

**International Convention on the Elimination of All
Forms of Racial Discrimination (CERD)**

PARALLEL REPORT

**To the Committee on the Elimination of All Forms
of Racial Discrimination on the Occasion of the
Consideration of the Fourteenth to Sixteenth
Periodic Report of Israel**

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Al-Marsad - Arab Human Rights Centre in Golan Heights
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Contact Information:

Al-Marsad – Arab Human Rights Centre in Golan Heights
P.O. Box 9
Majdal Shams 12438
Golan Heights, Via Israel

Tel: + 972 (0) 4 687 0644
Fax: + 972 (0) 4 687 0645

Email: nizar@golan-marsad.org; marsad@golan-marsad.org
Web: www.golan-marsad.org

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A. INTRODUCTION

1. **Al-Marsad** greatly welcomes the opportunity provided by the Committee on the Elimination of Racial Discrimination (hereinafter the **Committee**) to submit an alternative report containing information which is of relevance to its review of Israel's Fourteenth to Sixteenth Periodic Reports on its implementation of the International Convention on the Elimination of Racial Discrimination (hereinafter the **Convention**).

1.1 Submitting Party

2. **Al-Marsad** is a non-profit, non-governmental, legal human rights organisation based in the Occupied Syrian Golan (OSG). It was established in October 2003 by a group of professionals from Majdal Shams, a village in the most northern part of OSG. It is the first organisation in the OSG to address the long neglected human rights situation in the region.
3. Al-Marsad promotes a rights based approach as the way forward in addressing, highlighting and solving the problems facing the Syrian community of the OSG. Al-Marsad monitors and documents violations of international human rights and humanitarian law. In doing so it conducts research; prepares reports, position papers, briefings and presentations on breaches of international humanitarian and human rights law in the OSG; and undertakes advocacy before local, regional and international bodies. Al-Marsad also provides a pro-bono legal service to the local population.
4. Al-Marsad a member of the Occupied Palestinian and Golan Advocacy Initiative and the Convenio Palestina 2015.

1.2 Scope of Parallel Report

5. As the only human rights organisation based in the OSG, Al-Marsad respectfully submits this Parallel Report to bring to the attention of the Committee Israel's lack of compliance with the Convention. It looks at the impact that Israel's occupation and its discriminatory policies including land expropriation, settlement development, landmines, permit systems, family separation and excessive use of force have had on Syrian Arabs and the realisation of their rights contained within the Convention.
6. Al-Marsad wishes to stress that while the discriminatory tactics used against Syrian Arabs are similar to those used against Palestinians in the occupied Palestinian territory, the legal framework, political situation and violations of international law which exist in the OSG are different on a number of levels and for that reason require specific attention.

7. It should be noted that this Parallel Report does not address all the issues identified by the Committee. The findings in this Parallel Report are based on Al-Marsad's monitoring and documentation activities. There are certain issues which are outside the direct expertise of Al-Marsad and as such the authors have opted not to comment on these. However, the limitations of this report should not be understood to imply that Israel complies or does not comply with articles of the Convention that are not mentioned therein.
8. This report identifies general trends and polices with regard to Israel's lack of compliance with the Convention. It does so by looking at the rights contained within the Convention. The report looks at each relevant article and provides an overview of the legal obligations that Israel has violated with respect to the Convention. The majority of claims made within this report are substantiated by Al-Marsad's fieldwork. Further details about this information are available to the Committee upon request.
9. In submitting this report to the Committee, Al-Marsad wishes to provide information which is of relevance to the Committee's review of Israel's Fourteenth to Sixteenth Periodic Reports on the implementation of the Convention.

2. GENERAL OBSERVATIONS

2.1 *Demographics of the Occupied Syrian Golan*

10. The Syrian Golan became occupied by Israel during the 1967 Arab-Israeli War. This occupation has been denounced by international community through a number of United Nations issued resolutions.¹
11. Before Israel's occupation of the Syrian Golan the region had a population of 153,000 Syrian nationals. During the 1967 Arab-Israeli War Israel captured 70% of the Golan including 2 cities, 139 villages and 61 farms.² 130,000 of the Syrian Golan population were forcibly transferred during the occupation³ and forbidden from returning. Others voluntarily fled the fighting believing that they would be able to return to their lands when the fighting ceased, however since its occupation, the crossing between the Golan and Syria proper has been significantly restricted preventing thousands from

¹ United Nations Security Council, "Resolution 446", 22 March 1979; United Nations Security Council, "Resolution 452", 20 July 1979; United Nations Security Council, "Resolution 465", 1 March 1980; United Nations Security Council, "Resolution 471", 5 June 1980; United Nations Security Council "Resolution 497; The Golan Heights Law", 17 December 1981; United Nations General Assembly, "Resolution 61/120 Relating to the Occupied Syrian Golan", 15 January 2007; United Nations General Assembly, "Resolution 63/99 Relating to the Occupied Syrian Golan", 18 December 2008; A/HRC/RES/13/5, "Resolution Adopted by Human Rights Council: Human Rights in the Occupied Syria Golan", 16th April 2010.

² Sakr Abu Fakhr, "Voices of the Golan" (2000) 29(4) *Journal of Palestine Studies* 5, at 5.

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%29/11354A1A3BE82407C12573850037B6C6/\\$file/Syria_IDPs_Overview_Oct07.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/11354A1A3BE82407C12573850037B6C6/$file/Syria_IDPs_Overview_Oct07.pdf)

returning.⁴ The remaining 7,000 natives inhabited six villages at the extreme north of the Golan – Majdal Shams, Buq'ata, Masa'da, 'Ein Quinyeh, Al Ghajar and Su'heita. Over the space of five years Su'heita was completely destroyed with its population being forcibly transferred to Masa'da.⁵

12. Today it is estimated that the indigenous population have retained control over as little as 6% of the Golan following the occupation.⁶ Only five of the Golan villages remain. Four of them are in full Israeli control with Ghajar split between Israel and Lebanon. Following the forcible transfers, the number of Syrians remaining in the Golan currently stands at 20,000 and is spread over the remaining five villages.⁷ It is believed that by calculating those who were originally displaced and their descendants, 433,000 remain displaced.⁸
13. The other villages and cities which once stood in the Golan have been completely destroyed with the Israeli authorities building settlements and military camps over their remains. It is estimated that between 17,000 and 20,000 Jewish settlers have been illegally relocated to the Occupied Golan. In order to accommodate them an estimated 33 illegal settlements have been built.⁹

2.1 *Applicability of the Convention and Israel's Legal Obligations in the Occupied Syrian Golan*

14. Israel is illegally occupying the Syrian Golan.¹⁰ In doing so it has conducted a number of actions which gravely violate international humanitarian law such as expropriating lands,¹¹ forcibly transferring protected persons¹² and permanently transferring its own citizens to the occupied territory.¹³ These actions have caused Syrian Arabs to lose their livelihoods and homes and all without being offered adequate compensation which amounts to a further violation of international humanitarian law.¹⁴

⁴ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, April 2010).

⁵ Al-Marsad, "The Occupied Syrian Golan Background", 2005, at 6. Available at <http://www.golan-marsad.org/pdfs/backgroundgolan.pdf>

⁶ <http://www.jawlan.org/english/golanheights.htm>

⁷ Sakr Abu Fakhr, "Voices of the Golan" (2000) 29(4) *Journal of Palestine Studies* 5, at 5.

⁸ Internal Displacement Monitoring Centre, note 3.

⁹ United Nations Security Council, *Report of the Secretary General on the Middle East* (2006) S/2006/956, 11 December 2006, at para 39. Official reports differ on the number of illegal settlements within the Golan. Reports state between 33 and 39 illegal settlements exist within the region.

¹⁰ United Nations Security Council, "Resolution 446", 22 March 1979; United Nations Security Council, "Resolution 452", 20 July 1979; United Nations Security Council, "Resolution 465", 1 March 1980; United Nations Security Council, "Resolution 471", 5 June 1980; United Nations Security Council "Resolution 497; The Golan Heights Law", 17 December 1981; United Nations General Assembly, "Resolution 61/120 Relating to the Occupied Syrian Golan", 15 January 2007; United Nations General Assembly, "Resolution 63/99 Relating to the Occupied Syrian Golan", 18 December 2008; A/HRC/RES/13/5, "Resolution Adopted by Human Rights Council: Human Rights in the Occupied Syria Golan", 16th April 2010.

¹¹ Articles 46 and 55, *The Hague Regulations 1907*.

¹² Article 49(1), *Geneva Convention IV: Relative to the Protection of Civilian Persons in the Time of War, 1949*.

¹³ Article 49(6), *Geneva Convention IV: Relative to the Protection of Civilian Persons in the Time of War, 1949*.

¹⁴ Article 3, *The Hague Regulations 1907*.

