



## General Assembly

Distr.  
GENERAL

A/HRC/S-2/SR.3  
19 March 2008

ENGLISH  
Original: FRENCH

---

### HUMAN RIGHTS COUNCIL

Second special session

#### SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 11 August 2006, at 3 p.m.

President: Mr. DE ALBA (Mexico)

#### CONTENTS

REQUEST OF THE PERMANENT REPRESENTATIVE OF TUNISIA, ON BEHALF OF THE GROUP OF ARAB STATES AND THE GROUP OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE, TO CONSIDER AND TAKE ACTION ON THE GROSS HUMAN RIGHTS VIOLATIONS BY ISRAEL IN LEBANON, INCLUDING THE QANA MASSACRE, THE COUNTRY-WIDE TARGETING OF INNOCENT CIVILIANS AND THE DESTRUCTION OF VITAL CIVILIAN INFRASTRUCTURE (continued)

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Council at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.30 p.m.

REQUEST OF THE PERMANENT REPRESENTATIVE OF TUNISIA, ON BEHALF OF THE GROUP OF ARAB STATES AND THE GROUP OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE, TO CONSIDER AND TAKE ACTION ON THE GROSS HUMAN RIGHTS VIOLATIONS BY ISRAEL IN LEBANON, INCLUDING THE QANA MASSACRE, THE COUNTRY-WIDE TARGETING OF INNOCENT CIVILIANS AND THE DESTRUCTION OF VITAL CIVILIAN INFRASTRUCTURE (continued) (A/HRC/S-2/L.1)

1. The PRESIDENT invited the Council to consider draft resolution A/HRC/S-2/L.1. He explained the procedure that would be followed: delegations wishing to make general comments would take the floor first, followed by the delegations of the countries concerned. A roll-call vote would then be taken, followed by explanations of vote. At that point, delegations that had not yet taken the floor could make general comments. In all cases, speakers must limit their statements to three minutes.
2. It was so decided.
3. Mr. KHAN (Pakistan), introducing draft resolution A/HRC/S-2/L.1, highlighted its main points. The draft resolution referred to the consequences of the Israeli military operations, including the massacres of civilians, destruction of houses, killing of United Nations peacekeepers and blockade of Lebanon, all of which constituted breaches of the Charter of the United Nations, international law and international humanitarian law. The international community must express its outrage at those operations, which had been condemned by the Secretary-General and by many other voices of authority.
4. The main objective of the operative part of the draft resolution was to condemn Israeli human rights violations and to demand a halt to military operations against civilians. It also provided for the establishment of an international commission of inquiry.
5. The sponsors wished to make two revisions to the text of the draft resolution. The first revision consisted of adding paragraph 4 bis to read:

“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;”

The second revision consisted of rewording the first sentence of paragraph 6 to read:

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

6. The PRESIDENT said that, since no delegation wished to make general comments concerning the draft resolution, he would give the floor to the two delegations of the countries concerned.

7. Mr. LEVANON (Observer for Israel) said that the entire session was tainted with partiality and lack of objectivity. He deplored the fact that the Council had agreed to consider a draft resolution that had been motivated by bias, and which drew a distinction between the dead. That failure would be forever recorded in its history. Israel called on members to vote against the draft resolution.
8. Mr. SOUFAN (Observer for Lebanon) said that the Council had a very simple question to answer: Did one State have the right to destroy another State because a particular operation had been launched on a particular day unbeknownst to that other State, even though the latter had expressed its willingness to bring the dispute to the United Nations? How was it possible to talk about balance when one country was on the verge of destruction? If one insisted on speaking about balance, Lebanon was not opposed to counting the number of dead and the level of destruction. His delegation encouraged the Council to adopt the draft resolution.
9. The PRESIDENT invited delegations to speak in explanation of vote before the voting.
10. Mr. MEYER (Canada) said that, although the conflict in Israel and Lebanon had resulted in actions that were contrary to the principles of international humanitarian law, those actions should be examined in other contexts, such as by the High Contracting Parties to the Geneva Conventions. The issue was currently before the United Nations Security Council, and it was neither helpful nor constructive for the Human Rights Council to be dealing with it at the same time.
11. Canada reiterated its desire to employ the new Council for constructive ends. Its procedures and its output must respect the principles on which the Council was founded. It must work to ensure universality, objectivity and non-selectivity in its consideration of human rights issues, and it must avoid any politicization.
12. Mr. GODET (Switzerland) said that his country had planned to submit various amendments in an effort to ensure that the Council responded appropriately to the grave situation resulting from the conflict in Lebanon and that it demonstrated a balanced and non-discriminatory approach. That was, in fact, its role; the plight of all victims of human rights violations was its only *raison d'être*.
13. Switzerland regretted that the draft resolution under consideration only partially fulfilled that role. Despite a number of last-minute improvements, the text remained imbalanced and selective. It followed an approach that had sometimes been adopted by the former Commission on Human Rights and that had been criticized by the very persons who had drafted the text. In future, the Council should strengthen its culture of dialogue and negotiation, since its credibility and impartiality was at stake.
14. Switzerland would abstain from voting.
15. Mr. CHOI Hyuck (Republic of Korea) expressed his country's concern about the plight of innocent victims and displaced persons, and the material destruction that was currently taking place in the Middle East. He sympathized fully with the suffering of the affected populations. He

