

Ownership to Occupation: The Forced Evictions and Internal Displacement of the People of the Syrian Golan

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May 2012

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Cover photograph depicts the destroyed village of Ramtania - Cover photograph sourced from Jalaa Marey archives.

The opinions expressed in this study reflect the views of Al-Marsad.

Acknowledgements

The author would like express her unending gratitude to all of the staff of AI –Marsad without whom this report would not have been possible. In particular I would like to thank Nizar Ayoub, Salman Fakhir Aldeen, Abulkher Abujabal, Jameel Abujabal, Majdolin Safadi, Areen Sabag, Jalaal Marey and Mufeed Al Wely for all of their help and support throughout the writing and researching of this report. I would also like to take this opportunity to thank Hannah Russell for all her help and hard work in the final stages of editing and proof reading the report.

In addition I wish to extend my gratitude to all the people of Majdal Shams who welcomed me into their homes and their lives. The experiences I have had and the friendships I have made during my time here will stay with me always . The sense of community and of perservance of the people of the occupied Syrian Golan is truly amazing. I hope that the occupation of their lands and home soon comes to an end, and that they recieve the justice that has for so long been denied to them.

Table of Contents

Section 1.1 – Introduction	8
Section 1.2 – Background to the Current Political Situation in the Occupied Syrian Golan	11
Section 1.3 – A Brief Summary of the History of the Golan from 1967 to the Present.	14
Section 2.1 – International Human Rights Law and its Applicability to the Occupied Syrian Golan	26
Section 2.2 – Legal Tools used by Israel in the Expropriation of Land after the War of 1967	32
2.2.1 – Military Orders	34
2.2.2 – Application of Domestic Legislation post 1981	41
Section 2.3 – Legal Definition of the terms ‘Internally Displaced People’ and ‘Forced Evictions’	45
Section 3.1 – The History of Su’heita	51
Section 3.2 – Human Rights Abuses Associated with Forced Evictions and Internal Displacement	66
3.2.1 – Right to Self-Determination	66
3.2.2 – Right to Freedom of Movement and the Right to Return	70
3.2.3 – Right to Family	73
3.2.4 – Right to Non-Discrimination	78
3.2.5 – Right to Compensation and Restitution	81
3.2.6 – Right to Compensation and Restitution	85
Section 3.3 – Israel’s Response to Allegations of Illegal Activities	89
Section 4.1 – Brief History of Negotiations between Syria and Israel Since 1967	94
4.1.1- Brief History of Negotiations Between Syria and Israel Since 1967	95
Section 4.2 – The Policy of ‘Land for Peace’	98
Section 4.3 – Recommendations	99
Section 4.4 – Conclusion	102
Appendix 1 - Illegal Settlements in the Occupied Golan and the Syrian Arab Villages they were Constructed on	104

List of Abbreviations

CAT	Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women.
CERD	Committee on the Elimination of Racial Discrimination.
COHRE	Centre on Housing Rights and Evictions.
CRC	Convention on the Rights of the Child.
DMZ	Demilitarised Zone.
EU	European Union.
ICC	International Criminal Court.
ICCPR	International Covenant on Civil and Political Rights.
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination.
ICESCR	International Covenant on Economic Social and Cultural Rights.
ICRC	International Committee of the Red Crescent.
IDMC	Internal Displacement Monitoring Centre.
ILA	Israel Land Administration.



IHL	International Humanitarian Law.
ILO	International Labour Organisation.
JNF	Jewish National Fund.
OHCHR	Office of the High Commissioner of Human Rights.
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDOF	United Nations Disengagement Observer Force
UXO	Unexploded Ordnance

"I sit on a man's back; choking him and making him carry me, and yet assure myself and others that I am very sorry for him and wish to ease his lot by all possible means – except by getting off his back."

Leo Tolstoy

1.1- Introduction

The purpose of this report is to highlight the persistent human rights violations associated with internal displacement and forced evictions which are endured by the Syrian Arab population of the occupied Golan. These violations have occurred as a direct result of Israel's land policies in its position as the occupying force within the Golan. Since its occupation in 1967 the Syrian Golan has been transformed from a thriving Arab community, based on agriculture and labour, to an area dominated by Israeli settlements, military training camps, and tourism. This report will show how this transformation and the land expropriation which took place within the occupied Golan contravene both international humanitarian law and international human rights law.

The report is divided into four sections. Section one considers the history of the Syrian Golan. It discusses the natural resources of the area as well as why the State of Israel has attempted to annex this region. This section also summarises what happened to the indigenous population of the Golan between the end of the Arab-Israeli War of 1967 and the *de jure* annexation of the area in 1981. At all times the focus remains on the land rights and land loss of the Arab population.

Section two is concerned with international humanitarian and human rights law and how it has been applied to the occupied Golan. *It considers the Hague Regulations of 1907 and the Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War, 1949* in light of forced evictions and internal displacement. In addition, the section analyses Israel's domestic policies. It first addresses the military orders which were put in place during the immediate aftermath of the 1967 war and then looks at the legislation that was applied after the creation of the *Golan Heights Law* in 1981. Lastly, the section discusses the legal definitions of internal displacement and forced eviction.

Section three considers the case study of the village of Su'heita which was seized by the Israeli forces in 1970 after they issued military orders demanding the residents of the village to leave their homes and land. It provides an example of how military orders were applied to the Golan and how the indigenous population were intimidated and forced to leave their homes and their lands. The history of Su'heita will be followed by an examination of a number of specific human rights, such as the right to self-determination, right to return and right to compensation and resitution, and demonstrating how they have been systematically denied to the indigenous population of the Golan. This section concludes with an examination of Israel's responses towards allegations of illegal activity by the international community.

The final section considers the success of the 'Land for Peace' policy to date and the likelihood of Israel finally returning the occupied Golan to Syria. It discusses the history of attempted peace negotiations between the two states as well as an examination of how proposed Israeli legislation may hamper any future talks between the governments. Section four ends with a list of recommendations for both the Israeli government and the international community; these include the Israeli government re-entering talks with Syria, adhering to international law and the ceasation of all settlement development within the Occupied Syrian Golan.



Figure 1: Map of the Occupied Syrian Golan.

Sourced from http://www.lib.utexas.edu/maps/middle_east_and_asia/golan_heights.Rel89.jpg

1.2 Background to the Current Political Situation in Occupied Syrian Golan¹

The region known as 'the Golan' or the 'Golan Heights' is a mountainous area comprising of 1,860 square kilometres, and represents approximately one per cent of Syria's total landmass. It borders Israel to the west, Lebanon to the north, Syria to the east and Jordan to the south. Following the Arab–Israeli War of 1967 and the October War 1973 approximately 1,500 square kilometres of the Golan remains under Israeli occupation.² Prior to the invasion of 1967, the population of the Golan was approximately 153,000 spread out over 139 villages and 61 agricultural farms.³ This area also included two large cities, Qunaytra and Afiq both of which were subsequently destroyed by the Israeli forces. In the days following the war of 1967, the population of the Golan fell to approximately 7,000 spread over only six villages. These villages were, Majdal Shams, Masa'da, Buq'ata, 'Ein Qinyeh, Ghajar and Su'heita. In 1971 Su'heita was destroyed by the Israeli army and converted into a military base. The other 133 villages were either destroyed or left empty following a mass forced displacement of the Syrian population into Syria proper⁴ during the war. This report will pay particular attention to the fate of Su'heita and the problems faced by its Syrian residents due to internal displacement and forced evictions.

1 Hereinafter also referred to as the Golan, or the Syrian Golan.

2 See <http://www.un.int/syria/golan.htm>.

3 Internal Displacement Monitoring Centre, *Syria: Forty Years On, People Displaced From the Golan Remain in Waiting* (2007). Available at [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%2911354/A1A3BE82407C12573850037B6C6/\\$file/Syria_IDPs_Overview_Oct07.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%2911354/A1A3BE82407C12573850037B6C6/$file/Syria_IDPs_Overview_Oct07.pdf).

4 For the sake of clarity the remaining areas of Syria, outside of the occupied Golan, shall be referred to as 'Syria proper' throughout this report. This is by no means to imply that the occupied Syrian Golan is not part of Syria, merely it is used as a tool to allow the reader to understand which areas are being discussed in an easy manner.

Relations between Israel and Syria were strained during the period following the creation of the State of Israel in 1948 and Israel's occupation of the Syrian Golan in 1967. In 1947 Syria opened its border to tens of thousands displaced Palestinians and in return was promised access to the water resources of Lake Tiberias and the Jordan River. Due to on-going tensions between the two states, the guarantees to water were never honoured.

In 1949 an Armistice Agreement⁵ was finally reached between Syria and Israel and this led to the creation of the Demilitarised Zones (DMZs). These zones were established in a bid to create neutral territory to maintain the borders of the two states. However Israel began to exert control over these areas by forcing the Syrian inhabitants to leave. Israeli ex-Minister of Defence, Moshe Dayan has spoken of the Israeli military employing aggravating tactics which involved crossing into the DMZs to entice a response from Syria.⁶ As a result of such tactics the DMZs were rendered essentially useless and throughout the 1950s and 1960s there were continued bouts of violence and unrest between the two nations. Meanwhile the 1948 Arab–Israeli War led to Israel assuming control over the western side of Lake Tiberias as well as that of the western side of the River Jordan.

A number of rationales for Israel's invasion of the Golan in 1967 and its determination to retain this land have been proposed over the years. These have included it being of strategic military importance, the notion that it is part of the 'Promised Land' and the fact that the River Jordan which flows from the Golan provides Israel with one-third of its total water needs.⁷ In addition, it is submitted that Israel was attracted to the extremely fertile land as a result of the Golan's hydrated lands and volcanic soil. This is a motivation which is very

5 <http://www.mfa.gov.il/MFA/Foreign+Relations/Israels+Foreign+Relations+since+19471974-1947//Israel-Syria+Armistice+Agreement.htm>.

6 Avi Shlaim, *The Iron Wall: Israel and the Arab World* (WW Norton and Company, 2001), at 236- 237.

7 Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al Marsad, April 2010), at 15- 17.

relevant to this report and can be backed up by the fact that prior to the occupation in 1967 the area produced a large variety of crops and animal products. Indeed following the occupation the Golan has remained famous for its annual harvests of apples and cherries.

Prior to the occupation the fertility of the land enabled a strong agricultural community to develop within the Golan. Following the occupation this agricultural community continues to struggle for survival with the majority of the people living in the Golan being farmers. Due to this the repercussions of Israel's discriminatory tactics and land expropriation are all the more dire for the local community. The already difficult situation is made even more difficult by the fact that a large part of the land of the Golan is collectively owned as opposed to privately owned. This places the Golan farmers in a weak situation. Due to this arrangement there is a lack of documental evidence to prove ownership. Israel has taken full advantage of this using the lack of documentation as a way to justify expropriating such land.

1.3 A Brief Summary of the History of the Golan from 1967 to the Present



Figure 2: Map of the Syrian Golan.

Sourced from Jewishvirtuallibrary.org

The Israeli army invaded the Golan on the 9th of June 1967. Reports from survivors mention how the Syrian army withdrew from the villages on the 8th of June without providing any explanation to the local communities as to what was going on.⁸ This left the villagers and their land completely vulnerable to the Israeli forces. Many of the local population were forced from their homes taking refuge in other villages further inland in Syria proper. They did this with the belief that once the war was over they would be able to return to their lands in the Golan. Those that were not forcibly displaced feared a repeat of the loss of life endured during the Syrian struggle for independence against the French in the 1920s and as a result felt the safest thing they could do was move their families away from the immediate threat of violence. Only the residents of Majdal Shams, Masa'da, Buq'ata, 'Ein Qinyeh, Su'heita and Ghajar stood their ground refusing to leave their homes. Within days of the war ending Israel had conducted a mass forced eviction of the civilians that remained within the Golan resulting in the original population falling to approximately 7,000 people.



Figure 3: Israeli tanks in the Syrian Golan during the 1967 War.

Sourced from the State of Israel Government Press Office.

8 Sakr Abu Fakhr, "Voices from the Golan" (2000) 29(4), *Journal of Palestine Studies*, at 9.

By July 1967 the Israeli government had initiated a plan to create Jewish settlements in the now occupied Golan. It should be noted that these settlements are built on expropriated Arab land and are deemed illegal under international law.⁹ The speed at which illegal settlements were introduced to the Golan and their subsequent development appears to strengthen the argument that the Golan was, and remains, of specific and great importance to the Israeli government. Within a month of the end of the Arab-Israeli War 1948 the Israeli authorities began building settlements in the Golan. Given the urgency in which this was done and the resourceful locations that these settlements were built it has become apparent that Israel is more interested in the abundant water supply and economic potential of the Golan, than the military security that it may offer.

As a result of the mass forcible eviction from the region during the war it is estimated that there are as many as half a million displaced Golanis currently being denied their right to return by the Israeli authorities. Those who had become internally displaced initially took residence in refugee camps, mostly located on the outskirts of Damascus. These camps eventually became permanent homes for the displaced people of the Golan. This influx of people placed economic strain on the Syrian government especially as the arrivals were farmers without land and as such it proved very difficult for people to provide their families with an income. It is estimated that the loss of the Golan has cost the Syrian government \$46- billion a year in increased military expenditure and a further \$3 billion in damages to the infrastructure of the Golan region.¹⁰ Syria suffered further financial strife as a result of the Golan's occupation due to the loss of tax revenue from the villages and the cost of housing and caring for the displaced.

⁹ Articles 46 and 55, *the Hague Regulations 1907*; Articles 47 and 49, *Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War 1949*.

¹⁰ *Ibid*, at 12.

Hayil and Samar Abu Jabal from Majdal Shams, Occupied Syrian Golan

Al Marsad Affidavit:

The demolition of the villages is to prepare for a long occupation. In Jubata Ez-Zeit some of the people fled from the war and once the occupation had begun the remainder of the population were forcibly removed. In the case of Jubata Ez-Zeit part of the population took shelter in Majdal Shams and the rest stayed put. After the Israeli forces occupied Majdal Shams they allowed them go back to the village and then forced the entire population to walk to Lebanon. The Israeli army collected the people of the village together and they ordered them to begin walking towards Lebanon and they are firing over their heads in order to frighten them. From what I know they did not try to kill anyone, just to instil fear in order to get people to leave. There was absolutely no reason. The villages were evacuated of people. There were no residents; there was no armed resistance there, why was it necessary to destroy these villages?

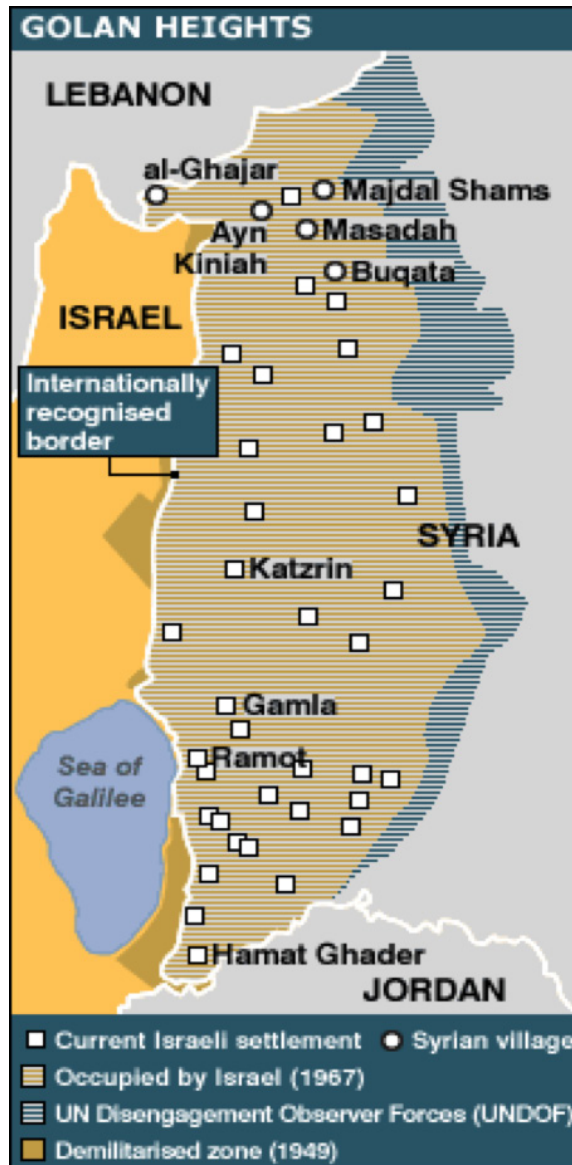


Figure 4: Map showing the remaining Arab villages in the Golan after the 1967 war.

Sourced from the BBC Archives.

