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HUMAN RIGHTS COUNCIL
Sixth special session

Pakistan (on behalf of the Organization of the Islamic Conference) and Syrian Arab Republic* (on behalf of the Group of Arab States): draft resolution

S-6/... Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip

The Human Rights Council,

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

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,

Recognizing that the Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip and the West Bank city of Nablus constitute grave violations of the human and humanitarian rights of the Palestinian civilians therein, exacerbate the severe humanitarian crisis in the Occupied Palestinian Territory and undermine international efforts aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008 including the Annapolis Conference and the Paris International Donors' Conference for the Palestinian State,

* Non-member State of the Human Rights Council.

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

1. *Expresses grave concern* at the Israeli repeated military attacks carried out in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, which resulted in loss of lives and injuries among Palestinian civilians, including women and children;

2. *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 including the series of incessant and repeated Israeli military attacks and incursions therein and the siege of the occupied Gaza Strip;

3. *Demands* that the occupying Power, Israel, lift immediately the siege it has imposed on the occupied Gaza Strip, restore continued supply of fuel, food and medicine and reopen the border crossings;

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

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

6. *Requests* the United Nations High Commissioner for Human Rights to report to the Council, at its next session, on the progress made in the implementation of this resolution.

Human Rights Council 6th Special session
(Geneva, 24 January 2008)

EXPLANATION OF VOTE on the draft resolution "Human Rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the Occupied Gaza Strip" (L. 1/Rev)

Mr. President,

The European Union wishes to make the following explanation of vote (before the vote) with regard to the draft resolution entitled "Human Rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the Occupied Gaza Strip":

Mr. President,

The situation in Gaza is a source of grave concern to the EU. The recent escalation of violence is extremely grave. This alarming humanitarian situation requires the urgent attention of all parties.

The EU calls on Palestine and Israel to bring an end to violence and suffering of civilians on both sides.

The European Union reiterates its continuing support to Israeli and Palestinian efforts to advance the peace process initiated at the recent conference in Annapolis. We regret the missed opportunity to address all human rights issues concerned which could provide positive impetus to the peace process. We reaffirm our conviction that only a negotiated two-State solution can bring peace and security to the Israeli and the Palestinian people.

The European Union underlines the need to seek a *political* solution to the crisis in the Middle East. The recent developments that we addressed yesterday and today are serious, especially given the need to maintain the positive impetus generated by the launch of negotiations between Israeli and Palestinian officials on all outstanding issues, including all final status issues, as agreed in Annapolis last November.

Mr President,

The responsibility for the Human Rights Council is to address human rights issues and human rights emergencies.

The EU joins the authors of this resolution in calling on all concerned parties to respect the rules of human rights law and international humanitarian law and to refrain from violence against the civilian population, but the text of the resolution still lacks acknowledgment of the civilian casualties on both sides. We believe that this Council should deplore the fact that innocent civilians on both sides are suffering. We believe that this Council should further remind all parties of their responsibility to protect civilian lives. While recognizing Israel's legitimate right to self defense, we should call for an immediate end to all acts of violence by all parties. Israel should urgently allow unimpeded humanitarian access to Gaza and open crossings in Gaza for goods and people.

The text in front of us unfortunately still fails to call on all parties to the conflict to take a constructive stand toward peace. It falls short of emphasizing the safety of *all* civilians and deploring *all* attacks resulting in killings of civilians on both sides. We regret the unbalanced focus of the resolution on incursions into

the Occupied Palestinian Territories while failing to mention the launching of rockets from Gaza into Israel.

The EU would have preferred to see an outcome agreeable to all. The EU engaged constructively in this process. We appreciate the numerous discussions we had in particular with the Palestinian Ambassador. The EU regrets that none of our proposals were accepted despite our strong willingness to improve the text and that we could not finally reach a text that would address the human rights of all in the area.

For these reasons the European Union is compelled to call for a vote and will abstain on the proposed draft resolution.

This explanation of position has been agreed by the European Union as a whole.
Thank you, Mr. President.