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Held at the Palais des Nations, Geneva,
on Wednesday, 15 November 2006, at 10 a.m.

President: Mr. DE ALBA (Mexico)

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The meeting was called to order at 10.25 a.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” (A/HRC/S-3/1; A/HRC/S-3/L.1)

1. The PRESIDENT declared open the third special session of the Human Rights Council, which had been convened pursuant to General Assembly resolution 60/251 at the request of 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.
2. Ms. ARBOUR (United Nations High Commissioner for Human Rights) said that she would be making a five-day visit to Israel and the Occupied Palestinian Territory the following week. That visit would give her an opportunity to examine developments on the ground: she intended to conduct field visits and meet with the authorities, representatives of civil society and non-governmental organizations (NGOs), and United Nations partners. While she did not underestimate the complexity of the situation, her visit might provide support for existing activities and help identify additional means of bolstering human rights protection in the area. Her primary concern would be to emphasize the obligation to protect civilians during armed confrontations and the right of both Palestinians and Israelis to live free from fear, want and harm. She would share the results of her visit with the Council at its third regular session.
3. Mr. ABU-KOASH (Observer for Palestine) said that the shelling of Beit Hanoun by the Israeli army following a week of killing and destruction was yet another example of Israel’s unleashing its lethal power against defenceless Palestinian civilians. The perpetrators of those atrocities should be brought to international justice, and he called for swift action by the Council to stop such acts and to press for international protection of Palestinians in the Occupied Territory.
4. It appeared that double standards and manipulation of international law had become a virtue: while Israel was conceded the so-called right to self-defence, Palestinian resistance was depicted as terrorism. Yet Palestinians were not invading Israel. Israel, on the other hand, had for decades used a variety of pretexts to prolong its occupation of Palestinian land, in violation of the sovereign rights of the Palestinian people.
5. To defenders of human rights and self-determination, Washington was not a seat of power that sent emissaries to the Security Council to side with the aggressor and condemn the victim, but the name of the great leader of the American Revolution who had been labelled a terrorist for resisting the occupation of his country. The Palestinian people were victims of prolonged tyranny and suppression, and he appealed to the Council for support to end their plight.

6. Mr. KHAN (Pakistan), speaking on behalf of the Organization of the Islamic Conference, thanked those members of the Council that had supported the call for a special session. Although some members seemed to fear that frequent special sessions might undermine the Council's effectiveness, failure to respond to the repeated human rights violations targeting one specific region would make a mockery of the international human rights machinery. In the face of gross and systematic violations of the human rights of the Palestinian people, silence would be unforgivable.

7. Despite the Council's call for their release, the Palestinian ministers, lawmakers and civilians detained by Israel remained in captivity. The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 had been unable to visit the region, and the Council had failed to implement its own resolutions on the appalling human rights situation in Gaza. There was, however, no law or custom imposing censorship on the Council or barring it from expressing its will; people spoke in the Council because they continued to believe that it was the world's human rights conscience. If it ceased to speak out against atrocities, the Council would be giving a green light to human rights violations around the world.

8. It was regrettable that, given the lack of response from other States, the task of calling for a special session in response to the grave human rights violations committed by the Israel Defence Forces in Beit Hanoun had once again fallen to the Organization of the Islamic Conference and the Group of Arab States. Yet the violations in Beit Hanoun had been egregious: the European Commission had described the shelling as an "unjustified and unacceptable act of violence" and an "attack on all the forces working for peace". The cynicism manifest in the assaulting forces' claim that the violence had been unintentional was unacceptable. Over 350 Palestinians had died in Israeli military strikes since June 2006, and the attack on Beit Hanoun was a gross violation of the right to life, food, health and adequate housing. Moreover, the disproportionate use of force and collective punishment against unarmed civilians violated international humanitarian law.

9. With regard to the criticism that the draft texts submitted concerning the killings in Gaza were unbalanced, he observed that it was impossible to strike a balance between those who killed and those who were killed; the victims must not be blamed. The Council must condemn the Israeli killings, call for immediate protection of Palestinian civilians in the Occupied Palestinian Territory and dispatch a high-level fact-finding mission to investigate the incident in Beit Hanoun. Ending the violations of the human rights of Palestinians was the only way to peace in the Middle East.

10. Mr. ABDULLAH (Bahrain), speaking on behalf of the Group of Arab States, condemned the continued violations of the human rights of the Palestinian people, the Israeli assault on Gaza and the collective punishment of Palestinian civilians. Israel must be held responsible for the killing of 18 civilians in northern Gaza and the destruction of vital infrastructure, actions that were symptomatic of Israel's disregard for human rights and international humanitarian law.

11. The most recent incident could have been avoided had the Council assumed its responsibility and implemented the resolution it had adopted at its first special session concerning the deployment of a high-level fact-finding mission to the Occupied Palestinian Territory. Instead, failure to implement the resolution had led to further violations of the rights

of the Palestinian people. The Council must exert pressure on Israel to implement all relevant resolutions, and the international community must ensure the effective protection of civilians in the Occupied Palestinian Territory and put an immediate end to the aggression. He called on all States members of the Council to adopt the draft resolution contained in document A/HRC/S-3/L.1.

12. Mr. FERNÁNDEZ PALACIOS (Cuba), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement was a long-standing advocate of the inalienable rights of the Palestinian people. It had always rejected the illegal occupation of Arab territories by Israel and condemned mass, flagrant and systematic violations of human rights and international humanitarian law by the occupying Power. At the Movement's Fourteenth Conference of Heads of State or Government, held in September 2006, participants had reaffirmed their support for the Middle East peace process and for the right of the Palestinian people to exercise self-determination and sovereignty in an independent Palestinian State with East Jerusalem as its capital. They had also strongly condemned the continuation and escalation of Israeli military aggression against the Palestinian people that had led to grave violations of human rights and international humanitarian law, such as excessive and indiscriminate use of force, extrajudicial killings and collective punishment. In the light of the recent events in Beit Hanoun, the Movement had requested an emergency meeting of the Security Council and had issued a statement on the deterioration of the current situation in the Middle East, especially in the Occupied Palestinian Territory.

