

Al-Marsad – Arab Human Rights Centre in Golan Heights

Annual activity report January - December 2014

Presented: February 2015

INTRODUCTION:

As mentioned in previous reports, Al-Marsad is keen to achieve its mission of establishing a modern and efficient institution that defends human rights and develop a culture of respect for international law with special focus on international human rights and humanitarian law. Accordingly, we attempted during 2014 to improve the protection of the collective and individual rights of the native Syrians residents of the occupied Golan, as well as, to improve the lobbying, advocacy and the quality of the available information of the Israeli occupation of the Golan for the targeting group.

During 2014 Al-Marsad has put efforts for mobilizing more resources for conducting more activities and achieving reasonable level of sustainability. On this regard, it is certain that the generous support of Misereor as the main partner of the organization had a crucial impact on strengthening Al-Marsad, making it more sustainable and its work more credible. This support paved the way for professional advocacy activities, assisted the research projects, developed the human rights field tour program, strength the internship program of internationals as well as developed the training of local staff in order to improve their overall legal knowledge. Besides, the Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRF) support of monitoring, documenting and researching Israeli settlement activities has created better conditions to follow the policy of illegal settlements in the Golan in the light of the continued armed conflict in Syria proper.

This report aims to provide a comprehensive review of the significant impact of Al-Marsad's activities for 2014 as well as an in-depth assessment of the organization's shortcomings.

- Changes in the work settings in 2014

There was no substantial change in the life situation of the native Syrian residents of the occupied Golan (the target group) excluding the ongoing armed conflict in Syria proper that has ramifications on them. There's no doubt that the continuation of this conflict requires Al-Marsad to determine its position in relation to various aspects of the conflict such as accountability for committing serious crimes (War crimes and crimes against humanities), legality of international intervention to protect the civilian population, the urgent need for the referral of the Syrian case to the International Criminal court (ICC) for prosecuting people who suspected in committing such a crimes. Moreover, the continuation of the conflict for more than four years which has led to tense situation along the cease fire line and consequently to the erection of Israeli forces a huge wall along the cease fire line and the treatment of Syrian injuries (civilians and military) in Israeli hospitals and medical centers.

The ongoing armed conflict in Syria proper affects the native civilians of the occupied Golan. The movement from the Golan to Syria proper became restricted since 2011 where the annual visits of separated families to Damascus is suspended since 2012, excepting few students who traveled in 2013 for continuing their studies in Damascus University. Besides, about 15 students who've finished their studies in Damascus were unable to return to the Golan because going fighting between the Syrian army and armed groups, where they eventually returned back through Jordan.

The ongoing clashes between the Syrian army and the military groups along the cease fire line constitute daily threat for the native Syrians living under Israeli occupation in the remained five Syrian villages. Whereas the situation on the Golan is likely to be deteriorated, Al-Marsad has to be in a position to deal with this scenario once it happens

The Israeli policies of settlement expansion in light of the ongoing civil war in Syria demonstrates the occupier's will to retain its occupation of the Golan for the coming decades as evidenced by statements of Israeli officials and the settlement activities on the ground. Therefore, Al-Marsad should put more efforts on monitoring, documenting and researching the settlements activities under the ongoing armed conflict in Syria.

As a result of the cleaning of a mine field that located inside the village of Majdal Shams the work on land mine has become wider. Accordingly, we continue to demand the Israeli Army to dismantle all military compounds situated inside the Arab villages and the agriculture areas in the Golan since these military objectives pose an eminent danger for civilians as a potential military target in the light of the state of war and ongoing military clashes along the cease fire line.

To this end, these developments is making Al-Marsad overloaded with monitoring and documenting violations, advocating the situation in the occupied Golan to the local and international community, respond to growing requests for legal aid on family separation, land mine issues, removing of military camps located inside the Arab villages and around it, restrictions on land use for the purpose of construction and improve the organization's capacity building accordingly. Accordingly, this will require an increase in budget for fulfilling the organization's mission that aims to influence policies at the local and international levels in order to improve the human rights situation in the occupied Golan.

