



## Press release

# Human Rights Council

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### **HUMAN RIGHTS COUNCIL DECIDES TO DISPATCH URGENT FACT-FINDING MISSION TO THE OCCUPIED PALESTINIAN TERRITORIES**

Human Rights Council  
6 July 2006

#### **Adopts Resolution on the Situation and Concludes its First Special Session**

The Human Rights Council this morning adopted a resolution on the human rights situation in the occupied Palestinian territory in which it decided to urgently dispatch the Special Rapporteur on the occupied Palestinian territories to undertake a fact-finding mission on the situation.

In a resolution on the human rights situation in the occupied Palestinian territory, adopted by a vote of 29 in favour, 11 against and five abstentions, the Council demanded that Israel end its military operations in the occupied Palestinian territory; expressed grave concern at the detrimental impact of the current Israeli military operation on the already deteriorating humanitarian conditions of the Palestinian people; urged Israel to immediately release the arrested Palestinian ministers, and members of the Palestinian Legislative Council; and decided to dispatch an urgent fact-finding mission headed by the Special Rapporteur on the situation of human rights in the occupied Palestinian territory.

A vote had also been called on an amendment by Pakistan to proposed Swiss amendments to the draft resolution. The Pakistani amendment was approved by a vote of 28 to 0, with 17 abstentions. By that amendment, the Human Rights Council urged 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.

Israel, speaking as a concerned country, asked the Council to vote against the resolution, and Palestine, speaking as a concerned party, called on all delegations to vote in favour of the text.

Canada said that it was its view that the new Council should deal with such a controversial matter by consensus and so it would abstain. Switzerland also abstained, as it felt that the draft resolution was not balanced. It was not that the parties to the conflict had to be treated on an equal footing, but that both parties should be reminded of their obligations, Switzerland felt. Many speakers pointed to the issue of balance in focusing on the obligations of both parties to the conflict, but there remained a sharp division among countries on whether the text was acceptable or not. Finland, speaking for the European Union, regretted that the text did not treat the parties in a more balanced manner, in particular, by calling for the immediate and unconditional release of the Israeli soldier, and calling on the Palestinian leadership to cease its Qassam rocket fire on Israeli territory. Others, such as Ecuador, regretted that a more balanced text could not have been presented, but felt that situations of dire human rights violations, such as were present in the occupied Palestinian territory today, required urgent action by the Council. Still others, such as Cuba, felt that the draft resolution, as amended, presented a more balanced text, and one that was more in keeping with the language of the Geneva Conventions than in the Swiss proposal.

Speaking in explanations of the vote before the vote were Finland, on behalf of the European Union, Canada, the Russian Federation, Cuba, Switzerland, the Philippines, Guatemala, China, Peru, and Ecuador. Speaking in explanations of the vote after the vote were Brazil, speaking also on behalf of Argentina and Uruguay, Japan, and Mexico.

The special session, the first called for by the Human Rights Council, opened on Wednesday, 5 July in the afternoon and heard from a long list of speakers, headed by John Dugard, the Special Rapporteur on the situation in the Palestinian territories occupied since 1967.

The second regular session of the Council will be held from 18 September to 10 October 2006.

### **Resolution on Situation in the Occupied Palestinian Territory**

In a resolution (A/HRC/S-1/L.1/Rev.1), entitled "Human rights situation in the Occupied Palestinian Territory", as revised and amended, which was adopted after a vote of 29 in favour, 11 against, and 5 abstentions (Cameroon, Mexico, Nigeria, the Republic of Korea, and Switzerland), the Human Rights Council expresses grave concern at the violations of the human rights of the Palestinian people caused by the Israeli occupation, including the current extensive Israeli military operations against Palestinians in the Occupied Palestinian Territory; demands that Israel, the occupying Power, end its military operations in the Occupied Palestinian Territory, abide scrupulously by the provisions of international humanitarian law and human rights law, and refrain from imposing collective punishment on Palestinian civilians; expresses grave concern at the detrimental impact of the current Israeli military operation on the already deteriorating humanitarian conditions of the Palestinian people; urges Israel, the occupying Power, to immediately release the arrested Palestinian ministers, members of the Palestinian Legislative Council and other officials, as well as other arrested Palestinian civilians; 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; decides to dispatch an urgent fact-finding mission headed by the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories; and calls for a negotiated solution to the current crisis.