13. Some 280 Palestinians, including more than 60 children, had lost their lives in Israeli attacks since 25 June 2006. The shelling of a residential area in the Gaza town of Beit Hanoun had shocked the world and exemplified the terrible suffering of the Palestinian people under Israeli occupation. The Movement of Non-Aligned Countries was deeply concerned about the continuing deterioration of the situation in the Occupied Palestinian Territory. It strongly condemned the Israeli military assaults in Gaza, called for the immediate cessation of Israeli military incursions into Palestinian territory and urged Israel to respect the Geneva Conventions and the human rights of the Palestinian people.

14. Mr. JAZAÏRY (Algeria), speaking on behalf of the Group of African States, strongly condemned the killing of over 300 Palestinian civilians during Israeli military attacks in Gaza, particularly in Beit Hanoun. The African States were deeply concerned about the deteriorating human rights situation in the Occupied Palestinian Territory, the excessive use of force by the Israeli army, the loss of life and the destruction of homes, vital infrastructure and public services. He urged Israel to respect human rights and international humanitarian law and expressed support for the draft resolution contained in document A/HRC/S-3/L.1. The Council must rise to the challenge posed by its mandate and put an end to human rights violations in the Occupied Palestinian Territory.

15. Mr. ATTAR (Saudi Arabia) said that his country was deeply concerned about the deteriorating situation in the Occupied Palestinian Territory and the failure of the international community to respond. The continuing flagrant violations of the human rights of the Palestinian people had potentially disastrous consequences. The fact that the Council was holding a second special session within a five-month period to address Israeli attacks on Palestinians illustrated the

gravity of the situation. Yet Israel continued to ignore Council resolutions, because neither the Council nor the international community had applied any real pressure on Israel to respect international law.

16. The Council might wish to consider the establishment of an independent mechanism to ensure the implementation of its resolutions and fulfil its mandate. Israel's way of defending itself by shedding the blood of innocent civilians was no longer acceptable, and an international conference should be convened with a view to putting an end to the violations and revitalizing the peace process. In addition, the Council should deploy a high-level fact-finding mission to the region.

17. Mr. SENE (Senegal) said that the international community was shocked and outraged by the tragic events in Gaza. The shelling of Beit Hanoun was not only a flagrant violation of international humanitarian law, but had plunged the already suffering population into further misery and had poured oil on the flames of hatred and frustration caused by the occupation. Both parties must exercise restraint in order to avoid further escalation of the conflict and facilitate a return to the negotiating table. Senegal supported the Palestinian people's inherent right to self-determination and the establishment of a free and independent Palestinian State within secure and viable borders.

18. The establishment of the Council had raised hopes for a new era of human rights protection. While important progress had been made, a number of obstacles continued to hamper the implementation of Council resolutions. The lack of progress made on the ground would cast doubt on the Council's effectiveness and credibility in fulfilling its mandate, which was to facilitate tangible improvements in human rights situations.

19. Mr. HIMANEN (Finland), speaking on behalf of the European Union and the candidate country Croatia, said that the European Union was deeply concerned about the escalating violence in the Middle East and the human rights and humanitarian situation in the Occupied Palestinian Territory. It deplored the growing number of civilian casualties caused by Israeli military action in Gaza and, in particular, the unacceptable military operation carried out in Beit Hanoun on 8 November 2006. While Israel had a legitimate right to self-defence, it must exercise utmost restraint, refrain from taking disproportionate or unlawful action and cease military operations that put the lives of Palestinian civilians at risk. Urgent measures must be taken to alleviate the human suffering of the Palestinian people.

20. The European Union also deplored the firing of rockets on to Israeli territory and called on the Palestinian leadership to put an end to such acts. There was an urgent need to return to a comprehensive peace process with a clear political perspective. To achieve that goal, the immediate cessation of violence and the release of the abducted Israeli soldier as well as the Palestinian ministers and legislators detained by Israel were vital. The European Union would actively support efforts to reach a comprehensive settlement based on the road map, the relevant Security Council resolutions and the commitments made at Sharm-al-Sheikh. Implementation of agreements such as the 2005 agreement on movement and access was crucial in that regard.

21. The Council should be guided by the principles of universality, impartiality, objectivity and non-selectivity, and the European Union would cooperate with other Council members in taking a constructive and consultative approach to all human rights situations. The

European Union, which provided considerable financial assistance to the Palestinian people, urged Israel to resume transfers of withheld Palestinian tax and customs revenues immediately. Both parties to the conflict must do their utmost to bring peace to the region.

22. Mr. LEVANON (Observer for Israel) said that while Israel regretted the tragic mistake that had occurred at Beit Hanoun, the blame ultimately lay with the Palestinian Authority and its Government. They had done nothing to prevent Qassam rockets from being fired at Israeli civilians from Beit Hanoun, thereby making an Israeli response inevitable. Israel harboured no hatred of the Palestinian people; it was committed to the political solution of two States, in accordance with the road map. Those who had stored tons of explosives, weaponry and Katyusha rockets and who terrorized Israel should understand that they could not seek refuge behind women and children. Their actions bore a price: they were plunging their own people into misery.

