



# ISRAEL'S APARTHEID AGAINST PALESTINIANS

CRUEL SYSTEM OF DOMINATION AND CRIME AGAINST HUMANITY

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**Cover photo:** *Palestinian protesters walk towards the Erez crossing, the only passenger crossing between Gaza and Israel, during a demonstration in the northern Gaza Strip on 18 September 2018 © Said Khatib / AFP via Getty Images*

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# EXECUTIVE SUMMARY

**“[T]he military regime came into existence to protect the right of Jewish settlement in all parts of the state”**

David Ben-Gurion, Israel's first prime minister

On 18 May 2021, Palestinians across cities and villages in Israel and the occupied West Bank and Gaza Strip closed their offices, shops, restaurants and schools, abandoned construction sites, and refused to report to work for the whole day. In a display of unity not seen for decades, they defied the territorial fragmentation and segregation they face in their daily lives and observed a general strike to protest their shared repression by Israel.

The strike was sparked by the Israeli authorities' plan to evict seven Palestinian families from their homes in Sheikh Jarrah, a Palestinian residential neighbourhood near the Old City in East Jerusalem, which has been repeatedly targeted by Israel's sustained campaign to expand illegal settlements and transfer Jewish settlers. To stop the threatened evictions, the Palestinian families launched a campaign on social media under the hashtag #SaveSheikhJarrah attracting worldwide attention and mobilizing protesters on the ground. Israeli security forces responded to the protests with the same excessive force they have been using to stifle Palestinian dissent for decades. They arbitrarily arrested peaceful demonstrators, threw sound and stun grenades at crowds, dispersed them with excessive force and skunk water, and fired concussion grenades at worshippers and protesters gathered in the Al-Aqsa mosque compound.

The brutal repression generated a wave of solidarity elsewhere in the Occupied Palestinian Territories (OPT) and amongst Palestinian citizens of Israel, across the Green Line (the demarcation line set out in the 1949 Armistice Agreements between Israel and its neighbours that served as the de facto borders of the State of Israel until 1967). In Israel, police forces orchestrated a discriminatory campaign against Palestinian citizens involving mass arbitrary arrests of, and unlawful force against, peaceful protesters, while failing to protect Palestinians from organized assaults by Jewish attackers following the outbreak of intercommunal violence. Meanwhile, armed hostilities broke out on 10 May as Palestinian armed groups fired indiscriminate rockets into Israel from Gaza. Israel responded with a ruthless 11-day military offensive against the territory targeting residential homes without effective advance warning and damaging essential infrastructure, displacing tens of thousands of people and killing and injuring hundreds of others, exacerbating the chronic humanitarian crisis caused primarily by Israel's long-standing unlawful blockade.

For many Palestinians who observed the general strike in Israel and the OPT, these discriminatory and repressive actions in East Jerusalem, the Gaza Strip and Palestinian cities and towns, as well as “mixed cities” with Jewish and Palestinian populations, in Israel represented different manifestations of an overall system of oppression and domination by Israel – a system which operates with varying levels of intensity and repression based on Palestinians' status in the separate enclaves where Palestinians live today, and violates their rights in different ways, but ultimately seeks to establish and maintain Jewish hegemony wherever Israel exercises effective control. By coming out to protest, they were expressing unity, and a rejection of Israel's fragmentation of the Palestinian people. A manifesto published on social media by some activists that same day denounced Israel's long-standing practices and policies that “tried to turn [Palestinians] into different societies, each living apart, each in its own separate prison”.

Palestinians have been calling for an understanding of Israel's rule as apartheid for over two decades and have been at the forefront of advocacy in that regard at the UN. Over time, research conducted by Palestinian human rights organizations, and more recently some Israeli human rights groups, has contributed to broader international recognition of Israel's treatment of Palestinians as apartheid. Yet states, particularly Israel's Western allies, have been reluctant to heed these calls, and have refused to take any meaningful action against Israel. Meanwhile, Palestinian organizations and human rights defenders who have been leading anti-apartheid advocacy and campaigning efforts have faced growing Israeli repression for years as punishment for their work. In October 2021, the Israeli authorities escalated their attacks on Palestinian civil society even further by misusing counterterrorism legislation to outlaw six prominent organizations, including three major human rights groups, allowing the Israeli authorities to shut down their offices and detain and prosecute their employees. In parallel, Israel has subjected Israeli organizations denouncing apartheid and other serious human rights violations against Palestinians to smears and delegitimization campaigns.

Building on a growing body of work, Amnesty International has documented and analysed Israel's institutionalized and systematic discrimination against Palestinians within the framework of the definition of apartheid under international law, to determine whether discriminatory and exclusionary Israeli laws, policies and practices against Palestinians amount to apartheid as a violation of public international law, a serious human rights violation and a crime against humanity. It has done so by firstly determining Israel's intent to oppress and dominate all Palestinians by establishing its hegemony across Israel and the OPT, including through means of demography, and maximizing resources for the benefit of its Jewish population at the expense of Palestinians. It has then analysed the laws, policies and practices which have, over time, come to constitute the main tools for establishing and maintaining this system, and which discriminate against and segregate Palestinians in Israel and the OPT today, as well as controlling Palestinian refugees' right to return. It has conducted this analysis by examining the key components of this system of oppression and domination: territorial fragmentation; segregation and control through the denial of equal nationality and status, restrictions on movement, discriminatory family reunification laws, the use of military rule and restrictions on the right to political participation and popular resistance; dispossession of land and property; and the suppression of Palestinians' human development and denial of their economic and social rights. Furthermore, it has documented specific inhuman and inhumane acts, serious human rights violations and crimes under international law, committed against the Palestinian population with the intent to maintain this system of oppression and domination.

In this way, Amnesty International has demonstrated that 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 thus intended to oppress and dominate the Palestinian people. This oppression and domination have been cemented by a legal regime that controls (by negating) the rights of Palestinian refugees residing outside Israel and the OPT to return to their homes. Over decades, Israeli demographic and geopolitical considerations have shaped policies towards Palestinians in each of the different areas of Israel, East Jerusalem, the rest of the West Bank and the Gaza Strip in different ways. This means that, today, Israel's system of control is not applied uniformly across all areas. Palestinians experience this system in different ways and face differing levels of repression based on their status and the area in which they live.

The organization has concluded that Israel has perpetrated the international wrong of apartheid, as a human rights violation and a violation of public international law wherever it imposes this system. It has assessed 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. Amnesty International has also concluded that 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.

This work builds on decades of Amnesty International desk and field research collecting evidence of violations of international human rights and humanitarian law in Israel and the OPT, and on publications by Palestinian, Israeli and international organizations in addition to academic studies, monitoring by grassroots activist groups, reports by UN agencies, experts and human rights bodies, and media articles.

Amnesty International carried out research and analysis in the course of this work between July 2017 and November 2021. Researchers extensively analysed relevant Israeli legislation, regulations, military orders, directives by government institutions and statements by Israeli government and military officials. The organization reviewed other Israeli government documents, such as planning and zoning documents and plans, budgets and statistics, Israeli parliamentary archives and Israeli court judgments. It also examined relevant reports and statistics published by Palestinian authorities. The research was guided by a global policy on the human rights violation and crime of apartheid adopted by Amnesty International in July 2017, following recognition that the organization had given insufficient attention to situations of systematic discrimination and oppression around the world.

As part of its research, Amnesty International spoke with representatives of Palestinian, Israeli and international non-governmental organizations (NGOs), relevant UN agencies, legal practitioners, scholars and academics, journalists, and other relevant stakeholders. In addition, it conducted extensive legal analysis on the situation, including engaging with and seeking advice from external experts on international law.

Amnesty International's work on this issue aims to support Palestinian civil society and Israeli organizations in their efforts to end Israel's oppression and domination over Palestinians at a time when their work is becoming increasingly threatened. By doing so, it also hopes to contribute to a greater understanding and recognition of institutionalized discrimination committed in Israel and the OPT and against Palestinian refugees as a system and crime of apartheid.

## **APARTHEID IN INTERNATIONAL LAW**

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. Three main international treaties prohibit and/or explicitly criminalize apartheid: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the International Convention on the Suppression and Punishment of the Crime of Apartheid (Apartheid Convention) and the Rome Statute of the International Criminal Court (Rome Statute).

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 institutionalized regime of systematic oppression and domination by one racial group over another, with the intention to maintain that system. A regime of domination and oppression can best be understood as the systematic, prolonged and cruel discriminatory treatment by one racial group of members of another with the intention to control the second racial group.

Thus, the crime against humanity of apartheid is committed when serious human rights violations are committed in the context, and with the specific intent, of maintaining a regime or system of prolonged and cruel discriminatory control of one or more racial groups by another.

The framework of apartheid allows a comprehensive understanding, grounded in international law, of a situation of segregation, oppression and domination by one racial group over another. Amnesty International notes and clarifies that systems of oppression and domination will never be identical. Therefore, it does not seek to argue that, or assess whether, any system of oppression and domination as perpetrated in Israel and the OPT is, for instance, the same or analogous to the system of segregation, oppression and domination as perpetrated in South Africa between 1948 and 1994.

To determine whether Israel has created and maintained an institutionalized regime of systematic oppression and domination, Amnesty International looked at the way Israel exerts control over the Palestinian people. It also considered a number of serious human rights violations that would constitute the crime against humanity of apartheid if committed with the intention to maintain such a system of oppression and domination.

## **INTENT TO OPPRESS AND DOMINATE PALESTINIANS**

Since its establishment in 1948, Israel has pursued an explicit policy of establishing and maintaining a Jewish demographic hegemony and maximizing its control over land to benefit Jewish Israelis while minimizing the number of Palestinians and restricting their rights and obstructing their ability to challenge

this dispossession. In 1967, Israel extended this policy beyond the Green Line to the West Bank and Gaza Strip, which it has occupied ever since. 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.

Demographic considerations have from the outset guided Israeli legislation and policymaking. The demography of the newly created state was to be changed to the benefit of Israeli Jews, while Palestinians – whether inside Israel or, later on, in the OPT – were perceived as a threat to establishing and maintaining a Jewish majority, and as a result were to be expelled, fragmented, segregated, controlled, dispossessed of their land and property and deprived of their economic and social rights.

