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**HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER
OCCUPIED ARAB TERRITORIES**

Joint written statement* submitted by the Union of Arab Jurists, the International Organization for the Elimination of All forms of Racial Discrimination (EAFORD), the General Arab Women Federation, the Arab Lawyers Union, the Indian Movement Tupaj Amaru (IMTA), the General Federation of Iraqi Women (GFIW), the United Towns Agency for the North-South Cooperation, the International Association of Democratic Lawyers, the International Educational Development - Humanitarian Law Project, the Women International Democratic Federation (WIDF), the Association of Humanitarian Lawyers, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2009]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human rights in the occupied Syrian Golan*

Israel occupied the Golan Heights during the June 1967 war. The UN- which always refers to the area as “the Syrian Golan Heights”- condemned these territorial gains and issued Security Council resolution 242 which emphasized the “inadmissibility of the acquisition of territory by war” and stipulated that a just and lasting peace requires the “withdrawal of Israel armed forces from territories occupied in the recent conflict.”

However, the occupying power has consistently ignored all UN resolutions which reiterate the illegality of the occupation, violating UN treaties and endangering international peace and security. The Golan Heights has remained under Israeli occupation for over 40 years.

The fact that the occupation forces continue to exercise military control over the occupied Syrian territory means that the laws of occupation undisputedly apply to the Golan Heights. Thus, the legal issues relating to this matter are straightforward and are covered by the principles of the International law which: (1) prohibits the acquisition of territory by the use of force; (2) prohibits the Occupying Power from changing the status of territory occupation, either directly through annexation or indirectly through colonization; (3) requires the Occupying Power to recognize and protect the rights of the indigenous population of the Golan, Syrian citizens; and (4) requires all States to refrain from recognizing the illegal situation on the ground¹.

Over its 40 years of illegal occupation, the occupying power has committed numerous war crimes, notably the forcible transfer of much of the Syrian population from the Occupied Golan during and following the end of the 1967 war, the destruction of protected property and the transfer of Israeli-Jewish settlers into the occupied territory. The most obvious consequence of these crimes is the change in the physical and demographic landscape of the Occupied Golan.

Right after taking over the Syrian Golan Heights, the Occupying Power issued in June 14, 1967 a military order declaring that the whole area was a closed military zone, and that no one was permitted to enter or leave it, regardless of their identity. Through this order, the new occupying authorities sought to enforce the depopulation of the area from its native Syrian inhabitants by prohibiting Syrian citizens from returning to the area.

Moreover, the occupied Golan was illegally annexed by the occupying power through the passing by the Knesset (Parliament) of the Golan Annexation Law on 14 December 1981, thus applying Israeli laws, jurisdiction and administration to anyone living in the territory, irrespective of origin. The UN condemned this law as a breach of the principles of international law and responded with Security Council Resolution 497 (1981), which unanimously called this move, “null and void” and without international legal effect². Since then, every year the U.N.

* - Association of Arab Lawyers (UK), Monitoring Net of Human Rights in Iraq, Association of Iraqi Diplomats, Women Solidarity for an Independent and Unified Iraq, Women Will Association (WWA), Organization for Widows and Orphans, (OWO), The United Prisoners of Iraq, Association of Victims of American Occupation Prisons, Association of Iraqi intellectual and Academics, Conservation Centre of Environmental & Reserves in Iraq (CCERF), NGOs without consultative status also share the views expressed in this statement.

¹ Guy S. Goodwin-Gill, “The Occupation in International Law”, *The Golan: Ending Occupation, Establishing Peace*, Report of Conference held in London in June 2007, p. 14

² United Nations Security Council Resolution 497, (1981)

passes General Assembly resolution titled "The Occupied Syrian Golan" which reaffirms the illegality of the Israeli occupation and annexation³.

Since 1967, successive Israeli governments adopted numerous policies to control and contain the Syrian population since Israel began its occupation of the Syrian Golan. The most serious abuse of all international and human rights laws and norms was the immediate "uprooting and expulsion of the local Syrian Population"⁴ after the occupation in 1967. As pointed out by *Al - Marsad*, the Arab Center for Human Rights in Occupied Golan, this expulsion was "unprecedented in scale and unprecedented in its ferocity and abuse of basic human rights"⁵ for the sole purpose of cleansing the Golan of its Syrian people and their history.

