

# THE APARTHEID SLANDER AGAINST ISRAEL

AND THE IDEOLOGICAL DISTORTION OF HUMAN RIGHTS  
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## Introduction

# The Apartheid Slander Against Israel and the Ideological Distortion of Human Rights



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The growing efforts to portray Israel as a racist state, practicing a system of “apartheid” like the one practiced by the infamous South African regime, are deplorable.

This terrible accusation against the Jewish state, which aims to criminalize its very existence, is not only coming from the United Nations—an organization that has already accustomed us to this type of outrageous language due to its undeniable bias against Israel—but also from global human rights organizations, such as Human Rights Watch and Amnesty International.



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The methodology used by these organizations in their recent reports on Israel is highly questionable; and the use of the term “apartheid” to describe the situation both in Israel and the disputed territories is completely inaccurate, from a legal point of view.

But most importantly these reports do not take into consideration that Israel, despite the fact that it has not had a single day of peace since its creation in 1948, has remained a multicultural and multiracial state, an exemplary democracy that grants equal rights to all of its citizens, in a region where that is a true rarity.

Both reports falsely accuse Israelis of having an intention to dominate the Palestinian population, motivated by a feeling of ethno-racial superiority. This is not only a false characterization of the situation but also a highly dangerous one.

The security measures and other restrictions implemented by Israel have nothing to do with race. And they cannot and should not be evaluated without considering the constant terror, violence and rejectionism this young state has always endured.

Furthermore, the criminalization of the very creation of Israel as a Jewish state, labelling it as a “racist” endeavor, without considering the historical need for the existence of this state, is extremely concerning. It also shows that anti-Semitism is now capable of penetrating mainstream organizations and normally rational minds.

The truth is that Israel is being singled out for opprobrium, in the same way that Jews were discriminated against and demonized in the past. But the fact that these accusations are now being made in the name of “human rights” makes it even more serious and shows how dangerous the ideological distortion of human rights can be, if left unchecked.

As the world’s oldest Jewish humanitarian, human rights and advocacy organization, we could not remain silent in the face of these very serious and unfair attacks against the world’s only Jewish state. That is why we decided to convene a group of renowned international law experts, who used their authoritative voices to respond to these dangerous and false accusations that are being made against Israel.

In this first part, authors Eugene Kontorovich and Thane Rosenbaum brilliantly explain the calumny Israel is being subjected to, and the real reasons behind it.

We hope this report will be a significant contribution to the task of defending justice, truth and the most basic values of our times.

*With thanks to Rebecca Rose, B’nai B’rith International Associate Director for Development & Special Projects, for her valuable collaboration with this important project.*

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## About the authors



### Eugene Kontorovich

Eugene Kontorovich is a professor at George Mason's Antonin Scalia School of Law, and the director of its Center for International Law in the Middle East. Before coming to George Mason, he had been a professor at Northwestern University School of Law for 11 years. An expert in international and constitutional law, he has published over 30 academic articles in the leading law reviews and peer-reviewed journals. His scholarship has been cited in leading international law cases in the U.S. and abroad.

Professor Kontorovich is also the head of the International Law Department at the Kohelet Policy Forum, a Jerusalem-based think tank, and is recognized as one of the world's preeminent experts on international law and the Israel-Arab conflict. He "has emerged as a one-man legal lawfare brain trust for the Jewish state," as well as "one of the cagiest commentators," according to a recent essay in Haaretz.

Professor Kontorovich also plays a leading role in many Israel-related policy matters, and is regarded as the "intellectual architect" of U.S. state laws regarding boycotts of Israel. In his work at Forum Kohelet, he regularly advises senior Israeli, U.S. and European officials on a variety of diplomatic issues.

He is a widely sought-after speaker. Professor Kontorovich has testified repeatedly in Congress about the Arab-Israeli conflict, and regularly briefs visiting European and American legislators and celebrities on their trips to Israel, as well as speaking to hundreds of universities, synagogues, Jewish and professional groups in the U.S. and Europe.

His expertise is often sought out and quoted by major news organizations such as The New York Times, The Wall Street Journal, NPR News, Associated Press, Los Angeles Times, and television and radio programs on Fox News, CNN, MSNBC, Al Jazeera, Sky News, BBC and more. Professor Kontorovich's popular writings have appeared in The Wall Street Journal, The New York Times, Los Angeles Times, POLITICO, Haaretz and numerous other leading publications.

He has been honored with a fellowship at the Institute for Advanced Study in Princeton, in 2011-2012, and with the Federalist Society's prestigious Bator Award, given annually to a scholar under 40 for outstanding scholarship and teaching.

