

AL-MARSAD - The Arab Center for Human Rights in the Golan Heights

NGO REPORT

Suggested issues for Consideration Regarding Israel's third Periodic Report to the UN Committee on Economic, Social and Cultural Rights (CESCR) To Be Held On November 14-December 2, 2011

AL-MARSAD - The Arab Center for Human Rights in the Golan Heights hereby submits information to the UN CESCR in advance of its review of Israel's third Periodic Report.

Israel's submission fails to present an accurate picture on the human rights abuses suffered by the inhabitants of the Occupied Syrian Golan Heights and ignores this issue.

Al Marsad wishes to emphasize an extremely important concern it has on a number of areas that form a flagrant violation of human rights. We hope this report will assist in forming an accurate and true picture of the violations of human rights suffered by the inhabitants of the Occupied Syrian Golan Heights.

1. Overview

According to Syrian resources, the population of the Golan was estimated at 147,613 in 1966. The population of the parts of the Golan (1,250 km²) which were occupied in June 1967 was over 139,000 individuals living in 312 residential areas. Two of these areas were cities: Al-Qunaitera, located in the middle of the Golan and Feeq, located in the center. In addition, there were 164 villages and 146 farms. The Israeli Occupying Forces carried out an extensive forcible transfer operation within a week, forcing the majority of Golan's Civilians (some 131,000) to move inside Syria (described as IDPs – Internal Displaced People), destroying their villages and obliterating all traces of their existence. Subsequently, there was nothing left of this Geo-demographical scene which had existed for many centuries, except of six villages in Northern Golan: Majdal Shams, Masa'da, Bqa'atha, 'Ein Qinyeh, Al-Ghajar and Sheita, (Sheita was transformed into an Israeli military base after deporting its people to Masa'da; it was then eradicated completely in 1971-2). The population of these villages counted approximately 6,790 people in 1967 and today they count almost 20,000. The number of those expelled and their decedents now counts at about 500.000 people, according to Syrian sources.

In 1967 military orders were enacted, declaring the whole of the Syrian Golan as closed military zone. Through this, Israeli officials sought to enforce the depopulation of the area from its native Syrian inhabitants by prohibiting Syrian citizens from returning to the area. In order to ensure expulsion, Military Order No. 58 was issued on September 17, 1967 to prevent the return of Syrian inhabitants. According to this order, Military Commander had the authority to imprison those who were trying to return to their places of residence for 15 years in prison, alternatively these 'infiltrators' could be deported back to Syria. This led to increasing number of separated families. One of the most illustrative examples of Israel's forcible transfer of Syrian Arabs from the Occupied Golan happened in the main city of Al Quneitra.

Israeli authorities had enacted hundreds of military orders during the period prior to the annexation of the Golan Heights on December 14, 1981. Such orders served to uproot the native inhabitants and prevent them from returning to their eradicated cities and villages. Israeli authorities built settlements on the remains of those towns and villages, and Jewish settlers were transferred there, later controlling the land and water; marginalizing Syrian Arabs who remained in the Golan.

In the aftermath of the annexation of the Golan Heights, Israeli authorities continued to implement same policies, but they instead claimed to be implementing Israeli law that was now applicable therein. Israel continued its settlement policies and exploited all the natural resources of the area for the benefit of the settlements and the Israeli economy. Authorities also continue to restrict the rights of Syrian inhabitants in contravention to the principles of international human rights and humanitarian law.

Israeli state developed new civil institutes and mechanisms in order to establish land annexation, and in early 1980 had started forcibly to impose Israeli nationality on Arab inhabitants in the Golan. The vast majority of the population refused this nationality, and were deprived of their sources of income; restricted in their freedom of movement; threatened with dismissal from work; and deprived from receiving medical, social and cultural services. Israeli forces conducted house raids, threatening whoever refused to renounce their Syrian nationality with cutting them from water resources that are intended to irrigate trees and other crops; demolishing their homes and closing their shops.

On December 14, 1981, the Israeli Knesset ratified the third reading of the Golan Annexation Law (Golan Heights Law, December 14, 1981), which had been presented by the government of Menachim Begin.¹ This law declares “..., jurisdiction and administration of the state shall apply to the Golan Heights ..; this law shall become valid on the day of its passage in the Knesset”. The Israeli Minister of Interior was given the task of implementing this law, and was allowed to authorize the necessary administrative regulations.

