

Hau, Lucy

①

Subject: FW: Markham Israeli Apartheid Week Motion and What You Can Do

From: farhana.abidi

Sent: April 18, 2011 10:49 AM

To: Moretti, Carolina

Cc: Scarpitti, Frank; Heath, Jack; Jones, Jim; Landon, Gord; li@markham.ca; Burke, Valerie; Shore, Howard; Hamilton, Don; Campbell, Colin; Ho, Alan; Kanapathi, Logan; Chiu, Alex

Subject: Fw: Markham Israeli Apartheid Week Motion and What You Can Do

Dear Councillors/Mayors,

I reside in your riding and I truly appreciate the good work you are doing. However, I strongly oppose the motion, introduced by Thornhill Councillor Mr. Howard Shore, to condemn "Israeli Apartheid Week". The council should consider the views of all community members which includes large Muslim community in Markham as well as lots of non-Muslim community members including Jews who oppose this motion. The 'Israel Apartheid Week' is not anti-semitism and it's not a derogatory term. It only refers to the set of factual circumstances. Please note that the most vocal opponents of Israeli policies are the members of Jewish community itself. If it was anti-semitism then no Jews would be opposing the motion. This is about Israeli (not Jewish) policies against innocent Palestinians and the councillors must consider the rights of Palestinians before rushing to support the motion.

There is a lot done to deal with anti-semitism and I agree with it but it shouldn't be confused with the freedom of speech as you all agree with. All community members should be protected and It's time to deal with Islamophobia which is a far greater problem than anti-semitism and should be dealt with the same type of laws/motions as the ones for anti-semitism.

Regards,
Farhana

Hau, Lucy

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Subject: FW: Israeli Apartheid

-----Original Message-----

From: nova Moffat

Sent: Tuesday, April 19, 2011 2:40 PM

To: Hau, Lucy

Subject: Israeli Apartheid

Further to information in The Liberal dated Apr. 9, 2011, I believe that Israeli Apartheid is not a matter for Council to discuss at length on May 3, 2011.

Israeli Apartheid is a matter for the Federal Government.

Nova Moffat
Thornhill, ON

Ward 1

Hau, Lucy

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Subject: FW: Opposing the condemnation of Israel Apartheid Week at York University

----- Original Message -----

From: Heath, Jack

To: Um Aneesa; Scarpitti, Frank; Jones, Jim; Landon, Gord; Li, Joe; Burke, Valerie; Moretti, Carolina; Campbell, Colin; Ho, Alan; Kanapathi, Logan; Chiu, Alex; Hamilton, Don

Cc: Kitteringham, Kimberley; Shore, Howard

Sent: Tue Apr 19 15:48:21 2011

Subject: RE: Opposing the condemnation of Israel Apartheid Week at York University

Thank you for this. I am sending it on to the Clerk as correspondence.

Jack Heath

Deputy Mayor of Markham & York Region Councillor

905-415-7506 Cell 416-464-5517

jheath@markham.ca <<mailto:jheath@markham.ca>>

From: um.aneesa

Sent: April 16, 2011 12:26 PM

To: Scarpitti, Frank; Heath, Jack; Jones, Jim; Landon, Gord; Li, Joe; Burke, Valerie; Moretti, Carolina; Campbell, Colin; Ho, Alan; Kanapathi, Logan; Chiu, Alex; Hamilton, Don

Subject: Re: Opposing the condemnation of Israel Apartheid Week at York University

Dear Mayor and Members of Council

As a follow up to my previous letter, I would like to reiterate that I am opposed to the motion condemning Israeli Apartheid Week. I support those who came before Council last Monday to denounce this motion.

Once more I would like to submit the following point to each and every councillor: weighing in on international issues, with powerful emotions on both sides of the debate, exceeds the Town's mandate and strategic priorities, particularly that of "Diversity".

Sincerely,

Munazzah Shirwani

Unionville

On Sun, Mar 20, 2011 at 3:37 PM,

Dear Mayor and Members of Council,

As a resident of Markham I am opposed to the motion to denounce and call for an outright ban of Israeli Apartheid Week events at York University. Council must consider:

* Markham is a diverse community – the most diverse in Canada - made up of people of many different ethnic and religious backgrounds. You as a council have been elected to represent all of them. Further, the Jewish community is itself divided in its views of the conflict. Opponents of the Israeli government's policies include prominent members of the Jewish community. How can criticism of Israel then amount to anti-Semitism?

* From what I understand, Israeli Apartheid Week organizers include Jewish members who go to great lengths to distinguish criticism of the Israeli government from criticism of the Jewish people. Has Mr. Shore demonstrated that the organizers are anti-Semitic or that they have violated any of Canada's existing hate laws? If so, then this issue should be pursued through this existing avenue.

* I understand that on March 21st, 2011, you will be hearing from the Canadian Jewish Congress, Federal Liberal MP Dr. Karen Mock, and a Toronto based Jewish student organization. In order to make an informed decision, council must also allocate time to hear the views of both parties to the debate.

I submit that weighing in on international issues with powerful emotions on both sides of the debate exceeds the Town's mandate and strategic priorities, particularly that of "Diversity".

Sincerely yours
Munazzah Shirwani
Unionville

Hau, Lucy

Subject: FW: Regarding the Motion

----- Original Message -----

From: Heath, Jack

To: Ruba Khan; Hamilton, Don; Scarpitti, Frank; Jones, Jim; Landon, Gord; Li, Joe; Burke, Valerie; Shore, Howard; Moretti, Carolina; Campbell, Colin; Ho, Alan; Kanapathi, Logan; Chiu, Alex; Kitteringham, Kimberley

Sent: Wed Apr 20 11:54:47 2011

Subject: RE: Regarding the Motion

Thank you for the note. I will ensure it is received by the Clerk as correspondence.

Jack Heath

Deputy Mayor of Markham & York Region Councillor

905-415-7506 Cell 416-464-5517

jheath@markham.ca <<mailto:jheath@markham.ca>>

From: Ruba Khan

Sent: April 19, 2011 11:29 PM

To: Hamilton, Don; Scarpitti, Frank; Heath, Jack; Jones, Jim; Landon, Gord; Li, Joe; Burke, Valerie; Shore, Howard; Moretti, Carolina; Campbell, Colin; Ho, Alan; Kanapathi, Logan; Chiu, Alex

Subject: Regarding the Motion

Dear Mayor and Councilors,

As a Markham resident and University student (at Carleton University) it pains me to hear that Markham council is considering taking a position on condemning Israeli Apartheid Week (IAW). I advocate for protecting against human rights anywhere in the world and it is evident that Israel has been found guilty of these violations. This has been documented in many UN Resolutions as well as recently in the Goldstone Report.

Universities are supposed to be places that foster dialogue, no matter how controversial in order to promote learning and challenge conventions. What kind of message are we sending if council passes this motion? We are sending a message that democracy and freedom of speech only matter when it is "politically correct". Unfortunately, sometimes what is right is not always politically correct. IAW is an academic event with guest lecturers and it promotes discussions and raises awareness of the decades old Arab-Israeli conflict. Therefore, it is inaccurate to label it anti-Semitic because I have attended many of the guest-lectures and there have been Holocaust survivors and other Jewish people that have presented as well. Thus this leads me to wonder whether any councilors ever attended any of the lectures before they decided to vote on condemning this week-long event. If not I highly recommend you, the councilors to learn more before you vote to condemn it. I do hope you vote not to.

Thank you for your time.

Sincerely,
Ruba Khan

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Hau, Lucy

Subject: FW: Please add to the May 3rd Agenda's Correspondence: re Israeli Apartheid Week

----- Original Message -----

From: Hebba Fahmy

To: Kitteringham, Kimberley

Sent: Thu Apr 28 06:57:50 2011

Subject: Please add to the May 3rd Agenda's Correspondence: re Israeli Apartheid Week

Dear Kimberley,

Please add the following article, below, to the Agenda's Correspondence section for the Council meeting slated for Tuesday, May 3rd.

Thank you!

Sincerely,

Hebba

<http://www.haaretz.com/print-edition/opinion/citizenship-law-makes-israel-an-apartheid-state-1.248635>
Haaretz.com

* Published 00:00 27.06.08

* Latest update 00:00 27.06.08

Citizenship law makes Israel an apartheid state

We do not have to identify the characteristics of South African apartheid in the civil rights discrimination in Israel in order to call Israel an apartheid state. It is best that we not try to evade the truth: The Citizenship Law's existence turns Israel into an apartheid state.

By Amos Schocken <<http://www.haaretz.com/misc/writers/amos-schocken-1.286>>

The government's decision last week to extend the validity of the Citizenship Law (Temporary Order), for another year, is evidence that the legal barriers preventing severe discrimination against Israel's Arab citizens and harm to their civil rights have been removed.

This extension is the eighth since the law was first passed in 2003, and it shows just how naive Justice Edmond Levy's position was when he refused to join in the 2006 decision by five judges from the High Court of Justice, who stated that the law was unconstitutional, that it contravened the Basic Law on Human Dignity and Freedom, and that it must be removed from the law books. Levy explained his refusal by saying that he saw no need to intervene because only two months remained until the law expired. However, at the end of the two months, the law was extended by a year, and now they want to extend it for yet another year.

Had Levy known that the law's limited validity was nothing but a deception aimed at preparing a discriminatory and unconstitutional law, there is no doubt he would have joined the five justices' majority opinion that it was unconstitutional and should be removed. We must hope that the High Court of Justice, when it rules on the new petition submitted against the law after it was extended in 2006, will take into account that the term "temporary provision," which both the government and Knesset take pains to stress, is a deception. We are talking about, in effect, a permanent law.

The law stipulates that the interior minister does not have the authority to approve residence in Israel for a resident of Judea and Samaria (unless, of course, they are Jews - that is, settlers). This is so even regarding family reunions, meaning marriage, when it comes to Palestinian spouses who are younger than 35 (for men) or 25 (for women). In effect, the law prevents young Israeli citizens from marrying the spouse of their choice and living with this spouse in Israel, if the spouse is a Palestinian from Judea and Samaria.

It is obvious that this has barely any effect on the right of young Israeli Jews to live in their country with the spouse of their choice, because there are hardly any marriages between Israeli Jews and Palestinians from Judea and Samaria. On the other hand, these Palestinians constitute Israeli Arabs' natural pool for choosing a spouse. For this reason, the law severely discriminates when comparing the rights of young Israeli Jewish citizens and young Israeli Arab citizens.

When the law was first passed in 2003, supposedly as a temporary one-year measure, it was accompanied by security reasoning - the risk of implanting terrorists in Israel via marriage. The reasoning was faulty even at that time: Every Palestinian who wishes to enter Israel must be addressed individually. It is the Shin Bet security service's task to do this and thus carry out its mission - protecting the security of Israel's citizens such that the country remains democratic, with equal rights for all. However, as the years go by, it becomes clear that the security argument and the term "temporary measure" are merely a deception aimed at "koshering" discriminatory legislation for demographic reasons.

The claim that there are characteristics of an apartheid state in Israel is widely heard in the Western world. The word apartheid is catchy and understood in many parts of the world, which makes it useful to send a message that we resent and which we claim has no connection with reality in Israel. However, we do not need to replicate exactly the characteristics of South African apartheid within discriminatory practices in civil rights in Israel in order to call Israel an apartheid state. The amendment to the Citizenship Law is exactly such a practice, and it is best that we not try to evade the truth: Its existence in our law books turns Israel into an apartheid state.

The government decided to add the Gaza Strip to the list of countries for which the interior minister does not have the prerogative to approve residence in Israel on the grounds of family reunions, regardless of age. Both the list and the new addition are superfluous and harmful. Since Hamas gained control, no one enters or leaves Gaza anyway, and the new restriction harms couples' cases from the time when there was passage between Israel and Gaza. There is no need for this affront.

This story is by:

Amos Schock

<http://www.haaretz.com/print-edition/opinion/citizenship-law-makes-israel-an-apartheid-state-1.248635>

Hau, Lucy

Subject: FW: Please add to May 3rd Agenda's Correspondence section: re Israeli Apartheid Week

----- Original Message -----

From: Hebba Fahmy

To: Kitteringham, Kimberley

Sent: Thu Apr 28 06:51:05 2011

Subject: Re: Please add to May 3rd Agenda's Correspondence section: re Israeli Apartheid Week

Dear Kimberley,

I just edited the subject of the email to make it easier.

Thanks again!

Sincerely,

Hebba

On Thu, Apr 28, 2011 at 6:35 AM, Hebba Fahmy:

Dear Kimberley,

Please include the following in the Correspondence section of the Agenda for the Markham Council meeting slated for Tuesday, May 3rd, 2011.

Thank you!

Sincerely,

Hebba

Section 1:

Israeli Human Rights Abuses and Violations of International Law, in Israeli Policy and Practice: some examples

Section 2:

International Law: some examples

Section 3:

Resources: some examples

Israeli Human Rights Abuses and Violations of International Law, in Israeli Policy and Practice: some examples

The Israeli Defense Force's (IDF's) perpetration of crimes under international law, as stated, in the July 2004 Advisory Opinion of the International Court of Justice, also known as the IJC, and by the United Nations in the Report on the UN Fact-Finding Mission of the Gaza Conflict, in September 2009, is well documented.

A number of other sources, such as Human Rights Watch, B'Tselem: The Israeli Information Center for Human Rights in The Occupied Territories, and Amnesty International document various types of Israeli violations:

Separate and Unequal: Israel's Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories by Human Rights Watch, December 19, 2010

<http://www.hrw.org/en/reports/2010/12/19/separate-and-unequal-0>

Precisely Wrong (video report regarding Israeli use of precision drones and Palestinian civilian death in Gaza) by Human Rights Watch, June 30, 2009

<http://www.hrw.org/en/video/2009/06/30/precisely-wrong>

Rain of Fire: White Phosphorus in Gaza (video report) by Human Rights Watch, March 25, 2009

<http://www.hrw.org/en/video/2009/03/25/rain-fire-white-phosphorus-gaza>

A Matter of Civil Rights by Sarah Leah Whitson, Published in: The Huffington Post. April 15, 2011

Two quotes from the article:

"security concerns do not warrant treating every last Palestinian man, woman and child as a threat. And security concerns do not justify systematically separating Palestinians from Jews, with shanties and dirt roads provided for the one, and spacious villas with swimming pools and paved highways provided for the other."

