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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 prepared pursuant to Human Rights Council resolution 37/33 on human rights in the occupied Syrian Golan, in which the Council requested the Secretary-General to report on the matter to it at its fortieth session.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 37/33 on human rights in the occupied Syrian Golan, adopted on 23 March 2018, in which the Council called upon Israel, the occupying Power, to comply with the 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 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.

2. In its resolution 37/33, the Human Rights Council requested the Secretary-General to bring the 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 the matter to the Council at its fortieth session. In addition, the Council decided to continue its consideration of the human rights violations in the occupied Syrian Golan at its fortieth session.

II. Implementation of Human Rights Council resolution 37/33

3. On 26 November 2018, 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 37/33 and requesting information on any steps taken or envisaged, concerning the implementation of the resolution. At the time of reporting, no reply had been received.

4. On the same day, and on behalf of the Secretary-General, OHCHR addressed a note verbale to all permanent missions in Geneva to draw their attention to Human Rights Council resolution 37/33 and to request the Governments of Member States to provide information on any steps taken or envisaged, concerning the implementation of the relevant provisions of the resolution. The Permanent Missions of the Syrian Arab Republic, Algeria and Iraq responded to that request.

5. Also on the same day and on behalf of the Secretary-General, OHCHR addressed a note verbale to the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations to bring to their attention Human Rights Council resolution 37/33. OHCHR did not receive any replies thereto.

6. On 7 December 2018, the Permanent Mission of the Syrian Arab Republic addressed a note verbale to OHCHR, in which it stressed that since 1967 in the occupied Syrian Golan, Israel, the occupying Power, had been systematically violating international law, United Nations resolutions and provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) and the Protocol additional to the Geneva Conventions of 1949, and relating to the protection of victims of international armed conflicts. The United Nations resolutions included Security Council resolutions 237 (1967), 242 (1967), 338 (1973) and 497 (1981), and all relevant resolutions adopted by the Economic and Social Council and the Human Rights Council.

7. The Syrian Arab Republic also referred to the report of the Secretary-General on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan (A/73/87-E/2018/69). It noted that the relevant paragraphs on the occupied Syrian Golan highlighted Israeli violations of the civil, political, economic, social and cultural rights of the Syrian residents, in particular with regard to the decision taken by Israel to impose its laws, jurisdiction and administration in the occupied Syrian Golan since 1981, including by supporting settlement policies. The Secretary-General had indicated that Israeli practices and policies in the Occupied

Palestinian Territory and in the occupied Syrian Golan over the past 51 years had violated international humanitarian and human rights law, and that some of them might be considered discriminatory. The Secretary-General had also indicated that certain Israeli practices might amount to forcible transfer of protected persons and collective punishment, which could constitute a grave breach of the Fourth Geneva Convention.

8. The Syrian Arab Republic referred to the 2018 report of the Director-General of the International Labour Organization on the situation of workers of the occupied Arab territories,¹ in which the Director-General noted attempts by Israel to foster the overall integration of the occupied Syrian Golan into Israel by delinking it from the Syrian Arab Republic and by increasing Israeli settlement activities. He also mentioned that Syrian residents of the occupied Syrian Golan, notably the farmers, continued to suffer under discriminatory policies such as those on land confiscation and disproportionate allocation of natural resources, including land and water.

9. The Syrian Arab Republic stressed that Israel had been systematically violating the rights of the Syrian population in the occupied Syrian Golan, including the rights to development and to fundamental freedoms. Those violations included land confiscation, the establishment of Israeli military sites, the planting of landmines under false security pretexts and the establishment and further expansion of Israeli settlements. Those practices were aimed to restrict movement and access to livelihoods, with a view to forcing Syrian residents of the occupied Syrian Golan out of their lands. It emphasized that Israel used various means to achieve its ends, such as the illegal exploitation of natural resources, arbitrary detention and ill-treatment of detainees.

10. The Syrian Arab Republic noted that the Israeli decision to hold local elections on 30 October 2018 constituted a serious violation of the Geneva Conventions and had been met with widespread protests by the local Arab population. It accused the Israeli Defense Forces of resorting to excessive use of force and tear gas while dispersing the protests, leading to cases of suffocation and nausea among the local population, notably in the settlement of Majdal Shams.