23. Israel's withdrawal from the entire Gaza territory in August 2005, uprooting Israeli families and bringing the country to the brink of civil war in the process, might have been naive. Perhaps it had been unrealistic to hope that Palestine would react by stopping the violence and focusing on building public services and its own institutions and negotiating solutions. Instead, Palestine had intensified the violence, issued vociferous and incendiary threats and stockpiled lethal weapons. Only that morning in Sderot a woman had been killed and many other civilians injured by several Qassam rockets fired from the Palestinian territories. Those attacks had clearly been a reaction not to Beit Hanoun but to Israel's withdrawal from Gaza, which had led to an immediate increase in violence from the Gaza Strip and a corresponding decrease in Israel's security.

24. Israel deplored the lack of universal, impartial, objective and non-selective perspectives in the Council. One-sided approaches, double standards and politicized decision-making were all in evidence at the current special session. Moreover, those who had called for the session were conspicuously ignoring tragedies currently unfolding in other parts of the world, such as Sri Lanka and Darfur.

25. So long as the children of Sderot and Ashkelon were unable to live in peace and security, Gaza would not have peace and security. During its previous engagement in Gaza, the Israel Defense Forces had uncovered vast amounts of weaponry, rocket launchers, anti-tank missiles, grenades, AK-47 assault rifles, observation equipment, stockpiled ammunition and next-generation Qassam rockets. Israel could not stand idly by in the face of such clear evidence of Palestinian intentions.

26. The Middle East did not need any more one-sided resolutions such as the draft currently before the Council, and it did not need fact-finding missions. Rather, it needed a courageous Palestinian decision to change the course from violence and hatred toward peace and cooperation.

27. Ms. HSU (Malaysia) noted that the General Assembly had also held an emergency session on the critical situation in the Occupied Palestinian Territory. The Security Council however had been rendered ineffective by the recent vetoing of a draft resolution on that

situation, thereby conferring impunity on the perpetrators of gross injustices and human rights violations vis-à-vis the Palestinian people. Israel's deplorable history of disrespect for international humanitarian law had once again been condoned by its protectors.

28. The resolution adopted by the Human Rights Council at its first special session had not yet been implemented. Since June 2006, Israeli military operations had killed over 300 people, mostly civilians, in Gaza and more than 1,000 others had been injured. Israel's de facto reoccupation of Gaza had resulted in the devastation of homes and infrastructure, including hospitals and schools. The Palestinian people had been denied access to electricity, food and water, while their agricultural lands were destroyed and their elected representatives and government officials were arbitrarily arrested and imprisoned. Those violations had exacerbated the prolonged hardship and suffering of the Palestinians living under Israeli occupation.

29. While the international community had been shocked at the killing of Palestinian civilians, mostly women and children, in Beit Hanoun, it was not the first time that Israeli military operations in the Occupied Palestinian Territory had resulted in a high number of civilian casualties. Israel had again demonstrated excessive, disproportionate and indiscriminate use of force, in total disregard of international law, including the Fourth Geneva Convention of 1949. The victims and their communities looked to the Council for an appropriate response to those grave breaches of international law, and she urged the Council to adopt the draft resolution before it. She also encouraged the High Commissioner to actively seek to end the violations of the Palestinians' human rights.

30. Mr. RAHMAN (Bangladesh) said that the world had been shocked by Israel's recent massacre of innocent Palestinians at Beit Hanoun. It was another in a long list of atrocities that had killed hundreds of Palestinian civilians and injured many more. Israel's disproportionate use of force was a flagrant violation of international humanitarian law, particularly the Fourth Geneva Convention, and constituted a crime against humanity.

31. His delegation called for an immediate end to those atrocities. Moreover, since the Israeli occupation of Palestine and other territories was a violation of international humanitarian law, his delegation demanded the immediate and complete withdrawal of Israeli forces from all occupied territories. Bangladesh supported the Palestinian people's legitimate and inalienable right to a sovereign and independent homeland. Lasting and viable peace in the region could not be achieved until those rights were recognized and the Israeli forces withdrew from the Occupied Palestinian Territory. All the parties concerned should immediately resume on the peace process with a view to securing a just, lasting and comprehensive settlement. It was incumbent on the Council to take an unequivocal stand on Israel's flagrant violation of fundamental human rights, which it could do by adopting the draft resolution by consensus.

32. Mr. JAZAÏRY (Algeria), said that the recent attack on Beit Hanoun was proof of Israel's policy of terror and destruction. Israel was clearly aiming to decimate the economy of Gaza and the West Bank. The occupying authorities had disregarded the Council's previous calls to put an end to such actions and continued to violate international humanitarian law. The Israeli forces did not hesitate to use the most destructive weapons, including those that were banned internationally. The attacks on Beit Hanoun constituted war crimes for which the perpetrators should be tried before international courts.

33. He called for a balanced approach to decision-making despite the imbalance that existed between the might of Israel and the power of the Palestinian resistance. The Council should put an end to the impunity enjoyed by Israel and, in keeping with its mandate, strongly condemn those massacres. He urged Council members to adopt the draft resolution and suggested that the Council should send a high-level fact-finding mission to assess the situation of victims, assist survivors and find ways of protecting Palestinians from any further aggression.

34. Mr. FERNÁNDEZ PALACIOS (Cuba) said that Israeli forces were systematically violating the Palestinian people's right to life. There was no possible excuse for the recent atrocity in which five Israeli tanks had opened fire on a residential area of Beit Hanoun, indiscriminately killing and maiming innocent civilians. Israel's insistence that a technical error had occurred had only increased international condemnation of the methods employed by the Israeli forces.

