

“Boycott Israel (BDS), A Moral Duty”

BACBI-Dossier N° 3: Part 1: Apartheid

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(Draft)

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Arab refugees stream from Palestine on the Lebanon Road, Nov. 4, 1948. These are Arab villagers who fled from their homes during the recent fighting in Galilee between Israel and Arab troops.
(Fred Cszaznik, copyright expired)

This year, 2017, the United Nations' partition plan for Palestine (Resolution 181 of the UN General Assembly, 29 November 1947) is 70 years old. The resolution was almost immediately followed (December of the same year) by the start of what the Palestinians since call the "*Nakba*" or "*Catastrophe*", i.e. the mass expulsion of Palestinians from their ancestral homeland, more than 500 villages being razed to the ground. Zionist paramilitaries (subsequently the Israeli army), indeed, in order to establish a Jewish-majority state in Palestine, forced between 750,000 and one million native inhabitants to flee and become refugees. Since then, the Palestinian people has been subjected to the unrelenting ethnic cleansing and dispossession of its land, wealth and culture, as well as to brutal human rights violations carried out as a matter of policy.

A recent report by a UN commission on Israel's treatment of the Palestinian people concludes "*that Israel has established an apartheid regime that dominates the Palestinian people as a whole. Aware of the seriousness of this allegation, the authors of the report conclude that available evidence establishes beyond a reasonable doubt that Israel is guilty of policies and practices that constitute the crime of apartheid as legally defined in instruments of international law*".

"The Palestinian struggle has become the leading unresolved morally symbolic struggle of our time" (Richard Falk)

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Preface (draft)

"Since 70 years the Palestinian people is ruled not only with brute force and control over life, but also with chronic humiliation, insecurity, uncertainty and deprivation, and of course exclusion, among other aspects of daily life" (Amira Hass).

The drafting of this dossier was prompted originally by the publication of the UN-ESCWA Commission's report on Israel's treatment of the Palestinian people. In their report the two rapporteurs, professors Richard Falk and Virginia Tilley, come to the conclusion that, since the Nakba, the Israeli state has established an apartheid regime, apartheid being defined by international law as the second most serious crime against humanity. The report also stresses the legal obligations of the UN member states and the moral responsibility of global civil society to put an end to it.

From the outset of its publication, UN Secretary-General António Guterres was subjected to heavy pressure and blackmail from Israel and the US who condemned the report for being *"anti-Israel propaganda"*. After a few days ESCWA was compelled by the secretary-general to remove the report from its website. From the point of view, as a consequence, of the international campaign for solidarity with the Palestinian people, it is imperative that this academic report and its recommendations are kept in the international spotlight. Starting from a number of considerations developed in two previous BACBI dossiers, I try to make a contribution to that goal.

Both in the report and in other publications, Prof. Richard Falk stresses the importance of the BDS movement in the struggle on behalf of the human rights of the Palestinian people. We should not lose sight, though, of the fact that the call for an international boycott emanates from Palestinian civil society itself. The launch of the PACBI (2004) and BDS (2005) campaigns, after the failure of the armed resistance and the charade of the diplomatic *"peace process"*, represents an important paradigm shift on the part of the Palestinian associational community vis-à-vis the unabated oppression by the Israeli colonizer. Instead of an unequal and desperate confrontation with a military and political superpower unconditionally supported by the US, Palestinian civil society opted for a *"soft power"* strategy with the launch of a global solidarity movement based on the principles of international humanitarian law. As a result, Palestinian resistance has shifted into a *"Legitimacy War"* (expression used by Richard Falk), i.e. a confrontation between the legitimacy of the struggle of an oppressed people for equality, justice and self-determination, on the one hand, and the specious legitimacy of a colonialist regime of aggression, racism and daily violations of international law, on the other hand.

Presently, Israel's diplomatic successes notwithstanding, the Palestinians appear to be winning this *"war"* for legitimacy in the world public opinion. As was the case with South Africa, the external pressure from the growing global solidarity movement should help induce the Israeli state to make fundamental changes in its colonial policies. The stronger the BDS movement, the more likely it is that, in the future, this turnaround will take place.

The fact that, at the moment, this perspective seems completely utopian, should not in any way discourage us. In South Africa too the end of apartheid seemed totally unthinkable in advance. In the case of Palestinians and Israelis, as well, the impossible is indeed possible and the two peoples will end up, one day, coexisting peacefully and on an equal footing.

The legitimate criticism of Israel's anti-Palestinian policies is met with accusations of "antisemitism". When, moreover, that criticism is combined with a plea for BDS, these accusations very often take a highly emotional if not hysterical turn, as if the very existence of the Israeli state is being called into question. Making use of orchestrated agitation, intimidation, and even aggression, this kind of slander can result in an infringement of the right to freedom of speech. It is the case when pro-Israel lobbying groups succeed in winning the support of the political establishment in the West, most of all in the US .

Our approach in this dossier is a morally "*committed*" one. It refuses to treat the confrontation between "*Israel*" and "*Palestine*" as being a "*conflict*" between two more or less equal antagonists, whose responsibilities would be comparable. Between a colonialist occupier and an occupied and subjugated people, there is a fundamental imbalance that from the outset must be respected, and the same goes for the criminal violence of the former and the legitimate resistance of the latter. Taking a moral as well as a legal point of view, the present argument stands up for the oppressed and his struggle for justice.

This dossier is not meant to be (merely) a call to boycott the State of Israel (it is too long, anyway). It intends, to the contrary, to develop the case of the boycott campaign as exhaustively as feasible, paying also attention to objections brought against it. All of us being humans (and not a platonic Intellect conceiving in one time a complex reality in its totality), I have to rely on a discursive presentation. Repetitions, as a consequence, are unavoidable. I apologize to the reader.

This exposé, finally, does not make scientific claims. Even the layman and "*amateur*", however, may deliver a useful contribution to the debate, provided he/she is working conscientiously and with truthfulness.

I am very grateful to Sue Blackwell for her generous help with proof-reading. All mistakes, however, are completely mine.

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"Moral judgements of historical events are very important. But first, you need the facts. You mustn't start with a moral, value-laden attitude to past events. In the first instance, establish what happened. The moral judgements must come later" (Moshé Machover).

1. Oppression and Violence

Preliminary.

This year, 2017, marks 100 years of the calamitous « *Balfour Declaration* ». The British imperial government, in a letter intended for the British Zionist Federation, pledged its support for the establishment of a Jewish "*national home*" in Palestine.¹ The Declaration was a classic colonial document that disregarded the national aspirations of the native population² and their right to self-determination. The Zionist project itself, from its very inception, aimed at the establishment of an exclusive Jewish nation-state in one of the European colonies. However, since it was not a national project, supported by one of the existing nations, the project could only be implemented by arrangement with the great powers of the day.³ Balfour's declaration, based as it was upon various considerations (political, ideological, religious...), fitted that bill perfectly, the more so since it was followed by the successful outcome of WW I and the establishment by the League of Nations of Britain's Mandate of Palestine. The Declaration, indeed, incorporated "Palestine" with its Zionist project into the British Empire. No less important, the world's greatest power, the British Empire, bestowed international recognition and legitimacy on the Zionist movement's settler-colonialist objectives for Palestine.

The following twenty years, under the Mandate, the infrastructure of the future state of Israel would be laid behind the shield of British protection and repression. At the end of the period, in 1948, all was set for the ethnic cleansing of Palestine and the establishment of the State of Israel. Even while British troops were still present, Palestinian civilians were expelled from their homes and eventually massacred in vile terror attacks. Conclusion: whatever the difficulties, whatever the later disagreements between the Zionists and the

¹ The "declaration" (one long sentence of 67 words) announced that "*His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object...*". For the full text see e.g. "*The Balfour Project*", via <http://www.balfourproject.org/the-balfour-declaration/>. See Addendum 1, in Part 2.

² "*By the end of 1918, Arab political activists in the Holy Land spoke of 'Palestine for the Palestinians', and the first Palestinian nationalist organizations were founded*", so James Renton, "*The Balfour Declaration's Deep anti-Semitism and Racism - and Why It Still Matters*" (Haaretz, Oct 24, 2017), <https://www.haaretz.com/opinion/.premium-1.819174>.

³ The first Zionist Congress (Basel, 1897), under the chairmanship of Theodore Herzl, declared: "*Zionism aims at establishing for the Jewish people a publicly and legally assured home (Heimstätte) in Palestine*". However, in his diaries Herzl wrote: "*At Basel I founded the Jewish State*". See: David Gerald Fincham, "*Understanding the Jewish National Home*" (Mondoweiss, April 17, 2017), <http://mondoweiss.net/2015/04/understanding-jewish-national/>. Cf. the same Herzl, in 1896: "*The Society of Jews will treat with the present masters of the land, putting itself under the protectorate of the European Powers ...*".

British, "the Jewish National Home in Palestine developed under British auspices and consent".⁴

1.1. The same year, 2017, also the United Nations' partition plan for Palestine is 70 years old.⁵ The acceptance of Resolution 181 of the UN General Assembly, 29 November 1947, was followed almost immediately (in December 1947) by the onset of what the Palestinians would call the "*Nakba*" ("*Catastrophe*"), being the mass displacement of 80 percent of the native-born population from their ancestral homeland for the sake of establishing a "*Jewish*" settler-state in as much of historical Palestine as was politically possible.

Neither the Palestinian resistance groups⁶ nor the (feeble) Arab forces coming to their aid could contend with the well-equipped and trained Jewish forces of the formal army, the Haganah, and its terrorist auxiliaries of the Irgun and the Lechi (called the Stern Gang by the British).⁷ Through the force of arms and unbridled violence (including: the depopulation and razing of hundreds of villages, executions and massacres, acts of rape,⁸ etc.) some 750,000 Palestinians: elders, men, women and children, were expelled or caused to flee and become stateless refugees.⁹ For those who managed to remain (approximately

⁴ Thus Prof. Norman Rose (Hebrew U.), in a letter to Haaretz (Oct 24), <https://www.haaretz.com/opinion/letters/1.818663>. He dismisses what he calls the "*fanciful*" views of Haaretz contributor Anshel Pfeffer, according to whom the Zionists have been betrayed by Britain.

⁵ Cf. Akiva Eldar, "*70 years on, Israel continues to ignore UN partition plan*" (Al-Monitor, Nov 28, 2017), via <https://www.al-monitor.com/pulse/originals/2017/11/israel-1947-un-partition-plan-two-state-solution-palestine.html>.

⁶ Their legendary commander was Abd al-Qadir al-Husseini (born 1910), leader of the Arab military force in the Jerusalem area. The infamous mufti of Jerusalem, Haj Amin al-Husseini, was his nuncle. Abd al-Qadir first achieved renown during the so-called Arab Revolt of 1936, when he established the Holy Jihad group, consisting of young Arabs from villages in the Jerusalem area. He was killed April 8, 1948, at the battle for the village Al-Qastel. See: Nir Hasson: "*A Fight to the Death, and Betrayal by the Arab World: The Most Disastrous 24 Hours in Palestinian History*" (Haaretz, Jan 4, 2018), via <https://www.haaretz.com/middle-east-news/palestinians/.premium-1.833130>.

⁷ Taken together the Zionist militias amounted to some 100,000 troops; the Palestinian and Arab forces to some 27,000 (according to US sources), cf. Lucas Catherine, "*Palestina*" (2017), pp. 105-106.

⁸ The well-known Israeli historian Benny Morris: "*What the new material shows is that there were far more Israeli acts of massacre than I had previously thought. To my surprise, there were also many cases of rape... Without the uprooting of the Palestinians, a Jewish state would not have arisen here.*", in: Ari Shavit, "*Survival of the Fittest*", (Haaretz, Jan 8, 2004), <https://www.haaretz.com/survival-of-the-fittest-1.61345>.

⁹ See the authoritative book of another Israeli "*new-historian*" Ilan Pappé (now an exile, working at the Exeter University in the UK): "*The Ethnic Cleansing of Palestine*" (2006). One of the many massacres meant to struck the Palestinian population with panic and make them flee, was that of Deir Yassin, a village of some 600 inhabitants, outside the territory granted to the Jews by the UN. At the dawn of April 9, 1948, commandos from the terrorist Irgun (led by Menachim Begin, later prime minister) and Stern Gang (led by Yitzhak Shamir, later prime minister) militias invaded the village and wrought a bloodbath. Deir Yassin was afterwards wiped off the map as well. See: Matthew Hogan, "*The 1948 Massacre at Deir Yassin Revisited*", via <https://www.deiryassin.org/mh2001.html>; Pappé, o.c., pp. 90-92. PS Begin would later have commented: "*Deir Yassin massacre was not only necessary, but without it the state of Israel could not have emerged*" (<https://www.inspiringquotes.us/author/7111-menachem-begin>).

150,000 people), it meant the imposition of martial law over them; the young Israeli state seized the opportunity to appropriate ever more land.¹⁰

Twenty years later, June 1967, in barely 6 days Israel conquered the rest of historical Palestine: the West Bank (in French: "*la Cisjordanie*", i.e. the territory between the River Jordan and the "*Green Line*" of the 1949 armistices), East Jerusalem (with the Old City), the Gaza Strip and the Golan Heights. During this "*Naksa*" (the word means "*setback*" or "*relapse*"), together with the loss of the last 22% of historical Palestine, some additional 300,000 Palestinians (half of them refugees who had been displaced in 1947-49) were forced to flee, most of them to (Trans)Jordan.¹¹ In a way comparable to what happened in the *Nakba*, this time too the Israeli armed forces

"used tactics violating basic principles of international humanitarian and human rights law: attacks on civilians, massacres and other atrocities; expulsion; and destruction and looting of property".¹²

Because of the forcible establishment of a settler-colonialist Israeli "*Jewish*" state the autochthonous Palestinian people has been, in fact still is, subjected to a continuing process of ethnic cleansing and displacement, of the dispossession of its land, its cities, its geography and natural resources, its wealth and treasures, its history and culture and an open relationship with the rest of the Arab world. In the words of Susan Abulhawa:¹³

"(What happened was) the usurping of an entire country, complete with books, homes, villas, languages, religious traditions, native foods, dance, and customs... What Western media refer to as a conflict is, in fact, the destruction of an entire people; the erasure of their history; the removal of a distinct and named geographic and sociocultural space that has existed since early antiquity."

Presently, although under Article 4 of the Fourth Geneva Convention they have the status of "*protected persons*", the Palestinians are constantly confronted with human rights abuses carried out by the colonial ruler as a matter of policy.¹⁴ They continue to be a nation dispersed through the force of arms: either living as discriminated second-class citizens in

¹⁰ See: Stephen Lendman, "*Israel's Discriminatory Land Policies*" (Global Research, July 31, 2009), via <http://www.globalresearch.ca/israel-s-discriminatory-land-policies/14579>. The so-called "*Absentees' Property Law*" of 1950 seized the assets of all Palestinian refugees (according to this law assets belonging to a person who moved to an enemy state are rightfully taken over by the state). At the same time, internally displaced Palestinians were transformed into "*present-absentees*". Their land too was confiscated and handed over to the semi-official "*Jewish National Fund*". A total of 93% of all land was finally "*judaised*" and reserved for Jews exclusively. Since 1960 its management is assigned to the Israel Land Authority. The fifth of the country's population, being Palestinian, are since confined to less than three percent of Israel's territory.

¹¹ Cf. the yearly commemoration of the "*Naksa Day*" (5 June). See now: Ilan Pappé, "*The Biggest Prison on Earth. A History of the Occupied Territories*" (2017).

¹² See: "*From the 1948 Nakba to the 1967 Naksa*" (BADIL, Occasional Bulletin Nr 18, June 2004), via http://www.badil.org/phocadownloadpap/Badil_docs/bulletins-and-briefs/Bulletin-18.pdf.

¹³ Susan Abulhawa, "*Occupied Words: On Israel's colonial narrative*" (Al-Jazeera, 27 Oct 2015), via <http://www.aljazeera.com/news/2015/10/occupied-words-israel-colonial-narrative-151026115848584.html>.

¹⁴ Human Rights Watch: "*Israel: 50 Years of Occupation Abuses*" (HRW, June 4, 2017), via <https://www.hrw.org/news/2017/06/04/israel-50-years-occupation-abuses>.

the State of Israel, regularly threatened with being "*transferred*"; as a loose collectivity of some 200 enclaves almost completely cut off from the outside world (as prisoners without visiting rights) and directly or indirectly under Israeli military control in the Occupied Territories; as refugees in more than fifty overcrowded camps in the West Bank, the Gaza Strip and the surrounding Arab countries; or as involuntary exiles in the rest of the world. The refugees, in particular, although the native inhabitants of the country, were not and still are not allowed to return to their homeland because of not being "*Jewish*".¹⁵ With the racist "*Law of Return*" of 1950 and the "*Nationality Law*" of 1952 they were deprived of the citizenship they held under the Ottoman administration and the British Mandate, and have been turned into stateless persons.

1.2. The cultural, social, economical and political situation today of the Palestinian people is one of dispossession in the broad sense of the term. Once again in the words of authoress Susan Abulhawa:

"(The Palestinians) have no political power, no clout. They are a besieged, controlled, oppressed, exiled and imprisoned people with no real defenses against a racist state that has been explicit in its outrage and contempt for Palestinian existence".

Palestinians living in the West Bank, especially (but not exclusively) those in Zone C, amounting to 60% of the territory (see below, ch. 4.4), are constantly (day and night) at the mercy of a military governance called quite cynically the "*Civil Administration*".¹⁶ Since the start of the occupation the Israeli military command issued hundreds and hundreds of "*military orders*". There being no space for civil laws and rights under a military occupation, the orders aim to dictatorially control, regulate and discipline every aspect of Palestinian life. Israel's goal, indeed, was (and still is) a *permanent*, comprehensive dominion over all of the West Bank and East Jerusalem. The "*peace process*" of many years was just a charade made palatable to the other side under the formula that Israel's withdrawal from the Occupied Territories

*"would only be possible after a comprehensive peace agreement had been reached. This would become the official Israeli and American position for years to come, thwarting any real chance for peace and reconciliation, and allowing the Israelis to continue with their policies in practice under the pretext that as long as peace had not been achieved they were committed to their security, which meant settlements, military rule and control."*¹⁷

¹⁵ Art. 13 of the Universal Declaration of Human Rights includes the right for refugees to return to their homes. That right has been ratified for the sake of the Palestinian refugees with Resolution 194 (III) para. 11 (27 Nov 1948) of the UN General Assembly. It was repeatedly reaffirmed in subsequent sessions of the General Assembly (e.g. A/RES 69/89, Dec 5, 2014). The Israeli "*Law of Return*" of 1952, while robbing the Palestinian refugees from the right to return to their homes, grants full citizenship to every "*Jew*" in the world who "*returns*" (makes "*aliyah*"), whatever his or her nationality and personal history.

¹⁶ Despite its name, the Israeli Civil Administration is a branch of the military Coordinator of Government Activities in the Territories (COGAT), the latter being the military agency responsible for enforcing Israeli government policies in the occupied Palestinian territories.

¹⁷ Pappé, "*The Biggest Prison on Earth*" (2017), p. 68.

Until that time there could be nor can be any room for substantial negotiations over equality of rights or granting Palestinians self-determination and freedom. Sui generis the coloniser very well, they are condemned to remain bereft of civil and political rights and continue living under military control and oppression.

In such circumstances any expression of criticism or, worse, of resistance against the occupation regime was (and still is) liable to be persecuted and prosecuted before a military court (in the case of minors, if feasible: before a juvenile military court).¹⁸ This applies to any public protest, in particular to demonstrations against Israel's colonialist policies. In the words of an international report:¹⁹

"Military Order 101 prohibits virtually all protest activity, including vigils, processions, publications, and even personal items expressing a political viewpoint. The Order even goes so far as to state that 'any person who attempts, orally or in another manner, to influence public opinion in the region in a manner that is liable to harm public safety or public order will be charged with violating this Order.'"²⁰ The unfettered power of the military to regulate demonstrations combined with the extent of the material and activities that are outlawed entirely means that virtually all protest in the region is illegal. West Bank residents have barely any right to freedom of expression and demonstrators are arrested and jailed in nearly every case, even when protests are entirely peaceful."

What needs to be stressed here, meanwhile, is that Israel's repressive implementation of its proclaimed concern for "public safety" and "public order" does not apply to the hundreds of thousands (between 650,000 and 700,000) of Jewish colonists (or settlers) illegally established in Palestine's occupied territory. Only very rarely, in fact, are colonists called to order by the IDF or the police because of attacks and aggressions against Palestinian farmers and shepherds, wanton damages, theft of crops, harassment, etc.:

¹⁸ The percentage of convictions before these tribunals is no less than 99,7%. For the dealings in military courts see Meredith McBride, "Separate and Unequal: Inside Israel's Military Courts, Where the Only Defendants are Palestinians" (Haaretz, March 28), via <http://www.haaretz.com/opinion/.premium-1.779748>.

¹⁹ "Take back the streets". *Repression and criminalization of protest around the world.* Report by the International Network of Civil Liberties Organizations (Oct 09, 2013, 35p.), pp. 10-16: "Israel. The Case of Bassem Tamimi", via <https://www.scribd.com/document/174756958/Take-back-the-streets>. Also: Michael Schaeffer Omer-Man, "Fighting for the right to protest in a land with no rights" (+972, Oct 9, 2013), via <https://972mag.com/fighting-for-the-right-to-protest-in-a-land-with-no-rights/80177/>.

²⁰ E.g. the teenager, Ahd Tamimi, (17y.), because of having confronted two soldiers, was charged in an Israeli military court (Jan 1, 2018) with multiple allegations, including "attempting to influence public opinion in the region." See: Hagai El-Ad (dir. B'Tselem), "Israel's Show Trial of Ahd Tamimi. The Palestinian girl is not a citizen of a democratic country; Israeli law does not apply in the West Bank. What avenue does she have left except revolutionary action against the tyrannical regime that controls her life?" (Haaretz, Jan 4), via <https://www.haaretz.com/opinion/.premium-1.832938>. Joshua Leifer, "Ahd Tamimi's lawyer: Her case is making people see the occupation again" (interview with Ahd's attorney, +972, Jan 5), via <https://972mag.com/ahd-tamimis-lawyer-her-case-is-making-people-see-the-occupation-again/132189/>. March 21, 2018, she was sentenced, under a plea agreement, to 8 months in jail (plus a 3-year suspended sentence, and pay \$1,400 USD), see: B'Tselem: "Ahd Tamimi's forced plea bargain clearly illustrates role of military juvenile court: Protecting the occupation, not Palestinian minors" (21 March): via https://www.btselem.org/press_releases/20180321_ahd_tamimis_forced_plea_bargain.

*"Military Orders apply only to Palestinian residents of the West Bank and Gaza Strip, not to the illegal Israeli settlers living in these areas. They thus form a central pillar of the Apartheid-like system of discrimination in place in the Occupied Palestinian Territories."*²¹

At the time of the Second Intifada (started in September 2000, two months after the collapse of the Camp David talks), the colonial army made an important policy shift in its daily governance of the occupied territories. The legal framework until then had been one of *policing* the population aiming at restoring public order. It was replaced by a paradigm of (almost) *warfare*.²² In other words, the framework to preserve control over a subjugated population was redefined as an "*armed conflict short of war*", a concept not found in international humanitarian law. This decisive shift of policy – focussed on "*the infinite perpetuation of the apartheid*" (Gideon Levy) - facilitated the introduction of a host of novel militarised repressive practices: e.g. targeted and extrajudicial killings, the deployment of snipers using live fire against unarmed demonstrators, the use of weapons of war against civilian populations, etc. Civilian deaths in this new framework could become "*routine*". I quote Mayaan Geva:

*"One of the crucial implications of the shift to a legal framework nearing war in the West Bank and Gaza is that civilian deaths were no longer the exception to the rule, as they were in the context of law enforcement ... it meant that civilian death was a structural result of policy rather than an exception that should be investigated".*²³

She points also to the international context of the past 9/11 "war on terror" (p. 37):

"As the philosopher Alain Badiou (2002) notes, the September 11 attacks marked a fundamental transition from the colonial past, when governments spoke of 'police action' or 'security measures', to the language of war. The discursive logic guiding the transition from the state of policing to that of warfare in Israel/Palestine is the same logic suggested by the 'war on terror', or by Theresa May's pre-election commitment to 'rip up human rights laws' as means of dealing with the threats of terrorism."

The senseless horror and dehumanisation going inevitably together with "warfare" against unarmed civilians was recently exposed in broad daylight with the murder of Gazan Ibrahim Abu Thurayeh (29 years old), a double amputee from a 2008 Israeli bombing. Waving with a Palestinian flag and posted behind the border fence, far away from well-armed Israeli soldiers (stationed on military towers and in tanks across the border fence), on Friday December 15 Ibrahim was shot in the head by an Israeli sniper. He was one of a

²¹ American Muslims for Palestine, "Military Courts and Orders", via <https://www.ampalestine.org/palestine-101/key-topics/arrests-and-detentions/military-courts-and-orders>. Also: Addameer, "The Military Court System" (July 2017), http://www.addameer.org/israeli_military_judicial_system/military_courts.

²² So the British researcher Maayan Geva, in: "From policing to warfare: the Israeli governance of the West Bank and Gaza" (British Society of Criminology Newsletter No. 80, Summer 2017), via https://www.academia.edu/33849836/From_policing_to_warfare_the_Israeli_governance_of_the_West_Bank_and_Gaza_British_Society_of_Criminology_Newsletter_No._80_Summer_2017?auto=download.

²³ Ibid., p.39. See Ma'an News Agency, Dec 23: "Shalash is the 13th Palestinian - 11 of whom were from Gaza - to have been killed by Israeli forces since the announcement [sc. re the status of Jerusalem]", via <http://www.maannews.com/Content.aspx?id=779678>.

dozen already killed up to that moment while protesting against Trump's recognition of Jerusalem as Israel's capital.²⁴

1.3. In the words of Hagai El-Ad, executive director of "*B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories*", Israel's military rule over the unarmed population of Palestine is implemented

*"in a cruel daily routine of dispossession, destruction, killing and subjugation of the Palestinians, every minute of every day for half a century, at their Israeli masters' whim."*²⁵

It would be a mistake, though, to dismiss this "*cruel routine*" as being due to just a (regrettable but irresistible) streak of sadistic irrationality. There *is* some "*reason in this madness*" since it is the result of a well-considered political strategy. It was already discussed by Israel's leadership immediately after the victorious 1967 Six Day War. The two fundamental questions to be solved were: (a) what would be the fate of the conquered territories? and (b) what to do with their population? Very early on they were answered in favour of:

(a) a *permanent* rule over "*the heart of the ancient homeland*", and

(b) no large-scale expulsion of the natives (contrary to what had happened in 1948) but they would not be granted citizenship.²⁶

One of the key prerequisites for a lasting success of this kind of colonialist enterprise can be summarised in: "*total control*". In the past 50 years Israel's political and military elite focused for that reason on perfecting its system of control over the subjugated population in the Gaza Strip and the West Bank. The necessary means and tools for it, like: intellectual, scientific and technological knowledge, military and security techniques and knowhow, intelligence systems, high tech weaponry (e.g. battle drones), etc., are mostly delivered by Israel's own universities (the *Technion* in Haifa being the most outstanding among them). Their departments and faculty work closely with the army and the Ministry of Defence and also with the arms industries. However, short of a sustained mass genocide (as was the case e.g. with the Native Americans in the US, the Armenians under the Ottomans, the Jews in Europe, the genocidal policies in former Yugoslavia, in Rwanda, in Darfur...) ²⁷ and being

²⁴ E.g. Mairav Zonszein, "In Gaza, Israel is shooting fish in a barrel" (+972, Dec 16), <https://972mag.com/in-gaza-israel-is-shooting-fish-in-a-barrel/131607/> : "A man with no legs, shot in the head, is the perfectly harrowing metaphor for life in Gaza, and for Palestinians on a whole. Helpless, Static. Stunted." And the death list is continuously growing. 17 year old Mosaab Faris Al Tamimi, from Deir Nitham, near Ramallah, became the first victim of 2018...

²⁵ "B'Tselem Doesn't Take Orders From Netanyahu. Nor Does the World" (Haaretz, April 26, 2017), <http://www.haaretz.com/opinion/.premium-1.785801>.

²⁶ Cf. Ilan Pappé, "*The Biggest Prison on Earth*" (2017), Ch. 2: "*Devising the Mega-Prison*", p. 46. PS Pappé's book relies heavily on Israeli State Archives, in particular on the government meetings.