He attended the University of Chicago for college and law school, and ultimately taught there for two years as a visiting professor. After law school, he clerked for Judge Richard Posner on the United States Court of Appeals for the Seventh Circuit. In a previous career, he was a newspaperman at The Wall Street Journal, the New York Post and for many years at the Forward.



## Thane Rosenbaum

Thane Rosenbaum is a law professor, legal and Middle East analyst, novelist, essayist and distinguished university professor at Touro University, where he directs the Forum on Life, Culture & Society.

He is the author of numerous books of fiction and nonfiction, including "Saving Free Speech ... from Itself," "Payback: The Case for Revenge," and "The Myth of Moral Justice: Why Our Legal System Fails to Do What's Right."

Professor Rosenbaum edited the anthology, "Law Lit: From Atticus Finch to The Practice: A Collection of Great Writing About the Law." His novels include, "How Sweet It Is!," "The Golems of Gotham," "Second Hand Smoke," and "Elijah Visible," among others.

He writes a twice-monthly column for the Jewish Journal of Los Angeles, for which he has received the Louis Rapoport Award for Excellence in Commentary, a once-monthly essay for White Rose magazine and has written for The New York Times, The Washington Post, The Wall Street Journal, Los Angeles Times, CNN and the Daily Beast, among other publications.

Professor Rosenbaum is the legal analyst for CBS News Radio and is a frequent guest on various cable news shows. He hosts "The Talk Show" at the 92nd Street Y.

# ISRAEL APARTHEID IS THE NEW ZIONISM = RACISM

By Eugene Kontorovich



**THE SERIES OF COORDINATED** reports by European government-funded NGOs accusing Israel of the crime of apartheid are an example of a “Big Lie”—an accusation so brazenly false, it exists in a separate reality. Merely engaging such claims gives them undeserved credibility. One would not respond to a blood libel—the classic anti-Semitic claim that Jews use Christian children’s blood for matzah—by pointing out that the matzah is kosher certified to the highest standards and thus could not contain blood. Yet saying nothing also allows the lie to spread.

This essay cannot respond to the myriad lies and distortions in the Amnesty International and Human Rights Watch (HRW) reports. The goal here will be to point out some fundamental methodological errors, as well as features of the reports that cast their very credibility into question. It will also point out what the apartheid reports miss—the presence of something that actually does have features of an apartheid in the Palestinian territories.

## I. Reviving Soviet Propaganda

While the recent apartheid reports successfully generated attention for themselves by claiming they were making a new, brave, unprecedented claim—that Israel had crossed some threshold—the apartheid accusation is really a Soviet invention more than 40 years old. Since the 1970s Israel has been hounded with baseless comparisons to apartheid South Africa, promoted by the Soviet Union to destabilize a Western ally, and embraced by the far-left across the world. Back then, such accusations were designed to resonate with movements against “imperialism.” Today, they piggy-back on momentum of Western domestic racial justice causes.

Back then, this campaign was known as “Zionism = Racism.” It reached its peak in 1975, when the United Nations General Assembly overwhelmingly passed the infamous resolution concluding that “Zionism is a form of racism and racial discrimination.” Zionism, of course, is simply the idea that the Jews should have a state as a vehicle for their national self-de-

termination, and the founding concept behind Israel. Thus, equating the very idea of Israel with racial discrimination is little different than accusing Israel of apartheid. Tellingly, the Amnesty International apartheid report claimed that Israel since its founding was an apartheid state, thus it is not any policies of Israel’s, but the idea of a Jewish state is apartheid. After the publication of Amnesty’s apartheid accusation,

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its North American director admitted in a speech to a progressive group that “We are opposed to the idea—and this, I think, is an existential part of the debate—that Israel should be preserved as a state for the Jewish people.”

There is nothing new here. A 1975 General Assembly resolution explicitly equated Israel with South Africa. Like current efforts, it relied on echo-chamber of earlier statements by international organizations condemning the “racist regime in Palestine.” But the “Zionism is Racism” campaign ultimately discredited the U.N. and became synonymous with its ingrained anti-Semitism. The resolution became such an albatross for the General Assembly that it ultimately rescinded it in 1991—perhaps the only time the U.N. has overridden one of its own resolutions.

“Israeli Apartheid” is simply a remake of the same old movie, with just a minor rebranding.



