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الأمم المتحدة

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مجلس حقوق الإنسان
الدورة الثانية عشرة
البند ٧ من جدول الأعمال

حالة حقوق الإنسان في فلسطين والأراضي العربية المحتلة الأخرى

مذكرة شفوية مؤرخة ٢ تشرين الأول/أكتوبر ٢٠٠٩ موجهة إلى
مكتب رئيس مجلس حقوق الإنسان من البعثة الدائمة لإسرائيل

تهدي البعثة الدائمة لإسرائيل لدى مكتب الأمم المتحدة وسائر المنظمات الدولية في جنيف تحياتها إلى
مكتب رئيس مجلس حقوق الإنسان وتتشرف بأن تقدّم رفق هذا وثيقة (انظر المرفق)* يرجى تعميمها كوثيقة من
وثائق الدورة الثانية عشرة للمجلس.

* تُعمّم هذه المذكرة الشفوية بجميع اللغات الرسمية. أما المرفق بالمذكرة فيُعمّم كما ورد وباللغة التي قُدّم بها فقط.

Annex

H.E. Ambassador Alex Van Meeuwen
President
Human Rights Council
Palais des Nations
1211 Geneva 10

Geneva, 2 October 2009

Dear Mr. President,

On 8 June 2009, 16 June 2009, and 29 September 2009, certain allegations were raised against Israel during the Eleventh and Twelfth General Session of the Human Rights Council. These allegations concerned Israeli authorities issuing a decision regarding an infant of Syrian origin in the Golan Heights. I have the honor to forward to you a response of Israel's Ministry of Justice regarding this matter.

I should be grateful, Mr. President, if you would have this letter and attached response distributed as an official document of the Human Rights Council.

Please accept the assurance of my highest consideration.

Yours truly,

Aharon Leshno Yaar (*signed*)
Ambassador
Permanent Representative

Re: Ad.A 171/09 Shoukair Leway v. The Ministry of Interior

On 8 June 2009 and 16 June 2009, under Item 4 and Item 7, respectively, of the Eleventh General Session of the Human Rights Council, the Syrian delegation alleged Israeli authorities had issued a decision to hold an infant of Syrian origin under house arrest in the Golan Heights because the parents of the infant refused to accept Israeli citizenship for him. This allegation was raised again on 29 September 2009, under Item 7 of the Twelfth General Session, by both the Syrian and Libyan delegations. Israel takes such allegations seriously, even those clearly lacking in merit, and having investigated the matter, addresses these concerns herein, according to information forwarded by the relevant authorities:

1. A petition regarding the matter at hand was filed on June 8, 2009. The petitioners are Druze from the Golan Heights, who returned to Israel on September 22, 2008, after studying in Syria since 2000 with their baby who was born in Syria.
2. The petitioners were informed through the ICRC and through their family members in Israel about the documents and authorization papers they must present in order to register the baby in the Israel population registry.
3. On September 22, 2008 the petitioners returned to Israel and arrived at the registration office to register their baby with what they claim is a birth certificate.
4. The Ministry of Interior's official, who assisted the petitioners, found that they hold a Syrian birth certificate which is missing an Apostil stamp or consular verification and approval instead, as they were required to provide beforehand, according to the regular procedure.
5. Such public verification of a birth certificate is required by law in cases where a child is born abroad, in order to complete the registration in the population registration, even if the relation of the child to his/her mother is undoubted. In countries where no Israeli representation exists, it is possible to receive assistance from a third country.
6. Therefore, the registration of the child can be completed when a legally verified document will be presented to the Ministry of Interior, or following a court order.
- 7. On July 15, 2009, the Nazareth Administrative Affairs Court ordered the Ministry of the Interior to register Shoukair Fahed as the son of Leway and Waed Shaoukir. Subsequently, on July 20, 2009, the Ministry of the Interior granted Fahed an A5 status for 2 years, providing him with a full array of social services.**
8. It should be emphasized that the child was never at any time subject to house arrest or any other restrictions and according to information forwarded to us by the relevant authorities such claims were never raised by the petitioners or by their lawyer.

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