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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Human rights situation in Palestine and other occupied Arab territories

Report of the Secretary General on the human rights in the occupied Syrian Golan

Report of the Secretary-General

Summary

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights, on behalf of the Secretary-General, pursuant to the Human Rights Council resolution 19/14, in which the Council requested the Secretary-General to report to the Council at its twenty-second session on the implementation of the resolution.

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 19/14, in which the Council called upon Israel, the occupying Power, to comply with relevant resolutions of the General Assembly, the Security Council and the Human Rights Council. The Council recalled in particular Security Council resolution 497 (1981), in which it decided, *inter alia*, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision. The Human Rights Council also requested the Secretary-General to bring resolution 19/14 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 thereon to the Council at its twenty-second session.

II. Implementation of Human Rights Council resolution 19/14

2. On 20 September 2012, the Office of the United Nations High Commissioner for Human Rights (OHCHR), on behalf of the Secretary-General, addressed a note verbale to the Government of Israel referring to Human Rights Council resolution 19/14, requesting information on any steps taken or envisaged to be taken concerning the implementation of the said resolution. No reply was received.

3. Also on 20 September 2012, OHCHR, on behalf of the Secretary-General, addressed a note verbale to all permanent missions in Geneva to draw their attention to resolution 19/14 and to request the Governments of Member States to provide information on any steps taken or envisaged to be taken concerning the implementation of the relevant provisions of the resolution. The Permanent Missions of the Syrian Arab Republic and of Cuba responded by means of notes verbales, on 5 and 9 October 2012, respectively.

4. On 8 October 2012, OHCHR, on behalf of the Secretary-General, brought resolution 19/14 to the attention of the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, pursuant to the request of the Council made in the resolution.

5. In its note verbale, the Government of the Syrian Arab Republic stated that, despite repeated requests from the international community for the complete withdrawal of Israel from the Syrian Golan, Israel continued to occupy the territory, to pursue daily repressive practices against Syrians there and to persist in its “flagrant” violation of international laws and norms with impunity. It also stated that Israel continued to ignore the resolutions of the Security Council and the General Assembly, including such recent resolutions as Human Rights Council resolution 19/22 and General Assembly resolution 66/80. The Syrian Arab Republic pointed out that, after 45 years of Israeli occupation, and despite resolutions and demands from the international community, Israel continued undeterred its expansionist goals.

6. In its note verbale, the Government of the Syrian Arab Republic affirmed its desire to cooperate with the United Nations with a view to ending the occupation of the Syrian Golan and the other Arab territories. On the basis of that understanding, the Government added that United Nations resolutions continued to be the basis for a just and comprehensive settlement of the problems in the Middle East. President Bashar Al-Assad had declared, on more than one occasion, the willingness of the Syrian Arab Republic to resume peace negotiations on the same basis as that on which the Madrid peace process had

started in 1991. Furthermore, the Syrian Arab Republic had declared, in all international forums, its full commitment to the relevant international resolutions and had called for their implementation, particularly Security Council resolutions 242 (1967), 338 (1973) and 497 (1981), as well as for the implementation of the principle of land for peace, in order to ensure full withdrawal by Israel from all of the occupied Syrian Golan to the line of 4 June 1967.

7. In its note verbale, the Government of the Syrian Arab Republic deplored construction by Israel of a separation wall, which will be four kilometres long and eight metres high near the ceasefire line, opposite the occupied village of Majdal Shams, on the pretext that the wall would prevent Palestinians and Syrians from crossing the ceasefire line and entering the village. Within this context, the Government referred to the killing and injury of peaceful demonstrators by Israeli soldiers during the commemoration of *Nakba* on 15 May 2011, near the ceasefire line with the occupied Syrian Golan, as well as the commemoration of *Naksa* on 5 June 2011 on the Syrian side of the ceasefire line. Both incidents were detailed in the report of the Secretary-General to the Human Rights Council (A/HRC/19/46).

8. In its note verbale, the Government of the Syrian Arab Republic referred to Human Rights Council resolution 19/14, in which the Council expressed deep concern about the findings included 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, deplored the Israeli settlements in the occupied Arab territories, and expressed regret at the constant refusal of Israel to cooperate with and to receive the Special Committee. The Government also condemned the campaigns conducted by Israel to promote settlement building in the occupied Syrian Golan, the latest of being the “Come to Golan” campaign in December 2010, aimed at bringing more Israeli settler families to the occupied Syrian Golan. The Government also condemned the establishment of a new site for Israeli tourism near the settlement of It’am, and the development of “tourist cities” in the al-Batiha region, particularly in the area of Tal Sayadin on the eastern shore of Lake Tiberias. It reiterated its condemnation of the organization of tourist trips by global Jewish organizations to the occupied Syrian Golan, the promotion of settlements and the development of infrastructure to service those settlements. The Government noted that such actions clearly demonstrated Israel’s disregard for peace and the decisions of the Security Council and the General Assembly, such as General Assembly resolution 66/80, in which the Assembly called on Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, in particular to desist from the establishment of settlements.

9. The Government of the Syrian Arab Republic condemned all Israeli practices and conduct in the occupied Syrian Golan, which constituted “flagrant violations” of Security Council resolution 497 (1981) and General Assembly resolution 66/225. The Government referred to recent Israeli media reports, in the newspapers *Maariv* and *Calcalist*, of Israel’s intention to establish and expand a wind farm in the occupied Syrian Golan. The Government affirmed that the project was being carried out in cooperation with Israeli and foreign companies, namely Mei Golan, Multimatrix and the United States-based corporation AES, and urged Member States to refuse to import natural and manufactured products from the occupied territories, in accordance with their obligations under international law, and to reaffirm the need for Israel to respect international law.