- **Important changes within Al-Marsad during 2014**

Al-marsad approved an activity plan for 2014 which designed primarily to monitor Israeli human rights violations and discriminatory policies against the native Syrian population. The plan contains also activities related to the ongoing armed conflict in Syria proper and specifically the referral of the Syrian case to the ICC, transitional justice and international "humanitarian" intervention.

The director works in close cooperation with the team to implement the decisions taken by the General assembly at its meeting in December 27, 2013, including the engagement of new members with the organization to make a balance between female and male and react to emergencies related to settlement expansion policies and the

ongoing Syrian armed conflict. During 2014, we contacted activists, mainly women, who have been nominated by the general assembly to join the organization. After intensive discussions of the organization goals and activities four of them have been invited to the annual general assembly meeting that held in 19-12-2014 where they showed interest to join the organization.

The Board:

A. Committee

1. Atef Safadi, press photographer EPA.
2. Naif Fakhreldeen, M.A Veterinary.
3. Madad Kalani, M.A Communications.

B. Audit Control Committee

4. Madad Ewidat, farmer.
5. Dr. Munir Fakher Eldin, Assistant Professor of Arab Studies at Birzeit University

- Implemented Activities (Based on Al-marsad objectives)

1. Professional research and analysis of the situation in the Golan in terms of international human rights and humanitarian law. Well-documented and reliable information material on the situation is available to achieve efficient awareness building at local and international level.

Al-Marsad has continued to work on researching and analyzing the human rights situation in the occupied Golan during 2014 focusing on the discriminatory policies against native Syrian residents, such as, ID revocation, Planning and zoning, family separation, settlement expansion, Syrian armed conflict and landmines. A special focus was given to the following topics:

- **Israeli Discriminatory policies regarding land use, planning and zoning for native Syrians:** Gathering basic information and data regarding Israeli discriminatory policies against the native residents in the field of planning, zoning and construction. An official date were obtained from the Israeli authorities in order to support a study on discriminatory policies of planning and zoning for native Syrian residents of the occupied Golan (the basic study will be conducted during 2015).
- **ID revocation:** Obtaining official data from the Israeli Ministry of interior regarding policy of the revocation of the ID's of the native Syrians (A legal report will be conducted during 2015).
- **Landmines:** Keep contact with Israeli civil and military authorities regarding the removal of military camps situated inside the occupied Syrian villages and around it. Main focus is given to a camp that located inside the village of Majdal Shams and constitute a serious risk to its Syrian residents as a military objective that could be targeted by either the Syrian regular forces or the military groups in case of any potential clashes with the Israeli Occupying Forces.
- **Advocacy/ raising awareness:** Al-marsad managed to disseminate (locally and internationally) the legal research that was conducted with the end of 2013 and during 2014 on issues such as settlement expansion, settlements

economy/agriculture, Israeli procedures along the cease fire line to ban influx of Syrian refugee, legality of oil exploration in the Golan and the EU guidelines on labeling settlement products. Furthermore, the content, conclusions and recommendations related to the aforementioned research papers were raised and discussed with dozens of official and public delegations who visited Al-marsad during 2014.

A legal paper under the title of "**Israeli agricultural settlement expansion in the occupied Syrian Golan during the Syrian conflict**" which argues the legality of Israeli settlement policies in the Golan has been achieved and reached conclusions and recommendations as follows:

