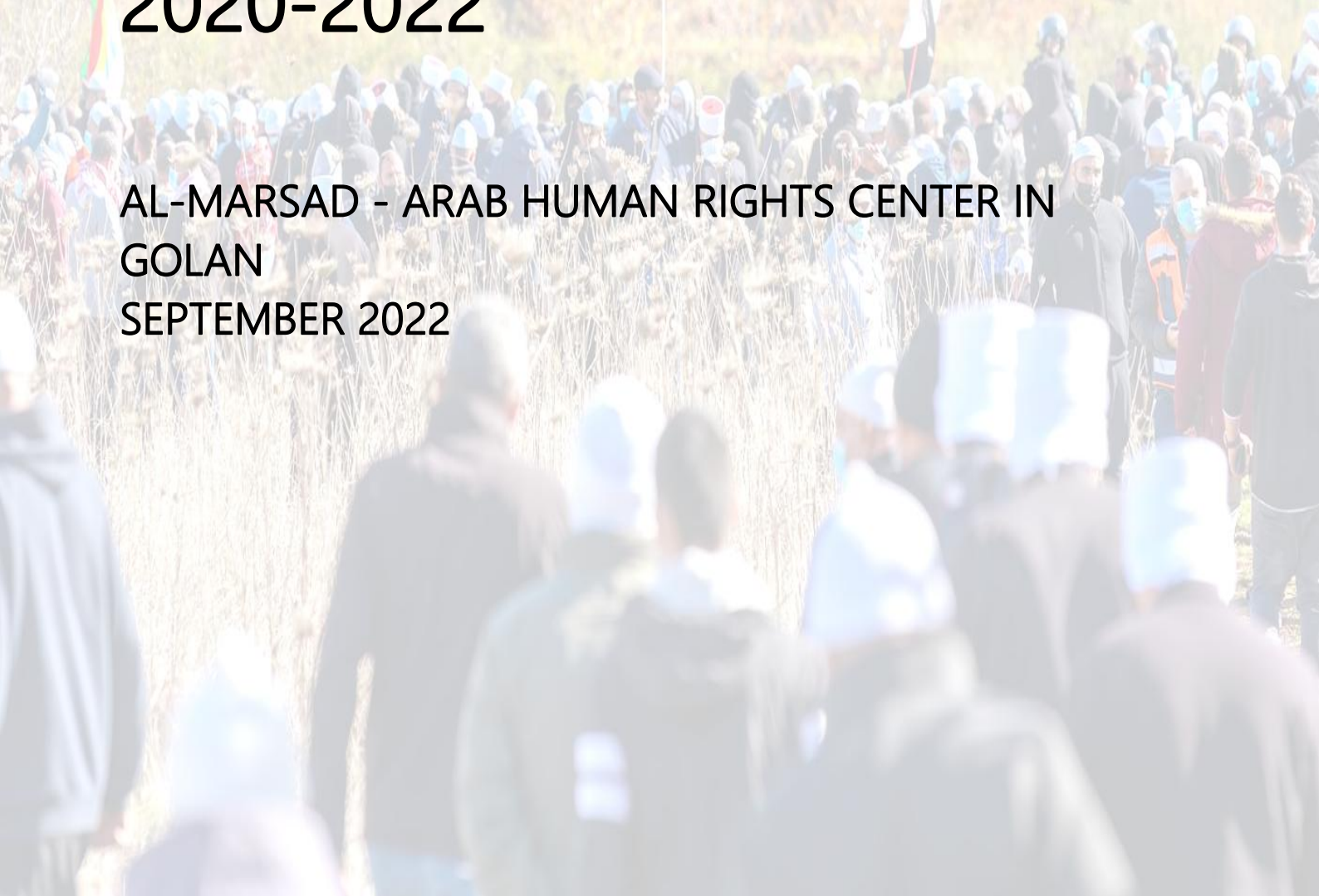


THE SITUATION FOR HUMAN RIGHTS DEFENDERS IN THE OCCUPIED SYRIAN GOLAN: 2020-2022

AL-MARSAD - ARAB HUMAN RIGHTS CENTER IN GOLAN
SEPTEMBER 2022



1. EXECUTIVE SUMMARY

In 2020-2022, the Israeli occupying authorities, including via their security forces, and in partnership with a private corporation, have carried out a series of violations of international human rights law against Syrian human rights defenders in the occupied Syrian Golan. In doing so they have been seeking to silence opposition to their settler-colonial policies and the attendant violations of international law they are committing.

During the two year period Syrian human rights defenders in the occupied Syrian Golan, have been active in raising awareness of, mobilising opposition to, and peacefully demonstrating against, two main sets of human rights violations. The first of these is the imposition of the 'Energix' wind energy project, an project back by the occupying Israeli authorities which would have far-reaching destructive consequences for the Syrian indigenous community in diminishing their remaining ancestral lands, damaging the environment, and undermining their economic independence. The second has been violations by the Israeli authorities against Palestinian Arab indigenous communities elsewhere.

