

# ISRAEL & THE CRIME OF APARTHEID

Amnesty International's landmark report says Israel is committing crimes against humanity and demands international sanctions



**Ireland-Palestine Solidarity Campaign**

March 2022



**Ireland-Palestine Solidarity Campaign Company Limited by Guarantee**

**Company No:** 471534 **Registered Address:** 35 North Lotts, Dublin 1, Ireland

**Phone:** ++353 (0)1 8727798 **Email:** info@ipsc.ie **Website:** www.ipsc.ie

*“Israel has imposed a system of oppression and domination over Palestinians wherever it exercises control over the enjoyment of their rights – across Israel and the OPT and with regard to Palestinian refugees. The segregation is conducted in a systematic and highly institutionalized manner through laws, policies and practices, all intended to prevent Palestinians from claiming and enjoying equal rights to Jewish Israelis within Israel and the OPT [and] by a legal regime that controls (by negating) the rights of Palestinian refugees to return to their homes” - Amnesty International 2022*

## **Introduction**

In February 2022 Amnesty International published a 278 page report, entitled [‘Israel’s Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity’](#). The report, summarized in this briefing document, is the latest in a long line of such reports from human rights organisations levelling similar charges against Israel. It calls for international sanctions, including an arms embargo, against the Israeli state and individuals implicated in these crimes, for the International Criminal Court to investigate Israeli Apartheid, and for the United Nations to re-establish the Special Committee against Apartheid.

According to the devastating report, Amnesty International has “has concluded that Israel has perpetrated the international wrong of apartheid” and notes that “almost all of Israel’s civilian administration and military authorities, as well as governmental and quasi-governmental institutions, are involved in the enforcement of the system of apartheid against Palestinians across Israel and the OPT and against Palestinian refugees and their descendants outside the territory.”

## **Israel is practicing apartheid. Israel is an apartheid state.**

Above all else, Amnesty International’s report is a call for recognition. Through some 280 pages Amnesty delineates and analyses a compound multilayered system of deliberate and cruel racial discrimination.

Joining a growing corpus of work by Palestinian and international human rights defenders, including that of Israel's leading human rights group, B'Tselem, and the US-based, Human Rights Watch, Amnesty's report reaches the same conclusions:

- Israel is an apartheid state;
- Israel implements apartheid not as a security response but as a choice to privilege Jewish-Israelis and persecute Palestinians;
- Israel's choice, and implementation, of apartheid an important root cause of why the Palestinian issue remains unresolved and why Palestinians remain unfree;
- Israel in choosing apartheid has chosen a form of ethno-supremacy over peace and justice.

It is imperative that the international community recognises these conclusions as accurate, and act in accordance to bring an end to the international crime of apartheid. Indeed, Amnesty stresses the obligation upon states to act both individually and collectively, and calls for the international community to recognise that in large part its approach to the conflict has aided and abetted Israel's crimes at the expense of the Palestinian people.

Amnesty International states:

*“The scale and seriousness of the violations documented in this report make it clear that the international community needs to urgently and drastically change its approach to the Israeli-Palestinian conflict and recognize the full extent of the crimes that Israel perpetrates against the Palestinian people.”*

## **The Scale of the Crimes**

The scale of Israel's crimes, both in scope and nature is breathtaking. Regardless of Palestinians' legal status or where they reside; whether in Israel as citizens of that state, or as people under the protection of International Humanitarian Law in the occupied Palestinian territories (OPT), Palestinians always have a lesser status as compared to Jewish-Israelis. Amnesty International sums up this situation by asserting:

*“Israel has established and maintained an institutionalized regime of oppression and domination of the Palestinian population for the benefit of Jewish Israelis. [This regime] is conducted in a systematic and highly institutionalized manner through laws, policies and practices, all of which are intended to prevent Palestinians from claiming and enjoying equal rights to Jewish Israelis within the territory of Israel and within the OPT, and thus are intended to oppress and dominate the Palestinian people.”*

## **The Palestinian Experience: Dispossession, Fragmentation, Separation**

Israel’s oppression of Palestinians begins with its demographic policies, aims, according to Amnesty International, at *“maximizing [Israel’s] control over land to benefit Jewish Israelis while minimizing the number of Palestinians.”* This enduring policy means today, *“all territories controlled by Israel continue to be administered with the purpose of benefiting Jewish Israelis to the detriment of Palestinians.”*

Amnesty International asserts that this policy is a key component of Israel's intent to oppress and dominate Palestinians.

