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SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 15 November 2006, at 3 p.m.

President: Mr. DE ALBA (Mexico)

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CLOSURE OF THE SESSION

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The meeting was called to order at 3.10 p.m.

REQUEST BY THE PERMANENT REPRESENTATIVE OF THE KINGDOM OF BAHRAIN ON BEHALF OF THE GROUP OF ARAB STATES, AND THE PERMANENT REPRESENTATIVE OF PAKISTAN, ON BEHALF OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE, TO CONVENE A SPECIAL SESSION “ON THE GROSS HUMAN RIGHTS VIOLATIONS EMANATING FROM ISRAELI MILITARY INCURSIONS IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING THE RECENT ONE IN NORTHERN GAZA AND THE ASSAULT ON BEIT HANOUN” (continued)

(A/HRC/S-3/L.1)

1. Mr. BITAR (Observer for the Syrian Arab Republic) said it was the third time that the Council was meeting in special session to consider the problem of grave human rights violations committed by the Israeli Armed Forces in the Occupied Palestinian Territory. He condemned the systematic policy of intimidation, massacres and destruction, all of them acts of aggression that posed a real challenge to the international community and must be vehemently censured. Faced with those atrocities, the international community must assume its responsibilities and demand that Israel make reparation, while ensuring the protection of the Palestinian population which the occupying Power was using as human shields. The Council must exercise its prerogatives and make sure that human rights were respected the world over.

2. Ms. MILLAR (Observer for Australia) extended the Australian authorities' condolences to the families of the victims of the Beit Hanoun incident. Israel had said it regretted the deaths of civilians and had announced that it would carry out a full investigation into the incident. While sharing the international community's deep concern at the escalation of violence since the kidnapping of Corporal Shalit in June 2006 and the increasing number of casualties in Israel and the Palestinian Territory, Australia urged all sides to exercise the utmost restraint to avoid further suffering by civilians. Australia had allocated US \$16.2 million in 2006-2007 in humanitarian aid to the Palestinian Territory, which would be provided through United Nations agencies and non-governmental organizations (NGOs). However, it was concerned at the one-sided nature of the current special session, which made no mention of the Palestinian rocket attacks against Israel or of Israel's right to defend its own civilian population against those attacks. She therefore urged the Council to act responsibly and to protect human rights in a balanced manner, for to single out one side only for blame did nothing to advance the cause of peace in the Middle East. Faced with such atrocities, the Council had a duty to intervene - but to be credible and objective. Now that it had already devoted three special sessions to the Middle East, it must also address other important and serious matters, such as the situation in Darfur.

3. Mr. SOUFAN (Observer for Lebanon) said that Israel had not learned any lessons from its war in Lebanon in 2006 and that it was escalating the violence with its atrocities against the civilian population of Beit Hanoun. In the light of the latest military interventions, Israel clearly always had the same targets, namely civilian, in its sights. The international community must not accept the lame excuses proffered by Israel to justify its action; it must defend its own values. There were those who were content to deplore the atrocities committed by Israel without repudiating it, which was not enough to enable the Palestinian people to enjoy their legitimate rights and live in peace in their territory. The most important thing was to refrain from

politicizing the affair. All members of the Council must live up to the Palestinian people's expectations and adopt the proposed draft resolution by consensus, choosing the path of reason in difficult times.

4. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) endorsed the statement made by Cuba on behalf of the Movement of Non-Aligned Countries and by Pakistan on behalf of the Organization of the Islamic Conference. The Democratic People's Republic of Korea was gravely concerned at the continued human rights violations committed by Israel in the Occupied Palestinian Territory and strongly condemned them. The Israeli artillery's recent shelling of the Gaza Strip, in particular Beit Hanoun, which had left many dead and many others wounded, thereby creating a grave humanitarian crisis, was only another of the many bloody catastrophes provoked by Israeli military forces. Those acts constituted war crimes and crimes against humanity and contravened the Charter of the United Nations and international humanitarian and human rights law, and the perpetrators should be brought to justice. However, in defiance of the repeated warnings of the international community, Israel was becoming increasingly aggressive, largely because it enjoyed the protection and support of the United States and some of its Western allies. Those countries that were self-styled "human rights judges" and presented to the General Assembly politically motivated resolutions concerning countries they did not like, and insisted on punishment of all violations must not be indifferent to the massacre of Palestinian civilians and must condemn Israel for its violations. The Democratic People's Republic of Korea would continue to support the just cause of the Palestinian people to exercise their right to self-determination and their right to life, as well as the efforts being deployed by the countries of the Middle East to restore peace to the region.