In this research briefing Al-Marsad has documented three groups of violations against human rights defenders. In the first, between 8 and 9 December 2020, Israeli occupying security forces from the MAGAV and local police illegally entered indigenous farm lands escorting Energix machinery. They then attacked community activists and farmers peacefully and lawfully demonstrating against their presence, injuring 30 through excessive and unnecessary force, and arbitrarily arresting eight.

In the second, the Israeli anti-Boycott, Divestment Sanctions (BDS) laws were instrumentalized by Energix in an effort to silence Al-Marsad through a Strategic Litigation Against Public Participation (SLAPP). In the third, Energix made similar SLAPP attempts and threats thereof in an effort to silence other community activists and leaders. At the same time the Israeli police and intelligence services carried out threats, intimidation, and interrogation of activists demonstrating in solidarity with Palestinians and conducting awareness raising and/or organising against the wind energy project.

These violations occur in a context of both historic and escalating marginalization and discrimination against the Syrian indigenous population of the Golan, as well as Palestinians. The human rights defenders interviewed by Al-Marsad were clear that the risks against them are escalating. There is popular opposition to the imposition of the Energix wind energy project. The company, with the Israeli occupying authorities as its handmaiden, have refused to cease the project. Rather, security forces have shown an ongoing willingness to quell dissent and integrate the indigenous population by force when they are unable to be co-opted through other means. Whilst many human rights defenders are now more cautious, they told Al-Marsad that they will not stop their peaceful activism or participation in demonstrations.

In September 2022, violations against Syrians including those targeting against human rights defenders, are continuing. Energix is scheduled to commence construction of the wind energy project imminently. These violations are likely to be met with yet more peaceful activism by Syrian human rights defenders in the Golan, seeking to expose and resist them, and defend indigenous communities. They are at high-risk of being targeted with further threats, intimidation and direct violence by the occupying Israeli authorities.

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Cover image: Photograph of the 9 December 2020 demonstration against the imposition of the Energix wind energy project.

2. CONTEXT

- 2.1 In 1967 the Israel military occupied two-thirds of the Golan, committing a series of violations of international human rights and a humanitarian law, culminating in the forced displacement of 95% of the Syrian Arab indigenous population. In 2022, 27,000 Syrian Arabs remain, located in five villages and their surrounding farmland. The Israeli occupation has escalated and morphed over the decades since into a patent project of settler-colonisation, which systematically marginalizes and denies the rights of the indigenous population. The occupying authorities have systematically seized the land and extracted the resources of the occupied Syrian Golan to advance their political and economic objectives. This is congruent with the occupying authorities self-stated Zionist ideology. The resulting violations of international human rights law and International Humanitarian Law, including the unilateral and internationally denounced annexation of the Golan and repression of the indigenous population, have been well documented by the United Nations and human rights organisations, including Al-Marsad.¹
- 2.2 Since the early 2000s, and particularly since the onset of the military conflict in Syria in 2011 and the removal of any immediate viable route to safe integration with Syria, the occupying authorities have primarily used economic and cultural means to co-opt the indigenous population. In conjunction with this, there was a lull in overt repression of the indigenous population. This began to change with the imposition of Israeli local elections in 2018, the unilateral US recognition of Israel sovereignty over the Golan in 2019, and the exponential expansion of settlements and expropriation of Syrian lands announced in late 2021. This escalation has been met by peaceful demonstrations, which in the case of the demonstrations against the elections were met by violence from the Israeli occupying security forces.²
- 2.3 In the latest phase of the occupying authorities project a private corporation, 'Energix Renewable Energies', backed and enabled by the occupying authorities, has been seeking to commence construction of a massive wind energy project. Construction is due to commence in September 2022.
- 2.4 This project would result in the large-scale appropriation and destruction of one fifth of the already diminished traditional farm lands owned by the indigenous population. It would also have far-reaching negative impacts on the social and economic fabric of four of the five remaining Syrian communities in the occupied Syrian Golan, to whom this land not only safeguards their independence and economic well-being, but has deep spiritual and cultural significance. The project constitutes a violation of international law. The vast majority of the indigenous population oppose it and maintain that it is being imposed on them despite their peaceful resistance. The project and surrounding issues have been documented in detail by Al-Marsad.³

¹ Al-Marsad, Ethnic Planning: The Ethnic Based Urban Planning Policies and Practices in the Occupied Syrian Golan, September 2022.

² Al-Marsad, More Shadows Than Lights: Local Elections in the Occupied Syrian Golan, 2019, <https://golan-marsad.org/more-shadows-than-lights>; see also Al-Mayadeen, "Sit-in by the People of the Occupied Syrian Golan Opposing the Israeli Projects," 11 October 2021, www.almayadeen.net.

³ Al-Marsad, Wind Fall: The Exploitation of Wind Energy in the Occupied Syrian Golan, March 2019, <https://golan-marsad.org/wind-fall-the-exploitation-of-wind-energy-in-the-occupied-syrian-golan>; Al-Marsad, Ethnic Planning: The Ethnic Based Urban Planning Policies and Practices in the Occupied Syrian Golan, September 2022.

