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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

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Introduction

The second session of the Human Rights Council, took place from 18 September to 6 October, but was then adjourned until 27 November 2006. It will be followed by the third session immediately thereafter.

At the second session the Council spent a considerable amount of time on wrapping up the business of the Commission on Human Rights and on developing its own architecture and working methods. As part of the unfinished business from the 62nd session of the Commission, the Council considered and discussed, in unprecedented depth, the Special Procedures' reports. In addition to pursuing the practice of inclusive interactive dialogue with the High Commissioner for Human Rights that had been established at its first session, the Council engaged in substantive interactive dialogues with the Special Procedures under improved procedures that involved participation by governments, NGOs and national human rights institutions (NHRIs) from all regions. This is an innovation compared to practices followed at the Commission on Human Rights and something that the Council should build on, as it contains many positive elements. Council members as well as observers, including NGOs and NHRIs could ask questions or make short comments of up to two minutes each. Speaking time was different for the consideration of other reports.¹ An issue that remained contentious was that of NGO participation in interactive dialogues with country rapporteurs. The time management for that was therefore slightly different. After lengthy consultations among delegations, it was decided that at the end of the session, 10 minutes would be given to NGOs for statements (of maximum two minutes each). Mandate-holders were given 10 minutes to present their report; five minutes were given to the concerned country and two minutes for any other state.²

Notwithstanding the above rules, two of AI's interventions were not delivered, due to "technical reasons":

- The joint AI and Human Rights Watch's statement on the Commission of Inquiry on Lebanon (CoI) was not delivered because the President of the Council dropped the discussion around the update to the Council from the CoI. The discussion had been deferred from 29 September to 4 October, but then no statements were allowed on 4 October.
- The statement on Slovenia (the "erased") was to be delivered under the "other issues" segment of the programme. The arrangements and scheduling for statements had become confused by 4 October when statements on "other issues" were to be delivered. Moreover, a sharp deterioration in the working environment led the AI delegation to reconsider how to use the "other issues" segment. In the end, given the confusion about scheduling, no statement was delivered. However, AI's contacts with the Slovenian mission in anticipation of the delivery of the statement were followed up by a dialogue about "the erased" with the Slovenian mission following the adjournment of the second session. The dialogue is on-going.

¹ The "suggestions for time management during the Second session of the Human Rights Council" available on http://portal.ohchr.org/portal/page/portal/HRC_Extranet/2ndSession/modalities-timetable-7092006.doc, specifies though that : "The following modalities for time management during the second session should be applied in an interim basis, as the Council will address in the future the question of its methods of work. They should thus not constitute a precedent for future sessions."

² See ISHR Council Monitor Daily Update 20 September 2006 (http://www.ishr.ch/hrm/council/updates/20_September_06.pdf), p. 8

A- Delivered statements and questions

1. Question to Louise Arbour, United Nations High Commissioner for Human Rights under “interactive dialogue” (Darfur/Eastern Chad, Sri Lanka), by Peter Splinter

18 September 2006

Mr. President, Madame High Commissioner,

Amnesty International welcomes the attention drawn to the situation of ongoing gross and systematic violations of human rights in the Darfur region of Sudan. We look to this Council and to its members to live up to their responsibility to lend the weight of the Council to calls for effective measures to protect the civilian population of Darfur.

Madame High Commissioner,

Amnesty International’s recent research reveals with no ambiguity that we are now seeing in eastern Chad the patterns of violence, ethnic targeting and forced displacement that characterized the beginning of the situation in Darfur three years ago. These abuses are now being committed by the Janjaweed militia in eastern Chad. Can your Office assist the Council in ensuring that the deteriorating hr situation in eastern Chad is brought to the attention of the Council and the international community?

Amnesty International welcomes the readiness of the Government of Sri Lanka to examine recent human rights violations in Sri Lanka. Amnesty International believes that the commission of inquiry constituted for this purpose should be international in nature. We are sharing with the Sri Lankan authorities our views about the principles that must be respected if the commission of inquiry is to be independent, credible and effective.

Thank you.

2. Questions to Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance³ (follow-up), by Patrizia Scannella

18 September 2006

Mr President,

Amnesty International welcomes the opportunity for this inclusive manner of drawing on the knowledge and expertise of Special Procedures to effectively inform the Council’s proceedings. My comments and questions are for Mr Doudou Diène.

Mr Diène,

Amnesty International appreciates your important contribution to efforts by the UN in combating racism, racial discrimination, xenophobia and related intolerance.

