

March 11, 2024

Dear City Council Member:

Our growing Peace and Justice Resolution Coalition is composed of education, human rights, labor, religion, and student organizations, representing a broad, diverse, and large number of city residents. We have assembled several documents to contribute to our shared knowledge of the history and nature of the relationship between Israel and Palestine and Palestinians.

In this folder, please find copies of the following documents:

- Our Coalition's Peace and Justice Resolution
- Ceasefire and Humanitarian Aid Resolution presented by Sa'ad El-Amin
- Richmond City Council's 2022 Resolution in Support of Reproductive Rights
- Richmond City Council's 1985 Resolution on South African apartheid
- Amnesty International's 2022 report on Israel's apartheid system
- Israeli Organization B'tselem 2021 report on Israel's apartheid system
- Human Rights Watch's 2021 report on Israel's apartheid system

Thank you for making time to read these materials. They provide essential context.

We look forward to continuing to work with you to support peace and justice.

Best regards,

American Muslims for Palestine
Democratic Socialists of America
Healthcare Workers for Palestine
Palestinian Student Organization
Richmond Tenants Union
Students for Justice for Palestine
Sunrise Movement Richmond
United Campus Workers
Virginia Coalition for Human Rights
Virginia Caucus of Rank-and-file Educators

CITY OF RICHMOND
PEACE AND JUSTICE RESOLUTION SUBMITTED ON JANUARY 8TH, 2024¹

WHEREAS, the City of Richmond advocates for the safety, dignity, freedom, and equality of all people, regardless of race, ethnicity, nationality, or religion; and

WHEREAS, the City of Richmond affirms that all human life is precious, and calls upon elected officials and residents to protect the lives of civilians and stand for equality, dignity, peace and justice; and

WHEREAS, experts describe the Israeli bombing of Gaza as among the most [intensive, destructive, and deadliest in history](#) (see [here](#), [here](#), and [here](#)); and

WHEREAS, as of March 1, approximately 1,000 Israelis and more than 38,000 Palestinians have been killed, of whom 14,350 are children and more than 8,620 are women, and more than 71,000 have been injured (See [here](#)), with thousands of Palestinians missing under the rubble resulting from Israeli bombing (See [here](#)), the real number of Palestinians killed by the Israeli forces is likely to be [significantly higher](#); and whereas collective punishment is a war crime under international law; and

WHEREAS, Israeli forces have killed more than 130 journalists, 326 medical workers, 41 civil defense workers, more than 100 university professors, and increasing numbers of civilians carrying white flags (See [here](#), [here](#), [here](#) and [here](#)); and whereas 3,120 persons have been detained or forcibly disappeared without charge; and

WHEREAS, UNICEF reports that thousands of children have been seriously injured by Israeli bombings, and that more than 1,000 have undergone surgery to amputate one or more limbs, many without anesthesia; and whereas as many as 100 Palestinian women are giving birth every day without medical care (See [here](#), [here](#), [here](#), and [here](#)); and

WHEREAS, over half of Gaza's homes - 350,000 residential units have been destroyed or damaged (for comparison there are 110,000 housing units in Richmond - see [here](#)); 406 educational facilities damaged; 1,920 industrial facilities, including electrical generators and water purification plants, have been destroyed; all 35 hospitals in Gaza damaged or rendered non-functional from Israeli bombing; 163 ambulances damaged or destroyed; and 616 places of worship damaged or destroyed, including 613 mosques and 3 churches, and 199 heritage sites (See [here](#), [here](#), and [here](#)); and

¹ Figures updated on March 11, 2024.

WHEREAS, approximately 2 million Palestinians have been forcibly displaced, and 2.2 million require urgent humanitarian assistance; and whereas the forced relocation of persons is illegal under international law (See [here](#)); and

WHEREAS, Palestinians are suffering from what UN officials say is a [deliberately-engineered mass starvation](#) campaign, causing [famine to arrive at "incredibly speed"](#); and Palestinians are [dying from preventable diseases](#), a situation made worse by the decision on the part of Western nations, including the United States, to suspend funding to the United Nations Relief and Works Agency (UNRWA), (See [here](#), [here](#), and [here](#)); and UNICEF warns that time is running out to prevent the large scale death of as many as 1.1 million children, where many have already died of malnutrition (See [here](#) and [here](#)); and

WHEREAS, more than three months ago [United Nations Secretary-General António Guterres](#) described the situation in Gaza as a “crisis in humanity”, finding that “[g]round operations by the Israel Defense Forces and continued bombardment are hitting civilians, hospitals, refugee camps, mosques, churches and UN facilities — including shelters” leading to the “unparalleled and unprecedented” killing of Palestinian civilians, and human rights experts have raised the alarm about the risk of genocide; and

WHEREAS, [55 Holocaust and Genocide Studies scholars issued a statement on December 9th](#), in which they describe precisely how the Israeli assault on Palestinians in Gaza and the West Bank meets the definition of genocide as codified in the [Convention on the Prevention and Punishment of the Crime of Genocide](#) (See [A Textbook Case of Genocide, International Law and the Palestinian People](#); [South Africa files case with International Court of Justice](#), and [here](#), [here](#), and [here](#)); and

WHEREAS, the indiscriminate killing of civilians, destruction of infrastructure, denial of access to food, water, and medicine, and the forced relocation of populations constitute elements of genocide, and whereas Israeli officials, including high-ranking political, military, and religious leaders have expressed the intent to target all Palestinians and force all Palestinians from Gaza, as detailed by the South African government in their application to the International Court of Justice (See [here](#) for the full text; see [here](#) for the recorded presentation of their case, and see [here](#) for a transcript of their presentation); and

WHEREAS, the International Court of Justice ruled on January 26, 2024, that the evidence indicates plausibility to the claim that Israel intends to commit genocide and that actions undertaken by Israel constitute genocide, and enumerated the following provisions: that Israeli “military forces do not commit any of the above-described acts,” to wit, according to Article II of the Convention on Genocide: “(a) killing members of the group [that is, Palestinians]; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical

destruction in whole or in part; and (d) imposing measures intended to prevent births within the group”; that “Israel must take all measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip”; and that “Israel must take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip” (See section VI, pp. 22-23 [here](#)); and

WHEREAS, the United Nations General Assembly and United Nations Security Council voted on October 26, 2023 on a resolution calling for a [sustained humanitarian ceasefire](#), with 120 nations voting yes,, 45 abstaining, and 14 voting no, including Israel and the United States; and on December 12, 2023, the UN approved a [second resolution](#) calling for a ceasefire, with 153 nations voting yes, 23 abstaining, and just 10 voting no, including Israel and the US; and whereas on December 19, 2023, the UN voted to affirm the right of the Palestinians to self-determination, with 173 nations voting in favor, 10 abstaining, and 4 voting against: Nauru, Micronesia, Israel, and the US; and on December 21, the [Security Council](#) voted on a ceasefire resolution, with 13 voting in favor and just two states, Russia and the United States, abstaining; and on February 20, 2024, the UN Security Council voted 13-1 to support an Arab-backed and widely supported U.N. resolution demanding an immediate humanitarian ceasefire, with the UK abstaining from voting, and the US being the lone veto of the ceasefire resolution; and

WHEREAS, [approximately \\$3.6 million dollars annually collected from Richmond city residents](#) goes to support the Israeli military; enough to fund 429 families with public housing for a year; 1,258 children receiving free or low-cost healthcare; the annual salaries of 39 elementary school teachers; 10,293 households with solar electricity produced for a year; cancellation of loan debt for 95 students (See [here](#)); and

WHEREAS, the [additional \\$14.5 billion in military aid to Israel](#) approved by Congress would cost Richmond city residents approximately \$13.7 million dollars; enough to fund approximately 1600 families with public housing for a year; 4800 children receiving free or low-cost healthcare; the annual salaries of 148 elementary school teachers; 39,000 households with solar electricity for a year; cancelation of loan debt for 361 students (See [here](#)); and

WHEREAS, the current hostilities are spreading to other nations, including Yemen, Syria, and Iraq and there is a real danger of becoming a regional war, potentially more fully involving global powers; and

WHEREAS, the Richmond City Council condemns anti-Semitic, anti-Palestinian, anti-Arab, and other racist attacks across the nation; and the doxxing of elected officials, professors, students, journalists, and

other individuals speaking truth to power; and

WHEREAS, Israeli political figures, military leaders and soldiers, media pundits, and ordinary citizens are using [dehumanizing language](#) to justify the killing of Palestinian civilians and destruction of Gaza and to call for the death and mass expulsion of all Palestinians from Gaza (See [here](#), pp. 59 - 70); and

WHEREAS, Israeli's [weaponization of anti-Semitism](#) and violence inflicted on the Palestinians are fueling antisemitism and resulting in Jewish people in the US and elsewhere being less safe; and

WHEREAS, Jewish organizations, including [Jewish Voice for Peace](#) and [If Not Now](#), and workers at more than 140 U.S. Jewish organizations, as well as hundreds of unions, are calling for a ceasefire, the provision of humanitarian aid, an end to the occupation, equal rights for Palestinians and self-determination for Palestine; and

WHEREAS, [Human Rights Watch](#), [Amnesty International](#), and [B'tselem's](#) issued reports designating Israel as an apartheid state, and whereas the Rome Statute defines apartheid as a [crime against humanity](#) (for more see [Inside Israeli Apartheid](#)); and

NOW, THEREFORE, BE IT RESOLVED BY THE RICHMOND CITY COUNCIL that the City of Richmond takes seriously the entreaty of "Never Again," and that the historical memory of the Holocaust means doing all we can to oppose racism and prevent genocide, ethnic cleansing, and apartheid everywhere; and

BE IT RESOLVED BY THE RICHMOND CITY COUNCIL that the Richmond City Council joins city councils across the nation, including the city councils of Atlanta, Georgia, Detroit, Michigan, Providence, Rhode Island, Chicago, Illinois, San Francisco, Oakland, and Richmond, California, and Harrisonburg, Virginia to call for an immediate and permanent ceasefire; the release of Israeli hostages and Palestinians detained without charge by Israel; the unrestricted entry of humanitarian aid into Gaza; the restoration of electricity, water, food, and medical supplies to Gaza; an end Israel's siege and blockade of Gaza; an end to the illegal occupation of Gaza and the West Bank; an end to US aid to Israel; negotiations to ensure freedom, equal rights and self-determination for all persons; and respect for the jurisprudence of the International Court of Justice, the convention on genocide, international law, and the general assembly of the United Nations; and

BE IT RESOLVED BY THE RICHMOND CITY COUNCIL that the City Manager and all agencies, authorities, or other officers, employees and representatives of the City under the supervision and control of

the Council, are directed to divest as expeditiously as same may lawfully be done, funds that are currently invested or deposited in the banks, financial institutions or other companies which provide financial assistance in the form of loans, grants, or investments of any kind to the Israeli government, Israeli—owned corporations, or corporations located in Israel, or United States citizens doing business in Israel, and are further directed and instructed to invest such funds as shall be reinvested in banks, or other financial institutions or businesses which furnish the City of Richmond and its agencies satisfactory proof of their compliance with the provisions of this resolution; and

BE IT RESOLVED BY THE RICHMOND CITY COUNCIL that the City shall further be prohibited from purchasing goods and/or services, equipment and materials from entities or corporations that are located in South Africa or that do business with such corporations or entities; and

BE IT RESOLVED BY THE RICHMOND CITY COUNCIL that should the City Manager or the Director of General Services encounter substantial hardship in identifying complying businesses or in negotiating competitive transactions in regard to financial arrangements and services, equipment and materials, respectively, the City Manager or the Director of General Services shall report to City Council the facts related to said substantial hardship. The City Manager or the Director of General Services may in such cases of substantial hardship allow a waiver from the requirements and prohibitions stated herein, provided no such waiver shall be effective until reported to Council.

