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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 40/21 on human rights in the occupied Syrian Golan, in which the Council requested the Secretary-General to report to it on the matter at its forty-third session.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 40/21, 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, in particular Security Council resolution 497 (1981), in which the 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 40/21, the Human Rights Council also 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 of human rights in the occupied Syrian Golan to the Council at its forty-third session. In addition, it decided to continue its consideration of the matter at its forty-third session.

II. Implementation of Human Rights Council resolution 40/21

3. On 19 November 2019, 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 40/21 and requesting information on steps taken or envisaged concerning the implementation of the resolution. At the time of writing, no reply had been received.

4. Also on 19 November 2019, 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 40/21 and to request 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 and Iraq responded to that request.

5. Also on 19 November 2019, on behalf of the Secretary-General and pursuant to Human Rights Council resolution 40/21, OHCHR addressed a note verbale to the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations to bring the resolution to their attention. OHCHR did not receive any replies thereto.

6. On 2 December 2019, the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed a note verbale to OHCHR stressing that since 1967 Israel had systematically violated international law, United Nations resolutions, including those of the Security Council, the 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 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts. The Syrian Arab Republic recalled that the United Nations resolutions include Security Council resolutions 237 (1967), 242 (1967), 338 (1973) and 497 (1981) and all relevant resolutions adopted by the Human Rights Commission and, since 2006, by the Human Rights Council.

7. The Syrian Arab Republic referred to an increase in the frequency of human rights violations against the Syrian Arab population in the occupied Syrian Golan by the Israeli occupation authorities since the illegal announcement by the United States of America recognizing the illegal annexation of the occupied Syrian Golan by Israel. It added that the announcement was in clear violation of international law, the Fourth Geneva Convention and Security Council resolution 497 (1981), which state that the decision by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without any international legal effect. The Syrian Arab Republic underlined that

the announcement violated other resolutions adopted by the General Assembly and the Human Rights Council in relation to the occupied Syrian Golan.

8. The Syrian Arab Republic stressed the need for OHCHR to closely follow the human rights situation of the Syrian Arab population of the occupied Syrian Golan in line with its mandate. It highlighted its continued efforts to sustain condemnations of Israeli practices and violations against the Syrian Arab population of the occupied Syrian Golan in various international forums, while referring to efforts by Israel and the United States to legitimize Israeli occupation of the Syrian Golan and to marginalize the issue or any reference to it.

9. The Syrian Arab Republic noted that the non-aligned States, in a communiqué adopted at the conclusion of a meeting held in Baku on 25 and 26 October 2019, had reiterated their condemnation of the recognition by the United States of the annexation by Israel of the occupied Syrian Golan. They urged the international community and the Security Council to assume their responsibility in that regard and to recognize that the annexation was in violation of international law, the Charter of the United Nations and Security Council resolution 497 (1981).

10. The Syrian Arab Republic added that on 26 March 2019 the Organization of the Islamic Conference had condemned the recognition by the United States of Israeli sovereignty over the occupied Syrian Golan as a means to legitimize the occupation. It considered that such measures constituted a clear violation of international law and relevant United Nations resolutions, including Security Council resolutions 242 (1967) and 497 (1981). The Organization of the Islamic Conference stressed that the decision of the United States did not alter the legal status of the Syrian Golan, noting that it continued to be occupied Syrian Arab land according to the relevant United Nations resolutions and international law. The General Secretariat of the Organization of the Islamic Conference urged all States to respect international law and relevant United Nations resolutions in that regard.

11. The Syrian Arab Republic noted that the Secretary-General, in his note entitled “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”, continued to reaffirm the validity of Security Council resolution 497 (1981), in which the Council had decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan was null and void and without international legal effect (A/74/88-E/2019/71). The Syrian Arab Republic added that the Secretary-General had highlighted recent developments in the occupied Syrian Golan and the human rights violations committed against the Syrian Arab population by Israel as occupation authorities and noted the illegality of establishing and expanding Israeli settlements and associated infrastructure as well as the transfer of Israeli citizens to territory Israel occupies by force, which is illegal under international law. The Syrian Arab Republic pointed out that the Secretary-General had also stated that Syrians in the occupied Syrian Golan continued to face discrimination, particularly with regard to land, housing and development, and that it was almost impossible for Syrians in the Golan to obtain building permits while the number of demolition orders for houses and structures owned by Syrians issued by the occupation authorities had reached 1,570 since 1983. The Syrian Arab Republic added that discriminatory policies by Israel extended to work opportunities and agriculture with the aim of further entrenching the occupation.

