

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COUNCIL UPDATE – ITEM 7 HUMAN RIGHTS COUNCIL, 12<sup>TH</sup> SESSION 29 AND 30 SEPTEMBER 2009

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### Overview

On 29 and 30 September the Human Rights Council discussed the report of the UN Fact Finding Mission on the Gaza Conflict, headed by Justice Richard Goldstone, on the violations of human rights committed by all sides to the Gaza conflict that took place in late 2008 and early 2009. The Mission was mandated by the Council at its 9<sup>th</sup> special session. At the same time the Council debated a report by the High Commissioner on the situation in the occupied Palestinian territories. Most of the debate that followed focused on the much anticipated ‘Goldstone report’. While States generally found that the report was serious and merited serious consideration, opinions differed widely on the report’s recommendations. Some States, including Pakistan (on behalf of the OIC), Egypt (on behalf of the Non-Aligned Movement), broadly endorsed the report’s findings and recommendations. Others, including Liechtenstein and the Netherlands, expressed some reservations, while the United States strongly criticised the report’s recommendations for being unbalanced and failing to recognise the nature of the conflict between Israel and Hamas. The EU did not commit strong views, an indication that members were likely divided on the issue.

### Report of the UN Fact Finding Mission on the Gaza Conflict

#### **Presentation of the report**

The President of the Council, Ambassador van Meuwen, recalled that the Fact Finding Mission was mandated at the Council’s 9<sup>th</sup> special session. While the mandate given to it in the Council’s resolution was entirely focused on violations committed by Israel during the Gaza conflict, the former President of the Council, Ambassador

Uhomoibhie, with the Council's acquiescence, broadened the mandate to include violations committed by all parties to the conflict. He also appointed the members of the Mission.<sup>1</sup>

The President in opening the debate recalled that the Council is the place where all human rights issues are discussed and that discussions must meet standards of dignity and respect. He noted that he would be particularly vigilant during the debate to uphold these standards. It would be necessary to do so on several occasions as both States and NGOs used strong rhetoric.

Justice Goldstone, in introducing the report of the Mission, stated that since its release two weeks earlier there had been many reactions to it, including public attacks against members of the Mission.<sup>2</sup> He strongly rejected accusations that the Mission's work was politically motivated. While not wanting to reply to these accusations, he explained that he personally accepted the Mission as he believes deeply in justice, human rights, that civilians should be protected from harm, and perpetrators must be held to account. He regretted that Israel's response to the report avoided dealing with its substance.

Justice Goldstone explained that the Mission's mandate was to examine violations committed by all parties to the Gaza conflict, including Israel, the Palestinian Authority, Hamas and armed Palestinian groups. The Mission had faced a major challenge due to the refusal of Israel to cooperate and it had gained access to Gaza through Egypt. He urged the Council to acknowledge and support civil society organisations in Israel, Gaza and the West Bank that work under difficult circumstances, and had made valuable contributions to the Mission. Justice Goldstone noted that in addition to two visits to the region, the Mission also conducted a public hearing in Geneva.

Justice Goldstone further explained that the report reflects the unanimous views of all the members of the Mission on the 36 incidents in Gaza and several incidents in the West Bank and Israel it had examined. Justice Goldstone explained that the Mission investigated in some detail the effect of rocket attacks on civilians in southern Israel. It also decided that to understand the effect of military operations on Gaza it was necessary to understand the impact of the 'blockade' of Gaza. He underlined that the attacks on the economic structures of Gaza could not be justified as on military targets. Furthermore, the right of Israel to defend itself did not justify 'collective punishment'. Justice Goldstone emphasised that the teaching of hate and dehumanisation by both sides contributes to destabilisation of the whole region.

Regarding the Mission's recommendations, Justice Goldstone stated that it had debated 'long and hard' whether the situation was comparable to Darfur and should be referred to the International Criminal Court (ICC). While the Mission was critical of the lack of efforts to investigate the alleged violations, it believed that both Israel and the Palestinian Authority have the capacity to conduct open and transparent investigations. It therefore decided to recommend that the parties report to the Security Council on these efforts within six months. Justice Goldstone noted that Israel's closed military investigations would not satisfy the expectations of victims.