Amnesty International further details policies that have led to the territorial fragmentation and legal separation of Palestinians. Policies through which Israel’s political leaders have:

*“appropriated the vast majority of Palestinians’ land and natural resources. They have introduced laws, policies and practices that systematically and cruelly discriminate against Palestinians, leaving them fragmented geographically and politically, in a constant state of fear and insecurity, and often impoverished.”*

## **Lawfare: Legal Codes of Inequality**

A key concomitant policy in line with achieving Palestinian oppression is Israel’s instrumentalisation of unjust and illegal laws to fragment and control the Palestinian population. Amnesty International states that this *“is one of the main*

*tools through which Israel fragments Palestinians and enforces its system of oppression and domination.”*

Taking an overview of these legal chicaneries, Amnesty International concludes that they *“aim to fragment Palestinians into different geographic and legal domains of control not only to treat them differently, or to segregate them, from the Jewish population, but also to treat them differently from each other in order to weaken ties between Palestinian communities, to suppress any form of sustained dissent against the system they have created, and ensure more effective political and security control over land and people across all territories.”*

This is law weaponised as a means of furthering racial discrimination, oppression and dispossession. This is law used in the exact opposite manner to how law is normally used – it is law applied as a means to create, perpetuate, institutionalise and normalise injustice, and racial injustice at that.

Delineating further the use of law in practice, Amnesty International considers how Israel has utilised its *own* military law, rather than the applicable body of International Humanitarian Law, to enforce its illegal occupation of the Palestinian Territories. Drawing attention to the more than 1,800 Israeli military orders that Palestinians in the OPT are subject to, Amnesty International states that these military orders *“continue to control and restrict all aspects of the lives of Palestinians in the West Bank: their livelihoods, status, movement, political activism, detention and prosecution, and access to natural resources.”*

The scale of the abuse of Palestinians at the hands of this regime is further evidenced by Amnesty International drawing attention to the over 800,000 Palestinians who have been arrested under these laws since 1967. It thus clear, this legal regime is designed to deliberately implement racial oppression and criminalise Palestinians by virtue of their racial identity. The fact that the illegally present Jewish-Israeli settlers who live within the same territory are not subject to this legal regime merely highlights further the egregious racist element of the regime.

## Unwanted and Unvalued: Palestinians - Citizens of No Nation

And yet, as Amnesty international's report is at pains to stress, Israel's legally based system of apartheid is not limited to Israeli Military Orders and the OPT, but exists within Israel itself, most notably in the denial of Palestinian citizens of Israel to a right to a nationality. Quoting former Israeli Prime Minister, Benjamin Netanyahu's statement that "Israel is not a state of all its citizens... [but rather] the nation-state of the Jewish people and only them", Amnesty International considers how Palestinian citizens of Israel are systematically disadvantaged politically, economically and socially as compared to their Jewish fellow citizens. The intimate nature of this discrimination is reflected in legal difficulties placed upon Palestinian citizens' right to enjoy a family life, their rights to marry and continue to reside within Israel, and Palestinian families' right to reunification across 'the green line'. Such legal distinctions and discriminations are not, of course, applied to the enjoyment of these rights by Jewish-Israeli citizens.

The compound nature of this application of apartheid is similarly played out in the fields of land ownership and control; the right to movement; the right to political participation; and the fields of social and economic planning and development. The factual evidence and statistics Amnesty International provides outlining this system are comprehensive and overwhelming. Two singular examples that apply to Palestinian citizens of Israel - citizens Israel claims enjoy the same rights as Jewish citizens - might serve as illustrative of the planned and deliberate nature of racial discrimination throughout all territory under Israeli control.

*"Since 1948 the state has established more than 700 Jewish localities in Israel, whereas it has not established any new locality for Palestinians except for the state-planned Bedouin townships in the Negev/Naqab designed for the forced urbanization of Bedouins."*

And:

*"Arab (predominantly Palestinian) students from disadvantaged backgrounds received 30% less funding per learning hours in primary education, 50% less funding at the intermediate school level and 75% less funding at the secondary school level than Jewish students with the same socio-economic status."*

Furthermore, Amnesty International makes clear that millions of Palestinian refugees suffer as a result of Israel's apartheid policies:

*“Israel continues to deny Palestinian refugees – displaced in the 1947-49 and 1967 conflicts – and their descendants their right to gain Israeli citizenship or residency status in Israel or the OPT. By doing so, it denies them their right to return to their former places of residence and property – a right, which has been widely recognized under international human rights law.”*

## **Crimes Against Humanity – A systematic attack on the Palestinian People**

Apartheid itself is a crime against humanity, yet it is not the only crime against humanity Amnesty International concludes Israel is committing. Integral to the operation of Israel's application of apartheid are the further crimes of:

*“forcible transfer, administrative detention and torture, unlawful killings and serious injuries, and the denial of basic freedoms or persecution committed against the Palestinian population in Israel and the OPT.”*

Amnesty International thus concludes:

*“the patterns of proscribed acts perpetuated by Israel both inside Israel and in the OPT form part of a systematic as well as widespread attack directed against the Palestinian population, and that the inhuman or inhumane acts committed within the context of this attack have been committed with the intention to maintain this system and amount to the crime against humanity of apartheid under both the Apartheid Convention and the Rome Statute.”*

In this respect, Amnesty International's findings echo that of Human Rights Watch's 2021 report, [\*A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution\*](#), which similarly concluded that Israel is committing both the crimes of Apartheid and Persecution.

