



General Assembly

Distr.
GENERAL

A/HRC/S-9/2
27 February 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Ninth special session
9 and 12 January 2009

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

Vice-President and Rapporteur: Mr. Elchin Amirbayov (Azerbaijan)

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

S-9/1 The grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations and the Universal Declaration of Human Rights,

Acknowledging that peace, security, development and human rights are the pillars of the United Nations system,

Guided by the right to self-determination of the Palestinian people and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter of the United Nations,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Affirming the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

Affirming also the applicability of international humanitarian law, namely the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, to the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Recalling the obligations of the High Contracting Parties to the Fourth Geneva Convention,

Reaffirming that each High Contracting Party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War is under the obligation to respect and ensure the respect for the obligations arising from that Convention,

Stressing that the right to life constitutes the most fundamental of all human rights,

Expressing serious concern at the lack of implementation by the occupying Power, Israel, of previously adopted resolutions and recommendations of the Council relating to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem,

Recognizing that the massive ongoing Israeli military operation in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, has caused grave violations of the human rights of the Palestinian civilians therein, exacerbated the severe humanitarian crisis in the Occupied Palestinian Territory and undermined international efforts towards achieving a just and lasting peace in the region,

Condemning all forms of violence against civilians and deploring the loss of human lives in the context of the current situation,

Recognizing that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings and the cutting of the supply of fuel, food and medicine, constitutes collective punishment of Palestinian civilians and leads to disastrous humanitarian and environmental consequences,

1. *Strongly condemns* the ongoing Israeli military operation carried out in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, which has resulted in massive violations of the human rights of the Palestinian people and systematic destruction of Palestinian infrastructure;

2. *Calls for* the immediate cessation of Israeli military attacks throughout the Palestinian Occupied Territory, particularly in the occupied Gaza Strip, which to date have resulted in the killing of more than nine hundred and injury to more than four thousand Palestinians, including a large number of women and children, and the end to the launching of crude rockets against Israeli civilians, which have resulted in the loss of four civilian lives and some injuries;

3. *Demands* that the occupying Power, Israel, immediately withdraw its military forces from the occupied Gaza Strip;

4. *Calls upon* the occupying Power, Israel, to end its occupation of all Palestinian lands occupied since 1967 and to respect its commitment within the peace process towards the establishment of the independent sovereign Palestinian State, with East Jerusalem as its capital, living in peace and security with all its neighbours;

5. *Demands* that the occupying Power, Israel, stop the targeting of civilians and medical facilities and staff and the systematic destruction of the cultural heritage of the Palestinian people, in addition to the destruction of public and private properties, as laid down in the Fourth Geneva Convention;

6. *Also demands* that the occupying Power, Israel, lift its siege, open all borders to allow access and free movement of humanitarian aid to the occupied Gaza Strip, including the immediate establishment of humanitarian corridors, in compliance with its obligations under international humanitarian law, and ensure free access of the media to areas of conflict through media corridors;

7. *Calls upon* the international community to support the current initiative aiming at putting an immediate end to the current military aggression in Gaza;

8. *Calls for* urgent international action to put an immediate end to the grave violations committed by the occupying Power, Israel, in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip;

9. *Also calls for* immediate international protection of the Palestinian people in the Occupied Palestinian Territory, in compliance with international human rights law and international humanitarian law;

10. *Urges* all parties concerned to respect the rules of international human rights law and international humanitarian law and to refrain from violence against the civilian population;

11. *Requests* the United Nations High Commissioner for Human Rights to report on the violations of human rights of the Palestinian people by the occupying Power, Israel, by:

(a) Strengthening the field presence of the Office of the High Commission in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, and deploying the necessary personnel and expertise to monitor and document Israeli violations of the human rights of Palestinians and the destruction of their properties;

(b) Submitting periodic reports to the Council on the implementation of the present resolution;

12. *Requests* all relevant special procedures mandate holders, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Special Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, arbitrary or summary executions, the Special Rapporteur on the right to education and the independent expert on the question of human rights and extreme poverty, to urgently seek and gather information on violations of the human rights of the Palestinian people and submit their reports to the Council at its next session;