The result of the vote was as follows:

In favour (29) Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Ecuador, Ghana, Guatemala, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Morocco, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, and Zambia.

Against (11): Germany, Canada, Czech Republic, Finland, France, Japan, Netherlands, Poland, Romania, United Kingdom and Ukraine.

Abstentions (5): Cameroon, Mexico, Nigeria, Republic of Korea, and Switzerland.

At the beginning of the meeting, a vote was held on the sub-amendments proposed by the delegation of Pakistan. The sub-amendments were passed by the following vote:

The result of the vote was as follows:

In favour (28): Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Ecuador, Ghana, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Uruguay, and Zambia.

Abstentions (17): Cameroon, Canada, Czech Republic, Finland, France, Germany, Guatemala, Japan, Netherlands, Nigeria, Peru, Poland, Republic of Korea, Romania, Switzerland, Ukraine, and United Kingdom.

### **Statements**

ITZHAK LEVANON (Israel), speaking as a concerned country, said that Israel asked the Council to vote against the draft resolution presented by the Arab Group and the Islamic Group.

MOHAMMAD ABU-KOASH (Palestine), speaking as a concerned party, said that while the Council was meeting in Geneva, the Israeli tanks were shelling the civilian Palestinians. The Palestinian parliament was under siege, surrounded by Israeli military troops which wanted to abduct the speaker of the parliament. The Palestinian delegation had urged the occupying power to respect the Geneva Convention, which it had not heeded to. He urged all delegations to vote in favour of the text.

VESA HIMANEN (Finland), speaking in an explanation of the vote before the vote on behalf of the European Union, said that the European Union members had taken note of the Organization of the Islamic Conference (OIC) amendment to the Swiss amendment tabled yesterday. The European Union felt that the OIC amendment still fell short of the European Union's requirements. For that reason EU members would abstain in the vote on it.

TERRY CORMIER (Canada), speaking in an explanation of the vote before the vote, said that it was the view of Canada that the new Council should deal with such a controversial matter by consensus. Canada would abstain in the vote.

VALERY LOSHCININ (Russian Federation) said the proposal from Switzerland and Pakistan would make the text of the resolution more balanced. The Russian Federation would vote in favour of the text if a vote were to take place.

JORGE A. FERRER RODRIGUEZ (Cuba), speaking in an explanation of the vote before the vote, said that Cuba would be voting for the proposed amendment presented by Pakistan on behalf of the Organization of the Islamic Conference (OIC). Cuba thanked many delegations, in particular those of the OIC, who had accommodated dialogue to include all the interests involved. It appeared to Cuba that the OIC amendment would allow for a more balanced text, and one that was more in keeping with the language of the Geneva Conventions than the Swiss one.

BLAISE GODET (Switzerland), explaining its request for a vote to be taken on the amendments to the draft resolution, said that it seemed to Switzerland that the draft resolution was not balanced. It was not that the parties to the conflict had to be treated on an equal footing, but that both parties should be reminded of their obligations. For that reason, Switzerland felt that its proposed amendments were preferable to those presented by Pakistan. For that reason, Switzerland was asking for a vote.

ENRIQUE A. MANALO (Philippines) said the delegation of the Philippines was concerned about the escalation of violence in the occupied Palestinian territory. The first effort should be to safeguard individuals on both sides. It was also essential to pursue negotiations in order to seek peaceful means to settle the conflict.

CARLOS RAMIRO MARTINEZ ALVARADO. (Guatemala), speaking in an explanation of the vote before the vote, said that Guatemala was convinced that the Council should be called on to resolve urgent human rights situations wherever they occurred. Guatemala would vote in favour of the resolution because it would like to reaffirm the appeal for calm, and to avoid any further confrontations. Guatemala called on both sides to show mutual respect; all sides should strive to find a path to negotiations, to take up the Roadmap, and to comply with their obligations.