Amnesty International conclude their findings thus:

*“By denying the Palestinian population basic human rights through years of deliberate discriminatory and exclusionary policies... Israeli authorities have committed the crime against humanity of, or other inhumane act similar to, “persecution” within the meaning of the Rome Statute and “denial of basic human rights” that “prevent the racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing [its or their] full development” under the Apartheid Convention.”*

### **Amnesty International’s Recommendations**

Foremost Amnesty International demands Israel dismantles the cruel and illegal system of apartheid it has established, and *“grant equal and full human rights to all Palestinians in Israel and the OPT in line with principles of international human rights law and without discrimination.”*

Secondly, Amnesty International calls upon the international community *“to urgently and drastically change its approach to the Israeli-Palestinian conflict and recognize the full extent of the crimes that Israel perpetrates against the Palestinian people.”* It makes clear that the current response of the international community has facilitated, and indeed *effectively abetted*, Israel in the commission of its crimes against the Palestinians, giving it over seven decades *“free rein to dispossess, segregate, control, oppress and dominate Palestinians.”*

Equally important, Amnesty International demands that the international community reevaluate its perspective and adopt a holistic perspective on Israel’s crimes against the Palestinians and not merely limit its responsibility to that of protecting the Palestinian population of the OPT whilst ignoring the crimes against the Palestinian citizens of Israel. An approach that Amnesty International adjudges to have *“failed to tackle the root causes of the conflict and achieve any form of accountability and justice for the victims.”*

## Concrete Actions required of Ireland

The suppression of the Crime of Apartheid is an *erga omnes* obligation on all states. And Amnesty International reminds states that they have an obligation to apply universal jurisdiction over the crime and prosecute individuals within their territory when presented with reasonable evidence of their criminal liability.

Amnesty International calls upon the UN to either refer the situation for investigation by the International Criminal Court or establish an international tribunal to prosecute the alleged perpetrators. These actions can only be affected through the UN Security Council. As a current member of the Council, it is therefore imperative that Ireland uses its position to promote these outcomes.

In addition, Amnesty International demands the UN Security Council “impose targeted sanctions, such as asset freezes, against Israeli officials most implicated in the crime of apartheid, and a comprehensive arms embargo on Israel.” Amnesty International also calls for the UN General Assembly to re-establish the Special Committee against Apartheid. These are moves that it should be simple for Ireland to support and promote.

Amnesty International also reminds states that they should in no means aid or assist Israel in the commission of its crimes but should rather render encouragement and support to Israel in dismantling its apartheid system. To this end Amnesty International calls upon all states to cease trade immediately in defense and security equipment and assistance, and further calls upon all states *“to institute and enforce a ban on products from Israeli settlements [and to] prohibit companies’ operation in settlements or trade in settlements goods.”*

This last point is very relevant to Ireland as it is in line with the Occupied Territories Bill (2018) which is still waiting to be enacted.

It further demands of individual states that they *“ensure that human rights are central to all bilateral and multilateral agreements with the Israeli authorities, including by exercising due diligence to ensure that these do not contribute to maintaining the system of apartheid,”* and that governments *“publicly recognize that international crimes, including the crime of apartheid, are being committed.”*

Finally, it calls on private entities to “ensure that [their] activities in Israel and the OPT are not contributing to or benefiting from the system of apartheid; address such impact when it occurs and cease relevant activities if it cannot be prevented.”

## Conclusion

*“Not everything that is faced can be changed. But nothing can be changed until it is faced.”- James Baldwin*

Amnesty International’s report follows those released last year by B’Tselem ([‘A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid’](#)) and Human Rights Watch ([‘Israeli Apartheid: A Threshold Crossed’](#)). It is the third such major report by world leading human rights organisations to conclude that Israel is deliberately perpetrating the crime of apartheid.

This is therefore a moment of truth for the international community. There is a duty to act in defence of the rule of law.

Political leaders can choose to face up to their obligations, protect the international rule of law and take bold steps to suppress the crime of apartheid; or political leaders can duck their obligations and can choose to ignore these scrupulously documented crimes against humanity. The choice to do the latter is the choice to continue to be complicit in the seven decades of oppression against the Palestinian people.

Now then is a moment for courage. Now then is a moment for Ireland to lead.

Now then is the time for Palestinian freedom.