15. Israeli military rule was in operation in the OSG until 1981. In this year Israel enacted the *Golan Heights Law*. This legislation purported to annex the OSG to the State of Israel. It extended Israeli law and administration throughout the region, including imposing the Israeli curriculum in schools, and attempted to make the Syrian population of the Golan renounce their Syrian citizenship to become Israeli citizens. As with the occupation of the Syrian Golan, its attempted annexation is not recognised by the Arab citizens of the Golan or within the international community. The Syrian Arabs of the Golan responded with a six month strike which involved boycotting Israeli goods and an active rejection of Israeli identity cards.¹⁵ The international community responded with *Resolution 497* which determined that all the provisions of the *Geneva Convention IV: Relative to the Protection of Civilian Persons in Time of War 1949* continued to apply to the OSG. The Resolution also reaffirmed “that the acquisition of territory by force is inadmissible... the Israeli decision to impose its laws, jurisdiction and administration in the Golan Heights is null and void... demands that Israel... should rescind... its decision.”¹⁶ More recent Resolutions have reiterated the message conveyed in *Resolution 497* and have additionally called for “Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the Golan Heights and, in particular, to desist from the establishment of settlements.”¹⁷
16. Israel has been stubborn in its implementation of the *Golan Heights Law* and disregard for international law in the OSG. The territory continues to be governed by Israeli law and administration. However, through the Syrian Arab’s steadfast resistance Israel has been forced to succumb on the issue of citizenship. Yet, while Syrian Arabs in the OSG can choose whether to accept Israeli citizenship, those that reject Israeli citizenship are administered with a *Laissez-passer* stating ‘undefined’ nationality as opposed Syrian. The majority of Syrian Arabs in the OSG opt for the *Laissez-passer* because to do otherwise would be to deny their Syrian identity and legitimise the illegal occupation of the territory.
17. On the basis of the accurate definition of the situation, that the OSG continues to be occupied by Israel, Israel does not believe that it has any obligations to uphold international humanitarian or human rights law within territories it occupies. The International Court of Justice has clarified that this position is inaccurate ruling that “the State party’s obligations... apply to all territories and populations under its effective control.”¹⁸ Thus the application of the international laws which Israel has ratified, of which the *Convention on the Elimination of All Forms of Racial Discrimination* is one, extends to the OSG.
18. It should be noted that even under Israel’s inaccurate definition of the situation, which is that the OSG is annexed to the State of Israel, grave violations of both international

¹⁵ Hannah Russell, *Breaking Down the Fence: The Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010), at 33.

¹⁶ United Nations Security Council “Resolution 497, Relating to the Occupied Syrian Golan”, 17 December 1981.

¹⁷ United Nations General Assembly, “Resolution 61/120, Relating to the Occupied Syrian Golan”, 18 December 2008.

¹⁸ International Court of Justice Advisory Opinion, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004, at para 112.

human rights law and its own *Basic Law: Liberty and Dignity 1992* are occurring against Syrian Arabs on the basis of their race and ethnicity.

2.2 *Racial Discrimination Between Syrian Arabs and Israeli Settlers in the Occupied Syrian Golan*

19. Racial discrimination between Syrian Arabs and Israeli settlers in the OSG is rife. From the outset it should be emphasised that the presence of Israeli settlers in the OSG is illegal as set out in Article 46 of the *Hague Regulations 1907* and Article 49 of the *Geneva Convention IV: Relative to the Protection of Civilian Persons in the Time of War 1949*.
20. With the enactment of the *Golan Heights Law* Israeli laws and administration was imposed upon the OSG. While such a move is illegal under international law, Israel continues to extend its control over the territory on this basis. This should see the Syrian Arabs awarded the same protection within Israeli domestic law as Israeli citizens. In line with the *Basic Law; Liberty and Dignity 1992* they should be granted equal protection of their property, liberty and dignity. However in practice the enactment of the *Golan Heights Law* was enacted as an attempt to legitimise the presence of Israeli settlers within the territory. As such the protections that should accompany such a move are not extended to Syrian Arabs, the population who Israel is slowly but surely trying to force out with their discriminatory and disproportionate tactics. These tactics are specifically directed towards the indigenous Arab sector of the OSG and are not enforced against Israeli settlers.
21. The expropriation of land within the OSG began with a range of military orders up until the *Golan Heights Law* was introduced and has continued with the application of *Abandoned Areas Ordinance 5708 of 1948* and a range of *Absentee Property Laws*.¹⁹ Under these laws 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 can be declared by the State to be abandoned.²⁰ Furthermore, the *Defence (Emergency) Regulations* allow a Military Commander to declare any place or area to be closed for the purposes of these regulations. It was the use of these laws combined with illegal tactics such as planting landmines, enforcing the *Nationality and Entry into Israel Law (Amendment No 2) 2007*, and introducing a discriminatory permit system that enabled Israel to commence settlement building and move in its own citizens to the territory. With this began the decades' old racial discrimination that Syrian Arabs in the OSG have experienced at the hands of Israel, its state actors and citizens.
22. Israel's settlement policy continues to be a source of a range of grave and systematic human rights violations against the indigenous Arab population of the OSG. These

¹⁹ See *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)*.

²⁰ Karen Hanlon, *Ownership to Occupation: The Forced Evictions and Internal Displacement of the People of the Syrian Golan* (Al-Marsad, 2012).

have included grave violations of their rights to self-determination, freedom of movement, security of person, family, religion, property, education, work, culture, nationality, equality and non-discrimination.

Al-Marsad recommends the Committee to urge the State party to freeze its settlement project within the OSG.

Al-Marsad further recommends the Committee to urge the State party to abstain from excluding certain groups of people from enjoying their basic rights under the Convention. The State party must ensure that Syrian Arabs present in the OSG are guaranteed the same rights and protections under the Convention as Israeli settlers currently living in the OSG.

3. OBSERVATIONS ON SPECIFIC PROVISIONS OF THE ICERD

3.1 *Article 5(b): Right To Security Of Person And Protection By The State Against Violence Or Bodily Harm, Whether Inflicted By Government Officials Or By Any Individual Group Or Institution*

3.1.1 Excessive Use of Force By Israeli Military – Nakba and Naksa Days 2011

23. The right to security of person and protection by the State against violence or bodily harm was most recently violated by Israel in relation to Syrian Arabs in the OSG on Nakba and Naksa Days 2011. On 15th May (Nakba) and 5th June 2011 (Naksa) the Israeli military used live ammunition to repel unarmed internally displaced Syrian and Palestinian refugee protesters as they attempted to cross the United Nations (UN) Monitored Ceasefire Line near Majdal Shams. Eye witness accounts recall that the Israeli military only responded with crowd control measures such as teargas after the initial rounds of live ammunition were fired on both days.²¹ As a result three people were killed by the Israeli military on Nakba day and 23 on Naksa day. 350 casualties were reported after Naksa day alone. In addition, the lives of thousands of innocent bystanders on both sides of the ceasefire line were put under grave and disproportionate threat.²²
24. As a disproportionate reaction to a largely peaceful assembly of civilians, the Israeli military's reaction clearly amounted to a violation of Article 14 of the *United Nations Basic Principles* which provides that "in the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary." The majority of those who were affected were peacefully protesting civilians and even those who responded with violence did so using only stones. Such a reaction from the Israeli military was a disproportionate response which was unjustified and amounted to severe violations of

²¹ Al-Marsad, "Position Paper on the Nakba and Naksa Day Protests at the UN Monitored Ceasefire Line Near Majdal Shams, Occupied Syrian Golan", 20 September 2011.

²² Al-Marsad, "Position Paper on the Nakba and Naksa Day Protests at the UN Monitored Ceasefire Line Near Majdal Shams, Occupied Syrian Golan", 20 September 2011.

the right to security of person for the people that were directly hit and the thousands of bystanders on both sides of the ceasefire line.

25. Al-Marsad is of the view that the excessive reaction by the Israeli military was fuelled by racial discrimination. The excessive use of force by the Israeli military on Nakba and Naksa days were reminiscent of the brutal actions taken against peacefully protesting Arabs in the occupied Palestinian territory.
26. The right to security of person and protection by the State against violence or bodily harm as protected within Article 5(b) of the Convention is closely linked to the right to life.²³ The Committee on Civil and Political Rights clarifies what is meant by the right to life. It states the right to life “is the supreme right from which no derogation is permitted even in time of public emergency which threatens the life of the nation... it is a right which should not be interpreted narrowly...”²⁴ With this in mind, “State parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also *to prevent arbitrary killing by their own security forces* [emphasis added]...”²⁵ It cannot be stressed enough that the Israeli military’s actions on Nakba and Naksa day were disproportionate and unjustified. Taking such actions against civilians and to do so as trained members of state forces violates the very core of the right to life. For this the Israeli military should be held accountable.
27. Furthermore, a Resolution has been introduced by the United Nations which calls upon States “to ensure the effective protection of the right to life of all persons under their jurisdiction and to *investigate promptly and thoroughly all killings, including those targeted at specific groups of persons* [emphasis added]...”²⁶ To date the Israeli authorities have failed to fulfil this obligation by refusing to conduct or recognise an investigation by a fair, impartial and independent body. Aside from this ensuring that justice will be served, it will help to ensure that such a reaction by the Israeli military will not happen in the future.

Al-Marsad recommends the Committee to urge Israel to allow for a fair, impartial and independent investigation to be conducted into the events that unfolded on Nakba Day and Naksa Day 2011.

Al-Marsad recommends the Committee to urge Israel to hold accountable those responsible for the deaths and injuries that occurred as a result of the excessive use of force adopted by the military.

Al-Marsad further recommends the Committee to urge Israel to adhere to its obligations under Article 5(b) of the Convention and to ensure that its State actors, such as its military, honour these obligations in all of their actions.

²³ This right is protected within Article 3, *Universal Declaration of Human Rights 1948*; Article 6(1), *International Covenant on Civil and Political Rights 1966*; Article 6, *Convention on the Rights of the Child 1989*; and *United Nations General Assembly Resolution, ‘Extrajudicial, Summary or Arbitrary Executions’*, 12 November 2010

²⁴ Committee on Civil and Political Rights, “General Comment No 6: The Right to Life (Article 6)”, 30 April 1982.

