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Israel's apartheid against Palestinians: a cruel system of domination and a crime against humanity

Israeli authorities must be held accountable for committing the crime of apartheid against Palestinians, Amnesty International said today in a damning new report. The investigation details how Israel enforces a system of oppression and domination against the Palestinian people wherever it has control over their rights. This includes Palestinians living in Israel and the Occupied Palestinian Territories (OPT), as well as displaced refugees in other countries.

The comprehensive report, *Israel's Apartheid against Palestinians: Cruel System of Domination and Crime against Humanity*, sets out how massive seizures of Palestinian land and property, unlawful killings, forcible transfer, drastic movement restrictions, and the denial of nationality and citizenship to Palestinians are all components of a system which amounts to apartheid under international law. This system is maintained by violations which Amnesty International found to constitute apartheid as a crime against humanity, as defined in the Rome Statute and Apartheid Convention.

Amnesty International is calling on the International Criminal Court (ICC) to consider the crime of apartheid in its current investigation in the OPT and calls on all states to exercise universal jurisdiction to bring perpetrators of apartheid crimes to justice.

"Our report reveals the true extent of Israel's apartheid regime. Whether they live in Gaza, East Jerusalem and the rest of the West Bank, or Israel itself, Palestinians are treated as an inferior racial group and systematically deprived of their rights. We found that Israel's cruel policies of segregation, dispossession and exclusion across all territories under its control clearly amount to apartheid. The international community has an obligation to act," said Agnès Callamard, Amnesty International's Secretary General.

"There is no possible justification for a system built around the institutionalized and prolonged racist oppression of millions of people. Apartheid has no place in our world, and states which choose to make allowances for Israel will find themselves on the wrong side of history. Governments who continue to supply Israel with arms and shield it from accountability at the UN are supporting a system of apartheid, undermining the international legal order, and exacerbating the suffering of the Palestinian people. The international community must face up to the reality of Israel's apartheid, and pursue the many avenues to justice which remain shamefully unexplored."

Amnesty International's findings build on a growing body of work by Palestinian, Israeli and international NGOs, who have increasingly applied the apartheid framework to the situation in Israel and/or the OPT.

Identifying apartheid

A system of apartheid is an institutionalized regime of oppression and domination by one racial group over another. It is a serious human rights violation which is prohibited in public international law. Amnesty International's extensive research and legal analysis, carried out in consultation with external experts, demonstrates that Israel enforces such a system against Palestinians through laws, policies and practices which ensure their prolonged and cruel discriminatory treatment.

In international criminal law, specific unlawful acts which are committed within a system of oppression and domination, with the intention of maintaining it, constitute the crime against humanity of apartheid. These acts are set out in the **Apartheid Convention** and the **Rome Statute**, and include unlawful killing, torture, forcible transfer, and the denial of basic rights and freedoms.

Amnesty International documented acts proscribed in the Apartheid Convention and Rome Statute in all the areas Israel controls, although they occur more frequently and violently in the OPT than in Israel. Israeli authorities enact multiple measures to deliberately deny Palestinians their basic rights and freedoms, including draconian movement restrictions in the OPT, chronic discriminatory underinvestment in Palestinian communities in Israel, and the denial of refugees' right to return. The report also documents forcible transfer, administrative detention, torture, and unlawful killings, in both Israel and the OPT.

Amnesty International found that these acts form part of a systematic and widespread attack directed against the Palestinian population, and are committed with the intent to maintain the system of oppression and domination. They therefore constitute the crime against humanity of apartheid.

The unlawful killing of Palestinian protesters is perhaps the clearest illustration of how Israeli authorities use proscribed acts to maintain the status quo. In 2018, Palestinians in Gaza began to hold weekly protests along the border with Israel, calling for the right of return for refugees and an end to the blockade. Before protests even began, senior Israeli officials warned that Palestinians approaching the wall would be shot. By the end of 2019, Israeli forces had killed 214 civilians, including 46 children.

In light of the systematic unlawful killings of Palestinians documented in its report, Amnesty International is also calling for the UN Security Council to impose a comprehensive arms embargo on Israel. This should cover all weapons and munitions as well as law enforcement equipment, given the thousands of Palestinian civilians who have been unlawfully killed by Israeli forces. The Security Council should also impose targeted sanctions, such as asset freezes, against Israeli officials most implicated in the crime of apartheid.