Jewish Israelis form a group that is unified by a privileged legal status embedded in Israeli law, which extends to them through state services and protections regardless of where they reside across the territories under Israel's effective control. The Jewish identity of the State of Israel has been established in its laws and the practice of its official and national institutions. Israeli laws perceive and treat Jewish identity, depending on the context, as a religious, descent-based, and/or of national or ethnic identity.

Palestinians on the other hand are treated by the Israeli state differently based on its consideration of them as having a racialized non-Jewish, Arab status and, beyond that, as being part of a group with particular attributes that are different from other non-Jewish groups. With respect to Palestinian citizens of Israel, the Israeli Ministry of Foreign Affairs officially classifies them as being “Arab citizens of Israel”, an inclusive term that describes a number of different and primarily Arabic-speaking groups, including Muslim Arabs (this classification includes Bedouins), Christian Arabs, Druze and Circassians. However, in practice, Israeli authorities consider Muslim Arabs and Christian Arabs as a single group different from Druze and Circassians since they exempt this group alone from military service in “consideration for their family, religious, and cultural affiliations with the Arab world (which has subjected Israel to frequent attacks), as well as concern over possible dual loyalties.” In Israeli politics, media and public life in general, this group of citizens of Israel are often referred to as Palestinians and associated with Palestinians living in the OPT and beyond.

In May 1948, the Declaration of the Establishment of the State of Israel announced a Jewish state. Although it guaranteed the right to “complete equality of social and political rights to all its inhabitants”, the right has not been guaranteed in the Basic Laws, which act as constitutional documents in the absence of a written constitution.

At the same time as establishing Israel as a Jewish state, the 1948 Declaration appealed to Jewish people around the world to immigrate to Israel. In 1950, Israel granted every Jew the right to immigrate to Israel under the Law of Return, followed by the right to automatic Israeli citizenship under the Nationality Law of 1952. Meanwhile, hundreds of thousands of Palestinian refugees displaced during the 1947-49 conflict remained barred from returning to their homes based on demographic considerations. The essence of the system of oppression and domination over Palestinians was clearly crystallized in the 2018 nation state law which enshrined the principle that the “State of Israel is the nation State of the Jewish people” and that the right of self-determination is exclusive “to the Jewish people”.

In parallel, statements by leading Israeli politicians as well as senior civilian and military officials over the years confirm Israel's intention to maintain a Jewish demographic majority and to oppress and dominate Palestinians. Since 1948, regardless of their political affiliations, they have publicly emphasized the overarching objective of maintaining Israel's identity as a Jewish state, and stated their intention to exclude Palestinians from participation in the governance of Israel and from access and control of land across all territories under Israel's effective control by seizing their homes and properties and confining Palestinians to enclaves through discriminatory planning and housing policies. The discriminatory intent to dominate Palestinian citizens in Israel is also manifested through statements that clearly point to the need for a separate and unequal citizenship structure and the denial of Palestinians' right to family reunification as a means for controlling demographics.

The intention to dominate and control the Palestinian population in the OPT through discriminatory land, planning and housing policies as well as the denial of any agricultural or industrial development for the benefit of Palestinians is equally clear. Since the 1967 annexation of East Jerusalem, Israeli governments have set targets for the demographic ratio of Jews to Palestinians in Jerusalem as a whole and have made it clear through public statements that the denial of economic and social rights to Palestinians in East Jerusalem is an intentional policy to coerce them into leaving the city. Israel's withdrawal of its settlers from Gaza, while it maintained control over the people in the territory in other ways, was also expressly linked to demographic questions, and a realization that a Jewish majority could not be achieved there. Finally, public materials published by the Israeli government make it obvious that Israel's long-standing policy to deprive

millions of Palestinian refugees of their right to return to their homes is also guided by demographic considerations.

## **TERRITORIAL FRAGMENTATION AND LEGAL SEGREGATION**

In the course of establishing Israel as a Jewish state in 1948, its leaders were responsible for the mass expulsion of hundreds of thousands of Palestinians and the destruction of hundreds of Palestinian villages in what amounted to ethnic cleansing. Since then, they have chosen to coerce Palestinians into enclaves within the State of Israel and, following their military occupation in 1967, the West Bank and Gaza Strip. They 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.

Meanwhile, Israel's leaders have opted to systemically privilege Jewish citizens in law and in practice through the distribution of land and resources, resulting in their relative wealth and well-being at the expense of Palestinians. They have steadily expanded Jewish settlements on occupied Palestinian territory in violation of international law.

In 1948, before Israel was established, Palestinians comprised around 70% of the population of Palestine (then a British mandate territory) and owned about 90% of the privately owned land. Jews, many of whom had emigrated from Europe, comprised around 30% of the population and they and Jewish institutions owned about 6.5% of the land.

Israeli authorities have acted to turn that situation on its head. Some of those who fled their homes during the 1947-49 conflict were internally displaced from their villages, towns and cities to other parts of what became Israel. Others fled to different parts of what was then British mandate Palestine (22% of which fell under the control of Jordan and Egypt following the conflict – what is now the OPT). Most of the rest fled to the neighbouring Arab countries of Jordan, Syria and Lebanon. Israel prevents these Palestinian refugees, and their descendants, as well as internally displaced persons within Israel, from returning to their former places of residence.

Palestinians became fragmented even further after the June 1967 war, which resulted in Israel's military occupation of the West Bank, including East Jerusalem, and the Gaza Strip, the creation of a separate legal and administrative regime to control the occupied territories, and another wave of Palestinian displacement.

The new military regime in the OPT was established on top of a pre-existing multi-layered legal system made up of Ottoman, British, Jordanian and Egyptian laws – the legacy of the powers that had previously controlled the area.

In 1994, the Oslo Accords between Israel and the Palestine Liberation Organization (PLO) created the Palestinian Authority and granted it limited control over Palestinian civil affairs in urban centres. In addition to failing to end the occupation, the Oslo Accords divided the West Bank into three different administrative areas, with varying levels of Palestinian and Israeli military and civil jurisdiction, fragmenting and segregating Palestinians even further to Israel's benefit. Even though Israel withdrew Israeli settlers from the Gaza Strip in 2005, it retained effective control over the territory, which it tightened further through an unlawful air, sea and land blockade, and an official policy separating Gaza from the West Bank, following Hamas's takeover of the territory two years later. As a result, the entirety of the West Bank and Gaza Strip remains under Israeli military occupation, with Israel controlling the Palestinian population living there, their natural resources and, with the exception of Gaza's short southern border with Egypt, their land and sea borders and airspace. Two sets of complementary international legal frameworks continue to apply to the conduct of Israel as the occupying power with effective control over the OPT: international human rights law and international humanitarian law.

Palestinians in the OPT living under these separate jurisdictions require permits from the Israeli authorities to cross between them – from and to the Gaza Strip, annexed East Jerusalem and the rest of the West Bank – and are also separated from Palestinian citizens of Israel, both geographically and on the basis of their status. Meanwhile, Palestinian refugees displaced during the 1947-49 and 1967 conflicts 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.



Palestinian citizens of Israel are subject to Israeli civil laws, which in general afford them greater freedoms and human rights protections than Palestinians living in the OPT, but nonetheless deny them equal rights (including to political participation) and institutionalize discrimination against them. While Palestinians in annexed East Jerusalem also live under Israeli civil laws, they are granted permanent residence rather than citizenship. On the other hand, Palestinians in the rest of the West Bank remain subject to Israel's military rule and draconian military orders adopted since 1967. The vast majority of these orders no longer apply to the Gaza Strip after Israel removed most aspects of its military rule there with the withdrawal of settlers in 2005. Palestinians in the West Bank and Gaza Strip are additionally subject to Palestinian laws.

Today, Palestinian citizens and permanent residents of Israel comprise some 21% of Israel's population and number approximately 1.9 million. Some 90% of Palestinians with Israeli citizenship live in 139 densely populated towns and villages in the Galilee and Triangle regions in northern Israel and the Negev/Naqab region in the south, as a result of deliberate segregation policies. The remaining 10% live in "mixed cities".

As of July 2021, there were 358,800 Palestinian residents within the boundaries of the Jerusalem Municipality, comprising 38% of the city's population. Of these, around 150,000 live in areas segregated from the rest of the city by the fence/wall and other military checkpoints. Some 225,178 Israeli Jewish settlers were also living in East Jerusalem in 13 illegal settlements built by the Israeli authorities and in private homes taken over from Palestinians under discriminatory schemes.

Approximately 3 million Palestinians live in the rest of the West Bank in addition to more than 441,600 Jewish settlers residing in 132 settlements that have been officially established by the Israeli government, as well as 140 unauthorized outposts that have been established since the 1990s without government approval and are considered illegal even under Israeli law. Some 2 million Palestinians live in the Gaza Strip. Of these, around 1.4 million (over 70% of the population) are registered refugees with the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

## **LEGAL SEGREGATION AND CONTROL**

Israel's rule over the OPT through military orders in the context of its occupation has given rise to a false perception that the military regime in the OPT is separate from the civil system in annexed East Jerusalem and within Israel. This view ignores the facts that many elements of Israel's repressive military system in the OPT originate in Israel's 18-year-long military rule over Palestinian citizens of Israel, and that the dispossession of Palestinians in Israel continues today.

The very existence of these separate legal regimes, however, is one of the main tools through which Israel fragments Palestinians and enforces its system of oppression and domination, and serves, as noted by the UN Economic and Social Commission for Western Asia (ESCWA), "to obscure [the Israeli apartheid] regime's very existence". Indeed, Israeli policies 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.

## **USE OF MILITARY RULE TO CONTROL AND DISPOSSESS**

Over the years, Israel has used military rule as a key tool to establish its system of oppression and domination over Palestinians across both sides of the Green Line, applying it over different groups of Palestinians in Israel and the OPT almost continuously since 1948 – with the exception of a seven-month gap in 1967 – to advance Jewish settlement in areas of strategic importance and to dispossess Palestinians of their land and property under the guise of maintaining security.

Israel placed its Palestinian citizens under military rule for the first 18 years of its existence (1948-1966) and used during that time British Mandate Defence (Emergency) Regulations that granted them unrestricted powers to control the movement of Palestinian residents, confiscate their property, allow for the closure of entire villages as military zones, demolish their houses, and try them before military courts. Palestinians required permits to leave their areas of residence, including to access medical care and jobs. Israeli state institutions placed Palestinians under a system of surveillance and control that deliberately restricted their political freedoms by banning protests and arresting political activists on account of their political activities.