## II. Why Apartheid?

The significance of the apartheid label goes beyond particular policies and invites efforts at regime change. South Africa was met with an international boycott that ultimately led to the collapse of the regime. Not coincidentally, anti-Israel political activism now goes primarily under the brand “BDS”—boycott, divestment and sanctions. The apartheid label is an attempt to justify that.

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Indeed, the Amnesty and Human Rights Watch position is so extreme, it goes beyond even the positions of some of Israel’s harshest critics and opponents—Palestinian Authority President Mahmoud Abbas and the International Criminal Court (ICC). In a speech just weeks before the HRW apartheid report, Abbas made clear that Israel is not currently an apartheid state. The International Criminal Court has been investigating potential crimes by Israel for years and has never mentioned apartheid as part of its investigation.

Just a few months after the report was released, Israel formed a new government with not only numerous Arabs in it, but an ideologically Arab, Islamist party holding decisive power. Thus, the supposedly apartheid state is one of the only ones in the Middle East with a Muslim Brotherhood party in government, as opposed to repressed by the state.

## III. What was Apartheid?

Perhaps the fundamental methodological problem with the report—beyond its misstatements and distortions—is that it does not begin with any objective or measurable standard for what practices amount to apartheid. Extraordinary racist policies are pervasive around the world, with the genocidal treatment

of Uighurs in China a compelling example. Yet while HRW and Amnesty have criticized particular practices of other governments as being apartheid in nature, they have never accused a government of being itself an apartheid regime.

As a result, there is no baseline for its accusations. Rather, the methodology of the reports is simply to describe what Israel is doing (or in some cases had done decades ago, or in some cases has never done) and equate it with apartheid, without a need to bother with precedent or objective measurement. HRW and Amnesty throw their darts and then draw the target around them.

The HRW report uses racist language, referring to all Arabs in the area as “Palestinians,” though many of them are Druze, Bedouin or Circassians. The negation of these national identities in the name of Palestinian supremacy further reveals the bigoted and activist nature of the HRW report.

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Apartheid is not just a term for policies one dislikes; it is an international crime 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.” These “acts” include such things as “widespread” murder and enslavement. This simply has no application to Israel.

Israel is also accused of Apartheid for its Nation State law, which is a symbolic and declarative measure about national identity no different from the

collective identity provisions of many European constitutions. The reliance on the Nation State law is also legally sloppy, since HRW and Amnesty invoke the Rome Statute of the ICC for its definition of apartheid, presumably because it avoids mentioning South Africa. Yet Israel has not joined that statute. While the ICC has improperly claimed jurisdiction over “Palestine,” much of what the reports rap Israel for takes place within the Green Line, outside of any arguable ICC jurisdiction.

To understand how baseless the apartheid accusation is, one must understand what apartheid was. South Africa remains the touchstone for any definition of the crime, as it is the only consensus case. The very essence of apartheid was the physical separation—apartness—of people based on a legislated racial hierarchy. There is no racial or ethnic distinction in Israeli law. Under the South African Reservation of Separate Amenities Act of 1953, municipal grounds could be reserved for a particular race, creating, among other things, separate beaches, buses, hospitals, schools and universities. Inside of Israel there is no separation of this sort. In Judea and Samaria Israelis and Palestinians buy at the same stores, work together and more. In South Africa, public beaches, swimming pools, some pedestrian bridges, drive-in cinema parking spaces, parks and public toilets were segregated. Restaurants and hotels were required to bar Blacks. In Israel and all territories under its jurisdiction, Palestinians patronize the same shops and restaurants as Jews do.

Under the Bantu Homelands Citizenship Act of 1970, the government stripped Black South Africans of their citizenship, which deprived them of their few remaining political and civil rights in South Africa. In parallel with the creation of the homelands, South Africa’s Black population was subjected to a massive program of forced relocation. Israel did not dislocate Arab citizens to the Palestine Liberation Organization territories or revoke citizenships.

The Black “Bantustans” were created by the apartheid government itself under a series of laws. Because they were generally regarded as puppets of Pretoria, their supposed independence was not

recognized by other countries. The Palestinian government was created by the Palestinians themselves and is recognized internationally as the legitimate representative of the Palestinian people by almost every country in the world. The Palestinian Authority (PA) governs 90% of the Palestinian population, as provided in the Oslo Accords.

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Blacks in South Africa were deprived of their political rights. Israeli Arabs have full voting rights for the Knesset, while Palestinians in the territories have voting rights for the Palestinian Legislative Council. Israeli citizens do not have voting rights in the Palestinian government, because it is a different and independent government. By the same token, Palestinians do not vote in the Knesset—not because it is apartheid, but because since the 1993 Oslo Accords, they have had their own government.

