



Human Rights Violations Committed by the State of Israel in the Occupied Syrian Golan

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The State of Israel

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**Report submitted in June 2017 by Al-Marsad – Arab Human Rights Centre in the Golan
Heights**

Al-Marsad (“Observatory” in Arabic) – Arab Human Rights Centre in the Golan Heights is an independent human rights organisation that monitors and documents violations of international human rights law and humanitarian law in the Occupied Syrian Golan. Al-Marsad was established in 2003 and is the only human rights organisation operating in the region. Al-Marsad welcomes the opportunity to contribute to the Universal Periodic Review of Israel’s compliance with international human rights and humanitarian law.

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i. Executive Summary

1. The area known as the Syrian Golan / Golan Heights is a mountainous region and plateau in southwest Syria. The overall landmass of the Syrian Golan is 1,860 km². During the 1967 Arab-Israeli War, Israel militarily occupied over two-thirds (1230 km²) of the Syrian Golan. Today, this area is known as the Occupied Syrian Golan / Golan Heights.¹
2. Following the Israeli occupation, approximately 95% (130,000) of the native Syrian inhabitants were forcibly transferred or displaced from their homes, with only 5% percent of the original population able to remain. Subsequently, the Israeli military began a widespread campaign to demolish their homes, destroying one city and 340 villages and farms. These were replaced by Israeli settlements, often built with stones from the destroyed villages and farms.² Today, there are at least 23,000 Israeli settlers in the Occupied Syrian Golan, living in 34 illegal settlements. Meanwhile, the remaining native Syrian population is approximately 25,000 who live in five villages located in the far north of the Occupied Syrian Golan.
3. In 1981, Israel enacted the Golan Heights Law which purported to annex the territory into Israel, an action widely condemned and rejected by the international community.³ The international community has since repeatedly affirmed that the Occupied Syrian Golan is occupied Syrian territory.⁴ It is clear that States Parties' obligations according to human rights conventions extend to all territories and populations that are effectively under their control.⁵ However, Israel continues to violate basic human rights of the native Syrian population, enshrined in international conventions ratified by Israel.⁶

ii. Illegal settlements and exploitation of natural resources

4. Following the Israeli occupation in 1967, the Israeli military destroyed one city and 340 villages and farms. At the same time, Israeli military orders declared that certain areas were closed military zones, prohibiting the native Syrian population from accessing them. The Israeli authorities subsequently deemed this land 'abandoned' and made it available to Israeli settlers. Today, 1100 km² of land is controlled by Israeli settlers. Together with the Israeli military they control over 95% of the land.⁷ The remaining Syrian population controls just 56 km² of land.
5. In October 2016, the Israeli Finance Ministry approved plans for the construction of 1600 new settlement units in the illegal Israeli settlement of Katzrin.⁸ Katzrin is the largest Israeli settlement in the Occupied Syrian Golan, with a population of 8,000. It was built over the destroyed Syrian villages of Qasrin, Shqef and Sanawber.
6. This follows plans announced by Israeli government ministers in 2015 to encourage 100,000 new settlers to move to the Occupied Syrian Golan over the next five years.⁹

7. The Syrian Golan has fertile soil and abundant water resources.¹⁰ This has led to the development of a substantial Israeli agricultural settlement industry, which includes beef, vegetable, fruit, wine and mineral water.¹¹
8. In addition to benefiting from the illegal exploitation of natural resources in the Occupied Syrian Golan, Israeli agricultural settlers enjoy preferential treatment from the Israeli authorities compared to the native Syrian population. One example is the price of water: Syrian farmers estimate they have to pay up to four times more for water than Israeli agricultural settlers.¹²
9. In 2013, the Israeli government issued a license to a private Israeli company, Afek Oil & Gas, to conduct oil exploration in the Occupied Syrian Golan. Afek proudly claims that the region contains 'Billions of Barrels of Israeli Oil' and that the 'oil [...] can make a real difference to the future of this country [Israel] and is expected to enrich its coffers in the amount of at least 5 billion shekels a year'.¹³ Some estimates suggest that the Occupied Syrian Golan contains approximately 40 billion barrels of oil.¹⁴ Afek is also involved in drilling operations for the extraction of water in the Occupied Syrian Golan.¹⁵
10. In addition, the natural beauty of the region attracts a significant number of tourists. In 2005, approximately 1.5 million people visited the Occupied Syrian Golan. Hence, tourism is a staple of the settlement economy and tourism in settlements is promoted by the Israeli government and tourist industry that market the Occupied Syrian Golan as 'Northern Israel'.