At the same time, the Security Council should set up an independent expert group to monitor the progress. If no good faith investigations had been made within the deadline, the Security Council should refer the situation to the ICC. The Mission also invited the Security Council to discuss the use of white phosphorus and tungsten as munitions as they cause unacceptable suffering and environmental degradation.

Justice Goldstone underlined that peace and reconciliation must be based on truth, justice and accountability. He further stated that the common humanity of the people of the region should be emphasised. Justice Goldstone called on the Council to accept the report and adopt its recommendations stating that the lack of accountability for war crimes has reached a 'crisis point'. Finally, he expressed hope that the report would be used to strengthen peace initiatives in the region as overlooking justice can only lead to increased violence and conflict.

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<sup>1</sup> Composed of Mr Richard Goldstone, Ms Hina Jilani, Ms Christine Chinkin and Mr Desmond Travers.

<sup>2</sup> A/HRC/12/48.

## Concerned countries

In its response as a concerned country, Israel stated that the Council's integrity was at stake following the production of such a 'shameful report'. It avoided several of the specific issues raised therein and instead focused on the historical context of the build-up to the Gaza conflict, claiming that Hamas control of the region forced it to launch the military operation. Israel also accused the Mission of a one-sided mandate, which had justified its refusal to cooperate. It further argued that one member of the Mission had made unacceptable comments about the legality of the war calling it a 'war of aggression' and not recognising Israel's right to self-defence. It further criticised the Mission for not dealing with the problems of conducting military operations in civilian areas; for giving credibility to all allegations against Israel; for not being concerned with finding facts; and for 'perverting international law to serve a political agenda'. It concluded that the report was 'biased and unjust'. Contrary to the findings of the report, Israel claimed that it had been praised by foreign military generals for its constraint during the operation,<sup>3</sup> and told the Council that investigations of alleged acts by its military have resulted in 24 criminal proceedings.

In rather emotive comments it stated that the international community had applauded Israel's withdrawal from Gaza but had failed to assist it when Hamas took control of the Gaza Strip and attacked southern Israel. Israel stated that it had tried to deal with the threats from Gaza 'responsibly and carefully' and to protect civilians that had been put at risk by Hamas. Finally, it rhetorically asked if States would stand with Israel or the terrorists warning that it could only 'take further risks for peace' if it knows that others stand with it.

Following Israel's statement, the President called upon all States to respect the Mission members and consider their findings 'in depth and with respect'.

Palestine stated that the report was professional and unbiased and noted that the facts related in it could not be denied. It stated that it did not want to make a political statement in the Council, which is mandated to promote and protect human rights. It argued that it was not a question of support for Israel or Palestine. It referred to the Council's investigation into the Israeli attack on Beit Hanoun and asked rhetorically what had happened to that report.<sup>4</sup> It accused Israel of committing genocide and questioned its continued membership of the UN having killed 'thousands of civilians'. It called for the report to be taken up and 'not to be archived'.

## Interactive dialogue

Many States recognised the efforts of the former President and the Mission to ensure a **balanced approach** to the investigation.<sup>5</sup> The Netherlands asked how the report reflected this balanced outlook. Several States also commended the Mission's members for their courage,<sup>6</sup> professionalism,<sup>7</sup> impartiality, independence<sup>8</sup> and transparency.<sup>9</sup>

Many States regretted Israel's **lack of cooperation** with the Mission,<sup>10</sup> with South Africa expressing the view that this could not be allowed to continue. Mexico and Jordan emphasised that all States must cooperate with the

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<sup>3</sup> Justice Goldstone in his replies regretted that the British military official referred to who praised the Israeli military for its consideration of civilians in the operation had not in fact been to Gaza or witnessed the level of destruction of civilian infrastructure; issues which he regretfully noted Israel had not dealt with in its responses to the report.