Israel eventually abolished its military rule over Palestinian citizens in December 1966 after it successfully prevented internally displaced Palestinians from returning to their homes in empty villages by destroying them and subjecting their land to forestation. While restrictions on movement were progressively removed, and the human rights situation of Palestinian citizens of Israel has undoubtedly greatly improved since the end of the military rule over them, elements of the system remained. The emergency regulations were never repealed and as of 1967, their application was extended to the occupied West Bank (excluding annexed East Jerusalem) and Gaza Strip to control the Palestinian population there, prevent any form of dissent, and allow the Israeli state to dispossess Palestinians of their land and resources. Beyond legislation, the experience accumulated by the Israeli authorities, during the military rule over Palestinian citizens of Israel constituted the basis for the military administration in the OPT.

Despite the establishment of the Palestinian Authority, more than 1,800 Israeli 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. Israeli military legislation in the West Bank is enforced by the military justice system. Since 1967, the Israeli authorities have arrested over 800,000 Palestinian men, women and children in the West Bank, including East Jerusalem, and Gaza Strip, bringing many of them before military courts that systematically fail to meet international standards of fair trial, and where 99.74% of the cases end in conviction.

Palestinians from the Gaza Strip were subjected to Israeli military legislation and tried before military courts until Israel dismantled its settlements in 2005. Since then, elements of Israeli military law have continued to apply to the area with regards to the movement of people and goods in and out of Gaza, access to territorial waters and the “buffer zone” along the fence separating Israel from Gaza.

By contrast, Jewish settlers have been exempted from the military orders governing Palestinians since the late 1970s after Israel extraterritorially extended its civil law over Israeli citizens residing in or travelling through the OPT. Jewish settlers in the occupied West Bank are therefore brought before Israeli civilian courts.

## **DENIAL OF NATIONALITY, RESIDENCE AND FAMILY LIFE**

Israel maintains its system of fragmentation and segregation through different legal regimes that ensure the denial of nationality and status to Palestinians, violate their right to family unification and return to their country and their homes, and severely restrict freedom of movement based on legal status. All are intended to control the Palestinian population and aim to preserve a Jewish Israeli majority in key areas across Israel and the OPT.

Whilst they are granted citizenship, Palestinian citizens of Israel are denied a nationality, establishing a legal differentiation from Jewish Israelis, and are discriminated against in their access to civic space because of a linked “exemption” to military service.

Meanwhile, Palestinian residents of East Jerusalem are not Israeli citizens. Instead, they are granted fragile permanent residency status that allows them to reside and work in the city, and enjoy social benefits provided by the Israeli National Insurance Institute and the national health insurance. Under discriminatory legislation and policies, however, the Israeli authorities have revoked the status of thousands of Palestinians, including retroactively, if they cannot prove that Jerusalem is their “centre of life”. This has had devastating consequences on their human rights. By contrast, Jewish Israeli settlers residing in East Jerusalem enjoy Israeli citizenship and are exempt from laws and measures enacted against Palestinian residents of East Jerusalem.

At the same time, Israel has controlled the population registry in the West Bank and Gaza since 1967 and imposed policies, restrictions and measures to control the demography of the territory. Palestinians in these territories remain without citizenship and are considered stateless, except for those who have obtained a citizenship from a third country. The Israeli military issues them with identification cards that enable them to permanently live and work in the territory. Israel’s control of the population registry since 1967 has further facilitated the fragmentation of Palestinians and restricted their freedom of movement based on their legal status and residence.

After the outbreak of the Palestinian intifada (uprising) at the end of 2000, the Israeli Civil Administration, a military unit that oversees all civilian matters for Jewish Israeli settlers and Palestinian residents in the West Bank excluding East Jerusalem, froze most changes to the Palestinian population registry without prior notification to the Palestinian Authority. The freeze included the suspension of all “family unification” procedures for Palestinian residents of the OPT who had married foreign nationals. Even though on two occasions since then Israel committed to granting a small number of family reunification requests as goodwill

diplomatic gestures to the Ramallah-based Palestinian authorities, in general, Israel continues to deny the conferring of residency status to tens of thousands of foreign nationals who are married to Palestinians from the West Bank and Gaza Strip. This is profoundly discriminatory; Jewish settlers residing in settlements in the West Bank face no restrictions in obtaining authorization from the Israeli authorities for their spouses to enter the occupied territory and reside with them.

In early 2003, Israel began prohibiting Palestinians registered in Gaza from residing in the West Bank, arresting thousands and removing them forcibly to the Gaza Strip after labelling them as “infiltrators”. Over the years, the Israeli authorities authorized some Palestinians to change their addresses from the Gaza Strip to the West Bank but only implemented their commitment partially. At the same time, thousands of Palestinians remain undocumented in Gaza as the Israeli authorities have refused to regularize their status since 2008.

These policies have serious consequences on the ability of Palestinians in the OPT to lead a normal life, particularly in light of stringent restrictions on movement: those in the West Bank who are not registered face the imminent threat of deportation, are unable to access healthcare, education and social benefits, open a bank account and have legal jobs, and are effectively prisoners in their homes because of fear of ID checks at Israeli checkpoints. Undocumented Palestinians in Gaza are also denied their freedom of movement, and access to healthcare and education in other parts of the OPT and abroad. Overall, restrictions on family unification interfere with Palestinians’ enjoyment of their rights to privacy, to family life and to marry, blocking them from conferring residency status to their spouses and children.

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.

## **DISRUPTION OF FAMILY LIFE**

In addition to measures that separate families inside the OPT, Israel has enacted discriminatory laws and policies that disrupt family life for Palestinians across the Green Line in a clear example of how Israel fragments and segregates Palestinians through one system of domination. Like other measures Amnesty International has documented, they are primarily guided by demographic – rather than security considerations – and aim to minimize Palestinian presence inside the Green Line to maintain a Jewish majority.

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. The Citizenship and Entry into Israel Law enshrined the policy in law between 2003 and its expiry in July 2021. The law barred thousands of Palestinians in Israel and East Jerusalem from living there with their Palestinian spouses from the West Bank and Gaza. Israel’s then interior minister stated the law was needed because “it was felt that [family unification] would be exploited to achieve a creeping right of return...”

The 2003 law did not allow spouses from the West Bank or Gaza to receive permanent residency or Israeli citizenship. Instead, successful applicants received temporary, six-month permits. Amendments to the law over the years broadened its scope to further limit and deny family reunification for Palestinian citizens of Israel.

When the Israeli government lost the vote to extend the law in July 2021, it signalled its intent to nonetheless maintain the policy. The interior minister issued instructions not to accept applications from Palestinians for family unification until new or similar legislation is put in place. Israeli authorities say the policy is necessary on “security grounds”, but it is implemented in a blanket manner without specific evidence against individuals.

By contrast, the 2003 law explicitly did not apply to residents of Jewish settlements in the West Bank wanting to marry and live with their spouse inside Israel, making it, and the ongoing policy underpinning it, blatantly discriminatory.

## **RESTRICTIONS ON MOVEMENT**

Since the mid-1990s the Israeli authorities have imposed a closure system within the OPT and between the OPT and Israel, gradually subjecting millions of Palestinians who live in the West Bank, including East Jerusalem, and Gaza Strip to ever more stringent restrictions on movement based on their legal status.

These restrictions are another tool through which Israel segregates Palestinians into separate enclaves, isolates them from each other and the world, and ultimately, enforces its domination.

Israel controls all entry and exit points in the West Bank and controls all travel between the West Bank and abroad. Israel also controls all movement of people into and out of the Gaza Strip to the rest of the OPT and Israel through the Erez Crossing, the passenger crossing from Gaza to Israel. (The Egyptian authorities also maintain tight Egyptian restrictions on the Rafah crossing between Gaza and Egypt.) With the exception of East Jerusalemites, who have a permanent residency status in Israel, Palestinians from the OPT cannot travel abroad via Israeli airports unless they obtain a special permit, which is issued only to senior businesspeople and in exceptional humanitarian cases.

Israeli military and security forces can ban West Bank Palestinians from travelling abroad, often on the basis of “secret information” that Palestinians cannot review and therefore challenge. These bans have affected human rights defenders and activists who travel abroad to advocate for Palestinian rights.

For Palestinians in Gaza, travel abroad is nearly impossible under Israel's illegal blockade and tight Egyptian restrictions maintained on the Rafah crossing. Gazans must obtain official permits from the Israeli Civil Administration to exit Gaza through the Erez crossing which is limited to rare exceptions. This has effectively segregated Palestinians in the Gaza Strip from the rest of the OPT, Israel and the rest of the world.

Palestinian citizens of Israel and Palestinian residents of East Jerusalem are allowed to travel abroad via the same crossings and ports as Jewish citizens. However, they continue to report being subjected to separate discriminatory and humiliating security checks and interrogations at Israel's airports based on their national identity, despite some improvements introduced as a result of a legal petition filed in 2007 by an Israeli human rights NGO. In addition, the Israeli authorities continue to ban thousands of Palestinian spouses from the OPT lawfully residing in Israel under military “stay permits” from enjoying the same right.

For Palestinians, travel inside the OPT is difficult, time-consuming and subordinated to Israeli strategic considerations that favour Jewish settlements and their associated infrastructure. In that sense, it perpetuates a feeling of powerlessness and domination in Palestinians' daily lives. Israel imposed a comprehensive closure system on the movement of Palestinians in the West Bank following the outbreak of the second intifada in 2000, which remains in effect in various forms. This closure system includes a web of hundreds of Israeli military checkpoints, earth mounds and road gates, in addition to blocked roads, and the winding fence/wall.

The 700km fence/wall, which Israel continues building mostly illegally on Palestinian land inside the occupied West Bank, has isolated 38 Palestinian localities in the West Bank comprising 9.4% of the area of the West Bank, and has trapped them in enclaves known as “seam zones”, forcing residents to obtain special permits for entry and exit to their homes and acquire separate permits to access their agricultural land.