The forcible transfer and deportation of the majority of the native Syrian inhabitants from the Golan Heights was one of the most serious abuses carried out by the Israeli authorities. This is a direct violation of Article 49 of the Fourth Geneva Convention, which prohibits individual or mass forcible transfers, as well as deportation, of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, regardless of their motive.

The occupying power enforced the depopulation of the occupied territory of some of its 130'000 native Syrian inhabitants by prohibiting Syrian citizens, who had been forcibly transferred, displaced or who had fled the conflict, from returning to their place of residence in the Occupied Golan. Now, these displaced Syrians (including their descendents) exceed 500,000 people. Only 7'000 Syrians remained in the occupied Golan, while today their number amounts to approximately 18'000 people who are concentrated in five small villages which escaped the IDF campaign of destruction in the occupied territory⁶.

Most of the Syrian cities, towns and villages in the Golan were destroyed by the Israeli occupation forces. In place of the destroyed towns and villages they have built over 37 illegal settlements despite all international condemnations⁷. The occupying power began to settle the Golan Heights almost immediately after its capture. Yet, Israeli settlements, which currently house around 20,000 people, are strictly illegal under international law because they are built on occupied territory. This is explicitly stated in several UN Security Council resolutions, describing Israel's settlements as a "flagrant violation" of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and a "serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East." Though illegal under international law, settlement has been encouraged over the years by the occupying power.

³ Most recently, in January 2008, the United Nations General Assembly adopted Resolution 62/85, 'The Syrian Golan.' This resolution reaffirmed the 'fundamental principle of the inadmissibility of the acquisition of territory by force' and the applicability of the Fourth Geneva Convention to the Occupied Golan. United Nations General Assembly Resolution 62/85 (2008) A/Res/62/85, 21 Jan 2008.

⁴ Al Marsad, United Nations Periodic Report to the Committee on the Elimination of Racial Discrimination at <http://www.golan-marsad.org/pdfs/Periodicreport.pdf>.

⁵ Syria: Forty Years On, People Displaced from the Golan Remain in Waiting, (2007), IDMC Internal Displaced Monitoring Centre at: [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/11354A1A3BE82407C12573850037B6C6/\\$file/Syria_IDPs_Overview_Oct07.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/11354A1A3BE82407C12573850037B6C6/$file/Syria_IDPs_Overview_Oct07.pdf).

⁶ Al-Marsad, *Changing The Landscape: Israel's Gross Violation of International Law in the Occupied Syrian Golan*, November 2008

⁷ See United Nations Security Council, Report of the Secretary General on the Middle East (2006) S/2006/956, 11 December 2006, para. 39

Furthermore, Israeli occupation forces not only depopulated the Golan of the majority of its Syrian inhabitants, but prevented any communication between the dispersed families. One of the principal negative impacts of the illegal occupation of the Syrian Golan has been the separation of families who live on either side of the valley constituting the demarcation line. Syrian residents of the occupied Golan are not allowed to visit or communicate with their families and friends that were expelled or lived outside of the Occupied Golan Heights.

Such actions violate Article 26 of the Fourth Geneva Convention, which calls for the renewal of contact between the dispersed families, owing to the war, and their meeting whenever it is possible.

The human rights situation in the Golan is described in UN reports as one of “persistent” and “significant deterioration.” A 2002 UN Special Committee report described the effects of the occupation on the Golan and its population as, “extensive, affecting all aspects of life and families, villages and communities,” adding that “there were also widespread economic consequences of the occupation.” It went on, “The economic situation of Syrians in the occupied Golan is compounded by the lack of job opportunities”⁸.

Since 2006, the UN Human Rights Council passed many resolutions reaffirming the illegal Israel's 1981 annexation of the Golan Heights and urging the occupying power to reverse the settlement policy in the occupied Syrian Golan and to prevent any new installation of settlers. In resolution of March 2008, the Council continued to express deep concerns at the suffering of Syrian citizens in the occupied Syrian Golan due to the systematic and continued violation of their fundamental and human rights by Israel since the Israeli illegal occupation of 1967; and called on the occupying Power to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council.

The NGOs signatory to this statement urge the Human Rights Council to hold the occupying power responsible for its violations in the Golan Heights, and to adhere to the UN resolutions especially those related to human rights and humanitarian law, and to unconditionally withdraw from all the occupied territories including the Syrian Golan.

⁸ [A/57/207 of 16 September 2002](#)