<sup>4</sup> The situation was the subject of the Council's 3<sup>rd</sup> special session, November 2006. For an overview see [www.ishr.ch](http://www.ishr.ch).

<sup>5</sup> Liechtenstein, Japan, Malaysia, Indonesia, Netherlands, Brazil, Tunisia (on behalf of the Arab Group), Pakistan (on behalf of the OIC),

<sup>6</sup> Nigeria (on behalf of the African Group), Iraq.

<sup>7</sup> Pakistan (on behalf of the OIC), Indonesia.

<sup>8</sup> Brazil.

<sup>9</sup> Nigeria (on behalf of the African Group).

<sup>10</sup> Switzerland, Sudan, Lebanon, Malaysia, South Africa, Indonesia, China, Norway.

Council. Some used much stronger language with Cuba, Tunisia (on behalf of the Arab Group) and Pakistan (on behalf of the OIC) condemning the lack of cooperation. Pakistan (on behalf of the OIC) stated that this amounted to a rejection of the international community's legitimate human rights concerns. Sweden (on behalf of the EU) asked how the lack of cooperation had impacted the methodology, findings and recommendations. Norway regretted that the Mission had been unable to obtain information on the effect of shelling of Israeli civilians and other incidents.

Both Justice Goldstone and Ms Jilani expressed their thanks to the EU for acknowledging that the report merits serious consideration, and replied to their question on the methodology used for compiling the report by saying that they applied all relevant international principles of humanitarian and human rights law without distinction to all parties involved, including state and non-state actors. Ms Jilani replied to the EU's question that the Mission had, in fact, received input from the Government of Israel, albeit indirectly. Justice Goldstone also stated that whilst greater participation by Israel may have helped the Mission establish its findings, it is impossible to judge, and therefore the Mission assessed the facts as they were apparent to the team. He stated that the Mission had intentionally sought to avoid issues where difficult decisions had had to be made by the Israeli military, and instead focused on clear occasions where there was 'no military objective at all'. He emphasised that the Mission was not a judicial enquiry and had not applied criminal standards to the facts it established. Instead, he said, the Mission had provided recommendations which first call for both parties to the conflict to carry out transparent investigations, and if needed prosecute those responsible for violations. He reiterated that international courts are not a first, but a last resort.

The majority of States expressed positive views about **the report** as a whole, although some had reservations when it came to some of the recommendations. Norway and Egypt stated that the report was thorough and well-prepared, and Liechtenstein, Egypt, Cuba and Bahrain, Tunisia (on behalf of the Arab Group), Pakistan (on behalf of the OIC), Nigeria (on behalf of the African Group) called it accurate and impartial. Many praised the report as invaluable (Malaysia), good (Algeria), comprehensive (Pakistan (on behalf of the OIC), Turkey), high quality (Indonesia), serious (Chile, Sweden (on behalf of the EU)). The Arab League and Yemen noted that the report would be a 'landmark' in the Council's work and Indonesia that the report would add credibility to it. Turkey stated that it should be seriously considered by the Council. Sweden (on behalf of the EU) stated that it merited follow up. China welcomed the report and noted that it contained many valuable recommendations.

The support for the Mission and its findings was considerable, with the vast majority of States speaking in support of it and condemning what they felt to be war crimes and possible crimes against humanity.<sup>11</sup> A large number of those notably failed to acknowledge the report's findings that violations had also been committed by Hamas.<sup>12</sup> Nevertheless, a large majority of States underlined the need to **fight impunity and ensure accountability** for violations committed during the conflict, as had been recommended by the Mission.<sup>13</sup> Sweden (on behalf of the EU) asked how the parties could conduct thorough investigations.

States were divided regarding the report's **findings and recommendations**, particularly regarding international justice.

Norway and Switzerland provided a balanced view of the report, praising the Mission for covering violations committed by both sides to the conflict. Notably, Sweden (on behalf of the EU) avoided committing any strong views to the debate on the recommendations, seemingly divided on the report.