BE IT FURTHER RESOLVED BY THE RICHMOND CITY COUNCIL that Richmond affirms its commitment to combat anti-Semitism, anti-Palestinian, anti-Arab, and anti-Muslim racism; to ensure the dignity and safety of all residents; and to serve as a model city of inclusion, diversity, and equal rights for all persons; and

FINALLY, BE IT RESOLVED BY THE RICHMOND CITY COUNCIL that a copy of this Peace and Justice resolution be sent to the offices of: Richmond Mayor Levar Stoney; Virginia State Senators Ghazala F. Hashmi and Lamont Bagby; General Assembly Delegates Betsy Carr, Rae Cousins, and Michael Jones; Governor Glenn Youngkin; House Representative Jennifer McClellan; Senators Tim Kaine and Mark Warner; U.S. Secretary of State Antony Blinken; U.S. Secretary of Defense Lloyd Austin; U.S. Vice President Kamala Harris; and U.S. President Joe Biden.

February 7, 2024

I am a former member of the Richmond (Virginia) City Council, having served from 1998 through 2003. I am aware that only a sitting member of Council can patron a proposed resolution. Since I am not aware that a resolution regarding the humanitarian crisis which is ongoing in the Gaza Strip has been proposed or patroned by a member of Council, I am presenting this proposed resolution

With the assistance and input of my students in Civic Responsibilities classes at Al Madina (High) School of Richmond the attached proposed resolution was crafted which we hope a member of the Council will patron. This will trigger a public hearing and then be voted on at a future City Council meeting.

Salad El-Arnin, M.A., J.D.

**Proposed City Council Resolution Regarding The
Catastrophic Humanitarian Situation In The Gaza Strip**

WHEREAS the 1949 United Nations Convention on the Prevention and Punishment of the Crime of Genocide obligates those nations which signed this document not to engage in genocide which is defined as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part".

WHEREAS the United States signed this on 11 Dec 1948 and Israel signed it on 17 Aug 1949 and on 9 Mar 1950; and

WHEREAS there is an ongoing catastrophic humanitarian situation in the Gaza Strip causing great suffering of the Palestinian civilian population which began in October 2023 and continues unabated; and

WHEREAS the Palestinian civilian population must be protected consistent with international humanitarian law; and

WHEREAS there are many persons living in and near the City of Richmond, Virginia who believe that this City should call on the United States to eliminate or alleviate the catastrophic humanitarian situation in the Gaza Strip; and

WHEREAS this City Council agrees that the Palestinian civilian population living in the Gaza Strip must be protected consistent with international humanitarian law and

WHEREAS that continuous, sufficient, and unhindered provision of lifesaving supplies and services for civilians trapped inside the Gaza Strip ceasefire must be allowed into the Gaza Strip to alleviate the suffering of the Palestinian people in the Gaza Strip; and,

WHEREAS there is a need for an immediate, durable, and sustained humanitarian cease-fire, and for all parties to comply with international humanitarian law;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF

RICHMOND

That the Council immediately adopt this resolution and thereafter, send it to the Presidents of the United States and the elected representatives from the State of Virginia in the Congress of the United States; and, that this Resolution also be disseminated to the local and national press and media.

INTRODUCED: July 5, 2022

Expedited Consideration

A RESOLUTION No. 2022-R045

To express the City's opposition to the U. S. Supreme Court's *Dobbs v. Jackson Women's Health Org.* decision, and to ask the General Assembly of Virginia to protect and expand abortion access.

Patron – Mayor Stoney, Mrs. Jordan, President Newsham, Mr. Jones,
Mrs. Lynch, and Vice President Robertson, Mr. Lambert and Mr. Addison

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 5 2022 AT 3 P.M.

WHEREAS, in the case of *Dobbs v. Jackson Women's Health Org.*, 2022 U.S. LEXIS 3057 (2022), the Supreme Court of the United States of America reversed 50 years of precedent upholding a constitutional right to abortion; and

WHEREAS, abortion care is an essential reproductive health service and its availability is an important part of every American's right to safe and accessible health care; and

WHEREAS, there is no decision more important than whether and when to have children, especially since patterns who give birth to a child after being denied an abortion are 100 times more likely to die during childbirth than patients who actively wanted to carry a child to term; and

AYES: _____ 8 _____ NOES: _____ 0 _____ ABSTAIN: _____

ADOPTED: JUL 5 2022 REJECTED: _____ STRICKEN: _____

WHEREAS, abortion is a safe and common health service, and nearly one in four people who become pregnant in the United States of America will have an abortion by age 45; and
WHEREAS, history has shown that it is not possible to ban abortion; instead, it is only possible to ban safe abortions; and

WHEREAS, evidence shows that limiting legal access to safe abortion drives increased domestic violence; and

WHEREAS, laws criminalizing abortion can have profoundly negative impacts on those who have miscarriages; and

WHEREAS, the negative impacts of limited legal access to safe abortion disproportionately affect our most vulnerable, especially Black and Brown communities, those living in poverty, and survivors of child abuse, sexual assault, and domestic violence; and

WHEREAS, the maternal mortality rate in the United States of America is the highest among developed nations, with a staggering 23.8 deaths per 100,000 childbirths, with a disproportionate impact on Black patients; and

WHEREAS, restricting access to abortion will significantly increase the maternal mortality rate in that patients who give birth after being denied an abortion are 100 times more likely to die during childbirth than patients who actively wanted to carry a child to term; and

WHEREAS, *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), were foundational decisions protecting a constitutional right to privacy; and

WHEREAS, the *Dobbs* decision overrules these precedents and effectively jeopardizes many other essential rights and freedoms; and

WHEREAS, regardless of the Supreme Court majority's opinion that abortion is not protected by the United States Constitution, the Council of the City of Richmond is of the opinion that abortion care is health care and a fundamental human right; and

WHEREAS, the majority of Americans support legal abortion care, and 88 percent of Virginians believe that abortion should remain legal under some or all circumstances; and

WHEREAS, despite the *Dobbs* decision, abortion care remains protected by the laws of the Commonwealth of Virginia; and

WHEREAS, legal abortion in Virginia has been and will continue to be under attack in the General Assembly of Virginia; and

WHEREAS, the City of Richmond has a vested interest in protecting and promoting the health and rights of its residents, including the right to privacy and the right to access legal, safe abortion care; and

WHEREAS, there are 15 clinics providing abortion care in Virginia, three of which are located within the city of Richmond; and

WHEREAS, the three clinics in the city anticipate a significant increase in demand for abortion from residents of surrounding states where abortion is now or will soon be illegal due to the *Dobbs* decision; and

WHEREAS, the Council believes that it is important that the Council express the City's opposition to the *Dobbs* decision and that the City ask the General Assembly of Virginia to protect and expand abortion access;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That:

1. The City vehemently opposes restrictions on abortion access, and we stand in solidarity with those in states where abortion is now or will soon be illegal;

2. The City commits to advocate for state and federal laws that protect the right of any and all who seek safe, legal abortion care within the city of Richmond; and

3. The City will take such actions as may be permitted by law to protect the rights of people seeking safe, legal abortion care in the city of Richmond.

BE IT FURTHER RESOLVED:

That the City of Richmond respectfully asks that the General Assembly of Virginia protect and expand abortion access by:

1. Protecting recent gains in access, thanks to Chapter 899 of the 2020 Acts of Assembly of Virginia, known as the "Reproductive Health Protection Act of 2020," and ensuring no new restrictions or bans;

2. Introducing and passing a constitutional amendment to define abortion as a right protected by the Constitution of Virginia, thereby protecting access to safe, legal abortion for years to come;

3. Passing House Bill No. 1922 as introduced in the 2021 session of the General Assembly of Virginia, known as the "Reproductive Health Equity Act," and expanding access to abortion funding; and

4. Repealing state restrictions and removing abortion from the criminal laws of the Commonwealth of Virginia.

A TRUE COPY:
TESTE:



City Clerk

A RESOLUTION NO. 85-344-3/3
ADOPTED DEC 16 1985

Concerning cessation of the investment of public funds in firms doing business in or with South Africa.

Patrons - Mayor West and Mrs. McDaniel

Approved as to form and legality
by City Attorney

WHEREAS, South Africa's government maintains a system of apartheid unsurpassed in contemporary history; and
WHEREAS, under its system of apartheid, four million whites monopolize the voting system and have passed hundreds of laws, decrees and acts that deny 22 million Blacks the most elementary forms of human rights; and

WHEREAS, Blacks, who are legally classified as non-citizens of their own country, are forced to carry passes which restrict their freedom and movement, and 600,000 Black men and women are jailed each year for pass offenses; and

WHEREAS, Blacks make up 78% of the South African population, but are allowed to live permanently on only 13% of the land, the average monthly wage in the mining area is \$1,056 for whites and \$175 for Africans, and per capita spending on education is \$83.00 for whites and \$82.00 for Africans; and
WHEREAS, over 125 United States banks lend millions of dollars annually to South Africa and to many U. S.

multinational corporations who invest in or trade with South Africa (including certain corporations located in Virginia); and

WHEREAS, American corporate and financial investments in South Africa greatly strengthen the apartheid regime; and
WHEREAS, the Council of the City of Richmond is dedicated to the democratic right of majority rule and the promotion of the basic principles of human rights for people of all colors;
NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the Council declares it to be the policy of the City of Richmond that any and all agencies, authorities, employees or representatives of the City responsible for the investment of funds of the City or for contracting with any bank, financial institution, corporation or body that is known to provide financial assistance, in the form of loans, grants, trade financing or investments of any nature to the South African government, South African-owned corporations, or corporations located in South Africa, should terminate all such investments and contractual agreements as soon as same may prudently and lawfully be done; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the City Manager and all agencies, authorities, or other officers, employees and representatives of the City under the supervision and control of the Council, are directed to

divest as expeditiously as same may lawfully be done, funds that are currently invested or deposited in the banks, financial institutions or other companies which provide financial assistance in the form of loans, grants or investments of any kind to the South African government, South African-owned corporations, or corporations located in South Africa, or United States citizens doing business in South Africa, and are further directed and instructed to invest such funds as shall be reinvested in banks, or other financial institutions or businesses which furnish the City of Richmond and its agencies satisfactory proof of their compliance with the provisions of this resolution.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the City shall further be prohibited from purchasing goods and/or services, equipment and materials from entities or corporations that are located in South Africa or that do business with such corporations or entities.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