11. The Syrian Arab Republic emphasized that Israel continued to implement its “Judaization” and expansion campaigns, including through the confiscation of water sources and fertile agricultural lands throughout the occupied Syrian Golan. It reported that Israel intended to bring the number of Israeli settlers to 100,000 within the next 10 years, and it intended to achieve that goal by offering Israeli settlers in the occupied Syrian Golan additional financial incentives, including tax cuts and job opportunities, and by increasing the number of Israeli economic, cultural and scientific institutions in the occupied Syrian Golan. In addition, as part of the new “Golan plan”, Israel was planning to significantly expand its existing 40 settlement outposts in the occupied Syrian Golan by launching substantial road and rail infrastructure to link the occupied Syrian Golan with what the Syrian Arab Republic described as the occupied Palestinian territories.

12. The Syrian Arab Republic stated that Israel intended to turn Katzrin into the largest grouping of settlements, which would include Majdal Shams. It accused Israel of having confiscated 10,000 m² of land for the establishment of a new industrial zone in the Katzrin settlement, which, according to the Syrian Arab Republic, was being managed by an Israeli company.

13. The Syrian Arab Republic noted that all those Israeli practices and policies constituted serious violations of the civil, economic, social and cultural rights of Syrians in the occupied Syrian Golan, such as the rights to work, freedom of movement, property and to preserve cultural and historical heritage. It highlighted the discriminatory practices and restrictions imposed by Israel on the Syrian inhabitants of the occupied Syrian Golan and indicated that those practices threatened the existence of the Syrian population. For example, in the area of construction, Syrians faced disproportionately high taxes when submitting requests for utility services.

¹ International Labour Organization, document ILC.107/DG/APP.

14. The Syrian Arab Republic emphasized that Syrian sovereignty over natural resources in the occupied Syrian Golan was being systematically violated by Israel, whose settlers continued to benefit from a disproportionately larger allocation of natural resources, such as clean water. It explained that the quantity of water allocated to Syrian farmers was limited to 200 m³ for every 1,000 m² of land (subject to further restrictions during the dry season) while Israeli settlers benefited from 600 to 800 m³ of water for the same portion of land. Similarly, Israel forced Syrian farmers to sell their apples at low prices while subjecting them to higher taxes and restricting their ability to transport their harvest to the territory of the Syrian Arab Republic. The Syrian Arab Republic viewed those restrictive measures as an attempt to force Syrian farmers off their lands. It further explained that the discriminatory water allocation policies exacerbated the challenges faced by Syrian farmers, including competition from Israeli settlers. Additionally, access to the water supply was limited for Syrian farmers owing to the prohibition on building new wells imposed by Israel. Half of the water needed for farming therefore had to be purchased from the Israeli water company.

15. The Syrian Arab Republic stated that Israel continued to illegally exploit Syrian natural resources such as oil and gas in the occupied Syrian Golan, including by granting oil companies such as Afek (Israeli) and the Jenney Oil Company (of the United States of America) the rights to prospect and further exploit some 10 different sites in the occupied Syrian Golan.

16. The Syrian Arab Republic described violations of economic and social rights, including the rights to freedom of movement, to property and to work, illustrated by the confiscation by Israel of approximately 28 per cent of agricultural lands in the occupied Syrian Golan. It reported that Israel had created a special fund to ensure the establishment of an additional 750 farms in the occupied Syrian Golan in 2018.

17. The Syrian Arab Republic noted that Israel had deliberately violated the right to the highest attainable standard of physical and mental health of the Syrian population of the occupied Syrian Golan. Syrians in the occupied Syrian Golan suffered from the lack of adequate medical facilities, specialized clinics and hospitals.

18. The Syrian Arab Republic stated that Israel had violated the rights to education and to cultural heritage by imposing the Israeli education curriculum and the Hebrew language on Syrian children in the occupied Syrian Golan, in an attempt to keep them away from their national Syrian identity and culture. It accused Israel of preventing Syrian students from pursuing their education in the Syrian Arab Republic by restricting their freedom of movement or subjecting them to travel bans.

19. The Syrian Arab Republic stated that Israel continued to consider the Syrian population in the occupied Syrian Golan as “third-class” workers, as they were often hired to perform highly labour-intensive work and they often faced discriminatory practices and policies such as high taxes (between 35 and 60 per cent of their incomes), low wages and limited medical and social coverage. Israel had also exploited child labour in the occupied Syrian Golan. Children under the age of 17 currently made up 60 per cent of the workforce and the rate of dropout from primary and secondary school had reached more than 20 per cent. Israeli labour law, which prohibited child labour, did not apply to Arab communities, which, according to the Syrian Arab Republic, was yet more evidence of the discriminatory nature of Israeli laws.

