

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

NGO REPORT

Suggested issues for Consideration Regarding Israel's Combined tenth, eleventh, twelfth, and thirteenth Periodic Report to the UN Committee on the Elimination of Racial Discrimination(CERD) 25 January 2007

AL-MARSAD - The Arab Center for Human Rights in the Golan Heights hereby submits information to the UN CERD in advance of its review of Israel's Combined tenth, eleventh, twelfth, and thirteenth Periodic Report (CERD/C/471/Add.2).

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

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

Preface

Israel occupied the Golan Heights during the June 1967 war. The United Nations (UN) issued many international resolutions calling for the end of the occupation and withdrawal of Israel from all the occupied territories, including the Golan Heights. However, Israel refuses to implement these resolutions which reiterate the illegality of the occupation, violating UN treaties and endangering international peace and security. The Golan Heights have remained under Israeli occupation since over 39 years.

Instead of withdrawing from the Occupied Golan Heights according to the many binding UN resolutions on the subject, Israel strengthened its grip on this territory and went so far as to attempt to annex it in 1981. Israel prepared for the annexation of the Golan Heights by assigning military commanders and entrusting them with the "legislation" through the imposition of military orders. Hundreds of military orders were issued by the military commanders in the Golan Heights, further solidifying the occupation and uprooting the majority of the Syrians through a sweeping eradication of cities, towns and villages which they had inhabited, erasing all traces of the Arab civilization of the region. Further, Israel, the Occupying Power, was able to control the land, water and other natural resources through the implementation of these military orders.

At the same time, the Israeli occupying authorities' implemented annexation policies which created *fait accompli*. They built settlements, introduced Jewish settlers, and the various resources of the province, all for the economic benefit of the Occupying Power.

The military administration of the Golan Heights persisted until December 14, 1981, at which point the Israeli Knesset (parliament) passed the Golan Annexation Law. The UN condemned this law as a breach of the principles of modern international law, and demanded that Israel annul the law and adheres to the principles of international law, which regulates situations of military occupation. Further, it demanded that Israel should enforce the principle of international law in the

Golan Heights and all the Arab lands that were occupied in 1967. It also called on the international community not to recognize Israel's annexation.

As an Occupying Power, Israel is obligated to adhere to the principles of international humanitarian law, notably the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, and must also adhere to the principles of the international human rights law in regards to the Occupied Territories, including the Golan Heights. This position has been maintained by the UN, international human rights organisations, and international legal experts.

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

Articles 2 and 5 of the International Convention on the elimination of all forms of Racial Discrimination declares that States are obligated to ensure that all people have the right to enjoy the following rights including:

Article 5, the right to equality before the law

- *Article 5 (a)*, the right to equal treatment before tribunals and other organs administering justice
- *Article 5 (b)*, the right to security of the person and protection by the State against violence or bodily harm by government officials or by any individual group or institution
- *Article 5(d) (i)*, the right to freedom of movement
- *Article 5(d) (iii)* the right to leave any country, including one's own, and to return to one's country
- *Article 5(d) (iv)* the right to marriage and choice of spouse
- *Article 5 (d) (v)*, the right to own property
- *Article 5(d) (vi)*, the right to inherit
- *Article 5 (e),(i)* the right to work and to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- *Article 5(e) (iv)* the right to public health, medical care, social security and social services.
- *Article 5(e)(v)*, the right to education and training
- *Article 6*, the right to an effective protection and remedies for any acts of racial discrimination, including just and adequate reparation or satisfaction for any damage suffered.

Israel has violated all of these most basic human rights during its occupation of the Syrian Golan Heights. These rights are being grossly violated as detailed in the examples below:

Uprooting and expulsion of local population.

The most serious abuse of all international and human laws and norms was the immediate uprooting and expulsion of the local Syrian Population after the occupation of the Golan Heights in 1967. This expulsion was unprecedented in scale and unprecedented in its ferocity and abuse of basic human rights.

According to Syrian sources, the population of the Golan Heights was estimated to be 147,613 persons in 1966. Around 80 percent of the population was Arab, and the majority of those

remaining were from other Caucasian ethnicities (e.g., Circassians, Daghestani, and Chechens). There were also 3,000 persons of Turkmen background and hundreds of Armenians.

They inhabited 312 separate residential areas, including two cities: Al-Qunaitera, located in the middle of the Golan, and Fayq, located in the south of the Golan. The occupation expelled 131,000 people to inside Syria. Around 7,000 people remained in the Golan, dispersed along six villages which were located at the far north of the Golan, near the Syrian-Lebanese border. These villages were Majdal Shams, Masa'da, Bqa'atha, 'Ein Qinyeh, Al Ghajar, and Su'heita. (Su'heita was subsequently transformed into an Israeli military post after deporting its people to Masa'da; it was completely destroyed in 1971-2.) Israeli authorities then wiped out all remains of the other cities and villages, levelling them and building settlements in their place, giving the settlers control over the land and water resources for the benefit of the Israeli economy, through the use of military orders.