- The Syrian Golan is an occupied territory and Israel continues to be an occupying power thereby bound by the Law of Occupation of the Hague Regulations.
- The continued development and expansion of settlements in the occupied Syrian Golan qualify as population transfers by an occupying power which is violations under International Humanitarian Law.
- The land which is being provided to settlers in the Golan was illegally appropriated in violation of the Law of Occupation.
- Israel's continued exploitation of water resources in the Syrian Golan for the benefit of its own nationals and its national economy is also illegal under International Humanitarian Law.
- The discriminatory policies enacted by the Israelis to disadvantage and marginalize the remaining Arab communities and Arab farmers in the Syrian Golan are a violation of international human rights law.
- The false advertising of the occupied Syrian Golan as part of northern Israel serves to profit the Israeli state and settler businesses, to the continued detriment and economic marginalization of the Syrian Arabs in the Golan.
- The agricultural settlement expansion plan approved by the Israeli government is in violation of international humanitarian law, international human rights law and a calculated effort to establish "facts on the ground" in order to further internationally assert their illegal annexation of the Golan in the midst of a brutal and protracted conflict in Syria.

A legal paper on "**Oil and natural gas in the occupied Syrian Golan Illegal exploitation by Israel as occupying power**" was also updated and published after getting feedback from international legal experts. This paper has reached the following conclusions and recommendations:

- As occupying power, Israel has the legal obligation to act as administrator of public property and natural resources. This obligation is regulated by Article 55 of the Hague Regulations and means that Israel has to preserve the capital.

In other words, article 55 prohibits the capital itself to be gnawed and/or worn down and/or exhausted.

- The decision to grant the license and the drilling itself constituted a violation of the prohibition of pillage regulated in the Hague Regulations as well as in the Fourth Geneva Convention.
- The timing of the Israeli decision is strongly connected to the situation in Syria and has no purpose of meeting the cost of the occupation.
- The European Union in particular has to act in accordance with its own guidelines on promotion compliance with international humanitarian law.

A position legal paper on "**EU's guidelines on labelling of settlements products situation in the EU and in some states parties**" were distributed and discussed widely with official and public delegations who visited Al-marsad during 2014. This position paper is addressing the ambiguity of the EU policies with regard to the illegal settlement products and reached the conclusions as following:

- The EU does not recognize the alleged Israel's sovereignty over the West Bank, East Jerusalem nor the Golan. However, the EU attitude toward the illegal settlement's goods has been ambiguous and only three countries of the EU have applied guidelines on labelling.
- While settlement exports may represent a relatively small proportion of total Israeli exports, they still amount to a considerable quantity in absolute terms and are of vital importance for the economic viability of many settlements. Trade with settlements bolsters their economy and contributes to their permanence and growth.
- The EU has committed itself to respect and promote human rights as significant objective in its external policy. Therefore it is important for the EU to respect international humanitarian law and human rights law in order to reduce the negative effects of the occupation on the indigenous people.

Al-marsad legal researchers conducted a legal article for the Forced Migration Review (FMR - <http://www.fmreview.org/>) under the title: *Could re-opening the Golan Heights to Syrians displaced by the conflict be a beneficial option both for those fleeing the Syrian conflict and for Israel's relations with its north-eastern neighbor?*

Moreover, a data manual on Israeli settlements was compiled during 2014 and will serve as a reference material regarding existing 33 settlements, their economy and the names of the destroyed Syrian villages that these settlements were built on their ruins. This manual will be supported by new photos of the settlements and old photos of the destroyed Syrian villages. We expect to post this manual on Al-Marsad's website by May 2015.

A new activity of raising awareness amongst local workers regarding their basic rights was initiated to enable them to understand their rights enshrined in international and local laws. To this end, a legal manual (know your rights) has been conducted and it will be published and distributed during March-April 2015.

Unfortunately, the study on the referral of the Syrian case to the ICC for guaranteeing the prosecution of perpetrators of persons suspected in committing war crimes and crimes against humanity in Syria hasn't been finalized yet due to professional and

technical reasons. A first draft has been finalized where it needs in depth professional feedback from legal experts. We expect to finalize and publish this study by 2015.

To that end, Al-marsad team has finalized an illustrated guide/brochure for the human rights field tour. This guide is being designed and will be posted on our homepage soon. In addition to this, the Brochure will be printed in 3000 copies for distribution to people who attending our field tour.

