

Human Rights Council

Draft Resolution Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the **systematic and continuous** violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest resolution **62/110 of 17 December 2007**, in which the Assembly declared that Israel had failed so far to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of inadmissibility of the acquisition of territory by force in accordance with the Charter of the United Nations and the principles of the International Law,

Taking note with deep concern of 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 (A/62/360) of **24 September 2007**, which indicated the **serious deterioration of the Human Rights situation in the Occupied Syrian Golan and**, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12

August 1949, and the relevant provisions of the Hague conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern over the halt in the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Security Council resolutions 242 (1967) and 338 (1973) with a view to establishing a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights, and the **Human Rights Council**, the most recent being **resolution 2/3 of 27 November 2006**,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, in particular resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision 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;

2. *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;

3. *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 basic rights and their civil, political, economic, social, and cultural rights, some of which** were 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;

4. *Further calls upon* Israel to allow the Syrian citizens of the occupied Syrian Golan to visit their families and relatives in the motherland Syria through the Quneitra check point and under the supervision of the International Committee of the Red Cross, and to cancel the decision to prohibit these visits as such prohibition is in

clear violation of the Fourth Geneva convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to immediately release the Syrian prisoners of conscience and detainees in Israeli jails, some of whom have been detained for more than 22 years under the pretext of refusing the Israeli citizenship, and to immediately cease the physical and mental torture to which they are subjected, and which has led to the deterioration of their health and to endangering their lives;

6. In this context, *also calls upon* Israel to allow delegates of the International Committee of the Red Cross to visit the Syrian conscience objectors and detainees in Israeli jails accompanied by specialized physicians to evaluate their physical and mental state and to protect their lives.

7- *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport 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 and have no legal effect;

8. *Calls once again upon* Member States of the **United Nations** not to recognize any of the legislative or administrative measures and actions referred to above;

9. *Requests* the Secretary-General of the **United Nations** to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report on this matter to the Human Rights Council at its tenth session, due to be held in March/April 2009;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its tenth session.