Palestinians treated as a demographic threat

Since its establishment in 1948, Israel has pursued a policy of establishing and then maintaining a Jewish demographic majority, and maximizing control over land and resources to benefit Jewish Israelis. In 1967, Israel extended this policy to the West Bank and Gaza

Strip. Today, all territories controlled by Israel continue to be administered with the purpose of benefiting Jewish Israelis to the detriment of Palestinians, while Palestinian refugees continue to be excluded.

Amnesty International recognizes that Jews, like Palestinians, claim a right to self-determination, and does not challenge Israel's desire to be a home for Jews. Similarly, it does not consider that Israel labelling itself a "Jewish state" in itself indicates an intention to oppress and dominate.

However, Amnesty International's report shows that successive Israeli governments have considered Palestinians a demographic threat, and imposed measures to control and decrease their presence and access to land in Israel and the OPT. These demographic aims are well illustrated by official plans to "Judaize" areas of Israel and the West Bank, including East Jerusalem, which continue to put thousands of Palestinians at risk of forcible transfer.

Oppression without borders

The 1947-49 and 1967 wars, Israel's ongoing military rule of the OPT, and the creation of separate legal and administrative regimes within the territory, have separated Palestinian communities and segregated them from Jewish Israelis. Palestinians have been fragmented geographically and politically, and experience different levels of discrimination depending on their status and where they live.

Palestinian citizens in Israel currently enjoy greater rights and freedoms than their counterparts in the OPT, while the experience of Palestinians in Gaza is very different to that of those living in the West Bank. Nonetheless, Amnesty International's research shows that all Palestinians are subject to the same overarching system. Israel's treatment of Palestinians across all areas is pursuant to the same objective: to privilege Jewish Israelis in distribution of land and resources, and to minimize the Palestinian presence and access to land.

Amnesty International demonstrates that Israeli authorities treat Palestinians as an inferior racial group who are defined by their non-Jewish, Arab status. This racial discrimination is cemented in laws which affect Palestinians across Israel and the OPT.

For example, Palestinian citizens of Israel are denied a nationality, establishing a legal differentiation from Jewish Israelis. In the West Bank and Gaza, where Israel has controlled the population registry since 1967, Palestinians have no citizenship and most are considered stateless, requiring ID cards from the Israeli military to live and work in the territories.

Palestinian refugees and their descendants, who were displaced in the 1947-49 and 1967 conflicts, continue to be denied the right to return to their former places of residence. Israel's exclusion of refugees is a flagrant violation of international law which has left millions in a perpetual limbo of forced displacement.

Palestinians in annexed East Jerusalem are granted permanent residence instead of citizenship – though this status is permanent in name only. Since 1967, more than 14,000

Palestinians have had their residency revoked at the discretion of the Ministry of the Interior, resulting in their forcible transfer outside the city.

Lesser citizens

Palestinian citizens of Israel, who comprise about 19% of the population, face many forms of institutionalized discrimination. In 2018, discrimination against Palestinians was crystallized in a constitutional law which, for the first time, enshrined Israel exclusively as the “nation state of the Jewish people”. The law also promotes the building of Jewish settlements and downgrades Arabic’s status as an official language.

The report documents how Palestinians are effectively blocked from leasing on 80% of Israel’s state land, as a result of racist land seizures and a web of discriminatory laws on land allocation, planning and zoning.

The situation in the Negev/Naqab region of southern Israel is a prime example of how Israel’s planning and building policies intentionally exclude Palestinians. Since 1948 Israeli authorities have adopted various policies to “Judaize” the Negev/Naqab, including designating large areas as nature reserves or military firing zones, and setting targets for increasing the Jewish population. This has had devastating consequences for the tens of thousands of Palestinian Bedouins who live in the region.

Thirty-five Bedouin villages, home to about 68,000 people, are currently “unrecognized” by Israel, which means they are cut off from the national electricity and water supply and targeted for repeated demolitions. As the villages have no official status, their residents also face restrictions on political participation and are excluded from the healthcare and education systems. These conditions have coerced many into leaving their homes and villages, in what amounts to forcible transfer.