-Indicator:

The media and NGO' request Al-marsad to provide them with reliable information:

Two meeting were held with ICRC delegates in Al-marsad office during 2014. The first meeting was held with the responsible for regional water and habitat in the Near and Middle East, where we discussed the water and housing situation in the occupied Golan and the illegal of Israeli policies of land and water appropriations. The delegates showed interest in the humanitarian ramifications of the civil war in Syrian on the Golani IDP's and the remained native Syrians in the occupied Golan. The second meeting was held with the deputy head of ICRC delegation in Palestine/Israel Ms. Garcia Lopez and some people of her team where we discussed various humanitarian issues regarding the ways of bringing to the removal of the military site and landmines which located inside the village of Majdal shams. During this meeting, we handed the correspondence material with the Israeli military authorizes to the ICRC delegated and requested them to put pressure on the Israeli authorities to abide by its commitments enshrined in international humanitarian law that provides the prohibition of the location of military objectives inside civilian residential areas.

Al-Marsad's was invited to give a testimony before the UN Committee for the investigation of human rights situation in occupied Palestinian and other Arab territories in Amman. Three persons from Al-marsad were appeared in June 2014 before the Committee in Amman and gave three different testimonies on water and agriculture, settlements expansion and the status of women in the occupied Golan.

Dozens of field visits were conduct for local and international groups and individuals during 2014. Besides, several interviews were hold with International and local media regarding ongoing civil war in Syria, its impacts on the occupied Golan and its native population and the Israeli policies targeting the status of the Golan, such as, settlement expansion, oil exploration, the new wall alongside the cease fire line. Al-marsad hosted a French delegation from French Catholic Committees in the organizations where a field tour was conducted for the whole day. Besides,

2. National and international networking and communication have improved

During 2014, Al-Marsad arranged human rights field visits for dozens of local and international groups and individuals in the frame work of human rights field visit that has become a sustainable program that conducted by the organization. During the reported period, Al-marsad hosted an official and public groups and individuals from, Israel, Palestine, Belgium, France, US, Germany, Ireland, UK, Danmark where they informed of the human rights situation under prolonged military occupation, the civil war in Syria and Al-Marsad's work on defending human rights.

The internship program keeps being stable regardless the inability of two interns from the UK and Italy to join us in the second half of 2014 for unexpected personal reasons. It seems that interns are fear to come and stay in the Golan (Especially in Majdal Shams) because of the tense situation along the cease fire line and the warnings of the US and European governments to their nationals not to visit the Area. However, three interns from the USA, Ireland and Italy expected to join us during the first half of 2013. The important thing that the continued relations with the majority of the former international interns from Argentina, UK, Germany, USA, France, Spain, New Zealand, Ireland, and Italy have a positive factor on the organization's professionalism and credibility. This programme has vital importance as it contributes to fill the lack of professional legal analysis concerning status of the occupied Golan and the human rights situation of the native population under occupation. To that end, all of the interns' that have worked with the organisation state that they have found the experience beneficial on a multitude of levels.

- **Outputs during 2014**

- Al-marsad became more stable and efficient human rights institution.
- A stable and efficient internship program for international lawyers and human rights activists.
- Networking with the Israeli authorities regarding various human rights issues, such as, discrimination, dismantling of military basis located inside and the Arab villages of the Golan;
- More work on the Syrian case (referral of Syrian case to the ICC and transitional justice).
- Focusing more on illegal settlements in the occupied Golan and new Israeli policies in light of the continuing civil war in Syria proper.
- A data on Illegal Israeli settlements in the Golan (under reviewed before being posted soon on Al-marsad website).
- Legal advice for workers and raising awareness on workers' rights (Legal manual/ know your rights under review).
- Mobilization of a new donor: the Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRF) and following up with identified potential donors.
- More official and public groups, individuals, journalists and activists visiting Al-marsad for field visits on human rights situation in the Golan;
- Strong relationship with the Palestinian and Israeli human rights organizations,
- Strong relationships with the ICRC delegation in Palestine/Israel
- Strong relationships with the UN Committee on the investigation of human rights situation on the occupied Arab territories.
- The interest of international diplomatic missions in Israel to attend a field tour that is conducting by Al-marsad and the opportunity to call them to inform their governments about the situation for pressuring Israel to respect the human rights of the indigenous population;
- warning of the policy of discrimination against women;

