



General Assembly

Distr.
GENERAL

A/HRC/10/29
20 April 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Tenth session
Agenda item 1
Organizational and procedural matters
2-27 March 2009

REPORT OF THE HUMAN RIGHTS COUNCIL ON ITS TENTH SESSION Vice-President and Rapporteur: Mr. Elchin Amirbayov (Azerbaijan)

Part One: Resolutions, decisions and the President's statement

I. Resolutions adopted by the Council at its tenth session

/...

10/17 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 systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

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

Recalling also all relevant General Assembly resolutions, the most recent being resolution 63/99 of 5 December 2008, in which the Assembly declared that Israel had failed 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 the decision by Israel 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 the inadmissibility of the 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/63/401), in which the Committee referred to the grave deterioration of the human rights situation in the occupied Syrian Golan and, in this connection, deploring the Israeli settlement in the occupied Arab territories and expressing regret at the constant refusal of Israel 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 at the halting of 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) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, the most recent being Council resolution 7/30 of 28 March 2008,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was 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 that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are 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. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 23 years, and calls on Israel to treat them in conformity with international humanitarian law;
6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;
7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that aim 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, of 12 August 1949, and have no legal effect;
8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;
9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Council at its thirteenth session;
10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its thirteenth session.

43rd meeting
26 March 2009

[Adopted by a recorded vote of 33 to 1, with 13 abstentions (see part II, chap. VII). The voting was as follows:

In favour:

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against:

Canada;

Abstaining:

Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

**10/18. Israeli settlements in the Occupied Palestinian Territory,
including East Jerusalem, and in 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 Council, the Security Council and the General Assembly, reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories,

Mindful that Israel is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian 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*, and its conclusion that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, were established in breach of international law,

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

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory constitute very serious violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts, including the Annapolis Peace Conference of 27 November 2007 and the Paris International Donors' Conference for the Palestinian State of 17 December 2007, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

Recalling 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 settlements 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,

Expressing grave concern at 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 route of the wall 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 (A/HRC/10/20), and calls upon the Government of Israel to cooperate with all relevant special rapporteurs in accordance with Council resolution S-9/1 to allow them to discharge their mandates fully;

2. *Deplores* the recent Israeli announcements of the construction of new housing units for Israeli settlers in the Occupied Palestinian Territory, particularly in and around occupied East Jerusalem, as they undermine the peace process and the creation of a contiguous, sovereign and independent Palestinian State and are in violation of international law and Israeli pledges at the Annapolis Peace Conference;

3. *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 Palestinian Territory, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth 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, and recalls that 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 planned settlement construction in the vicinity of the Adam settlements in the occupied West Bank, which constitutes a new settlement block;
 - (c) The increasing number of newly built structures, in 2008 amounting to 1,257, including 748 permanent buildings and 509 mobile structures, which obstruct the efforts of the international community to advance the Middle East peace process;
 - (d) The implications for the final status negotiations of the announcement by Israel that it will retain the major settlement blocks in the Occupied Palestinian Territory, including settlements located in the Jordan Valley;
 - (e) The expansion of Israeli settlements and the construction of new ones in the Occupied Palestinian Territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent and would be tantamount to de facto annexation;
 - (f) 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 closures of the crossing points of the Occupied Gaza Strip, which have created an extremely precarious humanitarian situation for the civilian population as well as impaired the economic and social rights of the Palestinian people;
 - (g) The continued construction, contrary to international law, of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem;
 - (h) The latest Israeli plan to demolish more than 88 houses in the Al-Bustan neighbourhood of Silwan, which will result in the displacement of more than 1,500 Palestinian residents of East Jerusalem;
4. *Urges* Israel, the occupying Power:
 - (a) To reverse the settlement policy in the occupied territories, including in 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;
 5. *Urges* the full implementation of the Agreement on Movement and Access of 15 November 2005, particularly the urgent reopening of the Rafah and Kami crossings, which are crucial to the passage of foodstuffs and essential supplies, as well as the access of United Nations agencies to and within the Occupied Palestinian Territory;
 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. *Also calls upon* Israel to implement the recommendations regarding the settlements made by the United Nations High Commissioner for Human Rights in her report to the Commission on Human Rights on her visit to the Occupied Palestinian Territory, Israel, Egypt and Jordan (E/CN.4/2001/114);
 8. *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;
 9. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors’ Conference for the Palestinian State and to implement fully the road map endorsed by the Security Council in its 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) and 338 (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 thirteenth session in March 2010.

43rd meeting
26 March 2009

[Adopted by a recorded vote of 46 to 1, with no abstentions (see part II, chap. VII). The voting was as follows:

In favour:

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Germany, Ghana, India, Indonesia, Italy, Japan, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

Against:

Canada.]

