



FACTSHEET

Israel's Apartheid Regime over the Palestinian people and the Denial of Palestinian Self-Determination in Violation of the ICCPR

Apartheid and Denial of Palestinian Self-Determination

- Israel has strategically fragmented the Palestinian people into at least four separate geographic, legal, political, and administrative domains as a tool to impose and maintain apartheid, comprising:
 - Palestinians with Israeli citizenship;
 - Palestinians of Jerusalem with a precarious “residency” status;
 - Palestinians in the rest of the West Bank and Gaza living under military occupation;
 - Palestinian refugees and exiles denied the right to return to their homes, lands, and properties.
- This ensures that Palestinians cannot meet, group, live together, or exercise any collective rights, particularly their right to self-determination and permanent sovereignty.
- Strategic fragmentation is further entrenched through the illegal closure and blockade of the Gaza Strip, the Annexation Wall, and Israel’s permit regime consisting of checkpoints and other physical barriers, severely impacting the freedom of movement of Palestinians.
- In 2018, Israel enshrined apartheid in the Basic Law: Nation-State of the Jewish People, which states that “[t]he exercise of the right to national self-determination in the State of Israel is unique to the Jewish people.”
- Through the entrenchment of settler colonialism, Israel denies the Palestinian people permanent sovereignty over natural resources while ensuring unrestricted access to its population and corporations.

Imposition of an apartheid regime over the Palestinian people

- The Zionist transfer of Palestinians in 1948 displaced 85% of the Palestinian population from the territory that would become the Israeli state. Israel was then established on 77% of the land of Palestine.
- Zionist leadership then proceeded to install a regime to legalize and legitimize the denial of Palestinian return and the dispossession of the Palestinian people and ensure demographic domination, institutionalized

through its discriminatory law and apartheid-chartered institutions.

- Since 1948, Israel established a regime of racial domination and oppression over the Palestinian people primarily in the domains of nationality and land.
- Since 1967, Israel has operationalized its apartheid regime in the occupied West Bank and Gaza Strip through the imposition of military rule and the expansion of its illegal settler-colonial enterprise.

Legal foundations: Citizenship, entry laws and population transfer

- **Law of Return (1950):** Grants every Jewish person the exclusive right to enter Israel. Palestinian refugees and internally displaced are categorically denied the right of return to their homes and property.
- **Citizenship Law (1952):** cements Israel’s institutionalised racism in law by conferring automatic Israeli citizenship to any Jewish person who enters Israel under the Law of Return, while Palestinians are denied their right of return to their homes and property. Distinct from “nationality” status, Israel’s Citizenship Law recognizes “return” as one pathway to Israeli citizenship, but that is unique to Jews. However, Jewish “nationality” status is reserved exclusively for Jewish persons and is superior to the citizenship status permitted to non-Jews.
- **Entry into Israel Law (1952):** Creates a precarious “permanent resident” status for Palestinians in occupied East Jerusalem, treating Palestinians like foreign visitors in the land of their birth, and allowing for their forcible transfer through institutionalized residency revocation.

Denial of family life:

Israel has severely restricted family unification for Palestinians and the registration of their children.

- **The Citizenship and Entry into Israel Law**, first enacted in 2003 as a Temporary Order by the Knesset, prohibits the granting of residency or citizenship status to Palestinian spouses from the occupied Palestinian



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territory (oPt) who are married to Palestinians with Israeli citizenship or residency, denying them of their rights to family life, choice of spouse, freedom of movement and for children their right to “be registered immediately after birth”.

- While the order was not renewed in 2021, a harsher bill to renew the legislation aims to further restrict family unification and child registration.

Land and dispossession

Israel’s Absentee Property Law (1950): Allows for the confiscation of Palestinian refugee land and property.

- **Planning and Building Law (1965):** Ensures the expansion of Jewish Israeli localities, while severely constricting Palestinian planning, construction and development.
- Israel’s repressive environment is designed to drive Palestinian transfer through policies of house demolition, forced evictions and expropriation of land and property on both sides of the Green Line, (latest examples include Sheikh Jarrah and the Naqab).

Israel’s Zionist Parastatal Institutions

- Basic Laws: World Zionist Organization/Jewish Agency (Status) Law (1952) and Keren Kayemet Le-Israel [Jewish National Fund] Law (1953), with the Covenant with Zionist Executive (1954, 1971) authorize the World Zionist Organization (WZO)/Jewish Agency (JA), and the Jewish National Fund (JNF) to function in Israel as quasi-governmental entities, but as ‘NGOs’ extraterritorially.
- The WZO/JA and JNF are chartered to discriminate materially against non-Jewish persons and prevent the indigenous Palestinian people from accessing or exercising control over their means of subsistence, including their natural wealth and resources, by exploiting and diverting Palestinian natural resources for the benefit of Israeli-Jewish settlers.
- Most recently, Israel allocated the lands of the al-Atrash Bedouin tribe in the Naqab to the JNF, despite registered ownership and use for agriculture by Bedouin residents with the aim to displace and dispossess Palestinian Bedouins and expand Jewish settlements.
- In parallel, Jewish settler organizations have filed eviction lawsuits against Palestinian residents of Sheikh Jarrah and Silwan pursuant to the Legal and

Administrative Matters Law (1970) which exclusively allows Jews to pursue claims to land and property allegedly owned by Jews in East Jerusalem before the establishment of the Israeli state. In 2008 and 2009, a settler organization evicted 3 Palestinian families consisting of 11 households of around 67 people.

