



## General Assembly

A/62/53  
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### Report of the Human Rights Council

#### Second session

(18 September-6 October and 27-29 November 2006)

#### Third session

(29 November-8 December 2006)

#### Fourth session

(12-30 March 2007)

#### Fifth session

(11-18 June 2007)

#### First organizational meeting

(19-22 June 2007)

#### Third special session

(15 November 2006)

#### Fourth special session

(12-13 December 2006)

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The present volume contains the resolutions and decisions adopted by the Human Rights Council from 18 September 2006 to 22 June 2007, at its second, third, fourth and fifth sessions, at its first organizational meeting and at its third and fourth special sessions. The resolutions and decisions adopted by the Council from 19 June to 11 August 2006 at its first session and its first and second special sessions appear in the report of the Council to the General Assembly, issued as *Official Records, Sixty-first Session*, Supplement No. 53 (A/61/53).

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### Resolutions and decisions adopted by the Council at its second, third, fourth and fifth sessions, at its first organizational meeting, and at its third and fourth special sessions

#### I. Second session

#### A. RESOLUTIONS

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#### 2/3. Human rights in the occupied Syrian Golan

*The Human Rights Council,*

*Deeply concerned* at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Recalling also* all relevant General Assembly resolutions, including the latest, resolution 60/40 of 1 December 2005, in which the Assembly declared that Israel had failed so far to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

*Reaffirming once more* the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

*Reaffirming* the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

*Taking note with deep concern* of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/60/380) of 26 August 2005 and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

*Guided* by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague conventions of 1899 and 1907 to the occupied Syrian Golan,

*Reaffirming* the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern over the halt in the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Security Council resolutions 242 (1967) and 338 (1973) with a view to establishing a just and comprehensive peace in the region,

*Reaffirming also* the previous relevant resolutions of the Commission on Human Rights, the most recent being resolution 2005/8 of 14 April 2005,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, in particular resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

5. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report on this matter to the Human Rights Council at its fourth session, due to be held in March/April 2007;

7. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its fourth session.

31st meeting  
27 November 2006

[Resolution adopted by a recorded vote of 32 to 1, with 14 abstentions. The voting was as follows:

*In favour:* 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, Zambia.

*Against:* Canada.

*Abstaining:* Cameroon, Czech Republic, Finland, France, Germany, Guatemala, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.] <sup>3</sup>

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<sup>3</sup> See A/HRC/2/9 and Corr.1, chap. III, paras. 176-181.

#### **2/4. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The Human Rights Council,*

*Guided* by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force,

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

*Recalling* relevant resolutions of the Commission on Human Rights, the Security Council and the General Assembly, most recently General Assembly resolution 60/106 of 8 December 2005 in which it reaffirmed, inter alia, the illegality of the Israeli settlements in the occupied territories,

*Mindful* that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestine and all Arab territories occupied by Israel since 1967, including East Jerusalem and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

*Considering* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (see A/ES-10/273 and Corr.1), and its conclusion that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law,

*Recalling also* General Assembly resolution ES-10/15 of 20 July 2004,

*Recalling further* its attachment to the implementation by both parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex), and noting specifically its call for a freeze on all settlement activity,

*Expressing its grave concern* about the continuation by Israel, the occupying Power, of settlement building and expansion in the Occupied Palestinian Territory, in violation of international humanitarian law and relevant United Nations resolutions, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State,

*Expressing its concern* that continuing Israeli settlement activity undermines the realization of a two-State solution,

*Noting* the dismantlement of settlements in the Gaza Strip and parts of the northern West Bank,

*Expressing grave concern* about the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

*Deeply concerned* that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Expressing its concern* at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2006/29 and A/HRC/2/5)

and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him fully to discharge his mandate;

2. *Expresses its grave concern at:*

- (a) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 of that Convention; settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;
- (b) The Israeli so-called E1 plan aimed at expanding the Israeli settlement of Maale Adumim and building the wall around it, thereby further disconnecting occupied East Jerusalem from the northern and southern parts of the West Bank and isolating its Palestinian population;
- (c) The new Israeli plans to construct more than 900 additional housing units in different Israeli settlements in the occupied West Bank;
- (d) The implications on the final status negotiations of Israel's recent announcement that it will retain the major settlement blocs in the Occupied Palestinian Territory, including settlements located in the Jordan Valley;

(e) The expansion of Israeli settlements and the construction of new ones on the Occupied Palestinian Territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent, in which case, it would be tantamount to de facto annexation; <sup>4</sup>

(f) The Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev in violation of international law and relevant United Nations resolutions;

(g) The continued closures of and within the Occupied Palestinian Territory and the restriction of the freedom of movement of people and goods, including the repeated closure of the crossing points of the Gaza Strip, which have caused an extremely precarious humanitarian situation for the civilian population as well as impaired the economic and social rights of the Palestinian people;