“how can Israelis, so proud of the democratic values of their state, tolerate a settlement system that has thrived on outdated and discredited discrimination against the people who live alongside them? And why should American Jews, who have a history of deep engagement with the U.S. civil rights movement, support settlements built on these kinds of laws and policies in Israel?”

<http://www.hrw.org/en/news/2011/04/15/matter-civil-rights>

Sarah Leah Whitson is the director of Human Rights Watch’s Middle East and North Africa division.

Void of Responsibility: Israel Military Policy Not to Investigate Killings of Palestinians by Soldiers by B’Tselem: The Israeli Information Center for Human Rights in The Occupied Territories

summary (and video), September 2010:

http://www.btselem.org/english/publications/summaries/201009_void_of_responsibility.asp

full report, October 2010:

http://www.btselem.org/Download/201009_Void_of_Responsibility_Eng.pdf

Caution: Children Ahead - The Illegal Behavior of the Police toward Minors in Silwan Suspected of Stone Throwing by B’Tselem: The Israeli Information Center for Human Rights in The Occupied Territories

information sheet (and video), December 2010

http://www.btselem.org/english/publications/summaries/201012_caution_children_ahead.asp

full report, December 2010

Document - Israel/Occupied Palestinian Territories: Petition urges Human Rights Council to act for international justice for Gaza conflict victims

AMNESTY INTERNATIONAL PUBLIC STATEMENT, 7 March 2011

AI Index: MDE 15/017/2011

<http://www.amnesty.org/en/library/asset/MDE15/017/2011/en/3260cff2-3759-4e8f-a5c9-2cd35822123e/mde150172011en.html>
<<http://www.amnesty.org/en/library/asset/MDE15/017/2011/en/3260cff2-3759-4e8f-a5c9-2cd35822123e/mde150172011en.html>>

Stop the destruction of a Bedouin village and its inhabitants' livelihoods by Amnesty International, 11 April 2011

quotes from this article about Al'Araqib, a Palestinian village inside Israel (not in the Occupied Palestinian Territories):

"Demolitions began without warning on 27 July 2010 when the residents were evicted by well over 1,000 riot police officers, who destroyed at least 46 homes and other structures including animal pens, uprooted thousands of olive and other trees and confiscated inhabitants' property. Since then, al-'Araqib has been demolished at least 20 times."

"In recent months, the Israeli authorities have used unwarranted force against residents and their supporters. Since January several residents, including children, have needed hospital treatment due to police violence during demolitions."

"Al-'Araqib is one of more than 40 "unrecognized villages" in Israel whose residents lack security of tenure and public services. Contrary to the claims of the Israeli Land Administration, according to whom the villagers "invaded" the land, the residents of al-'Araqib can document their ancestors' presence on the land back to Ottoman times. They have initiated legal proceedings seeking recognition of their traditional land claims."

<http://www.amnesty.org/en/appeals-for-action/stop-destruction-bedouin-village-and-its-inhabitants%E2%80%99-livelihoods-5>

Israeli rabbis ban home sale and rental to non-Jews by Amnesty International, 7 December 2010

quotes from press release:

"Amnesty International today condemned a religious ruling signed by dozens of Israel's municipal chief rabbis that bans the renting or sale of homes to non-Jews.

"“This ruling issued by religious leaders employed by the state of Israel, whose salaries are paid by public funds, clearly targets the Palestinian citizens who make up 20 per cent of Israel's population, and highlights the continuing discrimination they face in housing and other areas,” said Philip Luther, Amnesty International's Deputy Director for the Middle East and North Africa.”

"“The Israeli government, as a party to international human rights treaties that prohibit discrimination on grounds of race, ethnicity, and religion, must repudiate this call by leading rabbis, take disciplinary measures against Rabbi Eliyahu and other state employees advocating racism, and work to facilitate access to housing and higher education for Palestinian citizens in Israel,” said Philip Luther.”

<http://www.amnesty.org/en/for-media/press-releases/israeli-rabbis-ban-home-sale-and-rental-non-jews-2010-12-07>

Israeli laws also restrict non-Jews –Palestinians specifically, and others in general- in a number of ways, for example, in entry and citizenship:

The Citizenship and Entry into Israel Law (temporary provision) 5763 - 2003

Note: “Judea and Samaria” is used in this law to denote the West Bank (Occupied Palestinian Territory). This law imposes restrictions (a ban, with some exceptions) on the granting of Israeli citizenship and of entry into Israel by Palestinians in the West Bank or the Gaza Strip. Since settlements are Jewish-only housing developments, the exclusion of residents of settlements from this law exempts Jews, and thereby specifically targets Palestinians in the West Bank and the Gaza Strip.

http://www.knesset.gov.il/laws/special/eng/citizenship_law.htm

“Citizenship law makes Israel an apartheid state”, published in Ha’aretz newspaper (an Israeli newspaper), by Amos Schocken, June 27, 2008

<http://www.haaretz.com/print-edition/opinion/citizenship-law-makes-israel-an-apartheid-state-1.248635>

Law of Return (and amendments)

This law gives any Jew worldwide (with a few exceptions) the right to immigrate to Israel.

http://www.mfa.gov.il/MFA/MFAArchive/1950_1959/Law%20of%20Return%205710-1950

Meanwhile, Israel denies the right of return of Palestinian refugees to return to the land from which they were ethnically cleansed. The universal right to return, of any person, and of Palestinians, is enshrined in international law and UN Resolutions (see next section, below).

International Law: some examples

International Court of Justice (IJC): Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Request for Advisory Opinion): Summary of the Advisory Opinion 9 July 2004

The International Court of Justice (IJC) found, in its July 2004 Advisory Opinion, that the Wall and its associated regime did not constitute an appropriate security measure to protect Israelis. The IJC deemed that Israel must immediately dismantle the Wall and make reparations to Palestinians for damages. The IJC stated that Israel must “repeal or render ineffective forthwith all legislative and regulatory acts relating” to the Wall. To date Israel, and its military, have not complied.

Regarding Israel’s long policy of construction of settlements in the Occupied Palestinian Territories, the IJC states that the UN “Security Council has taken the view that such policy and practices ‘have no legal validity’ and constitute a ‘flagrant violation’ of the Convention. The court conclu/des that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law.”

The IJC deemed that “All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that convention”.

The Fourth Geneva Convention

The “Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949”, “Part III: Occupied Territories” states that:

“Art. 53. Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”

Art 49.(6). “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”

“Art. 47. Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement

concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.”

The Rome Statute of the International Criminal Court

The Rome Statute of the International Criminal Court defines Apartheid as:

“‘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;” in Article 7: Paragraph 2 (h); the crime of apartheid is listed in Article 7: Paragraph 1 (j) as a “crime against humanity”.

Canada is party to the Rome Statute of the International Criminal Court.

UN Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights

The UN Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights states clearly:

“1. States have the primary responsibility to promote, secure the fulfilment of, respect, ensure respect of and protect human rights recognized in international as well as national law, including ensuring that transnational corporations and other business enterprises respect human rights. Within their respective spheres of activity and influence, transnational corporations and other business enterprises have the obligation to promote, secure the fulfilment of, respect, ensure respect of and protect human rights recognized in international as well as national law, including the rights and interests of indigenous peoples and other vulnerable groups.”

“3. Transnational corporations and other business enterprises shall not engage in nor benefit from war crimes, crimes against humanity, genocide, torture, forced disappearance, forced or compulsory labour, hostage-taking, extrajudicial, summary or arbitrary executions, other violations of humanitarian law and other international crimes against the human person as defined by international law, in particular human rights and humanitarian law.”

“10. Transnational corporations and other business enterprises shall recognize and respect applicable norms of international law...”

The Palestinian people are one such indigenous people who are most vulnerable to having their rights violated and having crimes committed against them.

UN Resolution 194 (III). Palestine -- Progress Report of the United Nations Mediator

Paragraph 11 states:

“11. Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;”

<http://unispal.un.org/UNISPAL.NSF/0/C758572B78D1CD0085256BCF0077E51A>

UN General Assembly Resolution 3236

Paragraph 2 states:

“2. Reaffirms also the inalienable right of the Palestinians to return to their homes and property from which they have been uprooted, and calls for their return;”

<http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/738/38/IMG/NR073838.pdf?OpenElement>

UN Declaration of Human Rights

“Article 13.

“(1) Everyone has the right to freedom of movement and residence within the borders of each state.

“(2) Everyone has the right to leave any country, including his own, and to return to his country.”

<http://www.un.org/en/documents/udhr/index.shtml>

International Convention on the Elimination of All Forms of Racial Discrimination

“Article 5

“In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

[...]

“(d) Other civil rights, in particular:

“(i) The right to freedom of movement and residence within the border of the State;

“(ii) The right to leave any country, including one's own, and to return to one's country;”

<http://www2.ohchr.org/english/law/cerd.htm>

The United Nations International Covenant on Civil and Political Rights

Article 12 (4) states that:

“No one shall be arbitrarily deprived of the right to enter his own country.”

<http://www.hrweb.org/legal/cpr.html>

Resources: some examples

“HUMAN RIGHTS IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES:

Report of the United Nations Fact Finding Mission on the Gaza Conflict”

The Advance Edited Version of this report, dated 15 September 2009, is 575 pages.

It is available at:

http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/UNFFMGC_Report.PDF

United Nations Fact-Finding Mission on the Gaza Conflict

<http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/factfindingmission.htm>

Report on the United Nations Fact-Finding Mission on the Gaza Conflict

Executive Summary (Advance 1):

http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48_ADVANCE1.pdf

International Court of Justice

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Request for Advisory Opinion): Summary of the Advisory Opinion 9 July 2004

<http://www.icj-cij.org/docket/files/131/1677.pdf>

Ha'aretz newspaper

Lecturers say IDF officer who justified Gaza strikes should not teach law

<http://www.haaretz.com/news/lecturers-say-idf-officer-who-justified-gaza-strikes-should-not-teach-law-1.268892>

(this article in an Israeli newspaper refers to Tel Aviv University)

United Nations Audiovisual Library of International Law

CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

by John Dugard

Professor of International Law

Department of Public Law, Faculty of Law, University of Leiden

<http://untreaty.un.org/cod/avl/ha/cspca/cspca.html>

Rome Statute of the International Criminal Court

[http://untreaty.un.org/cod/icc/statute/english/rome_statute\(e\).pdf](http://untreaty.un.org/cod/icc/statute/english/rome_statute(e).pdf)

UNITED NATIONS

ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

Norms on the responsibilities of transnational corporations and
other business enterprises with regard to human rights

[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.Sub.2.2003.12.Rev.2.En](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.Sub.2.2003.12.Rev.2.En)

B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories

8 March '11: Civil-society organizations oppose bill prohibiting political protest against the occupation

http://www.btselem.org/english/special/20110308_law_banning_boycotts.asp

International Committee of the Red Cross

Fourth Geneva Convention relative to the Protection of Civilian Persons in time of war

<http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004a>

a3c5

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Hau, Lucy

Subject: FW: Markham Council meeting on May 3, 2011
Attachments: 2008-12-07 Report - Israel a discriminatory state.doc; 2009-03-10 Israeli apartheid week no 'hate fest'.doc; 2009-11-08 Israel's apartheid is worse than South Africa's.doc; 2010-02-27 South African leaders on Israel and Apartheid.doc; 2010-03-06 Is Israel an Apartheid State.doc; 2011-01-20 Apartheid in the Israeli Education System.doc; 2011-02-26 Institutionalized Arab Inequality in Israel.doc

From: Khaled Mouammar
Sent: Wed 4/27/2011 10:07 PM
To: Kitteringham, Kimberley
Subject: Markham Council meeting on May 3, 2011

Dear Ms. Kitteringham,

Please place the attached 10 articles as correspondence on the May 3 Council meeting.

Khaled Mouammar
National President
Canadian Arab Federation



Report: Israel a discriminatory state

Association for Civil Rights published report probing bias in Israel in 2008, says Israeli Arabs systematically discriminated against, as are immigrants. Women, handicapped suffer bias in the workplace and situation in West Bank 'reminiscent of apartheid in South Africa'

Aviad Glickman

Published: 12.07.08, 09:28 / Israel News

The Association for Civil Rights in Israel (ACRI) warned Sunday that "the Israeli democracy is in danger". The stark warning was noted in an Association report on discrimination in Israel, published on the occasion of the 60th anniversary of the UN human rights decree.

The report examined civil rights observations and breaches in Israel and the territories in 2008, and its finding indicate severe detriment to basic human rights, the likes of the right dignity, privacy, healthcare, education and housing.

The report also warns of new threats of freedom of speech, racism and the erosion of democracy.

According to the team which compiled the report, the problem stems from the lack to true internalization and constitutional anchoring of quality as a value in Israeli society.

Exploring the matter of discrimination, the report states that since the inception of the State of Israel, Israeli Arabs have been subject to discrimination via

legislation, the allocation of resources and through the existence of bodies such as the Jewish Agency and Jewish National Fund.

With some 90,000 Arabs living in mixed cities, the differences between the Jewish and Arab neighborhoods is evident in all aspects of life and the fabric of the relations between the Arab and Jews living in these cities is riddled with violence and racism, as seen in the Yom Kippur riots in Akko.

The report goes on to note severe discrimination in the allocation of housing land, saying that while the Arab population had grown seven times over since 1948, about 50% of the land previously owned by Arab has been confiscated. Moreover, while 600 Jewish communities have been established since 1948, no new Arab ones have been formed.

Arabs make up 20% of Israel's population, added the report, but the entirety of the Arab authorities' jurisdiction, comes to only 2.5% of the State.

As for the situation in east Jerusalem, the report states that Israel is adamant to keep a Jewish majority in the city by pushing its Arab residents out. Furthermore, 67% of the Palestinian families living in the area – including 77.2% of children – live under the poverty line; compared to 21% of the Jewish families and 39.1% of Jewish children.

An apartheid State?

The West Bank settlements, continues the report, have created a situation of institutionalized discrimination in the area, which houses two separate populations living under two separate and contrasting judicial systems.

The discrimination noted in the allocation of funds and services in the area, said the report, "is in clear violation of the principle of equality and is very much reminiscent of the apartheid in South Africa."

Settler violence against Arabs has been steadily increasing, and abusing Palestinian property has become the norm. From the onset of 2008, said the report, 430 people were killed in the West Bank by the Israeli security forces and over 1,150 were wounded. Many of the casualties were bystanders not involved in the fighting.