In October 1973 Syria and Egypt carried out a two part attack on Israel in an attempt to regain those territories lost in 1967. The war became known as the 'October War' for Arabs and the 'Yom Kippur War' for Israel. It was initiated on the Jewish holiday, Yom Kippur, a day

where the entire State of Israel essentially comes to a standstill and a large portion of the military are allowed to take leave and spend time with their families. Coincidentally many of the Arab soldiers were also observing Ramadan and fasting at this time. The first strikes by the Arab armies were successful but this initial wave of success was short lived and the Israeli forces eventually drove the Syrians back from the Golan and at one point were a mere 40 km from Damascus. The end result of the war was a regaining of the Sinai Peninsula for Egypt (due to American intervention and the eventual peace talks held in Camp David in 1979) and the returning of the city of Qunaytra to Syria. However days before the city was officially handed back the Israeli army destroyed it with bulldozers. The Syrian government has since chosen not to rebuild the original city but rather to keep it as a memorial of the war. By 1974 a number of DMZs were established along with a United Nations Disengagement Observer Force (UNDOF) presence to help maintain the 'areas of limited forces' as agreed by both parties at the end of the war.



Figure 5: Building destroyed in Qunaytra by the Israeli forces in 1974 after the Armistice Agreement had been signed.

Sourced from Al Marsad's Archives.

Since the 1973 war Israel has implemented a number of policies in its attempt to annex the Golan from Syria. Israel's de facto annexation of the Golan has never been recognised as legal by the international community. There have been a number of United Nations' (UN) resolutions stating that the Golan is in fact, legally part of Syria and merely occupied by Israel.¹¹ In 1978 the Israeli authorities began to expropriate orchards from the local Arab farmers to the total of 15,000 dunams and then subsequently destroyed any new trees that they attempted to plant.¹² In addition to this it has been noted by the International Labour Organisation (ILO) as recently as 2008 that Israeli settler farmers are now in direct competition with Arab farmers, but have the advantage of receiving more benefits from the State. For example with regards to water consumption, settler farmers are allowed to consume more water and at cheaper rates than their Golani counterparts.¹³ Other obstacles faced by the Arab residents of the Golan include restrictions regarding building permits. While Israeli settlers have been encouraged to move to the Golan and build their homes there, in some cases even receiving government grants for doing so, the local Arab communities have been prevented from expanding their villages and are often refused building permits. Consequently many people have found themselves building homes illegally and risking having those homes demolished by the Israeli authorities.¹⁴

In 1981 the Israeli government applied a de jure annexation upon the Golan. The international community responded by refusing to recognise the legitimacy of this action, or indeed the preceding

11 See UN Security Council Resolutions 242 (1967); 338(1973); 497(1981) and UN General Assembly Resolutions 61118/61 ;(2006-12-1) 27/ and 612006-12-14) 120/).

12 See "Appendix: Testimonies from the Occupied Golan Heights" (1979) 8(3) *Journal of Palestine Studies*, at 127- 130.

13 Report of the Director-General, "The Situation of Workers of the occupied Arab territories" (2008), 97th Session, International Labour Office Conference, at para 84.

14 COHRE and BADIL, "Ruling Palestine- A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine" (2005), at 58.

annexation of East Jerusalem.¹⁵ The annexation occurred through the introduction of The Golan Heights Law 1981 which stated that Israeli law, jurisdiction and administration would be applied to the Golan.¹⁶ Following the annexation the occupying forces attempted to introduce Israeli citizenship through the distribution of national ID cards to the local populace. The people of the Golan responded by refusing to accept the cards and instead either destroyed them or discarded them in the streets of the villages. Those few who did accept citizenship were quickly excommunicated by their fellow villagers. This united response resulted in a general strike which lasted for over six months. During this time the roads in and out of the remaining five villages were closed and the Israeli army prevented food and medical supplies from entering the Golan. The people however, remained unified and with the outbreak of a war with Lebanon Israel eventually abandoned the policy and the people of the Golan maintained their Syrian identity. Nevertheless, it should be noted that as punishment for defying Israeli orders those who opted to retain their Syrian identity are not issued with a passport, but with a *Laisser-passer* (travel document) which states their nationality as 'undefined'.

Although the attempt to introduce citizenship failed for the most part the Israeli government successfully gained control over much of the land in the Golan. While the Syrian populace were left holding onto some of their lands, primarily in the north, it is currently estimated that there are now 33 settlements in the Golan with a combined population of approximately 18,000. This means that there are now almost as many settlers living in the Golan as there are Syrians. The settlers however, are spread out over a much larger area of land. It is claimed that the settlers have use of up to 80 square kilometres of land whilst the Syrian farmers have access to a mere 20 square

15 S/Res/497, United Nations Security Council Resolution 497, 17 December 1981.

16 See <http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Golan+Heights+Law.htm>.

kilometres.¹⁷ As previously mentioned due to the fertile nature of the land in the Golan many of these illegal settlements are concerned with agricultural produce and as such have a direct effect on the local Syrian population's ability to work freely and provide for their families.¹⁸ The remaining land is either classified as pasture land or privately held by the government as a nature reserve (most notably around Mount Hermon).

Since the *illegal de jure* annexation of the Syrian Golan in 1981 much of the land belonging to those who left involuntarily has been redistributed to settlers, used for DMZs or left fallow. Almost immediately after the 1967 invasion the Israeli forces began to systematically destroy villages reducing the homes and the farms to rubble. This destruction was achieved through the application of numerous military orders between 1967 and 1981 and the introduction of the Golan Heights Law 1981. All of this grouped together forms Israel's discriminatory land legislation and policy towards the indigenous Syrian population of the Golan. The justification of 'military necessity' is often invoked by the Israeli government when it is asked to explain the demolition of homes within the Occupied Territories. This has been criticised by the international community as a method of deliberately disenfranchising people and as a serious violation of some of the most fundamental human rights of the Arab populace not only in the Syrian Golan but throughout all of the Occupied Territories.¹⁹

Large areas of land within the occupied Golan have been given over to the Israeli army for the creation of training camps and military bases. It is believed that there are up to 60 different Israeli military camps and training grounds covering hundreds of thousands of dunams of

17 http://www.alternativenews.org/index.php?option=com_content&view=article&id=186:the-golan-heights&catid=111:other-publications&Itemid=70.

18 Ibid.

19 See Amnesty International, "Israel and the Occupied Territories Under the Rubble, Housing demolition and the Destruction of Land and Property" (2004).

Syrian land.²⁰ The most important is said to be the 'Snow Observation Point' at Mount Hermon which stands at an altitude of 2,224 meters and provides the Israeli army with an unparalleled viewpoint of its borders and those of its neighbours. Along with the Israeli presence there is also a UN presence in the Golan. The UNDOF²¹ states that it currently 'maintains an area of separation' that is approximately 75 kilometres long and 10 kilometres wide (at its widest point) between the two borders. They have been stationed there since June 1974. There are approximately 1000 UN soldiers currently deployed with the UNDOF in the Golan. An exact figure of the numbers of Israeli soldiers serving in the area is harder to verify as the Israeli military views such information as sensitive and refuses to disclose it. As such despite the claim that much of the land expropriated by the Israeli occupiers after 1967 was required for 'military necessity' it is almost impossible to know how much of it is actually being used in this way.

Other criticisms concerning the military's use of land in the Golan arise from the planting of landmines in many of the 'abandoned' villages. It is estimated that there are as many as 76 different mine fields in the Golan.²² It is impossible to get accurate information on how many landmines have been placed along the border and in the fields of the Golan as Israel classifies this information as a State secret. The danger posed to an agricultural community when it is surrounded by landmines is indubitable. Al Haq report that "of the 16 incidents in which Golanis were killed by mines or UXOs seven happened while the victims were grazing cattle, two on agricultural roads and one on agricultural land."²³ The Israeli government claims that landmines form a necessary part of their self-defence and refuse to remove them. This is despite the fact that land shifting as a result of geological and environmental changes has caused many of these mines to shift towards residential properties and the orchards that

20 http://www.alternativenews.org/index.php?option=com_content&view=article&id=186:the-golan-heights&catid=111:other-publications&Itemid=70.

21 <http://www.un.org/en/peacekeeping/missions/undof/background.shtml>.

22 See Al Haq, "Death Traps: Landmines in Golan" (2000), at 11.

23 Ibid at 17.



Figure 6: Yellow sign warning of landmines on the destroyed village of Su'heita. These signs are scattered all over the lands of the Occupied Syrian Golan.

Sourced from Karen Hanlon's archives.

The loss of land whether as the result of the creation of illegal settlements, its use by army personnel or because of landmine plantations, affects the local Golani community on a variety of levels. Separate from the economic hardships now faced by the Syrian population of the Golan are those concerning cultural and familial identity. The Syrian Golan prior to 1967 was a farming community which existed on the basis of not only privately owned but communally shared agricultural lands. Since the loss of this land the traditions of the Golani have also diminished. The exiled population are now raising their children within mainly urban surroundings and even those who remain in the Golan often seek university education primarily within the fields of medicine and law. This is despite the fact that it is considerably more difficult for Arabs to be employed within these fields in Israel.

As such it is apparent that the Arab residents of the Occupied Syrian Golan suffer a multitude of human rights abuses and infractions at the hands of the occupying power. International law is very clear on the obligations of States who occupy and seize control over disputed territory. Israel has, since 1967, continuously refused to recognise the application of the *Hague Regulations 1907* and the *Geneva Conventions 1949*, as well as numerous UN based treaties, conventions and resolutions. It is therefore necessary to consider the various bodies of international law which are applicable to the situation in the Occupied Golan, and to also consider Israel's policies on why it believes they do not apply in these situations. In addition it is worth examining Israeli domestic law, especially in relation to land and property rights and to consider the disparity between how the illegal settlers' land rights are protected in the Golan when compared to those of the local Arab population.

2.1 International Humanitarian and Human Rights Law and its Applicability to the Occupied Syrian Golan

There are a number of international conventions which outline Israel's obligations to protect and respect the Arab residents in all of the Occupied Territories. The first large body of international law which needs to be examined is the *Hague Regulations of 1907*. The Hague Regulations were established in order to create non-derogable rights and standards which had to be obeyed during times of war. Article 46 of the Convention states that "family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. **Private property cannot be confiscated** (Emphasis added)." In conjunction with this Article 55 states that:

The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

The rules of usufruct refer simply to the principle that a person, or in this case an occupying force, may have a right to use and enjoy the profits and advantages of something belonging to another as long as the property is not damaged or altered in any way. In other words, while Israel as an occupying power may take advantage of the strategic importance of the Golan it has no authority under international law to dispossess people of their land and homes or to create settlements and new infrastructure to facilitate the movement its own citizens onto the land of the occupied territory.

While the *Hague Regulations* provide international law with a set of rules and regulations governing times of war and occupancy it is the *Geneva Convention IV Relative to the Protection of Civilian*

Persons in the Time of War 1949 which is most frequently referred to by international human rights groups and lawyers when discussing Israel's illegal activities in the Occupied Territories since 1967. There are a number of articles within this Convention which can be applied to the current situation in the Occupied Syrian Golan. It is Article 49 of this Convention however, which applies in the most direct way to Israel's behaviour within the Occupied Territories since 1967. It is divided into six sections:

1. Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.
2. Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.
3. The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent that proper accommodation is provided to receive the protected persons that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.
4. The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.
5. The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.
6. The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

The International Committee of the Red Crescent's (ICRC) commentary on Article 49 states that the protection afforded to the prevention of internal displacement and forced eviction arose from the recollections of the forced deportations that happened during the Second World War.²⁴ It was held that:

... the thought of the physical and mental suffering endured by these 'displaced persons', among whom there were a great many women, children, old people and sick, can only lead to thankfulness for the prohibition embodied in this paragraph, which is intended to forbid such hateful practices for all time.

The ICRC goes on to state that the evacuation of people from their homes is only legitimate when it is imperative for people's safety; if it is not imperative it cannot be considered to be legitimate. There are serious doubts as to whether or not the military orders put in place in the aftermath of the 1967 war in relation to people's right to remain or return to their land would have fallen within this understanding of imperative or legitimate.

With regards to the final section of Article 49 which states that it is illegal for the occupying power to transfer portions of their own population into an occupied territory the ICRC refers back to the behaviour of certain Powers during the Second World War who used such transfers as a *de facto form of colonialism*. It states that these transfers, such as forced evictions and internal displacement, had a debilitating effect on the local indigenous population, threatening their national identity and existence as a race as well as crippling their economic situation.²⁵ As such the purpose of the final paragraph in Article 49 is to safeguard the 'protected persons' that is, the local population, from such behaviour. Furthermore, Arai-Takahashi

²⁴ <http://www.icrc.org/ihl.nsf/COM/380600056-?OpenDocument>.

²⁵ *Ibid.*

states that Article 49(6) establishes that “a systematic change in the demographic composition of occupied territory is unlawful.”²⁶



Figure 7: Destroyed Arab Village of Ramtania.

Sourced from Jalaa Marey archives.

In view of this it is difficult to comprehend how Israel can defend its actions within the Occupied Territories. It is without question that Israel has ordered and carried out multiple forced evictions. Similarly as a result of its actions during the 1967 war an estimated 130,000 people were left internally displaced in Syria proper. Likewise the creation of all of the settlements throughout the Occupied Territories is illegal under international law.²⁷ However Israel argues that the Geneva Conventions do not apply to the Occupied Territories, especially in the Golan. Since the enactment of the Golan Heights Law 1981 Israel has proclaimed that the Golan is annexed and can no longer be

²⁶ Yutaka Arai-Takahashi, *The Law of Occupation- Continuity and Change of International Humanitarian Law, and its Interaction with International Human Rights Law* (Martinus Nijhoff Publishers, 2009), at 346.

²⁷ Article 49, *Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War 1949*.

classified as occupied. Thus the Israeli authorities deem the Golan to be Israeli territory which falls within Israeli jurisdiction. However, as illustrated earlier Israel's claims are illegal under international law and are not recognised by the international community.

Other pieces of international legislation which call Israel's behaviour into question are the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic Social and Cultural Rights* (ICESCR). It is the ICESCR which is concerned with housing and land rights. Article 11(1) of this Covenant states that:

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.

In addition, Article 17 of the *ICCPR* states that:

1. The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent that proper accommodation is provided to receive the protected persons that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, or to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

Furthermore, the *Rome Statute of 1998*, an instrument of customary international law, states in Article 8(2)(b)(viii) that:

The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory” shall be considered a serious violation of the norms and codes of international armed conflict. It is worth noting that Israel has so far refused to sign the Statute and become a party to the ICC despite the fact that much of the law discussed in the Statute is considered by the International Community to represent customary law. The Rome Statute reiterates the wording of Article 49 of the Fourth Geneva Convention and states that systematic and widespread forcible transfer or mass deportation of people amounts to crimes against humanity. At the time of the creation of the Statute the Human Rights Commission (later replaced by the Human Rights Council) held that such an offence was “absolutely forbidden.”²⁸

Other conventions which provide protection of the rights of those displaced from and within the Syrian Golan include, but are not limited to, the *International Convention Against All Forms of Discrimination* (ICERD); the *Convention on the Elimination of all forms of Discrimination Against Women* (CEDAW); the *Convention on the Rights of the Child* (CRC) and the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT). All of this legislation, except the *Rome Statute 1998*, has been ratified by Israel. Ratification places an obligation on the signatory State to respect, protect and fulfil the rights held within. While the *Rome Statute* has been rejected by Israel, it is still bound by the obligations held within as they are a product of customary international law. Therefore, these instruments can be used to demonstrate the illegality of Israel’s actions within the Occupied Territories, including the Syrian Golan.

²⁸ Yutaka Arai-Takahashi, *The Law of Occupation- Continuity and Change of International Humanitarian Law, and its Interaction with International Human Rights Law* (Martinus Nijhoff Publishers, 2009), at 476.

The seizure of land from the Arab communities within the Golan has been condemned by the UN in a number of Security Council and General Assembly resolutions. After the initial occupation of the Syrian Golan in 1967 the Security Council issued Resolution 242 which called for the “withdrawal of Israel armed forces from territories occupied in the recent conflict.”²⁹ Then in 1981 after Israel declared both East Jerusalem³⁰ and the Syrian Golan to be annexed to the State of Israel, the Security Council responded with Resolution 497 which stated 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.”³¹ Despite these resolutions and numerous others, Israel has continued in its policy of destroying Arab villages and replacing them with either military bases, settlements or leaving the land vacant.

2.2 Legal Tools Used By Israel in the Expropriation of Land After the War in 1967

Before beginning a discussion on Israeli domestic law it is important to consider a number of factors. Firstly, although influenced by western legal systems, Israeli law is based on neither the common law nor civil law system. Also Israeli legislation is not easily accessible to the public and where its full form is available it is often only offered in Hebrew. Moreover, Israeli law is heavily influenced by religious law especially in matters concerning the family. Despite the existence of *The Israeli Declaration of Independence 1948* there is no fixed constitution in place within the State. The court system consists of three different levels, the Magistrate’s courts; the District courts and the Supreme courts. While there is no jury system most cases are

29 <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR094/240//IMG/NR024094.pdf?OpenElement>.

