



# General Assembly

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### Human rights situation in Palestine and other occupied Arab territories

#### **Note verbale dated 5 October 2012 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR).

With reference to the note verbale dated 20 September 2012 from OHCHR concerning the implementation of Human Rights Council resolution 19/14 of 22 March 2012, entitled "Human rights in the occupied Syrian Golan", the information provided on that subject by the Syrian Arab Republic is presented below.

1. Since the time of the Israeli occupation of the Syrian Golan in 1967, the international community has repeatedly voiced its strong rejection of the occupation and called for the withdrawal of the Israeli occupying forces from the entire Syrian Golan. Human Rights Council resolution 19/14 affirms that the international community is deeply concerned by the fact that the Syrian Golan, occupied since 1967, is still under continuous Israeli military occupation. The same resolution also reaffirms the illegality of the decision taken by Israel, on 14 December 1981, to impose its laws, jurisdiction and administration on the occupied Syrian Golan, a decision regarded as null and void and without international effect, as stated in Security Council resolution 497 (1981), which demands that Israel should rescind its decision forthwith. These demands are repeated on an annual basis to Israel, the occupying Power, in United Nations General Assembly resolutions, most recently resolution 66/19 of 30 November 2011 and resolution 66/80 of 9 December 2011. Israel, however, persistently flouts these international resolutions with impunity, whatever the nature of the wrongdoings and violations that it commits.

2. After 45 years of this unjust occupation, and despite United Nations resolutions, the calls made by the majority of the world's States in every international forum for an end to this occupation, and the condemnation by these States of Israel's daily repressive practices and flagrant violations of all international instruments and norms, Israel remains unashamed and is undeterred in the pursuit of its expansionist ambitions and in its perpetual flouting of international resolutions.

3. The Syrian Arab Republic has affirmed its strong desire to continue working and cooperating with the United Nations in order to stop this situation through the implementation of United Nations resolutions on ending the Israeli occupation of the Syrian Golan and other Arab territories. Syria thus unequivocally asserts that these resolutions remain the basic term of reference for a just and comprehensive solution to the problems in the Middle East. Given this firm principle of Syrian policy, President Bashar al-Assad of the Syrian Arab Republic has declared on more than one occasion Syria's willingness to resume peace negotiations on the same basis on which the Madrid peace process was launched in 1991. Syria has also declared in all international forums its full commitment to relevant international resolutions and called for their implementation, in particular Security Council resolutions 242 (1967), 338 (1973) and 497 (1981), and for implementation of the principle of land for peace, in order to guarantee Israel's complete withdrawal from all of the occupied Syrian Golan to the line of 4 June 1967.

4. The Government of the Syrian Arab Republic vehemently condemns Israel's continued violation of Arab and Syrian rights enshrined in the Charter of the United Nations, including the decision of the Israeli Government, in June 2011, to build an apartheid separation wall in the occupied Syrian Golan, east of Majdal al-Shams, on the pretext of preventing Palestinians and Syrians from crossing the ceasefire line and reaching the occupied town of Majdal al-Shams. The Israeli Engineering Corps began construction work in early July 2011, and an agreement was concluded with Israeli contractors for the erection of a wall reaching 8 metres high and 4 kilometres long. It should also be noted in this regard that, on 5 June 2011, the forty-fourth anniversary of al-Naksah (the setback or Six-Day War), Israeli occupation forces carried out a brutal massacre in which they fired live bullets at peaceful unarmed protesters (Syrians and Palestinians) on the Syrian side of the ceasefire line in the occupied Syrian Golan, resulting in 23 dead and 350 injured. It should likewise be noted that, on 15 May 2011, during a commemoration of al-Nakbah (the cataclysm) near the ceasefire line in the occupied Syrian Golan, Israeli occupation forces committed a similar crime in which they used live ammunition to disperse peaceful protesters, leading to 15 deaths and scores of injuries. Such incidents confirm that there are some who want Israel to remain the only exception to application of the provisions of international law and to escape with impunity in all cases.

