

Charge d'Affaires Leslie M. Tsou
U.S. Embassy in Israel
71 HaYarkon Street
Tel Aviv 6343229
Israel

13 March 2017

**Re – Human rights in the occupied Syrian Golan: Report of the Secretary General (A/HRC/34/37)
– consideration by the Human Rights Council during the thirty-fourth session on 20 March 2017**

Dear Charge d'Affaires Tsou,

I am the director of Al-Marsad – Arab Human Rights Centre in the Golan Heights. Al-Marsad is a non-profit human rights organisation that monitors and documents violations of international human rights law and international humanitarian law committed by Israel in the Occupied Syrian Golan. Al-Marsad is based in Majdal Shams, one of the last remaining Syrian villages in the Occupied Syrian Golan.

I am writing to you to provide your government with a short briefing on the deteriorating human rights situation in the Occupied Syrian Golan, in order to inform the discussion taking place during the thirty-fourth session of the Human Rights Council on 20 March 2017, that considers the report of the Secretary General on human rights in the Occupied Syrian Golan.¹

This briefing is also relevant for the consideration of the report of the Secretary General on Israeli settlements in the occupied Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan (A/HRC/34/39), taking place on the same day.

Al-Marsad is the only human rights organisation operating in the Occupied Syrian Golan. I would therefore respectfully call on your government as well as the other members of the Human Rights Council to examine the issues raised, when considering the Secretary General's report.

The briefing is appended to this letter. Please do not hesitate to contact Al-Marsad for any additional information required.²

Thank you in advance for your time and consideration of these issues.

Yours sincerely,

¹ Available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/003/61/PDF/G1700361.pdf?OpenElement>

² More detailed information about the issues outlined in the briefing can also be found on Al-Marsad's website. See: <http://golan-marsad.org/>

AL-Marsad

Arab Human Rights Centre in Golan Heights

المركز العربي لحقوق الإنسان في الجولان

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Briefing: Occupied Syrian Golan

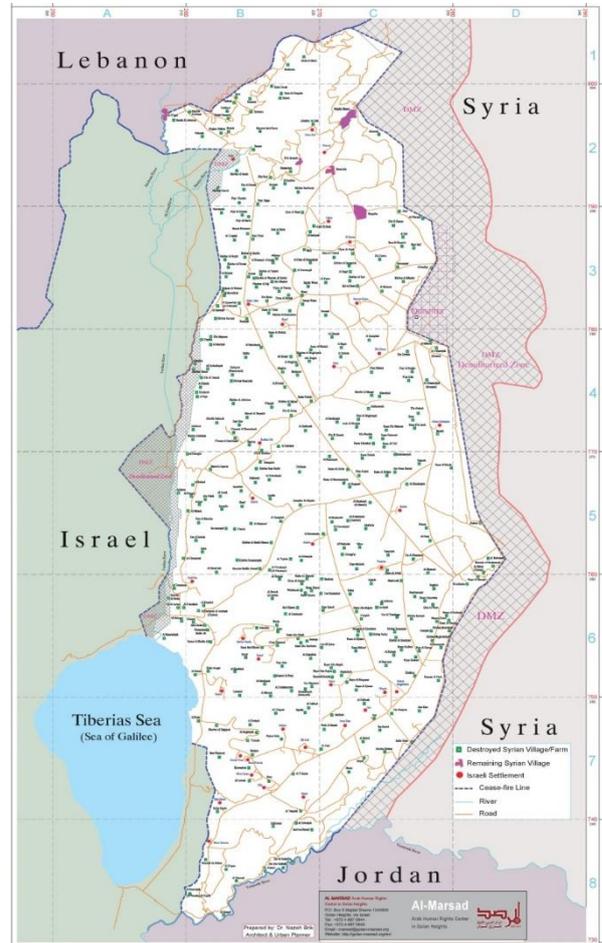
Background

The area known as the Syrian Golan / Golan Heights is a mountainous region and plateau in southwest Syria that borders Lebanon to the north, Jordan to the south, and Israel to the west. The overall landmass of the Syrian Golan is 1,860 square kilometres. During the 1967 Arab-Israeli War, Israel militarily occupied approximately 70% (1200 square kilometres) of the Syrian Golan – a land mass slightly smaller than Greater London. Today, this area is known as the Occupied Syrian Golan / Golan Heights.³

Following the Israeli occupation, approximately 130,000 native Syrian inhabitants were forcibly transferred or displaced from their homes and forbidden from returning (only five percent of the original population was 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 agricultural settlements, often using the same stones from the destroyed villages and farms. In 1981, Israel enacted the *Golan Heights Law* which purported to annex the territory into the state of Israel, an illegal action widely condemned by the international community.⁴

Today, there are at least 23,000 Israeli settlers in the Occupied Syrian Golan, living in 34 illegal settlements. Together with the Israeli military and authorities, they control 95% of the land.