Israel has generally allowed women aged over 50 and men aged over 55 from the West Bank to enter Jerusalem or Israel without permits, but only if they have no “security” record or ban. Meanwhile, Palestinians from the Gaza Strip can enter the West Bank, including East Jerusalem, only for urgent and life-threatening medical conditions, essential business and exceptional humanitarian cases under Israel's military “separation policy” between the West Bank and Gaza Strip. Palestinians must obtain Israeli military permits – which has become virtually impossible to do – in order to travel between the areas, with no clear procedure on the application process or outcomes.

The permits regime is a military, bureaucratic and arbitrary procedure which applies only to Palestinians in the West Bank and Gaza Strip. It does not apply to Jewish settlers, Israeli citizens or foreign nationals, who generally can move freely within the West Bank and between the West Bank and Israel.

## **RESTRICTIONS ON RIGHT TO POLITICAL PARTICIPATION**

While Israeli laws and policies define the state as democratic, the fragmentation of the Palestinian people ensures that Israel's version of democracy overwhelmingly privileges political participation by Jewish Israelis. In addition, the representation of Palestinian citizens of Israel in the decision-making process, primarily in the Knesset, has been restricted and undermined by an array of Israeli laws and policies, meaning that they remain excluded from meaningful participation in governance.

Most importantly, Israel's constitutional law prevents Israeli citizens from challenging the definition of Israel as a Jewish state and in effect any laws that establish such an identity. While Palestinian citizens of Israel can vote and run in national elections, in practice their right to political participation is limited, and they continue to be perceived as the “enemy from within”.

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Under Israel's Basic Law: The Knesset of 1958, the Central Elections Committee can disqualify a party or candidate from participation in elections if their objectives or actions are meant to negate the definition of Israel as a Jewish and democratic state; incite racism; or support armed struggles by a hostile state or a terrorist organization against Israel. In addition, the registration of any party, if its goals or actions deny either directly or indirectly "the existence of Israel as a Jewish and democratic state" is prohibited under the 1992 Law on Political Parties.

Over the years, the Supreme Court has in general overturned attempts by the Central Elections Committee to ban Palestinian parties and disqualify Palestinian candidates for violating these provisions on the basis of public statements expressing views deemed unacceptable to the majority of Knesset members. However, these provisions prevent Palestinian lawmakers from challenging laws that codify Jewish Israeli domination over the Palestinian minority, and unduly limit their freedom of expression, and as a result, impede their ability to represent the concerns of their constituents effectively.

Limitations on the right of Palestinian citizens of Israel to participate in elections are accompanied by infringement of their civil and political rights that also limit the extent to which they can participate in the political and social life of Israel. This has included racialized policing of protest, mass arbitrary arrests and the use of unlawful force against protesters during demonstrations against Israeli repression in both Israel and the OPT. Such measures, which target peaceful protesters, are aimed to deter further demonstrations and stifle dissent. Upon arrest, Palestinians are routinely placed in pretrial detention; by contrast, Jewish protesters are generally granted bail. This points to a discriminatory treatment of Palestinians by the criminal justice system, which appears to treat all Palestinians as "suspects" instead of assessing the individual threat they pose.

Israel places severe restrictions on Palestinian civil and political rights, particularly in the West Bank, where military orders are still enforced. Israeli authorities have since 1967 outlawed more than 400 Palestinian organizations, including all major political parties and several prominent civil society organizations widely recognized for the provision of vital services such as legal aid and medical care as well as the quality of their human rights reporting and advocacy, most recently in October 2021. In addition, the Israeli authorities often prosecute Palestinians for "membership and activity in an unlawful association" – a charge frequently levied against anti-occupation activists. Over the years, they have arrested scores of Palestinian lawmakers, placing them under administrative detention or prosecuting them in military courts in trials that fail to meet international standards. At the same time, Military Order 101 Regarding Prohibition of Incitement and Hostile Propaganda Actions punishes and criminalizes Palestinians for attending and organizing an assembly of 10 or more people without a permit for an issue that "may be construed as political". The order, which does not define what is meant by "political", effectively bans protests, including peaceful protests and stipulates up to 10 years' imprisonment and/or hefty fines for anyone breaching it.

Palestinians in East Jerusalem, on the other hand, are neither able to participate in political life in Israel nor in the West Bank. Although they can vote, and run, in municipal elections in Jerusalem, they have traditionally boycotted them in protest at Israel's ongoing occupation and illegal annexation, and they remain excluded from national elections.

As a result, protests remain for Palestinians the only means to influence Israeli politics and challenge the system of oppression and domination in the OPT. Palestinians in the OPT have, over the years, mobilized and organized non-violent popular resistance against Israel's military occupation and expansion of settlements, which has been systematically met with excessive and unlawful force, arbitrary arrests and prosecution in military courts, as well as undue restrictions on freedom of movement.

Despite the 2005 "disengagement", Palestinians in the Gaza Strip continue to face Israeli repression for their popular resistance against the occupation. This has included excessive and often lethal force during protests near the fence that separates Gaza from Israel.

## **DISPOSSESSION OF LAND AND PROPERTY**

In 1948, Jewish individuals and institutions owned around 6.5% of mandate Palestine, while Palestinians owned about 90% of the privately owned land there. Within just over 70 years the situation has been completely overturned.

Since its creation, the Israeli state has enforced massive and cruel land seizures to dispossess and exclude Palestinians from 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 territorial domains under the “Judaization” policy, which seeks to maximize Jewish control over land while confining Palestinians to separate, densely populated enclaves to minimize their presence. This policy has been continuously pursued in Israel since 1948 in areas of strategic importance that include significant Palestinian populations such as the Galilee and the Negev/Naqab, and has been extended to the OPT following Israel’s military occupation in 1967. Today, ongoing Israeli efforts to coerce the transfer of Palestinians in the Negev/Naqab, East Jerusalem and Area C of the West Bank under discriminatory planning and building regimes are the “new frontiers of dispossession” of Palestinians, and the manifestation of the strategy of Judaization and territorial control.

The land regime established soon after Israel’s creation, which was never dismantled, remains a crucial aspect of the system of oppression and domination against Palestinians. It consists of legislation, reinterpretation of existing British and Ottoman laws, governmental and semi-governmental land institutions, and a supportive judiciary that enabled the acquisition of Palestinian land and discriminatory reallocation of such lands across all territories under its control.

While much of the seizure of Palestinian land and property and the destruction of their villages inside Israel occurred in the late 1940s and 1950s, massive and racially motivated dispossessions continued into the 1970s. The effects continue to severely impact Palestinians. They are still prohibited from accessing and using land and property that belonged to them or their families in 1948. The dispossession has also contributed to the isolation and exclusion of Palestinian citizens from Israeli society, marking them as a group with perpetual lesser rights and with no right to claim access to lands and properties that have been in their families for generations.

Three main pieces of legislation made up the core of the Israeli land regime and played a major role in this process: the Absentees’ Property Law (Transfer of Property Law) of 1950; the Land Acquisition Law of 1953, which retroactively “legalized” expropriation of lands that the state, newly established Jewish localities and the Israeli army had taken control of using emergency regulations after the 1947-49 conflict; and the British Land (Acquisition for Public Purposes) Ordinance of 1943, which enabled the minister of finance to expropriate land for any public purpose. The laws, which remain in force, were instrumental in expropriating and acquiring Palestinian land and property, leading to their exclusive ownership by the Israeli state and Jewish national institutions over the years. Since East Jerusalem’s annexation in 1967, the entire Israeli land regime has been utilized in East Jerusalem for land expropriation mainly as state lands. Israeli authorities have also enacted additional legal tools and amendments that affect Palestinian land and housing rights in East Jerusalem.

The Absentees’ Property Law effectively gave the state control over all property belonging to Palestinians who were expelled or fled their homes, regardless of whether or not they became refugees outside the country or were internally displaced from their villages and homes and had settled mostly in nearby Palestinian villages inside Israel. They were deemed “absentees” even though they never crossed an international border and, in many cases, remained within a few kilometres of their homes and land.

The destruction of the Palestinian village of Iqrit near Acre in northern Israel is a clear example of the cruel application of this policy. In 1948, the Israeli army instructed about 600 residents of Iqrit to leave their homes “temporarily”. They were never allowed to return. The residents petitioned the Supreme Court of Israel to be granted their right of return, and won. However, the Israeli Ministry of Defense refused to implement the decision, fearing it would create a precedent for the return of other Palestinians forced out of their villages. So, in 1951, the ministry destroyed the village except for the church and cemetery. The Palestinian community of Iqrit now comprises around 1,500 individuals who mostly live 20km away in Al-Rameh. They continue to fight for their right to return to their homes and land in Iqrit.

Parallel to direct land expropriation by the Israeli government, all pre-1948 Jewish properties in annexed East Jerusalem held by the Jordanian Custodian of Enemy Property were transferred to the Israeli Custodian General under an amendment to the 1970 Legal and Administrative Matters Law. The law allowed the original Jewish owner, or their lawful heirs to request the Custodian General to release such properties back to them. It applies only to Jewish property owners, not to Palestinians whose properties in West Jerusalem were confiscated after 1948, and is a clearly discriminatory compensation scheme.

According to one estimate, Israel has expropriated over 10,000 shops, 25,000 buildings and almost 60% of the fertile land belonging to Palestinian refugees in Israel and East Jerusalem under the Absentees’ Property Law.

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In addition to the Israeli state's allocation of confiscated Palestinian land for advancing Jewish settlement in the city, Jewish settler organizations such as Ateret Cohanim and Elad have relied on the 1950 Absentees' Property Law and the 1970 Legal and Administrative Matters Law to devise a legal scheme to file eviction cases against Palestinians and dispossess them of their properties, allow Jewish settlers to settle in predominantly Palestinian neighbourhoods, and further the expansion of Jewish settlements. According to estimates by the UN Office for the Coordination of Humanitarian Affairs (OCHA), in 2019, there were 199 Palestinian families, comprising 877 people, facing eviction cases, mainly in the Old City and the neighbourhoods of Sheikh Jarrah and Silwan. Land and property grabs by settlers' organizations have been taking place with the assistance of state institutions, including the Custodian General, the Jewish National Fund and the judiciary.

