



UNITED NATIONS

Press Release

COUNCIL DISCUSSES MISSIONS TO OCCUPIED PALESTINIAN TERRITORIES, INCLUDING BEIT HANOUN, AND LEBANON

Human Rights Council
MORNING

The Human Rights Council this morning took up its agenda item on follow-up to decisions of the Human Rights Council and discussed the urgent high-level fact-finding missions to the occupied Palestinian territories, including Beit Hanoun, and the updated report by the High Commissioner for Human Rights on follow-up to the report of the Commission of Inquiry on Lebanon.

Ambassador Luis Alfonso de Alba of Mexico, President of the Human Rights Council, said with regards to resolution 4/2 adopted at the Council's fourth session in which he was requested to report to the Council at its fifth session on efforts to implement Council resolutions S-1/1 and S-3/1 and on the compliance of Israel, the occupying power, with these two resolutions, he had met with John Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and with the Permanent Representative of Israel to the United Nations Office at Geneva, and had requested approval from the Government of that country. The lack of reply had been interpreted as a refusal to accept the mission. On compliance with S-3/1, during the fourth period of sessions, the Government of Israel had not given a positive answer to the mission, and it had therefore been cancelled once more. Archbishop Tutu had been requested to present a report to the Council at the fifth session with regards to the situation.

United Nations High Commissioner for Human Rights Louise Arbour said that with regard to the Resolution S-1/1 on the human rights situation in the occupied Palestinian territory, the Special Rapporteur, John Dugard, was unable to conduct the fact-finding mission that the Council mandated him to undertake due to the Government of Israel's lack of a positive response to a request of cooperation. Likewise, the urgent fact-finding mission on human rights violations emanating from Israeli military incursions in the occupied Palestinian territory, including the recent one in Northern Gaza and the assault on Beit Hanoun, could not be deployed.

As for the implementation of the Resolution 3/3 on the follow-up to the report of the Commission of Inquiry on Lebanon, Ms. Arbour said the report of the Office of the High Commissioner for Human Rights highlighted activities set up to support the reconstruction process, as well as specific initiatives in the areas of health, water and sanitation, protection, mine clearance and the environment. The Regional Office in Lebanon had set up a Protection Working Group with the United Nations High Commissioner for Refugees, that included representative from various United Nations agencies, government officials from relevant ministries, as well as civil society. The High Commissioner for Human Rights remained committed to supporting the implementation of these resolutions, as well as other deliberations by the Council.

Archbishop Desmond Tutu, Head of the high-level fact-finding mission to Beit Hanoun, said fairness and even handedness had been essential to the mission's aims, and it was distressing that the mandate could not be carried out fully. The plight of Palestinians was totally unacceptable, and their suffering should end in the interests of all. Those responsible for Beit Hanoun should be held to account. Israeli and Palestinian authorities should end the culture of impunity and bring to account those responsible, including those responsible for launching rockets against Israeli towns. The victims of Beit Hanoun had a right to ongoing medical treatment and counseling.

Israel, speaking as a concerned country, said Israel had expressed to Archbishop Tutu Israel's continuing dismay that the work of the Council was being held captive by the politicised agenda of a few States. The Government of Israel had already examined the events of 8 November 2006, and issued an apology for the tragedy. Finding a peaceful solution to the Israeli-Palestinian question could only be found at the negotiating table, and this cause was not aided by unbalanced, one-sided resolutions of the Human Rights Council.

Palestine, speaking as a concerned country, said it was certainly not in the interest of Israel to receive Special Rapporteurs addressing massacres like the one in Beit Hanoun. The fact remained that the Palestinian people had been suffering under Israeli occupation for four decades. There could be no equality or equity between the oppressor and the oppressed. The fact also remained that the two resolutions of the two special sessions had not been implemented.

In concluding remarks, Christine Chinkin, member of the fact-finding mission to Beit Hanoun, reiterated a deep regret for having been unable to go to Beit Hanoun and to assess the needs of victims and survivors there. She would have wanted to inform about the situation there. A growing violence in Gaza

could be noted until today. It seemed that it reaffirmed the need to put human rights at the level of international law. Accountability must be ensured by all people on all sides.

Speaking in the interactive dialogue on the reports on the fact-finding missions to the occupied Palestinian territories, including Beit Hanoun, were Pakistan on behalf of the Organization of the Islamic Conference, Malaysia, Germany on behalf of the European Union, Sudan, Iran, Cuba, Syria, Central African Republic, Organization of the Islamic Conference, South Africa, Algeria, Bangladesh, Indonesia and Nigeria.

The following non-governmental organizations also took the floor on this issue: B'nai Brith International, North-South XXI, Amnesty International, International League for the Rights and Liberation of Peoples, Badil Resource Centre for Palestinian Residency and Refugee Rights and UN Watch.

Speaking as concerned countries on the High Commissioner's report on follow-up to the report of the Commission of Inquiry on Lebanon were Lebanon and Israel.