13. *Requests* the occupying Power, Israel, to fully cooperate with all the above-mentioned special procedures mandate holders and to desist from any further hindrance to the work of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;

14. *Decides* to dispatch an urgent, independent international fact-finding mission, to be appointed by the President of the Council, to investigate all violations of international human rights law and international humanitarian law by the occupying Power, Israel, against the Palestinian people throughout the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, due to the current aggression, and calls upon Israel not to obstruct the process of investigation and to fully cooperate with the mission;

15. *Requests* the Secretary-General and the High Commissioner to provide all administrative, technical and logistical assistance required to enable the above-mentioned special procedures mandate holders and the fact-finding mission to fulfil their mandates promptly and efficiently;

16. *Requests* the Secretary-General to investigate the latest targeting of facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in Gaza, including schools, which resulted in the killing of tens of Palestinian civilians, including women and children, and to submit a report to the General Assembly thereon;

17. *Decides* to follow up on the implementation of the present resolution at its next session.

*3rd meeting
12 January 2009*

Resolution adopted by a recorded vote of 33 to 1, with 13 abstentions; see chapter II. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia

Against: Canada

Abstaining: Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

II. Organization of work of the ninth special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, and in accordance with rule 6 of the rules of procedure of the Human Rights Council as contained in the annex to Council resolution 5/1, the Council shall 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. In a letter dated 6 January 2009, addressed to the President of the Council (A/HRC/S-9/1), the Permanent Representative of Cuba to the United Nations Office at Geneva, as President of the Non-Aligned Movement, the Permanent Representative of Egypt to the United Nations Office at Geneva, as President of the Group of Arab States and Coordinator of the Group of African States, and the Permanent Representative of Pakistan to the United Nations Office at Geneva, as Coordinator of the Organization of the Islamic Conference, requested the convening of a special session of the Council on 9 January 2009 to address “the grave violations of human rights in the Occupied Palestinian Territory including the recent aggression of the occupied Gaza Strip”.

3. The request was supported by the following 33 States members of the Council: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Switzerland, Uruguay and Zambia.

4. As more than one third of the membership of the Council supported the above-mentioned request, the President of the Council convened informative consultations on the matter on 7 January 2009 and decided to convene a special session of the Council on 9 January 2009.

A. Opening and duration of the session

5. The Council held its ninth special session at the United Nations Office at Geneva on 9 and 12 January 2009. It held three meetings during the session.

6. The ninth special session was opened by the President of the Council.

B. Attendance

7. The special session was attended by representatives of States members of the Council, observer 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.

C. Officers

8. At its second organizational meeting of the third cycle, on 19 June 2008, the Council elected the following officers, who also served as officers for the ninth special session:

President: Martin Ihoeghian Uhomoibhi (Nigeria)

Vice-Presidents: Erlinda F. Basilio (Philippines)
Alberto J. Dumont (Argentina)
Marius Grinius (Canada)

Vice-President and Rapporteur: Elchin Amirbayov (Azerbaijan)

D. Organization of work

9. Pursuant to paragraph 124 of the annex to Council resolution 5/1, an open-ended informative consultation was held on 7 January 2009 in preparation for the ninth special session.

10. At its 1st meeting, on 9 January 2009, the Council considered the organization of its work, including speaking-time limits, which 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 list of speakers would be drawn up in chronological order of registration. The concerned parties would be given the floor first, followed by States members of the Council, observer States and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, and observers of national human rights institutions and non-governmental organizations.

11. The special session was conducted in accordance with the relevant provisions contained in Council resolution 5/1.

E. Resolution and documentation

12. The resolution adopted by the Council at its ninth special session is reproduced in chapter I of the present report.

13. The list of documents issued for the ninth special session is contained in annex II to the present report.

F. Statements

14. At the 1st meeting, on 9 January 2009, the United Nations High Commissioner for Human Rights made a statement.

15. At the same meeting a statement from the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, was read out.

16. Also at the same meeting, the representatives of Israel and Palestine made statements as concerned parties.

17. At the same meeting, statements were made by the following States members of the Council: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Burkina Faso, Chile (on behalf of the Group of Latin American and Caribbean States), China, Cuba (on behalf of the Non-Aligned Movement), the Czech Republic (on behalf of the European Union and the candidate country Croatia), Djibouti, Egypt (also on behalf of the Group of African States and the Group of Arab States), France, Ghana, India, Indonesia, Japan, Malaysia, Nicaragua, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Switzerland, United Kingdom of Great Britain and Northern Ireland and Zambia.