²⁷ Nonetheless, Israel's thorough and systematic dispossession of Palestine and its people demands to be qualified (and condemned) as (incremental) genocide. See: "*The Genocide of the Palestinian People: An International Law and Human Rights Perspective*" (Center for Constitutional Rights, 25 Aug, 2016) via <https://ccrjustice.org/genocide-palestinian-people-international-law-and-human-rights-perspective>.

confronted with the Palestinians’ steadfastness and resilience, the Israelis feel threatened by the presence of the native population. Even behind the Apartheid Wall, barriers, checkpoints etc. and having at their disposal one of the best equipped armies in the world, they feel committed to ensure by all means that the Palestinians remain weak and powerless and continue to live in constant fear and despondency.²⁸ To safeguard Israel’s “security” its deterrence capabilities must be demonstrated continuously. Hence the routine of military and security aggressions aimed at “lowering the heads” of the Palestinians. In the words of ex-soldier Yehuda Shaul:²⁹

“Patrols at all hours of the day and night throughout the streets of Palestinian cities, raids in arbitrarily chosen civilian homes, checkpoints in the heart of densely populated Palestinian areas – all these activities are designed to show the Palestinian population that Israeli soldiers are always present in every place, and to create a sense of persecution. Other operations, like curfews on a village or the arrest of all the men in it for an undefined period of time, allow for the entrenchment of fear in the population, and with it the strengthening of control over them.”

The successive murderous operations against the Gaza Strip represent the extreme form of this same strategy. As is known, in the case of Gaza senior IDF officers nicknamed it as “cutting the grass”.

Presently, during the unabated protests in Gaza, Jerusalem and the West Bank against the American recognition of Jerusalem as Israel’s capital (president Trump on Dec 6th 2017), scores of Palestinians: both children and adults, are seriously injured if not killed because of being shot at (not exceptionally in the face) with teargas canisters rubber-coated steel bullets and more and more often live fire. For example on Friday, Dec 22, according to the Palestine Red Crescent Society, nearly 700 Palestinians were injured during protests in the West Bank and Gaza Strip, 65 of them by live fire, more than 100 with rubber-coated

²⁸ It explains the general uproar in Israel (the Minister of Education e.g. required that she should be sentenced to life imprisonment) because of the bold behaviour of the Palestinian girl (16 y. old) Ahed Tamimi, in the village of Nabi Saleh. Friday Dec 15, after half an hour earlier a soldier had shot Ahed’s 14-year-old cousin in the face at close distance with a rubber coated steel bullet, causing severe injuries and leaving him in a coma. Together with her niece Nur, she tried to push two soldiers out of the courtyard of the family house — cursing and shoving even kicking and slapping them. Most important was that the whole incident was videoed by Ahed’s mother, Nariman, and that the video was circulated widely, also in Israel. Among the many articles, see e.g. Yael Marom: “Army arrests Palestinian teen for hurting soldiers’ masculinity” (+972, Dec 19): <https://972mag.com/army-arrests-palestinian-teen-for-hurting-soldiers-masculinity/131697/> For being completely unafraid of her aggressors (born in a family of activists, she started protesting against the occupation since she was hardly 7), Ahed is a threat to Israel’s entire system of power. No wonder, she was forcibly apprehended in a nightly raid (no in daylight) and abducted. Having been dragged from one prison to another, she was finally indicted on Jan 1, on five counts of assaulting security forces, for throwing stones and for incitement. Her mother, Nariman Tamimi, too is being charged for incitement on social media. See: Yotam Berger and Yaniv Kubovich, “Ahed Tamimi, Palestinian teen who slapped Israeli soldier, charged with assault” (Haaretz, via Medium, Jan 1), via <https://medium.com/@thepalestineproject/ahed-tamimi-palestinian-teen-who-slapped-israeli-soldier-charged-with-assault-17659644d172>.

²⁹ See the article by Yehuda Shaul (one of the founders of the organisation “Breaking the Silence”), “Conflict in Gaza is all part of Israel’s indirect system of control over Palestinians. 2014’s Operation Protective Edge was just the latest in a long list of operations used by the IDF to “cut the grass” in the region” (The New Statesman, May 26, 2015), via <https://www.newstatesman.com/politics/2015/05/conflict-gaza-part-israel-s-indirect-system-control-over-palestinians>.

bullets, and nearly 450 by gas. Medics and journalists too are assaulted.³⁰ The most gruesome killing, of course, was that of Ibrahim Abu Thurayeh, a man of 29 years who had lost both his legs in 2008 during an Israeli air strike on his refugee camp. In his wheelchair brandishing a Palestinian flag and shouting at the soldiers, he was killed by a sniper with a shot in the head (Friday, Dec 15):

*"The IDF 'selectively' chose to shoot a man behind a fence — a man who cannot run, who appeared only to be armed with a flag and his voice. Abu Thurayeh is the perfectly harrowing metaphor for the state of life for Palestinians in Gaza, and for Palestinians on a whole. Helpless. Static. Stunted."*³¹

In truth, though, this kind of murderous and arbitrary violence is not new: it dates in fact from the start of the military occupation of the West Bank and the Gaza Strip. According to Ilan Pappé,

*"about fifteen thousand Palestinians have been killed 'unlawfully' by Israel since 1967. Among them were two thousand children".*³²

The Israeli army (IDF – so-called "Defense" better: "Occupation Forces"), the Israel Police with the paramilitary Border Police, the Security Agency (Shin Bet, or Shabak)³³ and the Israel Prison Service (IPS), i.e. Israel's entire apparatus of repression, is guilty, "every minute of every day", of systemic violations of international and humanitarian law. Armed with the most advanced military technology in the world (tested in the occupied territories), the Israeli state has managed to turn military dictatorship into a regular feature rather than an aberration, of its Palestinian policies. One could say that Israel today has perfected the art of occupation and securitisation (no wonder, population control techniques and "security" services are its main high-tech military exports).³⁴

Palestinian children– those "little snakes", as Ayelet Shaked (presently Minister of Justice) called them on Facebook³⁵ - are increasingly targeted by Israel's ruthless repression

³⁰ Cf. Maureen Clare Murphy, "Israeli forces kill protesters, assault journalists and medics" (EI, Dec 22), via <https://electronicintifada.net/blogs/maureen-clare-murphy/israeli-forces-kill-protesters-assault-journalists-and-medics>.

³¹ Mairav Zonszein, "In Gaza, Israel is shooting fish in a barrel" (+972, Dec 16), via <https://972mag.com/in-gaza-israel-is-shooting-fish-in-a-barrel/131607/>. According to the Ministry of Health in Gaza the Israeli occupation forces (IOF) deliberately target Gazan demonstrators with sniper fire, via <https://english.palinfo.com/news/2017/12/16/Ministry-IOF-snipers-deliberately-target-civilians-in-Gaza-protests>.

³² Ilan Pappé, "No, Israel Is Not a Democracy" (Jacobin, May 5, 2017), <https://jacobinmag.com/2017/05/israel-palestine-democracy-apartheid-discrimination-settler-colonialism>.

³³ "Shin Bet", Haaretz.com, <http://www.haaretz.com/misc/tags/shin-bet-1.477755>.

³⁴ See now: Shir Hever: "The Privatization of Israeli Security". Pluto Press, Nov 2017: "Between 1994-2014, Israel's security service was transformed, becoming one of the most extreme examples of privatised security in the world. This book is an investigation into this period and the conditions that created 'Occupation Inc.': the institution of a private military-security-industrial complex."

³⁵ Her posting (in Hebrew) was later removed: "...the mothers of the martyrs, who send them to hell with flowers and kisses. They should follow their sons, nothing would be more just. They should go, as should the physical homes in which they raised the snakes. Otherwise, more little snakes will be raised there" (the full text, in Hebrew as well as in translation, on EI: Ali Abunimah, "Israeli lawmaker's call for genocide of Palestinians

practices. Official statistics show that 45.5 per cent of the Palestinians in the occupied West Bank, Gaza Strip and Jerusalem are under the age of 18. Throwing stones being the only (desperate) way for them to express their hatred of the occupation, children and minors not only are routinely tear-gassed³⁶ but they are also shot at: with tear-gas canisters, rubber-coated or sponge-tipped steel bullets (in practice far from non-lethal) but also with live fire.³⁷ In 2016, no fewer than 35 children were killed by the army, the Border Police or by settlers, making it so far the most deadly year for Palestinian children in the last ten years. During this "war against children" since 28 September 2000, when the Second Intifada began, until the end of April 2017, Israeli forces killed more than 3,000 children.³⁸ The Palestinian Ministry of Information, in a report released May 31, 2017, added that in that same period the armed forces have injured more than 13,000 children. Finally, the second week of 2018, Israeli forces killed already 3 children.³⁹

In "normal" daily life, there is no respect at all for schools and their pupils. Human Rights organisation B'Tselem, for example, reports over the "casual" harassment by soldiers in Hebron (in the Wadi a-Nasarah neighbourhood against school children and their teachers, not far from the entrance of their school. On their way to school and from school, children are threatened and intimidated, chased and photographed if not detained, disrupting their routine studies.⁴⁰

"Since 2015, some 30 students have been stopped and detained on their way to or from school, on the alleged grounds that they were involved in throwing stones... The soldiers' presence impairs the children's ability to study, influences their achievements, and prevents any possibility of maintaining a reasonable routine in the school. Such events also distress the students' parents, who are unable to influence what happens to their children on their way to and from school."

gets thousands of Facebook likes" (EI, 7 July 2014), via <https://electronicintifada.net/blogs/ali-abunimah/israeli-lawmakers-call-genocide-palestinians-gets-thousands-facebook-likes>.)

³⁶ See: Ibrahim Huseini & Liam O'Hare, "'Devastating': Israeli tear gas' effect on Palestinians" (Al-Jazeera, Dec 26, 2017), via <http://www.aljazeera.com/news/2017/12/world-exposed-place-tear-gas-palestine-171226141202232.html> : "It is clear that the psychological impact on young people [of the widespread, indiscriminate and frequent use of tear gas] is significant and that the development and educational prospects of children are being affected". The article is based on a recent study from UC Berkeley Law, Human Rights Center, Jan 2018: "No Safe Space - Health Consequences of Tear Gas Exposure Among Palestine Refugees", via <https://www.law.berkeley.edu/research/human-rights-center/programs/no-safe-space/> (pdf, 42p.).

³⁷ Two recent examples: "Hamed ... Palestinian boy hit by Israeli bullet in the face" (Palestine Information Center, Dec 18, 2017), <https://english.palinfo.com/news/2017/12/18/Hamed-Palestinian-boy-hit-by-Israeli-bullet-in-the-face> ; Jacclyn Ashley, "Palestinian teen in coma after shot [in the face] with rubber bullet" (Al-Jazeera, Dec 18, 2017), <http://www.aljazeera.com/news/2017/12/palestinian-teen-coma-shot-rubber-bullet-171217210649934.html> .

³⁸ "Between early 2000 and 15 February this year, the [Palestinian] ministry pointed out, Israel killed 2,069 Palestinian children", in: "PA accuses Israel of war against Palestinian children" (MEMO, April 4, 2017), via: <https://www.middleeastmonitor.com/20170404-pa-accuses-israel-of-war-against-palestinian-children/>

³⁹ Maureen Clare Murphy, "Israel has already killed three Palestinian children in 2018" (EI, 13 Jan, 2018), <https://electronicintifada.net/blogs/maureen-clare-murphy/israel-has-already-killed-three-palestinian-children-2018> . An

⁴⁰ See B'Tselem (Dec 4, 2017), "Occupation routine in Hebron: Soldiers harass teachers and children at school", via http://www.btselem.org/video/20171204_soldiers_harass_teachers_and_children_at_hebron_school#full

Alarming too, since a couple of years, is the growing number of arrests and the heavy sentences against minors (sometimes barely 12 or 13 years old).⁴¹ According to the *Former Detainees Coalition*, for example, between October 2015 and September 2016 the occupation forces arrested 2,320 Palestinian children, 300 of whom were still in Israeli prisons.⁴² In 2017, the number of child arrests substantially further increased since the start of the presidency of Donald Trump (giving free rein to Israeli policies) and, ever further, with the demonstrations and protests in the West Bank and the Gaza border against Trump’s recognition of Jerusalem as the capital of Israel. According to the human rights organization Defense for Children International – Palestine (DCIP) between Dec. 6 2017 and Dec. 19, 77 children under the age of 18 had been imprisoned, double the numbers from the previous month. At the same time, living conditions for children in Israeli detainment continued to worsen as well: according to the PLO’s Prisoners’ Affairs Commission, dozens of youths detained in Ofer prison were “*subject to barbaric attacks and brutality during their detention and interrogation process.*”⁴³ Not surprisingly, January 12, the EU and EU Missions in Jerusalem and Ramallah expressed deep concern over the condition of two minors who were detained and prosecuted by the Israeli authorities.⁴⁴

B’Tselem spokesperson Amit Gilutz condemned the Israeli military courts’ systematic (mal)practice of denying bail and imposing “*remand in custody*” to Palestinian defendants, pending the (eventual) end of all legal procedures:

“According to statistics provided to B’Tselem by the Israel Prison Service, as of 30 November 2017, 181 Palestinian minors were being held in custody for the duration of legal proceedings in their cases.

Remand for the duration of the proceedings means that a person continues to be held in custody after the investigation has been concluded and an indictment filed, until all legal proceedings, including judgment and sentencing are over. During this time, the detainee is not serving a prison sentence and is supposed to be presumed innocent until proven guilty. As such, remand should be the exception to the rule, but in the military courts in the West Bank, the prosecution regularly asks the military judges to approve remand, and the latter almost always comply. This practice serves as an incentive for defendants to plead guilty to the charges against them and to sign plea

⁴¹ E.g. Charlotte Silver, “Palestinian child sentenced to 12 years in Israeli prison” (The Electronic Intifada, Nov 7, 2016), via <https://electronicintifada.net/blogs/charlotte-silver/palestinian-child-sentenced-12-years-israeli-prison>.

⁴² “Israel Arrested 2,320 Palestinian Children since October 2015” (Palestine Chronicle, Aug 6, 2016), via <http://www.palestinechronicle.com/israel-arrested-2320-palestinian-child-prisoners-since-october-2015/> (Sept 5, 2016). Also: “Palestine: Israeli Police Abusing Detained Children. With Arrests Spiking, Growing Concern” (Human Rights Watch, April 11, 2016).

⁴³ See Tessa Fox, “Israeli arrests of Palestinian children rise after Trump’s Jerusalem announcement” (Al-Monitor, Jan 2, 2018), <http://www.al-monitor.com/pulse/originals/2018/01/palestine-children-arrest-abuse-israel-trump-jerusalem.html>.

⁴⁴ “EU deeply concerned over minor detainees’ condition in Israeli prisons” (Wafa – The Palestinian News and Info Agency, Jan 12), via <http://english.wafa.ps/page.aspx?id=1vMyoLa96005228616a1vMyoL>.

bargains – regardless of whether they actually committed the offense and the evidence against them. If they choose to go to trial while in custody, they may end up spending more time behind bars than they would be sentenced to in a plea bargain."⁴⁵

Palestinian minors, mostly interrogated without any legal assistance and very often abused and even tortured under interrogation,⁴⁶ are pressured and blackmailed to make them accept conviction by plea bargains — even when innocent. In 2015, the last year for which official data are available, 95 percent of the approximately 540 Palestinian minors indicted in the military courts were convicted.⁴⁷

Generally, Israel's system of prosecution of Palestinians in a military court – actually a kangaroo court of injustice - was not merely elaborated for the sake of maintaining law and order. It serves a *political* tool at the service of a central intelligence policy based upon the criminalization of all forms of resistance against the occupation, even when peaceful and non-violent.⁴⁸ Attached as it is to investigation procedures that rely not on evidence but on (enforced) confessions, the system is a central device for the management of the occupation. Prosecution, indeed, accompanied as it is by all kinds of abuse, is a cornerstone of Israel's policy (a) to keep a subjugated people into submission, (b) to obtain useful intelligence information and (c) to nip in the bud any dissent or rebellion. Hence the increasing practice of mass arrests and detentions, among them completely arbitrary so-called "*administrative detentions*", with no charges or trial and on the basis of "*secret evidence*".⁴⁹

Once convicted, child prisoners are exposed to abuse, penalties and harsh living conditions alongside their fellow adult prisoners. They are denied proper care, education, services and necessities and are often subject to abuse and torture, even after their trial.⁵⁰ Special

⁴⁵ B'Tselem, "*Ahed and Nariman Tamimi remanded in custody as military prosecution requested*" (Jan 17, 2018), https://www.btselem.org/press_releases/20180117_ahed_and_nariman_tamimi_remand

⁴⁶ See e.g.: "*Palestinian children beaten, tortured under Israeli interrogation*" (Samidoun, Oct 13, 2017), <http://samidoun.net/2017/10/palestinian-children-beaten-tortured-under-israeli-interrogation/>.

⁴⁷ Sarit Michaeli, "*There's no beautifying Israel's treatment of Palestinian children*" (+972, Sept 24), <https://972mag.com/theres-no-beautifying-israels-treatment-of-palestinian-children/129894/>

⁴⁸ Cf. Carolina Landsmann, "*In Israel's Eyes, No Palestinian Struggle Is Legitimate. Palestinians who oppose violent struggle champion diplomacy, but in Israel these days, that's also considered terror*" (Haaretz, Oct 5), <https://www.haaretz.com/opinion/.premium-1.815896>. For example, Israel's fervent opposition to the (successful) Palestinian bid to full membership of Interpol, see Peter Beaumont, "*Interpol votes to admit Palestine as full member*" (The Guardian, Sept 27, 2017), via <https://www.theguardian.com/world/2017/sep/27/interpol-votes-to-admit-palestine-as-full-member>.

⁴⁹ For example, between 16 and 30 Nov 2017: "*Israeli occupation orders 48 more Palestinians jailed without charge or trial*" (Samidoun, Palestinian Prisoner Solidarity Network, Dec 3, 2017), via <http://samidoun.net/2017/12/israeli-occupation-orders-48-more-palestinians-jailed-without-charge-or-trial/>.

⁵⁰ According to a report by DCI-P, three out of four Palestinian children are subjected to torture behind bars, both in the pre-trial and post-trial phases.

prison provisions for children are exceptional: only in two prisons, Megiddo and Rimonim, a restricted form of instruction is provided for by the IPS.⁵¹

Every year, indeed, many hundreds of children face military trials and incarceration. They are subject to torture and abuse under interrogation (without assistance). In prison, they suffer physical and psychological violence. All these acts of violence against children

“are part and parcel of the routine of the occupation and the system of state violence the Israeli colonial state imposes on the Palestinian population, from the river to the sea.”⁵²

In the month of May 2017, e.g., 525 Palestinians in the West Bank, Jerusalem and the Gaza Strip, including 139 children and 7 women, have been seized by Israeli occupation forces; in August 2017, 522 Palestinians were arrested, including 130 children and 16 women, etc.⁵³ Since 2016 the total number of Palestinian prisoners in jails *inside Israel* (in contravention of the Fourth Geneva Convention) reached 6,300 prisoners, 64 of whom are women. Among them: 10 minor girls and 300 boys, 450 “administrative” detainees and 12 members of the Palestinian Legislative Council. All in all, it is estimated that since 1967 between 800,000 and 1 million Palestinians have been imprisoned (more than 10,000 women), that is as much as 40% of the total male population. Not surprisingly, “*Palestinians are considered to be the most incarcerated nation in the world.*”⁵⁴ Political representatives, union activists, intellectuals, journalists, cultural workers, human rights activists, etc. are primary targets of this kind of oppression. The Israeli occupier lumps all political (so-called “security”) prisoners together into one single category of “terrorists.”

International condemnations notwithstanding, the prison guards of the IPS in their daily treatment of Palestinian prisoners persist in disregarding the international legal regulations, particularly the “*Standard Minimum Rules for the Treatment of Prisoners*” (1955),⁵⁵ and other international conventions that should protect prisoners’ human rights.⁵⁶ Palestinian prisoners - women and minors included - are regularly subjected to

⁵¹ See: Addameer, *Quarterly Newsletter*, July to Sept 2016.

⁵² See e.g.: Mairav Zonszein, “WATCH: Israeli troops taking away 7 and 8-year-old Palestinian boys” (+972, Dec 14), via <https://972mag.com/watch-israeli-troops-taking-away-7-and-8-year-old-palestinian-boys/131548/>

⁵³ Samidoun, June 23: “May 2017 Report”, via <http://samidoun.net/2017/06/may-2017-report-525-palestinians-seized-by-occupation-forces/>. Samidoun, Sept 16, “August 2017 report” via <http://samidoun.net/2017/09/august-2017-report-522-palestinians-arrested-by-israeli-occupation/>: “According to the documentation of the prisoner support organizations, 194 Palestinians were arrested from Jerusalem, 70 from al-Khalil, 50 from Ramallah, 45 from Nablus, 38 from Bethlehem, 33 from Jenin, 27 from Tulkarem, 24 from Qalqilya, 19 from Salfit, 11 from Jericho, seven from Tubas and four from the Gaza Strip... 134 administrative detention orders were issued in August for imprisonment of Palestinians without charge or trial; 61 were new orders and 73 were renewal orders, as administrative detention orders are indefinitely renewable”.

⁵⁴ Miko Peled, “Choking the Families of Prisoners” (April 27, 2017) via <https://mikopeled.com/2017/04/27/the-holy-grail-by-miko-peled/>.

⁵⁵ Approved by the Economic and Social Council, in May 13, 1977: https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf.

⁵⁶ Cf. “Joint report reveals that 431 Palestinians were arrested in September 2017” (Addameer, 8 Oct 2017), <http://www.addameer.org/news/joint-report-reveals-431-palestinians-were-arrested-september-2017>.

cruel and degrading treatment, violence and not rarely torture.⁵⁷ In April 17 of 2017 some 1,500 of them, although being incarcerated in different Israeli prisons, launched a general hunger strike under the slogan "*for Freedom and Dignity*" and put forward 20 demands to make their prison regime less inhumane. Despite the fierce repression by the IPS and the public incitement against it the movement managed to acquire for a while a national character as it provoked a fast spreading mobilization all over the West Bank.⁵⁸ On Saturday, May 27, the strike was suspended, some demands apparently having been met.⁵⁹

1.3. The demeaning life endemic to **the West Bank** is punctuated, day and night, by Israeli acts of aggression and state violence. In the framework, it is true, of Israel's "*security coordination*" with the Palestinian Authority of Ramallah, in "*Zone A*" (cf. below, ch. 4.4) the PA's security forces (trained by Western instructors) are charged with policing the occupation.

Israel's military control over millions of people "*is not merely a theoretical-political issue: the lives of Palestinians in the occupied territories are subjected to a daily routine of state violence*", during the day and at night.⁶⁰ Very popular with the Israeli security forces, are nightly detention raids as part of military incursions in communities and refugee camps.⁶¹ In the middle of the night or pre-dawn, families while asleep are struck with terror by heavily armed, often masked, soldiers or policemen. Blowing up if necessary the front door, they invade the house under loud shouting and threats. Furniture and belongings are ransacked and "confiscated" (cash, TVs, cellphones, laptops, jewelry, toasters...).⁶² Men and children are dragged out of their bed and beaten up. The wanted person, be it an adult or a child, is manhandled and arrested. Blindfolded, gagged and hands

⁵⁷ E.g. Amnesty International : « *Israel must end 'unlawful and cruel' policies towards Palestinian prisoners* », via <https://www.amnesty.org/en/latest/news/2017/04/israel-must-end-unlawful-and-cruel-policies-towards-palestinian-prisoners/> . The Palestinian Authority, alas, shows itself to be a willing partner in these practices, see: Charlotte Silver, "*PA collaborates with Israel's torture agency*" (EI, 25 Feb 2016), <https://electronicintifada.net/blogs/charlotte-silver/pa-collaborates-israels-torture-agency> .

⁵⁸ See: "*Collective mobilisation indicates possibilities for Palestinian resistance*" (MEMO, May 24, 2017) via <https://www.middleeastmonitor.com/20170524-collective-mobilisation-indicates-possibilities-for-palestinian-resistance/> .

⁵⁹ See: "*After 40 days, Palestinians suspend mass hunger strike in Israeli prisons*" (Ma'an, May 27, 2017), via <http://maannews.com/Content.aspx?id=777343> . And: "*New details released on agreement to suspend Palestinian prisoners' hunger strike*" (Samidoun, May 28, 2017), via <http://samidoun.net/2017/05/new-details-released-on-agreement-to-suspend-palestinian-prisoners-hunger-strike/> .

⁶⁰ B'Tselem's Amit Gilutz, quoted in: Bethan McKernan, "*Blindfolded Palestinian boy surrounded by Israeli soldiers in viral photo charged with throwing stones*" (The Independent, Dec 12), <http://www.independent.co.uk/news/world/middle-east/hebron-fawzi-al-junaidi-blindfold-viral-soldiers-drag-detain-palestinian-children-throwing-stones-a8105446.html> .

⁶¹ "*Israeli raids in Palestinian towns, villages, and refugee camps are a daily occurrence in the West Bank and East Jerusalem, with a weekly average of 95 search and detention raids carried out over the course of 2016, according to UN documentation*", see: "*Israeli forces detain 30 Palestinians in East Jerusalem, West Bank raids*" (Ma'an, July 4, 2017) via <http://www.maannews.com/Content.aspx?id=777914> .

⁶² Gideon Levy: "*The army is playing a new role in the territories: As a bailiff, raiding homes in the dead of night and confiscating TVs, computers, toasters – even earrings*", in: "*In Some of the Israeli Army's Raids, Leaving Empty-handed Is Not an Option*" (Haaretz, Aug 27, 2016), via <https://www.haaretz.com/israel-news/premium-1.738729> .

tied to the roof of a jeep, he is abducted to an unknown destination, no reason or explanation being given...⁶³

Being condemned by human rights organizations as being "*particularly gruesome*", this kind of nightly *razzia* is "*part and parcel of wider Israeli policies that must exist for [Israel] to continue foreign domination and the colonisation of Palestine.*"⁶⁴ For example, Israeli forces carried out at least 100 raids on Palestinian communities between November 24 and December 4, according to UN documents. Not surprisingly, people feel constantly scared; according to NGO Badil it has become common for Palestinians to sleep with their clothes on in order to "*avoid further invasion of privacy and embarrassment*" during a raid. But particularly affected by these raids, of course, are children and teenagers (they are systematically targeted by the Israeli officers): they often suffer from insomnia, bed-wetting and nightmares.⁶⁵

At daytime again (starting at the crack of dawn, in winter in the freezing cold) men, women and children, needing to get in time to their job, school or appointment, are willfully held up at checkpoints manned by soldiers, border police or privat guards. Day in and day out civilians are required to queue between overcrowded steel fences, like in "*a cattle pen*",⁶⁶ and often they have to wait for hours at the whim of the officers.⁶⁷ Together with other willfully created physical obstructions and closures,⁶⁸ the hundreds of checkpoints (some also inside the West Bank territory),⁶⁹ constitute one of the most visible facets of the apartheid regime Israel has established. With its arbitrariness and calculated dehumanization the checkpoint system, coupled to a bureaucracy of (colored) IDs and permits, serves to keep local communities subdued (in certain areas, even to enter and exit your own village you have to cross a checkpoint, never without risks). Depriving people of their freedom of movement and stealing their time, checkpoints and barriers, this way,

⁶³ For a vivid description of this kind of nightly terror see Gideon Levy : « *Bonjour du compte Twitter de l'armée israélienne* » (Investig'Action, 15 novembre 2016) via <http://www.investigaction.net/bonjour-du-compte-twitter-de-larmee-israelienne/> .

⁶⁴ See Jacclyn Ashley, "Palestinian Ahd Tamimi arrested by Israeli forces" (Al-Jazeera, Dec 20), via <http://www.aljazeera.com/news/2017/12/palestinian-ahed-tamimi-arrested-israeli-forces-171219174834758.html>, quoting the Palestinian NGO Badil.

⁶⁵ O.c.

⁶⁶ "*After walking through a long dusty passageway that feels like a cattle chute, they wait inside a hangar-sized shed to be funneled through a metal detector while a uniformed Israeli soldier and security contractors watch from an overhead catwalk,*" Debra Nussbaum Cohen (a Jewish American tourist), "*I've Been Reading About the Occupation for Years. Seeing It for Myself Was a Punch in the Gut*" (Haaretz, 4 April, 2017), <http://www.haaretz.com/opinion/.premium-1.781093>

⁶⁷ See e.g. : "*In Photos: Daily struggle of Palestinian workers at Checkpoint 300*" (Ma'an, Nov 24), <https://www.maannews.com/Content.aspx?id=779520> .

⁶⁸ To be mentioned here too: villages are routinely subjected to arbitrary road closures for purported "*security reasons*", an act that human rights groups have denounced as amounting to collective punishment.