2.5 Human rights defenders and the indigenous population in the occupied Syrian Golan remain largely isolated, with limited sources of outside support. One source of solidarity are Palestinians and Palestinian human rights defenders, who have also been targeted by the same settler-colonial policies and similar methods and means of control. The context and experiences of the indigenous Arab communities in the Golan, Israel and Palestine are intimately linked, and human rights defenders between these communities have historically stood together in mutual solidarity.

2.6 The Israeli authorities have a well-documented history of targeting and silencing peaceful activism and dissent by human rights defenders from Arab communities, including through direct use of violence. This includes a history of illegal use of force and arbitrary arrest against demonstrations by non-Jewish Arab populations in areas under their control.⁴ Most recently on 18 August 2022, occupying Israeli security forces illegally attacked the offices of six Palestinian human rights and civil society organisations in Ramallah in the occupied West Bank, ordered their closure, and threatened their staff with detention. This has been widely denounced by the UN, states and human rights organisations.⁵

Methodology

2.7 For this research Al-Marsad interviewed nine Syrian human rights defenders, collected and reviewed a large quantity of photographic, video, documentary and medical evidence, and examined the scene of the 9 December 2020 demonstration. Seven of the human rights defenders were survivors and witnesses to the events on 9 December 2020, in addition to other violations.

2.8 Al-Marsad adopts the UN Special Rapporteur on Human Rights Defenders' definition of a human rights defender, namely "people who, individually or with others, act to promote or protect human rights in a peaceful manner". This is inclusive of people acting to raise awareness of, or mobilize opposition to, human rights violations, and organizers and participants in peaceful demonstrations.⁶

Legal Framework

2.9 As the occupying and current de facto authority in the occupied Golan, Israel is subject to international human rights law. Israel is a signatory to the ICCPR, and as such is obliged to protect and advance the right to freedom of expression, right to lawful and peaceful assembly, right to freedom from arbitrary arrest, and right to bodily and mental security of human rights defenders in the occupied Golan. These rights and obligations are reaffirmed by the UN Declaration on Human Rights Defenders (UNDHRD) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), to which Israel is also a signatory.⁷ This includes the obligation that states, in this case Israel as the de facto authority assuming state responsibility, "respect human rights defenders on a

⁴ See for example: UN HRC, Report of the detailed findings of the independent international Commission of Inquiry on the protests in the Occupied Palestinian Territory, 18 March 2019, A/HRC/40/CRP.2; UN HRC, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 9 May 2022, A/HRC/50/21, page 14; Centre for Human Rights, University of Pretoria, Academic review of law enforcement use of force, accessed August 2022, www.policinglaw.info/country/israel and <https://www.rightofassembly.info/country/israel>.

⁵ Al-Haq, Alert: Israeli Occupying Forces Raid, Damage and Close Offices of Al-Haq and other Designated Organisations, 18 August 2022, www.alhaq.org/advocacy/20442.html.

⁶ OHCHR, Special Rapporteur on Human Rights Defenders: About Human Rights Defenders, <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders>.

⁷ The UN Declaration on Human Rights Defenders; The UN Declaration on the Rights of Indigenous Peoples.

non-discriminatory basis, protect them against any arbitrary action as a consequence of the legitimate exercise of the rights referred to in the Declaration, and ensure access to effective remedies in the case of violations and prompt and impartial investigations of alleged violations.”⁸

2.10 Given the illegitimacy of Israeli sovereignty over the occupied Golan, Israeli law on the use of force by law enforcement is superseded by international law. This is enumerated in the 1990 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement, with further guidance provided by OHCHR on human rights-compliant use of less-lethal weapons by law enforcement. Such force, whether against peaceful demonstrations or otherwise, must be reasonable, legally necessary and proportionate. Further, dependent on the type and model of less-lethal weapon, they should be from a particular range and against specific non-sensitive body parts.⁹

3. THE ATTACK AGAINST THE 9 DECEMBER 2020 DEMONSTRATORS

3.1 On 9 December 2020, in the farmlands 5km south east of Majdal Shams, Israeli Border Police (MAGAV) including from the Special Unit (YAMAM), and local police, used excessive force and arbitrary arrest against lawful and peaceful demonstrations by the Syrian Arab indigenous population. The demonstrations were held to protest the presence of these security forces and the accompanying Energix wind project machinery on traditional Syrian-owned farmlands. MAGAV-YAMAM and local police injured at least 30 demonstrators and arbitrarily arrested eight.

3.2 The YAMAM are an arm of the MAGAV falling under the command of the Israeli police, with mixed military and law enforcement responsibilities. They operate as Israel’s counter-terrorism and ‘special weapons and tactics’ force. During the attack on demonstrators they were identified by the demonstrators from their distinctive uniforms and equipment, and the YAMAM moniker on their uniform. Also present were local police officers from Masaada and Katzrin, including senior commanders who were identified personally by demonstrators.¹⁰

Illegal, Forceful and Provocative Occupation of Farmlands

3.3 Between 7 and 9 December 2020, MAGAV and local police trespassed on and occupied a large portion of the communal Hafayr farmlands located between Majdal Shams and Masaada, and adjacent to the 1974 Syria-Israel ceasefire line. These farmlands are divided into numerous small holdings owned by tens of farmers and their families. The MAGAV and local police did so whilst escorting plant machinery apparently taking soil samples for the Energix wind energy project, in order to enable them to carry out their work.¹¹

3.4 The MAGAV and local police, and those operating the machinery, entered the farmlands without warning or obtaining the permission of the farmers whose land they were occupying. In addition,

⁸ OHCHR, The Declaration on Human Rights Defenders, <https://www.ohchr.org/en/civic-space/declaration-human-rights-defenders> ; also see UNDHRD, Article 12.

