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5-6 July 2006

REPORT ON THE FIRST SPECIAL SESSION OF THE HUMAN RIGHTS COUNCIL

Vice-President and Rapporteur: Mr. Musa Burayzat (Jordan)

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I. DRAFT DECISION RECOMMENDED TO THE GENERAL ASSEMBLY FOR APPROVAL

The General Assembly, taking note of Human Rights Council resolution S-1/Res.1 of 6 July 2006, endorses the Council's decision to dispatch an urgent fact-finding mission headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

II. RESOLUTION ADOPTED BY THE HUMAN RIGHTS COUNCIL

S-1/Res.1. Human rights situation 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,

Affirming the applicability of the Geneva Convention relative to the Protection of Civil Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to other occupied Arab territories,

Expressing deep concern at the breaches by Israel, the occupying Power, of international humanitarian law and human rights law in the Occupied Palestinian Territory, including the arbitrary arrest of Palestinian ministers, members of the Palestinian Legislative Council and other officials, as well as the arbitrary arrest of other civilians, the military attacks against Palestinian ministries, including the office of the Premier, and the destruction of Palestinian infrastructure, including water networks, power plants and bridges,

1. *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;
2. *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;
3. *Expresses grave concern* at the detrimental impact of the current Israeli military operation on the already deteriorating humanitarian conditions of the Palestinian people;
4. *Urges* Israel, the occupying Power, to immediately release the arrested Palestinian ministers, members of the Palestinian Legislative Council and other officials, as well as all other arrested Palestinian civilians;
5. *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;

6. *Decides* to dispatch an urgent fact-finding mission headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;

7. *Calls* for a negotiated solution to the current crisis.

2nd meeting
6 July 2006

[Adopted by a recorded vote of 29 to 11,
with 5 abstentions]

III. ORGANIZATION OF WORK OF THE SPECIAL SESSION

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, of 15 March 2006, the Human Rights Council “shall be able to hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council”.
2. By a letter dated 30 June 2006, addressed to the President of the Human Rights Council, the Permanent Representative of Tunisia to the United Nations Office at Geneva, on behalf of the Group of Arab States, requested that a special session of the Council be convened immediately “to consider the latest escalation of the situation in the Palestinian and other occupied Arab territories” (see document A/HRC/S-1/1). The letter was received by the President, on the same day, following the closure of the first session of the Council.
3. The letter was accompanied by signatures in support of the above-mentioned request from the following 21 States members of the Council: Algeria; Azerbaijan; Bahrain; Bangladesh; Brazil; China; Cuba; Gabon; India; Indonesia; Jordan; Malaysia; Mali; Morocco; Pakistan; Russian Federation; Saudi Arabia; Senegal; South Africa; Sri Lanka; and Tunisia.
4. As more than one third of the membership supported the above-mentioned request, the President, following consultations with the Bureau, decided to convene a special session of the Council from 5 to 6 July 2006.

A. Opening and duration of the session

5. The Council held its first special session at the United Nations Office at Geneva on 5 and 6 July 2006. It held 2 meetings (A/HRC/S-1/SR.1-2)¹ during the session.
6. The first special session was opened by the President of the Council, Mr. Luis Alfonso de Alba.

B. Attendance

7. The special session was attended by representatives of States members of the Council, observer States of the Council, observers for non-member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

C. Officers

8. At its first session (held from 19 to 30 June 2006), the Council had elected the following officers, who also served as officers for the first special session:

¹ Summary records of each of the meetings are subject to correction. They are considered final with the issuance of a consolidated corrigendum (A/HRC/S-1/SR.1-2/Corrigendum).

<i>President</i>	Mr. Luis Alfonso de Alba (Mexico)
<i>Vice-Presidents</i>	Mr. Tomáš Husák (Czech Republic) Mr. Mohammed Loulichki (Morocco) Mr. Blaise Godet (Switzerland)
<i>Vice-President and Rapporteur:</i>	Mr. Musa Burayzat (Jordan)

D. Organization of work

9. The Council accepted the recommendation of its officers that the speaking time limits would be 5 minutes for statements by States members of the Council and concerned countries, and 3 minutes for statements by observer States of the Council, and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations. The Council also accepted the recommendation of its officers that the list of speakers would be drawn up in chronological order of registration and that the order of speakers would be as follows: States members of the Council, followed by concerned countries, then by observer States and other observers of the Council.

