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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

Human rights in the occupied Syrian Golan

Report of the Secretary-General

Summary

The present report is submitted pursuant to Human Rights Council resolution 16/17, in which the Council requested the Secretary-General to report to the Council at its nineteenth session on the implementation of that resolution.

I. Introduction

1. In its resolution 16/17, the Human Rights Council called upon Israel 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 Security Council 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 16/17 to the attention of all Governments, 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 the matter to the Council at its nineteenth session.

II. Implementation of Human Rights Council resolution 16/17

2. On 1 November 2011, 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 16/17, requesting information on any steps taken or envisaged to be taken concerning the implementation of the relevant provisions of that resolution. No reply was received to that request.

3. Also on 1 November 2011, OHCHR, on behalf of the Secretary-General, addressed a note verbale to all permanent missions to draw their attention to Human Rights Council resolution 16/17 and to request the Governments of Member States to provide information on any steps that they had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution. The Permanent Missions of the Syrian Arab Republic and of Algeria replied to the note verbale.

4. On 14 November 2011, the Government of the Syrian Arab Republic regretted to note that, despite the repeated requests from the international community for the complete withdrawal of Israel from the Syrian Golan, Israel continued to occupy the Golan, pursued daily repressive practices against the population of the Golan and persisted in its flagrant violations of international law and norms with impunity. The Syrian Arab Republic stated that General Assembly resolution 65/18 confirmed the failure of Israel to withdraw from the Syrian Golan and its disregard for the resolutions of the Security Council and the General Assembly. In resolution 65/18, the General Assembly declared that the annexation by Israel of the Syrian Golan in 1981 and its subsequent imposition of Israeli laws, nationality and administration on Syrian Golan were null and void, without legal effect and had to be revoked. The Syrian Arab Republic noted that, after 44 years of Israeli occupation and despite international resolutions and demands from the international community, Israel continues to ignore those demands and resolutions. The Syrian Arab Republic affirmed its desire to continue to work and cooperate with the United Nations with a view to ending that occupation. On the basis of that understanding, the Syrian Arab Republic stated that United Nations resolutions continue to be the reference for a just and comprehensive resolution of the problems in the Middle East. According to the note verbale, President Bashar Al Assad had declared on more than one occasion that the Syrian Arab Republic was willing to resume peace negotiations on the same basis on which the Madrid peace process was started in 1991. It also noted that the Syrian Arab Republic had 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 ensure the full withdrawal by Israel from all of the occupied Syrian Golan to the line of 4 June 1967.

5. In its note verbale, the Government of the Syrian Arab Republic strongly condemned the killing by Israel of peaceful demonstrators who had sought to remind the international community of their right to return to their homeland after four decades of occupation. The Syrian Arab Republic noted the incident of 5 June 2011, when peaceful Syrian and Palestinian demonstrators commemorating Naksa were shot by Israeli troops on the Syrian side of the ceasefire line, resulting in 23 dead and 350 wounded. The Syrian Arab Republic also pointed out that similar crimes were committed on 15 May 2011 during the commemoration of Nakba, near the ceasefire line with the occupied Golan. It stated that Israeli forces had used live ammunition to disperse peaceful protestors, resulting in 15 dead and dozens of wounded.

6. In its note verbale, the Government of the Syrian Arab Republic condemned the construction by Israel of a barrier near the ceasefire line, in front of the occupied village of Majdal Shams, as well as campaigns that promote settlement building in the occupied Golan, the latest of which was in December 2010 under the title of “Come to Golan” with the aim of attracting more Israeli settler families to Golan. It deplored the establishment of a new tourist settlement near the settlement of It’am in cooperation with the extremist settlement of Yobatan. The Government of the Syrian Arab Republic condemned the arrival of more settlers to the Golan in the name of “tourist cities” in the al-Batiha region located in the south of the occupied Golan, particularly in the area of Tal Sayadin on the eastern shore of Lake Tiberias. It condemned the organization of tourist trips by international Jewish organizations to the Golan and the promotion of settlements, and the development of infrastructure to service those settlements. It stated that these actions clearly demonstrate the disregard by Israel for peace and for the decisions of the Security Council and the General Assembly.

