

Report on Israel's Violations of the International Covenant on Civil and Political Rights

On the occasion of Israel's fifth periodic report to the Human Rights Committee

Submitted by

Al-Marsad, Majdal Shams, Occupied Golan



المركز العربي لحقوق الإنسان في جولان
ARAB HUMAN RIGHTS CENTER IN GOLAN

January 2022

Report on the State of Israel's Violations of the International Covenant on Civil and Political Rights

On the Occasion of the Human Rights Committee's 2022 Review of the State of Israel's Implementation of the International Covenant on Civil and Political Rights

Submitted on January 31, 2022 by:

Al-Marsad, Arab Human Rights Centre in Golan Heights

Al-Marsad, Arab Human Rights Centre in Golan Heights, is a non-governmental organization based in Majdal Shams, in the Syrian Occupied Golan. Al-Marsad was founded in 2003 to promote compliance with humanitarian and human rights law in the Occupied Golan. Al-Marsad works to protect civil, political, economic, social, and cultural rights by documenting and denouncing violations of international law relating to settlement expansions, land annexations, the presence of landmines, and the associated consequences of Israel's occupation.

This report was prepared by the Cornell Law School International Human Rights Clinic. Cornell students Kathryn Adamson, Hannah Jung and Siunik Moradian helped to research and prepare this report under the supervision of Clinical Professor Sandra L. Babcock and Clinical Teaching Fellow Zohra Ahmed. The Clinic would like to acknowledge the support and commitment of all the Al-Marsad staff, including Nizar Ayoub, Wael Tarabieh, Karama Abu Saleh and Aaron Southlea, to the accurate reporting of the facts contained in this report.

A. Introduction

The Syrian Arabs in the Occupied Golan are now facing the greatest threat to their rights under the Covenant since Israel illegally annexed the territory in 1981. Recently, amid international condemnation, President Trump formally recognized Israel's claim to sovereignty over the Occupied Golan—the first nation to do so—further cementing Israel's control over the territory.¹ President Biden has not rescinded his predecessor's recognition, which risks further normalizing the illegal occupation. The State of Israel has also approved a massive energy project on Syrian Arab farmlands that will permanently alter the landscape and disrupt Syrian Arabs' way of life. Compounding this harm, the private company behind the energy project sued Al-Marsad (the only human rights organization in the Occupied Golan) under Israel's anti-BDS law in an effort to silence its human rights reporting. The lawsuit was filed after Al-Marsad investigated the company's proposed windfarm, disseminated information to the community regarding its harmful effects, and wrote a report concluding that the project violated international law.

In response to these developments, the Committee on Economic, Social and Cultural Rights (CESCR) and three UN Special Rapporteurs have called upon Israel to protect the rights of Syrian Arabs in the Occupied Golan. They have each demanded that Israel not exploit the region's natural resources in violation of international law. In November 2019, the CESCR called upon Israel to “immediately cease to issue licences for the exploitation of natural resources in the occupied territories” and to “regulate the operations and activities of Israeli and multinational companies operating in the occupied territories in order to ensure their compliance with human rights standards.”² And in January 2020, the Special Rapporteurs on freedom of expression, human rights defenders, and the right to environment sent a joint letter to the Government of Israel noting that the “judicial harassment” of Al-Marsad “may be aimed at curtailing [Al-Marsad's] ability to carry out its legitimate human rights activities, damaging its reputation and forcing it to cease its human rights activities.”³ The Rapporteurs likewise expressed concern over the potential negative impact of the windfarm on the Syrian Arab community, and called upon Israel to respond to its concerns. These developments are discussed in greater detail below.

These recent incidents follow other longstanding violations of the rights of Syrian Arabs, including violations of their right to move and travel, discrimination against them in the housing sector, and suppression of their identity. This report provides updated information and analysis of Israel's violations of its human rights obligations under the ICCPR in the Occupied Golan, including: the right to self-determination (Article 1); the right against discriminatory treatment (Articles 2 and 26); the right to an effective remedy (Article 2); the right to life (Article 6); the right to freedom of movement (Article 12); the right to family (Articles 17 and 23); the right to opinions and effective remedies (Article 2 and 19); and the cultural, religious, and language rights of minorities (Article 27). We also touch upon various obstacles to the realization of the rights enshrined in the ICCPR in this territory, particularly the repression of human rights defenders.

As the Occupying Power in the Syrian Golan, the State of Israel must respect and preserve the rights protected by the ICCPR. This Committee and the International Court of Justice have found that States Parties' obligations under the ICCPR extend to all territories and populations under their effective control.⁴ Nevertheless, the authors submitting this report wish to emphasize that, under international law, the State of Israel has no legitimate sovereignty over the Syrian Golan.⁵

B. Historical and Political Context for Violations in the Syrian Golan

The Occupied Golan⁶ is a mountainous area in Southwest Syria, known for its rich water resources. The territory is located at the intersection of four national borders—Syrian, Lebanese, Jordanian, and Israeli. Israel has coveted this Golan for its strategic importance in the midst of the protracted regional conflict with its neighbors.⁷

The 1967 war permanently altered the Syrian Golan's landscape. During the war, Israel seized 1,230 km² of the Syrian Golan. Approximately 130,000 people, or 95% of the original population fled or were expelled by the Israeli military following the 1967 war.⁸ To this day, Israeli occupies 1,159 km² of the Golan's territory.⁹ Only 26,600 Syrian Arabs currently remain in the region.¹⁰ Israel's occupation violates international law.¹¹ Although UN Security Council Resolution 242 of 1967 requires Israel to withdraw from the territories it has occupied, it has never complied.¹²

Instead, Israel has escalated its occupation. In December 1981, after 14 years of military rule over the occupied territory, Israel announced it was annexing the Syrian Golan and declared it part of Israel. The international community denounced the annexation and declared it illegal.¹³ Locally, the Syrian Arab population responded with a six-month strike to protest the Israeli government's decision. Syrian Arabs "refused, even under direct and immediate threat of personal harm and communal suppression, to accept Israeli identification."¹⁴ When the Israeli government tried to compel the Syrian population to accept Israeli identification cards by distributing them door-to-door, "the town squares of the various villages were littered with Israeli identity cards."¹⁵ Even now, more than 80% of Syrian Arabs only hold Israeli permanent resident status. They have refused to accept Israeli citizenship signaling their continuing opposition to the occupation.¹⁶ In October 2018, when Israel attempted to hold municipal elections in the Occupied Golan for the first time since 1967, less than 2% of eligible voters across four Syrian villages participated.¹⁷ Syrian Arabs refused to participate Israel's attempt to normalize the occupation. This resistance, however, comes with a heavy cost. As described below, their status as residents constrains Syrian Arabs' full exercise of their civil and political rights.

As it has done in the West Bank, Israel has marked its occupation by transferring its civilian population into the Occupied Golan. Currently, as many as 26,261 Jewish Israeli settlers reside in the Occupied Golan.¹⁸ The population of settlers has steadily increased in recent years, and threatens to grow further, with the escalation by Israel and its allies to consolidate control over the occupied territories. Settlers are not only granted tracts of land for housing but for

commercial agricultural development. In 2015, 90 Israeli families arrived in the region, under the new “Farms Projects,” which created 750 new Israeli farms in the region.¹⁹ To irrigate those farms, Israel “diverted water . . . thereby depleting water resources and depriving Syrians of their use,” prompting condemnation from the UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.²⁰ On September 3, 2017, Transportation and Intelligence Minister Yisrael Katz announced Israel’s ambition to send another 100,000 settlers to the area.²¹ In 2019, Prime Minister Benjamin Netanyahu renamed a settlement in the Occupied Golan “Trump Heights” as a gesture of gratitude to the U.S. Government, after it became the only country to recognize the Golan as part of Israel. Emboldened by the support of its superpower ally, Netanyahu’s government has confirmed a plan to send an additional 250,000 settlers to the Golan by 2048.²²

These developments reflect state land policies that aggressively promote Jewish settlement in the Golan, and actively restrict Syrian Arab communities from expanding. Over 90% of land in Israel is public domain, and it is governed by the Israel Land Authority (ILA).²³ The Jewish National Fund (JNF)—an agency that is dedicated to promoting Jewish settlement, exclusive of other groups, occupies half the seats on the ILA’s governing body. The JNF itself “owns 13% of Israel’s land, which the state is mandated to use “for the purpose of settling Jews.”²⁴ Land allocation decisions in Israel explicitly promote Jewish access to land.²⁵ The Israeli government also encourages Jewish settlement in the Golan by offering financial incentives. For example, Jewish Israeli settlers can receive up to US \$12,000 to relocate to the Syrian Golan.²⁶

Israel not only encourages Jewish Israeli citizens to settle in the Golan, but permits them, once there, to exclude Arab residents from their villages based on religion or ethnicity. Israeli law allows settlements comprised of 400 houses or less to discriminate between Jewish Israeli citizens and Arabs.²⁷ The 2011 Amendment to the Cooperative Societies Ordinance authorizes five-member admissions committees, which include one representative from either the Jewish Agency or the World Zionist Organization,²⁸ to decide an applicant’s eligibility to reside in the community based on “compatibility with the social-cultural fabric” or the “[u]nique characteristics of the community town.”²⁹ Such criteria legitimize the exclusion of entire groups of people from the settlements based on discrete characteristics, such as race, religion, national origin, or social status.

In contrast, Arab towns face several challenges, both formal and informal, that limit their expansion. Scholars at Be`er Sheva University have documented that Arab town requests for master plan expansions take up to three times as long as comparable Jewish towns.³⁰ Since 1967, land expansion in the Occupied Golan has been strictly limited to Jewish Israeli settlers; while 34 new Jewish settlements have been erected, official allocations of land to Syrian Arabs have been few and far between.³¹

Syrian Arabs are deprived of any meaningful control over the land under their own feet. It is from this fundamental deprivation that all violations flow.

C. ICCPR Violations in the Occupied Syrian Golan

1. The Right to Self-Determination: The Ability of Syrian Arabs to Control their Land and Natural Resources

Art. 1, para 1: All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Art. 1, para 2: All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

Art. 1, para 3: The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Since Israel's occupation of the Syrian Golan in 1967, it has exploited and pillaged the natural resources belonging to its Syrian Arab inhabitants. Israel has diverted water from Syrian sources to benefit Jewish settlers. A proposed wind farm will confiscate Syrian Arabs' land while the energy and profits will almost exclusively benefit Israel. Moreover, Israel has granted licenses to a U.S.-based corporation to explore for gas and oil in the Occupied Golan.³² Syrian Arabs are excluded from the proceeds of these extractive activities. As a result, they can no longer afford to compete in a number of industries, and are forced to rely on Israeli markets. Over time, Israel has eroded their self-sufficiency.

In November 2019, the Committee on Economic, Social and Cultural Rights issued its concluding observations in connection with Israel's fourth periodic report to the Committee. The Committee expressed particular concern about Israel's exploitation of natural resources in the Golan:

The Committee is concerned about reports that the State party has given licences to Israeli and multinational companies for oil and gas extraction and renewable energy projects in the occupied Syrian Golan and the Occupied Palestinian Territory without consulting the affected communities while prohibiting Syrians and Palestinians from accessing, controlling and developing their natural resources.³³

Accordingly, the Committee called upon Israel to "cease granting licenses for the exploitation of natural resources" and to "regulate the operations and activities of Israeli and multinational companies operating in the occupied territories in order to ensure their compliance with human rights standards."³⁴ We ask that this Committee do the same.

a) The Exploitation of Land and Wind Energy

i) Syrian Arabs Maintain Deep Connections to Their Remaining Lands

Syrian Arabs maintain a deep connection to their land. They cultivate apple, cherry and almond orchards and preserve the natural resources available in the area: ridges, streams, valleys, open areas and nature reserves. Outside of their villages, they maintain agricultural lands. These plots are usually family owned and inherited from generation to generation. Each family can have several variable-size plots (from several square meters to several acres).