On June 14, 1967, Military Order No. 1 was issued, declaring that the whole of the Golan Heights was a closed military zone, and that no one was permitted to enter or leave it, regardless of their identity. Through this order, Israeli officials sought to enforce the depopulation of the area from its native Syrian inhabitants by prohibiting Syrian citizens from returning to the area. On July 4, 1967, the Israeli military commander issued Military Order No. 13, declaring that all houses in Al-Qunaitera, which were completely emptied, were deemed closed military zones, and that no one was allowed to leave or return to them without a written permit issued by the Military Commander himself.

In order to ensure the expulsion, Military Order No. 57 was issued on September 17, 1967 to prevent the return of the Syrian inhabitants. This order sought to prevent their return to the Golan by calling for grave penalties for those who attempted to return to their homes.

The forcible transfer and deportation of the majority of the native Syrian inhabitants from the Golan Heights was the most serious abuses carried out by the Israeli authorities. This is a direct violation of Article 49 of the Fourth Geneva Convention, which prohibits the individual or mass forcible transfers, as well as deportation, of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, regardless of their motive. An Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand, but 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. Such transfers are also regarded as a grave breach of the Convention under Article 147. Further, Israeli authorities not only depopulated the Golan of the majority of its Syrian inhabitants, but prevented any communication between the dispersed families. Such actions violate Article 26 of the Fourth Geneva Convention, which calls for the renewal of contact between the dispersed families, owing to the war, and their meeting whenever it is possible.

Restrictions of Freedom of Movement and Separation of Families

Since 1967 Israel has imposed very strict restrictions on the movement of the remaining Syrian residents of the Golan Heights. They are subject to severe restrictions on their movements and they are not allowed to visit or communicate with their families and friends that were expelled or lived outside of the Occupied Golan Heights.

Entire families were separated by the occupation of the Golan Heights and Israel prevented the inhabitants of the Golan Heights from travelling to other parts of Syria to see their family members

and prevented family members from outside the Golan Heights from returning to see their family member under occupation. This was imposed in a very strict manner with a few exceptions after for students who wished to travel to Syria to study in universities and who were forced to remain in Syria for one-year periods at a time. Another exception was allowing a few religious men to travel once a year for a period of three-four days to visit Holy Sites outside the Golan Heights in Syria. No females come under this exception!!

Lack of Citizenship

This restriction on the freedom of movement is closely tied to the lack of nationality that the Syrian inhabitants of the Golan Heights remained under after the 1967 war. Since 1967 and the imposition of the above mentioned restrictions the Syrian inhabitants found themselves without any defined citizenship. The restrictions prevented the inhabitants from being able to enjoy their Syrian citizenship since they could not travel to Syria to obtain any citizenship rights such as registration, passports etc... Since the illegal 1981 annexation of the Golan Heights Israel has offered these inhabitants Israeli citizenship, and indeed tried to force this citizenship on these inhabitants, however the vast majority of inhabitants refused to accept this citizenship which they saw as being a step that meant their acceptance to the illegal occupation of the land and their acceptance of the human rights abuses that they suffered from and the racial discrimination they lived under.

Mines & Explosives

Since the beginning of it's the occupation of the Syrian Golan, Israel has laid numerous land mines on the pretext of security. Further, it utilized vast areas of Golan land as fields for military training, leaving behind substantial amounts of military remains that threaten the lives of civilians. There are around 80 mine fields spread across the entire Golan Heights. The Israeli military usually neglects with maintenance of these fields, resulting in the loss of innocent civilian lives. Since the beginning of the occupation, around 20 people have been killed and over 40 wounded due to mine explosions or the detonation of abandoned equipment remains of the Israeli army. There were many children among those killed and wounded.

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

It should be noted that even during January 2007 two mines exploded in the vicinity of a local house of the inhabitant, Amin Fahr Adin in the village of Magdel Shams. Since 1967 Israel has placed mines in and around all of the Syrian villages in the Golan heights including all the villages. In a report published by the Israeli State Ombudsman published in 1990 it was stated that most these mines were unnecessary and that they had no military value whatsoever.

Racial Discrimination and Prevention of Building of Houses

This problem is closely tied to the problem related to the lack of suitable housing opportunities for the local Syrian inhabitants in the Golan Heights. The Israeli authorities keep the mines in place in order to impose their severe restrictions on the opportunities for the building of new houses in the Syrian villages in the Occupied Golan Heights.

While at the time that the Israeli settlements are expanded as much as possible over the Syrian lands in the Golan Heights, severe restrictions are placed on the possibilities for additional building in the Syrian villages.

Israel has imposed Israeli law in the Golan Heights. The opportunities for building are determined according to zoning plans that designate areas where building is permitted and areas where building is prohibited. These zoning plans in the Golan Heights only permit building in the Israeli settlements while severe restrictions are imposed on the Syrian villages. The Syrian villages are not allowed to develop and expand according to the true needs of the inhabitants in a policy seemed designed to keep these villages under siege and underdeveloped without any capability for expansion.

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

P.O. Box 9

Majdal Shams 12438

Golan Heights, Via Israel

972-4-687-0644 (phone)

972-4-687-0645 (fax)

marsad@golan-marsad.org

<http://www.golan-marsad.org>