We share the importance you attach to the follow-up to Special Procedures’ communications, recommendations and analysis. In your report you specifically emphasise the importance of follow-up to missions. Amnesty International believes that the Council would benefit from more information on steps taken by those states you have visited to implement your recommendations. Do you have any suggestions about how to ensure better follow-up? And, in particular, is there a role for the Human Rights Council in encouraging states to report on measures to implement Special Procedures’ recommendations?

³ Shortened as Special Rapporteur on racism.

Thank you.

3. Questions to Stephen Toope, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances (Sri Lanka, rendition flights), by Tania Baldwin Pask

19 September 2006

Thank you Mr President.

My questions are for Professor Toope.

The Working Group made an important contribution to the human rights situation in Sri Lanka in the 1990s. What kind of contribution can the Working Group make in the current situation_

The report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to Sri Lanka states that he received reports indicating a re-emergence of the pattern of enforced or involuntary disappearances. Has the Working Group received such information and, if so, what has the response of the government of Sri Lanka been?

Lastly, in relation to the use of “extraordinary renditions” and secret detention. Recently, the President of the United States justified the use of secret detention facilities on the grounds that detainees had provided vital information that prevented further terrorist attacks. According to the Working Group’s experience, what are the implications of the use of such practises, and can they ever be justified?

Thank you.

4. Questions to Paul Hunt, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health⁴ (Peru, follow-up), by Aïssatou-Boussoura Garga

22 September 2006

Mr. President,

Amnesty International welcomes the work and reports of Paul Hunt, the Special Rapporteur on the right to health. We are interested in learning about his intentions for follow-up on the recommendations that he has made in his reports presented to this Council and the Commission on Human Rights.

To illustrate our interest in follow-up, we will draw on one specific example, where our research, analysis and recommendations reported in July 2006⁵ coincide with those of the Special Rapporteur.

Amnesty International has found that patterns of racial, ethnic and gender-based discrimination limit the right of poor and marginalised women and children in Peru to access to maternal healthcare. Maternal and child mortality rates in Peru are among the highest in the region. In rural areas, the likelihood of dying from maternity-related causes is twice as high as in urban areas. The right to health has been on the agenda of Peruvian civil society since 2000; Peru has committed to take measures towards reaching the UN Millennium Development Goals, two of which relate to reducing infant and maternal mortality. The authorities have sought to address this problem by creating the Seguro Integral de Salud

⁴ Shortened as Special Rapporteur on the right to health.

⁵ AI’s report *Peru: mujeres pobres y excluidas. La negación del derecho a la salud materno-infantil*, AI Index AMR 46/2004/2006 of 11 July 2006

(comprehensive health care scheme) which is aimed at the poorest in Peruvian society. However, this health scheme is not reaching many of those it intends to reach.

Following his mission to Peru in June 2004, one of the principal findings of the Special Rapporteur was that “the main right to health challenge is to identify policies and implement strategies that are based on equity, equality and non-discrimination and improve access to health care and the underlying determinants of health of those living in poverty.” (E/CN.4/2005/51/Add.3, par. 20)

The Government of Peru has welcomed the report and recommendations of the Special Rapporteur and responded in detail to many of the points raised in the report. (E/CN.4/2005/G/32) Amnesty International welcomes this detailed engagement of the Government with the Special Rapporteur. We hope that the Government will provide additional information about its measures to improve the situation of those poor and marginalised women and children in Peru who have little or limited access to maternal healthcare.

Mr. Hunt,

Do you have any plans for follow-up work with the Government of Peru and with other governments in connection with your reports and recommendations?

Thank you Mr. President.

5. Questions to Sima Samar, Special Rapporteur on the situation of human rights in the Sudan, by Patrizia Scannella

27 September 2006

Mr. President,

Darfur’s civilian population urgently needs protection. Since the start of the crisis in Darfur in 2003, tens of thousands have been killed, tortured or raped in attacks by Sudan’s armed forces and Janjawid militia. More than two million people have been displaced. Three years on the situation has further deteriorated, as described in many reports including that presented today by the Special Rapporteur. The government of Sudan has recently launched a major military offensive in North Darfur, with indiscriminate air strikes and Janjawid attacks on civilians. Amnesty International’s own research testifies to the ongoing gross and systematic violations in Darfur which have recently spread to eastern Chad.

Mr. President,

In the corridors of this Council, we are told about the need for so-called “balance”. We are asked why this Council should speak on Darfur when it remains silent about Guantánamo Bay. Indeed, true concern for the promotion and protection of human rights demands that this Council address the human rights situation at Guantánamo Bay without further delay.

