

## **Observations and Topics to be Included in the List of Issues**

On the Occasion of the Human Rights Committee's 2018 Review of the State of Israel's Implementation of the International Covenant on Civil and Political Rights

Submitted on April 11 2018 by:

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**Al-Marsad, Arab Human Rights Centre in Golan Heights**, is a non-governmental organization based in Majdal Shams, in the Occupied Golan Heights. Al-Marsad was founded in 2003 to promote humanitarian and human rights law, and document human rights violations against Syrian inhabitants in the Occupied Golan. Al-Marsad focuses on protecting civil, political, economic, social, and cultural rights, and denouncing settlement expansions, land annexations, the presence of landmines, and the associated consequences of Israel's abuses.

This report was prepared by the Cornell Law School International Human Rights Clinic. Cornell students Loana Benjamin, Joon Lee, Didon Misri, and Karen Smeda helped to research and prepare this report, under the supervision of Clinical Professor Sandra L. Babcock and Clinical Teaching Fellow Madalyn Wasilczuk. The clinic would like to acknowledge the support and commitment of all of the staff of Al-Marsad to the accurate reporting of the facts contained in this report.

## A. Introduction

Al Marsad submits this report to guide the pre-session Working Group in preparing the list of issues regarding Israel's implementation of the International Covenant on Civil and Political Rights (ICCPR). We hereby submit a summary of ongoing ICCPR violations that affect the Syrian Arab population living in the Occupied Syrian 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); and cultural, religious, and language rights of minorities (Article 27).

This Committee and the International Court of Justice have found that States Parties' obligations under the ICCPR extend to all territories and populations effectively under their control.<sup>1</sup> As the Occupying Power in the Syrian Golan, the State of Israel must respect and preserve the rights protected by the ICCPR. Nevertheless, the organizations submitting this report wish to emphasize that, under international law, the State of Israel has no legitimate sovereignty over the Syrian Golan.<sup>2</sup>

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

The Occupied Golan<sup>3</sup> is a mountainous area in Southwest Syria known for its strategic location (bordering Syria, Lebanon, Jordan, and Israel) and rich water resources.<sup>4</sup> During the 1967 war, Israel occupied 1,230 km<sup>2</sup> of the Syrian Golan; the current area of Israeli occupation amounts to 1,159 km<sup>2</sup> of the Golan's original 1,750 km<sup>2</sup>.<sup>5</sup> Approximately 130,000 people, or 95% of the original Syrian population in the Occupied Golan, fled or were expelled by the Israeli military following the 1967 war, with only 26,600<sup>6</sup> Syrian Arabs currently remaining in the region.<sup>7</sup>

The 1967 war shaped the landscape of the Syrian Golan in enduring ways. In December 1981, following 14 years of military rule over the occupied territory, Israel annexed the Syrian Golan and declared it was part of Israel. The international community denounced the annexation and declared it illegal.<sup>8</sup> Locally, the Syrian Arab population responded with a six-month strike protesting the Israeli government's decision. Syrian Arabs "refused, even under direct and immediate threat of personal harm and communal suppression, to accept Israeli identification."<sup>9</sup> When the Israeli government tried to require 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."<sup>10</sup> Even now, most Syrian Arabs retain Israeli permanent resident status rather than accept Israeli citizenship. As described below, this status constrains Syrian Arabs' full exercise of their civil and political rights.

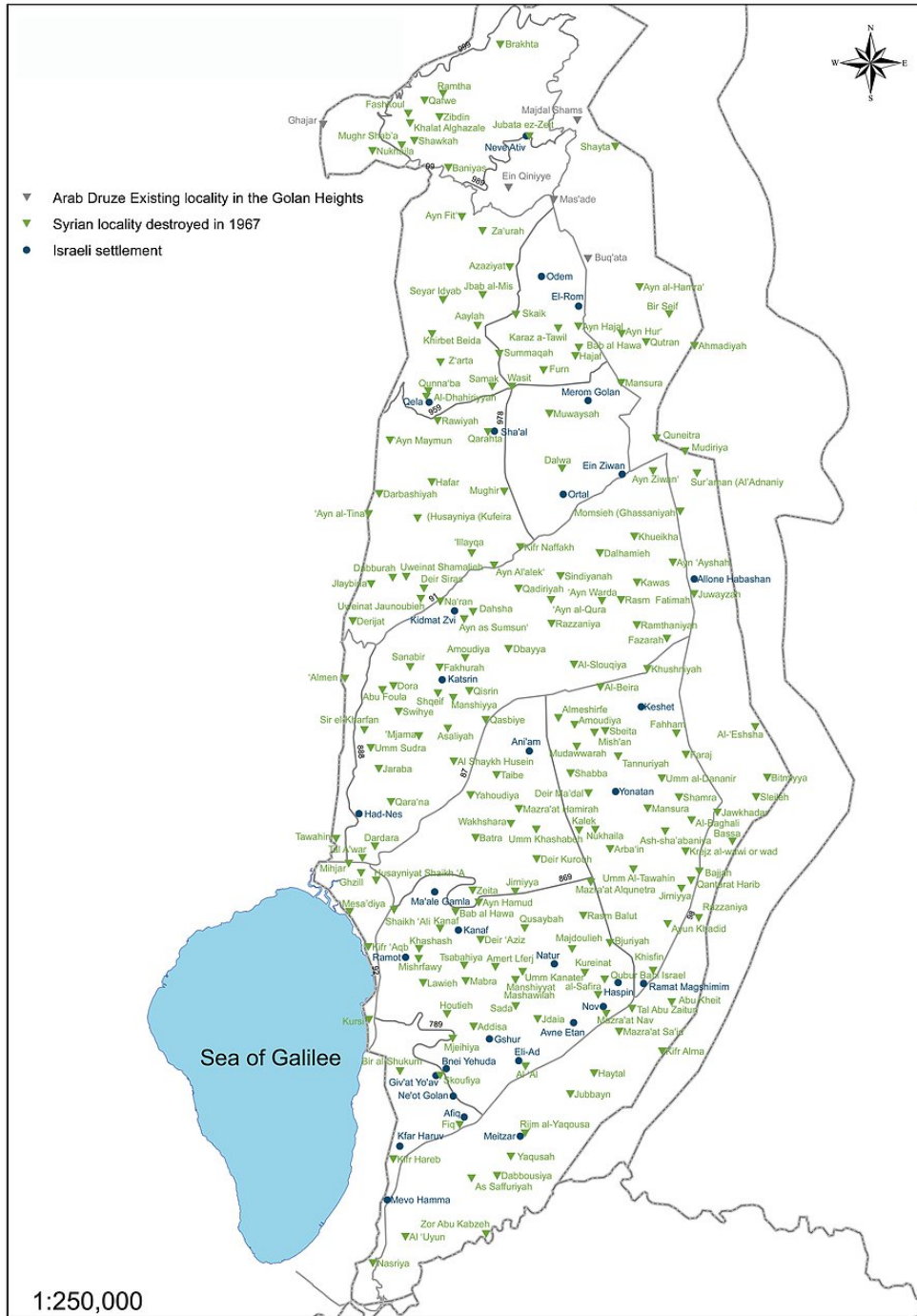
At least 26,261 Jewish-Israeli settlers are currently residing in the Occupied Golan.<sup>11</sup> On September 3, 2017, Transportation and Intelligence Minister Yisrael Katz announced Israel's ambition to send another 100,000 settlers to the area.<sup>12</sup> The Israeli government has enacted land laws, like the Land Acquisition Law (1953) and the Absentees' Property Law (1956), to "ensure