Lebanon said the report of the High Commissioner was factual, and reflected a partnership between the United Nations, non-governmental organizations and Lebanon over reconstruction. It took stock of initiatives launched in various fields, including humanitarian assistance, vulnerable groups, weapons, and human rights. Because Israel had wiped out 15 years of post war development, a happy conclusion was not expected, but it was heartening to see follow-up on humanitarian assistance and reconstruction. The Commission Report touched on weapons, notably cluster munitions.

Israel said if one went through the report and replaced the word Lebanon with the words North Israel, there would be a fairly accurate description of what Israel faced, and still faced, in the wake of last summer's conflict. The one obvious difference was that there was no Commission of Inquiry convened by the Council to determine the best way to assist Israel, a fact which swept away the principle of equal treatment for everyone. The report lacked an essential element in that it made no mention of the reasons behind the conflict, made no mention of Hizbollah's intentional aggression which triggered the hostilities. The Lebanese Government and its army were called upon to dismantle Hizbollah's armaments, and bring the region into an era of quietude and stability.

Speaking on the report of the High Commissioner on follow-up to the report of the Commission of Inquiry on Lebanon were Pakistan on behalf of the Organization of the Islamic Conference, the United States, Germany on behalf of the European Union, Malaysia and Cuba. The International Commission of Jurists also took the floor.

The Council is meeting today non-stop from 10 a.m. to 6 p.m. It concluded its morning meeting at 1 p.m. and immediately started a midday meeting expected to last from 1 p.m. to 3 p.m. during which it will discuss the report of the Expert Group on the situation of human rights in Darfur.

Statement by President of the Council on Follow-Up to the Decisions of the Human Rights Council

LUIS ALFONSO DE ALBA, President of the Human Rights Council, with regards to resolution 4/2 adopted at the Council's fourth session in which he was requested to report to the Council at its fifth session on efforts to implement Council resolutions S-1/1 and S-3/1 and on the compliance of Israel, the occupying power, with these two resolutions, said immediately after the adoption of the resolutions, he had met with John Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, to discuss the implementation of the resolution, in particular those aspects with regards to the preparation of the investigative mission. He had met with the Permanent Representative of Israel to the United Nations Office at Geneva, and had requested approval from the Government of that country. As of early July 2006, there had been no reply. The lack of reply had been interpreted as a refusal to accept the mission, and the Council had been informed of this. In September, the Special Rapporteur had said it was impossible to carry out his mission, and had presented a report to the Council with regards to this. He had also examined the situation in Gaza in another report.

Just after the adoption of resolution 4/1, the President had established contact with the Mission of Israel, and had discussed various aspects of the mission. In April 2007, the Special Rapporteur had explained in a letter once more why he was not able to carry out the mission. The President had told the Special Rapporteur that he needed to inform the Council as to this effect. The President had also informed the Permanent Representative of Israel and Permanent Observer of Palestine of what had transpired and what was in the letter of the Special Rapporteur. In June, the Special Rapporteur had sent the President a report on monitoring, which had been circulated to the Council.

On compliance with S-3/1, during the fourth period of sessions, Archbishop Desmond Tutu had informed the President that he could not provide a report. Professor Chinkin had however submitted a report on why the mission had not been carried out. As was the case with the mission to Gaza, just after the adoption of resolution S-4/2, the President had informed the relevant country Missions of the situation. It had been agreed that the mission could take place in June this year. The cooperation and assistance of Israel had been requested in order for this to take place, and meetings had been held to discuss the implementation of the mandate. Contact had also been established with the Ambassador of Palestine in order to clarify progress in the implementation of the mission. In the wake of all these meetings, the President had been informed that the Government of Israel had not given a positive answer to the mission, and it had therefore been cancelled once more. Archbishop Tutu had been requested to present a report to the Council at the fifth session with regards to the situation.

Several meetings had been held with the High Commissioner, both formally and informally, and the President was confident that the Office of the High Commissioner for Human Rights would have provided full logistical and technical support for the mission.

Statement by High Commissioner for Human Rights on Follow-Up to Decisions of the Human Rights Council

LOUISE ARBOUR, United Nations High Commissioner for Human Rights, said that she would update the Council regarding the activities undertaken by her Office to help implement the Resolutions S-1/1 and S-3/1 agreed upon by this Council during its First and Third Special Sessions, respectively. She would also discuss aspects of the Office of the High Commissioner for Human Rights report on the implementation of the Council's Resolution 3/3 concerning the follow-up to the report of the Commission of Inquiry on Lebanon. With regard to the Resolution S-1/1 on the human rights situation in the occupied Palestinian territory, the Special Rapporteur, John Dugard, was unable to conduct the fact-finding mission that the Council mandated him to undertake due to the Government of Israel's lack of a positive response to a request of cooperation. In September 2006, the Special Rapporteur made the Council aware of the reasons that impeded his mission. As in the past, the Special Rapporteur emphasized that in keeping with General-Assembly resolution 46/59, no fact-finding mission could be undertaken without the consent of the State concerned.

