
COUNCIL ADOPTS TEXTS ON FOLLOW-UP ON REPORT OF FACT-FINDING MISSION ON FLOTILLA ATTACK AND ON COMMITTEE OF INDEPENDENT EXPERTS ON GAZA CONFLICT

/...

The Human Rights Council this afternoon adopted six resolutions on follow-up to the report of the Independent International Fact-Finding Mission on the flotilla attack; follow-up to the report of the Committee of Independent Experts on the Gaza conflict in which it renewed the mandate of the Committee; the Special Rapporteur on contemporary forms of slavery in which it renewed her mandate for three years; independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers; the right to education; and forensic genetics and human rights.

In a resolution on follow-up to the report of the Independent International Fact-Finding Mission, which was dispatched to investigate violations of human rights law and international humanitarian law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance, the Council endorsed the conclusions contained in the report of the Mission, and called upon all concerned parties to ensure their immediate implementation. The Council also recommended that the General Assembly consider the report of the Mission. The resolution was passed by a vote of 30 in favour, 1 against and 15 abstentions.

In a resolution on follow-up to the report of the Committee of Independent Experts in international humanitarian and human rights law on the Gaza conflict, the Council urged the Palestinian Independent Commission of Investigations to complete its investigations in order to cover the allegations contained in the report of the Independent International Fact Finding Mission in the Occupied Gaza Strip. It condemned the non-cooperation by Israel, the occupying power, which hampered the Committee's assessment of Israel's response to the call by the General Assembly and the Human Rights Council to conduct investigations that were independent, credible and in conformity with international standards. It also renewed and resumed the mandate of the Committee. The resolution was adopted by a vote of 27 in favour, 1 against, and 19 abstentions.

/...

Action on Resolution Under Agenda Item on Organizational and Procedural Matters

Action on Resolution Concerning Follow-up to the Report of the Independent International Fact-Finding Mission

In a resolution ([A/HRC/15/L.33](#)) regarding follow-up to the report of the Independent International Fact-Finding Mission, adopted by a vote of 30 in favour, 1 against, and 15 abstentions, as orally amended, the Council welcomes the report of the Independent International Fact-Finding Mission; deeply regrets the non-cooperation by the occupying power, Israel, with the Independent International Fact-Finding Mission; endorses the conclusions contained in the report of the Independent International Fact-Finding Mission, and calls upon all concerned parties to ensure their immediate implementation; recommends that the General Assembly consider the report of the Independent International Fact-Finding Mission; requests the High Commissioner for Human Rights to submit to the sixteenth Human Rights Council's session of March 2011, a report, on the status of implementation of paragraph 3 of this resolution; and decides to follow up the implementation of the present resolution at its sixteenth session of March 2011.

The result of the vote was as follows:

In favour (30): Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Guatemala, Jordan, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, and Uruguay.

Against (1): United States.

Abstentions (15): Belgium, Cameroon, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom, and Zambia.

AFTAB KHOKHER ([Pakistan](#)), speaking on behalf of the [Organization of the Islamic Conference](#) and introducing the vote on draft resolution L.33, said that the international community expressed its dismay and strong condemnation of the aggression launched by the Occupying Power, Israel, on the flotilla of ships carrying humanitarian assistance to Gaza last May. The last session of the Human Rights Council established an International Independent Fact-Finding Mission, which investigated violations of human rights law and international humanitarian law resulting from the Israeli attacks. The report by the Mission in the Council last Monday concluded that the actions of the Israeli Defence Forces in blocking the flotilla were a violation of international law. The resolution welcomed the report of the International Independent Fact-Finding Mission and deeply regretted the non-cooperation by the Occupying Power. The resolution also recommended that the General-Assembly consider the report and requested the High Commissioner for Human Rights to submit a report on the status of implementation of paragraph three of the resolution.

IBRAHIM KHRAISHI ([Palestine](#)), speaking as a concerned country, said Palestine did not see that this draft went beyond the mandate of the Council which had as its mission to promote, disseminate and protect human rights. It could not be ignored that the aggression against people from 29 nationalities on the boat was an aggression against 29 States. How could that be lawful? And if it was not, then the perpetrator of this act should be called to account so that it ceased this irresponsible conduct. Palestine did not think that the Fact-Finding Mission was aligned with any particular ethnic or other region. Eminent specialists had talked of very professional work and the conclusions should therefore be discussed in this Council without any hesitation. Experts had called upon the Occupying Power to be more reasonable in dealing with the Council and United Nations institutions, which were often boycotted. Those responsible for this act should be held responsible and Palestine would like to hear an apology to those countries whose citizens had been wounded. This was a message that the Council should send and follow-up to ensure that everybody was subject to the same law in the future. This law was not made by Palestine or other States - it was a common denominator for the whole of the international community and one that should govern all actions beyond the force and weapons.

