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### HUMAN RIGHTS COUNCIL

Second session

#### SUMMARY RECORD OF THE 32nd MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 27 November 2006, at 3 p.m.

President: Mr. DE ALBA (Mexico)

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

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF  
15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL” (agenda item 2) (continued)

Draft resolution on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan (A/HRC/2/L.12)

1. Mr. TIRMIZI (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said that the situation in the Occupied Palestinian Territory, particularly in Gaza and East Jerusalem, had worsened since the outbreak of hostilities in the region. Legitimate Palestinian space was shrinking fast with the expansion of settlements, construction of the separation wall and efforts to “de-Palestinize” Jerusalem. The international community should call on Israel to halt its plans to operate a tram between East Jerusalem and the settlement of Pisgat Zeev in the Occupied Palestinian Territory, in clear violation of international law and United Nations resolutions.
2. The resolution on the human rights situation in the Occupied Palestinian Territory adopted by the Human Rights Council at its first special session had not been implemented. The Council had also decided to dispatch an urgent fact-finding mission to Israel and the occupied territories in December 2006. The mission would be headed by the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory, who would prepare a detailed report on the basis of his visit. Following her recent visit to the Middle East, the United Nations High Commissioner for Human Rights would soon present a report on human rights violations in the Occupied Palestinian Territory.
3. At the current session, the Organization of the Islamic Conference had tabled two draft resolutions on Palestine; the first dealt with Israeli settlements and the second with follow-up to the Human Rights Council resolution S-1/1. At the request of the President of the Council, it had agreed to postpone consideration of the latter resolution until the third session of the Human Rights Council.
4. Following consultations with its partners, the Organization of the Islamic Conference had agreed to amend the draft resolution on Israeli settlements. He noted, inter alia, that the wording in brackets in paragraph 2 (e) would be moved to a footnote and, in paragraph 8, the words “party” and “both” would be replaced by “side” and “all”, respectively.
5. Mr. LEVANON (Observer for Israel) said that, during her visit to the region the previous week, the United Nations High Commissioner for Human Rights had witnessed the consequences of the daily rocket attacks on Israel from Gaza, when a Qassam rocket had landed on a factory in Sderot fatally injuring the father of two young children. Both Islamic Jihad and the military wing of the ruling Hamas party had claimed responsibility for the attacks. Although two Red Cross workers abducted by gunmen in Gaza the previous week had later been released unharmed, the incident had been a reminder that Corporal Shalit was still in captivity. Since September 2005, Palestinian armed groups had fired 1,700 rockets into Israel, maiming civilians,

including children, and heavily damaging civilian infrastructure and homes. Human Rights Watch had published a statement urging the Palestinian Authority to stop Hamas's indiscriminate attacks on civilian targets, and the High Commissioner had noted that Qassam missiles, inherently directionless weapons, were used "with the intent to kill and spread fear without discrimination ... in breach of international humanitarian law".

6. In the light of the ceasefire agreement reached the previous day between Israelis and Palestinians, he had asked the Palestinian delegation to withdraw the purely political draft resolution the aim of which was to distract attention from the real issues. The resolution decried Israel's "settlement activity" while failing to acknowledge that Israel had dismantled its settlements in Gaza and withdrawn from settlements in the northern West Bank. While the draft resolution recognized the principles of the Oslo Accords and subsequent agreements, it did not mention that those arrangements had left the issue of settlements to the permanent status negotiations between the parties. The resolution not only prejudged the outcome of those negotiations but also failed to reflect reality and impeded positive developments that might help to settle the conflict. He urged the Council to vote against the resolution, since anyone voting in favour would be perpetuating the conflict.

7. Mr. ABU-KOASH (Observer for Palestine) said that Palestinians wanted to live in peace and would willingly withdraw all resolutions if Israel ended its occupation of three quarters of Palestinian lands. Israel had to be judged by its actions not its words, and its action on the ground included plans to build a tram from East Jerusalem to a settlement in the West Bank. In the spirit of the truce recently agreed between Israel and Palestine, he would not retaliate with words as harsh as those used by the representative of Israel. Both sides should turn their swords into ploughshares to cultivate the fertile lands of Palestine for future generations of Palestinians and Israelis.