Likewise, the urgent fact-finding mission on human rights violations emanating from Israeli military incursions in the occupied Palestinian territory including the recent one in Northern Gaza and the assault on Beit Hanoun could not be deployed, the High Commissioner said. Archbishop Desmond Tutu and Professor Christine Chinkin were to conduct it. As for the implementation of the Resolution 3/3 on the follow-up to the report of the Commission of Inquiry on Lebanon, the Office of the High Commissioner for Human Rights sent letters to the United Nations partner agencies drawing their attention to the report of the Commission of Inquiry. The report highlighted activities set up to support the reconstruction process, as well as specific initiatives in

the areas of health, water and sanitation, protection, mine clearance and the environment. It also illustrated what had been done to protect children and address their specific needs. The section on weapons summarized recent research on the type of weapons used during the war by the Israeli Defence Forces. It referred to ongoing initiatives regarding restrictions on the use or ban of these weapons. The last section discussed the question of redress for violations of humanitarian and human rights law.

With regard to the activities undertaken by the Office of the High Commissioner for Human Rights to implement Resolution 3/3, the Regional Office in Lebanon had set up a Protection Working Group with the United Nations High Commissioner for Refugees, that included representative from various United Nations agencies, government officials from relevant ministries, as well as civil society, Ms. Arbour said. The protection working group provided a forum for information sharing and coordination between all actors involved in protection activities. The Office of the High Commissioner for Human Rights had sought meetings with the Government of Lebanon to consult and coordinate activities related to the recommendations of the commission of inquiry, although these efforts had been hampered or delayed by the current political situation in Lebanon. The High Commissioner for Human Rights remained committed to supporting the implementation of these resolutions, as well as other deliberations by the Council.

Reports on Urgent High-Level Fact-Finding Missions to Occupied Palestinian Territories and to Beit Hanoun

The Council has before it the report of the High-Level Fact-Finding Mission established under resolution S-3/1 (A/HRC/5/7). By that resolution, the mission was requested to travel to the town of Beit Hanoun in the occupied Palestinian territory of Gaza, following Israeli military operations carried out there in 8 November 2006, and was mandated, inter alia, to assess the situation of victims; address the needs of survivors; and make recommendations on ways and means to protect Palestinian civilians against any further Israeli assaults. The mission was not able to travel to Beit Hanoun for reasons outlined in the report. The mission has, however, provided a number of conclusions and recommendations based on available information. Among others, it is clear that significant human rights violations resulted in Beit Hanoun from the activities of the Israel Defense Force (IDF) on and around 8 November, and that those events must be investigated by an independent, impartial and transparent process, preferably at the national level. The mission stresses that the process towards peace must operate within a framework of international law and be guided by respect for the United Nations Charter, international human rights law and international humanitarian law. The people of Gaza must be afforded protection in compliance with international law and above all the Fourth Geneva Convention.

The conclusions and recommendations of the mission also include that the IDF must place at the centre of their decision-making and activities in the occupied Palestinian territories the consequences of the use of force on civilians. That includes the use of artillery in densely populated areas such as Gaza. Israel should indicate publicly, and no later than the sixth session of the Council, the steps it has taken to ensure that an incident such as that at Beit Hanoun does not occur again. Regardless of whether the casualties at Beit Hanoun were caused by a mistake, recklessness, criminal negligence or were wilful, those responsible must be held accountable. The mission highlights the rights of victims to ongoing medical treatment, including access to counselling services, and that special account should be taken of the position of women victims and survivors. Finally, the mission recommends that a mechanism be established which seeks to build confidence and trust through focusing on the human rights of all. Such a mechanism could provide independent monitoring and assessment of the human rights situation of civilians in conflict in the occupied territory of Gaza and neighbouring Israel, and report publicly on it.

The Council has before it the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, on the non-implementation of Human Rights Council resolution S-1/1 (A/HRC/5/11), which sets out both the details of the Special Rapporteur's failed attempts to carry out his mandate under resolution S-1/1 – to carry out an urgent fact-finding mission to the Occupied Palestinian Territory – and documents his longstanding criticism as to the lack of clarity of that mandate and the inappropriateness of designating the Special Rapporteur on the situation of human rights in the Palestinian territories to head such a mission. The Special Rapporteur then outlines the many activities he has carried out in his capacity as Special Rapporteur since the adoption of resolution S-1/1 in July 2006, in particular country visits to Israel and his findings and reports thereon. However, the Special Rapporteur notes "I am not a one-person fact-finding mission". In his view the mission contemplated is obsolete and impractical because the events that resolution S-1/1 instructed him to investigate have been overtaken by events; the events that he was expected to report on have already been reported on in his report on Gaza; resolution S-1/1 was seriously flawed by reason of its failure to contain a reporting obligation; the present security situation in Gaza precludes the implementation of resolution S-1/1; and there is no prospect that the Government of Israel will consent to a mission under resolution S-1/1. For the above reasons, he recommends that the Council accept that the mission contemplated by resolution S-1/1 has not been implemented and cannot be implemented.