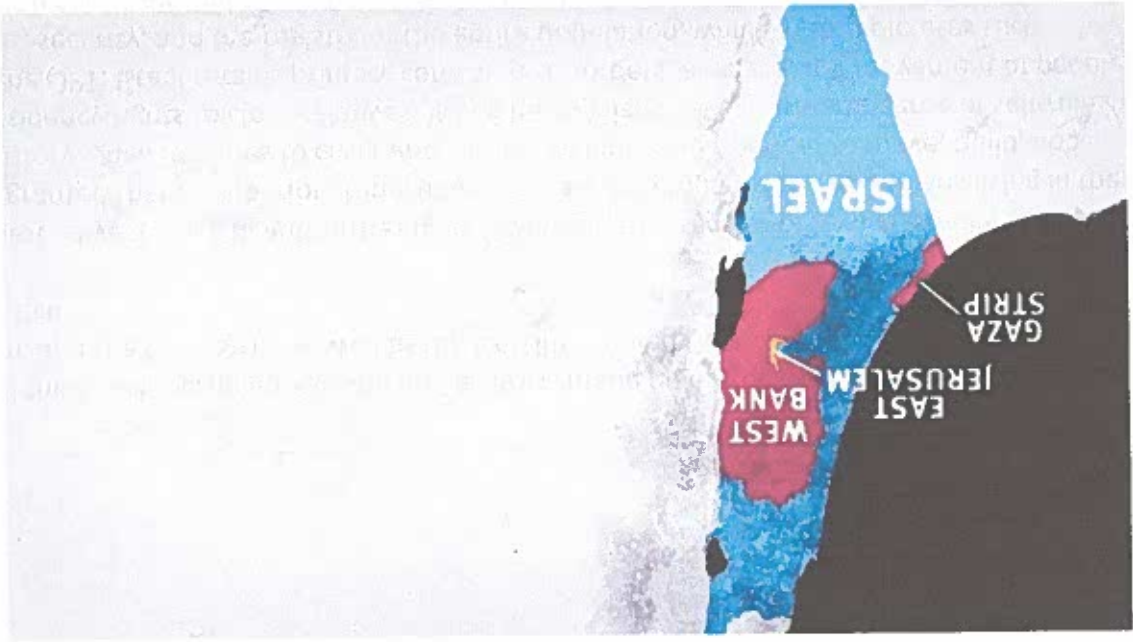
That should either the City Manager or the Director of General Services encounter substantial hardship in identifying complying businesses or in negotiating competitive transactions in regard to financial arrangements and services, equipment and materials, respectively, the City Manager or the Director of General Services shall report to City Council the facts related

to said substantial hardship. The City Manager or the Director of General Services may in such cases of substantial hardship allow a waiver from the requirements and prohibitions stated herein, provided no such waiver shall be effective until reported to Council.

A Threshold Crossed
Israeli Authorities and the Crimes of Apartheid and Persecution
April 27, 2021 – Human Rights Watch

SUMMARY

About 6.8 million Jewish Israelis and 6.8 million Palestinians live today between the Mediterranean Sea and Jordan River, an area encompassing Israel and the Occupied Palestinian Territory (OPT), the latter made up of the West Bank, including East Jerusalem, and the Gaza Strip. Throughout most of this area, Israel is the sole governing power; in the remainder, it exercises primary authority alongside limited Palestinian self-rule. Across these areas and in most aspects of life, Israeli authorities methodically privilege Jewish Israelis and discriminate against Palestinians. Laws, policies, and statements by leading Israeli officials make plain that the objective of maintaining Jewish Israeli control over demographics, political power, and land has long guided government policy. In pursuit of this goal, authorities have dispossessed, confined, forcibly separated, and subjugated Palestinians by virtue of their identity to varying degrees of intensity. In certain areas, as described in this report, these deprivations are so severe that they amount to the crimes against humanity of apartheid and persecution.



Several widely held assumptions, including that the occupation is temporary, that the "peace process" will soon bring an end to Israeli abuses, that Palestinians have meaningful control over their lives in the West Bank and Gaza, and that Israel is an egalitarian democracy inside its borders, have obscured the reality of Israel's entrenched discriminatory rule over Palestinians. Israel has maintained military rule over some portion of the Palestinian population for all but six months of its 73-year history. It did so over the vast majority of Palestinians inside Israel from 1948 and until 1966. From 1967 until the present, it has militarily ruled over Palestinians in the

OPT, excluding East Jerusalem. By contrast, it has since its founding governed all Jewish Israelis, including settlers in the OPT since the beginning of the occupation in 1967, under its more rights-respecting civil law.



Israel and the Israeli-occupied Palestinian Territory, made up of the West Bank, including East Jerusalem, and the Gaza Strip, as well as the Israeli-occupied Golan Heights © 2021 Human Rights Watch

For the past 54 years, Israeli authorities have facilitated the transfer of Jewish Israelis to the OPT and granted them a superior status under the law as compared to Palestinians living in the same territory when it comes to civil rights, access to land, and freedom to move, build, and confer residency rights to close relatives. While Palestinians have a limited degree of self-rule in parts of the OPT, Israel retains primary control over borders, airspace, the movement of people and goods, security, and the registry of the entire population, which in turn dictates such matters as legal status and eligibility to receive identity cards.

A number of Israeli officials have stated clearly their intent to maintain this control in perpetuity and backed it up through their actions, including continued settlement expansion over the course of the decades-long "peace process." Unilateral annexation of additional parts of the West Bank, which the government of Prime Minister Benjamin Netanyahu has vowed to carry out, would formalize the reality of systematic Israeli domination and oppression that has long prevailed without changing the reality that the entire West Bank is occupied territory

The prohibition of institutionalized discrimination, especially on grounds of race or ethnicity, constitutes one of the fundamental elements of international law. Most states have agreed to treat the worst forms of such discrimination, that is, persecution and apartheid, as crimes against humanity, and have given the ICC the power to prosecute these crimes when national

Definitions of Apartheid and Persecution

In this report, Human Rights Watch examines the extent to which that threshold has already been crossed in certain of the areas where Israeli authorities exercise control. The term apartheid has increasingly been used in relation to Israel and the OPT, but usually in a descriptive or comparative, non-legal sense, and often to warn that the situation is heading in the wrong direction. In particular, Israeli, Palestinian, US, and European officials, prominent media commentators, and others have asserted that, if Israel's policies and practices towards Palestinians continued along the same trajectory, the situation, at least in the West Bank, would become tantamount to apartheid.^[1] Some have claimed that the current reality amounts to apartheid.^[2] Few, however, have conducted a detailed legal analysis based on the international crimes of apartheid or persecution.^[3]

In February 2021, the ICC ruled that it has jurisdiction over serious international crimes committed in the entirety of the OPT, including East Jerusalem, which would include the crimes against humanity of apartheid or persecution committed in that territory. In March 2021, the ICC Office of Prosecutor announced the opening of a formal investigation into the situation in Palestine. The State of Palestine is a state party to both the Rome Statute and the Apartheid Convention.

The crime against humanity of persecution, also set out in the Rome Statute, the intentional and severe deprivation of fundamental rights on racial, ethnic, and other grounds, grew out of the post-World War II trials and constitutes one of the most serious international crimes, of the same gravity as apartheid. The international community has over the years detached the term apartheid from its original South African context, developed a universal legal prohibition against its practice, and recognized it as a crime against humanity with definitions provided in the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid ("Apartheid Convention") and the 1998 Rome Statute of the International Criminal Court (ICC). International criminal law has developed two crimes against humanity for situations of systematic discrimination and repression: apartheid and persecution. Crimes against humanity stand among the most odious crimes in international law.

under the international law of occupation, including East Jerusalem, which Israel unilaterally annexed in 1967.

authorities are unable or unwilling to pursue them. Crimes against humanity consist of specific criminal acts committed as part of a widespread or systematic attack, or acts committed pursuant to a state or organizational policy, directed against a civilian population. The Apartheid Convention defines the crime against humanity of apartheid as "inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them." The Rome Statute of the ICC adopts a similar definition: "inhuman acts... committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime." The Rome Statute does not further define what constitutes an "institutionalized regime."

The crime of apartheid under the Apartheid Convention and Rome Statute consists of three primary elements: an intent to maintain a system of domination by one racial group over another; systematic oppression by one racial group over another; and one or more *inhumane acts*, as defined, carried out on a widespread or systematic basis pursuant to those policies. Among the inhumane acts identified in either the Convention or the Rome Statute are "forbidding transfer," "expropriation of landed property," "creation of separate reserves and ghettos," and denial of the "the right to leave and to return to their country, [and] the right to a nationality." The Rome Statute identifies the crime against humanity of persecution as "the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity," including on racial, national, or ethnic grounds. Customary international law identifies the crime of persecution as consisting of two primary elements: (1) severe abuses of fundamental rights committed on a widespread or systematic basis, and (2) with discriminatory intent.

Few courts have heard cases involving the crime of persecution and none the crime of apartheid, resulting in a lack of case law around the meanings of key terms in their definitions. As described in the report, international criminal courts have over the last two decades evaluated group identity based on the context and construction by local actors, as opposed to earlier approaches focused on hereditary physical traits. In international human rights law, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), race and racial discrimination have been broadly interpreted to include distinctions based on descent, and national or ethnic origin, among other categories.

Application to Israel's Policies towards Palestinians

Two primary groups live today in Israel and the OPT: Jewish Israelis and Palestinians. One primary sovereign, the Israeli government, rules over them.