Unlike non-White South Africans, the Palestinians have been offered full international statehood by Israel numerous times—and have turned it down as many times. Throughout the history of apartheid, Whites never offered internationally recognized statehood to Blacks. And when they finally did, Nelson Mandela promptly accepted. Indeed, the Palestinian ability to repeatedly reject full statehood offers shows that the conditions under which they live cannot be compared to apartheid.

#### **IV. Ignoring Oslo**

Another major methodological failing is that the reports treat the Palestinians as silent objects, rather than political actors who have shaped their own des-

tiny. In particular, the reports ignore the reality of Palestinian self-government and systematic Palestinian efforts to murder Israeli Jews. Yet since 1993 the Palestinians have had their own government, which regulates almost every aspect of their lives. Unlike South African Bantustans, the PA government is recognized by most countries of the world, and functions outside of Israeli control. Unlike South Africa, Israel does not tax the Palestinians, draft them or impose other legislation upon them.

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Under the Oslo Agreements, the PA government and Israel agreed on a framework for dividing authority and jurisdiction in areas where their governments and populations are intertwined. The HRW report cites those very features as evidence of apartheid—in effect saying that the internationally-backed Oslo Accords, for which several Nobel Peace Prizes were awarded, is equivalent to apartheid. Gaza has been entirely ruled by Hamas since Israel withdrew in 2005.

By pretending the Palestinian government does not exist, the report remarkably ignores actual apartheid-like policies. The Palestinian Authority pays generous salaries to people simply for murdering Jews. It prohibits Palestinians—with severe penalties—from selling land to Jews. These policies resemble apartheid and are not found anywhere in the HRW and Amnesty ponderous reports. Indeed, the HRW report speaks of “Israeli Palestinians,” but it never speaks of Jewish Palestinians—because the PA has created a regime where it is impossible for Jews to live in its jurisdiction, and actively campaigns for the expulsion of all Jews from the West Bank.

All of the movement restrictions and the separation wall were established not as part of a policy of racial separation, but only in response to the murderous

wave of terror unleashed by the PA in 2000, which killed over 1,000 Israelis. It is undisputable that such restrictions did not previously exist. HRW tries to paint self-defense as subjugation, and thus makes no mention of the mass-murder of Israeli civilians.

Indeed, the HRW report whitewashes terrorism against Jews while smearing Israel. It refers to terror organization Hamas as a “political party.” In 13 references to the organization that rules Gaza, it never once acknowledges that Hamas is listed as a terrorist organization by Israel, the United States, the European Union and others. At 217 pages, HRW can hardly claim space constraints for such omissions. This is not the approach of an intellectually serious report, but of a politically motivated campaign.

## **V. Palestinian Apartheid**

What makes the “Israel apartheid” meme particularly despicable is that it is not just a lie—it is an inversion of the truth. In all areas controlled by Israel, Jews and Arabs mix freely and openly. Yet the Palestinian Authority has for decades ruled over roughly half the West Bank and all of Gaza—and all the areas under its jurisdiction are Jew-free.

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There is not a single Jewish community living anywhere under Palestinian control. This is not a result of Jewish preferences. Jewish communities exist in countries across the world; they would certainly exist 10 minutes from Jerusalem if it were not for the PA’s policies of maintaining Palestinian supremacy, excluding Jews and inciting violence and prejudice against them.

For example, Palestinian law prohibits selling land to Jews—a crime punishable by life at hard labor, and often informally, by death. Nor does the PA recognize the validity of any Jewish private property titles.

Last year, a Palestinian religious official said on official Palestinian TV that “this land is a pure right of its Muslim owners, the people of Palestine.” A senior PA official said, “Whoever sells real estate to the enemy... is considered a traitor to the religion, the homeland, and the people, and all those who commit this must be punished.” In Israel, by contrast, Arabs enjoy full property rights, enforced by the courts against Jews.

The South African government used death squads against Blacks. The Palestinian government pays salaries to terrorists for killing Jews—the more people killed, the bigger the reward. And it regularly imprisons the few brave Palestinians who speak out against its policies.

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In all the territories controlled by the Palestinian government, Jews are prevented from worshipping at their holy sites (despite explicit provisions in the Oslo Accords requiring the PA to protect such worship). When they manage to visit such shrines, Jews must come in the middle of the night, under armed guard. And even in areas under Israeli control, like the Temple Mount, the PA prevents public Jewish prayer by threatening mass violence if Jews “pollute” it with their “filthy feet.”