Israel resorted to emergency and military legislation, some of which mirrored Israeli civil laws, to confiscate Palestinian land in the rest of the West Bank and, until its unilateral withdrawal in 2005, in the Gaza Strip as well, in order to establish and maintain its control over the territory by building and expanding settlements and their related infrastructure, setting up national parks, archaeological sites and military "firing zones". In the first decade of the occupation of the West Bank and Gaza Strip, the Israeli authorities proceeded to confiscate privately owned Palestinian land mainly through requisition orders for alleged military needs, in addition to expropriation orders, absentee property orders and military orders declaring specific areas as "closed military zones". These measures were legitimized by the Supreme Court of Israel, which ultimately rendered the question of the legality of the settlements non-justiciable.

In addition to laws, Israel used a selective registration of ownership rights, a discriminatory allocation of expropriated Palestinian land for Jewish settlement and a discriminatory urban planning and zoning regime to forcibly transfer Palestinians from their land and properties. The result has been the deliberate impoverishment of the Palestinian population both within Israel and in the OPT.

The land title settlement process, initiated under the British mandate before 1948, became an additional tool for Israel's dispossession of Palestinians across all territorial domains and, ultimately, enabled the Israeli authorities to transfer millions of dunams (hundreds of thousands of hectares) of "state land" for Jewish settlement. The Israeli authorities pursued this policy aggressively in the OPT following a 1979 Supreme Court decision, which held that the Elon Moreh settlement near the West Bank city of Nablus was illegal because its purpose was not military, forcing them to drastically reduce the use of requisition orders.

In parallel, the Israeli government constructed an institutional mechanism to ensure that Jewish localities and settlements could use the expropriated lands. In Israel and East Jerusalem, this mechanism enabled the transfer of land from the state to Jewish national organizations and institutions, many of which serve Jews only, while the legal title of the land remained in the state's name. In the rest of the OPT, the Israeli government adopted policies that allowed the allocation of state land almost exclusively to Israeli state institutions and organizations, state and private companies, for the benefit of Israeli Jewish settlers.

State land in Israel is largely used to develop Jewish towns and localities; Palestinian citizens of Israel are effectively blocked from leasing land on 80% of state land. Jewish national bodies do not lease land to non-Jews and do not accept them in the housing projects and/or communities they establish on state lands that have been developed specifically for new Jewish immigrants. About 13% of state land in Israel, or over 2.5 million dunams, is owned and administered solely through the Jewish National Fund for exclusive use by Jews.

The establishment and promotion of Israeli settlements in the OPT, which are illegal under international law, and populating them with Jewish Israeli civilians has been an Israeli government policy since 1967. To date, some 38% of land in East Jerusalem has been expropriated from Palestinians, most of it privately owned. The Israeli authorities used these major land expropriations for the construction of 13 Jewish Israeli settlements in strategic locations to surround Palestinian neighbourhoods and therefore disrupt Palestinians' urban and geographic contiguity and development.

In the rest of the West Bank, between 1967 and 2009, Israel increased the total area of state land from some 530,000 dunams to 1.4 million dunams, the vast majority of it located in Area C, and allocated nearly half of it for civilian use. Of the allocated state land, some 99.76% (674,459 dunams) was allocated for the exclusive benefit of Israeli settlements, according to information provided by the Israeli military in 2018 to the Israeli NGO Peace Now. Today, Israeli settlements cover nearly 10% of the West Bank, and their regional councils have jurisdiction over roughly 63% of Area C (or 40% of the West Bank) where most settlers live. At the end of 2020, there were 272 settlements and outposts in the West Bank (excluding East Jerusalem), in which over 441,600 Israeli settlers were living. As of July 2021, an additional 225,178 Israeli Jewish settlers were living in East Jerusalem, which was then home to 358,800 Palestinians.

Israeli settlements in the West Bank, including East Jerusalem, are meant to be permanent places of residence or economic activity for Jewish Israelis and are built solely to serve their needs. The Israeli authorities provide subsidies, tax incentives and low-cost utilities and resources to encourage Jewish Israelis to live in these places and to support the settlement economy.

While Israel no longer seizes houses and land from Palestinians in Gaza, it uses unlawful lethal force to control and restrict Palestinians' movement in the "buffer zone" separating the territory from Israel and a similarly access-restricted maritime area off Gaza's coast. According to human rights organizations, the "buffer zone" extends to a distance between 300m and 1,500m from the fence and covers a total of about 62km<sup>2</sup>, or roughly 17% of the total area of the Gaza Strip. It covers over 35% of the agricultural land in Gaza. Meanwhile, the access-restricted maritime area covers 85% of its fishing waters.

## **DISCRIMINATORY ZONING AND PLANNING POLICIES**

In tandem with the system of land ownership and allocation, zoning and planning policies have been central in fulfilling Israel's policies of establishing Jewish control while marginalizing Palestinian communities in both Israel and the OPT. Planning has been used to expand the Israeli Jewish presence in strategic locations; build Jewish towns, cities and settlements; obstruct the geographical expansion of Palestinian towns and centres; and regulate land use and Palestinian access to land by zoning it as green areas, industrial zones or military zones. Such planning was used, for example, to enclose Palestinian localities or erase Palestinian villages that were demolished after 1948 by designating them as military zones or national parks.

In all areas where Israel exercises full control (in Israel, East Jerusalem and Area C of the West Bank), a local outline plan sets out the policy for use of the land for purposes such as residence, industry and green space, serves as the legal basis for granting building permits and is the main tool through which central government enables local development. In Israel and East Jerusalem, a local outline plan can only be prepared by an official governmental authority under the Planning and Building Law of 1965. However, state planners fail to provide adequate plans for Palestinian localities that consider the needs of the residents.

Similarly, in Area C of West Bank, the Israeli Civil Administration's planning system does not allow for any Palestinian representation or meaningful participation and, as a result, does not take account of the Palestinian population's needs, and consistently privileges the interests of Israeli settlers. At the same time, the Israeli Civil Administration uses a selective interpretation of Jordanian law to insist that planning must conform with outdated British mandate plans, and routinely rejects applications for building permits on this basis.

These discriminatory measures lead to unregulated building and subsequent demolitions in both Israel and the OPT.

The result has been the complete absence of new Palestinian developments. Since 1948 the state has established more than 700 Jewish-only 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.

According to an estimate by the Mossawa Center, an NGO, in 2019, around 50,000 structures were built by Palestinian citizens of Israel without a building permit. Under the Planning and Building Law of 1965, any building or development without a building permit can be "demolished, dismantled or removed" by relevant Israeli authorities, and its owner may be liable for the cost of the demolition as well as a fine and/or imprisonment. Between 2012 and 2014, 97% of administrative demolition orders were issued in what Israeli authorities label the Arab sector, comprising mainly Palestinian citizens of Israel, but also the much smaller Druze minority.

The Negev/Naqab is a prime example of how Israel's discriminatory planning and building policies are designed to maximize land and resources for Jewish Israelis at the expense of Palestinian land and housing rights. Instead of zoning Palestinian Bedouin villages in the Negev/Naqab as residential areas, since the 1970s, the Israeli authorities have zoned the villages and the lands around them for military, industrial or public use. Over the years, Israel has recognized 11 of these villages but 35 remain "unrecognized" with residents considered to engage in "illegal squatting" and unable to apply for a building permit to legalize their established or new homes as the lands. The buildings of whole communities have been repeatedly demolished as a result. By contrast, Israeli courts have retroactively approved Jewish communities built without outline plans and building permits in the same area. The lack of official status also means that the Israeli authorities do not provide these villages any essential infrastructure or services such as healthcare or education, and residents have no representation in the different local governmental bodies as they cannot register for or participate in municipal elections.

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Similarly, the deliberate refusal to approve zoning plans for Palestinian neighbourhoods in East Jerusalem has had a ruinous effect on Palestinian communities hindering their development, including the construction of public spaces, schools and commercial zones for employment opportunities. Palestinians live in underdeveloped and densely populated areas in East Jerusalem; they face an acute shortage of housing while entire neighbourhoods are exposed to a risk of demolition for unlicensed building.

Palestinians comprise 60% of the population in East Jerusalem today, but only 15% of the land is designated by the Israeli planning authorities for Palestinian residence, with 2.6% of this land zoned for public buildings. According to data from Peace Now, from 1991 to 2018, approved only 16.5% of the applications for building permits approved in Jerusalem were for Palestinians in East Jerusalem, compared to 37.8% for Jewish settlements in East Jerusalem. The remaining applications approved were for West Jerusalem.

In Area C of the West Bank, the deeply discriminatory urban planning and zoning system means that, in practice, Palestinians are only allowed to build on about 0.5% (roughly 1,800 hectares) of Area C, most of which is already built-up. Meanwhile, Israeli authorities have allocated 70% of the land in Area C to settlements. In July 2019, the Israeli Security Cabinet promised to grant building permits for 715 housing units for Palestinians. By contrast, it promised building permits for 6,000 housing units for Jewish settlers. By the end of June 2020, only one building permit had been issued for Palestinians. By contrast, 1,094 building permits were issued for Jewish settlements between July 2019 and March 2020.

## **SUPPRESSION OF PALESTINANS' HUMAN DEVELOPMENT**

Decades of deliberately unequal treatment of Palestinians in all areas under the control of Israel has left Palestinians marginalized and subject to widespread and systematic socio-economic disadvantage as they are barred from equitable access to natural and financial resources, livelihood opportunities, healthcare and education. Discriminatory treatment and allocation of resources by Israeli authorities for the benefit of Jewish Israeli citizens in Israel and Israeli settlers in the OPT compound the inequalities on the ground.

Across Israel and the OPT, millions of Palestinians 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. In areas under full Israeli control such as the Negev/Naqab, East Jerusalem and Area C of the West Bank, the denial of essential services is inherently linked to discriminatory planning and zoning policies, and is intended to create unbearable living conditions to force Palestinians to leave their homes to allow for the expansion of Jewish settlement. In addition, Israeli policies of exclusion, segregation and severe restrictions on movement in the entirety of the West Bank and the Gaza Strip mean that Palestinians face difficulties accessing healthcare, including life-saving treatment, and education even though Israel bears the responsibility under international law to provide such services not just to its own population but also to Palestinians living under its military occupation. When they manage to access such services, they are in general inferior to those provided to Jewish Israeli citizens. These policies severely impact Palestinians' socio-economic rights and prevent them from fulfilling their human potential.