According to the ACRI, Israel is making extensive use of administrative arrests measures against Palestinians: By the end of September 2008, Israel had 599 Palestinians in administrative custody.

Furthermore, the restrictions Israel has placed on movement across the West Bank often hinders patients from getting to medical facilities and the closing of

the crossing is preventing patients from getting treatment in Israel, even if they have the proper permits.


The reports counted 360 checkpoints and roadblocks across the West Bank, and said that an additional 85 random roadblocks are set up every week.

Bias against women, handicapped

The report next examined discrimination against women in Israel, noting that they are still widely discriminated against in the workplace.

Women still make less money than men in all corporate levels and in nearly every profession. Unemployment rates for woman are significantly higher than those of men, and the women's representation in the Israeli academia is 10% lower than the average in any of the European Union nations.

Women, said the report, are still highly exposed to sexual harassment in the workplace and the law enforcement authorities seem powerless against the phenomenon.



As for communal discrimination, the report notes that discrimination between the Ashkenazi and Sephardic populations is virtually nonexistent, with the exception of the ultra-Orthodox school system; however, the socioeconomic gap between the two has grown, which cements the historical notion of discrimination.

The report then tackled discrimination against the handicapped public. Many services remain physically inaccessible to them, and the unemployment rate remains high, compared with the rest of the population.

The socioeconomic state of Israel's handicapped had gravely deteriorated over the past few years, and is now considered the worst among Western nations. The average income of a handicapped person in Israel, said the report, was 70% lower than the average income in the market.

The report further cites that despite progressive labor legislation, employees' rights are still violated, mostly due to lack of enforcement.

The State commitment to an equally-implemented public health system has also lapsed over the years, to the point of having two different caliber healthcare systems – one for the rich and one of the poor.

And what of immigrant assimilation within the Israeli society? The ACRI noted that the wages earned by immigrant from the former Soviet Union is 30% lower than that of Israelis and that the language barrier prompts employer exploitation.

Ethiopian immigrants do not fare better: Their wages are lower than both that of the Soviet Union counterparts and Israelis, and their overall employment rate is 10% lower than that of the entire population. Moreover, 65% of Ethiopian immigrants have active case files with social services.

Ethiopian children have a harder time assimilating in the Israeli school system, added the report. The community has a 4% dropout rate for students in grades seven to 12; and only 39.14% graduate high school, as opposed to 63.8% of Jewish students.

One step forward, two steps back

Israel, added the report, practices religious coercion, in the sense that it enforces the Orthodox marital decree and does not allow its citizens to marry or divorce in civil procedures.

The ACRI does note one proverbial ray of light in the form of gay rights, saying Israel has a relatively progressing gay rights doctrine compared to other Western countries, and that the Israeli law now allows gay couples the same legal statuses as common-law couples.

When it comes to observing freedom of speech and expression, the report reproaches the Shin Bet for menacing journalists and political activists whose public activities were deemed "unacceptable."

Moreover, the threat to cyber free speech has increased over the last two years, following various bills brought before the Knesset. The Israeli Freedom of Information Act is not implemented properly, and the authorities are still hindering access to information.

As for refugee rights, the report said the Israel has yet to formulate a clear refugee policy, and so it has one of the lowest recognitions rates in the Western world.

The ACRI quotes a Refugee Forum report stating that there were 12,500 refugees who sought asylum in Israel in 2008, and that "the ways in which the State has chosen to deal with those seeking asylum varied from disregard and neglect through the odd humanitarian gesture, to taking severe measure of deterrence."

<http://www.nationalpost.com/opinion/story.html?id=1371577>

NATIONAL POST

Tuesday, March 10, 2009

Israeli apartheid week no 'hate-fest'

Judy Rebick and Alan Sears, National Post

These past few weeks have seen an unprecedented attack on free expression on our university campuses. The poster announcing Israeli Apartheid Week was banned at Carleton, University of Ottawa and Wilfred Laurier University. B'nai Brith took out advertisements urging university presidents to ban Israeli Apartheid Week. Immigration and Multiculturalism Minister Jason Kenney and Liberal Leader Michael Ignatieff have denounced the event. **Jason Kenney also threatened to pull funding from immigration settlement programs administered by the Canadian Arab Federation on the basis of their record of advocacy for Palestinian rights.**

Nevertheless, Israeli Apartheid Week has proceeded. These attacks have little to do with the reality of Israeli Apartheid Week. While most university administrators and event organizers have not been intimidated by false charges of hate and anti-Semitism, unfortunately the mainstream media has failed to cover the events.

The demand that this week of panel discussions and cultural events be shut down is grounded in the assertion that Israeli Apartheid creates an atmosphere of anti-Semitism on campus. B'nai Brith labels it a "hate fest," while Michael Ignatieff states "LAW singles out one state, its citizens and its supporters for condemnation and exclusion, and it targets institutions and individuals because of what and who they are--Israeli and Jewish."

This is unfair and completely untrue. The organizers of Israeli Apartheid Week are committed to freedom of speech and to working against all forms of oppression, including Islamophobia, anti-Semitism and other forms of racism or discrimination based on religion, nationality, gender or sexual orientation. Israeli Apartheid Week judges Israel by the same standards as all other states, in terms of violations of international law and human rights abuses. These accusations of anti-Semitism are designed to shut down discussion of Palestinian rights by blurring the boundary between criticism of the State of Israel and attacks on the human rights of Jewish people.

Michael Ignatieff argues, that the use of the term "apartheid" to characterize Israel "goes beyond reasonable criticism into demonization."

The term "apartheid" is defined specifically in the Article 7 of the Rome Statute of the International Criminal Court as "inhumane acts ... 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."

Israel has built a wall that not only separates it from the West Bank but separates families from each other within the West Bank. It has blockaded Gaza and then assaulted the mostly civilian population causing more than 1,000 deaths, 400 of them children. Arab citizens of Israel have fewer rights than Jewish citizens. It is at the very least legitimately debatable whether the Israeli state fits the criteria of apartheid. The term has been applied to Israel by former U. S. president Jimmy Carter, Archbishop Desmond Tutu and Israeli writer Uri Davis.

In a statement before the United Nations, General Assembly president Miguel D'Escoto Brockman argued for the use of the term "apartheid" to describe Israeli policies: "I believe it is very important that we in the United Nations use this term. We must not be afraid to call something what it is. It is the United Nations, after all, that passed the International Convention against the Crime of Apartheid, making clear to all the world that such practices of official discrimination must be outlawed wherever they occur."

The attempt to shut down Israeli Apartheid Week rather than debate the applicability of the term fits with a long history of silencing depictions of the realities of Palestinian life. The discussion of Israel and Palestine is bound to be uncomfortable and heated, at least until a just peace is accomplished. At the very least, it needs to be governed by basic commitments to free speech and

universal standards of human rights. This is only possible if we recognize that the normalization of free expression around Palestinian rights is a fundamental condition for open discussion and debate.

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08/11/2009

Israel's apartheid is worse than South Africa's

By Yitzhak Laor

Haaretz

The shock that gripped the shrunken peace camp following Hillary Clinton's statement that the settlement construction freeze is not what we thought it would be, but rather what Benjamin Netanyahu thought it would be, is reminiscent of other shocks generated by American peace plans ever since the 1960s.

Had the educated people of this camp not outnumbered its foot soldiers, this shock and amazement could be compared to other superstitions, like the correlation between rainfall and women's fertility.

But precisely because the Israeli intelligentsia is always coming up with prophecies about "American pressure," it would not be unreasonable to assume that we can once again expect expert regurgitation of speculations about a "first-term president" versus a "second-term" one, and about when he stops being an "incoming" president and starts being a "lame duck."

The truth is simpler. Regardless of whether there is a Democrat or a Republican in the White House, the United States became a distinctly pro-Israel world power after the 1967 war. It has no intention of being a "balanced mediator" when it comes to the conflict with the Palestinians.

Barack Obama's public relations moves in the Arab world have frightened many average Israelis. But Netanyahu and Ehud Barak, allies of the final takeover of the West Bank, know very well that U.S. policy has not changed. It doesn't take a genius to read the working papers of past prime ministers.

The prevailing attitude of all U.S. administrations was drafted by Henry Morgenthau, and was later updated by Kenneth Waltz. One line guided all of them - Dennis Ross, Martin Indyk, George Mitchell - essentially, that any possible settlement must match the positions of the stronger party.

This is how the Americans abandoned the refugee issue, and this is why they

abandoned the opposition to settlements. Netanyahu is no genius. He is simply not interested in saying good-bye to the occupation. That is all. After all, he came to power because of this. To complain about him is to complain about November rain.

The Israeli public's choice is a different matter. The spokesmen of the dovish camp tell us horror stories about a future binational state. But the binational state is already here. It has a rigid apartheid legal system, as the High Court of Justice fades away.

The system preserving this apartheid is more ruthless than that seen in South Africa, where the black were a labor force and could therefore also make a living. It is equipped with the lie of being "temporary." Occasionally, Israel's indifference comes up with allegations against the Palestinians.

Abba Eban captured the allegation by coining a phrase repeated by the doves of all parties, who never really went to battle over Israel's future and allowed the "settlement project" to spread. After all, occupation makes Israelis richer. Why oppose it?

Yaakov (Jack) Teitel is the American aid secured by moderate Israel. What Yitzhak Rabin failed to do after the massacre by the last import, Baruch Goldstein - to uproot the Jewish settlement in Hebron - will not happen now either. Shvut Rachel, Tapuah or any other such town will not be moved, nor will the smaller "illegal" outposts.

Beyond the two Palestinians whose murders were never really investigated, and past what Ami Ortiz or Professor Ze'ev Sternhell went through, Teitel is a Made-in-the-U.S.A. reminder that "no one will do for you what you fail to do for yourselves."

How to do what needs to be done? Surely, not through the rules drafted back in the 1970s, when "we" were in power and "they" were the opposition. The settlers are in power. The Shin Bet security service and Obama will not fight them.

South African leaders on Israel and Apartheid

"But we know too well that our freedom is incomplete without the freedom of the Palestinians." (1)

NELSON MANDELA

"I've been very deeply distressed in my visit to the Holy Land; it reminded me so much of what happened to us black people in South Africa. I have seen the humiliation of the Palestinians at checkpoints and roadblocks, suffering like us when young white police officers prevented us from moving about." (2)

Archbishop Desmond Tutu

"When I hear, 'that used to be my home', it is painfully similar to the treatment in South Africa when coloureds had no rights". (3)

Archbishop Desmond Tutu

"...Israel came to resemble more and more apartheid South Africa at its zenith - even surpassing its brutality, house demolitions, removal of communities, targeted assassinations, massacres, imprisonment and torture of its opponents, collective punishment and the aggression against neighbouring states." (4)

Former South African Intelligence Minister Ronnie Kasrils from a speech at Israel Apartheid Week 2009

"But what is interesting is that every black South African that I've spoken to who has visited the Palestinian territory has been horrified and has said without hesitation that the system that applies in Palestine is worse." (5)

Professor John Dugard, Former U.N. Special Rapporteur on Human Rights in Occupied Palestine

"The horrendous dehumanisation of Black South Africans during the erstwhile Apartheid years is a Sunday picnic, compared with what I saw and what I know is happening to the Palestinian people." (6)

Willie Madisha, former head of the Congress of South African Trade Unions (COSATU)

"As someone who lived in apartheid South Africa and who has visited Palestine I say with confidence that Israel is an apartheid state. In fact, I believe that some of Israel's actions make the actions of South Africa's apartheid regime appear pale by comparison." (7)

Willie Madisha, in a letter supporting CUPE Ontario's resolution.

"I say with confidence that Israel is an Apartheid state. The trade union movement must move beyond resolutions, otherwise history will look back on us and spit on our graves." (8)

Willie Madisha, at a trade union conference held in London, England.

"Indeed, for those of us who lived under South African Apartheid and fought for liberation from it and everything that it represented, Palestine reflects in many ways the unfinished business of our own struggle." (9)

Farid Esack, Writer, Visiting Professor at Harvard and Anti-apartheid Spokesperson

"They support Zionism, a version of global racist domination and apartheid based on the doctrine that Jews are superior to Arabs and therefore have a right to oppress them and occupy their country." (10)

Current COSATU President, Sidumo Dlamini

1 <http://www.anc.org.za/ancdocs/history/mandela/1997/sp971204b.html>

2 <http://www.guardian.co.uk/world/2002/apr/29/comment>

3 <http://www.commondreams.org/archive/2007/10/29/4872>

4 <http://www.bdsmovement.net/?q=node/347>

5 <http://www.thejerusalemfund.org/ht/d/ContentDetails/i/5240/pid/223>

6 <http://www.palestinecampaign.org/files/0802apartheid-factsheetFINAL.pdf>

7 <http://palsolidarity.org/2006/06/1228>

8 <http://www.palestinecampaign.org/images/Confrep2006.pdf>

9 http://www.sendamessage.nl/the-longest-letter/lightwindow.cfm?page=openletter_eng

10 <http://www.cosatu.org.za/speeches/2009/sd20090326.htm>

<http://icahdusa.org/2010/03/is-israel-an-apartheid-state/>

Is Israel an Apartheid State?

By Frances H. ReMillard, ICAHD-USA
Published: Mar 06, 2010

Do Israel's practices in occupied Palestinian territory, namely the West Bank, East Jerusalem and Gaza, amount to the crimes of colonialism and apartheid under international law?

Is Israel an Apartheid State?



Do Israel's practices in occupied Palestinian territory, namely the West Bank, East Jerusalem and Gaza, amount to the crimes of colonialism and apartheid under international law?
Summary of a legal study by HSRC of South Africa

www.ica-hdusa.org

Is Israel an Apartheid State?

Summary of a legal study by Human Sciences Research Center of South Africa.

Download: [Is Israel an Apartheid State?](#) (pdf, 1.97 MB)

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Rhetoric or Reality?

Do Israel's practices in occupied Palestinian territory, namely the West Bank, East Jerusalem and Gaza, amount to the crimes of colonialism and apartheid under international law? A summary of a legal study by HSRC of South Africa.

The Human Sciences Research Council of South Africa, in its efforts to eliminate and prevent the kind of suffering the South African and Namibian people suffered under apartheid, commissioned a legal study of the Israel-Palestine situation. "The aim of this

project was to scrutinize the situation from the nonpartisan perspective of international law, rather than engage in political discourse and rhetoric.”

