

ISRAEL'S APARTHEID AGAINST PALESTINIANS

CRUEL SYSTEM OF DOMINATION AND CRIME AGAINST HUMANITY

April 2022

In May 2021, Palestinian families in Sheikh Jarrah, a neighbourhood in occupied East Jerusalem, began protesting Israel's plan to forcibly evict them from their homes to make way for Jewish settlers. Many of the families are refugees, who settled in Sheikh Jarrah after being forcibly displaced around the time of Israel's establishment as a state in 1948. Since Israel occupied East Jerusalem and the rest of the West Bank in 1967, Palestinians in Sheikh Jarrah have been continuously targeted by Israeli authorities, who use discriminatory laws to systematically dispossess Palestinians of their land and homes for the benefit of Jewish Israelis.

In response to the demonstrations in Sheikh Jarrah, thousands of Palestinians across Israel and the Occupied Palestinian Territories (OPT) held their own protests in support of the families, and against their shared experience of fragmentation, dispossession, and segregation. These were met with excessive and deadly force by Israeli authorities with thousands injured, arrested, and detained.

The events of May 2021 were emblematic of the oppression which Palestinians have faced every day, for decades. The discrimination, the dispossession, the repression of dissent, the killings and injuries - all are part of a system which is designed to privilege Jewish Israelis at the expense of Palestinians.

This is apartheid.

Amnesty International's new investigation shows that Israel imposes a system of oppression and domination against Palestinians across all areas under its control: in the Occupied Palestinian Territories, in Israel and against Palestinian refugees to benefit Jewish Israelis. This amounts to apartheid as prohibited in international law.

Laws, policies, and practices which are intended to maintain a cruel system of control over Palestinians have left them fragmented geographically and politically, frequently impoverished, and in a constant state of fear and insecurity.

WHAT IS APARTHEID?

Apartheid is a violation of public international law, a grave violation of internationally protected human rights, and a crime against humanity under international criminal law.

The term "apartheid" was originally used to refer to a political system in South Africa which explicitly enforced racial segregation, and the domination and oppression of one racial group

by another. It has since been adopted by the international community to condemn and criminalise such systems and practices wherever they occur in the world.

The crime against humanity of apartheid under the Apartheid Convention, the Rome Statute and customary international law is committed when any inhuman or inhumane act (essentially a serious human rights violation) is perpetrated in the context of an institutionalised regime of systematic oppression and domination by one racial group over another, with the intention to maintain that system.

Apartheid can best be understood as a system of prolonged and cruel discriminatory treatment designed to privilege one racial group at the expense of another.



Al-Aqsa Mosque compound. Israeli forces attacked peaceful crowds of Palestinians as they gathered at al-Aqsa mosque in Jerusalem. © Amnesty International

WHY IS AMNESTY INTERNATIONAL CAMPAIGNING AGAINST APARTHEID?

“I do not know why the entire world is watching what is happening and letting Israel get away with it? It is time the world stopped spoiling Israel.” – Nabil el-Kurd, one of the residents under threat of forced eviction in the East Jerusalem neighbourhood of Sheikh Jarrah

Apartheid is not acceptable anywhere in the world. So why has the world accepted it against Palestinians?

Human rights have long been side-lined by the international community when dealing with the decades-long struggle and suffering of Palestinians. Palestinians facing the brutality of

Israel's repression have been calling for an understanding of Israel's rule as apartheid for over two decades. Over time, a broader international recognition of Israel's treatment of Palestinians as apartheid has begun to take shape.

But governments with the responsibility and power to do something have refused to take any meaningful action to hold Israel accountable. Instead, they have been hiding behind a moribund peace process at the expense of human rights and accountability. Unfortunately, the situation today is one of no progress towards a just solution and worsening human rights for Palestinians.

Amnesty is calling for Israel to end the international wrong, and crime, of apartheid, by dismantling measures of fragmentation, segregation, discrimination, and deprivation, currently in place against the Palestinian population.

"Israel is not a state of all its citizens... [but rather] the nation-state of the Jewish people and only them" – message posted online in March 2019 by Israel's then prime minister Benjamin Netanyahu

ISRAEL'S SYSTEM OF OPPRESSION AND DOMINATION OF PALESTINIANS

Since the establishment of the State of Israel in 1948, successive governments have created and maintained a system of laws, policies, and practices designed to oppress and dominate Palestinians. This system plays out in different ways across the different areas where Israel exercises control over Palestinians' rights, but the intent is always the same: to privilege Jewish Israelis at the expense of Palestinians.