⁶⁹ About 100 permanent ones, while surprise "*flying*" checkpoints often number into the hundreds. According to the UN, 472 Israeli checkpoints, roadblocks and other obstacles were in operation on the West Bank at the end of 2016. Together with a system of area bans and an exclusive network of roads built exclusively for its settlers and citizens, Israel drastically restricts the freedom of movement of the Palestinians.

maliciously disrupt the social, educational and professional life of Palestinian adults and minors. They make people's life unpredictable and rob them of their self-esteem.⁷⁰

Charged as they are by their state with enforcing its colonial rule over the two-and-a-half million Palestinians in the West Bank, armed Israeli soldiers (commonly 18 or 19 years young) carry out acts of violence on a daily basis. Dealing with powerless, disenfranchised people they have many opportunities to humiliate people, elderly too, and to give free rein to their racist feelings and paranoia. Abusive language and insults, ill-treatment and harassment, arbitrary arrests and sometimes even summary killings are "normal".⁷¹ Palestinian girls and women in particular, when negotiating a control post, risk physical hardship, harassment and sexual intimidation.⁷²

Not to be forgotten, finally, is the excessive violence used by army and police to suppress peaceful demonstrations: soldiers fire rubber-coated steel munition but also live bullets, tear gas grenades or canisters, spraying skunk water,⁷³ etc. Nor the shoot-to-kill policy towards Palestinian youngsters who, apparently or for real, threaten fully armed and protected soldiers with a kitchen knife, a screwdriver or scissors or throw stones at military vehicles.⁷⁴ Nor, already mentioned, the policy of so-called "*administrative detention*" - on the basis of "*secret information*", there is no charge or trial and it can be prolonged endlessly. Its targets are politicians, trade unionists, human rights activists, cultural workers, students, journalists, in short anyone who dares to raise his head above the parapet of subjugation or is deemed a "*security risk*". With its completely arbitrary abduction of people (including minors) from their families and social relations, this kind of

⁷⁰ Amira Hass: "*Palestinian Time in Israeli Hands. Hours a day, every day, at every gate in the separation fence, at every checkpoint, at every vehicle inspection post, Palestinians' lives come to a halt as they wait for armed Israeli soldiers to let them go past*" (Haaretz, Jan 4, 2017, via <http://www.haaretz.com/opinion/.premium-1.762878>).

⁷¹ Gideon Levy & Alex Levac: "*A Palestinian Was Standing Still at a Checkpoint. Why Did Israeli Troops Shoot Him Dead?*" (Haaretz, Feb 24, 2017) via <http://www.haaretz.com/israel-news/.premium-1.773456>.

⁷² See the "*Position Paper*" of The Coalition of Women for Peace and Who Profits, Dec 2015 (10p.): "*The Gendered Aspect of Israeli Checkpoints in the OPT*", via <http://www.coalitionofwomen.org/wp-content/uploads/2016/04/Mahsomim-english-web-final.pdf>. E.g. in Hebron (Al-Khalil) it happened that "*suspicious*" looking women were ordered to strip in the presence of male soldiers. See: "*Checkpoints for humiliation: a journal piece*" (International Solidarity Movement, April 4, 2017), via <https://palsolidarity.org/2017/04/checkpoints-for-humiliation-a-journal-piece/>. PS See also below, ch. 4.3.

⁷³ Israel has started to use a less lethal but still physically unbearable method of crowd control. It is nicknamed "*skunk water*", being a chemical fluid with a putrid stench that clings to the body and cloths for weeks. As a form of collective punishment it is also sprayed at homes and gardens, making them inhabitable, see e.g. <https://www.youtube.com/watch?v=yCkFgmK1-dY>. Developed against Palestinians, it has recently also been used against Ultra-Orthodox protesters in Jerusalem, see: Josh Breiner, "*Israeli Police Target ultra-Orthodox Protesters With Weapon Developed Against Palestinians, and It Stinks*" (Haaretz, Dec 7), <https://www.haaretz.com/israel-news/.premium-1.827632>.

⁷⁴ Amira Hass: "*A Palestinian Is Killed and a Jew Is Convicted. The Bullet? An Accident*" (Haaretz, June 21, 2017), via <http://www.haaretz.com/opinion/.premium-1.796907>: a youngster, Nadim Nuwara, from Ramallah, having thrown a stone from a distance of 70 or 80 meters, was killed by a border policeman. Having been sued, the latter has finally been convicted for having caused death "*by negligence*". PS For throwing stones at their occupiers children can be sentenced now with 20 years of imprisonment.

psychological terror consciously aims at dismembering the social, political and cultural life of Palestinians.⁷⁵

If I may quote myself, in a provisional conclusion:⁷⁶

*Israel, in this way, is exercising a total control over Palestinians' lives. And it can arrest any Palestinian whenever it chooses to and as long as it chooses to, with an indictment or without one. Not without reason, conditions of life for the Palestinians have been compared to conditions of slavery:*⁷⁷

"When we (...) ask sociologically what kind of life this is, we are compelled to observe that a large quantity of Palestinians live in conditions in which their freedom, honor, physical integrity, capacity to work, acquire property, marry and, more generally, plan for the future are alienated to the will and power of their Israeli masters. These conditions can only be named by their proper name: conditions of slavery."

1.4. The Gaza Strip deserves a special treatment, here. With a total area of 365km² and a population density of around 5,000 (!) persons / km² it is in fact a "huge concentration camp" (Amira Hass) or even, according to some, "an unspeakable torture chamber". Three years after the latest murderous invasion its almost two million inhabitants⁷⁸ are still subjected to a barbaric, medieval blockade which entered its tenth year. The ongoing siege, enforced by the IDF's three components: land force, air force and navy, and maintaining a drastic economic boycott, imposes on the civil population an inhumane collective punishment. It is imposed in clear violation of Israel's obligations under international humanitarian law.⁷⁹

Despite the aid from the international community – aid that is vital because of Israel's deliberate destruction of Gazan economy and resources⁸⁰ – the Strip is in the midst of an unfolding humanitarian and ecological disaster. Gaza today, you could say, is a place of infinite darkness, figuratively and literally.

⁷⁵ E.g. Faisal Mohammad Abu Sakha, clown and trainer at the *Palestinian Circus School*, was arrested at the end of 2015 on his way to his job. In spite of international protest his detention was renewed again and again, no charges having ever been brought against him. He was at last released Sept 2, 2017.

⁷⁶ « *LAW-TRAIN Dossier (EN)* » (June 7, 2017), p. 37.

⁷⁷ Eva Illouz, "47 Years a Slave: A New Perspective on the Occupation" (Haaretz, Feb 7, 2014): <http://www.haaretz.com/israel-news/.premium-1.572880>

⁷⁸ 70% of them, i.e. some 1,3 million, are refugees. Almost 70% of the Gazan population is younger than 25 y.; youth unemployment amounts to 65% : Gaza could be called a "youth ghetto".

⁷⁹ Jonathan Ofir, "Israel practices aggressive boycott, divestment and sanctions – against Gaza" (Mondoweiss, May 30, 2017), via <http://mondoweiss.net/2017/05/practices-aggressive-divestment/>. See also below, ch. 4.3 (the effects on Gaza of the Israeli permit system).

⁸⁰ "The destruction Israel has wrought on Gaza's economy is not incidental to its 'security' policies; it has been a deliberate goal. As Sara Roy points out, Israel has 'explicitly referred to its intensified closure (or siege) policy in Gaza as a form of 'economic warfare'", Ali Abunimah, "The Battle for Justice in Palestine" (2014), p. 110. Cf. Sara Roy, "The Gaza Strip. The Political Economy of De-development". Expanded 3rd ed., Institute for Palestine Studies (2016). Also her recent briefing: Sara Roy: "If Israel were smart. Sara Roy on Gaza" (LRB, Vol. 39 No. 12 · 15 June 2017): <https://www.lrb.co.uk/v39/n12/sara-roy/if-israel-were-smart> .

Due to Israel's willful destruction of houses and infrastructure (hospitals, schools,...), the chronic cuttings of the electricity supply (reduced to less than 4 hours: Bradley Burston in Haaretz called it "*an act of terrorism*"),⁸¹ shortages in the supply of water, the shutdown of the sewage treatment plant:⁸² raw sewage runs in the streets and between houses, the sea water is lethally polluted;⁸³ also: the insufficient access to health services (healthcare facilities having been damaged or destroyed, not functioning because of electricity shortages) and to education is highly affected, and Gaza economy is almost completely ruined. With an unemployment rate of more than 40%, food shortages are very common. A January 8 report by the Palestinian Center for Human Rights showed that the poverty rate in the Gaza Strip exceeds 64% and that 80% of the population of Gaza is dependent on foreign aid.⁸⁴

NB Water as a weapon: Gaza desalination plants are functioning at only 15 percent of their capacity due to electricity shortages. So men, women and children are constantly confronted with a lack of drinking water (more than 90% of the water is unfit for human consumption), Cf. video: "*Life without water in Gaza*" (EI, 29 November 2017, <https://electronicintifada.net/content/video-life-without-water-gaza/22421>). "*We live in an area where there is no water,*" says Ibrahim al-Majaida, a resident of al-Mawasi, an agricultural area near Khan Younis in the southern Israeli-occupied Gaza Strip. The average Palestinian family in Gaza receives running water only four to six hours, every three to five days, due to chronic electricity shortages resulting from Israel's decade-long siege. This forces many to buy water from expensive and unregulated private sources. "We travel two kilometers to bring water to our homes," al-Majaida says. More than 96 percent of Gaza's water supply is unsafe for drinking. The diminished capacity of water and wastewater treatment facilities means that 108 million liters of raw sewage are being dumped into the Mediterranean Sea every day

Wretched living conditions - extreme poverty, chronic malnutrition, material and mental misery, a lack of medications and catastrophic health conditions, recurrent bombardments

⁸¹ Bradley Burston, "*Israel's plague of darkness for Gazans is an act of terrorism*" (Haaretz, June 21, 2017), via <http://www.haaretz.com/opinion/.premium-1.796853> . And it is getting worse: "*The Gaza Strip's only operating power plant was turned off late Wednesday due to a severe shortage of fuel, leaving the coastal enclave in a complete blackout, local officials said*" (Haaretz, July 12, 2017), via <http://www.haaretz.com/middle-east-news/palestinians/1.801075>

⁸² See: Shlomi Eldar, "*Gaza's ticking sewage bomb*" (Al-Monitor, June 16, 2017) via <http://www.al-monitor.com/pulse/originals/2017/06/israel-gaza-strip-palestinians-electricity-ecology-water.html> .

⁸³ "*Child dies from water pollution in Gaza amid worsening medical referral restrictions*" (MAP News, Aug 18): "*80% of Gaza's shoreline is now believed to be polluted by untreated sewage, increasing the risk of widespread outbreaks of waterborne diseases*"; via <https://www.map.org.uk/news/archive/post/714-child-dies-from-water-pollution-in-gaza-amid-worsening-medical-referral-restrictions> .

⁸⁴ "*More than 250,000 unemployed Palestinian residents of the Gaza Strip could not afford for their children to celebrate the holiday of Eid al-Adha, which lasted from Friday to Monday. According to official statistics, the number of unemployed Palestinians in Gaza exceeds 250,000 and the poverty rate is higher than 70%*" (in: MEMo, Sept 6, 2017, <https://www.middleeastmonitor.com/20170906-250000-unemployed-in-gaza-did-not-celebrate-eid-holiday/>).

and arbitrary Israeli armed violence (against fishermen, farmers, demonstrators...),⁸⁵ planes spraying crops with harmful pesticides, ... the overall picture is one of despair and a complete absence of perspectives.

According to the Israeli human rights group B'Tselem, Israel's blockade has consigned Gaza's residents *"to living in abject poverty under practically inhuman conditions unparalleled in the modern world."*⁸⁶ A UN report of 2012 forecasted that the Strip would be *"uninhabitable"* by 2020, a new report, though, *"Gaza 10 Years Later"* (July 2017), comes to the conclusion *"that the situation in Gaza is deteriorating further and faster than was forecast only a few years ago"*. In the words of the UN Humanitarian Coordinator for the West Bank and Gaza, Robert Piper:

*"I see this extraordinarily inhuman and unjust process of strangling gradually two million civilians in Gaza that really pose a threat to nobody," said Piper. "We talk about the unliveability of Gaza. When you're down to two hours of power a day and you have 60 percent youth unemployment rates... that unliveability threshold has been passed quite a long time ago."*⁸⁷

This crisis, let that be clear, is not a natural disaster but is man-made: it was and is carefully engineered by Israel's politicians since a decade.⁸⁸ The last years, under general Sissi, it went on in collusion with Egypt. Nowadays, in a cruel and cynical political game, the Palestinian Authority in Ramallah, with a series of unprecedented punitive measures, is helping Israeli occupation authorities inflict horrendous suffering on people in the blockaded Gaza Strip⁸⁹

⁸⁵ "Israeli soldiers shoot from towers across fence into Gaza protest, killing Palestinian" (Mondoweiss, June 10, 2017), via <http://mondoweiss.net/2017/06/israeli-soldiers-palestinian/>.

⁸⁶ Ali Abunimah, "EU washes its hands of Gaza" (EI, 22 June 2017) via <https://electronicintifada.net/blogs/ali-abunimah/eu-washes-its-hands-gaza>

⁸⁷ "Gaza 'unliveable' ten years after Hamas seized power: U.N." (Reuters, July 11), via <http://www.reuters.com/article/us-palestinians-gaza-un-idUSKBN19W17T>. For the 2 parts of the report, 33p. & 20p., see: https://unsco.unmissions.org/sites/default/files/gaza_10_years_later_-_11_july_2017.pdf & https://www.ampalestine.org/sites/default/files/attachment/2017/07/Gaza%20Report%20PART%202_0.pdf. What is perhaps a promising signal: Amir Tibon, "Israelis Living on Southern Border Urge Trump Envoy to 'Dramatically Improve' Gaza Economy" (Haaretz, Sept 1, 2017), <http://www.haaretz.com/israel-news/premium-1.810172>.

⁸⁸ "Indeed, three years after the blockade was imposed, it was revealed that the Israeli administration in charge of overseeing the siege considered using caloric measures to weigh how many truckloads of food should be allowed in. The goal was to regulate the import of food down to the exact number of calories needed to avoid starvation, no more", see: Tareq Baconi, "How Israel's 10-Year Blockade Brought Gaza to the Brink of Collapse" (The Nation, July 7, 2017) via <https://www.thenation.com/article/how-israels-10-year-blockade-brought-gaza-to-the-brink-of-collapse/>.

⁸⁹ Ali Abunimah, "Why is Mahmoud Abbas letting children die in Gaza?" (EI, 13 July, 2017) via <https://electronicintifada.net/blogs/ali-abunimah/why-mahmoud-abbas-letting-children-die-gaza>. Akiva Eldar, "Gaza residents abandoned by Hamas, Abbas and Israel" (Al-Monitor, June 22, 2017) via <http://www.al-monitor.com/pulse/originals/2017/06/israel-pa-netanyahu-abbas-gaza-electricity-crisis-hamas.html>.

The conclusion that Gaza is subjected to a "creeping" or "incremental genocide"⁹⁰ seems unavoidable.⁹¹ Nevertheless, the international community, the European Union in the first place, keeps "stum":

"The EU's silence cannot... be an oversight. It should be read as a positive endorsement of Israel's tightening blockade of Gaza and the suffering Israel is knowingly inflicting on a population exhausted and traumatized by a decade of isolation and successive Israeli military assaults. The European Union is indeed deepening its vaunted partnership with Israel. It is a partnership in crime".⁹²

[Update October 2017: Until June, Palestinian politics seemed deadlocked, with no prospect of unity, no progress with Israel and no hope for Gaza. Then, two initiatives, both involving Hamas, and the latest promising a breakthrough on reconciliation between Hamas and Fatah, came along right after each other. Oct 6, Ma'an News Agency made known, on behalf of Hamas, "that the Palestinian National Consensus Government had officially taken over from the Hamas movement as the administrative authority in the besieged Gaza Strip".⁹³ A problem, however, that still could "throw a spanner in the works", is Hamas' refusal to give up its military arm. Also, not surprisingly in the light of its policy of fragmentation (cf. below, ch. 4.3), Israel will do its utmost to sabotage the unification process (just like it did in 2014): "Prime Minister Benjamin Netanyahu already blasted Hamas and Fatah's recent attempts at ending their long rift, saying that a reconciliation would come at Israel's expense".⁹⁴] surveillance, even outright state violence, are some of the methods used to marginalize almost a fifth of the country's population.⁹⁵

⁹⁰ Ilan Pappé, "Israel's incremental genocide in the Gaza ghetto" (EI, 13 July 2014), via <https://electronicintifada.net/content/israels-incremental-genocide-gaza-ghetto/13562>.

⁹¹ E.g. Nada Elia: "Stop glossing over the siege in Gaza and call it what it is: genocide" (Middle East Eye, Jan 10, 2017) via <http://www.middleeasteye.net/columns/lets-talk-about-genocide-2072680647>. Adding insult to injury, Maj. Gen. Yoav Mordechai, the Israel Defense Forces' coordinator of government activities in the territories, warned the UN for a threatening humanitarian crisis, see: Shlomi Eldar, "Israel warns that Gaza will face power supply crisis" (Al-Monitor, April 12, 2017), <http://www.al-monitor.com/pulse/originals/2017/04/israel-hamas-gaza-strip-qatar-electricity-fuel-water.html>.

⁹² Ali Abunimah, "EU washes its hands of Gaza" (EI, 22 June 2017) via <https://electronicintifada.net/blogs/ali-abunimah/eu-washes-its-hands-gaza>.

⁹³ <http://www.maannews.com/Content.aspx?ID=779272>. See: Omar Karmi, "Has Palestinian unity finally arrived?" (EI, Oct 6, 2017), <https://electronicintifada.net/content/has-palestinian-unity-finally-arrived/21906>. Jack Khoury, "As Reconciliation Talks Begin, Fatah and Hamas Must Transcend Old Formulas" (Haaretz, Oct 9, 2017), via <https://www.haaretz.com/.premium-1.816446>.

⁹⁴ Gil Hoffman, "Israel won't accept fake Palestinian reconciliation" (The Jerusalem Post, Oct 3, 2017), <http://www.jpost.com/Arab-Israeli-Conflict/Israel-wont-accept-fake-Palestinian-reconciliation-506623>.

⁹⁵ Worst off are the Bedouin in the Negev. While they are Israeli citizens, they no longer retain the rights even to those lands on which their villages sit. The story of how the Bedouin lost their patrimony and continue to face dispossession is the story of official state discrimination. Numerous Bedouin villages have been razed, often repeatedly, by successive Israeli governments which view the centuries-old Bedouin communities as dispensable obstacles in the way of development plans for Jewish towns in the Negev. See the "July [2016] Special Focus – Palestinian Bedouins" of the Institute for Palestine Studies, <http://www.palestine-studies.org/resources/special-focus/palestinian-bedouins>.

They are regularly victims, indeed, of racist police violence, such as: arbitrary arrests, of minors as well (once even a 9 years old child), brutalities and abuse, etc.⁹⁶ Police behaviour against them is denounced by *Adalah – The Legal Center for Arab Minority Rights in Israel*:⁹⁶

“Brutal and repressive acts undertaken by the Israeli police against Palestinian citizens and residents of Israel include the arbitrary arrests of minors; ‘preventive arrests’ of activists/protest organizers to thwart demonstrations; arrests of activists’ family members to pressure them; and severe physical violence against protestors, and in particular, Palestinians in East Jerusalem”.

With regard to arrests and detentions, it suffices to take a look at the percentages of arrests and imprisonments of “Jews” versus “non-Jews”. While “non-Jews” make up less than 25% of Israel’s population, 60% of people arrested by Israeli police between 2011 and 2015 were “non-Jews”. With minors, the disparity is even greater: 88% of those arrested for “security offenses” were “non-Jews”; also, 86% of minors arrested for bodily crimes were classified as “non-Jews”.⁹⁷ Equally, 60% of arrests that resulted in an indictment were of “non-Jews”. The same goes for explicitly “Arab” prisoners. Figures got from the Israel Prison Service reveal that the number of “Arab” prisoners is more than twice the number of Jewish ones, although they make up only 20% of the general population.⁹⁸

Widely applied by the military against Palestinians living in the occupied West Bank (see below), the arbitrary practice of “*administrative detention*” (i.e. without charge or trial) against Palestinian citizens of Israel increased considerably since 2015. The data indicate that the number of such detention orders issued for Israeli citizens jumped from zero in 2014 to 20. Most of them were issued against Palestinian citizens.⁹⁹

Attention must be drawn finally to a policy of *revoking a Palestinian’s citizenship*. Being denounced as a new tool of repression, it is at the same time a method of reconfiguring, albeit slowly, Israel’s population – in accordance with the demographic obsession of Israel’s leadership with keeping the “Arab” minority’s numbers low and unthreatening to the Jewish majority.¹⁰⁰ In the case of Israel’s Bedouin citizens this political tool was

⁹⁶ E.g.: “Israeli police acting above the law, taking brutal measures to suppress legitimate protest of Palestinian citizens of Israel” (*Adalah*, Oct 11, 2015, c. Sept 5, 2016). Another example (with the involvement of the special patrol and security unit Yassam, the victims being Bedouin), see: Amira Hass, “Israel’s Justice System Blames the Victims, and Violent Cops Go Unpunished” (*Haaretz*, Dec 26, 2016), via <http://www.haaretz.com/.premium-1.761360>.

⁹⁷ Cf. Noam Rotem, “60% of people arrested by Israeli police are ‘non-Jews’” (+972, June 1, 2016), <http://972mag.com/60-of-people-arrested-by-israeli-police-are-non-jews/119696/>.

⁹⁸ Cf. Noam Rotem, “In the Jewish state, most prisoners are Arabs” (+972, Sept 2, 2016), <http://972mag.com/in-the-jewish-state-most-prisoners-are-arabs/121686/>.

⁹⁹ Charlotte Silver, “Israel seeks greater use of detention without trial” (*The Electronic Intifada*, 2 Nov 2016), <https://electronicintifada.net/blogs/charlotte-silver/israel-seeks-greater-use-detention-without-trial>. Jack Khoury, “Three Israeli Arabs Sent to Six Months in Jail Without Trial” (*Haaretz*, Aug 3, 2017), <http://www.haaretz.com/israel-news/.premium-1.804897>

¹⁰⁰ Cf. Maha Hilal, “Revoking citizenship: Israel’s new repressive tool” (*Al Jazeera*, Aug 14, 2017), <http://www.aljazeera.com/indepth/opinion/2017/08/revoking-citizenship-israel-repressive-tool-170813160204870.html> (in response to the ruling of the Haifa district court, early August, to strip Palestinian Alaa Zayoud of his Israeli citizenship after he was convicted of four counts of attempted murder.)

already used systematically in the past. Unnoticed for a long time, indeed, i.e. at least since 2010, sweeping citizenship cancellations by the Israeli Interior Ministry made hundreds if not thousands of Negev Bedouin stateless, usually without as much as telling them. *"Some were citizens for 40 years, served in the army and paid their taxes, but had their status cancelled with a single keystroke and no further explanation."*¹⁰¹ Michael Schaeffer Omer-Man (a contributor to the e-magazine +972) comments:

*"shocking as it may be, it's not surprising: citizenship has never provided non-Jewish Israelis with the same security it gives their Jewish compatriots".*¹⁰²

Anyway, especially in the case of the Bedouins (cf. note above), it is clear that the political ramifications of this bureaucratic disenfranchising policy can be *"extremely dangerous"*: it concerns, indeed, *"a group of people who are targeted for dispossession, whose villages are targeted for demolition,"*¹⁰³ and whose citizenship is now being revoked.¹⁰⁴

2. Dispossession and Colonization

2.1. Israel's 70-years-old oppression of the Palestinian people involves more than "just" a military occupation (the international rules of which are laid down in the Fourth Geneva Convention, but have never been adhered to by Israel). Along with the pervasive racial segregation and discrimination inherent in an apartheid state (see below, ch. 4), Palestinians are also continually confronted with a systematic policy of dispossession and ethnic cleansing. In fact, the *Nakba* never came to an end. In the words of Richard Falk:¹⁰⁵

"(the Nakba) should be regarded as a process, and not just a catastrophic event. Such a national trauma as has been inflicted on the Palestinian people over such a long interval is unprecedented during the historical era of decolonization and the privileging of the right of self-determination".

This general policy of dispossession includes, among other things: the incessant confiscation of Palestine's territory, stealing its natural resources (such as fertile land, water and minerals); destroying Palestinian economy and impoverishing its people (70 percent or more of them living under the poverty line); the destruction of its urban and rural heritage; the devastation of the environment¹⁰⁶; and the erasure of its history,

¹⁰¹ Jack Khoury, "Israel Revokes Citizenship of Hundreds of Negev Bedouin, Leaving Them Stateless" (Haaretz, Aug 25, 2015), <https://www.haaretz.com/.premium-1.808886>.

¹⁰² "Israel is systematically revoking Arabs' citizenship. Don't act surprised" (+972, Aug 26, 2017), <https://972mag.com/israel-is-systematically-revoking-arabs-citizenship-dont-act-surprised/129449/>.

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¹⁰⁴ Orly Noy, "Is Israel turning its Bedouin citizens into a stateless people?" (+972, Sept 15, 2017), <https://972mag.com/is-israel-turning-its-bedouin-citizens-into-a-stateless-people/129775/>.

¹⁰⁵ Richard Falk, *"Palestine's Horizon Toward a Just Peace"* (Pluto Press, 2017), p.40.

¹⁰⁶ E.g. Jacclyn Ashley, "Drowning in the waste of Israeli settlers" (Al-Jazeera, Sept 18, 2017): "Some 19 million cubic metres of wastewater from Israeli settlements flows through the occupied West Bank each year", via <http://www.aljazeera.com/indepth/features/2017/09/drowning-waste-israeli-settlers-170916120027885.html>.

memory, culture and identity.¹⁰⁷ What Israel is aiming at, it seems, is the dismemberment of Palestine's social and societal fabric.¹⁰⁸ The Israeli sociologist Baruch Kimmerling coined a special term for this slow and relentless erosion of the Palestinian people's rights and identity: "*politicide*".¹⁰⁹ Other authors speak of "*ethnocide*," "*sociocide*" or even of a "*cultural*" or "*an incremental genocide*."¹¹⁰ Ilan Pappé, who coined the term "*memoricide*", concludes in his study of the Nakba:¹¹¹

"The human geography of Palestine as a whole was forceably transformed... This transformation was driven by the desire to wipe out one nation's history and culture and replace it with a fabricated version of another, from which all traces of the indigenous population were elided".

Israel, indeed, during the Nakba, did more than just raze 500 Palestinian towns and villages. In their place it planted new Jewish communities with Hebracaised names intended to usurp the former Arabic names (elsewhere European conifer forests were planted...).

Today, land robbery, eviction and displacement, and demolition of homes, villages and hamlets are accelerating at an increasing pace. As for land robbery and the methods used:¹¹²

"Israel operates a complex legal and bureaucratic apparatus in the West Bank for seizing control of hundreds of thousands of dunams of Palestinian land, some privately owned. These are allocated for establishing new settlements or for expanding existing ones. The main methods Israel uses are requisitioning land for "military needs," declaring or registering land as "state land," and expropriating land for "public needs." Using these methods, Israel has gained control of approximately half the West Bank".

2.2. The illegal establishment of Jewish colonies (usually euphemistically called "*settlements*") in the occupied territories was initiated by a Labor government immediately after the 1967 war: already at the end of the same year Israel started with building the Kfar

¹⁰⁷ Cf. Roger Sheety : « *Stealing Palestine: A study of historical and cultural theft* » (Middle East Eye, 14 juillet 2015), via <http://www.middleeasteye.net/essays/stealing-palestine-study-historical-and-cultural-theft-1001196809>.

¹⁰⁸ To make true, as it were, the words of Golda Meïr (June 15, 1969): "*There were no such thing as Palestinians... It was not as though there was a Palestinian people in Palestine considering itself as a Palestinian people and we came and threw them out and took their country away from them. They did not exist*", via https://en.wikiquote.org/wiki/Golda_Meir.

¹⁰⁹ Cf. his book "*Politicide: Ariel Sharon's Wars Against the Palestinians*" (Verso, 2003).

¹¹⁰ E.g. Ben Ehrenreich in: Philip Weiss, "*Israel's efforts to erase Palestinian history reflect 'incremental genocide,' Ehrenreich says*" (Mondoweiss, Feb 9, 2017): <http://mondoweiss.net/2017/02/palestinian-incremental-ehrenreich/>.

¹¹¹ Pappé, o.c., p. 216.

¹¹² Report of B'Tselem, "*By Hook and by Crook. Israeli Settlement Policy in the West Bank*", July 2010, 71p., via https://www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf. And Charlotte Silver, "*Israel's West Bank land grabs biggest in decades*" (The Electronic Intifada, 30 March 2016), via <https://electronicintifada.net/blogs/charlotte-silver/israels-west-bank-land-grabs-biggest-decades>.