30 As previously mentioned East Jerusalem was de jure annexed in 1980 through the implementation of the Jerusalem Law, a few months prior to the introduction of the Golan Heights Law in 1981. Both of these laws have been repeatedly contested by the UN.

31 <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR084/418//IMG/NR041884.pdf?OpenElement>.

heard in front of a panel comprising of three judges. There are also a number of 'special courts' including the Labour courts, Traffic courts, Military courts and Religious courts. It is worth noting that the fifth section of the *Declaration of Independence* states that:

Israel is to be a State based on the fundamentals of freedom, justice and peace, a State in which all the inhabitants will enjoy equality of social and political rights, along with freedom of religion, conscience, language, education and culture.³²



Figure 8: Destroyed village of Kfar Harib

Sourced from Jalaa Marey's archives.

Despite this Declaration, the treatment of the inhabitants of Israel and its Occupied Territories is far from equal. This inequality is most apparent when considering land rights. The Israel Land Administration (ILA) has almost total control over the land 'owned' by the State as it is responsible for the management of 93% of public land in Israel.³³ Israeli citizens rarely buy their land outright but rather lease it from the State for periods of 49 or 98 years. It is a myth that the ILA cannot

32 <http://www.mfa.gov.il/NR/exeres/11364F53-F19B-4760-AA91-E066DDD0B29B.htm>.

33 See http://www.mmi.gov.il/envelope/indexeng.asp?page=/static/eng/f_general.html.

lease its land to foreign nationals, i.e., non-Israeli citizens; however that is not to imply that discrimination does not occur. The Jewish National Fund (JNF) also leases land to both Israeli and non-Israeli citizens; yet in the case of the JNF the land is offered exclusively to Jewish people. While much of the land in the Golan was privately owned prior to 1967, after the war the vast areas of land which people had left involuntarily during the fighting were deemed 'abandoned'. Between 1967 and 1981 the land was controlled through the application of multiple military orders. Since it's *de jure annexation* in 1981 this land has been declared as State land and is used primarily for the construction and development of illegal settlements in the Golan. Consequently, the local Arab communities can only purchase land from each other as and when it becomes available for sale.

2.2.1 Military Orders

Numerous Military Orders were put in place in the Golan during the immediate aftermath of the Arab-Israeli War 1967, all of which accommodated the Israeli authorities seizing the majority of the land within the confines of their domestic legal system. In order to fully appreciate how these orders were used to erode the rights of the residents of the Syrian Golan it is necessary to examine them individually.

The first Military Order to be enacted in the Golan was dated the 10th June 1967³⁴ and declared the area to be under the control of the Israeli army. The army would be represented by the Military Commander for the Golan and his word would be final in all matters. Every order issued over the following 14 year period was done in the name of the Military Commander. The next order, issued on the same day stated that the Israeli army had assumed full control over the local

34 The first Military Orders issued in the Golan in the immediate aftermath of the 1967 war were not numbered in sequence. This order, issued on the 10th June 1967 was officially the first order, although a later order dated from the 18th June would carry the title of Military Order No 1.

judiciary and administration of the now occupied Golan.³⁵ After these two initial orders were made a list of numbered orders, hundreds of which would be applied between 1967 and 1981 were issued. Some of the most significant in the area of illegal land expropriation are listed below:

Military Order No 1 – This was introduced on the 18th of June 1967 and stated that the entire area of the Golan Heights was a ‘closed military zone’ and that no one was permitted to either enter or leave it without the express written permission of the Military Commander.³⁶ This had the immediate effect of preventing those who had been forcibly evicted from their homes from returning to their lands after the fighting had ended. As such it is in direct contravention of the rules of international humanitarian law.

Military Order No 5 – This order allowed the Military Commander to establish a military court in the Golan where all people found guilty of disobeying these orders in any way would be put on trial. This order came into force on the 21st June 1967.

Military Order No 9 – This order was an extension of Military Order No 1 and re-stated that the Golan was a closed military area and all movement in and out of the area would require express written permission from the Military Commander. An additional clause was added stating that anyone found to be in breach of this order would be punished by up to 5 years imprisonment, or a fine of 5,000 Israeli Lire, or both. This final clause was added as a means of deterring those people who, in the days following the war, attempted to return to their homes and land. The order was issued on 3rd July 1967.

Military Order No 13 – This order referred to curfews and placed further restrictions on the movement of the residents of the Golan.

35 As with the previous order, this second order carried no official numerical title but was also introduced by the Military Commander on the 10th June 1967.

36 The Military Commander in charge of the Golan during the time of the issuing of these orders was David Alazar General Commander of the Israeli army in the Golan Heights. He was the person who signed all of the orders during this initial phase of the occupation.

It stated that it was forbidden for people to leave their houses between the hours of 6pm and 5am. Furthermore it made it illegal for there to be gatherings of people in public areas. All persons were required to carry photographic identification with them at all times. Anyone found in violation of this order would be subject to 5 years imprisonment, a fine of 1,000 Israeli Lire, or both. The order was issued on the 4th of July 1967.

Military Order No 14 – This order declared the city of Quanytra to be a closed area. No one was permitted to enter or leave the city without the express permission of the Military Commander. It was an effective tool in isolating those few people who had remained in the city, making it impossible for them to remain living there. As a result of this order those people living in Quanytra were forced to leave their land and homes. The order was also put in place on the 4th July 1967.

Military Order No 15 – This order declared all those villages which had been left empty after the war to be closed areas. This made it impossible for people to return to their lands. It was issued on 4th July 1967.

Military Order No 20 – This order refers to 'Absentee Property/Private Property'. It deals explicitly with the property of private individuals from the area that had fled during the war and were no longer able to live in the occupied Syrian Golan. It stated that all property, be it moveable or immovable, would come under the control of a custodian appointed by the Military Commander. Absentee Property was defined as any property belonging to a person who had left the area on the 'defined day' (the defined day being the 10th June 1967) or after it. The custodian appointed to manage this property was effectively given full legal ownership of the land and had the right to rent, sell, enter into contracts and alter the land in any way he saw fit. As soon as land was deemed to be absentee property it became the immediate responsibility of the custodian. The order stated that should the rightful owner return to the area and was able to prove ownership of the land, the land would be returned to them.

However as it was now illegal to enter the Golan without the express permission of the Military Commander, and as a later order would make it illegal for anyone to cross the border from Syria back into the occupied Golan, this right of return of the legal owner was essentially a legal fallacy. This order was put in place on 20th July 1967.

Military Order No 21 – This order was similar to the above but referred to what had been State controlled land. This was defined as all lands and companies which had been in the control of the ‘enemy state’, that is, Syria. It held that the land would again be transferred to the control of a custodian appointed by the Military Commander. Everything associated with this land, both on it and in it now came under the control of the custodian who could exploit it as he desired. The custodian had the power to manage the use of the land, any extraction from it, production, trading, transfer of ownership etc. This order was enforced on 26th July 1967.

Military Order No 39 – This order stated that each of the 101 villages, the borders of which had been marked on a map signed by the Military Commander, were to be declared closed areas. The boundaries of these villages were shown to the inhabitants and were published for public viewing. The order included a full list of the villages which were now officially rendered abandoned. No one was granted permission to enter any of the villages on the map for as long as the order remained in place, unless they had the express permission of the Military Commander. This order had the greatest impact on the lands of the Syrian Golan. It allowed the Israeli authorities to use the lands expropriated through its application for the construction of settlements and the transfer of their own population into the area. This order and the behaviour of the occupying forces after its introduction is a direct violation of Article 49 of the *Fourth Geneva Convention* and considered to be a war crime under the *Rome Statute*. It was brought into force on 27th August 1967.

Military Order No 58 – This order referred to the prohibition of infiltration and was a fundamental element in Israel’s ability to circumvent the rights of the legal owners of to the lands in the Golan.

The order stated that an 'infiltrator' was any person who entered the Golan illegally from Jordan, Egypt, Lebanon or Syria. The punishment for infiltration was 15 years imprisonment, a fine of 10,000 Israeli Lire, or both. Any infiltrator found in the Golan could be evicted and extradited by the Military Commander whether or not they had behaved in an illegal manner since their return. In other words even if your sole purpose for returning was to merely resume your life and work on your land, you were subject to arrest and detention. The Military Commander had the right to detain you prior to your extradition for an undefined length of time. The final section of this order stated that anyone who was caught attempting to re-enter the area and was carrying a weapon, or was in the company of someone who was carrying a weapon or was aided in their re-entry by someone who has a weapon, shall be subject to life imprisonment. This order was introduced on the 17th August 1967.

Military Order No 67 – This order made amendments to Military Order No 21 by adding additional provisions. It furthered the order's application by stating that control would be extended to any property belonging to any company or organisation which was believed to be owned by an enemy state. This land would be considered to be absentee property and would revert to the control of the custodian. Likewise any property belonging to an individual who now resided in an enemy state would be dispossessed and defined as absentee property. This effectively abolished the right of return for all those people who had become internally displaced within Syria during the immediate aftermath of the 1967 Arab–Israeli War.



Figure 9: Destroyed Arab Village of Ramtania

Sourced from Jalaal Marey's archives.

There is an obvious juxtaposition between Military Order No 21 and Military Order No 58. Order No 21 states that if a person returns to the land and is able to prove legal ownership of land, the custodian will be obliged to return the land to him. However on the grounds that those lands have been declared to be absent on the sole basis that as of the 10th June the inhabitants had left the lands, and that Military Order No 58 states it is illegal for anyone to attempt to enter the Golan from Syria, it would be impossible for these people to return, prove ownership and rightfully reclaim their land. So while in one order the occupying force appears to be applying international legal standards in the correct manner; when read in conjunction with additional orders it becomes apparent that the land rights of the Syrian residents of the Golan were completely usurped by the occupying forces and that the orders laid out by the Military Commander were in total violation of the *Hague Regulations* and *Fourth Geneva Convention*.

Both of the above mentioned pieces of international law explicitly state that it is illegal for an occupying force to compel the occupants

of an area to leave and to then move part of its own population into the occupied territory. The wilful destruction of property within the occupied territory is also prohibited in absolute terms. While some may argue that the first instance of this law may not be applicable in situations where the original population fled, it is important to remember that people did not leave their homes voluntarily but only because they were in fear for their lives. Also these people left their homes with the belief that once the fighting had stopped they would be able to return. In addition to this it remains illegal for Israel to destroy Arab villages and subsequently create Jewish settlements within the Occupied Syrian Golan.

There have also been examples of forced evictions of Arab communities within the Golan after the Arab-Israeli War 1967. An example of this would be the forceful displacement of people from the village of Su'heita in 1969 to the neighbouring village of Masa'da. The people from this community were told to leave their homes and their lands on the basis of a Military Order which stated that their village was required by the Israeli authorities for 'security reasons'. The villagers were forced to leave in 1969, and by 1971 the village had been destroyed and an Israeli military base erected on the land. Article 47 of the Fourth Geneva Convention states that it is illegal to forcefully deport or transfer people and that the extensive destruction and expropriation of property by an occupying power is forbidden. There is no doubt that the forceful transfer of the people of Su'heita in 1969 was illegal under the terms of the Convention. The subsequent demolition of their village and destruction of its entire infrastructure was also illegal under the same provisions.

2.2.2. Application of Domestic Legislation Post 1981

The enactment of the *Golan Heights Law 1981* and the *de jure* annexation of the Golan that ensued enabled the application of not only military orders but also domestic legislation within the region. Consequently, domestic legislation such as the *Abandoned Areas Ordinance 5708 of 1948* was imposed upon the Golan. This legislation has proven to be one of the most effective tools used by the Israeli government in the expropriation of Arab lands within the occupied Golan. It states that an 'abandoned area' of land is any piece of land or place conquered by or surrendered to the armed forces, including land that was deserted by some or all of its inhabitants, which has been declared by the State to be abandoned.³⁷ The Ordinance further defines property to include "...movable and immovable property, and includes animals, crops, fruits, vegetables and any other agricultural produce, factories, workshops, machinery, goods and commodities of all kinds, and also a right to movable or immovable property and any other right."³⁸ The legislation then states that any property associated with the land will also be deemed to be abandoned and will be seized by the State.³⁹ What is particularly interesting to note is that the above piece of legislation does not include a time frame. This implies that if a person leaves their land for any length of time it is possible that that land maybe viewed as 'abandoned' and be subsequently seized.

In conjunction with the above Abandoned Land Ordinance, Article 125 of the Defence (*Emergency*) Regulations,⁴⁰ which were first introduced with the creation of the state of Israel in 1948 and amended and added to after both the 1967 and 1974 wars, allows a Military Commander to declare any place or area to be closed for the purposes of these regulations; in much the same way as a direct Military Order would. Once the land has been declared closed, the owner of the land needs special written authorisation to enter the land. Under this regulation it is an offence to enter an area without

³⁷ Article 1(a), *Abandoned Areas Ordinance No 12 of 5708, 1948*.

³⁸ Article 1(b), *Abandoned Areas Ordinance No 12 of 5708, 1948*.

³⁹ Articles 2(b) and 2(c), *Abandoned Areas Ordinance No 12 of 5708, 1948*.

⁴⁰ <http://www.israelawresourcecenter.org/emergencyregs/emergencyregs.htm>.

authorisation; this rule applies to everyone including the legal owner of the land. This regulation has been used to render land 'unoccupied' or 'abandoned' and as such open to acquisition under the *Abandoned Areas Ordinance*.

There are a number of different pieces of legislation in place which accommodate Israel's expropriation of privately owned land. They generally fall under the title of 'Absentee Property Law' and include, but are not limited to, the following pieces of legislation:

- *Emergency Regulations (Cultivation of Waste Lands) (Extension of Validity) Ordinance no 36 of 5709 (1949);*
- *The Land Acquisition (Validation of Acts and Compensation) Laws 5713 (1953);*
- *The Absentee's Property Law 5710 (1956);*
- *Absentee's Property (Eviction) Law 5718 (1958);*
- *Absentee's Property (Amendment no 3) (Release and Use of Endowment Property) Law 5725 (1965);*
- *Absentee's Property (Amendment no 4) (Release and Use of Property of Evangelical Episcopal Church) Law 5725 (1967); and*
- *Absentee's Property (Compensation) Law 5733 (1973).*⁴¹

It has been argued by a number of human rights groups including COHRE,⁴² Badil⁴³ and Amnesty International⁴⁴ that these laws have

41 All of this legislation can be sourced at <http://www.israellawresourcecenter.org/israellaws/israellawalpha.htm>.

42 See A/HRC/WG.63//ISR/3, Working Group on the Universal Periodic Review, "Summary Prepared by the Office of the High Commissioner for Human Rights, In Accordance with Paragraph 15(c) of the Annex to Human Rights Council Resolution 51/: Israel", 15 September 2008.

43 COHRE and BADIL, "Ruling Palestine- A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine" (2005).

44 Amnesty International, "Israel and the Occupied Territories Under the Rubble, Housing Demolition and the Destruction of Land and Property" (2004).

been implemented in such a way as to ensure the State's ability to seize land from its Arab residents and redistribute it amongst Israeli citizens and settlers. Israel used the above cited legislation, along with numerous military orders to seize most of the land it claimed in the Occupied Territories. In addition to the land used by the settlers, land that has not been designated for the development of settlement communities has been turned over to the military for training purposes and 'security reasons'.