10/19 Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Guided also by the right of the Palestinian people to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter,

Affirming 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,

Affirming also the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

Expressing serious concern at the lack of implementation by the occupying Power, Israel, of previously adopted resolutions and recommendations of the Council relating to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem,

Condemning all forms of violence against civilians and deploring the loss of human lives in the context of the current situation,

Recognizing that the Israeli military attacks and operations in the Occupied Palestinian Territory have caused severe violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts towards achieving a just and lasting peace in the region based on the two-State solution,

Recognizing also that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings, leads to disastrous humanitarian, economic and environmental consequences,

1. *Demands* that the occupying Power, Israel, end its occupation of the Palestinian land occupied since 1967, and to respect its commitments within the peace process towards the establishment of the independent sovereign Palestinian State, with East Jerusalem as its capital, living in peace and security with all its neighbours;

2. *Strongly condemns* the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, which have resulted in the killing and injury of thousands of Palestinian civilians, including a large number of women and children, and also condemns the firing of crude rockets on Israeli civilians;

3. *Demands* that the occupying Power, Israel, stop the targeting of civilians and the systematic destruction of the cultural heritage of the Palestinian people, in addition to the destruction of public and private properties, and the targeting of United Nations facilities, as laid down in the Fourth Geneva Convention;

4. *Also demands* that Israel, the occupying Power, cease immediately all current excavations beneath and around the Al-Aqsa Mosque compound, and refrain from any act that may endanger the structure or change the nature of the holy sites both Islamic and Christian, in the Occupied

Palestinian Territory, particularly in and around Jerusalem;

5. *Calls for* immediate protection of all civilians, including an international protection for the Palestinian people in the Occupied Palestinian Territory, in compliance with international human rights and humanitarian law, both applicable in the Occupied Palestinian Territory, including East Jerusalem;
6. *Also calls for* the immediate cessation of all Israeli military attacks and operations throughout the Occupied Palestinian Territory and of the firing of crude rockets by Palestinian combatants against southern Israel;
7. *Demands* that the occupying Power, Israel, immediately stop its illegal decision to demolish a large number of Palestinian houses in the East Jerusalem neighbourhood of Al-Bustan in the Selwan area, near the Al-Aqsa Mosque, which will result in the displacement of more than 1,500 Palestinian residents of East Jerusalem;
8. *Demands* that the occupying Power, Israel, release Palestinian prisoners and detainees;
9. *Calls upon* the occupying Power, Israel, to lift checkpoints and to open all crossing points and borders in accordance with international agreements;
10. *Urges* all parties concerned to respect the rules of international human rights and humanitarian law and to refrain from violence against civilian populations;
11. *Decides* to continue the consideration of this question at its thirteenth session in March 2010.

43rd meeting
26 March 2009

[Adopted by a recorded vote of 35 to 4, with 8 abstentions (see part II, chap. VII). The voting was as follows:

In favour:

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Switzerland, Uruguay, Zambia;

Against:

Canada, Germany, Italy, Netherlands;

Abstaining:

Cameroon, France, Japan, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

10/20 Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) on 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular part I, paragraphs 2 and 3 thereof, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Recalling the resolutions adopted in this regard by the Commission on Human Rights, the latest being resolution 2005/1 of 7 April 2005,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations and relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State;
2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;
3. *Stresses* the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;
4. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;
5. *Decides* to continue the consideration of this question at its thirteenth session in March 2010.

43rd meeting
26 March 2009

[Adopted without a vote.]

10/21 Follow-up to Council resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip

The Human Rights Council,

Recalling its resolution S-9/1 of 12 January 2009,

Recalling also its decision to dispatch an urgent, independent international fact-finding mission, to be appointed by the President of the Council, to investigate all violations of international human rights law and international humanitarian law by the occupying Power, Israel, against the Palestinian people throughout the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, due to the latest aggression, and that it called upon Israel not to obstruct the process of investigation and to fully cooperate with the mission,

Expressing with regret that resolution S-9/1 has not been fully implemented to date,

1. *Requests* the President of the Council to continue his tireless efforts to appoint the independent international fact-finding mission;

- international human rights law;
of their mandates;
international fact-finding mission;
2. *Calls upon* the occupying Power, Israel, to abide by its obligations under international law, international humanitarian law and
 3. *Demands* that the occupying Power, Israel, fully cooperate with all relevant special procedures mandate holders in the discharge
 4. *Also demands* that the occupying Power, Israel, facilitate and provide unhindered access to the members of the independent
 5. *Decides* to remain seized of the matter.

43rd meeting
26 March 2009

[Adopted by a recorded vote of 33 to 1, with 13 abstentions (see part II, chap. VII). The voting was as follows:

In favour:

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against:

Canada;

Abstaining:

Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

/...

II. Decisions adopted by the Council at its tenth session

/...

10/112 Outcome of the universal periodic review: Israel

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Israel on 4 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Israel which is constituted of the report of the Working Group on the review of Israel (A/HRC/10/76), together with the views of Israel concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI).

31st meeting
20 March 2009

[Adopted without a vote. See part II, chap. VI.]

/...

VI. Universal Periodic Review

261. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and the President's statements on modalities and practices for the universal periodic review process (A/HRC/PRST/8/1 and A/HRC/PRST/9/2), the Council considered the outcome of the reviews conducted during the third session of the Working Group on the Universal Periodic Review held from 1 to 15 December 2008.

A. Consideration of the universal periodic review outcomes

262. According to paragraph 4.3 of the President's statement 8/1, the following section contains a summary of the views expressed on the outcome by States under review, Member and Observer States of the Council, as well as general comments made by other relevant stakeholders before the adoption of the outcome by the plenary.

/...

8. Israel

454. The review of Israel was held on 4 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Israel in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/ISR/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/ISR/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/ISR/3).

455. At the 29th meeting, on 19 March 2009, the Council considered the outcome of the review on Israel (see section C below).

456. The outcome of the review on Israel comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/76), the views of Israel concerning the recommendations and/or conclusions, its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary*

457. The Permanent Representative of Israel to the United Nations at Geneva indicated that Israel took its participation in the universal periodic review very seriously, as an opportunity for genuine introspection and frank discussions within the Israeli system, despite their reservations about some aspects of the Council's work.

