

## **Engaging Presbyterians to Witness for Palestinian Human Rights and for Ending the Occupation of Palestine**

### **RECOMMENDATION**

#### **The 221st (2014) General Assembly of the Presbyterian Church (U.S.A.):**

1. Reaffirms the prophetic witness of Jesus Christ against all forms of racism and powers of oppression with courage, honesty, and love; reaffirms that through the life, death and resurrection of Jesus, God has called the church into a ministry of repentance, reconciliation and hope, working towards cooperation and peace among all nations; and recognizes through these reaffirmations that the love of God for all peoples, includes Israelis and Palestinians, Christians, Jews and Muslims.
2. Respects the human rights of the Israeli people and opposes all forms of anti-Semitism, and deplores the violation of the human rights of Palestinians by the Government of Israel which include but are not limited to:
  - a. Systematic expropriation of Palestinian land and water for Jewish-only settlement colonies;
  - b. Deportation and forcible transfer of Palestinian populations;
  - c. Imprisonment and torture of Palestinians;
  - d. Construction of a separation wall/barrier deep into the militarily occupied Palestinian territories;
  - e. Building Israeli-only by-pass roads to connect the Jewish-only settlement colonies together and to Israel;
  - f. Destruction of Palestinian agricultural lands and homes and expropriation of Palestinian property not justified by military necessity; and
  - g. Daily humiliation at numerous checkpoints deep within the Palestinian territories.
3. Recognizes that Israeli practices, infrastructure, and the military occupation confine Palestinians to live in isolated enclaves and deny Palestinians freedom of movement, freedom of residence, a right to a nationality, and the right to leave and to return to their country of origin.
4. Acknowledges that Israel's non-compliance with international law and numerous United Nations resolutions is assisted by the Government of the United States through its annual gift of at least three billion dollars primarily to supply Israel with US made weapons and its veto within the United Nations Security Council of resolutions condemning Israel's violations of the human rights of Palestinians, and Israeli violence against its neighboring countries.
5. Acknowledges that the actions of the Israeli government listed above meet and exceed the United Nations definition of apartheid as defined by International Convention on the Suppression and Punishment of the Crime of Apartheid (1973) and as defined by the Rome Statute of the International Criminal Court (2002).
6. Strongly urges the Government of the United States to pursue policies that treat both Israelis and Palestinians with equal regard and end its policies that favor Israel and allow it to continually violate the human rights of Palestinians (Christians and Muslims) within its borders and within the territories it militarily occupies.
7. Directs the Stated Clerk to urge President Obama and our Congress to act courageously in urging the Government of Israel to cease and desist in its discrimination and violence against its Christian and Muslim citizens and to end the military occupation of the Palestinian territories, and the blockade of the Gaza Strip.
8. Directs the Stated Clerk to communicate this action to all other PC (USA) councils and entities and invite and strongly encourage those groups and organizations to engage in constructive, peaceful, and non-violent actions to bring about reconciliation between Christians, Jews and Muslims living within the former Mandate Palestine.

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## **I. Purpose**

This overture is pursued with the hope it will lead to a peaceful reconciliation between the people of Israel and Palestine. It is only through reconciliation that peace with justice will be realized.

## **II. Why Presbyterians Must Act**

As Presbyterians we believe the prophetic mission of the church is to speak the Word of God courageously, honestly and lovingly; following the example of Jesus. The church is called to stand alongside the oppressed to help bring about justice for them, leading to peace and reconciliation with their oppressors. Christians spoke out in the 1950's against racial segregation in the United States and later on against apartheid in South Africa. They must again raise their voices and speak out against Israel's violations of Palestinian human rights.

In the twentieth century, Christians of the West did not speak out loudly enough to stop the profound suffering and discrimination that the Jewish people of Europe experienced during World War II culminating in the Jewish Holocaust. Are we to remain silent in the twenty first century to the suffering of Palestinian people who are living under military occupation, encirclement and blockade by the State of Israel? If we are to heed the prophetic mission of the Church to speak the Word of God, we must speak out and act to end this suffering.

To solve a problem, one has to honestly recognize and acknowledge that the problem exists. The rationale section of this overture will demonstrate how Israel's practices and actions against the Palestinian people, both Christians and Muslims, and Israel's physical changes to the land and infrastructure of the West Bank, including East Jerusalem, and its blockade of the Gaza Strip constitute (as defined by the 2002 Rome Statute of the International Criminal Court (RSICC)<sup>1</sup>) elements of crimes against humanity which include apartheid and more. In other words, Israeli policies and practices are worse than just apartheid. Jimmy Carter, Former President of U.S. and Nobel Peace Prize, Winner said: *"Israel does occupy this territory deep within the West Bank, and connects 200-or-so settlements with each other, with a road, and then prohibits the Palestinians from using that road, or in many cases even crossing the road. This perpetrates even worse instances of apartness, or apartheid, than we witnessed even in South Africa"* (2006).

First, consider the testimony of the "Russell Tribunal on Palestine" which was composed of eminent people from various countries, including Israel".<sup>2</sup> The legitimacy of the *Russell Tribunal on Palestine* comes "from the prestige, professional interests and commitment to fundamental rights of the Members that constitute this Tribunal." Members of the Jury included *Alice Walker, author and poet, USA; John Dugard, Professor of International Law, Former Special rapporteur for both UN Commission on Human Rights and International Law Commission; Mairead Corrigan Maguire, Nobel Peace laureate 1976, Northern Ireland; and many other distinguished persons. A complete list of the Jury is available in the end notes.*<sup>3</sup>

- **Russell Tribunal:** *"In its Cape Town session, the Tribunal found that Israel subjects the Palestinian people to an Institutionalized regime of domination amounting to apartheid as defined under international law. This discriminatory regime manifests in varying intensity and forms against different categories of Palestinians depending on their location. The Palestinians living under colonial military rule in the Occupied Palestinian Territory are subject to a particularly aggravated form of apartheid. Palestinian citizens of Israel, while entitled to vote, are not part of the Jewish nation as defined by Israeli law and are therefore excluded from the benefits of Jewish nationality and subject to systematic discrimination across the broad spectrum of recognized human rights. Irrespective of such differences, the Tribunal concluded that Israel's rule over the Palestinian people, wherever they reside, collectively amounts to a single integrated regime of apartheid".*(2013)
- **Ramzy Baroud**, editor of the Palestine Chronicle, in his article, *Fighting Apartheid in Palestine: South Africa's Unfinished Business* said: *"the recent approval by South Africa's cabinet to distinguish between products made in Israel and those made in illegal Jewish settlements in the West Bank. It was also a natural progression of South Africa's policies, which have reflected impatience with Israel through the years. Israel's policies have long been geared towards decimating Palestinian society, along with any chances for a just peace. It was clear that Israel has chosen the Apartheid option, not just as a de facto outcome of its policies, but through a decided legal and political pattern".* (2012)
- **Ronald Kasrils**, a member of the *Russell Tribunal on Palestine* Jury and of the National Executive Committee (NEC) of the African National Congress (ANC) (1987- 2007) said: *"Travelling into Palestine's*