The most effective method of land expropriation for 'security purposes' has occurred through the above mentioned military orders, many of which originate from the time of the British Mandate. The *Emergency Regulations (Cultivation of Waste Lands) (Extension of Validity) Ordinance of 1949*⁴⁵ states that until such a time as the current state of emergency is officially declared to have come to an end, the Minister for Agriculture may seize any piece of land which is deemed to be waste land and transfer it to another person to maintain cultivation. This can be done without the owner's consent, if it is not possible to contact them directly. Where it is possible to contact them there is a 14 day appeal period given to the owner during which time he must be able to prove his intent to cultivate the land, or he will lose it. Proof of this desire to cultivate the land is not easy to establish and merely stating that you wish to work your land will not be enough to guarantee its safety. The ordinance concludes with the following explanatory note:

War conditions have resulted in lands being abandoned by their owners and cultivators and left untilled, plantations being neglected and water resources remaining unexploited. On the other hand, the interest of the State demands that, without prejudice to the right of ownership of land or other property, agricultural production be maintained and expanded as much as possible and the deterioration of plantations and farm installations prevented. For the attainment of these objects it is necessary that the Minister of Agriculture should have certain emergency powers, which are conferred upon him by these Regulations.⁴⁶

45 See <http://www.israellawresourcecenter.org/emergencyregs/fulltext/erwastelandcultivationeov.htm>.

46 *Ibid.*

Adalah,⁴⁷ the Legal Centre for Arab Minority Rights in Israel have highlighted two new pieces of domestic legislation which would have an additional discriminatory effect on the Arab population of the Occupied Territories. The first is *the Israel Land Administration Law (2009)*, which allows for the privatisation of much of the land belonging to both the Palestinian communities and also to those people who have been left internally displaced, such as the 500,000 Golanis in Syria. It also permits land exchanges between the JNF and the State of Israel with this land being exclusively reserved for use by Jewish people. It would increase the power of the JNF and Zionist organisations and would ultimately see the JNF assuming a much higher level of influence in the new Land Authority Council which is set to replace the ILA. This would inevitably lead to an even higher level of discrimination in land policies for the Arab communities under de facto Israeli control. These policies contravene not only international law but also Israel's domestic law most notably the Basic Law: *Human Dignity and Liberty 1992* which clearly states that "there shall be no violation of the property of the person."⁴⁸ It goes on to state further that "there shall be no deprivation or restriction of the liberty of a person by imprisonment, arrest, extradition or otherwise."⁴⁹ This is despite Israel's continued refusal to allow the residents of the Syrian Golan free access and use of their own land.

Amnesty International states that the seizure orders are issued on the grounds that they are 'temporary' measures, but due to the fact that Israel has declared an on-going state of emergency they have been extended indefinitely.⁵⁰ The law itself stipulates that these orders are supposed to be presented to the owners of the lands in question but they are often merely left stuck on trees on the land and habitually do not appear at all until after the land has been expropriated. With regard to the appeals process, Amnesty states that most people feel

47 Adalah, "Special Report: 10 Discriminatory Laws" (June 2010).

48 Section 3, *Basic Law: Human Dignity and Liberty 1992*.

49 Section 5, *Basic Law: Human Dignity and Liberty 1992*.

50 Amnesty International, "Israel and the Occupied Territories Under the Rubble, Housing demolition and the Destruction of Land and Property" (2004).

that it is pointless. Such appeals are costly and a successful outcome is highly unlikely. It states that "...in the overwhelming majority of the cases the land 'temporarily' seized by the Israeli army has never been returned to its owners. Hence, in practice land 'temporarily' seized is invariably lost."⁵¹

Through a combination of the above pieces of legislation and emergency orders Israel has successfully expropriated vast amounts of land from Arab communities within the Occupied Territories. According to the confines of the Israeli legal system all the land left behind by those fleeing the violence of the 1967 War is transferable to the State. As such Israeli authorities claim that it was within their right to enter and destroy the 'abandoned' villages and to distribute the remaining farm land to the settler populations while at the same time creating Jewish settlement towns on the Arab villages' remains. Despite the claim of legitimacy made by the State of Israel such behaviour is in direct contravention of international legal standards and since 1992 its own domestic law.⁵²

2.3. Legal Definitions of the Terms 'Internally Displaced People' and 'Forced Evictions'

Before considering the specifics of what happened to the residents of Su'heita in 1969, it is first necessary to consider and define some of the legal terms which have been applied throughout this report. The most important of these is 'internally displaced people(s)'. The Internal Displacement Monitoring Centre (IDMC) defines internally displaced people as those who are forced to leave their homes but who remain within the national borders of their own State.⁵³ The coercive element of internal displacement is essential. When considering the actions of those people who fled, leaving their lands behind, during the 1967 war it is important to remember that this movement was not voluntary and that their actions were based on

51 *Ibid*, at 28.

52 See *Basic Law: Human Dignity and Liberty 1992*.

53 See <http://www.internal-displacement.org>.

the fear of the violence associated with armed warfare. As such their actions can be defined as reluctant at best and those who did leave did so with the belief that they would be free to return to their lands once the war had ended. As stated previously, Military Order No 58 made it physically impossible for them to return to their land and their families. Within a mere three months of the war ending, all those who attempted to return to their lands from the surrounding Arab states were classified as 'infiltrators' and faced imprisonment, even if they were doing nothing other than returning home.



Figure 10: People surrendering in the Golan during the war in 1967. Many have their hands up and are being lead out of the area by Israeli soldiers. Most people left their homes on foot carrying only what they could and walked to the nearest safe village or city. The majority ended up in refugee camps in Damascus. People left their homes with the genuine belief that they would only be gone temporarily and would be able to return once the fighting had stopped. There are approximately 500,000 people currently internally displaced in Syria as a result of Israel's policies since the occupation of the Golan in 1967.

Sourced from Al Marsad's archives.

The next term requiring clarification is 'forced eviction'. Forced evictions occur when the government of a state (or whoever has effective control over an area) 'forces' the residents to leave their homes and

their lands against their will. The UN Commission on Human Rights (which has since been replaced by the Human Rights Council) defined forced evictions as “a gross violation of human rights.”⁵⁴ The Centre On Housing Rights and Evictions (COHRE) states that:

...there are eight key differences between the practice of forced eviction and other types of coerced removal or flight of people from their homes (such as internal displacement, population transfer, mass exodus, refugee movements and ethnic cleansing). As a result of these differences, forced eviction is regarded as a distinct practice under international law, which creates particular legal obligations for States and particular rights for people threatened with forced eviction.⁵⁵

These differences are as follows:

1. **Forced evictions always raise issues of human rights** (other forms of displacement might not invariably involve human rights concerns) (Emphasis added).
2. **Forced evictions are generally planned, foreseen or publicly announced** (other types of coerced movement may occur spontaneously and not necessarily be part of a State policy or legal regime).
3. **Forced evictions often involve the conscious use of physical force** (other kinds of displacement do not always involve physical force).
4. **Forced evictions raise issues of State responsibility** (determining liability for a forced eviction will often be much easier than doing the same for other manifestations of displacement).
5. **Forced evictions affect both individuals and groups** (most other forms of displacement are only mass in character).

54 Commission on Human Rights, “Resolution 1993/77: Forced Evictions” (1993), at para 1.

55 See www.cohre.org/.../COHRE%20Training%20FORCED%20EVICTIONS.doc

6. **Forced evictions are generally regulated or legitimised by national or local law** (other types of displacement may be more random or simply not addressed legally).
7. **Forced evictions are often carried out for specific stated reasons** (rarely are evictions carried out which do not involve a rationalization of the process by those sponsoring the evictions in question).
8. **Not all evictions are forced eviction, and evictions can sometimes be consistent with human rights** (most other forms of displacement cannot be justified on human rights grounds, whereas evictions may be justified for reasons of public order, the safety and security of the dwellers and threats to public health).⁵⁶



Figure 11: Photograph of an Arab home destroyed by the Israeli forces in Qanytra after the Armistice Agreement was signed in 1974.

Sourced from Al Marsad's archives.

One man explains the coercive nature of the evictions and displacements that occurred within the Golan around the time of the 1967 Arab-Israeli War:

Shhady Nasralla from Madjal Shams, Occupied Syrian Golan
Al Marsad Affidavit:

I met one of those people [from a destroyed village] when I was in Russia studying, He was nine years old at the time of the war and he told us that his father was the boss of the village of Alfahham which they were living in. A jeep with two soldiers came to their house and told them in clear Arabic that they had fifteen minutes to leave the village because the planes will bomb it. What can you get from your house in fifteen minutes? All the people scurried and left the village and they actually bombed it after the people left. No reasons were given.

The IDMC in its 2007 report reiterated the fact that those internally displaced in Syria became so as a result of a fear for their safety during the 1967 war and then as a consequence of Israel's refusal to allow them to return and eventual illegal annexation of the Golan.⁵⁷ The report focuses primarily on the problems associated with separation of families and the ensuing human rights violations associated with this. Forced eviction and the loss of land and communities have devastating effects on families. Beyond the obvious economic hardships endured by both those who fled, and those who remained behind; the loss of a structured community and family ties are particularly hard for the most vulnerable members of society, i.e. the old, the young and women.

Many families report the hardship endured when an aging parent becomes ill and dies and it is not possible to attain permission from

⁵⁷ [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/BD8316FAB5984142C125742E0033180B/\\$file/IDMC_Internal_Displacement_Global_Overview_2007.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/BD8316FAB5984142C125742E0033180B/$file/IDMC_Internal_Displacement_Global_Overview_2007.pdf)

the Israeli authorities to visit them or indeed to attend the funerals.⁵⁸ Likewise, happier occasions are also frequently marred by this continued forced separation. Instances have arisen where the bride has to choose between her potential husband and her family. If her family is from the Golan and her husband from Syria proper, or vice-versa, to marry she has to move to be with her husband giving up her right to return home in the process. This involves the bride being forced to sign a document to that effect, which has detrimental consequences for the familial connections of the bride and her family.⁵⁹ The legality of the document these women are forced to sign must also be called into question. As the annexation of the Golan is not recognised by the international community, Israel's right to demand a Syrian national sign a form stating that they renounce their right to return to land which legally belongs to Syria is unlikely to be recognised as binding. The effect of this type of separation has on people is overwhelming. Article 10(1) of the *ICESCR* states "the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society." As a signatory of the covenant, Israel is obliged to extend this respect and protection to all of the families residing under its control. The people of the Syrian Golan suffer daily as a result of this on-going violation of one of their most basic and fundamental human rights.

58 Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al Marsad, 2010).

59 Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al Marsad, 2010).

3.1 Case Study: The Village of Su'heita



Figure 12: The above map indicates the position where Su'heita was.

Sourced from www.googlemaps.com.

In order to fully appreciate how forced eviction and internal displacement of almost a half a million people has affected the lives and rights of the indigenous communities of the Occupied Syrian

Golan, this report will consider the stories of those people who were once the inhabitants of the village of Su'heita. After the war of 1967 had ended Su'heita was one of only six remaining Arab villages in the Golan. However in 1969 it was decided that the Su'heita area was to be converted into an Israeli military base leading to all of its residents being ordered to leave their land and homes.

The village spanned across approximately 30,000 dunams of land and was home to thirty families, which comprised of a primarily agricultural community whose income relied on mainly crop production and livestock. The remaining income generated by the residents of Su'heita came from labouring work. The village's land was extremely fertile. As a result all of the houses were built quite close together within one centralised section of the village to allow for the majority of the village's land to be used for growing various crops and grazing animals. Most of the houses in the village had large gardens comprising of up to 20 dunams to allow for expansion and the construction of new houses in the future. There had been an on-going dispute regarding the ownership deeds requested by the people of the village. The villagers had been given the land by the Syrian State through the state programme of land nationalisation. The people of Su'heita had brought a case to the Syrian courts in order to obtain proof of ownership and had won their case. However at the time of the 1967 invasion they had yet to receive the settlement judgement, or official paperwork stating ownership.⁶⁰ In addition, as Mufeed Al Wely explains much of the land was used in a communal fashion:

Mufeed Al Wely from Buq'ata, Occupied Syrian Golan

Al Marsad Affidavitt:

A system of crop rotation was in place so farmers could regularly use different sections of the communal land depending on what they were growing in any given season. Each family had access to up to 300 dunams of land, under this system those dunams could be in different parts of the village.

⁶⁰ This information was obtained from an interview conducted by Al Marsad on [insert date] with Mufeed Al Wely from Buq'ata, Occupied Syrian Golan.

Previous inhabitants of Su'heita have further reported that after the war of 1967 75% of the land of Su'heita was placed on the Syrian side of the ceasefire line with only 25% accessible to the residents of the occupied Golan.⁶¹

In 1968 attempts were made by the military authorities in the village to promote the idea of people leaving the land voluntarily. Residents of the village were approached by the army and advised to leave for their own safety as the village was situated on the ceasefire line. Although a few families left, the vast majority remained on their land.⁶² After the preliminary 'light pressure' approach failed to make people leave their lands the army began various forms of intimidation in an attempt to force people from their homes and land. This was done through a series of simple, yet effective steps. The Israeli forces would cut off the water supply to the village followed by closing the roads in and out of the village intermittently.⁶³ They also began imposing an unofficial curfew, arresting anyone who was found entering or leaving the village after nightfall. One man recalled how the army came in the middle of the night to his parents' home to arrest his two older brothers, who they claimed, had been seen entering the village after dark:

Suleiman Al Wely formally from Su'heita now residing in Buq'ata, Occupied Syrian Golan

Al Marsad Affidavit:

The army had begun firing shots over the houses at night to scare people. One night they came for my two brothers to arrest them for returning to the village at night time. They searched my parents' house, even opening the corn stores and emptying out the contents and ruining the food that was inside. This was pure vandalism. Just to scare us, the stores were too small for anyone to be hiding inside them.

61 This information was obtained from an interview conducted by Al Marsad on [insert date] with Sayid Al Wely from Buq'ata, Occupied Syrian Golan.

62 Ibid.

63 Ibid.

One drastic move taken by the army against the local people was to prevent them from reaping their harvest in the summer of 1967 which caused the residents great economic hardship as well as emotional distress. The army followed this up with coming into the village at night to perform random house searches. These were performed with the sole purpose of intimidating the residents, to make them uncomfortable and uneasy in their own homes. Moreover, armoured vehicles would be driven through the village with the soldiers announcing that attacks on the village were imminent and it was not safe to be there. Another method of coercion used by the Israeli forces was to fire shots at farmers as they tried to attend to their grazing flocks. One man recalled being fired at as he approached the village with his livestock:

Sayid Al Wely formally from Su'heita now residing in Buq'ata, Occupied Syrian Golan

Al Marsad Affidavit:

I had been grazing my animals and was walking with them back to the village. When I was maybe 50 meters from the village the soldiers started to fire shots over and around the animals, frightening them and making them scatter. This was done just to intimidate me, to make life difficult and to make us leave our lands.

Being physically prevented from entering your land and reaping your crops, or having the army arrive in the middle of the night to where your family is sleeping and randomly searching your homes has a strong psychological impact on the recipients of such treatment. It increases stress, introduces uncertainty and fear into peoples' lives and ultimately causes people to feel disempowered. Bringing armoured army vehicles into a village and firing shots around the houses at night and at the animals as they are grazing, is contrary to the principles and ideologies espoused in the *Hague Regulations and Geneva Conventions*. The main aim of Israel's illegal and unjustifiable treatment towards the Arab communities of the Golan and other parts of the occupied territories is to cause these communities to feel powerless and hopeless. These tactics are adopted on the basis that when people are oppressed and intimidated, it is easier to force them to do what you want them to do.



Figure 13: Israeli Military Map from June 1969 showing the layout of the village of Su'heita. Homes are clearly marked and the remaining land was used for various types of framing.

Sourced from Mufeed Al Wely's Archives.

After two years of interference and intimidation by the army another attempt was made to promote the idea of the residents of Su'heita leaving their lands voluntarily. This was done by approaching the elder members of the village first and trying to convince them to leave the village. This approach was initially met with resistance from the community, but as the pressure from the Israeli forces increased the elder representatives eventually agreed to leave the village and travel to Masa'da to discuss the possibility of the transfer of the villagers to other lands. The initial proposal was for the residents of the village to leave Su'heita and to be moved to either the villages of A'yunal Hajal or Ein Hura; both of which had been left empty after the forced transfer of the previous occupants during the 1967 war. The residents of Su'heita refused this offer on the grounds that these were Syrian villages owned by, now internally displaced, Syrians. They believed that the Israeli authorities had no right to offer the lands to anyone as they were not the property of the Israeli government. In the end it was decided by the Israeli Military Commander⁶⁴ that the people of Su'heita would be moved en masse to Masa'da to an area of the village which had previously been occupied by the Syrian army. The land was, for this reason, viewed in the eyes of the people as being owned by the Syrian government and as such acceptable for them, as Syrian nationals, to take possession of. All of the families from Su'heita bar two, moved to Masa'da. The two that did not go to Masa'da moved to Buq'ata.

The military orders demanding the evacuation of Su'heita were issued in March of 1970. As a result of the people's refusal to accept land from either A'yunal Hajal or Ein Hura, the new arrangement only provided the people with houses to live in, and they were not supplied with any land on which they could farm. Furthermore the amount of 'compensation' that would be offered to the residents for the assets that they lost during the transfer would be determined by the Military Commander for the Golan Heights alone and would not be subject to review. The application of this meant that some families experienced a reduction from 300 dunams of land to a house

64 At this time the active Military Commander in the Golan was Murdkhi Gur.

consisting of 150 square meters with 2.4 dunams of land surrounding it.⁶⁵ Although initially permitted to build on the land surrounding the house this permission was rescinded in 1991. One particular family who had this experience have since reclaimed 30 dunams of land back from the 300 they previously owned.⁶⁶ The method of such land reclamation is discussed below. The evacuation order further stated that after the final evacuation date of 30th April 1970 anyone found in the village or within the boundaries of its lands, would be considered to be in violation of the order and could be forcefully removed by any army representative.

