AL-MARSAD

AL-MARSAD - Arab Human Rights Center in Golan Heights is an independent non-profit legal human rights organization, located in Majdal Shams, in the Occupied Syrian Golan. The center was founded in October 2003 by a group of lawyers and professionals in the fields of international law, health, education, journalism and engineering as well as human rights defenders and other interested community members.

General Objectives

AL-MARSAD’s main goals are to monitor and document Israeli violations of human rights against the Syrian population of the Occupied Golan, both past and present; monitor and Document Israeli violations of international law and grave breaches to International Humanitarian and Human Rights Law.

In order to achieve these goals, AL-MARSAD:

- Preparing reports and studies on the basis of International Humanitarian and Human Rights Law.
- Appeal to international institutions and forums in order to promote the rights of the Arab population of the occupied Golan in particular, and human rights in general.
- Providing legal services pro bono for the Syrian Arab inhabitants of the Golan.
- Increasing awareness within the community about human rights issues by means of lectures, workshops and training courses.
- Organizing campaigns in order to education the local and international communities about the human rights situation in the Occupied Golan.

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Israel occupied the Syrian Golan during the June 1967 aggression. The United Nations (UN) issued many international resolutions calling for the end of the occupation and withdrawal of Israel from all the occupied territories, including the Golan. Israel refuses to implement these resolutions which reiterate the illegality of the occupation, violating UN treaties and endangering international peace and security. However, the Golan have remained under Israeli occupation since 1967.

After the occupation, the Israeli authorities implemented policies that had been prepared by the Zionist movement previously, and which had been expressed in several letters sent by the founders of the movement to many governments and international conferences. One such letter was sent to the Higher Council of the Paris Peace Conference on February 3, 1919, relaying the possible scenarios regarding the “Jewish State” in the future, stating that: “… Mount Hermon is considered very vital to our future state. Separating this mountain from this state will render a true blow for it”.

International human rights standards are clear that their application extends to all areas within the territory of a State Party and subject to its jurisdiction; this includes occupied territories. The fundamental principles outlined in the international human rights standards should be respected, including during times of armed conflict. As such, Israel, as an Occupying Power, should respect human rights in the Occupied Golan in accordance with such legal standards as the Universal Declaration of Human Rights; the two International Covenants; the Convention on the Rights of the Child; the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This leads to the protection of the inhabitants of the Occupied Territories and asserts its respect.
International Humanitarian Law

The international community has agreed upon the importance of the implementation of international humanitarian law, including the law of belligerent occupation, in regards to situations such as the Israeli occupation of Arab territory, including the Occupied Golan. The Fourth Geneva Convention remains applicable to the Occupied Syrian Golan and should be respected therein in order to ensure the protection of its Syrian inhabitants, as long as the Israeli occupation persists.

The Uprooting of the Native Inhabitants and Depopulation of Syrian Families

According to Syrian resources, the population of the Golan was estimated to be 147,613 persons 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 are towns: Al-Qunaitera, located in the middle of the Golan and the center of the district, and Feeq. In addition, there were 164 villages and 146 farms. The Israeli Army carried out an extensive forcible transfer (ethnic cleansing) operation within a week, forcing the majority of the Golan’s inhabitants (some 131,000) to immigrate inside Syria and destroying their villages and obliterating all traces thereof. After that, there was nothing left of this geo-demographical scene which had existed for many centuries, except for six villages in the Northern Golan: Majdal Shams, Mas’ada, Bqa’atha, ‘Ein Qinyeh, Al-Ghajar and Su’heita. (Su’heita was transformed into an Israeli military post after deporting its people to Masa’da; it was then eradicated completely in 1971-2.)

On June 14, 1967, Military Order No. 1 was issued, declaring that the whole of the Golan was a closed military zone, and that no one was permitted to enter to it, regardless of their identity. Through this order, Israeli officials sought to enforce the depopulation of the area from its native Syrian inhabitants by prohibiting Syrian citizens from returning to the area. On July 4, 1967, the Israeli military commander issued Military Order No. 13, declaring that all houses in Al-Qunaitera, which were completely emptied, were deemed closed military zones, and that no one was allowed to leave or return to them without a written permit issued by the Military Commander himself.
In order to ensure the expulsion, Military Order No. 58 was issued on September 17, 1967 to prevent the return of the Syrian inhabitants. This order sought to prevent their return to the Golan by calling for grave penalties for those who attempted to return to their homes. According to this order, the Military Commander had the authority to imprison those people who were tried to return to their places of residence for 15 years or alternatively these ‘infiltrators’ could be deported to Syria.

Expropriation of Land and Water 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 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.

Expropriation of Land Considered “Abandoned”

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.

**Expropriation of Land by Declaring It “Governmental” Property**

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 of 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.