The Special Rapporteur urges the Council in future to seriously consider the wisdom of sending someone who is already a Special Rapporteur on a fact-finding mission to the State in respect on which he or she is Special Rapporteur. In most circumstances, the Special Rapporteur will have a difficult relationship with that State, which will be exacerbated by requiring him or her to lead a fact-finding mission to the State in question. Finally, he suggests that the Council should move on and concentrate on more pressing violations of human rights and humanitarian law in the Occupied Palestinian Territory, such as air strikes in Gaza; military incursions into the West Bank and Gaza; the arrest of Palestinian cabinet ministers, mayors and legislators; the continued expansion of settlements; the construction of the Wall; the terrorization of Palestinians in Hebron; the de facto annexation of the Jordan Valley; and the system of checkpoints.

Presentation of Report on Mission to Beit Hanoun

Archbishop Desmond Tutu, Head of the High-Level Fact-Finding Mission to Beit Hanoun, thanked the Office of the High Commissioner and Secretariat for their services, all who provided assistance and all who worked to raise awareness of the situation, often at personal risk, in the Middle East. Fairness and even handedness had been essential to the mission's aims, and it was distressing that the mandate could not be carried out fully. The plight of Palestinians was totally unacceptable, and their suffering should end in the interests of all. Progress towards peace should take place under the guidance of the Human Rights Charter and international humanitarian law and the Fourth Geneva Convention. Accordingly, Israel should indicate the steps it had taken to ensure Beit Hanoun would not occur again. Those responsible for Beit Hanoun should be held to account. Israeli and Palestinian authorities should end the culture of impunity and bring to account those responsible, including those responsible for launching rockets against Israeli towns. The victims of Beit Hanoun had a right to ongoing medical treatment and counseling. Special account should be taken of the position of women, victims and survivors. A Commission of two high-level individuals, one nominated by Israel and one by Palestine, should be established.

Archbishop Tutu said that safety, prosperity, freedom and security for Israelis and Palestinians could only be achieved together.

Statements by Concerned Countries on Mission to Beit Hanoun

ITZHAK LEVANON (Israel) said he had met with Archbishop Tutu at his request to express to him Israel's continuing dismay that the work of the Council was being held captive by the politicised agenda of a few States. Specifically, he had explained the deep domestic disappointment within Israel when it was confronted with unbalanced and one-sided resolutions in the Council, which utterly ignored the fact that Israel lived with terrorism every day. He had reiterated that the Government of Israel had already examined the events of 8 November 2006, and issued an apology for the tragedy. Israel held both Reverend Tutu and Professor Chinkin in high esteem, and its frustration and disillusionment with the prejudicial nature of resolution S-3/1 was in no way a reflection on the members of the fact-finding mission. Finding a peaceful solution to the Israeli-Palestinian question could only be found at the

negotiating table, and this cause was not aided by unbalanced, one-sided resolutions of the Human Rights Council.

With regards to resolution S-1/1, many had alluded to the need for countries to cooperate with the work of the Council and the work of the Office of the High Commissioner for Human Rights. Israel did fully cooperate with the Office in several areas, and in the context of the Human Rights Council it was the only country that was subject to a country-specific mandate that cooperated with its Rapporteur, in spite of its strong belief that the mandate was in desperate need of revision in order to accurately reflect facts on the ground. Israel's well-known criticism of the Special Rapporteur's work stemmed from the unbalanced mandate under which he operated, and the one-sided reports which he presented. Professor Dugard's report spoke for itself - he noted that the resolution was flawed from the beginning, and he declared that the mission contemplated was "obsolete and impractical". For these reasons, the item should be struck from the future programme of work of the Council.

MOHAMMED ABU-KOASH ([Palestine](#)) thanked the President of the Council, the High Commissioner, Professor John Dugard, Professor Christine Chinkin and Archbishop Desmond Tutu. It seemed that Professor Chinkin and Archbishop Tutu were under the Israeli military occupation regime here in Geneva. The Israeli military occupation regime even denied pregnant Palestinian women access to hospitals. It was certainly not in the interest of Israel to receive Special Rapporteurs addressing massacres like the one in Beit Hanoun. The fact remained that the Palestinian people had been suffering under Israeli occupation for four decades. There could be no equality or equity between the oppressor and the oppressed.

The fact remained that the two resolutions of the two special sessions had not been implemented, he said. The first resolution concerning the mission of John Dugard also called for the release of Palestinian detainees. Also Desmond Tutu had no access to Palestine and therefore Israel did not implement the resolution. The two fact-finding missions should have access to the occupied Palestinian territory. In Palestine, all the recommendations by Desmond Tutu were accepted without any reservation. Peace and Justice should be for all and not for one party. Palestine wanted from the Israeli Ambassador to stand here in front of all and to accept the recommendations.