*West Bank and Gaza Strip, which I visited recently, is like a surreal trip back into an apartheid state of emergency. It is chilling to pass through the myriad checkpoints – more than 500 in the West Bank. They are controlled by heavily armed soldiers, youthful but grim, tensely watching every movement, fingers on the trigger... The West Bank, once 22% of historic Palestine, has shrunk to perhaps 10% to 12% of living space for its inhabitants, and is split into several fragments, including the fertile Jordan Valley, which is a security preserve for Jewish settlers and the Israeli Defense Force. Like the Gaza Strip, the West Bank is effectively a hermetically sealed prison. It is shocking to discover that certain roads are barred to Palestinians and reserved for Jewish settlers. I try in vain to recall anything quite as obscene in apartheid South Africa.”<sup>4</sup> (2007).*

- **Yossi Sarid**, former Israeli Minister of Education, said: *“What acts like apartheid, is run like apartheid and harasses like apartheid, is not a duck – it is apartheid... What should frighten us, however, is not the description of reality, but reality itself.”* (2008)
- **Michael Ben-Yair**, former Israeli attorney general, said: *“Passionately desiring to keep the occupied territories, we developed two judicial systems: one – progressive, liberal – in Israel; and the other – cruel, injurious – in the occupied territories. In effect, we established an apartheid regime in the occupied territories immediately following their capture. That oppressive regime exists to this day.”* (2002)
- **Shulamit Aloni**, former Israeli Minister of Education, said: *“Jewish self-righteousness is taken for granted among ourselves to such an extent that we fail to see what’s right in front of our eyes. It’s simply inconceivable that the ultimate victims, the Jews, can carry out evil deeds. Nevertheless, the state of Israel practices its own, quite violent, form of Apartheid with the native Palestinian population.”* (2007)
- **Henry Siegman**, former director of the American Jewish Congress & Synagogue Council of America, said, *“Successive Israeli governments have long sought to preclude the two-state solution. Israel has crossed the threshold from ‘the only democracy in the Middle East’ to ‘the only apartheid regime in the Western world.’”* (2007)
- **Ilan Pappé**, Israeli and former Haifa University history professor said, *“Israel is now one of worst apartheid regimes in the world. It controls almost all of Palestine (apart from Gaza which it imprisoned hermetically since 2005. It has the largest number of apartheid laws and regulations than any country in the world and the longest imposition of emergency laws and regulations that rob citizens of their most basic human and civil rights.* (2011)
- **Nelson Mandela** said *“We know too well that our freedom is incomplete without the freedom of the Palestinians”.* (1997)
- **Archbishop Desmond Tutu**, the South African Nobel Peace Prize Winner said *“I have been to the Occupied Palestinian Territory, and I have witnessed the racially segregated roads and housing that reminded me so much of the conditions we experienced in South Africa under the racist system of Apartheid. I have witnessed the humiliation of Palestinian men, women, and children made to wait hours at Israeli military checkpoints routinely when trying to make the most basic of trips to visit relatives or attend school or college, and this humiliation is familiar to me and the many black South Africans who were corralled and regularly insulted by the security forces of the Apartheid government. It is not with rancor that we criticize the Israeli government, but with hope, a hope that a better future can be made for both Israelis and Palestinians.”* (2010)
- **Israeli human rights group B’Tselem** said: *“Israel has created in the Occupied Territories a regime of separation based on discrimination, applying two separate systems of law in the same area and basing the rights of individuals on their nationality. This regime . . .is reminiscent of distasteful regimes from the past such as the Apartheid regime in South Africa.”* (2002)
- **The Human Sciences Research Council of South Africa**, after two years of studying Israeli practices towards the Palestinians, concluded that Israel practices the “three pillars” of apartheid in the occupied territories in a manner calculated to prevent Palestinians from participation in the political, social, and cultural life of their country. (2009)

### **III. PC (USA) Statements Acknowledging Israeli Human Rights and International Law Violations**

The church is seriously disturbed by the social injustice and oppression experienced by Palestinians living under Israeli occupation. The 219<sup>th</sup> General Assembly (2010) approved the following statements and concerning Israel's occupation of the West Bank and Gaza. Please consult Appendix A for a more complete listing of PC (USA) statements.

The 219<sup>th</sup> General Assembly approved the Middle East Study Report which states that:

- *The Israeli occupation leads to the denial of human rights for Palestinians and violation of international laws.*
- *Military aid to Israel to be contingent upon Israel eliminating human rights abuses in the Occupied Palestinian Territories*

The 220<sup>th</sup> (2012) General Assembly passed a policy calling upon all nations to prohibit the import of products made by enterprises in Israeli settlements on Palestinian land until significant progress toward Palestinian rights and independence can be reported to the General Assembly or General Assembly Mission Council.

These statements and others found in Appendix A portray facts on the ground that are irrefutable and acknowledged by Israel.

### **IV. What are Crimes Against Humanity and what is Apartheid?**

The 2002 Rome Statute of the International Criminal Court (RSICC), ratified by the United Nations as international law effective July 1, 2002, defines crimes against humanity in Article 7 which states:

For the purpose of this Statute, “crime against humanity” means **any** of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender . . . or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) **The crime of apartheid** (*See Appendix B for a definition of apartheid*);
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Note that in part J of Article 7, The U.N. Rome Statute of the International Criminal Court declares that apartheid is a “crime against humanity” because it is an act committed as part of a widespread or systematic attack directed against any civilian population. The crime of apartheid is defined 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.

**Furthermore, the U.N. defines “racial discrimination,” as “any distinction, exclusion, restriction, or preference based on race, color, descent, or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”**

This rationale will demonstrate that in addition to apartheid, Israel's policies and practices include additional elements of crimes against humanity.

