

COUNCIL MONITOR

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HUMAN RIGHTS COUNCIL 3RD SPECIAL SESSION, 15 NOVEMBER 2006

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Overview

Following a request by the Permanent Representatives of Bahrain and Pakistan on behalf of the Group of Arab States and the Organization of the Islamic Conference (OIC) the third special session of the Human Rights Council (the Council) was held on 15 November 2006. It was convened to discuss the Israeli military incursions in the Occupied Palestinian Territory (OPT) including the recent one in the Northern Gaza and the assault on Beit Hanoun. When requesting this special session, the Group of Arab States and the OIC also distributed to Council members a draft resolution that they proposed discussing at the special session.¹

The President of the Human Rights Council, Ambassador Louis Alfonso de Alba, Mexico's Permanent Representative to International Organisations in Geneva, opened the third special session by inviting the High Commissioner for Human Rights, Ms Louise Arbour, to make a statement. Ms Arbour explained to the Council that she would be visiting Israel and the OPT from the 19 November 2006 and that her visit would focus on the protection of civilians during the armed conflict. She will present a report on her findings at the third Council session in late November/early December.

General Debate

Palestine began with an emotional plea for States to recognise the continued Israeli attacks that have led to 280 Palestinian civilian fatalities since June and in particular the impact of the recent bombings on Beit Hanoun. The attack on Beit Hanoun had prompted the Secretary-General to issue a statement on 8 November 2006 expressing his shock at the Israeli military operation in this residential area which resulted in the deaths of at least 18 Palestinians, including eight children and seven women. Throughout the session a large number of

¹ This draft resolution (UN Document Number A/HRC/S-3/L.1) is available at <http://www.ohchr.org/english/bodies/hrcouncil/docs/specialsession/A.HRC.S-3.L.1.pdf>.

delegations² condemned the attacks by Israel and expressed their sympathy for the victims in Palestine and their families. The situation, in particular the targeting of civilians including women and children, was described as a gross violation of human rights and international humanitarian law. Venezuela cited reports by the International Committee of the Red Cross (ICRC) to support this.

Pakistan (on behalf of the OIC) and several other States³ thanked the President for convening the special session and encouraged the Council to adopt the draft resolution that had been circulated prior to the commencement of the session. In particular Pakistan highlighted the proposal for a high level fact finding mission into Israel and the OPT and many other States endorsed this.⁴ Amnesty International called for the establishment of an independent mechanism to oversee and monitor the military offensives on both Israeli and Palestinian sides on the ground.

Cuba (on behalf of Non Aligned Movement (NAM)), supported by several other delegations,⁵ pointed to the failure of the Security Council to act on this matter due to the decision of the United States of America (USA) to use its veto power and thus the need for the Council to take action. Other States were less explicit but did express their disappointment that the Security Council had not made a decision to act on the situation in Israel and the OPT.⁶ A number of participants⁷ highlighted the need for the Council to be more proactive by implementing its resolutions immediately. Some claimed that failure to act threatened the Council's future credibility. The OIC and Libya called for a stronger response to the refusal of Israel to heed the previous requests of the Council. Saudi Arabia highlighted the need for the Council to find an appropriate mechanism to address urgent situations so that it can intervene immediately. The European Union (EU) reminded the Council of its mandate to be non-selective and expressed the view that its decisions should therefore be based on consensus. A number of participants⁸ claimed that in holding a third special session on the Israeli Palestinian situation the Council had failed to fairly respond to the universal human rights of all. Furthermore, they pointed to other ongoing grave human rights situations, such as in Sri Lanka and Sudan.

Israel and the USA drew the attention of the Council to Palestinian rocket attacks and stockpiles of arms. Israel claimed that the draft resolution and special session as a whole was one-sided and politicised. Several other delegations⁹ also drew attention to the Palestinian attacks on Israel and called for a more balanced approach to the situation. Several States¹⁰ expressed their appreciation for Israel's decision to accept an investigation to be carried out into the Beit Hanoun incident. No parties gave any further detail on the nature of this investigation.

Other issues raised

Canada enquired into the budgetary implications of the proposal in the draft resolution to dispatch a fact-finding mission. It requested information from the Secretariat in order for the discussion on the draft resolution to move any further. In response, the Secretary of the Human Rights Council, Mr Eric Tistouet,

² Pakistan (on behalf of the OIC), Bahrain (on behalf of the Arab League), Finland (on behalf of the European Union), Indonesia, Ecuador and Brazil in a joint statement, Zambia, India, Algeria, Russian Federation, Jordan, Oman, Cuba (on behalf of NAM), Sudan, Iran, Turkey, Venezuela, Lebanon, Democratic Republic of Korea, Yemen, Colombia, Algeria (on behalf of the African Group), Norway, and the Palestinian Centre for Human Rights.