Maintaining the Apartheid Regime

- **Systematic impunity within the Israeli judicial system:** Israel’s legislation and military orders render the Israeli judiciary, including the Supreme Court, enablers of the system, which confer legitimacy on the regime’s legal foundations, facilitate the continued perpetuation of these policies and practices, and is designed to produce impunity and prevent Palestinians from effectively challenging the many facets of the apartheid regime.
- Through a wide range of repressive policies, including the widespread and systematic use of mass arbitrary detention, excessive use of force, torture, and collective punishment, Israel aims to intimidate, oppress, and subjugate Palestinians.
- Israel has consistently resorted to widespread **arbitrary detention** of Palestinians to create a repressive environment designed to silence and intimidate Palestinians and to undermine any challenge to Israel’s apartheid regime. Some 10,000 Palestinian women have been imprisoned by the Israeli occupying forces since 1967, and an estimated 13,000 Palestinian children have been arrested since 2000. As of January 2022, Israel continues to detain some 4,600 Palestinian political prisoners and detainees. Today, 500 Palestinian administrative detainees, including children, continue to be detained indefinitely in Israeli prisons without charge or trial.
- Sanctioned by the Israeli High Court of Justice, **torture** has been used since the beginning of Israel’s occupation, including against detained Palestinian children, over time becoming standard operating procedure.
- Israel’s apartheid regime endangers Palestinian lives through **excessive, disproportionate and indiscriminate force** against civilians and civilian infrastructure, while denying the Palestinian population access to medical care.
- Widespread **collective punishment** has been a staple of Israel’s occupation, ranging from the illegal closure of Gaza to freedom of movement and access



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restrictions, punitive revocation of residency rights, denial of family reunification, punitive house demolitions, and withholding bodies of Palestinians killed by the Israeli forces.

- **State-sanctioned Israeli settler violence** against Palestinians is another key feature of Israel’s apartheid regime and constitutes a method through which Israel seeks to create a coercive environment.
- Israel has also pursued a **campaign of intimidation, harassment, and delegitimization of human rights defenders and organizations** advocating for Palestinian rights and calling for accountability, including through threats, targeting with notorious Pegasus spyware, travel bans, deportation and punitive residency revocation (e.g., ongoing case of HRD Salah Hammouri from Addameer).
- On 19 October 2021, Israel’s Defense Minister announced the designation of 6 leading Palestinian civil society organizations as “terrorist organizations” in the latest example of silencing opposition to its apartheid regime.
- **These laws, policies, and practices are designed to repress the ability of Palestinians to effectively oppose and challenge Israel’s apartheid regime and ensure its maintenance.**

Key Recommendations

Building upon the mounting recognition that Israel imposes an apartheid regime over the Palestinian people, we call on the Committee to:

- Recognize that Israel’s laws, policies, and practices, impose an apartheid regime against the Palestinian people—including Palestinians on both sides of the Green Line, refugees and exiles abroad—in breach of its ICCPR obligations.
- Recognize that, through the strategic fragmentation of the Palestinian people, Israel has ensured that Palestinians cannot meet, group, live together, or exercise their collective rights, particularly their rights to self-determination and permanent sovereignty over natural wealth and resources.
- Reaffirm the right of return of all Palestinian refugees and internally displaced persons to their homes, property, and land that they were forced to flee in 1948 and thereafter.

- Call for accountability and access to justice for apparent and serious violations of international law committed against the Palestinian people.
- Call on the State party and international organizations, corporate entities, financial institutions and non-profits to disengage from all activities that may render them complicit, or otherwise contributing toward serious violations of international human rights and humanitarian law, or the commission of international crimes, including those operating within illegal Israeli settler colonies in the oPt.

We urge the Committee to demand Israel to:

- Cease all measures and policies that contribute to the fragmentation of the Palestinian people, including the persistent denial of Palestinian refugee return, the ongoing closure of Jerusalem and of the Gaza Strip, the construction of the Annexation/Apartheid Wall, and the imposition of severe movement and access restrictions.
- Cease conferring public functions of the State to the WZO/JA and JNF and their affiliates, which are chartered to carry out material discrimination against non-Jewish persons, as exemplified by the latest cases of Sheikh Jarrah, Silwan, and the Naqab.
- Repeal all laws, policies, and practices enshrining racial domination and oppression.
- Ensure the right to family life by ending its demographic-manipulation laws and policies regarding family unification and child registration.
- Immediately cease all practices of intimidation and silencing of HRDs, organizations, in violation of their rights to freedom of expression and association.
- Rescind the designations of the six leading Palestinian human rights organizations as “terror organizations” both under Israeli domestic law and under military order.
- Immediately end the ongoing process to punitively revoke the residency of Palestinian HRD Salah Hammouri.