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<sup>11</sup> Including Tunisia on behalf of the Arab Group, Pakistan on behalf of the OIC, Egypt on behalf of NAM, China, Jordan, Brazil, Cuba, Egypt, Yemen, Russia, Indonesia, Venezuela, Syria, Algeria, Malaysia, Bahrain, Sudan, Libya, Iran, Kuwait, Oman, Iraq and South Africa.

<sup>12</sup> Including Tunisia on behalf of the Arab Group, Pakistan on behalf of the OIC, Egypt on behalf of NAM, Jordan, Brazil, Cuba, Egypt, Yemen, Venezuela, Syria, Algeria, Malaysia, Bahrain, Sudan, Libya, Iran, Kuwait, Oman, Iraq and South Africa.

<sup>13</sup> Senegal, Oman, Switzerland, Sudan, Lebanon, Cuba, Jordan, Sweden (on behalf of the EU),

Liechtenstein endorsed the recommendations that the parties to the conflict investigate the allegations of abuses and noted that it supported the principle of complementarity between national and international justice processes. It further stated that there was no need to refer the situation to the Security Council or the ICC for national investigations to take place and that it was within the Council's mandate to recommend this. The Netherlands noted that there was disagreement about the facts and until agreement could be established there could not be agreement on the recommendations. It asked within what timeline the Council should follow up on the report. Justice Goldstone replied that this was not for the Mission to advise on and merely expressed the hope that the Council would seriously address the recommendations.

Japan stated that each issue should be considered carefully and in the most appropriate forum. Liechtenstein stated that the Council should not necessarily endorse the recommendations 'wholesale' and that they did not prescribe a course of action but set out different options. Justice Goldstone disagreed with this comment. He urged the report's recommendations to be taken as a holistic body of considered suggestions, not merely a 'menu' which can be chosen from selectively.

The US expressed the strongest reservations stating that the report was 'tainted' by 'unbalanced recommendations'. The US also stated that it 'sharply disagrees' with many of the report's findings and noted that it fails to recognise the asymmetrical nature of the conflict. It called the Council's focus on Israel 'grossly disproportionate' and called for it to reject this 'double standard'. It underlined that it takes the allegations very seriously but believed that both parties could investigate. On the issue of violations by other parties, the US also claimed that the report 'does not assign responsibility to Hamas, which operated in civilian areas'. It openly expressed concerns about the recommendations to refer the situation to the Security Council and the ICC arguing that if this was applied to all human rights violations 'the role of the Council would be dramatically different'.

Brazil stated that the findings were disturbingly serious and should be considered by the Council. Malaysia also endorsed the findings. Nigeria (on behalf of the African Group), Iran, Egypt and Yemen stated that there should be follow up to avoid impunity. Iraq stated that the perpetrators should be prosecuted, while Malaysia stated that there should be a full investigation. The League of Arab States broadly endorsed the recommendations. The Independent Commission on Human Rights of Palestine stated that the recommendations should be implemented by the UN and the international community noting that lack of action would jeopardise the credibility of the UN. It called on the Council to endorse the recommendations and refer the report to the Secretary-General to transfer it to the Security Council and the ICC. China stated that the Council should respect the authority of the Security Council; however, it did not explain what this meant in relation to the recommendations. Sweden (on behalf of the EU) asked how the Council could follow up apart from referring the situation to other UN bodies.

Iraq stated that there should be a **follow up** mechanism. Tunisia insisted that the Council should ensure follow up and South Africa suggested that the Council follow up on implementation of the recommendations on an annual basis and that the special procedures propose further recommendations within their respective mandates. Despite these differences, States were generally united in underlining the importance of the Council sending a unified message. Pakistan (on behalf of the OIC) expressed the hope that States would respond to the 'call of their conscience' and adopt the resolution.

