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HUMAN RIGHTS COUNCIL

REPORT OF THE HUMAN RIGHTS COUNCIL ON ITS SECOND SPECIAL SESSION

(Geneva, 11 August 2006)

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

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**I. RESOLUTION ADOPTED BY THE HUMAN RIGHTS COUNCIL
AT ITS SECOND SPECIAL SESSION**

**S-2/1. The grave situation of human rights in Lebanon caused by
Israeli military operations**

The Human Rights Council,

Reaffirming the purposes and principles contained in the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and other human rights instruments,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Recalling General Assembly resolution 60/251 of 15 March 2006 in which the Assembly decided that the Human Rights Council:

(a) Should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon; and

(b) Shall respond promptly to human rights emergencies,

Guided by the Charter of the United Nations, relevant human rights instruments and international humanitarian law, in particular the Hague Conventions of 1899 and 1907 on the Laws and Customs of War on Land which prohibit attacks and bombardment of civilian populations and objects and lay down obligations for general protection against dangers arising from military operations against civilian objects, hospitals, relief materials and means of transportation,

Recalling the commitments of the High Contracting Parties to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Reaffirming that each High Contracting Party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) is under obligation to take action against persons alleged to have committed or to have ordered the commission of grave breaches of the Convention, and recalling the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity,

Emphasizing that human rights law and international humanitarian law are complementary and mutually reinforcing,

Stressing that the right to life constitutes the most fundamental of all human rights,

Condemning Israeli military operations in Lebanon, which constitute gross and systematic human rights violations of the Lebanese people,

Appalled at the massive violations of the human rights of the people of Lebanon by Israel resulting in the massacre of thousands of civilians, injuries, extensive damage to civilian infrastructure, displacement of 1 million people, and outflows of refugees fleeing heavy shelling and bombardment against the civilian population,

Strongly condemning the indiscriminate and massive Israeli air strikes, in particular on the village of Qana on 30 July 2006, and the targeting of United Nations peacekeepers at the United Nations observer post in southern Lebanon on 25 July 2006,

Taking note of the strong condemnation by the United Nations High Commissioner for Human Rights of the killing of civilians in Qana, her call to take measures to protect civilian lives and civilian objects and her reiteration of the need for independent investigation, with the involvement of international experts,

Noting the extreme concern expressed by the Representative of the Secretary-General on human rights of internally displaced persons, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the Special Rapporteur on the right to food about the continuing adverse impact on the human rights and the humanitarian situation of the civilian population in Lebanon,

Emphasizing that attacks and killings of innocent civilians and the destruction of houses, property and infrastructure in Lebanon are a breach of the principles of the Charter of the United Nations, international law and international humanitarian law as well as are flagrant violations of human rights,

Recognizing the urgent need to address the dire humanitarian situation in Lebanon, including through the immediate lifting of the blockade of Lebanon imposed by Israel,

Noting with concern the environmental degradation caused by Israeli strikes against power plants and their adverse impact on health,

Concerned at the targeting of the communication and media networks in Lebanon,

Outraged at the continuing senseless killings by Israel, with impunity, of children, women, the elderly and other civilians in Lebanon,

1. *Strongly condemns* the grave Israeli violations of human rights and breaches of international humanitarian law in Lebanon;

2. *Condemns* the massive bombardment of Lebanese civilian populations, especially the massacres in Qana, Marwaheen, Al Duweir, Al Bayadah, Al Qaa, Chiyah, Ghazieh and other towns of Lebanon, causing thousands of deaths and injuries, mostly among children and women, and the displacement of 1 million civilians, according to a preliminary assessment, thus exacerbating the magnitude of the human suffering of the Lebanese;

3. *Also condemns* the Israeli bombardment of vital civilian infrastructure resulting in extensive destruction and heavy damage to public and private properties;

4. *Calls upon* Israel to abide, immediately and scrupulously, by its obligations under human rights law, in particular the Convention on the Rights of the Child, and international humanitarian law;

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 of 12 August 1949;

6. *Calls upon* Israel to immediately stop military operations against the civilian population and civilian objects resulting in death and destruction and serious violations of human rights;

7. *Decides* to urgently establish and immediately dispatch a high-level commission of inquiry comprising of eminent experts on human rights law and international humanitarian law, and including the possibility of inviting the relevant United Nations special procedures to be nominated to the Commission:

(a) To investigate the systematic targeting and killings of civilians by Israel in Lebanon;

(b) To examine the types of weapons used by Israel and their conformity with international law;

(c) To assess the extent and deadly impact of Israeli attacks on human life, property, critical infrastructure and the environment;

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

9. *Calls upon* the international community urgently to provide the Government of Lebanon with humanitarian and financial assistance to enable it to deal with the worsening humanitarian disaster, rehabilitation of victims, return of displaced persons and restoration of the essential infrastructure;

10. *Requests* the Commission of Inquiry to report to the Council no later than 1 September 2006 on progress made towards the fulfilment of its mandate.