⁹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement> <https://www.ohchr.org/en/publications/policy-and-methodological-publications/united-nations-human-rights-guidance-less>

¹⁰ <https://www.police.gov.il/yamam/>; confidential sources on file.

¹¹ Confidential sources on file.

legal representatives for the farmers, both those owning the land through which access is required to enter the farmlands upon which construction planned, as well as neighbouring farmers who will be negatively impacted by the project, had already written to Energix and the courts as of July 2020, informing them that Energix had no right to enter their lands. In doing so they informed Energix that the small number of farmers who had previously signed agreements to lease their land for construction of the project were now nullifying these agreements, and that Energix no longer had any right to enter their lands. It was clear that neither Energix nor the security forces had any lawful right to enter the farmlands.¹²

3.5 The MAGAV and local police came in force. With reinforcements arriving over the three days, these forces are estimated to have numbered up to 400 by the end of their occupation. They were routinely armed, wore body armour and riot gear, had a variety of less-lethal weapons, and were accompanied by horse-mounted personnel and drones. They established hard checkpoints around the perimeter and within the area, and closed all the main roads leading through the area, blocking access to the farmers and landowners of multiple fields and orchards within the area.¹³

3.6 On 7 and 8 December 2020, farmers attempted to enter their lands to cultivate their fields and/or ask the security forces and machinery to leave from their land. The MAGAV and local police refused to comply and refused to allow them to enter despite their appeals. An urgent application by the community to the Supreme Court in Jerusalem on 8 December resulted in the court ordering that the security forces and the company leave the farmlands within the following 48 hours.¹⁴

3.7 The actions of the MAGAV and local police were highly provocative. The farmlands have deep symbolic, spiritual and ancestral significance to the indigenous population, and constitute a material basis for their continued independence in the face of the Israeli occupation. The occupation on 7-9 December 2020 by the security forces, and the wind energy project as a whole, are seen by the community as an attack on them, another step towards forced integration with Israel and forced appropriation of their resources.¹⁵



¹² Confidential sources on file.

¹³ Confidential sources on file.

¹⁴ Confidential sources on file.

¹⁵ Confidential sources on file.

Photograph of Israeli occupying security forces checkpoint, 8 December 2020

3.8 On 8 December 2020, over 100 people from the Syrian villages of Majdal Shams, Masaade, Buqatha, and Ein Qinyye, met at the Maqam Yafouri shrine within the farmlands, and decided to conduct a peaceful march through the farmlands to the machinery and the security forces. They unanimously agreed that the action would be completely peaceful and lawful. They planned to go and tell the security forces and those operating the machinery to leave, stand in the way of the machinery to frustrate it's work, and stay on their own land, tying themselves to trees or to the land if needs be.¹⁶

"The Israelis came equipped for war. We have nothing. We are isolated. We have no weapons. We have no outside support. We know from their racist approach to policing Palestinians and Syrians, that even one stone from us or one drop of Israeli blood, would mean a huge violent reaction against all of us." Syrian human rights defender.¹⁷

The Demonstration

3.9 On the morning of 9 December 2020, at approximately 07:30, around 100 demonstrators met at the Maqam Yafouri. Over the course of the demonstration several hundred more demonstrators arrived, meaning that by the end they numbered approximately 400 in total. They included women, men, and children as young as 11 years old. They included both farmers who owned the land being trespassed upon, and farmers and other community members standing in solidarity with them against the occupation and the wind farm project. The core of the demonstrators and the vast majority were male Druze religious leaders and religious men committed to non-violence, and wearing full conspicuous religious garb, including many elderly men in their 70s. All were unarmed.¹⁸



Photograph of demonstrators at the the lines of the security forces¹⁹

¹⁶ Confidential sources on file.

¹⁷ Confidential sources on file.

¹⁸ Confidential sources on file.

¹⁹ Confidential sources on file.

3.10 They set off, the vast majority on foot but with some in vehicles, marching south east. They did so in the direction of the machinery and the largest conglomeration of security forces. These were visible to the demonstrators from across the farmlands. They circumvented the main checkpoints of security forces and large groups of MAGAV and local police. After marching for approximately 3km, after 1 hour, the first demonstrators arrived at a track on a ridge on the borders of an orchard. This is located at coordinates 33.234354, 35.791327. Two groups of MAGAV and local police, numbering 30 in total, were stationed at this point. This was approximately 100 meters before the machinery and the main body of MAGAV, who were deployed further down the hill to the east at coordinates 33.233188, 35.792806.²⁰



Map showing approx. area of police presence (yellow) and direction of demonstrators' march (orange), 7-9 December 2020²¹