Palestinians living in Israel and the OPT are unambiguously disadvantaged across all well-being indicators for which measures are available. They experience higher rates of poverty, and lower levels of labour force participation, educational attainment and health than Jewish Israelis, including settlers living in the occupied West Bank. Their lack of enjoyment of a range of economic and social rights is a direct result not only of their segregation from Jewish Israelis but also from each other through severe restrictions on movement, and the subjugation of Palestinian human development to the socio-economic interests of Jewish Israelis. Israel maintains Jewish domination over the Palestinian economy through the exclusion and intentional neglect of Palestinian communities inside Israel, and the creation of a regime of economic dependency in the OPT in the context of a prolonged military occupation.

Socio-economic gaps between Palestinian and Jewish Israeli citizens are the result of discriminatory policies pursued over decades. Historically, Israel prevented its Palestinian citizens from accessing livelihoods under its 18-year-long military rule, and used them, at different times, as a source of cheap labour in order to preserve the interests of the Jewish majority. In addition to cruel land seizures, other discriminatory policies have led to Palestinians' social and economic deprivation: the exclusion of Palestinian localities from high priority areas for development, the discriminatory allocation of land and water for agriculture as well as discriminatory planning and zoning, and the failure to implement major infrastructure development projects in Palestinian communities.

Without zoning plans, Palestinian communities have been unable to designate land for housing and industrial use or establish the infrastructure needed for economic development. Today, only 2% of industrial zones in Israel, which generate a significant tax income, are located within Palestinian localities, which are poorly connected to other parts of Israel by public transportation or main roads. As a result, Palestinian communities in Israel lack the infrastructure required for economic development, forcing their population to seek employment in the Jewish sector, where they face institutional discrimination when competing for jobs in part due to their exemption from military service.

They also experience discrimination in the allocation of public resources, most of which are distributed to Jewish localities. For example, Palestinian local authorities collect less tax revenue, largely because of the disparity in income from non-residential or business taxes, which is in turn the result of discriminatory Israeli policies. Palestinian localities also receive lower subsidies from the central government intended for specific expenditures, such as education, welfare, health and cultural services. According to a 2018 survey by the Israeli Central Bureau of Statistics, monthly public expenditure on education and culture in the Jewish sector was nearly three times more per capita than in the (predominantly Palestinian) Arab sector.

Across the OPT, Israel's policies of territorial fragmentation and segregation pursued in the context of a prolonged military occupation have had a devastating effect on the performance of the Palestinian economy, leaving it disconnected, weak and subordinate to Israel's geo-demographic goals, and unable to achieve sustainable and equitable development for the Palestinian population. Whilst the situation in the OPT has improved over recent decades with regards to some social rights, including maternal mortality, levels of literacy and education and vaccination rates, in general, living standards have been stagnating or deteriorating with access to healthcare, employment, education and housing being particularly affected.

The 1994 Paris Protocol between Israel and the Palestine Liberation Organization (PLO) entrenched the dependence of the Palestinian economy on Israel via a customs union that leaves no space for independent Palestinian economic policies, tying the OPT to the trade policies, tariff structure and value-added tax rate of Israel. Since 1999, Palestinian gross domestic product (GDP) in the OPT has effectively remained stagnant. The Palestinian economy suffers from numerous restrictions by Israel on trade that impact on the production of exports and importable goods. Almost all Palestinian imports and exports transit ports and crossing points controlled by Israel, where delays and security measures increase costs by an average of USD 538 per shipment, resulting in a significant and persistent trade deficit.

In addition, Israel imposed a "dual use" policy in 2007 that restricts the entry of any goods it deems to potentially have military, as well as civilian, use, including chemicals and technology. The list of 117 liable items is vague, including categories such as "communications equipment, communication support equipment, or equipment with communication functions" that can include items that are found in everyday use, such as home appliances and medical equipment. This policy only applies to Palestinian importers in the West Bank and Gaza Strip, not to their Israeli counterparts or even to Israeli settlers in the OPT. It has had a devastating impact on the economy in general, especially on the agriculture, information and communications technology (ICT) and manufacturing sectors, and has had catastrophic effects in the Gaza Strip in particular.

Meanwhile, by physically separating East Jerusalem from the rest of the West Bank, since the second intifada the Israeli authorities have hindered Palestinians' ability to access livelihoods and considerably reduced the city's role as the main commercial centre for the West Bank. According to the UN Conference on Trade and Development (UNCTAD), between 1993 and 2013, the Palestinian economy in East Jerusalem shrunk by approximately 50%, while the fence/wall caused over USD 1 billion of direct losses to Palestinians in East Jerusalem in the first 10 years since the start of its construction. Elsewhere in the West Bank, according to the Palestinian Central Bureau of Statistics, Israeli-imposed movement restrictions cost Palestinians 60 million lost work hours per year (equivalent to USD 274 million).

The blockade and Israel's repeated military offensives have had a heavy toll on Gaza's essential infrastructure and further debilitated its health system and economy, leaving the area in a state of perpetual humanitarian crisis. Indeed, Israel's collective punishment of Gaza's civilian population, the majority of whom are children, has created conditions inimical to human life due to shortages of housing, potable water and electricity, and lack of access to essential medicines and medical care, food, educational equipment and building materials.

According to UNCTAD, between 2007 and 2018, due to the Israeli blockade, Gaza's share of the Palestinian economy decreased from 31% to 18%. As a result, more than 1 million people were pushed below the poverty line, with the rate of poverty increasing from 40% in 2007 to 56% in 2017. This entrenched the dependence of more than 80% of the population on international assistance.

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The collapse of Gaza's economy caused by the blockade has been exacerbated by four Israeli military offensives in the past 13 years, which have caused huge destruction to civilian property and essential infrastructure including electricity, water and sewerage and sanitation plants in addition to killing at least 2,700 Palestinian civilians as well as injuring and displacing tens of thousands of others. During this period Palestinian armed groups fired thousands of indiscriminate rockets towards cities and towns in Israel killing or injuring dozens of civilians. In 2019, UNCTAD estimated the cost of the three Israeli military operations in Gaza between 2008 and 2014 to be at least three times the GDP of Gaza.

Severe movement restrictions have a particularly detrimental effect on the agriculture sector. Prior to 1967, the agriculture sector employed about a quarter of the labour force in the West Bank and contributed about a third of its GDP and exports. Following the occupation, the Israeli authorities have deprived Palestinians and their economy of 63% of the most fertile and best grazing land located in Area C by building settlements and the fence/wall, and imposing severe restrictions on Palestinians' movement and ability to access their land.

The fence/wall has isolated more than 10% of the area of the West Bank, directly affecting 219 Palestinian localities and causing approximately 80% of Palestinian farmers who have land in the "seam zone" between the fence/wall and the Green Line to lose access to such land. Farmers wishing to access their farmland in the "seam zone" are required to obtain military permits, which they must renew repeatedly. For those who manage to obtain them, access is only permitted on foot and through the specific agricultural gates that appear on the permits.

In addition, Israel ensures that over 35% of agricultural land in Gaza and 85% of the fishing area along the Gaza coast are off-limits to Palestinians, enforced by the "buffer zone" and access-restricted maritime area. An estimated 178,000 people, including 113,000 farmers, can no longer access the farmland in the "buffer zone". Since 2014, the Israeli military has aerial-sprayed herbicides over Palestinian crops along the fence between Gaza and Israel, resulting in the loss of livelihoods for Gazan farmers, with far-reaching health implications. Although Israel claims that the spraying is intended to "enable optimal and continuous security operations", it has not provided any evidence to support this claim.

Ever since the discovery of oil and gas off Gaza's coast, Israel has repeatedly changed the demarcation of Gaza's maritime coast, sometimes reducing it to just 3 nautical miles. The lack of access to sufficient fishing waters affects an estimated 65,000 Gazans, and has impoverished nearly 90% of fishermen. Additionally, the Israeli navy uses lethal force against Gazan fishermen working off the coast, and sinks and seizes their boats.

In addition to denying Palestinians' access to livelihoods through severe restrictions on movement, the Israeli authorities have systematically and unlawfully appropriated Palestinians' natural resources for the economic benefit of their own citizens in Israel and in the settlements, in violation of international law. Israel's exploitation of Palestinian natural resources of fertile agricultural land, water, oil, gas, stone and Dead Sea minerals deprives Palestinians of equal access to or the opportunity to administer, develop and benefit from their own resources. This severely impinges on their access to livelihoods and socio-economic rights, such as the rights to food and an adequate standard of living.

Israel's control of water resources and water-related infrastructure in the OPT results in striking inequalities between Palestinians and Jewish settlers. The Israeli authorities restrict Palestinians' access to water in the West Bank through military orders, which prevent them from building any new water installation without first obtaining a permit from the Israeli army. They are unable to drill new wells, install pumps or deepen existing wells, and are denied access to the Jordan River and freshwater springs. Israel even controls the collection of rainwater in most of the West Bank, and the Israeli army often destroys rainwater-harvesting cisterns owned by Palestinian communities. Meanwhile, in the Gaza Strip, the coastal aquifer has been depleted by Israeli over-extraction and contaminated by sewage and seawater infiltration, resulting in more than 95% of its water being unfit for human consumption.

As a result of these policies, average Palestinian consumption of water in the OPT is about 70 litres a day per person, with approximately 420,000 people in the West Bank consuming 50 litres a day, less than a quarter of the average Israeli consumption of about 300 litres per person. For Israeli settlers residing in Israeli settlements, the average daily water consumption is 369 litres, about six times the amount consumed by Palestinians. According to the UN, 90% of households in Gaza, which are already impoverished, have to buy water from desalination or purification plants, costing between 10 and 30 times more than piped water.

The Israeli government discriminates when providing funds to the health system serving Palestinian citizens of Israel, even though they have worse health than their Jewish Israeli counterparts, and does not provide any healthcare facilities to Palestinian Bedouins living in unrecognized villages in the Negev/Naqab, forcing them to travel long distances to seek medical care. This is reflected in significant health gaps between the

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Jewish and (predominantly Palestinian) Arab populations, with the latter universally scoring worse in official statistics. For example, in 2019 infant mortality for Arab citizens of Israel (5.4 per 1,000 births) was more than double that for Jewish Israelis (2.4).

