

Al Marsad, the Arab Center for Human Rights in Occupied Golan

Review of the fulfilment by Israel of its human rights obligations and commitments

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Al Marsad, a non profit legal human rights organisation was established in October 2003 by a group of professionals from Majdal Shams, a village in the most northern part of the Occupied Syrian Golan. It is the first organisation in the Golan to address the long neglected human rights situation in the region.

Al Marsad promotes a rights based approach as the way forward in addressing, highlighting and solving the problems facing the Syrian community of the Occupied Golan. Al Marsad monitors and documents violations of international human rights law and international humanitarian law and provides a pro bono legal service to the local population.

Al Marsad provides the following information in accordance with sections B, C, and D of the General Guidelines for the Preparation of information under the Universal Periodic Review

B) Normative and institutional framework of state

C) Promotion and protection of human rights on the ground

- Al Marsad highlights concerns related to human rights violations in the context of
 - o Israeli discriminatory policies Occupied Syrian Golan
 - o The denial of freedom of movement
 - o Treatment of Syrian political prisoners in Israeli Jails

Section B: Normative and institutional framework of state

- **Al Marsad highlights Israel's shortcomings of the ratification of international human rights standards**

Recommendation

In light of the information provided below Al Marsad recommends to the Human Rights Council that Israel ratify the following protocols:

Protocols One and Two International Covenant on Civil and Political Rights

Optional Protocol to the Convention Against Torture and Cruel and Inhuman or Degrading Treatment

Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women

○ **Israel discriminatory policies in the Occupied Syrian Golan**

1) Al Marsad is gravely concerned by the Israeli authority's discrimination policy in the Occupied Syrian Golan that is having serious ramifications for the indigenous Syrian population. Since Israel began its occupation of the Syrian Golan it has taken full control of all water sources and introduced severe discriminatory policies in its distribution to the indigenous Syrian population, while at the same time greatly benefiting illegal Israeli settlers living in the occupied territory.

2) For example the Israel authorities are providing settlers with five times more water than Arab farmers, their quota being 450m of water per dunam of land, while Arab farmers had a quota of 90m of water per dunam of land.¹ Further, because the taxation on water is structured according to the percentage of water used, and because Syrian farmers by necessity use a higher percentage of their allocated water than the illegal settlers, the taxation is indirectly discriminatory against Syrian farmers.² The result is that Syrian farmers in the region are prevented from producing the same quantities of fruit as the illegal settler farmers, which in turn negatively affects their economy.³ Such discriminative Israeli policies towards Syrian people of the Occupied Golan are also prevalent in areas such as the distribution and cost of electricity, the charging of taxes and the distribution and control of land.

3) Israel's control over water sources in the Occupied Syrian Golan seriously violates the rights of the Syrian people to freely dispose of their natural wealth and resource as outlined in Article 1(2) of the ICCPR. Israel's discriminatory policy towards Syrian farmers in its distribution of water also violates a number of provisions enshrined in various human rights treaties including Article 2(1) ICCPR and Article 2(2) ICESCR and a number of provisions of the ICERD

¹ See International Labour Organization, *The situation of workers in the occupied Arab territories*, 2008, at 20, paragraph 84. These quotas were recently reduced from the original 750m³ allocated to settlers and 150m³ allocated to Arab farmers.

² See International Labour Organization, *The situation of workers in the occupied Arab territories*, 2008, at 20, at footnote 14. The tax structure is described as follows: "the first 20 per cent of the allocated water quota costs 1.2 new Israeli shekels (NIS) per m³ (tariff A). The following 60 per cent costs 2.4 NIS per m³ (tariff B) and the last 20 per cent are charged at 3.6 NIS per m³ (tariff C). Owing to their much smaller water quota, Syrian citizens are obliged to use it entirely. They must thus use more water charged at tariffs B and C than Israeli settlers, and, as consequences, pay more on average for water."

³ See International Labour Organization, *The situation of workers in the occupied Arab territories*, 2008, at 20.

○ **The denial of freedom of movement**

4) Al Marsad is deeply alarmed at the continued suffering inflicted on thousands of Syrian people in the Occupied Syrian Golan brought about by Israel's strict entry and exit policy on the Occupied Golan which has led to the continued separation of thousands of family members. Only a privileged few get to cross the international cease fire line each year, an activity facilitated by the exceptional work of the International Committee for the Red Cross (ICRC).⁴

5) This problem was recently highlighted by the death of Ms. Mai Atef Shalan, a young mother from the Occupied Syrian Golan who had moved to Syria to live with her husband. Ms. Shalan died on the 5 March 2008 after becoming seriously ill with hepatitis A. On hearing about her grave situation, Ms. Shalans parents and extended family from the Occupied Golan applied for permission from the Israeli authorities to travel to Syria to see her before she passed away. Unfortunately, the Israeli authorities held up the application and the permission was not forthcoming, Ms. Shalan died on the 5 March 2008. Eventually, just the parents of Ms. Shalan were granted permission to travel to Syrian across the international cease fire line at the Quneitra Crossing, 10 March 2008, to part take in the funeral of their daughter.⁵

6) This horror is enforced by Israel's strict entry and exit policy on the Occupied Syrian Golan and violates a number of fundamental human rights including the right to freedom of movement Article 12(1) ICCPR, the right to a family Article 10 ICESCR and Article 17 ICCPR. And also a number of provisions enshrined in the CRC and the ICEDAW

⁴ See at <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/israel-golan-311207>

⁵ In this case the parents of Ms. Mai Shalan were eventually granted permission, all be it to late, however, this is not the norm with many people being refused permission to travel

o Treatment of Syrian political prisoners in Israeli Jails

7) Al Marsad would finally like to highlight for the Human Rights Council that Israel continues to violate basic principles of international human rights law regarding the treatment of political prisoners from the Occupied Syrian Golan. The provision of health care in Israeli jails towards political prisoners from the Occupied Golan often falls well short of the United Nations' Standard Minimum Rules for the treatment of prisoners.⁶ Although serious illness amongst prisoners is common, proper medical care is rarely provided, and what care is available entails long delays placing prisoners in need of urgent attention in further jeopardy.

8) This issue was recently highlighted with the eventual release of political prisoner Sitan Nimer Al Wali, a resident of Majdal Shams, Occupied Syrian Golan and jailed in since 1985. Mr. Al Wali's health condition has seriously deteriorated over the last year. On the 30 July 2007, after an examination by his doctor,⁷ Dr. Wajdi Al-Safadi, Mr. Al Wali was diagnosed with have a tumour on the right of his abdominal. An immediate ultra sound was order by Dr. Al Safadi; however, this was not forthcoming. Eventually, seven months later Mr. Al Wali received the required ultra sound where the presence of a large tumour on his right kidney was confirm. A petition was made by Mr. Al Wali's lawyer for his immediate release on humanitarian grounds and to receive life saving treatment for his condition. However, the Israeli authorities seriously delayed responding to the request. Eventually Mr. Al Wali was released July 2008 by the Israeli authorities in order for him to receive the necessary treatment.

⁶ See United Nations Standard Minimum Rules for the Treatment of Prisoners at http://www.unhchr.ch/html/menu3/b/h_comp34.htm

⁷ Dr. Al Safadi was given special permission to visit Mr. Al Wali