OG UZDEMIRALP ([Turkey](#)), speaking as a concerned country, said Turkey fully supported the statement of Palestine. This was a black and white case of violation, and the Human Rights Council was duty-bound to seek justice in such cases. This was precisely what the Council was doing right now. Turkey thanked the Organization of the Islamic Conference for tabling the draft resolution under

consideration. It was a procedural resolution, which would allow the Council to pursue the case on the basis of the report produced by the Fact-Finding Mission, established by the Council itself. The Council, its Members and Observers, all were accountable and responsible to the victims. In this world, they represented the collective conscience of the world, and had to stand up together in consensus against those who sought impunity despite all the acts they had committed in defiance of the Human Rights Council.

EILEEN CHAMBERLAIN DONAHOE ([United States](#)), speaking in an explanation of the vote before the vote, said that the United States was mindful for the loss of life on the Gaza-bound ships in May this year. The United States commended the Secretary-General for convening the panel to review the results of the investigations conducted by Israel and Turkey. The United States would continue to regard this panel as the primary instrument to review this incident. The United States remained deeply concerned by the suffering of civilians in Gaza; the situation there was not sustainable and was not in the interest of anyone. The already existing mechanisms should be used to improve the situation of those in Gaza, and the United States said it would continue to engage daily with the Israelis to increase the scope of goods going into Gaza. Direct talks between Israel and Palestine were resumed and all parties should be working to advance the cause of peace. The United States opposed the current resolution, called for a vote and said it would vote against it.

ALEX VAN MEEUWEN ([Belgium](#)), speaking in a general comment on behalf of the [European Union](#), deeply regretted the events that had led to the unnecessary loss of life. The Council had the duty to address all human rights violations wherever they occurred, including by fighting impunity. The European Union welcomed the efforts of the Fact-Finding Mission to make an objective assessment of the organization and interception of the flotilla by the Israeli navy. However, the European Union found it important that the work of the Human Rights Council complemented and fed into the work done by the wider United Nations system. The European Union regretted that the work of the panel of inquiry created by the United Nations Secretary-General had not been taken into account more strongly. Also, the European Union regretted the absence of sincere negotiations. For these reasons, the members of the European Union would abstain during the vote.

VEJJORN HEINES ([Norway](#)), speaking in an explanation of the vote after the vote, said Norway had called for and supported the decision by the Human Rights Council to establish and send a Fact-Finding Mission to investigate the events surrounding the boarding of the flotilla in June, and stressed the need for the Human Rights Council to work in full concert with the Secretary-General, the Security Council, and all other relevant bodies. Norway welcomed the report and took note of the conclusions, and viewed it as an important contribution to the panel of inquiry established by the Secretary-General. The Council should formally forward it to the panel. Norway did not support an ongoing and parallel process in the Human Rights Council, and had abstained for this reason.

MICHAEL MEIER ([Switzerland](#)), speaking in an explanation of the vote after the vote, said that Switzerland had called for an independent inquiry after the incident occurred in May this year and thanked the Fact-Finding Mission for conducting the mission under complex conditions. Switzerland was concerned that no single paragraph in the resolution made reference to the panel process undertaken by the United Nations Secretary-General. Switzerland had abstained from voting on this resolution.

LAURA DUPUY LASSERRE ([Uruguay](#)), speaking in an explanation of the vote after the vote, said Uruguay voted for the resolution as it supported the work of the Special Procedures. Uruguay valued the work of the International Fact-Finding Mission into the humanitarian flotilla incident as well as the political efforts of the Secretary-General and the panel that would hopefully lead to reconciliation.

/...

Action on Resolution Under Agenda Item on the Human Rights Situation in Palestine and Other Occupied Arab Territories

Action on Resolution on Follow-up to the Report of the Committee of Independent Experts in International and Human Rights Law

In a resolution ([A/HRC/15/L.34](#)) regarding follow-up to the report of the Committee of Independent Experts in international humanitarian and human rights law pursuant to Human Rights Council resolution 13/9, adopted by a vote of 27 in favour, 1 against, and 19 abstentions, as orally revised, the Council urges the Palestinian Independent Commission of Investigations to complete its investigations in order to cover the allegations contained in the report of the Independent International Fact Finding Mission in Occupied Gaza Strip; condemns the non-cooperation by Israel, the occupying power, which hampered the UN Committee's assessment of Israel's response to the call by the General Assembly and the Human Rights Council to conduct investigations that are independent, credible and in conformity with international standards; urges Israel, the occupying power, in compliance with its duties to complete investigations in conformity with international standards of independence, thoroughness, effectiveness and promptness into the serious violations of international humanitarian law and international human rights law by the United Nations Fact Finding Mission on the Gaza Conflict; decides to renew and resume the mandate of the UN Committee of Independent Experts in international humanitarian law and human rights law established pursuant to HRC resolution 13/9, and requests this committee to present its report to the Council at its sixteenth session of March 2011, and requests also the United Nations High Commissioner for Human Rights to continue providing its members with all administrative, technical and logistical assistance required to enable them to fulfil their mandate promptly and efficiently; and decides to remain seized of this matter.

The result of the vote was as follows:

In favour (27): Angola, Argentina, Bahrain, Bangladesh, Brazil, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Jordan, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, and Uruguay.