the State's ability to seize land from its Arab residents and redistribute it amongst [Jewish-Israeli] citizens and settlers."<sup>13</sup>

Israel not only encourages Jewish-Israeli citizens to settle in the Golan, but permits them, once there, to exclude 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.<sup>14</sup> 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,<sup>15</sup> 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."<sup>16</sup> Such criteria legitimizes the exclusion of entire groups of people from the settlements based on discrete characteristics, such as race, religion, national origin, or social status.<sup>17</sup>

The Israeli government also uses incentives to attract Jewish-Israelis to the Syrian Golan and delay or impede the expansion of Syrian Arab communities. For example, Jewish-Israeli settlers receive up to USD \$12,000 as a financial incentive to relocate to the Syrian Golan.<sup>18</sup> According to the UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, more than 90 Israeli families settled in the Syrian Golan in 2015 under the new "Farms Projects." The project aimed to create 750 new Israeli farms in the region.<sup>19</sup> To irrigate those farms, the Committee reported, Israel "illegally diverted water . . . thereby depleting water resources and depriving Syrians of their use."<sup>20</sup>

In contrast, Arab towns face several legal challenges, both explicit and implicit, that limit their expansion. According to research conducted by scholars at Be'erSheva University, Arab town requests for master plan expansions take up to three times as long as a comparable Jewish town.<sup>21</sup> The same study concluded that since 1967, land expansion in the Occupied Golan has been strictly limited to Jewish-Israeli settlers; while 34 new Jewish settlements have been erected, "not one meter has been allocated to the [Syrian Arab] occupied territory, not for public projects or new neighborhoods."<sup>22</sup>



Map showing both destroyed and existing Arab villages and Jewish-Israeli settlements.  
[http://www.jawlan.org/openions/read\\_article.asp?category=106&source=5&link=2008](http://www.jawlan.org/openions/read_article.asp?category=106&source=5&link=2008)

## C. Observations of ICCPR Violations in the Occupied Syrian Golan

### **1. The Right to Freely Dispose of Natural Resources**

*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, Israel has exploited and pillaged the natural resources belonging to its Syrian Arab inhabitants. Water, vital to the Occupied Golan's agricultural productivity, has been diverted for Israel's development and profit. The exploitation of the Occupied Golan's natural resources leaves Syrian Arabs unable to compete with Israeli settlers in agriculture and tourism.

#### **a) The Exploitation of Water**

The Occupied Golan is a major source of water for the Israeli government.<sup>23</sup> The Hasbani River feeds into Lake Tiberias,<sup>24</sup> which receives approximately one-third of its water from the Golan.<sup>25</sup>

##### **i) Economic Impact**

Israel's exploitation of water inhibits native Syrians' ability to sustain an agricultural economy. Israel capitalizes on the water it siphons from the Golan to produce most of Israel's top-rated wines<sup>26</sup> and a significant quantity of Israel's fruits and vegetables on the land it has confiscated.<sup>27</sup> Israel also uses water acquired from the Golan to irrigate its settlements via Israel's National Water Carrier Pipeline.<sup>28</sup>

Israel's monopoly over the extracted water generates substantial profits.<sup>29</sup> Israeli companies, like Eden Springs, proudly advertise their water as flowing from "the beautiful and natural waterfall at the heart of the Golan Heights."<sup>30</sup>

Israel also profits from Israeli settlers' agricultural products grown using irrigated water in the Golan. In 2015, the Israeli government made USD \$371 million in profits from agricultural products grown and cultivated in the Golan Heights alone.<sup>31</sup> Israel encourages companies to establish their businesses in the Golan to maximize their access to resources and potential for profit; these companies include Eden Springs,<sup>32</sup> Olea Essence,<sup>33</sup> and Golan Heights Winery.<sup>34</sup>

##### **ii) Prejudicial Restrictions on Water Access and Allocation**

In addition to promoting its own financial interests, the Israeli government has restricted Syrian farmers' use of water, depriving them of their own means of subsistence. Historically, agriculture

has been a main source of income for Syrians in the Golan.<sup>35</sup> Following the massive land confiscations that occurred during and after Israel's occupation, many native Syrian farmers had to shift from growing wheat to cultivating apples, a crop that requires less land.<sup>36</sup> Today, agriculture is no longer profitable because the cost of water is too high.<sup>37</sup>

Until last year, Israel pumped water to Israeli settlements, but not to Syrian villages.<sup>38</sup> By changing this practice, Israel has reduced water costs for Syrian farmers. But this could not offset the competitive advantage enjoyed by Israeli settlers over the previous 25 years, during which Syrian farmers had to install their own structures to pump water, fit water transport systems, and pay for the costs of running and maintaining these infrastructures.<sup>39</sup>

