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CONSEIL DES DROITS DE L'HOMME
Deuxième session
Point 2 de l'ordre du jour

**MISE EN APPLICATION DE LA RÉOLUTION 60/251
DE L'ASSEMBLÉE GÉNÉRALE DU 15 MARS 2006,
INTITULÉE «CONSEIL DES DROITS DE L'HOMME»**

**Lettre datée du 22 septembre 2006, adressée au Président du Conseil des droits de l'homme
par les membres de la Commission d'enquête sur le Liban**

Suite à leur lettre du 5 septembre 2006^{*}, les membres de la commission d'enquête établie en application de la résolution S-2/1 adoptée par le Conseil des droits de l'homme le 11 août 2006 souhaitent informer le Président et, par son intermédiaire, les membres du Conseil des progrès qu'ils ont accomplis dans l'exécution de leur mandat.

Après la nomination officielle des membres de la Commission le 1^{er} septembre 2006, le Haut-Commissariat aux droits de l'homme (HCDH) a doté celle-ci d'un secrétariat dirigé par un secrétaire et composé de trois spécialistes des droits de l'homme, d'un analyste militaire ainsi que d'agents de sécurité et d'un personnel logistique et administratif. Le HCDH a également mis à la disposition de la Commission tous les équipements et les installations nécessaires à Genève et au Liban. L'Office des Nations Unies à Genève a facilité et accéléré le recrutement des membres de la Commission et de son secrétariat ainsi que leurs voyages et a fourni des locaux à Genève.

La Commission s'est attelée à la tâche le 11 septembre 2006. Ses membres se sont entretenus avec le Président du Conseil des droits de l'homme le 15 septembre, et avec la Haut-Commissaire aux droits de l'homme, M^{me} Louise Arbour, trois jours plus tard.

Entre le 11 et le 22 septembre, la Commission s'est occupée des préparatifs de sa visite au Liban. Ses membres partiront le 23 septembre 2006 et resteront deux semaines dans le pays. Elle a aussi commencé à rassembler et à examiner des documents utiles. En outre, ses membres

^{*} Reproduite dans l'annexe I telle qu'elle a été reçue, en anglais seulement.

se sont entretenus avec les représentants d'organismes, organisations et institutions compétents des Nations Unies, à savoir le Service de l'action antimines de l'ONU, le Bureau de la coordination des affaires humanitaires, le Haut-Commissariat des Nations Unies pour les réfugiés, l'Organisation des Nations Unies pour l'éducation, la science et la culture, l'Organisation mondiale de la santé et le Programme des Nations Unies pour l'environnement, ainsi qu'avec les représentants du Comité international de la Croix-Rouge et avec trois des rapporteurs spéciaux qui se sont rendus récemment au Liban.

La Commission a également approuvé son mandat, dont le texte est joint à la présente lettre**.

La Commission entend présenter au Conseil un rapport sur ses conclusions dans les deux mois qui suivront.

(Signé) M. João Clemente **Baena Soares**
M. Mohamed Chande **Othman**
M. Stelios **Perrakis**

** Reproduit dans l'annexe II tel qu'il a été reçu, en anglais seulement.

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UNITED NATIONS

COMMISSION OF INQUIRY OF THE HUMAN RIGHTS COUNCIL,
PURSUANT TO RESOLUTION S-2/1 (2006)

Tuesday, 5 September 2006

Dear Mr. President,

Upon our formal appointment, on 1 September 2006, to the Commission of Inquiry, established pursuant to Human Rights Council resolution S-2/1, we have consulted among ourselves and, in accordance with paragraph 10 of the resolution and as per your letter of 1 September 2006 to Council members, we wish to report to you, and through you the Council, on progress made toward fulfilment of the Commission's mandate.

Paragraph 7 of the resolution decides to "urgently establish and immediately dispatch a high-level commission of inquiry comprising of eminent experts on human rights law and international humanitarian law ..."

The United Nations Office at Geneva has promised expedited recruitment and we plan to travel to Geneva as soon as possible, hopefully by Monday 11 September 2006, to formally convene and start our work. We will seek to agree, as rapidly as possible, on the terms of reference of our work, as well as on our programme of work. We will conduct a mission to Lebanon as early as circumstances permit.

