



# CRIME OF APARTHEID: THE ISRAELI GOVERNMENT'S SYSTEM OF DOMINATION OVER PALESTINIANS – FEBRUARY 2022

***“There’s no need to hide behind security arguments.”***

*- Former Israeli Prime Minister Ariel Sharon in 2005, speaking about the discriminatory 2003 Citizenship and Entry Law.*

For decades, Israel’s government has entrenched a systematically discriminatory regime against Palestinians in both the Occupied Palestinian Territories (OPT) and Israel. In Amnesty’s new report, *“Israel’s Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity,”* we find that this system amounts to the crime against humanity of apartheid under the Apartheid Convention and International Criminal Court Statute.

## DECADES-LONG CAMPAIGNS TO DEPRIVE PALESTINIANS OF HUMAN RIGHTS

Based on years of research, our report extensively documents decades of Israeli officials’ intent and systemic acts to cruelly discriminate against and prevent Palestinians from claiming and enjoying equal rights to Jewish Israelis within Israel and the OPT. This has been carried out by Israel’s leaders in ways that have no reasonable basis in security or “self-defense” and amount to apartheid and persecution, via targeted campaigns including:

- Discriminatory fragmentation of Palestinian territory into controlled, separated enclaves and repression of Palestinian civil society.
- Forced displacement of Palestinians from, dispossession, and destruction of land and property.
- Segregation from Jewish Israelis and institutionalized deprivation of social and economic rights, key public services and benefits, and resources.

In 2017, Amnesty made a similar determination of apartheid in Myanmar. Other conclusions of apartheid in Israel and the OPT have also been reached by Human Rights Watch; Israeli human rights groups Yesh Din, B’Tselem, Kerem Navot, Breaking the Silence, Physicians For Human Rights-Israel, and Israeli-Palestinian group Combatants for Peace; and numerous Palestinian NGOs.

## FLAGRANT ABUSES BY ISRAELI AUTHORITIES FUELED BY U.S. ARMS AND SUPPORT IN VIOLATION OF U.S. LAW

Amnesty, like numerous international NGOs and the UN, has long documented myriad violations and war crimes by Israeli forces against Palestinians and Palestinian civil society—as even acknowledged by the State Department.

- Since President Biden took office, Israeli authorities have **forcibly displaced** over 1237 Palestinians in the OPT via 914 **unlawful demolitions**. In East Jerusalem, **970 Palestinians** today face imminent eviction.
- In 2021, Israeli officials **issued 4,000+ unlawful OPT settlement unit tenders**, with more plans **advancing**.
- Israeli forces killed 222 Palestinian civilians, 70 of them children, **in 2021**—most in the May siege of Gaza; **regularly cracking down** with arbitrary arrests and unlawful force on protests. This **only continues** in **2022**.
- Israeli authorities in October 2021 imposed a sham “terrorist” designation against and outlawed **six Palestinian NGOs** that monitor Israeli forces’ rights violations and/or provide community services in the OPT.
- Of over 6,500 OPT building permit requests by Palestinians from **2000-2019**, Israeli officials approved 245, while issuing Palestinians nearly 10x that in demolition orders, just in 2016-2018. Palestinians are **5x likelier** to be issued unappealable demolition orders than unlawful Israeli settlers.

**Credible evidence** shows Israeli forces’ use of U.S. arms in violations and war crimes. Israeli forces have deliberately targeted medics, journalists, civilians, activists, and public infrastructure during protests and in air strikes in Gaza. Yet over \$3.3 billion in U.S. military aid flows yearly to Israeli forces without human rights conditions. This clearly **violates U.S. law**, which bars security aid to gross rights violators, let alone U.S. obligations in international law.

While the Biden administration rightly opposes settlement expansion and demolitions, no accountability measures have been apparent despite Israel’s continuing encroachment. Continued lack of meaningful action by the U.S. government has enabled Israeli authorities to continue this forceful denial and infringement on Palestinians’ rights.