8. Mr. RAAD (Observer for the Syrian Arab Republic) said that Palestinians, Lebanese and Syrians were all victims of Israel's deplorable practices, of which the settlements were only a part. Israel made light of all United Nations resolutions and falsified the facts. Claiming to be a democracy and pretending to act in self-defence, it massacred women and children. Palestinians were confined to a living hell, while Syrians lived under the Israeli yoke in the occupied Golan. Israel had destroyed hundreds of villages, displacing thousands of Arabs, and Syrian farmers had been deprived of their homes and land. The whole international community, including the Red Cross, had deplored Israel's practices in the occupied territories. The international community should stop Israel's effort to hold up the peace process, and he urged the Council to support the draft resolution in order to restore Arabs' trust in international law and the United Nations.

9. The PRESIDENT announced that five countries had joined the list of sponsors of the draft resolution. There were no programme budget implications.

10. Mr. MEYER (Canada), speaking in explanation of vote before the voting, said that the General Assembly, and not the Human Rights Council, was the appropriate forum to address the question of Israeli settlements. While Canada's policy regarding the issue remained unchanged,

the draft resolution did not provide a balanced assessment of the human rights situation in the region and did not recognize all the victims of the conflict. Since the draft resolution would not contribute to a peaceful and fair settlement, Canada would vote against it.

11. At the request of the representative of Canada, a recorded vote was taken on the draft resolution, as revised.

In favour: Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Czech Republic, Djibouti, Ecuador, Finland, France, Gabon, Germany, Ghana, Guatemala, India, Indonesia, Japan, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

Against: Canada.

Abstaining: Cameroon.

12. Draft resolution A/HRC/2/L.12, as revised, was adopted by 45 votes to 1, with 1 abstention.

13. Ms. BERAUN (Peru) said that Peru condemned all acts of violence, including indiscriminate attacks that caused civilian deaths and injuries. She urged all parties to respect international humanitarian law and take measures to prevent extremist violence.

14. Mr. KIVELA (Finland), speaking on behalf of the European Union and the acceding country Romania, commended the constructive spirit of the Organization of the Islamic Conference and the representative of Palestine, which demonstrated that the Council could engage in a positive dialogue on highly political issues. The European Union was concerned at the construction of a dividing wall and the expansion of settlements around East Jerusalem and in the Jordan Valley, and had called upon Israel to desist from any action that might threaten a viable bilateral settlement or violate international law. The European Union would not recognize any changes to the pre-1967 borders that were not mutually acceptable. He urged both parties to ensure that the new ceasefire in the Gaza Strip held, since ending violence was a prerequisite for bringing both parties back to the negotiating table. The European Union would support all efforts to relaunch the peace process.

15. Mr. DUMONT (Argentina) said that Argentina would have preferred a text that condemned violence and all acts of terrorism.

16. Mr. SARKI (Nigeria) said that the speedy and peaceful resolution of all territorial disputes in the Middle East would require the will and wisdom of the main protagonists and the international community. The parties to the conflict should respect the relevant provisions of United Nations resolutions and decisions and international law and should seek a just and

peaceful settlement of their territorial claims and differences. They should choose peace rather than confrontation, thus sparing the region the agony of intractable wars and violence.

17. Mr. LARENAS SERRANO (Ecuador) commended the inclusion in the draft resolution of a preambular paragraph on the dismantlement of settlements in the Gaza Strip. Ecuador was opposed to violence and favoured the peaceful settlement of all disputes in accordance with international law.

Draft decision on human rights and arbitrary deprivation of nationality (A/HRC/2/L.22)

18. Ms. KORUNOVA (Russian Federation), introducing the draft decision, said that the objective of the draft decision was to protect the human rights of persons who had been arbitrarily deprived of their nationality and to reduce the number of stateless persons. Since the adoption of the draft decision would be a step towards ensuring system-wide coordination of the United Nations human rights and humanitarian activities, her delegation hoped that it would be adopted without a vote.

19. The PRESIDENT said that one country had joined the list of sponsors of the draft decision. There were no programme budget implications.

20. Draft decision A/HRC/2/L.22 was adopted without a vote.

Draft resolution on globalization and its impact on the full enjoyment of all human rights (A/HRC/2/L.23)

21. Mr. LA Yifan (China) said that, in the light of the recent adoption of a similar resolution by the Third Committee of the General Assembly, and in response to an appeal by the President of the Council, his delegation wished to postpone consideration of the draft resolution until the fourth session of the Human Rights Council.

22. The PRESIDENT said that he took it that the Council wished to postpone consideration of the draft resolution.

23. It was so decided.

Draft resolution on strengthening of the Office of the United Nations High Commissioner for Human Rights (A/HRC/2/L.24)

24. Mr. LA Yifan (China), introducing the draft resolution, said that, in the light of the recent adoption of a similar resolution by the Third Committee of the General Assembly, and in response to an appeal by the President of the Council, his delegation wished to postpone consideration of the draft resolution to the fourth session of the Human Rights Council.