All this is part of a larger vision. The Palestinian constitution defines “Palestine” as an exclusively “Arab nation,” makes Islam the official religion and Arabic the sole official language. At the same time, Palestinian officials and educators deny any Jewish history or connection to the place. In Israel, on the other hand, Judaism is not the official religion. Both Hebrew and Arabic enjoy official status. Yet Amnesty claims that merely identifying as a “nation state” of a particular

people is an apartheid practice—at least when it comes to Israel.

As a legal matter, while Ramallah’s treatment of Jews is grossly discriminatory and violates human rights, it is impossible to say it formally qualifies as de jure “Apartheid.” That is because the standard for apartheid has been set so high by the international community, that thus far, only South Africa itself has been deemed a clear case. But by the new standards implicit in Amnesty’s report, the Palestinian government is doubtless guilty of apartheid. 



# THE TERRORISM OF UNTRUTHS

By Thane Rosenbaum



**IMAGINE A LARGE**, boisterous high-rise condominium, occupied by colorful people of different races, ethnicities and nationalities. Each floor is divided according to owners who share similar identities and characteristics. And each housing unit varies widely in size and overall dimension.

The condo rules specify that each occupant is entitled to peace and quiet, and all condo owners are required to treat one another with mutual respect. The condo association may not force a sale or seize any of the units.

What would you say if all the unit holders on the 8th floor, refused to respect the ownership rights of the family that lived in the smallest unit on the floor—J? The occupants of Unit 8J just happen to be Jewish; indeed, they are the only Jews in the building.

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Over decades of cohabitation, the colluding neighbors on the 8th floor wanted another family, one that shared their ethnicity and religion, to occupy 8J, instead. Let's call that family P.

Interestingly, despite the enormous size of their respective units, none offered to divide their space to create a new unit for P. And despite their cramped quarters, the occupants of 8J were willing to partition their home and make room for the P family. The P family, however, refused the offer. They wanted to possess 8J in its entirety.

P tediously and bitterly waited outside the high-rise, vengefully throwing rocks at the window of 8J. Rather

than build a life elsewhere, they focused on making Unit 8J miserable. Years passed and, surprisingly, given their common interests, some of the stakeholders on the 8th floor developed friendlier ties with Unit J.

Welcome to Israel, the only nation where self-determination and statehood are believed to be provisional.

My parable about prejudice in a condominium is an object lesson about Jewish vulnerability. After all, surely there were rambunctious, noxious occupants within the building who were not subject to the same discriminatory treatment.

If you think of the United Nations as a condo association (it, too, is a big building), you might be surprised to learn that the Preamble of its charter requires that member states "practice tolerance and live together in peace with one another as good neighbours." Article II states that the U.N. "is based on the principle of the sovereign equality of all its Members." States must "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

How is it that Iran repeatedly threatens to wipe Israel from the map while being a member in good standing at the U.N.?

Therein lies the endless ironies and double standards that the international community applies only to one state—the only liberal democracy in the Middle East. Israel is subject to wildly disproportionate condemnation in both the Security Council and General Assembly of the U.N.<sup>1</sup> It is the sole subject of Agenda Item 7 before the U.N. Human Rights Council (all other nations fall under Item 4). The International Criminal Court salivates at the prospect of obtaining jurisdiction over Israel, while UNESCO laughably has found no historical connection between the Jewish people, the Jewish state and the Holy Land—notwithstanding the Old Testament, archeological evidence to the contrary and the inconvenient truth that long

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1 <https://jewishjournal.com/commentary/columnist/333052/at-the-icc-hypocrisy-and-anti-israel-bias-reach-new-heights/>

before the Ancient Greeks, Israel was called the Kingdom of Judea.<sup>2</sup>

More recently, and unsurprisingly, both Amnesty International and Human Rights Watch have issued lengthy, one-sided, historically inaccurate and legally suspect reports demonizing Israel as an apartheid state. The International Human Rights Clinic at Harvard Law School<sup>3</sup> weighed in with the same verdict, and Amnesty International's USA Director Paul O'Brien, speaking in March, reportedly told an audience that "Israel should not exist as a Jewish state."<sup>4</sup>

Denying Israel's existence has become common parlance and practice since the country's birth in 1948. But why is only Israel singled out for a statehood denied—a nation created through various resolutions, treaties, the League of Nations and the U.N. itself in 1947,<sup>5</sup> and having already assumed its place among the community of nations, now illegitimate, taken off the map with misgiving that Israel's creation was a momentary lapse in global judgment?