This fifteen-month collaborative study set out to examine legally the question:

Do Israel’s practices in occupied Palestinian territory, namely the West Bank, East Jerusalem and Gaza, amount to the crimes of colonialism and apartheid under international law?

The study was comprehensive including discussion of pertinent international law and legal rulings, the legal status and laws governing historic Palestine from Ottoman times to present, Israeli law, discussion and rebuttal of Israel’s various legal arguments as to why international law does not apply, and a very detailed review of Israel’s practices weighed against this legal context and compared to similar practices carried out by the government of South Africa during apartheid.

To fully explore this issue, the evidence offered in the study was very broad including Israel’s practices within the state of Israel proper, Israel’s practices regarding Palestinian refugees, and Israel’s practices in occupied Palestinian territory; however, the legal question asked and conclusions drawn about apartheid were limited to Israel’s practices after 1967 when Israel occupied the West Bank, East Jerusalem, and the Gaza Strip.

Apartheid defined under international law

Apartheid is defined as an institutionalized form of racism in which states enact laws which function as the apparatus to commit inhuman acts for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them.

Apartheid regimes rely on three “Pillars of Apartheid” to maintain their domination

- **Pillar 1:** The state codifies into law a preferred identity, and then establishes adjunct laws that grant preferential legal status and material privileges to the preferred group on the basis of their identity while discriminating against the non-preferred group on the basis of the inferior status afforded them.
- **Pillar 2:** The state segregates the population into geographic areas based on their identity. The favored identity receives preferential access to land, water, other resources, and to government benefits and services while the non-preferred group is confined to ever shrinking non-contiguous besieged territorial enclaves.
- **Pillar 3:** The state establishes security laws and policies designed to suppress any opposition to the regime. The system of domination is reinforced through assassinations; administrative detention; torture; cruel, inhumane, or degrading treatment; and arbitrary arrest and imprisonment of the non-preferred group. an advisory opinion on the question of Israel’s practices in occupied Palestinian territory.

Using these criteria, the May 2009 South African study found that “Israel, since 1967, is the belligerent Occupying Power in occupied Palestinian territory, and that its occupation of these territories has become a colonial enterprise which implements a system of apartheid.”

The Israeli Committee Against House Demolitions-USA has summarized the findings of this study to make the results accessible to the public, to help people understand that talk of apartheid is more than just rhetoric, and to provide a tool which concerned citizens can use to help bring an end to Israel’s apartheid regime. Our summary briefly describes only the ‘components of apartheid’ and the Israeli practices used by the study group to reach its conclusions.

Israel’s practices, Apartheid Pillar 1: A preferred identity; separate system privileging Jews

- Israel’s domestic law codifies the Jewish identity as the preferred identity and establishes that collective rights extend to Jews only. All other people lack the right to a national life anywhere in Israel proper or occupied Palestinian territory.
- Israel’s state resources (including land in occupied Palestinian territory which Israel has declared ‘state land’) are specified as being for the exclusive benefit of Jews, administered under the World Zionist Organization, Jewish Agency, and Jewish National Fund. These para-state organizations are authorized agents of the state of Israel; receive funding from the state of Israel; are empowered to manage Israeli state affairs; yet their charters and Israeli Law mandate that they operate in perpetuity for the exclusive benefit of world Jewry.
- Since 1967, Israel supplanted existing laws governing Palestinian territory with two separate sets of law: Israeli domestic law to apply to Jewish settlers and Israeli military law to apply to Palestinians (See Table A for examples of Israel’s military orders governing Palestinians).

Right to Housing and Natural Growth

– After occupying Palestinian territory in 1967, Israel froze the municipal boundaries of Palestinian towns and villages. Because Israel, in general, denies Palestinians the right to build outside municipal boundaries, this law has served as the basis for stemming Palestinian growth, denying Palestinians 90% of needed housing permits, and for destroying thousands of Palestinian homes.

– Since 1967 not one new Palestinian community has been established in East Jerusalem.

Settler Benefits

– Israel encourages Jews from anywhere in the world to move into occupied Palestinian territory by providing automatic citizenship, settlement housing, and financial benefits including permanent exemption from real estate and employers’ taxes; grants to cover costs of moving to settlements; loans for rent, utilities and purchasing apartments (these loans convert to grants after three years residence in the settlement); free education from

kindergarten through university; and free technical education. Palestinians are not afforded such benefits.

Freedom of Residence

– Palestinians who procure residency or citizenship in another country immediately lose their right of residency in occupied East Jerusalem. Jews, however, can obtain both residency and citizenship in another country and still retain their right to reside in occupied East Jerusalem.

Freedom to Leave and Return to One's Country

– Palestinians who either fled or were not in the West Bank, East Jerusalem, or the Gaza Strip at the time of the 1948 or 1967 wars have never been allowed to return to their homes or reclaim their property. By contrast, Jews from anywhere in the world may 'return' to either Israel proper or occupied Palestinian territory even if neither they nor any of their ancestors were born or had previously lived there.

Family Unification

– Jews have no restrictions preventing their living with or being unified with spouses and children who are from a foreign country, not citizens of Israel. By contrast, Palestinians of all categories are not afforded the same right to family unification.

Citizenship

– Israel has refused to allow a Palestinian state to emerge and at the same time has refused Palestinians in occupied Palestinian territory to gain citizenship in Israel. By contrast, Jews from anywhere in the world are rewarded with automatic citizenship and substantial monetary benefits for transferring into and living in occupied Palestinian territory.

Permit System

– Israel has imposed a burdensome permit system which requires Palestinians to get a permit for everything from repairing their home, making a deposit in their bank account, and planting onions, to which fields Palestinians may use their tractors. Often permits are issued or the permit system is enforced depending on the Palestinians' willingness to collaborate with their Israeli occupier.

Economic Rights

– Israel prevents imports, exports, and Palestinian people from moving freely throughout Palestinian territory. This 'closure' policy has halted Palestinian economic development by fragmenting Palestinian economic space, raising the cost of doing business, and eliminating the predictability needed to carry out successful business.

– Palestinians must obtain permits from Israel to grow crops. Permits are granted based on whether Palestinian crops compete with Israeli agricultural production.

– A Palestinian may not establish a factory or business employing more than ten individuals.

Trade Unions

– Palestinians laborers must pay 11% of their wages to Israel's national trade union, Histadrut, for insurance tax. Yet Palestinians do not receive Histadrut insurance benefits such as unemployment compensation, disability benefits, or old age pensions. In addition Palestinian laborers pay 1% of their wages to Histadrut for membership dues. Yet Histadrut represents only Jewish laborers in disputes, and cooperates with the Israeli military in tightening control over Palestinians.

Right to an Education

– Israel denies Palestinians the right to an education through indirect measures such as creating obstacles to movement so Palestinian students cannot get to their schools; repeated closure of Palestinian schools; military attacks on schools and students; destroying educational infrastructure; and denying Palestinian students exit permits preventing them from studying abroad.

Freedom of the Press

– Israel restricts media reporting information from Palestinian territory by direct censorship; by refusing to issue or renew press cards, restricting the movement of the press, damaging or destroying radio and TV installations; through arbitrary arrest and detention of journalists; and by beating, torturing, and killing journalists.

– The Israeli press practices a codified system of self censorship (Nakdi Report) including prohibition of the use of terms such as "Palestinian," "Palestine," "East Jerusalem," or references to areas in the West Bank by their Palestinian name, instead referring to areas of the West Bank as Judea and Samaria.

– Reporters without Borders, a journalism organization advocating freedom of the press internationally, ranks Israel 146th out of 169 in their annual press freedom index.

– Palestinian newspapers must have an Israeli military permit and publications must be pre-approved by the military censor.

Israel's practices, Apartheid Pillar 2: Segregation; exploitation of resources

- After occupying Palestinian territory in 1967, Israel issued Administration Order #1 annexing Palestinian East Jerusalem to the State of Israel.
- In 1967 Israel issued military orders declaring all Palestinian surface and ground water "public property" and the "sovereign property of Israel."
- In 1978, the Jewish Agency/World Zionist Organization/Jewish National Fund declared the West Bank a permanent part of the "Land of Israel."
- These para-state organizations laid out a master plan (the Drobles Plan) placing Jewish settlements and Jews-only highways around and between Palestinian populations with the stated purpose of carving up the territory to promote Jewish domination and prevent the creation of a Palestinian state.

- By the 1990s, the corridors of Jewish settlements and Jews-only highways enforced complete segregation of Jews and non-Jews. Palestinians have been pushed into disjointed, ever-shrinking enclaves.

Segregation

– Israel has appropriated over 50% of the West Bank for the exclusive benefit of Jews including settlements and outposts; nature preserves; special security zones; the wall; agricultural development for Jewish settlers; closed military zones; and a Jews-only highway system. Palestinians are prohibited from using, or even crossing, the extensive Jews-only highway system that allows Jews to travel freely between settlements and between the West Bank and the state of Israel.

– Israel's security wall alone appropriates 10% of the West Bank by fencing that land into Israel proper.

– Tens of thousands of Palestinians have been trapped in the 'seam zone,' their homes and villages are walled out of the West Bank. They are not allowed to pass into Israel for services and likewise cannot freely pass through the 'wall' into Palestinian territory for services and community. In contrast, a Jew from anywhere in the world, Israeli citizen or not, is free to travel in and out of the seam zones.

– By September 2008, Israel had established 699 restrictions to Palestinian movement within the West Bank including checkpoints, roadblocks, trenches, earth mounds, road gates, 89 'flying' checkpoints (weekly average), and the 'security wall.'

– As a result of this system of security walls, settlements, and highways, Israel has deliberately severed East Jerusalem from the rest of the West Bank. The West Bank is divided into reserves in which residence and entry is determined by each group's identity. Israel has also sealed and isolated the Gaza Strip from the rest of Palestinian territory.

Exploitation of resources

– Israel integrated the Palestinian electricity infrastructure and water supplies into that of Israel, thus denying Palestinians control over their own municipal services and water resources.

– Israel diverts all of Palestinian Jordan River water and 87% of Palestinian ground water to the state of Israel proper and the illegal Jewish settlers. The remaining 13% of Palestinian ground water is distributed back to 2.5 million Palestinians living in the West Bank.

– Israel cuts off Palestinian access to water by destroying wells; destroying all Palestinian pumps and ditches accessing the Jordan River; destroying cisterns and irrigation systems; preventing the construction of new water infrastructure; preventing the repair of outdated infrastructure; preventing Palestinians from drilling new wells; and hindering access through 'security measures' such as roadblocks, closures, checkpoints, and the wall.

- The route of Israel’s security wall delineates the eastern boundary of high groundwater production from the Western Aquifer. The wall fences those areas of high water production into Israel, closing off Palestinian access to more than 95% of their groundwater resources, over 630 million cubic meters of water per year.
- Since 1967, not one permit has been granted for the drilling of new Palestinian controlled wells in the largest and most productive of all the aquifer basins, the Western Aquifer.
- Palestinians pay from four to twenty times more for water than Jewish settlers pay, but are restricted to 10 to 60 liters of water per day, less than the 100 liters-per-day minimum standard set by the World Health Organization. Jewish settlers enjoy from 274 to 450 liters of water per day.
- Five thousand Jewish settlers living in the Jordan Valley consume the equivalent of 75% of the water used by the entire West Bank population of over 2.5 million Palestinians.
- All 149 Israeli-approved Jewish settlements in the West Bank are connected to a running water network, while over 200 Palestinian communities in the West Bank have no running water.

Gaza Aquifer, the only source of freshwater in the Gaza Strip

- Israel, through years of over-pumping deep bore wells along the Gaza Strip, has drawn sewage and salt water contamination into the Gaza aquifer.
- Israel reduced natural recharge of the Gaza aquifer by constructing a physical barrier or “verge” to prevent fresh water from the Hebron Hills from reaching the Gaza aquifer.
- Today 90 to 95% of the Gaza aquifer is unfit for human consumption, much of it unfit even for irrigation or showering.
- Between 2000 and mid-2006, Israel destroyed 244 of Gaza’s wells and destroyed 6.2 miles of culinary water lines.
- By January 2008, 40% of the homes in Gaza had no running water.

Israel’s practices, Apartheid Pillar 3: Matrix of security laws to suppress opposition

- Security for the state of Israel has been equated with protection for Israel’s institutions—the same institutions that enforce domination of Palestinians.
- All Palestinian resistance to Israeli domination is treated as a “security threat.” Palestinians resisting are labeled “terrorists.”
- Israel invokes ‘security’ to justify sweeping restrictions on Palestinian freedom of expression, assembly, association, and movement.

- Assassinations, torture, arbitrary arrest and imprisonment, and no due process are sanctioned by the state of Israel and often approved by the Israeli judicial system.
- Israel's military court system is the "institutional centerpiece of Israel's apparatus of control over Palestinians."

Military courts

– From 2002 to 2006, Israel's military courts filed more than 43,000 indictments against Palestinians of which only one third were security related and only 1 per cent involved defendants charged with causing intentional deaths.

– Israel's military courts do not comply with international standards of due process.

– There is no 'presumption of innocence,' placing burden of proof on the defense.

– A Palestinian defendant and attorney are not informed of charges against him or her until the first hearing (after the indictment has already been filed). The defendant is expected to respond immediately with no time to study the indictment.

– Indictments are written and presented in Hebrew—a language the defendant does not understand.

– Court decisions can be based on "secret evidence" not provided to a detainee or his or her lawyer.

– Decisions of the court are not published.

– All judges are Israeli military officers, many without legal background or education.

– If a defendant refuses to plea-bargain, the result is a far more severe penalty.

– 95% to 97% of convictions are the result of plea-bargains.

– The average hearing lasts just 3 minutes and 4 seconds.

– In 2006, acquittals were obtained in only 0.29% of cases.

Mass incarceration

– Over 40% of the Palestinian male population has been imprisoned at some time, many without charges in repeating 6-month administrative detention terms that can go on for years.

– By April 2009, 45 members of the Palestinian Legislative Council, over one third of the democratically elected parliament, were imprisoned, most convicted of belonging to a political party Israel deems a "threat," and eight administratively detained without any charges or trial.

Prosecuting children

- Palestinian children are prosecuted as adults at age 12. Jewish settler children are not prosecuted as adults until age 18.
- Over 700 Palestinian children are prosecuted by Israeli military courts each year, mostly for throwing stones including throwing stones at the wall. Throwing stones carries a prison term of six months to twenty years.