Resolution 60/251 mandates the Council to “respond promptly to human rights emergencies”. The hundreds of thousands of victims of human rights violations in Darfur and eastern Chad look to the international community, including this Council, to relieve their suffering and restore their rights and dignity. Amnesty International urges this Council not to hide behind dubious appeals for impartiality, objectivity and non-selectivity and to:

- acknowledge the extremely serious, and deteriorating, human rights situation in Darfur and Eastern Chad
- call on all parties to respect international human rights and humanitarian law;
- recall the international community’s responsibility to immediately and effectively protect civilians and call on the government of Sudan to consent to the deployment

of UN peacekeepers in Darfur in accordance with Security Council Resolution 1706;

- and ask the Special Rapporteur on the situation of human rights in Sudan to prepare a report for consideration at its next session on the human rights situation in Darfur and Eastern Chad.

6. Oral statement under “General debate: Reports, studies and other documents prepared by the secretariat, the High Commissioner or the Secretary-General” (the death penalty, Colombia), by *Patrizia Scannella*

28 September 2006 (English version)

There are several important topics addressed in the reports presented under this agenda item with which Amnesty International is concerned but due to time constraints we will limit to two. We hope that updates to the reports will provide opportunities to comment on others.

Mr President,

Amnesty International opposes the death penalty unconditionally as an extreme violation of the right to life. This year has witnessed further progress towards a death penalty free world with Moldova and the Philippines abolishing the death penalty. This takes to 129 the number of countries that have abolished the death penalty in law or practice. Recognition of and support for the steady progress towards abolition of the death penalty worldwide is a key legacy of the Commission. It is essential that the Council pursues this important work.

Mr President,

Amnesty International believes that the current serious human rights situation in Colombia makes it essential that the current mandate of the UN High Commissioner’s Office in Colombia is maintained intact.

We welcome the decision by the Colombian Government and the High Commissioner to extend the integral mandate of the Office. A one-year extension does not provide, however, the stability which is particularly necessary at a time when the government has reportedly expressed its desire to restrict the Office’s observation role.

Although some indicators of conflict-related violence have fallen, the human rights situation remains critical. In particular, Amnesty International has serious concerns about the increase in internally-displaced persons and in extra-judicial executions carried out by the security forces. We also continue to receive numerous reports of human rights abuses carried out by paramilitaries, despite their supposed demobilization, as well as by armed opposition groups.

Given this reality, the Office in Colombia continues to play an invaluable role, most importantly in saving the lives of many civilians, including human rights defenders.

The Office has also played a critical role in defending international human rights standards when these have been threatened by legislative initiatives promoted by the government, in particular those associated with the demobilization of members of illegal armed groups.

Amnesty International welcomes the High Commissioner’s report on Colombia and the debate on it at this session of the Council. We strongly support the High Commissioner’s call on the government to implement the recommendations in this and in earlier reports.

We regret that the Colombian government, and the armed opposition groups, are yet to implement the High Commissioner’s recommendations.

We emphasise the importance for the Human Rights Council to devise ways to encourage the Colombian government to implement the High Commissioner’s recommendations and look forward to her next report on Colombia to this Council.

7. Joint oral statement by Amnesty International and Human Rights Watch on “Follow-up to decisions of the Human Rights Council” (Situation of human rights in the Palestinian Occupied Territories; Special Rapporteur John Dugard), by Marianne Lilliebjerg

29 September 2006

Mr President,

I am speaking on behalf of Amnesty International and Human Rights Watch.

The report of the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories makes for chilling reading. Our own research leads us to many of the same observations.

The human rights and humanitarian situation in the Occupied Palestinian Territories is appalling and continues to deteriorate. Since the beginning of 2006, the Israeli army has launched thousands of attacks against densely populated areas in the Gaza Strip, killing more than 430 Palestinians, including more than 80 children, and injuring hundreds of others. Following the capture by Palestinian armed groups of an Israeli soldier at the end of June, Israeli attacks intensified, including against civilian infrastructure such as roads and electricity and water supply systems in the Gaza Strip.

Further restrictions have been imposed by Israel on the movement of people and goods within and between the Occupied Territories. The West Bank has been effectively sectioned into cantons between which Palestinians are not permitted to move freely, and the Gaza Strip has been subjected to an almost continual blockade, preventing any semblance of normal life for both persons and business.

Amnesty International and Human Rights Watch recommend that the Council deploy a team of international experts to the Occupied Territories and Israel to carry out a thorough independent investigation into the growing number of killings of Palestinians by Israeli forces in the Gaza Strip. The team should also look into the killings of Israeli civilians by Palestinian armed groups. The report of the investigation to this Council should include recommendations for specific measures to be taken by the Council to protect civilian lives.

Thank you Mr President.