Land is not just a source of livelihood, but a fertile, living and communal area where Syrian Arab villagers cultivate their land, find refuge from daily life and spend their summers with their families. Many sleep in their fields in small agricultural structures. Growing apples and cherries requires regular care, and the mobilization of each and every member of the family during the harvesting period. In other words, the agricultural areas are not separate from the villages, but an integral part of the local way of life.

ii) Israel Approved the Construction of a Massive Wind Farm Without Consulting the Community Under Occupation and Without Regard for its Detrimental Impact

Israel violated Syrian Arabs' right to self-determination when it approved the construction of a windfarm that will take over their land, permanently alter their environment, and disrupt their way of life. And although the windfarm will be constructed by a private Israeli corporation, Israel bears state responsibility for its actions, as the project could not proceed without the Israeli government's approval—a fact the CESCR Committee recognized.³⁵

When Israel acceded to the Paris Climate Agreement, it promised to increase its reliance on renewable sources to supply the national electric grid, and agreed to streamline the review process for alternative energy proposals.³⁶ Israel directed the National Infrastructure Committee ("VATAL") to consider proposals by private companies to help meet its national targets for reliance on renewable energy sources.

In 2019, the VATAL approved the construction of a massive energy project on the little land remaining under Syrian Arab control. The energy project, proposed by Israeli company Energix, intends to build 31 wind turbines, each of which can be up to 220 meters tall.³⁷ The structures will be built atop Syrian agricultural lands and near Syrian Arab population centers.³⁸ It is estimated that the project as a whole will occupy about 4,300 dunums (1,062 acres), almost a quarter of the limited agricultural land remaining in Syrian Arabs' possession. The project is planned to generate 130-150 megawatts of energy per year, producing revenues of US\$ 38-44 million each year—almost all of which will be used to benefit the State of Israel, Israeli households, and an Israeli corporation.³⁹

The 220-meter-tall turbines,⁴⁰ roughly equivalent to a 64-story building,⁴¹ will block the sun, destroy the Syrian Arabs' view, transform the landscape, and emit a potentially disturbing

noise.⁴² To transport the construction materials needed to erect these massive structures, Energix will have to widen the small alleys between individual plots. Private lands will need to be expropriated for public road access.⁴³ Furthermore, the project will require roughly 30km of an ultra-high voltage cable to be built underground, permanently scarring the Syrian Arabs' land.⁴⁴

Israel, as the Occupying Power of the Golan, must preserve the land and its resources for the benefit of the native population.⁴⁵ The General Assembly has emphasized that the exploitation and pillaging of natural resources in occupied territories by foreign economic interests compromise those territories' right to self-determination.⁴⁶ When the administering Power restricts its inhabitants' ability to exercise their legitimate rights, or subordinates the rights and interests of those peoples to foreign economic and financial interests, it violates that State's solemn obligations under the Charter of the United Nations.⁴⁷

Under international law, administering powers must respect two conditions before using an occupied territory's natural resources. First, the administering power must obtain the approval of the community *prior* to exploiting their resources. Israel failed to meet this condition here. The vast majority of Syrians living in the communities affected by the project oppose the construction of the turbines. Yet the National Infrastructure Committee that approved the energy project failed to solicit their views. More than 6,000 residents signed a petition rejecting the project. A delegation of more than one hundred representatives of farmers' collectives, health service providers, families, and human rights organizations in the affected villages presented a joint objection against the construction project before the Committee detailing their concerns and the impact of the windfarm on their lives.⁴⁸ But their objections were ignored.⁴⁹

This is why the CESCR recently condemned Israel's failure to "consult[]the affected communities" before approving renewable energy projects such as the windfarm. The UN Special Rapporteurs likewise noted that their concerns were "strengthened by the reported lack of an adequate consultation with the affected population, despite the reported strong opposition to the project among the local Syrian community."⁵⁰

Second, the resources must be exploited for the benefit of the peoples in the occupied territory.⁵¹ But in this case, the windfarm will almost entirely benefit Israel. The windfarm will be directly connected to Israel's main power grid and its only customer will be the state-owned Israel Electric Corporation.⁵² Although some energy will be supplied to the Golan, it is not a project designed to benefit the local, native population, as the law of occupation requires. The overwhelming amount of energy will benefit Israel and its settlements for the purpose of achieving Israel's new green-energy goals.⁵³ UN Special Rapporteurs took particular note of these facts, observing that the project was "primarily intended to benefit the economy and population of Israel."⁵⁴ Moreover, they noted that the project would have several negative impacts on the local Syrian population, "including with regards to the housing crisis in the Syrian villages, restricted access of the Syrian population to agricultural land and the negative health impacts."⁵⁵

1. The Windfarm Threatens the Syrian Arabs' Economic Livelihoods and Cultural Connection to Their Land.

Installing the wind turbines on Syrian Arabs' agricultural land threatens farming, a staple of the Syrian economy in the region. Not only does the physical presence of the 220 meter turbines reduce the land available for cultivation, but the climate conditions created by the turbines may reduce the productivity of remaining lands. These conditions will impede Syrian Arabs' ability to profit and benefit from their own renewable resources. The windfarm will ultimately hinder Syrians' ability to use, cultivate, and exercise control over their fertile agricultural lands, thereby violating Article 1 of the Covenant. By approving the construction of the windfarm, Israel is depriving Syrian Arabs of their right to "freely dispose of their natural wealth and resources."

Most concerning is the risk the windfarm poses to Syrians' cultural life in the Golan. For Syrian Arabs, their ancestral lands are precious. The Israeli government denies them the right to live and farm on lands outside designated boundaries. For that reason, Syrian families have a powerful emotional attachment to the land that they are still permitted to use. Most Syrian Arab families have a small plot there where they farm cherries, apples, and pomegranates. Lawyers, doctors, and farmers alike spend a good part of the summer living in small cabins among their orchards. Although individual farmers (along with their family members) till the land and harvest the crops, property lines are so intertwined that farmers make decisions collectively through their farmers' cooperatives. Yet Israel, as the occupying power, has failed to consult with these cooperatives, or with the majority of the Syrian residents, regarding their decision to use their lands to satisfy the Israeli population's ever-increasing needs for renewable energy.

The apple orchards, in particular, have become symbols of the community's steadfastness and permanence in face of the occupation.⁵⁶ During apple-harvest season, the community collectively celebrates by retreating to the orchards and declaring "their shared attachment to, and identification with, the land."⁵⁷ This attachment to the land is strong despite Israel's repeated attempts to dispossess Syrians of their small plots.⁵⁸ The time Syrian Arabs spend on their lands is how they "express their humanity and give meaning to their existence."⁵⁹

The turbines will disfigure the Golan's landscape and reshape the lives of its Arab inhabitants. Activities that define their culture and community will become impossible. By approving construction, Israel violated Article 1 of the Covenant, which protects Syrian Arabs' right to "freely pursue their... social and cultural development."

2. Discriminatory Treatment of Syrian Arabs

Israel's process for approving the windfarm was unfair because it discounted Syrian Arab interests. This amounts to a violation Article 1 of the Charter.

As an initial matter, the wind turbines will be built near the Syrian Arab villages of Majdal Shams, Buqata and Mas'ada, atop their agricultural lands.⁶⁰ Neither of these locations are near Israeli settlements, although the Golan hosts 34 Israeli settlements and only five Syrian Arab villages.⁶¹ This disparate treatment is the product of two distinct but related facts: first, residents of the Occupied Golan are not represented in Israeli government and, second state policies systematically privilege Jewish nationals over others. Syrian communities in the Golan enjoy virtually no government support or representation.⁶² As Arabs under occupation who resist their occupation by refusing citizenship, their legal status is precarious.⁶³ They cannot elect representatives in the Knesset. They also lack the political, cultural and economic capital to mobilize resources to make their voices heard in the halls of government or with the public at large. Second, Israeli constitutional law requires state policy to promote the interests of its Jewish nationals.⁶⁴ Specifically, the Nation State Law reserves the right to self-determination exclusively to Jewish people.⁶⁵ Expressing concerns about the harms of Jewish settlement fall outside of the State's constitutional framework. Discrimination is thus encoded at every level, which in turns leads to disparate outcomes. The concerns of Syrian Arabs under occupation are altogether erased.

Building the windfarm in Syrian Arab villages exploits its residents' economic and legal precarity. The discriminatory treatment means that Syrian Arabs are unable to make autonomous, democratic decisions about harnessing the wind energy in the area, profiting from its use, and farming their agricultural lands. This treatment violates Article 1 of the Covenant as Syrian Arabs cannot "freely pursue their economic... development" and are denied the ability to "freely dispose of their natural wealth and resources... for their own ends."

Finally, as noted above (section 1(a)(ii), *supra*), the energy generated by windfarm will almost entirely benefit Israel, to the detriment of Syrian Arabs.

b) The Exploitation of Water

i) The Occupied Golan's Water Resources

Israel also violates Syrian Arabs' right to self-determination by exploiting water resources in the Occupied Golan. Israel controls the Golan's water resources through the public utility company, Mekorot, which is operated by the Ministry of Finance and the Ministry of Energy and Water.⁶⁶ Mekorot's website promotes Israel's control over the occupied territories, stating that it has "made a profound national contribution to realizing the Zionist vision and transforming it into a sustainable reality."⁶⁷

Mekorot, through the National Water Carrier of Israel, transfers water from Lake Tiberias (Sea of Galilee)—a major fresh water source for Israel—to the rest of the country.⁶⁸ Water from the Golan supplies Lake Tiberias with approximately one-third of its water.⁶⁹ Although portions of the Jordan River and Lake Tiberias are in sovereign Israeli territory, i.e., within its pre-1967 borders, Israel's annexation of the Golan allows it complete control over Lake Tiberias and the

upper portions of the Jordan River,⁷⁰ including the Banias Spring,⁷¹ which provides approximately 20% of the Jordan River's flow into Lake Tiberias.⁷²

Finally, Israel diverts water from Lake Mas`adah (Lake Ram)—located in the Golan—and funnels it to Israeli settlers and their artificial reservoirs.⁷³ Israel has expanded the lake's storage capacity by altering its shorelines. This has caused environmental damage. Israel has streamlined water delivery by installing a pump station and system of underground pipes to funnel water to the Israeli settlements, while only reserving a limited amount for the Syrian Arab population.⁷⁴ Israel's extensive use of Lake Mas`adah waters sometimes depletes the water entirely, leaving fish to die in massive numbers.⁷⁵

ii) The Impact of Israel's Control over Golan-Sourced Water

Article 1 of the Charter guarantees all peoples the right to self-determination and to “freely dispose of their natural wealth and resources... for their own ends.” Israel's control over Golan-based water sources denies Syrian Arabs' the right to self-determination by preventing them from freely disposing of this resource.

Israel exploits Syrian Arabs' water by diverting much of it to Israel and forcing Syrian Arabs to pay for water sources that already belong to them. Mekorot dictates the pricing, distribution, and extraction of Golan-based water resources. Furthermore, Israel's exploitation of Syrian Arabs' water sources enables Israeli settlers to capitalize on water siphoned from the Golan. Mekorot, through Israel's National Water Carrier Pipeline, diverts Golan-based water to irrigate illegal Israeli commercial settlements.⁷⁶ These settlers exploit the water to produce top-rated wines⁷⁷ and a significant quantity of Israel's fruits and vegetables.⁷⁸ Many of Israel's most prominent wine producers are located in the Golan. Other Israeli companies, like Eden Springs, proudly advertise their water as flowing from “the beautiful and natural waterfall at the heart of the Golan Heights.”⁷⁹

Under the laws of occupation and the Guiding Principles on Business and Human Rights, Israel is bound to address conduct by private commercial actors that infringe upon human rights.⁸⁰ Israel must ensure that natural resources are only used for the benefit of the occupied people.⁸¹ In the case of the Occupied Golan, however, Israel ignores its obligations under international law by depriving Syrian Arabs of genuine control over their resources and by diverting the resources for Israel's benefit. Israel profits from Israeli settlers' agricultural products grown using Golan-based water. For instance, in 2015, agricultural products grown and cultivated in the Golan contributed approximately US \$371 million to Israel's annual GDP.⁸²

Until 2017, Israel pumped water to Israeli settlements, but not to Syrian villages.⁸³ This disparate treatment resulted in added costs and burdens for Syrian farmers. Syrian Arabs were compelled to install their own structures to pump water, create water transport systems, and pay for the costs of running and maintaining this infrastructure.⁸⁴ Israel recently changed this practice and now provides water access, reducing water costs for Syrian farmers. But this recent change

cannot offset the competitive advantage Israeli settlers enjoyed for over 25 years. Over the past two and half decades, Syrian farmers have increasingly abandoned commercial farming because of the difficulties they faced in erecting a stable irrigation system, including its prohibitive cost. Agricultural settlements owned by Jewish Israelis have thrived, on the other hand, because the state facilitates their access to water and land.

c) Failure to Promote Social and Economic Development

Under Article 1, paragraph 3 of the ICCPR, Israel has an obligation to promote the right of self-determination of Syrians in the Golan. The right of self-determination includes the right of peoples to “freely pursue their economic, social and cultural development.”