35. Shamefully, the Security Council had once again been silenced by the United States of America, which had vetoed for the thirty-first time a resolution aimed at ending the massacre of the Palestinian people. Despite the Council's first two special sessions, the Palestinians' suffering had increased. Those responsible continued to flout the decisions of the international community with impunity. The entire Palestinian population was the victim of Israel's deliberate policy of genocide. Cuba wished to reiterate its support for the inalienable right of the Palestinian people to an independent, sovereign State with East Jerusalem as its capital and for an unconditional, just and lasting peace for all the peoples of the Middle East.

36. Mr. WIRENGJURIT (Indonesia) said that the current special session was particularly necessary since the Council was the only forum in which the situation in Palestine could be discussed effectively. Indonesia condemned the recent attack on Beit Hanoun, which had annihilated a residential area, destroyed vital infrastructure and killed innocent people. It had been disproportionate to the threat Israel faced and thus violated the rules of engagement and distorted the notion of legitimate self-defence into wholesale destruction. As the situation on the ground continued to deteriorate, the civilian population in the Occupied Palestinian Territory struggled to survive.

37. The lack of implementation of the decisions adopted at the Council's first special session in July 2006 undermined both the legitimate expectations of the Palestinian people and the credibility of the Council. The Council should present a cohesive and determined front and should send a high-level fact-finding mission to the Occupied Palestinian Territory. The humanitarian situation there violated all the principles of the Geneva Conventions, the Universal Declaration of Human Rights and other international human rights instruments. The Council should spare no effort in encouraging the Security Council, the Quartet and the international community to find the political will to revive the peace process. Any delay in that endeavour would create the conditions for further violence. A ceasefire was urgently required if there was to be a fair and lasting peace for the whole of the Middle East.

38. Mr. LATONA (Mauritius) condemned Israel's disproportionate and indiscriminate use of force in the recent attacks on Beit Hanoun and called on the Palestinians to exercise restraint and cease their attacks on Israeli targets. Mauritius supported the call to dispatch a high-level fact-finding mission to investigate the human rights violations that had resulted from the assault

on Beit Hanoun. The forthcoming visit of the High Commissioner to Beit Hanoun and the Gaza Strip should provide the Council with first-hand information on the situation.

39. Israel and Palestine should take simultaneous confidence-building measures. The Israeli Prime Minister's invitation to meet the President of the Palestinian National Authority was a positive step, and the formation of a Government of national unity in Palestine could improve relations between Palestine and Israel. Both sides should take the opportunity to restart peace talks immediately.

40. Mr. LABIDI (Tunisia) said that his delegation was deeply concerned at Israel's heinous military attacks on the Gaza Strip, which had killed and injured many people and destroyed infrastructure. The recent attack on Beit Hanoun had reaffirmed Israel's intransigence and its determination to violate international humanitarian law. The Palestinian people and international public opinion wished to revive the peace process in order to reach a comprehensive and just settlement to the conflict and prevent further humanitarian disasters. He urged the international community to act promptly to put an end to the cycle of violence.

41. His delegation called for guarantees to protect the Palestinian people. The Council should take a firm stance against Israel's gross violations of human rights and take practical measures to halt the deteriorating humanitarian situation in the Occupied Palestinian Territory. Tunisia backed the urgent dispatch of a high-level fact-finding mission to the area, and urged all member States to adopt the draft resolution by consensus.

42. Mr. FLORÊNCIO (Brazil), speaking also on behalf of Ecuador, said that the two countries were deeply concerned by the escalating spiral of violence in the Occupied Palestinian Territory and gross violations of international humanitarian law as reflected in the rising death toll among civilians from Israeli operations in northern Gaza and the recent disproportionate military action in Beit Hanoun. The use of violence by either side was unacceptable; dialogue and the peaceful resolution of conflicts were required if lasting peace was to be achieved. The recent developments were a reminder of the danger of leaving the broader Arab-Israeli conflict unresolved and of the interconnectedness of the region's problems.

43. He deplored the deteriorating living conditions and suffering of the Palestinian population, which were the result of the destruction of infrastructure and private property and the curtailment of civil liberties. The Governments of Brazil and Ecuador called on Israel to determine its responsibilities in the conduct of military actions and on Palestinians to ensure that rocket attacks by militants ended. They urged both sides to resume the peace process.

44. It was necessary to create the preconditions for peaceful coexistence in order to realize the "vision of two States" by implementing the road map, bearing in mind the principle of land for peace and the recommendations made by the League of Arab States at its 2002 summit meeting in Beirut. The release of the Israeli soldier, who had been abducted might constitute an initial step towards reconciliation, another important step being the establishment of a Palestinian Government of national unity. It was the Council's duty to draw attention to the absolute need for respect for human rights and international humanitarian law. The logic of military action must be replaced by diplomatic negotiation.

45. Mr. SHA Zukang (China) said that Palestine had recently suffered serious economic difficulties, food and fuel shortages, soaring unemployment and the collapse of its medical and educational institutions. As the violent conflict between Palestine and Israel continued to escalate, the human rights situation of the Palestinian people in the Occupied Palestinian Territory deteriorated further. The world had been shocked by the recent tragedy in Beit Hanoun.

46. China was opposed to the blockade of Palestine and was deeply concerned by the tension that existed between Palestine and Israel as well as by the current humanitarian crisis. He called upon Israel to cease its military actions immediately and said he hoped that the two parties would engage in mediation to avoid further deterioration of the situation. His delegation supported the efforts of the international community to reach a just and peaceful settlement of the question.

47. Without a final settlement of the Middle East question, peace could not be achieved there. The parties concerned should consider the long-term benefits of such a settlement and endeavour to resolve the historic grievances that divided their respective communities, in the interest of all the countries of the region. His delegation was of the view that the Middle East question should be solved on the basis of United Nations resolutions on the issue, the principle of land for peace and political negotiations.