**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.
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, 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 20 percent of that allocated to the Israeli Jewish settler who works in agriculture.

**Oil exploitation**

Exploratory oil drilling in the occupied Syrian Golan began in February 2015 by the US-based oil exploration company Genie Energy. The approved exploration plans, to be conducted by Genie Energy and Afek Oil and Gas, involve three years of exploratory drilling for conventional oil, through 10 wells in the occupied Syrian Golan. Following a favorable recommendation from the Petroleum Council in February 2013, Afek received its exploratory drilling license in April 2013 for a 395-sq. km. plot south of Katzrin settlement.

The exploitation of oil is in violation of international law including resolution No. 3175 which recognizes the right of Arab states and people under foreign occupation to have sovereignty over their national resources. The United Nations resolution No. 3175 says that Arab states are entitled to full compensation for the exploitation of their natural resources and the damages they sustained as a result.
of the occupation. Moreover, the oil exploitation policy in the occupied constitutes a serious violation of the prohibition of pillage regulated in the Hague Regulations as well as in the Fourth Geneva Convention that binding in Israel.

Afek - is an upstream oil and gas company dedicated to the exploration and eventual production of oil and gas in the occupied Golan. The company is well connected in Israel. Effi Eitam, a former right-wing Israeli cabinet minister, is the head of the Israeli subsidiary and himself lives on the occupied Golan.

Genie Energy - whose investors include former US vice president Dick Cheney, Jacob Rothschild and Rupert Murdoch - is hoping the volcanic rock bed of the Golan might yield better results.

Annexation of the Golan

Israel has sought since the beginning of the occupation to annex the Golan. During the period from 1967 to 1981, Israel implemented several policies that would enable such annexation by creating all the necessary means to do so, such as allowing various Israeli governmental agencies to carry out their activities in the Golan and creating an Israeli civil authorities and court based in the village of Masa’da.

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. 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 the 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 the principles of International Law; Resolution 497 of December 17, 1981 stated that, “Israel’s decision to impose its laws, jurisdiction and administration in the Occupied Syrian Golan is null and void, legally invalid and without international legal effect.”

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.
ignored the resolution and continued its implementation of the Golan Annexation Law by enforcing all its laws, jurisdiction and administration on the residents of the Golan. These laws remain in effect to this day.

**Mines & Explosives**

Since the beginning of its occupation of the Syrian Golan, Israel has laid numerous land mines on the pretext of security. Further, it utilized vast areas of Golan land as fields for military training, leaving behind substantial amounts of military remains that threaten the lives of civilians. There are around 80 mine fields spread across the entire Golan. The Israeli military usually neglects with maintenance of these fields, resulting in the loss of innocent civilian lives. Since the beginning of the occupation, around 23 people have been killed and over 50 wounded due to mine explosions or the detonation of abandoned equipment remains of the Israeli army. There were many children among those killed and wounded.

Israeli authorities not only laid mines in abandoned areas but also in the vicinity of military surveillance points in and around residential villages. These mines pose a real danger to the lives of the owners of those houses and their children, who are unable to freely and securely travel within the vicinity of their homes. This situation has resulted with the death of tens of men, women, and children due to the detonation of those mines. Moreover, those mines dispersed within the vicinity of these residential houses create a dangerous threat to the inhabitants, especially during winter time, when the soil caves in, therefore shifting the mines so that they collide with the houses and even go into them. This situation necessitates the immediate evacuation of the residents.
Settlements in the Golan

Soon after the beginning of the occupation, Israeli authorities began the settlement projects, whereby some groups began moving into the area. Successive Israeli governments have all created plans and projects for settlements, the most prominent being the agricultural planning of the Occupied Golan, as agriculture is regarded as the basic foundation to the first stages of settlement and a simple means to control land and water resources.

There are presently 33 settlements spread across the Golan. Their population reaches around 18,000, including the settlement of Katsrin, host to around 5,000 people. These settlements are primarily focused on agriculture, industry, and tourism. Additionally, there are two industrial areas in the settlements of Qatsrin and Bnei Yehuda.

The Economic Policies of the Occupying Power against the Arabs

The Israeli policy in regards to the Golan sought to isolate the areas with Syrian inhabitants from the rest of the nation. The policy of closure and isolation facilitated this situation, as it forced the inhabitants to form economic and trade relationships with the Israeli market and since all workers had lost their jobs as a result of the occupation. The quick merging of the Golan economic activities with those of Israel was a key priority of the Israeli authorities in their effort to merge the native inhabitants within the Israeli society, transforming them into a cheap labour force for the Israeli market.
Israeli authorities have imposed a policy of land confiscation and use to the benefit of settlements or for military/security reasons. Many of the Arab residents have lost more than half of their agricultural property which was the foundation of their economy. Land used for pasture was also confiscated, thus preventing animals from accessing it and thereby forcing the owners to stop raising livestock, another key element of the Arab economy. As a result, Israel brought to a halt the vital components of the economy on which hundreds of families in the Golan depended. Vast areas of pastures and agricultural lands were confiscated and transformed into military zones and minefields, denying their owners access to their own land.