Ninety-five percent of the land in the Occupied Golan is controlled by Israeli settlers, the Israeli military, and the Israeli authorities. Only 5% is controlled by the Syrian population.⁸⁵ Today, the Occupied Golan is advertised as a “must-see” part of “Northern Israel,” an area historically known for its agricultural productivity, abundant water, and natural beauty.⁸⁶ Israel attracts tourism to the Golan by advertising its “tranquil parks, gardens, museums, galleries, [and] vineyards.”⁸⁷ Tourism is big business for Israel: the industry is estimated to generate nearly \$6 million USD in revenue, an amount roughly equal (in 2017) to 2.6% of Israel’s GDP.⁸⁸

The Israeli government prospers from the Occupied Golan’s natural beauty by offering economic incentives to Israeli settlers for the development of tourism facilities. David Barel, an Israeli settler in Neve Ativ, stated that the Israeli government offered his settlement a subsidized loan to develop a ski resort where “27% [of the loan] was a gift from the Ministry of Tourism.”⁸⁹ Mr. Barel and his fellow settlers used the loan to build the only ski resort in the territory under Israeli control.⁹⁰ Although the settlers did not purchase the land, the Israeli government has allowed them to lease the land at no known charge for 49 years, subject to renewal.⁹¹ Additionally, the eight chairlifts on Mr. Barel’s ski resort generate profits that flow to the settlers that run the resort.⁹²

Israel’s tourism program favors Jewish-owned hotels to the detriment of Arab hotel owners. For example, the Israeli Ministry of Tourism offers monthly vouchers to military personnel and to veterans with disabilities.⁹³ These vouchers may only be used in hotels owned by Jewish Israeli settlers.⁹⁴ As a result of these incentives and others, Syrian Arab hotel owners generate only a fraction of the business their Jewish Israeli counterparts do.⁹⁵

2. The Right to be Free from Discrimination

Art. 2, para. 1: Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

Art. 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Israel's treatment of the Syrian Arab population contrasts with the favorable treatment it bestows upon Israeli settlers. Israeli settlers receive incentives to expand villages, grow crops, and start businesses in the Occupied Golan.⁹⁶ The Israeli government continues to confiscate Syrian Arabs' lands, to allow and encourage Israeli settlers to take over their lands, and to make it almost impossible for Syrian Arabs to obtain the necessary permits to build houses in the Occupied Golan.⁹⁷

According to the Committee's General Comment No. 18, each State Party has the obligation to "respect and ensure" the rights recognized by the Covenant to every individual within its territory and subject to its jurisdiction without distinction of race, colour, religion, and national or social origin.⁹⁸ Moreover, Article 26 prohibits discrimination in any area regulated and governed by law.⁹⁹ Israel has violated these obligations by undermining Syrian Arabs' housing and land rights.

a) Land Registration and Denial of Building Permits to Syrian Arabs

The Israeli government rarely grants building permits to Syrian Arabs, thereby prohibiting expansion of their towns and villages, despite the increasing Arab population.¹⁰⁰ Many Syrian Arab residents in the Occupied Golan live in fear that Israel will destroy their homes or force them to abandon their land because they are sometimes forced to build their houses without the necessary permits.¹⁰¹ Israel has issued more than 1,500 demolition orders since 1973, along with steep fines—and even prison sentences—for unpermitted construction.¹⁰² These practices are similar to what Palestinians experience in the Occupied Palestinian Territory and in occupied East Jerusalem.¹⁰³

Recently, Israel has begun to register all Syrian Arab lands. The new registration plan would require Syrian landowners to provide the government with "proof of ownership." But, unlike the Israeli settlers, many Syrian Arabs either inherited their land from ancestors, purchased it without any written deed, or own the lands collectively. Under these circumstances, establishing "proof of ownership" is a burdensome process that requires evidence of "long term cultivation" through witness testimony. If Syrian Arabs cannot produce proof of ownership, they can lose their land. A similar process of land expropriation is ongoing in the Negev with the Praver Plan, which ostensibly seeks to resolve ownership claims of Bedouin citizens, but will likely result in a net loss of land for Bedouin communities.¹⁰⁴ The Praver Plan has attracted international outcry for its discriminatory impact, including from the Committee on the Elimination of Racial Discrimination.¹⁰⁵ The tragic irony of the planned registration policy is that it will require Syrian

Arabs to register land with an occupying power that has no rights to the land under international law.

Israel's building permits and land registration system violates Article 2 of the Covenant because it discriminates between indigenous Syrian Arabs and Israeli settlers, and it denies Syrian Arabs the "equal protection of the law."

b) Confiscating Syrian Arab Land and Expanding Jewish Israeli Settlements

Israel has prevented Syrian Arabs from remaining on their own land by administratively confiscating the land for "security purposes" and encouraging Jewish Israeli citizens to settle in the Syrian Golan, as described above.¹⁰⁶ The Israeli government's proffered reason—"security purposes"—for taking Syrian Arabs' land is insufficient.¹⁰⁷ Israeli laws, like the Land Acquisition Law and the 2010 Amendment to the Land Ordinance (hereinafter, "Land Acquisition Law"), allow the expropriation of private land for "public purposes," but the Israeli government has not shown that the confiscation of land and restrictions on the right to residence are necessary and proportionate to "security purposes."¹⁰⁸ Furthermore, this Committee's General Comment No. 27 explains that the right to reside in a place of one's choice includes protection from all forms of forced internal displacement.¹⁰⁹

Mr. Maziad Masoud was one of the many Syrian Arabs whose land was seized for the purpose of laying landmines in the 1980s.¹¹⁰ When Mr. Masoud stood on his land in protest, the police arrested and detained him for 24 hours. After his release, the Israeli government only returned 15 of his 40 dunams of land. To this day, the Israeli government has not returned Mr. Masoud's land or cleared the landmines surrounding his orchard, which constitutes an ongoing violation of his right to freedom of movement and to the use of his land.¹¹¹

Unlike Syrian Arabs who are deprived of their land and prevented from expanding their villages, the Israeli government encourages Jewish Israeli settlers to move to the Syrian Golan.¹¹² Mr. and Mrs. Barel, settlers living in Neve Ativ, told interviewers that they received "60 dunams of land" in the Syrian Golan from the Jewish Agency.¹¹³ According to Mr. Barel, there is still more land available for new residents in the settlement.¹¹⁴ The Israeli government entices settlers to the Syrian Golan through advertisements and the development of residential and industrial areas.¹¹⁵ Yet only Jewish Israelis can apply to reside in the settlements because, according to Mr. Barel, the settlements "want people with [the] same mindset so there will be no problems."¹¹⁶ This preference is grounded in official land policy, which is explicitly committed to promoting Jewish settlement.¹¹⁷ The settlers' easy access to land stands in stark contrast to the Syrian Arabs' experience.

The practices described above amount to discrimination based on race, colour, religion, and national or social origin, violating Articles 2 and 26 of the Covenant.

3. The Right to Life and Freedom of Movement: Landmines in the Occupied Golan.

Art. 6, para. 1: Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Art. 12, para. 1: Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

Article 6 of the Covenant recognizes and protects the absolute right to life of all individuals. Article 6 requires State parties to address threats to life and life-threatening harms and injuries that may result in loss of life.¹¹⁸ Additionally, Article 2, para. 1 imposes an obligation on all State Parties to take positive measures to protect an individual's rights under the Covenant, including the right to life under Article 6, and the right to freedom of movement under Article 12. State Parties are required to take measures to respond to foreseeable threats to life. This includes clearing areas in which landmines have been laid.¹¹⁹

In the aftermath of the Arab-Israeli conflict and the Israeli occupation of the Syrian Golan in 1967, there were at least one million landmines in the Syrian Golan.¹²⁰ More than 36,000 dunams (36km²) of land are suspected to be mined in the Golan, distributed over approximately 2,000 minefields that vary greatly in size.¹²¹ During Cornell Law School Clinic's visit to Majdal Shams, the team documented active minefields in and around the village that pose a continuing threat to the lives of Syrian villagers.

These landmines also significantly impede the freedom of movement of Syrian Arabs in the Occupied Golan.¹²² The fields and valleys in the Syrian Golan are scattered with hundreds of bright yellow signs reading "Caution! Mines!" in Hebrew, Arabic, and English, a clear warning to anyone who strays too close. Most landmines are located in close proximity to grazing areas, agricultural land, schools, homes of village residents, and the ceasefire line fence.¹²³ Villagers live in constant fear because some of these landmines are neither signposted nor fenced in. Moreover, mines can become dislodged and shift over time.¹²⁴



A broken fence surrounding a minefield

In the wake of Al-Marsad's 2018 report to this Committee, Israel cleared some of the landmines around Majdal Shams. Al-Marsad welcomes this development. At the same time, Israel has failed to take steps to clear the remaining landmines that surround Syrian Arab fields and lurk under the land, creating a constant danger of death or dismemberment.

4. The Right to Freedom of Movement

Art. 12, para. 2: Everyone shall be free to leave any country, including his own.

Art. 12, para. 3: The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

Art. 12, para. 4: No one shall be arbitrarily deprived of the right to enter his own country.

Art. 17, para 1: No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

Art. 23, para 1: The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

a) The Right to Travel

As a people under occupation, the majority of Syrian Arabs have resisted Israeli citizenship. Like Palestinians living in East Jerusalem, most have permanent residency status.¹²⁵ This residency, however, may be revoked under certain conditions. The State of Israel reserves the right to revoke the residency of anyone whose “center of life” changes.¹²⁶ According to the Israeli government, one’s “center of life” changes if an individual resides outside of Israel seven years or more, or receives a permanent residency or citizenship from a second country.¹²⁷

While Jewish people have the inalienable right to immigrate to Israel and acquire citizenship at any time, and by extension easily move to the Occupied Golan, Syrian Arabs from there face significant hurdles when their residency is revoked, and if it is, to regain their permanent residency.¹²⁸ For non-Jews, like Syrian Arabs living in the Occupied Golan, the procedure to regain permanent residency status is onerous. Requests for residency are often denied. To give just one example, one man, born and raised in the Occupied Golan, reports that his permanent residency was revoked after he obtained citizenship in a second country, even though dual citizenship is permitted under Israeli law.¹²⁹ He applied to regain his permanent residency, but his request was denied. More than five years later, he has not regained his residency, leaving him uncertain about his fate and his ability to return home.¹³⁰ Syrian Arabs’ undefined status and the significant hurdles they face to hold on to their permanent residency violate Article 12, which states that “no one shall be arbitrarily deprived of the right to enter his own country.”

When they wish to travel, Syrian Arabs receive a “laissez-passer” with “undefined” nationality.¹³¹ Israeli authorities routinely detain, search and question them at international borders. Syrian Arabs’ undefined status also makes it difficult for them to obtain travel visas from other countries. Whereas Syrians from the Golan need visas to travel to virtually every country, Israelis can travel visa-free to 143 countries.¹³² Syrian Arabs’ requests for visas are often denied because their “undefined” status raises questions for immigration officials.¹³³ This inability to leave Israel and the Occupied Golan violates Article 12 which states that “everyone shall be free to leave any country, including his own.”

b) The Right of Return

Since 1967, Israel has restricted the movement of Syrian Arabs in the Occupied Golan. At the end of the 1967 war, over 130,000 people were forcibly transferred or displaced and forbidden from returning to the Occupied Golan.¹³⁴ The 1967 Military Order No. 58 explicitly forbade any person from crossing the ceasefire line into the Occupied Golan, making it impossible for Syrian Arabs who escaped or were forcibly displaced to the rest of Syria during the war to return to their homes in the Golan.¹³⁵

Movement between Syria and the Occupied Golan has become more difficult since the beginning of the current civil conflict in Syria.¹³⁶ For instance, before the war in Syria, it was common for Syrian Arab students from the Occupied Golan to study in Damascus, where the Syrian

government provided them with allowances to pursue a free education.¹³⁷ As a result of the war, however, many of these students in Damascus have been prevented from returning to their homes in the Occupied Golan, both because of the conflict and Israel's strict travel policies, leaving them trapped in the rest of Syria.¹³⁸ For those able to return, the Israeli government forbids them from bringing their Syrian families back to the Occupied Golan with them, forcing them to choose between their home in the Golan and their family in the rest of Syria.¹³⁹ As described below, this practice further violates Syrian Arabs' right to family and home under Articles 17 and 23.

c.) The Right to Family

Article 17 states that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence...” Furthermore, Article 23 protects the right to family, stating that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State.” In 2007, the Knesset passed an amendment to the Citizenship and Entry into Israel Law, maintaining the ban on family reunification and extending its application to families where one spouse is a resident or citizen of Syria, Iran, Lebanon, or Iraq.¹⁴⁰ As a result of this law, Syrian families are unable to live together in the Occupied Golan when one of the spouses is a Syrian national or resident.