²⁵ Committee on Civil and Political Rights, “General Comment No 6: The Right to Life (Article 6)”, 30 April 1982.

²⁶ A/C.3/65/L.29/Rev.1, ‘Extrajudicial, Summary or Arbitrary Executions’, 12 November 2010, at para 6(b).

3.1.2 Landmines in the Occupied Syrian Golan

28. The OSG is covered in landmine fields. Some of these are remnants of the 1967 and 1973 Arab-Israeli Wars. Others have been planted by the Israeli military with the intention of cutting people off from their abandoned villages and farmlands long enough for them to be declared ‘abandoned’ and therefore ‘state land’, which will then be used to build illegal settlements.²⁷
29. It is estimated that there are as many as 76 different mine fields in the Golan.²⁸ It is impossible to get accurate information on how many landmines have been placed along the border and in the fields of the OSG as Israel classifies this information as a State secret.²⁹ The danger posed to a community when it is surrounded by landmines is unquestionable. Field research conducted by Al Haq shows that (at the time of this report) there have been 66 Syrian Arab landmine victims since the beginning of the occupation in 1967. 16 of these victims died and 50 of them have suffered permanent injuries. The data shows that 43 of the victims that survived and half of those that died were under the age of 18.³⁰ None of the Arab landmine victims have been offered medical expenses or compensation by Israel.
30. 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 the locals work in. Even those mines which have not begun to move are in areas which are often inadequately fenced off or sign-posted which increases the risk to both children and livestock.³¹
31. Suleiman Al Wely formally from the destroyed village Su’heita now residing in Buq’ata, OSG explains “*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.*”
32. While maps are not available, field research conducted by Al-Marsad shows that the areas around the Israeli settlements are sufficiently cleared that their residents are not in any immediate danger. However, in the Arab village of Majdal Shams for example, military zones filled with landmines are located in the centre of the village within

²⁷ *Abandoned Areas Ordinance 5708 of 1948; 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).*

²⁸ Al Haq, “Death Traps: Landmines in the Golan” (2000).

²⁹ Karen Hanlon, *Ownership to Occupation: The Forced Evictions and Internal Displacement of the People of the Syrian Golan* (Al-Marsad, 2012).

³⁰ Al Haq, “Death Traps: Landmines in the Golan” (2000).

³¹ Karen Hanlon, *Ownership to Occupation: The Forced Evictions and Internal Displacement of the People of the Syrian Golan* (Al-Marsad, 2012).

close proximity to civilian areas. In one particular area houses which back on to what has been declared a military zone to accommodate an Israeli watchtower are in immediate danger of landmines shifting position into their back gardens or their children innocently wondering through the many holes in the fencing directly into the landmine field. Concrete blocks have been positioned in certain areas to alleviate the threat, but this is insufficient. This is a clear example of the racial discrimination that occurs with regard to Israel's observance of its obligations under Article 5(b) of the Convention.

Al-Marsad recommends to the Committee that it urges Israel to remove the military post located in the centre of the village of Majdal Shams and to clean all of the land mine fields inside and around the village.

Al-Marsad also recommends to the Committee that it urges Israel to clear all of the landmine fields within the OSG.

Al-Marsad further recommends to the Committee that it urges Israel to cover the medical expenses of all victims of landmines in the OSG and to award them adequate compensation.

3.2 Article 5(c): Political Rights, In Particular The Right To Participate In Elections-To Vote And To Stand For Election-On The Basis Of Universal And Equal Suffrage, To Take Part In The Government As Well As In The Conduct Of Public Affairs At Any Level And To Have Equal Access To Public Services

3.2.1 Participation in the Public Sector

33. The majority of the inhabitants of the OSG are prevented from working within the public sector. These include positions within water and electricity companies or within government bodies where Israeli society and policies are influenced. Those who serve within the Israeli army and accept Israeli citizenship are exempt from these restrictions, but face discrimination during their employment on the basis of their race and ethnicity. This is a blatant example of discrimination that occurs towards the Syrian Arabs of the OSG with regard to their right to take part in Government as well as in the conduct of public affairs at any level.
34. It is important to note that the Syrian Arabs who are employed within Israel's public sector are not legitimizing the occupation and Israel's attempted annexation of the OSG. Syrian Arabs have been left in an impossible situation under the current conditions and many choose to take any opportunity available to them which may assist in ensuring that the rights enshrined within this Convention and other international laws are respected, protected and fulfilled.

Al-Marsad recommends to the Committee it urges Israel to end its discriminatory policies towards Syrian Arabs concerning employment. In doing so the State party should be urged to allow for Syrian Arabs of the OSG to participate in the public sector and assist with making decisions which affect them.

3.2.2. Equal Access to Public Services

35. With regard to the right to have equal access to public services the Arab population of the OSG suffers significant discrimination concerning access to water. After Israel obtained control over all water resources following the enactment of the *Golan Heights Law 1981*, the native Syrian inhabitants were forbidden from accessing and utilizing these resources for agricultural purposes. Such denial of access to these resources inflicted a blow on the agricultural foundation of the economy, changing it from a primary to a secondary source of income. While unlimited amounts of water were provided to the settlers and at a low cost, Israeli authorities provided Arab farmers in the Golan Heights only small amounts of water apportioned for agricultural purposes, but at five times the cost.³² The amounts allotted to Syrian Arab farmers did not exceed 10 percent of that allocated to the Israeli Jewish settler who works in agriculture.³³
36. In 2010, Israeli authorities used the water resources of the lake Ram to its limits. The massive pumping and consumption of huge quantities of water made by Israeli water companies from Ram lake, led for the third year in a row to draining the lake and the death of the majority of the fish in it. This caused economic damage of around \$20 million dollar for the local Syrian farmers, in addition to the environmental threat.
37. Israel is an Occupying Power within the OSG, as provided under Article 55 of the *Hague Regulations 1907*, it should only act as an “administrator” of the natural resources available within the territory, it should not use such resources as water for their own gains or to the advantage of its own citizens. Consequently, Syrian Arabs are the sole owners of the natural resources that the OSG has to offer. To expropriate water resources in this way is an attack on the right to self-determination of Arabs in the OSG. To do it in such a discriminatory way constitutes a violation of Article 5(c).

Al-Marsad recommends the Committee to urge Israel to honour the property rights of Syrian Arabs of the OSG where water resources are concerned. In doing so it should urge Israel to revoke its discriminatory laws and policies which restrict and limit Syrian Arabs’ access to water in the OSG.

3.3 *Article 5(d)(i): Right To Freedom Of Movement And Residence Within The Border Of The State*

38. The Committee on Civil and Political Rights established that “freedom of movement is an indispensable condition for the free development of a person.”³⁴ However, Article 5(d)(i) of the Convention which protects the right to freedom of movement

³² Michelle Stewart, Nancy Tuohy and Jonathan Molony, *From Settlement to the Shelf: The Economic Occupation of the Syrian Golan* (Al-Marsad, 2009).

³³ Declan Gannon and Ray Murphy, *Changing the Landscape: Israel’s Gross Violations of International Law in The Occupied Syrian Golan* (Al-Marsad, 2005).

³⁴ UNHRC, “General Comment No 27: Freedom of Movement”, 2nd November 1999, at para 1.

and residence within the border of the state is significantly violated by the Israeli authorities against the indigenous Arab population of the OSG.

3.3.1 Landmines, Fencing and Closed Militarised Zones

39. A vast amount of closed militarised zones have been declared throughout the OSG. Some of these lands have been used for settlement building or military use, others have been left dormant surrounded by extensive fencing, deep trenches and in at least 77 cases are littered with landmines. These actions significantly restrict the right to freedom of movement and residence with the border of the State for Syrian Arabs.
40. In the immediate aftermath of the 1967 Arab-Israeli War a range of military orders were issued which resulted in the expropriation of 94% of Arab lands in the OSG.³⁵ The first Military Order to be enacted in the Golan was dated the 10th June 1967 and declared the area to be a 'closed militarised zone' under the control of the Israeli army and any movement in or out of the area was forbidden unless with express permission from the Military Commander.³⁶ The next order, issued on the same day stated that the Israeli army had assumed full control over the local judiciary and administration of the now occupied Golan.³⁷ What followed was an influx of military orders which facilitated the expropriation of Arab lands. Military Order No 58 (17 August 1967) prevented 'infiltrators', that was anyone now located in one of the enemy states which included Syria proper, from returning to the Golan. Military Orders No 20 (20 July 1967), No 21 (26 July 1967) and 67 (1967) facilitated the expropriation of lands of those who had fled the fighting and who were unable to return due to the restrictions concerning enemy states in place. Those who had not fled the fighting had their lands expropriated under Military Order No 39 (27 August 1967).
41. In addition to the Military Orders forcible transfers by the Israeli army of Syrian Arabs took place as a way of reducing the Arab population and enabling easier expropriation of lands. Hayil and Samar Abu Jabal from Majdal Shams, OSG explains:

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

³⁵ <http://www.jawlan.org/english/golanheights.htm>

³⁶ 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.

³⁷ 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.