458. Israel thanked all delegations that had engaged in the dialogue in good faith and had shared constructive comments, providing concrete suggestions and ideas. Israel had also appreciated the positive and supportive response received from numerous States throughout the process.

459. Israel had given careful consideration to the recommendations. Certain recommendations reflected the challenges that Israel had already identified and was in the process of addressing, while others highlighted aspects that would require more detailed consideration.

460. Israel agreed to adopt recommendation 14, regarding the investigation of allegations of violence and killings allegedly committed by the police. Israel also agreed to adopt recommendation 18 regarding the law on polygamy, and had recently reinstructed the Qaddis of the sharia courts to refer every suspected case of polygamy to the police. It had also decided to adopt recommendation 28, ensuring full protection of the rights of minorities.

461. Israel had also taken upon itself to promote the following items from the Council's recommendations:

- (a) The ratification of the Convention on the Rights of Persons with Disabilities;
- (b) Ensuring best protection of human rights and follow-up to the implementation of international instruments;
- (c) Considering strengthening dialogue with the Council and its special procedures, and cooperation with all relevant United Nations special procedures and mechanisms;
- (d) Redoubling efforts to increase women's representation in society;
- (e) Continuing and strengthening its efforts to achieve gender equality in Government and public services at all levels; to this end,

the newly elected Parliament, the Knesset, had 21 women, among the largest number of women members in the history of Israel, and 3 more than in the previous Knesset;

(f) Ensuring prompt and impartial investigations of allegations of ill-treatment, in accordance with its obligations under the Convention against Torture;

(g) Ensuring all cases are reviewed by a court in accordance with fair procedures;

(h) Granting the right to those who object to serve in the army on conscientious grounds to serve instead with a civilian body independent of the military, such as in the form of the newly established and strengthened Public Commission for National Civil Service;

(i) Further addressing the remaining gaps between the various populations in Israeli society;

(j) Regarding minorities, Israel intended to strengthen efforts to ensure equality in the application of the law, to counter discrimination against persons belonging to all minorities, to promote their active participation in public life, such as through additional Government resolutions to raise the percentage of the Arab minority in the civil service;

(k) Following the universal periodic review process, several measures were currently being taken towards further promoting children's rights through several preliminary means. A draft bill on the establishment of a new youth court had been prepared and was currently under review, and additional issues, such as necessary adaptations to probation officers' reports, were being evaluated.

462. While Israel also appreciated the spirit of the recommendation to protect the children and families of migrants, it did not consider that accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was required to achieve that goal, as under Israeli legislation, the rights of children and family members of migrants were already protected.

463. With respect to the recommendation calling for the acceleration of the process of bringing national legislation into compliance with the provisions of the main international instruments to which it was a party, Israel noted that, while international treaties were not directly incorporated into Israeli legislation, given its dualistic system of law, it remained committed to ensuring that domestic legislation, policies and practice complied with its international commitments. Therefore, since treaties were not self-executing and required legislative implementation, Israel carefully considered whether, and to what extent, the relevant international obligations were already met by existing legislation and case law, and whether passing implementing legislation was needed prior to becoming a party to an international treaty. This process involved extensive and meticulous governmental work to assess the compatibility of new treaties with domestic law, and where necessary, to introduce relevant amendments to the law. Furthermore, Israeli courts recognized and applied a presumption of compatibility as an interpretive tool, assuming that the Knesset, when enacting new legislation, had no intention of derogating or deviating from international obligations; therefore, Israeli legislation should be interpreted in conformity with international law, unless an explicit intention to the opposite existed. In addition, certain laws integrated some of the human rights treaties into Israeli legislation. It also noted that customary law, in contrast to treaty law, was considered part of domestic law; it was binding without the need of transformation by a statute, unless it explicitly conflicted with an existing statute.

464. With regard to the recommendation to evaluate the possibility of ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty, Israel reiterated what was indicated in its national report, that while it is not in a position to ratify the Protocol, Israel had applied a de facto moratorium on executions, and the only exception that had ever been implemented since the establishment of Israel was in the case of the Nazi war criminal Adolph Eichmann in 1962, who was convicted by the Supreme Court of committing genocide under the 1950 punishment of Nazi and Nazi Collaborators Law. The death penalty had not been applied since. This policy complies with the State's obligations as a State party under United Nations human rights treaties and its sponsorship of United Nations resolutions in support of a moratorium on the imposition of the death penalty.

465. Israel also took note of the recommendation to intensify its efforts to ensure that human rights were respected in the fight against terrorism. This remained an ongoing challenge for Israel as it continued to confront the threat of terrorism. Israel was keenly aware of the need to find a balance between competing rights and other considerations in this regard, and remained ready and willing to share its experience and challenges with other countries.

466. Israel indicated it would make a concerted effort to incorporate civil society groups when considering how to implement further the recommendations received, and would continue to explore ways to engage with the members of civil society in the protection of human rights in Israel.