Freedom of assembly and association

- Palestinian public gatherings of more than ten people are forbidden unless Israel is given advance notice and the names of all attendees.
- Israel uses live ammunition, tear gas, sound bombs, rubber-coated steel bullets, and physical violence against public gatherings and demonstrations.

Persecution of organizations or persons because they oppose apartheid

- Israel has declared most Palestinian political parties to be “terrorist organizations.” All charitable, educational, or cultural organizations deemed to be connected directly or indirectly to a political party are subject to closure, destruction, and military attacks.
- In 2008, Israel carried out a military attack targeting a residential area, a school, two medical clinics, and two orphanages because Israel suspected some donors to the charity that built them to be members of Hamas.

Cruel and inhumane treatment: Gaza

- From 2000 to 2004, Israel demolished over 2500 homes in the Gaza Strip leaving 16,000 Palestinians homeless.
- In 2006, Israel bombed the Gaza power plant destroying all six transformers and halting electricity production, leaving Gaza almost completely dependent on Israel as the sole provider of electricity, power, desalination, pumping sewage, and pumping water.
- After years of systematic bombing and destruction, which transformed Gaza into a dependent population, Israel isolated Gaza with an encircling ‘security wall.’ Then in October 2007, Israel initiated a blockade on Gaza limiting fuel, water, and electricity and cutting basic supplies to less than 1/5 their former levels. 95% of Gaza’s industries shut down; poverty levels reached 80%; hospitals experienced power cuts of 8 to 12 hours a day; thirty to forty million liters of raw sewage poured into the Mediterranean sea every day; 1.1 million Gazans were living below the poverty line.
- Gaza’s fishing grounds extend 20 miles off shore, yet Israel enforced a three-mile limit by opening fire on Palestinian fishing vessels beyond three miles, severely damaging Palestinian fishermen’s livelihood and denying a viable food source to Gaza.
- On December 27, 2008, Israel launched “Operation Cast Lead,” a three-week military attack on Gaza, killing 1380 Palestinians and injuring 5380. During this attack Israel

prevented Palestinian civilians from leaving Gaza, “subjecting the entire population to the extreme physical and psychological hazards of modern warfare.”

–Since “Operation Cast Lead,” Israel has continued the blockade, preventing Palestinians from rebuilding, thus deepening the humanitarian disaster in Gaza.

Selected Examples of the 2500 Military Orders Governing Palestinians

- Military Order #818: establishes how Palestinians can plant decorative flowers.
- Military Order #998: requires Palestinians to get Israeli military permission to make a withdrawal from their bank account.
- Military Order #93 and amendment: gives all Palestinian insurance businesses to the Israeli Insurance Syndicate.
- Military Order #96: forbids transport or purchase of goods on a donkey.
- Military Order #537: removes democratically elected Mayors of West Bank cities from their position.
- Military Order #811 and #847: allows Jews to purchase land from unwilling Palestinian sellers by using a “power of attorney.”
- Military Order #25: forbids public inspection of land transactions.
- Military Order #58: makes land transactions immune to review so long as the transaction was carried out by an Israeli “acting in good faith.”
- Military Order #58, Article 5: says any land transaction will not be voided even if it is proved the transaction was invalid.
- Military Order #101: forbids a gathering of more than 10 people unless the Israeli military receives advance notice with names of all participants.
- Military Order #107: bans publications including works on Arabic grammar, histories of the Crusades, and works on Arab nationalism.
- Military Order #92 and #158: gives the Israeli military control of all West Bank and Gaza Strip water.
- Military Order #128: gives the Israeli military the right to take over any Palestinian business which does not open during regular business hours.
- Military Order #1015: requires Palestinians to get Israeli military permission to plant and grow fruit trees. Permits expire in one year or each June 15th.
- Military Order #847: declares only Israeli notaries can authenticate signatures.
- Military Order #134: prohibits Palestinians from operating tractors or other farm machinery made in Israel or imported from any other country.
- Military Order #363: requires Palestinian mechanics to report to the Israeli military the particulars of any and all cars they repair.
- Military Order #1147 (amendment): requires Palestinians to get permission from the Israeli military to grow onions.
- Military Order #1229: authorizes Israel to hold Palestinians in administrative detention for up to six months without charge or trial. Six-month detentions can be renewed indefinitely.

Discussion: Future Direction

The conclusions of the study by the Human Sciences Research Council of South Africa were limited to Israel's practices in occupied East Jerusalem, the West Bank and the Gaza Strip. The study found Israel's practices in these territories constitute both colonialism and apartheid.

The study did contain much evidence of similar practices within the state of Israel suggesting the need for studies in other areas where Israel's laws dominate. That would include Israel's practices within the state of Israel proper where 1.7 million Palestinian Israelis, nearly 24% of the population, are considered "citizen non-members of Israel and afforded a status inferior to that of Jewish citizens;" Israel's practices regarding Palestinian refugees where Israel's citizenship laws place inhumane limits on refugees' right to return to their homes and reclaim their property confiscated by Israel in 1948 and 1967; and Israel's practices in the occupied Golan Heights.

Under International Law, practices of colonialism and apartheid are judged damaging to international legal order and seriously threaten world peace and security. Findings of colonialism and apartheid legally obligate third party nations to oppose the colonialism-apartheid system. Findings of apartheid, a crime against humanity, also give rise to individual criminal responsibility.

The State of Israel has the duty to:

1. Cease its unlawful activity
2. Dismantle the structures of colonialism and apartheid
3. Promote full rights and expression of the Palestinian people
4. Pay reparations and damages to the Palestinians people

Third party States are obligated to:

1. Not recognize the illegal situation as lawful
2. Not render aid or assistance in maintaining the situation
3. Cooperate to bring the illegal situation to an end
4. Not become complicit in the crimes by failing to fulfill the first three obligations

As a next step, the Human Sciences Research Council of South Africa strongly recommends that states take action to meet their legal obligations under international law and urgently request the International Court of Justice render an advisory opinion on the question of Israel's practices in occupied Palestinian territory.

Concerned citizens play a critical role in bringing their governments forward on this issue, from awareness of breaches of international law and human rights to responsibility. The report of the Human Sciences Research Council of South Africa recognizes Israeli apartheid and colonization as a matter of global significance. They have named and delineated this egregious policy. The study warns that states providing aid to Israel can be found complicit in this international crime and implies that individuals aiding Israel may

bear criminal responsibility. The study further suggests that international methods that helped end apartheid in South Africa are applicable to ending Israeli apartheid.

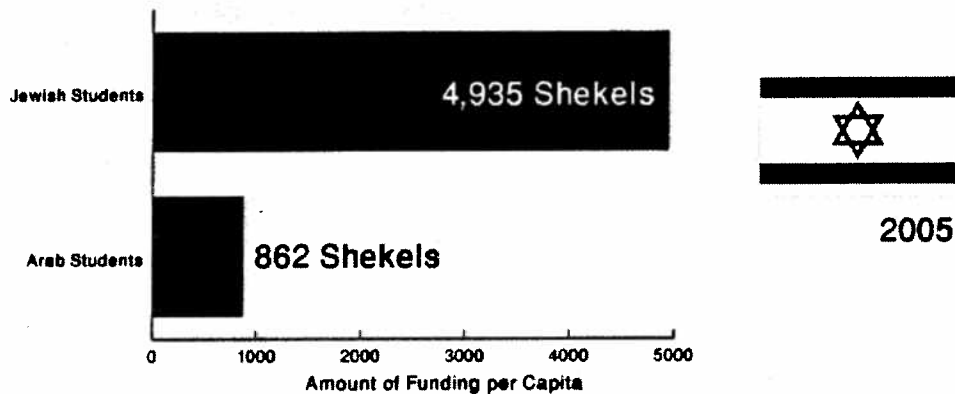
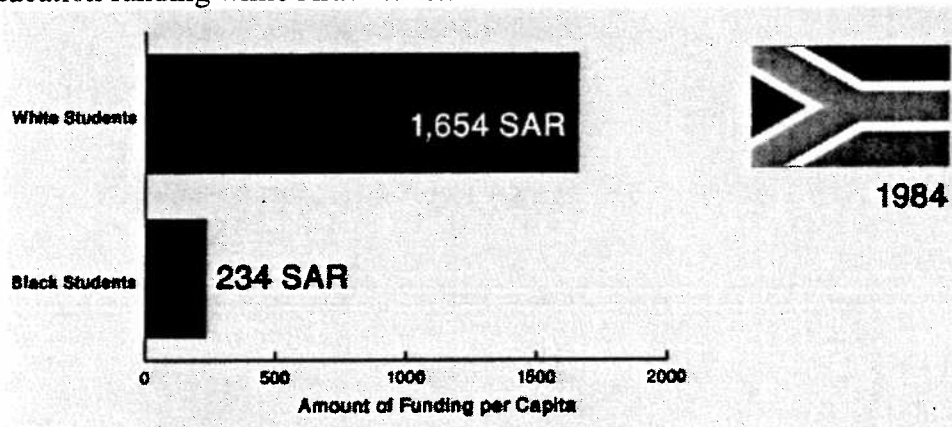
Specifically, individuals can meet with their representatives; petition their representatives to request an advisory opinion from International Court of Justice on the question of Israel's practices in occupied Palestinian territory; hold non-violent protests; and join in international boycott, divestment and sanctions efforts—all strategies similar to those used to end South Africa's apartheid.

Apartheid in the Israeli Education System

South Africa established separate education systems for Blacks, Whites and Coloreds.

Non-white education systems were seriously underfunded. 1984 per capita spending on white children was 1,654 SAR, black children 234 SAR.

Israel has established separate Hebrew and Arab education systems. A 2005 study showed that within Israel, Jewish students receive 4,935 Israeli Shekels per year in education funding while Arab students receive 862.



Discrimination in Education Systems

<http://www.indybay.org/newsitems/2011/02/26/18673059.php>

Institutionalized Arab Inequality in Israel

by Stephen Lendman | 02.26.2011

In December 2010, the Adalah Legal Center for Arab Minority Rights in Israel published a study titled, "Inequality Report: The Palestinian Arab Minority in Israel," saying:

Affecting Jews as well, it takes many forms, including:

- privileged v. deprived groups;
- Western Jews (Ashkenzim) v. Eastern ones (Mizrahim);
- men v. women;
- Israeli-born Jews (Sabar) v. immigrant ones (Olim);
- Orthodox v. secular Jews;
- urban v. rural ones;
- progressive v. hardline extremists;
- gay v. straight, and so forth.

Mostly, it represents majority Jews against minority (largely Muslim) Israeli Arabs, indigenous people living in their historic homeland, comprising 20% of the population or about 1.2 million people, excluding East Jerusalem and Golan.

Under international law, they're considered a national, ethnic, linguistic and religious minority, but not under Israel's Basic Laws. As a result, they face "compound discrimination" as non-Jews, as well as for belonging to one or more sub-groups. For example, women, Bedouins, the disabled or elderly.

Institutionalized inequality excludes them from state resources, services and positions of power, including:

Legalized Inequality

As citizens, they're denied equality and freedom in a Jewish state. Over 30 laws directly or indirectly discriminate besides new ones at various stages in the legislative process.

Citizenship

It affords no equality, granting it solely to Jews, and under a new law, it may be lost for reasons alleging "disloyalty" or "breach of trust."

Income/Poverty

Affecting over half of Arab families, they're disproportionately poor compared to one-fifth of Jews. Arab towns, villages and Bedouin communities are the poorest.

Redistribution of Resources and Social Welfare

Resources are disproportionately allocated to Jews, a policy institutionalizing inequality.

Employment

Arabs are discriminated against with regard to work opportunities, pay, and conditions, largely because of entrenched structural barriers, especially affecting women, the disabled, and other sub-groups. Failure to perform military service impedes men, even when no connection between it and job qualifications exist.

Arabs are also underrepresented in civil service jobs, Israel's largest employer. They constitute about 6% of public employees, despite affirmative action laws requiring fair representation.

Land

Longstanding and more recent laws deprive them of its access and use. Admissions committees in many agricultural and community towns exclude them based on alleged "social unsuitability," amounting to legalized apartheid.

As a result, Arab towns and villages suffer severe overcrowding, their municipalities having jurisdiction over only 2.5% of total state land. Moreover, since 1948, about 600 Jewish municipalities were established, no Arab ones.

Education

Israel's Ministry of Education has centralized control, excluding Arab educators from decision-making authority. Moreover, State Education Law sets objectives, emphasizing Jewish history and culture. Though Arabs represent 25% of school children, funding for them is far less than for Jews.

Arabic Language

Though an official state language, it holds vastly inferior status to Hebrew, including regarding resources allocated for its use.

Health

On average, Jewish life expectancy exceeds Arabs who face much higher mortality rates, especially past age 60. In addition, Palestinian infant mortality is double that for Jews. Poorer Arab communities are especially impacted, lacking facilities to keep pace with needs.

Political Participation

Arabs have unequal access to all areas of public life and decision-making, including the legislature, judiciary, and civil service. Moreover, Israel's Attorney General and extremist MKs tried to disqualify Arab parties from political participation, and overall limit their political voices.

In addition, legislation targets free movement and speech, including attempts to restrict political travel to Arab nations called "enemy states." Further, police routinely use force to arrest Palestinian demonstrators to silence dissent.

"Years of deliberate discrimination, unequal citizenship and a limited voice in the political system have left Palestinian citizens" feeling vulnerable, marginalized, insecure and distrustful of state authority, exacerbated by being considered a "fifth column."

Framework of Legalized Inequality

Israel's Basic Laws afford rights solely to Jews. Arabs clearly aren't wanted so aren't treated equally under the law. As a result, institutionalized discrimination harms them in all aspects of daily life, including citizenship and family unification rights, forcing them to live apart or insecure under threat of separation.

A Case Study of Discriminatory Resource Allocation

Government provides "budget balancing grants" to municipalities and local councils to fund essential services. Arab communities are systematically cheated despite far greater need.

The current system affords extra grants to towns absorbing new Jewish immigrants, so-called "front line" communities, and others called "socially diverse," excluding Arab ones considered homogeneous. Nearly always, Jewish communities are helped. Adalah's 2001 Supreme Court petition for redress is still pending.

Further, Amendment 146 to the Income Tax Act affords Israeli communities near Gaza and others exemptions for political reasons. All Arab towns and villages were excluded.