Intent to Maintain Domination

A stated aim of the Israeli government is to ensure that Jewish Israelis maintain domination across Israel and the OPT. The Knesset in 2018 passed a law with constitutional status affirming Israel as the "nation-state of the Jewish people," declaring that within that territory, the right to self-determination "is unique to the Jewish people," and establishing "Jewish settlement" as a

The fragmentation of the Palestinian population, in part deliberately engineered through Israeli restrictions on movement and residency, furthers the goal of domination and helps obscure the

home demolitions, and effective prohibitions on family reunification. Israeli government, including widespread restrictions on accessing land confiscated from them,

do not empower them to overcome the institutional discrimination they face from the same

Israel, unlike those in the OPT, have the right to vote and stand for Israeli elections, these rights

in Palestinian citizens having a status inferior to Jewish citizens by law. While Palestinians in

borders, the two tiered-citizenship structure and bifurcation of nationality and citizenship result

in Israel, which the vast majority of nations consider being the area defined by its pre-1967

discrimination amounts to systematic oppression.

conditioning them on the individual's connections to the city, among other factors. This level of

thousands of Palestinians living there with a legal status that weakens their residency rights by

occupied territory under international law, Israel provides the vast majority of the hundreds of

annexed East Jerusalem, which Israel considers part of its sovereign territory but remains

people and goods—policies that Gaza's other neighbor, Egypt, often does little to alleviate. In

besieged Gaza Strip, Israel imposes a generalized closure, sharply restricting the movement of

and enforces segregation, largely prohibiting Palestinians from entering settlements. In the

Israeli settlers. In the occupied West Bank, Israel subjects Palestinians to draconian military law

Gaza, Israeli authorities treat Palestinians separately and unequally as compared to Jewish

in the OPT, which Israel has recognized as a single territory encompassing the West Bank and

on the other, where the most severe form takes place.

established by the Israeli government in Israel, on the one hand, and different parts of the OPT,

against Palestinians. The intensity of that discrimination varies according to different rules

To implement the goal of domination, the Israeli government institutionally discriminates

Systematic Oppression and Institutional Discrimination

growth of nearby Jewish communities.

under-served enclaves and restricts their access to land and housing, while nurturing the

majority of Palestinians who live outside Israel's major, predominantly Jewish cities into dense,

Israel. This policy, which aims to maximize Jewish Israeli control over land, concentrates the

significant Palestinian populations, including Jerusalem as well as the Galilee and the Negev in

prevents the movement of people and goods within the OPT, and "Judaization" of areas with

including a state policy of "separation" of Palestinians between the West Bank and Gaza, which

from anywhere else to Israel or the OPT. Other steps are taken to ensure Jewish domination,

1948 to June 1967, and limiting the ability of Palestinians to move to Israel from the OPT and

the right to vote only to Palestinians who live within the borders of Israel as they existed from

pose. Those policies include limiting the population and political power of Palestinians, granting

at mitigating what they have openly described as a demographic "threat" that Palestinians

national value. To sustain Jewish Israeli control, Israeli authorities have adopted policies aimed

The report draws on years of research and documentation by Human Rights Watch and other rights organizations, including fieldwork conducted for this report. Human Rights Watch also

and persecution. This report examines Israeli policies and practices towards Palestinians in the OPT and Israel and compares them to the treatment of Jewish Israelis living in the same territories. It is not an exhaustive evaluation of all types of international human rights and humanitarian law violations. Rather, it surveys consequential Israeli government practices and policies that violate the basic rights of Palestinians and whose purpose is to ensure the domination of Jewish Israelis, and assesses them against the definitions of the crimes against humanity of apartheid and persecution.

Report Findings

together in Israel. Since the founding of the state of Israel, the government also has systematically discriminated against and violated the rights of Palestinians inside the state's pre-1967 borders, including by refusing to allow Palestinians access to the millions of dunams of land (1000 dunams equals 100 hectares, about 250 acres or 1 square kilometer) that were confiscated from them. In one region—the Negev—these policies make it virtually impossible for tens of thousands of Palestinians to live lawfully in the communities they have lived in for decades. In addition, Israeli authorities refuse to permit the more than 700,000 Palestinians who fled or were expelled in 1948, and their descendants, to return to Israel or the OPT, and impose blanket restrictions on legal residency, which block many Palestinian spouses and families from living together in Israel.

the severity of the underlying rights abuse. Pursuant to these policies, Israeli authorities have carried out a range of inhumane acts in the OPT. Those include sweeping restrictions on the movement of 4.7 million Palestinians there; the confiscation of much of their land; the imposition of harsh conditions, including categorical denial of building permits in large parts of the West Bank, which has led thousands of Palestinians to leave their homes under conditions that amount to forcible transfer; the denial of residency rights to hundreds of thousands of Palestinians and their relatives, largely for being abroad when the occupation began in 1967, or for long periods during the first few decades of the occupation, or as a result of the effective freeze on family reunification over the last two decades; and the suspension of basic civil rights, such as freedom of assembly and association, depriving Palestinians of the opportunity to have a voice in a wide range of affairs that most affect their daily lives and futures. Many of these abuses, including categorical denials of building permits, mass residency revocations or restrictions, and large-scale land confiscations, have no legitimate security justifications; others, such as the extent of restrictions on movement and civil rights, fail any reasonable balancing test between security concerns and the severity of the underlying rights abuse.

Inhumane Acts and Other Abuses of Fundamental Rights

reality of the same Israeli government repressing the same Palestinian population group, to varying degrees in different areas, for the benefit of the same Jewish Israeli dominant group.

Israeli policy has sought to engineer and maximize the number of Jews, as well as the land available to them, in Israel and the portions of the OPT covered by the Israeli government for Jewish settlement. At the same time, by restricting the residency rights of Palestinians, Israeli policy seeks to minimize the number of Palestinians and the land available to them in those areas. The level of repression is most severe in the OPT, although often less severe aspects of similar policies can be found within Israel.

Seeking Maximal Land with Minimal Palestinians

Israeli officials have also committed the crime against humanity of persecution. This finding is based on the discriminatory intent behind Israel's treatment of Palestinians and the grave abuses carried out in the OPT that include the widespread confiscation of privately owned land, the effective prohibition on building or living in many areas, the mass denial of residency rights, and sweeping, decades-long restrictions on the freedom of movement and basic civil rights. Such policies and practices intentionally and severely deprive millions of Palestinians of key fundamental rights, including to residency, private property, and access to land, services, and resources, on a widespread and systematic basis by virtue of their identity as Palestinians.

Each of the report's three main substantive chapters explores Israel's rule over Palestinians: the dynamics of its rule and discrimination, looking in turn at Israel and the OPT, the particular rights abuses that it commits there, and some of the objectives that motivate these policies. It does so in terms of the primary elements of the crimes of apartheid and persecution, as outlined above. Human Rights Watch evaluates the dynamics of Israeli rule in each of these areas, keeping in mind the different legal frameworks that apply in the OPT and Israel, which are the two legally recognized territorial entities, each with a different status under international law. While noting significant factual differences among subregions in each of these two territories, the report does not make separate subregional determinations. On the basis of its research, Human Rights Watch concludes that the Israeli government has demonstrated an intent to maintain the domination of Jewish Israelis over Palestinians across Israel and the OPT. In the OPT, including East Jerusalem, that intent has been coupled with systematic oppression of Palestinians and inhumane acts committed against them. When these three elements occur together, they amount to the crime of apartheid.

reviewed Israeli laws, government planning documents, statements by officials, and land records. This evidentiary record was then analyzed under the legal standards for the crimes of apartheid and persecution. Human Rights Watch also wrote in July 2020 to Israeli Prime Minister Benjamin Netanyahu, soliciting the government's perspectives on the issues covered, but, as of publication, had not received a response. The report does not set out to compare Israel with South Africa under apartheid or to determine whether Israel is an "apartheid state"—a concept that is not defined in international law. Rather, the report assesses whether specific acts and policies carried out by Israeli authorities today amount in particular areas to the crimes of apartheid and persecution as defined under international law.

INTEGRATING JEWS SEPARATING PALESTINIANS

6.8M

PALESTINIANS
PALESTINIAN CITIZENS OF ISRAEL
 Barred effectively from hundreds of small Jewish towns in Israel & largely concentrated on about 3% of the land

OCCUPIED PALESTINIAN TERRITORY

EAST JERUSALEM RESIDENTS
 Israel guarantees residency rights to Jewish Israelis, but for Palestinians, residency is conditional and revocable

WEST BANK ID HOLDERS

Barred effectively from building in the majority of the West Bank or entering Israeli settlements

GAZA ID HOLDERS

Barred with few exceptions from leaving Gaza or living in the other part of the OPT (the West Bank, including East Jerusalem)

6.8M

JEWISH ISRAELIS
 Free to live throughout Israel, East Jerusalem, & most of the West Bank



HUMAN RIGHTS WATCH

VISUALIZING PALESTINE

SOURCES: HRP (2017) A Time to Crossed, VISUALIZING PALESTINE.ORG

APR 2021

[Click to expand image](#)

In the West Bank, authorities have confiscated more than 2 million dunams of land from Palestinians, making up more than one-third of the West Bank, including tens of thousands of dunams that they acknowledge are privately owned by Palestinians. One common tactic they have used is to declare territory, including privately-owned Palestinian land, as "state land." The Israeli group Peace Now estimates that the Israeli government has designated about 1.4 million dunams of land, or about a quarter of the West Bank, as state land. The group has also found that more than 30 percent of the land used for settlements is acknowledged by the Israeli government as having been privately owned by Palestinians. Of the more than 675,000 dunams of state land that Israeli authorities have allocated for use by third parties in the West Bank, they have earmarked more than 99 percent for use by Israeli civilians, according to government data. Land grabs for settlements and the infrastructure that primarily serves settlers effectively concentrate Palestinians in the West Bank, according to B'Tselem, into "165 non-contiguous 'territorial islands.'"

Israeli authorities have also made it virtually impossible in practice for Palestinians in Area C, the roughly 60 percent of the West Bank that the Oslo Accords placed under full Israeli control, as well as those in East Jerusalem, to obtain building permits. In Area C, for example, authorities approved less than 1.5 percent of applications by Palestinians to build between 2016 and 2018—21 in total—a figure 100 times smaller than the number of demolition orders it issued in

the same period, according to official data. Israeli authorities have razed thousands of Palestinian properties in these areas for lacking a permit, leaving thousands of families displaced. By contrast, according to Peace Now, Israeli authorities began construction on more than 23,696 housing units between 2009 and 2020 in Israeli settlements in Area C. Transfer of an occupying power's civilian population to an occupied territory violates the Fourth Geneva Convention.

These policies grow out of longstanding Israeli government plans. For example, the 1980 Drobles Plan, which guided the government's settlement policy in the West Bank at the time and built on prior plans, called for authorities to "settle the land between the [Arab] minority population centers and their surroundings," noting that doing so would make it "hard for Palestinians to create territorial contiguity and political unity" and "remove any trace of doubt about our intention to control Judea and Samaria forever."

In Jerusalem, the government's plan for the municipality, including both the west and occupied east of the city, sets the goal of "maintaining a solid Jewish majority in the city" and a target demographic "ratio of 70% Jews and 30% Arabs"—later adjusted to a 60:40 ratio after authorities acknowledged that "this goal is not attainable" in light of "the demographic trend."

The Israeli government has also carried out discriminatory seizures of land inside Israel. Authorities have seized through different mechanisms at least 4.5 million dunams of land from Palestinians, according to historians, constituting 65 to 75 percent of all land owned by Palestinians before 1948 and 40 to 60 percent of the land that belonged to Palestinians who remained after 1948 and became citizens of Israel. Authorities in the early years of the state declared land belonging to displaced Palestinians as "absentee property" or "closed military zones," then took it over, converted it to state land, and built Jewish communities there. Authorities continue to block Palestinian citizen landowners from accessing land that was confiscated from them. A 2003 government-commissioned report found that "the expropriation activities were clearly and explicitly harnessed to the interests of the Jewish majority" and that state lands, which constitute 93 percent of all land in Israel, effectively serve the objective of "Jewish settlement." Since 1948, the government has authorized the creation of more than 900 "Jewish localities" in Israel, but it has allowed only a handful of government-planned townships and villages for Palestinians, created largely to concentrate previously displaced Bedouin communities living in the Negev.