Israeli authorities have done this through four main strategies:

FRAGMENTATION INTO DOMAINS OF CONTROL

At the heart of the system is keeping Palestinians separated from each other in distinct territorial, legal and administrative domains

DISPOSSESSION OF LAND AND PROPERTY

Decades of discriminatory land and property seizures, home demolitions and forced evictions

SEGREGATION AND CONTROL

A system of laws and policies that keep Palestinians restricted to enclaves, subject to several measures that control their lives, and segregated from Jewish Israelis

DEPRIVATION OF ECONOMIC & SOCIAL RIGHTS

The deliberate impoverishment of Palestinians keeping them at great disadvantage in comparison to Jewish Israelis

FRAGMENTATION INTO DOMAINS OF CONTROL

While establishing Israel as a Jewish state in 1948, Israel expelled hundreds of thousands of Palestinians and destroyed hundreds of Palestinian villages in what amounted to ethnic cleansing.

Since then, successive governments have designed laws and policies to ensure the continued fragmentation of the Palestinian population. Palestinians are confined to enclaves in Israel, the West Bank and the Gaza Strip, and the refugee communities, where they are subject to different legal and administrative regimes. This has undermined family, social, and political ties between Palestinian communities and suppressed dissent against the apartheid system. It also helps to maximise Jewish Israeli control over land and maintain a Jewish demographic majority.

Millions of Palestinians remain displaced as refugees and continue to be physically isolated from those in Israel and the OPT through Israel's continuous denial of their right to return to their homes, towns and villages.

DISPOSSESSION OF LAND AND PROPERTY

Since 1948, Israel has enforced massive and cruel land seizures to dispossess Palestinians of their land and homes. Although Palestinians in Israel and the OPT are subjected to different legal and administrative regimes, Israel has used similar land expropriation measures across all areas - For example, since 1948, Israel has expropriated land in areas of strategic importance that include significant Palestinian populations such as the Galilee and the Negev/Naqab and used similar measures in the OPT following Israel's military occupation in 1967. The expropriation of land from Palestinians to Jewish Israelis and the destruction of Palestinian homes continues to this day.

To maximize Jewish Israeli control over land and minimize the Palestinian presence, Palestinians have been confined to separate, densely populated enclaves. While Israeli policies have allowed for the discriminatory allocation of state land to be used almost exclusively to benefit Jewish Israelis both inside Israel and in the OPT.

SEGREGATION AND CONTROL

Successive Israeli governments have pursued a strategy of establishing domination through discriminatory laws and policies which segregate Palestinians into enclaves based on their legal status and residence.

Israel denies Palestinian citizens their rights to equal nationality and status, while Palestinians in the OPT face severe restrictions on freedom of movement. Israel restricts Palestinians' rights to family unification in a profoundly discriminatory manner: for example, Palestinians from the OPT cannot gain residency or citizenship through marriage, which Jewish Israelis can.

Israel also places severe limitations on Palestinians' civil and political rights to suppress dissent and maintain the system of oppression and domination. For example, millions of Palestinians in the West Bank remain subject to Israel's military rule and draconian military orders adopted since 1967.

DEPRIVATION OF ECONOMIC AND SOCIAL RIGHTS

These measures have left Palestinians marginalized, impoverished, and economically disadvantaged across Israel and the OPT.

Decades of discriminatory allocation of resources by Israeli authorities, for the benefit of Jewish Israeli citizens in Israel and Israeli settlers in the OPT, compound these inequalities. For example, millions of Palestinians inside Israel and East Jerusalem live in densely populated areas that are generally underdeveloped and lack adequate essential services such as rubbish collection, electricity, public transportation and water and sanitation infrastructure.

Palestinians across all areas under Israel's control have fewer opportunities to earn a living and engage in business than Jewish Israelis. They experience discriminatory limitations on access to and use of farmland, water, gas and oil amongst other natural resources, as well as restrictions on the provision of health, education and basic services.

In addition, Israeli authorities have appropriated the vast majority of Palestinians' natural resources in the OPT for the economic benefit of Jewish citizens in Israel and in the illegal settlements.