48. The Human Rights Council should not allow a tragedy of the present scale to continue. Each special session of the Council testified to the occurrence of international human rights violations. The current special session was the second such session devoted to the question of the Occupied Palestinian Territory; regrettably, the first special session had not enhanced the enjoyment of the fundamental rights of the Palestinian people, despite the plea of the observer for Palestine who had called on the Council not only to adopt a resolution but especially to take concrete steps to implement the resolution. It was high time to take such action and to put the Council's ability to act efficiently and effectively to the test.

49. Mr. MTESA (Zambia) deplored the killing of sleeping civilians, mostly women and children, in Beit Hanoun. The killing of civilians in such a manner was intolerable, and the explanation provided by the Israeli Government was unconvincing. The apology offered could not account for the loss of innocent lives; in fact, the incident could have been prevented, since tanks and lethal weapons should not target areas in which civilians were present. Such conduct fuelled the conflict in the Middle East. Collective punishment must be avoided at all times, and human life must not be undervalued.

50. Accordingly, his delegation appealed to the Israeli forces to withdraw from the Occupied Palestinian Territory in order to prevent such occurrences and to pave the way for peace. It wished to see Israel and Palestine live side by side in peace, in their recognized States. It was therefore important that the international community and the concerned parties should do their utmost to bring the conflict to an end and ensure that peace prevailed in the region. His delegation fully endorsed the recent statement by the Prime Minister of the United Kingdom that peace in the Middle East would be achieved only when the Israeli-Palestinian conflict had been resolved. That goal was attainable, provided that there was political will and compliance with earlier agreements and United Nations resolutions on the issue.

51. Mr. ISBAYENE (Morocco) strongly condemned the recent killing of innocent civilians in Beit Hanoun. Paramedics had also been targeted and infrastructure destroyed, leading to major losses that would further affect the lives of Palestinian civilians, who were already deprived of their basic human rights. The targeting of civilians was in contravention of all international human rights conventions and norms.

52. As a result of the embargo imposed by Israel, Palestinian civilians were being deprived of their livelihood and fundamental rights to health, education, freedom of movement and a life with dignity. As Israel pursued its policy of military escalation and tightened its stronghold on the Palestinian people, the Government of Morocco followed with grave concern the impact of those violations on civilians, in particular the most vulnerable groups in society, and the growing threat to peace and security in the region.

53. There was a pressing need for the international community, including the Council, to compel Israel to respect the principles of international humanitarian and human rights law. He therefore appealed to Council members to support the proposed draft resolution. Morocco was fully committed to the pursuit of peace in the region and believed that emphasis should be placed on negotiations, the principle of land for peace, the road map, the recommendations of the 2002 summit meeting of the League of Arab States and compliance with General Assembly and Security Council resolutions. Implementation of those steps would also guarantee the Palestinian people their own independent State with Jerusalem as its capital.

54. Mr. GODET (Switzerland) said that the convening of the current special session demonstrated the ability of the Human Rights Council to act promptly in emergency situations, although he regretted that the Security Council had been unable to reach a political decision on the matter.

55. His delegation was deeply concerned by the violence that had been occurring in Israel and the Occupied Palestinian Territory for several months and that had imposed unacceptable suffering on the civilian population. As the continuing spiral of violence made it increasingly difficult to establish a necessary dialogue between the two parties, the international community must spare no effort to end that cycle.

56. Switzerland was committed to the rule of law. International humanitarian law must be observed by all parties to the conflict. Israel had the right to respond to attacks against it and to attempt to prevent such attacks, but the activities undertaken by the Israeli army during its offensive in the Gaza Strip must respect the principles of proportionality, precaution and distinction. His delegation particularly deplored the military operation in Beit Hanoun, in which Israel had not taken all the necessary precautions to protect the civilian population and civilian infrastructure. His delegation had taken note of the opening of an inquiry by Israel to determine the causes of the incident and shed light on recent events. It also strongly condemned all acts of violence committed by Palestinian armed groups against the civilian Israeli population, particularly the launching of Qassam rockets into Israeli territory.

57. Protection of the civilian population and respect for its rights were the Council's main concerns. The humanitarian, economic and social situation in the Occupied Palestinian Territory had become so unbearable in recent months that a whole series of basic rights was no longer guaranteed, and the risk of a medical and food crisis was great. He called on all parties to

exercise self-restraint and actively to pursue dialogue and negotiation with a view to achieving the objective of peaceful coexistence of the Israeli and Palestinian States within safe and recognized borders.

58. Mr. MEYER (Canada) said that the escalation of violence in the Gaza Strip and the civilian casualties resulting from the Israeli military operation in Beit Hanoun were of great concern to his country. In the aftermath of the incident on 8 November, the Minister for Foreign Affairs of Canada had issued a statement expressing those concerns and offering the country's heartfelt sympathy to the victims and their families.

59. While Canada recognized Israel's right to protect its citizens from rocket attacks, it continued to urge Israel to act with restraint and take all possible measures to protect civilians. Israel had expressed its regret for the incident, and his delegation welcomed Israel's call for an investigation into the shelling, which it hoped would be thorough and swift.

60. At the same time, Canada recognized that rocket attacks against Israel must stop. The Palestinian National Authority must take concrete measures to address Israel's security concerns and eliminate attacks against Israel. The statement by a leading Hamas official encouraging attacks against Israel was disturbing and demonstrated once again the incompatibility of terrorism and democratic principles. He strongly urged Hamas to accept Quartet principles.