5. The Government of the Syrian Arab Republic recalls that the above-mentioned Human Rights Council resolution takes 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, deplores the Israeli settlement in the occupied Arab territories, and expresses regret at the constant refusal of Israel to cooperate with and to receive the Special Committee. In this connection, the Government condemns the action by the Israeli Government to intensify settlement in the occupied Syrian Golan, the most recent example of which was the settlement operation conducted in December 2010 by the so-called Settlers' Council under the banner "Come to the Golan", which drew thousands of Israeli families to settle in the Golan as part of this scheme. It also condemns the decision of the so-called Golan Regional Council to build a new tourist settlement village near the Israeli settlement of Ani`am; the action taken by the Council, in collaboration with the administration of the extremist religious settlement of Yonatan, to attract thousands of settlers to the occupied Syrian Golan; the focus placed by Israeli tourism associations on establishing settlements under the name of "tourism villages" in the Batihah region in the far south of the occupied Golan, particularly in the area known as Tall al-Sayyadin on the eastern shore of Lake Tiberius; the tourist excursions to these villages organized by international Jewish organizations; the infrastructure development and expansion undertaken in some settlements by the Israeli occupation authorities; and the promotion of settlement in such settlements as Eliad, Ein Zivan, Natur, Khasfin, Hadnes and Nof. It asserts that these practices clearly demonstrate Israel's true intention of

rejecting peace and disregarding Security Council and General Assembly resolutions, most recently General Assembly resolution 66/80 of 9 December 2011, in which the Assembly calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements.

6. The Government of the Syrian Arab Republic likewise condemns all Israeli actions and practices with respect to the occupied Syrian Golan, which are a flagrant violation of Security Council resolution 497 (1981) and General Assembly resolution 66/225 of 22 December 2011, entitled “Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources”. In this regard, it wishes to draw attention to a significant matter recently reported in the Israeli press (the newspapers *Maariv* and *Calcalist*), namely Israel’s determination to establish and expand a wind farm in the territory of the occupied Syrian Golan as part of a major project for generating 150 megawatts of electrical power, at a cost of some US\$ 300 million. The project is to be implemented in collaboration with the Israeli company Mey Golan and other foreign companies, including the United States AES Corporation and the Spanish company Multimatrix. Syria also appeals to States Members of the United Nations to refuse to import natural products taken from or produced in the occupied territories, in compliance with international law and in order to underscore the need for Israel to respect that law. The Syrian Arab Republic similarly condemns the refusal of the Israeli occupation authorities, in late March 2012, to allow Syrian Arab farmers to transport their apple harvest to Syria, which is a clear circumvention of the agreement reached with the International Committee of the Red Cross (ICRC). As a result of that arbitrary Israeli measure, Syrian farmers have sustained significant material losses; large quantities of apples perished after three weeks of sitting in trucks and no alternative market could be found for the remainder of the crop, which is the main agricultural produce for farmers in the occupied Syrian Golan. Syria calls upon the Secretary-General of the United Nations to intervene in order to ensure that Israel complies with its agreement with ICRC and does not repeat the same unjustified refusal in future.

7. The Syrian Arab Republic condemns the action taken by the Israeli occupation authorities, in December 2010, to extract water from Mas`adah Lake in the occupied Syrian Golan and divert it to settlers’ farms. As a result of this Israeli measure, which contravenes international law and the Fourth Geneva Convention, Syrian citizens in the Golan have sustained material losses to the tune of US\$ 20 million owing to the deaths of fish, the lower apple yields in the farms irrigated by water from the lake, and the desiccation of orchard trees. We have referred before in our annual reports on Israeli practices in the Golan to the policies of the Israeli occupying authorities that are deliberately aimed at gaining control over the Golan’s water and denying to Syrian citizens their natural rights over their own water. This latest Israeli measure of extracting water from Mas`adah Lake constitutes an economic and environmental catastrophe of major proportions for Syrian citizens in the occupied Syrian Golan.