Etzion settlement in Hebron area. Transfer of one's own population in occupied territory is a serious violation of international law (Art. 49 par. 6 of the Fourth Convention of Geneva), as a consequence Israel has been ordered time and again by UN Security Council resolutions to put an end to this colonization.¹¹³ In the absence, however, of international sanctions the Israeli state could and did allow itself to dismiss them.

This is also the case with the latest Security Council Resolution, Nr 2334 (Dec 23, 2016). Once again, the world has condemned Israel's policies of colonization because of being illegal under international law but, once again, without enforcing it with (the threat of) sanctions. Israel, no wonder, once again did not put an end to colonization, far from it. Calling the resolution a "*declaration of war*", the Israeli government reacted with announcing the construction of 6,000 new housing units in the West Bank and East Jerusalem; an entire new colony, moreover, is planned. In the absence of international sanctions, Israeli politicians clearly feel free to act ever more rashly, witness the new "*land-grab law*" which legalizes settlements on private Palestinian land which are illegal even under Israeli law.¹¹⁴ Thanks to this law, the future annexation of more land will be facilitated. Palestine, it is clear, is "*disappearing*".¹¹⁵

Since 1967, the number of Jewish colonists in the West Bank and East Jerusalem has quadrupled to the present figure of some 650,000, i.e. 10% of the Israeli population.¹¹⁶ On May 21, 2017, the "*Settlement Watchdog*" of the Israeli peace organization *Peace Now*, released a report revealing a 34% increase in illegal settlement construction over 2016, with Israeli settlers breaking ground on 1,814 new housing units, compared to 1,350 new construction starts in 2015.¹¹⁷ *Peace Now's* findings for 2016 coincided with a record number of Palestinian house demolitions.¹¹⁸ Since 2009, the number of demolished, so-called "*illegal*" Palestinian houses, buildings and structures - not only in the West Bank and East Jerusalem but also in Israel itself - beats all records.

The importance of the settlements enterprise for the Zionist state is not restricted to ethnic cleansing and the "*de-Arabisation*" / "*Judaisation*" of more and more Palestinian territory (*without* Palestinian people!). In addition to the commercial advantages the occupation

¹¹³ E.g. Security Council, R.452 / 20 Jul 1979: "*Calls upon the government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem*".

¹¹⁴ February 6, 2017, the "*Regularization Bill*", better known as the "*Land-Grab Law*", was approved. See Peace Now: "*The Grand Land Robbery: The Implications of The Regulation Bill on The Reality on The Ground*" (Nov 29, 2016), via <http://peacenow.org.il/en/grand-land-robbery-implications-regulation-bill-reality-ground>. Their rapport (17p.) on: <http://peacenow.org.il/wp-content/uploads/2016/11/regulation-law-report.pdf>.

¹¹⁵ Cf. the title of Jonathan Cook's book of 2008: "*Disappearing Palestine*".

¹¹⁶ See now: Yotam Berger, "*How Many Settlers Really Live in the West Bank? Haaretz Investigation Reveals*" (June 15, 2017), via <http://www.haaretz.com/israel-news/.premium-1.794730> (NB the numbers given in that article only apply to the West Bank).

¹¹⁷ Peace Now, "*Annual Construction Reports Shows a 34% Increase in Construction Starts in the Settlements*" (May 21, 2017), via <http://peacenow.org.il/en/annual-construction-reports-shows-34-increase-construction-starts-settlements>.

¹¹⁸ Cf. "*UN: Israeli demolitions of Palestinian homes reach record high in 2016*" (Ma'an, Dec 29, 2016), via <http://www.maannews.com/Content.aspx?id=774660>.

renders to the Israeli arms and security industries,¹¹⁹ the profits made with the export (mainly to Europe) of goods and products manufactured by settlement factories and enterprises give an important economic boost, making the occupation commercially profitable:¹²⁰

"Over the years, as the Palestinian economy has steadily declined, Israel has simultaneously built a multibillion-dollar business out of Palestinian suffering - exporting hundreds of millions of dollars' worth of settlement goods internationally each year. This thriving enterprise helps to sustain the presence and the expansion of settlements and is a key driving force for the systematic violations we continue to witness against Palestinians today. For five decades, the world has stood by and watched as Israel has exploited Palestinian people, land and natural resources for profit to support its illegal settlement expansion, offering little more than condemnation of Israel's unlawful acts".

As was cynically announced by Moshe Dayan, as far back as the early 1970-'s, a policy of "creeping" annexation would give the remaining Palestinians the message that they have a choice: either to accept that they would continue to "live like dogs" or ... to leave voluntarily. This second option is indeed the final goal of Zionism, namely to guarantee at all costs, demographically and territorially, the "Jewish" character of "Greater Israel", or, better still, to maximize it (the ideal situation, of course, being "a land without a people"). The well-worn plan¹²¹ to "transfer" all native, non-Jewish inhabitants to some Arab country (Jordan, Egypt and even Saudi Arabia have already been suggested) is more alive than ever, today.¹²² As is predicted by Issa Amro, the well-known peace activist from Hebron:¹²³

¹¹⁹ The Occupied Territories offer the opportunity to test and fine-tune "in the field" the high-tech weapons and security systems developed at universities and manufactured in the arms factories. In other words, the Territories serve as a "laboratory", with "four million Palestinians... hav(ing) become little more than guinea pigs in military experiments ". Israeli arms dealers do not hesitate to advertise their products as "combat-tested". See: Jonathan Cook, "Israel's booming secretive arms trade. New documentary argues success of country's weapons industry relies on exploiting Palestinians" (Al-Jazeera, Aug 16, 2013), via <http://www.aljazeera.com/indepth/features/2013/08/201381410565517125.html>.

¹²⁰ Philip Luther, "Israel's occupation: 50 years of Palestinian oppression" (Al-Jazeera, June 8, 2017) via <http://www.aljazeera.com/indepth/opinion/2017/06/cloneoffifty-years-israeli-occupation-1706080912-170608180555863.html> (Philip Luther is Al's Director for the Middle East and North Africa).

¹²¹ Already Theodor Herzl (1860-1904), envisaged the displacement of the indigenous population. E.g. in one of his letters (1895): "We try to move the poor population surreptitiously across the border" (quoted in German in: In Chomsky & Pappé, "Gaza in Crisis. Reflections on Israel's War Against the Palestinians" (2010), p. 218 n.5.

¹²² Amira Hass: "Expelling Palestinians is a paradigm that's alive and well in the Jews' state - a plan that was carried out and that is always waiting to be replicated" (Haaretz, June 8, 2016): <http://www.haaretz.com/opinion/.premium-1.723737>. Knesset Speaker Betzalel Smotrich, in what he calls his "subjugation plan" (having as its purpose "to erase all Palestinian national hope") offers Palestinians 3 choices: transfer, apartheid or... genocide (on the authority of the Book of Joshua in the Bible, cf.). See: Tomer Persico, "Why Religious Zionism Is Growing Darker" (Haaretz, May 16, 2017), via <http://www.haaretz.com/opinion/.premium-1.789226>.

¹²³ Willem De Maeseneer: "Schaamteloos onrecht in het Israëliisch nederzettingenbeleid: 'Palestina wordt van de kaart geveegd!'" (MO*, 7 april 2017): via <http://www.mo.be/reportage/schaamteloos-onrecht-het-isra-lisch-nederzettingenbeleid-palestina-wordt-van-de-kaart>.

"They are waiting for the next major international conflict. Then the maps will be redrawn and Palestine will be abolished. Our population will be transferred to Jordan and Egypt. It is time for the international community to realize that and take responsibility! "

The current Minister of Defense, Avigdor Lieberman, with his extreme right wing party, "Israel: Our Home", has been advocating for many years so-called land and population swaps: Israeli-Arab communities (in the North East: the Wadi Ara region and The Triangle, with more than 100,000 inhabitants) would be transferred to PA control (losing their Israeli citizenship) in return for Israel's annexation of settlements.¹²⁴ The idea was reportedly approved, some months ago, by prime minister Netanyahu, as part of a future final status agreement with the PA.¹²⁵ Meanwhile, however, at a conference of the National Union faction, which has MKs in the extremist "Jewish Home" party, a plan has been presented, once again with a stamp of Netanyahu's approval, to radically annex the Palestinian territories as such.¹²⁶ The native Palestinians would be offered a "choice" (meaning an ultimatum), between (1) either relinquish all national aspirations, i.e. living as an individual in the Jewish state, without the right to vote; (2) be "assisted" by the Jewish state to emigrate to one of the Arab countries or... (3) to be "determinedly handled" by the Israeli security forces (a genocide?).¹²⁷

2.3. East Jerusalem, under international law, is part of the occupied Palestinian territories.¹²⁸ After the Israeli annexation of Jerusalem in 1967,¹²⁹ Palestinian Jerusalemites, however, did not acquire the Israeli citizenship (one could, and still can, apply for it but citizenship is granted to only a small percentage of applicants).¹³⁰ The status of the approximately 316.000 Palestinians, although, living in their historic

¹²⁴ Cf. Barak Ravid & Jack Khouri, "Netanyahu Offers Swapping Israeli Arab Communities With Settlements in Future Deal With Palestinians" (Haaretz, July 27, 2017), <http://www.haaretz.com/israel-news/1.803880>.

¹²⁵ Cf. Patrick Strickland, "Can Israel transfer its Palestinian population?" (Al-Jazeera, Aug 6, 2016) via <http://www.aljazeera.com/indepth/features/2017/08/israel-transfer-palestinian-population-170801104036289.html>.

¹²⁶ Yotam Berger: "Israeli Party Approves Annexation Plan to Coerce Palestinian Departure" (Haaretz, Sept 13, 2017), <https://www.haaretz.com/israel-news/premium-1.812011>.

¹²⁷ O.c.: "“Anyone who insists on choosing the third ‘option’ – to continue to resort to violence against the Israel Defense Forces, the State of Israel and the Jewish population will be determinedly handled by the security forces with greater force than at present and under more comfortable conditions for us.”

¹²⁸ The special status and religious importance of the Al-Aqsa Compound are left aside, here. For the July events, e.g. the Addameer Factsheet: "Facts on Al-Aqsa Uprising: Arrest, Collective Punishment and Extrajudicial Killing" (July 26, 2017): <http://www.addameer.org/publications/facts-al-aqsa-uprising-arrest-collective-punishment-and-extrajudicial-killing>.

¹²⁹ Before 1967 Palestinian Jerusalemites owned all the land in their city, now their area is reduced to a mere 13%, the rest having been expropriated by colonists. As a consequence, many of the Palestinian homes were or are built "illegally" according to the Israeli municipal authorities and risk to be demolished or made inhabitable by the occupier.

¹³⁰ Under "forgotten" Article 4a of the Citizenship Law, however, all young adults should be given citizenship almost automatically, but the Interior Ministry ignores this provision, see: Nir Hasson, "The Forgotten Clause That Automatically Grants Israeli Citizenship to Tens of Thousands of Palestinians" (Haaretz, Nov 26), <https://www.haaretz.com/middle-east-news/palestinians/premium-1.825094>.

hometown, is a very insecure one, for that reason. While from an Israeli legal point of view they are stateless,¹³¹ the occupier grants them a so-called "*permanent residency*", a status that is also bestowed to foreigners (cf. they cannot vote in national elections). For Palestinians, that is, living since generations in their city, residency in Jerusalem has become a privilege, instead of an inherent right. Their residency permits, moreover, must be renewed every two years. Israeli law, you could say, treats Palestinian Jerusalemites as if they were foreigners who, one morning in June 1967, migrated to Israel and settled there.

The "*permanent*" residency rights of Palestinian Jerusalemites can be revoked very easily. E.g. because one lived somewhere else for a longer period of time;¹³² or failed to maintain Jerusalem as one's "*center of life*", whatever this means; or on the basis of the 1952 Law on the Entry into Israel, or as a punitive measure because of a "*breach of allegiance*". Once your right revoked, the return to or residency in East Jerusalem is lost for good (even if one's family still lives there). Since 1967 more than 14,500 Palestinian residents of East Jerusalem have had their "*permanent*" residency status stripped off, sending them into stateless exile in flagrant violation of international law and international human rights law, or even amounting to a crime against humanity.¹³³ This revocation of residency status is the most direct tool used by the Israeli occupier to forcibly expel Palestinians for the sake of maintaining a Jewish-Israeli majority in the city.¹³⁴ Concomitantly, Israel has since transferred thousands of Jewish immigrants to East Jerusalem – a war crime under international law (the Fourth Convention of Geneva, Art. 49 par. 6).

Palestinian Jerusalemites, as a consequence, have to live in constant fear that their residency permits will be revoked. A practical effect, inevitably, is that whoever is living in the city, with or without papers, is afraid to leave it even for a short period of time.

"50 Years After Six-Day War, East Jerusalem's Palestinian Residents Remain Prisoners in Their City - Study shows how ambivalent Israeli policies and denial of the problem have created a status that doesn't exist anywhere else on earth: native-born residents who are not citizens of the state in whose capital they live".¹³⁵

¹³¹ Edo Konrad, "Let's not forget that East Jerusalem Palestinians are stateless" (+972, Oct 16, 2015), via <https://972mag.com/lets-not-forget-that-east-jerusalem-palestinians-are-stateless/112840/>.

¹³² Some months ago, it is true, the justices of Israel's High Court ordered the Interior Ministry to restore the residency rights of a Palestinian man born in East Jerusalem who was denied permission to live in the city after being away for many years. See: Nir Hasson: "In Precedent-setting Ruling, Israel's Top Court Recognizes East Jerusalem Arabs as 'Native-born Residents'" (Haaretz, March 16, 2017) via <http://www.haaretz.com/israel-news/premium-1.777750>.

¹³³ "Revocation of residency leads to forcible transfer, a war crime under the Rome Statute of the International Criminal Court and a grave breach of the Fourth Geneva Convention. As the revocation forms part of a widespread and systematic policy to transfer the protected Palestinian population, it may also amount to a crime against humanity", see: Al-Shabaka, "Residency Revocation: Israel's Forcible Transfer of Palestinians from Jerusalem" (July 3, 2017), <https://al-shabaka.org/releases/residency-revocation-israels-forcible-transfer-palestinians-jerusalem/>. Also: Human Rights Watch: "Israel: Jerusalem Palestinians Stripped of Status. Discriminatory Residency Revocations" (Aug 8, 2017), <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>.

¹³⁴ Compare with the revocations of citizenship of Negev Bedouins (supra, at the end of ch. 1).

¹³⁵ Nir Hasson, "50 Years After Six-Day War, East Jerusalem's Palestinian Residents Remain Prisoners in Their City" (Haaretz, June 20, 2017), via <http://www.haaretz.com/israel-news/six-day-war-50-years/premium->

At the same time, though, Israel's policy of judaisation and dismantling East Jerusalem as a Palestinian city (meant to be the future capital of the State of Palestine), is physically effectuated by a lot of practices, such as: the confiscation of land, the demolition of houses,¹³⁶ evictions and expropriations followed by the expansion of settlement units, the establishment of Israeli national institutions in Arabic neighborhoods (e.g. the Ministry of Public Security, the HQ of the National Police, etc.), the closure of Palestinian national institutions, colonial tourism infrastructure... A tool for ethnic cleansing that seems to be particularly favored by the Jerusalem Municipality, is declaring areas, often in the very center of Palestinian localities, as "*national parks*". The unusually large number of "*national parks*" declared in Jerusalem, some of them located in areas devoid of any significant archeological findings or natural treasures, according to B'Tselem "*indicate that these parks are also, perhaps mainly, meant to promote political agendas such as maintaining a Jewish majority in Jerusalem, creating a contiguous bloc of land free of Palestinian residents*".¹³⁷

As a consequence, East Jerusalem almost ceases to exist as a coherent, functioning urban entity. The more so since, in addition, the authorities all these years have pursued a policy of discriminating the Palestinian community, primarily in budget allocation and social services (Human Rights Watch):

*"According to the Israeli rights organization Ir Amim, only 10.1 percent of the 2013 municipal budget was allocated for projects and spending in Palestinian neighborhoods in East Jerusalem, though Palestinians are 37 percent of the population. As a result, most Palestinian neighborhoods have poor infrastructure and inadequate health, recreation, and educational services, compared with Israeli neighborhoods, which have well-paved roads, numerous parks and playgrounds, adequate refuse collection, and sufficient places for children in schools. Seventy-six percent of East Jerusalem Palestinians live below the poverty line, according to the Israeli organization Association for Civil Rights in Israel."*¹³⁸

While they have to cope, every day, with the brutalities of the Border Police and the aggressions of fanatic settlers and racist youths, Palestinian Jerusalemites are separated from the West Bank, and thus, unless they get a permit, from their family and their job. The

[1.796711](#) . Also: Human Rights Watch: "*Israel: Jerusalem Palestinians Stripped of Status. Discriminatory Residency Revocations*" (Aug 8, 2017): <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status> .

¹³⁶ 2016 alone saw more house demolitions in East Jerusalem than any year since 1967, displacing 1,593 Palestinians and affecting the livelihoods of another 7,101. See the EECPP report, "*European Union obligations and duty to end Israeli policies of Forced Transfer, Colonialism and Apartheid in Occupied East Jerusalem*" (EECCP, Sept 2014, 42p.), via <http://www.eccpalestine.org/wp-content/uploads/2014/10/report4web-11.pdf>

¹³⁷ Cf. B'Tselem, "*National parks as tool for constraining Palestinian neighborhoods in East Jerusalem*" (16 Sept 2014), via http://www.btselem.org/jerusalem/national_parks .

¹³⁸ Living conditions are particularly dire in neighbourhoods that are part of "*eternally unified Jerusalem*" but are locked out behind the Separation Wall. E.g. the Shoafat refugee camp, see: Nir Hasson: "*A Jerusalem Slum Sinks Into Despair After the Murder of the Man Pegged as Its Savior*" (Haaretz, Aug 10, 2017): <http://www.haaretz.com/israel-news/premium-1.806135> : "*The Jerusalem Municipality, and with it the other authorities, have all but abandoned Shoafat. Garbage collection is sporadic at best, the infrastructures have collapsed, illegal construction is rampant, armed gangs have taken control and the camp has sunk into violent, ugly anarchy*".

harsh struggle, every day, of navigating the Qalandia checkpoint/ bottleneck in order to get to work on the other side is a supplementary factor in a process of "silent transfer" of the Palestinian population out of East Jerusalem.

From the perspective of the people actually living in the West Bank (for the Gazans the situation is even worse, see below, ch. 4.2) their crucial connection with the "Holy City" (*al-Quds*) and the al-Aqsa mosque has practically been severed by the occupier (only 4% of the inhabitants of the West Bank – on condition that one is older than 50 - disposes of a permit necessary to visit Jerusalem):¹³⁹

"Using walls and a permit regime, (Israel) has detached "Greater Jerusalem" from Palestinian society and economy, thus robbing the Palestinians of their political, religious and cultural center as well as their major tourist attraction, the source of 40 percent of their economy."

The general conclusion of chapters 1 and 2 can be summarized in the words of Amnesty International:¹⁴⁰

"Since the occupation first began in June 1967, Israel's ruthless policies of land confiscation, illegal settlement and dispossession, coupled with rampant discrimination, have inflicted immense suffering on Palestinians, depriving them of their basic rights."

3. Meanwhile in Israel...

In Israeli public opinion today extreme racism and dehumanization of the "Arabs" are rampant.¹⁴¹ Colonist youths under protection of the IDF regularly march through the Old City Muslim Quarter on their way to the Al-Aqsa Mosque/Temple Mount, while shouting "Death to the Arabs!", beating the doors of houses and shops, throwing rocks and smashing car windows and harassing Palestinian shopkeepers and passers-by.¹⁴² Summary executions of Palestinian youths at the checkpoints are commonly applauded. Noteworthy, too, is the public reaction to the (too light) sentence of soldier "medic" Elor Azaria, for

¹³⁹ Jeff Halper, "Ending the occupation isn't enough" (+972, 10 juni 2017) via <https://972mag.com/fifty-years-on-its-time-for-a-conflict-resolution-in-palestine-israel/128024/>.

¹⁴⁰ "Israel's Occupation: 50 years of Dispossession", <https://www.amnesty.org/en/latest/campaigns/2017/06/Israel-Occupation-50-Years-of-Dispossession/>.

¹⁴¹ Cf. "Video: Israelis back killing, transfer of Palestinians" (Al-Jazeera, Oct 4, 2017): "A new video has shown strong anti-Arab, anti-Palestinian sentiment among Israelis in Jerusalem, with residents providing extreme solutions to the country's conflict, such as killing all Palestinians and transferring them to other Arab countries... "I would carpet bomb them - it's the only way to deal with it," one Israeli said...", via <http://www.aljazeera.com/news/2017/10/video-israeli-jews-support-killing-transferring-arabs-171003080926491.html>.

¹⁴² E.g. Nir Hasson, "Hundreds of Jewish Youths Go on Rampage in Jerusalem's Muslim Quarter. One Palestinian shop owner was attacked as some 400 youths were reported to have marched through the Old City Muslim Quarter shouting, banging doors and throwing rocks on the eve of Jewish festival" (Haaretz, Oct 12), via <https://www.haaretz.com/israel-news/.premium-1.816890>.

murdering a heavily wounded and incapacitated Palestinian. He was celebrated as a national hero, even in government circles.¹⁴³

Dissident voices, on the other hand, warn that after 50 years of colonial occupation, Israeli society has morally degenerated into a "*prison guard nation*" (Amira Hass) and its army into a "*colonial police force*" (Uri Avnery). Gideon Levy puts it more bluntly: it is "*corrupt and rotten as only an occupying country can be*."¹⁴⁴ The shift to the extreme right that goes hand in hand with this evolution - critical voices do not hesitate to speak of "*fascisation*"¹⁴⁵ - is tangible in many repressive measures by the government. Israel's democracy (i.e. a democracy for its Jewish citizens), is being "*liquidated in stages*".¹⁴⁶

Thus, NGOs and human rights organizations that oppose the occupation policy are increasingly harassed and stigmatized for being "*agents of foreign powers*".¹⁴⁷ A few months ago, a speech against Israel's policy of colonization delivered by the executive director of the human rights organization B'Tselem, at a special session of the UN Security Council dedicated to the settlements, led to hysterical reactions in Israel, including an accusation of high treason.¹⁴⁸ And more recently, Prime Minister Netanyahu canceled his meeting with the German Foreign Minister because he had an appointment with B'Tselem and *Breaking the Silence*, which according to Netanyahu are "*enemies of Israel*".¹⁴⁹ Especially *Breaking*

¹⁴³ Gideon Levy: "Never Have So Many Cheered Such a Vile Murderer" (Haaretz, March 31, 2016), via <http://www.haaretz.com/opinion/1.711888>. Update Oct 10, 2017: "Israel's military chief shortened the prison sentence of Sgt. Elor Azaria, who shot and killed a subdued Palestinian attacker in Hebron. Azaria will now serve 14 months instead of 18 months", in: Amos Harel, in Haaretz, Sept 27, <https://www.haaretz.com/israel-news/1.814579>.

¹⁴⁴ Gideon Levy: "Our Nakba" (Haaretz, April 16, 2017): <http://www.haaretz.com/opinion/.premium-1.783684> (no more accessible)

¹⁴⁵ Uri Avnery: "Israel is now firmly in the grip of a far-right, xenophobic, anti-peace, annexationist government, which includes thinly disguised fascists" (10 Dec 2016), via <http://zope.gush-shalom.org/home/en/channels/avnery/1481289470>.

¹⁴⁶ Chemi Shalev, "In Israel, Democracy Dies in Daylight" (Haaretz, June 14, 2017) via <http://www.haaretz.com/opinion/.premium-1.795506>: "The Palestinian occupation has infected Israel with dangerous viruses that have long incubation periods but cause deadly disease."

¹⁴⁷ The "NGO Bill" or "Transparency Law" was approved by the Knesset on June 11, 2016. NGOs receiving more than half of their finances from foreign institutions (such as the EU) should always mention it expressly in their interventions. The majority of these organizations, need it be said, are left-wing, human rights-oriented and anti-occupation organizations (the right-wing or far-right organizations receiving funds from foreign private donors remain out of range). See Michael Schaeffer Omer-Man: "How Israel turns anti-occupation activists into dissidents" (+972, 4 July 2016), via <http://972mag.com/how-israel-is-turning-anti-occupation-activists-into-dissidents/120425/>. PS These days (June 2017) Netanyahu is no longer satisfied with the existing law. He intends to push for legislation that would completely bar NGOs from receiving foreign government funds, see: Chaim Levinson, "Netanyahu Seeks to Clamp Down on Human-rights Groups and Bar Funding From Foreign States" (Haaretz, June 11, 2017), via <http://www.haaretz.com/israel-news/1.795078>. Also: Mazal Muallem, "Netanyahu spearheads populist 'madness'" (Al-Monitor, June 15, 2017), via <http://www.al-monitor.com/pulse/originals/2017/06/israel-benjamin-netanyahu-yariv-levin-ngo-nationality-law.html>.

¹⁴⁸ For Hagai El-Ad's full speech in a special discussion about settlements at the United Nations Security Council (Oct 14, 2016) see: http://www.btselem.org/settlements/20161014_security_council_address.

¹⁴⁹ Dahlia Scheindlin, "Germany's foreign minister calls Netanyahu's bluff — and rightly so" (+972, April 25), via <https://972mag.com/germanys-foreign-minister-called-netanyahus-bluff-and-rightly-so/126894/>. A

the Silence, an organization made up of former Israeli soldiers that collects and publishes testimonies of IDF transgressions in the occupied territories, finds itself these months in the line of fire (according to reports, the Minister of Tourism is currently working on a new bill that would outlaw it because of working to bring Israeli soldiers to justice before international courts).¹⁵⁰

As far as the Israeli media are concerned, they are expected to submit any "security-sensitive" article to the military censor before publication (in compliance, officially, with the Emergency Law that has been renewed every year since 1948). If the censor requires an editor to make changes to an article, the editor is forbidden to communicate this to the readership.¹⁵¹ The political muting of the media goes even further; the accredited foreign press also comes under pressure.¹⁵² Particularly Prime minister Netanyahu, who until recently also the minister of Communications, is conducting a "war against the media" (cf. the corruption scandals tailing him and his wife).¹⁵³ While counting on the unconditional support of a free newspaper, "Israel Hayom" (paid for by US casino owner Sheldon Adelston), Netanyahu, threatening to resign as prime minister, managed to deprive a newly created public broadcaster of its news section (because of it being "too left").

Next, in the field of art and culture, Miri Regev (Likud), Minister of Culture (she served in the army as "Chief Military Censor" for the media), is waging a "war on culture".¹⁵⁴ Accordingly she has announced a law requiring artists and companies to sign a declaration of "cultural loyalty" to the "principles of the Jewish state."¹⁵⁵ Not long after taking office in

couple of months earlier Belgian prime minister Charles Michel got an official "reprimand" for the same reason.

¹⁵⁰ See: Jonathan Lis, "Israeli Minister Wants to Outlaw Groups Seeking to Try Soldiers in International Court" (Haaretz, Oct 17), via <https://www.haaretz.com/israel-news/1.817667>. Also Edo Konrad, "In the crosshairs: Israel's war of attrition on political dissent" (+972, Oct 22), via <https://972mag.com/in-the-crosshairs-israels-war-of-attrition-on-political-dissent/130328/>.

¹⁵¹ Haggai Matar, "IDF Censor redacts 1 in 5 articles it reviews for publication" (+972, Sept 26, 2016): via <http://972mag.com/idf-censor-redacts-1-in-5-articles-submitted-prior-to-publication/122218/> en Michael Schaeffer Omer-Man, "A letter to our readers: On censorship" (+972, Feb 15, 2016), <https://972mag.com/a-letter-to-our-readers-on-censorship/117008/>.

¹⁵² See e.g. the refusal to renew the visum of the Dutch journalist, Derk Walters (correspondent for the NRC newspaper). Cf. Peter Vandermeersch (editor of the NRC), "Israël weigert correspondent NRC verlenging visum" (NRC, 2 May 2017), via <https://www.nrc.nl/nieuws/2017/05/02/israel-weigert-correspondent-nrc-verlenging-visum-a1556857>.

¹⁵³ Gidi Weitz, "In Israel, No Gatekeepers to Stop Netanyahu's War on Media" (Haaretz, April 2, 2017), via <http://www.haaretz.com/israel-news/premium-1.780680>.

¹⁵⁴ Haaretz Editorial: "Israel's Culture Minister's War on Culture" (March 7, 2016) via <http://www.haaretz.com/opinion/1.707343>. Zie de video van BBC Newsnight, "Israel's Culture War", via <https://youtu.be/oi-PzuSkUuU>. PS Not unimportant: Regev is a Mizrahi Jew openly confronting the Israeli cultural landscape which is dominated by the Ashkenazi left. She intends to promote institutions and events in outlying parts of the country, with a special focus on Mizrahi culture. See: Judy Maltz: "In First, Israel Threatens to Cut Theater's Funding Over Show for Palestinian Poet" (Haaretz, Sept 6, 2017): <http://www.haaretz.com/life/premium-1.810970>.