*3rd meeting
11 August 2006*

[Adopted by a recorded vote of 27 to 11,
with 8 abstentions. See chap. II.]

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Ecuador, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Pakistan, Peru, 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, Gabon, Ghana, Guatemala, Nigeria, Philippines, Republic of Korea, Switzerland.

II. 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 7 August 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 and the Organization of the Islamic Conference, requested that a special session of the Council be convened immediately “to consider and take action on the gross human rights violations, by Israel in Lebanon, including the Qana massacre, the countrywide targeting of innocent civilians and the destruction of vital civilian infrastructure”(A/HRC/S-2/1).

3. The letter, received by the President on the same day, was accompanied by signatures in support of the above-mentioned request from the following 16 States members of the Council: Algeria, Azerbaijan, Bahrain, Bangladesh, China, Cuba, Indonesia, Jordan, Malaysia, Morocco, Pakistan, Russian Federation, Saudi Arabia, Senegal, South Africa and Tunisia.

4. As more than one third of the membership supported the above-mentioned request, the President, following consultations with interested parties, decided to convene a special session of the Council on 11 August 2006.

5. Following the decision of the President, which was communicated to all permanent missions in Geneva by note verbale dated 8 August 2006, the following seven States members of the Council added their signatures in support of the request for a special session: Argentina, Brazil, India, Mali, Philippines, Sri Lanka and Uruguay.

A. Opening and duration of the session

6. The Council held its second special session at the United Nations Office at Geneva on 11 August 2006. It held three meetings (A/HRC/S-2/SR.1-3)¹ during the session.

7. The second special session was opened by the President of the Council, Mr. Luis Alfonso de Alba.

B. Attendance

8. The second 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

9. 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 second special session:

<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

10. 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.

11. The Council further accepted the recommendation that, with regard to statements in exercise of the right of reply, a limit of two statements per delegation for the entire session, of 5 minutes' duration for the first and of 3 minutes for the second, would be observed.

E. Resolution and documentation

12. Resolution S-2/1, adopted by the Council at its second special session, on the basis of draft resolution A/HRC/S-2/L.1, is reproduced in chapter I of the present report.

13. Annex I contains a statement regarding the estimated administrative and programme budget implications of draft resolution A/HRC/S-2/L.1.

14. Annex II contains a list of documents issued for the second special session.

F. Statements

15. At the 1st meeting, on 11 August 2006, the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, made a statement.

16. At the same meeting, and at the 2nd meeting, on the same day, statements were made by the following:

(a) Representatives of States members of the Council: Algeria (also on behalf of the Group of African States), Argentina, Bahrain, Bangladesh, Brazil, Canada, China, Cuba, Ecuador, Finland (on behalf of the European Union, and acceding countries - Bulgaria and Romania - as well as Ukraine), India, Indonesia, Jordan, Malaysia, Mali, Morocco, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Russian Federation, Senegal, Saudi Arabia, Switzerland, Tunisia (on behalf of the Group of Arab States), Uruguay and Zambia;

(b) Representatives of concerned countries: Israel and Lebanon;

(c) Representatives of observer States of the Council: Armenia, Australia, Belarus, Chile, Colombia, Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Mauritania, New Zealand, Norway, Qatar, Sudan, Syrian Arab Republic, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of) and Yemen;

(d) Representatives of other observers: Holy See, Palestine;

(e) Observers for intergovernmental organizations: League of Arab States;

(f) Observers for non-governmental organizations: Amnesty International, B'nai B'rith International (also on behalf of the Coordinating Board of Jewish Organizations), Franciscans International, Habitat International Coalition, Human Rights Watch, Indian Movement Tupaj Amaru (also on behalf of the World Peace Council), International Association of Democratic Lawyers, International Commission of Jurists, International Federation of Human Rights Leagues, United Nations Watch, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), World Jewish Congress, World Organization Against Torture and World Union for Progressive Judaism.

17. Also at the 2nd meeting, statements in exercise of the right of reply were made by the observers for Lebanon and the Syrian Arab Republic.

G. Action on draft resolution A/HRC/S-2/L.1

The grave situation of human rights in Lebanon caused by Israeli military operations

18. At the 3rd meeting, on the same day, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced and orally revised draft resolution A/HRC/S-2/L.1, sponsored by Afghanistan,* Algeria, Bahrain, Bangladesh, Egypt,* Guinea,* Indonesia, Iran (Islamic Republic of),* Jordan, Kuwait,* Kyrgyzstan,* Lebanon,* Libyan Arab Jamahiriya,* Malaysia, Morocco, Pakistan, Palestine,* Qatar,* Saudi Arabia, Sudan,* Syrian Arab Republic* and Tunisia. Cuba, the Democratic People's Republic of Korea,* Mali, Mauritania,* Senegal, the United Arab Emirates,* Uzbekistan,* Venezuela (Bolivarian Republic of)* and Yemen* subsequently joined the sponsors.