3.11 These two groups of security forces intercepted the demonstrators. They formed a line and blocked them from going any further, saying that what the security forces and those operating the machinery were doing was legal, and ordering the demonstrators to leave. The demonstrators refused to leave, standing their ground, and ordered the security forces to themselves leave. This included the two individual male farmers who owned the lands that these security forces and the machinery were at that moment deployed on. The farmers made it clear to them that the security forces and those operating the machinery were trespassing.²²

²⁰ Confidential sources on file. Al-Marsad has also reviewed video footage and photographs taken by survivors and witnesses from the scene of the demonstration and the security forces' attack. Separate footage, also reviewed by Al-Marsad, has been published via open source social media and news channels, see for example Al-Mayadeen, "General Strike in the Occupied Golan Protesting Against the Israeli Wind Energy Project", 9 December 2020, youtu.be/gBK0hdypvhl; Al Mayadeen, "We will not allow the implementation of the deadly Israeli project in the occupied Golan", 9 December 2020, youtu.be/webuRkqtRzg; Facebook Post, Mayal Shams, "If they return, we will return", 9 December 2020, m.facebook.com/100009187141838/videos/430795692058068/?sfnsn=wa&extid=a (last accessed 29 August 2022).

²¹ CNES / Airbus, 16/05/2020 - newer, accessed via Google Earth.

²² Confidential sources on file.

"Is it natural, that heavily armed people come into your land, without your permission, and then when you try to complain about it peacefully instead of leaving they attack you?" Syrian human rights defender and demonstrator.²³

3.12 Portions of the following events are captured in the aforementioned video footage taken by demonstrators and the media. After 5-10 minutes of the demonstrators attempts to remonstrate, the security forces refused to leave, and instead without warning and without any kind of provocation started their attack. In a concerted way they opened fire on the demonstrators with tear gas canisters, stun grenades and rubber bullets. They did so from no more than 5 meters away, causing some of themselves to be affected by the gas also. In response, the vast majority of the demonstrators, apparently in many cases to protect themselves and escape the gas, walked forwards, through the security forces and past them, while the MAGAV continued firing and physically pushing the demonstrators.²⁴

3.13 The demonstrators, remaining peaceful and non-violent, walked East through the orchards down towards or loitered around the location of the machinery and the many body of MAGAV, which had formed up in protective lines around the machinery. The MAGAV and others located around the demonstrators to the South opened fire at-will with rubber bullets from as close as 4 meters, as well as with tear gas and stun grenades, directly hitting and incapacitating demonstrators. As demonstrators arrived to the lines of security forces, the security forces also started spraying chemical incapacitating spay, and beating them with batons.²⁵

"I saw the soldier's hand shaking in fear when he pointed the gun at me before he shot me with the rubber bullet. It was chaos. They were shooting at everything and everyone. It was then that I realised the police had gone hysterical, they had lost their minds." Syrian human rights defender.²⁶

3.14 One demonstrator reported that sometime later, after the demonstrators had arrived to the lines of the main body of MAGAV, after they started firing rubber bullets, and after they had already effected arbitrary arrests as below, stones were thrown in the direction of the security forces surrounding the machinery and the machinery itself, with at least one striking the machinery. The demonstrators prior to this point, and certainly in any event the vast majority of demonstrators, were completely peaceful and non-threatening. They otherwise only used their hands to fend of the baton strikes against them.²⁷

3.15 While many of initial 100 demonstrators were injured or incapacitated, up to another 350 continued to arrive, arriving on foot from different directions to stand in peaceful solidarity with those being attacked. They continued their peacefully demonstration, demanding the security forces and the machinery leave. Eventually the security forces' stopped attacking. After further remonstration by the demonstrators, the security forces and those operating the machinery finally gave up, and agreed to leave. Video footage and photographs taken by demonstrators of these moments clearly shows them milling around the machinery and the security forces, and posing no threat to either.²⁸

²³ Confidential sources on file.

²⁴ Confidential sources on file.

²⁵ Confidential sources on file.

²⁶ Confidential sources on file.

²⁷ Confidential sources on file.

²⁸ Confidential sources on file.



*Photograph of demonstrators prior to withdrawal of the machinery and security forces*²⁹

- 3.16 During the attack at least 30 individuals, mainly male Druze religious leaders, were injured. Several witnesses saw the security forces shooting rubber bullets at demonstrators from as close as 4 meters away. In many cases this included contusion injuries to the lower abdomen and lower body. In several cases however injuries included wounds to hands, and wounds to the head and face, congruent with having been hit by rubber bullets. For example, in one case a male Druze religious leader was shot in the face by a rubber bullet fired from less than 10 meters, which broke his jaw and teeth in several places. Some bruising and wounds were markedly more severe than others, congruent with rubber bullets having been shot at an unnecessarily short range.³⁰
- 3.17 MAGAV and local police carried out eight arrests as part of their attack, at least seven of which were arbitrary. In the first arrest, the MAGAV arrested a male farmer who had merely stood on and refused to leave his own land, 100 meters from the machinery. After they shot him and incapacitated him with a rubber bullet, he was arrested by six MAGAV who did not inform him of any grounds for the arrest. Grounds for his detention were apparently formed later, and he was informed of these for the first time in his interview several hours later. Interrogators told him that he was detained on the basis of, demonstrably false, allegations of throwing stones and causing a security disturbance. Likewise in six other cases of male demonstrators who had not been violent, and had in fact begun to flee the attack, MAGAV armed with machine guns stopped them, and arrested them on false allegations of throwing stones, assaulting police, and causing criminal damage.³¹
- 3.18 All eight were detained at Kiryat Shmona police station, and given access to legal representation. In all eight cases, police were unable to present any evidence supporting these false allegations, and it was clear to those detained that the arrests and baseless allegations had been instrumentalized in order to target demonstrators. Six were released within two hours. Two were released within 2 days after a court-ordered remand in custody. These releases only occurred after further demonstrations by the local community outside Masaada police station demanding their release, and negotiations between community leaders and the police.³²