Against (1): United States.

Abstentions (19): Belgium, Burkina Faso, Cameroon, Chile, France, Guatemala, Hungary, Japan, Mexico, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom, and Zambia.

AFTAB AHMAD KHOKHER ([Pakistan](#)), introducing draft resolution L. 34 on behalf of the [Organization of the Islamic Conference](#) and the [Arab Group](#), said in its thirteenth session the Council had decided to establish a Committee of Experts to monitor and assess any proceedings undertaken by the Government of Israel and the Palestinian side. However, the report of that Committee had concluded that the non-cooperation of Israel had hampered the Committee's assessment of the Israeli response to conduct independent and credible investigations. To ensure that Israel complete investigations in conformity with international standards into the violations, the Organization of the Islamic Conference and the Arab Group had tabled a follow-up resolution. This resolution among other things reaffirmed the obligation of all parties to respect international humanitarian law and international human rights law under all circumstances and reiterated the importance of the safety and well-being of all civilians.

IBRAHIM KHRAISHI, ([Palestine](#)), speaking as a concerned country, said Palestine was trying and making every effort to implement all its commitments enshrined in United Nations resolutions. Palestine committed itself, in front of this august Council, to continue its investigations so as to be able to clarify the situation in an unambiguous manner to all parties. The text of the draft resolution under consideration showed that the report of the Secretary-General had been received, and there should be a follow-up by the High

Commissioner for Human Rights. Up to now, the Human Rights Council had not been able to prepare for the convening of the High Contracting Parties of the Fourth Geneva Convention. Up until this moment, Palestine had not been informed of the details of the various models for the compensation of those who had been injured during the attack on Gaza. The peace process still confronted huge problems, despite the fact that all had asked and called upon the occupying power to halt the building of settlements - but Israel continued to refuse to comply with this international call as a prelude for serious negotiations that would lead, within a year, to what was the desired goal, peace. Palestine declared that it was willing to engage in partnership, but the Occupying Power continued to refuse this partnership. The Prime Minister of Israel had been quoted as saying that the peace process would take decades, and would be on the basis of ethnic, religious and geographical separation. That was a declaration of a new apartheid regime in the Middle East. The draft resolution was not an impediment to peace – Palestinians were the ones who were most concerned with assisting Israel to observe and respect the law, as that was the future, and it was not the language of strength or might that was the future.

EILEEN CHAMBERLAIN DONAHOE ([United States](#)), speaking in an explanation of the vote before the vote, said that the United States had been clear in its earlier communications that it would not accept an international oversight of domestic issues. It had also expressed its conviction that the violations of international humanitarian law that had occurred could be handled by domestic investigations by Israel. As the fact-finding mission's report indicated, beyond responding to specific violations, the Israeli military had already changed protocols in order to increase the protection of civilians. Israel was engaging in the ongoing investigations to establish accountability and to punish those who broke the law. The United States called on all parties to fulfil their obligations in promoting the respect for international humanitarian law and human rights. The United States believed that the Committee of Independent Experts was not necessary and called for a vote on this draft resolution.

ALEX VAN MEEUWEN ([Belgium](#)), speaking in a general comment on behalf of the [European Union](#), said the European Union deeply regretted the loss of life during the Gaza conflict. The European Union had called on all parties to launch appropriate and credible investigations into the violations of international law that had occurred. The European Union continued to work with both Israel and the Palestinian authority and acknowledged that further steps should be taken to fight impunity. The draft resolution would have benefited from better incorporating the findings of the Committee. The European Union would have preferred a more focused and trim-lined approach and it regretted the absence of sincere negotiations. For these reasons, the members of the European Union would abstain from the vote.

KATE JONES ([United Kingdom](#)), speaking in a general comment, recalled that the European Union had thanked the Committee of Experts for their report and thorough work, and had regretted that the text before the Council did not include the responsibilities of Hamas to investigate the allegations against them, thus making it flawed and unbalanced. In addition, the United Kingdom questioned the need for proliferation of mechanisms on this issue. For these reasons, the United Kingdom would abstain on the vote.

MICHAEL MEIER ([Switzerland](#)), speaking in an explanation of the vote after the vote, recalled that it was crucial to have appropriate follow up to the Goldstone report and to continue with the fight against impunity. Switzerland regretted that the draft resolution L.33, on which the Council had just voted, had not called on all parties to prosecute those responsible for violations of international humanitarian law and human rights violations and that was why Switzerland had abstained.

LAURA DUPUY LASSERRE ([Uruguay](#)), speaking in an explanation of the vote after the vote, said Uruguay trusted that Israel would thoroughly investigate and take note of claims of violations of international humanitarian law in order to restore full enjoyment of human rights in the area as well as peaceful co-existence between both States and peoples.

DARLINGTON MWAPE ([Zambia](#)), speaking in an explanation of the vote after the vote, said that the Government of Zambia had decided to abstain as resolutions needed to be in line with the peace process. The role of the international community was to promote peace and security in all nations and, as such, the Council had to adopt resolutions that were more balanced and that focused on reconciliation.