For example, the Israeli authorities restrict Palestinians' access to water by refusing permits for new water installations and pumps in the West Bank. As a result, average consumption of water for Palestinians in the West Bank is 70 litres per day, compared to 369 litres per day for Jewish settlers in the West Bank.

LIFE UNDER APARTHEID

DENIED A HOME: DEMOLITIONS AND FORCED EVICTIONS



Residents of the village of Nabi Saleh, with solidarity from other Palestinian, Israeli and international activists, hold weekly non-violent demonstrations to demand an end to Israeli occupation and its associated policy of illegal settlement expansion. © Amnesty International

Palestinians are systematically subjected to home demolitions and forced evictions and live in constant fear of losing their homes.

For more than 73 years, Israel has been forcibly displacing entire Palestinian communities. Hundreds of thousands of Palestinians' homes have been demolished, causing terrible trauma & suffering. More than 6 million Palestinians remain refugees, the vast majority of whom live in refugee camps including outside of Israel/OPT. There are over 100,000 Palestinians in the OPT and another 68,000 inside of Israel at imminent risk of losing their homes, many for the second or third time.

Palestinians are caught in a Catch-22 situation. Israel requires them to obtain a permit to build or even erect a structure such as a tent, but – unlike Jewish Israeli applicants -- rarely issues them a permit. Many Palestinians are forced to build without permits. Israel then demolishes Palestinian homes on the basis that they were built “illegally”. Israel uses these discriminatory planning and zoning policies to create unbearable living conditions to force Palestinians to leave their homes to allow for the expansion of Jewish settlement.

Mohammed Al-Rajabi, a resident of Al-Bustan area in Silwan, whose home was demolished by Israeli authorities on 23 June 2020 on the basis that it was built “illegally”, described to Amnesty International the devastating impact on his family:

“They had court orders to demolish my house within weeks of me starting to construct [it]. And since my house was in the middle of a crowded area and impossible to demolish with a bulldozer they used a machine saw to cut my house in half...”

“I know that this could have been avoided if I’d got a building permit but it’s impossible. This could not have been avoided; it’s as if it’s been designed this way and there is no exit.

“The municipality is asking me to pay them for the demolition also. They need NIS 100,000 [USD 32,258] to cover the expenses of my demolition... This is extremely hard to deal with... and I sensed that it was harder on my kids than on us.”

FRAGMENTED LOVE: SEPARATION OF PALESTINIAN FAMILIES

Israel has enacted discriminatory laws and policies that disrupt family life for Palestinians. Since 2002, Israel has adopted a policy of prohibiting Palestinians from the West Bank and Gaza from gaining status in Israel or East Jerusalem through marriage, thus preventing family unification.

Israel has long used discriminatory laws and policies to separate Palestinians from their families. For example, Palestinians from the West Bank and Gaza cannot gain legal status in Israel or occupied East Jerusalem through marriage, denying their rights to family unification. This policy has forced thousands of Palestinians to live apart from their loved ones; others are forced to go abroad, or live in constant fear of being arrested, expelled, or deported.

These measures explicitly target Palestinians, and not Jewish Israelis, and are primarily guided by demographic considerations that aim to minimize Palestinian presence inside Israel/OPT.



Sumaia with her daughter in their family home in Lod © Tanya Habjouqa / NOOR Photos

Sumaia, was born and raised in Lod in central Israel. She married her husband, who is from the Gaza Strip, in 1998 and he moved to live with her in Lod. In 2000, Sumaia and her husband began the process of applying for family unification, so they could live together legally. The family unification process took 18 years, during which the couple lived in fear and anxiety. Sumaia told Amnesty:

“The government is controlling every detail of our lives, they are in our bedroom, in our homes. One of the most extreme cases was when they arrested my husband in 2004 while I was giving birth to one of my daughters...while I was in the delivery room they arrested him!”

UNDER SIEGE

Over the past 14 years, more than 2 million Palestinians in the Gaza Strip have been living under Israel's illegal blockade. Along with four major military offensives, the blockade has had catastrophic consequences for the people of Gaza.

The blockade is a form of collective punishment. It forces Gaza's population - the majority of whom are refugees or their descendants who fled in 1948 - to live in increasingly dire conditions. There are severe shortages of housing, drinking water, electricity, essential medicines and medical care, food, educational equipment and building materials. In 2020, Gaza had the world's highest unemployment rate, and more than half of its population was living below the poverty line.