An electronic copy of the map above is available at: <http://golan-marsad.org/wp-content/uploads/Map-english-24.1-2.compressed.pdf>

³ 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

⁴ *Ibid*; See: 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>

Meanwhile, the remaining native Syrian population is approximately 25,000 who live in five villages located in the extreme north of the Occupied Syrian Golan, and who control just 5% of the land.⁵

Major issues of concern

Land appropriation and property destruction

The Israeli authorities are currently seeking to appropriate 20,000 acres of land under the guise of the 'Hermon National Park' plan from around two of the remaining Syrian villages, Majdal Shams and Ein Qynia, that has been used by the native Syrian residents since Ottoman rule for agriculture and urbanization.⁶ 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 its close proximity to the fortified ceasefire line.

The designation of land by the Israeli authorities as a 'national park', 'abandoned property' or for 'military or public needs' is a regularly used tactic to either prevent the expansion of Syrian and Palestinian communities under occupation, or to appropriate land for settlement construction.⁷

Al-Marsad has submitted an objection to the 'Hermon National Park' with the District Planning Committee in Nazareth and has raised this issue with the diplomatic missions of the EU and Permanent Members of the UN Security Council in Tel Aviv.

In September 2016, a home in Majdal Shams was illegally demolished by the Israeli authorities.⁸ 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. This would be the extension of a policy that has been applied to homes belonging to the Palestinian population in the Occupied Palestinian Territories and Israel for a considerable time.⁹

⁵ The forcible transfer of native Syrian inhabitants from the Occupied Syrian Golan; the destruction of their property; the transfer of Israeli settlers into the Occupied Syrian Golan; the exploitation of natural resources for private gain; the purported annexation of the Occupied Syrian Golan; amount to serious violations of numerous provisions of international law, including, but not limited to: A.49 Fourth Geneva Convention; A.53 Fourth Geneva Convention; A.55 of the Hague Regulations; A.43 of the Hague Regulations.

⁶ See: <http://golan-marsad.org/press-release-al-marsad-submits-objection-to-hermon-national-park-plan/>

⁷ A detailed explanation of these policies (in a Palestinian context) is available at:

http://www.btselem.org/jerusalem/national_parks and: http://www.btselem.org/area_c/taking_over_land . Israel has applied the same policies in the Occupied Syrian Golan.

⁸ See: <http://golan-marsad.org/press-release-israeli-authorities-demolish-home-in-majdal-shams-in-the-occupied-syrian-golan/>

⁹ Israel's policy of home demolitions constitutes a grave breach of the Fourth Geneva Convention which prohibits 'extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly' by an occupying power. See A.147 Fourth Geneva Convention.

Al-Marsad has raised this issue with the diplomatic missions of the EU and Permanent Members of the UN Security Council in Tel Aviv.

Illegal settlements and exploitation of natural resources

The Syrian Golan has fertile soil and abundant water resources, hence, a substantial Israeli settlement industry has developed, that includes beef, vegetable, fruit, wine and mineral water production.¹⁰ Furthermore, the natural beauty of the region attracts a significant number of tourists. More recently, an Israeli company Afek Oil & Gas has been conducting oil exploration in the Occupied Syrian Golan. Afek is owned by Genie Energy, a US company that includes Rupert Murdoch, Dick Cheney and James Woolsey on its advisory board.¹¹ Some estimates suggest that the region contains approximately 40 billion barrels of oil.¹²

In February last year, Al-Marsad submitted a joint objection with Adalah, a human rights organisation in Haifa, to the Israeli Ministry of Infrastructure demanding the immediate cancellation of permits to drill for oil in 12 sites in the Occupied Syrian Golan (exploratory drilling is currently on hold due to technical reasons at the sites).