#### **b) 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 five percent is controlled by the Syrian population,<sup>40</sup> an area known for its agricultural productivity, abundant water, and natural beauty.<sup>41</sup> Today, the Occupied Golan is advertised as a "must-see" part of "Northern Israel."<sup>42</sup> Israel attracts tourism to the Golan by advertising its "tranquil parks, gardens, museums, galleries, [and] vineyards."<sup>43</sup> 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."<sup>44</sup> Mr. Barel and his fellow Israeli settlers used the loan to build the only ski resort in the territory under Israeli control.<sup>45</sup> Although the settlers did not purchase the land, the Israeli government allows them to lease the land at no known charge for 49 years, subject to renewal.<sup>46</sup> Additionally, the eight chairlifts on Mr. Barel's ski resort generate profits that flow to the settlers that run the resort.<sup>47</sup>

Israel's supported tourism program favors Jewish-owned hotels to the detriment of Arab hotel owners. The Israeli Ministry of Tourism's supported tourism program offers monthly vouchers to military personnel and to veterans with disabilities.<sup>48</sup> These vouchers may only be used in hotels owned by Jewish-Israeli settlers.<sup>49</sup> Therefore, Syrian Arab hotel owners generate only a fraction of the business their Jewish-Israeli counterparts do.<sup>50</sup>

Israel's exploitation of the Occupied Golan's natural resources has enhanced Israel's economic development at the expense of Syrians in the Golan, violating Syrian Arabs' right to freely dispose of their natural wealth and resources. Additionally, Israel's failure to promote the economic development of the Syrian Arab population violates their right of self-determination under Article 1.

**In light of the above facts, we recommend that the Committee ask the State of Israel to:**

1. Provide specific information, disaggregated by year from 2014-2018, regarding the amount of water that Israel has extracted or diverted from the Golan for agricultural, commercial or other purposes in service of Israeli residents outside of the Golan.
2. Provide specific information, disaggregated by year from 2014-2018, regarding the amount of water that Israel has extracted or diverted from the Golan for agricultural, commercial or other purposes for the use of Jewish-Israelis who have settled in the Golan since 1967.
3. Disclose how much the Israeli government profits from agriculture and other industries in the Occupied Golan. Provide specific information regarding:
  - Israel's annual revenue from the domestic sale of fruits and vegetables grown in the Occupied Golan;
  - Israel's annual revenue from the export of fruits and vegetables grown in the Occupied Golan;
  - Israel's annual revenue from the domestic sale of wine produced in the Occupied Golan; and
  - Israel's annual revenue from the export of wine produced in the Occupied Golan.
4. Disclose whether oil is being extracted in the Occupied Golan, and whether the Israeli government has plans to extract oil from the Occupied Golan within the next five years;
5. Disclose the percentage of the Israeli government's profits from the Golan that is re-invested to promote the economic and social development of the native Syrian inhabitants;
6. Disclose the measures taken to improve Syrian farmers' access to water. Provide specific information regarding:
  - Water quotas for Syrian farmers and settler farmers; and
  - Water prices for Syrian farmers and settler farmers.
7. Disclose measures taken to promote the economic development of Syrian villages in the Golan. Provide specific details about:
  - Measures taken to promote tourism that benefit Arab businesses and hotels.

## **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 on Jewish-Israeli settlers. Jewish-Israeli settlers receive incentives to expand villages, grow crops, and start businesses in the Occupied Golan.<sup>51</sup> The Israeli government continues to confiscate Syrian Arabs' lands, to allow and encourage Jewish-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.<sup>52</sup> These measures discriminatorily violate Syrian Arabs' "right to reside in a place of [their] choice" under Article 12.<sup>53</sup>

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.<sup>54</sup> Moreover, Article 26 prohibits discrimination in any area regulated and governed by law.<sup>55</sup> Israel has violated these obligations by failing to protect and support Syrian Arabs' housing and land rights.

#### **a) Denial of Building Permits to the Syrian Arabs and Housing Demolition**

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.<sup>56</sup> The Israeli government rarely grants Syrian Arabs building permits, and prohibits them from expanding their land, despite the increasing Arab population;<sup>57</sup> this practice is similar to what Palestinians experience in the Occupied Palestinian Territory and in occupied East Jerusalem.<sup>58</sup>

#### **b) Land Confiscation from Syrian Arabs and the Expansion of 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.<sup>59</sup>

Mr. Maziad Masoud was one of the Syrian Arabs whose land was seized for the purpose of laying landmines in the 1980s.<sup>60</sup> 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. Until this day, the Israeli government has failed to return Mr. Masoud's land or to clear the landmines surrounding his orchard, which is an ongoing violation of his right to freedom of movement and to the use of his land.<sup>61</sup>

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. 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.<sup>62</sup> According to David Barel, there is still more land available for new residents in the settlement.<sup>63</sup> The Israeli government is enticing settlers to the

Syrian Golan through advertisements and the development of residential and industrial areas.<sup>64</sup> 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.” 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, in violation of Articles 2 and 26.

**In light of the above facts, we recommend that the Committee ask the State of Israel to:**

1. Disclose how much land Israel has confiscated from the Arab population for “security purposes” in the Syrian Golan since 1967;
2. Provide information regarding the amount of compensation that the Israeli government has provided to Syrian Arabs whose lands have been confiscated since 1967;
3. Explain the measures that the State Party intends to take to eliminate discrimination based on race and religion in housing and land expansion. Specifically, the State Party should:
  - Provide the area (km<sup>2</sup>) of free lands and tax incentives given to the Jewish-Israeli citizens who are moving to the settlements in the Occupied Golan; and
  - Provide information on the plans to allow for expansion of Syrian Arab villages.
4. Disclose the number of building permits granted and denied each year in the Occupied Syrian Golan to:
  - Syrian Arabs; and
  - Jewish-Israeli settlers.
5. Disclose the number of home demolition orders issued since 1967 to: Syrian Arabs, and Jewish-Israeli settlers.