8. Joint statement by Amnesty International, International Commission of Jurists, International Federation of Human Rights, Human Rights Watch and the World Organisation Against Torture on the Progress report of the Working Group on the Universal Periodic Review (UPR), by Mariette Grange (HRW)

October 2, 2006

The Universal Periodic Review is among the most important innovations associated with this new Council. If properly designed, the review will help remedy the selectivity problems that beset the Commission on Human Rights and provide an effective foundation for much of the Council's work. We consider that the Universal Periodic Review must be a continuous process with distinct stages: preparation by independent experts, the interactive dialogue itself, and response by the Council to the outcome of the review, and follow up to the recommendations arising from the review. Here we will address three elements that would be critical for the success of this process:

1. Independent expert review and synthesis of the available country-specific information to distill this material into a list of key issues for review and questions to be addressed by the government in the review;

2. An outcome for each review with concrete conclusions and recommendations and an agreed procedure to ensure effective follow up, and
3. A substantive role for NGOs, including the possibility to submit information for consideration, and to participate in the interactive dialogue with the state under review.

Independent expert analysis during the preparation of each review is essential to facilitate a substantive and well-informed interactive dialogue. The participation of independent experts would also significantly contribute to a consistent and objective process for every state and be an important safeguard against efforts at politicization.

Each UPR review should have a concrete outcome, to which the state reviewed should be afforded the opportunity to respond. In addition to findings, the outcome could propose a range of measures, including recommendations to provide capacity-building and technical assistance, calls for visits by special procedures; establishment of an OHCHR fact-finding mission or field office; or appointment of a country-specific Rapporteur. The outcome might also be to keep a country under review before the next universal periodic review of the state; to recommend that the Security Council consider the situation given its potential impact on international peace and security or the application of Responsibility to Protect of the international community; or to recommend that the General Assembly suspend an Council member for gross and systematic violations of human rights.

Information from non-governmental organizations should be included in the dossier to be examined in the expert analysis. National and international NGOs with substantial knowledge of the situation in the reviewed state, regardless of ECOSOC accreditation, must have the opportunity to contribute to the review. NGOs should also be afforded an opportunity to comment and ask questions during the interactive dialogue session.

Mr. President,

Our organizations have noted and share the importance attached by the International Women's Rights Action Watch to the objective of the Council using the UPR to encourage the fulfillment of states' obligations and commitments to respect women's human rights.

9. Joint statement by Amnesty International, Association for the Prevention of Torture, Human Rights Watch, International Federation of Human Rights, International Service for Human Rights, The Lutheran World Federation and the World Organisation Against Torture on the Progress report of the Working Group on the implementation of operative paragraph 6 of General Assembly resolution 60/251 (Special Procedures), by Innocent Sama

3 October 2006

Mr President

The central contribution that Special Procedures can make to the work of this UN main human rights organ has been illustrated at this session in the interactive dialogues with mandate-holders. Many positive elements of this first Council's interactive dialogues should be built upon; including the time allocated for consideration of the reports and the active participation of all stakeholders. This interaction, including in relation to follow-up to reports and recommendations, should become an integral and regular part of the Council's sessions throughout the year.

The inclusion of Special Procedures at this session has also highlighted the continuing need for the Council to maintain a system that is innovative, responsive and flexible, and which can assist the Council in carrying out its mandate, including implementation of its decisions, as we have seen in respect of two joint reports presented at this session.

The dialogues have also demonstrated that the value of Special Procedures system depends on cooperation in relation to country visits, communications and urgent appeals.

The mission and follow-up to mission reports of the Special Procedures identify concrete steps to be taken at the national and international levels to strengthen human rights protection. We note the confidence expressed in the Special Procedures by states from all regions through the announcement of visits to be undertaken in the near future, including the positive responses to requests to visit which have been outstanding for several years. Many governments have engaged in the interactive dialogues at this session as “concerned states”, while others have reported to the Council on steps taken to implement past Special Procedures’ recommendations. We recall that many states have yet to extend invitations to visit, thus creating a “double standard” whereby those states which are most open to the Special Procedures receive greatest scrutiny, while those that do not, evade criticism.

Reports of communications with governments record Special Procedures’ interventions on behalf of several hundred individuals in response to alleged violations. Some of these interventions, the urgent appeals, show the need for a system to respond rapidly to credible reports that a violation is imminent, is occurring, or has taken place, without the constraints of bureaucratic procedures. For urgent appeals and other communications to be effective, they must be answered. Unfortunately, several of the Special Procedures have highlighted a poor rate of response to their communications.