³ Tunisia, Morocco, Uruguay and Belarus.

⁴ Palestine, Saudi Arabia, Malaysia, Bangladesh, Algeria, Indonesia, Qatar, Oman, United Arab Emirates, Yemen and Algeria (on behalf of the African Group).

⁵ Malaysia, Algeria, Indonesia, Venezuela and the International Organisation Against all Forms of Racial Discrimination.

⁶ Switzerland and the Russian Federation.

⁷ Senegal, Mauritius, Tunisia, China, Algeria, Zambia, Qatar, United Arab Emirates, Libya and Amnesty International.

⁸ Chile, USA, Australia and UN Watch.

⁹ Canada, Switzerland, Uruguay, USA, Australia, Norway, International Humanist and Ethical Union and UN Watch.

¹⁰ India, USA, Canada and Australia.

informed the Council that a review of the financial implications of the draft resolution would be carried out but due to the one-day duration of the third special session such information could not be provided as yet.

Canada also proposed that in the future, before special sessions are convened, a preparatory period of four days should be allocated in order for logistical considerations, including budgetary implications, to be properly addressed. The President welcomed this suggestion and proposed that this should be a subject discussed further during the third session of the Council (in late November/early December) as part of the discussions on the working methods of the Council.

Voting Procedures

The draft resolution entitled ‘Human Rights Violations emanating from Israeli military incursions in the Occupied Palestinian Territory including the recent one in Northern Ghaza and the assault on Beit Hanoun’ calls for the immediate protection of Palestinian civilians in compliance with human rights law and international humanitarian law, urging all parties to respect the rules of international humanitarian law and apply the Geneva Conventions. It refers to the gross and systematic violations of human rights of the Palestinian people and calls for the perpetrators to be brought to justice. It calls for the urgent dispatch of a high-level fact finding mission to travel to Beit Hanoun and requested that it report back to the Council regarding its progress in implementing its mandate no later than the middle of December 2006. The draft resolution states that the fact-finding mission is mandated to assess the situation of victims, address the needs of survivors and make recommendations on ways and means to protect Palestinian civilians against further Israeli assaults.

Preceding the vote the representative of Pakistan (on behalf of the OIC) presented the draft resolution to the Council. He described various amendments to the original draft resolution, notably highlighting the replacement of ‘targeting’ with ‘wilful killing’.¹¹ Finland (on behalf of the EU) notified the Council of their intention to vote against the resolution on the grounds that it was not an objective, balanced resolution. Guatemala explained its intention to abstain on similar grounds.

On a roll call vote 32 voted in favour of the resolution,¹² 8 voted against¹³ and there were 6 abstentions.¹⁴ The President pronounced adoption of the resolution A/HRC/S-3/1.1 entitled ‘Human rights violations emanating from Israeli military incursions on the Occupied Palestinian Territory including the recent one of Biet Hanoun’.

Following the vote Uruguay, France and Argentina stated that special sessions should be based on dialogue to reach a consensus decision rather than voting. In addition, Japan, Switzerland and France explained their decision to abstain in the vote by reiterating earlier comments that the text was not balanced.

At the close of the session the President stated that he would immediately submit a copy of the resolution to the General Assembly as there is presently a parallel processes underway in New York to review the situation in Israel and the OPT and take appropriate action. This process should be informed by the decision of the Human Rights Council.

¹¹ For example, preambular paragraph 5 of the resolution was amended from “emphasizing that the Israeli targeting of Palestinian civilians including women and children constitutes a gross violation of human rights law and international humanitarian law” to now read “...the Israeli wilful killing of Palestinian civilians...”.

¹² Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, and Zambia.

¹³ Canada, Czech Republic, Finland, Germany, Netherlands, Romania, Poland and the United Kingdom.

¹⁴ Guatemala, Japan, France, Ukraine, Switzerland and South Korea. Cameroon was absent and thus did not participate in the voting.

COUNCIL MONITOR STAFF

Meghna Abraham, Program Manager, Information Program

Claire Mahon, Human Rights Officer, Information Program

Eléonore Dziurzynski, Communications Officer, Information Program

Contributors

Jay Bahadur, Intern

Maxence Delchambre, Intern

Valeria Fruzzetti, Intern

Jessica Griffiths, Intern

Michael Ineichen, Intern

Gergey Pasztor, Intern

Chris Sidoti, Director

Katrine Thomasen, Human Rights Officer, Liaison, Coordination and Advocacy Program

Brennan Webert, Intern

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The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at www.ishr.ch/hrm/council

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