For example, one resident of Majdal Shams, a man born and raised in the Golan, left to study in Damascus in 2000. In 2005, while in Damascus, he married a Lebanese woman. The next year he came back to the Golan to start the process of bringing his wife across the border. After spending two years writing letters to the Ministry of Interior and other government agencies, his application for reunification was denied. He and his wife eventually divorced because of their prolonged separation.¹⁴¹

Another Majdal Shams resident reports that his uncle, who used to live in the Occupied Golan, has been unable to return to his home, because his wife and children, who are Syrian nationals, have been denied entry into the Occupied Golan.¹⁴² In its 2014 concluding observations, the Human Rights Committee expressed its concern regarding the “disproportionate and adverse restrictions imposed by the Citizenship and Entry into Israel Law (Temporary Provision)” and requested that Israel repeal the law and “review its laws, practices and policies with a view to bringing them in line with its obligations under article[] 23...of the Covenant.”¹⁴³ Israel has failed to implement the Committee's recommendations. The Citizenship and Entry into Israel Law (Temporary Provision) continues to violate Syrian Arabs' right to family under Articles 17 and 23.

5. The Right to Opinions and Effective Remedies

Art.19, para. 1: Everyone shall have the right to hold opinions without interference.

Art. 19, para. 2: Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Art. 2, para. 3: Each State Party to the present Convention undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedies;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

a) Right to Opinions and Expression

In Israel and its occupied territories, human rights defenders face a hostile environment. Even efforts to assess Israel's adherence to its obligations under international law can trigger legal sanction. Criticizing Israel's occupation, in particular, has become more dangerous, expensive and stigmatized. In a separate alternative report, entitled *Repression of Human Rights Defenders in Israel, Palestine and the Golan*, a coalition of human rights organizations document the set of laws, policies and practices enacted or encouraged by Israel, which have the cumulative effect of shrinking the space for civil society engagement. The most salient aspects of this trend in the Occupied Golan are outlined below.

Article 19 prohibits States from interfering with the freedom of expression, and grants protection to even those ideas which the State may consider offensive.¹⁴⁴ Harassing or intimidating individuals for holding such opinions violates Article 19(1).¹⁴⁵ Israel violated these guarantees when it enacted the 2011 Law for Prevention of Damage to the State of Israel through Boycott ("Anti-Boycott Law"), which has since been used against Al-Marsad, the author of this alternative report and the only human rights organization in the Occupied Golan.

Since 2018, Al-Marsad has led a peaceful campaign to oppose the construction of a wind farm on Syrian agricultural lands in the Occupied Golan (*see* section 1, "Right to Self-Determination," *supra*). All of its activities are unquestionably protected under Article 19. For example, Al-Marsad documented Energix's dealings with the community and published a report.¹⁴⁶ It also assessed the legality of the proposed project under international law, and concluded that by approving such a project, Israel would contravene its obligations to Syrian Arabs under international human rights and humanitarian law, as outlined in section 1, *supra*. Al-Marsad,

along with two Israeli organizations, also submitted an objection to the National Infrastructure Committee outlining its opposition to this project under domestic planning rules and regulations. Al-Marsad has also engaged in peaceful protests and led community education events.

In response, Energix filed a lawsuit against Al-Marsad. Energix relies on the Anti-Boycott Law, and asserts that Al-Marsad's activities are tantamount to a call for boycott. The Anti-Boycott Law makes it a civil offence to call for a boycott against Israel, its products and those produced in the settlements in the West Bank because of their connection to Israel. Al-Marsad has never called for a boycott of Israel, however. Its report on the windfarm and its impact on the Syrian Arab community is precisely the sort of report generated by human rights organizations every day, around the world. Furthermore, the Anti-Boycott Law itself violates Article 19, as the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has recognized.¹⁴⁷ The "law violates the right to freedom of opinion and expression, as calling for or participating in a peaceful boycott is a legitimate form of expression which is internationally recognized."¹⁴⁸

Although Energix is a private actor, Israel bears responsibility for arming companies like Energix with the tools to silence human rights advocacy. Energix's lawsuit endangers Al-Marsad's very existence. The lawsuit seeks NIS 900,000 (roughly US\$266,000) in damages, just over Al-Marsad's annual budget, as published online.¹⁴⁹ The damages, if awarded, will pose significant financial burdens on Al-Marsad and prevent the organization from continuing its work. On January 20, 2020, the Special Rapporteurs on Freedom of Expression, Human Rights Defenders, and the Environment issued a letter expressing their concern over Energix's lawsuit. They stated that the lawsuit "may be aimed at curtailing [Al-Marsad's] ability to carry out its legitimate human rights activities, damaging its reputation and forcing it to cease its human rights activities."¹⁵⁰ They also addressed their "fear that this case may set a dangerous precedent with chilling effects on the exercise of the right of freedom of expression and on the legitimate work of human rights defenders..."¹⁵¹ Finally, the statement reiterated the concerns that legal and financial sanctions resulting from the Anti-Boycott Law "could severely curtail the work of civil society organizations, in particular those defending human rights in the occupied territories, by subjecting them to threats of lawsuits and fines, stripping them of their tax-exempt status and forcing them to shut down."¹⁵²

Israel has also supported Energix's exploitation of the Golan's resources through police intimidation and violence. In the early morning of December 7, 2020, Energix representatives arrived in Majdal Shams with armed escorts. Hundreds of Israeli police officers and a group of Special Force officers encircled the farmlands where Energix plans to build.¹⁵³ As Energix technicians roamed the lands, Israeli troops and officers blocked the roads, preventing Syrian farmers from entering their own property. Hundreds of Syrians gathered at the roadblocks to protest Energix and the government's heavy-handed presence.

Two days later, on December 9, 2020, Syrian Arab community members hosted a peaceful demonstration to underscore their opposition to Energix's windfarm.¹⁵⁴ In response, Israeli

police fired tear gas and rubber bullets on those assembled. Officers shot protesters in their upper bodies. Dozens were injured. A local clinic admitted twelve people wounded by rubber bullets. Four had received bullets to their upper body and one to their face.¹⁵⁵ The Israeli police also arrested eight people..

The Israeli government's response to these demonstrations violates the rights to freedom of opinion and expression set forth in Article 19.¹⁵⁶ The Or Commission has found that the rubber-coated metal bullets, like those that Israeli forces use, are not appropriate for use due to their risk.¹⁵⁷ A large scale study on death, injury and permanent disability caused by impact projectiles used in crowd control concluded that rubber-coated metal bullets appear more lethal than purely plastic or rubber bullets.¹⁵⁸ Israel's use of these weapons to suppress the ability of civilians to peacefully exercise their freedom of opinion and expression runs afoul of its human rights obligations.

b) Right to Effective Remedies

Article 2 of the ICCPR requires every State Party "to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy..." Moreover, Article 2 ensures that any person seeking a remedy "shall have his right thereto determined by competent judicial, administrative or legislative authorities..."

Al-Marsad has pursued a range of activities to vindicate the rights of Syrian Arabs who oppose Energix's windfarm. It has published reports; organized meetings; raised awareness about the project's ramifications; and filed administrative objections. It has mobilized more than 800 Syrian Arab residents, NGOs and other groups to travel to Jerusalem to register their objections against the Energix project with the government agency considering the proposal. Al-Marsad also circulated a petition that has garnered more than 5540 signatures against the windfarm, which is more than half the population of Majdal Shams. Al-Marsad and its staff have dedicated their lives to giving voice to its community's grievances and to seeking an appropriate remedy for the violations detailed. Energix, by contrast, assisted by the Israeli state, has waged a campaign to prevent Al-Marsad from its vital work as a human rights defender.

Energix's lawsuit against Al-Marsad curtails the organization's ability to seek and obtain an effective remedy for violations of the Syrian Arabs' right to self-determination. In its response to the lawsuit, Al-Marsad asked the court to dismiss the Energix complaint as a malicious Strategic Lawsuit Against Public Participation.¹⁵⁹ Thus far, the court has refused to dismiss the lawsuit, allowing Energix to exploit the judiciary to suppress human rights advocacy.¹⁶⁰

In addition, the large-scale construction of wind turbines in close proximity to Syrian Arab residents creates environmental, economic, and health hazards.¹⁶¹ Neither Energix nor the Israeli government has provided or proposed compensation, rehabilitation, or changes in relevant laws and practices to address these concerns, thereby once again violating their right to an effective remedy.¹⁶²



Protestors at Majdal Shams Main Square on January, 2020 (Credit: Al-Marsad)

6. Cultural, Religious, and Language Rights of Minorities

Art. 1, Para 1: All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social, and cultural development.

Art. 27: In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Under Articles 1 and 27, states—including occupying powers—must protect and promote the cultural development of all peoples, including minorities. In 1992, the General Assembly adopted resolution 47/135, “the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,” which explains that states are obligated to “take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory.”¹⁶³ By controlling every aspect of the educational system in the Syrian-Arab schools in the Golan and omitting relevant segments of the history and culture of the Syrian-Arab population, Israel has violated its obligations to the Syrian Arab population under Articles 1 and 27 of the ICCPR.¹⁶⁴

In 2016, the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories observed that the school curriculum in the Syrian Golan “sought to ‘diminish’ Syrian identity and culture as well as the civilization and history of the local community.”¹⁶⁵ This is part of an intentional

policy of implementing a “Druze” curriculum that is intended to sever children’s connection with the larger Arab community.¹⁶⁶ The Parents Committee in Majdal Shams added that “all decisionmakers emphasize [to the kids] that they are Druze, not Arabs,” reshaping the children’s self-identity.¹⁶⁷ The Committee called it a “systematic government approach to promote ignorance and misguided education.”¹⁶⁸ Even some children themselves recognize this: a Majdal Shams student described the educational system as “provid[ing] ideological education and distort[ing] the truth. They are a part of the process of Israelization.”¹⁶⁹

This practice continues today. For example, history books used in the 2017 educational curriculum of Golan schools failed to mention the 1967 war or the occupation of the Syrian Golan; they filter the region’s history by presenting the borders of Israel as encompassing the Occupied Golan without mentioning the occupation or its illegal annexation.¹⁷⁰ Israel’s systemic efforts to alter the ethnic and national identity of the Syrian Arabs in the Golan has the effect of isolating them from the larger Syrian Arab community.¹⁷¹

The following image is taken from the 4th grade geography book, “Isra`il: Al-Insan W-al Mada” (Israel: The Human and the Verizon). The caption underneath the picture translates to “Israel and its neighbors,” while the image falsely portrays Israel’s borders (in light Yellow) as encompassing the Palestinian Occupied Territories, the Gaza Strip, and the Occupied Syrian Golan.¹⁷² This action violates General Assembly resolutions that require the occupying power to ensure that the minority’s history, traditions, language, and culture are being taught.¹⁷³ Falsifying Israel’s borders and ignoring the Golan’s illegal annexation denies Syrian Arabs’ history.



Additionally, the Parents Committee in Majdal Shams explained that teachers cannot discuss politics, hang Syrian flags, nor teach the history of the Israeli occupation in the Golan.¹⁷⁴ Teachers are only allowed to teach Druze authors and historical figures.¹⁷⁵ Moreover, schools force Syrian Arab students to take exams separately from other Arabic speakers and attend exchange programs only between Druze and Jewish Israeli schools as opposed to Palestinian schools.¹⁷⁶

Israel has also implemented extracurricular programs that seek to diminish Syrian Arab identity and strengthen the connection to the Druze identity. Organizations such as the Israel Druze Boy and Girl Scout Association and the General Federation of Working and Studying Youth (or No'al) both have expanded in the Syrian Golan and funnel students to the Israeli military.¹⁷⁷

Although Syrian Arab school committees have blocked these organizations from holding programs during school hours, students are still repeatedly exposed to promotional campaigns

supporting the Druze identity. For example, such efforts include clips of Druze youth reading scripts describing themselves as “living in the north of Israel,” offering trips to the Occupied West Bank described as “the desert of Judea and Samaria,” and visiting a Druze holy place in the Galilee where they discussed anti-Sunni rhetoric.¹⁷⁸

These actions violate Article 1 of the Covenant because they deny Syrian Arabs’ right to “social and cultural development.” The curriculum diminishes Syrian identity and culture by obscuring and distorting historical events, such as the 1967 war and the Golan’s illegal annexation, which inform Syrian Arabs of their history and identity. Therefore, this system of education violates Syrian Arabs’ right to “enjoy their own culture, to profess and practise their own religion, [and] to use their own language” under Article 27.