### **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. In its draft General Comment on Article 6, this Committee has affirmed that “the right to life concerns an individual’s right to be free from acts and omissions intended or expected to cause their unnatural or premature death, as well as their legitimate expectation to enjoy a dignified existence.”<sup>65</sup> Deprivation of life involves “a deliberate or otherwise foreseeable and preventable infliction of life-terminating harm or injury that goes beyond mere damage to health, body integrity, or standard of living.”<sup>66</sup> Article 6 requires State parties to address threats to life and life-

threatening harms and injuries that may result in loss of life.<sup>67</sup>

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.<sup>68</sup>In the aftermath of the Arab-Israeli conflict and the Israeli occupation of the Syrian Golan in 1967, Israeli occupying forces placed at least one million landmines in the Syrian Golan.<sup>69</sup>More than 36,000 dunams(36km<sup>2</sup>) of land are suspected to be mined in the Golan, distributed over approximately 2,000 minefields that vary greatly in size.<sup>70</sup>During the Cornell Law School Clinic's visit to Majdal Shams, we 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.<sup>71</sup> Most landmines are located in close proximity to grazing areas, agricultural land, schools, homes of village residents, and the ceasefire line fence.<sup>72</sup>Villagers live in constant fear because some of these landmines are neither signposted nor fenced in.<sup>73</sup>

#### **a) Prevalence of Landmines and Casualties**

Israel established minefields in the Occupied Golan after both the 1967 and 1973 Arab-Israeli Wars. These landmines are mostly concentrated around the 1974 ceasefire line. The Golan also contains remnants of minefields laid by Syrian and French forces during France's colonial occupation of the territory, as well as mines from the period of the British Mandate, laid by Jordan and Egypt.<sup>74</sup>

Many civilians have been maimed or killed by landmines in the Golan. Israel does not maintain public official records of landmine casualties; as a result, it is difficult to determine the exact number of landmine accidents. Instead, landmine casualties are listed under the larger category of "Victims of Hostile Activities."<sup>75</sup> A report by Al-Haq, a Palestinian human rights organization, estimates that mines killed 16 and injured 50 Syrian Arab residents between 1967 and 2000.<sup>76</sup> No statistics are available for the period of 2000–2017. Israeli settlements have not been affected by the minefields to the same degree. Minefields surrounding Israeli settlements have mostly been cleared to make room for the settlements.

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. In 2006, Israel reported that mined areas in the Golan were properly fenced off and that these warning signs were clearly positioned around the perimeter of every minefield.<sup>77</sup> Yet, the fences installed by the Israeli government have failed to contain the movement of mines from natural causes. The Golan is a mountainous area and mines placed on hills can slide downhill, out of fenced areas.<sup>78</sup> Additionally, a farmer and resident of Majdal Shams, Mr. Salman Alwli, informed interviewers that fences are often broken by the start of winter, allowing for mines to move during landslides and earth movements and slide out of the fenced areas.<sup>79</sup>



A broken fence surrounding a minefield

Even though many minefields in the Golan are marked, they continue to pose a grave danger to the villagers who live and work near them. On February 11, 2008, the Peace Court of the city of Haifa ordered the Israeli government to award NIS62,240 (USD \$14,939) to compensate two brothers in Majdal Shams for the injuries they sustained in 2000, when landmines swept down a hill from a minefield into their courtyard. The court concluded that the Israeli Army was aware of the dangerous positioning of the mines but took no preventive measures.<sup>80</sup>

Even those who were maimed by landmines decades ago remain terrified that they or others will be injured again. On April 27, 1973, thirteen-year-old Mufid Alweli lost his right arm while he was walking a goat a kilometer away from his home.<sup>81</sup> Mufid is afraid of taking his children anywhere because of the presence of landmines, confiding that he feels “scared all the time.”<sup>82</sup> Similarly, for Salman Alwli, landmines make it extremely difficult to access and walk around his own land.<sup>83</sup> He must accompany visitors everywhere they go because his entire property is surrounded by landmines.<sup>84</sup>



A landmine field behind Mr. Alwli's orchards.

The minefields around the Israeli Army post in Majdal Shams continue to threaten the lives of villagers, including small children who play next to the mines. A resident of Majdal Shams reported that in 2005, when he was still a young child, a mine exploded outside his house in Majdal Shams as a result of bulldozing activity. The explosion blew a hole into the side of his house and injured his seven-year-old sister, who was in the bathroom at the time. While his sister sustained only minor bruises and injuries, the area that he lives in continues to be surrounded by barbed wire and fences, landmines, and anti-tank trenches.<sup>85</sup>The residents of the Occupied Golan live in a constant state of danger, not knowing when or where the next mine will go off.





A landmine field adjacent to a home in Majdal Shams

At a small house on the outskirts of Majdal Shams, the walking wounded on crutches, in wheelchairs, and with prosthetic limbs bring home the extent of the calamity. They huddle together in a small room, playing cards and enjoying each other's company. One of these landmine victims, Saleh Baa'rar, discussed the lasting traumatic effect of his injuries in a recent interview. In March 1982, when he was 12 years old, Saleh lost his right arm, leg, and eye when a mine exploded while he was playing outside his house in Majdal Shams.<sup>86</sup> He has overcome near blindness and the loss of his limbs to become a successful accountant in the Golan.

Saleh described the landmine accident and what it was like the morning after the accident as he lay in his hospital bed. He recalled that, when he arrived home from the hospital, people from the community walked past him and said, "Saleh would have been better off dead than to have survived and be handicapped forever." Thirty-five years after the accident, Saleh continues to grapple with his emotional and physical scars from that day. He expressed being constantly scared to walk around and terrified that one day his son would be injured the same way.<sup>87</sup>

I am afraid all the time. All the time. [...] I have three boys, and I am always afraid.

[...] There are mines everywhere, in the houses, the gardens of the houses [...] There is beautiful green land, apples, trees and fruits in my homeland, but landmines have taken too much from us. Too many bodies. Too much land. Too many animals.

## **b) Mine Clearance**

Article 12 (3) allows certain restrictions on the rights protected under Article 12 “to protect national security, public order (*ordre public*), public health or morals, and the rights and freedoms of others.” According to the Human Rights Committee’s General Comment No. 27, these restrictions must be “necessary” and “conform to the principle of proportionality.”<sup>88</sup> In 2010, an 11 year old Jewish boy, Daniel Yuval, lost his leg after stepping on a buried landmine in the Golan.<sup>89</sup> Following this incident, Defense Ministry Mine Clearance Authority Director Ervin Lavi stated, “These landmines are not essential for the security of the state.”<sup>90</sup> The Israeli government cannot show, therefore, that its failure to remove landmines is necessary for and proportional to “security purposes,” nor does its inaction conform with any other provision of Article 12.