5. Mr. AL-ERYANI (Observer for Yemen) associated himself with the statements made by the representatives of Bahrain on behalf of the Group of Arab States, of Cuba on behalf of the Movement of Non-Aligned Countries, and of Pakistan on behalf of the Organization of the Islamic Conference. Yemen condemned the repeated acts of aggression, war crimes and massacres committed by Israel in the occupied territories, in particular Beit Hanoun, as well as the destruction of infrastructure, the felling of trees, and other practices injurious to the civilian population. The international community must discharge its responsibilities and bring the authors of those war crimes and massacres to justice. Yemen was in favour of dispatching a high-level mission to the area to shed light on what had occurred.

6. Ms. FORERO UCROS (Observer for Colombia) said that the Colombian Government deplored the number of civilian casualties of Beit Hanoun and extended its condolences to the Palestinian Authority and to the families of victims whose property had been destroyed. The important thing now was for negotiations to be resumed in order to establish a lasting peace in the Middle East, for only genuine dialogue could alleviate the suffering and overcome the consequences of the terrible events that had occurred.

7. Mr. BA (Observer for the Organization of the Islamic Conference) said that the States members of the Organization of the Islamic Conference associated themselves with the statement made by the representative of Bahrain on behalf of the Group of Arab States and condemned the criminal acts perpetrated once again by Israel against the Palestinian people. The Council must send an unequivocal and firmer message to the Israeli authorities, who continued to defy the international community with total impunity and to violate human rights and international

humanitarian law. The killings in Beit Hanoun were part of an immense campaign of systematic murder from which innocent people must be protected. The regrets expressed by Israel for what they had termed a technical mistake were symptomatic of that country's cynicism and its clear determination to deny all responsibility. The time had come for the Council to take the steps needed to make Israel respect the basic rules of the civilized world, in particular human dignity and the right to life.

8. Monsignor TOMASI (Observer for the Holy See) said that the Council had already faced tough challenges arising from the persistent violations of human rights in several areas of the world, but had been unable to address them fairly because of its members' divergent political and economic interests. If it was not to lose credibility, the Council must succeed in changing the quality of people's daily lives. It must, therefore, as a matter of priority, work towards confidence-building by adopting the procedure of genuine dialogue that might help to settle the problems. The Israeli-Palestinian conflict had been caught in a cycle of violence that must be broken. The two parties involved must recognize each other's humanity and equality, basing that mutual recognition on justice and respect for basic rights and international humanitarian law. Their peaceful coexistence was possible if justice and reconciliation created the context for collaboration and mutual security. Moreover, all States had a moral responsibility to promote peace, to cooperate in order to eliminate the cultural, social and economic roots of violence and to enable the parties involved to pursue fruitful collaboration. The Israeli-Palestinian conflict was a major source of instability in the Middle East, and the international community must seek a just and honourable solution in the region and show the whole world that respect for human rights fostered peace and that peace sustained the exercise of human rights.

9. Ms. MASRI (Observer for the African Union) said the African Union endorsed the statement made by the representative of Algeria on behalf of the Group of African States and condemned the random assaults on Beit Hanoun, which had caused many civilian casualties. Those acts aggravated the plight of the Palestinian people, who yearned only to exercise their inalienable right to become a sovereign and independent State; the international community must urgently pursue a resolution of that tragic situation. Israel's assaults, which breached the right to life and to property by inflicting unwarranted collective punishment on the Palestinian people, must end. The African Union reaffirmed its solidarity with the Palestinian people in its struggle to recover its independence and to live in peace and dignity, and adjured the parties to show restraint so as not to undermine peace efforts in the region. As many delegations had said, a high-level fact-finding mission should be urgently deployed and the incessant human rights violations in Palestine must end.