Perhaps the Holocaust set a precedent that Jews can be made to disappear. Stripping them of their state perhaps is not so farfetched. It would be remembered, if honestly, as a 74-year experiment where Israel never enjoyed a single day of peace.

One can't help but conclude that the self-determination of Palestinians is a moral imperative, which is why anti-Zionism is justified as an urgent human rights matter. The self-determination of Jews in their ancestral homeland, however, is unapologetically rescindable.

There are already 22 failed Arab states under any criteria for liberal societies: equal rights for women and the LGBTQ community; freedom of speech, press and religion; democratically held elections; an

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independent judiciary. If you want to watch a rock concert in the Middle East and Persian Gulf and sit beside women wearing tank tops and homosexuals holding hands, Israel is your only choice of venue.

Yet, Amnesty International and Human Rights Watch won't be issuing any investigative reports about those deprivations. If Israel one day decided to ban Kanye West or Jennifer Lopez from performing in Tel Aviv (both have appeared there), it would become an international incident, further evidence of Israel's racism.

The wars that Arab nations and Palestinian terrorists have been unable to win against Israel have opened up into a new theater: a war of defamatory words, anti-Semitic semantics, the semiotics of Palestinian suffering. It's a war that depends on the general public's ignorance about history and geography, and that sticky congenital habit of Jew-hatred. Ammunition that never runs out and aimed at Israel's pariah status.

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2 <https://www.jns.org/opinion/an-end-to-the-ambiguity/>

3 <https://www.algemeiner.com/2022/03/20/israeli-un-envoy-denounces-report-from-harvard-law-group-palestinian-ngo-alleging-apartheid-in-west-bank/>

4 <https://www.newsweek.com/amnesty-international-reveals-its-malice-israel-cloaked-ignorance-opinion-1687982>

5 <https://blogs.timesofisrael.com/if-you-repeat-occupation-often-enough/>

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Israel has no Iron Dome for transmissible lies, no cover for modern day blood libels. The distortions of mainstream and social media, the mob rule of campus BDS campaigns, the manipulations of spiteful college professors, is a new form of terrorism that is much harder for Israel to counter—the terrorism of untruths.

Which brings us to the latest: “apartheid.” It’s a ludicrous charge, not unlike the “ethnic cleansing” of Palestinians, which, fortunately, is not the subject of these recent reports. The Palestinian population has more than doubled since the “Occupation.” If your population has doubled during a genocide, then your people haven’t experienced genocide. Here the charge is a slyly sinister weapon against Israel. Jews survived the ashes of Auschwitz only to persecute the Palestinians in the same way?

Israel learned similar lessons from South Africa? That’s, apparently, the allegation. Yet, there is no equivalence. Jews and Arabs ride the same public transports and eat in the same restaurants. Arabs serve on the Supreme Court and in the Knesset—one of its parties is seated in Prime Minister Naftali Bennett’s coalition government. Druze and Arabs volunteer for the Israel Defense Forces. An Ethiopian Jew was crowned Miss Israel.

When in South Africa, under Apartheid rule, was that level of civil rights and political and cultural participation possible?

These reports from Amnesty International and Human Rights Watch are fascinating in what they deliberately omit. They recognize that the elements of the 1973 Convention on Crime of Apartheid and the 1998 Rome Statute of the International Criminal Court are not met. There is no “systematic oppression and domination by one racial group over any other.” Jews and Arabs are not racial groups, and there is no “racial separation” between them.

Now we are being told, however, that the separate identity of Palestinians, and their feelings of marginalization and inequality, are sufficient to establish Israel’s domination for apartheid purposes. The national and ethnic origin of Palestinians is a proxy for skin color and genetic traits. It doesn’t need to be racial discrimination for it to be apartheid. And it doesn’t have to be a real separation or widespread domination, either. The absence of a racial component is but a minor detail. Inequality is enough.

Call it: “Apartheid-Lite.” The freedoms and opportunities given to Arabs and Jews, on an equal basis, is irrelevant if there are resulting inequalities. Sound familiar? We’ve been told by the 1619 Project and Critical Race theorists that the United States is an irredeemable racist society because there are inequalities that people of color experience—all attributable to racism, and nothing else. But to suggest that discrimination of any kind constitutes apartheid is like diagnosing a cold as cancer.

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Amnesty International and Human Rights Watch might as well indict the United States as an apartheid state, too.