Moreover, Israel’s actions are a violation of the seventh preambular paragraph of Security Council resolution 465 (1980), which takes into account the need to consider measures for the impartial protection of private and public land and property, and water resources. They are also a violation of paragraph 5 of that resolution, which states that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Arab territories occupied since 1967 have no legal validity, as affirmed in Security Council resolution 497 (1981), which further states that such measures are null and void.

The Syrian Arab Republic, in conformity with the rules of international law and Security Council resolutions, calls upon the Security Council, the General Assembly, the Human Rights Council and the international community to assume their responsibility of preventing Israel from continuing its ongoing violations, particularly with respect to plundering the natural resources of occupied Arab territories, including the water in the occupied Syrian Golan.

8. The Syrian Arab Republic rejects the Knesset decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem and to require the support of more than 80 per cent of Israelis for such a withdrawal; it is a decision that violates and shows contempt for international law, which stipulates that territory may not be acquired by force. It also amounts to a further defiance of Security Council resolution 497 (1981).

9. The Government of the Syrian Arab Republic reaffirms its request to the Secretary-General of the United Nations, the Office of the United Nations High Commissioner for Human Rights, the President of the Human Rights Council and the President of ICRC to exert pressure on Israel to provide more humane sanitary conditions for the Syrians detained in its prisons. It also expresses its rejection of the sham trials of those prisoners, such as that of Majid al-Sha`ir, which was conducted at Nazareth's main court on 14 July 2010. Mr. al-Sha`ir was sentenced to imprisonment for a term of 5 ½ years, and his son Fida' Majid al-Sha`ir to a term of 3 years, on the charge of communicating with the Syrian motherland. The Government further expresses its concern over the recent increase in cases of Syrian farmers and herders, including children, abducted by Israel from the Syrian side of the ceasefire line in the occupied Syrian Golan. It reaffirms its thorough condemnation and rejection of all these practices.

10. The Government of the Syrian Arab Republic also stresses to the above-mentioned international actors the need to exert pressure on Israel to comply with paragraph 4 of Human Rights Council resolution 19/14, which 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 to rescind its decision to prohibit these visits, as occurred recently when, on 27 March 2012, the Israeli occupation authorities refused to allow a delegation of religious dignitaries from the occupied Golan to cross into the motherland for the burial of Ahmad al-Hijri in the Syrian city of Suwaida'. These arbitrary Israeli practices inflict material, mental and physical suffering on Syrian citizens and contravene the Geneva Conventions and all international humanitarian norms and instruments. The Government stresses that Israeli practices in the occupied Syrian Golan exceed all legal and moral bounds, the most recent example being the two-year period of house arrest imposed by the Israeli occupation authorities on a 2-year-old child, Fahd Lu'ay Shuqair, on the pretext that he was born outside Israel when his parents were studying in Syria.

11. Lastly, the Government of the Syrian Arab Republic points out that, in order to guarantee sustainable stability and security in the Middle East region, adequate measures must be taken to ensure the implementation of all relevant international resolutions, including Human Rights Council resolutions, without discrimination or selectivity. The Geneva Conventions must also be invoked in order to bring pressure to bear on Israel, the occupying Power, to comply with the wishes of the international community for the achievement of a just and comprehensive peace in the region. The Syrian Arab Republic, too, shares the concern expressed in Human Rights Council resolution 19/14 at the halting of the peace process in the Middle East and the hope likewise expressed that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973), and of the principle of land for peace, for the establishment of a just and comprehensive peace in the region.

The Permanent Mission of the Syrian Arab Republic requests that the present note be disseminated and circulated in the official languages of the United Nations as a document of the twenty-second session of the Human Rights Council.

The Permanent Mission of the Syrian Arab Republic avails itself of this opportunity to express to OHCHR the assurances of its highest consideration.

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