Land confiscations and other discriminatory land policies in Israel hem in Palestinian municipalities inside Israel, denying them opportunities for natural expansion enjoyed by Jewish municipalities. The vast majority of Palestinian citizens, who make up around 19 percent of the Israeli population, live in these municipalities, which have an estimated jurisdiction over less than 3 percent of all land in Israel. While Palestinians in Israel can move freely, and some live in "mixed cities," such as Haifa, Tel Aviv-Jaffa, and Acre, Israeli law permits small towns to exclude prospective residents based on their asserted incompatibility with the town's "social-cultural fabric." According to a study by a professor at Technion-Israel Institute of Technology in

Haifa, there are more than 900 small Jewish towns, including *kibbutzim*, across Israel that can restrict who lives there. None of them have any Palestinians living among them.

In the Negev in Israel, Israeli authorities have refused to legally recognize 35 Palestinian Bedouin communities, making it impossible for their 90,000 or so residents to live lawfully in the communities they have lived in for decades. Instead, authorities have sought to concentrate Bedouin communities in larger recognized townships in order, as expressed in governmental plans and statements by officials, to maximize the land available for Jewish communities. Israel law considers all buildings in these unrecognized villages to be illegal, and authorities have refused to connect most to the national electricity or water grids or to provide even basic infrastructure such as paved roads or sewage systems. The communities do not appear on official maps, most have no educational facilities, and residents live under constant threat of having their homes demolished. Israeli authorities demolished more than 10,000 Bedouin homes in the Negev between 2013 and 2019, according to government data. They razed one unrecognized village that challenged the expropriation of its lands, al-Araqib, 185 times.

Authorities have implemented these policies pursuant to government plans since the early years of the state that called for restricting Bedouin communities in order to secure land suitable for settling Jews. Several months before becoming prime minister in December 2000, Ariel Sharon declared that Bedouins in the Negev "are gnawing at the country's land reserves," which he described as "a demographic phenomenon." As prime minister, Sharon went on to pursue a multi-billion-dollar plan that transparently sought to boost the Jewish population in the Negev and Galilee regions of Israel, areas that have significant Palestinian populations. His deputy prime minister, Shimon Peres, later described the plan as a "battle for the future for the Jewish people."

Sharon's push to Judaize the Negev, as well as the Galilee, developed against the backdrop of the government's decision to withdraw Jewish settlers from Gaza. After ending Jewish settlement there, Israel began to treat Gaza effectively as a territorial jurisdiction whose population it could consider as outside the demographic calculus of Jews and Palestinians who live in Israel and in the vast majority of the OPT—the West Bank including East Jerusalem—that Israel intends to retain. Israeli officials at the time acknowledged the demographic objectives behind the move. Amid the push to withdraw settlers from Gaza, Sharon said in an August 2005 address to Israelis, "Gaza cannot be held onto forever. Over one million Palestinians live there and they double their numbers with every generation." Peres said the same month, "We are disengaging from Gaza because of demography."

Despite withdrawing its settlers and ground troops, Israel has remained in critical ways the supreme power in Gaza, dominating through other means and hence maintaining its legal obligations as an occupying power, as the International Committee of the Red Cross (ICRC) and the United Nations (UN), among others, have determined. Most significantly, Israel bans Palestinians living there (with only narrow exceptions) from leaving through the Erez Passenger Crossing its controls and instituted a formal "policy of separation" between Gaza and the West Bank, despite Israel having recognized within the framework of the Oslo Accords these two

parts of the OPT as collectively forming a "single territorial unit." The generalized travel ban, which has remained in place since 2007 and reduced travel out of Gaza to a fraction of what it was two decades ago, is not based on an individualized security assessment and fails any reasonable test of balancing security concerns against the right to freedom of movement for over two million people.

Authorities have also sharply restricted the entry and exit of goods to and from Gaza, which, alongside Egypt often shutting its border, effectively seals it off from the outside world. These restrictions have contributed to limiting access to basic services, devastating the economy, and making 80 percent of the population reliant on humanitarian aid. Families in Gaza in recent years have had to make do without centrally provided electricity for between 12 and 20 hours per day, depending on the period. Water is also critically scarce; the UN considers more than 96 percent of the water supply in Gaza "unfit for human consumption."

Within the West Bank as well, Israeli authorities prohibit Palestinian ID holders from entering areas such as East Jerusalem, lands beyond the separation barrier, and areas controlled by settlements and the army, unless they secure difficult-to-obtain permits. They have also erected nearly 600 permanent obstacles, many between Palestinian communities, that disrupt daily life for Palestinians. In sharp contrast, Israeli authorities allow Jewish settlers in the West Bank to move freely within the majority of the West Bank under its exclusive control, as well as to and from Israel, on roads built to facilitate their commutes and integrate them into every facet of Israeli life.

Demographic considerations factor centrally in Israel's separation policy between Gaza and the West Bank. In particular, in the rare cases when they allow movement between the two parts of the OPT, Israeli authorities permit it predominantly in the direction of Gaza, thereby facilitating population flow away from the area where Israel actively promotes Jewish settlement. The Israeli army's official policy states that while a West Bank resident can apply "for permanent resettlement in the Gaza Strip for any purpose that is considered humanitarian (usually family reunification)," Gaza residents can settle in the West Bank only "in the rarest cases," usually related to family reunification. In these cases, authorities are mandated to aim to resettle the couple in Gaza. Official data shows that Israel did not approve a single Gaza resident to resettle in the West Bank, outside of a handful who filed Supreme Court petitions between 2009 and March 2017, while permitting several dozen West Bank residents to relocate to Gaza on the condition that they sign a pledge not to return to the West Bank.

Beyond the closure policy, Israeli authorities have often used oppressive and indiscriminate means during hostilities and protests in Gaza. Since 2008, the Israeli army has launched three large-scale military offensives in Gaza in the context of hostilities with armed Palestinian groups. As described in the report, those offensives have included apparently deliberate attacks on civilians and civilian infrastructure and killed well over 2,000 civilians. In addition, Israeli forces have regularly fired on Palestinian demonstrators and others who have approached fences separating Gaza and Israel in circumstances when they did not pose an imminent threat to life, killing 214 demonstrators in 2018 and 2019 alone and maiming thousands. These

practices stem from a decades-long pattern of using excessive and vastly disproportionate force to quell protests and disturbances, at great cost to civilians. Despite the frequency of such incidents over the years, Israeli authorities have failed to develop law enforcement tactics that comport with international human rights norms.

Discriminatory Restrictions on Residency and Nationality

Palestinians face discriminatory restrictions on their rights to residency and nationality to varying degrees in the OPT and Israel. Israeli authorities have used their control over the population registry in the West Bank and Gaza—the list of Palestinians they consider lawful residents for purposes of issuing legal status and identity cards—to deny residency to hundreds of thousands of Palestinians. Israeli authorities refused to register at least 270,000 Palestinians who were outside the West Bank and Gaza when the occupation began in 1967 and revoked the residency of nearly 250,000, mostly for being abroad for too long between 1967 and 1994. Since 2000, Israeli authorities have largely refused to process family reunification applications or requests for address changes by Palestinians in the West Bank and Gaza. The freeze effectively bars Palestinians from acquiring legal status for spouses or relatives not already registered and makes illegal, according to the Israeli army, the presence in the West Bank of thousands of Gaza residents who arrived on temporary permits and now live there, since they effectively cannot change their address to one in the West Bank. These restrictions have the effect of limiting the Palestinian population in the West Bank.

Authorities regularly deny entry into the West Bank to non-registered Palestinians who had lived in the West Bank but left temporarily (to study, work, marry, or for other reasons) and to their non-registered spouses and other family members.

When Israel annexed East Jerusalem in 1967, it applied its 1952 Law of Entry to Palestinians who lived there and designated them as “permanent residents,” the same status afforded to a non-Jewish foreigner who moves to Israel. The Interior Ministry has revoked this status from at least 14,701 Palestinians since 1967, mostly for failing to prove a “center of life” in the city. A path to Israeli citizenship exists, but few apply and most who did in recent years were not granted citizenship. By contrast, Jewish Israelis in Jerusalem, including settlers in East Jerusalem, are citizens who do not have to prove connections to the city to maintain their status.

Inside Israel, Israel’s Proclamation of Independence affirms the “complete equality” of all residents, but a two-track citizenship structure contradicts that vow and effectively regards Jews and Palestinians separately and unequally. Israel’s 1952 Citizenship Law contains a separate track exclusively for Jews to obtain automatic citizenship. That law grows out of the 1950 Law of Return which guarantees Jewish citizens of other countries the right to settle in Israel. By contrast, the track for Palestinians conditions citizenship on proving residency before 1948 in the territory that became Israel, inclusion in the population registry as of 1952, and a continuous presence in Israel or legal entry in the period between 1948 and 1952. Authorities have used this language to deny residency rights to the more than 700,000 Palestinians who

filed or were expelled in 1948 and their descendants, who today number more than 5.7 million. This law creates a reality where a Jewish citizen of any other country who has never been to Israel can move there and automatically gain citizenship, while a Palestinian expelled from his home and languishing for more than 70 years in a refugee camp in a nearby country, cannot.

The 1952 Citizenship Law also authorizes granting citizenship based on naturalization. However, in 2003, the Knesset passed the Citizenship and Entry into Israel Law (Temporary Order), which bars granting Israeli citizenship or long-term legal status to Palestinians from the West Bank and Gaza who marry Israeli citizens or residents. With few exceptions, this law, renewed every year since and upheld by the Israeli Supreme Court, denies both Jewish and Palestinian citizens and residents of Israel who choose to marry Palestinians the right to live with their partner in Israel. This restriction, based solely on the spouse's identity as a Palestinian from the West Bank or Gaza, notably does not apply when Israelis marry non-Jewish spouses of most other foreign nationalities. They can receive immediate status and, after several years, apply for citizenship.

Commenting on a 2005 renewal of the law, the prime minister at the time, Ariel Sharon, said:

"There's no need to hide behind security arguments. There's a need for the existence of a Jewish state." Benjamin Netanyahu, who was then the finance minister, said during discussions at the time: "Instead of making it easier for Palestinians who want to get citizenship, we should make the process much more difficult, in order to guarantee Israel's security and a Jewish majority in Israel." In March 2019, this time as prime minister, Netanyahu declared, "Israel is not a state of all its citizens," but rather "the nation-state of the Jewish people and only them."

International human rights law gives broad latitude to governments in setting their immigration policies. There is nothing in international law to bar Israel from promoting Jewish immigration. Jewish Israelis, many of whom historically migrated to Mandatory Palestine or later to Israel to escape anti-Semitic persecution in different parts of the world, are entitled to protection of their safety and fundamental rights. However, that latitude does not give a state the prerogative to discriminate against people who already live in that country, including with respect to rights concerning family reunification, and against people who have a right to return to the country. Palestinians are also entitled to protection of their safety and fundamental rights.

Israeli Justifications of Policies and Practices

Israeli authorities justify many of the policies documented in this report as responses to Palestinian anti-Israeli violence. Many policies, though, like the denial of building permits in Area C, East Jerusalem, and the Negav in Israel, residency revocations for Jerusalemites, or expropriation of privately owned land and discriminatory allocation of state lands, have no legitimate security justification. Others, including the Citizenship and Entry into Israel Law and freeze of the OPT population registry, use security as a pretext to advance demographic objectives.