20. The Syrian Arab Republic reiterated the fact that Israel continued to prevent the Syrian population of the occupied Syrian Golan from communicating with their respective families in the Syrian Arab Republic, including by establishing checkpoints and planting landmines along the ceasefire line. It stated that the practice by Israel of imposing Israeli identity cards on Syrian residents was in violation of their civil rights.

21. The Syrian Arab Republic stated that Israel continued to arbitrarily arrest and detain Syrian residents of the occupied Syrian Golan, and to further subject them to ill-treatment and military sham trials. For example, Sidqi al-Miqt had been sentenced to 14 years of imprisonment in May 2017 for his anti-occupation stance and his work in disclosing Israeli support for terrorist groups, including the Nusrah Front (also known as Hay’at Tahrir al-

Sham), in the occupied Syrian Golan. Israel continued to prevent Mr. al-Miqt's family from visiting him.

22. The Syrian Arab Republic reported that Arab and Syrian prisoners, currently detained by Israel, continued to be subjected to denial of adequate medical care, torture, and inhuman and degrading treatment. It accused Israel of subjecting some detainees to medical experiments that had later resulted in serious illness and death, including in the cases of Hayel Abu Zeid, Sitan al-Wali and Asaad Fares Abdel Wali, who had reportedly died due to medical negligence in Israeli detention facilities.

23. The Syrian Arab Republic emphasized that the population of the occupied Syrian Golan had been suffering for more than 51 years from the effect of landmines planted by Israel in their lands and residential areas. The persistence shown by Israel in its refusal to provide additional information as to the quantity, types and location of those landmines constituted a serious threat to the safety and physical integrity of Syrian residents.

24. The Syrian Arab Republic noted that Israel continued to bury nuclear waste with radioactive content in 20 different areas populated by Syrian citizens of the occupied Syrian Golan, particularly in the vicinity of Al-Sheikh Mountain. The practice had put the lives and health of Syrians in the occupied Syrian Golan in jeopardy, and constituted a serious violation of the Fourth Geneva Convention.

25. According to the Syrian Arab Republic, Israel continued to violate the resolutions on counter-terrorism adopted by the Security Council by providing logistical support to "terrorist groups", such as the Nusrah Front, currently operating along the ceasefire line. It accused Israel of providing those groups with weapons, ammunition, money and medical care to frighten the local population and to maintain a no-go zone along the ceasefire lines.

26. The Syrian Arab Republic noted that all of the systematic Israeli practices were aimed to consolidate the occupation of the Syrian Golan, including by altering the demographic, geographical, cultural and political nature of the occupied Syrian Golan and its security. It regretted that the international community had decided to remain silent in the face of such practices.

27. The Syrian Arab Republic recalled that, after 51 years of occupation, Israel continued its practices with impunity and with disregard for international law, United Nations resolutions and the provisions of the Fourth Geneva Convention. It concluded by urging the international community to put an immediate end to the Israeli illegal occupation of the Syrian Golan and not to recognize any of the legislative or administrative measures and actions taken by Israel in the occupied Syrian Golan, including with regard to its settlement policies. It called upon Member States and international organizations to keep monitoring and reporting on the human rights situation in the occupied Syrian Golan.

28. By note verbale dated 3 December 2018, the Permanent Mission of Algeria stated that it did not recognize, and would not recognize, any of the legislative or administrative measures and actions taken by Israel in the occupied Syrian Golan.

29. By note verbale dated 5 December 2018, the Permanent Mission of Iraq reaffirmed the principle of the inadmissibility of the acquisition of territory by force and the illegal nature of all measures taken by Israel to impose its laws and jurisdiction on the occupied Syrian Golan.

30. The Permanent Mission of Iraq categorically rejected the holding of municipal elections in the occupied Syrian Golan and reaffirmed the urgent need to abide by the Fourth Geneva Convention. It expressed its objection to all settlement campaigns and emphasized that the displaced persons of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties.

31. The Permanent Mission of Iraq stressed the urgent need to respect the Charter of the United Nations, including with regard to respecting national sovereignty and the territorial integrity of States, and called for the implementation of all international resolutions on the occupied Syrian Golan.

32. The Permanent Mission of Iraq concluded by expressing its concerns with regard to United Nations reports that had been highlighting the plight of the Syrian population in the occupied Syrian Golan, and invited the United Nations to multiply its efforts to bring an end to that suffering and to the illegal occupation of the occupied Syrian Golan.