In the West Bank and Gaza Strip, Israel's half-a-century-long military occupation does not just impact Palestinians' standard of health but also their ability to access the necessary care and treatment, in particular specialized treatment for serious medical conditions available in many cases only in East Jerusalem, Israel or abroad. Those referred for medical treatment in Jerusalem, must apply for an Israeli military permit on humanitarian grounds. Such permits are difficult to obtain and often issued with a delay or denied. The permit regime has a particularly devastating impact on the health of Palestinians in Gaza where the blockade, coupled with a chronic energy crisis, has undermined the availability and quality of health services and left the system close to collapse.

Finally, Israel discriminates against Palestinian students in Israel and East Jerusalem, who receive less funding than their Jewish counterparts at all levels of school education. An analysis by the Mossawa Center of the Israeli Ministry of Education's 2016 budget found that (predominantly Palestinian) Arab 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.

## A SYSTEM OF APARTHEID

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

Message posted online in March 2019 by Israel's then prime minister, Benjamin Netanyahu

Israel has created and maintains an institutionalized regime of systematic oppression and domination over Palestinians, which is enforced across Israel and the OPT through reinforcing discriminatory laws, policies and practices, and, when seen as a totality, controls virtually every aspect of Palestinians' lives and routinely violates their human rights.

This system originated with the creation of Israel in May 1948 and has been built and maintained over decades by successive Israeli governments across all territories they have controlled, regardless of the political party in power at the time. Israel has subjected different groups of Palestinians to different sets of discriminatory and exclusionary laws, policies and practices at different times, responding to the territorial gains it made first in 1948 and then in 1967, when it annexed East Jerusalem and occupied the rest of the West Bank and the Gaza Strip. Over decades, Israeli demographic and geopolitical considerations have shaped policies towards Palestinians in each of these territorial domains in different ways.

Although Israel's apartheid manifests itself in different ways in the various areas under its effective control, this system consistently has the same purpose of dominating and oppressing Palestinians for the benefit of Jewish Israelis, who are privileged under Israeli civil law regardless of where they reside. It is designed to maintain an overwhelming Jewish majority with access to and benefiting from the maximum amount of territory and land acquired or controlled for the benefit of Jewish Israelis while restricting the rights of Palestinians to challenge this dispossession. This system has been applied wherever Israel has exercised effective control over territory and land or over the exercise of the rights of Palestinians. It is realized in law, policy and practice, and reflected in the discourse of the state from its establishment and until this day.

While laws and policies define the State of Israel as democratic, the regime in Israel and the OPT is structurally built and maintained to benefit Jewish Israelis. For non-Jewish inhabitants of Israel and the OPT, the vast majority of whom identify and are identified as Palestinians, the system continues to mean institutional discrimination and exclusion that works to dispossess Palestinians of rights and prevent them from challenging such a system of oppression.

While international law applies differently to the situations in Israel and in the OPT, this fact does not excuse prohibited discrimination against Palestinians in any of the areas under Israel's control. Israel's treatment of Palestinians inside Israel is governed by international human rights law, to the exclusion of international humanitarian law. In the OPT, Israel's conduct is bound both by the rules of international humanitarian law

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Amnesty International

relevant to military occupation (law of occupation) and its obligations under international human rights law. The law of occupation allows, and in some cases requires, differential treatment between nationals of the occupying power and the population of the occupied territory. However, it does not allow the occupying power to do this where the intention is to establish or maintain a regime of systematic racial oppression and domination.

The continuing forced displacement of a majority of Palestinians from their land and property in 1948-49 and subsequently in 1967; the forced deportations, forcible transfers and arbitrary restrictions on their freedom of movement; the denial of nationality and the right of return, the racialized and discriminatory dispossession of their lands and property; and the subsequent discriminatory allocation of and access to national resources (including land, housing and water) combine not only to hinder Palestinians' current enjoyment of their rights, including access to livelihood, employment, health care, food security, water and sanitation, and education opportunities, but also to ensure that Palestinians cannot as individuals or communities enjoy a status equal to that of Jewish Israelis in Israel, the OPT and other situations where Israel exercises control over Palestinians' enjoyment of their rights, particularly the right of return.

The racial discrimination against and segregation of Palestinians is the result of deliberate government policy. The regular violations of Palestinians' rights are not accidental repetitions of offences, but part of an institutionalized regime of systematic oppression and domination.

## **CRIMES AGAINST HUMANITY**

Israel and individuals acting on its behalf have been, in the process of establishing and maintaining a system of domination and oppression over Palestinians, systematically perpetrating inhuman and inhumane acts as proscribed, respectively, by the Apartheid Convention and the Rome Statute.

Amnesty International has examined specifically the inhuman or inhumane acts 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, which are associated with and enforce the system of discriminatory laws, policies and practices described above. The organization has concluded that 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.

## **FORCIBLE TRANSFERS**

Israel implements a myriad of laws and policies to force Palestinians in Israel and the OPT into small enclaves or to leave the territory altogether. In the Negev/Naqab in Israel, East Jerusalem and Area C of the West Bank, which are under full Israeli control, Israeli authorities enforce similar planning and building regimes against the Palestinian population, which result in widespread and similar patterns of home and property demolitions, including structures directly linked to livelihoods, on grounds of the lack of building permits. They deny communities in these areas the provision of essential services, and in the case of the OPT take no action against violent attacks by Israeli settlers. Together, these policies create a coercive environment that aims to force Palestinians to abandon their homes.

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 rarely issues them a permit. Consequently, to have shelter or develop their communities, Palestinians build without a permit. Israeli forces then demolish the structures on the basis that they were built without a permit. By contrast, Israeli authorities freely allow amendments to plans to promote development where they are setting up Jewish cities in Israel or Israeli settlements in the OPT.

Since 1948, Israel has demolished tens of thousands of Palestinian homes and other properties across all areas under its jurisdiction and effective control. This includes the destruction of more than 500 Palestinian villages in what became Israel following the 1947-49 conflict. Those affected are some of the poorest and most marginalized communities in both Israeli and Palestinian society, often refugees or internally displaced persons, who are forced to rely on family and humanitarian actors for shelter and livelihoods.

Israel's revocation of the permanent residency status of thousands of Palestinians in East Jerusalem has similarly resulted in forcible transfers.

Additionally, Israel has deliberately destroyed homes and displaced civilians during military operations, rendering tens of thousands of Palestinians homeless and displaced. The evidence suggests that most of the destruction was not justified by military necessity and amounted to violations of international humanitarian law. Considered within the context of the system of oppression and domination, the violations contribute to maintaining the system of apartheid.

Israel's discriminatory state policies, regulations and conduct against Palestinians in Israel and the OPT have involved the crime against humanity of deportation or forcible transfer under both the Rome Statute and Apartheid Convention.

## **ADMINISTRATIVE DETENTION, TORTURE AND OTHER ILL-TREATMENT**

Since the occupation of the West Bank and Gaza Strip in 1967, the Israeli authorities have made widespread use of administrative detention to imprison thousands of Palestinians, including children without charge or trial under renewable detention orders. The military judicial system in the OPT has used these orders to lock away thousands of Palestinians, including children, for months and at times years. Israel regularly uses administrative detention against political opponents of the occupation. By contrast, administrative detention has rarely been used to detain Jewish citizens of Israel.

While administrative detention may be lawful in certain circumstances, Israel's systematic use of it against Palestinians indicates that it is used to persecute Palestinians, rather than as an extraordinary and selective security measure. Consequently, Amnesty International has considered many administrative detainees to be prisoners of conscience detained as punishment for their views challenging the policies of the occupation.

Also, for decades, the Israel Security Agency, Israel Prison Service and Israeli military forces have tortured or otherwise ill-treated Palestinian detainees, including children, during arrest, transfer and interrogation. The Israel Security Agency uses particularly harsh methods to obtain information and "confessions". Among the methods regularly reported by Palestinian detainees are painful shackling and binding, immobilization in stress positions, sleep deprivation, threats, sexual harassment, prolonged solitary confinement and verbal abuse.

Israeli courts have admitted evidence obtained through torture of Palestinians, accepting the justification of "necessity". Prompt, thorough and impartial investigations by Israeli authorities into allegations by Palestinians that they have been tortured are extremely rare, effectively giving state endorsement to the crime of torture.

Israel's widespread and systematic use of arbitrary arrest, administrative detention and torture on a large scale against Palestinians, in flagrant violation of fundamental rules and peremptory norms of international law, forms part of the state's policy of domination and control over the Palestinian population. It forms part of the state's widespread as well as systematic attack on the Palestinian population and constitutes the crimes against humanity of "imprisonment or other severe deprivation of physical liberty" and "torture", under the Rome Statute and the Apartheid Convention.

## **UNLAWFUL KILLINGS AND SERIOUS INJURIES**

Israeli forces have killed and injured thousands of Palestinian civilians in the OPT since 1967, often in circumstances suggesting that the killings were systematic, unlawful and arbitrary, and with near total impunity. Such killings and injuries were perpetrated outside the context of armed conflict during Israeli law enforcement activities in the OPT, including during the suppression of protests, arrest raids, when enforcing travel and movement restrictions, and conducting search operations.

In some cases, Israeli forces appear to have deliberately targeted medics, journalists and human rights defenders during protests.

Despite ample evidence of unlawful killings, Amnesty International is not aware of any case in which a member of any Israeli security force has been convicted of wilfully causing the death of a Palestinian in the OPT since 1987. In general, prosecutions have been extremely rare. When convictions have occurred, soldiers have been convicted of manslaughter or lesser offences.

There is also a pattern of Israeli forces and security agents killing Palestinian citizens of Israel, including in the context of protests against discriminatory Israeli policies and actions, in circumstances that indicate that the killings were unlawful.

Patterns of excessive use of force against Palestinians during law enforcement operations, information available about the Israeli military's "rules of engagement", as well as Israeli officials' statements following such operations particularly during protests, reflect a planned and persistent policy of shooting to kill or maim Palestinians. They are consistent with the inhuman and inhumane acts of "murder" and "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health" or the "infliction upon the members of a racial group or groups of serious bodily or mental harm" under the Rome Statute and Apartheid Convention.

## **DENIAL OF BASIC RIGHTS AND FREEDOMS, AND PERSECUTION**

Israel's systematic denial of the right to a nationality and severe restrictions on movement and residence, including the right to leave and to return to their country, go beyond what is justifiable under international law. Their sweeping application has targeted the Palestinian population in a discriminatory manner on the basis of their racialized identity as Palestinians, affecting their participation in political, social, economic and cultural life in Israel and the OPT and deliberately prevent their full development as a group. These restrictions further undermine the enjoyment of a host of basic rights and freedoms, including the rights to freedom of opinion and expression, freedom of peaceful assembly and association, livelihood, work, health, food and education.