iii. Housing, planning and home demolition

6. Discriminatory land and housing policies have meant that the remaining Syrian villages in the Occupied Syrian Golan are severely overcrowded. Due to severe restrictions imposed by Israeli planning committees, it is close to impossible for the Syrian population to obtain building permits to build outside of existing village boundaries. In Majdal Shams (the largest remaining Syrian village) alone, there are 800 Syrian families who are in desperate need of housing.
7. Therefore, the Syrian population is forced to build homes without building permits, as this is the only way to meet their housing needs. Those who build without permits risk large fines – USD55 to USD85 per square metre (potentially doubling the cost of construction) – and the full or partial demolition of their homes.
8. In September 2016, a home in Majdal Shams was illegally demolished by the Israeli authorities. This is the first time that the Israeli authorities have demolished a home in the Occupied Syrian Golan for over thirty years. Further, another 80-90 Syrian home owners have been issued with demolition orders for their houses. Hence, there is serious concern that this action marks the adoption of a new systematic policy of 'administrative' home demolitions directed at the Syrian population in the Occupied Syrian Golan.¹⁶

9. Under the 'Hermon National Park' plan, the Israeli authorities are currently seeking to designate 82 km² of land around two of the remaining Syrian villages, Majdal Shams and Ein Qynia, as a national park.¹⁷ If approved, the 'Hermon National Park' would, in particular, surround Majdal Shams in the north and west. Therefore, the only area available for urban expansion of the village would be agricultural land in the south – a main source of livelihood for the local population. It is not possible to expand the village to the east given the presence of the fortified ceasefire line.
10. Not only do discriminatory land and housing policies have an adverse effect on available housing, they also severely inhibit the improvement of road and sewage systems; the construction of education, health and cultural institutions; and the establishment of infrastructure for industrial areas.

iv. Landmines

10. Since 1967 Israel has utilized vast areas of land in the Occupied Syrian Golan for military training and bases, leaving behind substantial amounts of military remains and landmines. The Israeli military has neglected to maintain much of this land. Numerous landmines have been laid in and adjacent to Syrian villages on the pretext of security – often within just a few metres of people's houses and where their children play.
11. Furthermore, the Occupied Syrian Golan also contains the remnants of minefields laid by Syrian and French forces during their control over the territory, as well as mines from the period of the British Mandate, laid by Jordan and Egypt. More than 9000 acres – the equivalent of over 6000 football pitches – are suspected to be mined in the Occupied Syrian Golan, distributed over 2000 minefields that vary greatly in size. New anti-personnel mines were laid by the Israeli military as recently as 2011.
12. Since 1967, it is estimated that at least 66 Syrians have been victims of landmines in the Occupied Syrian Golan. Among them, 16 died, half of whom were children.¹⁸ Israeli civilians, Israeli soldiers and tourists have also been victims of landmines, however, accurate figures on casualties are difficult to obtain.
13. Minefield clearance by the Israeli authorities prioritises locations around Israeli settlements and agricultural land over Syrian residential and agricultural zones, despite the concentration of landmines in these areas.

v. Revocation of residency

20. Following the purported annexation of the Occupied Syrian Golan, on January 17, 1982, the Israeli Ministry of Interior began administrative procedures seeking to impose Israeli nationality on the remaining native Syrian population. Despite intimidation by the Israeli authorities, including arrests and the use of 'administrative detention', the Syrian

population organised a general strike in early 1982 calling for the annexation to be suspended and for attempts to impose Israeli citizenship on the Syrian population to stop.

21. Today, the majority of the native Syrian population continue to reject Israeli citizenship and hold a form of permanent residency status. The situation is similar to that of Palestinians living in Occupied East Jerusalem. Yet whilst Palestinians in Occupied East Jerusalem are permitted to have Jordanian nationality, the native Syrian population of the Occupied Syrian Golan are recognised as having an 'undefined' nationality and are only awarded an Israeli 'Laissez-Passer', if they wish to travel. Holders of the permanent residency status are not entitled to vote in the Israeli Knesset, meaning they have no political representation.
22. Furthermore, the residency status may be revoked if an individual's 'centre of life' changes or if citizenship of another country is obtained. According to Al-Marsad research, around 100 native Syrian inhabitants of the Occupied Syrian Golan have had their permanent residency status revoked since 1982 following travel and residency abroad for study or work. These people are unable to return back to their homes and join their families in the Occupied Syrian Golan.