¹⁵⁵ Yair Ashkenazi, Jonathan Lis, Jack Khoury & Sharon Pulwer: "Israel's Nationalistic 'Loyalty in Culture' Bill Passes Legal Test" (Haaretz, Feb 25, 2016): "Bill gives Culture Minister Miri Regev power to cut funding for cultural activities that 'contravene the principles of the state'", via <http://www.haaretz.com/israel-news/premium-1.705312>. David Grossman put it bluntly: "Demand for loyalty in culture is fascist" (Haaretz,

2015, Regev instituted a new policy that punishes Israeli artists, theatre companies, orchestras, dance groups, etc. who refuse to perform in West Bank settlements, with a considerable cut in their subsidies. In addition, Regev froze the subsidies for the only Arabic-language theatre company, al-Midan, in Haifa, because it produced a play about a Palestinian prisoner who was convicted of "terrorism", 21 years ago.¹⁵⁶ Similarly, the film industry was placed under her control as well, involving the creation of a "blacklist" of filmmakers.¹⁵⁷ The immediate occasion for this was the screening of a TV documentary, "Megiddo", about the lives of Palestinian "security prisoners" and their relation with their guards. In the critical media, Regev's policy was recently denounced as "cultural terrorism."¹⁵⁸ In 2015, the Ministry of Education had already removed from the reading list for secondary schools the book "All the Rivers", about the love between an Israeli woman and a Palestinian man.¹⁵⁹ Very understandably, these developments prompted in the critical Israeli media the question "Why is the Israeli Right so terrified of cultural expression?"¹⁶⁰

Universities. The Minister of Education, Naftali Bennet, president of *Habayit Hayehudi* (The Jewish Home), a right-wing party aligned with the religious settler movement, initiated a political assault on the Israeli academia and academic freedom by means of an academic "ethics code". It presents itself as a set of "Rules for Appropriate Conduct where Academic Activities Overlap with Political Activities".¹⁶¹ The move is seen as an attempt to

March 21, 2016), via <http://www.haaretz.com/israel-news/.premium-1.710085>. See as well: video of BBC Newsnight, "Israel's Culture War", via <https://youtu.be/ol-PzuSkUUU>.

¹⁵⁶ Today (Sept 7), she managed to make the Finance Ministry consider cutting funding to the Jaffa Theatre, a Jewish-Arab theatre, for violating the "Nakba Law" because of two specific events held on their premises: a performance in June based on the recital of letters written by Palestinian political prisoners; and last week's show honouring Israeli-Palestinian poet Doreen Tatour, who has been under house arrest in northern Israel for nearly two years. See: Judy Maltz, o.c.

¹⁵⁷ Akiva Eldar, "How Israel's culture minister threatens national film industry, democracy" (Al-Monitor, 6 april 2017), via <http://www.al-monitor.com/pulse/originals/2017/04/israel-west-bank-occupation-miri-regev-culture-minister.html>.

¹⁵⁸ Rami Younis, "The cultural terrorism of Miri Regev" (+972, March 28, 2017) via <https://972mag.com/the-cultural-terrorism-of-miri-regev/126209/>.

¹⁵⁹ See Alon Idan, "By Banning Book, Israel Maintains Purity of Blood". "Jews and Arabs are forbidden to have sex, love, marry, have families or live with one another, according to the Education Ministry" (Haaretz, Dec 31, 2015), via <http://www.haaretz.com/israel-news/.premium-1.694673>. The author, Dorit Rabinyan, on a tour sponsored by the Israeli Ministry of Foreign Affairs, denounced in New York the "nationalist demagoguery" of Netanyahu and his ministers, see: Philip Weiss, "Traveling on Israeli government's dime, novelist trashes Netanyahu and ministers as 'sorceress and stupid apprentices'" (Mondoweiss, April 28, 2017), via <http://mondoweiss.net/2017/04/traveling-governments-apprentices/>.

¹⁶⁰ Orly Noy, "Why is the Israeli Right so terrified of cultural expression? The Right holds near total power in Israel, so why is it so afraid of poetry and theatre productions?" (+972, Sept 26), via <https://972mag.com/why-is-the-israeli-right-so-terrified-of-cultural-expression/129930/>.

¹⁶¹ Justin W., "Is Academic Freedom in Israel Threatened by a Philosopher-Authored Ethics Code? (Updated with English Translation of Proposed Code)" (DailyNous.com, June 13, 2017) via <http://dailynous.com/2017/06/13/academic-freedom-israel-threatened-philosopher-authored-ethics-code/> English translation of the full text of the code (7p.): <http://dailynous.com/wp-content/uploads/2017/06/israel-academic-ethics-code-english-translation-alon-harel.pdf>.

curtail a left-wing discourse on campus.¹⁶² The code bars professors from expressing contentious political opinions ("*specific positions in a known public dispute*"); it will also forbid faculty to call for boycotts of Israel (rule 11).¹⁶³ Once approved by the Council for Higher Education (Ben-net is its chairman), the code will be enforced in every institute by "*an implementation apparatus*".¹⁶⁴ This committee will be tasked with monitoring political activity of professors, act on complaints from students (when they feel uncomfortable because of a lecturer raising an "*appearance of a political activity*", rule 5), and take disciplinary action against transgressors. Critics warn of the creation of an academic thought police encouraging a culture of informing.

The Ethical Code was blasted by the umbrella organization of the heads of Israel's universities.¹⁶⁵ In the US the plans were condemned by the (pro-Israel) leadership of two education unions because of being "*a threat not only to academic freedom in Israel, but to Israel's standing as a democracy*"; the code would be "*totally counterproductive*" and "*more likely to trigger academic boycotts of the country*".¹⁶⁶

At the Minister's behest the code was put together by Asa Kasher, professor of Professional Ethics and Philosophy of Practice at Tel Aviv University, "*who has a monopoly on formulating ethical codes for the establishment*" (Or Kashti). Kasher accepted to perform what Haaretz calls a "*task of intellectual treachery*", with the help of the right-wing, extremist if not fascist organization *Im Tirtzu*, notorious for its witch hunt against "leftist" activists and academics. Some ten years ago Prof. Kasher already drafted an "*ethics code*" for the Israeli army (published in 1994). In it he legitimized the use of military violence against civilian populations and infrastructure. No wonder, he gave a moral justification to the IDF's murderous assaults against Gaza, notably the Operation Cast Lead (2008-9).¹⁶⁷

¹⁶² Haaretz Editorial: "*Declaring War on Academia*" (Haaretz, June 11, 2017): <http://www.haaretz.com/opinion/editorial/1.794974>.

¹⁶³ Chaim Levinson, "*Israeli Education Chief Orders 'Ethics Rules' for Professors Aimed at Curtailing 'Political Preaching'*" (Haaretz, June 8, 2017) via <http://www.haaretz.com/israel-news/premium-1.757859> Also: Or Kashti, "*Israeli Education Minister's Ethics Code Would Bar Professors From Expressing Political Opinions*" (Haaretz, June 10, 2017), via <http://www.haaretz.com/israel-news/1.794900>.

¹⁶⁴ Rule 5: "*The apparatus will be responsible for the implementation and oversight of academic freedom, the limits of academic freedom, the status of students and the avoidance of any appearance of political identification subject to judgment... The apparatus will allow receiving, investigating and adjudicating complaints, as well as publishing them in appropriate detail and circulation, taking corrective steps and recommending further steps to the appropriate institutional authorities.*"

¹⁶⁵ Yarden Skop, "*Israeli University Heads Blast New Ethical Code as Undermining Academic Freedom*" (Haaretz, June 10), via <http://www.haaretz.com/israel-news/1.794953>

¹⁶⁶ Amir Tibon: "*Israel's Ethics Code for Professors Would Encourage More Academic Boycotts, Warns U.S. Union Head*" (Haaretz, June 22, 2017): via <http://www.haaretz.com/israel-news/premium-1.797053>.

¹⁶⁷ Cf. Amos Harel, "*The Philosopher Who Gave the IDF Moral Justification in Gaza*" (Haaretz, Feb 6, 2009), via <http://www.haaretz.com/print-edition/news/the-philosopher-who-gave-the-idf-moral-justification-in-gaza-1.269527>. Cf. Gideon Levy: "*It's all kosher for Kasher*" (Haaretz, Oct 4, 2009), via <http://www.haaretz.com/it-s-all-kosher-for-kasher-1.6744>. Also: Jonathan Ofir, "*New Israeli 'ethics code' for academia seeks to combat BDS*" (Mondoweiss, June 21, 2017), <http://mondoweiss.net/2017/06/israeli-ethics-academia/>

With regard to legislation, the Knessett, entrenching "securitization" at the expense of the protection of human rights, continues to enact discriminatory and anti-democratic laws. A 2016 draconian "anti-terrorism law", for example, enables police and security services to prosecute almost any critical activity, be it political, social, humanitarian or cultural, as an act of "terrorism" or "incitement" to it.¹⁶⁸ Human rights organizations and charities too can be prosecuted for lending "support" to a "terrorist organization."¹⁶⁹ The same goes for a person who is himself/herself not personally involved in "terrorist activities" but appears to applaud them, e.g. in his or her utterances on Facebook. In these days of busy online traffic, indeed, Israeli intelligence agencies with their high tech equipment (e.g. the infamous IDF Unit 8200) are engaged in an obsessive espionage of Palestinian social media.¹⁷⁰ Especially young people are its victims: no less than 35% of them in the West Bank said they had already been arrested for something they had posted on the social media or privately written to a friend using online resources.¹⁷¹ Thus, the Palestinian Israeli poet Dareen Tatour is charged with incitement to violence and support for a terrorist organization because of a poem she published on YouTube ("Resist My People, Resist Them").¹⁷² Need it be said, these fervent efforts against "terrorism" are almost exclusively directed against Palestinians, either in Israel or in the West Bank, and not against Jewish Israeli?¹⁷³

¹⁶⁸ Adalah (The Legal Center for Arab Minority Rights in Israel): "'Anti-Terror' (Counter-Terrorism) Law", via <https://www.adalah.org/en/law/view/598>. Also Emily Mulder, "Critics say Israel's new 'terrorism' law criminalizes Palestinian political activism" (Mondoweiss, June 16, 2016): <http://mondoweiss.net/2016/06/criminalizes-palestinian-political/>. And: "Israel's new Anti-Terror Law violates Arab citizens' human rights" (Adalah, June 19, 2016), via <https://www.adalah.org/en/content/view/8834>.

¹⁶⁹ Recently: "An Israeli human rights lawyer [Zvi Zer] who for over seven years wrote to the United Nations requesting help for children and families damaged by Israeli judicial corruption is now himself a victim of illegal arrest and detention", Marianne Azizi (Redress Information & Analysis, May 18, 2017), via <http://www.redressonline.com/2017/05/israeli-human-rights-lawyer-in-detention-without-defence-or-trial-a-victim-of-judicial-abuse/>.

¹⁷⁰ "Israeli intelligence has developed a predictive policing system – a computer algorithm – that analyzes social media posts to identify Palestinian 'suspects'", see: Nadim Nashif and Marwa Fatafta, "The Israeli algorithm criminalizing Palestinians for online dissent" (OpenDemocracy, Oct 4, 2017), <https://www.opendemocracy.net/north-africa-west-asia/nadim-nashif-marwa-fatafta/israeli-algorithm-criminalizing-palestinians-for-o>.

¹⁷¹ Asa Winstanley, "Almost 20% of Palestinian youth have faced arrest after online postings" (MEMO, Feb 28, 2017), via <https://www.middleeastmonitor.com/20170228-almost-20-of-palestinians-have-faced-arrest-after-online-postings/>. Recently a young man was sentenced to 1 year in prison (7 March 2017).

¹⁷² Kim Jensen and Yoav Haifawi: "'With furious cruelty' – Palestinian poet Dareen Tatour still facing prosecution in Israel" (Mondoweiss, April 13, 2017) via <http://mondoweiss.net/2017/04/furious-palestinian-prosecution/>.

¹⁷³ "While systematically targeting Palestinians online, Israel does not punish its Jewish residents for their social media posts, though a significant number of them are racist and violent toward Arabs or Palestinians", Nadim Nashif and Marwa Fatafta, o.c.

The parliamentary immunity of the Palestinian Knesset members of the Knesset is more and more under attack,¹⁷⁴ and a proposed amendment to a basic law will demand *"that the elected representatives of Israel's non-Jewish minority swear loyalty to the Jewish state"*.¹⁷⁵

As for the Israeli judiciary, the Supreme Court, because of being relatively independent, comes regularly under fire from the government and extreme right-wing activists. Ayelet Shaked (Jewish Home), Minister of Justice, refused to confirm the appointment of its next president and is determined to pack the Court with conservative judges.¹⁷⁶

*"In a coordinated pincer movement, Netanyahu has signaled his own support for laws aimed at circumscribing the Supreme Court's ability to nullify Knesset laws and at restricting the right of human rights NGOs to petition the Court on behalf of Palestinians in the West Bank, a move which seriously limits the court's scrutiny of the occupation."*¹⁷⁷

These and similar moves by the Israeli right are part of an overall campaign to politicize Israel's legal system.

The same minister of Justice, Ayelet Shaked, is spearheading an attack against the democratic principles the Israeli state until now relied upon, at least in its dealings with its Jewish citizens. Calling for what in the press is called a *"new Zionism"*, she does not hesitate to abjure openly in her capacity of minister of Justice (!) the universal internationally applicable rules of law in favor of an ego- and ethnocentric, i.e. racist in-group morality. In her own words, spoken at the Israel Bar Association conference in Tel Aviv: ¹⁷⁸

"Zionism should not – and I'm saying here that it will not – continue to bow its head to a system of individual rights interpreted in a universalist manner."

In his comment Prof. Daniel Blatman (Hebrew U.) writes:¹⁷⁹

"Shaked's new Zionism is a revolutionary synthesis of the colonialist settlement ethos of the labor movement and ethnocentric-racist Jewish components that together lead to a major revision of the fundamental definitions of the Jewish state".

¹⁷⁴ "New legislation from 2016 that negatively affects the rights of Palestinian citizens of Israel includes the "Expulsion of MKs" Law, which allows a majority of members of Knesset (MKs) to oust a serving MK" (Adalah, Dec 6, 2016), via <https://www.adalah.org/en/content/view/8965>.

¹⁷⁵ Haaretz Editorial, March 12, 2017, "An Arab-free Knesset", via <https://www.haaretz.com/opinion/editorial/1.776614>.

¹⁷⁶ E.g. Sharon Pulver, "Naor Presses Justice Minister to Approve Her Choice for Next Israeli Supreme Court President" (Haaretz, May 30, 2017) via <http://www.haaretz.com/israel-news/premium-1.792689>

¹⁷⁷ Chemi Shalev, "Before Dismantling Democracy, Israeli Right Breaks Rule of Law" (Haaretz, June 25, 2017), via <http://www.haaretz.com/israel-news/premium-1.797676>.

¹⁷⁸ Quoted in: Haaretz Editorial, "The Justice Minister Versus Democracy" (Haaretz, Aug 30), <http://www.haaretz.com/opinion/editorial/1.809670>: "In other words, Israel should violate human rights in the name of Zionism. In Shaked's view, Zionism is nothing but a euphemism for racism or nationalism". Also Gideon Levy, "Shaked said, loud and clear: Zionism contradicts human rights, and thus is indeed an ultranationalist, colonialist and perhaps even racist movement, as proponents of justice worldwide maintain," in: "Israel's Minister of Truth" (Haaretz, Aug 30), <http://www.haaretz.com/opinion/premium-1.809867>

¹⁷⁹ Daniel Blatman, "The New National Zionism" (Haaretz, Sept 1, 2017), <http://www.haaretz.com/opinion/premium-1.810092/premium-1.810092>

Another example of democratic derailment is a new law that denies entry to the country (and to the Occupied Territories) to foreigners, even when Jewish, who advocate a boycott even if only of the colonies. In liberal Jewish circles, mainly in the US, which are opposed to the occupation and the settlements, this law is meeting vehement criticism. In the Israeli press, there is talk of an attack on freedom of speech and the inauguration of a *"thought police"*.¹⁸⁰ Despite the opposition of the Attorney General, the present Minister of Public Security (but also of *"Strategic Affairs"*, i.e. Anti-BDS), Gilad Erdan (Likud), has created a special unit in his ministry which is tasked with establishing a database with the names of Israeli citizens who boycott the settlements. A petition against this measure - *"Police Minister Erdan, add us to your black list!"* - had already been signed, in April, by more than a thousand Israelis.¹⁸¹

Against the background of a general conviction among right-wing Israeli politicians, that an *"Arab"* citizen of Israel is a kind of contradiction in terms, the presence of representatives of the *"Arab"* minority in the Knesset has since long come under fire from the extreme right.¹⁸² There is a law that excludes any political party that questions the existence of Israel as a *"Jewish and democratic"* state or advocates equal rights for all citizens regardless of their ethnicity. More recently, the so-called *"Expulsion Bill"* was approved: directed at the *"Arab"* MK's, it makes it possible to withdraw his or her mandate on the grounds of so-called support for *"terrorism"*.¹⁸³ And an amended *"basic law"* will in future disqualify a candidate in parliamentary elections who denies Israel's existence as a *"Jewish state"* or supports the fight against it, even if only with words. We should not be surprised, therefore, when critical Israeli observers write:¹⁸⁴

"After a short era of democracy, Israel has become, as astute writers on this editorial page [Haaretz] have pronounced, a fascist country. And as a derivative of this, an apartheid nation".

¹⁸⁰ « Together with a previous Knesset law from 2011, which made Israeli citizens who espouse a boycott of settlements liable for damages, the new law takes Israel one more step down the slippery slope, if not an actual free-fall, of curtailing freedom of speech and instituting thought police instead », Chemi Shalev in: « The New Anti-boycott Law Is anti-Zionist and anti-Jewish » (Haaretz, March 7, 2017), via <http://www.haaretz.com/opinion/.premium-1.775791>.

¹⁸¹ Occupation Magazine (April 5, 2017), http://www.kibush.co.il/show_file.asp?num=75447. A recent update (expanded powers for government surveillance, blacklisting, and infiltration) : Amnon Portugaly: "The war on Israeli BDS supporters" (+972, Aug 4, 2017): <https://972mag.com/the-war-on-israeli-bds-supporters/129093/>.

¹⁸² "There is no reason why Sheikh Ra'ed Salah, Ayman Odeh, Basel Ghattas or Haneen Zoabi should continue to be Israeli citizens" (three of the four are members of the Knesset), thus the present Minister of Defense, in: "The Old Avigdor Lieberman Is Back" (Haaretz, March 14, 2017), via <http://www.haaretz.com/opinion/editorial/1.777115>. More recently, still, he compared the Palestinian MK's to... the Nazi's and asked they would be treated similarly: Shlomi Eldar, "Knesset reels after defense minister compares Arab members to Nazis" (Al-Monitor, May 10, 2017), via www.al-monitor.com/pulse/originals/2017/05/israel-arabs-joint-list-party-avigdor-liberman-incitement.html.

¹⁸³ Haaretz Editoriaal of March 12, 2017: "An Arab-free Knesset", via <http://www.haaretz.com/opinion/editorial/1.776614>.

¹⁸⁴ Israel Harel, "Cultural McCarthyism as Old as Israel Itself" (Haaretz, April 3, 2017), via <http://www.haaretz.com/opinion/1.780985>.

And another one:¹⁸⁵

“Shaked and Bennett, along with Netanyahu and other cabinet ministers, are engaged in nothing less than a war against the last remaining vestiges of the liberal democracy that Israel once purported to be. They want to eradicate Western values from Israel’s education and legal system and to subordinate democracy and constitutional freedoms to nationalistic norms and Jewish religious law. They are striving to cow independent judges and academics into silence and to impose norms that place the state over the individual and collective ideology over personal freedoms.”

4. Israel’s Apartheid Regime (1): The ESCWA Report

4.1. Being the native people of historic Palestine, the Palestinians have the inalienable right to live in freedom, equality and human dignity. Their right to self-determination must be recognized by Israel in accordance with international and humanitarian law.¹⁸⁶ The legal existence of the “Palestinian people” and their right to self-determination have also been confirmed by the International Court of Justice (ICJ) in its advisory opinion on the Separation Wall.¹⁸⁷

The foundational documents of international law include: the “*Fourth Geneva Convention*” (1949)¹⁸⁸ and the “*Universal Declaration of Human Rights (1948)*”.¹⁸⁹ Israel violates a.o. the right to property, housing, adequate living standards, education, freedom of movement, free disposal of natural resources, equality and self-determination.

Particularly relevant are the international treaties on human rights: the “*International Convention on the Elimination of All Forms of Racial Discrimination*” (1966);¹⁹⁰ the “*International Covenant on the Suppression and Punishment of the Crime of Apartheid*” (1973),¹⁹¹ the “*International Covenant on Civil and Political Rights*” and the “*International*

¹⁸⁵ Chemi Shalev, “*The Plot Against Israel. Right-wing assaults on army, academia and judicial system erode Israel’s foundations and undermine its legitimacy*” (Haaretz, June 11, 2017), <http://www.haaretz.com/israel-news/premium-1.795087>

¹⁸⁶ See “*Addendum 3: The Right to Self-Determination*”, in Part 2 of this dossier.

¹⁸⁷ “*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*”, July 2004, see: <http://www.icj-cij.org/docket/files/131/1671.pdf>.

¹⁸⁸ Via <http://www.bacbi.be/pdf/GC-IV-EN.pdf>. According to the Israeli point of view, since there is no occupation of the Territories, the Convention is not applicable. E.g. Rachel Avraham, “*Why Israel Is Not Violating Fourth Geneva Convention*” (United with Israel, Feb 13, 2013): <http://unitedwithisrael.org/why-israel-is-not-violating-fourth-geneva-convention/>. The applicability, however, of the Convention was confirmed by the ICJ, in the *Advisory Opinion* we already referred to, para. 95-97.

¹⁸⁹ See: <http://www.un.org/en/universal-declaration-human-rights/>.

¹⁹⁰ Vide : <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.

¹⁹¹ Via <https://treaties.un.org/doc/publication/unts/volume%201015/volume-1015-i-14861-english.pdf>

Covenant on Economic, Social and Cultural Rights.¹⁹² The last two are in force since 1976 and were signed by Israel. They share Art. 1:

"All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

Also fundamental are the hundreds of resolutions of the UN General Assembly¹⁹³ and the dozens of resolutions of UN Security Council which have called on Israel to change its policies. Israel's systematic refusal to do so never has never had any consequences.¹⁹⁴ Resolution 242 (22 November 1967), for example, demanded the Israeli army's retreat from the newly occupied territories. One of the most emphatic resolutions was Resolution 465 (1 March 1980):¹⁹⁵

"5. [The Security Council] determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

6. Strongly deplores the continuation and persistence of Israel in pursuing those policies and practices and calls upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;

7. Calls upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories;

8. Requests the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution."

¹⁹² Via <http://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf> and <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

¹⁹³ E.g. Resolution A/RES/58/163 (Dec 22, 2003), Topic: *"The right of the Palestinian people to self-determination"* (160+, 6-): http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/58/163. It calls for *"(t)he withdrawal of Israel from the Palestinian territory occupied since 1967"*.

¹⁹⁴ For the *"List of United Nations Security Council Resolutions on Israel (1948 – 2006)"*, vide <http://www.cie.ugent.be/Palestina/palestina274.htm>.

¹⁹⁵ See: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/5AA254A1C8F8B1CB852560E50075D7D5>

Together with other relevant resolutions, Resolution 465 has been reaffirmed by the Security Council in Resolution 2334 of 23 December 2016.¹⁹⁶

Finally, and equally important is the "*Rome Statute of the International Criminal Court*" (entered into force on July 1, 2002, not signed by Israel),¹⁹⁷ and the International Court of Justice's rulings on the Separation Wall (July 2004) mentioned above.

In accordance with international and humanitarian law, an end must be put to the military occupation and colonization of the West Bank, including annexed East-Jerusalem, to the barbaric blockade and daily siege of the Gaza Strip, to the legalized discrimination of the Palestinian Israeli citizens and to the hopeless fate of millions of refugees in the camps.¹⁹⁸ And there should come an end to Israel's apartheid regime.

4.2. Both the widespread condemnation of Israel's policies and the Boycott Disinvestment and Sanctions (BDS) campaign have been bolstered recently by the publication of a report from the UN-Economic and Social Commission for Western Asia (UN-ESCWA).¹⁹⁹ Its rapporteurs are two American experts: professors Richard Falk and Virginia Tilley.²⁰⁰ [Under heavy pressure from Israel and the US the new Secretary-General of the UN, António Guterres, ordered ESCWA to remove the report from its website. UN Vice-Secretary-General and ESCWA Executive Secretary, Ms. Rima Khalaf, refused to do so and resigned. The report as such, however, was not rejected by the UN.]

As summarized in its Executive Summary (p. 1), the report's conclusion is

"that Israel has established an apartheid regime that dominates the Palestinian people as a whole. Aware of the seriousness of this allegation, the authors of the report conclude that available evidence establishes beyond a reasonable doubt that Israel is guilty of policies and practices that constitute the crime of apartheid as legally defined in instruments of international law".

Not unimportant in this conclusion is its reference to the Palestinian people "*as a whole*". Contrary to the usual practice, indeed, the report does not limit itself to the Occupied Territories but includes in Israel's apartheid regime the Palestinian citizens in the Israeli

¹⁹⁶ Vide : <http://www.un.org/webcast/pdfs/SRES2334-2016.pdf>

¹⁹⁷ See: https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf.

¹⁹⁸ "The number of Palestinian refugees is currently estimated at 6.5 million according to the NGO BADIL. 80 per cent of them are dependent on humanitarian aid, as are the 2 million inhabitants of the Gaza Strip, who have been subjected by Israel to a virtually hermetic land, sea and air blockade for 10 years", in: "L'aide du "World Food Program" cessera en juillet pour 150.000 des Palestiniens les plus pauvres" (Pour la Palestine, 15 juin 2017), via <http://www.pourlapalestine.be/laide-du-world-food-program-cessera-en-juillet-pour-150-000-des-palestiniens-les-plus-pauvres/>.

¹⁹⁹ "Palestine and the Israeli Occupation, Issue No. 1: Israeli Practices towards the Palestinian People and the Question of Apartheid", March 15, Beirut 2017 (pdf, 74p.). The full report can be found on the BACBI website: http://www.bacbi.be/pdf/un_apartheid_report_saved.pdf. The separate publication of the "Executive Summary" was removed as well, see now: http://www.bacbi.be/pdf/apartheid_executive_summary.pdf.

²⁰⁰ Richard Falk is Professor of International Law and Practice Emeritus at Princeton University and a former UN human rights rapporteur for the Palestinian territories; Virginia Tilley is Professor of Political Science at Southern Illinois University.

state and the millions of refugees. In this way, the ESCWA report goes beyond the 2009 report of the Human Sciences Research Council of South Africa.²⁰¹

The report's legal starting point is international law and its approach to apartheid as a universal crime that is not restricted to the forms of drastic discrimination which once applied in South Africa. Following the 1973 Anti-Apartheid Covenant, the Statute of Rome (2002) in its Article 7, par. 2 (h) offers a legal definition of "apartheid" as being one of seven "crimes against humanity":

"The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime".

"Inhumane" activities include: forced transfer or displacement, persecution, murder, enslavement, torture, rape, imprisonment and other forms of severe deprivation of physical liberty in violation of fundamental rules of international law. According to the rapporteurs,

"except for the provision on genocide (which was not practiced in southern Africa either), every "inhuman act" listed in the Apartheid Convention is practiced by Israel in the West Bank" (Report, p. 46).

One example of racist discrimination applies to the Palestinians living in the Occupied Territories, i.e. in territory under Israel's exclusive control. Contrary to the Jewish settlers living in the same territory, the indigenous, non-Jewish Palestinians are denied the right to citizenship or nationality and thereby the protection of civil law. Deprivation of citizenship "on the basis of race, color, descent, or national or ethnic origin" is a breach of the International Convention on the Elimination of All Forms of Racial Discrimination.²⁰²

"At the heart of the Israeli-Palestinian conflict is indeed the exclusion of the Palestinians, as non-Jews, from citizenship in the State that governs their country" (Report, p. 50)

The institutionalized discrimination, on the other hand, against so-called "Israeli Arab" citizens living in pre-1967 Israel is based on the legalistic distinction made between "citizenship" and "nationality":

"Effectively interchangeable under international law, the terms "citizenship" (ezrahut) and "nationality" (le'um) have distinct meanings in Israel, where citizenship rights and national rights are not the same thing. Any citizen enjoys the former, but only Jews enjoy the latter, as only Jewish nationality is recognized under Israeli law. These and other laws comprise a regime of systematic racial discrimination that imposes second-

²⁰¹ "Occupation, Colonialism, Apartheid ? A re-assessment of Israel's practices in the occupied Palestinian territories under international law." See: Virginia Tilley (May 29, 2009) "Report: Israel practicing apartheid in Palestinian territories" at <http://www.hsrc.ac.za/en/media-briefs/democracy-governance-and-service-delivery/report-israel-practicing-apartheid-in-palestinian-territories>.