61. As the principal United Nations body responsible for human rights, the Human Rights Council must examine issues of concern, in the Middle East as in other regions of the world, in an objective and balanced manner. Unfortunately, neither the current special session nor the proposed draft resolution took into consideration the respective roles and responsibilities of all parties and thus did not promote the human rights and fundamental freedoms of everyone in the region or the rule of law. In that way they were not constructive in securing the long-term goal of peace and stability in the Middle East. As Canada was committed to those goals it would vote against the draft resolution that had been submitted.

62. Mr. SINGH (India) expressed grave concern at the continuing violence and loss of innocent lives in Western Asia, which had exacerbated the conflict there. The recent developments had an adverse impact on the peace process, which was the only viable option for achieving a lasting solution. It was essential that the situation should not spiral out of control and lead to large-scale violence and military conflict, thereby adversely affecting the peace and stability of the region, which was part of India's extended neighbourhood.

63. India believed that all acts of terrorism, provocation and incitement to violence and also disproportionate retaliatory measures should be condemned. His delegation deplored the incident in Beit Hanoun but took note of the fact that the Israeli Government had ordered an inquiry into the incident. Utmost vigilance must be exercised to ensure that such incidents did not recur.

64. India supported the resumption of the peace process through negotiations aimed at the establishment of a viable, independent, sovereign united State of Palestine that would live in harmony with the State of Israel, in accordance with Security Council resolutions. It joined in the international community's call for all parties to exercise restraint and renounce violence with a view to creating an enabling environment for political dialogue.

65. Mr. GONZÁLEZ ARENAS (Uruguay) said that the complexity of the issues underlying the Middle East conflict had made it difficult for the international community to play a constructive role in paving the way for mutual understanding between the concerned parties. It should be recalled, however, that political issues were the mandate not of the Human Rights Council but of other bodies, such as the Security Council.

66. Since the role of the Human Rights Council was to ensure compliance with the standards that protected human rights and dignity, the recent events in the Gaza Strip deserved the Council's full attention. Israel had evacuated part of that territory, thereby raising the hope that the population's quality of life might improve with greater tranquility and security. Yet attitudes on both sides had made it difficult to establish the stabilization required.

67. Uruguay was deeply concerned by the suffering of the civilian population in Gaza and the loss of human lives as a result of the violent invasion by the Israeli army in that area, particularly in Beit Hanoun. His delegation firmly condemned those acts but also called for an end to the firing of missiles against urban centres in Israel, which also caused civilian casualties. Those acts, too, should be repudiated and should cease.

68. For human rights to be respected it was essential to put an end to the violence and to ensure that the rules of international humanitarian law prevailed. Exposure to unjust suffering resulted in acts of retaliation which endangered lives on a daily basis. Accordingly, he urged the concerned parties to demonstrate a real commitment to mutual peace and security in the region.

69. Mr. ABU-TALEB (Jordan) said that the large-scale Israeli military operation in Gaza and the indiscriminate killing of civilians in Beit Hanoun could not be justified. Military strikes against vital infrastructure and the civilian population constituted a form of civilian punishment and were in contravention of the Fourth Geneva Convention, which was in fact continually being violated by Israel.

70. As an occupying Power, Israel had the duty to ensure the safety and well-being of Palestinian civilians. Jordan believed that it was a political, rather than technical, failure that had led to the recent bloodbath in Beit Hanoun. Israel's military practices would not solve its security problems, but rather appeared to be deliberately aimed at hindering the resumption of political dialogue. Unfortunately, the consistency of those unlawful practices merely heightened the atmosphere of tension and suspicion.

71. His Government strongly condemned the massacre of civilians in Beit Hanoun and, in particular, the targeting of children and elderly persons, who had become the main casualties of the ongoing conflict. Not only did those acts constitute a grave violation of the principles and norms of international humanitarian and human rights law, but they also created an environment conducive to hatred, revenge and extremism that was incompatible with the resumption of negotiations. He therefore called on the international community to step up its efforts to provide immediate protection to Palestinian civilians in the Occupied Palestinian Territory.

72. Mr. LOSHCHININ (Russian Federation) said that his Government was deeply concerned about the recent tragedy in the residential areas of Beit Hanoun. The actions of the Israeli army could not be justified: such disproportionate and indiscriminate use of violence was inadmissible. Extremist groups in Gaza also bore a share of the responsibility, however, since

their actions harmed the national interests of the Palestinian people. The current escalation in violence was taking place at a time when the Palestinian administration was trying to form a coalition Government to solve the problems of the Palestinian people and establish constructive cooperation with Israel.

73. As a member of the Quartet, the Russian Federation considered that the situation could be solved only if both sides ended the violence and took specific steps to stabilize the situation and establish a political dialogue. His delegation was prepared to cooperate in the establishment of the conditions necessary for such a dialogue and called on both sides to move forward towards a resolution of the conflict.

74. The draft resolution before the Council was sharp in both its language and assessments. The Quartet had recently submitted a resolution to the Security Council in connection with the events in Beit Hanoun that had called for a swift end to the violence and military operations on the part of both Israel and Palestine. Although that draft resolution had been based on the agreements concluded during the Sharm el-Sheikh summit in 2005, which had not been the subject of any objections at the time, it had been vetoed by one of the permanent members of the Security Council.

75. Mr. MARTABIT (Observer for Chile) said that the international community and the Human Rights Council could not remain indifferent to the events of 8 November in Beit Hanoun. It was illogical and discouraging that while the Council was discussing special procedures for the promotion of the rights of women, children and the disabled, establishing a universal periodic review procedure for human rights and considering how to raise universal human rights protection standards, devastating events were occurring that violated the right to life of innocent civilians, in particular women and children.

