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HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED

Human rights in the occupied Syrian Golan

Report of the Secretary-General*

* This report was submitted late in order to reflect all the contributions received by the Member States.

1. The present report is submitted pursuant Human Rights Council resolution 10/17 of 26 March 2009, the operative part of which reads as follows:

“Calls upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

Further calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

Calls upon Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

Also calls upon Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 23 years, and calls on Israel to treat them in conformity with international humanitarian law;

Further calls upon Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that aim to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

Again calls upon States members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Council at its thirteenth session;

Decides to continue the consideration of the human rights violations in the occupied Syrian Golan at its thirteenth session.”

2. Pursuant to General Assembly resolution 63/99, the Secretary-General produced a report on the same subject for the 64th session of the General Assembly¹. The report focused on the implementation of the resolution and was based on information collected during OHCHR's mission to the Syrian Arab Republic between 4 and 11 July 2009. Israel, which refused to cooperate with any mission on the basis of GA or HRC resolutions, denied the necessary visas to OHCHR staff. Therefore, the mission could not visit the occupied Syrian Golan. On this basis, the report focused on human rights allegations collected on the ground affecting the Syrian population in the Occupied Syrian Golan, in particular those related to citizenship and identity, freedom of movement and the right to an adequate standard of living.
3. On 15 October 2009 in view of the submission of the present report, OHCHR, on behalf of the Secretary-General, addressed a note verbale to the Government of Israel referring to the Human Rights Council resolution 10/17 and asking the Government of Israel to give any information on steps taken or to be taken concerning the implementation of the relevant provisions of that resolution. As in previous years, no reply had been received at the time of the preparation of the report.
4. On 15 October 2009, OHCHR, on behalf of the Secretary-General, sent a note verbale to all permanent missions regarding the same resolution, drawing attention to paragraph 8 of the resolution, which calls upon all Member States not to recognize any of the legislative or administrative measures and actions taken by the Government of Israel in the occupied Syrian Golan.
5. On 11 December 2009, the Permanent Mission of the Kingdom of Morocco replied to the note verbale, emphasizing its support to the Arab Republic of Syria for the complete return of the occupied Golan to the line of 4 June 1967. The Kingdom of Morocco considers that steps taken by Israel, the occupying power, to change the legal, physical, and demographic characters of the Arab Syrian occupied Golan are null and void, and violates the international agreements, the charter and the resolutions of the United Nations, more specifically the resolution 497 (1981) of the Security Council, the resolution 99/63 dated 5/12/2008 of the General Assembly which confirms that the Israeli resolution to annex the Arab Syrian Golan on 14 December 1981 is null and void and without any legal affect. According to the Kingdom of Morocco, this annexation constitutes a grave violation of the resolution 497 (1981) of the Security Council, the provisions of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights.

¹ A/64/354

6. On 12 January 2010, the Permanent Mission of the Islamic Republic of Pakistan replied to the note verbale, emphasizing that Pakistan does not recognize any of the Israeli legislative or administrative measures mentioned in the above mentioned resolution. Pakistan advocates an equitable resolution of the Occupied Syrian Golan issue consistent with the relevant United Nations Resolutions and various peace initiatives, especially the Arab Peace Initiative which calls for the withdrawal of Israeli forces to pre-1967 borders. Pakistan also condemns persistent human rights violations in the occupied Arab territories including the Occupied Syrian Golan and urges the international community to play its due role to ease out lives of the people in the occupied Arab territories.