A Case Study of Military Service Excluding Arabs from Railway Inspection Work

In 2009, the Israeli Railway Company (IRC) and another firm employing guards concluded an agreement, excluding applicants with no military service from consideration. Over 130 Arab citizens held guard positions. The decision threatened their status or ability to obtain future employment. A temporary September 2009 court injunction prevented those employed from being fired. After a follow-up February 2010 hearing, the Railway Company cancelled the exclusionary provisions.

A Case Study of Arab Family Unsuitability to Live in Rakefet

Fatima and Ahmed Zubeidat hold Bezalel Academy of Arts and Design College of Architecture degrees with distinction. Both are practicing architects. After marrying in 2006, they applied to live in Rakefet, located in Misgav in northern Israel. Its admissions committee requires applicants take an acceptance test. It excluded them on grounds of "social unsuitability." In September 2007, Adalah petitioned Israel's Supreme Court, demanding admissions committees be abolished. In October, the Court ordered Rakefet set aside land for the family, pending a final decision. It's still pending.

A Case Study of Unrecognized Bedouin Al Araqib Village Destruction

On July 27, 2010, al-Araqib residents were awakened at dawn, surrounded by police carrying guns, tear gas, truncheons and other arms. Declaring the village a "closed area," its 250 residents were ordered out in two minutes, warned that resistance would forcibly remove them.

Almost immediately, 1,300 police officers began demolishing homes while residents tried salvaging belongings. All 45 houses were bulldozed. Villagers were displaced and their belongings confiscated. Police also uprooted 4,500 olive trees. Tax Authority representatives accompanied police, seizing property of indebted residents.

No prior warnings were given. A week later, the village was destroyed a second time, police again using excessive force, including pushing, stomping, dragging, assaulting, and cursing people present at the time. Adalah immediately demanded a criminal investigation. Numerous other villages have also been targeted. None so far have gotten redress.

A Case Study of a Possible First Ever Unrecognized Bedouin Village High School

None exist in any unrecognized Bedouin village. In Abu Tulul region, El-Shihabi is home to about 12,000 Bedouin citizens. About 750 are of high school age. However, only about 170 can attend 12 - 15 km away, requiring public or other transportation to reach.

In 2005, Adalah petitioned Israel's Supreme Court for 35 Bedouin girls and six local NGOs, demanding an accessible high school be built nearby. In January 2007, the Court ruled for one to begin operating on September 1, 2009 to no avail. On September 22, 2009, Adalah again petitioned for enforcement, including that non-implementation be considered in contempt of court.

A Case Study of Mother and Child Clinic Closures

In October 2009, Israel's Ministry of Health (MOH) closed clinics in three unrecognized villages - Qasr el-Ser, Abu Tulul and Wadi el-Niam. They specialize in post-natal care with three others established after Adalah's successful 1997 Supreme Court petition.

MOH's reasons for closure were bogus. As a result, the health and lives of thousands of pregnant Bedouin women, new mothers and their babies are at risk. On December 16, 2009, Adalah petitioned Israel's Supreme Court, demanding clinics remain open. On August 11, 2010, two reopened. The other is still closed.

Case Study about Protesters Killed in October 2000

In October 2000, at the start of the Second Intifada, police killed 13 unarmed Palestinians, protesting occupation brutality. Snipers shot most in the head or chest. Hundreds of others were injured and over 1,000 arrested. Despite Or Commission recommendations, no one was held responsible. Over 10 years later, no commander, soldier, policeman, or political official was charged with cold-blooded murder. Given impunity, they remain safe from prosecution.

Legitimate Political Activity Criminalized

In November 2009, Israel's Attorney General indicted Arab MK Mohammed Barakeh, leader of the Democratic Front for Peace and Equality (Hadash), for participating in four nonviolent protests against Israel's Separation Wall, the 2006 Lebanon war, and its officials remaining unaccountable for the October 2000 killings.

In January 2010, the Knesset House Committee voted to strip Tajammoa/Balad party MK Sa'id Naffaa of his parliamentary immunity. Israel's Attorney General

then indicted him for visiting Syria in September 2007 as part of a holy site pilgrimage. Charges included contact with a foreign agent.

Earlier, MK Azmi Bishara, then National Democratic Assembly/Balad head, was indicted for political speech -for "supporting a terrorist organization (Hezbollah)." In fact, he merely analyzed factors leading to Israel's southern Lebanon occupation and right to resist it. Charges followed the Knesset voting to strip him of parliamentary immunity. At the time, it was unprecedented in Israeli politics. In February 2006, Israel's Supreme Court dismissed all charges unanimously.

Nonetheless, on June 7, 2010, the Knesset House Committee revoked Tajamoa/Balad member Haneen Zoabi's parliamentary privileges for participating in the May 2010 Gaza Freedom Flotilla. As a result, she lost her diplomatic passport, overseas travel privileges, and right to have the Knesset pay her legal expenses in case of criminal prosecution. Overall, she was viciously assailed. Called a "terrorist" and "traitor," extremist ministers and MKs wanted, but failed, to have her Knesset membership and citizenship revoked.

A Final Comment

Two recent articles explained Israel's gross mistreatment of Israeli Arab citizens, accessed through the following links:

<http://sjlendman.blogspot.com/2010/10/viciously-attacking-israeli-arabs....>

<http://sjlendman.blogspot.com/2010/12/social-inequality-in-israel.html>

Socially, politically and economically they're denied rights for being Arabs in a Jewish state, affording them solely to Jews. Increasingly less of them, in fact, benefit under predatory neoliberal harshness, rewarding the rich, abandoning the rest.

As a result, Israel is a nation of extreme, growing inequality, mostly affecting Arabs. Studies, in fact, found Israel, America and Britain the most unequal western societies, an indictment of neoliberal betrayal.

Moreover, Muslims face violent and ad hominem attacks, with no protections afforded them. As a result, some call Israel a failed state, more hypocrisy than democracy, resembling how Arundhati Roy once described India, calling it a "limbless, headless, soulless torso left bleeding under the butcher's clever with a flag driven deep into her mutilated heart."

For Israeli Arabs, it's daily reality. For Occupied Palestinians, it's worse. For besieged Gazans, it's catastrophic because world leaders abandoned them.

A Final Comment

On February 25, a full Spanish High Court panel (its Audiencia Nacional) rejected a Spanish prosecutor's attempt to halt investigation into America's involvement in torture at Guantanamo. In response, the Center for Constitutional Rights said:

"This is a monumental decision that will enable a Spanish judge to continue a case on the 'authorized and systemic plan of torture and ill treatment' by US officials at Guantanamo." Former commanding officer Gen. Geoffrey Miller "has already been implicated, and the case will surely move up the chain of command."

Importantly, "this will be the first real investigation of the US torture program....This is a victory for accountability and a blow against impunity." CCR applauded Spain's High Court decision "for not bowing to political pressure and for undertaking what may be the most important investigation in decades."

If successful, might other unindicted US and Israeli war criminals be far behind? Also, will courageous lawyers like persecuted Paul Bergrin be vindicated? At times, justice moves in slow, incremental steps. Perhaps this is a first major one.

Stephen Lendman lives in Chicago and can be reached at lendmanstephen@sbcglobal.net. Also visit his blog site at sjlendman.blogspot.com and listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network Thursdays at 10AM US Central time and Saturdays and Sundays at noon. All programs are archived for easy listening.

Tracking Status

- This item will be considered by Executive Committee on April 20, 2011. It will be considered by City Council on May 17, 2011, subject to the actions of the Executive Committee.

Executive Committee consideration on April 20, 2011

EX5.1	ACTION			Ward:All
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Compliance with the City of Toronto's Anti-Discrimination Policy - Pride Toronto

Origin

(April 2, 2011) Report from the City Manager

Recommendations

The City Manager recommends that City Council receive this report for information.

Summary

The purpose of this report is to review Pride Toronto's compliance with the City's Anti-Discrimination Policy and whether the participation of Queers Against Israeli Apartheid (QUAIA) including carrying banners in the Pride Parade constitutes a violation under the City's Anti-Discrimination Policy. This report also confirms that Pride Toronto adopted all the recommendations from their recent Community Advisory Panel related to governance, finance, community relations and operations, including the Panel recommendation to develop a comprehensive conflict resolution process especially with regards to participation in the Pride Festival including the annual Parade.

City staff have determined that the phrase 'Israeli Apartheid' in and of itself does not violate the City's Anti-discrimination policy as it does not impede the provision of services and employment provided directly by Pride or the City to any group on any grounds provided for in

the Policy. The City staff has carefully reviewed the matter of whether the participation of QUAIA violates the City's Anti-Discrimination Policy. To date, the phrase "Israeli Apartheid" has not been found to violate either the Criminal Code or the Human Rights Code (Ontario). However, a decision on the latter would have to be made by the Human Rights Tribunal of Ontario. The City Staff has therefore concluded that the participation of QUAIA in the Pride Parade based solely on the phrase "Israeli Apartheid" does not violate the City's Anti-Discrimination Policy. The City also cannot therefore conclude that the use of term on signs or banners to identify QuAIA constitutes the promotion of hatred or seeks to incite discrimination contrary to the Code.

A funding application as a Major Cultural Organization under the Community Partnership and Investment Program (CPIP) for the Pride Festival was received by the City on April 1, 2011 and is currently being reviewed by city staff.

Financial Impact

There are no financial implications as a result of this report.

Background Information

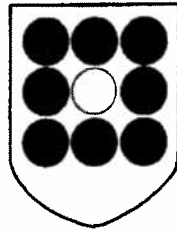
(April 2, 2011) Staff Report - Compliance with the City of Toronto's Anti-Discrimination Policy - Pride Toronto

(<http://www.toronto.ca/legdocs/mmis/2011/ex/bgrd/backgroundfile-37384.pdf>)

Source: Toronto City Clerk at www.toronto.ca/council

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Tuesday April 20, 2010

Mayor David Miller
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Kyle Rae, Councillor
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Ceta Ramkhalawansingh, Manager
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City of Toronto, Metro Hall
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Dear Sirs/Mesdames:

I am writing on behalf of the Canadian Civil Liberties Association to express our concern regarding recent reports that the Toronto Pride Parade was warned that it may have its funding withdrawn if there were continued 'violations' of the City's anti-discrimination policy. Although we were not able to locate an official statement, media reports suggest that the city found that Pride had contravened the city's anti-discrimination policy due to the participation of the group Queers Against Israeli Apartheid (QuAIA) in the parade. According to quotes from city officials, QuAIA's participation had created an environment at Pride "where not everybody feels welcome," leading to a violation of anti-discrimination policies through the creation of a "poisoned environment."

By mail and email

Mike Williams, General Manager
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Rita Davies, Director
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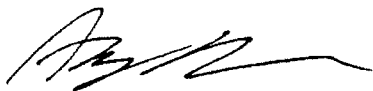


Although the CCLA understands the City's concern for anti-discrimination, we question whether withholding funding on the basis of a possible creation of a poisoned environment is appropriate in this context. In our view, a parade is not a traditional 'work environment', and the two cannot be directly equated. Here, there are no allegations that Pride Toronto's organizers were hostile towards Jewish participants or prevented the participation of same-sex pro-Israel groups. The fact that a parade includes a group promoting a very strongly-worded, one-sided political message is not sufficient to find contravention of an anti-discrimination policy. It is true that these messages may offend individuals due to their political affiliations, citizenship, place of origin, religion, or any number of other listed grounds. This is also true, however, of many of the other messages carried in the parade. If posted in a workplace, many of the images at Pride would be highly inappropriate, offensive to some, and under the right circumstances could easily contribute to a poisoned work environment. A workplace and a parade are fundamentally different venues. It simply does not follow that because a small part of a parade shows material that is offensive and makes some uncomfortable, the parade has created a hostile atmosphere and contravened anti-discrimination policies.

Similar complications would arise in the context of arts grantees. Exhibitions and theatre performances may present a point of view on a controversial subject that make individuals from a specific community uncomfortable. These considerations alone should not, however, preclude them from receiving public funding.

Freedom of expression is central to these groups' mandates, and they should not have public funding withdrawn on this basis. We therefore urge you to reconsider your interpretation of the City's anti-discrimination policy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abby Dushman', with a stylized, flowing script.

Abby Dushman
Project Director

In March 2011, 95 cities and more than 75 university groups on six continents held their seventh annual Israeli Apartheid Week (IAW). Highlighted cities are those located in Israel and the Occupied Palestinian Territories.

- Adelaide
- **Al Quds (Jerusalem)**
- Amherst
- Amman
- Amsterdam
- Asturias
- Bard (NY)
- Basel
- Beirut
- Belfast
- Berkeley
- Bern
- **Bethlehem**
- Bilbao
- Birzeit
- Bogota
- Bologna
- Bordeaux
- Boston
- Brantford
- Brisbane
- Brussels
- Canarias
- Cantabria
- Cape Town
- Caracas
- Castellon
- Cleveland

- Connecticut
- Denver
- Dublin
- Dundee
- Durban
- Edinburgh
- Edmonton
- Gainesville
- **Gaza**
- Geneva
- Glasgow
- Gothenburg
- Grahamstown
- Guelph
- **Haifa**
- Halifax
- Hamilton
- Houston
- Ireland
- Iruna
- Johannesburg
- La Chaux-de-Fonds
- Le Mans
- Lille
- Lillehammer
- London (ON)
- Louisville
- Lyon
- Madrid
- Malaga
- Mallorca

- Melbourne
- Mexico City
- Miami
- Montréal
- **Nablus**
- Naples
- **Nazareth**
- Neuchatel
- New York City
- Ottawa
- Oxford
- Padova
- Paris
- Perth
- Peterborough
- Pisa
- Port Elizabeth
- Pretoria
- Providence
- Puebla
- Regina
- Roma
- St Louis
- Stellenbosch
- Sudbury
- Toronto
- Utrecht
- Valencia
- Valladolid
- Verona
- Washington

- Waterloo
- Winnipeg
- **Yaffa**
- Zurich

Hau, Lucy

7

Subject: FW: vote re anti-apartheid

-----Original Message-----

From: Shore, Howard
Sent: Monday, May 02, 2011 11:30 AM
To: Kitteringham, Kimberley
Subject: Fw: vote re anti-apartheid

Howard I. Shore
Councillor, Thornhill/Markham Ward 2
Town of Markham
101 Town Centre Boulevard
Markham, Ontario L3R 9W3
www.howardshore.ca
Tel: 905-479-7756 Fax: 905-479-7763

----- Original Message -----

From: Sydell Waxman
To: Shore, Howard
Sent: Mon May 02 10:51:22 2011
Subject: vote re anti-apartheid

Dear Howard Shore,
I'm dismayed to hear that there will be a vote regarding Israel's anti-apartheid and it is to take place tomorrow evening,
a time that leaves me unable to attend. I totally support and commend you on your clear-sighted courage in speaking out against this travesty.