76. Although Israel had a right to self-defence, it must exercise the utmost self-restraint when exercising that right. International law must be respected, and Israel should ensure that the incidents that had taken place in Beit Hanoun were not repeated in Gaza or the West Bank. Urgent measures should also be taken to improve the critical humanitarian situation of the Palestinian people in Gaza. It must be borne in mind that violence gave rise to frustration and hatred, and human dignity was fundamental to the promotion and protection of human rights.

77. His delegation also called on Palestinian militia members to cease their missile attacks against Israel and urged that the abducted Israeli soldier who was being held by Hamas should be released. Chile was aware that the only way forward for the Israelis and Palestinians was to seek a peaceful solution to their conflict. The Council, meanwhile, should not devote its time only to the Israeli-Palestinian conflict but should also consider other serious human rights situations, such as that in Darfur.

78. Mr. AL NUAIMI (Observer for Qatar) wondered how long the massacres of elderly persons, women and children as well as other acts of State terrorism would continue and whether the international community had forgotten the massacres perpetrated in the past by Israel. Justice must be granted to the victims, for the lack of a just solution to the situation was

tantamount to ignoring the problems in the Middle East. Partial solutions were insufficient. The Council should call on Israel to fulfil its obligations under international law, and a fact-finding mission should be sent to the Palestinian territories as a matter of urgency. Qatar would vote in favour of the draft resolution.

79. Mr. AL-RIYAMI (Observer for Oman) condemned the continued Israeli aggression against the people of Palestine, in particular the appalling massacre that had taken place in Beit Hanoun. The aggression directed against the Palestinians constituted a flagrant violation of international treaties, in particular the Fourth Geneva Convention. The Human Rights Council had a mandate to address such cases, and his delegation therefore called on the Council to take immediate measures to end Israeli aggression against the Palestinian people.

80. Mr. AL MAHRI (Observer for the United Arab Emirates) said that the deterioration of the humanitarian situation in the Occupied Palestinian Territory required the international community to stand up to Israel and urge the country to respect human rights. The world had been shocked by the monstrous attack against Beit Hanoun, which had led to the deaths of many innocent people and left many people wounded. Such general punishment against the Palestinian people was a violation of their human dignity and of international humanitarian law. The fact that the Human Rights Council had held three special sessions on crisis situations, all of which had the same perpetrator, testified to Israel's lack of respect for international law. The Council should take a decision to condemn Israel and protect the Palestinian people, and a high-level fact-finding mission should be sent to Palestine.

81. Mr. VARELA QUIROS (Observer for Costa Rica) said that for the second time in three years the Israeli army had taken action in Beit Hanoun, killing of dozens, including women and children. His delegation joined those that had condemned those acts. The current special session of the Human Rights Council had been convened in response to the lack of action by the Security Council, in order to give a clear demonstration of States' repudiation of the acts of violence that had taken place in the Gaza Strip and to urge the parties concerned to end that violence. Violence, contempt for human life and indiscriminate attacks against the civilian population would only serve to generate further violence; the time had come to promote peace, rather than discord.

82. Costa Rica interpreted the Israeli Government's excuse that the attack had been an error as a promise that such events would not happen again. Rationality and respect for human life should be borne in mind by those who bore political responsibility for such attacks. Efforts should be made to resume peace talks in the region as swiftly as possible. Peace could not be imposed, and the international community should therefore work together to find a solution to the conflict in the Middle East.

83. Mr. SHOUKRY (Observer for Egypt) said that Egypt condemned Israel's occupation of Gaza and its constant attacks against the Palestinian people, which violated human rights and international humanitarian law. The persons in charge of those operations should be brought to justice, and Palestine should be afforded protection. The continuing crisis was the result of an Israeli policy that did not correspond to Israel's so-called right to self-defence. The deterioration of the human rights situation in the Occupied Palestinian Territory was unprecedented and must be addressed by the international community.

84. The Council was holding its third special session on the situation in the Middle East, and its credibility could be called into question if results were not seen. The international community and the Security Council must send a clear message to Israel and force it to stop its campaign of aggression. Some members of the Human Rights Council wanted to politicize the situation by suggesting that the situation was balanced, rather than acknowledging that there were two parties to the conflict: the aggressor and the victim. The Palestinian people should be allowed to exercise its right to resistance, and the international community should urge Israel to protect the Palestinian people and should adopt the draft resolution. A fact-finding mission should be sent to investigate the situation.

85. Mr. AL-BADER (Observer for Kuwait) condemned Israel's repeated aggression against Palestine and said that the occupying forces were clearly violating the Fourth Geneva Convention and international human rights law. The deteriorating humanitarian situation in Palestine was entirely Israel's fault. Those responsible for the attacks against Beit Hanoun should be brought to justice. His delegation wished to confirm the need for the international community, and the Human Rights Council in particular, to take responsibility and move away from the politicization of the humanitarian situation in Palestine: the Council should be given an opportunity to discharge its mandate and improve the situation of the Palestinian people.

86. Mr. HAMAIMA (Observer for the Libyan Arab Jamahiriya) said that his Government condemned the massacre in Beit Hanoun. His delegation would have liked to hear a response from the High Commissioner on the attacks against Beit Hanoun. Measures must be taken to ensure that Israel fulfilled its obligations under past decisions and recommendations of the Council. Israel must participate in the work of the Council, and the Council must work to guarantee the protection of the Palestinian people in order to maintain its credibility.

87. Mr. MOHAMED (Observer for the Sudan) said that Israel's recent attacks against northern Gaza and Beit Hanoun were not the first such attacks and would probably not be the last. The occupation of Palestine was motivated by politics, religion and racism. No law in the world allowed the murder of innocent people, yet women, children and elderly persons had been murdered or injured, their homes destroyed and their land taken. The United Nations, and the Human Rights Council in particular, had a duty to take the necessary steps to bring the situation of aggression and collective punishment to an end.