10. Mr. STRØMMEN (Observer for Norway) said that Norway condemned the massive use of force by the Israeli defence forces to stop the firing of rockets from Gaza. More than 20 lives had been lost at Beit Hanoun alone, and more than 300 Palestinians, most of them civilians, had lost their lives since the end of June 2006. Many others had been wounded, left homeless or traumatized. Israel had the right to defend itself and its citizens. However, Israel's military retaliatory measures were disproportionate and contrary to international humanitarian law and only served to cultivate hatred and continued armed resistance. Norway was convinced that there was no military solution to the conflict and urged Israel to end its incursion into Gaza. It supported President Abbas's efforts to establish a Government of national unity in response to the demands set out by the Quartet. The parties must return to the negotiating table in order to bring about the peace so richly deserved by all the peoples of the region.

11. Regarding the stance adopted by the sponsors of the draft resolution, Norway emphasized that all parties to the conflict had a responsibility to end the cycle of violence in the region. In that connection, it also condemned that morning's attack on Sderot by Qassam missiles. While his country understood the rage and despair felt by the victims of the violence, it strongly urged restraint with regard to retaliation that would hamper efforts at dialogue and peace.

12. Mr. LITTMAN (World Union for Progressive Judaism) said he felt sure that the majority of representatives shared his despair at the horrors committed in Iraq, which should be the subject of a special session of the Council, and at the tragedy that had taken place in Darfur. In order to understand the events in Gaza, one should peruse the Charter of Hamas, which affirmed that all peaceful solutions and international conferences breached the principles of the Islamic Resistance Movement and that jihad was the only means of achieving a solution to the Palestinian question. Also, the Palestinian Minister for Foreign Affairs had recently declared that Security Council resolution 242 (1967) was unacceptable to Hamas, as was any partition plan for Palestine, and that the Koran talked about the end of the State of Israel. That being the case, it was regrettable that the Council appeared to be determined to kill any hope of consensus on human rights.

13. Mr. BROWN (International Humanist and Ethical Union) said that on 13 November the High-Level Group of the Alliance of Civilizations had presented to the Secretary-General of the United Nations a report affirming its belief that the key to reducing tensions between the Islamic world and the West was settlement of the Israeli-Palestinian conflict. It had advocated recognition of both Palestinian and Jewish national aspirations and the establishment of two fully sovereign and independent States coexisting side by side in peace and security. To support that process, it recommended an analysis of the entire landscape, drawing the necessary lessons and establishing the conditions necessary for finding a way out of the crisis. The High-Level Group had also called for the prompt convening of an international conference to reinvigorate the Middle East peace process. For the Council to ignore those recommendations and continue to condemn Israel, whilst ignoring the massive human rights abuses elsewhere, would discredit it and do nothing to solve the conflict.

14. Mr. SPLINTER (Amnesty International) expressed serious concerns about the grave human rights violations in the Occupied Palestinian Territory and in Israel; the assault on Beit Hanoun was only one of a series of Israeli attacks that had claimed the lives of some 600 Palestinians, more than half of them unarmed civilians, and had wounded hundreds since the beginning of 2006. Most of those deaths had been a result of deliberate artillery shelling and air strikes into densely populated areas. Amnesty International called once again on all members of the Council to take measures to ensure that all concerned parties complied with their obligations to abide by international law and, more particularly, to put in place an independent mechanism to monitor the situation on the ground. Such a mechanism should be mandated to investigate violations wherever they existed and to publicize its findings, and should be adequately resourced to carry out its mandate effectively. The international community must also ensure that neither Israel nor the Palestinian Authority were provided with funds, equipment or training that might be used directly or indirectly to commit abuses of human rights and humanitarian law.

15. Mr. NETTER (B'nai B'rith International and Coordinating Board of Jewish Organizations) said he was dismayed that the Council was meeting for the third time to condemn Israel.

Although the Israeli authorities had expressed regret over the loss of civilian lives in Beit Hanoun and had immediately initiated an investigation, the country was repeatedly forced to defend itself against terrorist attacks from heavily populated civilian areas. The draft resolution before the Council was one-sided and made no attempt to investigate the real abuse involved.

16. While hundreds of thousands died and millions were displaced in the Sudan and human rights were perpetually violated in countries such as the Islamic Republic of Iran, Israel was singled out as the target of country-specific resolutions in the Council, which indicated a dysfunction in that body's ability to ensure respect for human rights. He urged member States that were truly committed to the defence of human rights to oppose the draft resolution and to acknowledge that a country defending itself against daily attacks should not face further attacks by the Council.