(h) The continued construction, contrary to international law, of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem;

3. *Urges Israel, the occupying Power:*

(a) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including "natural growth" and related activities;

(b) To prevent any new installation of settlers in the occupied territories;

4. *Urges the full implementation of the Access and Movement Agreement of 15 November 2005, particularly the urgent reopening of Rafah and Kami crossings, which is crucial to ensuring the passage of foodstuffs and essential supplies, as well as the access of the United Nations agencies to and within the Occupied Palestinian Territory;*

5. *Demands that Israel implement the recommendations regarding the settlements made by the then United Nations High Commissioner for Human Rights in her report to the Commission on Human Rights at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114);*

6. *Calls upon Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;*

7. *Demands that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice;*

8. *Welcomes the Palestinian truce initiative and its acceptance by the Israeli side that came into effect on 26 November 2006 and urges all parties to maintain this truce, which could pave the way for genuine negotiations towards a just resolution to the conflict;*

9. *Urges the parties to give renewed impetus to the peace process and to implement fully the road map endorsed by the Security Council in resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;*

10. *Decides to continue the consideration of this question at its fourth session.*

*32nd meeting  
27 November 2006*

[Resolution adopted by a recorded vote of 45 to 1, with 1 abstention. The voting was as follows:

*In favour:* Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Czech Republic, Djibouti, Ecuador, Finland, France, Gabon, Germany, Ghana, Guatemala, India, Indonesia, Japan, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

*Against:* Canada.

*Abstaining:* Cameroon.]<sup>5</sup>

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<sup>4</sup> See International Court of Justice, Advisory Opinion of 9 July 2004 in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (see A/ES-10/273 and Corr.1, para. 121).

<sup>5</sup> See A/HRC/2/9 and Corr.1, chap. III, paras. 204-210.

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## II. Third session

### A. RESOLUTIONS

#### 3/1. Human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolution S-1/1

*The Human Rights Council,*

*Recalling its resolution S-1/1 of 6 July 2006,*

*Noting with regret that the resolution has not been implemented to date,*

1. *Calls for the speedy implementation of its resolution S-1/1, including the dispatching of the urgent fact-finding mission;*
2. *Requests the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to report to the Council on the implementation of the present resolution at its next session.*

*13th meeting  
8 December 2006*

[Resolution adopted by a recorded vote of 34 to 1, with 12 abstentions. The voting was as follows:

*In favour:* Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, Zambia.

*Against:* Canada.

*Abstaining:* Cameroon, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.] [23](#)

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[23](#) See A/HRC/3/7 and Corr.1, chap. III, paras. 46-51.

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### III. Fourth session

#### A. RESOLUTIONS

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#### **4/2. Human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolutions S-1/1 and S-3/1**

*The Human Rights Council,*

*Recalling* its resolutions S-1/1 of 6 July 2006 and S-3/1 of 15 November 2006,

*Noting with regret* that Israel, the occupying Power, has not implemented to date these two resolutions and hindered the dispatching of the urgent fact-finding missions specified therein,

1. *Calls for* the implementation of its resolutions S-1/1 and S-3/1, including the dispatching of the urgent fact-finding missions;

2. *Requests* the President of the Human Rights Council and the United Nations High Commissioner for Human Rights to report to the Council at its fifth session on their efforts for the implementation of Council resolutions S-1/1 and S-3/1 and on the compliance of Israel, the occupying Power, with these two resolutions.

*26th meeting  
27 March 2007*

[Resolution adopted without a vote.] [32](#)

[32](#) See A/HRC/4/123 and Corr.1, chap. III, paras. 137-141.

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### B. DECISIONS

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#### **44/105. Postponement of consideration of draft proposals**

At its 32nd meeting, on 30 March 2007, the Human Rights Council decided, without a vote, [45](#) to take note of the deferral of the following draft proposals:

(a) To the fifth session of the Human Rights Council:

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A/HRC/4/L.3 The Israeli violations of religious and cultural rights in Occupied East Jerusalem

A/HRC/4/L.4 Human rights situation in the Occupied Palestinian Territory

[45](#) See A/HRC/4/123 and Corr.1, chap. II, para. 16.

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### IV. Fifth session

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### B. DECISIONS

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#### **5/102. Postponement of consideration of all pending draft resolutions and decisions, and of the draft report**

At its 9th meeting, on 18 June 2007, the Human Rights Council decided, without a vote, [54](#) to postpone action:

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(a) On the following draft resolutions tabled at its fifth session:

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A/HRC/5/L.5 Human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolution S-1/1 and S-3/1

/...

(b) On the following draft decisions and resolution deferred from previous sessions pursuant to its decision 4/105 of 30 March 2007:

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A/HRC/4/L.3 Israeli violations of religious and cultural rights in Occupied East Jerusalem

A/HRC/4/L.4 Human rights situation in the Occupied Palestinian Territory;

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<sup>54</sup>See A/HRC/OM/1/1, chap. II, para. 11.