7. On 14 January 2010, the Permanent Mission of the Democratic Republic of Algeria replied to the note verbale, emphasizing that its position on the question of the occupied Golan and its two interrelated manifestations, the restoration of the Syrian sovereignty over the occupied Golan and the human rights situation, is in accordance with the principles of international law and relevant international standards. Algeria states that all legislative and administrative measures and actions taken or to be taken by Israel to change the physical character and the legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and the Geneva Convention of 12 August 1949 relative to the Protection of Civilians in Time of War, and have no legal effect. Algeria recalls that it expressed in many fora and international meetings its condemnation of the Israeli occupation over the Arab Syrian Golan. It requested the withdrawal of Israeli forces from the Golan and called for the restoration of the Syrian sovereignty over this occupied territory. Algeria considers that the resolution of the issue of the occupation over the Golan constitutes a necessary condition to reach a just and comprehensive solution to the Arab-Israeli conflict. Algeria notes that it will not accept less than the restoration of all occupied Arab territories in Palestine, Syria and Lebanon.

8. Concerning the human rights situation in the occupied Syrian Golan, Algeria strongly condemns the repressive Israeli practices against Syrian citizens resisting the occupation and trying to preserve their Arab identity. Algeria reminds that it supported many resolutions of the League of Arab States, which condemned Israeli practices and their flagrant violations of human rights, and requested the Security Council and the Human Rights Council to guarantee the respect by Israel of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights, including the right to family visits in Syria.

9. On 15 January 2010, the Permanent Mission of the Arab Republic of Egypt replied to the note verbale emphasizing that the occupation of the Syrian Golan is contrary to the norms of international law. Egypt stresses that it does not recognize the decision of Israel to annex the Golan or any other decision taken by the Israeli administration to impose the Israeli identity on the inhabitants of the Golan. Egypt condemns the policies of confiscation of lands from the Syrian citizens and the establishment of Israeli settlements, underlining the illegality of these settlements. Egypt affirms the right to freedom of movement for Syrian citizens and the right to health and education. It also requests the occupying power to release Syrian detainees and prisoners from Israeli prisons.

10. On 22 January 2010, the Permanent Mission of the Arab Republic of Syria replied to the note verbale emphasizing that Israel continues to refuse to return the occupied Golan to Syria and to comply with Security Council's relevant resolutions, including resolution 497.

11. Syria stresses that the prohibition imposed on the population of the occupied Golan to visit their families in Syria reveals the most flagrant violation of international, human rights and international humanitarian laws committed by Israel. It notes that such prohibition is incompatible with the minimum obligations of the occupying power. Syria reaffirms the right of the 20 000 Syrian living in the occupied Golan to communicate with their compatriots and family members in Syria. It notes that the prohibition of communication leads to severe human suffering notably in the event of sickness or death due to the inability for the members of the same family to visit each other. Syria notes that on 11 December 2007, the Syrian Ministry of Foreign Affairs sent various messages to the Secretary-General of the United Nations, the Presidency of the European Union, the High Commissioner for Human Rights and the International Committee of the Red Cross on the particular issue of family visits through the crossing of Quneitra and the responsibility of Israel to allow these visits. Syria renews its request for the resumption of family visits which used to be undertaken through the crossing of Quneitra under the supervision of the International Committee of the Red Cross (ICRC) and which were stopped by Israel in 1994.

12. Syria reminds the international community of its responsibility in pressing the Israeli occupying power to respect its obligations under international law. Moreover, it appeals the Human Rights Council to put pressure on Israel to allow the representative of the ICRC to resume the family visits in a constant and regular manner through the crossing of Quneitra. Syria reiterates that the basic rules of the international humanitarian law, the Universal Declaration of Human Rights and the Geneva Convention confirm the legitimacy of these visits. Syria stresses that as an occupying power and one of the contracting party to the Fourth Geneva Convention relative to the Protection of Civilians in Time of War, Israel has to apply the provisions of this Convention which stipulates in articles 25, 26, 30, 142 and article 74 of the Third Protocol that the States have to authorize and facilitate family visits for the population of occupied territories. In the same vein, Syria indicates that Israel continues to prevent a number of students from the occupied Golan², who were studying in Syria to return to their home place.