The people of Su'heita were required to sign these orders to prove their compliance. For many residents the full ramifications of what was happening did not become apparent until after they had been evicted. Most of the residents were uneducated and afraid of the Israeli army and no real attempt was made on their behalf to prevent the evacuation of their village. People lost their homes and most importantly their lands. In the years that followed the evacuation, the number of families who kept livestock dropped from an estimated 120 families to a meagre eight or nine. It is claimed that a contributing factor towards the reduction in herding families, in addition to the loss of lands, is that much of Su'heita's livestock went missing or was stolen by the Israeli settlers after the move to Masa'da took place.⁶⁷ This meant that for a large section of the population of the village their primary source of income was gone.

65 This information was obtained from an interview conducted by Al Marsad on 4 June 2010 with a man who wished to remain anonymous.

66 This information was obtained from an interview conducted by Al Marsad on 4 June 2010 with a man who wished to remain anonymous.

67 This information was obtained from an interview conducted by Al Marsad on 25 May 2010 with Mufeed Al Wely formally from Su'heita now residing in Buq'ata.

جيس الدفاع الإسرائيلي

أمر بشأن إخلاء قرية سحيثا لأسباب مستلزمات عسكرية

حيث أنني اعتقد أن أمانة السكان واعتبارات مستلزمات عسكرية ، تتطلب إخلاء قرية سحيثا من سكانها ، وعملا بالصلاحيات المخولة لي بموجب مادة ٦٥ (أ) (١) لآمر بشأن تعليمات الأمن ، أنني أمر بما يلي :

يترتب على
١- السيد محمود فنيح / سفير / ٢٥٩٩ ٣٩٤
اسم العائلة / الاسم / اسم الأب / هوية رقم /
هو وأفراد عائلته إخلاء أراضي القرية حتى يوم ١٠ / ٣ / ١٩٧٠
ويخرج من وجده في حدود القرية ، ابتداءً من اليوم المذكور .

٢- مواطن القرية المذكورة أعلاه الذي قام بتنفيذ الأمر الوارد في مادة ١ ، يحق له استلام منزل صالح للسكن في أراضي المنطقة ، حسب تحديدي .

٣- بالإضافة لما ورد في مادة ٢ ، يحق لمواطن القرية المذكورة أعلاه الذي قام بتنفيذ الأمر الوارد في مادة ١ ، أن يستلم تعويضاً مقابل أملاكه حسب تحديدي .

٤- فيما لو دخل المواطن المذكور أعلاه إلى أراضي القرية بعد الموعد المحدد في مادة ١ أو نكث في أراضي القرية بعد الموعد المذكور أعلاه ، يعتبر كمتخالف القانون حسب مادة ٦٥ (١) لآمر بشأن تعليمات الأمن ، ويحق لكل جندي إخراجه من أراضي القرية .

مودخان غور الوف
قائد قوات جيس الدفاع
الإسرائيلي في منطقة
عصبة الجولان

تاريخ ٢٩ / ٣ / ١٩٧٠

Figure 14B: Military Order published in both Hebrew and Arabic demanding the evacuation of the people of Su'heita dated 29 March 1970.

Sourced from Mufeed Al Wely's Archives.

Moreover, it had not been sufficiently explained to the people of Su'heita that they would not be given the title deed to their new homes, which would transfer ownership. Instead they would be offered a leasehold. Another factor to consider is that while these families had sufficient land in Su'heita to develop new houses for their expanding families, the houses offered in Masa'da had much smaller gardens, approximately one or two dunams, and were subject to the proviso that once they were registered as state owned it became illegal for occupants to build. Thus, expansion and growth of the village was rendered almost impossible.

In keeping with its restrictive policies, the army began planting landmines on the outskirts of the village. There were two motives for this. Firstly to ensure that the village did not develop beyond a certain size and second to prevent people from entering areas that were now classified as closed military zones. These landmines also severely restricted the land available for farmers to bring their animals to graze.

Suleiman Al Wely formally from Su'heita now residing in Buq'ata, Occupied Syrian Golan
Al Marsad Affidavitt:

There is currently a landmine next to a fence on my land. The fence is broken and the gap in it is now large enough for a child or animal to get through. I have contacted the army a number of times to ask them to remove the mine or fix the fence and on three occasions army officials have come investigate. As of yet nothing has been done to rectify the situation.

For the most part the people of Su'heita were given one month to leave their lands and homes. They knew at the point of departure that it would be impossible to ever return to their rightful homes. The army used a combination of threats and coercion to force them from their lands and when they refused to occupy land they believed belonged to other people they were punished further. They did not attempt to fight the Israeli authorities because they were scared and there was no-one to complain to because at that time the Military Commander was the only avenue for 'justice' available to them.



Figure 15: The original road which led into the village of Su'heita. The white stones are the remnants of the houses destroyed by the Israeli forces after the villagers had been evicted from their homes.

Sourced from Karen Hanlon's archives.

By the end of 1971 the village of Su'hieta had been reduced to rubble by the Israeli army. In its place was a military camp. After the 1973 war, the extremely fertile land of Su'heita was 'freed' and given to the settlers. The remainder of the land was either used for multiple military camps and training grounds or covered with landmines by the Israeli army. In 2000 a UN base was built within the village confines, in addition to the numerous army buildings that now litter the village. In recent years some of the lands of Su'heita have been reclaimed by the residents of the village. This has been done through a highly dangerous system of setting fires in fields to set off the landmines placed there and then by driving through the burnt out land in tractors in the hope of detonating any remaining mines that may still be there. While this has worked to date the method used is far from ideal. Should anyone be injured during the course of reclaiming their land there would be no available compensation or help from the State

of Israel as their actions involve entering lands deemed closed by the military order. To date the Israeli forces have not stopped people from farming the land they have recovered, although on the basis that it is within a 'military zone' since 1970 the position of those working the reclaimed land is precarious to say the least.



Figure 16: Israeli Military base in the village of Su'heita. No longer in use as the UN has now established a base in the same position.

Sourced from Karen Hanlon's archives.

In the early 1990s the army transferred ownership of the lands of Masa'da to the ILA. This is why, since 1991, it has been illegal for the residents there to build on the land that was provided as 'compensation' for the lands they lost in Su'heita. As a result of this transfer of ownership from the army to the State, the land in Masa'da is now considered to be 'state land' and as such people require a licence to build it. However the discriminatory policies of the ILA mean that the majority of Arab residents have found it almost impossible to obtain such a permit.⁶⁸

⁶⁸ See Amnesty International, "Israel and the Occupied Territories Under the Rubble, Housing demolition and the Destruction of Land and Property" (2004).

Sayed Al Wely formally from Su'heita now residing in Buq'ata, Occupied Syrian Golan

Al Marsad Affidavitt:

Between 1970 and 1991 it was possible to build on the land we had moved to in Masa'da. We had been given a house and approximately two dumans of land beside it. Previously my father had had five dunams of land around our home in the village of Su'heita, as well as access to approximately 300 dunams of land for grazing and planting within the village outskirts. The land in Masa'da is now considered to be State land and we have been told we are no longer entitled to build on it. I have been fined a number of times for building on my land.

I have tried to get a permit but was told that I could only expand my existing house within four meters of its current position. Everything beyond the four meters is now considered to be owned by the State. The Shebak Officer (the representative of the General Security Service in the area) told me to sign papers recognising that the land was owned by the State. I refused to sign them. I was sent to court and fined 45,000 shekels.⁶⁹ I have been sentenced a further three times for trying to build homes for my sons on my land, each time they fine me 5,000.⁷⁰ In March 2010 I was again sent to court and fined 10,000 shekels.⁷¹ I told the judge I could not afford to pay this money. So now I am waiting to be sent to prison for 100 days instead.

69 Approximately \$11,550.00 USD.

70 Approximately \$1,300.00 USD.

71 Approximately \$ 2,600.00 USD.



Figure 17: A farmer, who wished to remain anonymous, points to the spot where his family home had been in Su'heita.

Sourced from Karen Hanlon's archives.

Sulieman Al Wely formally from Su'heita now residing in Buq'ata, Occupied Syrian Golan

Al Marsad Affidavit:

I wanted to build a new house on my land but was told that I could only expand the existing house and not build a new one as the land was now owned by the State. I applied for a permit to build a new house; it was passed by the local municipality but refused by the ILA. I began to build the new house without the permit. Three times I was told to stop but each time I refused. I was brought to the courts and fined 80,000 shekels.⁷²

⁷² Approximately \$21,3500 USD.

My application continues to be delayed; I applied for it first in 2000. I have been told by the ILA in order to get permission from them to build I must get a valid licence to build. The ILA is the one who issue these licences. So I need to get a licence from the ILA to get permission from the ILA to build. This is impossible.



Figure 18: UN base in the destroyed village of Su'heita which was established in 2000.

Sourced from Karen Hanlon's archives.

The residents of Su'heita were forced from their homes and lands in 1969. This eviction was done through a combination of threats, violence and legal manipulation. The people there were promised homes and lands in compensation for the lands they lost. However, twenty years after they were forcefully transferred to Masa'da their children are now adults in need of homes of their own. The small plots of the land that they were offered as compensation for the hundreds of dunams they lost are not only inadequate, but come with

restrictions which prevent construction. When the people of Su'heita attempt to remedy this injustice they are met with heavy fines, and in some cases even imprisonment. The expropriation of land, the lack of adequate compensation and the discriminatory and restrictive tactics used against the people of Su'heita by the Israeli authorities are all in direct contravention of international humanitarian law and a number of specific human rights. The provisions of international humanitarian law engaged have already been discussed in the opening sections of this report. Focus will now be directed towards how Israel's policies of forced evictions and internal displacements violate international human rights law.

3.2 Human Rights Abuses Associated with Forced Evictions and Internal Displacement

The illegality of the occupation of the Syrian Golan in 1967 and its ensuing *de jure* annexation to Israel is unqualified from the position of international legal standards. The human rights violations endured by the Syrian people of the occupied Golan since the occupation began are numerous and far reaching. The continued violation of such rights not only violates international law, but also domestic law as set out in the Basic Law: *Human Dignity and Liberty* 1992. This is true not only for the people of Su'heita but for the entire Syrian population of the Golan. Although referred to briefly during the introduction of this report, in order to fully understand how forced evictions, internal displacement and the occupation in general have affected the Arab community in the Golan, these rights must be examined individually.

3.2.1. Right to Self-Determination

Common Article 1 of the *ICCPR* and the *ICSCER* holds that "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." Self-determination implies a lack of interference from outside forces. It is the right of any group of people to control the fundamental aspects of their society.

Since 1967, the Syrian population of the Golan have lost their right to self-determination. Military Order No 1 from the 14th June 1967, only two days after the war ended, declared the Golan to be a closed area and prevented anyone from entering or leaving. Since then the indigenous populations' ability to control its own society has been eradicated. The forced evictions and internal displacements which occurred are the most flagrant violations of this right. Furthermore, preventing the people who had left during the fighting in 1967 from returning to their own land is also a major breach of the right to self-determination.

In the years since the de jure annexation of the Golan this right has been attacked even further. The 1982 attempt by the State of Israel to force Israeli citizenship on the people of the Golan was a blatant attack on their right to self-determination. Trying to forcefully alter a group's national identity is contrary to the fundamental principles of international humanitarian and human rights laws.



Figure 19: Strikes in the Occupied Golan in 1982 to resist the attempted forced introduction of Israeli citizenship.

Sourced from Al Marsad archives.

determination the Israeli authorities have been able to dominate all aspects of public life in the Syrian Golan. They have taken control of the education system, which has included changing the school curriculum and eradicating any reference to the villages that they had destroyed during the war. The reality of this situation is best described by former Israeli Minister for Defence and then later Foreign Minister, Moshe Dayan who said in April of 1969 that:

Jewish villages were built in the place of Arab villages. You do not even know the names of these Arab villages, and I do not blame you because geography books no longer exist, not only do the books not exist, the Arab villages are not there either. Nahlal arose in the place of Mahlul; Kibbutz Gvat in the place of Jibta; Kibbutz Sarid in the place of Huneifis; and Kefar Yehushu'a in the place of Tal al-Shuman. There is not one single place built in this country that did not have a former Arab population.⁷³

Common Article 1 of the *ICCPR* and *ICESCR* goes on to state:

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.⁷⁴

73 The quote was taken from a lecture Dayan gave to the Israel Institute of Technology in Haifa and was reported in Haaretz newspaper on 4th April 1969. Quote is available at <http://www.palestineremembered.com/Acre/Famous-Zionist-Quotes/Story649.html>.

74 Article 1(2), *International Covenant on Civil and Political Rights*; Article 1(2), *International Covenant on Economic, Social and Cultural Rights*.

This further element of the right to self-determination was clearly negated by Israel's policies of forced eviction and developing illegal settlements in the occupied Golan. It has been estimated that the produce of the Israeli settlers, which includes fruit, vegetables, wine, animal products and bottled water, in the occupied Syrian Golan covers a "significant portion" of the needs of the entire population of Israel and that 20 per cent of this produce is exported annually.⁷⁵ This produce comes from the lands of internally displaced Syrian nationals and those who were forcefully evicted from their homes. It has been estimated that the local Golani population receives as little as one tenth the amount of water allocated to Israeli settlers and that they are charged higher prices for the water that they are granted access to.⁷⁶ In an attempt to circumvent this unfair distribution of water, the Syrian population began to build water tanks which they used to collect rain water. Eventually the Israeli authorities introduced a tax on these water tanks as well.

Common Article 1(3) states that:

The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.⁷⁷

Israel has violated Common Article 1 by denying the Syrian Arab community of the Golan its right to self-determination in all its facets.

⁷⁵ A/64339/, "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories", 9th September 2009, at 23.

⁷⁶ *Ibid*, at p. 24.

⁷⁷ Article 1(3), *International Covenant on Civil and Political Rights*; Article 1(3) *International Covenant on Economic, Social and Cultural Rights*.

3.2.2 Right to Private Property

Article 17 of the *Universal Declaration of Human Rights* (UDHR) states that:

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

Though not explicitly mentioned in the *ICCPR* and *ICESCR*, the right not to have your personal property taken by force by an occupying power is stated in absolute terms within various international treaties and conventions, most notably Article 49 of the *Fourth Geneva Convention*. The people of the Syrian Golan have had this right ignored and violated by the Israeli authorities since the occupation began in 1967. The numerous problems associated with property rights for the Arab residents of the Occupied Territories are complex. For the people of the Golan the main issue is the fact that their lands have been illegally seized and the land they currently live on has numerous restrictions attached which prevent natural expansion and development. Furthermore, the majority of available fertile land which could be used for tillage and to help the local indigenous economy, has become riddled with landmines or has been expropriated to accommodate the development of illegal settlements.

As previously mentioned the produce of the Golan, that is produce of the lands of those who have been internally displaced or become victims of forced evictions, is either used throughout Israel or exported. While many members of the Syrian population struggle to support themselves and their families, the settlers in the region are thriving as a result of the lands they have illegally occupied. In a 1976 interview Moshe Dayan stated that "the kibbutzim saw the good agricultural land... and they dreamed about it... They didn't even try to hide their greed for the land."⁷⁸ This interview leaves no doubt that one of the fundamental reasons that Israel wishes to maintain its

⁷⁸ 1976 interview with Rami Tal, as quoted in *The New York Times* and Associated Press reports on 11 May 1997.

control over the Syrian Golan is because of the economic benefits associated with its lands.

The problems associated with private property ownership are not confined to the lands which have been deemed 'abandoned' and transferred to the settler population. The indigenous population of the Golan has been prevented from building new homes and expanding their communities through the application of discriminatory laws and the policies of Zionist organisations such as the JNF. As shown in the testimonies provided by the rightful residents of Su'heita, it is almost impossible for Arab people in Israeli controlled territory to receive planning permission to build new houses, and many people face further financial hardships as the result of fines imposed on them for attempting to build on land they were led to believe was theirs. Israel's land ordinances offer maximum protection to the average Israeli Jewish citizen and no protection for any of the other people living within the areas it controls. For example, earlier this year the Knesset introduced the Amendment (2010) to The Land (Acquisition for Public Purposes) *Ordinance 1943*. This amendment states that the Minister for Finance is entitled to alter the definition of public purpose in any situation where the land has been seized for more than 17 years, making it impossible for people whose land has been transferred to a third party to demand the return of the land in cases where they have not had use of the land for more than 25 years. Thus this amendment makes it impossible for the Arab residents of Israel, Palestine and the occupied Golan to attempt to make a legal claim for the return of lands seized from them during the 1948 and 1967 wars. Such a restriction is in direct contravention of international humanitarian and human rights laws. Furthermore, this amendment negates the Israeli Supreme Court's decision in *Karsik*.⁷⁹ The court held in this case that land seized for military purposes could not be transferred to the ILA for residential and commercial purposes at a later date as this would mean that the original purpose of the seizure of land was no longer applicable. It was ordered that in such cases the land should be returned to the original legal owner.