The UN Security Council immediately issued a resolution condemning Israel's actions as a breach of International Law principles; Resolution 497 of December 17, 1981 stated that, “Israel’s decision to impose its laws, jurisdiction and administration in the Occupied Syrian Golan Heights is null and void, legally invalid and without international legal effect.” Israel ignored the resolution and continued its implementation of the Golan Annexation Law by enforcing all its laws, jurisdiction and administration on Arab residents of the Golan.

These laws remain in effect to this day. Instead of implementing international law Israel has implemented many practices that have had a very detrimental effect on the local inhabitants of the Golan Heights who have suffered many human rights abuses as shall be detailed in this paper:

Part 1

Article 1

- 1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.**

2. Self Determination

On January 17, 1982, Israeli Interior Minister began administrative procedures to impose Israeli nationality on Arab inhabitants of the Golan before October 1, 1982. The majority of the population opposed such measures and resisted through such means as organizing demonstrations, each persisting for three days. The population convened a mass meeting in Majdal Shams on February 9, 1982, which included residents from Majdal Shams, Masa'da, Bqa'atha, and 'Ein Qinyeh. During this meeting, they decided to send a memorandum to the Israeli authorities expressing their condemnation and denunciation of the annexation law and demand its annulment. They presented the government with a 15-day time limit to respond to those demands.

¹ This legislation, extending Israeli Law to the area of the Golan Heights was adopted by the Knesset by A majority of 63 against 21.

Israeli officials ignored the memorandum and instead carried out escalating measures. On February 13, 1982, they arrested a number of anti-occupation political activists, putting them under administrative detention for a period of six months. The inhabitants of the four villages convened in a second mass meeting on the same night as the arrests occurred in Majdal Shams. The issue was discussed for several hours and it was decided that in response to the day's incidents, a general open strike (i.e. for an unlimited period of time) was to be announced until Israel suspended the annexation law, and stopped trying to impose Israeli nationality on the Arab inhabitants.

After the announcement of the general strike, Israel imposed a series of collective punishments on the Arab inhabitants. The four villages were declared to be a closed military zone in accordance with Article 125 of the Defense (Emergency) Regulations of 1945. Between March 31 and April 2, Israel imposed a curfew on the four villages, such that residents were effectively under house arrest. Thousands of soldiers were deployed in all villages, raiding houses and distributing Israeli identity cards to the Arabs by hand, and resorting to various methods to force them to accept them. People rejected such methods, throwing identity cards into the streets. After Israeli army finished its mission of distributing the identity cards, they left the villages on April 3, and right after that people came into the streets, collected identity cards, burned them in the main squares at villages.

The Israeli authorities failed to break the strike due to Syrian Arab inhabitants resistance. On July 20, 1982, people announced strike's end which lasted for five months and six days until Israeli authorities announced that they would not impose Israeli nationality on the Golan's residents. However, despite the Israeli commitment not to impose its nationality on these inhabitants, Israeli nationality was later imposed on them. Their legal situation today is similar to that of the Palestinian Arab residents in Occupied East Jerusalem, who are granted permanent residency. However, Palestinian inhabitants of Jerusalem are allowed to have a Jordanian nationality as well as their Israeli travel document, **while residents of the Golan possess only Israeli travel documents and their nationality is registered as undefined.**

3. Violations of Druze Religious rights

Recently, settlers from the Golan, claim that they own the land where Druze have their religious temples. On 23/05/2010 Settlers from Neve Ativ broke into Hazoury, a holy Druze place between Majdal Shams and Kiriya Shemona and tried to build there a tourist place. Further on 18/07/2011 and 05/08/2011 settlers broke into Sultan Ibrahim, a Temple which is situated between Majdal Shams and Kiriya Shemona also, and demanded the control over the place, claiming it as their own property.

Part 1 Article 1

- 2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.**

4. The Exploitation of natural resources:

Since the beginning of the occupation, Israeli authorities have implemented policies that aim to control most of the Golan's resources, especially the land and water. The "legal" amendments, which were renewed, concerning the Golan Heights during the military rule and after its annexation, aimed to realize the illegal policies adopted by the Israeli authorities towards the occupied Golan and its Syrian inhabitants.