*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?*³⁸

42. Those that were forcibly displaced post-1967 Arab-Israeli War have not been able to return to their lands in the OSG. It is estimated that with the natural growth in population there are 433,000 Arabs who remain forcibly displaced from the OSG.³⁹
43. In 1981 with the enactment of the *Golan Heights Law 1981* the Israeli authorities began to rely on legislation such as the *Abandoned Areas Ordinance 5708 of 1948* and *Absentee Property Laws*⁴⁰ to continue the expropriation of Arab lands within the OSG. The military orders that had been used up to this point set the grounding for these laws to be implemented within the territory as they had cut Arabs off from their lands long enough for them to be declared ‘state land’.
44. Furthermore, with the signing of the *Armistice Agreement 1974* between Syria and Israel, a discriminatory, inconsistent and disproportionate permit system has been in place for crossing the ceasefire line. This issue will be discussed in more detail under ‘family separation’.
45. As a result Arab farmers have been cut off from their farmlands, residents have lost their homes and inheritance and families have been permanently separated. All the while Israeli settlers have benefited from the illegal land expropriation and forced displacement that has occurred – gaining lands, residences and businesses at the expensive of the Arab population of the OSG.

Al-Marsad recommends to the Committee it urges Israel to clear all of the landmine fields in the OSG.

Al-Marsad also recommends to the Committee it urges Israel to return the land it expropriated to its rightful owners.

Al-Marsad further recommends to the Committee to urge Israel to respect Syrian Arabs right to freedom of movement and to allow them free access to their lands and property.

3.3.2 Family Separation

46. The restrictions on freedom of movement and residence within the border of a State have led to a growing problem concerning family separation. Movement between the

³⁸ Karen Hanlon, *Ownership to Occupation: The Forced Evictions and Internal Displacement of the People of the Syrian Golan* (Al-Marsad, 2012).

³⁹ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

⁴⁰ For example *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)*.

OSG and Syria proper has been significantly restricted since Israel's occupation of the territory began in 1967. The restrictions on movement became official with the signing of the *Armistice Agreement 1974* which set up a United Nations' monitored demilitarise zone between Syria proper and the OSG. These restrictions have been implemented with the construction of fencing, digging of trenches and planting of landmines by the Israeli military along the ceasefire line, and the introduction of a discriminatory, inconsistent and disproportionate permit system.

47. From 1967 to 1981 and then 1991 to 1992, the International Committee of the Red Crescent (ICRC) was able to negotiate family visitations for every family in the OSG for two weeks per year. However, these visits have abruptly stopped without any explanation. Consequently, families have had to make do with any other options that have become available. These alternatives have been limited and inadequate.⁴¹
48. Since 1967 other options for remaining in contact with family in Syria proper have been made available to the Syrians of the Golan under the watchful eye of the ICRC. While these alternatives have been welcomed as they are better than nothing, there is nothing that can make up for seeing your family freely and on your own terms. These alternatives have included the erection of a visiting tent in the Valley of Tears and at the Qunaytra checkpoint during the late 1970s, communicating via binoculars and megaphones across the 200 metre divide of the Valley of Tears, and passing messages through the ICRC.⁴²
49. Kmal Maziad Abu Saleh from Majdal Shams, OSG made a number of applications to visit the tent between 1976 and 1979. He was not granted a permit to visit the tent until 1979 when he, his brother Jada-ala and their families visited their brother Suliman in the tent. Kamal explained the procedure for making a visit to the tent:

*"We submitted an application to visit the tent. Our application was successful and we were granted a permit. On receiving the permit, we travelled to Masa'da to be searched by security. Once we cleared security we were given a security pass and waited for a bus which transported us to the tent in the Valley of Tears. The time limit on visiting the tent was one hour. After our visit was over we returned on a bus to Masa'da where we were checked by the security again before we returned home. While we were permitted to visit the tent for one hour our visit with Suliman lasted for less than half an hour. There was very bad weather on that day which caused the bus to be delayed." No concessions were made for this delay which meant that Kamal's visit was less than half of the already limited time that he and his family were allocated.*⁴³

50. Saleh Salman Mdah from Majdal Shams, OSG has used the Valley of Tears to communicate with his family in Syrian proper on a number of occasions. Due to the

⁴¹ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

⁴² Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

⁴³ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

regulations Saleh and his family have missed his daughter's wedding and cousin's funeral. Saleh recalled the impact of the current situation on his mother: *"My mother died without the opportunity to see Samiea anywhere other than the Valley of Tears and the visiting tent. Even the Valley of Tears was of little comfort because my mother was deaf in the latter years of her life."*⁴⁴

51. In more recent times families have communicated via the internet and telephone or by meeting up for short holidays in Jordan or another country. However, these more recent alternatives have proven to be expensive and riddled with complications concerning visas. It is especially complicated for those travelling on *Laissez-passeurs* that state 'undefined' nationality, a status which has been awarded to those Syrians based in the Golan who have rejected Israeli citizenship.⁴⁵
52. Naser Hasan Sabagh from Majdal Shams, OSG has kept in touch with his family in Syria by attending the Valley of Tears and speaking on the telephone. However, Naser explained *"I did not have a telephone until 1996. When you phone Syria there can be long delays in connecting and the calls are very expensive."*⁴⁶
53. Nasiba Fares Ayoub from Majdal Shams, Occupied Syrian Golan is married with four sons, four daughters and twenty-two grandchildren. She has four sisters. After the 1967 occupation Nasiba became separated from her sister, Ward Elsham who moved to Damascus, Syria. She was also separated from her husband for two years as he was serving in the Syrian army. He returned in 1969. She chose not to follow him because she had two young children at the time and her family support was in Majdal Shams. Ward Elsham still lives in Damascus. She is married with six sons and two daughters. Until 1995 Nasiba had no contact with Ward Elsham, except for a brief meeting with Ward Elsham's husband and son in the visiting tent in the late 1970s. Since 1995 Nasiba has visited Ward Elsham in Jordan three times. The first time Nasiba visited Ward Elsham in Amman, Jordan was in 2003. On the second day of the visit Nasiba's husband rang to say that their other sister, Salma had died. They were unable to delay Salma's funeral and so Nasiba and Ward Elsham finished their visit in Amman. They stayed for a further four days and mourned their sister. Due to the restrictions on visiting her family in Syria Nasiba missed the death and funeral of her sister. Their other sister is suffering from Alzheimer's and even though she joined her sisters in Amman, Jordan in 2005 she did not recognise Ward Elsham or enjoy the trip. If she had the chance to visit Ward Elsham before and often this may not have been the case. Nasiba's last visit to Jordan cost approximately \$6000. She feels *"Jordan is very expensive. I am lucky that my family can afford it, other families are not so lucky."*⁴⁷
54. Since 1994 the Syrian ceasefire line checkpoints have been opened up to a select few following a rigorous and discriminatory application process. Anyone can apply to

⁴⁴ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

⁴⁵ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

⁴⁶ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

⁴⁷ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

visit Syria and many do in the hope that they will be one of the lucky ones. However for the majority the 160 shekels (\$45) non-refundable tax for each application submitted has proved to be a waste of money. As of 2010 only religious Druze men, non-religious men over 35, students studying in Syria, brides crossing to start a life with their husbands in Syria proper, women over 70 and apples, are permitted to cross the Syrian ceasefire line through the Qunaytra checkpoint. There is no guarantee that those current eligible categories will remain eligible the next time that the checkpoint is opened for passage.⁴⁸

55. The checkpoint is only opened a limited amount of times per year and on the Israeli authorities' timetable. The crossings are facilitated by the ICRC. There is the option for those that do not fall within the eligible categories to apply for a special permit. In 2009 only ten special permits for humanitarian grounds were granted. These humanitarian grounds included access to medical treatment, permission to visit a dying parent and permission to attend the funeral of a close relative. Even those who fall within these specified categories have found the application process to be selective, discriminative and inconsistent.⁴⁹
56. Husband and wife, Moustafa and Samiea Thoukan Mahmoud from Majdal Shams, OSG have five children. They are separated from their two sons Nabil and Walid. Nabil left Majdal Shams in 1985 after he escaped to Damascus, Syria from the Israeli police. He was on trial for demonstrating against the occupation. Nabil currently lives in Damascus with his Syrian wife, two sons and two daughters. Walid left Majdal Shams in 1987 under similar circumstances to Nabil. He lived in Damascus, Syria with his wife from Majdal Shams and their three sons and one daughter until his death in February 2009. The first time the family met after Nabil and Walid moved to Damascus was in 1998 in Amman, Jordan. Since then Moustafa has visited Damascus ten times. He described how *"the first five applications to visit were accepted straight away. In 2003 my applications were refused. In 2004 they were accepted. In 2005 and 2006 my applications were refused. Between 2007 and 2009 they were accepted."* Samiea despite making many applications was not permitted to visit Damascus until September 2009 when Samiea and Moustafa attended the wedding of their grandson. When explaining why their daughter Amal Moustafa Mahmoud had not applied to visit Syria, they stated *"she is not crazy. She has was involved in demonstrations and served time in prison. She is also too young at forty-nine years old. We believe that she has no chance of her application being successful."* Moustafa explained:

"the application for a permit to visit Syria is put into the Ministry of Interior. Applicants have to pay a non-refundable tax of 160 shekels (\$45) with no guarantee that their application will be successful. When an application is unsuccessful no explanations are given for why it was rejected. In my first five years of visiting Syria there was no limit on how long I stayed. I was able to stay ten days at a time. The permits are now limited to six days, including the time it takes to travel. If those with permits do not adhere to the timetable set by the authority for the

⁴⁸ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

⁴⁹ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

visit, the individuals will be punished by being banned from being granted a permit for three years. The application process is very expensive, especially when we have no guarantees that our applications will be successful nor do we get any indication as to why our applications are successful or not."⁵⁰