12. The Syrian Arab Republic highlighted that, in the aforementioned note, the Secretary-General had concluded that the long-term Israeli occupation had a negative impact on the living conditions of both the Syrian and Palestinian populations and on their social and economic development; that the impact of the occupation was multilayered and had a cumulative effect on the future of populations living under occupation. The Secretary-General had considered those practices to be discriminatory and that they may amount to forced displacement or collective punishment for protected persons, which was prohibited under international law, including the Fourth Geneva Convention.

13. The Syrian Arab Republic noted that the Director General of the International Labour Organization had, in his 2019 report on the situation of workers of the occupied

Arab territories,¹ detailed a number of discriminatory policies that Israel continued to implement, including preferential policies that facilitate the acquisition of land and water by Israeli settlers, most notably through tax incentives and aid. It remained difficult for Syrians to obtain building permits as Israel was imposing a new system for land registration, creating obstacles for Syrians to prove ownership of their lands and thus providing a pretext for Israel to seize those lands. The Syrian Arab Republic pointed out that the Director General of ILO had expressed concern about the fact that Israel had plans to build wind turbines on a large scale on lands owned by Syrians and that that would significantly restrict the expansion of Syrian villages. Moreover, the Director General of ILO had highlighted the continued attempts by Israel to integrate the occupied Syrian Golan administratively and politically. In his conclusion, the Director General of ILO had noted the continued and general deterioration in the labour conditions in the Arab occupied territories, including the occupied Syrian Golan, and the fact that Syrians had been facing deprivation for over 50 years and continued to face discrimination by the Israeli occupation authorities.

14. The Syrian Arab Republic stated that the Israeli occupation authorities had attempted to impose their illegal decision to hold local council elections in the occupied Syrian Golan on 30 October 2018 in order to legitimize the occupation and impose their laws in that territory. The population in the Golan had undermined those attempts by refusing to vote or participate in the elections despite pressure from the Israeli occupation authorities.

15. The Syrian Arab Republic noted that Israel had granted an Israeli company permits to construct 45 air turbines to produce energy on lands owned by Syrian farmers, as part of its policy to uproot Syrians and seize their lands. That had been done after the Israeli occupation authorities had imposed a land survey on lands owned by people who did not have ownership documents. The Syrian Arab Republic considered that the aim of that policy was to pressure the inhabitants of Syrian villages to accept documents issued by the so-called “Israeli land registration office” instead of their original land registration documents issued in their motherland (the Syrian Arab Republic). It added that, ultimately, such practices were intended to facilitate the confiscation of those lands by imposing alternative “Israeli documents”. The Syrian Arab Republic declared that, in that context, it was important to refer to calls by the Israeli occupation authorities to the population of the occupied Syrian Golan, specifically those living in Ain Qanieh and the industrial area belonging to the village of Majdal Shams, to hand in their original land ownership documents, which had been inherited from their forefathers. It was noted that that procedure was expected to affect a number of other villages in the occupied Syrian Golan and that the Israeli occupation authorities had threatened to confiscate lands from their actual owners and to transfer them to Israeli settlers if the inhabitants of the occupied Syrian Golan did not accept the new Israeli documents.

16. The Syrian Arab Republic added that the new energy-producing wind turbines would be built on a surface totalling 100,000 dunums² of arable land belonging to Syrians living in villages in the vicinity. It stressed that planning for that project continued despite large-scale demonstrations by the population of the occupied Syrian Golan rejecting it and the negative impact it would have on them by restricting their urban expansion and confining them to smaller and more densely populated areas. The Syrian Arab Republic added that the project would cause significant harm to the environment, creating health hazards and damage to arable land. It noted that, more recently, the Israeli electricity company had expanded a high-voltage electrical grid to use and produce electrical energy from the wind turbines it planned to build around the Israeli settlement of Kitsarine.

17. The Syrian Arab Republic noted that the Israeli occupation authorities had, in their attempts to legitimize their occupation of the occupied Syrian Golan, approved a multi-year project to develop agriculture projects in the 33 existing Israeli settlements with the aim of

¹ See www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_705016.pdf.

