



## **Opening Statement to the Joint Oireachtas Committee on Foreign Affairs and Defence**

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### **Introduction**

Good afternoon Chairman and members of the Committee, and thank you for this opportunity to speak with you today about Amnesty International’s recently launched research report, *Israel’s Apartheid against Palestinians: Cruel System of Domination and Crime against Humanity*.

I am joined for today’s hearing by two of my colleagues. Saleh Higazi is Deputy Director of Amnesty International’s Regional Office for the Middle East and North Africa and Head of our office in East Jerusalem. Tim Hanley is Campaigns Officer at Amnesty International Ireland. We look forward to discussing our research with you in depth following this opening statement.

Our report details how Israeli authorities are enforcing a system of apartheid against all Palestinians living under their effective control. This includes Palestinians living in Israel and the Occupied Palestinian Territories (OPT), as well as Palestinian refugees in other countries. It documents how Israel treats Palestinians as an inferior racial group, segregating and oppressing them wherever it has control over their rights. Our report provides new evidence of the institutionalised nature of Israel’s oppression of Palestinians, and of how Israeli laws and policies are designed specifically to deprive Palestinians of their rights.

### **Why is Amnesty issuing this report now?**

Amnesty International adopted a global policy on the human rights violation and crime of apartheid in 2017. This has enabled us to examine potential situations of apartheid globally on a consistent basis. For example, in 2017, we released a report which found that the Myanmar government subjects the Rohingya people to a system of apartheid.

For too long, the international community has side-lined human rights when dealing with the question of Israel and the Palestinians. Palestinians experiencing the brutality of Israel’s repression have been calling for an understanding of Israel’s rule as apartheid for over two decades. Over time, a broader international recognition of Israel’s treatment of Palestinians as apartheid has begun to take shape.

Amnesty International’s findings build on a growing body of work on the question of apartheid by Palestinian, Israeli and international human rights organisations, as well as lawyers, writers and academics. 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. And more recently, research by Israeli human rights organisations Yesh Din and

B'Tselem, as well as Human Rights Watch, has contributed to a spectrum of analysis within the legal framework of apartheid.

The scale and seriousness of the violations documented in our report make it clear that the international community must drastically change its approach. It must recognise the full extent of the crimes that Israel perpetrates against the Palestinian people for what they are – apartheid. Through its failure to take any meaningful action to hold Israel to 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 these crimes with impunity. Apartheid is a crime against humanity, and the international community has an obligation to hold the perpetrators to account.

### **How does Israel's treatment of Palestinians amount to apartheid?**

The report 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.

Since its establishment in 1948, Israel has pursued a policy of establishing and then maintaining a Jewish demographic majority, and maximising control over land and resources to benefit Jewish Israelis. 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.

Our research has also documented unlawful as well as inhumane or inhuman 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, as defined in the Apartheid Convention and the Rome Statute of the International Criminal Court. We found that these constitute the crime against humanity of apartheid because they are committed in a context of systematic oppression and domination, and with the intent to maintain that system.

Amnesty acknowledges that inhuman or inhumane acts inside Israel occur to a lesser degree and in a far less violent manner than in the OPT. However, our report documents violations inside Israel which amount to inhumane acts and, in the context of the wider system of domination and oppression of Palestinians, the crime against humanity of apartheid.

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

## **OUR CALLS**

### **To the Israeli Authorities:**

Amnesty International's primary call is for Israel to end the international wrong, and crime, of apartheid by dismantling measures of fragmentation, segregation, discrimination, and

deprivation, currently in place against the Palestinian population. In our report, Amnesty provides numerous specific recommendations for how the Israeli authorities can do so.

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

The scale and seriousness of the violations documented in our report call for a drastic change in the international community's approach to the human rights crisis in Israel and the OPT. We call on the international community, including Ireland, to put pressure on Israel to end this system of oppression and domination. We call for Israeli authorities to be held accountable for committing the crime of apartheid against Palestinians, and for all those with jurisdiction over the crimes under international law committed to maintain the system of apartheid, to investigate them.

#### **To other States including Ireland:**

- Publicly recognise that international crimes, including the crime of apartheid, are being committed in Israel and the OPT.
- Do not support the system of apartheid or render aid or assistance to maintaining such a regime, and cooperate to bring an end to this unlawful situation.
- Immediately suspend the direct and indirect supply, sale or transfer, including transit and trans-shipment to Israel of all weapons, munitions and other military and security equipment, including the provision of training and other military and security assistance.
- Institute and enforce a ban on products from Israeli settlements in their markets and regulate companies domiciled in their jurisdiction in a manner to prohibit companies' operation in settlements or trade in settlements goods.
- Use all political and diplomatic tools at their disposal to ensure Israeli authorities implement the recommendations outlined in this report and ensure that human rights are central to all bilateral and multilateral agreements with the Israeli authorities, including by exercising due diligence to ensure that these do not contribute to maintaining the system of apartheid.
- Exercise universal jurisdiction in investigating any person under their jurisdiction who may reasonably be suspected of committing crimes against humanity or other crimes under international law. Ensure that all proceedings meet international standards of fairness and do not involve seeking or imposing the death penalty. There should be no time limit for prosecuting crimes against humanity, nor should immunity from prosecution or amnesties be granted for such crimes.
- Ensure that their legal and institutional frameworks enable the effective investigation and prosecution of perpetrators of the crime against humanity of apartheid.

#### **To Ireland as a member of the UN Security Council:**

- Support action to impose targeted sanctions, such as asset freezes, against Israeli officials most implicated in the crime of apartheid.
- Support action to impose a comprehensive arms embargo on Israel. The embargo should cover the direct and indirect supply, sale or transfer, including transit and trans-shipment of all weapons, munitions and other military and security equipment, including the provision of training and other military and security assistance.
- Support action to explore avenues to bring perpetrators of crimes under international law to justice, in particular if Israel itself fails to investigate and prosecute those responsible

for crimes against humanity and other human rights violations perpetrated against the Palestinian population in Israel and the OPT. This could include referring the entire situation to the ICC or establishing an international tribunal to try alleged perpetrators of international crimes.

Chairman, Deputies and Senators, apartheid is both an international wrong and a crime against humanity. When a crime against humanity is committed, the international community has an obligation to hold the perpetrators to account. We hope that by shedding more light on Israel's discriminatory system of domination over the Palestinian people, we will intensify efforts to dismantle the harmful policies and practices that prevent Palestinians from living with equal rights and dignity. This can only be achieved when the international community holds the Israeli government and other complicit parties accountable. Apartheid has no place in our world, and states which choose to make allowances for Israel will find themselves on the wrong side of history. Ultimately, Israel must dismantle the apartheid system and start treating Palestinians as human beings with equal rights and dignity. Until it does, peace and security will remain a distant prospect for Israelis and Palestinians alike.

Thank you.