18. At the 2nd meeting, on 9 January 2009, statements were made by the following:

(a) States members of the Council: Bolivia, Brazil, Canada, Chile, Germany, Italy, Jordan, Mexico, Netherlands, Philippines, Senegal, Slovenia, Ukraine;

(b) Observer States of the Council: Afghanistan, Algeria, Australia, Austria, Belgium, Botswana, Costa Rica, Democratic People's Republic of Korea, Ecuador, Greece, Iceland, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Maldives, Morocco, New Zealand, Norway, Oman, Peru, Portugal, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen;

(c) Observer for the Holy See;

(d) Observer for United Nations entities, specialized agencies and related organizations: United Nations Relief and Works Agency for Palestine Refugees in the Near East (also on behalf of the United Nations Children's Fund and the United Nations Office for the Coordination of Humanitarian Affairs);

(e) Observers for intergovernmental organizations: African Union, League of Arab States, Organization of the Islamic Conference;

(f) Observer for a national human rights institution: National Council for Human Rights of Egypt;

(g) Observers for non-governmental organizations: Al-Haq, Law in the Service of Man (also on behalf of the Badil Resource Center for Palestinian Residency and Refugee Rights, the Adalah-Legal Centre for Arab Minority Rights in Israel and the Cairo Institute for Human Rights Studies), International Federation of Human Rights Leagues (also on behalf of the Palestinian Centre for Human Rights).

19. At the 3rd meeting, on 12 January 2009, statements were made by the following:

(a) Observer for a national human rights institution: Irish Human Rights Commission;

(b) Observers for non-governmental organizations: Amnesty International, Association for World Education (also on behalf of the World Union for Progressive Judaism), Cairo Institute for Human Rights Studies, Caritas Internationalis (also on behalf of Pax Romana and Dominicans for Justice and Peace), Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith International), Defence for Children International, Europe-Third World Centre, European Union of Jewish Students, Federación de Asociaciones para la Promoción y Protección de los Derechos Humanos-España, Franciscans International, Human Rights Watch, Indian Movement Tupaj Amaru, International Association of Jewish Lawyers and Jurists, International Commission of Jurists, International Youth and Student Movement for the United Nations, Mouvement contre le racisme et pour l'amitié entre les peuples, Nord-Sud XXI, Permanent Assembly for Human Rights, Union of Arab Jurists (also on behalf of the International Organization for the Elimination of All Forms of Racial Discrimination and the General Arab Women Federation), United Nations Watch, World Federation of Trade Unions, World Organization against Torture, Women's International Zionist Organization.

20. At the same meeting, the representative of the Syrian Arab Republic made a statement in exercise of the right of reply.

21. Also at the same meeting, the President made his concluding remarks.

G. Action on the draft proposal

22. At the 3rd meeting, on 12 January 2009, the representative of Egypt (on behalf of the Group of Arab States and the Group of African States) introduced draft resolution A/HRC/S-9/L.1, sponsored by Cuba, Egypt (on behalf of the Group of Arab States and the Group of African States) and Pakistan (on behalf of the Organization of the Islamic Conference). Belarus, Bolivia, the Democratic People's Republic of Korea, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of) subsequently joined the sponsors.

23. 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 implications of draft resolution A/HRC/S-9/L.1 (see annex I).

24. At the same meeting, statements were made by the representatives of Israel and Palestine as concerned parties.

25. Also at the same meeting, a general comment in connection with the adoption of the draft resolution was made by the representative of Egypt.