²⁰² CERD/C/64/Misc.11/rev.3, para. 14.

class citizenship on Palestinian citizens of Israel. The broad impact is confirmed even by Israeli data, which detail, for instance, inferior funding for Palestinian schools, businesses, agriculture and health care, as well as limits on access to jobs and freedom of residence." (Report, p. 40)

In other words, "*national*" rights in Israeli law are exclusively Jewish-national rights. In this way, the regime isolates the struggle of its "*Arab*" citizens for equality and civil reforms under Israeli law from Palestinian endeavors elsewhere.

The UN-ESCWA Report establishes on the basis of scholarly inquiry and overwhelming evidence that Israel is guilty of the crime of apartheid. In the hierarchy of crimes against humanity the crime of apartheid is considered to be second only to genocide, both of them being the only two international crimes, the commission of which States have a duty to prevent and oppose (Report, p. 52, n. 90). In other words, the repression and punishment of apartheid is considered to be a "*ius cogens*" under international law, meaning

"States have a separate and collective duty (a) not to recognize an apartheid regime as lawful; (b) not to aid or assist a State in maintaining an apartheid regime; and (c) to cooperate with the United Nations and other States in bringing apartheid regimes to an end. A state that fails to fulfil those duties could itself be held legally responsible for engaging in wrongful acts involving complicity with maintaining an apartheid regime." (Report, p. 53).

It is important that in its recommendations the report does not limit themselves to stressing the political and legal responsibilities of the member states of the UN with respect to the mandatory imposition of measures and penalties vis-à-vis an existing apartheid regime. Civil society and individual civilians too are called upon to assume their responsibility, if only on a moral level. In other words:

"Civil society institutions and individuals also have a moral duty to use the instruments at their disposal to raise awareness of this ongoing criminal enterprise, and to exert pressure on Israel to dismantle apartheid structures" (ibid.)

One of those civil instruments which is explicitly recommended by the report, is the international BDS campaign.. For that reason (Report p. 56):

"Efforts should be made to broaden support for boycott, divestment and sanctions initiatives among civil society actors" (under: Recommendations for civil society and private sector actors, nr. 2), and

"National Governments should support boycott, divestment and sanctions activities and respond positively to calls for such initiatives" (under: Recommendations for national Governments of Member States, nr. 4).

Given its effectiveness in the anti-apartheid campaign against South Africa, the transnational activism of civil society in the case of the Israeli apartheid regime should contribute

"to exert pressure on Israel to dismantle apartheid structures and negotiate in good faith for a lasting peace that acknowledges the rights of Palestinians under

international law and makes it possible for the two peoples to live together on the basis of real equality" (Report, p. 53).

Finally, among those who welcomed the report,²⁰³ Guman Mussa, the Arab World Campaigns Coordinator with the BNC, commented

"the ESCWA's report sets a precedent for the UN as it calls on national governments and international civil society to endorse BDS as the most effective mechanism to hold Israel to account. Acting to stop Israel's apartheid is not an optional course of action but an obligation under international law."

And Omar Barghouti, co-founder of the BDS movement, concluded :

"Our South Africa moment is nearing. This new UN report is a stark indicator that Israel's apartheid is destined to end, as South Africa's did. BDS is not only growing impressively on campuses, in churches, trade unions, cultural organizations and social movements, it is today adopted by a UN Commission".

4.3. A special focus in the ESCWA-Report concerns the role in an apartheid system of a strategy of fragmentation of the subdued population. The rapporteurs refer to the example of South Africa with its Bantustans:

"The architects of South African apartheid adopted a strategy of "grand apartheid" to secure white supremacy in the long term through the country's geographic partition into white areas (most of the country) and disarticulated black areas. That policy inspired the clause in the Apartheid Convention enouncing as a crime the creation of "separate reserves and ghettos for the members of a racial group or groups" (article II (d))." (Report p. 46).

Inspired, indeed, by the South African Apartheid, Israel's leaders too used and still use the fragmentation of the Palestinian people as one if not their main technique of colonial domination.²⁰⁴

On a global scale, the Report identifies four geographic regions or "*domains*" between which the Palestinian nation (today estimated at approximately 12.37 million people) has been separated because of the creation of an Israeli state in historic Palestine and its colonial policies (Report, pp. 37-48):

domain 1: that of the Palestinian minority in the Israeli state, about 1.7 million. Being "*not-Jewish*" in a "*Jewish State*", they are second-class citizens, discriminated by more than 50

²⁰³ "New UN Report Confirms Israel is an "Apartheid" State, Calls for BDS" (AURDIP, March 17, 2017), via <http://www.aurdip.org/new-un-report-confirms-israel-is.html>.

²⁰⁴ Israeli politicians harbored a great fondness for and interest in South Africa's apartheid's policies. Sharon especially was convinced that the Bantustan model was the right one for the Palestinians too, cf. Jonathan Cook, "*Disappearing Palestine*" (2008), p.106: "*What appealed to (Sharon) was the fact that the Bantustans were designed not only to separate the white minority from the black majority to the latter's detriment, but also to divide the blacks from each other, isolating them in a series of separate and potentially antagonistic 'states'.*"

laws and physically separated, because of Israel’s walling and fencing, from their compatriots in the West Bank and Gaza;²⁰⁵

domain 2: applies to the Palestinian so-called “*permanent residents*” of East Jerusalem. Their residency is in fact conditional since they don’t enjoy Israeli citizenship and may be deprived of their residency permit; in numbers they are approximately 316,000. Cf. supra;

domain 3: includes the stateless inhabitants of the Occupied Territories, i.e. the West Bank (2.7 million) and the Gaza Strip (1.9 million), living under military law, without civil or political rights; and

domain 4: refers to the refugees of 1948 and 1967, whose return to their homeland is denied by Israel on racial grounds. Being stateless, they live in (57) refugee camps in the surrounding Arab countries (about 5.46 million) and in the West Bank and the Gaza Strip (71% of the Strip’s population are refugees). Also included in this domain are the involuntary exiles in the rest of the world (in Chile e.g. approximately 500,000, being the largest Palestinian community outside the Middle East).

Professors Falk and Tilley summarized their findings in an Open Letter to the American UN-ambassador:²⁰⁶

“For each domain, we found that Israeli policies and practices are, by law, internally discriminatory. But more importantly, we found that all four operate as one comprehensive system that is designed to dominate and oppress Palestinians in order to preserve Israel as a Jewish state” (m.u.).

4. Israel’s Apartheid Regime (2)

The “*Policy of Separation*”

Fragmentation, as was already pointed out, is a fundamental cornerstone of Israel’s colonial rule. Its apartheid policy, for that reason, has not been limited to the division of the Palestinian people into four (transnational) “*domains*”. After the 1967 war of conquest, with the military annexation of the West Bank, East Jerusalem and the Gaza Strip, the Israeli leadership succeeded in creating over time an elaborate “*architecture of occupation*”. The end result, Eyal Weizman writes, is a successful “*laminated political system*” of domination. Without having been planned beforehand, but

²⁰⁵ They are spatially segregated from the Jewish Israelis too: “*Spatial organization within Israel also demonstrates apartheid. Most Palestinian citizens of Israel live in Arab-only villages and towns, with only a few living in “mixed cities.” Such segregation is neither accidental nor a “natural” residential pattern. A cursory examination reveals Israel’s aim of squeezing as many Palestinian Arabs into as little land as possible.*” Thus Yara Hawari, “*Apartheid from Within? The Palestinian Citizens of Israel*” (Al-Shabaka, Nov 23), via <https://al-shabaka.org/briefs/apartheid-within-palestinian-citizens-israel/>.

²⁰⁶ See: Richard Falk & Virginia Tilley, “*Open Letter to UN Ambassador Nikki Haley on Our Report on Apartheid in Israel. Instead of responding to it with constructive criticism, you launched defamatory attacks on all involved*” (The Nation, April 25, 2017) via <https://www.thenation.com/article/open-letter-to-un-ambassador-nikki-haley-on-our-report-on-apartheid-in-israel/>.

*"having evolved in fits and starts throughout the occupation's first four decades, Israel's system of control has, during its fifth decade, hardened into an exceptionally efficient and brutal form of territorial apartheid, in which verticality is the operative principle."*²⁰⁷

Armed with the most advanced military technology in the world and with a docile Palestinian leadership in the West Bank, Israel has managed to turn military dictatorship into a feature, rather than an aberration, of its policies

4.1. At the level of historic Palestine as a whole the Israeli separation and closure policy assumed its most confrontational form with the construction (started in 2002) of the illegal separation or apartheid Wall.²⁰⁸ By means of a continuous, physical barrier, following in a rather arbitrary way the Green Line, the West Bank has been segregated from the coastal region which, during the Nakba, was ethnically cleansed, and is since populated and ruled by a Jewish majority. Claimed to be necessary for Israel's security, the Wall turned the "*Jewish State*" into a huge guard-gated community, sheltered against the disturbing presence of a restive indigenous population (the pacified "*Arab Israeli*" minority inside the Israeli state is still tolerated by the regime, albeit with more and more reluctance). The Palestinians of the West Bank (together with those living in the Gaza Strip) are isolated from the outside world behind Israel's closely monitored fences. They are reduced to a caged and stateless people – in a glaring contradiction to the more than 600,000 privileged Jewish colonists who have illegally been settled in the same, occupied territory (East Jerusalem included), under the protection of the Israeli army and security forces.

The full route of the Separation Barrier, as outlined in the blueprint approved by Israel's Ministry of Defense, is some 700 kilometers of zigzagging curves and loops, making it more than twice as long as the 320 km long Green Line.²⁰⁹ Most of the barrier comprises a set of 2-meter-high, electrified barbed-wire fences with vehicle-barrier trenches and a 60-meter-wide exclusion zone on the Palestinian side. But in more densely populated urban areas, particularly those around Jerusalem, space limitations prompted the Israelis to build instead a concrete wall to the height of 8 meters, interspersed with watch-towers. 85% of the Barrier cuts at times 18 km deep into the West Bank, annexing some 9.4 % of Palestinian land (measured from the Green Line). Because of its complete arbitrariness many thousands of Palestinians are trapped between the Green Line and the Barrier, in the

²⁰⁷ Eyal Weizman, in the *Introduction* of his study, "*Hollow Land. Israel's Architecture of Occupation*" (Verso, June 2017, new edition). The *Introduction* is published separately on the web: "*Vertical Apartheid*" (OpenDemocracy, July 13, 2017), <https://www.opendemocracy.net/north-africa-west-asia/eyal-weizman/vertical-apartheid>. According to Weizman, the system of Israel's domination of Palestine should be understood as a kind of architecture, i.e. "*a vertical system that in the past 15 years (has) hardened into a geographically unique structure that he calls Vertical Apartheid, i.e. one in which layers, both physical and juridical, create a laminated political system*".

²⁰⁸ Cf., the advisory opinion of the International Court of Justice, July 2004, referred to above, ch. 4.1.

²⁰⁹ "*Walled off: 12 years of Israel's separation barrier*" (Al Jazeera America, March 12, 2014), <http://america.aljazeera.com/articles/2014/3/12/visual-activism-activestillsphotographsthebarrierwall.html>.

so-called "Seam Zone"²¹⁰. Being separated from their community or home and/or their farmland, water sources, but also from their work, their hospitals, etc., they are subjected to a draconian regime of bureaucratic permits. There are no less than 13 types of permits just to travel within this "seam zone".²¹¹

*"(This) permit regime is tantamount to apartheid as it applies to Palestinians only, while Israelis and tourists are exempt from obtaining any sort of permit if they want to enter the 'seam zone' or remain there".*²¹²

4.2. Within the Occupied Territories Palestinians are confronted with the systemic closure of its three main components: the Gaza Strip, the West Bank and East Jerusalem. In line with what the Israeli security establishment itself calls its "separation policy", after the 1967 war the Israeli military declared the three of them to be closed areas, making it mandatory for Palestinian residents to obtain permits to enter or leave them. The clear delineator that since then separates and dictates the lives of Palestinians is the colour-coded ID system issued by the Israeli military:

*"Palestinians in the occupied West Bank and the Gaza Strip have green IDs - generally issued once they turn 16 - while Palestinians in East Jerusalem and Israel have blue IDs. The cards affect everything from freedom of movement to family unity."*²¹³

The ID system has a disruptive impact e.g. on one's right to family unification: in case a husband and wife hold different ID cards, it is impossible for them to live together (the rationale behind it being undoubtedly Israel's obsession with demographics).²¹⁴ Inside the West Bank too Palestinians must have their IDs always ready at hand on behalf of their internal travel, due to the checkpoints interspersed within the territory. Despite the installation in 1993 of the Palestinian Authority, ID's are still issued by the Israeli military (the PA playing little more than a secretarial role, such as printing). Israel's control of the Palestinian population

²¹⁰ "The land between the wall and the Green Line is some of the most fertile in the occupied West Bank. According to the United Nations, it is home to nearly 50,000 Palestinians living in 38 villages and towns," in: "Against The Wall" (Al-Jazeera, Interactive): <https://interactive.aljazeera.com/aje/PalestineRemix/against-the-wall.html#/1>.

²¹¹ See now the recent publication by (prof.) Yael Berda: "Living Emergency: Israel's Permit Regime in the Occupied West Bank" (Stanford UP, Nov 2017). Not consulted yet, but see the review by Rod Such: "How Israel's permit regime costs Palestinians" (EI, 28 Dec), via <https://electronicintifada.net/content/how-israels-permit-regime-costs-palestinians/22816>.

²¹² Cf. "The Permit Regime in the 'Seam Zone'" (Hamoked – Center for the Defence of the Individual), via <http://www.hamoked.org/timeline.aspx?pageID=timelineTheWall>. For the pdf print version: "The Permit Regime in the 'Seam Zone' – Timeline": http://www.hamoked.org.il/files/2017/1162031_eng.pdf. For a detailed (B'Tselem) map of the West Bank dd. Nov 2014, with separation barrier and settlements, see: http://www.hamoked.org/files/2017/3544_eng.pdf (11.131 KB). For a critical comment see: Amira Hass: "How Israel Prevents Palestinian Farmers From Working Their Lands" (Haaretz, May 28, 2017), via <http://www.haaretz.com/middle-east-news/palestinians/.premium-1.792096>.

²¹³ Linah Alsaafin, "The colour-coded Israeli ID system for Palestinians" (Al-Jazeera, Nov 18, 2017), via <http://www.aljazeera.com/news/2017/11/colour-coded-israeli-id-system-palestinians-171115164848669.html>.

²¹⁴ Alsaafin, o.c., "Palestinians from Gaza who marry residents of the West Bank cannot move to the West Bank to live with their spouses," Marmur noted.

registry is central to its efforts to control movement and demographics in the occupied Palestinian territories:

"Power over Palestinians' residency status is used as a tool of control," she said.

*"Palestinians must be included in the Palestinian population registry to obtain ID cards and passports."*²¹⁵

Besides the passport or ID system, since 1991 Israel also installed a proliferated permit regime to control Palestinians' daily movements: no less than 100 (!) different types of permits have been imposed on Palestinians in the West Bank, turning their country into a closed military zone or *"the biggest prison on earth"* (in the words of the title of Pappé's latest book). This Israeli permit regime for Palestinians *"is one of the world's most extreme and complex apparatuses for the management of a subjugated population"*.²¹⁶ By force of arms the freedom of movement for Palestinians in the West Bank, Jerusalem and Gaza, especially over the past 25 years, has been heavily restricted by the colonial ruler. Separation between them is *"the rule and access is the rare exception"* (Marmur). The ID policy, indeed, is supplemented with an extensive *permit* regime to enforce the army's control over traveling between the territories: for a Palestinian in the West Bank it is impossible to travel to Gaza or Jerusalem without a special travel permit issued by the IDF. Likewise, Palestinians in Gaza are forbidden from going to Jerusalem and the West Bank unless the Israeli military issues them a permit. As for Jerusalem residents, while they also need permits to go to Gaza, they can travel freely to the occupied West Bank and modern-day Israel.

Exit from one's own territory and entry into another is made conditional on one's having been granted a special permit and presenting it at a checkpoint. Israel's willingness, however, to grant exit-and-entry permits is very changeable and checkpoints are beacons of randomness, making that Palestinians are made victim of a structural arbitrariness. For example, Israeli civil and/or military authorities have no qualms to impose, for one reason or another, a complete closure, with dire consequences for many people.²¹⁷

"The implementation of the permit regime by the military saps the Palestinians' ability to lead normal lives. The permit regime turns on its head the premise of international law, whereby a person must be allowed free movement inside his country, and effectively serves as a means of collective punishment of the entire population of the OPT. The violation of the right of freedom of movement leads to the violation of other

²¹⁵ Alsaafin, o.c. , quoting Miriam Marmur, international communications coordinator for the Gisha human rights organisation.

²¹⁶ Yael Berda, o.c.

²¹⁷ For example, at the start of October 2017, Defense Minister Avigdor Lieberman decided to impose as a collective punishment an unusually long closure of 11 days on the occasion of the Jewish Sukkot. In his motivation he referred to an attack in which a Border Police officer and two security guards had been shot and killed. See: *"The Cruelty of Israel's Defense Minister"* (Haaretz Editorial, Oct 3, 2017), <https://www.haaretz.com/opinion/editorial/1.815449> . [A few days later, Lieberman and the IDF chief of staff decided nevertheless to allow the entry of Palestinian workers 'required in certain sectors of the economy'" (Gili Cohen, *"Israel to Permit Entry of Palestinian Workers During Sukkot Holiday"*, Haaretz, Oct 6, <https://www.haaretz.com/israel-news/1.815921>].

human rights: The right to family life, health, education, property, livelihood, culture and social and community life, all attended by a flagrant violation of the right to equality and human dignity.”²¹⁸

This policy of separation is an important cornerstone of Israel’s strategy to perpetuate its control over Palestine’s native population.

4.3. For practical reasons, I shall elaborate in the next pages from the perspective of the inhabitants of **the Gaza Strip**.

Once having been an integral, natural and thriving part of historic Palestine, after the ethnic cleansing and expulsion in 1947-9 the Strip became a huge refugee camp and was subjected to the Israeli and Egyptian policies until its occupation in 1967. Quite ironically the Strip was already encircled with a fence in 1994, as part of the so-called Oslo peace process. That process coming to naught in 2000, the Strip became more than ever an overcrowded ghetto, regularly the victim of Israeli military aggressions.²¹⁹ Sharon’s so-called “disengagement” in 2005 with its eviction of the Jewish settlers (to be moved to the West Bank) brought no end to the Israeli occupation of the Strip and the human circumstances did not improve, quite the contrary.

“The militarization of Israeli policy toward the Gaza Strip began in 2005. Gaza became in that year a military target in the official Israeli view, as if it were a huge enemy base and not a civilian and human space. Gaza is a city as any other city in the world, and yet for the Israelis it became a dummy city on which soldiers experimented with the most recent and updated weapons” (Pappé, l.c.).

Being subjugated by a colonial power who lacks any respect for his obligations under international law (amongst them: enable a normal life for the population to the extent possible, including commerce and consumption), ²²⁰ the Gazans lead an existence of prisoners under increasingly worsening conditions. Their free connection with the West Bank and Jerusalem has been severed, adversely affecting their livelihood, family ties, health care, studies and, in the case of Jerusalem, also violating their right to freedom of

²¹⁸ Hamoked, “The Permit Regime in the “Seam Zone”.

²¹⁹ Ilan Pappé, “The Killing Fields of Gaza 2004-2009”, in: Noam Chomsky & Ilan Pappé, “Gaza in Crisis” (2010), p. 171 ss. In times of “peace”, Israeli military in their watchtowers do not hesitate to open fire onto Gazan farmers to prevent them from reaching their land close to the border fence. From time to time as well, IDF bulldozers or tanks cross the borderline to raze agricultural lands in the area, see e.g. “Israeli bulldozers carry out limited invasion into Gaza strip” (Palestine News Network, Sept 24, 2017), via <http://english.pnn.ps/2017/09/24/israeli-bulldozers-carry-out-limited-invasion-into-gaza-strip/>.

²²⁰ The Israeli State, though, “has claimed that the “disengagement” brought about an end to the Israeli occupation of the Gaza Strip and that the laws of occupation, primarily the provisions of the Fourth Geneva Convention and the The Hague Regulations, have ceased to apply to Israeli actions toward the Gaza residents. This position has solidified further following the Hamas movement’s rise to power in June 2007 and the ensuing changes in the means of control of all parties. For this reason, Israel feels itself obligated to uphold only minimum standards in its decisions regarding entry into and exit out of the Gaza Strip of both people and goods. Since June 2007 are limited to its obligations toward the Gaza Strip are limited to a duty to allow the passage of goods which “are vital for the survival of the civilian population”, and of people in “humanitarian cases, with an emphasis on urgent medical cases only”, see Gisha, “Scale of Control: Israel’s Continued Responsibility in the Gaza Strip – November 2011” (pdf, 76p.), p. 5, via http://www.gisha.org/UserFiles/File/scaleofcontrol/scaleofcontrol_en.pdf.

religion (cf. the overriding religious importance for Muslim Palestinians of the Al Aqsa mosque.²²¹ The situation is further exacerbated obviously because of the punitive blockade imposed by Israel (with the collusion of Egypt) not only by land, but also by air (drones and planes) and at sea (the Israeli navy attacking Gaza fishers on an almost daily basis), after the political takeover of the Strip by Hamas in June 2007, Hamas having won the democratic elections of 2006.

Hamas' win, you could say, allowed Israel to treat Gaza henceforth as a "hostile" territory, justifying the use of extreme violence. It was put into practice with three murderous offensives against the Strip by the Israeli army ("*Operation Cast Lead*" in 2008-2009, "*Pillar of Defense*" in 2012 and "*Protective Edge*", in 2014), with their massive destructions and killings. In combination with the countless raids in between on one of the most densely populated refugee areas in the world, they have escalated the dramatic situation to an unprecedented level. Earlier in this dossier (ch. 1) we documented the present living conditions in the Strip. To call them unfit for human beings does not seem to be exaggerated.²²²

Sweeping and indiscriminate restrictions have been placed by Israel on the movement of goods and people between Gaza and the West Bank. All these years, they cause severe damage to the economy, while being accompanied by Israeli declarations that one of the goals of the policy is to put pressure on the Hamas regime and bolster the Palestinian Authority in the West Bank (again, contrary to international law). Between 2007 and 2010 Israel maintained a harsh policy of restricting the entrance of food into the Gaza Strip to a cynically calculated "*minimal subsistence basket*".²²³ After June 2010 restrictions on the import of food have mostly been lifted.²²⁴

The Israeli restrictions on the movements of people and goods into and out of the Gaza Strip have gradually undermined the living conditions of approximately 1,9 million captive

²²¹ Cf. Mersiha Gadzo: "Photo Essay: The Al Aqsa mosque remains a distant dream for many Palestinians" (Mondoweiss, Oct 5, 2017), via <http://mondoweiss.net/2017/10/remains-distant-palestinians/>: "...For the Gaza Strip with a population of two million, 200 individuals aged 60 and above were allowed to visit Al Aqsa for a few hours each Friday. However Israeli authorities revoked permits for travel last December on the grounds that some worshippers failed to return to Gaza on time..."

²²² UN Secretary-General Antonio Guterres too, after a short visit to Gaza, expressed his concern, characterising the situation as "*one of the most dramatic humanitarian crises that I have seen in many years working as a humanitarian in the United Nation*", see: "Visiting Gaza, UN Chief Calls to Lift Blockade in Face of Humanitarian Crisis" (Haaretz, Aug 30, 2017), via <http://www.haaretz.com/israel-news/1.809704>.

²²³ In 2008: "The Ministry of Health is conducting work for calculating the minimal subsistence basket based on the Arab sector in Israel. The "minimum basket" allows nutrition that is sufficient for subsistence without the development of malnutrition", quoted from the Israeli document, "Food Consumption in the Gaza Strip – Red Lines" (Ministry of Defense Coordination of Government Activities in the Territories, COGAT, 1 Jan 2008), <http://www.gisha.org/UserFiles/File/publications/redlines/red-lines-presentation-eng.pdf> (unofficial translation made by Gisha), slide 2. See Gisha's Reader: "Food Consumption in the Gaza Strip - Red Lines" (October 2012, pdf, 10p.), <http://www.gisha.org/UserFiles/File/publications/redlines/redlines-position-paper-eng.pdf>.

²²⁴ I.e. after the "flotilla incident", May 31, 2010: the elite Flotilla 13 unit of the Israeli navy stormed, in international waters, the 'Mavi Marmara', the flagship of six civilian ships of the "Gaza Freedom Flotilla", and killed 9 of its activists (in 2014 a tenth participant died). See Wikipedia, "Gaza Flotilla Raid": https://en.wikipedia.org/wiki/Gaza_flotilla_raid.

people. Their access to livelihoods, essential services (health care, education...) and housing has utterly been crippled and the Gazan economy has nearly been wrecked. Regarding the export of Gazan goods (mostly agrarian), for example, in 2016 an average of 178 truckloads of goods exited Gaza each month, an average that was "*only 17 percent of the monthly average before the closure was imposed*" (in June 2007).²²⁵ To enter Gaza via the same southern crossing of Kerem Shalom, goods are confronted with a lot of restrictions. Private consumption in the Strip has not increased at all and the entry of many items required for trade and industry is often delayed for long periods of time. There is a long list of goods, anyway, the import of which is not allowed (construction materials and raw materials, mainly, and goods with a supposedly "*dual-use*" character); among them also medical equipment and supplies (the Strip's hospitals, as a consequence, suffer heavily from a shortage of much-needed medical appliances and medicines).²²⁶

Trapped like rats and besieged as they are behind high-tech fences,²²⁷ its inhabitants nowadays dispose of only one possible exit if they need to leave the Strip and enter Israel, Jerusalem or the West Bank (via Israel) or to travel abroad.²²⁸ The "*Erez Crossing*"²²⁹ (known to Palestinians as the locality of Beit Hanoun), in the north of the Strip, is indeed the sole gateway at this moment into and out of Gaza and is controlled by the Israeli Defense Ministry, with the assistance of the Security Agency (Shin Bet). Its spacious terminal built between 2005 and 2007 has an area of about 35,000 m² and a capacity of

²²⁵ All import and export of goods happen via the Kerem Shalom Crossing at the southern edge of the Strip, vide Gisha, "*Exit of goods from Gaza via Kerem Shalom Crossing*" (March 2017), via <http://gisha.org/graph/2401?datares=monthly>. The World Bank: "*Easing of Israeli restrictions on external trade, access to resources in Area C, and opening up access to Gaza is essential to expand private sector growth and employment*" (April 27, 2017) via <http://www.worldbank.org/en/news/press-release/2017/04/27/world-bank-calls-for-decisive-policies-by-all-parties-to-stop-the-deterioration-of-the-palestinian-economy>. PS: <http://gisha.org/graph/2401?datares=monthly>.

²²⁶ Today, with chronic medical shortages, 35% of essential medicines are currently completely out stock in Gaza, including many cancer drugs. Cf. Amir Rotem (dir. of Gisha): "*Three years after Protective Edge, Gaza is in free fall*" (+972, Aug 25, 2017): <https://972mag.com/three-years-after-protective-edge-gaza-is-in-free-fall/129439/>.

²²⁷ Whoever tries to cross the fences, is arrested (or worse) by the army for being an "*infiltrator*". E.g.: "*Israeli forces detain Palestinian who crossed Gaza border fence into Israel*" (Ma'an, April 13, 2017), <http://www.maannews.com/Content.aspx?id=776430>. Gazan fishermen come regularly under fire from Israeli patrol boats even when fishing within the permitted fishing zone (9 nautical miles); they themselves are often arrested and/or their boats seized or destroyed, see: Mohammed Omer, "*Gaza's fishermen risking Israeli bullets to bring home daily catch*" (Middle East Eye, April 30, 2016), <http://www.middleeasteye.net/news/gaza-fishing-israel-828987562>.

²²⁸ Until June 2013 the crossing of Rafah, in the South, had been the main exit for Gazans. After Abdel Fattah el-Sisi seized power in Egypt in 2013, he sealed off Gaza's one border with the Sinai, effectively joining Israel's blockade. See: Michael Schaeffer Omer-Man: "*After record five-month closure, Egypt opens Gaza crossing for five days*" (+972, Aug 18, 2017), via <https://972mag.com/after-record-five-month-closure-egypt-opens-gaza-crossing-for-five-days/129333/>.