(b) Views expressed by Member and observer States of the Council on the review outcome

467. Palestine noted that none of the 12 recommendations that it had made on the basis of the principles of international humanitarian law and international human rights law had been taken into account by Israel. Palestine reminded that Israel was the occupying Power of Palestinian and other Arab territories and had recently unleashed a savage attack against the Gaza Strip, leading to thousands of deaths, the destruction of homes, places of worship, hospitals and even United Nations buildings. Israel had imposed a blockade on Gaza for two years, and had already started to demolish 80 other houses and displace more than 1,500 Palestinians living in East Jerusalem. Due consideration should be given to the numerous appeals by the Secretary-General, the United Nations High Commissioner for Human Rights, by special rapporteurs, particularly the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and the presidents of the International Committee of the Red Cross and of the Federation of the Red Cross and Red Crescent, the head of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the Under-Secretary-General for Humanitarian Affairs, the Organization of the Islamic Conference, the Non-Aligned Movement, the Arab League and international and Israeli organizations condemning practices of the occupying Power and its violations of human rights. It highlighted calls for inquiry into war crimes committed by Israel against the Palestinian people and stated that Israel must comply with its international humanitarian and human rights commitments, which are applicable to the Palestinian territories, including East Jerusalem. It added that the international community must uphold its moral and legal obligations and seek cessation of this occupation.

468. Cuba indicated that, during the review of Israel, almost all delegations raised concerns about the situation of the Palestinian and Syrian Golan occupied territories, in particular regarding the human rights and humanitarian situation. Many recommendations had been made, including by Cuba, in a spirit of cooperation. Cuba stated that Israel must recognize that the concept of democracy was not compatible with the situation of being an occupying Power and negating the human rights of Palestinian people in the occupied territories, and that the review must include the human rights situation in the territories. It noted that a few days after the review, Israel had unleashed military action against the Gaza Strip. Cuba re-emphasized its recommendations and expressed hope that the requests of the international community would be met with a view to achieving fair and lasting peace that would allow to build a better future for the people in the Middle East, guaranteeing the rights of the Palestinian people to live in a free, independent and sovereign State fully exercising their human rights.

469. The Syrian Arab Republic stated that Israel continued to pursue its violations of the most fundamental principles of humanitarian law in the Occupied Palestinian Territory and the occupied Syrian Golan. It highlighted that, while it was presenting its national report to the Working Group, Israel was preparing its attacks on the Gaza Strip, which took place a few days after the review. It said the campaign of disinformation continued at the present session. It noted that Israel claimed not to have executed individuals, but said it had been responsible for the deaths on a daily basis of thousands of men, women and children. Israel

had broken the record when it came to violations of international resolutions, especially Council resolutions.

470. Egypt indicated that the review of Israel showed that it chose to ignore its commitments under international human rights and humanitarian law. Its national report ignored that it remains the occupying Power of lands of three Arab countries, that since 1967 more than 20 per cent of the Palestinian population had been detained by Israel and that it was currently engaged in building a wall of racial separation on Palestinian territories. Regarding the Syrian Golan, Egypt stated that Israel continued the confiscation of lands and to impose its citizenship on Syrian people. Egypt repeated some of the obligations that Israel was trying to avoid, in particular that it should end its occupation of all Palestinian and Arab territories occupied since 1967, including Jerusalem and the Syrian Golan; respect the right of the Palestinians to self-determination and to the establishment of an independent State, with Jerusalem as its capital; respect the right of Palestinian refugees to return to their homelands and to be compensated for losses and damage incurred and to retrieve their properties; annul its illegitimate decision to annex the occupied Syrian Golan; and end all settlement activities in the occupied Arab territories, in particular and around occupied Jerusalem and in the Syrian Golan.

471. The Islamic Republic of Iran stated the universal periodic review could not appropriately address this specific situation, and the gross and systematic human rights violations over 60 years required the particular attention of the international community. It cited human rights and humanitarian violations, such as racist laws and practices, extrajudicial killings, the demolition of houses, the imprisonment of innocent people, racist and discriminatory policies and practices, torture, the expansion of settlements, increasing checkpoints, the closure of crossings and military incursions, the illegal construction of a racist apartheid wall, targeted killings, the use of Palestinians as human shields and heinous aggressions against the Gaza Strip, in flagrant breach of international laws, especially those constituting genocide, war crimes and crimes against humanity. It urged the international community to take measures to end all forms and manifestations of occupation, aggression, racism and human rights violations perpetrated by the occupying Power.

472. Yemen recalled the recent Israeli attack against the Gaza Strip and indicated that Israel had ignored recommendations since 1948, so it was not surprising that it would ignore most review recommendations, especially those related to putting an end to the occupation in all occupied Palestinian and Arab territories and to recognizing the right of the Palestinian people to self-determination, to an independent sovereign State with Jerusalem as its capital, and to the right of return of Palestinian refugees to their homeland and their right to compensation and restitution of their properties. Yemen also noted the recommendation that Israel implement fully its obligations under international humanitarian law, and all Council decisions relating to human rights in the occupied Palestinian and Arab territories.

473. Malaysia appreciated the opportunity of the universal periodic review for delegations to engage in peaceful, constructive and non-confrontational dialogue to better understand, assess and ultimately effect tangible improvements to the human rights situation on the ground. It regretted that the presentation by Israel had not addressed most of the pertinent issues and recommendations raised by the Working Group. Noting that Israel had accepted only a small number of recommendations, it stated that the human rights of the Palestinian people remained unfulfilled and the humanitarian situation on the ground in the Occupied Palestinian Territory remained dire. Malaysia remained convinced that the occupation of the Palestinian territories was the root cause of human rights violations and called for the immediate end to all forms of occupation and aggression against Palestinians. Malaysia emphasized the importance of distinguishing between terrorists and legitimate resistance against occupation. The only means of achieving lasting peace, security and stability between Palestine and Israel is through peaceful non-discriminatory and transparent negotiations and dialogue. It reaffirmed its support for the constructive role of the Council in monitoring and deliberating the human rights and humanitarian situation in the Occupied Palestinian Territory.