vi. Family separation

23. Reports suggest that those forcibly transferred or displaced from the Occupied Syrian Golan and their descendants following the Israeli occupation in 1967 amount to approximately 500,000 people, who mainly live in the outskirts of Damascus and the southern city of Daraa.¹⁹ Given the current conflict in Syria, many of these people have become internally displaced persons (IDPs) for a second time in their lifetime, or refugees.
24. Prior to the outbreak of the current conflict it was possible for certain groups of residents from the Occupied Syrian Golan to visit Syria. Selective categories consisted of religious Druze men, students, and non-religious men over 35, and some women over 70. However, even those considered eligible were not guaranteed passage. Unfortunately, family visits to Syria for residents from the Occupied Syrian Golan ceased in 2012 due to the conflict in Syria.

vii. Education

25. Following the occupation of the Syrian Golan, a new Israeli curriculum and school system was imposed on the remaining Syrian population. These changes sought to disregard and diminish Syrian identity and culture. Under the imposed Israeli curriculum, Syrian school children receive little instruction of Syrian and Arab history, geography, literature and culture. Schools do not observe Syrian national holidays. Overall, the Syrian population has little say in how their schools are run and what their children are taught. In addition, many schools have building deficiencies and do not meet basic safety standards.

26. The Syrian community has sought to establish summer camps and alternative kindergartens to provide educational and cultural activities to help younger generations preserve and explore their Syrian identity. However, the Israeli authorities have interfered with and discouraged such initiatives.
27. Before the conflict in Syria, students from the Occupied Syrian Golan used to study at university in Damascus for free. This has been largely interrupted by the conflict²⁰ and students are instead faced with high tuition fees in Israeli universities. Further, since Syrians do not serve in the Israeli military, they are not entitled to the many benefits available to military personnel, such as subsidised university education. As a result, many Syrians defer university education and enter the labour market in low skilled roles, leaving them at risk of exploitation.

Proposed recommendations for Israel

- ii. Illegal settlements and exploitation of natural resources
- Provide all victims of land appropriation following the Israeli occupation with an effective legal remedy and reparations in accordance with international law standards.
 - Cease the transfer of Israeli civilians to the Occupied Syrian Golan and unconditionally withdraw Israeli civilians from existing settlements.
 - In the meantime, end financial support, subsidies and incentives to settlements and settlers; as well as ending discriminatory policies that penalise the Syrian population.
 - Cease all exploration and extraction of natural resources not carried out in line with the rule of usufruct and Israel's obligations under Article 55 of the Hague Regulations.
- iii. Housing, planning and home demolition
- End discriminatory land and housing policies that prevent the expansion of Syrian villages.
 - Reimburse Syrians who have paid fines for building without permits.
 - Cancel all issued home demolition orders.
 - Compensate Syrians who have suffered the full or partial demolition of their homes.
 - Cease current attempts to designate 82 km² of land around Majdal Shams and Ein Qynia as a national park.
- iv. Landmines
- Accede to the Mine Ban Treaty²¹ and refrain from any further mine-placements.
 - Clear all minefields in the Occupied Syrian Golan, prioritising areas where there is the greatest risk to civilian populations, such as minefields inside and around the Syrian villages.
- v. Revocation of residency
- Ensure the restoration of permanent residency status for those who have had this status revoked.

vi. Family separation

- Immediately recognise the right of return for Syrian IDPs from the Occupied Syrian Golan – this is even more of an imperative given the severity of the current conflict in Syria.

vii. Education

- End discriminatory policies that disregard Syrian and Arab culture in the education system.
- End discriminatory policies that result in less upkeep and investment in Syrian school buildings.
- Ensure Syrian students have access to affordable university education.

¹ Dr Ray Murphy, Irish Centre for Human rights, Changing the Landscape: Israel's Gross Violations of International Law in the Occupied Syrian Golan, Al-Marsad (2008), available at: http://golan-marsad.org/wp-content/uploads/Changing_The_Landscape.pdf.

² 'Map of Syrian villages and farms destroyed by Israel, and the Israeli settlements built in their place, in the Occupied Syrian Golan', available at: <http://golan-marsad.org/wp-content/uploads/Map-english-24.1-2.compressed.pdf>.

³ United Nations Security Council Resolution 497 (1981) which states that: '[...] the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect', available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/73D6B4C70D1A92B7852560DF0064F101>.