Interactive Dialogue on Mission to Beit Hanoun

TEHMINA JANJUA ([Pakistan](#)), speaking on behalf of the [Organization of the Islamic Conference](#), said it was deeply regrettable that the mission had been unable to visit Beit Hanoun. Steps should be taken to ensure the incident at Beit Hanoun did not reoccur. The high-level fact-finding mission was mandated to assess the needs of survivors and victims and assess ways to prevent further assaults. The recommendations made in the report were welcomed. The process towards peace should be guided by the Human Rights Charter and international humanitarian law, the people should be protected under the Fourth Geneva Convention, those responsible must be held accountable, and the call for focus on the situation of women victims and survivors was noted in particular. It would have been appreciated to hear in person a report from the Special Rapporteur, John Dugard. His latest report summarised another sorry chapter in the history of Palestine. Fundamental covenants and international law had been violated by the attacks against the Palestinian people. Incursions had increased poverty and economic deprivation. There was imprisonment of Palestinian officials. A review of the legal consequences of the occupation of the territories and the occupying power was needed.

WESTMORELAND PALON ([Malaysia](#)) said Archbishop Desmond Tutu and Professor Christine Chinkin had put forward serious efforts to fulfil their mandate. The violations in the Palestinian territory were of grave concern. It was well known that the Palestinian people had for decades been subject to a form of collective punishment, with violation of their rights by the occupying power, including extrajudicial and targeted killings, confiscation of private lands to give way to expanding settlements, and restriction on their freedom of movement which caused hardship to thousands of families. Violations occurred in many fields, and the Council had special responsibility to alleviate the sufferings undergone by the Palestinian people under the occupation.

The current situation in the occupied Palestinian territory necessitated serious attention by the Council, and called for serious efforts by all those who championed human rights, and wished for the Council to become an effective and serious organ. The Council should support proposals that sought to uphold the decisions of the two Special Sessions, and support the mandate of the Special Rapporteur on the situation in the Occupied Palestinian Territory.

BIRGITTA MARIA SIEFKER-EBERLE ([Germany](#)) said on behalf of the [European Union](#), thanked Archbishop Desmond Tutu for his report and the detailed recommendations in spite of the fact that he could not enter Gaza. The report would be studied in greater details. The European Union always emphasized full cooperation with the Human Rights Council. Archbishop Tutu should be able to fully complete his mandate. The European Union was aware of the difficulties Special Rapporteur John Dugard faced on the situation of human rights in the occupied Palestinian territory within his mandate. Adequate approaches should be found to show real improvements. The European Union was concerned about the ongoing violence and called upon all parties on that matter. Both the Palestinians and the Israelis should be allowed to live in peace within recognized borders.

SALAH ABU ZAID ([Sudan](#)) said Sudan supported the statement by Pakistan on behalf of the Organization of the Islamic Conference, and said that all countries must be committed to Council resolutions to avoid double standards. Inhumane practices in the occupied territories should end. The Palestinian people had a right to live decently on their own territory and the Council should take all measures to implement resolutions adopted in keeping with its own principles.

ALIREZA MOYERI ([Iran](#)) said the report on the situation in the occupied Palestinian territory was appreciated, as were the commendable efforts of Archbishop Desmond Tutu and Professor Christine Chinkin. The report reiterated that the mission contemplated in resolution S-1/1 had not been implemented, and could not be implemented due to the occupying power. Another fact-finding mission had not been allowed to visit Beit Hanoun, and Iran remained concerned at Israel's lack of cooperation with such high-level missions.

The situation in the occupied Palestinian territory was deteriorating every day. Palestinians had been subjected to a form of collective punishment, to economic blockades, frequent military incursions, and targeted assimilation, the destruction of houses and infrastructure, the restriction of movement, and arbitrary detention of Parliamentary ministers. This was a form of colonialism and apartheid. Due to the gravity of the situation and non-implementation of the Council's resolutions and recommendations, it was the Council's duty to ensure that the Special Rapporteur's mandate continued until the end of the occupation.

RODOLFO REYES RODRIGUEZ ([Cuba](#)) said that the reports came to support the just cause of the Palestinian people. The cause of the Palestinian people received a lot of sympathy from all around the world. The illegal occupation of Israeli should be rejected. Selective assassinations, torture, arbitrary arrest, destruction of homes, all of these were exercised by Israel against the Palestinian people, while Israel ignored international appeals and international resolutions. Israel was continuing to act with impunity given to it through the backing of the United States in the Security Council of the United Nations.

Cuba asked for the respect of the inalienable right of the Palestinian people to establish their State and the return of all refugees. Cuba welcomed the important message that was voiced by Archbishop Desmond Tutu. This was the only way forward, focusing on objectiveness and the understanding of all parties. There must be an end to impunity enjoyed by the occupation power in carrying out the atrocities. What was even more important was the right of self-determination of the Palestinian people.

KHALIT BITAR (Syria) said it was regrettable that Archbishop Desmond Tutu had been unable to perform his mission as a result of the refusal of Israel, despite the acts of violence perpetrated against the Palestinian people. It was high time that the Council found the machinery to implement its resolutions. Resolutions were for implementation, not for accumulation in the archives. It was incumbent upon the Council to ensure resolutions were implemented without selectivity.