²²⁹ Amira Hass refers critically to "*the false impression that the checkpoints are open to everyone normally and, consequently, somehow justify the word used by the military establishment – 'crossings,' as though these are border crossings between two sovereign and equal states*", in her op-ed, "*The Closure of the West Bank and Gaza Has Lasted 26 Years*" (Haaretz, Oct 16, 2017), via <https://www.haaretz.com/middle-east-news/palestinians/premium-1.817381>.

handling 45,000 people per day.²³⁰ Since then, however, Gaza residents’ ability to leave the Strip has been reduced by a growing number of restrictions and bans.²³¹ The number of people, therefore, standing in the queue at the applications desk, is diminished to some 400 per day.

International law stipulates that “*protected people*” (i.e. a population living under military occupation) must be allowed free movement inside their country. Since 1991, however, Gazans need to apply for an *exit permit* from the occupier (here represented by the *Coordination and Liaison Administration* to the Gaza Strip, or CLA) and over the years the number of permits given has gradually decreased.²³² According to the Gazan ngo *Gisha - Legal Center for Freedom of Movement*, this points to a further escalation of a trend toward the gradual tightening of the closure and reducing the already extremely limited options for Gazans to travel.²³³ The vast majority of the Gaza population, in any case, is not eligible for a permit to cross the border, barely some 5 % meeting the existing regulations.

With the Strip’s public infrastructure wilfully devastated, the delivery of basic services disrupted and its economic, medical and educational facilities largely destroyed (a situation further exacerbated, these days, by severe electricity cuts affecting hospitals, clinics, water supplies and household’s daily lives), the arbitrary and elusive permit regime seeks to exploit for the sake of its own repressive policies the Gazans’ pressing needs for work, money, medical treatment, education and travel abroad.²³⁴ In order to implement its control over the movement of the Palestinian population within the territories as well as to Israel and abroad, the colonial army – under the command of COGAT (*Coordination of Government Activities in the Territories*) – has at its disposal a succinct manual with instructions on granting (or

²³⁰ Jodi Rudoren, “Between Gaza and Israel, a Border Crossing in Need of Travelers” (The New York Times, Sept 4, 2014), <https://www.nytimes.com/2014/09/05/world/middleeast/at-the-border-between-gaza-and-israel-a-crossing-in-need-of-travelers.html?r=0>.

²³¹ For example, last August: “New directive at Erez Crossing: Palestinians cannot exit with food, toiletries or electronic devices” (Gisha, Aug 2, 2017), <http://gisha.org/updates/8044>

²³² Gisha : “Exits of Palestinians to Israel and the West Bank via Erez Crossing, 1/ 2010 – 7/2017 ” (March 2017), <http://gisha.org/graph/2392>. See also: OCHA (UN Office for the Coordination of Human Affairs), “Gaza Crossings’ Operations Status: Monthly update - July 2017”, via: <http://www.mezan.org/en/post/22027>. And: “Rights group: Erez crossing a trap for Palestinians” (MEMo, Jan 7, 2016), <https://www.middleeastmonitor.com/20160107-rights-group-erez-crossing-a-trap-for-palestinians/>. For the whole year, see: “Gaza report: “2017: Tightening of the closure”(pdf, 4p.), via http://www.gisha.org/UserFiles/File/2017Tightening_of_the_closure.pdf.

²³³ “The number of exits by Palestinians through Erez Crossing in the first half of the year dropped by 55 percent, compared to the same period in 2016” (Gisha, July 19, 2017), <http://gisha.org/updates/8026>. Also: Amir Rotem, o.c. A special case are the excessive restrictions imposed on family visits from Gaza to prisoners in Israeli prisons, see: Human Rights Watch, “Israel: Rules Curtail Gaza Family Visits to Prisoners” (July 31, 2016), <https://www.hrw.org/news/2016/07/31/israel-rules-curtail-gaza-family-visits-prisoners>.

²³⁴ Quite recently, Gazan travellers already in possession of an exit permit and on the Israeli side of the crossing, were forced at the very last minute to sign a waiver committing them not to return to Gaza for at least a year, this as a condition for being allowed to board the shuttle to al-Karameh/King Hussein/Allenby Bridge crossing (which is under Israeli and Jordanian control) and from there to Jordan. See: “Gisha in letter to Gaza CLA: Stop the unlawful practice of making Gaza residents sign a commitment not to return for a year as they exit via Erez Crossing” (Aug 9, 2017), <http://gisha.org/updates/8107>.

refusing) permits to Palestinians who need to pass through a checkpoint.²³⁵ In the case of the Gaza Strip, subjected to a punitive Israeli policy, authorizations are restricted to what are called "*exceptional humanitarian cases with an emphasis on urgent medical cases*". Persons who are eligible, exceptionally, for a permit, are: traders (in reality not without difficulties, though)²³⁶, students (id.),²³⁷ human rights workers (id.)²³⁸ and sportsmen (id.).²³⁹

With regard to people who because of the far-reaching deterioration of the health sector in the Strip²⁴⁰ need medical treatment outside the Strip, COGAT's directives distinguish between applicants needing "*life-saving or life-changing medical treatments*", and those whose medical needs would be "*less urgent*".²⁴¹ Recently, however, according to Gisha,

²³⁵ See: "Unclassified Status of Palestinians Authorizations of Entry into Israel, their Passage between Judea and Samaria and the Gaza Strip and their Travel Abroad", ed. by COGAT, updated as of 05 June 2016 (56 p., translation by Gisha), <http://www.gisha.org/UserFiles/File/LegalDocuments/procedures/general/50en.pdf>.

²³⁶ "Recently, there was another sharp decline in the number of valid merchant permits held by Palestinian residents of Gaza: the number of valid permits on April 1 was only 771, as opposed to the 1,173 permits which were valid in the previous month; a 34 percent drop... (This Israeli) conduct has impeded any chance of economic development in Gaza and resulted in an extensive deterioration in the living conditions of residents of the Strip. The reduction in exit permits also strongly contradicts Israel's self-professed policy, which recognizes that Gaza's reconstruction promotes Israel's security interests." Source: Gisha: "Hamass authorities reverse restrictions on access to Erez; sharp drop in permits for businesspeople" (Gisha, April 9, 2017), <http://gisha.org/updates/6046>

²³⁷ The IDF does not hesitate to deny Gaza students the possibility to study at a university in the West Bank, e.g. Tania Hary, "Israel prevents young Gazan from studying law in West Bank" (+972, June 2, 2012), <https://972mag.com/israel-prevents-young-gazan-woman-from-studying-law-in-west-bank/47346/>. The same goes for students enrolled in universities abroad. They have to be allowed to travel to the Allenby Bridge crossing and hence, via Jordan, to their destinations. Vide Gisha, "Let them study" (June 4, 2015), <http://gisha.org/en-blog/2015/06/04/let-them-study/>.

²³⁸ Human Rights Watch : « Unwilling or Unable. Israeli Restrictions on Access to and from Gaza for Human Rights Workers" (April 2, 2017), via <https://www.hrw.org/report/2017/04/02/unwilling-or-unable/israeli-restrictions-access-and-gaza-human-rights-workers>.

²³⁹ Nevertheless : « Mahmoud Sarsak, 25 ans, espoir du football palestinien, de Rafah, dans le sud de la bande de Gaza, a été arrêté le 22 juillet 2009 par les forces israéliennes au terminal d'Erez, entre la bande de Gaza et Israël. Il se rendait en Cisjordanie pour rejoindre le club de Balata, dans le nord de la Cisjordanie. Il a été détenu pendant 3 ans en tant que « combattant ennemi » : sans charges, sans procès » (Pour la Palestine, 18 juin, 2012), <http://www.pourlapalestine.be/mahmoud-sarsak-sera-enfin-libere/>.

²⁴⁰ "Gaza's 14 public hospitals and 16 health facilities face partial or complete closure of essential services. The situation is immediately life threatening for all those in need for hospital services", according to the World Health Organization: "WHO steps up emergency response in the Gaza Strip, June 2017", <http://www.emro.who.int/pse/palestine-news/who-steps-up-emergency-response-in-the-gaza-strip.html>. Also: William Parry, "A decade under siege: Gaza health sector nears collapse. Years of Israeli siege, coupled with crippling electricity cuts, have pushed the Strip's health system close to failure" (Al-Jazeera, June 25, 2017), <http://www.aljazeera.com/indepth/features/2017/06/decade-siege-gaza-health-sector-nears-collapse-170620082825720.html>.

²⁴¹ Vide the report of Physicians for Human Rights – Israel, "Denied 2": Harassment of Palestinian Patients applying for Exit Permits" (August 2016, 41p.), via <http://www.phr.org.il/wp-content/uploads/2016/09/Denied-2.pdf>. P. 28: "we, at PHRI, demand that the State of Israel:... * desist from its policy of distinguishing between patients whose medical condition is life-threatening and those whose condition "only" impairs their life quality". Since May, patients are required "to submit non-urgent applications at least 20 working days prior to the date of their hospital appointment" (WHO, Monthly Report July).

“the Israeli Security Agency (Shin Bet), in cooperation with the units of the Israeli Ministry of Defense responsible for Erez Crossing, is obstructing access even to the most acute of humanitarian cases.”²⁴²

These months almost half of the applications are delayed or denied.²⁴³ In April 2017 for example, over 42% of requests for Gaza patients whom the Palestinian Authority (PA) had allowed to leave Gaza and for whom it had committed to pay, were denied or delayed. For the month of May the WHO, in the summary of its monthly report, wrote:²⁴⁴

“More than half of patients denied/delayed permits: Of 2,282 patient applications for a permit to exit Gaza through Erez checkpoint for hospital appointments in May 2017 1,077 (47.2%) were approved, 47 (2.1%) were denied, and 1,158 (50.7%) were delayed with no response by the time of the patient’s hospital appointment. Among those delayed were 255 children under the age of 18 years and 141 people aged 60 years or older (Palestinian Health Liaison and Coordination Office in Gaza)”.

In June, Israel approved permits for less than half (49.5%) of all patients who needed medical treatment or follow-up.²⁴⁵ Dozens of patients, hence, are currently denied the opportunity to receive in time medical care outside the Gaza Strip. The weakest of them, cancer patients in particular, inevitably pay the heavy price.²⁴⁶ MAP (Medical Aid for Palestine, UK) had in September information on 30 people who died already this year after being prevented from attending treatment outside of Gaza – indicating that *“2017 will be the worst year on record.”* Fourteen of the deceased persons were female cancer patients.²⁴⁷

“Denying women access to potentially life-saving treatment is indefensible”, said Aimee Shalan, CEO of MAP, “and underlines both the severity of the humanitarian emergency in Gaza and the urgent need for man-made barriers to accessing healthcare to be lifted.”

Children too died in 2017 because of Israel’s sadistic policy of denials and delays.²⁴⁸ For an overview of for 2017, in comparison to 2016, access for medical purposes was also

²⁴² Source: Gisha, “*Hamas authorities reverse restrictions on access to Erez; sharp drop in permits for businesspeople*” (Gisha, April 9, 2017), <http://gisha.org/updates/6046>.

²⁴³ See: Amira Hass, “*Israel Delays Half of Gazans Seeking to Leave Strip for Medical Care, WHO Says -*” (Haaretz, Aug 14, 2017), <http://www.haaretz.com/middle-east-news/palestinians/.premium-1.806741>.

²⁴⁴ WHO, Monthly Report, May 2017: “*Health Access for Referral Patients from the Gaza Strip*” (13 July, 2017, 7p.), http://www.emro.who.int/images/stories/palestine/documents/WHO_monthly_Gaza_access_report-May2017-Final.pdf?ua=1.

²⁴⁵ According to the WHO. “*Of this number, three children were denied and 178 children were delayed care*”, quoted in: Defense for Children International – Palestine, “*Injured Gazan teen denied exit permit for medical treatment*” (June 23, 2017), via http://www.dci-palestine.org/injured_gazan_teen_denied_exit_permit_for_medical_treatment.

²⁴⁶ E.g. “*Routine Denial of Lifesaving Care for Female Cancer Patients*” (Physicians for Human Rights – Israel, June 24, 2017), <http://www.phr.org.il/en/routine-denial-lifesaving-care-female-cancer-patients/?pr>.

²⁴⁷ E.g. of the five women who died in August alone, two suffered from colon cancer, one from ovarian cancer, one from breast cancer and one from a rare cancer known as a primitive neuroectodermal tumour (MAP).

²⁴⁸ E.g. “*Palestinian child dies in Gaza after being denied treatment abroad*” (Palestinian Information Center, July 27, 2017), <https://english.palinfo.com/news/2017/7/29/Palestinian-child-dies-in-Gaza-after-being->

restricted during most of 2017 by the PA Ministry of Health, which delayed or suspended payments for patients referred for medical treatment outside Gazasee : *“Palestinian access from Gaza Strip declined sharply in 2017”*, by OCHA – Palestinian Occupied Territory, Jan 15, 2018.²⁴⁹

Finally, whoever presents him/herself at Erez’s terminal, even when suffering from a life threatening disease, is at risk to be subjected first of all to a *“security interrogation”* by the Shin Bet (to be arrested, eventually, and transferred to Ashkelon prison in Israel).²⁵⁰ During these interrogations extortion and blackmail – a permit only in exchange for information or recruitment – are all too common.²⁵¹ It was the case, for example, with young Ahmed Shubeir, 17 years old and urgently needing heart surgery:²⁵²

“According to his parents, the officer asked Ahmed intimidating questions: ‘Don’t you want to undergo the surgery? I know that you’re suffering and your heart is becoming weaker every day. We don’t want a lot from you, just a few names and places. You are a young child and you will have a beautiful life..’”

NB 1: In order that he/she might apply at the Erez Crossing for an Israeli medical exit permit, a Gazan patient must already hold a medical referral from the PA Ramallah Ministry of Health. Since April 2017, however, with the start of Mahmoud Abbas’ punitive measures against the Gaza population,²⁵³ the Palestinian Center for Human Rights (Gaza) documented a steady decline in the issue of such medical referrals by the Ministry. During

[denied-treatment-abroad](#) . See now also: Adnan Abu Amer, *“Gaza’s cancer patients face nightmarish struggle to reach treatment”* (Al-Monitor, Dec 19, 2017): via <http://www.al-monitor.com/pulse/originals/2017/12/palestine-gaza-strip-patients-transfer-permit-israel.html#ixzz51pYzQ4aZ> .

²⁴⁹In: The Monthly Humanitarian Bulletin | December 2017 (UN Office for the Coordination of Human Affairs – Occupied Palestinian Territories, Jan 15, 2018), via <https://www.ochaopt.org/content/monthly-humanitarian-bulletin-december-2017> .

²⁵⁰ *“From January to July this year, 423 patients (277 males; 146 females) and 60 companions were requested for a security interrogation by the Israeli authorities at Erez as a precondition to processing their health permit applications. Only 10% of patients were approved after interrogation”* (WHO, Monthly Gaza Access Report, July 2017), p. 5, http://www.emro.who.int/images/stories/palestine/WHO_monthly_gaza_access_report_july_2017.pdf?ua=1

²⁵¹ *“In 2014, 70-80% of citizens passing through the Erez crossing — which is under Israeli supervision — were subject to recruitment attempts by Israel”*, see: Rasha Abou Jalal, *“Israel’s spy recruitment puts Gazans in tough spot”* (Al-Monitor, April 29, 2015), <http://www.al-monitor.com/pulse/originals/2015/04/gaza-citizens-israel-threats-recruit-informants-erezh.html> . Also: WHO, *“Report: Israel coerces medical patients into collaboration”* (EI, 8 Aug 2008), <https://electronicintifada.net/content/report-israel-coerces-medical-patients-collaboration/3381> .

²⁵² Because he refused to give names and addresses, Ahmed has been denied an exit permit. His father and mother were also put under pressure. Having presented himself several times in vain since September 2016, Ahmed died untreated, at home, on January 14, 2017. See: Mousa Tawfiq, *“Sick Gazan boy dies after being denied entry into Israel”* (Middle East Eye, Feb 7, 2017), <http://www.middleeasteye.net/in-depth/features/go-back-gaza-and-let-its-doctors-treat-you-966801647> .

²⁵³ Colluding with Israel, Abbas has tightened the screws on the people of Gaza in an effort to bring Hamas to its knees. One of the public sectors affected is medical care. E.g. the PA’s Health Ministry *“has also cut the budget for medicines for Gaza, leading to an acute crisis that is putting the lives of hundreds of people, including children with cystic fibrosis and cancer patients, in grave danger”*, Ali Abunimah, *“Why is Mahmoud Abbas letting children die in Gaza?”* (EI, July 13), <https://electronicintifada.net/blogs/ali-abunimah/why-mahmoud-abbas-letting-children-die-gaza> .

2017 the Ministry more and more often delayed or suspended payments for patients referred for medical treatment outside Gaza. Due to the Ministry's failure (or refusal) to approve or renew referrals in due time, patients were denied the possibility to apply for an Israeli exit permit.²⁵⁴ This resulted in harmful, sometimes even fatal effects

*"for hundreds of patients suffering from serious and chronic diseases without displaying the reasons behind this decision... Three-year-old Yara Ismail Bakhit, who suffered from a heart condition, died because she was denied a medical transfer out of Gaza."*²⁵⁵

NB 2: Before they can access the Israeli Erez terminal, Gazans must pass through a Hamas-controlled checkpoint. Hamas conducts security checks and interrogations, and collects taxes from anyone who leaves or enters the Strip for Israel. This is not a mere formality. March 26, for example, the Gaza Ministry of Interior announced that the passage leading to Erez Crossing would remain closed, thus preventing travel until further notice, because of "security reasons" (connected, probably, to the assassination, on March 24, of the senior Hamas member, Mazen Fuqaha, under the instruction of Israeli intelligence service).²⁵⁶ It took two weeks before the Gazan checkpoint was completely reopened.²⁵⁷ PS In accordance with the reconciliation accords between them Hamas has given the PA complete responsibility for all of the crossings (Rafah and Kerem Shalom included), be it that not all problems have been met, already (Nov 7, 2017).²⁵⁸ PS 2: The removal of Hamas checkpoints, does not mean at all that any Gazan who wishes to do so, can freely leave Gaza. Far from it: the Israeli military control with its arbitrary permit regime persists as before. The Strip, in other words, continues to be a huge open air prison for nearly two million people.²⁵⁹

Some Reflections:

1. Encouraging public promises by its decision-makers notwithstanding, Israel has sentenced Gaza residents to a life of ever-growing suffering in a strip of land that will soon be uninhabitable. The usual justification for its misdemeanors by Israel and its lobbies is

²⁵⁴ Cf. "Minimizing Medical Referrals Abroad Jeopardizes Patients' Lives" (PCHR, July 10, 2017), <http://pchrgaza.org/en/?p=9231>. "The information collected by PCHR shows that the number of referrals in June did not exceed 500, which points out that they declined at a rate of over 75%".

²⁵⁵ Ali Abunima, l.c. Also e.g. "Palestinian child dies in Gaza after being denied treatment abroad" (Palestinian Information Center, July 27, 2017), <https://english.palinfo.com/news/2017/7/29/Palestinian-child-dies-in-Gaza-after-being-denied-treatment-abroad>.

²⁵⁶ Cf. "Hamas reveals details of Fuqaha's assassination" (MEMo, May 16, 2017), via <https://www.middleeastmonitor.com/20170516-hamas-reveals-details-of-fuqahas-assassination/>.

²⁵⁷ Gisha, March 26: "Hamas-controlled side of Erez closed", <http://gisha.org/updates/5969>. And after 2 weeks: "Hamas authorities reverse restrictions on access to Erez; sharp drop in permits for businesspeople" (Gisha, April 9, 2017), <http://gisha.org/updates/6046>.

²⁵⁸ Jack Khoury, "New Dispute Erupts Over Gaza Border Crossings as PA Pushes for Security Control of Strip" (Haaretz, Nov 8, 2017), <https://www.haaretz.com/middle-east-news/palestinians/.premium-1.821598>.

²⁵⁹ See Amira Hass: "The chained jailers of Gaza" (Haaretz, Nov 7, 2017): <https://www.haaretz.com/opinion/.premium-1.821354>.

that they were and are necessary for the sake of its own untouchable "security".²⁶⁰ From its ultra-nationalistic perspective, indeed, compared to its own overriding interests the Palestinians' right to security does not count at all. To quote Amira Hass:²⁶¹

"In Israel, 'security' is only for the Jews and their state. The fact that the Palestinians under this state's rule constantly live without any kind of security – physical, employment-wise, property-wise, emotional or nutritional – is erased from every intelligence assessment and every moral position."

2. It is an undeniable fact that the internal Palestinian rift between the PA and Hamas has taken a heavy toll on Gaza's destitute residents. Nevertheless, for being the occupying power, the State of Israel despite its denials bears primary responsibility for the Gazans' sufferings of many years:

*"The extensive control (Israel) continues to wield over countless aspects of life in Gaza, brings with it the obligations of an occupying power – responsibilities to see to it that the population be able to lead a life of dignity".*²⁶²

3. Let us not fall into the trap Israel set up for us with isolating the Gaza Strip from the rest of the occupied territory. To quote Tareq Baoni:²⁶³

"As the blockade moves into its 11th year, it is more important than ever to remember that Gaza is not a humanitarian problem nor is it a separate complication to be 'resolved.' Gaza and its inhabitants are part and parcel of the broader Palestinian quest for self-determination. It cannot be reduced to Hamas, and its inhabitants must not be used as political pawns. Only once their humanity is acknowledged and the international community pressures Israel to address the Palestinian quest for freedom, equality, and justice, will this ongoing suffering end."

4. Finally, and a reason for hope, in spite of the Strip's bleak prospects for the future, many young Gazans are displaying the *sumud* or steadfastness that since 70 years of oppression is still shown by the Palestinian people as a whole, for example via all kinds of artistic, cultural and technological initiatives.²⁶⁴

²⁶⁰ Israel's Transportation and Intelligence Minister, Yisrael Katz, admitted very candidly: "Israel's security was and will remain the uppermost consideration in the government's policies and is above any other consideration on improving and easing the lives of the Palestinians" (in: Haaretz, Sept 26, 2017), via <https://www.haaretz.com/israel-news/1.814310>.

²⁶¹ Amira Hass, "Jerusalem Without Palestinians?" (Haaretz, July 18, 2017), <http://www.haaretz.com/opinion/.premium-1.802056>.

²⁶² Amir Rotem (Gisha), o.c.

²⁶³ "How Israel's 10-Year Blockade Brought Gaza to the Brink of Collapse" (The Nation, July 7, 2017), <https://www.thenation.com/article/how-israels-10-year-blockade-brought-gaza-to-the-brink-of-collapse/>.

²⁶⁴ E.g. Baraa Elghalayini, "I learned many things. I learned how to cope with the frustrating situation in Gaza and not surrender in the face of the social and political conditions that oppress us." She added, "To light a candle is better than to curse the darkness", quoted in: Maram Humaid, "Sharing Gaza's lighter side" (The Electronic Intifada, 8 Sept 2017), <https://electronicintifada.net/content/sharing-gazas-lighter-side/21641>. Or: Jihad Ahmad: "The big screen saver: How cinema is providing hope for Gazans" (Middle East Eye, Sept 5, 2017): <http://www.middleeasteye.net/in-depth/features/out-darkness-gazans-enjoy-first-film-shown-reopened-cinema-721665581>. Technologically, see: Mersiha Gadzo, "Using 3D printers to tackle Gaza's medical

4.4. The West Bank (i.e. the territory between the pre-1967 Green Line and the Jordan River) is the largest of the three occupied areas. The eastern border excepted (although it too is placed under Israel's military control and the Jordan Valley is colonized heavily with settlements),²⁶⁵ it is surrounded by the Jewish state. The al-Karameh/King Hussein/Allenby Bridge crossing with Jordan, under Israeli and Jordanian control, is the only exit way for the three million Palestinians living in the West Bank.

After the Nakba, the armistice agreements in 1949 had reduced the remaining Palestinian territory to 22% of historical Palestine;²⁶⁶ with the silent agreement of the young Israeli State it had been annexed by the Jordan Hashemite kingdom. Next, the war of 1967 against the Arab states (launched by Israel on the 5th of June) had given the Israeli leadership still the possibility to rectify the "*missed opportunity*" of 1948, namely to incorporate the West Bank (and Gaza) by force of arms into Israel's military control and to realize at least in practice the Zionist project of the "*Greater Israel*".²⁶⁷ Since then, the ensuing Palestinian resistance against their occupation finally crystallized, at the end of 1987, in a large-scale, mostly non-violent, popular uprising, since then called the First Intifada or Uprising. The IDF's brutal repression against it, Yitzak Rabin being Minister of Defense ("*break their arms!*"),²⁶⁸ made the international community (mainly the US) pressure Israel to enter into the so-called Oslo peace process (1993-2000). "Oslo" was supposed to be an interim agreement leading to a final peace agreement within five years. Was Israel's leadership actually prepared to take the peace process seriously? One can doubt it: although Rabin publicly agreed to a settlement freeze, Israel continued to build Jewish-only settlements on occupied Palestinian land unabated. Also, Israeli officials refused to agree to any provisions that would explicitly call for an independent Palestinian state.²⁶⁹

As part of the "*Oslo Accords*", for the sake of its practical administration the West Bank was "*provisionally*" divided between Israel and the PLO in three "*zones*" (assumed expiration date: May 1999). Until today (!), these zones are:

shortages" (Al-Jazeera, Sept 5, 2017), <http://www.aljazeera.com/indepth/features/2017/06/3d-printers-tackle-gaza-medical-shortages-170627095337106.html>.

²⁶⁵ Palestinian communities in the region are subjected to mass demolishing and eviction orders, see Amira Hass, "*Israeli Army Prepares to Demolish Hundreds of Palestinian Homes in Northern Jordan Valley*" (Haaretz, Nov 13, 2017), via <https://www.haaretz.com/israel-news/1.822205>.

²⁶⁶ In the (pro-Israel biased) UN Partition Plan of 1947 no less than 55% of the territory had been assigned to "*the Jews*" although they owned only 6% of the total territory and the Palestinians represented more than 2/3 of the total population. Violating even that biased plan, after the Nakba Israel ended up with 78% of the total territory. In 1988 and again in 1993 (the Oslo Accords) the PLO waived their legitimate claims and recognized the Israeli state within its pre-1967 borders; it was repeated in the Oslo Accords. Israel, however, remaining true to its expansionist ambitions, has never ratified any borders (PS it deliberately did not draft a constitution, limiting itself instead to a corpus of "*basic laws*").

²⁶⁷ Cf. Ilan Pappé, "*The Biggest Prison on Earth*" (2017), ch. 1. In contrast to Jerusalem, the West Bank (incl. the Gaza Strip) was (and still is) only "occupied", not annexed, because the Israeli leadership's awareness that the international community (UN, Security Council...) would not have accepted this.

²⁶⁸ More than 1,000 Palestinians were killed by Israeli forces, including 237 children under the age of 17. Many tens of thousands more were injured, approximately 120,000 Palestinians were imprisoned. See: IMEU, "*Fact Sheet: 25th anniversary of the First Intifada*" (+972, Dec 10, 2010), via <https://972mag.com/fact-sheet-25th-anniversary-of-the-first-intifada/61798/>.

²⁶⁹ IMEU's Fact Sheet, o.c.

Zone A: about 20% of the remaining 22% of historic Palestine. Home to some 54% of the Palestinian West Bank population, it comprises most of the towns (with the exception of Hebron). Together with the Gaza Strip it was put under the control of a ("provisional") "Palestinian Authority", with the exception of its water, land and subsoil.²⁷⁰ Established in Ramallah and presenting itself as the government of a Palestinian pre-state, in practice the PA acts as a subcontractor in Israel's fight against "terrorism". Within the framework of the so-called "security coordination" with the Israeli state the PA spends heavily on "security" (40% of its budget). The brutality and violence shown in the interventions of its security forces reveal a increasing deterioration in the human rights situation. Political opponents, critical journalists, civil rights activists and intellectuals are harassed and persecuted. In recent months, the situation was exacerbated by new laws meant to prevent all criticism towards the PA and its president, Mahmoud Abbas (his term as president officially ended more than eight years ago).²⁷¹ The latest step to silence dissent and opposition on the social media is the new "Cyber Crimes Law". It is decried by rights groups as "draconian" and "the worst law in the PA's history".²⁷² It entered into force on 11 July and one of its first victims was Issa Amro, a well-known human rights activist from Hebron.²⁷³

Zone B: with some 440 villages, it includes about 20% of the occupied territory, with approximately 44% of the West Bank's population. In the Oslo Accords it has been placed under a "mixed" control, i.e. civil affairs belong in principle to the jurisdiction of the PA, "security" affairs to that of Israel.