To establish that there are two standards of justice and civil rights in Israel, the reports conflate Israeli Arabs with Palestinians living in the West Bank and East Jerusalem. Gaza is mentioned, too. Facts and conclusions are a game of bait and switch.

But the West Bank is not Israel. The legal system that applies in the West Bank was created under the conditions of a military occupation after Israel's victory in a defensive war fought in 1967. And, yes, the law as applied to the 400,000 Jewish settlers in the West Bank and East Jerusalem differs from how it applies to Palestinians under military rule.

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***Israel's right to preserve and defend its Jewish homeland is not the same thing as having an intent to dominate the Palestinian people.***

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Under international law, however, until the return to peaceable borders can be achieved, Israel has no obligation to withdraw from the West Bank—indefinitely. The reasons why there are two systems of justice have everything to do with Palestinians refusing to demonstrate that they are interested in nation building rather than hastening the end of the Jewish state through terror.

So when the reports speak about the living conditions of Palestinians in Israel without differentiating between the official borders of Israel, and those living in the West Bank and East Jerusalem, they are truly mixing dates and figs. Yes, in the West Bank, a security barrier inhibits freedom of movement. And, yes, there are occasional home demolitions and forced

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***Shouting “apartheid” and “ethnic cleansing” won’t change the reality for Palestinians locked in a time warp.***

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evictions, but not in Israel, and only because Palestinians refuse to fully renounce violence and terror. The South African government didn't dominate its Black population because of domestic terrorism or the unwillingness of Black South Africans to live in peace with the White population.

Israel's right to preserve and defend its Jewish homeland is not the same thing as having an intent to dominate the Palestinian people. Defending against Palestinian violence has an ancillary impact on Arabs, but whose fault is that? Moreover, yes, it is true: Nationality in Israel is not equal even though everyone possesses the same civil rights, and the Right of Return will never be granted. But the reason for those “inequities” is simple: Israel is the home of the Jewish people, and as a functioning democracy, the Jewish majority must be maintained. That, however, doesn't make it an apartheid state.

Shouting “apartheid” and “ethnic cleansing” won't change the reality for Palestinians locked in a time warp. Over the past 75 years, Palestinians were offered statehood five times.<sup>6</sup> Had they accepted, and committed themselves to being a good neighbor and providing a better future for their

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***It's not about “apartheid” for these groups; it's about Jews, and finding new ways to persecute them.***

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6 <https://jewishjournal.com/commentary/opinion/316034/palestinians-revisionist-history-chains-them-a-lie/>

children, Amnesty International and Human Rights Watch would have had to come up with different reasons for hating Israel.

It's not about "apartheid" for these groups; it's about Jews, and finding new ways to persecute them. Anti-Zionists won't admit what their passions are really about, and the logical conclusion of a remade Middle East. Because if you oppose a Jewish homeland, then you essentially like the way it was before: Where, for 2,000 years, Jews were vulnerable to expulsions, pogroms, mass killings, blood libels and political disenfranchisement.

That's exactly why the official definition of anti-Semitism, delineated by the International Holocaust Remembrance Alliance, which has been adopted by 28 countries, including the United States of America, specifies that denying the self-determination of the Jewish people, and holding Israel to a standard asked of no other nation, is categorically anti-Semitic.<sup>7</sup> Denying the existence of Israel is not a political opinion. It's just a cynical and deceptive way to hate Jews.

Ironic how this recent "apartheid" fixation coincides with the Gulf States normalizing relations with Israel through the Abraham Accords.<sup>8</sup> Apparently, NGO "human rights" organizations are now filling the void left by Arabs who see a wonderful investment opportunity in Israel and have, finally, tired of the Palestinians.<sup>9</sup> Amnesty International and Human Rights Watch look at Israel and somehow miss a vibrant, pluralistic democracy, a high-tech juggernaut, the beaches, cultural life and overall happiness of its people.<sup>10</sup>

All they see is an apartheid state. 🇺🇸

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*Denying the existence of Israel is not a political opinion. It's just a cynical and deceptive way to hate Jews.*

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7 <https://www.jta.org/2021/01/15/global/the-ihra-definition-of-anti-semitism-and-why-people-are-fighting-over-it-explained>

8 <https://jewishjournal.com/commentary/columnist/326073/the-abraham-accords-show-what-past-diplomats-got-wrong/>

9 <https://jewishjournal.com/commentary/opinion/320791/uae-and-the-loss-of-patience-with-palestinians/>

10 <https://www.jns.org/israel-jumps-two-slots-to-no-9-on-world-happiness-report/>

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# Elected Leaders from the United States and Europe Condemn the Apartheid Charges Against Israel