In light of these facts, we ask the Committee to urge Israel:

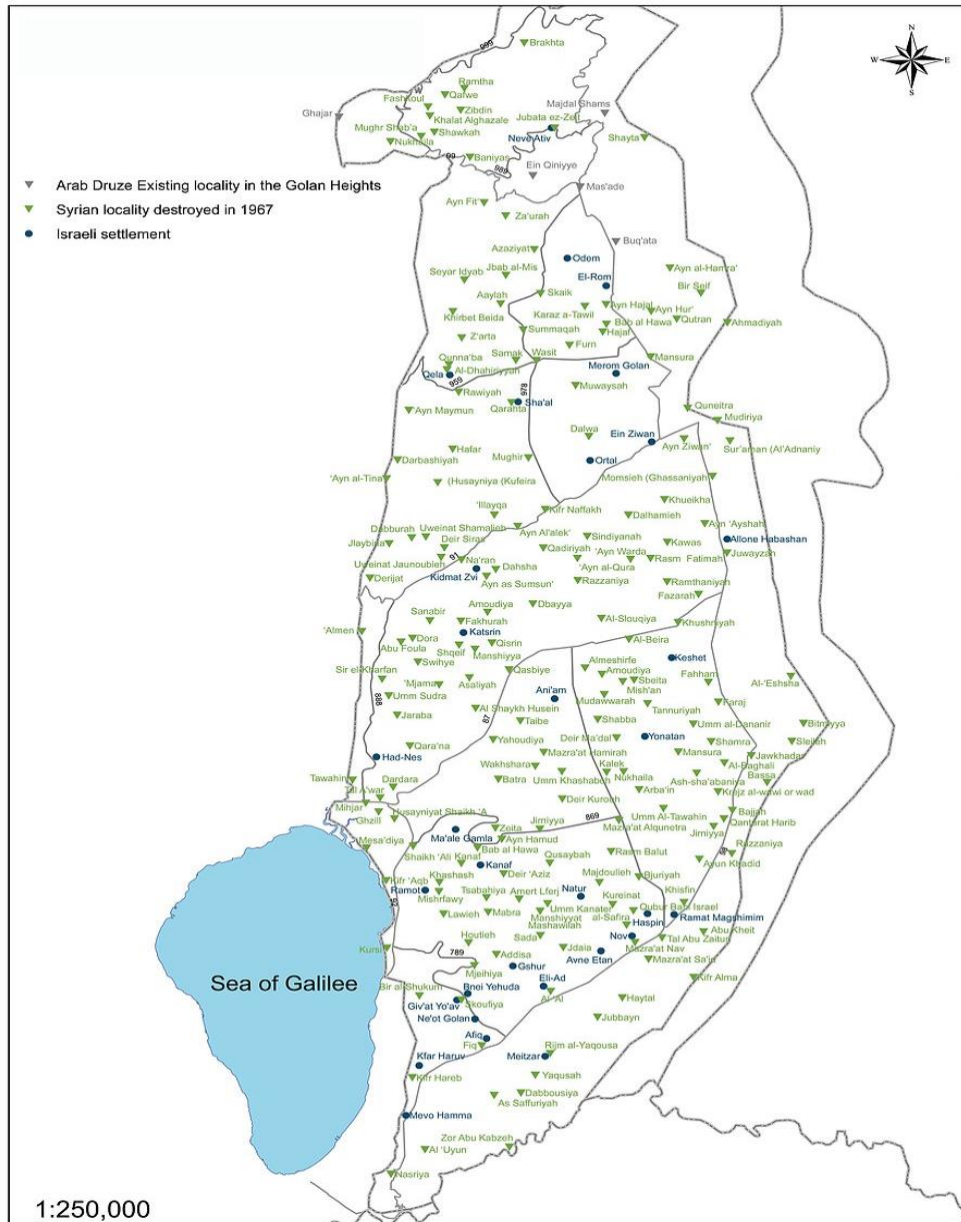
- To halt the construction of the Energix windfarm and other efforts to exploit the natural resources of the Occupied Golan for the benefit of the Israeli population;
- To cease the expansion of settlements in the Occupied Golan;
- To repeal the Anti-BDS law and discontinue the related legal action against Al-Marsad;
- To cease the issuance of demolition orders for homes built in Syrian Arab villages;
- To remove the landmines that currently exist in the Occupied Golan in accordance with principles of non-discrimination and without favor to Israeli settlements;
- To allow Syrian Arabs from the Occupied Golan to return to their homes and re-establish residency with their families

Conclusion

We urge the Committee to adopt the above-listed recommendations in its Concluding Observations subsequent to its review of Israel’s Fifth Periodic Report to this Committee.

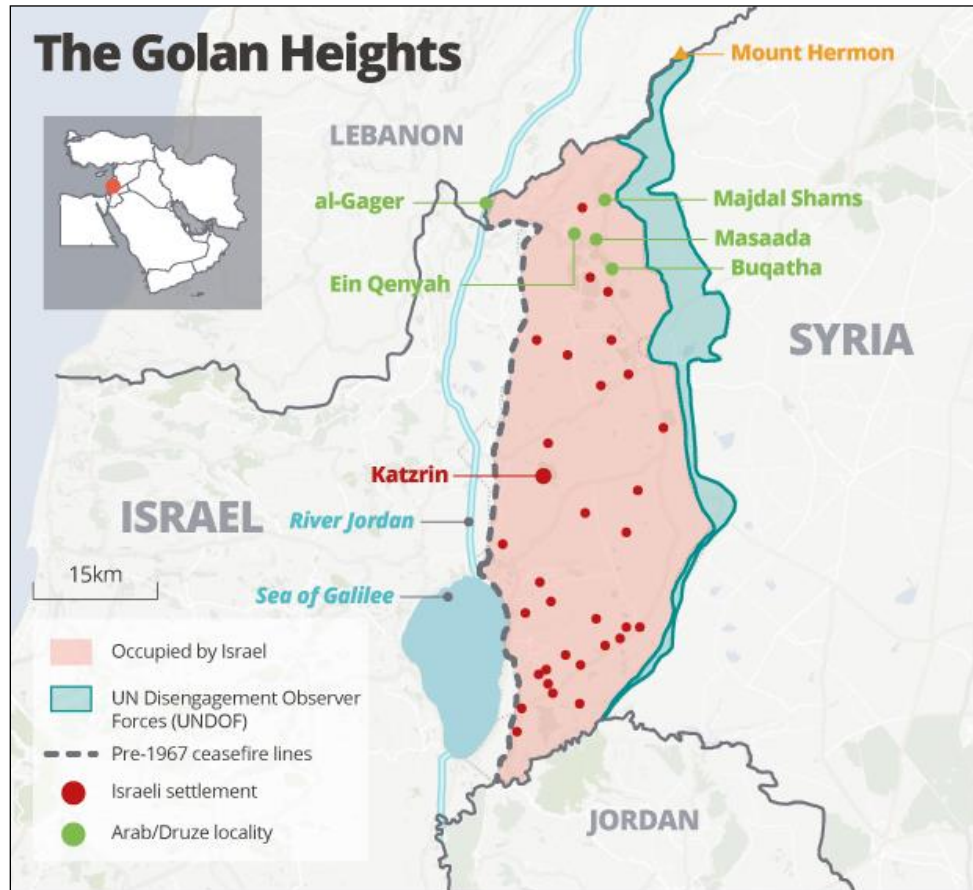
Annex

A. Map showing both destroyed and existing Arab villages and Jewish Israeli settlements.



Source: http://www.jawlan.org/openions/read_article.asp?catigory=106&source=5&link=2008

B. Map Showing Water Sources in the Occupied Golan and Israel.



Source: <https://www.middleeasteye.net/news/what-are-the-golan-heights>

¹ Vanessa Romo, Trump Formally Recognizes Israeli Sovereignty Over Golan Heights, NPR (March 25, 2019) available at <https://www.npr.org/2019/03/25/706588932/trump-formally-recognizes-israeli-sovereignty-over-golan-heights>.

² U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations on the Fourth Periodic Report of Israel*, ¶15, U.N. Doc. 13, E/C.12/ISR/CO/4 (12 November 2019).

³ Letter to the Government of Israel from the Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, AL ISR 16/2019, 20 Jan. 2020.

⁴ See Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 111 (July 9) (“[T]he International Covenant on Civil and Political Rights is applicable in respect of acts done by a State in the exercise of its jurisdiction outside its own territory.”); U.N. Human Rights Comm. (HRC), *Concluding Observations of the Human Rights Committee: Israel*, ¶ 11, U.N. Doc. CCPR/CO/78/ISR (Aug. 21, 2003) (noting that “the provisions of the Covenant apply to the benefit of the population of the Occupied Territories, for all conduct by the State party’s authorities or agents in those territories that affect the enjoyment of rights enshrined in the Covenant and fall within the ambit of State responsibility of Israel under the principles of public international law”).

⁵ See S.C. Res. 242 (Nov. 22, 1967).

⁶ “Syrian Golan” and “Occupied Golan” are used interchangeably throughout this report.

⁷ Usama R. Halabi, *Life Under Occupation in the Golan Heights*, 22 J. PALESTINE STUD. 78 (1992).

⁸ Al-Marsad, *Forgotten Occupation: Life in the Syrian Golan After 50 Years of Israeli Occupation*, GOLAN-MARSAD (March 2018), <https://golan-marsad.org/wp-content/uploads/2020/11/Al-Marsad-Forgotten-Occupation.pdf>

⁹ See Press Release, *Publication of a New Map of Syrian Villages and Farms Destroyed by Israel*, Al-Marsad Arab Human Rights Centre in the Golan Heights (Mar. 1, 2017), <http://golan-marsad.org/publication-of-a-new-map-of-syrian-villages-and-farms-destroyed-by-israel/> [hereinafter Al-Marsad, *Publication of a New Map*].

¹⁰ Ray Murphy & Declan Gannon et al, *Forgotten Occupation: Life in the Syrian Golan After 50 Years of Israeli Occupation*, Al-Marsad, Arab Human Rights Centre in the Golan Heights, 108 (2018).

¹¹ Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Article 47. See also S.C. Res. 242, ¶ 1, U.N. Doc. S/RES/242 (Nov. 22, 1967) available at <https://unispal.un.org/unispal.nsf/0/7D35E1F729DF491C85256EE700686136>; G.A. Res. 68/235, ¶ 2, 5, U.N. Doc. A/68/446 (Dec. 20, 2013), available at <https://www.un.org/unispal/document/auto-insert-190065/>.

¹² *Id.*

¹³ S.C. Res. 497, ¶ 1 (Dec. 17, 1981); G.A. Res. 64/95, ¶ 1 (Jan. 19, 2010).

¹⁴ R. Scott Kennedy. *The Druze of the Golan: A Case of Non-Violent Resistance*, 13 J. PALESTINE STUD. 48 (1984).

¹⁵ *Id.*

¹⁶ In most Syrian Arab towns, the figure is closer to 90%. See AL MARSAD, *Majority of Syrians Continue to Refuse Israeli Citizenship*, May 2018, <https://golan-marsad.org/majority-of-syrians-continue-to-refuse-israeli-citizenship/>.

¹⁷ Alessandro Delforno, *More Shadows than Lights: Local Elections in the Occupied Syrian Golan*, p. 36 (April 2019), <http://golan-marsad.org/wp-content/uploads/More-Shadows-than-Lights-Local-Election-in-the-Occupied-Syrian-Golan-1.pdf>.