10. In its note verbale, the Government of the Syrian Arab Republic also deplored the fact that, in March 2012, Israel had prevented Syrian farmers from transporting their crop from the occupied Golan to other parts of the Syrian Arab Republic, in violation of the agreement between the International Committee of the Red Cross (ICRC) and Israel. According to the Government, such arbitrary denial of passage had caused considerable

material losses to the Syrian farmers, who were unable to find an alternative market for their crop. The Government called on the Secretary-General to intervene in order to ensure that Israel respected its agreement with ICRC and the non-recurrence of such unjustified action. The Government repeated its condemnation of the fact that, in December 2010, Israel had confiscated water sources from the occupied Syrian Golan and allocated water exclusively to Israeli settlers, resulting in financial losses amounting to more than \$20 million for Syrians in the Golan, whose livelihood depends on farming and fishing, and would result in an economic and environmental catastrophe in the area. The Government believes that this was a deliberate violation of the human rights of Syrians and constituted a violation of the seventh preambular paragraph of Security Council resolution 465 (1980), in which the Council took into account the need for measures to ensure the protection of important natural resources of the territories under occupation, including water. According to the Government, it also violated paragraph 5 of the same resolution, in which the Council determined that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of Arab territories occupied since 1967 were null and void and with no legal validity. Referring to international law and the United Nations, the Government called on the Security Council, the General Assembly, the Human Rights Council and the international community to prevent Israel from continuing its violations, including looting natural resources from the occupied Golan and other Arab territories.

11. In its note verbale, the Government of the Syrian Arab Republic reaffirmed its rejection of the decision made by the Knesset on 22 October 2010 to mandate a referendum on any agreement that would lead to the withdrawal of Israel from the occupied Golan and East Jerusalem, and requiring the support of more than 80 per cent of Israelis for any such withdrawal. It noted that the motion was a violation of and reflected contempt for international law, which stipulates that territory may not be acquired by force, and was also incompatible with Security Council resolution 497 (1981).

12. In its note verbale, the Government of the Syrian Arab Republic reaffirmed the request it had made to the Secretary-General, the President of the General Assembly, the United Nations High Commissioner for Human Rights, the President of the Human Rights Council and the President of ICRC to put pressure on Israel to ensure that Syrian prisoners detained in its jails were kept in humane conditions. It also rejected the trials of Syrians by Israel on 14 July 2010: Majed Shaer, who was sentenced to five and a half years in prison, and his son Fidaa, who was sentenced to three years of imprisonment for establishing contact with their motherland. The Government expressed concern at the increasing number of cases of abduction of Syrian farmers and shepherds by Israel, including children, from the Syrian side of the ceasefire line, and condemned and rejected all these practices. The Government referred to other violations that were reported to the Human Rights Council at its twelfth and thirteenth sessions, as seen in the reports of the Secretary-General (A/HRC/13/52 and A/HRC/16/25).

13. The Government of the Syrian Arab Republic reaffirmed the need to pressure Israel to respect paragraph 4 of Human Rights Council resolution 19/14, in which the Council called upon Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in their motherland through the Quneitra crossing, and to rescind its decision barring these visits. The Government referred to the decision of Israel to deny the passage of a Syrian delegation of religious leaders from the occupied Syrian Golan to other parts of the Syrian Arab Republic to attend the funeral of Ahmed Alhijry.¹ The Government

¹ The Government of the Syrian Arab Republic did not provide any further details on the deceased in its note verbale.

stressed the material, psychological and physical suffering of Syrians as a result of Israel's arbitrary practices, which violated the Geneva Conventions and customary international humanitarian law. The Government stressed that Israeli practices in the occupied Syrian Golan exceed all legal and moral boundaries.

14. The Government of the Syrian Arab Republic concluded by stating that reaching sustainable peace and stability in the Middle East would require the adoption of measures ensuring the enforcement of all relevant international resolutions, including those of the Human Rights Council, without discrimination or selectivity, as well as the implementation of the Geneva Conventions.

15. On 9 October 2012, the Permanent Mission of Cuba reaffirmed in its note verbale that the acquisition of territory by force was inadmissible under international law and the Charter of the United Nations, and also referred to the applicability of the Fourth Geneva Convention in the occupied Syrian Golan. The Government placed great importance on the efforts made within the framework of the United Nations to bring the occupation by Israel of the Syrian Golan to an end. In its view, Israel continued to violate the human rights of Syrians, including the right to health, in blatant disregard of its obligation as the occupying Power. Israel had to comply with the resolutions adopted by the World Health Organization, the Security Council, the General Assembly and the Human Rights Council regarding the occupied Syrian Golan, and had to withdraw from this area. The Government expressed concern about information relating to the construction by Israel of a wall in the occupied Syrian Golan, from Majdal Shams in the north to Al-Hammi in the south. In this context, the Government of Cuba considered null and without juridical validity or effect all legislative, administrative and other actions that Israel had undertaken or could undertake aiming at modifying the legal status, the physical character and the demographic composition of the occupied Syrian Golan, as well as any measures taken by Israel to apply its jurisdiction and administration in this area. Furthermore, the Government of Cuba condemned the "brutal practices" used by Israel against prisoners connected with the occupation, and repeated its serious concern regarding the inhumane conditions of detention of Syrians held in the occupied Syrian Golan, which led to the deterioration of their physical health and put their lives in danger, in obvious violation of international humanitarian law. The Government demanded that Israel comply, immediately and without conditions, with the Fourth Geneva Convention and apply it with respect to Syrian detainees. The Government reiterated the inalienable right of the Syrian Arab Republic to the occupied Syrian Golan, and demanded the unconditional withdrawal of Israel from it, as well as from all occupied Arab territories.