79 See H.C. 239096/, *Karsik v The State of Israel*, 55(ii) P.D. 625.

Nazeh Brik from Majdal Shams, Occupied Syrian Golan Al Marsad Affidavit:

The urban space of the Neve Ativ settlement is three times bigger than Majdal Shams and the population of Neve Ativ is maybe one hundred people. In Majdal Shams, there are 10,000. The border of the municipality of Neve Ativ is three times bigger than Majdal Shams...

...If you compare Israeli settlements with Arab residential places you see a big difference between the two sectors, between the Arab sector and the Jewish settlement. They have large places, green places, but in Majdal Shams for example it is high density, the houses are very close to each other and there are no parks or open places.



Figure 20: Israeli Settlement Kfar Haruv (built on the remains of the Arab village Kfar Harib).

Sourced from Jalaa Marey's archives.

3.2.3. Right to Freedom of Movement and the Right to Return

The right to return to one's place of origin is a customary international norm and as such any obstruction of this right is automatically regarded as illegal. Both international humanitarian law and international human rights law guarantee an individual's right to return to their home land.

Article 13 of the *Universal Declaration of Human Rights* (UDHR) states:

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Likewise, Article 12(1) of the *ICCPR* states that "everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence". Article 12(4) further provides that "no one shall be arbitrarily deprived of the right to enter his own country." As Israel signed and ratified the *ICCPR* without any reservations it is legally bound by Article 12. In 1999 the then Human Rights Committee issued a detailed explanation of Article 12 of the *ICCPR* and the right to return in its General Comment No 27.⁸⁰ It clarified that "subject to the provisions of Article 12, paragraph 3, the right to reside in a place of one's choice within the territory includes protection against all forms of forced internal displacement. It also precludes preventing the entry or stay of persons in a defined part of the territory."⁸¹ It went on to define what was meant by the term 'his own country' clarifying that:

the scope of "his own country" is broader than the concept "country of his nationality". It is not limited to nationality in a formal sense, that is, nationality acquired at birth or by conferral; it embraces, at the very least, an individual who, because of his or her special ties to or claims in relation to a given country, cannot be considered to be a mere alien.

⁸⁰ Available at <http://www1.umn.edu/humanrts/gencomm/hrcom27.htm>.

⁸¹ Human Rights Committee, "General Comment No 27: Right to Return", 021999/11/, at para 7.

This would be the case, for example, of nationals of a country who have there been stripped of their nationality in violation of international law, and of individuals whose country of nationality has been incorporated in or transferred to another national entity, whose nationality is being denied them.⁸²

Additionally, General Comment No 27 explains that the term 'arbitrary' applies to all State action including legislative, administrative and judicial actions which interfere with the rights enshrined in Article 12.⁸³

The right of return is curtailed for all of the Syrian residents of the occupied Golan. Restriction of movement and a denial of the right to return not only contravene the *UDHR* and the *ICCPR*, but also the Geneva Conventions of 1949.⁸⁴ Israel is guilty of a war crime by refusing to allow people to return to their own land after a war has ended. Article 43 of *The Hague Regulations*⁸⁵ states that the occupying force in a territory may introduce measures to maintain public order but only in so far as it maintains the status quo and prevents violence. The laws which were in force in the country prior to the occupation are still viewed as the binding laws. As such, Israel's introduction of military orders preventing the free movement of Syrian nationals within Syria's own territories is illegal. Article 46(1) the Regulations states that family rights, lives and private property of people must be respected; thus, it may be inferred that the behaviour of the Israeli authorities in the occupied Syrian Golan has and continues to have no legal standing within international law.

82 Human Rights Committee, "General Comment No 27: Right to Return", 021999/11/ at para 20.

83 Human Rights Committee, "General Comment No 27: Right to Return" 021999/11/ at para 21

84 Specifically Articles 4, 6(4) and 158(3) of the *Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War*, 1949 which define which people are protected and that they are entitled to repatriation. In addition to this Articles 45, 49 and 147 of the *Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War*, 1949 all explicitly refer to the right to return of people to their homes and the illegality of forced transfers of people by an occupying force.

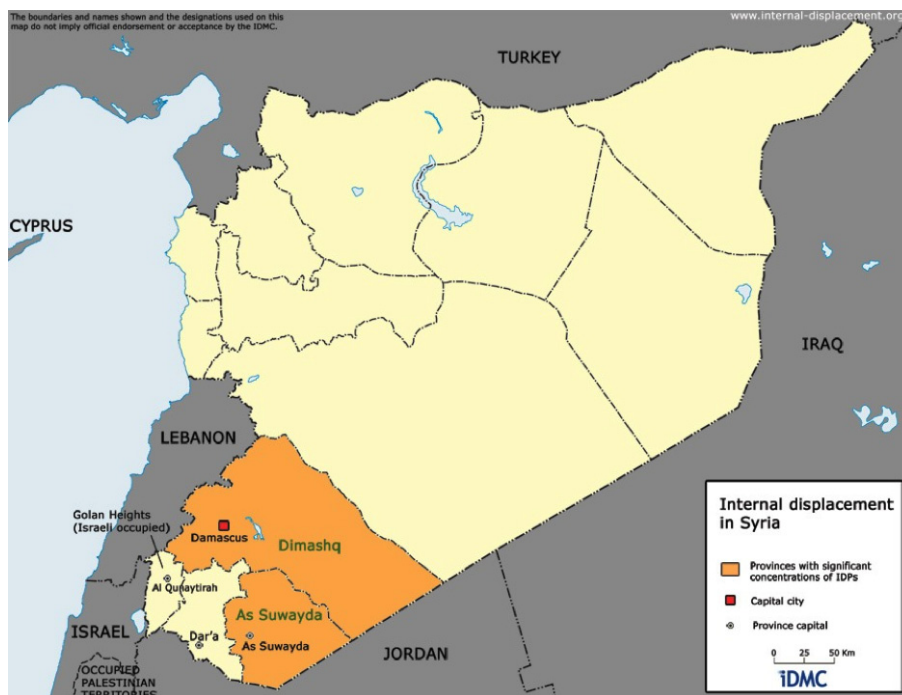


Figure 21: Map detailing the location of those internally displaced in Syrian who have been denied their right to return by the Israeli State.

Sourced from www.Internal-displacement.org.

The UN Security Council Resolution 497 of 1981 was absolute in its refusal to acknowledge Israel's annexation of Syria as legal. Since Resolution 497 there have been a number of Security Council resolutions and General Assembly resolutions condemning Israel's behaviour in the occupied Syrian Golan. One of the most recent of these was published on 18 March 2010 and stated that the Human Rights Council:

...calls upon Israel to desist from its continuous building of settlements and from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover

their property... all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect.⁸⁶

Since 1967 the Israeli government has made it almost impossible for the Syrian residents of the Golan to travel. When the people of the Golan refused to accept Israeli nationality in 1982, instead of being provided with passports which reflected their Syrian nationality they provided with a *Laisser-passer* (travel document) which stated their nationality as 'undefined.' Arab residents who have to travel on a *Laisser-passer* report long delays and hours of questioning in Israeli airports and checkpoints when they attempt to leave for any reason. However the real restriction in movement occurs when an Arab resident of the Golan attempts to visit Syria or vice versa. In 1967 just a few months after the war ended Military Order No 57 was put in place by the Israeli authorities making it illegal for anyone to cross the border between Israel and Syria. This effectively prevented all those people who had fled the war from returning to their land and home. It also prevented any of those people who had stayed behind from visiting any family they may have within the borders of Syria proper. This is in direct contravention of Article 12(4) of the *ICCPR*.

As a result of the work done by the ICRC, a checkpoint has been opened that allows a small number of people to travel between the two States. However this is closely monitored by the Israeli authority and restrictions on who may and may not cross into Damascus are extreme. To date the most frequent type of traveller through the border at Quanytra has been those who go to Damascus to study. In addition, upon their return through the checkpoint students may be held for questioning for several hours and any gifts they attempt

⁸⁶ A/HRC/13/L.2, "Human Rights Situation in Palestine and other occupied Arab territories: Human Rights in the occupied Syrian Golan", 18 March 2010.

to bring back to their families are, more often than not, seized. Some of the students may find themselves placed in detention centres where they will be subjected to interrogation and torture. This type of detention occurs without a warrant or indeed any legal justification. Other than students the only people who are allowed to travel through the checkpoint are religious men on pilgrimage and, recently, women over the age of 70 and non-religious men over the age of 35. There are occasional special permits granted to people to travel for humanitarian reasons, such as to visit a dying loved one or to attend a family funeral. However, more often than not, such permits are denied without any explanation as to why they were unsuccessful or on what grounds the conditions for granting a permit are based.⁸⁷ Despite the fact that there are an estimated 20,000 Arab Syrians still residing in the occupied Golan the vast majority of whom have family residing in Syria proper, only 10 such permits were granted in 2009.⁸⁸

The discrimination against the Golani population that exists within Israeli policies becomes all the more apparent when the internal displacement of the Arab residents of the Golan is compared with the policies set out in the *Law of Return 5710 (1950)*.⁸⁹ The Law of Return states that a visa shall be granted to any Jew who wishes to move and settle in the State of Israel. Thus, any Jewish person of any nationality has the right to come and settle in the occupied Syrian Golan and create a home for himself and his family. This right is granted under Israeli state law despite the fact that all of the international law cited above declares such legislation to be illegal. There are now 33 settlements in the occupied Syrian Golan with construction of number 34 under way. Meanwhile approximately half a million internally displaced Golani residents in Syria proper continue to be forcibly prevented from returning to their homeland.

⁸⁷ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al Marsad, 2010).

⁸⁸ See <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/israel-golan-update-020310>.

⁸⁹ Available in its full text at http://www.mfa.gov.il/MFA/MFAArchive/1950_1959/Law%20of%20Return%2057101950-.

3.2.4. Right to Family

Closely connected to the discriminatory restrictions placed on the Golani's right to free movement and the right to return are the violations experienced by the Syrian Golan population with regard to the right of access to their families. When the 1967 war began, the majority of the Arab population of the Golan were forced from their homes and went to Syria proper in the hopes of protecting themselves from the fighting. As the Israeli authorities have made it impossible for these people to return to their homes and their lands, this has had the devastating effect of preventing numerous families from having access to one another for the last 43 years. For many of the residents of the Syrian Golan this denial of access to their families is the single most difficult element of the occupation of their lands. The ICRC has worked tirelessly with both the Syrian government and the Israeli forces to try to help these separated families gain access to one another. Initially, the ICRC helped to organise family visits in the DMZ at the Qunaytra crossing point but this system has since collapsed. Many families attempt to meet in Jordan but the cost of travelling is expensive and the Golani nationals are not always guaranteed that they will be able to cross through the Israeli checkpoints given the discriminatory permit system in place and the potential for arbitrary delays due to questioning by the Israeli forces.⁹⁰

⁹⁰ See Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al Marsad, 2010).



Figure 22: Family reunifications at the Quanytra Crossing facilitated by the ICRC.

Sourced from ICRC's archives.

There are numerous international conventions that enumerate the rights of the family. The *UDHR* states at Article 16(3) that “the family is the natural and fundamental unit of society and is entitled to protection by society and the State.” This principle is also reflected in Article 10 of the *ICESCR* and Article 23 of the *ICCPR*. While on the topic of illegal and forced separation of families, it is worth giving special consideration to the rights of children. Article 10(1) of the *Convention on the Rights of the Child (CRC)* states that:

...applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

Israel's policy of denying Syrian Arabs permission to visit their families, or indeed preventing the ICRC from operating a family reunification programme within the DMZ and under the supervision of both governments directly violates this right.

The effect that such forced separation has had on the Arab women of the occupied Golan is enormous. If a female resident of the occupied Golan decides to marry a Syrian national and move to be with her new husband she is forced to sign a form negating her right to return and the right of any children she may have to return. Furthermore, Arab women are subject to discriminatory policies with regard to obtaining a permit to cross the checkpoint at Qunaytra into Syria and back. At the moment only students, religious Druze men, some men over the age of 35 and some women over the age of 70⁹¹ are granted permission to enter Syria proper and to return to the occupied Golan. This final category was only introduced in 2009 and it remains to be seen whether or not this particular group of women will be allowed to continue their visitations.

The Israeli authorities do not provide the residents of the Syrian Golan with any explanation when requests to visit Syria and their families are denied. In fact, no information on the decision making process concerning this issue has ever been produced. This lack of transparency and the lack of justification for the decisions of the Israeli authorities have led to the system to be classified as discriminatory, inconsistent and unjustified.⁹²

Since women are restricted to an even greater extent than men, Israel's permit system is in direct contravention of *CEDAW*, which calls for the end of all discriminatory policies towards women. Israel signed *CEDAW* in July 1980 bringing it into force in October 1991; consequently it is legally bound by the provisions contained within. Israel is also violating its own domestic laws. *Israel's Declaration of*

91 In 2009 43 women were granted special permission to travel to Syria proper from the occupied Golan.

92 Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al Marsad, 2010).

Independence provides that the State of Israel will “...ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex...”⁹³ The word inhabitants has an open application and is not as restrictive as other laws which reduce their application to ‘citizens’. Thus if Israel truly believes in the legitimacy of its annexation of the Syrian Golan, it must recognise that despite its refusal of citizenship the Arab residents of the Golan are (for the sake of argument within this context) inhabitants of Israel, and as such the discrimination experienced by the women of the occupied Golan is illegal under international and domestic law.⁹⁴ It should be noted that not only women of the Golan suffer discrimination at the hands of the Israeli authorities, but rather the entire Arab population of all of the Occupied Territories. Discrimination based on ethnic, national and religious backgrounds is systematically applied by the Israeli government when dealing with all aspects of the lives of their Arab residents.

Article 4 of the *ICCPR* and Article 5 of the *ICESCR* state that derogation from certain rights is only permissible in extreme situations related to national emergency. The Syrian Golan has not been declared by the Israeli authorities as in such a situation. Thus the restrictions placed on all of its inhabitants with regards to their right to travel, return to their lands and access to their family is disproportionate and arbitrary.

3.2.5. Rights to Equality and Non-Discrimination

The Arab residents of the Golan are continuously discriminated against as a result of their nationality and ethnicity. There are a number of international bodies of law that deal with the rights to

⁹³ Available at <http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Declaration%20of%20Establishment%20of%20State%20of%20Israel>.

⁹⁴ For additional information on the topic of separation of families and the problems of discrimination against women within this context see Hannah Russell, *Breaking Down the Fence: Addressing The Illegality of Family Separation in the Occupied Syrian Golan* (Al Marsad, 2010).

equality and non-discrimination. The *UDHR*, *ICCPR* and *ICESCR* all refer to an individual's right not to be discriminated against on the grounds of "...race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."⁹⁵ However it is the *ICERD* which was signed by Israel in 1966 and ratified in 1979, which shall be focused on in order to demonstrate the on-going illegal discrimination experienced by the Arab community of the Syrian Golan.

Article 1 of *ICERD* defines racial discrimination as:

any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

It is Article 5, however, that provides a full understanding of the scope of the Convention when it states that it is illegal to circumvent an individual's right to own land, travel, claim nationality and enjoy adequate housing, on the grounds of race, colour, nationality or ethnicity. Israel's continued policy of discrimination against the Syrian Golanis is a clear abuse of these rights.

As the discussion on all of the above listed rights demonstrates, the Syrian community of the Golan is continuously discriminated against on the grounds of their racial identity. Israel has been referred to as an apartheid state by a number of human rights organisations due to its policy of openly bestowing rights and freedoms on its Jewish residents which are systematically denied to all Arabic residents.⁹⁶

⁹⁵ See Article 1, *Universal Declaration of Human Rights*; Article 2(1), *International Covenant on Civil and Political Rights*, and Article 2(2), *International Covenant on Economic, Social and Cultural Rights*.

⁹⁶ For an example of this see A/62275/, "Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian territories occupied since 1967", 17 August 2007 and A/HRC/4117/, "Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian territories occupied since 1967", March 2007.

A clear example of this is the JNF's open policy of leasing land to Jewish people exclusively, whether or not they are citizens of the State of Israel. Israel has defined itself as a 'Jewish State' and has been criticised by the Committee on the Elimination of Racial Discrimination (CERD) for its policy of supplying openly discriminatory organisations such as the JNF with control over such a large portion of Israeli 'State land'.⁹⁷ The vast majority of the 'State land' that is being referred to was expropriated from the indigenous Syrian population of the Golan through the application of military orders and 'abandoned' land laws.