25. The PRESIDENT said that he took it that the Council wished to postpone consideration of the draft resolution.

26. It was so decided.

Draft decision on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/HRC/2/L.27/Rev.2)

27. The PRESIDENT suggested that consideration of the draft decision should be postponed pending the provision of information on programme budget implications.

28. It was so decided.

Draft decision on persons deprived of liberty in the context of counter-terrorism measures (A/HRC/2/L.34/Rev.1)

29. Mr. GODET (Switzerland), introducing the draft decision, said that, if the war against terrorism was to be won, States must respect the delicate balance between security and respect for the rule of law. International human rights law, humanitarian law and refugee law constituted the basis for combating terrorism. Respect for those norms would contribute to social stability and justice, and would weaken the underlying causes of terrorism.

30. Detainees were the most vulnerable because they were at the mercy of States faced with serious threats to the security of their citizens. However, respect for the human person was all the more important in times of political unrest and tension. The rights of detainees, including the prohibition of torture and other cruel, inhumane or degrading treatment or punishment, the principle of non-refoulement, the right to a review of detention and the right to due process, were fundamental rights.

31. The PRESIDENT announced that two countries had joined the list of sponsors of the draft decision.

32. Mr. LUKIYANTSEV (Russian Federation) welcomed the high priority accorded by the Human Rights Council to respect for human rights in the context of combating terrorism, in continuation of the practice of the former Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights.

33. Mr. JAZAÏRY (Algeria) said that his delegation supported the draft decision. In particular, he welcomed the contribution of the draft decision to bridging the gap between North and South.

34. Draft decision A/HRC/2/L.34/L.2 was adopted without a vote.

35. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation supported the decision and hoped that there would be appropriate follow-up, including monitoring of its implementation throughout the world.

36. Mr. SOEMARNO (Indonesia) said that it was important to respect the rule of law in efforts to combat terrorism. His delegation welcomed the adoption of the draft decision without a vote.

Draft resolution on impunity (A/HRC/2/L.38/Rev.1)

37. Mr. MEYER (Canada), introducing the draft resolution, said that the draft resolution reaffirmed the duty of all States to end impunity for human rights violations, and requested the United Nations High Commissioner for Human Rights to continue to disseminate the updated Set of Principles for the protection and the promotion of human rights through action to combat impunity. The draft resolution welcomed the efforts of the Office of the High Commissioner to strengthen its support for international and national commissions of inquiry and fact-finding missions. The draft resolution requested the High Commissioner to report to the Human Rights Council on the latest developments in combating impunity. He hoped that the Council would adopt the draft resolution by consensus.

38. The PRESIDENT announced that 23 countries had joined the list of sponsors of the draft resolution.

39. Ms. JANJUA (Pakistan), said that her delegation had understood that the Group of Arab States had requested a postponement of consideration of the draft resolution. On behalf of the Organization of the Islamic Conference, she requested that consideration of draft resolutions A/HRC/2/L.38/Rev.1 and A/HRC/2/L.40/Rev.1 and draft decision A/HRC/2/L.42/Rev.1 should be postponed until the next meeting.

40. The PRESIDENT said that he had not received such a request from the Group of Arab States. Any decision to defer consideration of the two draft resolutions and the draft decision would rest with the sponsors.

41. Mr. MEYER (Canada) said that, since the documents in question had been available for some time and had been the subject of extensive consultations, the Council should consider the draft resolutions and draft decision at its current meeting.

42. Mr. JAZAÏRY (Algeria) proposed that, in accordance with rule 119, subparagraph (c), of the rules of procedure, a vote should be taken on whether or not to adjourn the debate on the documents under consideration.

43. The PRESIDENT said that the current practice of the Council was that, if sponsors had complied with the rules of procedure, including the rule that proposals should be submitted the day before the meeting, the decision to postpone consideration of a draft resolution fell to the sponsors. He asked the representative of Pakistan whether her delegation wished to put the matter to a vote.

44. Ms. JANJUA (Pakistan) speaking on behalf of the Organization of the Islamic Conference, said that it would be preferable to reach a decision by consensus. She reiterated her request that consideration of the two draft resolutions and the draft decision should be postponed.

45. The PRESIDENT said that he would give the members of the Council an opportunity to reach a consensus through informal consultations.

The meeting was suspended at 4.10 p.m. and resumed at 4.20 p.m.