¹⁸ See Murphy & Gannon et al, *supra* note 6, at 109.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Shimon Cohen, *We Need Another 100,000 Settlers in the Golan*, ARUTZ SHEVA (Sept. 15, 2017), <http://www.israelnationalnews.com/News/News.aspx/227936>. This echoed an earlier statement by Education Minister Naftali Bennet. Jodi Rudoren, *As Syria Reels, Israel Looks to Expand Settlements in Golan Heights*, N.Y. TIMES (Oct. 2, 2015), available at <https://www.nytimes.com/2015/10/03/world/middleeast/syria-civil-war-israel-golan-heights.html>.

²² The Israeli government has previously enacted land laws, such as the Land Acquisition Law (1953) and the Absentees' Property Law (1956), that allow Israel to seize Syrian Arabs' land and redistribute it among Jewish Israeli citizens and settlers.

²³ Israel Land Authority Projects, About Israel Land Authority, <https://land.gov.il/en/Pages/AboutUs.aspx> (last accessed May 14, 2020). See also HUMAN RIGHTS WATCH, ISRAEL: DISCRIMINATORY LAND POLICIES HEM IN PALESTINIANS (May 12, 2020), <https://www.hrw.org/news/2020/05/12/israel-discriminatory-land-policies-hem-palestinians>.

²⁴ HUMAN RIGHTS WATCH, ISRAEL: DISCRIMINATORY LAND POLICIES HEM IN PALESTINIANS (May 12, 2020), <https://www.hrw.org/news/2020/05/12/israel-discriminatory-land-policies-hem-palestinians>.

²⁵ Keren Kayemeth LeIsrael Jewish National Fund, Jewish People Land, <https://www.kkl-jnf.org/about-kl-jnf/kl-jnf-id/jewish-people-land/> (last visited May 14, 2020).

²⁶ U.N. Secretary-General, *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/70/406 (Oct. 5, 2015).

²⁷ See Law to Amend the Cooperative Societies Ordinance, 5771–2011, No. 8, § 6B (Isr.).

²⁸ The Jewish Agency started as an operative arm of World Zionist Organization, although the World Zionist Organization-Jewish Agency (Status) Law equates the World Zionist Organization with the Jewish Agency. In principle, World Zionist Organization has more political responsibilities, while the Jewish Agency is involved in financial and economic matters such as land settlement of Jews. See World Zionist Organization-Jewish Agency (Status) Law, 5713–1952, No. 1, § 3 (Isr.) (“The World Zionist Organization, which is also the Jewish Agency, takes care as before of immigration and directs absorption and settlement projects in the State.”); FED. RES. DIVISION, ISRAEL: A COUNTRY STUDY 200–01 (Helen Chapin Metz ed., 1990).

²⁹ See Law to Amend the Cooperative Societies Ordinance at § 6B-C.

³⁰ Nazez Brik (د. بريك), TaqirAn Al-Haq Bel-Sakan, Al-Jawlan Al-Mohtal (تقرير الحق بالسكن الجولان المحتل) 22(2017) (unpublished manuscript – can be made available upon request.)

³¹ *Id.* at 24.

³² Al Haq and Al Marsad, *Joint Parallel Report on Israel's Violations of the International Covenant on Economic, Social and Cultural Rights*, p. 3, 6 Sept. 2019, http://golan-marsad.org/wp-content/uploads/AM-AH_Joint-Parallel-Report-to-the-CESCR-Israel-2019.pdf.

³³ U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations on the Fourth Periodic Report of Israel*, ¶14, U.N. Doc. 13, E/C.12/ISR/CO/4 (12 November 2019).

³⁴ *Id.*, ¶15.

³⁵ Under the Guiding Principles on Business and Human Rights, Israel has a duty to monitor the activities of private entities, like Energix, to ensure that they do not infringe on human rights. Specifically, Article 1 requires states to “protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.” Furthermore, Article 4 mandates that states “take additional steps to protect against human rights abuses by business enterprises...that receive substantial support and services from State agencies...”

³⁶ MINISTRY OF ENVIRONMENTAL PROTECTION, *Ministry: We Plan to Extend Israel's Commitment to Agreements Reached at Paris Climate Conference*, 5 Nov. 2019,

https://www.gov.il/en/departments/news/israel_to_extend_its_commitment_to_paris_agreement (press release by the Israeli government noting that the “Paris Agreement creates economic opportunities for the State of Israel to transform Israel into a power of environmental technologies.”)

³⁷ *Periodic Report for 2018*, 21, Energix Renewable Energies Ltd. (2018), available at: <http://www.energix-group.com/uploads/1558340078.pdf>; *Periodic Report for 2017*, 17, Energix Renewable Energies Ltd. (2017), available at: <http://www.energix-group.com/uploads/1543916097.pdf>.

³⁸ Aaron Southlea & Dr. Nazez Brik, *Windfall: The Exploitation of Wind Energy in the Occupied Syrian Golan*, Annex I, Al-Marsad - Arab Human Rights Centre in Golan Heights (January 2019), available at: <http://golan-marsad.org/wp-content/uploads/Windfall-%E2%80%93-The-Exploitation-of-Wind-Energy-in-the-Occupied-Syrian-Golan.pdf>.

³⁹ *Periodic Report for 2018*, 57, Energix Renewable Energies Ltd. (2018), available at: <http://www.energix-group.com/uploads/1558340078.pdf>.

-
- ⁴⁰ Ellie Stern, *Clean Energy, Dirty Dealing: Syrian Druze Resist Greenwashing of Golan Occupation*, +972 MAG (Feb. 6, 2020), available at <https://www.972mag.com/syrian-druze-golan-heights-greenwashing/>.
- ⁴¹ Aaron Southlea & Dr. Nazez Brik, *Windfall: The Exploitation of Wind Energy in the Occupied Syrian Golan*, AL-MARSAD, 45–46 (January 2019), available at <http://golan-marsad.org/wp-content/uploads/Windfall-%E2%80%93-The-Exploitation-of-Wind-Energy-in-the-Occupied-Syrian-Golan.pdf>.
- ⁴² Aaron Southlea & Dr. Nazez Brik, *Windfall: The Exploitation of Wind Energy in the Occupied Syrian Golan*, AL-MARSAD, 45–46 (January 2019), available at <http://golan-marsad.org/wp-content/uploads/Windfall-%E2%80%93-The-Exploitation-of-Wind-Energy-in-the-Occupied-Syrian-Golan.pdf>.
- ⁴³ Aaron Southlea & Dr. Nazez Brik, *Windfall: The Exploitation of Wind Energy in the Occupied Syrian Golan*, AL-MARSAD, 43 (January 2019), available at <http://golan-marsad.org/wp-content/uploads/Windfall-%E2%80%93-The-Exploitation-of-Wind-Energy-in-the-Occupied-Syrian-Golan.pdf>.
- ⁴⁴ Aaron Southlea & Dr. Nazez Brik, *Windfall: The Exploitation of Wind Energy in the Occupied Syrian Golan*, AL-MARSAD, 45 (January 2019), available at <http://golan-marsad.org/wp-content/uploads/Windfall-%E2%80%93-The-Exploitation-of-Wind-Energy-in-the-Occupied-Syrian-Golan.pdf>.
- ⁴⁵ Cf. S.C. Res. 465, ¶ 5, 6, U.N.Doc. S/RES/465 (Mar. 1, 1980), available at <https://unispal.un.org/UNISPAL.NSF/0/5AA254A1C8F8B1CB852560E50075D7D5>; “Chapter 3: Israeli Settlements and International Law,” *Destination: Occupation*, AMNESTY INTERNATIONAL, pg. 29 (2019), available at <https://www.amnesty.org/download/Documents/MDE1594902019ENGLISH.PDF>.
- ⁴⁶ G.A. Res. 48/46, Activities of Foreign Economic and Other Interests which Impede the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under Colonial Domination, ¶ 2 (Mar. 26, 1994), available at <https://undocs.org/en/A/RES/48/46>; G.A. Res. 49/40, Activities of Foreign Economic and Other Interests which Impede the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under Colonial Domination, ¶ 2 (Jan. 30, 1994), available at <https://undocs.org/en/A/RES/49/40>.
- ⁴⁷ *Id.*
- ⁴⁸ *Joint Objection to the Wind Turbine Plan in North Golan* (Jun. 28, 2019).
- ⁴⁹ Energix, however, argues that it adequately consulted with the community because individual farmers signed contracts with Energix to allow construction of the wind turbines on their land. But the existence of these individual contracts alone does not settle the issue of self-determination because of the scale of Energix’s windfarm project. The windfarm not only affects specific land owners, but it will have detrimental effects on the entire Syrian Arab community.
- ⁵⁰ Letter to the Government of Israel from the Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, AL ISR 16/2019, 20 Jan. 2020.
- ⁵¹ Hans Corell, Under-Secretary General for Legal Affairs and Legal Counsel of the United Nations, reminded the President of the Security Council in his letter dated January 29, 2002, that administering powers must respect two conditions for the exploitation of natural resources in a non-self-governing territory to conform with international law: first, the resources must be exploited for the benefit of the peoples in the territory; and second, the resources must be exploited in their name or in consultation with their representatives. Hans Corell, Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, Addressed to the President of the Security Council, ¶ 24, UN Doc. S/2002/161 (Feb. 12, 2002), available at <http://www.ars.org/Olaeng.pdf> [hereinafter *Corell Letter*].
- ⁵² Aaron Southlea & Dr. Nazez Brik, *Windfall: The Exploitation of Wind Energy in the Occupied Syrian Golan*, 45–46, Al-Marsad - Arab Human Rights Centre in Golan Heights (January 2019), available at: <http://golan-marsad.org/wp-content/uploads/Windfall-%E2%80%93-The-Exploitation-of-Wind-Energy-in-the-Occupied-Syrian-Golan.pdf>.
- ⁵³ Aaron Southlea & Dr. Nazez Brik, *Windfall: The Exploitation of Wind Energy in the Occupied Syrian Golan*, 45–46, Al-Marsad - Arab Human Rights Centre in Golan Heights (January 2019), available at: <http://golan-marsad.org/wp-content/uploads/Windfall-%E2%80%93-The-Exploitation-of-Wind-Energy-in-the-Occupied-Syrian-Golan.pdf>.

⁵⁴ Letter to the Government of Israel from the Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, AL ISR 16/2019, 20 Jan. 2020.

⁵⁵ Letter to the Government of Israel from the Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, AL ISR 16/2019, 20 Jan. 2020.

⁵⁶ Syrian Arabs also cultivated their land as a means of resisting the expropriation of land and water by the occupying power. Michael Mason & Muna Dajani, *A Political Ontology of Land: Rooting Syrian Identity in the Golan Heights*, ANTIDOTE 188, 198 (2018).

⁵⁷ Michael Mason & Muna Dajani, *A Political Ontology of Land: Rooting Syrian Identity in the Golan Heights*, ANTIDOTE 188 (2018).

⁵⁸ Michael Mason & Muna Dajani, *A Political Ontology of the Land*, 51 ANTIDOTE 188, 196–98 (2018).

⁵⁹ U.N. Committee on Economic, Social and Cultural Rights, *General Comment No. 21, Right of Everyone to Take Part in Cultural Life (art. 15, para. 1(a), of the International Covenant on Economic, Social and Cultural Rights)*, ¶13, U.N. Doc. 13, E/C.12/GC/21 (21 December 2009).

⁶⁰ *Energix Group Profile*, WHO PROFITS: THE ISRAELI OCCUPATION INDUSTRY, available at: <https://whoprofits.org/company/energix-group-0/>.

⁶¹ Ahmad Melhem, *Trump Paves Way for Israel to Expand Settlements in Golan*, AL-MONITOR (Apr. 11, 2019), available at <https://www.al-monitor.com/pulse/originals/2019/04/israel-settlements-golan-heights-trump-syrians.html>. Although some windfarms have been built on lands allocated to settlements, they are not nearly as intrusive as the windfarms planned in the vicinity of Arab villages. Moreover, while the windfarms on settlement lands do not risk limiting the amount of land allocated to settlements, the windfarms built near Arab villages will restrict expansion of those villages. Finally, whereas Israeli settlers have many options of places to live, the Syrian Arabs are limited to the small parcels of land they have been allocated by the Israeli government.