urged all parties to respect human rights, international humanitarian law and the laws of war. Notwithstanding, the current situation was more a matter of peace and security than of human rights, and should be dealt with by the Security Council.

16. The Republic of Korea was not fully convinced that the draft resolution would contribute to halting the human rights violations, since the resolution referred to the situation of only one country. His delegation would abstain from voting.

17. Mr. HIMANEN (Finland), speaking on behalf of the European Union members of the Council and Romania, said that the European Union had expressed its utmost concern at the Lebanese and Israeli civilian casualties, and the widespread destruction and the large number of displaced persons. It called for an immediate cessation of hostilities, to be followed by a sustainable ceasefire. While the European Union believed that it was important for the Human Rights Council to address urgent cases involving breaches of international human rights law, it regretted that, contrary to the intentions expressed by the General Assembly in its resolution 60/251, no genuine discussions on the draft resolution had taken place. The last-minute changes to the text were inadequate to convince the members of the European Union.

18. The European Union supported the Secretary-General's call for a comprehensive investigation of the events. The Council should address all human rights violations; however, the draft resolution in question failed to satisfy that condition in that it dealt with only one aspect of the problem.

19. For those reasons, the European Union members of the Council and Romania would vote against the draft resolution. The other European Union member States aligned themselves with that position.

20. Mr. GROVER (India) said that India would have preferred a text that took account of the concerns of all parties and that could be accepted by all Council members, since it was important to call unequivocally for an immediate ceasefire in order to end the massacres of innocent people perpetrated by both sides and to deliver the necessary humanitarian assistance without further delay. For that reason, and given the gravity of the situation, India would vote in favour of the draft resolution as revised.

21. Mr. LOSHCHININ (Russian Federation) stressed the complexity of the draft resolution which, on the whole, objectively reflected the actual situation. The efforts of the representative of Switzerland to find a compromise solution should be commended. It should also be noted that, as a result of the revisions proposed by the sponsors of the draft resolution, the text was more balanced, although not fully balanced. Given the circumstances, the Russian Federation would vote in favour of the draft resolution.

22. Mr. MANALO (Philippines) said that, although the Philippines supported the general orientation of the revised draft, it would nevertheless have preferred a more balanced text, particularly with respect to the need to respect human rights law and international humanitarian law. For that reason, the Philippines would abstain from voting.

23. Mr. MARTÍNEZ ALVARADO (Guatemala) said that Guatemala would abstain from voting for two reasons. First, the draft resolution could have repercussions on the institutional

mechanism of the United Nations. Guatemala had always held the view that the subsidiary bodies should play a more active role in meeting the objectives contained in the Charter. However, for practical reasons, it would have been better for the Human Rights Council to await the outcome of the consultations in the Security Council. Those consultations were particularly complex and difficult, and Guatemala was concerned about the impact that the draft resolution that had been submitted to the Human Rights Council for adoption might have on their outcome.

24. Secondly, the complexity of the conflict itself scarcely permitted those observing it from the outside to apportion responsibility among each of the parties in that Dantean tragedy. The only thing that was clear was that the innocent civilian populations of Lebanon and Israel were suffering its consequences.