7. The Government of the Syrian Arab Republic condemned the distribution by the Permanent Representative of Israel to the United Nations in New York of products from the occupied Syrian Golan, and stressed that such behaviour constituted a flagrant violation of Security Council resolution 497 (1981) and General Assembly resolution 65/179 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”.

8. In its note verbale, the Government of the Syrian Arab Republic deplored the fact that, in December 2010, Israel had confiscated water sources from the occupied Golan in order to allocate water exclusively to Israeli settlers, resulting in a financial loss of more than \$20 million for the Syrian nationals of the Golan, whose livelihoods depend on farming and fishing. The Government believes that this was a deliberate violation of human rights of the Syrian residents of the Golan and constituted a violation of paragraph 7 of Security Council resolution 465 (1980), in which the Council called for the protection of the natural resources of the territories under occupation, including water, and of paragraph 5 of the said resolution, in which the Council determined that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, had no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constituted a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.

9. In its note verbale, the Government of the Syrian Arab Republic rejected the decision made on 22 October 2010 by the Israeli Knesset to mandate a referendum on any

agreement leading to the withdrawal of Israel 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 pointed out that the motion represented a violation of – and showed contempt – for international law, which stipulates that territory may not be acquired by force, and was also incompatible with Security Council resolution 497 (1981).

10. In its note verbale, the Government of the Syrian Arab Republic reaffirmed its request 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 the International Committee of the Red Cross to put pressure on Israel to ensure that the Syrian prisoners detained in its jails are kept in more humane health conditions. It also rejected the trials by the Israeli occupation authorities of the Syrian nationals Majed Shaer, sentenced to five and a half years in prison; his son Fidaa, sentenced to three years in prison; and Yusuf Shams, sentenced to five years in prison. The Government also underlined its request to the above-mentioned international figures to put pressure on Israel to rescind its decision barring visits by citizens from the occupied Syrian Golan to their homeland, the Syrian Arab Republic, through the Qunaitra crossing, including the refusal to allow the Syrian student, Raeq Sha'lan, to return to the occupied Golan on 5 July 2011, as well as its refusal to allow the family of the young Syrian student Faras Abu Saleh, who was sick and in hospital, to visit him for three days in January 2010. According to the Government, in addition to the psychological and physical suffering of Syrian citizens, this also violates international humanitarian law. The Syrian Arab Republic stressed that Israeli practices in the occupied Syrian Golan exceed legal and moral boundaries. The Government of the Syrian Arab Republic called on the international community to take all necessary measures and put pressure on Israel so that it complies with its obligations under international law.

11. On 18 November 2011, the Permanent Mission of Algeria, in a note verbale, emphasized that its position on the question of the occupied Golan and its two interrelated manifestations, the restoration of Syrian sovereignty over the occupied Golan and the human rights situation, remained in accordance with the principles of international law and relevant international standards. In its note verbale, Algeria stated 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 were null and void, constituted 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 had no legal effect. The Government of Algeria recalled that it had expressed in many forums and international meetings its condemnation of the Israeli occupation of the Arab Syrian Golan. It demanded the withdrawal of Israeli forces from the Golan and called for the restoration of Syrian sovereignty over the territory. It considered that the resolution of the issue of the occupation of the Golan constituted a necessary condition to reach a just and comprehensive solution to the Arab-Israeli conflict. The Government of Algeria would not accept anything less than the restoration of all occupied Arab territories in Palestine, the Syrian Arab Republic and Lebanon. With regard to the human rights situation in the occupied Syrian Golan, Algeria strongly condemned the repressive Israeli practices against Syrian citizens resisting the occupation and trying to preserve their right to their land and their Arab identity. Algeria recalled that it had supported many resolutions of the League of Arab States that condemned practices by Israel and its flagrant violations of human rights, and demanded that the United Nations, the Security Council and the Human Rights Council 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 for Syrians.