## **V. Israel's laws, policies, and practices towards Palestinian citizens of Israel and Palestinians in the occupied West Bank, Gaza Strip, and East Jerusalem**

Israel has created a system where one ethnic group, Israeli Jewish nationals, have a superior status and another ethnic group, non-Jewish Arabs (Christians and Jews) living in Palestine and Israel, have an inferior status. Israeli laws, policies, and practices systematically take actions to prevent Palestinians from participating in the political, social, economic, and cultural life of their country. The expropriation of Palestinian land, restrictions on the freedom of movement and residence, confining Palestinians to ghettos, arbitrary arrest and imprisonment of Palestinians, the restriction or denial of Palestinian rights to work, education, peaceful assembly, and religious practices are all part of Israeli measures calculated to prevent Palestinians from full participation in the economic, environmental, and social life of their country. This discriminatory system benefits Israeli Jews and causes irreparable harm to non-Jews both in Israel itself and in the occupied Palestinian territories.

This section highlights the following eight areas in which the state of Israel's laws, policies, and practices violate the International Convention on the Suppression and Punishment of the Crime of Apartheid (ICPSCA) ratified by the United Nations.

### **A. Denial to the right to life and liberty of person (In violation of ICPSCA, Article II, a).**

"Palestinian human rights defenders, political representatives and civil society activists have been targeted and imprisoned as a technique of silencing and containment. Palestinian prisoners have routinely been subject to coercive interrogation techniques, excessive use of solitary confinement and isolation, medical neglect, and physical and mental abuse amounting to ill-treatment and torture. Conditions of detention, particularly with regard to hygiene, nutrition, and access to health care, typically fail to meet minimum standards, and family visits are routinely denied. The circumstances of Palestinians in detention have been brought back to the forefront of international concern in recent times through the initiation of widespread hunger strikes by prisoners. The Tribunal expresses its solidarity with the Palestinian political prisoners, and condemns in the strongest possible terms:

- the use of military law to criminalize political expression;
- the prosecution of Palestinian civilians, including children, by military courts in violation of international standards for fair trial;
- the systemic torture and ill-treatment of Palestinian detainees;
- the pervasive policy of internment without charge or trial"<sup>5</sup>.

Torture and ill treatment of Palestinian detainees is also in violation of the 2002 Rome Statute of the International Criminal Court (RSICC, Article 7(Crimes Against Humanity), e, f).

### **B. Deliberate imposition of living conditions calculated to cause the physical destruction of Palestinians in whole or in part (In violation of ICPSCA, Article II, b).**

The physical wellbeing of any people is determined in large part by their access to adequate housing, drinking water, agricultural irrigation water, food, agricultural areas, utilities, employment, education, and wastewater treatment. The laws, policies and practices of Israel systematically deprive many Palestinians adequate living conditions in some or all of the above categories. Israeli practices deliberately impose on Palestinians living conditions calculated to make life intolerable. Israel exploits Palestinian natural water and land resources through restricting water supply to Palestinians, not investing in infrastructure for economic development, uprooting olive and fruit trees of Palestinian farmers, and preventing the freedom of commerce for Palestinian farmers and workers.

- Over one and a quarter million olive and fruit trees and thousands of acres of farmland have been destroyed in Palestinian territories since 1967. Nearly 465,000 olive trees were uprooted between 2000 and 2005.
- Since the beginning of the occupation in 1967, Israel's strict control of the water sector in the occupied territories has prevented water development to meet Palestinian water needs, and caused shortages and a water-quality crisis.
- Israel has neglected construction of infrastructure to connect the Palestinian rural population to a running water network as well as proper maintenance of existing networks. In 2008, 227,500 Palestinians in 220

towns and villages were not connected to a water network. Another 190,000 Palestinians are only partially served.

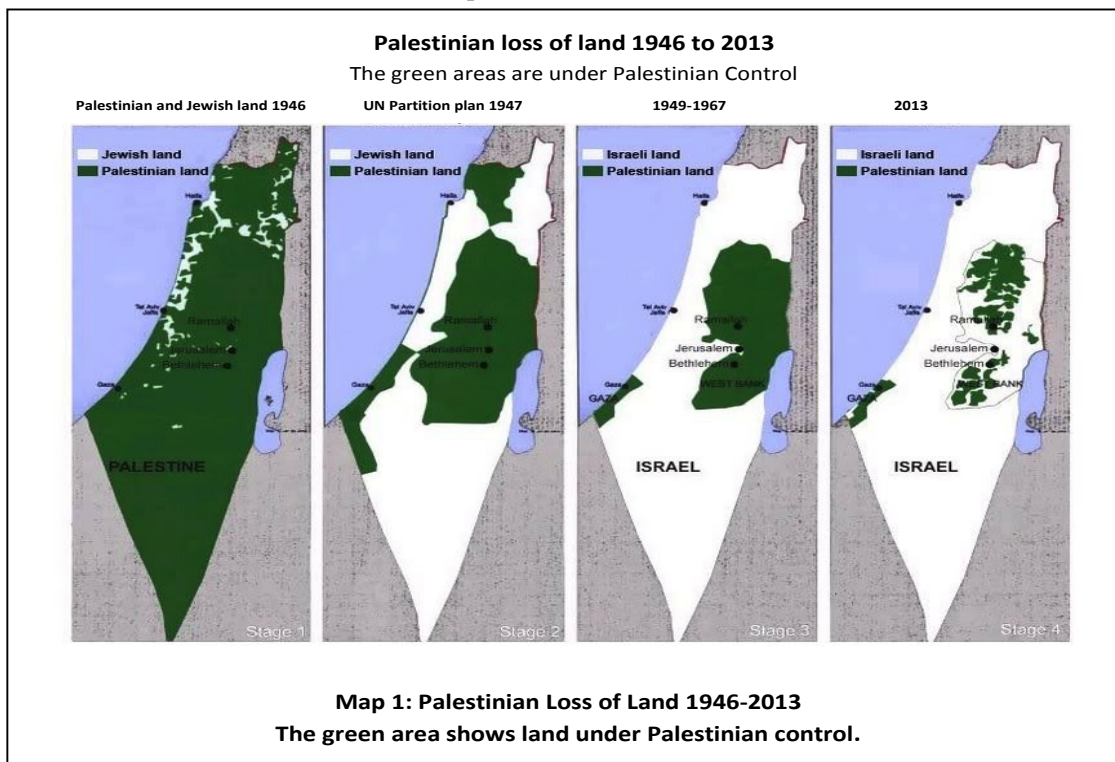
- Of the water available from West Bank aquifers, Israel uses 83%, (10 % for illegal Israeli settlers in the West Bank and 73 % residents in Israel). West Bank Palestinians use the remaining 17%.
- Israel generally restricts Palestinian water use to the municipal and limited commercial and industrial sectors by limiting the extraction of groundwater for agricultural irrigation purposes.
- In the West Bank, about 50 groundwater wells and more than 200 cisterns have been destroyed or isolated from their owners by construction of the separation barrier, affecting the domestic and agricultural needs of more than 122,000 people.
- Only 7% of the water in the Gaza Strip meets World Health Organization standards.
- West Bank Palestinian water consumption is below the minimum global standards set by the World Health Organization and the United States Agency for International Development<sup>6</sup>.
- Palestinian residents of East Jerusalem pay taxes, but receive few benefits. The municipality has failed to invest significantly in infrastructure and services, such as roads, sidewalks and water and sewage systems, in East Jerusalem's Palestinian neighborhoods.