10. The Council further accepted the recommendation that, with regard to rights of reply, a limitation of two replies per delegation for the entire session, five minutes for the first and three minutes for the second, would be observed.

E. Resolution and documentation

11. Resolution S-1/Res.1, adopted by the Commission at its first special session, is reproduced in chapter II of the present report. A draft decision for approval by the General Assembly is set out in chapter I.

12. Annex I to the present report contains statement regarding the administrative and programme budget implications of resolution S-1/Res.1.

13. Annex II contains the list of documents issued for the special session.

F. Statements

14. At the 1st meeting, on 5 July 2006, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Mr. John Dugard, made a statement.

15. At the same meeting, statements were made by the following:

(a) Representatives of States members of the Council: Algeria (on behalf of the Group of African States); Azerbaijan; Bahrain; Bangladesh; Brazil; Canada; China; Cuba; Finland (on behalf of the European Union); France; India; Indonesia; Japan; Malaysia; Mali; Morocco; Pakistan (on behalf of the Organization of the Islamic

Conference); Russian Federation; Senegal; South Africa; Saudi Arabia; Switzerland; Tunisia (on behalf of the Group of Arab States); Uruguay; and Zambia;

(b) Representatives of concerned countries or parties: Israel; Lebanon; Palestine; and Syrian Arab Republic;

(c) Representatives of observer States of the Council: Australia; Chile; Colombia; Egypt; Iran (Islamic Republic of); Kuwait; Libyan Arab Jamahiriya; New Zealand; Nicaragua; Norway; Qatar; Sudan; United Arab Emirates; United States of America; and Yemen; and

(d) Observers for intergovernmental organizations: League of Arab States.

16. At the same meeting, the representative of Pakistan moved, under rule 117 of the rules of procedure of the General Assembly, to close the debate on the item under discussion in order to begin consideration of draft resolution A/HRC/S-1/L.1. The motion was accepted by the Council and the President subsequently declared the closure of the debate.

G. Action on draft resolution A/HRC/S-1/L.1

Human rights situation in the Occupied Palestinian Territory

17. At the 1st meeting, on 5 July 2006, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced draft resolution A/HRC/S-1/L.1, sponsored by Algeria, Bahrain, Cuba, Egypt*, Indonesia, Jordan, Lebanon*, Malaysia, Morocco, Pakistan (on behalf of the Organization of the Islamic Conference), Saudi Arabia, Sudan*, Syrian Arab Republic*, Tunisia (on behalf of the Group of Arab States), and United Arab Emirates*. Azerbaijan, Bangladesh, the Democratic People's Republic of Korea*, Djibouti, Guinea*, Iran (Islamic Republic of)*, Iraq*, Libyan Arab Jamahiriya*, Mali, Senegal, and Venezuela (Bolivarian Republic of)* subsequently joined the sponsors.

18. At the same meeting, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) orally revised the draft resolution by replacing operative paragraph 5 with the following: "Decides to dispatch an urgent fact-finding mission headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967".

19. At the same meeting, the representative of Switzerland orally amended the draft resolution by proposing the insertion of three new paragraphs following operative paragraph 4 to read as follows:

"New operative paragraph 4 bis: Urges all Palestinian armed groups to respect the rules of international humanitarian law;

"New operative paragraph 4 ter: Urges also all Palestinian armed groups to refrain from violence against the civilian population;

* Observer States of the Council

“New operative paragraph 4 quater: Urges those who detain the Israeli soldier to treat him humanely, in all circumstances, in conformity with the Geneva Conventions.”

20. At the 2nd meeting, on 6 July 2006, the representative of Switzerland withdrew the proposed insertion of new operative paragraph 4 *quater*.

21. At the same meeting, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) orally amended the amendment proposed by Switzerland by modifying new operative paragraphs 4 *bis* and *ter* to read as follows: “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”.

22. Statements in explanation of vote before the vote on the amendment proposed by Pakistan (on behalf of the Organization of the Islamic Conference) were made by the representatives of Canada, Cuba, Finland (on behalf of the members of the European Union that are States members of the Council and Romania), and the Russian Federation.

23. At the request of the representative of Switzerland, a recorded vote was taken on the amendment proposed by Pakistan (on behalf of the Organization of the Islamic Conference), which was adopted by 28 votes to 0, with 17 abstentions. The voting was as follows:

In favour: 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, Zambia.