By denying the Palestinian population basic human rights through years of deliberate discriminatory and exclusionary policies and official statements that are reflected in practice, 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.

## **SECURITY CONSIDERATIONS AND INTENT TO OPPRESS AND DOMINATE**

**"There's no need to hide behind security arguments. There's a need for the existence of a Jewish state."**

Former Prime Minister of Israel Ariel Sharon, speaking about the temporary 2003 Citizenship and Entry Law in 2005.

Israel has an obligation under international law to protect all persons within its jurisdiction and control from violence. In the context of an international armed conflict and a military occupation there may be circumstances where treating different groups differently is based on lawful grounds without infringing the prohibition of discrimination. While legitimate security concerns may allow differential treatment of Palestinians, security-related policies must comply with international law, and ensure that any restrictions on rights are necessary and proportionate to the security threat.

Amnesty International has shown, however, that Israeli authorities have pursued policies that deliberately discriminate against Palestinians over a prolonged period and in a particularly cruel manner in ways that have no reasonable basis in security or "defence". For example, the prolonged and cruel discriminatory denial of Palestinians' access to their land and property that was seized in a violent and discriminatory manner has no security rationale. There is no security basis for the effective segregation of Palestinian citizens of Israel through discriminatory laws on planning and access to housing or the denial of their right to claim their property and homes seized under the authority of racist laws. Similarly, arbitrary and discriminatory interference with the rights of Palestinian citizens of Israel to marry and extend rights of residence to their spouses and children, in the absence of evidence that particular individuals pose a threat, cannot be justified based on security.

In the context of Israel's occupation of the West Bank and Gaza Strip, certain limitations on human rights may be permissible under international humanitarian law if conducted in good faith. However, the justification for the differential treatment cannot extend to the settlement of Jewish Israelis in the occupied territories. Nor can it extend to the murders, the targeted killings, the torture, the deportation and forcible transfers of populations that have been perpetrated in the OPT over the years.

Amnesty International has demonstrated that Israel's policies, which they have justified on security grounds, consistently have been implemented in a grossly disproportionate and discriminatory manner, resulting in mass, systematic violation of Palestinians' human rights. This includes Israel's policies of sweeping, severe and long-term restrictions on freedom of movement in the West Bank and Gaza Strip.

## **CONCLUSION AND RECOMMENDATIONS**

The totality of the regime of laws, policies and practices described by Amnesty International demonstrates that Israel has established and maintained an institutionalized regime of oppression and domination of the Palestinian population by and for the benefit of Jewish Israelis wherever it has exercised control over Palestinians' lives since 1948. Amnesty International concludes that the State of Israel considers and treats Palestinians as an inferior "non-Jewish" racial group. The segregation 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. This has been complemented by a legal regime that controls (by negating) the rights of Palestinian refugees residing outside Israel and the OPT to return to their homes

Dismantling this cruel system of apartheid is essential for the millions of Palestinians who continue to live in Israel and the OPT, as well as for the return of Palestinian refugees who remain displaced in neighbouring countries, often within 100km of their original homes, so that they can enjoy their human rights free from discrimination. Among other, more specific, recommendations, Amnesty International is calling on Israel to remove all measures of discrimination, segregation, suppression and oppression currently in place against the Palestinian population and to undertake a review of all laws, regulations, policies and practices that discriminate on racial, ethnic or religious grounds with a view to repealing or amending in line with international human rights law and standards.

Israel must 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, while ensuring respect for protections guaranteed for Palestinians in the OPT under international humanitarian law. It must also recognize the right of Palestinian refugees and their descendants to return to homes where they or their families once lived in Israel or the OPT. In addition, Israel must provide victims of human rights violations, crimes against humanity and serious violations of international humanitarian law – and their families – with full reparations. This should include restitution and compensation for all properties acquired on racial bases.

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. Indeed, for over seven decades, the international community has stood by as Israel has been given free rein to dispossess, segregate, control, oppress and dominate Palestinians. The numerous UN Security Council resolutions adopted over the years have remained unimplemented with Israel facing no repercussions for actions that have violated international law apart from formulaic condemnations. Meanwhile, addressing Israeli violations against Palestinians in the occupied West Bank and Gaza Strip merely within the framework of international humanitarian law, and separately from the violations perpetrated against Palestinians in Israel, has failed to tackle the root causes of the conflict and achieve any form of accountability and justice for the victims.

Without taking any meaningful action to hold Israel into account for its systematic and widespread violations and crimes under international law against the Palestinian population, the international community has contributed to undermining the international legal order and has emboldened Israel to continue perpetrating crimes with impunity. In fact, some states have actively supported Israel's violations by supplying it with the arms, equipment and other tools to perpetrate crimes under international law and by providing diplomatic cover, including at the UN Security Council, to shield it from accountability. By doing so, they have completely failed the Palestinian people and have only exacerbated Palestinians' lived experience as people with lesser rights and inferior status to Jewish Israelis.



While ultimately change can only come from within Israel, the international community can take concrete actions to pressure Israel into dismantling its apartheid system. The crime against humanity of apartheid entails individual international criminal responsibility, which applies to individuals, members of organizations and representatives of the state who commit and participate in its commission. Thus, all those with jurisdiction over the commission of the crime against humanity of apartheid, including Israel itself, the Palestinian authorities, the international community and the International Criminal Court (ICC) should investigate the commission of these crimes.

All states may exercise universal jurisdiction over all persons reasonably suspected of committing the crime of apartheid under international law, while states that are party to the Apartheid Convention have an obligation to do so including to prosecute, bring to trial and punish those persons responsible for the crime of apartheid. This means that states must conduct prompt, effective and impartial criminal investigations when presented with reasonable evidence that an individual within their territory or control is reasonably suspected of criminal responsibility or extradite suspects to another jurisdiction that will do so.

Nearly six years after the ICC Prosecutor announced the opening of a preliminary examination into the “Situation in Palestine”, in February 2021, the Pre-Trial Chamber concluded that the “Court’s territorial jurisdiction in the Situation in Palestine extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem,” paving the way for investigation into crimes committed in the OPT since 13 June 2014. On 3 March 2021, the Prosecutor announced that her office was proceeding to open an investigation into Rome Statute crimes committed in the OPT. Amnesty International is therefore calling on the office of the Prosecutor of the ICC to consider the applicability of the crime against humanity of apartheid within its current formal investigation.

While the ICC has held that it has jurisdiction over Rome Statute crimes committed in the OPT, it does not have jurisdiction over crimes committed within Israel itself. The UN Security Council must therefore ensure that perpetrators of the crime against humanity of apartheid and other crimes under international law in Israel and the OPT are brought to justice either by referring the entire situation to the ICC or by establishing an international tribunal to try alleged perpetrators. The UN Security Council must also impose targeted sanctions, such as asset freezes, against Israeli officials most implicated in the crime of apartheid, and a comprehensive arms embargo on Israel.

At the same time, the UN General Assembly should re-establish the Special Committee against Apartheid, which was originally established in November 1962, to focus on all situations, including Israel and the OPT, where the serious human rights violation and crime against humanity of apartheid are being committed and to bring pressure on those responsible to disestablish these systems of oppression and domination.

All government and regional actors, particularly those that enjoy close diplomatic relations with Israel such as the USA, the European Union and its member states and the UK, but also those states that are in the process of strengthening their ties – such as some Arab and African states – must not support the regime of apartheid or render aid or assistance to maintaining such a regime, and cooperate to bring an end to this unlawful situation. As a first step, they must recognize that Israel is committing the crime of apartheid and other international crimes, and use all political and diplomatic tools to ensure Israeli authorities implement the recommendations outlined in this report and review any cooperation and activities with Israel to ensure that these do not contribute to maintaining the system of apartheid. Amnesty International is also reiterating its long-standing call on states to immediately suspend the direct and indirect supply, sale or transfer of all weapons, munitions and other military and security equipment, including the provision of training and other military and security assistance. Finally, it is calling on states to institute and enforce a ban on products from Israeli settlements.

The Palestinian authorities for their part must also ensure that any type of dealings with Israel, primarily through security coordination, do not contribute to maintaining the system of apartheid against Palestinians in the OPT, and should document as necessary and in line with international standards the discriminatory impacts of Israel’s apartheid on the Palestinian population in the OPT to provide evidence of such impact to relevant international courts and other bodies.

Businesses too, have a responsibility to assess their activities in Israel and the OPT and ensure that they do not contribute to or benefit from the system of apartheid, and address such impact when it occurs and cease relevant activities if it cannot be prevented. Finally, national, and international humanitarian and development organizations must increase advocacy, both public and private, with the Israeli government to end discrimination and segregation in law, policy and practices against Palestinians in Israel and the OPT, including through advocacy with donors, and conduct rigorous and ongoing assessments of all projects and assistance for Palestinians to ensure they are implemented in a way that does not entrench, support or perpetuate discrimination and segregation of Palestinians.

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[info@amnesty.org](mailto:info@amnesty.org)



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# ISRAEL'S APARTHEID AGAINST PALESTINIANS

## CRUEL SYSTEM OF DOMINATION AND CRIME AGAINST HUMANITY

Since its establishment in 1948, Israel has pursued a policy of establishing and maintaining a Jewish demographic hegemony and maximizing its control over land to benefit Jewish Israelis while restricting the rights of Palestinians and preventing Palestinian refugees from returning to their homes. In 1967, Israel extended this policy to the West Bank and Gaza Strip, which it has occupied ever since.

Amnesty International has analysed Israel's intent to create and maintain a system of oppression and domination over Palestinians and examined its key components: territorial fragmentation; segregation and control; dispossession of land and property; and denial of economic and social rights. It has concluded that this system amounts to apartheid. It has also documented unlawful acts committed by Israel against Palestinians with the intent to maintain this system, including forcible transfers, administrative detention and torture, unlawful killings, denial of basic rights and freedoms and persecution. It has concluded that such acts form part of a systematic as well as widespread attack directed against the Palestinian population and amount to the crime against humanity of apartheid.

Israel must dismantle this cruel system and the international community must pressure it to do so. All those with jurisdiction over the crimes committed to maintain the system should investigate them.