We call on the Council to demand of its members and observers full cooperation with the Special Procedures by:

- integrating throughout its deliberations Special Procedures’ information and analysis;
- encouraging member states to respond positively to requests to visit;
- reviewing states’ willingness to respond quickly and fully to urgent appeals and communications and taking steps to encourage those states that persistently fail to do so to provide such responses.
- acting on the Special Procedures’ recommendations, including where they call for continuing debate within and action by the Council.
- ensuring that the interactive dialogue leads to concrete outcomes that will enhance human rights protections;
- taking up for consideration matters proposed by the Special Procedures.

Failure by the Council to ensure full cooperation with Special Procedures and give effect to their recommendations will undermine the Special Procedures system and diminish what it has to offer the Council.

Mr. President,

Defining a system of Special Procedures that can best support the Council should be the first task of the Working Group charged with reviewing the Special Procedures. We call on this Council not to take any decisions prejudicing the work of the Working Group and look forward to sharing our recommendations for a strengthened Special Procedures system in the Working Group.

B- Undelivered contributions

1- Oral statement on Slovenia (the “erased”), under “Other issues including initiatives/ issues/ decisions/ resolutions”

4 October 2006

Mr. President:

When Slovenia became independent, approximately 18,300 individuals were unlawfully removed – “erased” - from the Slovenian registry of permanent residents and transferred to the registry of foreigners.

Fourteen years later more than 6,000 of the "erased" remain without Slovenian citizenship or a permanent residence permit. As a result, many of these persons live illegally in Slovenia as foreigners or as stateless persons. Others have been forced to leave the country. This ongoing failure to regulate the status of the "erased" has disproportionately affected Roma, non-ethnic Slovenes and other marginalized people.

Mr. President,

Slovenia is failing to meet a wide range of its obligations under international human rights law, including the right to education, health, work, and social security. The "erased" have had limited or no access to comprehensive healthcare since 1992. "Erased" children have lost access to secondary education and many of the "erased" lost their job and pension contributions, as they could no longer be legally employed. The "erasure" also violates the principle of non-discrimination.

The Slovenian Constitutional Court has recognized the unlawfulness of the “erasure” and ruled that permanent residence permits should be issued with retroactive effect. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights have expressed concern about concern about the “erased” and a number of Special Procedures have been seized with their situation.

Mr. President, Amnesty International invites the Human Rights Council to call upon the government of Slovenia to

- publicly recognize the discriminatory nature of the "erasure";
- establish an independent commission of inquiry to investigate the human rights consequences of the "erasure" for the individuals concerned;
- adopt legislative and other measures granting full reparation, including compensation, to all individuals whose human rights were violated by the "erasure";
- comply with the recommendations of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, as well as the decisions of the Slovenian Constitutional Court.

Mr. President,

Amnesty International recalls its concerns expressed in the dialogue with the Special Rapporteur on the Right to Health about patterns of racial, ethnic and gender-based discrimination that limit access of poor and marginalised women and children to maternal healthcare in Peru. Our organisation encourages the Council to express its interest in the Special Rapporteur’s follow-up to his recommendations made following his June 2004 mission to Peru.

Thank you Mr. President.

2- Joint oral statement by Amnesty International and Human Rights Watch under “Follow-up to decisions of the Human Rights Council” (Lebanon - Commission of Inquiry)

4 October 2006

Mr. President,

I am speaking on behalf of Amnesty International and Human Rights Watch.

During the second Special Session, this Council heard, at great length, about the death and destruction rained upon civilians and civilian objects in Lebanon by Israeli forces, who launched tens of thousands of aerial and artillery attacks on South Lebanon and other parts of the country, killing approximately 1,000 civilians, a third of them children, and destroying thousands of buildings and other vital civilian infrastructure. They littered the villages of south Lebanon with cluster bombs, many of which remain unexploded and have, effectively turned south Lebanon into a mine field. The Council established a high-level commission of inquiry to examine serious violations of international human rights and humanitarian law committed by Israel. Our organizations welcome in principle the establishment of the Commission but have serious reservations about its limited mandate.

During the conflict between Hizbullah and Israel, Hizbullah fired nearly 4,000 rockets into the cities and towns of northern Israel, killing nearly 40 civilians, seriously injuring dozens of others and damaging thousands of building. The Council must not continue to turn a blind eye to these serious violations of international human rights and humanitarian law.

Amnesty International and Human Rights Watch call on the Council to expand the mandate of the high-level commission of inquiry to cover the violations of international human rights and humanitarian law by Hizbullah. The commission should also be asked to propose effective measures to hold accountable those responsible for crimes under international law and to ensure that the victims receive full reparation.

Thank you, Mr President.