In the meantime, the Office of the High Commissioner for Human Rights (OHCHR) has undertaken a number of measures designed to enable the Commission to begin its substantive work as quickly as possible. OHCHR has identified funding to cover the start-up of the Commission's work. The Office is recruiting a Secretariat team composed of four very experienced substantive human rights officers, one military and humanitarian law analyst, three interpreters, three security officers and two secretarial staff, to assist us in our work. This team is expected to be in place by 11 September. OHCHR is also proceeding with logistical preparations and has identified offices (in both Geneva and Lebanon), computer and telecommunications equipment and appropriate vehicles for our mission. An advance OHCHR security team was deployed to Beirut on Sunday 3 September to ensure that our conditions of work in Lebanon will be carried out in compliance with UNSECORD regulations.

We will do our utmost to further report to the Council in a timely manner, pursuant to the provisions of Resolution S-2/1.

Accept, Mr. President, the assurances of our highest consideration.

A handwritten signature in black ink, reading "Maggie Nicholson".

Mr. Joao Clemente Baena Soares
Judge Mohamed Chande Othman
Professor Stelios Perrakis

(signed on behalf of the Commissioners by Ms. Maggie Nicholson,
Secretary to the Commission)

Luis Alfonso de Alba
President of the Human Rights Council
Secretariat of the Human Rights Council
Palais Wilson

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UNITED NATIONS

HUMAN RIGHTS COUNCIL
COMMISSION OF INQUIRY ON LEBANON

TERMS OF REFERENCE

1. On 11 August 2006, the Human Rights Council adopted resolution S-2/1 at its second special session. In paragraph 7 of the resolution the Council decided to “urgently establish and immediately dispatch a high-level commission of inquiry”.
2. On 1 September, the President of the Human Rights Council appointed three persons to the Commission on the basis of their expertise in human rights law and international humanitarian law, as well as their integrity, impartiality and independence. The Commission began its work on 11 September and will report to the Council within two months.
3. According to paragraph 7 of resolution S-2/1 of the Human Rights Council, the mandate of the Commission includes the following actions:
 - “(a) to investigate the systematic targeting and killings of civilians by Israel in Lebanon;
 - (b) to examine the types of weapons used by Israel and their conformity with international law; and
 - (c) to assess the extent and deadly impact of Israeli attacks on human life, property, critical infrastructure and the environment.”

The Commission will implement its mandate through the prism of international law, international humanitarian law and international human rights law.

The Commission will take due account of relevant activities within the United Nations system, including the work of UN special procedures.

4. The Commission is provided, by the Secretary-General and the High Commissioner for Human Rights, with the administrative, technical and logistical assistance required to fulfil its mandate promptly and efficiently, including through a Secretariat.
5. The Commission should enjoy the full cooperation of all States Members of the United Nations. It may also seek the cooperation of international institutions and other relevant actors, as appropriate.
6. In order to enable the Commission to discharge its mandate, the following facilities should in particular be provided:

- a. Freedom of movement throughout the territory of Lebanon, including facilities of transport.
 - b. Unhindered access to all places and establishments, and freedom to meet and interview representatives of Governmental and local authorities, military authorities, community leaders, non-governmental organizations and other institutions, and any such person whose testimony is considered necessary for the fulfilment of its mandate.
 - c. Unhindered access for individuals and organizations wishing to meet with the Commission.
 - d. Free access to all sources of information, including documentary material and physical evidence.
 - e. Security arrangements for the personnel and documents of the Commission to be provided in accordance with the United Nations Host Country Agreements.
 - f. Protection of victims and witnesses and all those who are in contact with the Commission in connection with the inquiry; no such person shall, as a result of such contact, suffer harassment, threats, acts of intimidation, ill-treatment or reprisals.
7. In particular, the Commission Members and staff shall enjoy the privileges and immunities accorded to experts on missions and officials under the 1946 Convention on the Privileges and Immunities of the United Nations.