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**REPORT OF THE HUMAN RIGHTS COUNCIL
ON ITS THIRD SPECIAL SESSION**

Vice-President and Rapporteur: Mr. Musa Burayzat (Jordan)

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I. Resolution adopted by the Council at its third special session

S-3/1. 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

The Human Rights Council,

Affirming the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned at the continued violation by the occupying Power, Israel, of the human rights of the Palestinian people in the Occupied Palestinian Territory,

Recognizing that the Israeli military incursions in the Occupied Palestinian Territory, including the recent incursion in northern Gaza and the assault on Beit Hanoun, constitute a collective punishment of the civilians therein and exacerbate the severe humanitarian crisis in the Occupied Palestinian Territory,

Taking note of the sense of shock expressed by the Secretary-General on the Israeli military operations carried out in Beit Hanoun on 8 November 2006,

Emphasizing that the Israeli wilful killing of Palestinian civilians, including women and children, constitutes a gross violation of human rights law and international humanitarian law,

Affirming that, under international humanitarian law, the medical personnel and means of transport of the Palestine Red Crescent Society must be protected and respected in all circumstances,

1. *Expresses its shock* at the horror of Israeli killing of Palestinian civilians in Beit Hanoun while asleep and other civilians fleeing earlier Israeli bombardment;

2. *Condemns* the Israeli killing of Palestinian civilians, including women and children, as well as of medics in Beit Hanoun and other Palestinian towns and villages, and calls for bringing the perpetrators thereof to justice;

3. *Denounces* the Israeli massive destruction of Palestinian homes, property and infrastructure in Beit Hanoun;

4. *Expresses its alarm* at the gross and systematic violations of human rights of the Palestinian people in the Occupied Palestinian Territory by the occupying Power, Israel, and calls for urgent international action to put an immediate end to these violations, including those emanating from the series of incessant and repeated Israeli military incursions therein;

5. *Calls* for immediate protection of the Palestinian civilians in the Occupied Palestinian Territory in compliance with human rights law and international humanitarian law;

6. *Urges* all concerned parties to respect the rules of international humanitarian law, to refrain from violence against the civilian population and to treat under all circumstances all detained combatants and civilians in accordance with the Geneva Conventions of 12 August 1949;

7. *Decides* to dispatch urgently a high-level fact-finding mission, to be appointed by the President of the Human Rights Council, to travel to Beit Hanoun to, inter alia: (a) assess the situation of victims; (b) address the needs of survivors; and (c) make recommendations on ways and means to protect Palestinian civilians against any further Israeli assaults;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all administrative, technical and logistical assistance required to enable the fact-finding mission to fulfil its mandate promptly and efficiently;

9. *Requests* the fact-finding mission to report to the Council no later than the middle of December 2006 on progress made towards the fulfilment of its mandate.

*2nd meeting
15 November 2006*

[Resolution adopted by a recorded vote of 32 to 8, with 6 abstentions. The voting was as follows:

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

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

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

See chapter II.]

II. Organization of work of the third special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251 of 15 March 2006, the Council “shall be able to hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council”.
2. By a letter dated 10 November 2006, addressed to the President of the Human Rights Council (A/HRC/S-3/1), the Permanent Representatives of Bahrain and Pakistan to the United Nations Office at Geneva, on behalf of the Group of Arab States and the Organization of the Islamic Conference, respectively, requested that a special session of the Council be convened immediately “to consider and take action 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”.
3. The letter, received by the President on the same day, was accompanied by signatures in support of the above-mentioned request from the following 24 States members of the Council: Algeria, Azerbaijan, Bahrain, Bangladesh, Brazil, China, Cuba, Ghana, India, Indonesia, Jordan, Malaysia, Mauritius, Morocco, Nigeria, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia and Zambia. A further State member of the Council, Ecuador, also signed the above-mentioned request.
4. As more than one third of the membership of the Council supported the above-mentioned request, the President, following consultations with interested parties, decided to convene a special session of the Council on 15 November 2006.

A. Opening and duration of the session

5. The Council held its third special session at the United Nations Office at Geneva on 15 November 2006. It held two meetings (see A/HRC/S-3/SR.1-2)* during the session.
6. The third special session was opened by the President of the Council, Mr. Luis Alfonso de Alba.

B. Attendance

7. The special session was attended by representatives of States members of the Council, observers for non-member States of the Council, observers for non-member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

* Summary records of each of the meetings are subject to correction. They are considered final with the issuance of a consolidated corrigendum (A/HRC/S-3/SR.1-2/Corrigendum).