26. At the same meeting, statements in explanation of vote before the vote were made by the representatives of Canada, Germany (on behalf of States members of the European Union that are members of the Council) and Switzerland.

27. Also at the same meeting, at the request of the representative of Canada, a roll-call vote was taken on the draft resolution, which was adopted by 33 votes to 1, with 13 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia

Against: Canada

Abstaining: Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

28. Statements in explanation of vote after the vote were made by the representatives of Japan, Russian Federation, South Africa and Uruguay.

29. For the text of the resolution as adopted, see chapter I.

III. Report of the Human Rights Council on its ninth special session

30. At the 3rd meeting, on 12 January 2009, the report was adopted ad referendum and the Rapporteur was entrusted with its finalization.

ANNEXES

ANNEX I

Administrative and programme budget implications of the resolution adopted by the Council

Oral statement made by the Secretariat in connection with draft resolution A/HRC/S-9/L.1

1. The draft resolution presented to the Council contains proposals for activities that will require an analysis and review of the level of resources required to implement them. Owing to the brief duration of the ninth special session, the Secretariat is not in a position to prepare and present the related statement of administrative and financial implications of the draft resolution within the requisite 48-hour period.
2. The present statement is made to inform the Council that no provision has been included under section 23, Human Rights, or other sections of the programme budget for the biennium 2008-2009 for these activities, and thus additional appropriations will likely be requested. The Secretariat will carry out, in due course, a thorough review of the implications of the revised draft resolution, and a written statement containing a detailed analysis of the programme budget implications will be submitted to the General Assembly when it considers the resolutions of the Council.

ANNEX II

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

Documents issued in the general series

- A/HRC/S-9/1 Letter dated 6 January 2009 from the Permanent Representative of Egypt to the United Nations Office at Geneva, as President of the Group of Arab States and Coordinator of the Group of African States, the Permanent Representative of Pakistan to the United Nations Office at Geneva, as Coordinator of the Organization of the Islamic Conference, and the Permanent Representative of Cuba to the United Nations Office at Geneva, as President of the Non-Aligned Movement, addressed to the President of the Human Rights Council
- A/HRC/S-9/2 Report of the Human Rights Council on its ninth special session

Documents issued in the limited series

- A/HRC/S-9/L.1 The grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip: draft resolution

Documents issued in the Government series

- A/HRC/S-9/G/1 Note verbale dated 6 January 2009 from the Permanent Mission of Cuba to the United Nations Office at Geneva addressed to the Secretariat of the Human Rights Council

Documents issued in the non-governmental organizations series

- A/HRC/S-9/NGO/1 Written statement submitted by the International NGO Forum on Indonesian Development (INFID), a non-governmental organization in special consultative status
- A/HRC/S-9/NGO/2 Written statement submitted by Nord-Sud XXI, a non-governmental organization in special consultative status

- A/HRC/S-9/NGO/3
Written statement submitted by the Association for World Education (AWE), a non-governmental organization on the Roster
- A/HRC/S-9/NGO/4
Joint written statement submitted by the Badil Resource Centre for Palestinian Residency and Refugee Rights, Adalah - The Legal Centre for Arab Minority Rights in Israel, Al-Haq and the Arab Association for Human Rights (HRA), non-governmental organizations in special consultative status
- A/HRC/S-9/NGO/5
Written statement submitted by the International Rehabilitation Council for Torture Victims (IRCT), a non-governmental organization in special consultative status
- A/HRC/S-9/NGO/6
Written statement submitted by the Association of World Citizens, a non-governmental organization on the Roster
- A/HRC/S-9/NGO/7
Joint written statement submitted by the Europe - Third World Centre, a non-governmental organization in general consultative status, and the American Association of Jurists (AAJ), a non-governmental organization in special consultative status
- A/HRC/S-9/NGO/8
Written statement submitted by Defence for Children International (DCI), a non-governmental organization in special consultative status
- A/HRC/S-9/NGO/9
Written statement submitted by Asamblea Permanente por los Derechos Humanos, a non-governmental organization in special consultative status
- A/HRC/S-9/NGO/10
Written statement submitted by Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, a non-governmental organization in special consultative status