## MEMBERS OF U.S. CONGRESS

### **Representative Henry Cuellar (D-Texas)**

*"Israel is not an apartheid state. Full stop. These inaccuracies incite anti-Semitic behavior against the Jewish people. Lies that incite violence, but do nothing to help the Palestinian people."*

### **Representative Steny Hoyer (D-Maryland)**

*"(I am) proud to stand with Jewish Democratic Members of Congress as they speak out against the anti-Semitic statement by the Executive Director of Amnesty International USA that denies the Jewish people's right to self-determination in their ancestral homeland of Israel."*

### **Senator James Lankford (R-Oklahoma)**

*"Instead of focusing on actual human rights violations from countries like China—Amnesty International instead has decided to go after Israel on claims they can't even back up."*

### **Senator Robert Menendez (D-New Jersey)**

*"By identifying Israel's very establishment as the foundation for this accusation, Amnesty International has joined a growing chorus of vicious voices intent on denying Israel's right to exist through slander, misinformation, and ignoring that both Israelis and Palestinians are responsible for their own fates."*

### **Senator Rick Scott (R-Florida)**

*"Amnesty International has proven itself to be a sham of a 'human rights' organization that perpetuates anti-Semitic propaganda and refuses to hold the world's dangerous and genocidal regimes accountable, like Communist China, Iran, Russia and Venezuela. In March, the Amnesty International USA Director said, 'We are opposed to the idea that Israel should be preserved as a state for the Jewish people.' Under no circumstances should American taxpayer dollars subsidize this or any organization that continually acts against U.S. interests and demonizes our great ally, Israel."*

### **Representative Ritchie Torres (D-New York)**

*"Calling Israel an apartheid state, as Amnesty International has done, is a lie. The hysterical demonization of Israel will do nothing to alleviate Palestinian suffering. It will only incite hatred for the world's largest Jewish community, amid violent Antisemitism."*

## MEMBERS OF THE EUROPEAN PARLIAMENT

### **MEP Nicola Beer, Vice-President of the European Parliament**

Renew Europe

Special envoy on combatting religious discrimination, including anti-Semitism

Member of the Delegation for Relations with Israel

*"I condemn the claims that Israel has established an apartheid regime. This does not bring people any closer to resolving the conflict, but rather deepens the rifts. It thwarts the efforts for peace and fuels anti-Semitism around the world. Instead of blanket accusations, we need more efforts to build bridges."*

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# Elected Leaders from the United States and Europe Condemn the Apartheid Charges Against Israel

## MEMBERS OF THE EUROPEAN PARLIAMENT

### **MEP Dietmar Köster, Progressive Alliance of Socialists and Democrats in the European Parliament**

Member of the Committee on Foreign Affairs

*"I condemn the claim that Israel is an apartheid state. The concept of apartheid is closely bound up in a historical context from which it should not be torn and thus trivialized. The reference to Israel is scientifically unclean and simply misplaced. Once again Israel is being demonized and delegitimized. This plays into the hands of those who would prefer to see the Jewish state come to an end."*

### **MEP David Lega, European People's Party**

Member of the Committee on Foreign Affairs

*"It's deeply worrying that a human rights organisation claims that Israel is engaged in apartheid. I am very concerned about the obvious biases against the only democracy in the Middle East. In fact, Arabs with Israeli citizenship fully enjoy their civil and political rights, to vote, be elected, serve in government and pursue all professions in Israel. What kind of apartheid system would allow that? Regrettably, this campaign will effectively decrease the prospects for the peaceful two-state solution to the Israeli-Palestinian conflict."*

### **MEP Antonio López-Isturiz White, Secretary General, European People's Party**

Chair of the Delegation for Relations with Israel

*"Apartheid is a system of segregation that goes against all the values and principles that Israel represents since its foundation. Israel was created based on a U.N. resolution, it is a multicultural society and its political diversity is enshrined in its institutions. It is one of our strongest allies, with whom we share our democratic values. The claim that Israel is an apartheid state also falls under the IHRA definition of anti-Semitism. As such, it needs to be wholly and undoubtedly rebutted."*

### **MEP Bert-Jan Ruissen, European Conservatives and Reformists**

Vice-Chair, Delegation for Relations with Israel

*"The NGOs that accuse Israel of the crime of apartheid undermine their own credibility as their blatant accusations are unreal and not based on facts on the ground. We should firmly stand up against such deliberate attempts to delegitimize the State of Israel and against the accompanying anti-Semitic rhetoric."*





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