THIERRY MALEYOMBO (Central African Republic) said Archbishop Desmond Tutu had called upon the Human Rights Council to shoulder its responsibilities vis-à-vis the tragedy in Darfur. The non-application of resolutions in this regard had created areas of instability in various cities close to the Sudanese border, including in the Central African Republic, with corresponding deterioration in security. The Archbishop was asked to lend his personal support to the implementation of the resolution on Sudan, and to call for a conference to bring about peace in the region, including Chad and the Central African Republic.

BABACAR BA, of Organisation of Islamic Conference, said the Organization of the Islamic Conference wanted to join with Pakistan and express its gratitude to Archbishop Desmond Tutu for his guidance toward resolving the Palestinian-Israeli problem. It was a wise choice to select him in order to shed light concerning the massacres of Beit Hanoun. Professor John Dugard tried to carry out objectively his mission. The report clearly showed the attitude of a Member State that had deliberately rejected cooperation. Member States should live up to their obligations within the Human Rights Council. The Organization of Islamic the Conference was supporting the recommendations put forward by the Special Rapporteur. Peace could not come out of the barrel of a gun.

GLAUDINE MTSHALI (South Africa) said it was highly regrettable that the high-level fact-finding mission had not been able to complete its assignment because of a visa issue, given the need for all States to cooperate with Special Procedures. South Africa strongly supported the recommendations contained in the report. These and the heartfelt statement of Archbishop Desmond Tutu should be heard and implemented.

IDRISS JAZAIRY (Algeria) said South Africa had always spoken up for freedom and justice, as it had seen the price of oppression and injustice. Professor John Dugard had also spoken up as the voice of the oppressed in Palestine. Today, Archbishop Desmond Tutu had once again spoken in the name of freedom and justice. Algeria deeply regretted that Archbishop Tutu had not been given access to Beit Hanoun and the opportunity to carry out his noble mission. His elevated views of freedom and justice were what was needed today to carry out the aims of the Council, irrespective of political orientation. The Archbishop's presence was a reminder that this was the rationale of the Council, and its *raison d'être*.

The situation in occupied Palestinian territory was one in which it had been particularly difficult for some major powers to demonstrate the consistency which they demonstrated with regards to the situation in other areas of the world with regards to human rights. Human rights were human rights - they were not arithmetic. Human rights violations by a military occupant could not be compared to human rights violations committed by those resisting that occupation. The problems encountered by the mission to Beit Hanoun should not serve as a pretext for not moving forward in Darfur, and this was no longer the case, as progress was being made both in the area and at the level of the Council. It was hoped that the progress being made in Darfur, in engaging in dialogue with the country concerned, could be reflected in Beit Hanoun and dialogue with Israel also.

MUSTAFIZUR RAHMAN (Bangladesh) said Bangladesh was grateful for the inspiring remarks of Archbishop Desmond Tutu. John Dugard was also appreciated for his report. He had reiterated what he had always been saying on the human rights situation in the occupied Palestinian territory – that it was continuously deteriorating. The demolition of houses was among other actions going on. All these actions were contrary to international norms, the Geneva Conventions and humanitarian law. The Human Rights Council should address gross human rights violations without selectivity. This Council should take a clear step on the flagrant violations of human rights in the occupied Palestinian territory by Israel. Archbishop Tutu had made a number of valuable recommendations. Full implementation of those recommendations could improve the situation in the occupied Palestinian territory.

HARI PRABOWO (Indonesia) said the follow-up of resolutions was one of the main ways for the Council to uphold its credibility. It was gratifying to see this being undertaken. Thanking the mandate holders, Indonesia called on all parties, for the sake of Palestinian civilians, to extend their full and unconditional cooperation to all United Nations mechanisms. Indonesia pledged strong support for the fulfillment of the mandate.

MARTIN UHOMOIBHI (Nigeria) said with regards to the report of the Special Rapporteur on the situation in the occupied Palestinian territory, he was to be commended for his excellent work. Nigeria felt an affinity with Desmond Archbishop Tutu. It was particularly important that the Archbishop and Professor Christine Chinkin were seized with this matter. The world had profited a lot from their report and their recommendations. The Council should take into account in particular the selected recommendations in their report. One theme that they had stressed eloquently was the inter-related nature of peace; the bond that linked peace to humans. They had put forward clearly that the quest for peace, security and freedom could not be done when lines were drawn along tribe, race, and nationality. The Council should take to heart what was summarised in the report, and all parties should reflect the human rights that were at stake in the territory.

KLAUS NETTER, of B'nai Brith International in a joint statement with Coordinating Board of Jewish Organizations, said that if an observer from Mars was to witness the discussion on resolutions S-1/1 and S-3/1 on a day when the media reported well over 20 deaths in internecine fighting in Gaza during the single day of yesterday, that observer would have to conclude that this Council was situated on a different planet from the one in which Gaza was located. There could hardly be a more pungent illustration of this Council's skewed, or indeed, racist vision of the Middle East conflict and its failure to work towards a peaceful solution.