Israel's declaration of the Occupied Golan as a closed military zone was supplemented by the

issuance of Military Order No. 20, which deemed the private movable properties and immovable properties (real estate, money, bonds) as “abandoned property.” A symbolic entity was assigned the responsibility to administer these funds and was granted the authority to use movable property, lease it through contracts, or to sell and buy it. The official in charge of the “abandoned property,” which was in fact the rightful property of the Syrian government and the Syrian inhabitants who had been expelled from the Golan, placed all the land in his command under the control of Israel as the Occupying Power and the settlers. The settlers were granted the property for their possession and disposal. The actual Syrian owners, who were expelled by the Israeli authorities from the Occupied Territories, were not able to engage with the authorities in disputes concerning their properties.

Israel, as an Occupying Power, was careful to show that its actions adhered with the International Humanitarian Law through decreeing military orders. Nonetheless, its position violates the principles of modern international law, which forbids the occupation and annexation of land using force, expelling its native population, and settling in the land.

4.1 Expropriation of Land by Declaring It “Governmental” Property

Israeli authorities sought to maintain its control over the Golan Heights, Judaize it and settle its own population therein. On July 20, 1967, the Israeli Military Commander in the Golan issued Military Order No. 21 concerning the governmental property, placing movable and immovable properties in the Golan under the authorization of a prominent individual allied with Israel, who was then given the responsibility of administering and disposing it. In doing so, Israeli authorities misinterpreted the provisions of International Humanitarian Law that permit an Occupying Power to administer the governmental land and properties.

This created the necessary "legal" foundation on which to distribute the property which belonged to the Syrian government and inhabitants on to the Israeli Jewish settlers. Therefore, it controlled all the resources of this part of the region, such as land, water, and forests, which were now at its disposal, in violation of the principles of International Humanitarian Law.

It is estimated that the indigenous Syrian population have only retained control over 6% of the Occupied Syrian Golan following its occupation by Israel; the rest has been expropriated for military use or for settlements. Since 1967 a number of communities of Israeli-Jewish settlers have been developed and expanded. It is estimated that between 17,000 and 20,000 Jewish settlers have been illegally relocated to the Occupied Syrian Golan. In order to accommodate them an estimated 33 illegal settlements have been built within the Golan region.

4.2 Controlling the Water Resources

Soon after the occupation began, Israeli authorities started to implement several procedures aimed at gaining control over the water resources. These practices were in violation of the Regulations Annexed to the Hague Convention with Respect to the Laws and Customs of War on Land, which states in Article 55 that an Occupying Power may not confiscate private property in the occupied territories and that it shall only be regarded as administrator and usufructuary of the public buildings, real estate, forests, agricultural works, and water resources belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

The Hague Regulations makes clear in Article 53 that an Occupying Power is permitted to take possession only of the cash, funds, and realizable securities which are property belonging strictly to the State, including depots of arms, means of transport, stores and supplies, and, generally, all movable property of the State which may be used for military operations. Railway plant, land

telegraphs, telephones, ships (apart from cases governed by maritime law), as well as depots of arms and, generally, all kinds of war material, even though belonging to companies or to private persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.

Israeli authorities have violated these principles; the Military Commander exploited the powers entrusted to him on March 24, 1968 issued Military Order No. 120 that appoints an official who has authority over all water resources in the Golan Heights, in order to ensure Israeli control over the water resources therein. The order stated the following: "...no person is allowed to carry out or operate any work related to water, unless by an official permit issued by the official in charge and according to the conditions set on obtaining the permit."

After Israel obtained control over all water resources, the native Syrian inhabitants were forbidden from accessing and utilizing them for agricultural purposes. Such denial of access to these resources inflicted a blow on the agricultural foundation of the economy, changing it from a primary to a secondary source of income. While unlimited amounts of water were provided to the settlers and at a low cost, Israeli authorities provided Arab farmers in the Golan Heights only small amounts of water apportioned for agricultural purposes, but at triple the costs. The amounts allotted to Syrian Arab farmers did not exceed 10 percent of that allocated to the Israeli Jewish settler who works in agriculture.

In 2010, Israeli authorities used the water resources of the lake Ram to it's limits. The massive pumping and consumption of huge quantities of water made by Israeli water companies from Ram lake, led for the third year in a row to draining the lake and the death of the majority of the fish in it. This caused an economic damage of about \$ 20 million dollar for the local Syrian farmers, in addition to the environmental threat.