²⁹ Confidential sources on file.

³⁰ Confidential sources on file.

³¹ Confidential sources on file.

³² Confidential sources on file.

Analysis and Findings

- 3.19 According to the evidence collected by Al-Marsad, the MAGAV and local police lacked a clear legal reason or duty for being present within the farmlands, trespassing on farmers lands, and blocking highways. They then used excessive, disproportionate, unreasonable force, not necessitated by any legal duty. Rather they did so in the illegal pursuit of quelling a lawful and peaceful demonstration.
- 3.20 By being present in high numbers, wearing lethal and less-lethal equipment of a quasi-military character, using mounted personnel designed for riot-control, and forcibly preventing access to land and the main highways, the security forces at an early stage were already using disproportionate and unreasonable force against civilians from the moment of their arrival. Moreover they were doing so in a non-neutral stance, in support of an illegal construction and resource extraction project opposed by the indigenous community. Their actions were reasonably seen by farmers and the local community as an attack by colonisers, requiring legitimate self-defence through non-violent means.
- 3.21 The security forces without warning violently assaulted peaceful unarmed demonstrators en-mass and in a concerted fashion, including assaulting those who had rightfully told the security forces and company that they were trespassing and to leave. The security forces apparently did so without any reasonable grounds for believing that they or others were under threat, or that violence or criminality against them or others would have occurred.
- 3.22 In response to the attack the demonstrators remained peaceful, continuing to pose no threat and continuing to abide by the law. Rather than identifying that their use of force was now even more so evidently unnecessary and unreasonable, the security forces escalating their assaults, resorting to rubber bullets. They fired rubber bullets and gas cannisters, included from dangerously short range, and striking demonstrators in the face, head and upper limbs. This is contrary to the appropriate and safe use of such methods, and such use can result in severe injury.
- 3.23 As part of their attack, the security forces arrested at least seven people without any apparent reasonable grounds for believing they had committed or would commit criminality, and using baseless accusations to do. In at least one case they did not inform them of any reasons for arrest at or around the time of arrest.
- 3.24 Of the seven witnesses interviewed, only one of those present saw apparent force used by the demonstrators beyond fending of baton strikes, in the form of throwing stones. This occurred well after the security forces assaulting and injuring of demonstrators, and given the security forces illegal use of force, may constitute legitimate and reasonable self-defence.
- 3.25 In addition, MAGAV-YAMAM's past use of such assault, excessive force, and arbitrary arrest against Arab human rights defenders, in order to quell peaceful demonstrations in defence of indigenous land, has been well-documented by the UN, human rights organisations, and in media reports.

3.26 In assaulting peaceful demonstrators on 9 December 2020, using excessive force, and carrying out arbitrary arrests, the occupying Israeli authorities and their security forces violated the right to freedom of expression, right to assembly, right to freedom from arbitrary arrest, and right to bodily and mental security of Syrian human rights defenders. They have also failed in their obligation to respect human rights defenders on a non-discriminatory basis, and protect them from arbitrary action as a consequence of the legitimate exercise of their rights.

4. STRATEGIC LITIGATION AS AN ATTEMPT TO SILENCE AL-MARSAD

4.1 Between June 2019 and June 2022, Energix sued Al-Marsad, in an effort to silence popular opposition to the wind energy project, and Al-Marsad's work in raising awareness of the legality and negative impact of the project on the indigenous population. Al-Marsad play a key role as the only human rights monitoring organisation in the Golan.

4.2 This litigation amounted to Strategic Litigation Against Public Participation (SLAPP), where its claims were patently false from the outset. Such strategic litigation has the effect of intimidating and deterring the entire community from conducting further activism in defence of their rights, whether or not the claimant wins. This strategic litigation was the first time Israel's anti-Boycott Divestment Sanctions (BDS) legislation had been used, despite Al-Marsad not being engaged in BDS-related activities. The UN Special Rapporteur on Freedom of Expression has previously raised concerns about Israeli anti-BDS legislation, first instituted in 2011, and the 'chilling effect' that it may have on human rights defenders and civil society.³³

4.3 Energix persisted with this attempted and baseless litigation for over two years, which in combination with other intimidation as referred to in the following section below, placed staff under significant pressure. This culminated in the Nazareth Magistrates Court ruling that both parties conduct mediation. This resulted in Energix withdrawing the case in June 2022, in return for Al-Marsad refraining from using certain language which might indicate that they have misled the public.