Interestingly, Sweden (on behalf of the EU) highlighted that the report might have 'a negative impact on **peace talks**' and enquired as to the Mission's views on this. Notably, Nigeria (on behalf of the African Group) expressed a contrasting view stating that implementation of the report's recommendations would contribute to the quest for peace. Many other States commented on the peace process and their wish for a two state solution based on international law and previous agreements.<sup>14</sup> Both Ms Jilani and Justice Goldstone underlined that the report could not have a negative impact on the peace process. On the contrary, Ms Jilani stated that the report provides a 'sound basis for peace', as it proscribes impunity and affirms that justice must be the basis for successful peace-building. Justice Goldstone concluded the debate by reminding the Council that there can be 'no peace without justice'.

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<sup>14</sup> Libya, Turkey, Chile, Mexico, Brazil, Jordan, Pakistan (on behalf of the OIC), US.

A number of States also commented on broader issues related to the **situation in the occupied Palestinian territories**. Both Pakistan (on behalf of the OIC) and Tunisia (on behalf of the Arab Group) called for Israel to end its occupation of the Palestinian territories, which Tunisia said contravenes the Palestinians' right to self-determination and which States highlighted as at the root of the conflict.<sup>15</sup> Egypt emphasised the 'brutal military campaign' and noted the 'grave human rights violations, war crimes, and indiscriminate and excessive use of force' found in the report. South Africa condemned 'acts of aggression' by Israel. Cuba criticised 'the collective punishment' of the population of Gaza. Several States were also critical of the continued settlement expansion as violations of international law.<sup>16</sup>

Some **inflammatory comments** were made by Libya, Sudan, Cuba, Syria and Algeria. Syria called the Gaza Strip 'the largest concentration camp in the world'. Libya completely negated the statement previously put forward by Liechtenstein and claimed that the report was far from impartial and 'unacceptably put victim and aggressor on a par'. Sudan echoed these comments, saying that the use of white phosphorous 'is not in the same league as homemade weapons', and called Operation Cast Lead a 'massacre'. Cuba took the opportunity to rail against the funding of Israel by 'the world's superpower', and called for the US's financial and military support to cease. Egypt and Oman interpreted the report as demonstrating that it is impossible to impose equal accountability on both sides, and claimed that 'prime responsibility falls on Israel'.

Venezuela, Libya and Iran echoed the accusation of Israeli-perpetrated genocide made by the Palestinian authorities, belatedly prompting a reaction from Sweden on behalf of the EU, calling for appropriate language to be used. Sweden asked that the dialogue be based on facts and not 'baseless statements'. Justice Goldstone reminded all stakeholders that allegations of 'genocide' to describe Operation Cast Lead was a gross misinterpretation of the report.

**NGOs** were also divided in their responses to the report with some making very inflammatory remarks challenging the authority and independence of the Mission. Of particular note in this regard were Hadassah and the Hudson Institute; the former of which attacked the Mission for its apparent failure to deal sufficiently with Hamas actions, and the latter entering into a personal tirade against Justice Goldstone, claiming that he was using his 'Jewishness to endanger the lives of Jewish people everywhere'. The President intervened to say he was saddened by such interventions but did not declare the personal attacks on the Mission member out-of-order. In his concluding comments, Justice Goldstone expressed his sadness at the personal remarks by Ms Bayefsky on behalf of the Hudson Institute, and replied simply to say that 'the history of the Jews should be a compelling enough reason for all Jews to speak out against injustice and violations of human rights'. Amnesty International, Al-Haq and Human Rights Watch (HRW) spoke to commend the Mission for its impartiality and focus on violations committed by both sides. HRW said that war crimes had been committed by both parties to the conflict, and called upon the Council to 'bridge the gap' between violations and accountability. The Badil Resource Centre for Palestinian Residency and Refugee Rights called for the political excuses to be put aside, as such obstructions inhibit and undermine the peace process.

## Report of the High Commissioner for Human Rights

### **Presentation of the report**

The High Commissioner for Human Rights, Ms Navi Pillay, presented her report on the implementation of the resolution adopted at the 9<sup>th</sup> special session and confirmed that she would also report to the next Council session on Item 7.<sup>17</sup> She stated that her report, along with the Fact Finding Mission report, those of ten special procedures

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<sup>15</sup> Pakistan (on behalf of the OIC), Oman, Kuwait, Iran, Yemen, Jordan.