Adalah has noted that "... since 1948 the state has not established any new Arab towns or villages, and the infrastructure of existing Arab towns (e.g. public buildings, roads, sewage, water systems, etc.) lags far behind that of Jewish towns."⁹⁸ It claims that this was as a direct result of the land policies of the JNF, as well as other Zionist land organisations, favouring only members of the Jewish settler community. Adalah reports that on the grounds that the JNF comes under the jurisdiction of the ILA and that the ILA is a government controlled body, the Israeli government's discriminatory land distribution policies are in contravention of a number of provisions contained within the ICERD. Since the occupation of the Golan began, both the ILA and Zionist organisations such as the JNF have adopted policies which lease Arab lands from which people were forcibly evicted. Such policies, as already noted, violate international law.

⁹⁷ The JNF currently has control over 13% of Israel's lands.

⁹⁸ Adalah, "Report to the United Nations Committee on the Elimination of Racial Discrimination", 1 February 2007, at 2. Available at <http://www.adalah.org/eng/intl07/adalah-cerd-feb07.pdf>.



Figure 23: Destroyed village of Ein Fet in the Occupied Syrian Golan.

Sourced from Al Marsad's archives.

Nazeh Brik from Majdal Shams, Occupied Syrian Golan

Al Marsad Affidavit:

There are two ways that development is restricted. The first way is that they seize land directly, and the second thing is the village building plan, which is made by the authorities. The main struggle between the Arabs and Israel is who controls more land. This is the main point. One of the Israeli systems that they use to limit Arabic society development [...] is urban planning. They use it as a tool to limit Arab society's development.

The Committee on the Elimination of All Forms of Discrimination (CERD) have confirmed that Israel's behaviour in the Occupied Territories with regard to the development and expansion of settlements is both illegal under international law and impedes the enjoyment of human rights of all who lived there.⁹⁹ It also emphasised that any of Israel's actions resulted in a change to the demographic makeup of the area were also contrary to international law. The deliberate destruction of 133 villages, 61 farms and two cities would, without doubt, change the demographic makeup of the Golan. With this fact in mind the CERD have urged Israel to "assure equality in the right to return to one's country and in the possession of property."¹⁰⁰ The Committee also stated that restrictions on such reunifications needed to be strictly limited in scope and not based solely on the factors of nationality, residency or connection with a particular community.¹⁰¹ Israel's on-going policies of preventing Syrian nationals from travelling to meet their family members, as well as the obligation of brides from the Golan to sign away their right to return to their homeland and the right of their children to do so, is also a fundamental violation of the rights contained within the ICERD.

3.2.6. Right to Compensation and Restitution

The final right that needs to be explicitly addressed when dealing with forced evictions and internal displacement within the occupied Syrian Golan is a resident's right to compensation and restitution for the lands illegally seized. The right to compensation for the victims of international human rights violations is referred to in numerous international laws. The Hague Regulations, Geneva Conventions and the Rome Statute all make special reference to the right to restitution, and as they were written specifically for the victims of armed conflict, are worth special consideration.

⁹⁹ CERD/C/ISR/CO/13, "Consideration of reports submitted by States Parties to the Committee on the Elimination of Racial Discrimination under Article 9 of the Convention: Israel", 14 June 2007, at para 14.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*, at para 20.

Article 3 of the *Hague Regulations of 1907* states that “a belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.” Likewise Article 91 of *Additional Protocol I of the Geneva Conventions* holds that “a Party to the conflict which violates the provisions of the Conventions or of this Protocol shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.” Similarly, Article 75 of the *Rome Statute* states that “the Court shall establish principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation.” It should be noted that while Israel has retracted its ratification of the *Rome Statute* and refused to ratify *Additional Protocol 1 of the Geneva Conventions* it is still bound by such obligations as a member of the United Nations and consequently a guardian of customary international law.

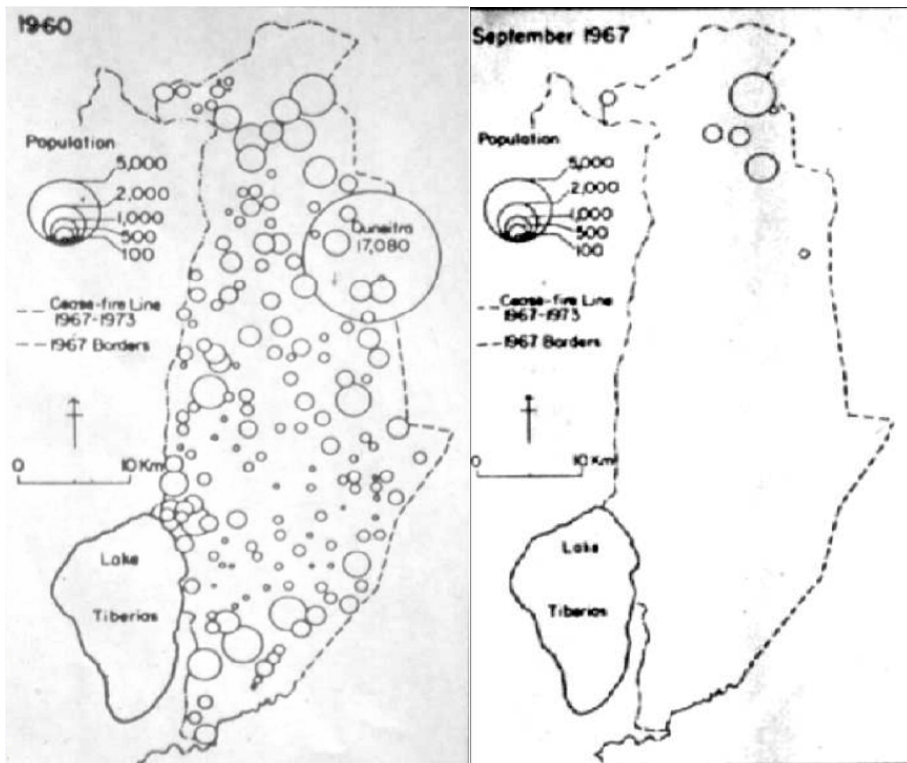


Figure 24: Maps indicating the positions of Arab villages in the Golan in 1960 and then following the Israeli occupation of 1967.

In addition to the international humanitarian law that is applicable, Article 8 of the *UDHR*, Article 2 of the *ICCPR*, Article 6 of the *ICERD*, Article 14 of *CAT*, and Article 39 of the *CRC* protect a victim's right to restitution. The right to compensation is generally linked with the right to a fair trial and adequate access to an unbiased legislative authority. With this in mind, since the land expropriations in the occupied Golan were accomplished through military orders and legislation specifically designed to enable the Israeli government to take control over lands which it viewed as 'abandoned', their obligation to either return the lands or pay just compensation is apparent. The only compensation offered to the residents of Su'heita after they were forcefully evicted from their homes and land was either lands in a village which they viewed as rightfully belonging to other people, or houses without sufficient land in neighbouring villages. Moreover, the value of the compensation to be awarded was the sole decision of the military commander in charge of operations at the time. There was no legitimate tribunal for them to appeal to. Furthermore, due to duress and intimidation imposed upon the Arab villagers by the Israeli army people were too afraid to question the orders of the military and signed over their rights without any legal representation or full understanding of what was happening. Such intimidating behaviour on the part of the occupying force is unquestionably a crime under the Geneva Conventions and is contrary to all international human rights standards.

For those who were left internally displaced in Syria and physically prevented from returning to their homes by the Israeli forces, there has been no compensation offered. Their lands have been taken over by the State of Israel and redistributed for use by Israeli citizens, be it for the development of illegal settlements or for use by the army. Since so few people remained in the Golan after the 1967 war, this land accounts for the vast majority of the occupied Golan. As previously stated, despite Israel's rejection of the provisions contained within the *Rome Statute*, the jurisdiction of the International Criminal Court and the provisions set out within Additional Protocol 1 of the *Geneva Conventions*, much of the law contained therein falls under the remit of customary international law and is therefore applicable regardless. Consequently there is a case to be answered by Israel concerning its laws and policies which have resulted in mass forced evictions and mass internal displacement.

The UN has called for Israel to acknowledge the position stated in Security Council Resolution 497, that the annexation of the Syrian Golan is illegal and that Israel should withdraw from the area immediately.¹⁰² It went on to state that Israel is obliged:

...to desist from its continuous building of settlements and from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property.

The Security Council also held:

that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect.

However, Israel continues to defy the UN's accurate application of international law by persisting with its occupation of the Golan and its policies of forced eviction, internal displacement, land expropriation and settlement building.

102 A/HRC/RES/135/, "Resolution Adopted by Human Rights Council: Human Rights in the Occupied Syria Golan", 16th April 2010.

3.3 Israel's Response to Accusations of Illegal Activities

Israel has continuously refused to accept that it is bound by any of the international humanitarian or human rights law detailed throughout this report in its dealings with the Occupied Territories.¹⁰³ It has also placed a number of loopholes within its own domestic land legislation in order to ensure that it has the ability to expropriate privately owned lands and claim them as 'state land'. Israel has either chosen to ignore the requests issued from the international community via the UN to cease and desist from its illegal occupation of the Syrian Golan, or claims that the international community does not understand the on-going threat posed to Israel by its neighbours, and attempts to paint a picture of the state as a victim of terrorism.

Israel maintains that the *Fourth Geneva Convention* does not apply to the Occupied Syrian Golan because it does not view itself as an 'occupying force'. As explained in the introduction of this report, in Israel's view its occupation of the Golan ended in 1981 with the enactment of the *Golan Heights Law*, this position has been avidly rejected by the international community.¹⁰⁴

103 See Israel's response to the *International Court of Justice's Advisory Opinion on the Legal Consequences of the Construction of a Wall* (2004) issued on 29 January 2004. Available at <http://www.icj-cij.org/docket/files/1311579/.pdf>.

104 See UN Security Council Resolutions 242 (1967); 338(1973); 497(1981) and UN General Assembly Resolutions 61118/61 ;(2006-12-1) 27/ and 612006-12-14) 120/).



Figure 25: Destroyed hospital in Qunaytra.

Sourced from Al Marsad's archives.

Often when challenged to give a reason for its actions Israel quotes the vague term 'security reasons'. This term has been heavily used by Israel throughout its occupation of the Golan and has been applied to many cases of land expropriation. Military Orders have been issued which state that in order to effectively defend the State and to maintain public security it is necessary for the army to take control of certain areas of land. This land then becomes 'state land' and the government is entitled to use it as it sees fit. The Emergency Regulations which have been renewed annually since 1967 have guaranteed its ability to expropriate lands in the Occupied Territories and to build illegal settlements for its own citizens. Thus Israel uses its national laws to guarantee a certain standard of living for the illegal settlers, at the expense of the rights of the indigenous population.

The abuse of rights that ensues is aided within the Golan by the local Syrian population's continued refusal to accept Israeli citizenship, as non-citizens are automatically awarded less protection by domestic

legislation than that given to citizens. In this context, the flagrant system of discrimination and lack of basic civil rights for the native population constitutes grave violations of numerous pieces of international law, not least of all the *ICERD*. In October 1968, the Israeli government stated that “the Area Commander is the exclusive formal authority within the area. He is the legislator, he is the head of the executive and he appoints local officials and local judges.”¹⁰⁵ Thus, it is easy to understand how those people who were forcefully evicted from their homes in Su’heita in 1970 felt that they had no option but to obey the Military Orders issued to them and to accept the deals offered by the local Area Commander.

Israel has essentially ignored all requests from the UN to cease its activities in the Occupied Territories and to return the Golan back to Syria. In its 2005 report to the CERD Israel stated that there was no restriction placed on the right to movement of the residents of the State except in situations where such restrictions were deemed to be of military necessity for security purposes. It cited the example of a Druze man who was granted permission to travel to Syria for a pilgrimage as evidence of this fact.¹⁰⁶ It failed to mention that numerous applications by other individuals with similar backgrounds were refused and the on-going issues surrounding the separation of families or rights to return of those internally displaced within Syria proper.

In March 2009, the Secretary General of the Human Rights Council called upon Israel to respond to various resolutions issued by the United Nations (especially Security Council Resolution 497) and to acknowledge that its attempts to enforce its jurisdiction, laws and administration within the Syrian Golan was illegal. The Secretary General’s closing comments were that Israel should withdraw from

¹⁰⁵ Raja Shehadeh, *Occupier’s Law Israel and the West Bank*, (Institute of Palestine Studies, 1988), at 69.

¹⁰⁶ CERD/C/471/Add.2, “Reports Submitted by State Parties to the Committee on the Elimination of Racial Discrimination Under Article 9 of the Convention: Israel”, 1 September 2005, at para 256.

the Golan immediately. The report was based on the findings of researchers from the Office of the High Commissioner of Human Rights (OHCHR) which had called for permission from the Israeli authorities to travel to the occupied Golan in order to research and prepare a full report on the realities of the human rights situation for the Syrian residents living there. Israel refused to respond to these requests or to issue any representative from the OHCHR with a visa or permission to travel to the Golan. As a result of this refusal, the OHCHR instead decided to research their work via trips to Syria, meeting those who had been left internally displaced as a result of Israel's actions after the 1967 war and by interviewing Golan residents over the phone.

Furthermore, in October 2009, the OHCHR on behalf the Secretary General requested that Israel respond to the Human Rights Council Resolution of March 2009. The Resolution called for the Israel's immediate withdrawal from the occupied Golan and acknowledged "...the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967."¹⁰⁷ Israel refused to respond to this request. The OCHCR countered this by calling on all Member States not to recognise Israel's claim to territory in the Occupied Syrian Golan. It contacted the five permanent missions of Morocco, Pakistan, Algeria, Egypt and Syria, all of which stated that the Golan should be returned to the Syrian Arab Republic and that Israel should withdraw from the territory immediately.

Israel seemingly feels no obligation to adhere to the recommendations of the UN. Likewise as a result of withdrawing its signature from the Rome Statute, Israel no longer recognises the jurisdiction of the International Criminal Court. Therefore when challenged Israel takes the stance that it is not bound by the court's findings, as it did in response to the *Advisory Opinion Concerning the Legal Consequences of Construction of a Wall in the Occupied Palestinian Territory (2004)* and the problems concerning forced evictions and

107 Human Rights Council Resolution 1017/;"Human Rights in the occupied Syrian Golan", 26 March 2009.

land rights within the Occupied Territories.¹⁰⁸ The Israeli government has continuously refused to meet with the Syrian government to discuss the peaceful return of the lands of the Golan to its rightful owners. Israel will continue to do so until Syria agrees to a number of demands concerning water and security issues. The last attempt at peace talks between the two states occurred unofficially in Turkey in 2008. Chances of a peace agreement led to a vote on *The Golan Heights National Referendum Bill*. If this Bill is passed at least two-thirds of the Knesset (80 members) would have to vote in favour of the Golan being returned to Syria, if this majority is not achieved the vote would be transferred to Israeli citizens through a referendum. As of November 2010 the Bill entered the final stages before its enactment.¹⁰⁹ If this Bill is enacted it will be devastating for the residents of the Syrian Golan. Israel's Minister for Intelligence and Atomic Energy, Dan Meridor has been quoted as saying that the Bill would "... add a harmful and unnecessary burden on the state of Israel, which will be seen as mounting hardships against any possible peace agreement."¹¹⁰ When Israel continues to ignore international humanitarian and human rights law and creates domestic legislation which hampers the development of peace and prosperity for all its residents it is difficult to envision what possible solution there may be for the hardships faced by the Syrian population of the occupied Golan.

108 <http://www.mfa.gov.il/MFA/Government/Law/Legal+Issues+and+Rulings/Summary+of+Israels+Response+regarding+the+Security+Fence+28-Feb-2005.htm>.

109 "Knesset, Approves Jerusalem-Golan National Referendum Bill", *Jerusalem Post*, 22 November 2010.

110 "Golan Referendum Bill back on track to pass Knesset vote", *Jerusalem Post*, 12 August 2009.

4.1 Solutions and Recommendations for People of the Occupied Syrian Golan

The only genuine solution to the problems of forced evictions and internal displacement which have resulted from the actions of the Israeli forces within the occupied Syrian Golan since the Arab-Israeli War 1967 is Israel's full withdrawal from the territory and the complete return of all lands to the Syrian Arab Republic. Moreover the State of Israel is obliged under international humanitarian and human rights laws to grant reparations to those people who were forcefully evicted and suffered land expropriation. Compensation should also be offered for the extraction of natural resources and property destruction which occurred as a direct result of the actions of the Israeli military during the occupation. Israel has no valid legal claim over the territory of the Syrian Golan and should cease the exploitation of its lands immediately. Aside from Syria's failed military attempts to reclaim the lands lost to Israel in the 1967 war, there have been a number of unsuccessful negotiations between the two states regarding the formulation of a lasting peace treaty and the return of the Golan.