CURTIS DOEBBER, of North South XXI in a joint statement with General Arab Women Federation and Union of Arab Jurists, said the high-level fact-finding mission report and the emotive plea for justice by Archbishop Desmond Tutu were welcomed. Palestinians had a legal and moral right to fight against their oppressors, a right recognized by the international community. Every people had a right to fight for self-determination. Illegal occupations, theft of land and resources, cultural destruction and imprisonment of elected officials were violations of basic rights, rights that needed no one to legitimize them. The Palestinian people had a right to expect the support of everyone in the international community in their struggle. The mandate should be renewed until the occupation ended, and urgent and effective measures were needed to ensure implementation of the Council's decisions.

MARIANNE LILLIEBJERG, of Amnesty International, said in its first year, the Council met repeatedly in special session, each time to consider the deterioration in an already very serious human rights situation. The Council had agreed on measures, but little had changed to alleviate the massive suffering of the people living in the occupied Palestinian territory, where the human rights situation continued to worsen. For Palestinians in Gaza, escaping the violence was nearly impossible. Economic sanctions had caused extreme poverty and despair. The Council should pursue its follow-up, while ensuring it addressed all abuses by Israelis and Palestinians.

ROMUALD PIAL MEZALA, of International League for the Rights and Liberation of Peoples, said that the League deplored and strongly condemned the continued and repeated violations of human rights and international humanitarian law in the occupied Palestinian territories. It was regrettable for the credibility of the Human Rights Council that neither the mission to Palestine nor the mission to Beit Hanoun had been able to carry out their mandates. However, the courage and objectiveness of Special Rapporteur John Dugard must be welcomed. The situation of Palestine did not need any more

reports. What it required was strong political will to put an end to the suffering of a people that faced 40 years of occupation.

RANIA AL-MADI, of [Badil Resource Centre for Palestinian Residency and Refugee Rights](#), in a joint statement with Defence for Children International, said the continued population transfer was visible in statistics: 750,000 Palestinians fleeing or forcibly removed from their land, 40 years of occupation, 70 per cent of Palestinians living as refugees or displaced person, 6.8 million Palestinian refugees, and 2.7 million refugee children. Many had faced multiple displacement. Land confiscation and demolition by Israel was rife. Israeli officials had yet to be held accountable for the discriminatory actions in Israel and the occupied Palestinian territories. A special expert was needed to examine discrimination against Palestinians in Israel. Israel should be made to comply with international law.

IRWIN COTLER, of [UN Watch](#), said it was regrettable that the speaker had not been able to accept the invitation to join the fact-finding mission to Beit Hanoun, and said this was because it was a one-sided mandate, which violated fundamental justice. It also violated the presumption of innocence, beginning by condemning "unlawful killings", a clear pre-determination of guilt. It was not surprising that Council members that most consistently supported the human rights mechanism of the body refused to support the mandate. This discriminatory approach had unfortunately become the norm. The Canadian people had supported changes to the Council, but it appeared the body was about to institutionalise the condemnation of Israel as a permanent item on the agenda. This undermined the cause of the United Nations, international law and human rights which all held dear.

Concluding Remarks by Member of Fact-Finding Mission to Beit Hanoun

CHRISTINE CHINKIN, [Member of the Fact-Finding Mission to Beit Hanoun](#), said in concluding remarks to the discussion that she wanted to reiterate a deep regret for having been unable to go to Beit Hanoun and to assess the needs of victims and survivors there. She would have wanted to inform about the situation there. A growing violence in Gaza could be noted until today. It seemed that it reaffirmed the need to put human rights at the level of international law. Accountability must be ensured by all people on all sides. In this sense, the relevance of the mandate continued. Members of the mission were ready to continue with any tasks the Human Rights Council wanted to entrust them with.

Updated Report by High Commissioner on Follow-Up to Report of Commission of Inquiry on Lebanon

The Council has before it the report of the United Nations High Commissioner for Human Rights on the follow-up to the report of the Commission of Inquiry on Lebanon (A/HRC/5/9). Human Rights Council resolution 3/3, of 8 December 2006, requested the United Nations High Commissioner for Human Rights to consult with the Government of Lebanon on the report of the Commission of Inquiry and its findings and on the relevant recommendations contained therein, and to report to the Council. This report is based on information received from partner organizations and agencies, and describes the steps taken by the High Commissioner and her Office, as well as a wide range of organizations and agencies, to implement resolution 3/3 and the recommendations of the Commission of Inquiry as contained in its report. The report highlights the importance of integrating human rights in any recovery process to ensure increased sustainability, as can be seen clearly in post-war Lebanon. The range of activities giving effect to the recommendations of the Commission of Inquiry is to be warmly welcomed, as are all efforts to integrate human rights in the reconstruction process. The report looks at four main areas of activity: humanitarian assistance and reconstruction, including health, water and sanitation, mine clearance, and oil spill response; vulnerable groups, in particular children and education; weapons, including information on the use of cluster munitions and new initiatives in that area; and redress for violations of humanitarian and human rights law.