Against: None

Abstaining: Cameroon, Canada, Czech Republic, Finland, France, Germany, Guatemala, Japan, Netherlands, Nigeria, Peru, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

24. At the same meeting, statements in connection with the draft resolution were made by the observers for Israel and Palestine.

25. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications² of the draft resolution.

26. Statements in explanation of vote before the vote were made by the representatives of Canada, China, Ecuador, Finland (on behalf of the members of the European Union that are States members of the Council and Romania), Guatemala, Peru, the Philippines and Switzerland.

² See annex II.

27. At the request of the representative of Finland (on behalf of the members of the European Union that are States members of the Council and Romania), a recorded vote was taken on the draft resolution, as orally amended and revised, which was adopted by 29 votes to 11, with 5 abstentions. The voting was as follows:

In favour: 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, Zambia.

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

Abstaining: Cameroon, Mexico, Nigeria, Republic of Korea, Switzerland.

28. Statements in explanation of vote after the vote were made by the representatives of Brazil (also on behalf of Argentina and Uruguay), Japan and Mexico.

29. After the adoption of the resolution, a statement was made by the representative of Pakistan (on behalf of the Organization of the Islamic Conference).

30. For the text of the resolution as adopted, see chapter II, resolution S-1/Res.1.

ANNEX I

Administrative and programme budget implications of resolution S-1/Res.1.

PBI Statement

1. This oral statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.
2. Under operative paragraph 5 of this draft resolution, the Council would decide to dispatch an urgent fact-finding mission headed by the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory (OPT) to the OPT.
3. The activities envisaged under operative paragraph 5 of the draft resolution, if adopted, would consist of:
 - (a) One mission of the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory to the Occupied Palestinian Territory, accompanied by four OHCHR staff and two Security Officers to support the mission;
 - (b) Submission of the report by the Special Rapporteur to the Council.
4. The estimated costs for the year 2006 under Section 23, Human Rights, would amount to US\$ 27,300.
5. No provisions have been made under programme budget 2006-2007 for the above activities. It is anticipated, however, that the costs could be absorbed within overall resources included in the programme budget for this biennium under Section 23, Human Rights.

Annex II

List of documents issued for the first special session of the Human Rights Council

Documents issued in the general series

Symbol

A/HRC/S-1/1	Letter dated 30 June 2006 from the Permanent Representative of Tunisia to the United Nations Office at Geneva, address to the President of the Human Rights Council
A/HRC/S-1/2	Contribution of the World Bank to the Special Session on the human rights situation in the Palestinian and other occupied Arab territories

Documents issued in the limited series

A/HRC/S-1/L.1	Human rights situation in the Occupied Palestinian Territory: draft resolution
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Documents issued in the non-governmental organizations series

A/HRC/S-1/NGO/1	Written statement submitted by amnesty International, a non-governmental organization in special consultative status
A/HRC/S-1/NGO/2	Written statement submitted by the World Vision (WVI), a non-governmental organization in general consultative status
A/HRC/S-1/NGO/3	Written statement submitted by United Nations Watch (UN Watch), a non-governmental organization in special consultative status
A/HRC/S-1/NGO/4	Joint written statement submitted by the Association for World Education and the World Union for Progressive Judaism (WUPJ), non-governmental organizations on the Roster

Documents issued in the non-governmental organizations series (Cont'd)

Symbol

A/HRC/S-1/NGO/5	Written statement submitted by the International Association of Jewish Lawyers and Jurists (IAJLJ), a non-governmental organization in special consultative status
A/HRC/S-1/NGO/6	Joint written statement submitted by the International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status; and Women's International League for Peace and Freedom (WILPF) International League for the Rights and Liberation of Peoples (LIDLIP World Alliance of Young Men's Christian Associations (YMCA) ,World Young Women's Christian Association (World YWCA) , Tebtebba Foundation (Indigenous Peoples' International Centre for Policy Research and Education) and the Union of Arab Jurists, non-governmental organizations in special consultative status
A/HRC/S-1/NGO/7	Written statement submitted by Human Rights Watch (HRW), a non-governmental organization in special consultative status
A/HRC/S-1/NGO/8	Written statement submitted by the International Commission of Jurists (ICJ), a non-governmental organization in special consultative status