The Israeli government should dismantle all forms of systematic domination and oppression that privilege Israelis and systematically repress Palestinians, and end the persecution of Palestinians. In particular, authorities should end discriminatory policies and practices with regards to citizenship and residency rights, civil rights, freedom of movement, allocation of land and resources, access to water, electricity, and other services, and granting of building permits. The findings that the crimes of apartheid and persecution are being committed do not deny the reality of Israeli occupation or erase Israel's obligations under the law of occupation, any more than would a finding that other crimes against humanity or war crimes have been carried out. As such, Israeli authorities should cease building settlements and dismantle existing ones and otherwise provide Palestinians in the West Bank and Gaza with full respect of their human rights, using as a benchmark the rights that it grants Israeli citizens, as well as the protections that international humanitarian law grants them.

The Palestinian Authority (PA) should end forms of security coordination with the Israeli army that contribute to facilitating the crimes against humanity of apartheid and persecution.

Recommendations

Israeli authorities do face legitimate security challenges in Israel and the OPT. However, restrictions that do not seek to balance human rights such as freedom of movement against legitimate security concerns by, for example, conducting individualized security assessments rather than barring the entire population of Gaza from leaving with only rare exceptions, go far beyond what international law permits. Even where security forms part of the motivation behind a particular policy, that does not give Israel a carte blanche to violate human rights en masse. Legitimate security concerns can be present among policies that amount to apartheid, just as they can be present in a policy that sanctions the use of excessive force or torture.

Officials sometimes claim that measures taken in the OPT are temporary and would be rescinded in the context of a peace agreement. From former Prime Minister Levi Eshkol, of the Labor Party, declaring in July 1967 that "I see only a quasi-independent region [for Palestinians], because the security and land are in Israeli hands," to Netanyahu of the Likud in July 2019 stating that "Israeli military and security forces will continue to rule the entire territory, up to the Jordan [River]," a range of officials have made clear their intent to maintain overriding control over the West Bank in perpetuity, regardless of what arrangements are in place to govern Palestinians. Their actions and policies further dispel the notion that Israeli authorities consider the occupation temporary, including the continuing of land confiscation, the building of the separation barrier in a way that accommodated anticipated growth of settlements, the seamless integration of the settlements' sewage system, communication networks, electrical grids, water infrastructure and a matrix of roads with Israel proper, as well as a growing body of laws applicable to West Bank Israeli settlers but not Palestinians. The possibility that a future Israeli leader might forge a deal with Palestinians that dismantles the discriminatory system and ends systematic repression does not negate the intent of current officials to maintain the current system, nor the current reality of apartheid and persecution.

The finding of crimes against humanity should prompt the international community to reevaluate its approach to Israel and Palestine. The US, which for decades has largely failed to press the Israeli government to end its systematic repression of Palestinians, has in some instances in recent years signaled its support for serious abuses such as the building of settlements in the occupied West Bank. Many European and other states have built close ties with Israel, while supporting the "peace process," building the capacity of the PA, and distancing themselves from and sometimes criticizing abusive Israeli practices in the OPT. This approach, which overlooks the deeply entrenched nature of Israeli discrimination and repression of Palestinians there, minimizes serious human rights abuses by treating them as temporary symptoms of the occupation that the "peace process" will soon cure. It has enabled states to resist the sort of accountability that a situation of this gravity warrants, allowing apartheid to metastasize and consolidate. After 54 years, states should stop assessing the situation through the prism of what might happen should the languishing peace process one day be revived and focus instead on the longstanding reality on the ground that shows no signs of abating.

Crimes against humanity can serve as the basis for individual criminal liability in international fora, as well as in domestic courts outside of Israel and the OPT under the principle of universal jurisdiction. In light of the decades-long failure by Israeli authorities to rein in serious abuses, the International Criminal Court's Office of the Prosecutor should investigate and prosecute individuals credibly implicated in the crimes against humanity of apartheid or persecution. The ICC has jurisdiction over, and the prosecutor has opened an investigation into, serious crimes committed in the OPT. In addition, all governments should investigate and prosecute those credibly implicated in these crimes, under the principle of universal jurisdiction and in accordance with national laws.

Beyond criminality, Human Rights Watch calls on states to establish through the UN an international commission of inquiry to investigate systematic discrimination and repression based on group identity in the OPT and Israel. The inquiry should be mandated to establish and analyze the facts; identify those responsible for serious crimes, including apartheid and persecution, with a view to ensuring that the perpetrators are held accountable; as well as collect and preserve evidence related to abuses for future use by credible judicial institutions. States should also establish through the UN a position of UN global envoy for the crimes of persecution and apartheid with a mandate to mobilize international action to end persecution and apartheid worldwide.

States should issue statements expressing concern about Israel's practice of apartheid and persecution. They should vet agreements, cooperation schemes, and all forms of trade and dealing with Israel to screen for those directly contributing to the commission of the crimes of apartheid and persecution against Palestinians, mitigate the human rights impacts, and, where not possible, end the activities and funding found to facilitate these serious crimes.

The implications of the findings of this report for businesses are complex and beyond the scope of this report. At a minimum, businesses should cease activities that directly contribute to the commission of the crimes of apartheid and persecution. Companies should assess whether their goods or services contribute to the commission of the crimes of apartheid and persecution, such as equipment used in the unlawful demolition of Palestinian homes, and cease providing goods and services that will likely be used for such purposes, in accordance with the UN Guiding Principles on Business and Human Rights.

States should impose individual sanctions, including travel bans and asset freezes, against officials and individuals responsible for the continued commission of these serious crimes and condition arms sales and military and security assistance to Israel on Israeli authorities taking concrete and verifiable steps towards ending their commission of the crimes of apartheid and persecution.

The international community has for too long explained away and turned a blind eye to the increasingly transparent reality on the ground. Every day a person is born in Gaza into an open-air prison, in the West Bank without civil rights, in Israel with an inferior status by law, and in neighboring countries effectively condemned to lifelong refugee status, like their parents and grandparents before them, solely because they are Palestinian and not Jewish. A future rooted in the freedom, equality, and dignity of all people living in Israel and the OPT will remain elusive so long as Israel's abusive practices against Palestinians persist.

A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea:

THIS IS APARTHEID



A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid

Apartheid 12 January 2021

More than 14 million people, roughly half of them Jews and the other half Palestinians, live between the Jordan River and the Mediterranean Sea under a single rule. The common perception in public, political, legal and media discourse is that two separate regimes operate side by side in this area, separated by the Green Line. One regime, inside the borders of the sovereign State of Israel, is a permanent democracy with a population of about nine million, all Israeli citizens. The other regime, in the territories Israel took over in 1967, whose final status is supposed to be determined in future negotiations, is a temporary military occupation imposed on some five million Palestinian subjects.

Over time, the distinction between the two regimes has grown divorced from reality. This state of affairs has existed for more than 50 years – twice as long as the State of

Israel existed without it. Hundreds of thousands of Jewish settlers now reside in permanent settlements east of the Green Line, living as though they were west of it. East Jerusalem has been officially annexed to Israel's sovereign territory, and the West Bank has been annexed in practice. Most importantly, the distinction obscures the fact that the entire area between the Mediterranean Sea and the Jordan River is organized under a single principle: advancing and cementing the supremacy of one group – Jews – over another – Palestinians. All this leads to the conclusion that these are not two parallel regimes that simply happen to uphold the same principle. There is one regime governing the entire area and the people living in it, based on a single organizing principle.

When B'Tsalem was founded in 1989, we limited our **mandate** to the West Bank (including East Jerusalem) and the Gaza Strip, and refrained from addressing human rights inside the State of Israel established in 1948 or from taking a comprehensive approach to the entire area between the Jordan River and the Mediterranean Sea. Yet the situation has changed. The regime's organizing principle has gained visibility in recent years, as evidenced by the Basic Law: Israel – the Nation State of the Jewish People passed in 2018, or open talk of formally annexing parts of the West Bank in 2020. Taken together with the facts described above, this means that what happens in the Occupied Territories can no longer be treated as separate from the reality in the entire area under Israel's control. The terms we have used in recent years to describe the situation – such as “prolonged occupation” or a “one-state reality” – are no longer adequate. To continue effectively fighting human rights violations, it is essential to examine and define the regime that governs the entire area.

This paper analyzes how the Israeli regime works to advance its goals in the entire area under its control. We do not provide a historical review or an evaluation of the Palestinian and Jewish national movements, or of the former South Africa regime. While these are important questions, they are beyond the purview of a human rights organization. Rather, this document presents the principles that guide the regime, demonstrates how it implements them and points to the conclusion that emerges from all of this as to how the regime should be defined and what that means for human rights.

WHY IS THIS APARTHEID | Short Illustrated Explainer



Divide, separate, rule



In the entire area between the Mediterranean Sea and the Jordan River, the Israeli regime implements laws, practices and state violence designed to cement the supremacy of one group - Jews - over another - Palestinians. A key method in pursuing this goal is engineering space differently for each group.

Jewish citizens live as though the entire area were a single space (excluding the Gaza Strip). The Green Line means next to nothing for them: whether they live west of it, within Israel's sovereign territory, or east of it, in settlements not formally annexed to Israel, is irrelevant to their rights or status.

Where Palestinians live, on the other hand, is crucial. The Israeli regime has divided the area into several units that it defines and governs differently, according to Palestinians' different rights in each. This division is relevant to Palestinians only. The geographic space, which is contiguous for Jews, is a fragmented mosaic for Palestinians:

- Palestinians who live on land defined in 1948 as Israeli sovereign territory (sometimes called Arab-Israelis) are Israeli citizens and make up 17% of the state's citizenry. While this status affords them many rights, they do not enjoy the same rights as Jewish citizens by either law or practice - as detailed further in this paper.
- Roughly 350,000 Palestinians live in East Jerusalem, which consists of some 70,000 dunams (1 dunam = 1,000 square meters) that Israel annexed to its sovereign territory in 1967. They are defined as permanent residents of Israel a status that allows them to live and work in Israel without needing special permits, to receive social benefits and health insurance, and to vote in municipal elections. Yet permanent residency, unlike citizenship, may be revoked at any time, at the complete discretion of the Minister of the Interior. In certain circumstances, it can also expire.
- Although Israel never formally annexed the West Bank, it treats the territory as its own. More than 2.6 million Palestinian subjects live in the West Bank, in dozens of disconnected enclaves, under rigid military rule and without political rights. In about 40% of the territory, Israel has transferred some civilian powers to the Palestinian Authority (PA). However, the PA is still subordinate to Israel and can only exercise its limited powers with Israel's consent.
- The Gaza Strip is home to about two million Palestinians, also denied political rights. In 2005, Israel withdrew its forces from the Gaza Strip, dismantled the

settlements it built there and abdicated any responsibility for the fate of the Palestinian population. After the Hamas takeover in 2007, Israel imposed a blockade on the Gaza Strip that is still in place. Throughout all of these years, Israel has continued to control nearly every aspect of life in Gaza from outside.