17. Mr. SOURANI (Palestinian Centre for Human Rights and International Federation of Human Rights Leagues) said that the human rights situation in Gaza had never been as abysmal as in the previous six months and that the seriousness of the war crimes was now unprecedented, which begged the question of what purpose was served by international humanitarian law and the Geneva Conventions. His two NGOs urged that those Conventions be enforced without delay in order to ensure, inter alia, the protection of the Palestinian civilians under Israeli occupation for the previous 39 years and that an international force was deployed to protect them.

18. Mr. NEUER (UN Watch) said that at the rate at which special sessions denouncing Israel were convened, they should be called regular sessions. The regular session had adopted only one country-specific resolution and that had been against Israel. Also, the Council's only completed regular session had created a special, permanent agenda item for all future sessions in order to denounce Israel, which smacked of the old Commission and had led the Secretary-General to refer to its credibility deficit which had cast a shadow on the reputation of the United Nations system as a whole. Moreover, the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 - who had openly admitted that his instructions were to denounce Israel alone - was the only one with no express date of expiry. That pattern would persist if too many democracies represented on the Council continued to tolerate such organized mischief and to argue that the current subversion of the Council should be celebrated as testimony of its capacity to respond promptly in emergencies. The draft resolution before the Council was entirely one-sided and ignored the systematic Palestinian firing of rockets from the Gaza Strip, including Beit Hanoun, into Israel. Any State that cared to save the Council from destruction would vote against the draft resolution.

19. Mr. PARY (Indian Movement "Tupaj Amaru" and World Peace Council) denounced the silence, indifference and hypocrisy of the West and indignantly condemned the crimes committed by the Government of Israel against the Palestinian people, including the unwarranted bloodbath in Beit Hanoun. The Palestinian people were victims of genocide and extermination simply because they sought to defend their existence and ancestral lands. Israel had been able to colonize Palestinian ancestral lands since 1967 and humiliate Palestinian leaders because it was supported and unconditionally protected by the United States, with the complicity of the European Union, whose members resorted to economic and humanitarian blackmail and refused to recognize the democratically elected Hamas Government. Those countries were responsible for the human tragedy in the Middle East. That having been said, the occupying Power, which

showed disdain for the resolutions of the General Assembly, the Security Council and the Human Rights Commission and made a mockery of the Fourth Geneva Convention, must not be allowed to continue to act with total impunity.

20. Ms. WHITSON (Human Rights Watch) called for an independent inquiry into the shelling of Beit Hanoun, which had left 19 civilians dead. That inquiry should address shelling in general, which increasingly targeted areas inhabited by civilians, as well as the firing of rockets into Israel (1,700 since September 2005), and should establish the shared and individual responsibility for each breach of international humanitarian law committed in northern Gaza. With doubt having been cast on its credibility, the Council must face up to its own responsibilities, extend its action to other serious human rights violations elsewhere, and devote at least one full day at its next session to the situation in Darfur.

21. Ms. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination, Union of Arab Jurists and Union of Arab Lawyers) said that crimes against humanity were tried before courts and it was unfair, unreasonable and illogical for Israeli military leaders to remain immune from any accountability or punishment. The main problems facing the world were connected with Israeli occupation supported by the United States and under the watchful eye of Europe and the rest of the world. That support had gone so far as to prevent the United Nations from protecting the population and imposing respect for international law. Resistance movements against the Israeli occupation in Palestine and Lebanon were dubbed terrorist organizations through a twisting of the notions of legality and illegality in order to accommodate Israeli aggression and occupation. The United States' recent use of its veto in the Security Council to kill a resolution condemning Israel for the Beit Hanoun massacre was not only an abuse, but also an irresponsible infringement of the rule of law, and encouraged its violation. The roles had been reversed: the terrorists were the occupiers and the freedom fighters were those who resisted the occupation.

22. The PRESIDENT brought the general discussion to a close and invited the Council to consider the draft resolution entitled "Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun" (A/HRC/S-3/L.1). He announced that the voting procedure would be the same as that used at the first session, and briefly summarized the rules, including the time allotted to each speaker.

23. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference, introduced the main thrust of the draft resolution and read out the amendments introduced by the sponsors. The fourth preambular paragraph now read: "Taking note of the sense of shock expressed by the Secretary-General on the Israeli military operations carried out in Beit Hanoun on 8 November 2006," and in the fifth preambular paragraph the word "targeting" had been replaced with "wilful killing". In paragraphs 1 and 2 the word "targeting" had been deleted. Paragraph 6 as amended now 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 of 12 August 1949." A new paragraph 7 had been added, and read: "Decides to dispatch urgently a high-level fact-finding mission, to be appointed by the President of the Human Rights Council, to travel to Beit Hanoun to, inter alia: (a) assess the situation of

victims; (b) address the needs of survivors; and (c) make recommendations on ways and means to protect Palestinian civilians against any further assaults.” A paragraph 8 had also been added, and read: “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 fact-finding mission to fulfil its mandate promptly and efficiently.” A paragraph 9 had been added, to read: “Requests the fact-finding mission to report to the Council no later than the middle of December 2006 on progress made towards the fulfilment of its mandate.” He urged the members of the Council to adopt the draft resolution by consensus so as to help bolster the Council’s credibility and image in the eyes of the public.

24. The PRESIDENT announced that six additional countries had joined the list of sponsors. He opened the floor for general comments, especially regarding budget implications, and for views on the secretariat document distributed in the meeting room (without a reference number and in English only) entitled “Oral statement of programme budget implications arising from draft resolution A/HRC/S-3/L.1 of the Human Rights Council”.

25. Mr. MEYER (Canada) said that, as he understood it, the secretariat was not in a position to inform the Council of the budget implications of the implementation of the draft resolution, owing to lack of time for the necessary research. He asked whether the budget would be comparable to the one put forward for the resolution adopted at the second special session and whether an estimate could be provided. It would also be necessary to discuss further the rules for the proper preparation of special sessions and to respect the rule of four working days.

26. Mr. WARD (Office of the High Commissioner for Human Rights) confirmed that his division was currently preparing estimates of the budget implications of the adoption of the draft resolution and modifying them as the draft evolved. He had indeed not had sufficient time to be able to propose even an estimate. He drew attention to the third sentence in paragraph 2 of the statement on budget implications, which indicated that the resources required to implement the draft resolution would, to the extent possible, be met from resources approved by the General Assembly under section 23, Human Rights, for the programme budget in the biennium 2006-2007.

27. The PRESIDENT said that the questions raised by the Canadian delegation and by others would be discussed during the consideration of working methods, at the third session. Also, the high-level fact-finding mission would comprise a minimum of two persons and a maximum of four.

28. Mr. LEVANON (Observer for Israel), speaking in exercise of the right of reply, drew the attention of the members of the Council to the current situation in the Gaza Strip. The Palestinians had accumulated heavy and sophisticated weapons in huge quantities for the sole purpose of inflicting more casualties on Israeli civilians. He therefore warned that all those who voted in favour of the resolution would be furthering two objectives: firstly, the devalorization of the mechanism and purpose of special sessions, plunging the Council into politicization and accelerating its destruction; and secondly, the exacerbation of ill-will and the strengthening of extremists and, by so doing, would halt the process for a solution of the conflict in the Middle East.

29. Mr. ABU-KOASH (Observer for Palestine), in exercise of the right of reply, said that Israel was turning the situation inside out; it was not the Palestinians who were occupying three quarters of Israel's land, but quite the opposite, making it necessary for millions of Palestinians to seek refuge elsewhere in the world. Israel's latest tactic was to persuade the Palestinians to make do with a tiny part of their territory and accept the annexation of Jerusalem, which no one, not even the United States, [could go along with]. Had the Palestinians had as many weapons as Israel claimed, and not mere fireworks, the Israelis would be rushing to the negotiating table. The situation was clear: the Palestinians, the victims of the occupation, would like human rights, international law and international humanitarian law to be applied to Palestinians and Israelis alike. It was a highly positive development that a high-level fact-finding mission would be going to Beit Hanoun; it could then report back on the bloodbath that had occurred there and on any potential bloodbaths that might occur in Israel.