Part II

Article 2

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

5. Taxes

On 10th February 2010 the Israeli Knesset, considered a private bill that granted tax benefits to illegal Jewish settlers of the Occupied Syrian Golan. Under the bill 33 illegal Jewish settlements within the Golan were added to a list of towns and settlements in Israel and the Occupied Palestinian Territories which received 13% tax reductions. Meanwhile, the indigenous Syrian population of the Occupied Golan still have to pay full taxes resulting in further evidence of Israeli policies favouring illegal Jewish settlers and ignoring the rights of the indigenous Syrian population. This bill succeeded as a result of the combination of majority support, passiveness of a number of the Knesset members and a tradition of constant Israeli policies of colonial occupation, settlement construction and expansion, annexation and the exclusion of the indigenous Syrian population of the Golan, and the grave breaches of their rights.

Part III

Article 6

6. The Right to Work

In addition, to the labour restrictions concerning agriculture illustrated above, the majority of the inhabitants of the Syrian Golan are prevented from within the public sector. These include positions within water and electricity companies or within government bodies where Israeli society and policies are influenced. However, those who serve within the Israeli army and accept Israeli citizenship are exempt from these restrictions. For example, This is a blatant example of

discrimination that occurs towards the Syrian Arabs of the Golan with regard to the right to work. By tradition the Arab citizens of the Golan are proud of their Syrian heritage and are largely a pacifist society.

Furthermore, through the planting of landmines, land expropriation and restrictions on freedom of movement it is difficult, if not impossible for farmers to access their lands and maintain their livestock. This is a further example of the discriminatory Israeli policies which negatively impact on the Syrian population of the Golan's right to work.

Part III

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

7. The issue of family separation

One of the most devastating issues currently affecting women in the Occupied Syrian Golan is the discriminatory policies with regard to border-crossings into Syria. These policies allow certain members of the indigenous Syrian population to gain access to Syria while it is discriminating against others. At this point in time these selective categories consist of religious Druze men, students, and non-religious men over 35, and some women over 70. Even within these already discriminatory categories eligible people are not guaranteed permission to cross the border.

Israeli authorities decide who can and cannot cross into Syria based on unknown and unfathomable criteria with no explanations being given when passage is denied. Israeli authorities had never provided any valid justification for treating Golan residents this way. Their actions not only amount to grave violations of human rights and international humanitarian law.

It is evidenced from the list of selective categories that the policies in place are inherently discriminatory against women. In practical terms, the restrictions that have faced the indigenous population of the Occupied Golan for the last forty-four years.

8. Landmines

The Problematic issue of landmines and remnants of military exercises and military camps and positions in the Israeli occupied Syrian Golan is not recent, it is a continuous and ongoing since the beginning of the occupation. The Israeli defensive process has established a continuous threat to the physical integrity of civilians since 1967. Israel has utilized vast areas of Golan land as fields for military training, leaving behind substantial amounts of military remains. The Israeli military usually neglects with maintenance of these fields, resulting in the loss of innocent civilian lives. More specifically numerous land mines have been laid within and adjacent to Arab villages on the pretext of security. Israel has planted about 76 mine fields over large areas of agricultural land and those allocated for grazing, in addition to the endowment lands of the local population, including those lands that lie within the structural maps of the villages of the Golan Heights, as «Tel Alrihana» in Majdal Shams, which covers an area of about 27 thousand m², and also “Bet Altal”, in addition to the confiscation of vast areas east of Majdal Shams that Israel considered a cease-fire

line between Majdal Shams and Ain Tine site. As a result since the beginning of the occupation has disproportionately affected these villages, approximately 18 people have been killed and over 50 wounded due to mine explosions or the detonation of abandoned equipment remains of the Israeli army. Unfortunately children were the majority of those killed or wounded as they are traditionally responsible for grazing cattle and helping with the harvest. Therefore they are exposed with more frequency to the danger of mines.

On May 31th 1989 two 4 year old children were playing 10 meters away from their house, when a landmine exploded and killed one of them. The child that survived was severely injured and is suffering until nowadays from the infringements.

Moreover on March 15th 2003 an 11 year old girl was injured when a landmine exploded next to her house.

These examples illustrate how the every day's life of the Syrian population of the Golan is affected by the landmines surrounding them.

In 2009, the Jewish 11 year old boy, Daniel Yuval, was playing in an open field in the Golan Heights and lost his leg due to an explosion of a landmine. The responsables admitted, that there where not enough warning signs, that keeps people from going onto that dangerous areas. As a result, the Israel Army started to clean the area where jewish settlers live from landmines. **Nothing changed in the area of arab towns, and the landmine fields are still surrounding the Arab villages, and still considered as a real danger that affect on the people lives.**

Part III

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

9. The Right for Housing

Urban planning stems from the concept of creating an infrastructure that contributes to developing living conditions for people, in order to maintain their welfare. The urban planning policy is a reflection of the authority's will to draw and set the living environment for the society under its control. Israel's planning policy towards the Arab citizens and in the Occupied Territories is biased; seeking to achieve the interests of the controlling party (the Jews) and therefore marginalizing the interests of the controlled people (the Arabs).