474. The United States of America noted the energetic civil society in Israel and its independent media, and urged Israel to continue to conduct consultations in the follow-up to the review outcome. The United States noted the visits by special rapporteurs hosted by Israel, which demonstrated its commitment to United Nations human rights mechanisms. It commended the State's efforts to increase opportunities for inclusion of minority communities and its determination to improve the status of women in all sectors of Israeli society. It noted the serious and constructive approach that many in the Council took towards the review of Israel, although it regretted the politicized nature of many of the recommendations. The United States was actively engaged in the international effort to establish peace in the region, including the establishment of a Palestinian State, that would exist side by side with Israel in peace and security.

(c) General comments made by other relevant stakeholders

475. Amnesty International shared many of the recommendations made during the review and looked forward to learning which recommendations did or did not enjoy the State's support. It suggested that the recommendations be strengthened, by recognizing the applicability to the occupied territories of the State's responsibility under international human rights and humanitarian law and to investigate war crimes and other violations of international law, holding perpetrators accountable and providing reparation to victims; lifting the blockade of the Gaza Strip and allowing the unhindered passage of people and goods; halting the expansion of Israeli settlements, the destruction of Palestinian homes and the construction of the wall/fence in the West Bank; removing the more than 500 checkpoints and barriers impeding the movement of Palestinians; and reversing policies and practices that undermine the rights to health, education, housing, work and an adequate standard of living in the occupied territories, as well as for the Bedouin communities in Israel. It stated that many of the recommendations made had taken on an additional urgency in the wake of the recent conflict in the Gaza Strip and southern Israel, and it urged their full and prompt implementation.

476. The Arab Commission for Human Rights stated that the lack of cooperation reduced the opportunity for a dialogue and the effectiveness of the universal periodic review. It suggested that the Council should not adopt the report. It noted that countries from various regions had expressed their concerns and made realistic and measurable requests to end the human rights violations against the Palestinians. It indicated that the behaviour of the Hebrew State as an occupying Power was in contradiction with its international obligations. The Commission stated that the separation wall, the segregation, the fragmentation of the Palestinian territories and the expulsion of Palestinians compromised the establishment of peace and the right of future generations to solve the problem. The Commission concluded by expressing its hope that the Palestinians would one day have an independent and sovereign State.

477. The Charitable Institute for Protecting Social Victims stated that the implications of Israeli air strikes and ground invasions went beyond the destruction of infrastructure to the loss of innocent people's lives, including those of women, children and the elderly. It indicated that Palestinians had experienced oppression and continuous traumatic experiences and massive destruction, including internal displacement. More than two thirds of Palestinian women and children suffered from trauma. It emphasized the necessity of respecting international humanitarian law and formation of an independent fact-finding delegation as part of the responsibilities of the Council with regard to Palestine. It called upon the Council to deliver an independent report on the psychological and mental trauma of Palestinian women and children, especially in the Gaza Strip.

478. The World Federation of the United Nations, speaking on behalf of the United Nations Association of Iran, noted the continued neglect of civilians' rights as human rights violations, in particular in the Gaza Strip. The Federation stated that Israel had violated all international human rights and humanitarian instruments. It indicated that children in Gaza were facing health epidemics and that, according to the World Health Organization, trapped Palestinian children were at risk owing to the lack of vaccination. The Federation referred to the likelihood of a health crisis and to the inflicted health trauma caused by the three-week offensive in Gaza.

479. The Cairo Institute for Human Rights Studies commended the engagement of Israel in the universal periodic review process. It noted that international bodies and United Nations mechanisms, including the Council, had concluded that the confiscation and settlement of occupied Palestinian lands by Israel constituted illegal acts under international law. It noted that the process of settlement continued unabated. It said that the illegal policy of settlement and territorial confiscation had led to the violation of the fundamental rights of Palestinians and the endangerment of security and basic rights of all Israeli citizens. It asked about steps taken or to be taken by the Government to end this policy and dismantle settlements. It said that acknowledgement by Israel of the suffering of the Palestinian people caused by the occupation and policies in the Occupied Palestinian Territory would constitute an important first step in addressing the current political impasse. The State's unwillingness to adequately address the human rights violations committed by Israeli forces within its review report was an ominous sign.

480. Conscience and Peace Tax International regretted that the response of Israel to the recommendations had not been made available in advance. It expressed its interest in the recommendation in paragraph 100, subparagraph 22. The Organization welcomed the State's indication in its introductory remarks that it was planning to introduce an alternative civilian service for conscientious objectors to military service. The Organization encouraged Israel to bring in legislation consistent with international standards as set out in Commission on Human Rights resolution 1998/77 and in the jurisprudence of the Human Rights Committee. The Organization called on Israel to ensure in particular that arrangements be put firmly under civilian control, compatible with the nature of the objections, not punitive in nature by comparison with military service, and that it should accept declarations of conscience without inquiry. The Organization stated that it would follow with interest the progress of bringing forward relevant legislation.