In October 2016, the Israeli Finance Ministry approved plans for the construction of 1600 settlement units in the illegal Israeli settlement of Katzrin.¹³ Katzrin is the largest Israeli settlement (population 8000) in the Occupied Syrian Golan. It was built over the destroyed Syrian villages of Qasrin, Shqef and Sanawber. Katzrin is also home to various settlement businesses that illegally exploit the natural resources of the Occupied Syrian Golan, such as the Golan Heights Winery¹⁴ and Eden Springs / May Eden¹⁵ mineral water.¹⁶

This announcement follows approval by the Israeli government in 2014 for a \$108 million investment to establish 750 Israeli settlement 'farming estates' on 7,100 acres of land in the Occupied Syrian Golan.¹⁷

Al-Marsad has raised this issue with the diplomatic missions of the EU and Permanent Members of the UN Security Council in Tel Aviv.

¹⁰ 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>

¹¹ See: <https://genieoilgas.com/about-us/strategic-advisory-board/>

¹² See: <http://globalriskinsights.com/2015/02/increased-security-risk-ahead-for-golan-heights/>

¹³ See: http://www.timesofisrael.com/liveblog_entry/israel-okays-1600-new-homes-in-golan-heights/

¹⁴ See: <http://www.golanwines.co.il/english>

¹⁵ See: <http://www.meyeden.co.il/>

¹⁶ In addition to illegally exploiting the natural resources of the Occupied Syrian Golan, Israeli settlements benefit from preferential treatment from the Israeli authorities. A notable example is the price of water: due to discriminatory policies, Syrian farmers pay up to four times as much for water as Israeli agricultural settlers.

¹⁷ See: <http://www.pressreader.com/usa/the-jewish-voice/20140117/281956015640299>

Landmines and military bases

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, which has resulted in the loss of civilian lives, including children. Numerous land mines also 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.¹⁸ 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.

Following an extensive campaign and communication with the Israeli Landmines Authority, in 2013 Al-Marsad successfully obtained the removal of one of the Israeli military bases (and clearance of surrounding mines) from Majdal Shams. Al-Marsad remains in communication with the Landmines Authority regarding the clearance of other minefields in Syrian residential and agricultural zones, and is due to initiate legal action in the near future to advance this process.

Family separation

It is estimated that those forced to leave the Occupied Syrian Golan and their descendents amount to approx. 500,000 people who mainly live in the outskirts of Damascus and the southern city of Daraa. 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.

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. Following an extensive campaign that involved the submission of individual complaints for 15 women to the Committee on the Elimination of Discrimination against Women, in 2012 Al-Marsad successfully obtained permission for a group of women to visit their relatives in Syria for the first time. Unfortunately, visits to Syria for all residents from the Occupied Syrian Golan ceased later in 2012 due to the conflict in Syria.¹⁹

¹⁸ The continued deployment of landmines and Israeli army bases in Syrian residential and civilian areas violates multiples rules of international law, including, but not limited to: A.6 & A.12 International Covenant on Civil and Political Rights (ICCPR); A.5 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); A.6 Convention on the Rights of the Child (CRC).

¹⁹ Israeli policies on the issue of family separation violate multiples rules of international law, including, but not limited to: A.46 of the Hague Regulations; A.49 Fourth Geneva Convention; A.10 Covenant on Economic, Social and Cultural Rights (ICESCR); A.23 ICCPR.

Revocation of residency

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 that included 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.

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 who have permanent residency under an Israeli jurisdiction. 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. This creates onerous restrictions and costs for international travel. Furthermore, this residency status may be revoked if an individual's 'centre of life' changes or if citizenship of another country is obtained.²⁰

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.

Recently, Al-Marsad was able to secure residency in the Occupied Syrian Golan for two children who had been born in Syria to parents born in the Occupied Syrian Golan. The Israeli Ministry of Interior had previously denied residency for these two individuals.

Housing and planning

Discriminatory land and housing policies have meant that the remaining Syrian villages in the Occupied Syrian Golan are severely overcrowded, as expansion on surrounding land is rarely permitted. As a result of severe restrictions imposed by Israeli planning committees, it is close to impossible for the Syrian population to obtain building permits. 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 and the demolition of their homes.