The net result is that the state of Israel systematically and deliberately imposes living conditions calculated to cause the physical destruction of the Palestinian people in whole or in part, in violation of the International conventions on apartheid.

**C. Expropriation of landed property belonging to Palestinians** (In violation of ICPSCA. Article II, c, d).

- Under the 1947 United Nations Palestine partition Resolution 181, 56% of the land area of Palestine was designated for a Jewish state and 44% for an Arab state. This resolution stipulated that the equal rights of minorities within each state must be protected. However, in the war that followed Israel's declaration

of



independence in May 1948, Israel occupied 78% of the land thereby expropriating much of the land designated by the United Nations for an independent Arab state.



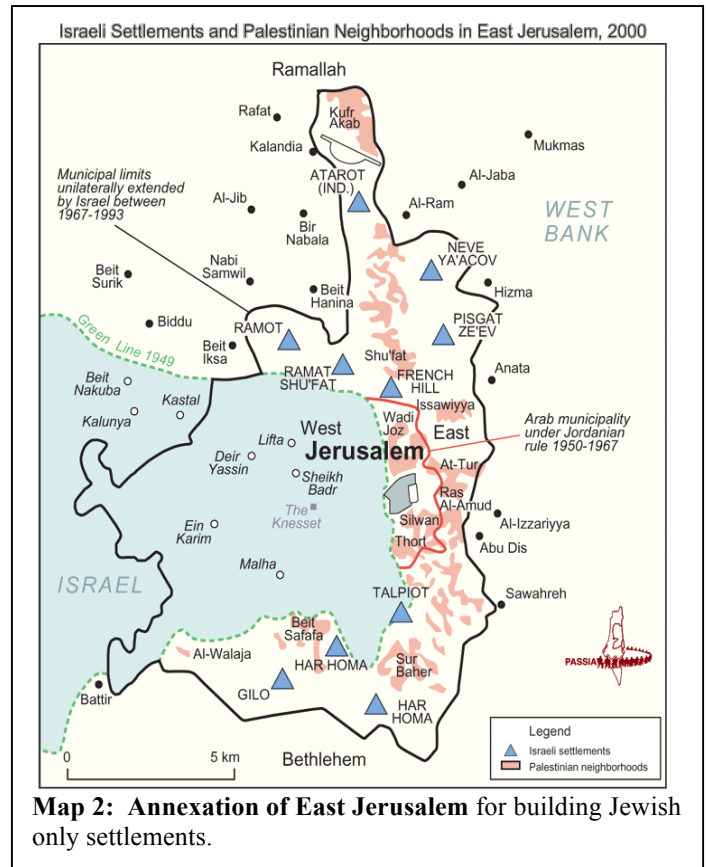
- In 1947-48, 750,000 non-Jewish residents of land designated by the U.N. for the Jewish state and much of the Arab state were either forcibly removed from their landed property or not allowed to return to their homes in defiance of international law. The land was expropriated by Israel for Jewish housing, farms, roads, businesses, parks, and cemeteries.
- In June 1967 East Jerusalem was occupied by the Israeli military. Twenty-seven square miles of East Jerusalem were annexed to Israel. More than 30% of the land in East Jerusalem has been expropriated to build new settlements where approximately 200,000 Israeli's reside in 47,000 units of housing.
- Between 1967 and 2009, vast areas of West Bank land have been expropriated to allow over 121 settlements and 100 outposts for Jewish residents. Nearly half a million settlers now live in the occupied West Bank, including 190,000 in East Jerusalem.
- Separation walls/barriers are constructed on land in the West bank and will expropriate an additional 11.9% of Palestinian land in the West Bank when completed.
- The agricultural Jordan Valley area, about 30% of the West Bank, is now off limits to most Palestinians.

The net result is that the state of Israel systematically and continually expropriates the landed property of Palestinians in violation of the International conventions on apartheid.

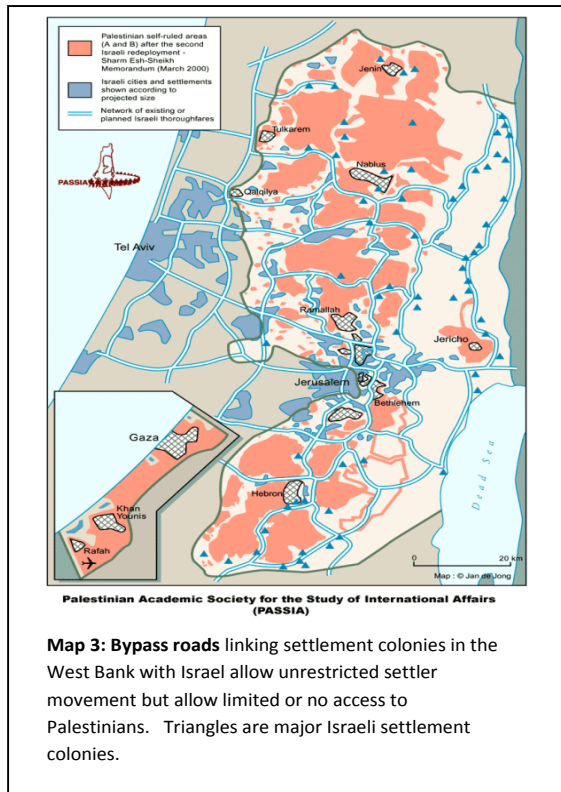
#### **D. Denying Palestinians the right to freedom of residence (In violation of ICPSCA. Article II, c).**

- Israeli laws, policies, and practices systematically prevent Palestinians in the West Bank including East Jerusalem from freedom of residence through denial of building permits for the construction of Palestinian housing and the demolition of Palestinian housing. In those areas where Palestinian housing is destroyed or denied, homes for Jewish settlers are permitted and constructed and only Jewish people can live in the settlement colonies.
- Between 1967 and the end of 2001, almost no Palestinian housing units were given construction permits in East Jerusalem. In that same time period, 46,978 housing units were built for Jewish settlers in East Jerusalem.
- In 1967 the population of East Jerusalem was almost entirely Palestinian. Today there are approximately 190,000 Jewish settlers. Palestinians now constitute one-third of East Jerusalem's population.
- From June 1967 to June 2009, over 24,000 Palestinian homes have been demolished in the occupied territories.