481. The Women's International Zionist Organization, while noting the steps taken to promote human and women's rights, stated that barriers

remained to the full realization of human and civil rights. It noted the establishment of the Commission on Equal Employment Opportunities and the Commission of Equal Rights for Persons with Disabilities, and that the commissions ensured active participation of non-governmental organizations. It called upon Israel to continue in this positive direction and to remove or narrow down its reservations to the Convention on the Elimination of All Forms of Discrimination against Women, particularly on equality in public representation and on gender equality in family life. It noted as unjustified the reservation to article 16 and urged Israel to provide for civil marriage and divorce. It said more than 300,000 Israeli citizens with no religious affiliation could not marry in Israel. The introduction of civil marriage would provide them with one of the most basic civil rights. It would also introduce an egalitarian divorce law, replacing the existing discriminatory religious laws that currently held exclusive jurisdiction over marriage and divorce in Israel.

482. The Organization for Defending Victims of Violence referred to the Israeli military operation launched against the Gaza Strip and to the death, injuries and displacement of Palestinians and the blockaded population. The Organization noted the destruction of Government and other buildings as well as the United Nations aid distribution to refugee centres. The Organization indicated that Israel had committed genocide according to the Geneva Conventions and Protocols; war crimes according to the Charter of the Nuremberg International Military Court Tribunal; crimes against humanity according to the Rome Statute and the Charter of the Nuremberg International Military Court Tribunal; and a crime of aggression, according to General Assembly resolution 3314 (XXIX).

483. The Society Studies Centre expressed concern that the outcome of the review only addressed the rights of Israeli people, ignoring the gross violations of human rights in the Occupied Palestinian Territory. Israel had tried to avoid its responsibility as an occupying State with regard to the violations committed in Gaza and the West Bank and other occupied lands in the Syrian Arab Republic and Lebanon. The Centre stated that the most prominent violation committed by the State was to deny the self-determination of a nation by occupying the Palestinian lands, which had caused atrocities against the civilian population. It noted that 10,000 Palestinians were imprisoned, including Members of Parliament, and that a few days after the review, Israel had committed a massacre in Gaza. The Centre stated that Israel must be reminded and made accountable for what it had committed in Gaza and other parts of Palestine, and that it was unfair for Israel to destroy facilities and have European nations and other donors pay for rebuilding them.

484. The African American Society for Humanitarian Aid and Development said it followed with alarm the tragedy of the Palestinian people as the Israeli occupation committed the worst human rights violations, ignoring all international laws and international humanitarian law. It appealed to the Council to stop immediately all violations contrary to all international laws and to oblige the occupying Power to comply with international resolutions in this regard. It said that the lack of respect for these resolutions by Israel demonstrates its disdain for the international community. It appealed to the Council to ensure the protection of the Palestinian people and to oblige Israel to put an end to the ethnic purification and massacres in which it was engaged in the Palestinian territories.

(d) Concluding remarks of the State under review

485. Israel indicated that, while the questions and recommendations were challenging, they hoped that they would ultimately serve a constructive purpose for all Israeli citizens. Israel was committed to implementing practical measures that, over time, would lead to the successful realization of the recommendations that it had accepted.

486. Israel noted the remarks of the President of the Council who, citing paragraph 32 of Council resolution 5/1, recalled that recommendations that enjoy the support of the State concerned would be identified as such, while other recommendations, together with the comments of the State concerned thereon, would be noted. The President emphasized how important it was for the State under review to indicate whether the recommendations that had not been referred to by the delegation were supported or noted.

487. In view of these remarks and the Council resolution, Israel indicated that it had already referred to the recommendations that enjoyed its support, and that all other recommendations had also been noted.

488. Israel would continue to consult with representatives of civil society and non-governmental organizations to ensure the full realization of human rights in Israel. Israel believed that strong civil society involvement in the follow-up to the universal periodic review would make its vibrant democracy stronger, more resilient and more secure.

489. Israel was aware that its human rights record was not perfect; however, it had not lost sight of the founding ideals in their declaration of independence and looked forward to ensuring the continued growth of a society based upon the rule of law and fundamental freedoms.

490. Before the adoption of the outcome of the review on Israel, statements were made.

491. Palestine reiterated its support for the universal periodic review process and noted that the applicability of international law, international human rights law and international humanitarian law, particularly the fourth Geneva Convention, with regard to the Occupied Palestinian Territory, including East Jerusalem, made it incumbent upon the occupying authority to submit a detailed report on the human rights situation in the territories under its occupation, in addition to its report on the human rights situation within its own. Palestine questioned the commitment of Israel to the principles of the Charter of the United Nations, international human rights law and international humanitarian law in view of the fact that it occupied Palestinian territories in clear violation of United Nations principles and threatened international peace and security. Out of respect for international law and resolutions in general, and for the Council in particular, Israel must be obliged to apply all resolutions and recommendations adopted by the Council. Israel must respect all human rights mechanisms within the Council, in particular special procedures and fact-finding missions. Palestine indicated that the fact that Israel, as the occupying Power, had rejected a number of recommendations threatened the whole universal periodic review mechanism and undermined the work of the Council; it thus expressed its reservations. It noted that, in accordance with paragraph 32 of Council resolution 5/1, all recommendations form part of the outcome.