The Israeli authorities constrict the Syrian Arabs in the Golan. They are forbidden from doing construction work either for housing or development purposes and from establishing developmental projects. Land is confiscated by declaring it green areas or vital areas for public benefits, in order to prevent Arabs from using it for construction or other purposes.

Israeli-approved topographic maps for the Arab towns, developed in cooperation with the appointed local councils, make it clear that they are not paving the way for the service of urban development and infrastructure. Instead, they create obstacles that prevent urban development and infrastructure intended to improve the living conditions of the inhabitants. They serve the interest of Israeli policy, which is based on the principle of land confiscation and deprivation of its legal owners from using it for their personal benefit. In short, these topographic maps are used to constrict the life of the native Syrian inhabitants through the imposition of restrictions on the urban development.

The conditions of the Arab villages in the Golan are dire, especially in regards to the level and quality of infrastructure. The Arab inhabitants are suffering from the urban policy towards them and the systematic neglect in developing vital services, such as the improvement of road and sewage systems; the construction of educational, health and cultural institutions; and establishment of infrastructure for industrial areas.

The number of the inhabitants in the Golan has tripled from the beginning of the occupation until today. However, as a result of the Israeli policy of constriction and land confiscation towards local inhabitants, the remaining areas owned by the locals do not meet their increasing needs. The Israeli planning policies towards the Syrian population in the Golan limit their development and restrict their social and economical development. Further, they are a breach of key principles of international human rights law, in particular the rights to adequate housing, to benefit from natural resources, to development, and to an adequate standard of living.

Part III

Article 13_

The right of education.

10. School curriculum

Immediately after the beginning of the occupation, Israeli authorities replaced Syrian educational curriculum prevalent in Golan with that of the Israeli curriculum. The Israeli authorities have considered all indigenous Golanis as 'Druze', rejecting their Syrian Arab identity and advocating for the creation a specific 'Druze nation'. The aim of the Israeli authorities is to cut indigenous Golanis from the Arabs, and include them in the 'Druze nation', emphasizing its close ties with the Jewish one. The new curriculum, which was forced on the Syrian inhabitants, totally disregarded the Arab identity and culture as well as the civilization and history of the local community. This disregard served as a violation of the cultural rights of the inhabitants, attempting to separate the Syrians from their ethnic and cultural roots and from their Arab tradition and heritage. It also regarded the Golan as an inseparable part of Israel.

Israel controls the administration of the schools in the Golan. Any interference from the students' families seeking to inspect the educational process and the level of the performance of the educational body or to interfere in the teaching methods is rejected.

Part III

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

11. Medical care

Fundamental services such as healthcare are often neglected by the occupying authorities, compelling the local population to take matters into their own hands when faced with poorly run or inefficient Israeli alternatives.

“Previously we had one clinic belonging to the Israeli society of health which had a health service consisting of four people, based on membership of the Histadrut, the Israeli workers’ trade union. To be served in the clinic, you had to be a member of the Histadrut. And people

didn't like it. But usually all the people who worked in Israeli projects they were automatically members of the Histadrut. This clinic was open for three hours a day which wasn't enough. There was a need for the local people to join up in an NGO committee, I was one of them at the time, and the first thing that we did was a survey of the Golan, and we took Majdal Shams as an example. And we decided, according to the survey, to establish a new independent system of health.

It was established as a clinic. At that time we had two physicians working in it. We were helped by different Arab physicians who sometimes volunteered, or sometimes worked very long hours. And less than a year after that, the first step taken was that each family had to pay per month fifty shekels. And then they will receive urgent health care in the clinic of the Golan.”²

In 1995, three years after the opening a clinic in Majdal Shams, Israel introduced the National Health Insurance law which sets forth the state's responsibility to provide health services for all residents of the country. The Arab Committee in the Golan then became a sub-contractor to the state of Israel for the provision of health services in the area.

Despite this, the local community has experienced resistance from the Israeli authorities with regard to these projects in spite of their largely non-political nature.

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² Salman Fakhir Aldeen from Madjal Shams, occupied Syrian Golan
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