The net result is that the state of Israel systematically and continually denies the freedom of residence to Palestinians in violation of the International conventions on apartheid.







The 493 miles of bypass roads provide unrestricted access to Israeli vehicles but restrict or prohibit Palestinian travel. These roads cut off Palestinians from their agricultural land, schools, hospitals, markets, and extended families and carve up the West Bank into isolated enclaves.

- **Separation Wall:** In the West bank much of the Separation Wall extends well beyond the internationally recognized border and separates Palestinian homes from their farmland, businesses, schools, hospitals, and the homes of family and friends. In East Jerusalem the Separation Wall is constructed through the middle of a once contiguous city, much like the Berlin Wall. The wall's main purpose is not security, but rather to separate Palestinians from Israeli settlement colonies constructed on illegally expropriated Palestinian land. The separation Wall cuts deeply into the West Bank in several locations. There is creeping confiscation of land in the areas between the 1967 West Bank border and the Wall, where severe movement restrictions continue to result in the inability of Palestinian landowners to gain access to their farm land. Along this zone between the Green Line and the Wall thousands of Palestinians on both sides of the barrier are being driven into poverty by restrictions on residency, lack of access to farm lands, inability to market their crops, and confiscation of land. By implementing these means, Israel has split the occupied territories into six

## E. Denying Palestinians the right to freedom of movement (In violation of ICPSCA. Article II, c, d).

- Israeli laws, policies, and practices systematically deny Palestinians the right to movement. Israel uses a number of means to restrict Palestinian movement in the West Bank, which include: permanent and temporary checkpoints, physical obstructions, the Separation Wall, roads on which only Israelis can drive, and the movement-permit regime.
  - **Checkpoints:** In 2009, over 600 checkpoints and roadblocks in the occupied West Bank restricted Palestinians' freedom of movement to their homes, businesses, schools, jobs, hospitals, and farms. Palestinians routinely suffer indeterminate waiting, humiliating treatment, uncertainty, and denial of passage at checkpoints.
  - **Segregated roads:** Segregated roads, which Israel euphemistically calls "bypass roads", link settlement colonies with one another and with Israel.



**Map 4: The Separation Wall (blue line).**

None of the Palestinian West Bank is part of Israel under international law. However, the separation wall is not on the West Bank's border, but meanders deeply into Palestinian territory and puts large swaths of the West Bank on

geographical areas: North, Center, South, the Jordan Valley and northern Dead Sea. Movement between the sections and within each section has become, in recent years, hard, slow, and sometimes impossible. Israel almost completely forbids the movement of Palestinians between the West Bank and the Gaza Strip and impedes Palestinians from entering Israel and going abroad:

- These restrictions significantly affect the daily lives of Palestinians in commerce, in access to medical treatment and educational institutions, and in conducting social activities. Simple actions such as going to work in a nearby town, marketing farm produce, obtaining medical treatment, and visiting relatives entail bureaucratic procedures creating great uncertainty.
- Israel's restriction on freedom of movement for non-Jewish Palestinians is discrimination based on ethnic origin since these restrictions apply only to Palestinians. Jewish residents are permitted to enter and leave settlements without restriction.

The net result is that the State of Israel systematically and continually denies the freedom of movement to Palestinians in violation of the International conventions on apartheid.

**F. Dividing the population along racial lines by the creation of separate reserves and ghettos for the Palestinians** (In violation of ICPSCA. Article II, d).

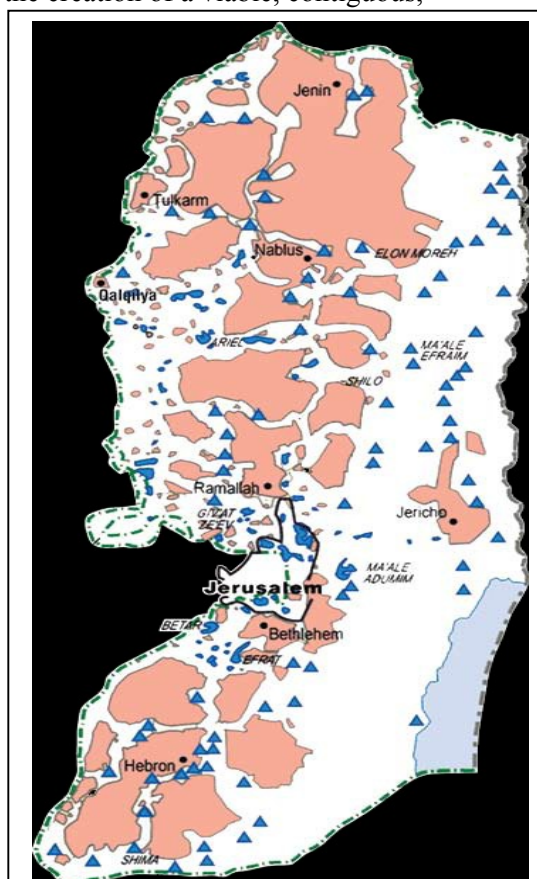
Sections C, D, and E and maps 1 through 5 above show how Israeli laws, policies, and practices in the West Bank combined with the infrastructure of illegal settlements, by-pass roads, checkpoints, and the separation wall/barrier systematically create separate reserves or ghettos for Palestinians. Palestinians are forced to live in isolated enclaves that in turn eviscerate the Palestinian economy, and prevent the creation of a viable, contiguous, sovereign, and independent Palestinian state.

The net result is that the state of Israel systematically and continually divides the population along racial lines by the creation of separate reserves and ghettos for the Palestinians in violation of the International conventions on apartheid.