Israel accords Palestinians a different package of rights in every one of these units - all of which are inferior compared to the rights afforded to Jewish citizens. The goal of Jewish supremacy is advanced differently in every unit, and the resulting forms of injustice differ: the lived experience of Palestinians in blockaded Gaza is unlike that of Palestinian subjects in the West Bank, permanent residents in East Jerusalem or Palestinian citizens within sovereign Israeli territory. Yet these are variations on the fact that all Palestinians living under Israeli rule are treated as inferior in rights and status to Jews who live in the very same area.

Detailed below are four major methods the Israeli regime uses to advance Jewish supremacy. Two are implemented similarly throughout the entire area: restricting migration by non-Jews and taking over Palestinian land to build Jewish-only communities, while relegating Palestinians to small enclaves. The other two are implemented primarily in the Occupied Territories: draconian restrictions on the movement of non-citizen Palestinians and denial of their political rights. Control over these aspects of life lies entirely in Israel's hands: in the entire area, Israel has sole power over the population registry, land allocation, voter rolls and the right (or denial thereof) to travel within, enter or exit any part of the area.

A. Immigration - for Jews only.

Any Jew in the world and his or her children, grandchildren and spouses are entitled to immigrate to Israel at any time and receive Israeli citizenship, with all of its associated rights. They receive this status even if they choose to live in a West Bank settlement not formally annexed to Israel's sovereign territory.

In contrast, non-Jews have no right to legal status in Israeli-controlled areas. Granting status is at the almost complete discretion of officials - the Minister of the Interior (within sovereign Israel) or the military commander (in the Occupied Territories). Despite this official distinction, the organizing principle remains the same: Palestinians living in other countries cannot immigrate to the area between the Mediterranean Sea and the Jordan River, even if they, their parents or their grandparents were born and lived there. The only way Palestinians can immigrate to areas controlled by Israel is by marrying a Palestinian who already lives there - as a citizen, resident or subject - as well as meeting a series of conditions and receiving Israeli approval.



Israel not only hampers Palestinian immigration but also impedes Palestinian relocation between the units, if the move – in the perception of the regime – would upgrade their status. For instance, Palestinian citizens of Israel or residents of East Jerusalem can easily relocate to the West Bank (although they risk their rights and status in doing so), Palestinians in the Occupied Territories cannot obtain Israeli citizenship and relocate to Israeli sovereign territory, except for in very rare instances, which depend on the approval of Israeli officials.

Israel's policy on family unification illustrates this principle. For years, the regime has placed numerous obstacles before families in which each spouse lives in a different geographical unit. Over time, this has impeded and often prevented Palestinians marrying a Palestinian in another unit from acquiring status in that unit. As a result of this policy, tens of thousands of families have been unable to live together. When one spouse is a **resident of the Gaza Strip**, Israel allows the family to live there together, but if the other spouse is a resident of the West Bank, Israel demands they relocate permanently to Gaza. In 2003, the Knesset passed a **Temporary Order** (still in force) banning the issuance of Israeli citizenship or permanent residency to Palestinians from the Occupied Territories who marry Israelis – unlike citizens of other countries. In exceptional cases approved by the Minister of the Interior, Palestinians from the West Bank who marry Israelis may be granted status in Israel – yet it is only temporary and does not entitle them to social benefits.

Israel also undermines the right of Palestinians in the Occupied Territories – including East Jerusalem – to continue living where they were born. Since 1967, Israel has **revoked** the status of some 250,000 Palestinians in the West Bank (East Jerusalem included) and the Gaza Strip, in some cases on the grounds they had lived abroad for more than three years. This includes thousands of **East Jerusalem** residents who moved mere miles east of their homes to parts of the West Bank that are not officially annexed. All these individuals were robbed of the right to return to their homes and families, where they were born and raised.

B. Taking over land for Jews while crowding Palestinians in enclaves:



Israel practices a policy of “Judaizing” the area, based on the mindset that land is a resource meant almost exclusively to benefit the Jewish public. Land is used to develop and expand existing Jewish communities and build new ones, while Palestinians are dispossessed and corralled into small, crowded enclaves. This policy has been practiced with respect to land within sovereign Israeli territory since 1948 and applied to Palestinians in the Occupied Territories since 1967. In 2018, the underlying principle was entrenched in Basic Law: Israel – the Nation State of the Jewish People, which stipulates that “the State considers the development of Jewish settlements a national value and will take action to encourage and promote the establishment and reinforcement of such settlements.”

Inside its sovereign territory, Israel has enacted **discriminatory laws**, most notably the **Absentee Property Law**, allowing it to appropriate vast tracts of Palestinian-owned land, including millions of dunams in communities whose residents were expelled or fled in 1948 and were barred from returning. Israel has also significantly reduced the areas designated for Palestinian local councils and communities, which now have access to less than 3% of the country's total area. Most of the designated land is already saturated with construction. As a result, **more than 90%** of land in Israel's sovereign territory is now under state control.

Israel has used this land to build hundreds of communities for Jewish citizens – yet not a single one for Palestinian citizens. The exception is a handful of towns and villages built to concentrate the **Bedouin population**, which has been stripped of most of its proprietary rights. Most of the land on which Bedouins used to live has been expropriated and registered as state land. Many Bedouin communities have been defined as ‘unrecognized’ and their residents as ‘invaders.’ On land historically occupied by Bedouins, Israel has built **Jewish-only** communities.

The Israeli regime severely **restricts** construction and development in the little remaining land in Palestinian communities within its sovereign territory. It also refrains from preparing master plans that reflect the population's needs, and keeps these communities' areas of jurisdiction virtually unchanged despite population growth. The result is small, crowded enclaves where residents have no choice but to **build without permits**.

Israel has also passed a **law** allowing communities with admission committees, numbering hundreds throughout the country, to reject Palestinian applicants on grounds of “cultural incompatibility.” This effectively prevents Palestinian citizens from living in communities designated for Jews. Officially, any Israeli citizen can live

in any of the country's cities; in practice, only 10% of Palestinian citizens do. Even then, they are usually relegated to separate neighborhoods due to lack of educational, religious and other services, the prohibitive cost of purchasing a home in other parts of the city, or discriminatory practices in land and home sales.

The regime has used the same organizing principle in the West Bank since 1967 (including East Jerusalem). Hundreds of thousands of dunams, including farmland and pastureland, have been taken from Palestinian subjects on various pretexts and used, among other things, to establish and expand settlements, including residential neighborhoods, farmland and industrial zones. All settlements are closed military zones that Palestinians are forbidden from entering without a permit. So far, Israel has established more than 280 settlements in the West Bank (East Jerusalem included), which are now home to more than 600,000 Jews. More land has been taken to build hundreds of kilometers of bypass roads for settlers.

Israel has instituted a separate planning system for Palestinians in the West Bank, chiefly designed to prevent construction and development. Large swaths of land are unavailable for construction, having been declared state land, a firing zone, a nature reserve or a national park. The authorities also refrain from drafting adequate master plans reflecting the present and future needs of Palestinian communities in what little land has been spared. The separate planning system centers on demolishing structures built without permits - here, too, for lack of choice. All this has trapped Palestinians in dozens of densely-populated enclaves, with development outside them - whether for residential or public use, including infrastructure - almost completely banned.

C. Restriction of Palestinians' freedom of movement

Israel allows its Jewish and Palestinian citizens and residents to travel freely throughout the area. Exceptions are the prohibition on entering the Gaza Strip, which it defines "hostile territory", and the (mostly formal) prohibition on entering areas ostensibly under PA responsibility (Area A). In rare cases, Palestinian citizens or residents are permitted to enter Gaza.

Israeli citizens can also leave and reenter the country at any time. In contrast, residents of East Jerusalem do not hold Israeli passports and lengthy absence can result in revocation of status.

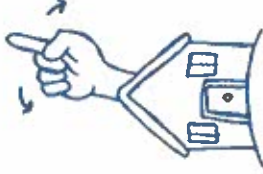
Israel routinely restricts the movement of Palestinians in the Occupied Territories

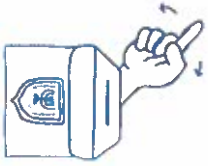
and generally forbids them from moving between the units. Palestinians from the West Bank who wish to enter Israel, East Jerusalem or the Gaza Strip must apply to the Israeli authorities. In the Gaza Strip, which has been blockaded since 2007, the entire population is imprisoned as Israel forbids almost any movement in or out - except in rare cases it defines humanitarian. Palestinians who wish to leave Gaza or Palestinians from other units who wish to enter it must also submit a special application for a permit to the Israeli authorities. The permits are issued sparingly and can only be obtained through a strict, arbitrary mechanism, or permit regime, which lacks transparency and clear rules. Israel treats every permit issued to a Palestinian as an act of grace rather than the fulfillment of a vested right.

In the West Bank, Israel controls all the routes between the Palestinian enclaves. This allows the military to set up flying checkpoints, close off access points to villages, block roads and stop passage through checkpoints at will. Furthermore, Israel built the Separation Barrier within the West Bank and designated Palestinian land, including farmland, trapped between the barrier and the Green Line as "the seam zone." Palestinians in the West Bank are barred from entering this zone, subject to the same permit regime.

Palestinians in the Occupied Territories also need Israeli permission to go abroad. As a rule, Israel does not allow them to use Ben Gurion International Airport, which lies inside its sovereign territory. Palestinians from the West Bank must fly through Jordan's international airport - but can only do so if Israel allows them to cross the border into Jordan. Every year, Israel denies thousands of requests to cross this border, with no explanation. Palestinians from Gaza must go through Egyptian-controlled Rafah Crossing - provided it is open, the Egyptian authorities let them through, and they can undertake the long journey through Egyptian territory. In rare exceptions, Israel allows Gazans to travel through its sovereign territory in an escorted shuttle, in order to reach the West Bank and from there continue to Jordan and on to their destination.

D. Denial of Palestinians' right to political participation





Like their Jewish counterparts, Palestinian citizens of Israel can take political action to further their interests, including voting and running for office. They can elect representatives, establish parties or join existing ones. That said, Palestinian elected officials are continually vilified - a sentiment propagated by key political figures - and the right of Palestinian citizens to political participation is under constant attack.

The roughly five million Palestinians who live in the Occupied Territories cannot participate in the political system that governs their lives and determines their futures. Theoretically, most Palestinians are eligible to vote in the PA elections. Yet as the PA's powers are limited, even if elections were held regularly (the last were in 2006), the Israeli regime would still rule Palestinians lives, as it retains major aspects of governance in the Occupied Territories. This includes control over immigration, the population registry, planning and land policies, water, communication infrastructure, import and export, and military control over land, sea and air space.

In East Jerusalem, Palestinians are caught between a rock and a hard place. As permanent residents of Israel, they can vote in municipal elections but not for parliament. On the other hand, Israel makes it difficult for them to participate in PA elections.

Political participation encompasses more than voting or running for office. Israel also denies Palestinians political rights such as freedom of speech and freedom of association. These rights enable individuals to critique regimes, protest policies, form associations to advance their ideas and generally work to promote social and political change.