4.4 Energix's SLAPP against Al-Marsad is enabled and supported by the Israeli occupying authorities, in violation of international human rights law. The details of these efforts to silence Al-Marsad have been documented elsewhere, including by the UN HRC Special Rapporteur on the Situation of Human Rights defenders and other UN HRC Special Rapporteurs, who in January 2020 raised concerns to the Israeli authorities of these possible violations.³⁴ This report provides an up-to-date time-line summary of the most recent developments, through to the conclusion of the case in 2022.

³³ UN Special Rapporteur on Freedom of Expression, Communication with Israel ISR 6/2016, 15 April 2016

³⁴ Al-Marsad, "Al-Marsad submits response to Energix lawsuit", 1 October 2019, golan-marsad.org/al-marsad-submits-response-to-energix-lawsuit/; UN HRC Special Rapporteur on the Situation of Human Rights Defenders, Letter ISR 16/2019, 20 January 2020, spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25009.

September 2018	Members of the indigenous Syrian community approach Al-Marsad for assistance in investigating the Energix wind energy project. Al-Marsad establishes potential detrimental impacts of the project on the rights of the community, and starts awareness raising.
Jan-Nov 2019	Al-Marsad releases a report on the project. Al-Marsad is subjected by supporters of the project to harassment, defamation and vexatious complaints, which have since been proven false. Al-Marsad continues awareness raising work.
June 2019	Al-Marsad submits planning objections on behalf of the community to the Israeli National Infrastructure Committee. Energix files a lawsuit with Nazareth Magistrates court against Al-Marsad, claiming the report was "defamatory" and "calls for a boycott of Israel", and so violates the Israeli Anti-Boycott Law of 2011. This was the first time a HRO in Israel was sued under this law. In the lawsuit, Energix claims Al-Marsad is working with the BDS movement and "anti-Zionists", and encouraging boycott by organising awareness raising which sparked community opposition to the project.
Sep-Nov 2019	Al-Marsad rejects the claims, while Energix reassert their claims
February 2020	During a hearing at Nazareth Magistrates Court the parties debate whether Al-Marsad had been defamatory.
April 2020 to 12 December 20	Community activists, including engineers and farmers, in partnership with Al-Marsad and with legal representation, mobilize to survey the farmlands, inform Energix that they have no right to enter them, and seek to engage with the National Infrastructure Committee.
January 2021	During a hearing at Nazareth Magistrates Court, the parties continued the debate and disclosure of documents.
May 2021	Community activists, farmers and agricultural associations submit a lawsuit comprehensively objecting to the project.
September 2021	Nazareth Magistrates court recommends that Al-Marsad remove certain words from their report, which Al-Marsad refuses as unreasonable. Nazareth Magistrates court then rules that the litigation against Al-Marsad matter go to mediation.
June 2022	Al-Marsad and Energix come to a resolution in which Energix agree to drop the litigation in exchange for Al-Marsad removing certain words from their report.

5. OTHER THREATS AND INTIMIDATION OF HUMAN RIGHTS DEFENDERS

Police and Intelligence Services

- 5.1 Between 2020 and May 2022, Israeli police and intelligence services interrogated, threatened and intimidated at least seven human rights defenders, on several occasions, in order to silence them and deter them and other from conducting peaceful demonstrations and activism against violations against both Syrians and Palestinians and/or Energix's wind energy project.
- 5.2 Each of these followed a similar pattern, in which police or intelligence services contacted the individual by telephone, uniformed officers served them with a notice that they were wanted for interview, and in one case arrested them. All were ordered to attend, or taken to, police stations in the occupied Golan and the Galilee. At the police station interrogators warned them to stop their activism, or else face consequences such as night-time raids and detention. In two cases, on four separate occasions in total, interrogators threatened them with prolonged imprisonment and ill-treatment. In addition, in four cases they were told they should 'go back to Syria and/or Assad' if they did not like it in 'Israel'. The interrogators also routinely attempted to recruit them as informants.³⁵
- 5.3 Five of the seven cases were documented by Al-Marsad in 2021. In two of these cases, both of whom are women human rights defenders, and both who had been demonstrating against violations against Palestinians in East Jerusalem, police publicly attended their address or work place in force. In one case they forcibly summonsed her to the police station and in another arresting them whilst they were teaching in the school they worked at. This disproportionate show of force intentionally or unintentionally compounds the risk of deterring others, particularly women human rights defenders given this level of force was only directed specifically at them, from defending theirs and others human rights.³⁶
- 5.4 In addition to the threats and intimidation against the activists raising awareness of the wind energy project, interrogators made it clear to them that they were under surveillance, and to stop "inciting violence" against the project. They warned them in connection with their participation in the demonstration on 9 December 2020, and other peaceful demonstrations since, and cautioned them against further such demonstrations against the project should Energix return to the farmlands. One interrogator encouraged an activist to give up their opposition and "accept" the project because they would "get money" from it.³⁷
- 5.5 These human rights defenders report constant and ongoing fear of surveillance and future detention. Despite this, whilst taking increased precautions, they have persisted with their activism.