* Observer States of the Council.

19. Statements in connection with the draft resolution were made by the observers for Israel and Lebanon.

20. Statements in explanation of vote before the vote were made by the representatives of Canada, Finland (on behalf of the members of the European Union that are States members of the Council, and Ukraine), Guatemala, India, the Philippines, the Republic of Korea, the Russian Federation and Switzerland.

21. 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.

22. At the request of the representative of Canada, a roll-call vote was taken on the draft resolution, as revised, which was adopted by 27 votes to 11, with 8 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Ecuador, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Pakistan, Peru, 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, Gabon, Ghana, Guatemala, Nigeria, Philippines, Republic of Korea, Switzerland.

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

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

25. For the text of the resolution as adopted, see chapter I, resolution S-2/1.

Notes

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-2/SR.1-3/Corrigendum).

² See annex I.

Annex I

ESTIMATED ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF DRAFT RESOLUTION A/HRC/S-2/L.1

Oral statement by the Secretariat in connection with draft resolution A/HRC/S-2/L.1

This statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.

1. Under the terms of operative paragraphs 6, 7 and 9 of draft resolution A/HRC/S-2/L.1, the Human Rights Council would:
 - (a) Dispatch, urgently, a high-level commission of inquiry comprising relevant human rights special procedures and experts of international humanitarian law to:
 - (i) Investigate the systematic targeting and killing by Israel of civilians in Lebanon;
 - (ii) Examine the types of weapons used by Israel and their conformity with international law; and
 - (iii) Assess the extent and deadly impact of Israeli attacks on human life, property, critical infrastructure and environment.
 - (b) Request the Secretary-General and the High Commissioner for Human Rights to provide all administrative, technical and logistical assistance required to enable the Commission to fulfil its mandate promptly and efficiently;
 - (c) Request the Commission to report on progress towards the fulfilment of its mandate no later than 1 September 2006.
2. Should the draft resolution be adopted by the Human Rights Council, total full costs of the activities envisaged would amount to US\$ 417,800 under section 23, Human rights, in the biennium 2006-2007.
3. It will be recalled that under the procedures established by the General Assembly in its resolutions 41/213 and 42/211, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditures are proposed that exceed the resources available from the contingency fund, the activities concerned can be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities must be deferred to a later biennium.

4. The additional provisions cannot be met from the contingency fund, as other activities in the biennium 2006-2007 charged against the fund are expected to exhaust the contingency fund prior to the sixty-first session of the General Assembly. It is not possible at this stage to identify activities under section 23 of the programme budget for the biennium 2006-2007 that could be curtailed, deferred, terminated or modified in order to meet the net additional requirement of US\$ 417,800 although preliminary review leads the Secretariat to assume that some absorption of the estimated requirements is possible. The Secretariat will seek in the coming months to identify areas from which resources can be redeployed to meet the requirements for the high-level Commission of Inquiry in the biennium 2006-2007. At the time the General Assembly reviews the question of the Commission of Inquiry at its sixty-first session, it is anticipated that sufficient time would have elapsed to inform the General Assembly on how to meet the additional requirements.

Annex II

LIST OF DOCUMENTS ISSUED FOR THE SECOND SPECIAL SESSION OF THE HUMAN RIGHTS COUNCIL

Documents issued in the general series

Symbol

A/HRC/S-2/1	Letter dated 7 August 2006 from the Permanent Representative of Tunisia to the United Nations Office at Geneva, addressed to the President of the Human Rights Council
A/HRC/S-2/SR.1-3	Summary records of meetings held by the Human Rights Council at its second special session

Documents issued in the limited series

Symbol

A/HRC/S-2/L.1	The grave situation of human rights in Lebanon caused by Israeli military operations
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Documents issued in the non-governmental organization series

Symbol

A/HRC/S-2/NGO/1	Written statement submitted by B'nai B'rith International
A/HRC/S-2/NGO/2	Written statement submitted by the Cairo Institute for Human Rights Studies
A/HRC/S-2/NGO/3	Written statement submitted by the World Union for Progressive Judaism

Documents issued in the non-governmental organization series (continued)

Symbol

A/HRC/S-2/NGO/4	Written statement submitted by Human Rights Watch
A/HRC/S-2/NGO/5	Written statement submitted by BADIL Resource Centre for Palestinian Residency and Refugee Rights
A/HRC/S-2/NGO/6	Written statement submitted by Amnesty International

A/HRC/S-2/NGO/7	Written statement submitted by United Nations Watch
A/HRC/S-2/NGO/8	Written statement submitted by the World Jewish Congress
A/HRC/S-2/NGO/9	Written statement submitted by the Arab NGO Network for Development
A/HRC/S-2/NGO/10	Written statement submitted by the Association for World Vision International
A/HRC/S-2/NGO/11	Written statement submitted by the Habitat International Coalition