**G. Denying Palestinians the right to a nationality** (In violation of ICPSCA. Article II, c).

On November 29, 1947 the United Nations adopted a Partition Plan for Palestine that divided the League of Nations' British Mandate of Palestine. In this partition plan 44% of the land was allocated for an Arab state and 56% was allocated for the Jewish state. While Israel did become an independent state in 1948, an independent Palestinian state did not come into existence because the land designated as an independent Palestinian state was militarily occupied by Israel, Egypt and Jordan.

- Between 1948 and 2009 the state of Israel has systematically occupied and/or annexed most of the land that had been designated by the United Nations for an independent Palestinian state. In doing so, Israel has denied the Palestinians a right to a nationality.
- In 1967 Israel annexed East Jerusalem in violation of international law.
- Between 1967 and 2009 Israel has controlled the rural undeveloped part of the West Bank, called Area C in the Oslo Peace agreement. Through the construction of settlement colonies, bypass roads, the separation wall/barrier, buffer zones, and the creation of land reserves, Israel has left Palestinians in control of only 13% of the land area of the British mandate of Palestine.



**Map 5: Encircled enclaves** (reserves or ghettos) confine Palestinians into 64 isolated and totally surrounded canton-like reserves in the West Bank. The triangles are major Israeli settlement colonies.

- Israel has failed to implement the November 22, 1967 United Nations Resolution 242 requiring Israel to withdraw its forces from the West Bank and Gaza.
- In 1978 Israeli Menachem Begin signed the Camp David Accords, which stated, “the Israeli military government and its civilian administration will be withdrawn as soon as a self-governing authority has been freely elected by its inhabitants.” By not implementing this agreement to end its occupation of the West Bank and Gaza, Israel has denied the Palestinians right to a national homeland.

The net result is that the state of Israel systematically and continually denies Palestinians the right to a nationality in violation of the International conventions on apartheid.

**H. Enacting legislative and other measures calculated to prevent Palestinians from participation in the political, social, economic and cultural life of their country their country** (In violation of ICPSCA. Article II, d).

Israeli laws, policies, and practices systematically take actions to prevent Palestinians from participating in the political, social, economic, and cultural life of their country. The expropriation of Palestinian land, restrictions on the freedom of movement and residence, confining Palestinians to ghettos, arbitrary arrest and imprisonment of Palestinians, the restriction or denial of Palestinian rights to work, education, peaceful assembly, and religious practices are all part of Israeli measures calculated to prevent Palestinians from full participation in the economic, environmental, and social life of their country. This discriminatory system benefits Israeli Jews and causes irreparable harm to non-Jews both in Israel itself and in the occupied Palestinian territories.

The net result is that the state of Israel systematically and continually enacting legislative and other measures calculated to prevent Palestinians from participation in the political, social, economic and cultural life of the country, in violation of the International conventions on apartheid.

**VI. How do Israeli laws, practices and policies surpass apartheid and meet the definition of crime against humanity?**

**a. Deportation and forcible transfer of populations** (in violation of RSICC, Article 7, d)

Examples are the Nakba (the forcible evacuation of over 750,000 Palestinians from their homes and villages in 1947-48), the Naksa (the forcible evacuation of over 250,000 Palestinians after and during the 6 day war in 1967), and more recently the Bedouins from the Negev in Israel and the OPT and the pressure on Palestinians to leave the Jordan Valley in area C – purportedly as preparation for Israel to annex the Jordan Valley in violation of the fourth Geneva convention.

**b. Persecution** (in violation of RSICC, Article 7, h)

“Persecution involves the intentional and severe deprivation of fundamental rights of the members of an identifiable group in the context of a widespread and systematic attack against a civilian population. Following deliberations in its Cape Town session, the Russell Tribunal concluded that the evidence supports a finding of persecution against the Palestinians in relation to the following acts:

- the siege and blockade of the Gaza Strip as a form of collective punishment of the civilian population;
- the targeting of civilians during large-scale military operations;
- the destruction of civilian homes not justified by military necessity;
- the adverse impact on the civilian population effected by the Wall and its associated regime in the West Bank, including East Jerusalem;
- the concerted campaign of forcible evacuation and demolition of unrecognized Bedouin villages in the Negev region of southern Israel.”<sup>7</sup>

**VII. Responsibility of the United States of America**

“The US has demonstrated a commitment to Israel’s establishment and viability as an exclusionary and militarized Jewish State at the expense of Palestinian human rights. While US administrations initially offered moral support, since the Six Day War in 1967 the US has provided unequivocal economic, military, and diplomatic support to Israel in order to establish and maintain a qualitative military superiority over its Arab neighbors in violation of its own domestic law: Israel being the largest recipient of US foreign aid since 1976 and the largest

cumulative recipient since World War II in the amount of approximately \$115 billion; and via diplomatic support such that between 1972 and 2012, the US has imposed the sole veto on UN resolutions critical of Israel forty-three times (thirty of which concerned the Occupied Palestinian Territories (OPT)) and via pressure on Member States to prevent efforts to pass or enforce General Assembly resolutions holding Israel accountable; and receipt of 60% of US Foreign Military Financing (FMF) funding, making it the largest recipient of US military funding,”

“The US has not only failed to ensure that Israel respects International Human Law (IHL) but it has exerted little or no influence on Israel to stop key violations of IHL. On the contrary it has on occasion encouraged Israel to violate IHL. The US has acquiesced in, and indirectly encouraged, the construction of both settlements and the Wall. In the case of Israel’s assaults on Gaza its (US) support has been more direct and could be said to constitute encouragement.”

“International responsibility is incurred by a State that aids or assists another State in the commission of internationally wrongful acts (Article 16 of the International Law Commission Draft Articles on State responsibility). The US undoubtedly assists Israel in the commission of internationally wrongful acts by providing military, material and political support to Israel.”

“The US must cease its unequivocal economic, military, and diplomatic support to Israel that makes the US directly complicit in a very wide range of Israeli violations of international law. In particular the US must cease its destructive veto policy at the UN Security Council, most notably on the issue of Israel’s colonial settlements, which the US itself acknowledges as unlawful.”<sup>8</sup>

### **VIII Why Christians Cannot Be Silent**

The Israeli policies in the West Bank and the infrastructure of the illegal Israeli settlements, by-pass roads, checkpoints, and separation wall/barrier that constitute an apartheid system in the Occupied Palestinian Territories are in plain view for all to see. However, even for Christians and Americans that personally recognize this apartheid system, it is difficult for some of them to speak out and acknowledge it publicly. One reason may be fear of disturbing our relationships with some of our Jewish or Christian brothers and sisters. It is difficult for many Christians to publicly criticize the policies of Israel’s government for fear that even legitimate criticism may be seen as anti-Israel or anti-Semitic or characterized as “picking on Israel” among many countries in the Middle East with human rights violations. Some Christians believe they must silence their criticism of Israel’s policies because of the history of the Holocaust and the failure of many Christians to speak out at the time. Some believe that using the word “apartheid” has a harsh or jarring effect that can hamper constructive dialog.