C. Officers

8. At its first session, held from 19 to 30 June 2006, the Council had elected the following officers, who also served as officers for the third special session:

<i>President:</i>	Mr. Luis Alfonso de Alba (Mexico)
<i>Vice-Presidents:</i>	Mr. Tomáš Husák (Czech Republic) Mr. Mohammed Loulichki (Morocco) Mr. Blaise Godet (Switzerland)
<i>Vice-President and Rapporteur:</i>	Mr. Musa Burayzat (Jordan)

D. Organization of work

9. The Council accepted the recommendation of its officers that the speaking-time limits would be five minutes for statements by States members of the Council and concerned countries, and three minutes for statements by observers for non-member States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations. The Council also accepted the recommendation of its officers that the list of speakers would be drawn up in chronological order of registration and that the order of speakers would be as follows: States members of the Council and concerned countries, followed by observers for non-member States of the Council and other observers.

10. The Council further accepted the recommendation that, with regard to statements in exercise of the right of reply, a limit of two statements per delegation for the entire session, three minutes for the first and two minutes for the second, would be observed.

E. Resolution and documentation

11. The resolution adopted by the Council at its third special session, is reproduced in chapter I of the present report.

12. Annex I contains a statement regarding the estimated administrative and programme budget implications of the resolution adopted by the Council at its third special session.

13. Annex II contains the list of documents issued for the third special session.

F. Statements

14. At the 1st meeting, on 15 November 2006, the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, made a statement.

15. At the same meeting, and at the 2nd meeting, on the same day, statements were made by the following:

(a) Representatives of States members of the Council: Algeria (also on behalf of the Group of African States), Bahrain (on behalf of the Group of Arab States), Bangladesh, Brazil (on behalf of Ecuador), Canada, China, Cuba (also on behalf of the States members of the United Nations who are members of the Non-Aligned Movement), Finland (on behalf of the European Union, acceding countries - Bulgaria and Romania, candidate countries - Croatia, The former Yugoslav Republic of Macedonia and Turkey, countries in the process of stabilization and association and potential candidates - Albania, Bosnia and Herzegovina, Montenegro and Serbia, the European Free Trade Association countries and members of the European Economic Area - Iceland and Liechtenstein, as well as the Republic of Moldova and Ukraine), India, Indonesia, Jordan, Malaysia, Mauritius, Morocco, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, Senegal, Switzerland, Tunisia, Uruguay and Zambia;

(b) Observers for concerned countries or parties: Israel and Palestine;

(c) Observers for non-member States: Australia, Belarus, Chile, Colombia, Costa Rica, Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Norway, Oman, Qatar, Sudan, Syrian Arab Republic, Turkey, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of) and Yemen;

(d) Observer for the Holy See;

(e) Observers for intergovernmental organizations: African Union and Organization of the Islamic Conference; and

(f) Observers for non-governmental organizations: Amnesty International, B'nai B'rith International (on behalf of Coordinating Board of Jewish Organizations), Human Rights Watch, Indian Movement Tupaj Amaru (on behalf of World Peace Council), International Humanist and Ethical Union, International Organization for the Elimination of All Forms of Racial Discrimination (on behalf of Arab Lawyers Union and Union of Arab Jurists), Palestinian Centre for Human Rights (on behalf of International Federation of Human Rights Leagues), United Nations Watch and World Union for Progressive Judaism.

G. Action on draft resolution A/HRC/S-3/L.1

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

16. At the 2nd meeting, on 15 November 2006, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/S-3/L.1, sponsored by Algeria, Azerbaijan, Bahrain, Bangladesh, Brunei Darussalam*, Chad*, Cuba, Egypt*, Guinea*, Indonesia, Iran (Islamic Republic of)*, Jordan,

* Non-member States of the Human Rights Council and other observers.

Kuwait*, Lebanon*, Libyan Arab Jamahiriya*, Malaysia, Mali, Morocco, Oman*, Pakistan, Palestine*, Qatar*, Saudi Arabia, Senegal, South Africa, Sudan*, Syrian Arab Republic*, Tunisia, United Arab Emirates*, United Republic of Tanzania*, Uzbekistan* and Yemen*. Afghanistan*, Belarus*, the Democratic People's Republic of Korea*, Iraq*, Mauritania*, Nigeria and Venezuela (Bolivarian Republic of)* subsequently joined the sponsors.