46. The PRESIDENT enquired whether any progress had been made in the informal consultations.
47. Mr. MEYER (Canada) said that, since there were no substantive reasons to postpone consideration of the two resolutions and the draft decision, the Council should consider them at the current meeting.
48. Mr. ABDULLAH (Bahrain), speaking on behalf of the Group of Arab States, said that, if there was no consensus to postpone consideration of the two draft resolutions and the draft decision until the following meeting, he would be compelled to request a recorded vote.
49. Mr. JAZAÏRY (Algeria), speaking in explanation of vote before the voting, said that in order to obtain maximum support for the draft texts, he would support the proposal to postpone their consideration until the next meeting.
50. Mr. FERNÁNDEZ PALACIOS (Cuba) said that the sponsors should have adopted a more understanding attitude and allowed more time for consultations on the draft texts. His delegation would vote in favour of the proposal.
51. Ms. SUURPÄÄ (Finland), speaking on behalf of the European Union, said that the European Union attached great importance to the principles contained in the three draft texts. She saw no reason to postpone their consideration, and would vote against the proposal.
52. Mr. MEYER (Canada) said that, in the absence of any clear reason for postponing consideration of the draft texts, his delegation would vote against the proposal.
53. At the request of the representative of Bahrain, a recorded vote was taken on the proposal to postpone consideration of draft resolutions A/HRC/2/L.38/Rev.1 and A/HRC/2/L.40/Rev.1 and draft decision A/HRC/2/L.42/Rev.1 until the following meeting.

In favour: Algeria, Azerbaijan, Bahrain, Bangladesh, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, India, Indonesia, Jordan, Malaysia, Mali, Morocco, Nigeria, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia.

Against: Argentina, Brazil, Canada, Czech Republic, Finland, France, Germany, Ghana, Guatemala, Japan, Netherlands, Peru, Poland, Republic of Korea, Romania, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

Abstaining: Mauritius, Mexico.

54. The proposal was adopted by 25 votes to 20, with 2 abstentions.



Draft decision on cooperation with the Office of the United Nations High Commissioner for Human Rights: Afghanistan (A/HRC/2/L.46)

55. Ms. SUURPÄÄ (Finland), introducing the draft decision on behalf of the European Union, said that the draft decision, which had been prepared in close cooperation with Afghanistan, focused on aspects related to technical cooperation and advisory services in the field of human rights in Afghanistan and the important role played by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in that context. The European Union hoped that the Council would adopt the draft decision by consensus.
56. The PRESIDENT announced that six countries had joined the list of sponsors of the draft decision. There were no programme budget implications.
57. Mr. OMER (Observer for Afghanistan) said that Afghanistan had always appreciated the technical cooperation in the area of human rights that it had received from OHCHR and would welcome the expansion of such cooperation. It would also welcome increased emphasis on capacity-building with a view to empowering Afghanistan's national institutions to improve the protection and promotion of human rights. He urged the Council to adopt the draft decision without a vote.
58. Draft decision A/HRC/2/L.46 was adopted without a vote.

Draft decision on cooperation with the Office of the United Nations High Commissioner for Human Rights: Nepal (A/HRC/2/L.47)

59. Mr. GODET (Switzerland), introducing the draft decision, said that the draft had been prepared with the support of the Government of Nepal. The draft decision concerned a proposal for the adoption of a text by the Human Rights Council that welcomed the significant improvements that had taken place in the human rights situation in Nepal, particularly the conclusion of a comprehensive peace agreement on 21 November 2006, and outlined recommendations for future cooperation between the Council and Nepal. His delegation believed the draft decision could be adopted without a vote.
60. The PRESIDENT announced that nine countries had joined the list of sponsors of the draft decision. There were no programme budget implications.
61. Mr. ACHARYA (Nepal) said that a historic step had been taken in Nepal on 21 November 2006 to end the decade-long conflict with the signing of a comprehensive peace accord between the Government of Nepal and the Communist Party of Nepal (Maoist). The accord covered such issues as political, economic and social transformation in the context of conflict management, and the establishment of an interim government, including a constituent assembly to draft a new constitution. The accord also provided for the continuity of the important work being carried out by OHCHR in Nepal.

62. The events in Nepal were an excellent example of a grass-roots initiative that transformed a violent conflict into a peace process. Although the Government and people of Nepal were aware of the arduous task ahead of them, they were determined to create a new Nepal. His delegation supported the draft decision.

63. Mr. MTESA (Zambia) commended Nepal for the courage it had shown in cooperating fully with the Human Rights Council. Nepal had set a good example, which should be emulated by other countries.

64. Draft decision A/HRC/2/L.47 was adopted without a vote.

The meeting rose at 5 p.m.