⁶² In October 2018, the Israeli Supreme Court ordered municipal elections in the occupied Golan for the first time ever. The Syrian Arab Golan residents are rejecting these elections, calling it an “Israelization of the Golan Heights.” This Israelization aims to convince Syrian residents to reject their Syrian identity and accept Israeli citizenship. The residents are labeling these elections a “red line,” calling for a “full rejection” of them. Nour Samaha, *Syrians in Golan Heights to Boycott Municipal Election by Israel*, AL JAZEERA (June 21, 2018), available at <https://www.aljazeera.com/indepth/features/syrians-golan-heights-boycott-israel-election-area-180619180933900.html>.

⁶³ Aaron Southlea & Dr. Nazeem Brik, *Windfall: The Exploitation of Wind Energy in the Occupied Syrian Golan*, 33, Al-Marsad - Arab Human Rights Centre in Golan Heights (January 2019), available at: <http://golan-marsad.org/wp-content/uploads/Windfall-%E2%80%93-The-Exploitation-of-Wind-Energy-in-the-Occupied-Syrian-Golan.pdf>.

⁶⁴ Adalah, Israel’s Jewish Nation-State Law, ADALAH (Aug. 2, 2018), available at <https://www.adalah.org/en/content/view/9569>.

⁶⁵ *Id.*

⁶⁶ Mekorot: Israeli National Water Co., available at <https://www.mekorot.co.il/Eng/newsite/AboutUs/Pages/GeneralInformation.aspx>.

⁶⁷ Mekorot: Israeli National Water Co., available at <https://www.mekorot.co.il/Eng/newsite/AboutUs/Pages/GeneralInformation.aspx>.

⁶⁸ Mekorot: Israeli National Water Co., available at <https://www.mekorot.co.il/Eng/newsite/AboutUs/Pages/GeneralInformation.aspx>.

⁶⁹ Israel Ministry of Foreign Affairs, *Golan Heights Profile*, available at <https://mfa.gov.il/mfa/aboutisrael/maps/pages/golan%20heights.aspx>.

⁷⁰ *Golan Heights Profile*, BBC NEWS, (Mar. 25, 2019), available at <https://www.bbc.com/news/world-middle-east-14724842>.

⁷¹ Frederic C. Hof, *The Water Dimension of Golan Heights Negotiations*, 5 MIDDLE EAST POLICY COUNSEL (May 1997), available at <https://mepc.org/node/4715>.

⁷² Frederic C. Hof, *The Water Dimension of Golan Heights Negotiations*, 5 MIDDLE EAST POLICY COUNSEL (May 1997), available at <https://mepc.org/node/4715>.

⁷³ Letter dated 15 October 2010 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the General Assembly, available at <https://www.un.org/unispal/document/auto-insert-185344/>.

⁷⁴ Detailed U.N. Report on Israeli Occupation of Golan Heights, IF AMERICANS KNEW BLOG, (Mar. 22, 2019), available at <https://israelpalestineneews.org/detailed-u-n-report-on-golan-heights/>.

⁷⁵ Letter dated 15 October 2010 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the General Assembly, available at <https://www.un.org/unispal/document/auto-insert-185344/>.

⁷⁶ See Uri Davis, Antonia E.L. Maks, & John Richardson, *Israel's Water Policies*, J. PALESTINE STUD. 3, 20 (1980), <http://www.palestine-studies.org/jps/fulltext/38607> (“Water from these pumps is brought by [Israel’s National Water Carrier] Pipeline to the valley floor, where it is connected with an extensive irrigation network which is supplied by seven wells and is used to irrigate more than 20,000 dunums for the settlements of Yitav, Naran, Hagdud, Gilgal, Tomer, Phatzael and Massuah.”).

⁷⁷ See Lulu Garcia-Navaro, *Move Over Manischewitz, Israeli Wines Gain Acclaim*, NPR (Nov. 27, 2009), <http://www.npr.org/templates/story/story.php?storyId=120845694>.

⁷⁸ See Israeli Agricultural Settlement Expansion in the Occupied Syrian Golan During the Syrian Conflict, Al-Marsad, Arab Human Rights Centre in the Golan Heights 2, <http://golan-marsad.org/wp-content/uploads/Settlement-Agricultural-Expansion-in-the-Golan-Final-editedCrystal.pdf>.

⁷⁹ “Water Sources,” Mey Eden, <http://www.meyeden.co.il/water/source.asp>.

⁸⁰ G.A. Res. 48/46, Activities of Foreign Economic and Other Interests which Impede the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under Colonial Domination, ¶ 2 (Mar. 26, 1994), available at <https://undocs.org/en/A/RES/48/46>; G.A. Res. 49/40, Activities of Foreign Economic and Other Interests which Impede the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under Colonial Domination, ¶ 2 (Jan. 30, 1994), available at <https://undocs.org/en/A/RES/49/40>.

⁸¹ Corell Letter, available at <http://www.arso.org/Olaeng.pdf>.

⁸² מחלום למציאות – תוכנית הנחלות ביישובי הגולן [From Dream to Reality - The Settlement Plan in the Golan] מערכת שישי בגולן [Friday in the Golan Organization], 2015;

see also Al-Marsad, Arab Human Rights Centre in the Golan Heights, *The Golan Heights and Israel's Forgotten Occupation*, MUFTAH (Mar. 15, 2017), available at <https://muftah.org/golan-heights-israels-forgotten-occupation/#.WgSCJyMrJhA> [hereinafter Al-Marsad, *Forgotten Occupation*]. (“Aside from its natural beauty, the Golan has fertile soil and abundant water resources. As a result, a substantial agricultural industry has developed in Israeli settlements, that includes beef, vegetable, fruit, wine, and mineral water production.”).

⁸³ Interview with Tayseer Maray, former Director of the Golan Organization for Development (Sept. 19, 2017).

⁸⁴ Kathy Keary, *Water is Life: A Consideration of the Legality and Consequences of Israeli Exploitation of the Water Resources of the Occupied Syrian Golan*, Al-Marsad, Arab Human Rights Centre in the Golan Height 10 (2013).

⁸⁵ See Murphy & Gannon, *supra* note 6, at 24.

⁸⁶ See Jennifer Greenberg, *Best Attraction in the Golan Heights*, TIME OUT (2016), available at <https://www.timeout.com/israel/attractions/the-best-attractions-in-the-golan-heights>.

⁸⁷ *Id.*

⁸⁸ Al Marsad, *Monopolizing the Sites : The Politics of Tourism in the Occupied Golan*, <http://golan-marsad.org/wp-content/uploads/Monopolizing-the-Sites-The-Politics-of-Tourism-in-the-Golan.pdf>; Ami Ettinger, *In 2018, the State's Revenue from Inbound Tourism was about NIS 20.88 Billion*, ASHKUBIT (14 July 2019), <https://ashkubit.com/%D7%91-2018-%D7%94%D7%99%D7%95-%D7%94%D7%9B%D7%A0%D7%A1%D7%95%D7%AA-%D7%94%D7%9E%D7%93%D7%99%D7%A0%D7%94-%D7%9E%D7%AA%D7%99%D7%99%D7%A8%D7%95%D7%AA->

%D7%A0%D7%9B%D7%A0%D7%A1%D7%AA-%D7%9B-20-88-%D7%9E/ (In 2018, the tourism industry is estimated to make nearly \$6.5 billion (USD)).

⁸⁹ Interview with David Barel (Sept. 20, 2017)

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ Interview with a reliable and informed source requesting anonymity for security reasons (Sept. 19, 2017).

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ See Geoffrey Aronson, *Settlement Monitor*, 42 J. PALESTINE STUD. 160, 175–76 (2013); notes 16-19, *supra*, and accompanying text.

⁹⁷ See Press Release, *Israeli Authorities Demolish Home in the Occupied Syrian Golan*, Al-Marsad Arab Human Rights Centre in the Golan Heights, (Sept. 8, 2016),

<http://golan-marsad.org/press-release-israeli-authorities-demolish-home-in-majdal-shams-in-the-occupied-syrian-golan/> [hereinafter *Al-Marsad, Israeli Authorities Demolish*].

⁹⁸ U.N. Human Rights Comm. (HRC), *CCPR General Comment No. 18: Non-discrimination* (Nov. 10, 1989) <http://www.refworld.org/docid/453883fa8.html>.

⁹⁹ *Id.*

¹⁰⁰ U.N. Economic and Social Council, *Economic and Social Repercussions of the Israeli Occupation on the Living Conditions of the Palestinian People in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab Population in the Occupied Syrian Golan*, Res. A/72/90-E/2017/71, ¶ 82 (May 23, 2017), available at <https://unispal.un.org/DPA/DPR/unispal.nsf/0/A6BAAFBCB0A4A2098525813F005B1376>.

¹⁰¹ See Murphy & Gannon et al, *supra* note 6.

¹⁰² Al Marsad, *Forgotten Occupation*, pp. 112-114, <http://golan-marsad.org/wp-content/uploads/Al-Marsad-Forgotten-Occupation.pdf>.

¹⁰³ See U.N. Human Rights Comm. (HRC), *Concluding Observations of the Human Rights Committee: Israel*, ¶ 9, U.N. Doc. CCPR/C/ISR/CO/4 (Nov. 21, 2014) (expressing concern about the “discriminatory zoning and planning regime . . . that makes it almost impossible for [the Palestinians] to obtain building permits” and puts them at high risk of forced eviction and housing demolition.); see also *September 2017 Demolition and Displacement Summary*, Israeli Committee Against House Demolitions (Sept. 29, 2017), <https://icahd.org/2017/09/29/september-2017-demolition-displacement-summary/> (“Palestinians living [in] the West Bank also faced the abuse of the Israeli state this September [T]he Israeli state refused to issue building permits, and cited this as the cause of the demolition.”).

¹⁰⁴ See Adalah, *The Praver Plan and Analysis*, October 2011,

<http://www.adalah.org/upfiles/2011/Overview%20and%20Analysis%20of%20the%20Praver%20Committee%20Report%20Recommendations%20Final.pdf>; Suhad Bishara, ADALAH, *Adalah's Position Paper on "Praver II"*, (Feb. 23, 2017), <https://www.adalah.org/en/content/view/9049>.

¹⁰⁵ U.N. Committee on the Elimination of Racial Discrimination, *Concluding Observations of the Committee on the Elimination of Racial Discrimination, Israel*, CERD/C/ISR/CO/14-16 (March 9, 2012) ¶ 20.

¹⁰⁶ See Aronson, *supra* note 51, at 175–76; *Al-Marsad, Israeli Authorities Demolish*, *supra* note 97.

¹⁰⁷ Mr. Masoud’s land was taken for “security purposes.” Interview with Maziad Masoud (Sept. 18, 2017).

¹⁰⁸ *Supra* text accompanying note **Error! Bookmark not defined.**; Hanlon, *supra* note 13, at 71.

¹⁰⁹ U.N. Human Rights Comm. (HRC), *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, CCPR/C/21/Rev.1/Add.9 (Nov. 2, 1999).

¹¹⁰ Interview with Maziad Masoud (Sept. 18, 2017).

¹¹¹ *Id.*

¹¹² See notes 15-20, *supra* and accompanying text.

¹¹³ Interview with Rachel Barel & David Barel (Sept. 19, 2017). Instead, the couple made a contract with the government for 49 years, subject to renewal.