Israel purportedly began a landmine-clearance program in 2011.<sup>91</sup> Yet, to this day, the presence of landmines in the Occupied Golan continue to restrict Syrian-Arabs’ ability to move freely and constitute a threat to the right to life of Syrian Arabs. Al Marsad has repeatedly asked the Israeli Authorities to clear remaining mines around Majdal Shams.<sup>92</sup> The Israeli government has ignored these requests. In fact, despite all the mines that are already in place, in August 2011, the Israeli army’s journal, *Bamachaneh*, reported that the army had laid new anti-personnel mines in the Occupied Golan along the ceasefire line separating the region from the rest of Syria.<sup>93</sup>

**In light of the above facts, we recommend that the Committee ask the State of Israel to:**

1. Provide clear and precise information regarding the following:
  - The number of landmines in the Golan;
  - The mine-clearing program currently in place;
  - The specific areas that have been cleared;
  - A schedule for mine-clearing in the future
2. Explain how and when it will clear and return the lands originally belonging to Syrian Arabs that are currently being used as military posts and landmine zones;
3. Provide precise and detailed information on the following:
  - The exact number of landmine accidents in the Golan from 1967 to present, disaggregated by year;
  - The number of landmine accident cases that have been investigated by Israeli authorities.
4. For each reported case, include:
  - The name of the injured/deceased;
  - The efforts made by Israel to investigate the circumstances surrounding the accident;
  - The nature of medical assistance and rehabilitation given to the injured/deceased; and
  - The nature and amount of compensation provided to the victims and/or their next

of kin.

#### **4. Freedom of Movement and the Right to Family**

*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) Freedom to Choose One's Residence**

This Committee's 1999 General Comment No. 27 explains that "the right to reside in a place of one's choice within the territory includes protection against all forms of forced internal displacement. It also precludes preventing the entry or stay of persons in a defined part of the territory."<sup>94</sup> Israel violates Article 12 by depriving Syrian Arabs of their land, failing to return the land or to provide adequate compensation for the land, and establishing military and landmine zones that Syrian Arabs in the Golan cannot enter.

Moreover, the Israeli government's proffered reason—"security purposes"—for taking the lands from Syrian Arabs is insufficient.<sup>95</sup> Israeli laws, like the Land Acquisition Law and the 2010 Amendment to the Land (Acquisition for Public Purposes) Ordinance, 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."<sup>96</sup>

##### **b) The Right to Travel**

As a people under occupation, most Syrians have resisted Israel's attempts to force its citizenship onto them. Consequently, many Syrian Arabs in the Golan are not citizens of any country. Instead, they have "undefined" citizenship and are granted a "laissez-passer" to travel.<sup>97</sup> Like Palestinians living in the Occupied Palestinian Territories, including East Jerusalem, most Syrian Arab residents of the Golan have permanent residency status.<sup>98</sup> 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.<sup>99</sup> 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.<sup>100</sup>

While Jewish people have the inalienable right to return to Israel and acquire citizenship at any time, Syrian Arabs face significant hurdles to regain permanent residency.<sup>101</sup> For non-Jews, like Syrian Arabs living in the Occupied Golan, the procedure to regain permanent residency status is onerous, and their requests for residency are often denied. One man, born and raised in Majdal Shams, reports that his permanent residency was revoked after he obtained citizenship in a second country, even though dual citizenship is permitted under Israeli law.<sup>102</sup> 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 live in his hometown.<sup>103</sup>

Syrian Arabs’ residency status also impedes their ability to travel abroad. Their “undefined” status means they are often detained and questioned at the border. Syrians’ 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.<sup>104</sup> Syrians’ requests for visas are often denied because countries fear that their “undefined” status means they will seek asylum in any country they visit.<sup>105</sup>

### **c) The Right of Return**

Article 12 provides that “[n]o one shall be arbitrarily deprived of the right to enter his own country.” Israel’s denial of Syrian Arabs’ right to return from Syria to the Occupied Golan predates the current conflict in Syria. At the end of the 1967 war leading to Israel’s occupation of the Syrian Golan, over 130,000 people were forcibly transferred by the Israeli military or displaced and forbidden from returning to the Occupied Golan.<sup>106</sup> 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 to the rest of Syria during the war to return to their hometown in the Golan.<sup>107</sup>

The Israeli government has imposed severe restrictions on Syrian Arabs’ ability to return to their homes in the Golan. Many of these restrictions predate the beginning of the current conflict in Syria. One such restriction involves requiring any Syrian Arab bride who leaves her home in the Occupied Golan to live in the rest of Syria with her husband, to sign a form renouncing her right and the right of any of her present or future children to return to the Occupied Golan.<sup>108</sup>

In 2003, the Knesset enacted the Citizenship and Entry into Israel Law (Temporary Provision) 5763, which prohibits residents from the Occupied Palestinian Territories of the West Bank,<sup>109</sup> and the Gaza Strip, including those married to Israeli citizens, from being granted nationality or a permit to reside in Israel.<sup>110</sup> Although this law was initially a temporary order, it was extended in 2004, 2005, and 2006.<sup>111</sup> In 2007, the Knesset passed an amendment to the temporary order,

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.<sup>112</sup> As a result, Syrian families are unable to live together in the Occupied Golan, when one of the spouses is a Syrian national or resident. 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 articles 23 and 26 of the Covenant.”<sup>113</sup> Israel has failed to implement the Committee’s recommendations, and the Citizenship and Entry into Israel Law (Temporary Provision) continues to violate Syrian Arabs’ right to family under Articles 17 and 23.

Since the beginning of the current conflict in Syria, it has become even harder for Syrians to return to their homes in the Syrian Golan.<sup>114</sup> For instance, before the war in Syria, it was common practice 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.<sup>115</sup> As a result of the war, 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.<sup>116</sup> 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.<sup>117</sup> For instance, one man 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, are denied entry into the Syrian Golan.<sup>118</sup>

**In light of the above facts, we recommend that the Committee ask the State of Israel to:**

1. Explain why the State Party has denied Syrian Arabs in Syria the right to return to the Syrian Golan. Provide specific information regarding:
  - Why the State Party did not allow Syrian Arabs to return to the Syrian Golan before the war in Syria erupted;
  - What measures the State Party is taking to allow Syrian Arab students in Damascus to return to their homes in the Occupied Golan.  
Providespecific information regarding efforts taken to create an equitable and transparent process for Syrians to regain their permanent residency upon their return to the Syrian Golan or Israel.
2. Explain whether the State Party intends to repeal its policy of requiring residents of the Golan married to Syrian nationals to renounce their rights and their children’s rights to return to the Occupied Golan.