Our call as Christians means we must sometimes get out of our comfort zone and risk controversy and criticism from people or organizations with which we are in relationship. It is because of this call that we must recognize what we witness in occupied Palestine, which is that Israel’s laws, practices, and policies constitute apartheid against the Palestinian people.

In 2011 a 90 year old Israeli Holocaust survivor did a speaking tour of the U.S. entitled the “Never Again to Anybody” tour. He said what some Jews learned from the Holocaust was “never again to us.” But what other Jews learned was “never again to anybody.” After World War II, Christians too vowed that never again would they be silent if a government passed laws establishing and maintaining the domination by one ethnic group over another ethnic group through systematic separation, oppression, and denial of basic human rights. Silence in the face of evil was wrong then, and it is wrong now.

### **IX. Appendices**

#### **Appendix A Recent PC (USA) Statements on Israel-Palestine**

The PC (USA) respects the human rights of the Israeli people and opposes all forms of anti-Semitism. The General Assembly (GA) recognized the daunting and mounting obstacles to reconciliation and peace with justice for both Israelis and Palestinians and affirmed with great urgency the historic Presbyterian stances with specific regard to the Israeli-Palestinian conflict, calling for:

The 219<sup>th</sup> General Assembly made the approved the Middle East Study Report’s states that:

- *The Israeli occupation leads to the denial of human rights for Palestinians and violation of international laws.*
- *One of the hopes of the Oslo interim agreement was settlement growth would cease, however the opposite has occurred, resulting in the current population of 285,000 in the West Bank and 198,700 in East Jerusalem. (maps 3, 4, 5)*
- *The growth of the number of settlements and settlers is perceived by many as an attempt by Israel to prevent the establishment of an economically viable Palestinian State. (maps 3, 4, 5)*
- *The number of housing demolitions is alarming and shocks the human conscience. It is estimated that some 24,145 Palestinian homes have been demolished in the occupied territory since 1967.*
- *Another concern of the occupation is the numerous “Israeli-only” bypass roads that carve up the Palestinian homeland and connect one settlement to another. This has a devastating effect on the ability of normal Palestinians to live out a normal life – to visit family, farm family property, to seek medical treatment, to secure employment; and to travel freely in one’s own country. (map2)*
- *While few would deny the right of a government to put a barrier on its own property line, three-quarters of this barrier is inside the West Bank on Palestinian land. This is often perceived by Palestinians as an effort to secure an illegal settlement, claim water resources, and annex Palestinian land. The location of the barrier is a violation of international law and is thus perceived as a means to pre-empt a just peace. (map 3)*

These statements portray facts on the ground are irrefutable and acknowledged by Israel. The settlement colonies, the bypass roads that connect them, and the separation wall/barrier imprison Palestinians in isolated enclaves, eviscerate the Palestinian economy, and prevent the creation of a viable, contiguous, sovereign, and independent Palestinian state.

- an immediate cessation of all violence, whether perpetrated by Israelis or Palestinians;*
- the end of the Israeli occupation of Palestinian territories and diversion of water resources;*
- an immediate freeze both on the establishment or expansion of Israeli settlements in the West Bank and on the Israeli acquisition of Palestinian land and buildings in East Jerusalem;*
- the relocation by Israel of the Separation Barrier to the 1967 border;*
- the withholding of U.S. government aid to the state of Israel as long as Israel persists in creating new West Bank settlements;*
- continuing corporate engagement through the Committee on Mission Responsibility Through Investment with companies profiting from the sale and use of their products for non-peaceful purposes and/or the violation of human rights;*
- a shared status for Jerusalem;*
- equal rights for Palestinian citizens of the state of Israel;*
- the cessation of systematic violation of human rights by any party, specifically, practices of administrative detention, collective punishment, the torture of prisoners and suspects, home demolitions and evictions, and the deportation of dissidents*
- The immediate resumption by Israel and Palestine of negotiations toward a two-state solution.*
- Military aid to Israel to be contingent upon Israel eliminating human rights abuses in the Occupied Palestinian Territories*

The 120<sup>th</sup> (2012) General Assembly passed a policy calling upon all nations to prohibit the import of products made by enterprises in Israeli settlements on Palestinian land until significant progress toward Palestinian rights and independence can be reported to the General Assembly or General Assembly Mission Council.



## **Appendix B: Definition of Apartheid**

### **International Convention on the Suppression and Punishment of the Crime of Apartheid (ICSPCA)**

The U.N. “International Convention on the Suppression and Punishment of the Crime of Apartheid,” ratified by the United Nations an international law on November 30, 1973, declared that apartheid is a crime against humanity.

Article II of this convention defines “apartheid” as follows:

Article II: For the purpose of the present Convention, the term "the crime of apartheid", which shall include similar policies and practices of racial segregation and discrimination as practiced in southern Africa, shall apply to the following inhuman acts committed 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:

- a. Denial to a member or members of a racial group or groups of the right to life and liberty of person:
  1. By murder of members of a racial group or groups;
  2. 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
  3. 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 labor of the members of a racial group or groups, in particular by submitting them to forced labor;
- f. Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.

### **Appendix C: Responding to Critics Who Believe Using the Word “Apartheid” is too Harsh**

Recognizing that Israel’s laws, practices, and policies in the West Bank constitute apartheid against the Palestinian people is merely acknowledging the facts on the ground and how they compare to the United Nations definition of apartheid. However, some supporters of this apartheid system may say using the word apartheid is “too harsh” or falsely accuse those who use the word as anti-Israel or anti-Semitic. These accusations are often made to deflect legitimate criticism of Israeli policies in order to divert attention from the facts on the ground. Those who support this overture may receive such criticism. Below are responses to such criticism.

#### **This overture is not anti-Israel**

This overture intentionally focuses on Israel’s laws, practices, and policies that promote the occupation of Palestinian territories and not Israel’s right to exist. Most critics of Israel’s occupation of Palestine also strongly support the right of Israel to exist within the internationally recognized 1967 borders and emphatically condemn violence against civilians by all parties. Israel, like all nations, has the right to provide security for their citizens by



taking appropriate measures that are consistent with international law. Holding Israel accountable to these same global standards is not anti-Israel.