88. Mr. LAZAREV (Observer for Belarus) said that Belarus had been shocked by the recent events in Beit Hanoun. His delegation was deeply concerned about the deteriorating humanitarian situation in the Occupied Palestinian Territory and about Israel's disproportionate use of force, which had claimed innocent civilian victims. The Human Rights Council should take a clear position on the situation in Palestine and ensure that its previous decisions on the situation in Palestine were implemented. His delegation had joined in sponsoring the draft resolution submitted to the Council by the Group of Arab States and the Organization of the Islamic Conference.

89. Mr. MOAIYERI (Observer for the Islamic Republic of Iran) said that at a time when the Palestinian people was already suffering from the blockade imposed on it for having democratically elected its own Government, the Israeli regime had stepped up its aggression, particularly in the Gaza Strip and Beit Hanoun. To add to that suffering, the Israeli regime had frequently denied medical teams access to the wounded and dead and had placed the hospitals in

the Beit Hanoun area under siege. The magnitude of Israel's crimes in Gaza had been partly reflected in the recent statement by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 that the brutal collective punishment of a people had gone largely unnoticed by the international community.

90. The resolution adopted by the Council at its first special session had not been implemented, and Israel had been allowed to continue its crimes and increase its aggressive policies and terrorist acts with impunity. As the ongoing aggression constituted a grave violation of international human rights and humanitarian law, the Council had a serious responsibility to take the necessary measures to end the situation and protect Palestinian civilians from murder and devastation. His delegation hoped that all members of the Council would fulfil their responsibilities and adopt the draft resolution.

91. Mr. TICHENOR (Observer for the United States of America) said that the injuries and loss of life in Beit Hanoun, particularly the deaths of a number of young children, had been tragic. His Government had heard the Israeli Government's apology and understood that an investigation had begun. He hoped that that investigation would be completed quickly and that the appropriate steps would be taken to avoid a repetition of that tragic incident.

92. However, the Human Rights Council should not address specific military actions taken during a period of armed conflict, which were clearly governed by the law of war. It was unfortunate that the Council was using its limited resources to consider subjects that were not fully within its mandate, when other pressing issues, such as the situation of human rights in the Sudan, fell explicitly within its purview. The draft resolution currently before the Council was a blatant effort to exploit the tragic incident in Beit Hanoun to advance an unbalanced view of the Israeli-Palestinian conflict.

93. In the wake of the Beit Hanoun attacks, Hamas leaders had declared that the truce with Israel was over and that armed struggle could resume; they had also called on Muslims worldwide to strike American targets and interests. The United States strongly rejected those calls, since terror was not the solution, nor would it enable the Palestinian people to achieve their aspirations. The Hamas-led Palestinian National Authority should take the necessary steps to stop its attacks, such as the one that had occurred that morning in Sderot, and dismantle the terrorist infrastructure. Progress towards peace required a Palestinian Government that disavowed terror and accepted the principles outlined by the Quartet.

94. The draft resolution currently before the Council included an unsubstantiated claim that Israel had violated international law through military incursions, and it misrepresented events in order to give a one-sided picture of the complex situation in Gaza. His delegation remained committed to the road map and sought to realize the vision of two States, Israel and Palestine, living side by side in peace and security. However, just as both sides must demonstrate political will and determination, the international community must also do better in its efforts to advance that aim.

95. Mr. KURTTEKIN (Observer for Turkey) said that notwithstanding the concerns expressed by his Government about the large-scale Israeli military operation in northern Gaza and his Government's appeal for Israel to cease such military operations, the Israeli army had struck a residential area in Beit Hanoun, taking the lives of a number of innocent Palestinian

civilians. That action was unacceptable, and the perpetrators of the crime must be found and brought to justice. Since June 2006, over 300 innocent Palestinian civilians had been killed as a result of Israeli military action. The disproportionate and indiscriminate use of force not only did a disservice to the legitimate security interests of Israel but also fomented the cycle of violence and mutual hatred. The firing of rockets on Israeli territory must also be stopped.

96. At such a critical juncture, when efforts to form a Government of national unity were under way in Palestine and there had been encouraging signs of the possible release of the abducted Israeli soldier and Palestinian ministers, it was critical that the concerned parties should act in a responsible manner. The escalation of violence should be brought to an immediate end and efforts must be made to get the Middle East peace process back on track.

97. Mr. CARVALLO (Observer for the Bolivarian Republic of Venezuela) deplored the flagrant violations of human rights in the Occupied Palestinian Territory and reiterated his country's support for the Palestinian people and its inalienable right to self-determination. He condemned in particular the latest military operation by Israeli forces in Northern Gaza and in Beit Hanoun and called for the cessation of hostilities and the withdrawal of Israelis from the Occupied Palestinian Territory.

98. Israel's military action constituted a clear violation of the Fourth Geneva Convention and of the principles of international humanitarian law, as the indiscriminate use of weapons and targets and the disproportionate use of force to achieve military goals made clear. The situation in Beit Hanoun was dire, and the International Committee of the Red Cross had expressed its concern.

99. The actions taken by the Israeli army could have been condemned by the Security Council the week before. Regrettably, the United States of America had once again used its veto to prevent sanctions from being imposed on Israel. That situation was proof that the Security Council needed to undergo reform in order to be able to fulfil its original purpose, which was to ensure international peace and security.

100. He called for dialogue and cooperation in the search for a just and lasting peace conducive to development and well-being. Above all, Venezuela urged the United Nations, including the Human Rights Council, to send an unequivocal message of its commitment to peace-building and its repudiation of human rights violations anywhere in the world

The meeting rose at 1 p.m.