<sup>16</sup> Jordan, Brazil.

<sup>17</sup> A/HRC/12/37.

and numerous NGOs helped to create a ‘comprehensive picture’ of the military operation and its immediate aftermath.

She noted *prima facie* violations of human rights law by both parties to the conflict and stated that conditions in Gaza have recently deteriorated still further. She emphasised the particular violations of economic, social and cultural rights as a direct result of the blockade by Israel and the erection of the wall which surrounds Gaza. Namely these included the fundamental rights to health, education, housing, freedom of movement, and access to food and water. She also recognised the continuing illegal settlements being established in the West Bank and East Jerusalem which constitute a violation of international human rights and humanitarian law, and the culture of impunity which seems to encourage their growth, demonstrated not least by cases of violent attacks against Palestinians and forced evictions.

She called for all human rights violations to be investigated by transparent and credible judicial mechanisms, and stated her commitment to carry out those recommendations made by the Fact Finding Mission which involved the cooperation of her Office.

### Concerned countries

When the concerned parties were given the opportunity to take the floor, Israel declined to speak, leaving Palestine to commend the High Commissioner’s report and highlight important similarities between her findings and those of the Fact Finding Mission. As a concerned country, Syria also spoke highlighting violations committed by Israel in the Syrian Golan territories, and expressed its hope that the High Commissioner would expand her remit to look more closely at these alleged abuses, including illegal house arrests and enforced disappearances.

### General debate

During the general debate that followed, most States spoke to thank the High Commissioner for her report and echo their earlier positions in relation to the Fact Finding Mission report.<sup>18</sup> Tunisia (on behalf of the Arab Group) called upon the Council to adopt her report and condemned the ‘judification of Jerusalem’,<sup>19</sup> whilst Nigeria (on behalf of the African Group) simply endorsed the report and called for the Council to implement all recommendations made in the Mission’s report. Libya’s constant referring to Israel as a ‘regime’ was however corrected by the President.

Australia stated that it would support both the Mission and the High Commissioner’s reports, both of which it felt had dealt with issues within the mandate of the Council. Ireland called the findings ‘deeply disturbing’ and expressed its disappointment at the uncooperative attitude of Israel to the Mission and the High Commissioner. Iceland thanked the High Commissioner for her report and called for durable solutions to the conflict. Malaysia expressed its satisfaction that the conflict was being addressed by a number of mechanisms, and Italy stated that the report highlights ‘an appalling scenario that cannot be ignored’.

Many of the States highlighted what they felt to be the most flagrant violations committed during the recent conflict, including the continuing blockade of Gaza and the allegedly indiscriminate attacks which affected the civilian population, including the attacks on civilian infrastructure. Tunisia (on behalf of the Arab Group) claimed a deliberate refusal on the part of Israel to comply with its international humanitarian and human rights obligations, and many States echoed this sentiment, including Nigerian (on behalf of the African Group), Pakistan (on behalf of the OIC) and Egypt (on behalf of NAM). Pakistan condemned Israel’s recent acts of ‘colonisation’ as well as its ‘flagrant breach’ of international law, including the Geneva Conventions, General Assembly resolutions

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<sup>18</sup> These included Tunisia on behalf of the Arab Group, Nigeria on behalf of the African Group, Pakistan on behalf of the OIC, Egypt on behalf of NAM, Qatar, Bahrain, Indonesia, Saudi Arabia, Kuwait, Oman, Libya, the Democratic People’s Republic of Korea, Iran, Lebanon and the United Arab Emirates.

<sup>19</sup> Also mentioned by Kuwait.

and the decision of the ICJ in its Advisory Opinion on the construction of the wall. It called Israel's disregard for these measures, as well as Israel's 'continued violations' as 'abhorrent, abundant, obvious and undeniable'.