³⁵ Confidential sources on file.

³⁶ For more details see: Al-Marsad, Statement on the Recent Silencing by the Occupation Forces of Activists in the Golan, May 2021, <https://golan-marsad.org/al-marsad-statement-on-the-recent-silencing-calls-by-the-occupation-security-services-for-activists-from-the-golan>

³⁷ Confidential sources on file.

“As Syrians in the occupied Syrian Golan we feel orphaned, we have no one supporting us, the Israeli authorities do whatever they want, and we live under occupation. When we decide to stand up for ourselves, and not accept their damaging normalisation agenda, there are consequences, threats and violence.” Syrian human rights defender.³⁸

Energix and Local Supporters

- 5.6 In 2019, Energix threatened to sue 12 activists from the Popular Campaign Against the Wind Turbines who were working to raise awareness in the local community of the danger posed by the wind energy project, and to mobilize opposition against it. When these activists continued to exercise their rights to freedom of expression in defence of the community, Energix carried through with SLAPP against five of them. This litigation ultimately failed, as it had always been likely to, with all five exonerated at the Nazareth Magistrates Court at the end of 2021.³⁹
- 5.7 The five men that the company targeted were five vocal community leaders as well as activists, Symbolically targeting them specifically has the potential effect of diminishing their authority, silencing them, and deterring the entire indigenous population from opposing the wind energy project. This litigation attempt went on for over two years, subjecting the accused to stress and anxiety, and likely already having a deterrent effect on other Syrians considering speaking out in defence of theirs and other’s rights.⁴⁰
- 5.8 In 2019-2021, in conjunction with Energix’s efforts to silence community activists and Al-Marsad, local supporters of Energix, many who remain unidentified, launched an on-line campaign of harassment and smears against the community activists from the Popular Campaign Against the Wind Turbines, and Al-Marsad. This culminated in Energix supporters making threats kill them and damage their property, and exposure of their personal lives. These individuals also made false claims undermining Al-Marsad’s other work beyond the awareness-raising regarding the wind energy project, and seeking to distort the narrative of Israeli-led exploitation. They also made vexatious complaints of financial malpractice against Al-Marsad seeking to damage their reputation, which have now been proven to be false.
- 5.9 The false complaints reached Al-Marsad’s main donor, placing the organisation’s funding at risk, and causing an investigation to be launched. This placed the organisation under significant pressure. The investigation established that the complaints were indeed baseless.
- 5.10 At least three human rights defenders who were victims of these threats reported them to local Israeli police in Masaade. They did interview at least one suspect, who is reportedly close to the occupying authorities, however all three files were closed and no one was brought to account for these violations.

Analysis and Findings

³⁸ Confidential sources on file

³⁹ Confidential sources on file.

⁴⁰ Confidential sources on file.

- 5.11 The threats and intimidation of human rights defenders from both the security forces and Energix were either intended to, or at the very least reckless as to whether they would, silence lawful and peaceful activism in defence of the rights of Syrians and Palestinians. This activism frustrates the shared settler-colonial and capitalist-commercial aims of these two parties.
- 5.12 Whilst the SLAPP and/or threats thereof against AL-Marsad and community activists were primarily made by Energix, a private corporation, they were done so with the active and enabling support of the occupying Israeli authorities. This includes having instituted anti-BDS legislation in 2011 in the first place, without sufficient legal safeguards to protect human rights defenders being targeted with it, congruent with the stated intention of this legislation.⁴¹ It also includes direct intimidation of those demonstrating public opposition to Energix by the security forces.
- 5.13 The Israeli authorities have violated the right to freedom of expression of Syrian human rights defenders, and failed in their obligation to respect human rights defenders on a non-discriminatory basis, and protect them against any arbitrary action as a consequence of the legitimate exercise of the rights.

6. CONCLUSION

- 6.1 Between 2020 and 2022, the Israeli authorities in the occupied Syrian Golan, through their security forces, and in partnership with private sector cooperation Energix, have targeted Syrian human rights defenders in order to silence the Syrian indigenous populations' dissent, exerting their authority, and advance the occupying authorities colonization of the occupied Syrian Golan.
- 6.2 The human rights defenders interviewed by Al-Marsad were clear that the risks against them are escalating. There is popular opposition to the imposition of the Energix wind energy project. The company, with the Israeli authorities as its hand maiden, have refused to cease the project. Rather, security forces have shown an ongoing willingness to quell dissent and integrate the indigenous population by force when they are unable to be co-opted through other means. Whilst many human rights defenders are now more cautious, they told Al-Marsad that they will not stop their peaceful activism or participation in demonstrations.
- 6.3 In September 2022, violations by the Israeli authorities against Syrians and Palestinians, including those targeted against human rights defenders, are continuing. Energix is scheduled to commence construction of the wind energy project imminently. These violations are likely to be met with yet more peaceful activism by Syrian human rights defenders in the Golan, seeking to expose and resist them, and defend indigenous communities. Given the above findings, they are at high-risk of being targeted with further threats, intimidation, and direct violence by the occupying Israeli authorities.

⁴¹ See section 4 above for more detail.