- **Interns**

During 2014, Al-Marsad had two interns. Ms. Maria Cielo Linars from Argentina, and Ms. Crystal Plotner a US citizen, meanwhile two interns who committed to work for

Al-marsad during the second half of 2014 apologized for personal reasons without previous notification. Maria and Crystal conducted legal research, including several legal papers regarding Israeli human rights practices in the occupied Golan.

- **Conclusion**

The core activities of 2014 were achieved as was planned. Besides, Al-Marsad team have achieved unexpected activities related to legal research and data gathering on settlement expansion and civil war in Syrian proper where we aim to do further work on these issues.

We witness the impacts of Al-Marsad work on the local community (native Syrian residents of the occupied Golan) from the perspective of more awareness about our work and the importance to advocate human rights in the Golan. Obviously, Al-marsad keeps putting more efforts to raise human rights awareness among the local community in order to enable them understand their rights (Know your right). Besides, the correspondence with the Israeli authorities is too important where Al-marsad lawyer utilizing the law of right of information to ask various authorities to afford information and figures related to Israeli discriminatory policies that violate the human rights of the native Syrian population.

The UN and its agencies were defined by Al-Marsad as a main target group. Actually, our struggle since 2010 to get a consultative status with ECOSOC did not yield so far because our application differed again for unknown reasons. In response, several organizations initiated an open letter to members of the ECOSOC Committee on NGOs calling to transparency in ECOSOC NGO accreditation process. Unfortunately, the deferral our Al-Marsad application for six time seemingly for political reasons, creates real obstacles on defending the human rights of the native Syrian population of the Golan by utilizing the UN system. Al-marsad will not give up, and is proceeding with its struggle to gain this position.

We continued to face obstacles regarding gender balance in the organization, but finally, there's clear indicators that we succeeded overcome this challenge where three female and activists supposed to join the organization and become members by February 2015. This crucial development was due to the director intensive follow – up and in depth discussions with dozen of community activists

During 2014 Al-Marsad moved towards administrative performance through putting efforts to settle the existed situation and make the organization more stable and sustainable. Few meetings were hold for this reason which led to the restructuring of the organization and the office administration. To that end, we looking forward that the upcoming external evaluation will enable us to understand the organization's overall strengthens and weakness.

Annex I

Al-Marsad members

1. Dr. Munir Fakher Eldin, Assistant Professor of Arab Studies at Birzeit University.
2. Jamel Abu Jabal, PhD Jurisprudence.

3. Atef Safadi, press photographer EPA.
4. Naif Fakhreldeen, LLM Veterinary.
5. Madad Kalani, LLM Communications, (Board of directors chairperson).
6. Madad Ewidat, farmer.
7. Nizar Ayoub, PhD International Law, Lawyer, member of Israel Bar Association
8. Abulkher Abu Jabal, MA Jurisprudence, Lawyer, member of Israel Bar Association.
9. Salman Fakher Eldeen, human rights activist

Composition of Al-Marsad's team

1. Majdoleen Safadi (Part time – 75%), Executive Secretary.
2. Nizar Ayoub, Director (Full time). PhD International Law, Institute of State and Law, Moscow. Lawyer-Member of Israel Bar.
3. Abulkher Abu Jabal, (Part time temporarily - 50%). MA Jurisprudence, St. Petersburg University, Lawyer Member of Israel Bar.
4. Salman Fakherldeen (Part time temporarily - 50%), Human rights activist, Field worker.

END