30. The PRESIDENT opened the floor for explanations of vote before the voting.

31. Mr. MACEDO (Mexico) said that Mexico condemned Israel's random assault on civilians in Beit Hanoun. It was truly aghast at the number of dead and wounded and at the general deterioration of the human rights situation provoked by Israel, while recognizing Israel's right to legitimate defence, although not through the use of indiscriminate violence. At the same time, Mexico condemned Palestine's incessant firing of rockets at Israel. It enjoined all the parties to respect international humanitarian law, refrain from actions that led to confrontation, and reactivate the peace process in order to end the plight of the people of the region. Mexico would vote in favour of the draft resolution.

32. Mr. MARTÍNEZ ALVARADO (Guatemala) said his country had long been expressing its concern over the situation in the Middle East. It condemned the loss of human lives and the physical damage caused by the recent Israeli offensive, but also those caused by the Palestinian rockets. His delegation was pleased that Argentina's amendment had been taken into consideration. It took the view that the Human Rights Council must not merely adopt condemnatory resolutions, but must favour initiatives likely to have a positive effect on the ground and encourage the parties to resume talks. For that reason, Guatemala would abstain.

33. Mr. HIMANEN (Finland), speaking on behalf of the countries of the European Union that were members of the Human Rights Council, namely the Czech Republic, Finland, France, Germany, the Netherlands, Poland and the United Kingdom, as well as the acceding country Romania, expressed his deep concern at the escalating violence in Gaza and the West Bank. He deplored the Israeli military action in Gaza as he did the firing of rockets into Israeli territory. The Council must address objectively all human rights violations, wherever they occurred. He regretted that the main concerns raised by the Finnish delegation at the previous meeting had not been incorporated into the text of the draft resolution, which neither called on all parties to the conflict to refrain from violence nor deplored all attacks resulting in civilian deaths on both sides. For that reason, the Finnish delegation and the countries it represented could not support the draft resolution.

34. Mr. FAIDUTTI ESTRADA (Ecuador) said the Ecuadorian delegation would vote in favour of the draft resolution because it could not but support the initiatives taken by the international community, through the Human Rights Council, to prevent tragedies such as the one in Beit Hanoun from recurring in future. Although the number of casualties differed greatly from

one camp to the other, they were all human lives, and the Council's mission was to protect the right to life, without distinction. His delegation once more called on the parties to desist from violence and resume talks. It also emphasized the need to establish responsibility for those atrocities and hailed the measures the Israeli authorities had taken in that regard. To paraphrase Kelsen, the law could be upheld only through concrete action.

35. The PRESIDENT announced that one delegation had requested a recorded vote.

36. Mr. JAZAÏRY (Algeria), speaking on a point of order, said that, in the interest of transparency, he wished to know which delegation had requested the vote.

37. Mr. MEYER (Canada) said it had been the Canadian delegation that had made the request; it had nothing to hide, its position having been quite clear from its statement.

38. At the request of the representative of Canada, a roll-call vote was taken on draft resolution A/HRC/S-3/L.1, as amended.

39. Jordan, having been drawn by lot by the President, was called upon to vote first.

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

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

Abstaining: France, Guatemala, Japan, Republic of Korea, Switzerland, Ukraine.

40. Draft resolution A/HRC/S-3/L.1, as amended, was adopted by 32 votes to 8, with 6 abstentions.

41. The PRESIDENT opened the floor to members for explanations of vote after the voting.

42. Mr. FUJISAKI (Japan) said his country was deeply concerned that civilians had again been killed during Israel's recent military operations. He called upon the Israeli Government to protect the civilian population and on the Palestinian Authority to put an immediate end to the violence perpetrated by Palestinian extremist groups. Japan's decision to abstain reflected not a lack of interest, but its view that the text was not sufficiently balanced. It must be remembered that the Israeli Government had already started its own investigation into the incident. The Human Rights Council should attach great importance to dialogue and consultation instead of rushing to adopt resolutions, and must ensure that States were informed in advance of the possible financial implications of any draft.

43. Mr. GONZÁLEZ ARENAS (Uruguay) said his country had supported the draft resolution because it was the role of the Human Rights Council to condemn human rights violations against Palestinian civilians through Israel's use of force. However, he regretted that the Council did not

do more to encourage dialogue and negotiation. A vote should be the last resort, not the only recourse. Uruguay urged all the parties to the conflict to renounce violence, a precondition for the resumption of the process of seeking genuine and lasting peace, and, consequently, respect for human rights in the region.