## **5. Cultural Rights: Education and Identity**

*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.”<sup>119</sup> 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 natives under Articles 1 and 27 of the ICCPR.<sup>120</sup>

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.”<sup>121</sup> This practice continues today. History books used in the 2017 educational curriculum of schools in the Golan fail 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 Syrian Golan without mentioning the occupation or illegal annexation.<sup>122</sup> Israel’s systemic efforts to alter the ethnic and national identity of the Syrian Arabs in the Golan has isolated them from the larger Syrian Arab community.<sup>123</sup>

The image on the following page 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 Palestinian Occupied Territories, the Gaza Strip, and the Occupied Syrian Golan.<sup>124</sup>



**In light of the above facts, we recommend that the Committee ask the State of Israel to:**

1. Provide detailed information on educational materials and initiatives that aim to promote the culture, language, and heritage of Syrian Arabs in the Golan. Provide specific information regarding:
  - Arabic language classes that include Syrian Arab poets, authors, and artists;
  - Music classes that teach Arabic and/or Syrian songs;
  - Extracurricular celebrations of Arab Syrian holidays (like Al-Adha).
2. Provide clear and precise information about educational materials for Syrian Arab schools describing the 1967 war and the occupation of the Syrian Golan, including:
  - History classes that mention and teach about the occupation;
  - High school history and civics classes that describe the land acquisition process and the creation of settlements; and
  - School trips to Syrian villages destroyed during the 1967 war.

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<sup>1</sup>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”).

<sup>2</sup>See S.C. Res. 242 (Nov. 22, 1967).

<sup>3</sup>“Syrian Golan” and “Occupied Golan” are used interchangeably throughout this report.

<sup>4</sup>Usama R. Halabi, *Life Under Occupation in the Golan Heights*, 22 J. PALESTINE STUD. 78 (1992).

<sup>5</sup>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*].

<sup>6</sup>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).

<sup>7</sup>Press Release, Al-Marsad, *50 Years of the Occupation of the Syrian Golan*, Arab Human Rights Centre in the Golan Heights (June 8, 2017), <http://golan-marsad.org/50-years-of-the-occupation-of-the-syrian-golan/> [hereinafter Al-Marsad, *50 Years*].

<sup>8</sup>S.C. Res. 497, ¶ 1 (Dec. 17, 1981); G.A. Res. 64/95, ¶ 1 (Jan. 19, 2010).

<sup>9</sup>R. Scott Kennedy, *The Druze of the Golan: A Case of Non-Violent Resistance*, 13 J. PALESTINE STUD. 48 (1984).

<sup>10</sup>*Id.*

<sup>11</sup>See Murphy & Gannon et al, *supra* note 6, at 109.

<sup>12</sup>Shimon Cohen, *We Need Another 100,000 Settlers in the Golan*, ARUTZSHEVA (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), <https://www.nytimes.com/2015/10/03/world/middleeast/syria-civil-war-israel-golan-heights.html>.

<sup>13</sup>See Karen Hanlon, *Ownership to Occupation: The Forced Evictions and Internal Displacement of the People of the Syrian Golan*, Al-Marsad, Arab Human Rights Centre in the Golan Heights 42-43 (2012); see also Land Acquisition Law, 5713–1953, No. 25, § 2 (Isr.) (“Acquisition of property for purposes of development, settlement, or security”); Absentees’ Property Law, 5710–1950, No. 20, § 1(b) (Isr.) (defining “absentee” as someone who was a “national or citizen of the Lebanon, Egypt, Syria, Saudi Arabia, Trans-Jordan, Iraq or the Yemen” between November 29, 1947 and May 19, 1948).

<sup>14</sup>See Law to Amend the Cooperative Societies Ordinance, 5771–2011, No. 8, § 6B (Isr.).

<sup>15</sup>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).

<sup>16</sup>See Law to Amend the Cooperative Societies Ordinance at § 6B-C.

<sup>17</sup>The human rights organization Adalah submitted a petition to the Supreme Court of Israel in 2011 demanding the abolition of the discriminatory amendment to the Cooperative Societies Ordinance, and the Supreme Court upheld the law in 2014. See Press Release, *Demanding the Cancellation of New “Admission Committee Law,” which Legitimizes “Admission Committees” and the Use of “Social Suitability” Criterion to Determine Whether to Accept or Reject Individuals Who Wish to Live in these Towns*, Adalah, Legal Center for Arab Minority Rights in

Israel(2011),<https://www.adalah.org/en/content/view/8327>; Press Release, *Israeli Supreme Court upholds "Admissions Committees Law" that Allows Israeli Jewish Communities to Exclude Palestinian Arab Citizens*, Adalah, Legal Center for Arab Minority Rights in Israel (Sept. 17, 2014),<https://www.adalah.org/en/content/view/8327>. For example, in 2007, Ahmad and Fatina Zbeidat, a young Arab couple from Sakhnin village in the Golan, were denied entry to the newly-designated town of Rekfah. They were asked to undertake a "compatibility test," as well as an interview with community representatives, upon which they were denied entry due to their "incompatible personality with the town." The couple were told that the uniqueness of the town lies in it being "a Jewish community." See Jackie Khoury (ג'קי חורי), Zoug Aravi Me-Sakhnin Lou Hetkabel Leyishuv Rekfah (תקופת ליישוב ריקפת), WallaNews (2007).

<sup>18</sup> 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).

<sup>19</sup>*Id.*

<sup>20</sup>*Id.*

<sup>21</sup> Nizar Brik (د. نزار بريك), Taqir An Al-Haq Bel-Sakan, Al-Jawlan Al-Mohtal (تقرير الحق بالسكن الجولان المحتل) 22(2017) (unpublished manuscript).

<sup>22</sup>*Id.* at 24.

<sup>23</sup> Golan Heights, Israel Ministry of Foreign Affairs,<http://www.mfa.gov.il/mfa/aboutisrael/maps/pages/golan%20heights.aspx> ("The region's strategic importance derives from its location, overlooking the Israeli Galilee region, and from the fact that it supplies Lake Kinneret (the Sea of Galilee)—a major source of water for Israel—with one-third of its water.").