57. Furthermore, following the enactment of the *Nationality and Entry into Israel Law (Amendment No 2) 2007*, family reunifications concerning the natives of the Golan and their non-Golanese spouses have been prohibited. This law looks set to continue to be enforced for the foreseeable future, especially following *Adalah et al. v. The Minister of the Interior, et al*, a recent case in which the Israeli Supreme Court's upheld the constitutionality of this law.⁵¹
58. The Committee on Civil and Political Rights clearly state that "the permissible limitations which may be imposed... must not nullify the principle of liberty of movement, and are governed by the requirement of necessity... and by the need for consistency with the other rights recognised in the Covenant [Covenant on Civil and Political Rights]."⁵² Consequently, the limitations must be governed by the principle of proportionality.⁵³ Yet Israeli policies and laws are far from proportionate and have resulted in the issue of family separation becoming a constant source of heartbreak and anguish for the indigenous people of the Golan.
59. The Israeli authorities attempt to justify such policies by stating 'security reasons'. This is a vague claim that is never justified with any explanation or sustenance. On the contrary, it has been uncovered that the majority of applicants for family reunification are not a security risk, they have been denied because there is no way to decipher who is a security risk and who is not.⁵⁴

Al-Marsad recommends to the Committee it urges Israel to end its discriminatory policies which result in family separation. This includes removing the discriminatory permit system in operation and reinstating freedom of movement between the OSG and Syria proper.

Al-Marsad further recommends to the Committee it urges Israel to revoke the discriminatory laws which are in operation including the *Nationality and Entry into Israel (Temporary Order) 2007*.

3.3.3 Travel Documents and Permit System

⁵⁰ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

⁵¹ HCJ 830/07, *Adalah et al. v. The Minister of the Interior, et al*.

⁵² CCPR/C/21/Rev.1/Add.9, United Nations Committee on Civil and Political Rights, "General Comment No.27: Freedom of Movement", 2 November 2009, at para 2.

⁵³ CCPR/C/21/Rev.1/Add.9, United Nations Committee on Civil and Political Rights, "General Comment No.27: Freedom of Movement", 2 November 2009, at para 14.

⁵⁴ H.C. 7052/03, *Adalah, et. al v Minister of Interior et. al*.

60. The right to freedom of movement includes the right to travel and the right to obtain necessary travel documents.⁵⁵ However, the permit system for travelling abroad (in addition to the permit system in place for travelling to Syria proper) and the discriminatory travel documents that are issued violate this right in the context of Article 5(d)(i). Since these restrictions only apply to the Arab residents of the OSG they provide further example of how Israel's policies and laws in this regard discriminate on the basis of religion, race and ethnicity. Israeli Jewish settlers who hold a travel document of another nationality do not experience the same discrimination. Jamil Saleh Abu Saleh from Majdal Shams, OSG responds to this by stating "*we are now in the 21st century, everyone else has the right to travel. It is very hard and harsh for Israel to keep us locked up in a big jail like this.*"⁵⁶
61. Following the six month strike of 1982, *Laisser-passers* were distributed to Arabs who rejected Israeli citizenship. As a matter of principle and in honour of their culture and nationality many Syrian Arabs in the OSG continue to reject Israeli citizenship. Therefore, the majority of Arabs in the OSG hold a *Laisser-passers*. The possession of such a document makes the Arab descent of the holder obvious. The classification of Syrian Arabs nationality on such *Laisser-passers* as 'undefined' further distinguishes the holder's heritage. As a consequence the holders of these travel documents face increased scrutiny and significant delays during their travels within and on leaving Israel.
62. Furthermore, those who hold a *Laisser-passers* have to obtain special permits to travel abroad, an action that does not have to be carried out by holders of passports.

Al-Marsad recommends to the Committee to urge Israel to issue Syrian Arabs of the OSG with passports which state their Syrian nationality and that these documents can be used without discrimination.

3.4 Article 5(d)(ii): Right To Leave Any Country, Including One's Own, And To Return To One's Country

63. The discriminatory permit systems in place, the forced displacements and land expropriations of land that have taken place violate Article 5(d)(ii) of the Convention. The 130,000 originally displaced Syrian Arabs, and their growing families which bring the figure up to 433,000, as nationals of an 'enemy' state of Israel are prohibited from returning to their lands in the OSG under the *Nationality and Entry into Israel Law (Amendment No 2) 2007*. The discriminatory permit systems in place have seen only a limited number of Syrian Arabs being allowed to cross the ceasefire line into Syria proper with a significant time constraint attached. The expropriation of 94% of Arab lands has made it near impossible for those displaced to return and live a fruitful life, even if they were permitted to do so.

⁵⁵ CCPR/C/21/Rev.1/Add.9, United Nations Committee on Civil and Political Rights, "General Comment No 27: Freedom of Movement", 2 November 1999, at para 1.

⁵⁶ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

64. All Syrian Arabs remaining in the OSG can return to Syria proper, with the permission of the Israeli authorities, but under the condition that they sign a document abdicating their right to return to the OSG. No such restrictions exist for Jewish settlers.
65. These restrictions have made life particularly difficult for marriage arrangements. On the one hand, under the *Nationality and Entry into Israel Law (Amendment No 2) 2007*, brides can no longer cross the ceasefire line from Syria proper to live with their husbands in the OSG. On the other, brides who wish to cross the ceasefire line to be with their husbands in Syria proper must sign a document abdicating their right and the right of their children to return to the OSG. These restrictions do not extend to Israeli settlers or those who do not fit into Israel's categorisation of the 'enemy'.⁵⁷

Al-Marsad recommends to the Committee it urges Israel to allow free passage between the OSG and Syria proper for the Syrian Arabs of the OSG.

Al-Marsad further recommends that the *Nationality and Entry into Israel Law (Amendment No 2) 2007* and other discriminatory laws are revoked.

3.5 Article 5(d)(iii): Right to Nationality

66. During the 1982 strike the Syrians of the Golan opted to reject Israeli nationality and to retain their Syrian nationality. However, instead of accepting their Syrian nationality the Israeli authorities opted to classify these people as of 'undefined nationality'. The right to nationality is closely linked with the right to culture and right to self-determination. Through rejecting the Syrian nationality of the natives of the Golan people lose part of their identity and sense of belonging.
67. This has all amounted to an act of racial discrimination against the Arab population of the OSG at the hands of the Israeli authorities. Jewish settlers of multiple nationalities are not subjected to the same response. Furthermore, issuing *Laisser-passeurs* and categorising a nationality as 'undefined' increases the risk of discriminatory treatment against the Arab citizens of the OSG by Israeli state actors in a variety of situations including travel, obtaining a building permit and gaining adequate access to services.

Al-Marsad recommends to the Committee it urges Israel to issue Syrian Arabs of the OSG with passports which state their Syrian nationality.

Al-Marsad further recommends to the Committee it urges Israel to allow the use of these documents without discrimination.

3.6 Article 5(d)(iv): Right To Marriage And Choice Of Spouses

68. The *Nationality and Entry into Israel Law (Amendment No 2) 2007* imposes a ban on family reunification where one spouse is a Palestinian from the OPTs or a resident or citizen of Israel's enemy states - Lebanon, Syria, Iran or Iraq – and/or is an individual

⁵⁷ *Nationality and Entry into Israel Law (Amendment No 2) 2007.*

defined by the Israeli security forces as residing in an area where activity that is liable to endanger Israeli security is occurring.⁵⁸ It also includes a clause which allows an expansion of this ban without legislative oversight. This law has been challenged a number of times before the courts,⁵⁹ the most recent judgment by the Israeli Supreme Court upholds it as constitutional.⁶⁰ However, it continues to have grave ramifications for the right to marriage and choice of spouses for Syrian Arabs in the OSG.

69. In practice, the catchment area of the prohibition of family reunification awarded by the 2007 law sees a total ban of family reunification for those from the Golan who have married a citizen of one of Israel's enemy states, including Syria. Many people from the Golan opt to study in Damascus, Syria with many marrying Syrians from Syria proper. This law prevents the native of the Golan moving back to the Golan with their spouse and children. Before this law was introduced family reunification under these conditions were already limited with only women being granted such permits and on very rare occasions. It is believed that Israel's main motivation for such policies is to minimize the Arab population within the Golan. Israel has adopted the same tactics towards Arabs in Palestine. At present the Arab population in the Golan is about level with the Jewish settlers who illegally inhabit the area. The introduction of this law limits the growth of the Syrian population to natural growth of families who inhabit the area, while the illegal settlements are constantly being expanded by the State in both physical and population terms.
70. Furthermore, under the *Nationality Law 1952* other non-Jews who marry Jewish Israelis can apply for citizenship through a five year process, subject to individual security checks. A petition brought before the Israeli courts argues that this law:
- “constitutes racial discrimination as it bars certain individuals from family reunification solely on the basis of their nationality; the law has no parallel in any democratic nation. It also prevents Arab citizens from having contact with their families and members of the Arab nation and the Palestinian people, which violates international law and is extremely dangerous as the Arabs in Israel are an indigenous national minority.”*⁶¹
71. This new law results in a man or woman from outside the OSG being able to marry and join their potential spouse in the OSG. Furthermore, as a result of other restrictions in place, including a discriminatory permit system, an individual from the Golan who wishes to marry someone from Syria proper or one of the other 'enemy' states can only do so if they leave the OSG. Before they do so they must relinquish their right and the right of their children to return to the OSG. As it is traditional for a woman to leave her family home and join her husband, women are particularly affected by these restrictions. If they wish to marry someone from Syria proper, within the current circumstances, it comes down to a choice between their husband and their family.