Of course, the term is an absolute misnomer since people of all backgrounds, immigrants from far and wide as well as Arab Palestinians live freely within Israel. This campaign can only lead to further division and in no way supports or stimulates efforts towards peace or peaceful co-existence of two states in the region. It certainly does not lead to understanding, education and open-mindedness or factual debate on a university level. The only result from such a campaign is more hate, less understanding. One would think the recent events in the Arab Middle East would bring people to their senses as to which country is struggling to maintain democracy, human rights and decency in a region riddled with alternate aims.
www.untoldnews.org

Kindly forward, if you can, the e-mail addresses of councillors who will be voting and I'd like to e-mail them as well.

Thank you again for your strong leadership in this regard. www.untoldnews.org
<<http://www.untoldnews.org/>> ,

Yours truly,
Sydell Waxman
Thornhill

Hau, Lucy

8

Subject: FW: Motion re Israel Apartheid Week

-----Original Message-----

From: Shore, Howard
Sent: Monday, May 02, 2011 11:09 AM
To: Kitteringham, Kimberley
Subject: Fw: Motion re Israel Apartheid Week

Howard I. Shore
Councillor, Thornhill/Markham Ward 2
Town of Markham
101 Town Centre Boulevard
Markham, Ontario L3R 9W3
www.howardshore.ca
Tel: 905-479-7756 Fax: 905-479-7763

----- Original Message -----

From: MARK LITWACK
To: Shore, Howard
Cc: Scarpitti, Frank; Heath, Jack; Burke, Valerie
Sent: Mon May 02 10:46:04 2011
Subject: Motion re Israel Apartheid Week

Mr Shore

Please be advised that my wife and I support your motion to Council re Israel Apartheid Week. It is unconscionable that there are those who seek to denigrate the one and only democratic state in the Middle East.

Yours truly,
Marjorie Smith and Mark Litwack

9

Hau, Lucy

Subject: FW: Howard Shore's Israel Apartheid Motion

From: Shore, Howard

Sent: Monday, May 02, 2011 8:27 AM

To: Scarpitti, Frank; Heath, Jack; Landon, Gord; Kitteringham, Kimberley

Cc: Burke, Valerie; Moretti, Carolina; Jones, Jim; Li, Joe; Hamilton, Don; Campbell, Colin; Ho, Alan; Kanapathi, Logan; Chiu, Alex

Subject: RE: Howard Shore's Israel Apartheid Motion

Mr. Gordon,

Thank you. I will forward this to the Clerk's attention.

Howard I. Shore

Councillor, Thornhill/Markham Ward 2

The Corporation of the Town of Markham

101 Town Centre Boulevard

Markham, Ontario L3R 9W3

Phone: 905-479-7756

Fax: 905-479-7763

Email: hshore@markham.ca

Website: www.howardshore.ca



Please consider the environment before printing this email note

From: bagordon

Sent: Sunday, May 01, 2011 22:16

To: Scarpitti, Frank; Heath, Jack; Landon, Gord

Cc: Shore, Howard; Burke, Valerie; Moretti, Carolina; Jones, Jim; Li, Joe; Hamilton, Don; Campbell, Colin; Ho, Alan; Kanapathi, Logan; Chiu, Alex

Subject: Howard Shore's Israel Apartheid Motion

Dear Mayor Scarpitti; Deputy Mayor Heath and Regional Councillor Landon:

I am writing with respect to the motion Councillor Howard Shore has put before Markham Council that deals with Israel Apartheid Week. You will note that I have attached a document that contains a series of posters that an organization named ElderofZiyon.com prepared to present a case against the themes of Israel Apartheid Week. My only message to you is to strongly urge you to look at these posters and consider the case they make in support of those condemning Israel Apartheid Week and its supporters.

I will be in attendance at the Council meeting on May 3rd and look forward to what I hope will be a respectful and orderly debate.

You may remember me from my participation on the Markham Condominium Working Group and/or the Markham Sport Council.

Take care and all the best,
Brian Gordon
Brian Gordon

EoZ posters for "Apartheid Week"

<http://elderofziyon.blogspot.com/p/eoz-posters-for-apartheid-week.html>



Omar Barghouti.

Leading Arab advocate of boycotting Israel.
Resident of Ramallah.

**Doctoral student at
Tel Aviv University.**

Apartheid?

ElderOfZiyon.com

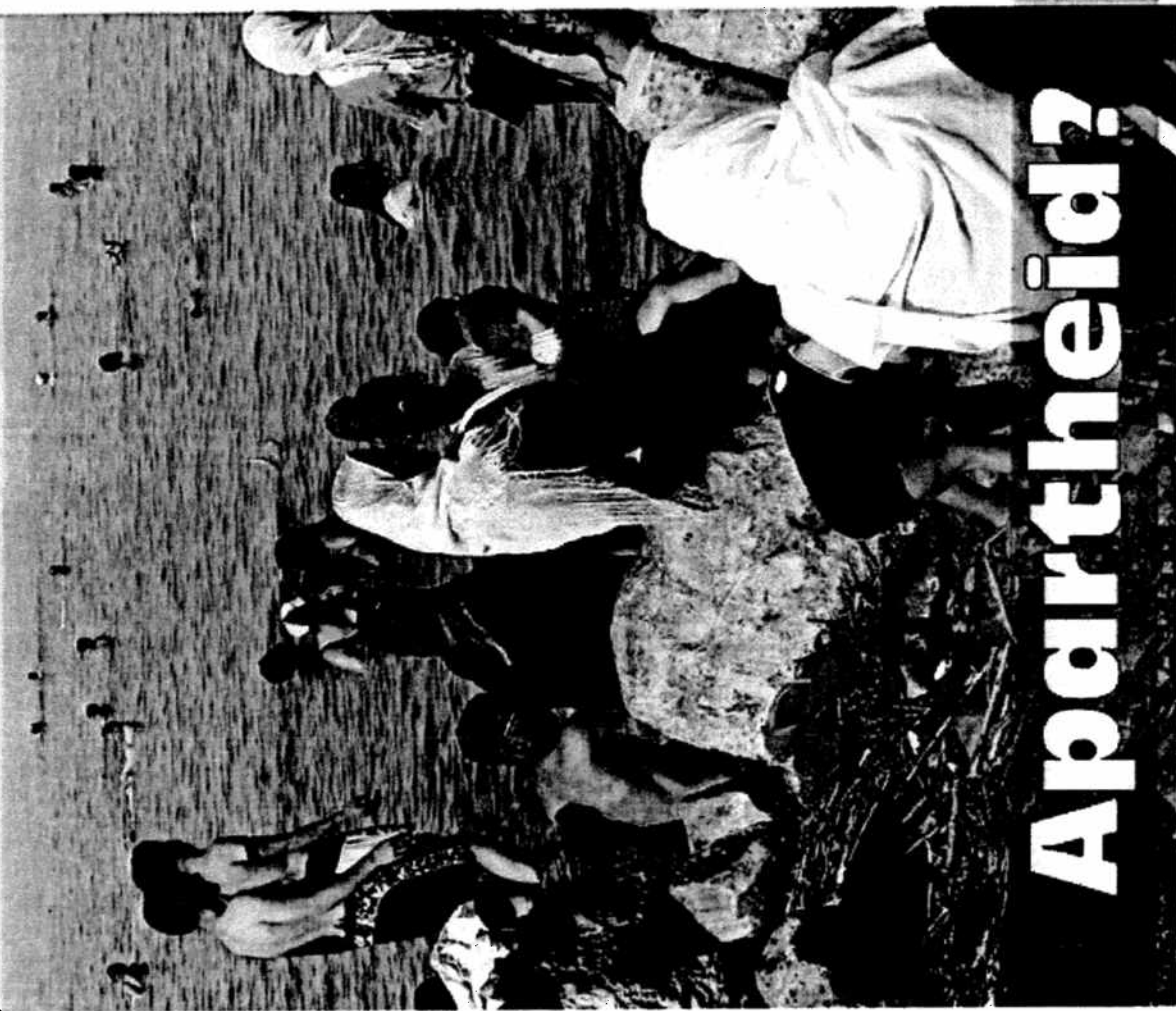
**Jews and Arabs shopping together in
a supermarket - in the territories.**

Apartheid?

Photo taken at Ramat Levy supermarket, Gush Etzion

Eden Of Zion.com

**Jews and Arabs swimming
together in the Dead Sea**



Apartheid?

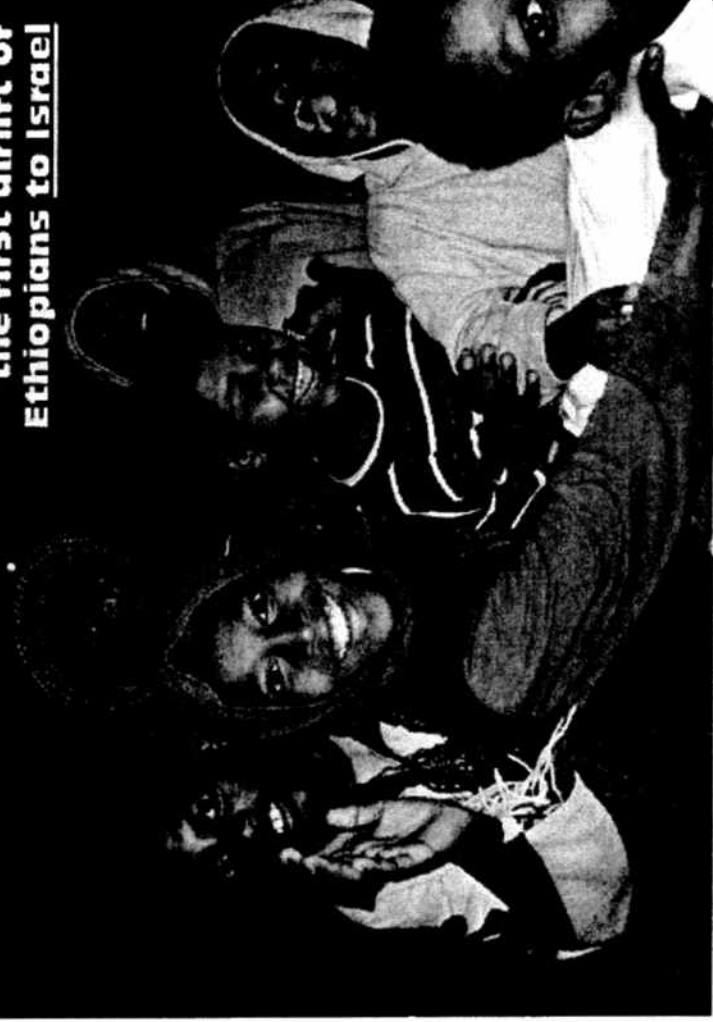
ElderOfZion.com

Walid Badir,
Israeli football star.
captain of
HaPoel Tel Aviv,
Arab.

Apartheid?

**"For the first time in history,
thousands of black people are
being brought into a country
not in chains
but as citizens."**

**- William Safire on
the first airlift of
Ethiopians to Israel**



Apartheid?

ElderOfZion.com

Mira Awad.
Actress, singer, songwriter.
Represented Israel at the 2009
Eurovision Song Contest.
Arab.



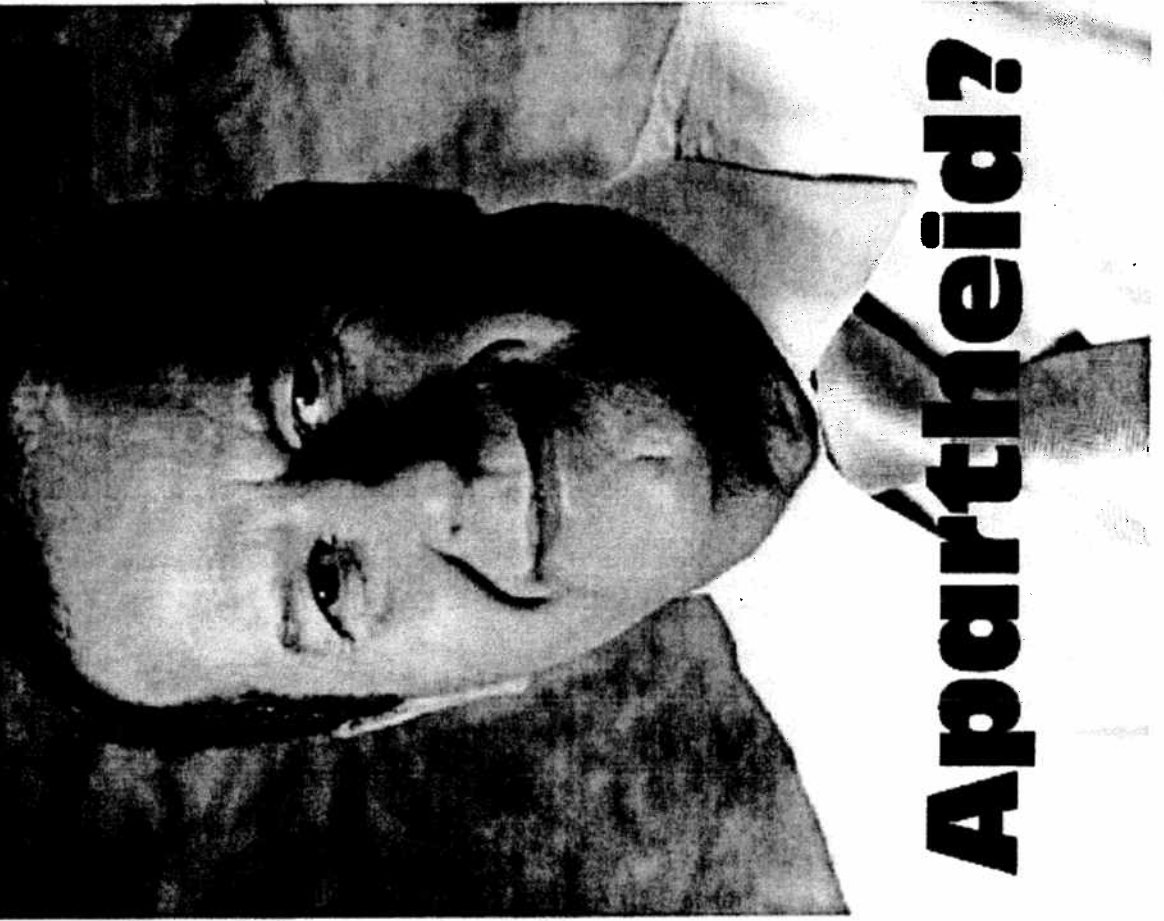
Apartheid?