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## V. First organizational meeting

### A. RESOLUTIONS

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**OM/1/2. Human rights situation in the Occupied Palestinian Territory:  
follow-up to Human Rights Council resolutions S-1/1 and S-3/1**

*The Human Rights Council,*

*Recalling* its resolutions S-1/1 of 6 July 2006 and S-3/1 of 15 November 2006,

*Noting with regret* that Israel, the occupying Power, has not to date implemented these two resolutions and hindered the dispatching of the urgent fact-finding missions specified therein,

1. *Calls* for the implementation of its resolutions S-1/1 of 6 July 2006 and S-3/1 of 15 November 2006, including the dispatching of the urgent fact-finding missions;  
2. *Requests* the President of the Human Rights Council and the United Nations High Commissioner for Human Rights to report to the Council at the next session to be held in September 2007, on their efforts for the implementation of Council resolutions S-1/1 and S-3/1 and on the compliance of Israel, the occupying Power, with these two resolutions.

*Organizational meeting 1,  
20 June 2007*

[Resolution adopted without a vote.] <sup>51</sup>

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<sup>51</sup> See A/HRC/OM/1/1, chap. III, paras. 30-34.

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### B. DECISIONS

**OM/1/101. Postponement of consideration of pending draft resolution and decisions**

At its organizational meeting, on 20 June 2007, the Human Rights Council decided, without a vote, <sup>53</sup> to postpone action on the following draft resolution and decisions deferred from previous sessions to its September session, pursuant to its decision 4/105 of 30 March 2007:

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A/HRC/4/L.3 Israeli violations of religious and cultural rights in Occupied East Jerusalem

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<sup>53</sup> See A/HRC/OM/1/1, paras. 23-25.

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## VI. Third special session

**S-3/1 . 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**

*The Human Rights Council,*

*Affirming* that the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

*Gravely concerned* at the continued violation by the occupying Power, Israel, of the human rights of the Palestinian people in the Occupied Palestinian Territory, *Recognizing* that the Israeli military incursions in the Occupied Palestinian Territory, including the recent incursion in northern Gaza and the assault on Beit Hanoun, constitute a collective punishment of the civilians therein and exacerbate the severe humanitarian crisis in the Occupied Palestinian Territory,

*Taking note* of the sense of shock expressed by the Secretary-General on the Israeli military operations carried out in Beit Hanoun on 8 November 2006,

*Emphasizing* that the Israeli wilful killing of Palestinian civilians, including women and children, constitutes a gross violation of human rights law and international humanitarian law,

*Affirming* that, under international humanitarian law, the medical personnel and means of transport of the Palestine Red Crescent Society must be protected and respected in all circumstances,

1. *Expresses its shock* at the horror of Israeli killing of Palestinian civilians in Beit Hanoun while asleep and other civilians fleeing earlier Israeli bombardment;

2. *Condemns* the Israeli killing of Palestinian civilians, including women and children, as well as of medics in Beit Hanoun and other Palestinian towns and villages, and calls for bringing the perpetrators thereof to justice;

3. *Denounces* the Israeli massive destruction of Palestinian homes, property and infrastructure in Beit Hanoun;

4. *Expresses its alarm* at the gross and systematic violations of human rights of the Palestinian people in the Occupied Palestinian Territory by the occupying Power, Israel, and calls for urgent international action to put an immediate end to these violations, including those emanating from the series of incessant and repeated Israeli military incursions therein;

5. *Calls for immediate protection* of the Palestinian civilians in the Occupied Palestinian Territory in compliance with human rights law and international humanitarian law;

6. *Urges* all concerned parties to respect the rules of international humanitarian law, to refrain from violence against the civilian population and to treat under all circumstances all detained combatants and civilians in accordance with the Geneva Conventions of 12 August 1949;

7. *Decides* to dispatch urgently a high-level fact-finding mission, to be appointed by the President of the Human Rights Council, to travel to Beit Hanoun to, inter alia: (a) assess the situation of victims; (b) address the needs of survivors; and (c) make recommendations on ways and means to protect Palestinian civilians against any further Israeli assaults;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all administrative, technical and logistical assistance required to enable the fact-finding mission to fulfil its mandate promptly and efficiently;

9. *Requests* the fact-finding mission to report to the Council no later than the middle of December 2006 on progress made towards the fulfilment of its mandate.

*2nd meeting  
15 November 2006*

[Resolution adopted by a recorded vote of 32 to 8, with 6 abstentions. The voting was as follows:

*In favour:* 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, Zambia.

*Against:* Canada, Czech Republic, Finland, Germany, Netherlands, Poland, Romania, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* France, Guatemala, Japan, Republic of Korea, Switzerland, Ukraine.] [56](#)

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[56](#) See A/HRC/S/3/2, chap. II, paras. 16-24.