²⁰ The denial of the right to nationality, freedom of movement and non-discrimination violates multiples rules of international law, including, but not limited to: A.15 of the Universal Declaration of Human Rights (UDHR) A.12 & A.26 ICCPR.

Not only do these 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.²¹

Al-Marsad has prepared a report on discriminatory planning policies and has also considered these issues in an objection to the 'Hermon National Park' plan.

Education

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, as well as the history of the local community. The Israeli curriculum does not facilitate Arab cultural activities and the Syrian population has little say in how their schools are run and what their children are taught.²² In addition, many schools have building deficiencies and do not meet basic safety standards.

Al-Marsad has visited five schools and prepared an expert opinion on building deficiencies that endanger the lives of the students and inhibit their education. Al-Marsad has submitted this report to the Israeli authorities.

Labour rights

During the 1970s, existing trade unions in the Occupied Syrian Golan, such as the Farmers Trade Union, were banned by the Israeli military due to their links to Syria, and later attempts to establish grassroots organisations in their place were prohibited. As a result, many Syrians are unaware of their basic labour rights or lack free or affordable legal advice and representation. Further, given its relatively small size and marginalisation as an occupied people, the Syrian population in the Occupied Syrian Golan is very interconnected. Therefore, many workers work for friends or family members, which fuels a culture in which workers do not necessarily wish to complain about violations of their rights, in case it creates a problem in the community or, simply, that they will be fired from their jobs if the contractual arrangement is an informal one.

Finally, the situation of Syrian workers has become more precarious due to the ongoing conflict in Syria. Previously, the Syrian government was able to provide financial support for the Syrian population in the Occupied Syrian Golan, for example, by providing higher level education for free in Syria or buying workers' products – mainly apples – at guaranteed advantageous prices.

²¹ Discriminatory land, housing and development policies violate multiples rules of international law, including, but not limited to: A.1 & A.26 ICCPR; A.5 ICERD; A1 & A.11 ICESCR.

²² Lack of decision making and participatory powers in the education system violates multiple rules of international law, including, but not limited to: A.1, A.13 & A.15 CESCR; A.5 CERD; A.27 ICCPR; A.29 & A.30 CRC; A.50 Fourth Geneva Convention.

As a result of these factors, many Syrian workers suffer from violations of their labour rights, both by local Syrian employers and employers in illegal Israeli settlements.²³

Al-Marsad has recently launched a project to ensure that Syrian workers are better aware of their labour rights and have access to free or affordable legal representation. This project involves the provision of workshops, legal consultations and the distribution of leaflets and posters.

Conflict in Syria

The conflict in Syria is of huge concern to the remaining Syrian population in the Occupied Syrian Golan. People are concerned for the safety of relatives and friends, both in the immediate vicinity across the fortified ceasefire line and elsewhere in Syria. Furthermore, the fighting is close enough to some Syrian residential areas to make the windows of the houses shake, causing serious distress and worry. In addition, the location of Israeli military bases in Syrian residential areas adds to people's concerns given their potential as a military target. Projectiles have also landed in the Occupied Syrian Golan.

To make matters worse, the conflict in Syria is being used by the Israeli government to further its claims to the Occupied Syrian Golan. Indeed, Prime Minister Netanyahu held a "celebratory" cabinet meeting in an illegal settlement in the Occupied Syrian Golan last year, in which he called for recognition of Israel's "sovereignty" of the Occupied Syrian Golan, stating that "The Golan will always remain in Israel's hands. Israel will never withdraw from the Golan Heights".²⁴

Al-Marsad has raised this issue with the diplomatic missions of the EU in Tel Aviv.

NB: Al-Marsad's legal publications and position papers that seek to document and examine the issues above are available online.²⁵

²³ Failure to ensure just and favourable working conditions violates multiple rules of international law, including, but not limited to: A.6, A.7 & A.10 C.E.S.C.R.; A.5 ICERD; A.32 C.R.C.

²⁴ See: <http://www.timesofisrael.com/netanyahu-vows-golan-heights-will-remain-part-of-israel-forever/>

²⁵ See: <http://golan-marsad.org/publications/> and <http://golan-marsad.org/> > select 'issues' > select individual issues to see publications and position papers.