SHA ZUKANG (China) said China would vote in favour of the draft resolution. The Israelis should exercise restraint in their actions. The members of the Palestinian parliament should be released immediately. The Israeli soldier taken hostage should also be released immediately.

VESA HIMANEN (Finland), speaking in an explanation of the vote before the vote on behalf of the European Union, said that the European Union had displayed some concerns to the sponsors of the draft resolution. Regrettably, those had not been taken into account. In particular, the European Union had called for the text to treat the parties in a more balanced manner and to call immediately for the unconditional release of the Israeli soldier, and to call on the Palestinian leadership to cease its Qassam rocket fire on Israeli territory. For that reason the European Union could not support the draft resolution as orally amended and would vote against the proposed text.

MANUEL RODRIGUEZ CUADROS (Peru) said the Government of Peru would vote in favour of the draft resolution. The Government had wanted a balanced text to be introduced; however, it would vote in favour. The respect for international humanitarian law should be invoked in all conflict situations. The international community should make further efforts to bring down the escalating violence in the region. The search for peace and harmony should be the ultimate goal in the Israeli-Palestinian conflict. The implementation of the Roadmap was essential to bring both parties to the negotiating table.

GALO LARENAS SERRANO (Ecuador), speaking in an explanation of the vote before the vote, said that Ecuador appreciated the efforts of Switzerland and Pakistan to reach a consensus text. Regrettably, that had not been possible. Ecuador, however, would support the draft resolution, in line with its consistent commitment to the promotion and protection of human rights. Situations of dire human rights violations, such as were present in the occupied Palestinian territory today, required urgent action by the Council. The General Assembly had given the Council that power. Ecuador would have liked its voice to be heard when the drafting of the resolution was under way. Substantive matters should not be sacrificed to procedural matters, however. Human lives should not be sacrificed to legal texts.

BLAISE GODET (Switzerland) said the draft was not without positive elements. It called for the respect of international humanitarian law. In the past, the Government of Switzerland had condemned the human rights violations in the region. Even with the amendment of Pakistan which was just adopted, Switzerland would abstain from voting on the text as a whole.

TERRY CORMIER (Canada), speaking in an explanation of the vote before the vote, said that Canada believed that the Human Rights Council should play a constructive role in the resolution of the human rights situation in the region, but the draft resolution before them did not present a balanced approach. It was not consistent with General Assembly resolution 60/251, which called on the Council to be guided by the principles of universality, impartiality, objectivity and non-selectivity in carrying out its mandate. The draft resolution concentrated almost exclusively on Israel. It did not call on the Palestinian Authority to refrain from rocket fire, among others. Canada would vote against the resolution as amended.

SERGIO ABREU E LIMA FLORENCIO (Brazil), speaking on behalf of Argentina and Uruguay in an explanation of the vote after the vote, said that Argentina, Brazil and Uruguay had voted in favour of the draft resolution. They were deeply concerned with the increasing deterioration of the living conditions of the Palestinian population. Their Governments deplored the sufferings imposed on the civil Palestinian population, with no access to electricity or potable water. There was a need for both parties to the conflict to abstain from the use of force and resume dialogue and negotiations in order to overcome the current crisis. The international community, with the engagement of the United Nations had to play a relevant role in the resumption of the peace negotiations. The Council could contribute to constructive and peaceful solutions by promoting human rights in the region. The Human Rights Council should not, however, systematically use the old methods of the Commission on Human Rights, such as the adoption of separate resolutions on each issue under examination.

SHIGERU ENDO (Japan) said the present text was one-sided and not balanced. Had more efforts been made to improve the text, Japan would have joined the consensus, however, since that was not the case, Japan had voted against it.

LUIS JAVIER CAMPUZANO (Mexico), speaking in an explanation of the vote after the vote, said the Government of Mexico would have preferred a more balanced text in treating the parties to the conflict. It was necessary to take up all violations, both arrests of Palestinian ministers and attacks on civilian Palestinian infrastructure, as well as the abduction of the Israeli soldier and attacks on Israeli civilians. The Council had to have the power to address urgent human rights situations, stressing dialogue and cooperation. Mexico supported a visit by the Special Rapporteur on the occupied Palestinian territories to the region.

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