of the Palestinian people.

86. Guatemala called on Israel to refrain from excessive use of force and to meet its international obligations, at the same time regretting that the draft resolution did not contain a request for the cessation of the firing of rockets into Israeli territory from the Gaza Strip. It would therefore abstain in the voting.

87. **Mr. Minami** (Japan) said that Japan was deeply concerned over the situation in the Gaza Strip, which threatened the lives of many civilians in both Gaza and Israel. Japan deplored the fact that Palestinian civilians had been victims of attacks and were suffering from shortages of fuel, food and medicines on account of Israeli incursions and the siege of Gaza. Japan equally deplored the firing of rockets into Israeli territory from Gaza. He called on the Israeli and Palestinian sides to exercise the utmost self-restraint so as to arrive at a peace agreement by the end of the year. He considered that the draft resolution needed further amendment and that reference should be made in it to the responsibility of each of the parties to the conflict. Some countries had made comments and proposals to that end, but they had not been accepted. Japan had therefore decided to abstain in the voting.

88. **Mr. Loshchinin** (Russian Federation) said that his delegation would have preferred a decision on a text commanding a consensus. It would have wished to see a reference in the text to the firing of rockets from the Gaza Strip, which was unacceptable. Nevertheless, for the reasons given in his statement of the previous day, the Russian delegation would vote for the draft resolution.

89. **Mr. Bidima** (Cameroon) said that his delegation was deeply concerned over the situation in the Gaza Strip and the town of Nablus in the West Bank. Cameroon felt deeply for the condition of the Palestinian people and sincerely hoped that a fair and negotiated political solution would be found. Cameroon considered that, since the question of the situation in the Gaza Strip was before the Security Council; it was not desirable for another United Nations body to take up the matter before the Security Council had completed consideration of it. That position was based on a rule respect for which was essential in the search for solutions to various conflicts. Cameroon was therefore unable to vote in favour of the draft resolution.

90. *At the request of the representative of Slovenia, a vote was taken on draft resolution A/HRC/S-6/L.1.*

91. *For technical reasons the roll-call voting procedure was followed.*

92. *Nigeria, having been drawn by lot by the President, was called upon to vote first.*

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, China, Cuba, Djibouti, Egypt, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Senegal, Sri Lanka, Uruguay, Zambia.

Against: Canada.

Abstaining: Bosnia-Herzegovina, Cameroon, France, Ghana, Guatemala, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

93. *Draft resolution A/HRC/S-6/L.1 was adopted by 30 votes to 1, with 15 abstentions.*

General comments and explanations of vote after the voting

94. **Ms. Amoah** (Ghana) said that her delegation had abstained in the voting because the resolution was not strong or broad enough to put an end to the grave humanitarian crisis and improve the human rights situation of the Palestinians in the Gaza Strip and at Nablus. It was regrettable that some of the proposals designed to improve the text could not have been accommodated. The debate at the current special session had highlighted certain important facts. Israel was still under international law an occupying Power in Gaza. Under the Fourth Geneva Convention the occupying Power was obliged to ensure the provision of food and medical supplies to the civilian population to the fullest extent possible. During the second half of 2007 Israel had severely restricted the flow of people and goods into and out of Gaza. Israel had an obligation to protect its people from rocket attacks from Gaza, but it also had to ensure the safety and well-being of the population in the Gaza Strip. The Palestinian armed groups must cease their illegal attacks on Israeli citizens, and the competent authorities in Gaza should take steps to end those attacks. All sides should therefore assume their responsibilities in order to revive the peace process.

95. **Mr. Florêncio** (Brazil) said that his delegation was deeply concerned at the deterioration of the living conditions of the Palestinian people and their sufferings. The two sides in the conflict should seek to protect the civilian population and refrain in all circumstances from collective punishments of any kind. In Brazil's view the use by either side of violence as a means of establishing justice and peace was unacceptable. The Brazilian delegation supported the efforts of the international community to strengthen the peace process and to conduct it in accordance with the modalities defined at the Annapolis and Paris conferences, on the clear understanding that all the parties involved in the conflict must halt all action affecting civilian populations on either side. It joined those calling on Israel to guarantee free access to the Gaza Strip for humanitarian agencies.

96. **Mr. Qian Bo** (China) expressed the disappointment of his delegation that the resolution could not have been adopted by consensus. There could be no doubt that the humanitarian situation in the Gaza Strip had seriously deteriorated. Some regional groups which had insisted on questions concerning human rights in certain countries in the course of the work of the Council on other of its agenda items had adopted a position on the Palestine question which, although it might appear justified, was in fact an irresponsible one. The Council could only have one mode of proceeding in the field of protection of human rights and respect for humanitarian law.

97. **Ms. Berset Kohen** (Switzerland) spoke of the spirit of dialogue and openness which the principal authors of the resolution had shown during the negotiations and regretted that the efforts made had not sufficed to overcome the differences and arrive at a satisfactory text. Switzerland had decided to abstain during the voting, for the text was unbalanced and did not take into consideration the violations of international humanitarian law committed by all the parties. The continual firing of rockets against the Israeli civilian population should have been condemned. Switzerland called on all sides to show restraint and take steps to ensure that all the civilian populations could live in security and not merely survive. The recent events at the Egyptian border were a major source of concern and demonstrated the urgency of action by all sides and the international community to start up a constructive dialogue.

Adoption of the report and closure of the session

98. **The President** understood that the report could be adopted *ad referendum*. Unless there were objections, he would consider that once the report was completed the Secretariat would notify all delegations that it was available on the Internet. They would then have two weeks to submit their comments.

99. *It was so decided.*

100. **The President** wished to make some general observations to the Council. Firstly, by holding the current session the Council had once again proved that it could, in line with General Assembly resolution 60/251 and the body of texts on the establishment of institutions, react speedily to events requiring its attention. Secondly, after each special session the members of the Council should reflect on the lessons to be drawn from the session and the reasons why particular points had given rise to disagreements. Special sessions were for serious emergencies. In that context the members of the Council should reflect, each time they asked for the convening of a special session or when a special session came to an end, on the subject of when the action of the Council was most effective. The members of the Council should more than ever keep in their minds the images of the victims. Usually, in situations calling for special sessions, there were two opposing sides involved. But victims were to be found on every side. Finally, stating his conviction that the Council would mature and examine the situations referred to it with increasing wisdom, he declared the session closed.

The meeting rose at 12.45 p.m.