Zone C: covers no less than about 62% of the occupied territory, with 532 Palestinian villages being home to an estimated 180,000-300,000 people (mostly farmers). It is ("provisionally") placed under the exclusive control of the Israel state. In practice this means that the Palestinian population together with its land, villages, houses and structures is completely subjected to the arbitrary military rule of the Israeli so-called "Civil [!] Administration". Bereft of all civil and political rights, the native people are confronted with hundreds of military orders that dictate every aspect of their life. Israel's policies harshly discriminate against the Palestinians, depriving them of basic necessities while

²⁷⁰ March 29, 2002, nonetheless, with the Operation Defensive Shield against the Second Intifada, Israel sent its troops and tanks into the heart of six major cities and besieged towns and refugee camps which were ostensibly under PA control. Today, Israeli raids into area A (and B), looking for "terrorists", are an almost daily phenomenon.

²⁷¹ "(The) demands for Abbas' resignation stand at 60 percent in the PA-administered West Bank and at 80 percent in the Hamas controlled the Gaza Strip", see: "Poll: Majority of Palestinian public want Abbas to resign" (Ma'an, Sept 22, 2017), via <http://www.maannews.com/Content.aspx?id=779160>.

²⁷² E.g.: Ylenia Gostoli, "Issa Amro and Palestine's struggle for freedom of speech" (The New Arab, Sept 12, 2017), <https://www.alaraby.co.uk/english/indepth/2017/9/12/issa-amro-and-palestines-struggle-for-freedom-of-speech>. Also: "Rights group documents 84 violations against Palestinian media in August" (MEMO, Sept 6, 2017), <https://www.middleeastmonitor.com/20170906-rights-group-documents-84-violations-against-palestinian-media-in-august/>.

²⁷³ See: Issa Amro, "Israel Has Created A Palestinian Ghetto In Hebron" (Forward, Sept 27, 2017), <http://forward.com/opinion/383573/israel-has-created-a-palestinian-ghetto-in-hebron-and-it-has-nothing-to-do/> Issa is co-founder of Youth Against Settlements (Hebron), see: <http://www.yashebron.org/>.

providing lavish amenities for Jewish colonies or settlements. In the severe words of B'Tselem:

*"(Thanks to) the Oslo Accords, Israel retained full building and planning authority in Area C. Israel strictly limits Palestinian settlement, construction and development in this area, while ignoring the needs of the Palestinian population. This policy means Palestinian residents must subsist in very rudimentary living conditions. They are denied any legal avenue to build homes or develop their communities, so they face the constant fear that their homes might be demolished, and that they be expelled and lose their livelihood. The Civil Administration prohibits Palestinian construction in vast areas of Area C, citing various rationales, such as defining these areas as state land, survey land, firing zones, nature reserves and natural parks, or by incorporating lands into the jurisdiction of settlements and regional councils... After deducting for overlap among the various areas described above, Palestinians are prohibited from building on some 70% of Area C. In the remaining 30% of Area C land on which constructions is not a priori prohibited, any construction must be pre-approved by the Civil Administration, be it for private homes, agricultural structures or infrastructure facilities."*²⁷⁴

While all construction and development in zone C is in practice made impossible for them by the occupying power, Palestinians are victims of confiscations of their land, water, and other natural resources; victims also of repeated demolitions of their homes, buildings and structures,²⁷⁵ of forcible displacements and land grabs, of aggressions, thefts and destroying of harvests by colonists, etc. Even structures, schools, etc., built with funds from European countries, are regularly demolished by Israel's military because of having been built "without permission" from Israel.²⁷⁶

In the words of Yesh Din – Volunteers for Human Rights:²⁷⁷

²⁷⁴ B'Tselem (Nov 10, 2013): "Planning and construction policy for Palestinians in Area C", via http://www.btselem.org/planning_and_building . Also: Human Rights Watch, "Israel/West Bank: Separate and Unequal. Under Discriminatory Policies, Settlers Flourish, Palestinians Suffer" (Dec 19, 2010), via <https://www.hrw.org/news/2010/12/19/israel/west-bank-separate-and-unequal> .

²⁷⁵ E.g. "This Palestinian village had solar power — until Israeli soldiers took it away" (Anne-Marie O'Connor, The Washington Post, July 17, 2017), via https://www.washingtonpost.com/world/middle-east/this-palestinian-village-had-solar-power--until-israeli-soldiers-took-it-away/2017/07/05/d4b8a5fc-6036-11e7-a4f7-af34fc1d9d39_story.html?utm_term=.a13bd974a488 .

²⁷⁶ EU sponsors traditionally limit themselves to utter a verbal protest. Very recently, however, eight of them (Belgium being one of them) did find the courage to demand compensation (be it that the amount brought in is rather symbolic). See: Barak Ravid, "In Unprecedented Move [!], Eight European Countries to Demand Compensation From Israel for West Bank Demolitions. In a letter, the countries seek \$35,000 in compensation for confiscating and demolishing structures they had built in Area C, under full Israeli control" (Haaretz, Oct 19), via <https://www.haaretz.com/israel-news/.premium-1.818017> . Should we really be surprised that "Israel categorically rejects the demand for compensation"?

²⁷⁷ Yesh Din - Volunteers for Human Rights: "The population transfer that dares not speak its name" (20.4.2013), via <https://www.yesh-din.org/en/the-population-transfer-that-dares-not-speak-its-name/> . Also the critical report by Omar Dajani & Hugh Lovatt, "Rethinking Oslo: How Europe can promote peace in Israel-Palestine" (European Council on Foreign Relations, July, 2017, pdf, 16p.), via http://www.bacbi.be/pdf/rethinking_oslo.pdf : "The Oslo Accords have provided Israel with effective political

“What’s left of the agricultural lands of the Palestinian villages and towns the Israeli authorities are yet to completely steal. Their residents suffer from regular attacks by settlers, particularly in the agricultural lands. These attacks include burning houses of residents, stealing of their property, assault on animals and men, and sometimes even poisoning of animals. Many of these attacks are carried out under the aegis of the IDF, with the soldiers preventing the Palestinians from defending themselves or actively participating in the assault on them”.

In 1993 the Palestinians were led to believe that the three zones together would soon constitute their proper sovereign state (the Oslo Interim Agreement envisaged a start to negotiations on a permanent status by 1996). In reality, Oslo made it politically feasible for Israel to consolidate and even accelerate its dispossession plans for zone C. By creating as many irreversible *“facts on the ground”* as possible, the Israeli governments made sure that the so-called *“twostate solution”* – which is still officially propagated by a.o. the EU spokesmen – has effectively been killed. With its actions Israel already brought about a de facto annexation of large parts of the West Bank. Extremists in its present government, encouraged by the prime minister himself, now demand that the West Bank as a whole would be officially annexed (the native population is to be whisked away, one way or another).²⁷⁸ The idea, in any case, that the settlements would be evacuated one day to make room for a viable Palestinian state, was recently solemnly ruled out by Netanyahu in a speech at the state’s Ceremony Marking 50 Years of Settlement in Judea, Samaria, the Golan Heights and the Jordan Valley (held in the settlement (!) Gush Etzion): *“There will be no more uprooting of communities in the Land of Israel!”* he assured the settlers.²⁷⁹ All the speakers at the event concurred that the celebration was not one of 50 years of *“occupation”* but of *“liberation”*, i.e. in *“biblical”* terms, of *“the liberation of Judea, Samaria and the Jordan Valley”*.

4.3. On the ground, the open expanse of the West Bank territory has been physically broken up by Israel, resulting in what Ilan Pappé calls *“a geography of disaster.”*²⁸⁰ Palestinians, as a result, are constantly faced with various, for them untouchable obstructions and closures. Israel maintains severe restrictions on Palestinians' freedom of movement through a complex combination of fixed checkpoints, flying checkpoints, roads forbidden to Palestinians but open exclusively to Jewish settlers, and various other physical

cover to maintain a prolonged occupation and undermine prospects for Palestinian self-determination through a twostate solution”.

²⁷⁸ Yotam Berger: *“Israeli Party Approves Annexation Plan to Coerce Palestinian Departure”* (Haaretz, Sept 13, 2017 via <http://www.haaretz.com/israel-news/premium-1.812011>). *“With a stamp of Netanyahu approval, right-wing party conference discusses their plan to annex the Palestinian territories and offer a surrender-or-transfer ultimatum”.*

²⁷⁹ Haaretz Editorial: *“Israel’s Celebrations of Folly”* (Sept 28, 2017), via <https://www.haaretz.com/opinion/editorial/1.814683>

²⁸⁰ Ilan Pappé in: *“Jenin won’t forget Israel’s massacre”* (The Electronic Intifada, 18 March, 2017), via <https://electronicintifada.net/content/jenin-wont-forget-israels-massacre/20221>.

obstructions.²⁸¹ Assuming the concrete manifestations of a prison in the form of walls and fences, forbidden roads, guarded checkpoints, road blocks and other barriers, this network of infrastructure enables the occupying power to control and restrict Palestinians' movement throughout the West Bank as suits Israel's own interests, in a sweeping breach of their human rights.²⁸²

(1) First of all and most obviously (see above, ch. 4.1), the native population is confronted with the Apartheid Wall or Barrier which separates them from the Israeli pre-1967 territory. Without any scruples and without respect for the Green Line²⁸³ the barrier cuts through Palestinian land and encloses communities, villages or towns (e.g. Bethlehem), its construction being accompanied with destructions and demolitions of houses and structures. In Jerusalem the Wall was built through the city (there are plans now to strip large numbers of Palestinians of their Israeli-issued Jerusalem residency papers because they live outside the separation wall). These months, e.g., it is the case with the wall that, once completed, will encircle the village of Walaja (south of Jerusalem) on nearly all sides. It will separate its inhabitants from some 250 acres of agricultural land.²⁸⁴ The villagers will also be kept from regular access to the businesses, hospitals, cultural centers and other services in the Holy City.

To provide over its length at least some crossing possibilities, 30 checkpoints have been put in place as well as dozens of agricultural gates. The latter are for the benefit of farmers who are separated from their farmland on the other side of the barrier. In reality, though, only a limited number of gates are open to farmers on a daily basis; most of them are opened only during the olive harvest season (always depending on the whims of the soldiers). What is more, in order to cross the barrier effectively one always needs to be in the possession of a special permit. This is also the case with the so-called "*seam lands*", i.e. lands located between the separation barrier and the Green Line. In 2018 Israel has

²⁸¹ Vide, for example, Checkpoint 300, in Bethlehem: "*In Photos: Daily struggle of Palestinian workers at Checkpoint 300*" (Ma'an, Nov 24), <https://www.maannews.com/Content.aspx?id=779520>. "*In the early hours of the morning, typically before dawn, hundreds of Palestinians in the southern occupied West Bank must endure long waits at the 300 checkpoint, one of the only access points Palestinians from the southern West Bank have to Jerusalem and Israel.*"

²⁸² See: B'Tselem, "*Restriction of Movement: Checkpoints, Physical Obstructions, and Forbidden Roads*" (20 May 2015, updated 31 Jan 2017): http://www.btselem.org/freedom_of_movement/checkpoints_and_forbidden_roads (provides an updated list with details of 98 checkpoints).

²⁸³ It is no longer shown on Israeli maps. Israel never officially defined its own international borders, so strictly speaking the Green Line was only its de facto border.

²⁸⁴ Cf. Haggai Matar, "*Hundreds of Palestinians, Israelis march to support village encircled by wall*" (+972, Sept 17, 2017), <https://972mag.com/hundreds-of-palestinians-israelis-march-to-support-village-encircled-by-wall/129787/>. Nir Hasson, "*Israel to Cut Palestinian Village From Water Source in Order to Take Control of Farming Land - After a checkpoint moves deeper into the Palestinian area, residents of al-Walaja will no longer be able to visit the local spring or their fields beyond it*" (Haaretz, Nov 16), via <https://www.haaretz.com/israel-news/premium-1.823113>.

drastically reduced the number of Palestinian farmers who are allowed to work there: 72% of Palestinian requests for farming permits were refused, compared to 24% in 2014.²⁸⁵

(2) No less obtrusive, quite to the contrary, is the illegal implantation of (fenced-off) Jewish colonies (with their extensive "*municipal territories*" and the so-called regional councils their jurisdiction already extends to at least some 39% of the West Bank),²⁸⁶ supplemented with settler outposts and ghost settlements on remote hilltops. Not to be forgotten, here, are the industrial zones run by Israel and based on Palestinian cheap labor (some of them highly polluting),²⁸⁷ IDF encampments and firing zones, natural reserves, confiscated so-called "*state lands*", etc.. All of them

*"break up territorial contiguity in what the international community considers a future Palestinian state, and (make) it impossible for Palestinians to do just about anything in the West Bank without encountering the Israeli army".*²⁸⁸

(3) The hundreds of checkpoints, each carrying its "*flag of apartheid*".²⁸⁹ As of 31 Jan 2017 there were 98 fixed checkpoints, including 59 internal ones i.e. located well within the West Bank. At some of the checkpoints, Israel prohibits the crossing of private Palestinian vehicles, apart from individuals with special permits, and in principle allows passage only to public transportation and commercial vehicles. In addition to the fixed ones, the military erects hundreds of surprise "flying" checkpoints along the roads: e.g. in April 2015 the UN Office for the Coordination of Humanitarian Affairs (OCHA) counted 361 flying checkpoints (B'Tselem). In the special case of Al-Khalil /Hebron, with Israel's policy of segregation for the benefit of a colony of some hundreds ultra-Orthodox Jews protected by the IDF, even the central urban space is littered with checkpoints.²⁹⁰ As usual, in the case

²⁸⁵ See Amira Hass, "Farming Permits for Palestinians in West Bank 'Seam Zone' Cut Drastically" (Haaretz, Jan 3, 2019), <https://www.haaretz.com/israel-news/.premium-farming-permits-for-palestinians-in-west-bank-seam-zone-cut-drastically-1.6805980>.

²⁸⁶ "Reports compiled by the UN and NGOs suggest up to 39% of all land in the occupied West Bank is under the control of Jewish municipalities, local authorities and regional councils, with Israel effectively prohibiting Palestinian construction and development there", so Peter Beaumont, "Israel only occupies 2% of West Bank, says US ambassador" (The Guardian, Sept 28, 2017), via <https://www.theguardian.com/world/2017/sep/28/israel-occupies-small-fraction-of-west-bank-claims-us-ambassador>.

²⁸⁷ There are more than 20 "industrial zones" in the West Bank, run by Israel (e.g. near Tulkarem, which has, along with Jenin, the highest rates of lung cancer in the West Bank). Cf. Ali Abunimah, "The Battle for Justice in Israel" (2014), p. 157: "Factories of Death": "Israel's use of the territory as a dumping ground for dirty industries bears the classic hallmark of environmental racism". See the thesis of Samer Ahmad Soliman Diab, "Lung Cancer and Associated Risk Factor in the West Bank" (An-Najah Univ., June 2003, 52p.).

²⁸⁸ Edo Konrad, "The man on the heels of Israel's settlement enterprise" (+972, June 1, 2017) via <https://972mag.com/the-man-on-the-heels-of-israels-settlement-enterprise/127679/>.

²⁸⁹ Cf. Gideon Levy, "Why I Won't Fly the Israeli Flag on Independence Day – Since it began flying in the territories, it has become the flag of apartheid. This is the flag you want me to fly? How can I?" (Haaretz, April 30, 2017) via <http://www.haaretz.com/opinion/.premium-1.786377>.

²⁹⁰ "The checkpoint regime: Israel and the fragmentation of Palestinian society" (ISM, Jan 31, 2017), via: <https://palsolidarity.org/2017/01/the-checkpoint-regime-israel-and-the-fragmentation-of-palestinian-society>. Also: Issa Amro, "Israel Has Created A Palestinian Ghetto In Hebron" (Forward, Sept 27, 2017), <http://forward.com/opinion/383573/israel-has-created-a-palestinian-ghetto-in-hebron-and-it-has-nothing-to-do/>.

of Hebron too the checkpoint regime is coupled to armed violence, humiliation and daily harassment by security forces. *"As a result life in the Old City has become intolerable for Palestinians, and thousands have left the area – likely the intended goal of Israel's policies."*²⁹¹

(4) Palestinian access roads to some of the main traffic arteries in the West Bank are regularly blocked by means of hundreds of physical obstructions, such as dirt embankments, concrete blocks, iron gates and trenches.

"The obstructions prevent the crossing of vehicles even in emergencies. In addition, they restrict the movement of many pedestrians who have trouble bypassing them: the elderly, sick persons, pregnant women, and small children" (B'Tselem).

(5) The extensive network of Israelis-only roads and highways, built on Palestinian land and many of them (so-called bypass roads) connecting the colonies with one another and with Israel. Palestinians are forbidden to use them and, in many cases, even to cross them:

"As of 31 Jan. 2017, there were 59.22 kilometers of roads in the West Bank that Israel had classified for the sole, or practically sole, use of Israelis, first and foremost of settlers. Israel also prohibits Palestinians from even crossing some of these roads in a vehicle, thereby restricting their access to nearby roads that they are ostensibly not prohibited from using." (B'Tselem)

Prohibitions on Palestinian travel in the West Bank are often based on verbal orders given to soldiers, adding to this racist policy a dimension of uncertainty and arbitrariness. Palestinians, anyway, must travel on dilapidated roads, many of them dating from Ottoman times.

4.4. The physical barriers and obstructions imposed by the occupier do not only infringe the Palestinians' rights to free movement. Being an essential part of Israel's policy of separation, they also strengthen its assault on the social cohesiveness of the Palestinian people. This applies, first of all, to the national bond between Gaza and the West Bank, with Israel's long-term strategy, dating back to 1991, of isolating Gaza's population from their countrymen of the West Bank (see above).²⁹²

On the level of the West Bank territory, the zones A and B together, in so far they are controlled by the PA, are administratively organized in three areas: the north (Nablus, Jenin and Tulkarem), the center (Ramallah) and the south (Hebron) – occupied East Jerusalem having a special status. Physically, however, this PA territory is physically

²⁹¹ Ali Abunimah, "Video: Soldiers assault woman who resists as they weld her door shut" (EI, Sept 15), via <https://electronicintifada.net/blogs/ali-abunimah/video-soldiers-assault-woman-who-resists-they-weld-her-door-shut>.

²⁹² These days, it is once more confirmed by Israel's threats against the reconciliation process between the PA (Fatah) and Hamas, cf. Barak Ravid, "Netanyahu Slams Palestinian Unity: We Won't Accept Reconciliation at the Expense of Israel's Existence" (Haaretz, Oct 3, 2017) via <https://www.haaretz.com/israel-news/1.815573>.

broken up into a northern and a southern part by the large Jewish settlement of Ma’ale Adumim, impeding that way its territorial integrity.²⁹³

Finally, at the local level, as a result of all those kinds of Israeli barriers and obstructions the Palestinian nation is split up into a disjointed set of many dozens of enclaves similar to Indian Reservations.²⁹⁴ All of them are encircled by zone C, this zone being the only one to possess territorial contiguity. Movements and personal contacts between the enclaves or cantons are mainly at the discretion of the Israeli military and police. In fact, *“it is not possible to move from one part of zone A or B to another without passing an Israeli military control”*.²⁹⁵ In the words of Ilan Pappé:

*“When you fly over the West Bank, you can see clearly the cartographic results of this policy: belts of settlements that divide the land and carve the Palestinian communities into small, isolated, and disconnected communities. The Judaisation belts separate villages from villages, villages from towns, and sometime bisect a single village.”*²⁹⁶

Living in so many “cages” or ghettos, it is impossible for Palestinians to move from one place to another - for example to find and travel to a job, to go to school, to visit one’s family, doing business, etc. - without having to spend hours in queues at one or more checkpoints, with the unforeseeable risks such crossings always imply. Based on an intricate, bureaucratic system of permits and ID-cards,²⁹⁷ at every checkpoint the correct documents must be presented to be checked by soldiers, Border Police or armed private guards. Most of all standing out is the complete arbitrariness of the permit regime. People are regularly subjected to collective punishment as well, permits being suddenly cancelled e.g. for a whole village.²⁹⁸ In other words, the kind of existence Israel’s occupation regime has devised for the Palestinians, is one

²⁹³ Once the plans to ethnically cleanse the area around Ma’aleh Adumim will be realized (with the forced evacuation of a Bedouin village), a territorial link between this settlement and Jerusalem will be established., The contiguity between East Jerusalem and the West Bank will be completely lost.

²⁹⁴ Lucas Catherine, *“Palestina, Geschiedenis van een kolonisatie”* (2017²), p. 290: mentions 227 “population islets”, grouped in some 35 “mini-Palestinastans”.

²⁹⁵ « *Zones A and B themselves are divided into 469 separate territorial units – locally they are called ‘confetti’ – all of them being surrounded by zone C, the only one to dispose of a ‘territorial continuity. It is not possible to move from one part of zone A or B to another without passing an Israeli military control’*” (Sylvain Cypel, *“Pour étouffer la Palestine, la duplicité de l’Union Européenne n’est surpassée que par la mauvaise volonté israélienne”* » (Pour la Palestine, 29 avril 2017), n. 1.

²⁹⁶ Ilan Pappé, *“No, Israel Is Not a Democracy”* (Jacobin, May 5), <https://jacobinmag.com/2017/05/israel-palestine-democracy-apartheid-discrimination-settler-colonialism>.

²⁹⁷ *“A permit, usually, is only good for one day, from 5 o’clock in the morning until 7 o’clock at night. I can use it to travel to Jerusalem, as long as I’m back by 7. If I don’t come back at 7 p.m., they could arrest me. If I got caught coming in late, and the soldier who caught me wanted to arrest me, I would never get a permit again”*, in: Philip Weiss, *“The greatest sustained exercise of utterly arbitrary authority world has ever seen’ — Chabon on occupation”* (Mondoweiss, June 4, 2017), via <http://mondoweiss.net/2017/06/sustained-arbitrary-occupation/>.

²⁹⁸ E.g. Sheren Khalel: *“Israel cancels 250,000 Palestinian permits to enter Israel during Ramadan after deadly attack”* (Mondoweiss, June 17, 2017) via <http://mondoweiss.net/2017/06/cancels-palestinian-permits/>.

"that every day deliberately confront(s) four and a half million people with the absurdity of their existence, which (i)s determined and defined by the greatest sustained exercise of utterly arbitrary authority the world ha(s) ever seen".²⁹⁹

4.5. While both are occupied territories (the Strip also even after Sharon's unilateral "disengagement" in 2005),³⁰⁰ there is an important difference between the Gaza Strip and the West Bank: the latter is not only besieged but also actively colonized and dispossessed. Under the central command of the Coordinator of Government Activities in the Territories (COGAT), the practical administration of the West Bank is the responsibility of what in the – misleading ("Orwellian") – language of the occupier is called the "*Civil Administration*," being in fact the military body entrusted with controlling and monitoring the Palestinian population in the occupied territories.³⁰¹

While it constitutes one and the same, occupied territory, the West Bank's legal regime is one of apartheid based on an unmitigated racial or ethnic-religious criterion separating "Jews" from "non-Jews". The "*nation*", indeed, of colonists in their illegal settlements is governed by Israeli civil law and enjoys as a consequence full legal (also financial and security) protection. The non-Jewish, native population, to the contrary, although living in the selfsame territory, is subjected to a completely different legal regime, namely that of an arbitrary and legally irresponsible military justice system. Many hundreds of so-called Military Orders regulate and control dictatorially all aspects of the Palestinians' daily life. In the daily routine, 18-year-old soldiers hold the armed power to administer the life of hundred thousands of civilians whose basic rights are denied. Real or imagined infractions of Palestinians (not of settlers) are systematically submitted to military courts.³⁰²

"*Law and order*", that is, in the West Bank, in relation to the native, civilian population is imposed *manu militari*. As was already remarked in ch. 1.1, it led to the shift from a legal

²⁹⁹ Ph. Weiss, *ibidem*.

³⁰⁰ "Israel has claimed that the "disengagement" brought about an end to the Israeli occupation of the Gaza Strip and that the laws of occupation, primarily the provisions of the Fourth Geneva Convention and the The Hague Regulations, have ceased to apply to Israeli actions toward the Gaza residents. This position has solidified further following the Hamas movement's rise to power in June 2007 and the ensuing changes in the means of control of all parties. For this reason, Israel feels itself obligated to uphold only minimum standards in its decisions regarding entry into and exit out of the Gaza Strip of both people and goods. Since June 2007 Israel has claimed that its obligations toward the Gaza Strip are limited to a duty to allow the passage of goods which "are vital for the survival of the civilian population", and of people in "humanitarian cases, with an emphasis on urgent medical cases only", see Gisha, "Scale of Control: Israel's Continued Responsibility in the Gaza Strip – November 2011" (pdf, 76p.), p. 5, via http://www.gisha.org/UserFiles/File/scaleofcontrol/scaleofcontrol_en.pdf.

³⁰¹ "It was also necessary to come up with a language of newspeak, the language of the occupier. According to this newspeak, for example, .. the military government is known as the "Civil Administration" (Gideon Levy & Alex Levac, "What I've seen in 30 years of reporting on the Israeli occupation" (Haaretz, June 2, 2017) via <http://www.haaretz.com/israel-news/six-day-war-50-years/.premium-1.793196>.

³⁰² The percentage of convictions in these courts is no less than 99,7%. See: "Military Courts and Orders" (American Muslims for Palestine) via <https://www.ampalestine.org/palestine-101/key-topics/arrests-and-detentions/military-courts-and-orders>. Also e.g. Meredith McBride, "Separate and Unequal: Inside Israel's Military Courts, Where the Only Defendants Are Palestinians (The UN says Israel's West Bank justice system, which tries Palestinians exclusively and has reported an almost 100% conviction rate, violates international law)", Haaretz, March 28, via <http://www.haaretz.com/opinion/.premium-1.779748>.

framework of policing, aiming to restore public order, to a model of *warfare*. Civilian deaths, hence, were no longer an exception but a structural result of policy.³⁰³

During the Second (or al-Aqsa) Intifada (started 28 September 2000, with Ariel Sharon's visit to the Haram al-Sharif) and internationally driven by the "*war on terror*" launched by President Bush after 9/11, 2001, Israel's containment policy toward the Palestinians in the West Bank and Gaza definitely switched from a legal framework of *policing* that aims to restore public order, to a legal model of (near) *war*. A crucial implication of that shift was that deaths of civilians no longer were to be considered as an exception but rather as "*a structural result of policy*". The controversial practice of "*targeted killings*" against individuals suspected of involvement in terrorism was a result of that policy transition.³⁰⁴

Conclusion.

The far-fetched fragmentation and dismemberment imposed on the Palestinian people in the occupied territories, amounts to its ghettoization on 12% of its historic homeland.³⁰⁵ Israel's massive practice of arrests and imprisonments (more than 800,000 since 1967, of whom more than 10,000 women), administrative detentions included, extends its general "*policy of separation*" to the level of a Palestinian individual – man, woman and child – brutally snatching him/her from his/her family, home and social environment.³⁰⁶

Reminding us of the South African apartheid and its Bantustans, the situation of the Palestinians is actually worse – as was confirmed by South African anti-apartheid activists when visiting the West Bank:³⁰⁷

"Veterans of the anti-apartheid struggle said last night that the restrictions endured by Palestinians in the Israeli-occupied territories was [sic] in some respects worse than that imposed on the black majority under white rule in South Africa. Members of a 23-strong human-rights team of prominent South Africans cited the impact of the Israeli military's separation barrier, checkpoints, the permit system for Palestinian travel, and the extent to which Palestinians are barred from using roads in the West Bank."

Israel's apartheid regime, let us not forget, with its extreme fragmentation of Palestinian society serves the political purpose of making the construction of a new national movement of resistance (after the Oslo Accords) very difficult if not impossible. The

³⁰³ So Maayan Geva: "*From policing to warfare: the Israeli governance of the West Bank and Gaza*" (British Society of Criminology Newsletter No. 80, Summer 2017, pp. 37-41), via http://www.bacbi.be/pdf/From_policing_to_warfare.pdf.

³⁰⁴ So Maayan Geva: "*From policing to warfare: the Israeli governance of the West Bank and Gaza*" (British Society of Criminology Newsletter No. 80, Summer 2017, pp. 37-41), via http://www.bacbi.be/pdf/From_policing_to_warfare.pdf.

³⁰⁵ See: <http://itisapartheid.org/fragm.html>.

³⁰⁶ "...Israel's use of prison as a means of dismembering Palestinian political and social life in the occupied territory" (Ma'an, May 27, 2017), via <http://maannews.com/Content.aspx?id=777343>.

³⁰⁷ Donald Macintyre, "*This is like apartheid: ANC veterans visit West Bank*" (The Independent, July 11, 2008), via <https://web.archive.org/web/20080729031906/http://www.independent.co.uk/news/world/middle-east/this-is-like-apartheid-anc-veterans-visit-west-bank-865063.html>.

repression, in March-April 2017, against the national hunger strike by more than a thousand Palestinian prisoners and the refusal of the prison authorities to start talks with them about their (very reasonable) demands, must be understood as part of the same political objectives.

End of Part 1.