<sup>24</sup> Lake Tiberias is also known as the "Sea of Galilee," "Lake Kinneret," and "Lake of Gennesaret." For a list of names used to address the Sea of Galilee, see *Sea of Galilee*, Encyclopedia Britannica (2017),<https://www.britannica.com/place/Sea-of-Galilee>.

<sup>25</sup> Golan Heights, Israel Ministry of Foreign Affairs,<http://www.mfa.gov.il/mfa/aboutisrael/maps/pages/golan%20heights.aspx>; see Jordan Basin, Food and Agriculture Organization of the United Nations (2009),<http://www.fao.org/nr/water/aquastat/basins/jordan/index.stm> ("The Golan Heights control the main water sources of Israel. Israel's only lake and its main source of freshwater, supplying the country with a third of its water, is fed from the Golan Heights."); see also Hilmi S. Salem, *A Budget of the Surface and Underground Water in Northern Jordan*, STUD. ENVTL. SCI. 1, 128 (1992) ("Israel also seeks to maintain the Golan Heights as an abundant source of water.").

<sup>26</sup> See Lulu Garcia-Navarro, *Move Over Manischewitz, Israeli Wines Gain Acclaim*, NPR (Nov. 27, 2009),<http://www.npr.org/templates/story/story.php?storyId=120845694>.

<sup>27</sup> 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>.

<sup>28</sup> 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.").

<sup>29</sup> See, e.g., Scott Michael Moore, *Israel: How Meeting Water Challenges Spurred a Dynamic Export Industry*, World Bank: The Water Blog (Oct. 27, 2017),<http://blogs.worldbank.org/water/israel-how-meeting-water-challenges-spurred-dynamic-export-industry> ("Water has become a US\$2 billion industry for Israel, consisting of at least 300 companies and over 100 startups. Growth has been rapid: the sector has seen an increase in exports of almost 200% in just three years.").

<sup>30</sup> "Water Sources," Mey Eden,<http://www.meyeden.co.il/water/source.asp>.

<sup>31</sup> מהחלום למציאות – תוכנית הנהלות ביישובי הגולן [From Dream to Reality - The Settlement Plan in the Golan] מערכת שישי בגולן [Friday in the Golan Organization] 2015, <https://muftah.org/golan-heights-israels-forgotten-occupation/#.WgSCJyMrJhA> [hereinafter Al-Marsad, *Forgotten Occupation*]. ("Aside from its natural beauty, the

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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.”).

<sup>32</sup> Eden Springs, <http://www.edensprings.com/>; Eden Springs, Company Profile, Bloomberg, <https://www.bloomberg.com/profiles/companies/285339Z:IT-eden-springs-ltd/israel>.

<sup>33</sup> Olea Essence’s tagline states: “Olea Essence—From the Sea of Galilee.” Olea Essence, <http://www.oleaessence.com/>.

<sup>34</sup>Golan Heights Winery, <http://www.golanwines.co.il/english>.

<sup>35</sup>See Al-Marsad, Israeli Agricultural Settlement Expansion in the Occupied Syrian Golan During the Syrian Conflict, <http://golan-marsad.org/wp-content/uploads/Settlement-Agricultural-Expansion-in-the-Golan-Final-editedCrystal.pdf>.

<sup>36</sup> A. Dillon, *Forgotten Territory: The Political, Economic & Social Impact of the Israeli Occupation of the Golan Heights - Part 3*, MUFTAH (Dec. 20, 2010).

<sup>37</sup> Interview with Salman Alwli (Sept. 18, 2017); Interview with MazriadMasaud (Sept. 18, 2017).

<sup>38</sup> Interview with TayseerMaray, former Director of the Golan Organization for Development (Sept. 19, 2017).

<sup>39</sup> 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).

<sup>40</sup>See Murphy & Gannon, *supra* note 6, at 24.

<sup>41</sup>See Hanlon, *supra* note 13, at 16.

<sup>42</sup>See Jennifer Greenberg, *Best Attraction in the Golan Heights*, TIME OUT (2016), <https://www.timeout.com/israel/attractions/the-best-attractions-in-the-golan-heights>.

<sup>43</sup>*Id.*

<sup>44</sup> Interview with David Barel (Sept. 20, 2017).

<sup>45</sup>*Id.*

<sup>46</sup>*Id.*

<sup>47</sup>*Id.*

<sup>48</sup> Interview with a reliable and informed source requesting anonymity for security reasons(Sept. 19, 2017).

<sup>49</sup>*Id.*

<sup>50</sup>*Id.*

<sup>51</sup>See Geoffrey Aronson, *Settlement Monitor*, 42 J. PALESTINE STUD. 160, 175–76 (2013).

<sup>52</sup>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*].

<sup>53</sup>See Jabarin&Rabboh, *infranote* 76; 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).

<sup>54</sup> U.N. Human Rights Comm. (HRC), *CCPR General Comment No. 18: Non-discrimination* (Nov. 10, 1989) <http://www.refworld.org/docid/453883fa8.html>.

<sup>55</sup>*Id.*

<sup>56</sup>See Murphy & Gannon et al, *supra* note 6.

<sup>57</sup>*Id.*

<sup>58</sup>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.”).

<sup>59</sup>See Aronson, *supra* note 51, at 175–76; *Al-Marsad, Israeli Authorities Demolish*, *supra* note 52.

<sup>60</sup> Interview with MaziadMasoud (Sept. 18, 2017).

<sup>61</sup>*Id.*

<sup>62</sup> Interview with Rachel Barel& David Barel (Sept. 19, 2017). Instead, the couple made a contract with the government for 49 years, subject to renewal.



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<sup>63</sup>*Id.*

<sup>64</sup>See Scott Wilson, *Golan Heights Land, Lifestyle Lure Settlers*, WASH. POST (Oct. 30, 2006), <http://www.washingtonpost.com/wp-dyn/content/article/2006/10/29/AR2006102900926.html>.

<sup>65</sup> U.N. Human Rights Comm. (HRC), *CCPR Draft General Comment No. 36: Article 6 (Right to Life)*.

<sup>66</sup>*Id.*

<sup>67</sup> 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).

<sup>68</sup> 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).

<sup>69</sup>*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*].

<sup>70</sup> Explosive Litter, *Status Report on Minefields in Israel and the Palestinian Authority*, Survivor Corps 11 (2010).

<sup>71</sup> 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.

<sup>72</sup> Documented during field visits by the Cornell Law School International Human Rights Clinic (Sept. 18, 2017).