Decades of deliberately unequal treatment of Palestinian citizens of Israel have left them consistently economically disadvantaged in comparison to Jewish Israelis. This is exacerbated by blatantly discriminatory allocation of state resources: a recent example is the government’s Covid-19 recovery package, of which just 1.7% was given to Palestinian local authorities.

Dispossession

The dispossession and displacement of Palestinians from their homes is a crucial pillar of Israel’s apartheid system. Since its establishment the Israeli state has enforced massive and cruel land seizures against Palestinians, and continues to implement myriad laws and policies to force Palestinians into small enclaves. Since 1948, Israel has demolished hundreds of thousands of Palestinian homes and other properties across all areas under its jurisdiction and effective control.

As in the Negev/Naqab, Palestinians in East Jerusalem and Area C of the OPT live under full Israeli control. The authorities deny building permits to Palestinians in these areas, forcing them to build illegal structures which are demolished again and again.

In the OPT, the continued expansion of illegal Israeli settlements exacerbates the situation. The construction of these settlements in the OPT has been a government policy since 1967. Settlements today cover 10% of the land in the West Bank, and some 38% of Palestinian land in East Jerusalem was expropriated between 1967 and 2017.

Palestinian neighbourhoods in East Jerusalem are frequently targeted by settler organizations which, with the full backing of the Israeli government, work to displace Palestinian families and hand their homes to settlers. One such neighbourhood, Sheikh Jarrah, has been the site of frequent protests since May 2021 as families battle to keep their homes under the threat of a settler lawsuit.

Draconian movement restrictions

Since the mid-1990s Israeli authorities have imposed increasingly stringent movement restrictions on Palestinians in the OPT. A web of military checkpoints, roadblocks, fences and other structures controls the movement of Palestinians within the OPT, and restricts their travel into Israel or abroad.

A 700km fence, which Israel is still extending, has isolated Palestinian communities inside “military zones”, and they must obtain multiple special permits any time they enter or leave their homes. In Gaza, more than 2 million Palestinians live under an Israeli blockade which has created a humanitarian crisis. It is near-impossible for Gazans to travel abroad or into the rest of the OPT, and they are effectively segregated from the rest of the world.

“For Palestinians, the difficulty of travelling within and in and out of the OPT is a constant reminder of their powerlessness. Their every move is subject to the Israeli military’s approval, and the simplest daily task means navigating a web of violent control,” said Agnès Callamard.

“The permit system in the OPT is emblematic of Israel’s brazen discrimination against Palestinians. While Palestinians are locked in a blockade, stuck for hours at checkpoints, or waiting for yet another permit to come through, Israeli citizens and settlers can move around as they please.”

Amnesty International examined each of the security justifications which Israel cites as the basis for its treatment of Palestinians. The report shows that, while some of Israel’s policies may have been designed to fulfil legitimate security objectives, they have been implemented in a grossly disproportionate and discriminatory way which fails to comply with international law. Other policies have absolutely no reasonable basis in security, and are clearly shaped by the intent to oppress and dominate.

The way forward

Amnesty International provides numerous specific recommendations for how the Israeli authorities can dismantle the apartheid system and the discrimination, segregation and oppression which sustain it.

The organization is calling for an end to the brutal practice of home demolitions and forced evictions as a first step. Israel must grant equal rights to all Palestinians in Israel and the OPT, in line with principles of international human rights and humanitarian law. It must recognize the right of Palestinian refugees and their descendants to return to homes where they or their families once lived, and provide victims of human rights violations and crimes against humanity with full reparations.

The scale and seriousness of the violations documented in Amnesty International's report call for a drastic change in the international community's approach to the human rights crisis in Israel and the OPT.

All states may exercise universal jurisdiction over persons reasonably suspected of committing the crime of apartheid under international law, and states that are party to the Apartheid Convention have an obligation to do so.

"The international response to apartheid must no longer be limited to bland condemnations and equivocating. Unless we tackle the root causes, Palestinians and Israelis will remain locked in the cycle of violence which has destroyed so many lives," said Agnès Callamard.

"Israel must dismantle the apartheid system and start treating Palestinians as human beings with equal rights and dignity. Until it does, peace and security will remain a distant prospect for Israelis and Palestinians alike."

Please see the full report for detailed definition of apartheid in international law.

For more information please contact press@amnesty.org

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