² One dunum is equivalent to 1,000 square metres.

encouraging Israeli youth to work and join the agricultural sector. Implementation of the project would be accompanied by strong financial incentives to support Israeli settlers, most notably if they were farmers raising poultry. The Syrian Arab Republic indicated that, according to the Minister of Agriculture and Rural Development of Israel, agriculture was the foundation of the Israeli settlement project in the occupied Syrian Golan.

18. The Syrian Arab Republic noted that Israeli settlers had, with the support of the Israeli occupation authorities, seized an area equivalent to 100,000 dunums in the occupied Syrian Golan for growing different kinds of agricultural produce, including fruit, vegetables, grains and flowers. The Syrian Arab Republic highlighted that this situation caused a serious economic burden for the people living in the Syrian villages, who could not compete with that level of production from Israeli settlements, and threatened their future and livelihoods.

19. The Syrian Arab Republic stressed that the Israeli occupation authorities had been pursuing their policy of expropriating and annexing lands and natural resources, including water, in the occupied Syrian Golan for the benefit of Israeli settlers and that Israeli and multinational companies had played a major role in implementing that policy. The Syrian Arab Republic stated in its note verbale that the land confiscation policy was in violation of fundamental human rights and that its implementation had only been possible by doing the following:

(a) Confiscating land owned by internally displaced persons, declaring that it belonged to the State of Israel and justifying those measures by the absence of the owners; the Syrian Arab Republic stressed that this also covered public/common property owned by Syrians and mentioned the village of Massada as a case in point;

(b) Confiscating land close to the ceasefire line and planting landmines;

(c) Confiscating land for military purposes, including for the establishment of military camps and installations, in addition to paving roads for these purposes, including in areas far from the ceasefire line;

(d) Confiscating land to build settlements and affiliated industrial and agricultural zones;

(e) Fencing off areas (reportedly approximately 100,000 dunums) under the pretext of placing them for use by the Israel Nature and Parks Authority;

(f) Confiscating land indirectly through a process called *meshkenta*, which involves offering an agricultural loan against a mortgage to an Israeli bank and confiscating the real estate if the loan is not paid in full.

20. The Syrian Arab Republic noted that the Israeli occupation authorities had recently confiscated tens of dunums of land in the Syrian village of Jabata al-Khashab, which lies within the demilitarized zone established by the United Nations in 1974, with the aim of building trenches close to Syrian territory, a step that had led to the isolation of tens of dunums of land belonging to the village of Jabata al-Khashab.

21. The Syrian Arab Republic stated that in April 2019 the Israeli occupation authorities had, in their attempts to impose Israeli citizenship on the inhabitants of the occupied Syrian Golan, revealed their plan to expand existing settlements and build 30,000 new housing units. The Israeli occupation authorities had also announced their plan to transfer 250,000 Israeli settlers to the occupied Syrian Golan with the aim of altering the demographic character of the area. The impact of those settlement projects undermined the livelihood of the Syrian Arab populations through the confiscation of their lands and by preventing them from naturally expanding on their lands.

22. The Syrian Arab Republic noted that Syrian workers and business owners continued to be subjected to discriminatory and abusive practices in the fields of health and employment. It estimated that the unemployment rate in the occupied Syrian Golan was 51 per cent and noted that impediments to access to health included the lack of health practitioners and health centres, especially specialist and emergency/first aid centres. That situation incurred important financial costs on the Syrian population and on Syrian workers, who were compelled to seek health services in other cities, including Nazareth, Safad and

Jerusalem. Furthermore, in addition to imposing limitations on access to health, the Israeli occupying authorities had also imposed a series of other obstacles to the establishment of new medical centres, compelling the population of the occupied Syrian Golan to seek medical services in the occupied Palestinian Territories. Despite the lack of services in the occupied Syrian Golan, taxes continued to be imposed on the population, including through the patients' fund and medical centres taxes. The Israeli occupation authorities exploited the refusal of the population of the occupied Syrian Golan to obtain Israeli citizenship as an excuse not to grant it access to health services.

23. The Syrian Arab Republic added that the Israeli occupation authorities had, as part of their "cultural war" and specifically their attempts to obliterate Arab culture, continued to impose Israeli curricula and teaching in the Hebrew language instead of teaching in the Arabic language on the population in the occupied Syrian Golan. They also imposed the use of study materials that promoted sectarianism, aimed to sever any links that Arab Syrian students may have with their Arab culture and their religion (Islam) and, ultimately, to undermine Arab Syrian students' identity. Such attempts were facilitated by the appointment of incompetent teachers to further entrench control of the educational process and undermine the national sentiment of the Arab Syrian students. Moreover, the Israeli occupation authorities continued to prevent young Arab Syrian students from completing their university education, including by restricting their travel and access to Syrian universities.