⁵⁸ *Nationality and Entry into Israel Law (Amendment No 2), 2007.*

⁵⁹ H.C. 7052/03, *Adalah, et. al v Minister of Interior et. al.*

⁶⁰ HCJ 830/07, *Adalah et al. v. The Minister of the Interior, et al*

⁶¹ H.C. 830/07, *Adalah v. The Minister of the Interior, et al*

72. Alham and her sister Ahlam moved to Buq'ata in the Occupied Syrian Golan on their wedding day in 1992. The separation from their family in Syria has taken its toll on this family emotionally, physically and financially. They spend all of their savings on the expensive telephone calls to Syria and visits to Jordan. During their last visit to Jordan in December 2009 their brother, Ghassan, died while in Jordan. Following this event their trip was cut short and the members of the family had to return to their respective homes. Due to it taking one week for Alham and Ahlam to be given permits to visit Syria under the special circumstances the two sisters missed their brother's funeral. It is very rare for such permits to be granted and despite the whole family placing an application only the two sisters were permitted to visit their family on Syrian soil. The situation is emotionally very hard for this family and every other family subjected to forced separation from loved ones. Alham emphasised this by explaining "*my mother becomes sadder with each visit to Jordan and that is very hard to deal with. I have always missed my family, but it has increased with the death of our father and brother. It does not get any easier even though I have now created my own family in Buq'ata with my husband and three children. My children have met their family in Syria in Jordan, but now that my children are older they want more contact. I cannot guarantee that and that is very hard.*" Alham and Ahlam very much feel that they have had to choose their husband over their family.⁶²
73. Two sisters, Roeda Nayf and Walida Nayf Hamd are originally from Hadar, Syria and moved to Masa'da in the Occupied Syrian Golan after marrying two brothers. The two sisters have applied a number of times to visit Syria, but these were all denied and so they make annual visits to Amman, Jordan. On hearing that their father was dying of cancer the two sisters applied for a special permit to visit him before he died. Normally these applications are denied, however Roeda and Walida's applications were accepted. In November 2009 the two sisters visited their father for one last time. On their return their father died. Roeda and Walida considered applying to visit Syria for his funeral. When they contacted the Ministry of Interior to enquire about this application they were told that because they had been given special permission to visit Syria only a short time ago that their application to attend their father's funeral would be unsuccessful and therefore a waste of time. Following this advice they did not apply and consequently had to make a choice between seeing their father one last time and attending his funeral. Roeda spoke of "*when I was visiting my father I missed my family here. This is the misery of the current situation, I cannot enjoy the visits that I am given.*" Walida continued "*I had mixed feelings on my wedding day. I was very sad to leave my family but happy to join my husband and start a family here in the Golan. It is hard because this [OSG] is my land and there [Syria] is my land. This is my family and there is my family. Yet I cannot benefit from the two because of Israeli policies. I am sometimes willing the death of a family member so that I can see my family and place where I was born. Or sometimes I am willing to be seventy years old for the same reason. These are terrible things to be wishing.*"⁶³

Al-Marsad recommends to the Committee it urges Israel to revoke the *Nationality and Entry into Israel (Amendment No 2) 2007*.

⁶² Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

⁶³ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

Al-Marsad also recommends to the Committee it urges Israel to allow all spouses and their families free and non-discriminatory passage to visit each other.

Al-Marsad further recommends to the Committee it urges Israel to ensure that spouses do not have to relinquish their right to return for themselves and their children upon marrying.

3.7 Article 5(d)(v): Right To Own Property Alone As Well As In Association With Others

74. The United Nations 2005 World Summit Outcome Document emphasises the importance of property rights and rule of law, and how a State must respect these.⁶⁴ Israel reflects the importance of this right within its domestic legislation under section 3 of the *Basic Law: Human Dignity and Liberty 1992*. This law should apply to all those who inhabit the OSG as a result of the *Golan Heights Law 1981* which illegally imposes Israeli law upon the OSG. However, the Israeli authorities have been selective in who can avail of these protections in practice.
75. Since 1967 Israel has used a number of tactics in a bid to deplete the Arab population in the OSG. Each one of these tactics violates international law, including the right to own property alone as well as in association with others. They have included expropriating land through implementing military orders and controversial *Absentee Property laws*,⁶⁵ cutting people off from their lands by planting landmines, and preventing the displaced from enjoying their property rights by enforcing the *Nationality and Entry into Israel (Amendment No 2) 2007*. As a result every one of the 153,000 Syrian Arabs who lived in the OSG prior to the 1967 Arab-Israeli War have been forcibly and permanently denied some, if not all of their property rights. There is no legitimate reason for this denial. Israel claims that it has done so for ‘security reasons’. However, under international humanitarian law “private property must not be confiscated”⁶⁶ and the Occupying Power must only act as an “administrator”.⁶⁷ Under no circumstances should protected persons be permanently displaced or denied their property,⁶⁸ nor should the Occupying Power’s own citizens be transferred into the territory.⁶⁹
76. Israel is moving its own citizens into the 33 illegal settlements dotted throughout the OSG, which are built on expropriated Arab lands, and providing settlers with various benefits as an incentive to move. These include granting building permits, providing

⁶⁴ A/60/L.1, United Nations General Assembly, “2005 World Summit Outcome”, 15 September 2005, at 7.

⁶⁵ For example *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)*.

⁶⁶ Article 46, *The Hague Regulations 1907*.

⁶⁷ Article 55, *The Hague Regulations 1907*.

⁶⁸ Article 49(1), *Geneva Convention IV: Relative to the Protection of Civilians in the Time of War, 1949*.

⁶⁹ Article 49(6), *Geneva Convention IV: Relative to the Protection of Civilians in the Time of War, 1949*.

building subsidies and awarding reduced taxes.⁷⁰ Nazez Brik from Majdal Shams, OSG explains the difference between an illegal Israeli settlement and Arab village in the OSG:

“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.”⁷¹

77. Mufeed Al Wili from Buq’ata, OSG further explains:

“Most of the Israeli projects in the Golan are subsidised. The land is given free [to the settlers]. We have another problem – if we want more land, we must buy it or rent it from the Israeli authorities. And we cannot recognise the Israeli occupation. And we cannot buy or rent land from the Israelis because we don’t consider them the owners of the land. How can we rent the land or buy it from those who don’t own it? This is a moral and political issue. They [the Israeli authorities] will not allow us [to buy or rent the land]. And even if they did allow us, we wouldn’t accept it, we wouldn’t do it.”⁷²

78. On the other hand Arabs who own the lands which Israeli settlers are benefiting from have been pushed into the far north of the OSG only retaining control of 6% of their land.⁷³ They are frequently denied building permits and forced to live in overcrowded conditions. They have also had to find alternative sources of income as they no longer have access to their agricultural lands.⁷⁴ Sayed Al Wely formally from the abandoned village Su’heita now residing in Buq’ata, OSG explains the obstacles that he faces:

“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

⁷⁰ Al-Marsad, “Position Paper on the Israeli Government’s Decision to Relieve Illegal Israeli Settlers from Paying Tax”, 14 February 2010.

⁷¹ Karen Hanlon, *Ownership to Occupation: The Forced Evictions and Internal Displacement of the People of the Syrian Golan* (Al-Marsad, 2012).

⁷² Michelle Stewart, Nancy Tuohy and Jonathan Molony, *From Settlement to the Shelf: The Economic Occupation of the Syrian Golan* (Al-Marsad, 2009).

⁷³ <http://www.jawlan.org/english/golanheights.htm>

⁷⁴ Karen Hanlon, *Ownership to Occupation: The Forced Evictions and Internal Displacement of the People of the Syrian Golan* (Al-Marsad, 2012).

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.⁷⁵ I have been sentenced a further three times for trying to build homes for my sons on my land, each time they fine me 5,000.⁷⁶ In March 2010 I was again sent to court and fined 10,000 shekels.⁷⁷ 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.”⁷⁸

79. Sulieman Al Wely formally from abandoned village Su’heita now residing in Buq’ata, Occupied Syrian Golan further explains:

“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 Israel Land Administration (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.⁷⁹ 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.”⁸⁰

80. These restrictions are now affecting the new generation of Syrian Arabs. Traditionally children would build on their family’s land when they come of age. Now they face the problem of either not having enough land for this to be possible or building restrictions imposed by the Israeli authorities on land that is available. Such problems are not shared by Israeli settlers. They are awarded building permits and if there is not enough land for expansion Israel will set about making use of more land that it has expropriated from its Arabs.

Al-Marsad recommends to the Committee it urges Israel to return all expropriated lands within the OSG to their rightful owners.

Al-Marsad also recommends to the Committee it urges Israel to allow Syrian Arabs free access to their lands.

⁷⁵ Approximately \$11,550.00 USD.

⁷⁶ Approximately \$1,300.00 USD.

⁷⁷ Approximately \$ 2,600.00 USD.

⁷⁸ Karen Hanlon, *Ownership to Occupation: The Forced Evictions and Internal Displacement of the People of the Syrian Golan* (Al-Marsad, 2012).

⁷⁹ Approximately \$21,3500 USD.

⁸⁰ Karen Hanlon, *Ownership to Occupation: The Forced Evictions and Internal Displacement of the People of the Syrian Golan* (Al-Marsad, 2012).