25. Guatemala regretted that it had not been possible to produce a balanced draft resolution that apportioned responsibility among each of the parties, and that the draft had not been subject to open negotiation. In any case, the international community should make every effort to bring about an immediate end to the hostilities, find a lasting solution that took into account the root causes of the conflict and ensure the rapid dispatch of humanitarian aid in order to enable the civilian population to return to normal life.

26. The PRESIDENT invited the secretariat to explain the budgetary implications of the draft resolution.

27. Mr. WARD (Secretariat) said that a draft report on the budgetary implications had been prepared and sent to the Office of the Comptroller, from which a reply had not yet been received. For the time being, the estimated cost of the mission provided for in the draft resolution was approximately US\$ 420,000, which would be financed from existing resources.

28. At the request of the representative of Canada, a vote was taken by roll-call on draft resolution A/HRC/S-2/L.1.

29. Senegal, having been drawn by lot by the President, was called upon to vote first.

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Ecuador, India, Indonesia, Jordan, Malaysia, Mali, Morocco, Mauritius, Mexico, 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, United Kingdom of Great Britain and Northern Ireland, Ukraine.

Abstaining: Cameroon, Gabon, Ghana, Guatemala, Nigeria, Philippines, Republic of Korea, Switzerland.

30. The draft resolution, as revised, was adopted by 27 votes to 11, with 8 abstentions.

31. The PRESIDENT invited delegations to make statements in explanation of vote.

32. Mr. RODRÍGUEZ CUADROS (Peru), speaking on behalf of Argentina, Brazil, Ecuador, Peru and Uruguay, said that the revisions to the draft resolution would make it possible to take better account of the need to protect the human rights of civilian populations. Argentina, Brazil, Ecuador, Peru and Uruguay wished to express their deep concern at the spiral of violence that had caused much suffering to the civilian populations on either side of the border between Israel and Lebanon, and had destroyed civilian infrastructure. They were also deeply concerned at the increasing number of civilian victims, displaced persons and refugees. They urged the parties to the conflict to ensure safe humanitarian corridors. Convinced that the protection of human rights and international humanitarian law must be guaranteed to all people, in all places and in all circumstances, they hoped that the discussions under way in the Security Council would quickly result in the cessation of hostilities. That would make it possible to provide compensation to victims of human rights violations and, more generally, to open the way to a definitive solution of the region's problems. The use of violence as a means to an end, regardless of which of the two parties in question had used it, was by definition unacceptable since, irrespective of its origin, violence would only sustain the conflict. Argentina, Brazil, Ecuador, Peru and Uruguay supported all the diplomatic and political efforts that had been undertaken to end the crisis. They were of the view that both Hezbollah and Israel should abstain from using force and should protect the civilian population. They fervently hoped that the spirit of dialogue that had been revived would lead to a diplomatic solution and would result in a lasting peace and full protection of human rights.

33. Mr. FUJISAKI (Japan) said that his delegation was sad that it had not been able to support the draft resolution that had been put to the vote. He assured the Council that Japan, far from ignoring the gravity of the situation, took the situation in and around Lebanon very seriously. Japan deeply regretted that, despite repeated appeals from the international community, Israel had continued its air strikes. Those had resulted in the deaths of a large number of civilians, including children and United Nations personnel. That situation was unacceptable, and Japan called for an immediate ceasefire. Attacks against Israel must also be stopped, and the hostages must be released. All the parties concerned should exercise the utmost restraint. Japan also wished to stress that all parties bore a share of responsibility for the conflict and that, consequently, attacks by Hezbollah must be duly addressed. In that regard, Japan welcomed the efforts that had been made to improve the draft resolution. Although the revised resolution that had been adopted was a step in the right direction, it was still insufficient to contribute towards a settlement of the conflict.

34. Japan regretted that the resolution that the Human Rights Council had just adopted had not been the result of a consensus, despite the fact that consensus-seeking was one of the fundamental principles of the new body. His delegation hoped that, in future, the Council would make greater efforts to uphold that principle. Lastly, he assured the Lebanese people of its unwavering sympathy and hoped that the emergency humanitarian aid that Japan had pledged to Lebanon would help to bring an end to the current tragic situation.

35. Mr. GIACOMINI (France) deeply regretted that a discussion on the draft resolution had not been possible, given that the situation on the ground demanded a common response from the international community. While it was true that Israel's military activities constituted a violation of human rights and of international humanitarian law in Lebanon, Hezbollah was also violating those laws.