24. The Syrian Arab Republic stressed that the detention conditions of Syrian Arabs in Israeli prisons had continued to worsen and were in blatant violation of international conventions and the relevant United Nations resolutions. Specifically, detained Syrian Arabs were denied access to adequate medical care and were subjected to solitary confinement, administrative detention and torture. The very location of the detention centres in Nagev and Nafha complicated visits by relatives due to their remoteness. Reports had been received of mock trials, such as in the case of an Israeli military court sentencing "the dean of Syrian detainees", Sidqi al-Maqt, to 14 years of imprisonment in April 2017 for his opposition to Israeli occupation and his condemnation of the support provided by the Israeli occupation authorities to terrorist groups in the occupied Syrian Golan, including the Nusra Front. The Israeli occupation authorities had continued to prevent the family of Sidqi al-Maqt from visiting him, a clear violation of his basic rights.

25. The Syrian Arab Republic noted that the deliberate policy of medical negligence in Israeli detention centres had resulted in several deaths resulting from diseases that were difficult to diagnose. Moreover, a number of detainees, including Hayel Abu Zeid, Seitan al-Wali and Fares Assad Abdel Wali, had died shortly after their release from Israeli prisons.

26. The Syrian Arab Republic stressed that the policies and practices of the Israeli occupation authorities were in blatant violation of the economic, social and cultural rights of the Syrian Arab population of the occupied Syrian Golan, including the right to work, the right to education, the right to property, the right to freedom of movement, the right to preserve cultural and historical heritage and the right to the highest attainable standard of health. The racist and discriminatory practices of the Israeli occupation authorities were a threat to the future existence, growth and development of the population of the occupied Syrian Golan.

27. The Syrian Arab Republic called upon the international community not to remain silent in the face of the systematic violations that the Israeli occupation authorities continued to commit, adding that those policies aimed at legitimizing the occupation of the Syrian Golan and at changing the demographic, geographic, cultural, security and political composition of the occupied Syrian Golan.

28. The Syrian Arab Republic reiterated its long-standing position and called upon the United Nations and Member States to put pressure on Israel to end its occupation of the occupied Syrian Golan, in line with international law. It also urged Member States not to recognize any legal status resulting from clear violations of international law and not to provide any support to the Israeli occupation authorities, specifically in terms of

commercial and tourism activities. Such support would further entrench occupation and encourage existing and future Israeli settlements.

29. The Syrian Arab Republic called upon the international community and international organizations to monitor and document blatant violations of international law, including the Fourth Geneva Convention, by Israel and to express their firm condemnation of such violations. It also urged the international community to compel Israel to stop its illegal settlement activities and its oppressive practices against the Syrian Arab inhabitants of the occupied Syrian Golan and to end its occupation.

30. On 2 December 2019, the Permanent Mission of Iraq to the United Nations Office and other international organizations in Geneva addressed a note verbale to OHCHR, in which it rejected the principle of acquiring land by force. It also referred to all the resolutions adopted by the General Assembly and the Human Rights Council affirming the Syrian character of the Golan Heights and condemning the illegal Israeli occupation of the Golan.

31. Iraq stressed its own national stance and that of other groups to which it belonged (the League of Arab States, the Organization of the Islamic Conference and the non-aligned States) in rejecting the latest recognition of Israeli sovereignty over the occupied Syrian Golan. Such a recognition constituted a stark violation of international human rights law, international humanitarian law and the relevant resolutions of the General Assembly and the Human Rights Council.

32. Iraq emphasized that all the measures that had been implemented by Israel in terms of imposing its jurisdiction and laws on occupied territories, including the Syrian Golan, were illegal. It categorically rejected the results of the local council elections that Israel had held in the occupied Syrian Golan and stressed the need to respect the Fourth Geneva Convention in that regard.

33. Iraq also rejected the expansion of Israeli settlements and associated investment projects in the Syrian Golan, as well as Israeli attempts to stifle economic development for the Syrian Arab population.

34. Iraq expressed concern about the findings contained in the report of the Secretary-General on human rights in the occupied Syrian Golan submitted to the Human Rights Council at its fortieth session (A/HRC/40/41), which details the extent of the suffering of the Syrian civilian population in the occupied Syrian Golan. It requested the United Nations to exercise its role in ending that suffering.