Al-Marsad further recommends to the Committee it urges Israel to revoke discriminatory policies towards the development of Syrian Arab's land and property in the OSG.

3.8 Article 5(d)(vi): Right To Inherit

81. Israel's policy of expropriating Arab land within the OSG and its implementation of the *Nationality and Entry into Israel (Amendment No 2) 2007* negatively impact upon the Arab population of the OSG's right to inherit. The 94% of land that was expropriated from Syrian Arabs illegally and without compensation is no longer available for future generations to inherit. Furthermore, through preventing the return of the estimated 433,000 that are now displaced it makes it impossible for them to benefit from the inheritance that may still be available to them. These discriminatory policies have been implemented to deplete the Arab population within the OSG, in the hope that this combined with the growing settler population will facilitate a future annexation of the territory to Israel. This is made easier by wiping out future generations' ties to the land.

Al-Marsad recommends to the Committee it urges Israel to end its discriminatory and illegal policies which violate the Syrian Arab's right to inherit.

3.9 Article 5(d)(vii): Right To Freedom Of Thought, Conscience And Religion

82. Despite there being close to 20,000 Druze men and women in the OSG not all of them can cross into Syria proper for worship. The discriminatory, inconsistent and disproportionate permit system that is in operation for crossings between the OSG and Syria proper limits those who are successful resulting in a grave violation of the right to freedom of thought, conscience and religion for the majority of Syrian Arabs.
83. Following the 1991 Madrid negotiations which aspired to achieve a political settlement between the parties in the Middle East conflict, the Israeli authorities authorised some categories of natives of the Golan to make short trips to Damascus, Syria at specified times in the year. The decision of who is authorised to make such trips is left up to the General Director of the Interior Office in Safad and in cases of 'exceptional circumstances', the Minister of Interior. Andena Agmoun, the current General Director of the Interior Office in Safad, explained that "under Israeli law visits to Syria are forbidden. That is with the exception of religious Druze men and students."⁸¹ These categories have been expanded in recent years. Currently, those who are eligible to receive a permit following an application process are religious Druze men, students enrolled in Syrian universities, non-Druze men over thirty-five, and women over seventy years of age. These categories are subject to change without notice and there is no guarantee that an application will be successful even if the applicant is eligible.

⁸¹ "140 Applications Were Rejected in Last 10 Days", *Banias*, 10 September 2008. This article is available in Arabic at <http://archive1.banias.net/nuke/html/modules.php?name=News&file=print&sid=5025>

84. Those who have been granted a permit have found that the time allotted to visit has been getting shorter. Hasan Saaed Ayoub from Majdal Shams, OSG's eldest son Ezat has lived in Damascus, Syria since 1960. Ezat is married to a woman from Damascus and has four sons, one daughter and one grandson. Unlike his wife Jamela, Hasan has had a number of successful applications to visit Damascus since 1985. In October 1995 Ezat had a heart attack and Hasan was permitted to visit him. He stayed for two months. However, Hasan stated that over the years the amount of time that he has been permitted to stay in Syria has become shorter and shorter. On his last trip in September 2009 when Jamela was finally permitted to accompany him, they were only authorised to stay for six days.
85. While anyone can apply for a permit many have been put off by the costly system or the lack of guarantees that their application will be successful. Others who apply can wait forever without a response or receive a rejection without any explanation. In 2009 only 524 men and 43 women were permitted to cross into Syria to worship.⁸² This amounts to discrimination within an already discriminatory system.
86. It should also be noted that due to the restrictions in place many religious men and women have to opt to use their permits to visit their family instead of worshipping because they do not know when they will next get the chance, if any. Consequently these restrictions are clearly impacting upon their freedom to worship and express their religion, even when in theory this right is being honoured for these individuals.

Al-Marsad recommends to the Committee it urges Israel to allow pilgrims from the OSG free passage to worship in Syria proper without discrimination.

3.9.2 Protection of Religious Sites

87. Many Syrian Arabs in the OSG are practicing Druze. Israeli settlers from the OSG, have attempted to claim that they own the land where Druze have their religious temples. On 23 May 2010 settlers from the Neve Ativ settlement broke into Hazoury, a holy Druze place between Majdal Shams and Kiriyat Shemona and tried to begin construction for their own purposes. In addition, on the 18 July 2011 and 5 August 2011 Israeli settlers broke into the temple of Sultan Ibrahim and demanded the control it, claiming it as their own property. The Israeli authorities have done little to prevent such actions from happening and ensuring that they do not happen again. They have instead set a precedent through their land expropriation policies and other discriminatory actions that Arabs' rights are secondary to settlers'. Consequently, in this instance it has resulted in a violation of Article 5(d)(viii).

Al-Marsad recommends to the Committee it urges Israel to protect the religious rights of Arabs in the OSG from attack.

3.10 Article 5(d)(viii): Right To Freedom Of Opinion And Expression

⁸² "Druze Cross Into Syria For Pilgrimage", *Jerusalem Post*, 24 September 2009.

88. A number of Syrian Arabs have been sent to prison for speaking out against the occupation. Others have been arrested trying to document actions of the occupation, including mapping landmine fields throughout the territory. Many of these arrests took place in the early days of the occupation and following the 1982 strike. However, holding a criminal record as a Syrian Arab has a lifelong impact. The Israeli authorities are fond of using a person's time in prison as a way to prevent them from living a normal and free life. It has been used as a reason for preventing people from accessing the visiting tent, crossing the Syrian ceasefire line, leaving Israel and the Occupied Territories, and accessing their chosen university. There is also the issue that the majority of Syrians from the Golan who were incarcerated were sent to prison for speaking out against the occupation in a peaceful way which constitutes a violation of the right to freedom of opinion and expression,⁸³ and the right to freedom of assembly.⁸⁴

Al-Marsad recommends to the Committee it urges Israel to end its policy of arbitrary arrests on the basis of Arabs engaging their right to freedom of expression and opinion within the OSG.

Al-Marsad further recommends to the Committee it urges Israel to stop discriminating against Syrian Arabs who have anti-occupation political records.

3.11 Article 5(d)(ix): Right To Freedom Of Peaceful Assembly And Association

89. The excessive use of force by the Israeli military used against largely peaceful protestors and innocent bystanders on Nakba Day and Naksa Day 2011 constituted a grave violation of the right to freedom of peaceful assembly and association and resulted in the 26 people deaths, 350 injuries and 20 questionable arrests.⁸⁵ Further information on this issue is contained within 'Section 3.1.1: Excessive Use of Force By Israeli Military – Nakba and Naksa Days 2011' of this report.

Al-Marsad recommends the Committee to urge Israel to allow for a fair, impartial and independent investigation to be conducted into the events that unfolded on Nakba Day and Naksa Day 2011.

Al-Marsad recommends the Committee to urge Israel to hold accountable those responsible for the deaths and injuries that occurred as a result of the excessive use of force adopted by the military.

Al-Marsad further recommends the Committee to urge Israel to adhere to its obligations under Article 5(d)(ix) of the Convention and to ensure that its State actors, such as its military, honour these obligations in all of their actions.

⁸³ Article 19 of the *Universal Declaration of Human Rights*; Article 19 of the *International Covenant on Civil and Political Rights*.

⁸⁴ Article 20 of the *Universal Declaration of Human Rights*; Article 21 of the *International Covenant on Civil and Political Rights*.

⁸⁵ Al-Marsad, "Position Paper on the Nakba and Naksa Day Protests at the UN Monitored Ceasefire Line Near Majdal Shams, Occupied Syrian Golan", 20 September 2011.

3.12 Article 5(e)(i): Rights To Work, To Free Choice Of Employment, To Just And Favourable Conditions Of Work, To Protection Against Unemployment, To Equal Pay For Equal Work, To Just And Favourable Remuneration

90. Pre-Israeli occupation the main source of income within the Syrian Golan was agriculture. However, due to the extensive land expropriations that have occurred, restrictions on accessing agricultural lands due to landmines and the declaration of closed militarised zones, and the restrictions on access to water, it has become a secondary source of income. Consequently, the Arab population of the OSG has had to change its agricultural traditions and has been faced with mass unemployment. This has resulted in significant violations of Syrian Arabs' rights under Article 5(e)(i). Similar violations are not experienced by Israeli settlers who have open use of the lands allocated to them, unlimited access to water and enjoyment of subsidies for their business ventures.⁸⁶

Al-Marsad recommends the Committee to urge Israel to return the expropriated lands in the OSG to their rightful owners.

Al-Marsad also recommends the Committee to urge Israel to allow Syrian Arabs of the OSG unrestricted access to their lands.

Al-Marsad further recommends to the Committee it urges Israel to provide Syrian Arabs unlimited and unrestricted access to water with no discriminatory charges.

3.13 Article 5(e)(iii): Right To Housing

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

92. The Israeli authorities constrict the Syrian Arabs in the OSG. They are forbidden from doing construction work either for housing or development purposes and from establishing developmental projects. In addition, to implementing *Absentee Property laws*,⁸⁷ land is expropriated by declaring it green areas or vital areas for public benefits, in order to prevent Arabs from using it for construction or other purposes.

⁸⁶ Michelle Stewart, Nancy Tuohy and Jonathan Molony, *From Settlement to the Shelf: The Economic Occupation of the Syrian Golan* (Al-Marsad, 2009).

⁸⁷ See *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)*.