Many Israeli and American Jews oppose settlement colonies on Palestinian land, all of which are illegal under international law. Within the Israeli and U.S. Jewish communities there is a growing, active and passionate debate about whether Israel's occupation of the West Bank and Gaza is in the best interest of Israel. Each side in this debate is pro- Israel, trying to discern how to assure a secure, viable, and sustainable state. Christians must support the pro-Israel positions that advocate for human rights and justice for the Palestinian people and reject the positions that promote the systematic oppression of the Palestinian people. When patriotic Americans spoke out against slavery, racial segregation, or the Vietnam and Iraqi wars some Americans falsely accused them of being anti-American. Critics of Israel's occupation of Palestine may also be falsely accused of being anti-Israel, but they are not. They are pro-human rights.

### **This overture is not anti-Semitic**

Anti-Semitism is discrimination against or prejudice or hostility toward Jews. This overture is not critical of Jews as people or of Jewish religion or culture. It intentionally states it is Israel's laws, policies, and practices towards the Palestinian people that constitute apartheid. Many Jewish individuals and human rights organizations in Israel and the U.S. recognize that Israeli actions in the West Bank and Gaza constitute apartheid. Christians must, with confidence, reject any politically motivated charges of anti-Semitism that are made to silence legitimate criticism of Israel's apartheid practices. This kind of hyperbolic language is untrue, harms civil discourse, and serves to hamper efforts to monitor, and prevent Israeli human rights violations. Not engaging in morally responsible action when faced with the clear findings of human rights organizations and the international community is morally indefensible.

### **This overture is part of an honest inter-faith dialog between Jews and Christians**

Building strong interfaith relationships with our Jewish brothers and sisters is important for many Christians and churches. They are built on mutual interest, honesty, and integrity. Interfaith conversations encompass social justice issues such as hunger, homelessness, poverty, discrimination, human rights, war, and peace. Israel's policies in occupied Palestine are but one issue. The Jewish community itself is a divided on it. An honest dialog ultimately builds stronger relationships while silence erodes them. Through honest dialog we may find some Jewish people who support the occupation and some who agree it must end. We must have confidence that the interfaith relationships we have built on many social justice issues are strong enough to sustain a disagreement on the wisdom of Israel's continued occupation of the West Bank and Gaza. Some relationships may be strengthened and some may be strained, but they are unlikely to break if they are based on honoring each other's call to be faithful to their interpretation of scripture.

### **Is it appropriate to criticize Israel's human rights violations?**

There are human rights violations and injustices in many countries in the Middle East besides Israel, and all such violations should be equally condemned. However, one reason to focus on Israel is that it receives more than one-third of all U.S. foreign aid. Americans therefore have a special responsibility to make sure that money is used to prevent social injustice, not to perpetuate it. Israel is the sixteenth richest country in the world, has the fourth largest army, is the third largest arms producer, the fourth largest nuclear power, refuses to sign the nuclear non-proliferation treaty, and has defied 70 United Nations Security Council resolutions seeking peaceful reconciliation between Israelis and Palestinians. U.S. complicity with Israel obligates us to speak out.

### **Israel's militarily occupation of Palestine is not needed for security reasons**

At any time since 1967 Israel could have allowed the United Nations to occupy the West Bank and provide security. U.N. peacekeeping missions have been successful in dozens of other countries. However, if the U.N. had occupied Palestine to provide security in 1967 or anytime thereafter, it would have preserved the land for residents of a Palestinian state and not allowed Israel to expropriate Palestinian land to build Jewish settlement colonies. Israel does not need to occupy the West Bank for security reasons. Israel chooses to occupy the West Bank so it can expand its borders and dominate the Palestinian people.

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<sup>1</sup> 2002 Rome Statute. Accessed April 17, 2013 at <http://untreaty.un.org/cod/icc/statute/romeofra.htm>.

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<sup>2</sup> The Russell Tribunal on Palestine: Final Session in Brussels. Accessed April 23, 2013 at <http://www.russelltribunalonpalestine.com/en/sessions/final-session/findings-of-the-final-session>.

<sup>3</sup> Members of the Russell Tribunal on Palestine Jury are Alice Walker, author and poet, USA; John Dugard, Professor of International Law, Former Special rapporteur for both UN Commission on Human Rights and International Law Commission; Mairead Corrigan Maguire, Nobel Peace laureate 1976, Northern Ireland; and many others. A complete list of the Jury is available in the notes. Gisèle Halimi, lawyer, former Ambassador to UNESCO, France, Ronald Kasrils, writer, activist and former government minister, South Africa, Michael Manfield, Queens Council, Master of the Bench, Greys Inn; Professor of Law, City University, London; Fellow of Law, University of Kent; President of the Haldane Society and Amicus; practicing Human Rights lawyer for 45 years, José Antonio Martin Pallin, emeritus judge, Chamber II, Supreme Court, Spain; Cynthia McKinney, former member of the US Congress and 2008 presidential candidate, Green Party, USA; Alberto San Juan, actor, Spain; Aminata Traoré, author and former Minister of Culture of Mali; Yasmin Sooka, Foundation for Human Rights; Lord Anthony Gifford, British hereditary peer and senior barrister; Angela Davis, American political activist, scholar and author; Dennis Banks, activist and writer, co-founder of American Indian Movement; Miguel Angel Estrella, Argentine Pianist and UNESCO goodwill ambassador; Stephane Hessel, Ambassadeur de France and former French resistant; Roger Waters is a founding member of the band Pink Floyd; a songwriter, bass guitar player and vocalist.

<sup>4</sup> Ronnie Kasrils, "Israel 2007: worse than Apartheid", Mail & Guardian On-line, 21 May 2007

<sup>5</sup> The Russell Tribunal on Palestine: Final Session in Brussels. Accessed April 23, 2013 at <http://www.russelltribunalonpalestine.com/en/sessions/final-session/findings-of-the-final-session>.

<sup>6</sup> B'TSelem. Accessed June 21, 2013 at: [http://www.btselem.org/water/consumption\\_gap](http://www.btselem.org/water/consumption_gap).

<sup>7</sup> The Russell Tribunal on Palestine: Final Session in Brussels. Accessed April 23, 2013 at <http://www.russelltribunalonpalestine.com/en/sessions/final-session/findings-of-the-final-session..>

<sup>8</sup> Ibid