A slew of legislation, such as the **boycott law** and the **Nakba law**, has limited Israelis' freedom to criticize policies relating to Palestinians throughout the area. Palestinians in the Occupied Territories face even harsher restrictions: they are not allowed to demonstrate; many associations have been banned; and almost any political statement is considered incitement. These restrictions are assiduously enforced by the military courts, which have imprisoned hundreds of thousands of Palestinians and are a key mechanism upholding the occupation. In East Jerusalem, Israel works to prevent any social, cultural or political activity associated in any way with the PA.

The division of space also hampers a unified Palestinian struggle against Israeli



policy. The variation in laws, procedures and rights among the geographical units and the draconian movement restrictions have separated the Palestinians into distinct groups. This fragmentation not only helps Israel promote Jewish supremacy, but also thwarts criticism and resistance.

No to apartheid: That is our struggle



The Israeli regime, which controls all the territory between the Jordan River and the Mediterranean Sea, seeks to advance and cement Jewish supremacy throughout the entire area. To that end, it has divided the area into several units, each with a different set of rights for Palestinians - always inferior to the rights of Jews. As part of this policy, Palestinians are denied many rights, including the right to self-determination.

This policy is advanced in several ways. Israel demographically engineers the space through laws and orders that allow any Jew in the world or their relatives to obtain Israeli citizenship, but almost completely deny Palestinians this possibility. It has physically engineered the entire area by taking over of millions of dunams of land and establishing Jewish-only communities, while driving Palestinians into small enclaves. Movement is engineered through restrictions on Palestinian subjects, and political engineering excludes millions of Palestinians from participating in the processes that determine their lives and futures while holding them under military occupation.

A regime that uses laws, practices and organized violence to cement the supremacy of one group over another is an apartheid regime. Israeli apartheid, which promotes the supremacy of Jews over Palestinians, was not born in one day or of a single speech. It is a process that has gradually grown more institutionalized and explicit, with mechanisms introduced over time in law and practice to promote Jewish supremacy. These accumulated measures, their pervasiveness in legislation and political practice, and the public and judicial support they receive - all form the basis for our conclusion that the bar for labeling the Israeli regime as apartheid has been met.

If this regime has developed over many years, why release this paper in 2021? What has changed? Recent years have seen a rise in the motivation and willingness of Israeli officials and institutions to enshrine Jewish supremacy in law and openly state their intentions. The enactment of Basic Law: Israel - the Nation State of the Jewish People and the declared plan to formally annex parts of the West Bank have shattered the façade Israel worked for years to maintain.

The Nation State basic law, enacted in 2018, enshrines the Jewish people's right to self-determination to the exclusion of all others. It establishes that distinguishing Jews in Israel (and throughout the world) from non-Jews is fundamental and legitimate. Based on this distinction, the law permits institutionalized discrimination in favor of Jews in settlement, housing, land development, citizenship, language and culture. It is true that the Israeli regime largely followed these principles before. Yet Jewish supremacy has now been enshrined in basic law, making it a binding constitutional principle - unlike ordinary law or practices by authorities, which can be challenged. This signals to all state institutions that they not only can, but must, promote Jewish supremacy in the entire area under Israeli control.

Israel's plan to formally annex parts of the West Bank also bridges the gap between the official status of the Occupied Territories, which is accompanied by empty rhetoric about negotiation of its future, and the fact that Israel actually annexed most of the West Bank long ago. Israel did not follow through on its declarations of formal annexation after July 2020, and various officials have released contradicting statements regarding the plan since. Regardless of how and when Israel advances formal annexation of one kind or another, its intention to achieve permanent control over the entire area has already been openly declared by the state's highest officials.

The Israeli regime's rationale, and the measures used to implement it, are reminiscent of the South African regime that sought to preserve the supremacy of white citizens, in part through partitioning the population into classes and sub-classes and ascribing different rights to each. There are, of course, differences between the regimes. For instance, the division in South Africa was based on race and skin color, while in Israel it is based on nationality and ethnicity. Segregation in South Africa was also manifested in public space, in the form of a policed, formal, public separation between people based on skin color - a degree of visibility that Israel usually avoids. Yet in public discourse and in international law, apartheid does not mean an exact copy of the former South African regime. No regime will ever be identical. 'Apartheid' has long been an independent term, entrenched in international conventions, referring to a regime's organizing principle: systematically promoting the dominance of one group over another and working to cement it.

The Israeli regime does not have to declare itself an apartheid regime to be defined as such, nor is it relevant that representatives of the state broadly proclaim it a democracy. What defines apartheid is not statements but practice. While South Africa declared itself an apartheid regime in 1948, it is unreasonable to expect other states to follow suit given the historical repercussions. The response of most countries to South Africa's apartheid is likelier to deter countries from admitting to implementing a similar regime. It is also clear that what was possible in 1948 is no longer possible today, both legally and in terms of public opinion.

As painful as it may be to look reality in the eye, it is more painful to live under a boot. The harsh reality described here may deteriorate further if new practices are introduced - with or without accompanying legislation. Nevertheless, people created this regime and people can make it worse - or work to replace it. That hope is the driving force behind this position paper. How can people fight injustice if it is unnamed? Apartheid is the organizing principle, yet recognizing this does not mean giving up. On the contrary: it is a call for change.

Fighting for a future based on human rights, liberty and justice is especially crucial now. There are various political paths to a just future here, between the Jordan River and the Mediterranean Sea, but all of us must first choose to say no to apartheid.

Tags

[Apartheid](#) [Settlements](#) [Restrictions on Movement](#)
[Planning Policy in the West Bank](#) [The Gaza Strip](#) [Alqa C.](#)
[The Occupied Territories and International Law](#) [East Jerusalem](#)
[The Military Courts](#) [A Routing Founded on Violence](#)

Location



Related Media:

[Download position paper, PDF](#)

[Illustrated Explainer](#)

Which language would you like to use this site in?

ENGLISH

ESPAÑOL

FRANÇAIS

العربية

CLOSE

ISRAEL'S APARTHEID AGAINST PALESTINIANS

A LOOK INTO DECADES OF OPPRESSION AND
DOMINATION

© SAUD KHATTIB/AFP/Getty Images

February 1, 2022

Israel's apartheid against Palestinians



Israel's Apartheid Against Palestinians: Cruel System of
Domination and Crime Against Humanity

Amnesty International

1437

In May 2021, Palestinian families in Sheikh Jarrah, a neighbourhood in occupied East Jerusalem, began protesting against 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

one racial group by another. It has since been adopted by the international community to condemn and criminalize 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 by one racial group of members of another with the intention to control the second racial group.

[TAKE OUR COURSE](#)

Amnesty International has created a free 90-minute course called "Deconstructing Israel's Apartheid Against Palestinians". To learn more about the crime of apartheid in international law, what apartheid looks like in Israel/OPT, and how it affects Palestinians' lives, sign up to our course on Amnesty International's human rights education academy.

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 Israel and the OPT, and against Palestinian refugees, in order 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.

[DOWNLOAD THE FULL REPORT](#)

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



ABDAS MOWANUS/FP/Getty Images

Palestinians wait to cross the Qalandia checkpoint between Ramallah and East Jerusalem, both in the occupied West Bank, as they head to the Al-Aqsa Mosque compound in East Jerusalem for the first Friday prayers of the Muslim holy month of Ramadan on 2 June 2017 © Abbas Momani / AFP via Getty Images

WHY IS AMNESTY INTERNATIONAL CAMPAIGNING AGAINST APARTHEID?

11

**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.

Yet, 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.

TELL ISRAEL: DEMOLISH APARTHEID, NOT PALESTINIAN HOMES

The Palestinian experience of being denied a home is at the heart of

Israel's apartheid system. That's why, as a first step towards dismantling this system, we are calling on Israel to end the practice of home demolitions.

Palestinian families need people to stand with them against injustice and discrimination, by taking action to help them protect their homes.

TAKE ACTION

Home Sweet Home | Short Film about Israel's Apartheid



“
Israel is not a state of all its citizens... [but rather] the nation-state of the Jewish people and only them

Israel's then prime minister Benjamin Netanyahu (message posted online in March 2019)

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	Dispossession of land and property	Segregation and control	Deprivation of economic & social rights
At the heart of the system is keeping Palestinian separated from each other into distinct territorial, legal and administrative domains	Decades of discriminatory land and property seizures, home demolitions and forced evictions	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	The deliberate impoverishment of Palestinians keeping them at great disadvantage in comparison to Jewish Israelis

FRAGMENTATION INTO DOMAINS OF CONTROL

In the course of 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 had the effect of undermining family, social and political ties between Palestinian communities and suppressing sustained 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 residing 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. In order 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 of 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 also 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 of Israel and East Jerusalem live in densely populated areas that are generally underdeveloped and lack adequate essential services such as garbage 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.

LIFE UNDER APARTHEID

DENIED A HOME: DEMOLITIONS AND FORCED EVICTIONS



OPT

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 Siwan, 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:

“

This is extremely hard to deal with. It might be difficult to put into words... and I sensed that it was harder on my kids than on us. They were really excited for us to have this new home. I'm going to keep the photos from that day and show them to my children when they grow up, so they do not forget what happened to us. I will tell them, 'you see what kind of memories I have to pass on to you?' My plan was for them to have a warm family home close to their loved ones and family members. Now I'm passing on the memories of their first childhood home being destroyed

Mohammed Al-Rajabi, a resident of Al-Bustan area in Siwan

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.



© Tanya Habjouqa / NOOR Photos

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 International:

66

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

Sumaia

UNDER SIEGE



MAHMUD HAN S/ARTP via Getty Images

Palestinian protesters run for cover after Israeli forces launched tear gas canisters during a demonstration along the border between the Gaza strip and Israel, east of Gaza city on June 22, 2018. (Photo by MAHMUD

HAMS / AFP via Getty)

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.

66

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

Adham Al-Hajjar

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, 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 has to 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.

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.

TELL ISRAEL: DEMOLISH APARTHEID, NOT PALESTINIAN HOMES

The Palestinian experience of being denied a home is at the heart of Israel's apartheid system. That's why, as a first step towards dismantling this system, we are calling on Israel to end the practice of home demolitions.

Palestinian families need people to stand with them against injustice and discrimination, by taking action to help them protect their homes.

TAKE ACTION

Further Reading

Q&A: Israel's Apartheid against Palestinians: Cruel System of Domination and Crime against Humanity

CAMPAIGNS ISRAEL AND OCCUPIED PALESTINIAN TERRITORIES STORY DISCRIMINATION

Related Content

NEWS
Israel/OPT: New evidence of unlawful Israeli attacks in

PHOTOGRAPHY

NEWS
Israel and Occupied Palestinian Territories

NEWS
Gaza causing mass civilian casualties amid real risk of genocide

NEWS
Libya: Internal Security Agency must end abuses in name of 'guarding virtue'

NEWS
Greece: Same-sex marriage recognition, key milestone in fight against homophobia and transphobia

NEWS
Urgent statement from Chief Executives of humanitarian agencies and human rights organizations on Rafah, Gaza