A number of Israel's policies have compounded the problems which prevent a peaceful solution to the Golan issue, such as Israel's continued policy of settlement development and expansion within the Golan. Before making any further recommendations it is important to consider what factors have led to the collapse of talks between the two States in the past.



Figure 26: Israeli Military Tower in the centre of Majdal Shams in the occupied Golan. Landmines have been scattered on the hill surrounding the tower despite the fact that it is placed in the middle of a residential village.

Sourced from Al Marsad's archives.

4.1.1 Brief History of Negotiations Between Syria and Israel Since 1967

A number of negotiations have occurred between Israel and Syria since 1967 concerning the return of the Golan to Syria and the conditions of a general peace agreement between the two states. As of yet, which will be illustrated by this chronological summary, these negotiations have not amounted to much.

31 May 1974: After the failure of the October war in 1973 Syria and Egypt negotiated an Armistice agreement with Israel. Egypt reclaimed the Sinai Peninsula and Syria reclaimed some of the lands lost in 1967, including Qunaytra; although the Israeli forces destroyed the village before evacuating it. UNDOF forces were established to maintain the demilitarised zone between the two states.

December 1981: Israel declared the Syrian Golan to be under Israeli jurisdiction via the *Golan Heights Law*.

September 1982: The Twelfth Arab Summit Conference was held in Fez. This summit was initiated as a result of Egypt's negotiations with Israel and the subsequent disputes that occurred within the Arab community. During the course of the conference Syria (and numerous other Arab states) officially recognised Israel as a legitimate state, which opened the door for possible future negotiations with them.

30 October 1991: The Madrid Conference. Israeli government officials met in Spain with American diplomats and held talks with their Arab neighbours. Representatives from Jordan, Lebanon, Palestine and Syria were all present. Discussions on the proposed peace plan 'Land for Peace' began. The conference was a huge success for Israel from a public relations perspective; it allowed them to create new diplomatic relationships with a number of states while appearing to be eager to stop the destruction of Arab communities and return land to its rightful owners. Israeli Prime Minister Yitzhak Shamir was quoted as saying "with an open heart, we call on the Arab leaders to take the courageous step and respond to our outstretched hand in peace."¹¹¹ However the momentum of the Madrid Conference was short lived.

December 1994: Representatives from Syria and Israel met in Washington DC in an attempt to pick up negotiations from where the Madrid Conference had left them 3 years earlier. Negotiations involved Syria's demand for a full withdrawal from the occupied Golan and Israel's concerns over the creation of a formal security and water access were addressed.

January 1996: Representatives from both states met again in the US, this time in Virginia. Again the discussion focused on the return of the lands occupied in the Golan and security and water issues.

111 "The Madrid Peace Conference" (1992) 21(2) *Journal of Palestine Studies* 117, at 144.

15 December 1996: Syrian Foreign Minister Farouk Al-Shara and Israeli Prime Minister Ehud Barak resumed the 'Land for Peace' negotiations in Washington DC.

3 January 2000: Syrian Foreign Minister Al-Shara and Israeli Prime Minister Barak met again in West Virginia to continue negotiations. US Secretary of State Madeline Albright acted as a mediator for the two States.

March 2000: Peace talks continued between the two states but a final agreement was not reached.

10 June 2000: Syrian President Hafez Assad died and was replaced by his son Bashar. In 2001 Israel held its general elections and Ehud Barak was replaced by the ultra-conservative Ariel Sharon. This appointment, along with the election of George W Bush in the United States saw the collapse of any 'Land for Peace' talks between the two nations.

1 May 2003: American President George W Bush signed The Syrian Accountability Act into law. The Act demands Syria's withdrawal from Lebanon and enters immediate negotiations with Israel. It openly demonstrates the hostility of the Bush administration towards the Syrian Arab Republic and is a signpost for the breakdown of genuine peace talks between Syria and US ally Israel.

8 June 2007: Israel stated that it is prepared to return the Golan to Syria, providing that Syria cuts all diplomatic relations with Iran, Hezbollah and Hamas.

January 2008: Indirect peace talks resumed again between the two states, this time with Turkey acting as an intermediary.

September 2008: Operation 'Cast Lead' in Gaza further prevents Syria from considering peace negotiations with Israel.

March 2009: Talks stalled once again due to Olmert resigning as Israeli Prime Minister and being replaced by the right wing conservative Benjamin "Bibi" Netanyahu.

The positive momentum of the 1993 Madrid Conference seems to be the closest that Israel and Syria came to moving forward and building a constructive relationship. However, Israel's supposed fears over water supply and security combined with Syria's refusal to end relations with Iran, Hezbollah and Hamas make a feasible and concrete peace agreement seem near impossible. Nevertheless, Israel's tense relations with Syria are no justification for the abuses of international law that it subjects the Syrian nationals of the Golan to.

4.2 The Policy of 'Land for Peace'

The notion of 'Land for Peace' is derived from the wording of Resolution 242 which calls for Israel's immediate withdrawal from lands occupied during the 1967 war and for respect for territorial boundaries as a means of obtaining peace in the area. The notion of Land for Peace was first applied directly with Israel's withdrawal from the Sinai after the 1973 war during its peace negotiations with Egypt. Thus it is generally understood now, within the Syrian context, that the fundamental element of a long lasting peace agreement between the two states will be based on an Israeli withdrawal to the 1967 boundaries, the return of the occupied Golan and the creation of secure territorial boundaries for both nations.

A number of Israeli political leaders have referred openly to the need for Israel to return certain lands in order to achieve a viable and secure future within the Middle East. Prior to the election in 2009, Tzipi Livni, who at the time was serving as Israel's Foreign Minister and running against Netanyahu for the position of Prime Minister, was quoted as saying that Israel would have to give up considerable territory in order to gain peace.¹¹² However, the line taken by Binyamin Netanyahu is quite different. In his 2009 address on Israeli foreign policy he argued that the Land for Peace ideal did not work and that the only way peace would be achieved would be by Israel's Arab neighbours recognising

112 "Israel FM: 'Give Land for Peace', *Al Jazeera*, 17 February 2009. Available at <http://english.aljazeera.net/news/middleeast/200920092173585363681/02/.html>.

the State's right to exist as a sovereign Jewish state.¹¹³ Netanyahu's stance combined with the possible introduction of the The Golan Heights National Referendum Bill creates further uncertainty for the indigenous Syrian population of the occupied Golan. This uncertainty is further compounded by Syrian President Assad's stance that since the current Israeli government is not prepared to discuss peace with the Arab state, Syria's hands are tied in moving forward on the issue of the Golan's return.¹¹⁴

4.3 Recommendations

The history of the Syrian Golan since the 1967 Arab-Israeli War has been one of forced evictions, internal displacement, discrimination, disenfranchisement and human rights abuses. The people of the occupied Golan have had their lands stolen from them, their families divided and their right to return disregarded. The Israeli government has continued to ignore requests from the international community to withdraw from the Golan and to allow those internally displaced in Syria to return to their homes. They have continued to promote and assist the illegal expansion of the settlement communities in the area so that the Israeli population is now almost equal to that of the local Arab population. This report has provided an insight into the impact that such violations, particularly forced evictions and internal displacement, can have on the indigenous population of the Syrian Golan. This insight has led to some very clear recommendations for the Israeli authorities. First and foremost, it is imperative that the Israeli government ceases its current occupation of the Syrian Golan. In doing so it should adhere to the following list of recommendations:

113 "Full Text of Netanyahu's Foreign Policy Speech at Bar Ilan", *Haaretz*, 14 June 2009. Available at <http://www.haaretz.com/news/full-text-of-netanyahu-s-foreign-policy-speech-at-bar-ilan-1.277922>.

114 "Assad: Mideast Peace 'Impossible' With Netanyahu", *Haaretz*, 18 March 2010. Available at <http://www.haaretz.com/news/assad-mideast-peace-impossible-with-netanyahu-1.264986>.

- 1) To re-enter talks with Syria with the aim of establishing a final and lasting peace agreement. It is crucial that such an agreement includes Israel's full withdrawal from the occupied Syrian Golan and the reestablishment of the pre-1967 territorial boundaries.
- 2) The occupying power should adhere to international humanitarian and human rights laws and allow those people internally displaced within Syria who have deeds proving ownership of land in the Golan to return to those lands. In addition, all those who have been internally displaced, a figure which currently stands at half a million, should be granted the right to return. This should come without condition, for example those eligible should not be put in a position where they are only given a limited window of opportunity to return, nor should the move have to be permanent.
- 3) For those who were forcefully evicted from their lands, full and proper compensation should be given to them. The State of Israel should create impartial non-military based tribunals with international representatives taking part to ensure that these people receive the reparations to which they are entitled and be allowed to return to the lands from which they were wrongfully evicted.
- 4) The Occupying Power should cease the development and expansion of settlements within the Syrian Golan immediately.
- 5) The restrictions of movement through the Qunaytra checkpoint should be relaxed with the continued supervision of the ICRC in order to facilitate family reunification, and to prevent further discrimination of women both as brides leaving their homes in the Golan, and as those wishing to travel to Syria proper for religious and familial reasons.
- 6) The Occupying Power should begin removing all landmines from the occupied Syrian Golan in order to facilitate the expansion and development of Arab communities and agricultural land within the area. This is also necessary for those internally displaced and forcefully evicted to be able to return to their homes and begin rebuilding their lives there.

- 7) Israel should take measures to remove all 'unnecessary' military posts from the Syrian Golan. This would include all training camps and extended army bases. There are currently sixty Israeli army bases within the occupied Golan and most serve no immediate security purpose.
- 8) Israel should accommodate a relaxation of trade sanctions with Syria in order to facilitate the exportation of goods from the local Golani population to the Syrian market to allow for economic growth and security of the local indigenous Arab population. This should include expanding the current ICRC facilitated apple trading scheme to include additional products.

In addition to the recommendations presented for the Israeli government there are a number of actions that could be taken by the international community to ameliorate the situation of the people in the occupied Syrian Golan:

- 1) The UN Security Council and General Assembly should increase its pressure on Israel to adhere to Resolution 242 and withdraw from the occupied Syrian Golan.
- 2) Economic sanctions should be introduced by the international community, especially countries within the EU, which are the main importers of Israeli settlement goods. These sanctions should remain in place until Israel agrees to adhere to international humanitarian law and human rights obligations with regards to its treatment of the people of the occupied Golan.
- 3) The international community should provide diplomats to act as intermediaries during peace negotiations between Israel and Syria. Full support for such talks should be provided by all members of the Security Council and General Assembly and they should be based on the rules of international humanitarian and human rights law.
- 4) Those states continuing to import goods from Israel should insist that all produce deriving from illegal settlements is clearly labelled as such, and that any goods from the Occupied Territories is not described as Israeli in origin.

4.4 Conclusion

The joint issues of forced eviction and internal displacement continue to be ignored by the world at large in relation to the people of the occupied Syrian Golan. The Israeli government has maintained a policy of discrimination and illegal land expropriation throughout the Occupied Territories. The use of Military Orders during the initial aftermath of the 1967 War enabled Israel as the Occupying Power to forcefully prevent the return of the vast majority of the indigenous Syrian population of the Golan to their homes and to retake full control over their land. In addition, those who remained in the area during the war were subjected to forced evictions and intimidation tactics preventing them from accessing lands which were legally theirs. The planting of landmines has also served as an effective tool in ensuring that the Syrian population is confined to within the boundaries of the five remaining Arab villages, despite the fact that the population has increased from approximately 7,000 in 1967 to 20,000 today.

Notwithstanding Israel's claims that it abides by international legal standards, the testimonies of the people within this report demonstrate that this is not the case. The most up-to-date statistics indicate that approximately 500,000 Golanis' remain internally displaced within Syria.¹¹⁵ Many of the people who remained in the Golan are still forcibly prevented from accessing land which is rightfully theirs. The creation of illegal settlements is on-going and the Israeli population in the Golan is prospering through the economic exploitation of land and water resources to which they have no lawful claim.

The research contained within this report makes it clear that the only viable solution to the human rights violations endured by the people of the Syrian Golan is Israel's immediate and complete withdrawal from the occupied Golan. This is a claim that the international community has time and time again expressed through UN mechanisms. Yet the State of Israel continues to ignore UN resolutions such as 242, which

115 [http://www.internaldisplacement.org/8025708F004BE3B1/\(httpInfoFiles\)/85D4C57B52517548C1257945004A6235/\\$file/syria-overview-nov2011.pdf](http://www.internaldisplacement.org/8025708F004BE3B1/(httpInfoFiles)/85D4C57B52517548C1257945004A6235/$file/syria-overview-nov2011.pdf).

state that the *de jure* annexation of the Golan in 1981 was and remains outside the confines of acceptable international standards and legal procedures. It is time for the international community to stop using words, which to date have proven to be completely ineffective, and to begin using economic sanctions against the State of Israel as a means of demonstrating that Israel's total disregard for international human rights law and international humanitarian law will no longer be tolerated.

The solution for the injustices faced by the people of the Golan rests with Israel and Syria achieving a long lasting peace agreement. In the interim, as set out within the recommendations above, a number of short term changes are required to prevent any further rights abuses from occurring within the region. Freedom of movement must be reinstated to allow people to access their lands, their families and their communities. Israel must be forced to adhere to and apply the international legal standards it has for so long ignored.

The people of the occupied Syrian Golan are suffering on a daily basis due to Israel's continued defiance of international laws and its own domestic laws. The international community has a responsibility to protect and promote the human rights of the Arab population of the Golan until the day when peace is achieved and the Golan is returned to its rightful owners, the people of Syria.

Appendix 1: Illegal Settlements in the Occupied Syrian Golan and the Syrian Arab Villages They Were Constructed On



Figure 27: Map detailing the illegal Israeli settlements in the Occupied Syrian Golan.

Sourced from Al Marsad's archives.

The following is a table of all of the 33 established illegal Israeli settlements in the Syrian Golan. The information relating to population size was taken from the Foundation for Middle East Peace's website and was correct in 2008.¹¹⁶

Name	Year Founded	Location	Population in 2008	Built On Which Arab Village's Lands
Afiq	1967	Southern Golan	212	Fiq, which was one of the cities prior to 1967 War
Allone Habashan	1981	Central Golan	291	Lands between Ein Eisha and Aljweiza
Avne Eitan	1974	Southern Golan	212	Gdaia
Ani'Am	1978	Central Golan	494	Lands between Al Amudiya and Al Tayiba
Bene Yehuda	1972	Southern Golan	1,009	Skufiya
(Eli Al (Eli Ad	1973	Southern Golan	275	Al Al
El Rom	1971	Northern Golan	263	A'yun Hajal (one of the villages offered to the people of (Su'heita
En Ziwan	1968	Northern Golan	197	Ein Alziwan and Alsensia
Geshur	1971	Southern Golan	218	Al Edesia
Giv'at Yo'av	1968	Southern Golan	458	Shkum and Skufiya
Had Nes	1987	South-Western Golan on the Eastern bank of the River Jordan	593	Near Qara'na (Almssakiya) and the hill of Tal Ash-Shair

¹¹⁶ http://www.fmep.org/settlement_info/settlement-info-and-tables/stats-data/settlements-in-the-golan-heights.

Kanaf	1985	Southern Golan	345	Kanaf and Bab al Hawa
Katzrin ((Qazrin	1977	Central Golan	6,518	Alahamdiya, Shqet and Qesrin
Kefar Haruv	1974	Southern Golan	319	Kfar Harib
Khaspin	1977	Southern Golan	1,374	Nab and Khisfin
Ma'ale Gamla	1975	Southern Golan	388	Lands between Qtua'sh Ali and Khokha
Merom Golan	1967	Northern Golan	519	Lands between Mweisa and Bab Al Hawa
Mevo Hamma	1968	Southern Golan	338	Maz Ez Aldin
Mezar	1981	Southern Golan	61	Rajm Alyaqusa
Ne'ot Golan	1968	Southern Golan	377	Near city of Fiq
Natur	1980	Southern Golan	129	Um Al Qunatir Almanshiya
Neve Ativ	1972	Northern Golan	175	Jubata Ez-Zeit
Nov	1972	Southern Golan	529	Nab
Odem	1981	Northern Golan	103	Lands near Krez Al Wawi
Ortal	1978	Northern Golan	255	Lands between Aldalwa and Bedaroos
Qela	1984	Northern Golan	162	Al Qanaba
Qeshet	1974	Central Golan	549	Khushniya and Al Fahham
Qidmat Zevi	1985	Central Golan	375	Na'aran Ein Alsumsum and Al Dahsha

Ramat Magshimim	1968	Southern Golan	547	Near Khisfin
Ramot	1970	Southern Golan	470	Shqeif and Um Altahahab
Senir	1967	Northern Golan	467	Baniyas
Sha'al	1976	Central Golan	230	Qarahta
Yonatan	1975	Central Golan	375	Lands between Deir Mfaddil and Tanuriya