

Israel's High Court exposes Israeli apartheid regime

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Press release: Badil Center for Palestinian Residency and Refugee Rights

January 14, 2012



The following is a Jan. 12 press release from the Badil Center for Palestinian Residency and Refugee Rights on an Israeli High Court decision the previous day upholding one of the most blatant examples of Israel's racist apartheid system. The High Court is the equivalent of the Supreme Court in the U.S. system.

On 11th January 2012, Israel's High Court rejected a legal challenge, brought by Adalah, ACRI and other Israeli human rights organizations, to one of the most obvious pieces of Israeli apartheid legislation: the 2003 Temporary Amendment to the Citizenship and Entry into Israel Law. This law suspends the possibility of Palestinian citizens of Israel and Jerusalem ID-holders gaining permission, through family reunification, to legally live in Israel or occupied East Jerusalem with their spouses from the occupied Palestinian Territory (OPT) or from purported "enemy states." This decision confirms the Court's earlier ruling on the issue, in May 2006, and entrenches this discriminatory law within the apartheid legislation of Israel, whose public institutions uphold the regime.

In May 2002, Israel issued decision 1813 which froze the applications for all Israeli citizens or East Jerusalem residents which involved Palestinian spouses from the OPT, giving the reason that the government feared a "creeping right of return" through the unification process. In 2003, this policy was legally enacted by the Knesset, which passed the 2003 Temporary Amendment to the Citizenship and Entry into Israel Law which was amended in 2005 and 2007. Since the overwhelming majority of Israeli citizens wishing to marry spouses from the OPT are Palestinians, the law is overtly discriminatory towards Palestinians and violates the right to family life. Notably, the 2003 amendment does not change the situation for Israeli citizen spouses applying to be joined either by foreign spouses or Israeli settler spouses living in the OPT.

Similarly, the process of applying for family reunification by those living in the OPT (i.e. to bring their spouses in from outside the OPT) has been under Israeli control since the 1967 occupation. According to MIFTAH over 150,000 applications for family reunification in the OPT were requested between 1973-2000 and only a few thousand of them were approved by Israel. Since 2000 the whole procedure has been officially frozen and only a few thousand more have been granted on the basis of "good will gestures."

This "system" is one of many Israeli apartheid measures aimed at changing the

demographics in Israel and the OPT towards an exclusive Jewish population. Palestinian families who happen to have different residency statuses — Israeli citizen, Jerusalem ID, West Bank ID or Gaza ID — issued by Israel cannot legally live together within “Historic Palestine” which includes Israel and the OPT. They are then faced with a choice of living abroad, living apart from one another or taking the risk of living illegally in one place or another.

This demographic intention is reflected in one of the reasons given by the Court for its decision: “human rights are not a prescription for national suicide.” This reason was further emphasized by Knesset-member (MK) Otniel Schneller who stated, “the decision articulates the rationale of separation between the (two) peoples and the need to maintain a Jewish majority ... and character of the state” and by MK Yaakov Katz who said “... the State of Israel was saved from being flooded by 2-3 million Arab refugees.” This illustrates once more the Israeli self portrait as an exclusively Jewish state with a different set of rights for its Jewish and non-Jewish (mainly Palestinian) inhabitants.

Israel can either be the self-proclaimed modern and democratic nation state with equal rights for all its citizens, regardless of their religion, ethnicity, language or tribal heritage or an ethnocracy, enforcing a regime which ensures domination by one “racial” group over another; thus an apartheid state. Israel’s High Court has clearly illustrated that it is the latter.

Adalah has identified more than 30 main laws which discriminate, directly or indirectly, against Palestinians and constitute the legal aspect of the Israeli regime which was recently identified as one of apartheid across all of historic Palestine by the Russell Tribunal on Palestine.

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