Indeed, many saw the blockade of Gaza as a fundamental violation of human rights which served to exacerbate the suffering of the Palestinians during the military operation, and Sweden (on behalf of the EU) was notably outspoken on this point, calling for the lifting of the blockade and the reconstruction of the local economy. Egypt called the blockade 'inhumane and unlawful', typifying the views of many States which spoke.<sup>20</sup> Qatar alleged that the blockade amounts to a systematic policy of depriving the Palestinians of their rights. It also stated that the blockade continues to affect the population even though the recent military operation may have halted: there is still a considerable lack of building materials and food necessary to rebuild the territory. NGOs spoke forcefully on the subject, with one condemning the blockade and the 'wall of shame',<sup>21</sup> and several more calling for the immediate opening of border crossings to allow aid in and the free movement of people and goods.<sup>22</sup>

Indiscriminate attacks causing civilian casualties and the destruction of civilian objects were raised by nearly every speaker. Sweden (on behalf of the EU) called for an end to all violence, emphasising more than anything the attacks committed against Israeli civilians, whilst Bahrain and others chose to highlight the effects of Israeli bombing on civilian objects in the Palestinian territories. Australia said it was 'deeply saddened' by the January attacks, and recognised both Israel's right to self defence and the rights of Palestinians. It called upon all sides to avoid civilian casualties.

The issue of settlements was also raised. Pakistan (on behalf of the OIC) noted with concern their continuing existence and promulgation, whilst Indonesia alleged that it was a deliberate policy which breached international law. Saudi Arabia called upon Israel to halt the building of such settlements immediately while Iceland raised the associated policy of housing demolition which deprives many Palestinians of the right to adequate housing.

Several States tried to move the focus of the debate onto the recommendations of the Mission and the High Commissioner's report. Ireland called for both parties to the conflict to undertake transparent investigations of all reported crimes in line with international standards, and in a way that inspires confidence, with Australia and New Zealand offering similar statements. New Zealand emphasised the need to establish a durable two-state solution, and stated that hostilities only serve to destabilise the region still further. Sweden (on behalf of the EU) supported these comments and stated that the Council should follow-up and assess the investigations conducted by both sides. The Russian Federation emphasised the need to continue talks with both parties and called for 'an end to Israeli occupation and a return to peaceful coexistence'. Iceland stated that there could be no lasting peace without respect for human rights, and reiterated the calls for independent and transparent investigations to be carried out by both parties to the conflict.

Pakistan (on behalf of the OIC) called for an intensification of international scrutiny, 'especially in the Security Council', whilst Qatar called for the General Assembly and the International Criminal Court to engage with the issue. Saudi Arabia accused Israel of 'procrastinating and rejecting attempts to bring about peace' and Malaysia rejected the Israeli position that 'lasting peace requires the Palestinians to cede all security to Israel'. It claimed that such a demand 'undermines the legitimate aim of the Palestinians to exercise their right to self-determination'.

Of the NGO speakers, FIDH and the International Commission of Jurists also emphasised the need to establish transparent judicial investigations into the alleged crimes set out in the two reports. FIDH recognised that crimes had been committed on both sides, and reiterated the Mission's comments that there could be no peace without justice. The International Commission of Jurists decried the lack of independent judicial investigations thus far, and called for the Council to 'stop condoning impunity'.

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<sup>20</sup> Including Pakistan on behalf of the OIC, Tunisia on behalf of the Arab Group, Nigeria on behalf of the African Group, Bahrain, Saudi Arabia, Qatar, New Zealand and Iceland.

<sup>21</sup> The Movement Against Racism and Friendship Amongst People.

<sup>22</sup> The Women's International League for Peace and Freedom, FIDH, the Centre for Europe and the Third World, the Union of Arab Jurists and the Cairo Institute for Human Rights Studies.

## Further information

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- Oral statements made at the Council, as well as other informal documents and draft resolutions are available on the 'OHCHR extranet' at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: 'hrc extranet' Password: '1session'.
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 12<sup>th</sup> session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/12session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>.

*NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.*

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