13. Syria indicates that the occupying authorities imposed a house arrest on a two years old child, Fahd Luay Shaqir, and prevented him from leaving his home in the

² Names of the students:

- Ayman Ha'el Abu Saleh, from the occupied Majdal Shams village;
- Rabi' Hassan Al-Qozmanat, from the occupied Majdal Shams village;
- Majid Jamil Shams, from the occupied Majdal Shams village;
- Raniah Farhan Alsafdi, from the occupied Majdal Shams village;
- Omayya Mohamed Alsafdi, from the occupied Majdal Shams village;
- Ahsan Fahd Shaqir, from the occupied Majdal Shams village;
- Rayeq Solayman Sha'lan, from the occupied Ayn Quniya village;

village of Majdal Shams after Israel refused to register him because he was born in Damascus.

14. Syria points out that 7 detainees³ from the occupied Golan, charged with resistance against occupation, suffer from concerning conditions in Israeli detention centers. Syria denounces a policy of humiliation and oppression against the Syrian detainees, stating that international human rights organizations condemned cruel, physical and psychological cases of torture inflicted to Arab detainees. In addition, Syria deplors the fact that the families of detainees as well as international organizations, such as the ICRC, are facing constant difficulties to visit them in prison.

15. Syria emphasizes that the Syrian Foreign Ministry sent messages to the United Nations Secretary-General, the Presidency of the European Union, the High Commissioner for Human Rights, the President of the Human Rights Council, the President of the ICRC regarding the specific case of the Syrian journalist, Ataa Farahat, detained in Israel since 30 July 2007. Syria indicates that he was arrested while he was trying to report on Israeli abuses against the population of the occupied Golan. According to Syria, the trial was unfair and the sentences illegitimate.

16. Syria stresses that Israel continues to take lands by force, which does not allow the peace process to progress in line with the relevant United Nations resolutions. Syria indicates that the Government of Israel is continuing the “judaisation” of more lands in the occupied Syrian Golan. It refers to the occupying power’s announcement⁴ to sell 11 lots of land in the village of Ain Quniya located in the occupied Golan, with the condition that priority is given to those who served in the security forces and were recommended by the Israeli Ministry of Defense. Syria emphasized that this bid sets a dangerous precedent as it will change the demographic composition of the population in the occupied Syrian Golan.

17. Syria indicates that on 9 December 2009, the Israeli Knesset adopted in a first reading a decision to hold a public referendum that must be supported by 80% of Israeli citizens before any agreement to withdraw Israel’s presence from East Jerusalem and the Syrian Golan is implemented. Syria reaffirms that this decision contradicts international law which does not permit land acquisition by force and is contradictory to the Security Council resolution 497(1981) which considers both Israel’s resolution to annex the Golan and its decision to impose its laws, jurisdiction and administration in the occupied Golan null and void. Syria reiterates that it is also contrary to the resolution adopted by the United Nations General Assembly on 2 December 2009 on the occupied Syrian Golan which confirms that annexation of lands is illegal. Syria considers that without pressure from the international community on Israel to

³ Names of the prisoners:

- Sedky Seleman El-Maqt. Born on 17/4/67. Arrested on 23/8/1985. Sentenced to 27 years
- Weam Mahmoud Amasha. Born on 10/6/1981. Arrested on 8/11/1999. Sentenced to 20 years
- Sham Kamal Shams. Born in 1984. Arrested on 2/4/2003. Sentenced to 13 years
- Yousef Said Gameel Khmouz. Born in 1984. Arrested on 1/8/2006. Sentenced to 13 years
- Ahmad Gameel Yaseer Khmouz. Born in 1981. Arrested on 1/8/2006. Sentenced to 14 years
- Ataa Naguib Farahat. Born in 1973. Arrested on 30/7/2007. Sentenced to 3 years. Journalist.
- Yousef Saleh Ismael Shams. Born in 1953. Arrested on 30/7/2007. Sentenced to 4 years

⁴ Announcement from 16 November 2009 to 16 December 2009.

implement resolution 497, Israel will continue to contravene and bridge the resolutions despite their international legitimacy.