492. Pakistan, on behalf of the Organization of the Islamic Conference, noted that the universal periodic review was one of the most important mechanisms established by the Council to address human rights situations in the country under review in a comprehensive manner. It noted that the Council should bear in mind that Israel, as an occupying Power, had a different status and had obligations flowing from international human rights and international humanitarian law, particularly the fourth Geneva Convention. Under humanitarian law, the Palestinians were protected people and Israel had an obligation to ensure their enjoyment of all human rights. During its review in December 2008, many States reminded Israel of this fact and recommended the implementation of its human rights and humanitarian obligations, which Israel had chosen to ignore. It should be held accountable for persistent violations of all fundamental rights of the people it currently occupies and should respond to all the recommendations made. The Council should ensure that there will be no impunity for those who violate the rights of occupied people. The Organization of the Islamic Conference believed that the Israeli policy of ignoring some fundamental concerns relating to its human rights obligations had seriously undermined the objective of the universal periodic review exercise. It thus stated its reservations on this approach.

493. The United States of America noted that it had re-engaged with the Council and sought to ensure fairness and that no one country was singled out and treated differently from others. It noted that, during the consideration of the outcome of the review of Israel, certain procedural questions had been raised that were not raised with regard to any other State. They considered efforts to treat one country, any country, differently from all others, unacceptable. The United States noted with appreciation the remarks from Palestine, in its commitment to sticking with procedure and proceeding in a fair way. It appreciated the work of the secretariat and the President in keeping the Council on the right path. The founding principles of the Council — universality, impartiality, objectivity and non-selectivity — were not intended to shield countries from criticism but to create an environment in which all would be treated fairly, and ultimately make the Council more effective. It noted that all should rededicate themselves to the goals and founding principles of the Council.

494. Australia expressed its deep concern that, during the consideration of the outcome of the review of Israel, procedural questions had been raised that were not raised during the review of the other 30 States that have undergone the review process. Australia indicated that the singling out of one country was unacceptable and regrettable, given the generally positive operation of the review process and its contribution to human rights promotion in many countries. Australia expressed appreciation for the President's efforts to find a way through and to ensure the decorum of the Council.

495. Cuba indicated its support for the universal periodic review as an effective tool to make progress in human rights promotion and protection. Cuba had hoped that Israel would follow common practice, respected by all, to react to all the recommendations on which their position had not yet been set out during the Working Group review. Cuba would not object to the adoption of the report, but wished to put on record its hope that Israel would understand the appeals from the international community and would endeavour to respect all human rights, including of the Palestinian people living in the occupied Palestine territories, as was its obligation as the occupying Power.

/...

VII.

Human rights situation in Palestine and other occupied Arab territories

A. Follow-up to Human Rights Council resolutions 7/30, 9/18 and S-9/1

726. At the 35th meeting, on 23 March 2009, the Deputy High Commissioner for Human Rights introduced the reports of the High Commissioner for Human Rights, OHCHR and the Secretary-General under agenda item 7, as requested by the Council in its resolutions 7/30 (A/HRC/10/15) and 9/18 (A/HRC/10/27), the report mandated by the Commission on Human Rights in its resolution 2005/7 (A/HRC/10/35) and the follow-up to Council resolution S-9/1.

727. At the same meeting, the Special Rapporteur on the right to food, Olivier De Schutter, introduced the combined report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for children and armed conflict, the Special Rapporteur on violence against women, its causes and consequences, the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, arbitrary or summary executions, the Special Rapporteur on the right to education and the independent expert on the question of human rights and extreme poverty, as requested by the Council in its resolution S-9/1 (A/HRC/10/22).

728. Also at the same meeting, the representative of Israel made a statement as a concerned country, and the representative of Palestine made a statement as a concerned party.

729. During the ensuing interactive dialogue on the combined report, at the same meeting, the following made statements and asked the mandate holders questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil (also on behalf of India and South Africa), China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic⁷ (on behalf of the European Union), Egypt, Indonesia, Japan, Jordan, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Senegal, Yemen⁷ (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Iraq, Kuwait, Lebanon, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of);

(c) Observers for intergovernmental organizations: African Union, League of Arab States;

(d) Observers for the following non-governmental organizations: Arab Commission for Human Rights, Union of Arab Jurists, World Vision International.

730. At the same meeting, the Special Rapporteur on the right to food answered questions and made comments and his concluding remarks.

B. Annual interactive dialogue with the mandate holder

731. At the 35th meeting, on 23 March 2009, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, introduced his annual report (A/HRC/10/20). At the same meeting, the Special Rapporteur made a second statement.

732. At the same meeting, the representative of Israel made a statement as a concerned country, and the representative of Palestine made a statement as a concerned party.

733. During the ensuing annual interactive dialogue at the same meeting, and at the 36th meeting, on 24 March 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Czech Republic⁷ (on behalf of the European Union), Djibouti, Egypt (also on behalf of the Group of African States), Jordan, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Yemen⁷ (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Syrian Arab Republic, United States of America;

(c) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith International), Nord-Sud XXI, United Nations Watch.

734. At the 36th meeting, the Special Rapporteur answered questions and made his concluding remarks.

C. General debate on agenda item 7

735. At the 36th meeting, on 24 March 2009, the Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of Israel and Syrian Arab Republic as concerned countries, and the representative of Palestine as a concerned party;

(b) Representatives of States Members of the Council: Bahrain, Brazil, Cuba (on behalf of the Non-Aligned Movement), Czech Republic⁷ (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Egypt (also on behalf of the Group of African States), Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, Slovenia, Switzerland, Yemen⁷ (on behalf of the Group of Arab States);

(c) Representatives of the following observer States: Algeria, Iceland, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Morocco, Oman, Tunisia, Turkey, United States of America, Yemen;

(d) Observers for the following non-governmental organizations: Al-Hakim Foundation, Arab Commission for Human Rights, General Arab Women Federation (also on behalf of the Women's International League for Peace and Freedom), Indian Movement Tupaj Amaru (also on behalf of the World Peace Council), International Organization for the Elimination of All Forms of Racial Discrimination, Islamic Human Rights Commission, Mouvement contre le racisme et pour l'amitié entre les peuples, Norwegian Refugee Council, Union of Arab Jurists, United Nations Watch, Women's International Zionist Organization.