This had a severe impact on the residents and their living conditions. Agricultural production of dairy products and field crops was badly affected and disappeared altogether. Once this happened, the Arab society became dependent on Israeli agricultural products and partially on the products of the settlements (especially in the field of dairy products).

The cultivation of fruit trees remained, although it too was impacted by the occupation, since the Israeli authorities had transformed part of the land to minefields and military routes. Cultivating fruit trees became a good source of income, especially apple trees, and the inhabitants of the Golan have continued to do so, resisting Israeli products until this day. These thrived in the field due to the suitable climate and nearby natural water springs which the Israeli authorities had not been able to confiscate. Several artesian wells had been dug alongside these springs by the Israeli Authorities and the settlers, reducing its amplitude. The good working spirit of the farmers was also an important contributor to their success in this area, as they constantly sensed the danger of losing their lands.

The cultivation of apples is not only a key source of income, it increases the relationship between the farmer and the land and stands in the way of it being confiscated, since it is rooted with trees. In response to land confiscation policies, the inhabitants transformed the largest part of their un-irrigated land to cultivated land and planted it with fruit trees by investing substantial amounts of money in it. This was not very profitable from a pure economic perspective, and it was rather costly for the
residents. However, it was the only possible way to maintain the land. Unfortunately, the cultivation of fruit trees requires water for irrigation, and Israeli authorities tried to deprive the farmers of the necessary water by confiscating most of the surface and ground water resources.

The settlers later created artificial water basins in the middle and southern areas of the Golan, which made the Mekorot Water Company, allot small amounts of lake water to irrigate limited areas of nearby land owned by Arabs. Such allotments did not exceed 10 percent of the irrigation needs and they were very costly, aiming to force people to abandon the agricultural activities which were part of their act of resistance and perseverance.

**Discriminatory policies of Planning**

Urban planning stems from the concept of creating an infrastructure that contributes to developing living conditions for people, in order to maintain their welfare. Therefore, 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. The native Syrian population of the occupied Galan has long suffered from discrimination in matters of land use and planning rights. Israel’s planning policy in the occupied Golan is biased and based on discrimination against the native Syrian residents where it seeks the development of the illegal settlements, their expansion and flourishing.

The Israeli authorities constrict the Syrian residents in the Golan from using their own lands for construction for meet their needs of housing. They are facing huge restrictions on construction work either for housing or development purposes. Land is confiscated by declaring it green areas or vital areas for public benefits, in order to prevent them from using it for construction or other purposes.

Topographic maps are not paving the way for the service of urban development and infrastructure in the Arab villages. 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 lives 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 constriction 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 is five-fold from the beginning of the occupation to date. However, as a result of the Israeli policy of construction and land appropriation, the remaining areas owned by the Syrian residents do not meet their increasing needs. The racist Israeli planning policies towards the Syrian population in the Golan limit their development and restrict their social and economic development. Further, they are a breach of international human rights humanitarian law, in particular the rights to adequate housing, the right to benefit from natural resources, to development, and to an adequate standard of living.
1. Legal reports:
- “From Peaceful Demonstrations to Armed conflict: Considering International Intervention in the Case of Syria”.
- “Water is Life: A Consideration of the Legality and Consequences of Israeli exploitation of water resources of the occupied Syrian Golan”.
- “Breaking down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan”.
- “Ownership to Occupation: The Forced Evictions and Internal Displacement of the People of the Occupied Syrian Golan”.
- “From Settlement to Shelf: The Economic Occupation of the Syrian Golan”.
- “Changing the Landscape: Israel’s Gross violations of International Law in the Occupied Syrian Golan”.

2. Position papers:
- "Israeli agricultural settlement expansion in the occupied Syrian Golan during the Syrian conflict".
- "Oil and natural gas in the occupied Syrian Golan Illegal exploitation by Israel as occupying power".
- "EU’s guidelines on labelling of settlements products situation in the EU and in some states parties".
- "Syrian Situation and the International Criminal Court Responsibility to referral and to investigate".
- “Israeli Government’s Decision to Relieve Illegal Jewish Settlers in the Occupied Syrian Golan from Paying Tax”.
- “Syrian Situation and the International Criminal Court: Responsibility to referral and to investigate”.
- “Nakba and Naksa Days: Protests at the UN Monitored Ceasefire Line Near Majdal Shams Occupied Syrian Golan”.
Israeli settlements on the ruins of the destroyed Syrian villages.