## BLOCKING ACCOUNTABILITY FOR ISRAELI AUTHORITIES’ WELL-DOCUMENTED VIOLATIONS AND CRIMES

U.S. law requires the President and the State Department document and act to ensure *“any responsible government”* and officials are *“brought to account”* for crimes against humanity *“in an appropriately constituted tribunal.”* Yet the

U.S. still blocks or opposes crucial international accountability and investigative measures in the UN or ICC for flagrant, well-documented violations by Israeli forces. Measures the U.S. backs for other states. U.S. policies also bar economic aid if the Palestinian Authority (PA) backs ICC investigations scrutinizing Israeli nationals in abuses, risking harm against Palestinian civilians for the sole purpose of wrongfully blocking accountability for Israeli forces.

### **OBLIGATION FOR THE BIDEN ADMINISTRATION TO ACT AND LIVE UP TO ITS COMMITMENTS**

Secretary of State Antony Blinken multiple times has stated that Palestinians deserve "equal measures of security, freedom, opportunity and dignity" as Israelis. The Biden administration has also repeatedly committed to center human rights and stand for "a world in which human rights are protected" and rights abusers "are held accountable." Israel's government, like any country's government, cannot be singled out for an exception from equal human rights accountability just because it is a U.S. ally. We call on the Biden administration and Congress to take necessary steps, in line with U.S. and international law, to bring an end to the Israeli government's human rights violations.

#### **We urge the U.S. government to use all diplomatic leverage and legislative actions to insist Israel's government:**

- End the forced displacement of Palestinians via the systemic campaign of unlawful home demolitions, evictions, and settlement expansion in the OPT; cancel all standing eviction and demolition orders; and impose a moratorium preventing future orders.
- Lift the blockade and barriers blocking Gazans' right to freely leave and return, including for medical treatment, as well as all barriers to and the politicizing of life-saving humanitarian aid to Gaza and the OPT broadly; and end arbitrary restrictions on Palestinians' right of free movement across the OPT.
- Repeal policies that privilege Jewish Israelis at Palestinians' expense such as the nation-state law, the cruel barring of Palestinian family reunification between the OPT and Israel, and the arbitrary deprivation of Palestinians' citizenship and/or (in East Jerusalem) residency.
- Ensure Palestinians' equitable access to critical resources, land, public services, and social and economic rights.
- Release all arbitrarily detained Palestinians, including children—many held without charges.
- As required by U.S. law, support international investigative and accountability measures in Israel and the OPT for all parties, including Israeli authorities.
- Remedy the discriminatorily denied right to return of Palestinian refugees forcibly displaced in past decades.

#### **We urge President Biden to:**

- Press Israel's government to end its systemic campaign of forced displacement and settlement expansion and lift the unlawful Gaza blockade, including by withholding additional military aid and blocking imports from unlawful settlements.
- Pursuant to the Foreign Assistance Act and Leahy Laws, temporarily suspend all arms sales and military aid to the Israeli government—including which could be used in the crime of apartheid and other grave violations—and condition resumption on a comprehensive vetting and designation of Leahy-ineligible Israeli military units complicit in rights violations.
- Require an investigation and public report by relevant departments into documented use of U.S.-made arms and other aid in violations by Israeli forces, as should be done for all countries the U.S. arms.
- Reject Israeli officials' repression of Palestinian civil society, prominently by demanding the reversal of the Israeli government's abusive "terrorist" designation which has effectively outlawed six Palestinian NGOs.

#### **We urge the U.S. Congress to:**

- Request a Government Accountability Office (GAO) report on how U.S. military aid and arms sales to Israel's government are used to contribute to commission of apartheid and grave violations, with an investigation into the degree to which the Departments of State and Defense conduct required human rights vetting of Israel's military.
- Issue public calls, take legislative action towards, and request relevant federal agencies such as the Departments of State and Defense and the GAO to issue reports on solutions towards lifting the unlawful Gaza blockade and on use of U.S. support and aid in Israeli authorities' unlawful settlement expansion, evictions, and demolitions.
- If the administration fails to place human rights conditions on military aid to Israel, Congress should legislate to do so as required by U.S. law—and as should be done for all countries—requiring human rights improvements and an end to the systemic violations of international law.