<sup>73</sup> 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>.

<sup>74</sup> Al-Marsad, *Landmines in the Occupied Golan*, *supra* note 69, at 12.

<sup>75</sup> Human Rights Watch et al., *Landmine Monitor Report 2000: Toward a Mine-Free World* (2000), <https://www.hrw.org/reports/2000/landmines/LMWeb-29.htm>.

<sup>76</sup> Shawan Jabarin & Mohammad Abed Rabboh, *Death Traps, Landmines in Golan*, Al-Haq 23–28 (2000).

<sup>77</sup> Eighth Annual Conference of the States Parties to Amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, *Israel: National Annual Report*, CCW/AP.II/CONF.8/NAR.28, 6 (Nov. 10, 2006).

<sup>78</sup> Al-Marsad, *Landmines in the Occupied Golan*, *supra* note 69, at 15.

<sup>79</sup> Interview with Mufid Alweli (Sept. 19, 2017).

<sup>80</sup> See *The State Will Compensate Residents of Majdal Shams Whose House Was Hit*, WALLA NEWS (Feb. 11, 2007), <https://news.walla.co.il/item/1233031>; Landmine Monitor, *Landmine Monitor Report 2009: Toward a Mine-Free World* (Oct. 2009), [http://www.the-monitor.org/media/1641881/Landmines\\_Report\\_2009.pdf](http://www.the-monitor.org/media/1641881/Landmines_Report_2009.pdf).

<sup>81</sup> Interview with Mufid Alweli (Sept. 19, 2017).

<sup>82</sup> Interview with Mufid Alweli (Sept. 19, 2017).

<sup>83</sup> Interview with Salman Alwli (Sept. 18, 2017).

<sup>84</sup>*Id.*

<sup>85</sup> Interview with a reliable and informed source requesting anonymity for security reasons (Sept. 20, 2017).

<sup>86</sup> Interview with Saleh Baa'rar (Sept. 19, 2017).

<sup>87</sup> Interview with Saleh Baa'rar (Sept. 19, 2017).

<sup>88</sup> See 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).

<sup>89</sup> See Ethan Bronner, *Leg Lost to Landmine, Boy, 11, Moves Israel*, N.Y. TIMES (May 12, 2010), <http://www.nytimes.com/2010/05/13/world/middleeast/13israel.html>.

<sup>90</sup> Chana Ya'ar, *Israel Begins to Clear Landmines*, ARUTZ SHEVA (Jan. 29, 2012), <http://www.israelnationalnews.com/News/News.aspx/152222>.

<sup>91</sup> Minefield Clearance Act, 5771-2011, SH No. 2285 (Isr.).

<sup>92</sup> See, e.g., *Adalah, Al-Marsad demand Israel remove army outposts and minefields from occupied Syrian town on Golan Heights*, 2 Aug. 2017, <https://www.adalah.org/en/content/view/9180>.



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<sup>93</sup> Gil Ronen, *Antipersonnel Mines Laid Along Syria Border 'for September'*, ARUTZSHEVA(Aug. 11, 2011), <http://www.israelnationalnews.com/News/News.aspx/146650#.VcNSrfmqPw>.

<sup>94</sup> 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).

<sup>95</sup> Mr. Masoud's land was taken for "security purposes." Interview with Maziad Masoud (Sept. 18, 2017).

<sup>96</sup> *Supra* text accompanying note 13; Hanlon, *supra* note 13, at 71.

<sup>97</sup> Nizar Ayoub, Letter to Ambassador Lars Faaborg-Andersen (Mar. 7, 2017), <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].

<sup>98</sup> *See id.*

<sup>99</sup> Entry into Israel Regulations, 5734–1974, HH (Knesset) No. 2 (Isr.), <http://www.hamoked.org/files/2010/regulation%2011a.pdf>.

<sup>100</sup> *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](http://www.hamoked.org/items/110430_eng.pdf).

<sup>101</sup> *See* Law of Return, 5710–1950, HH (Knesset) (Isr.), <https://www.knesset.gov.il/laws/special/eng/return.htm>.

<sup>102</sup> 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).

<sup>103</sup> *Id.*

<sup>104</sup> 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>.

<sup>105</sup> *See* Letter to Ambassador Lars Faaborg-Andersen, *supra* note 97.

<sup>106</sup> *See* Murphy & Gannon, *supra* note 6, at 24.

<sup>107</sup> *See* Hanlon, *supra* note 13, at 71.

<sup>108</sup> *See* Hannah Russell, *Breaking Down the Fence: Addressing the Illegality of Family Separation in the Occupied Syrian Golan*, Al-Marsad, Arab Human Rights Centre in the Golan Height 105 (2010); see also Hanlon, *supra* note 13, at 67.

<sup>109</sup> Judea and Samaria are the names used by the Israeli government to refer to the West Bank.

<sup>110</sup> The Citizenship and Entry into Israel Law (temporary provision) 5763–2003, HH (Knesset) (Isr.), [https://www.knesset.gov.il/laws/special/eng/citizenship\\_law.htm](https://www.knesset.gov.il/laws/special/eng/citizenship_law.htm).

<sup>111</sup> Adalah, *The Nationality and Entry into Israel Law*, <https://www.adalah.org/en/content/view/7371> (last visited Oct. 30, 2008).

<sup>112</sup> *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](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*].

<sup>113</sup> U.N. Human Rights Committee, Concluding observations on the fourth periodic report of Israel 9 (Nov. 21, 2014).

<sup>114</sup> *See* Chana Ya'ar, *Syria: Not All Druze Students Return Home to Israel*, ARUTZSHEVA (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>.

<sup>115</sup> 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>.

<sup>116</sup> *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?*, ALJAZEERA (Sept. 14, 2014).

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<sup>117</sup>See Isabel Kershner, *Echoes of Syria's War in the Golan Heights*, N.Y. TIMES (Aug. 7, 2012).

<sup>118</sup> Interview with a reliable and informed source requesting anonymity for security reasons (Sept. 20, 2017).

<sup>119</sup> 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).

<sup>120</sup>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.

<sup>121</sup> 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>.

<sup>122</sup>See MUHAMMED YUSUF, I LOVE YOU, MY HOMELAND, Israeli Ministry of Education (2017).

<sup>123</sup>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).

<sup>124</sup>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>.