736. At the same meeting, a statement in exercise of the right of reply was made by the representative of the Syrian Arab Republic.

D. Consideration of and action on draft proposals

Human rights in the occupied Syrian Golan

737. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/10/L.4, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Belarus, Bolivia, Cuba, the Democratic People's Republic of Korea, Nicaragua, Yemen (on behalf of the Group of Arab States) and Zimbabwe. Subsequently, Venezuela (Bolivarian Republic of) joined the sponsors.

738. At the same meeting, the representatives of Israel and the Syrian Arab Republic made statements as concerned countries.

739. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Canada and Germany (on behalf of States members of the European Union that are members of the Council).

740. At the same meeting, at the request of the representative of Germany (on behalf of States members of the European Union that are members of the Council), a recorded vote was taken on the draft resolution. The draft resolution was adopted by 33 votes to 1, with 13 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against:

Canada;

Abstaining:

Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United

Kingdom of Great Britain and Northern Ireland.

741. For the text as adopted, see part one, chapter I, resolution 10/17.

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

742. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/10/L.5, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Bolivia, Cuba, Nicaragua, Venezuela (Bolivarian Republic of) and Yemen (on behalf of the Group of Arab States). Subsequently, Belarus, Belgium, Cyprus, Finland, Greece, Iceland, Ireland, Luxembourg, Malta, Portugal, Slovenia, Spain and Sri Lanka joined the sponsors.

743. At the same meeting, the representative of Pakistan orally revised the draft resolution by modifying operative paragraphs 3 and 7.

744. Also at the same meeting, a general comment in relation to the draft resolution was made by the representative of Germany (on behalf of States members of the European Union that are members of the Council).

745. At the same meeting, the representative of the Syrian Arab Republic made a statement in relation to the draft resolution as a concerned party.

746. Also at the same meeting, a statement in explanation of vote before the vote was made by the representative of Canada.

747. At the same meeting, at the request of the representative of Canada, a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted by 46 votes to 1. The voting was as follows:

In favour:

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Germany, Ghana, India, Indonesia, Italy, Japan, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

Against:

Canada.

748. For the text as adopted, see part one, chapter I, resolution 10/18.

Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory

749. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/10/L.6, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Bolivia, Cuba, Nicaragua, Venezuela (Bolivarian Republic of) and Yemen (on behalf of the Group of Arab States). Subsequently, Belarus, South Africa and Sri Lanka joined the sponsors.

750. At the same meeting, the representative of Pakistan orally revised the draft resolution by modifying the title, the seventh preambular paragraph, operative paragraphs 2 and 5 and adding a new operative paragraph 9 (bis).

751. Also at the same meeting, a statement in explanation of vote before the vote was made by the representative of the Netherlands (also on behalf of Italy).

752. At the same meeting, at the request of the representative of the Netherlands (also on behalf of Italy), a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted by 35 votes to 4, with 8 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Switzerland, Uruguay, Zambia;

Against:

Canada, Germany, Italy, Netherlands;

Abstaining:

Cameroon, France, Japan, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

753. Also at the same meeting, statements in explanation of the vote after the vote were made by the representatives of Canada and Japan. For the text as adopted, see part one, chapter I, resolution 10/19.

Right of the Palestinian people to self-determination

754. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/10/L.7, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Bolivia, Cuba, Nicaragua, Switzerland, Venezuela (Bolivarian Republic of) and Yemen (on behalf of the Group of Arab States). Subsequently, Austria, Belarus, Belgium, Bulgaria, Cyprus, Finland, France, Iceland, Ireland, Luxembourg, Malta, Norway, Portugal, Slovenia, South Africa, Spain, Sri Lanka and Sweden joined the sponsors.

755. At the same meeting, general comments in relation to the draft resolution were made by the representatives of Canada and Germany (on behalf of States members of the European Union that are members of the Council).

756. Also at the same meeting, the representative of Israel made a statement in relation to the draft resolution as a concerned country, and the representative of Palestine made a statement in relation to the draft resolution as a concerned party.

757. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/20).

Follow-up to Council resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip

758. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference, the Group of Arab States and Cuba) introduced draft resolution A/HRC/10/L.37, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Cuba and Yemen (on behalf of the Group of Arab States). Subsequently, Belarus, Bolivia, South Africa, Sri Lanka and Venezuela (Bolivarian Republic of) joined the sponsors.

759. At the same meeting, the representative of Israel made a statement in relation to the draft resolution as a concerned country.

760. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Canada, Germany (on behalf of States members of the European Union that are members of the Council), Japan and Switzerland.

761. At the request of the representative of Germany (on behalf of States members of the European Union that are members of the Council), a recorded vote was taken on the draft resolution. The draft resolution was adopted by 33 votes to 1, with 13 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against:

Canada;

Abstaining:

Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

762. For the text as adopted, see part one, chapter I, resolution 10/21

/...