¹¹⁴ *Id.*

-
- ¹¹⁵ See Scott Wilson, *Golan Heights Land, Lifestyle Lure Settlers*, WASH. POST (Oct. 30, 2006), available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/10/29/AR2006102900926.html>.
- ¹¹⁶ Zena Tahhan, *Israel's Settlements: Over 50 Years of Land Theft Explained*, AL-JAZEERA (Nov. 21, 2017), available at <https://interactive.aljazeera.com/aje/2017/50-years-illegal-settlements/index.html>.
- ¹¹⁷ See notes 16-20, *supra* and accompanying text.
- ¹¹⁸ *Chongwe v. Zambia*, Communication No. 821/1998, U.N. Doc. CCPR/C/70/D/821/1998, ¶ 5.2 (Oct. 25, 2000); cf. *Ilhan v. Turkey* [GC], 2000-VII Eur. Ct. H.R. 267, ¶ 75–76 (2000); *Rochela Massacre v. Colombia*, Judgment, Inter-Am. Ct. H.R. ¶ 127 (May 11, 2007).
- ¹¹⁹ U.N. Human Rights Comm. (HRC), *Concluding Observations on the Initial Report of Angola*, ¶ 12, U.N. Doc. CCPR/C/AGO/CO/1 (Apr. 29, 2013).
- ¹²⁰ *Nobel Peace Prize-winning global campaign strongly condemns Israel's new use of landmines*, INT'L CAMPAIGN TO BAN LANDMINES, 15 Aug. 2011, <http://www.icbl.org/en-gb/news-and-events/news/2011/israels-use-of-landmines.aspx> Al-Marsad, *Landmines in the Occupied Golan and Israel's Obligations under International Human Rights and Humanitarian Law*, Al-Marsad, Arab Human Rights Centre in the Golan Heights (2015) [hereinafter Al-Marsad, *Landmines in the Occupied Golan*].
- ¹²¹ Explosive Litter, *Status Report on Minefields in Israel and the Palestinian Authority*, Survivor Corps 11 (2010).
- ¹²² Al-Marsad, *Suggested Issues for Consideration Regarding Israel's Third Periodic Report to the UN Committee on Economic, Social and Cultural Rights to Be Held on November 14–December 2, 2011* 8, Al-Marsad, Arab Human Rights Centre in the Golan Heights.
- ¹²³ Documented during field visits by the Cornell Law School International Human Rights Clinic (Sept. 18, 2017).
- ¹²⁴ The Monitor, “Golan Heights,” Landmine & Cluster Munition Monitor, Archives 1999–2014 (2000). <http://archives.the-monitor.org/index.php/publications/display?url=lm/2000/golan.html>.
- ¹²⁵ See *id.*
- ¹²⁶ Entry into Israel Regulations, 5734–1974, HH (Knesset) No. 2 (Isr.), available at <http://www.hamoked.org/files/2010/regulation%2011a.pdf>.
- ¹²⁷ See *id.*; see also Jer AP 8350/08 - 'Attoun et al. v. Minister of Interior et al. Petition for Order Nisi 1, 16 (Isr.) http://www.hamoked.org/items/110430_eng.pdf.
- ¹²⁸ See Law of Return, 5710–1950, HH (Knesset) (Isr.), <https://www.knesset.gov.il/laws/special/eng/return.htm>.
- ¹²⁹ Israel allows its citizens to have more than one citizenship as long as no person is a citizen of an “enemy state,” as defined by the Citizenship and Entry into Israel Law. See Nationality Law 5712, Part III, para 14 (1952); see also Interview with a reliable and informed source requesting anonymity for security reasons (Sept. 18, 2017).
- ¹³⁰ *Id.*
- ¹³¹ Nizar Ayoub, Letter to Ambassador Lars Faaborg-Andersen (Mar. 7, 2017), available at <http://golan-marsad.org/wp-content/uploads/Letter-regarding-travel-restrictions-for-native-Syrian-residents-of-the-Occupied-Syrian-Golan-EU.pdf> [hereinafter Letter to Ambassador Lars Faaborg-Andersen].
- ¹³² HENLEY & PARTNERS, THE HENLEY & PARTNERS VISA RESTRICTIONS INDEX 2016 2, Henley & Partners & International Air Transport Association (2016), <https://www.henleyglobal.com/files/download/HP/hvri/HP%20Visa%20Restrictions%20Index%20160223.pdf>.
- ¹³³ See Letter to Ambassador Lars Faaborg-Andersen, *supra* note 131.
- ¹³⁴ See Murphy & Gannon, *supra* note 6, at 24.
- ¹³⁵ See Hanlon, *supra* note 13, at 71.
- ¹³⁶ See Chana Ya'ar, *Syria: Not All Druze Students Return Home to Israel*, ARUTZ SHEVA (July 12, 2013), <http://www.israelnationalnews.com/News/News.aspx/169836>; see also Patrick O. Strickland, *Syrian students make rare return to Israeli-occupied Golan Heights*, MIDDLE EAST EYE (July 21, 2014), <http://www.middleeasteye.net/news/syrian-students-make-rare-return-israeli-occupied-golan-heights-2101703876>.
- ¹³⁷ The Associated Press, *Students Return to Golan After a Year's Free Education in Syria*, HAARETZ (July 5, 2005), <https://www.haaretz.com/news/students-return-to-golan-after-a-year-s-free-education-in-syria-1.162694>.
- ¹³⁸ See Patrick O. Strickland, *Syrian Students Make Rare Return to Israeli-Occupied Golan Heights*, MIDDLE EAST EYE (July 21, 2014), <http://www.middleeasteye.net/news/syrian-students-make-rare-return-israeli-occupied-golan-heights-2101703876>; see also Patrick Strickland, *Golan Heights: New Flashpoint in Syria War?*, AL JAZEERA (Sept. 14, 2014).

-
- ¹³⁹ See Isabel Kershner, *Echoes of Syria's War in the Golan Heights*, N.Y. TIMES (Aug. 7, 2012).
- ¹⁴⁰ See HaMoked: Center for the Defence of the Individual, Nationality and Entry into Israel Law (Temporary Order) (Amendment No. 2), 5767–2007 (2010), http://www.hamoked.org/files/2010/8880_eng.pdf. In *Adalah, et. al., v. Minister of Interior, et. al.*, H.C. 7052/03, the Israeli Supreme Court upheld the constitutionality of the Nationality and Entry into Israel Law, legitimizing arbitrary interference with families of Syrians in the Golan. See Al-Marsad, *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*, Al-Marsad, Arab Human Rights Centre in the Golan Heights 22 (2012) [hereinafter Al-Marsad, *Parallel Report*].
- ¹⁴¹ Interview with Emil Masoud, (April 11, 2019).
- ¹⁴² Interview with a reliable and informed source requesting anonymity for security reasons (Sept. 20, 2017).
- ¹⁴³ U.N. Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Israel, at 9 (Nov. 21, 2014).
- ¹⁴⁴ General Comment No. 34 ¶ 11, at 3.
- ¹⁴⁵ *Id.* ¶ 9, at 1-2.
- ¹⁴⁶ Aaron Southlea & Dr. Nazeh Brik, *Windfall: The Exploitation of Wind Energy in the Occupied Syrian Golan*, AL-MARSAD, 45–46 (January 2019), available at <http://golan-marsad.org/wp-content/uploads/Windfall-%E2%80%93-The-Exploitation-of-Wind-Energy-in-the-Occupied-Syrian-Golan.pdf>.
- ¹⁴⁷ U.N. Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, Mission to Israel and the Occupied Palestinian Territory A/HRC/20/17/Add.2, ¶ 34 (11 June 2012).
- ¹⁴⁸ U.N. Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, Mission to Israel and the Occupied Palestinian Territory A/HRC/20/17/Add.2, ¶ 34 (11 June 2012).
- ¹⁴⁹ Al-Marsad, *Al-Marsad Submits Response to Energix Lawsuit*, (Oct. 1, 2019), available at <https://golan-marsad.org/al-marsad-submits-response-to-energix-lawsuit/>.
- ¹⁵⁰ Mandates of the Special Rapporteur on the Situation of Human Rights Defenders; the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment and the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, AL ISR 16/2019 (Jan. 20, 2020), at 6 [hereinafter Mandates of the Special Rapporteurs].
- ¹⁵¹ Mandates of the Special Rapporteurs, AL ISR 16/2019 (Jan. 20, 2020), at 6.
- ¹⁵² Mandates of the Special Rapporteurs, AL ISR 16/2019 (Jan. 20, 2020), at 7.
- ¹⁵³ *Energix Enters Syrian Agricultural Lands Under Heavy Israeli Police Protection*, GOLAN-MARSAD, <https://golan-marsad.org/energix-enters-syrian-agricultural-lands-under-heavy-israeli-police-protection/?fbclid=IwAR3PKocR8HhSnjgmexeJlg6MFvyeL.SAtXrluriidZ0hG9UXqEO4qrUPAzE4> (last visited April 2, 2021).
- ¹⁵⁴ *Israeli Police Fired Rubber Bullets and Tear Gas Against Syrian Civilians in the Occupied Golan*, GOLAN-MARSAD, <https://golan-marsad.org/israeli-police-fired-rubber-bullets-and-tear-gas-against-syrian-civilians-in-the-occupied-golan/?fbclid=IwAR28z9qP7zaU-oYzrtOTf2UOS2iBb5NKAXW-i5sRmAGlGyWIZ4rYuNsDNTc> (last visited April 2, 2021).
- ¹⁵⁵ *Id.*
- ¹⁵⁶ *Universal Declaration of Human Rights*, UNITED NATIONS, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- ¹⁵⁷ *The October 2000 Killing*, ADALAH (30 September 2020) <https://www.adalah.org/en/content/view/10127>.
- ¹⁵⁸ Rohini J Haar, Vincent Lacopino, Nikhil Ranadive *et al.*, *Death, Injury and Disability from Kinetic Impact Projectiles in Crowd-Control Settings: a Systematic Review*, 7:12 BMJ Open 1, 7 (June 2017) <https://bmjopen.bmj.com/content/bmjopen/7/12/e018154.full.pdf>.
- ¹⁵⁹ Al-Marsad, *Al-Marsad Submits Response to Energix Lawsuit*, (Oct. 1, 2019), available at <https://golan-marsad.org/al-marsad-submits-response-to-energix-lawsuit/>.
- ¹⁶⁰ Al-Marsad, *Al-Marsad Submits Response to Energix Lawsuit*, (Oct. 1, 2019), available at <https://golan-marsad.org/al-marsad-submits-response-to-energix-lawsuit/>.

¹⁶¹ These hazards are detailed in the *Joint Objection to the Wind Turbine Plan in North Golan* by human rights organizations, including Al-Marsad. The objection was submitted to the National Infrastructure Committee on June 28, 2019.

¹⁶² See Commentary to the Declaration on Human Rights Defenders, at 90.

¹⁶³ G.A. Res. 47/135, annex, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, art. 4 ¶ 4 (Dec. 14, 1992).

¹⁶⁴ For this report, representatives from the Israeli government, including the Majdal Shams Israeli government-appointed mayor—Mr. Dawlan Abu Saleh—and the Ministry of Education director of the Golan, were contacted for their input. Both rejected the meeting.

¹⁶⁵ U.N. Secretary-General, *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, U.N. Doc. A/71/352 (Aug. 23, 2016), <http://undocs.org/A/71/352>.

¹⁶⁶ Amal Aun, Israeli Education Policies as a Tool for the Ethnic Manipulation of the Arab Druze: Israel and the Occupied Syrian Golan, May 2018, file:///Users/slb348/Downloads/Thesis_Final_Amal_Aun.pdf.

¹⁶⁷ Interview with the Parents Committee, (Fall 2017).

¹⁶⁸ Interview with the Parents Committee, (Fall 2017).

¹⁶⁹ Interview with Students, (April 9, 2019).

¹⁷⁰ See MUHAMMED YUSUF, I LOVE YOU, MY HOMELAND, Israeli Ministry of Education (2017).

¹⁷¹ See Yusri Khaizaran, *Kitab Dirasat: A Yearly Research Book of Law and Policy*, Dirasat Center 3, 55 (2013); Al-Marsad, *Human Rights Violations Committed by the State of Israel in the Occupied Syrian Golan: Submission to the United Nations Universal Periodic Review of The State of Israel*, Al-Marsad, Arab Human Rights Centre in the Golan Heights 1, 5 (2017).

¹⁷² ISRA'IL: AL-INSAN W-AL MADA (ISRAEL: THE HUMAN AND THE VERIZON) 7 (2008),

<http://school.kotar.cet.ac.il/KotarApp/Viewer.aspx?nBookID=97766905#8.725.6.default>.

¹⁷³ G.A. Res. 47/135, annex, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, art. 4 ¶ 4 (Dec. 14, 1992).

¹⁷⁴ Interview with the Parents Committee, (Fall 2017).

¹⁷⁵ Interview with Students, (April 9, 2019).

¹⁷⁶ Matt Broomfield, *How Israel Weaponizes Education in Occupied Golan Heights*, ELECTRONIC INTIFADA (April 4, 2018), available at <https://electronicintifada.net/content/how-israel-weaponizes-education-occupied-golan-heights/23811>.

¹⁷⁷ Matt Broomfield, *How Israel Weaponizes Education in Occupied Golan Heights*, ELECTRONIC INTIFADA (April 4, 2018), available at <https://electronicintifada.net/content/how-israel-weaponizes-education-occupied-golan-heights/23811>.

¹⁷⁸ Matt Broomfield, *How Israel Weaponizes Education in Occupied Golan Heights*, ELECTRONIC INTIFADA (April 4, 2018), available at <https://electronicintifada.net/content/how-israel-weaponizes-education-occupied-golan-heights/23811>.