36. The establishment of the Human Rights Council should result in a new way of addressing human rights issues. In that regard, France regretted the lack of cooperation and negotiation on such a serious issue. It would have preferred for the Human Rights Council to adopt a consensus resolution, but the text submitted for adoption had been one-sided in both form and content. France welcomed the last-minute efforts made by the sponsors of the draft resolution to take account of its concerns; regrettably, those efforts had not been sufficient to lead France to change its position.

37. Mr. NGANTCHA (Cameroon) said that his country had abstained from voting because it believed that a Human Rights Council resolution could be detrimental to the negotiations under way in the Security Council and possibly delay the adoption of an important Security Council resolution aimed at ending the current conflict and grave humanitarian crisis.

38. Mr. GUEVARA (Mexico) expressed his concern at the deteriorating situation in the Middle East and the escalating violence resulting from the incidents of 12 July 2006. Mexico called for greater diplomatic efforts to end all hostilities, and believed that all parties to the conflict should scrupulously respect their obligations under international law and international humanitarian law. The cessation of hostilities was a necessary condition for initiating a political dialogue aimed at achieving a lasting peace. Moreover, the protection of human rights must be granted to all individuals, in all countries, at all times, in all places and in all circumstances. It could not be suspended for reasons relating to a state of emergency, an armed conflict or the war against terrorism. Derogations from human rights could be made only in exceptional cases and within the limits prescribed by human rights law and international humanitarian law. Mexico believed that certain human rights could not be derogated from for military considerations.

39. Mexico had voted in favour of the draft resolution primarily because of the serious situation of the civilian population in the conflict zone. However, the text of the resolution did not condemn all acts of violence committed in that zone; in the view of his delegation, the resolution should also have condemned the violations committed by the Hezbollah militias and called for an end to attacks on the Israeli civilian population. Moreover, Mexico would have preferred for the high-level commission of inquiry to be given a broader mandate. That would have been more in line with the Council's objective, which consisted of examining human rights violations in all countries in a non-selective and impartial manner.

40. The PRESIDENT invited delegations wishing to do so to make general comments.

41. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), thanked all the members of the Council who had heard and responded to the appeal made by that Organization. Innocent people were being killed every day, and it was essential to protect the right to life. It was imperative for Israel to halt its bombings; that was an essential condition for ending the massacres. While there was no ready-made solution to the problems in the Middle East, it was of utmost importance to ensure a ceasefire and an immediate end to all hostilities. The Organization of the Islamic Conference called on the Security Council to adopt a resolution in the next few hours that would end that senseless orgy of killing. All the members of the Human Rights Council bore a special responsibility towards the international community, particularly towards the Lebanese people. In that connection, the efforts of the Swiss delegation to reach a consensus within the Council should be commended. However, the adoption of the Human Rights Council resolution would not resolve all problems, and the ongoing human rights

violations called for collective action. For that reason, the resolution should be given immediate effect, and the high-level commission of inquiry should be set up and dispatched to the area as soon as possible. Free access should be granted to the humanitarian aid missions to provide assistance to the Lebanese people who, as the High Commissioner for Human Rights had stated a few hours earlier, were in urgent need of food, water and medicines, at a time when the distribution of humanitarian aid had become impossible. All the competent institutions had acknowledged that the situation was deteriorating; consequently, all members of the Council should unite their efforts and use their influence to remedy the situation. Generally speaking, in situations as difficult as the current one, political considerations should never assume such importance that they prevented the Council from hearing the cries of dying children and seeing a country being destroyed before its very eyes.

42. The PRESIDENT assured the members of the Human Rights Council that the Office of the High Commissioner for Human Rights and he would spare no effort to ensure that the resolution just adopted would be implemented promptly and effectively, taking due account of the gravity of the situation. The will expressed by the Council through its adoption of the resolution should be translated into action on the part of each of its members. All delegations should cooperate with him in implementing the resolution, and future resolutions, thereby ensuring the credibility and strength of the Human Rights Council. He added his voice to those who were calling for an immediate cessation of hostilities and an unconditional halt to the violence in the conflict between Israel and Lebanon. He hoped that a lasting solution could be found quickly as a result of action taken by the Security Council.

The meeting rose at 5.00 p.m.