⁴ See multiple resolutions and statements made by the UN Security Council, UN General Assembly, UN Human Rights Council, and individual members of the international community. For example: Statement by the UN Security Council President in April 2016, "Council members expressed their deep concern over recent Israeli statements about the Golan, and stressed that the status of the Golan remains unchanged", available at: <http://www.reuters.com/article/us-israel-syria-un-idUSKCN0XN2FD;GA/RES/70/91>, 09 December 2015, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/91;A/HRC/RES/34/L.11, 20 March 2017, available at: <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G17/070/14/PDF/G1707014.pdf?OpenElement>; Statement by U.S. State Department spokesperson John Kirby in April 2016, "[...] the U.S. position on the status of the Golan Heights is longstanding and is unchanged. Every administration on both sides of the aisle since 1967 has maintained that those territories are not part of Israel", available at: <http://www.state.gov/r/pa/prs/dpb/2016/04/255946.htm>; Statement by European Union High Representative/Vice-President Federica Mogherini in April 2016, "[...] the EU recognises Israel within its pre-1967 borders, whatever the government's claims on other areas, until a final settlement is concluded. And this is a common consolidated position of the European Union and its Member States", available at https://eeas.europa.eu/headquarters/headquarters-homepage/5187_en.

⁵ Human Rights Committee, Concluding Observations of the Human Rights Committee: Israel, 21 August 2003, CCPR/CO/78/1SR, para 11 (noting that 'the provisions of the Covenant apply to the benefit of the population of the Occupied Territories, for all conduct by the State party's authorities or agents in those territories that affect the enjoyment of rights enshrined in the Covenant and fall within the ambit of State responsibility of Israel under the principles of public international law'), available at: <http://www.refworld.org/docid/3fdc6bd57.html>; International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004, para 111 (9 July 2004), available at <http://www.icj-cij.org/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>; Committee on the Elimination of Discrimination Against Women, Concluding Observations of the Committee of the Elimination of Discrimination Against Women on the Occasion of its Consideration of the Fourth and Fifth reports of Israel (CEDAW/C/ISR/4 and CEDAW/C/ISR/5), UN Doc. CEDAW/C/ISR/CO/5 (4 February 2011), available at <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ISR-CO-5.pdf>.

⁶ These include, but are not limited to: International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child.

⁷ http://www.cbs.gov.il/webpub/pub/text_page.html?publ=58&CYear=2014&CMonth=1#4 .

⁸ http://www.timesofisrael.com/liveblog_entry/israel-okays-1600-new-homes-in-golan-heights/ .

⁹ http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A%20HRC%2031%2043_E.docx

¹⁰ It is estimated that the Occupied Syrian Golan provides a third of the water consumed in Israel. See: <http://www.bbc.com/news/world-middle-east-14724842> ; <http://www.globalresearch.ca/the-israeli-occupied-golan-heights-an-occupation-for-natural-resources-water-land-and-oil/5521207> .

¹¹ In 2009, revenue from agriculture produced in the Occupied Syrian Golan was estimated at USD 143 million. See: <http://schools.aucegypt.edu/research/ebhrc/publications/Documents/Economic%20Stakes%20in%20the%20Golan%20Heights.pdf>.

¹² http://golan-marsad.org/wp-content/uploads/Water_is_Life_2013.pdf.

¹³ <http://afekoil.co.il/en/>.

¹⁴ <http://globalriskinsights.com/2015/02/increased-security-risk-ahead-for-golan-heights/>.

¹⁵ <http://www.jpost.com/Business-and-Innovation/Environment/Drilling-firm-to-pursue-water-gas-oil-projects-477953> .

¹⁶ <http://golan-marsad.org/press-release-israeli-authorities-demolish-home-in-majdal-shams-in-the-occupied-syrian-golan/> .

¹⁷ <http://golan-marsad.org/press-release-al-marsad-submits-objection-to-hermon-national-park-plan/> .

¹⁸ <http://golan-marsad.org/wp-content/uploads/2015/12/landmines%20the%20occupied%20Golan.pdf>.

¹⁹ Syria: Forty Years On, People Displaced From The Golan Remain in Waiting, IDMC Internal Displaced Monitoring Centre, (2007), available at <http://www.internal-displacement.org/assets/library/Middle-East/Syria/pdf/Syria-October-2007.pdf>.

²⁰ A small group of students has been able to travel to Damascus this year for the first time in several years.

²¹ The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.