44. Mr. DUMONT (Argentina) said his delegation was pleased that its amendment had been incorporated into the draft resolution. However, it would have liked it to have also deplored Palestinian groups' violations of international humanitarian law. The Human Rights Council's mission was in fact to promote fair and equitable respect for human rights without distinction. It should always try to achieve consensus so that its actions could constitute a real step forward. His delegation called on all parties to the conflict to respect human rights and international humanitarian law - the only way of restoring a just and lasting peace in the region - and to engage in dialogue, taking into account the differences between communities, which were a source of enrichment rather than an impediment to integration.

45. Mr. RIPERT (France) said his country condemned the Israeli military operation, which had already caused loss of human lives and unacceptable destruction. Israel had the right to self-defence but, in so doing, must protect the civilian population and respect international humanitarian law. France also condemned the acts of violence by Palestinian armed groups. The Palestinian Authority had the duty to ensure law and order and to combat terrorism. Violence merely fuelled violence. All efforts must be geared to a political solution through appeasement and the resumption of dialogue. That was how France construed the principle of the special session on emergency human rights situations. The Human Rights Council could have adopted by consensus a text condemning the firing of rockets against Israel and calling on all parties to put an immediate end to. It had not done so, which was why France had abstained from the vote on the draft resolution.

46. Ms. FERNANDO (Sri Lanka) reaffirmed her country's support for the Palestinian people in its struggle to exercise its inalienable rights. Sri Lanka had always supported action within the United Nations to seek resolution of the conflict and had always urged the belligerents to respect international humanitarian law. Today it called on them to reactivate the peace process in order to find a lasting solution acceptable to all, and to enable all the region's inhabitants to live in security.

47. Mr. GODET (Switzerland) said the Swiss delegation could not support the proposed text because it lacked balance, notwithstanding the last-minute improvements made. The Human Rights Council must denounce all human rights violations, wherever they occurred. It was therefore regrettable that it condemned the Israeli attacks without simultaneously denouncing the firing of rockets from the Gaza Strip.

48. Mr. NEYRA SÁNCHEZ (Peru) said his country was alarmed by the escalating violence in the Middle East, which had once again led to civilian deaths. Attacks such as the one on Beit Hanoun constituted unacceptable human rights violations. That was why Peru had supported the draft resolution, although it would have been preferable if the text had not prejudged the wilfulness of the assault, which had not yet been established by an inquiry. Peru called on the parties to disavow violence, which only served to fuel the conflict, and to protect the civilian population. He reminded them that international humanitarian law and human rights were jus cogens and that only by peaceful means could lasting peace be restored to the region.

49. Mr. HUGUENEY (Brazil) said his country had voted in favour of the draft resolution because it condemned Israel's disproportionate response that had claimed many civilian lives. Brazil exhorted the international community to supply the humanitarian aid that the Palestinian population now needed more than ever. For their part, the Palestinians must release the soldier they were holding and stop firing rockets on Israel's civilian population. Both parties to the conflict must renounce their logic of military action and resume diplomatic talks.

50. The PRESIDENT invited delegations that wished to do so to make general observations.

51. Mr. KHAN (Pakistan) said he welcomed the alacrity with which the Human Rights Council had convened the special session, and expressed his satisfaction that the resolution had been adopted. What now remained was for the decision to be implemented. The fact-finding mission must be high-level and should be established expeditiously. The situation in the Middle East called for concrete measures, not palliatives: peace was made; it did not descend from the heavens. It was true, as some delegations had pointed out, that there were other crises that demanded the Council's attention; but that did not mean that it should close its eyes to what had become a daily occurrence in the Middle East. The delegations that had voted against the draft resolution might well have disappointed public opinion in their own countries. His delegation hoped that, in any event, those countries too would help bring the suffering of the Palestinian people to an end and thus pave the way for peace.

CLOSURE OF THE SESSION

52. The PRESIDENT said he would immediately transmit a copy of the resolution that had been adopted to the General Assembly of the United Nations, which was about to examine a draft resolution covering similar issues, in particular the establishment of a fact-finding mission, and declared the third special session of the Human Rights Council closed.

The meeting rose at 5.15 p.m.