93. Israeli-approved topographic maps for the Arab towns, developed in cooperation with the appointed local councils, make it clear that they are not paving the way for the service of urban development and infrastructure. Instead, they create obstacles that prevent urban development and infrastructure intended to improve the living conditions of the inhabitants. They serve the interest of Israeli policy, which is based on the principle of land expropriation and depriving its rightful owners from using the lands for their personal benefit. In short, these topographic maps are used to constrict the life of the native Syrian inhabitants through the imposition of restrictions on the urban development.
94. The conditions of the Arab villages in the OSG are dire, especially with regards to the level and quality of infrastructure. The Arab inhabitants are suffering from the discriminatory urban policy against them and the systematic neglect in developing vital services, such as the improvement of road and sewage systems; the construction of educational, health and cultural institutions; and establishment of infrastructure for industrial areas.
95. The number of the inhabitants in the Golan has tripled from the beginning of the occupation until today. However, as a result of the Israeli policy of constriction and land expropriation against the Arab inhabitants, the remaining areas owned by the locals do not meet their increasing needs. The Israeli planning policies towards the Syrian population in the Golan limit their development and restrict their social and economic development. Further, they are a breach of key principles of international human rights law, in particular the rights to adequate housing, to benefit from natural resources, to development, and to an adequate standard of living.

Al-Marsad recommends to the Committee it urges Israel to end its discriminatory policies against Syrian Arabs of the OSG where urban planning is concerned.

3.14 Article 5(e)(v): Right To Education And Training

3.14.1 Permit System

96. It is common that those who opted to avail of successful family reunification applications (before the implementation of the *Nationality and Entry into Israel (Amendment No 2) 2007* prior to finishing their education in Syria are denied permission to return to Syria for the purposes of education, which is a blatant violation of the right to education.
97. Hana Muhamad Aramoon-Shaer from Sweida, Syria met her husband who is from the OSG when they were both studying in Damascus, Syria. They had two children while they were in Syria. In 1999 Hana and her family moved to Masa'da in the Occupied Syrian Golan. Since then they have had two more children. Hana married her husband before they were finished their degrees. They stopped their education to start a family. Hana completed four out of five years of her law degree and her husband has one year

of study left in his degree. Since moving to the Golan Hana and her husband wish to complete their education to give their family a better life. Hana and her family have applied for permits to continue studying in Syria. Hana and her family moved to the Golan for three reasons – she was optimistic that peace would be achieved, even though she was leaving her own family behind she wanted her children to get to know her husband’s family, and she believed that she would be able to continue her studies in Damascus when she was ready. Hana’s permit to return to Syria for studying purposes was initially denied because she and her two children who were born in Syria were classed as ‘temporary residents’. This residency had to be renewed every six months. With this status if Hana and her two children were granted a permit to travel to Syria it would be under the condition that they would not be allowed to return to the Golan. The family wanted to stay together so decided to wait until everyone would have the chance to be granted permission that would allow all of them to return to the Golan. In 1996, after five years in the Golan, Hana and her two children were granted permanent residency. However, during the wait to become permanent residents too much time passed for Hana and her husband to still be considered as students. Therefore, they have lost the opportunity to finish their studies. Hana has considered moving her family back to Syria: *“I think Syria can offer a better future for me, my husband and my children. It would mean that I could be close to my mother and it would be good for my career, but I am no longer considering it. To move back to Syria would mean that we would then be separated from my husband’s side of the family. We are divided on both sides of the coin.”*⁸⁸

Al-Marsad recommends to the Committee it urges Israel to allow Arab students to continue their studies without discrimination.

3.14.2 Right to Freedom of Education

98. The popular view within the Golan is that education in Syria is superior to Israeli universities and it is also an opportunity to strengthen ties with their heritage and family members that live in Syria proper. Within the right to education is the right to freedom of education, which includes the right to choose where you are educated without constraints or discrimination. This interpretation of the right was introduced by the American case *Brown v Board of Education*.⁸⁹
99. Students are put off studying in Syria because those that opt to study there have to forgo free and frequent contact with their family in the OSG. Those that are permitted to study in Syria leave their family home at the beginning of the academic year and are not permitted to return until their holidays. Due to the discriminatory, inconsistent and disproportionate permit system that is in place it is unlikely that their family members will be able to visit them in Syria proper during their studies. This causes the student to be subjected to prolonged separation from family support and contact. The most contact that they will have with their families during this period of separation will be via the Valley of Tears and telephone or internet. One example of the extremities of the situation can be witnessed every Mother’s Day at the Valley of

⁸⁸ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

⁸⁹ 347 U.S. 483 (1954).

Tears in Majdal Shams. Students are able to make the journey to the Syrian side of the Valley of Tears to wish their mothers a Happy Mother's Day. The event lasts for around three hours with each child only getting a few minutes to talk with their mother. It is a very emotional and distressing event, but one that families have come to cherish because they have no other choice. It is in witnessing such events when the reality of the situation for these separated families becomes apparent and it is no surprise that due to not wanting to go through this heartache that many students are put off attending educational institutions in Syria proper.⁹⁰ Israelis do not face such obstacles when choosing their educational institution.

Al-Marsad recommends to the Committee it urges Israel to allow Arab students from the OSG free passage to study in Syria proper without restrictions on visits home.

3.14.3 Limitations For 'Security Reasons'

100. A number of Syrian Arabs have been prevented from continuing their studies in Syria on the basis of 'security reasons'. For example, Sameeh Hasan Ayoub from Majdal Shams, OSG was sent to prison shortly after finishing school in 1974 for 'security reasons'. Sameeh wished to travel to Syria to continue his studies, but the Israeli authorities have forbidden him from doing so on the basis of his time in prison. Sameeh served his sentence and was released; he served his time. So under the principles of due process and equality Sameeh should be allowed to continue his life as normal and this includes availing of the right to freedom of education.⁹¹ However, Israel's discriminatory and unjust policies are standing in the way of that.

Al-Marsad recommends to the Committee it urges Israel to end its policy of discriminating against Arab ex-prisoners from the OSG, especially where access to education is concerned.

3.15 Article 5(e)(vi): Right To Equal Participation In Cultural Activities

101. Israel's discriminatory policies and laws against the Arab population of the OSG have resulted in a slow erosion of Syrian culture within the territory. Through forced displacement the Arab population has been depleted and replaced with Israeli settlers, which naturally poses a threat to Arab culture. Villages have been destroyed and farmers have been denied access to their agricultural lands due to landmines and a range of legislation causing the Syrian way of life and agricultural traditions to be slowly eradicated. The Syrian curriculum within Arab schools has been replaced by the Israeli curriculum. Each of these actions is geared towards destroying Arab culture within the territory. One of the consequences of this is that there is a lack of opportunity within the OSG for Syrian Arabs to engage their right to equal participation in cultural activities. Funds that are offered by Israel, who has effective control of the territory, for the development of Israeli and Jewish culture within the illegal settlements is are not offered to the Arab population. Furthermore, education is

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

⁹¹ Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan* (Al-Marsad, 2010).

key in helping a culture flourish, yet the Israeli curriculum does not facilitate Arab cultural activities. This all culminates in a significant violation of Article 5(e)(iv).

Al-Marsad recommends to the Committee it urges Israel to end its policies which are slowly eroding Syrian Arab culture within the OSG.

Al-Marsad further recommends to the Committee it urges Israel to reinstate the Syrian curriculum in Arab schools within the OSG.

4. CONCLUSIONS AND SUGGESTED CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

102. Al-Marsad based on the foregoing, encourages the Committee to adopt the following Concluding Observations:

To express deep concern that the State party refuses to apply the Convention to the Syrian Arab population of the OSG and to report on the situation of Syrian Arabs in the OSG.

To reiterate its grave concern at the continuing policy of expropriating Syrian Arabs' lands and the discriminatory tactics which are adopted to facilitate this policy.

To express its deep concern at the issue of family separation that persists and the impact that this has on a range of other rights including the rights to freedom of movement, culture, religion, property, education, nationality, equality and non-discrimination.

To reiterate its deep concern at the continuing existence of landmine fields in the OSG, the disproportionate danger this poses to the lives of Syrian Arabs and their use as a means of expropriating Arab lands.

To express its deep concern at the excessive use of force used by the Israeli military against peaceful protestors on Nakba Day and Naksa Day 2011.

To express its deep concern towards the continuing restrictions on freedom of movement within the OSG and into Syria proper, and the negative impact this has upon Syrian Arabs realising their rights contained with the Convention.

103. Based on the foregoing, Al-Marsad encourages the Committee to adopt the following Recommendations:

To remind the State party that it is an Occupying Power and not a sovereign party in the OSG and that it should revoke the discriminatory

laws, policies and practices which negate the right to self-determination of all Syrian Arabs within the territory;

To remind the State party that the provisions of the Convention are applicable to all populations in the OSG, and to request that the State party report on all populations that reside in the territory under its effective control;

To urge the State party to freeze the settlement project and to revoke the laws which discriminate against Arabs, to the advantage of settlers. As a result of this practice, certain groups are excluded from enjoying their basic rights on the basis of nationality, race, ethnicity or status. The State party must ensure that Syrian Arabs present in the OSG are guaranteed the same rights and protections under the Convention as Israeli settlers currently living in the OSG;

To remind the State party that it has obligations within international law to not engage in the use of excessive force; and

To urge the State party to allow Syrian Arabs unhindered freedom of movement across the OSG and within Syria proper to facilitate the enjoyment of the full range of rights guaranteed under this Convention.