17. At the same meeting, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) orally revised the draft resolution as follows:

- He replaced preambular paragraph 4 to read as follows: “Taking note of the sense of shock expressed by the Secretary-General on the Israeli military operations carried out in Beit Hanoun on 8 November 2006”;
- He replaced in preambular paragraph 5 the word “targeting” with the word “wilful killing”;
- He deleted in operative paragraphs 1 and 2 the words “targeting and”;
- He inserted a new operative paragraph 5 bis, after operative paragraph 5, to read as follows: “Urges all concerned parties to respect the rules of international humanitarian law, to refrain from violence against the civilian population and to treat under all circumstances all detained combatants and civilians in accordance with the Geneva Conventions of 12 August 1949”;
- He replaced operative paragraph 6 to read as follows: “Decides to dispatch urgently a high-level fact-finding mission, to be appointed by the President of the Human Rights Council, to travel to Beit Hanoun to, inter alia: (a) assess the situation of victims; (b) address the needs of survivors; and (c) make recommendations on ways and means to protect Palestinian civilians against any further Israeli assaults”;
- He inserted two new operative paragraphs after operative paragraph 6, to read as follows: “Requests the Secretary-General and the United Nations High Commissioner for Human Rights to provide all administrative, technical and logistical assistance required to enable the fact-finding mission to fulfil its mandate promptly and efficiently”; and “Requests the fact-finding mission to report to the Council no later than the middle of December 2006 on progress made towards the fulfilment of its mandate.”

18. Statements in connection with the draft resolution, as orally revised, were made by the representative of Canada and the observers for Israel and Palestine.

19. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications¹ of the draft resolution.

¹ Annex I contains the estimated administrative and programme budget implications of the Council resolution.

20. Statements in explanation of vote before the vote on the draft resolution, as orally revised, were made by the representatives of Ecuador, Finland (on behalf of the States members of the European Union that are members of the Council and acceding country, Romania), Guatemala and Mexico.

21. At the request of the representative of Canada, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 32 votes to 8, with 6 abstentions. The voting was as follows:

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

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

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

22. Statements in explanation of vote after the vote were made by the representatives of Argentina, Brazil, France, Japan, Peru, Sri Lanka, Switzerland and Uruguay.

23. After the adoption of the resolution, as orally revised, a statement was made by the representative of Pakistan.

24. For the text of the resolution as adopted, see chapter I, resolution S-3/1.

ANNEXES

ANNEX I

Administrative and programme budget implications of the resolution adopted by the Council at its third special session

Statement on programme budget implications (PBI)

1. Under the terms of operative paragraphs 6, 7 and 8 of draft resolution A/HRC/S-3/L.1, the Human Rights Council would:
 - (a) Decide to dispatch a high-level fact-finding mission urgently to Beit Hanoun to investigate human rights violations resulting from the recent Israeli assaults including the killings of civilians and destruction of property and infrastructure therein;
 - (b) Request the Secretary-General and the United Nations High Commissioner for Human Rights to provide all administrative, technical and logistical assistance required to enable the fact-finding mission to fulfil its mandate promptly and efficiently; and
 - (c) Request the fact-finding mission to report to the Council no later than the middle of December 2006 on progress made towards the fulfilment of its mandate.
2. The terms of the draft resolution require analysis and review of the level of resources required to implement the related activities. Owing to the one-day duration of the third special session of the Council, there is not sufficient time for the Secretariat to prepare and present a related statement of administrative and financial implications of the draft resolution. This oral statement is presented to inform the Council that the resources required to implement the draft resolution would, to the extent possible, be met from resources approved by the General Assembly under section 23, Human rights, for the programme budget in the biennium 2006-2007.
3. However, the Secretariat expects to carry out a thorough review of the implications of the draft resolution and, in accordance with established budgetary procedures, prepare a written statement containing a detailed analysis of the programme budget implications of the draft resolution which would be submitted to the General Assembly at the time it considers this resolution. It should be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 and 42/211, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditures are proposed that exceed the resources available from the contingency fund, the activities concerned can be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities must be deferred to a later biennium.

ANNEX II

List of documents issued for the third special session of the Council

Documents issued in the general series

Symbol

A/HRC/S-3/1

Letter dated 10 November 2006 from the Permanent Representatives of Bahrain and Pakistan to the United Nations Office at Geneva, addressed to the President of the Human Rights Council

Documents issued in the limited series

Symbol

A/HRC/S-3/L.1

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: draft resolution