Statements by Concerned Countries on Report of High Commissioner on Follow-Up to Report of Commission of Inquiry on Lebanon

GEBRAN SOUFAN ([Lebanon](#)), speaking as a concerned country, said that due to unprecedented circumstances, only a few Lebanese officials had been able to put their views forward. Given the ongoing constraints, the main pillars of the report were the replies of organizations and agencies on the ground. The report of the High Commissioner was factual, and reflected a partnership between the United Nations, non-governmental organizations and Lebanon over reconstruction. It took stock of initiatives launched in various fields such as humanitarian assistance, vulnerable groups, weapons, and human rights. Because Israel had wiped out 15 years of post war development, a happy conclusion was not expected, but it was heartening to see follow-up on humanitarian assistance and reconstruction. The Commission Report touched on weapons, notably cluster munitions. The view of the UN Disarmament Institute UNIDIR that stronger action was needed on the effects of cluster munitions on lives and livelihoods of civilians was welcomed. Other problems required attention, such as on human rights complaints and the oil spill off the Lebanese shore. The report did not propose therapies or initiatives, but was advanced and transparent in its assessment.

ITZHAK LEVANON ([Israel](#)), speaking as a concerned country, said if one went through the report and replaced the word Lebanon with the words North Israel, there would be a fairly accurate description of what Israel faced, and still faced, in the wake of last summer's conflict. The one obvious difference was that there was no Commission of Inquiry convened by the Council to determine the best way to assist Israel, a fact which swept away the principle of equal treatment for everyone. The report lacked an essential element in that it made no mention of the reasons behind the conflict, made no mention of Hizbollah's intentional aggression which triggered the hostilities.

Another omission in the report was the fate of the abducted servicemen by Hizbollah. The Lebanese Government and its army were called upon to dismantle Hizbollah's armaments, and bring the region into an era of quietude and stability. It was the responsibility of the Lebanese Government to loudly ring the alarm and call the attention of the international community to the non-implementation of Security Council Resolution 1701 being perpetuated by Hizbollah and the countries which supported it.

Interactive Dialogue on Report of High Commissioner on Lebanon

TEHMINA JANJUA ([Pakistan](#)), speaking on behalf of the [Organization of Islamic Conference](#), thanked the High Commissioner for the report on Lebanon. While the United Nations system was involved in a number of activities, it would take long to restore the situation in Lebanon, which was destroyed within one month. Lebanon recognized the efforts undertaken between the cooperation Lebanon, the United Nations and non-governmental organizations. The violations of international humanitarian law must be addressed. The United Nations system could only but support Lebanon on reconstruction.

WARREN W. TICHENOR ([United States](#)) said the United States remained concerned about the suffering of the Lebanese people. It had provided substantial resources for reconstruction, and supported the Government of Prime Minister Fouad Siniora and the Lebanese people as they defended their gains. Commitment to reconstruction and to a strong Lebanese State was reaffirmed. The path to peace required full implementation of UN resolution 1599 including the disarmament of militias.

BIRGITTA MARIA SIEFKER-EBERLE ([Germany](#)), speaking on behalf of the [European Union](#), welcomed the report of the High Commissioner, and shared her conclusion that it was of great importance to integrate human rights into any recovery process. The constructive approach of the Lebanese delegation was commended.

WESTMORELAND PALON (Malaysia) said Malaysia fully associated itself with the statement made by Pakistan, and was heartened by the determined efforts by the Government of Lebanon to remedy the destruction, pain and suffering undergone by the people of Lebanon. The efforts by the international community to alleviate the untold hardships of the Lebanese people were commended. Malaysia strongly supported Lebanon's efforts to rebuild the country, and would continue to contribute towards these in various ways, including capacity building. The Council had the responsibility to continue to be seized of this important issue, and the High Commissioner should extend support to the activities and programmes undertaken by the Lebanese Government.

RODOLFO REYES RODRIGUEZ (Cuba) said Cuba wished to add its voice to those delegations that had expressed their support for the activities carried out by the Lebanese authorities to deal with the aftermath of the brutal Israeli bombardments, which had led to a barbaric situation, and one affecting a very large part of the Lebanese population. Those brutal bombardments had given rise to a very high number of deaths, and Cuba expressed its solidarity with the people of Lebanon. Cuba wished now to reiterate its full support for all efforts being undertaken and exhorted the international community to implement its agreements and to demonstrate solidarity in Lebanon's recovery and reconstruction, as well as to see justice done and that those responsible were brought to justice. The Council could always call on Cuba's support in this just cause.

LUCAS MACHON, of International Commission of Jurists, said the Commission welcomed the report and recommendations of the Commission of Inquiry on the war in Lebanon, instigated by Hizbollah's kidnappings and rocket attacks. The Israeli response had been perceived as disproportionate. The International Commission of Jurists supported the establishment of the mandate of the Office of the High Commissioner for Human Rights to follow up the matter, but key rights: the rights to health, housing, and the issue of sustainable development and reconstruction of the country remained outstanding. Victims of armed conflict should benefit from legal assistance and compensation. Sustainability of the recovery process remained in doubt. All governments were called on in the report to extend their assistance to the victims. In August 2006 a legal inquiry by the Commission was established to examine the facts and laws of the war on both sides. The Commission would advocate for action in the event of breaches of international law.

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