**Rana Raslan.
Former Miss Israel.
Arab.**



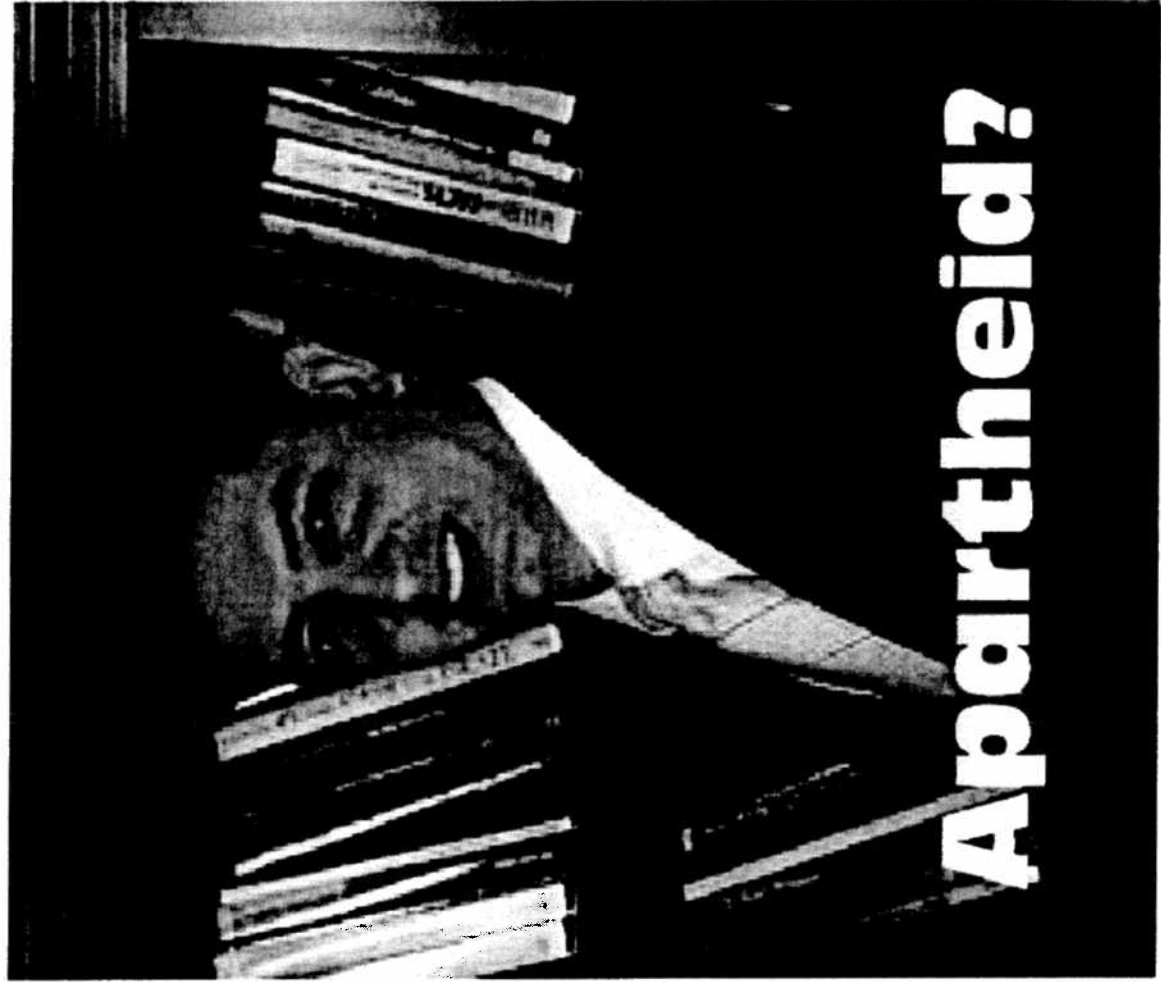
Apartheid?

**Majalli Wahabi.
Former Deputy Speaker of Knesset.
Acting President of Israel in February 2007.
Druze.**



Apartheid?

Reda Mansour.
Israeli historian, poet, and
onetime ambassador to Ecuador.
Druze.



Apartheid?

**Salim Joubran
Israeli Supreme Court justice.
Arab.**



Apartheid?

ElderToons

**EVERY YEAR, THOUSANDS OF AFRICAN
REFUGEES RISK THEIR LIVES TO GO TO
ISRAEL, TRAVELING THROUGH
MUSLIM COUNTRIES TO GET THERE.**



**I GUESS NO ONE TOLD THEM THAT
"ISRAEL IS AN APARTHEID STATE."**

ElderOfZion.com

Palestinian camp in Lebanon

**Every Arab country has
laws discriminating
against Palestinians.**



**Now, that is
apartheid!**

www.aidofzion.com

**The Palestinian
Authority says
that any Arab
who sells land
to a Jew should
be put to
death.**



**Now, that is
Apartheid!**

APRIL 1988

**"I will never allow a single
Israeli to live among us on
Palestinian land"**

**- Mahmoud Abbas, July 28 2010, speaking to
Egyptian media**



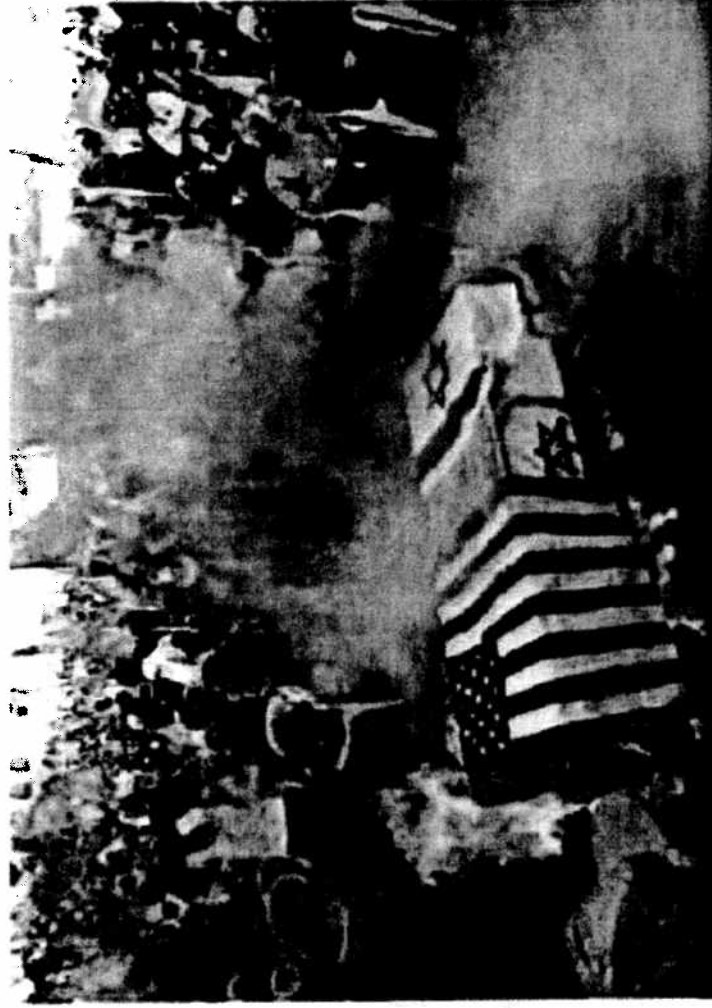
**Now, that is
Apartheid!**

Editor of Egypt

**Anti-Israel
protesters**



**support
these guys.**



**Whose side
are you
on?**

Dear Mayor and Councilors

I am writing in opposition to the motion "Israeli Apartheid Week at York University" (April 11, 2011).

There is much to object to in the motion in terms of both its substantive content and its tone! I take strong exception to the gross mischaracterization of and the unjustified invective directed at, Israeli Apartheid Week (IAW). The motion contends that IAW, "offends not only our sense of fairness, but also our core Canadian values of freedom, democracy, human rights and the rule of law." The motion correlates "fairness," "core Canadian values," and "the rule of law," with opposition to and condemnation of IAW. Canadian core values and the rule of law do not support any form of apartheid, any apartheid state or regime. The above thought begs the question, "Is Israel an apartheid state?" This is the pivotal question before Markham council today.

My very brief response to this question will lead to further understanding of the need for an annual IAW, and by extension, the boycott, divestment and sanctions (BDS) campaign.

Is Israel an Apartheid State?

My response will be restricted to consideration of Israeli apartheid in the legal sense. The perspective then is one of international and human rights law.¹ My offering focuses on a selection of key documents, authors and interpretations.

Opponents of IAW and the BDS campaign argue that Israel is not an apartheid state, either in the South African sense or in any generic or general sense. The 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid (ICSPCA) sets forth objective criteria by which to adjudicate any dispute over who or what constitutes an apartheid regime.² Article I of this convention declares that apartheid is a "crime against humanity." Furthermore, the article asserts that "inhuman acts" (e.g., racial segregation and discrimination) stemming from apartheid policies and practices are "crimes violating the principles of international law, in particular the purposes and principles of the Charter of the United Nations, and constituting a serious threat to international peace and security."³

An informed reading of the ICSPCA would conclude that the apartheid analogy is a good fit with Israel. In light of this convention, Francis Boyle, distinguished professor of international law at the University of Illinois, characterizes Israel, unequivocally, as a "genocidal apartheid regime."⁴

John Dugard is a South African professor of international law. He has served as judge on the International Court of Justice. He served as Special Rapporteur for the United Nations on the situation of human rights in the Occupied Palestinian Territories. In a statement to the United Nations, he declared,

The international community has identified three regimes as inimical to human rights — colonialism, apartheid and foreign occupation. Israel is clearly in military occupation of the OPT. At the same time elements of the occupation constitute forms of colonialism and of apartheid, which are contrary to international law.⁵

The Human Sciences Research Council of South Africa (HSRC) released a study (*Occupation, Colonialism, Apartheid? A Re-Assessment of Israel's Practices in the Occupied Palestinian Territories Under International Law*) which concluded that Israel is practicing colonialism and apartheid in the Occupied Palestinian Territories (OPT).⁶ The report found that Israeli practices in the OPT demonstrated the same three pillars of apartheid as found in the former apartheid South Africa.⁷

The HSRC assembled an international team of scholars and practitioners of international public law. The aim of this project was “to scrutinize the situation from the nonpartisan perspective of international law, rather than engage in political discourse and rhetoric.”⁸

Conclusions

In light of international and human rights law, and the interpretation of experts in this field, Israel can legitimately be identified or defined as an apartheid state. As such, Israel is guilty of crimes against humanity.

IAW and the BDS campaign are instruments through which to inform the public about the reality of Israeli apartheid and help bring about its end, in a peaceful, nonviolent way. Their ultimate goal is the realization of a just and sustainable peace in the Middle East. Their means and ends are pro-democratic. Accusations of anti-Semitism or racism are but red herrings, futile attempts to distract attention from the real problem — Israeli apartheid.

By rejecting the motion “Israeli Apartheid Week at York University” before council, the Town of Markham can help preserve freedom of expression and assist in creating a safe political environment in which IAW and the BDS campaign can fulfill their mandate.

In preserving our right to discuss, to debate, and to dissent — our right to be critical — we are fuelling democracy's oxygen.

Recommendations

- 1) Reject the motion before council.
- 2) Embrace and help enable IAW and the BDS campaign.
- 3) Cancel the Trade Mission to Israel in May, 2011
- 4) Terminate trade relations with Israel.

Notes

¹ There are three international legal instruments which inform the definition and characterization of apartheid in international law: the International Convention on the Elimination of All Forms of Racial Discrimination, the Rome Statute of the International Criminal Court and the International Convention on the Suppression and Punishment of the Crime of Apartheid (ICSPCA), the instrument which this overview focuses on.

² United Nations, International Convention on the Suppression and Punishment of the Crime of Apartheid, UN GAR 3068 (Nov. 30, 1973). The following are the criteria from Article II, used to resolve questions pertaining to the designation of “the crime of apartheid,”

- (a) Denial to a member or members of a racial group or groups of the right to life and liberty of person:
 - (i) By murder of members of a racial group or groups;
 - (ii) By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;
 - (iii) By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;
- (b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;
- (c) Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;
- (d) Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;
- (e) Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;
- (f) Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.

³ ICSPCA.

⁴ F. A. Boyle, *Palestine, Palestinians and International Law* (2003), p.161. See also Boyle’s interpretation of how this convention supports IAW, the BDS campaign and other pro-democracy initiatives regarding Israel-Palestine, pp.161-168.

⁵ United Nations, Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 (Jan. 29, 2007).

⁶ Human Sciences Research Council of South Africa, *Occupation, Colonialism, Apartheid? A Re-Assessment of Israel’s Practices in the Occupied Palestinian Territories Under International Law* (May 2009).

⁷ HSRC, pp. 21-22. The three pillars derive from, respectively

- (1) ...Israeli laws and policies that establish Jewish identity for purposes of law and afford preferential legal status and material benefits to Jews over non-Jew...
- (2) ...Israel’s grand policy to fragment the OPT for the purposes of segregation and domination. This policy is evidenced by: Israel’s extensive appropriation of Palestinian land, which continues to shrink the territorial space available to Palestinians; the hermetic closure and isolation of the Gaza Strip from the rest of the OPT; the deliberate severing of East Jerusalem from the rest of the West Bank; and the appropriation and construction policies serving to carve up the West Bank into an intricate and well-served network of connected settlements for Jewish-Israelis and an archipelago of besieged and non-contiguous enclaves for Palestinians...

(3) ...it's security laws and policies. The extrajudicial killing, torture and cruel, inhuman or degrading treatment and arbitrary arrest and imprisonment of Palestinians...are all justified by Israel on the pretext of security.

⁸ HSRC, p.13.

respectfully submitted
Bruce "Sasha" Lofquist MA
researcher, writer, advocate