On 30 March 2018, Palestinians in Gaza launched the Great March of Return, a series of weekly mass demonstrations along the fence between Gaza and Israel.

They were demanding their right to return to their villages and towns in what is now Israel, as well as an end to Israel's blockade on Gaza. The response was brutal: by the end of 2019, Israeli forces had killed 214 civilians, including 46 children, and injured more than 8,000

others with live ammunition. A total of 156 of those injured had to have limbs amputated. More than 1,200 patients require long-term, complex, and expensive therapy and rehabilitation, and tens of thousands more require psycho-social support -none of which are widely available in Gaza.

The blockade prevents Palestinians from accessing adequate healthcare, in particular life-saving and other emergency medical treatment only available outside Gaza. The Israeli authorities often delay these permits and sometimes fail to provide them at all.

Adham Al-Hajjar, 36, is a freelance journalist and lives in Gaza City. On 6 April 2018, while he was covering the Great March of Return demonstrations, Israeli snipers positioned along the fence separating Gaza from Israel shot him. He is unable to get the medical help he needs in Gaza because of the debilitated health services there.

“The bullet that entered my leg did not just enter and leave my body. It entered and stopped everything; it stopped my life. Just because a soldier pulled the trigger without thinking of how it would devastate my life. Did he or she ever think about what this would cause? I am walking around as a dead man, everything in my life froze from the moment that bullet entered my leg.”

CRIMINAL PATTERNS

Israel has been systematically committing serious human rights violations against Palestinians for decades. Violations such as forcible transfer, administrative detention, torture, unlawful killings and serious injuries and the denial of basic rights and freedoms have been well documented by Amnesty and others. It is clear that Israel's apartheid system is being maintained through committing these abuses—which have been perpetrated with almost total impunity.

They form part of a widespread and systematic attack against the Palestinian population, are carried out within the context of Israel's institutionalised regime of systematic oppression and domination over Palestinians, and therefore constitute crimes against humanity of apartheid.

DISMANTLING THE SYSTEM

There is no place for apartheid in our world. It is a crime against humanity, and it must end.

Israeli authorities have enjoyed impunity for too long. The international failure to hold Israel to account means Palestinians are still suffering every single day. It's time to speak up, to stand with Palestinians and tell Israel that we will not tolerate apartheid.

The UK is a key ally of Israel. The UK Government must therefore use their position to call out and put an end to Israeli apartheid. Amnesty International UK is calling on the UK Government to:

1. Publicly recognise that international crimes, including the crime of apartheid, are being committed in Israel and the OPT.
2. Do not support the system of apartheid or render aid or assistance to maintaining such a regime and cooperate to bring an end to this unlawful situation.
3. Immediately suspend the direct and indirect supply, sale or transfer, including transit and trans-shipment to Israel of all weapons, munitions and other military and security equipment, including the provision of training and other military and security assistance.
4. Institute and enforce a ban on products from Israeli settlements in their markets and regulate companies domiciled in their jurisdiction in a manner to prohibit companies' operation in settlements or trade in settlements goods.
5. Exercise universal jurisdiction in investigating any person under their jurisdiction who may reasonably be suspected of committing crimes against humanity or other crimes under international law. Ensure that all proceedings meet international standards of fairness and do not involve seeking or imposing the death penalty. There should be no time limit for prosecuting crimes against humanity, nor should immunity from prosecution or amnesties be granted for such crimes.
6. Ensure that their legal and institutional frameworks enable the effective investigation and prosecution of perpetrators of the crime against humanity of apartheid.
7. Use all political and diplomatic tools at their disposal to ensure Israeli authorities implement the recommendations outlined in our 1 February 2022 report and ensure that human rights are central to all bilateral and multilateral agreements with the Israeli authorities, including by exercising due diligence to ensure that these do not contribute to maintaining the system of apartheid.

For decades, Palestinians have been calling for an end to the oppression they live under. All too often, they pay a terrible price for standing up for their rights, and they have long been calling for others around the world to help them.

Let this be the beginning of an end to Israel's system of apartheid against Palestinians.

Join us in the fight for justice, freedom, and equality for all.

TAKE ACTION



Learn more and take action
against Israel's apartheid system at
www.amnesty.org.uk/EndIsraelApartheid



#EndIsraeliApartheid