



# COVID-19 AND APARTHEID

## LIVING WITH RIGHTS DENIALS, ARBITRARINESS, AND FEAR

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**T**he inability to envisage a foreseeable end to the extraordinary measures being imposed in response to the novel coronavirus (COVID-19) pandemic has generated much uneasiness and distress around the world. With lockdowns and isolation measures put in place across cities, regions, and entire countries, the global experience has largely mirrored a reality that Palestinians have known for decades. The inability to control one's life, a myriad of movement restrictions, denial of access to basic services, including health care, and family separation are just a fraction of the policies Israel has long imposed over Palestinians. Today more than ever, people around the world who are experiencing the COVID-19 pandemic can relate to Palestinians living with fear, insecurity, and uncertainty under Israeli policies and practices of colonization and apartheid.

During the *Nakba* or the "catastrophe" of 1948, Palestinian society was decimated when nearly two-thirds of the the Palestinian people were forcibly uprooted from their homes, dispossessed and forced into prolonged refugeehood across the region. In the aftermath of the *Nakba*, Israel put in place legislation to seal Palestinian displacement and treated Palestinian refugees and displaced persons as criminals and "infiltrators" for attempting to return to their lands and property, an inalienable right still denied to them seven decades later. Palestinians who remained within the Green Line, a quarter of whom were internally displaced, were forced to live under Israeli lockdown during a state of emergency military rule, a reality which lasted 19 years. Continuing until 1966, Israel's military administration over Palestinian citizens, rooted in institutionalized discrimination, sought to control every aspect of their lives: rights were severely repressed, particularly freedom of movement. Closures were imposed, exit and entry permits were required, and a curfew was put in place. These oppressive policies and practices, etched into the Palestinian collective memory, culminated on October 29, 1956, with the Kufr Qasem massacre, when Israeli border police killed 49 Palestinians, most of them farmers returning from their work in the fields. Little did they know that a curfew had been imposed on their village earlier that day.<sup>i</sup>

Beyond the Green Line, freedom of movement restrictions imposed as widespread collective punishment have been a staple of Israel's prolonged military occupation of the West Bank, including East Jerusalem, and the Gaza Strip. From regular curfews and closures imposed on Palestinian cities and towns – including during the years of the first and second Intifadas and more recently with the complete lockdown of Hebron and its surroundings in July 2016, affecting 700,000 Palestinians at the time<sup>ii</sup> – Israel has consistently employed security and counter-terrorism rhetoric as a pretext to deny Palestinians the ability to exercise their inalienable rights. Over the years, closure and isolation policies have fragmented the Palestinian people and the occupied Palestinian territory through ever-increasing residency and access restrictions, the perpetual denial of family unification, and the imposition of a permit regime that has prevented Palestinians from moving from one area of the territory to the other. Starting in 2002, the construction of the Annexation Wall in the West Bank, including in and around East Jerusalem, has disrupted family life, separated farmers from their lands, and divided Palestinian communities, while severing Palestinian East Jerusalem from the rest of the West Bank.

More severe still is Israel's prolonged closure policy imposed as collective punishment over two million Palestinians in the Gaza Strip. With closure measures imposed since 2000, and increased restrictions since 2007, Palestinians in the Gaza Strip have been isolated from the rest of the world and confined to one of the most densely populated areas on earth. Most Gazans are

While the coronavirus has disrupted peoples' lives in almost every part of the globe, restricting freedom of movement and the right to family life, Palestinians have been living for decades with uncertainty and arbitrariness imposed by Israel's settler-colonial enterprise and apartheid regime, controlling their every move and the most basic aspects of their lives.

Palestinian refugees from 1948, with Israel having denied their right of return to their homes, lands, and property ever since. Distinct from what the rest of the world is facing under lockdown today, the siege has undermined all aspects of Palestinian life in the Gaza Strip, including access to basic services such as health care. Some 97 percent of water is now unfit for human consumption, 68 percent of Palestinians are food insecure,<sup>iii</sup> and poverty has reached 53 percent, affecting over a million Palestinians in the Strip, including over 400,000 children.<sup>iv</sup>

As root causes of Palestinian rights deprivations, Israel's prolonged closure of the Gaza Strip and the occupation of the Palestinian territory

at large deprive the Palestinian people of their means of subsistence and undermine the exercise of their right to self-determination, including permanent sovereignty over natural resources. These discriminatory policies and practices are not isolated. They form part of an institutionalized regime of systematic racial domination and oppression over the Palestinian people, which amounts to the crime of apartheid. Over the years, Israel has strategically fragmented Palestinians into four separate legal, political, and geographic domains that comprise Palestinians with Israeli citizenship, Palestinian residents of East Jerusalem, Palestinians in the West Bank and the Gaza Strip, and Palestinian refugees and exiles abroad. Fragmentation, a main tool through which Israel has entrenched its apartheid regime, has ensured that Palestinians from different areas are unable to meet, group, live together, share in the practice of their culture, or exercise any collective rights.<sup>v</sup>

Embedded in a system of impunity, Israel has created a coercive environment designed to weaken Palestinians' ability to effectively challenge the many facets of Israel's apartheid regime, including through mass arbitrary detention and arrests, torture and other ill-treatment sanctioned by Israeli courts, and widespread collective punishment.<sup>vi</sup> Amongst other measures, Israel has systematically denied Palestinian patients and their companions access to health care, in particular those from the Gaza Strip, and used that very need for treatment as the basis for interrogations and attempts to coerce Palestinians into collaborating with the Israeli occupying authorities in exchange for treatment.

In response to COVID-19, the Israeli government swiftly moved to adopt emergency regulations, which have the potential to further restrict Palestinians' rights and freedoms through mass surveillance. Bypassing the Israeli legislature, the Israeli government has used the opportunity provided by the COVID-19 pandemic to put in place draconian measures that infringe upon basic rights, including by allowing the Israeli intelligence to track cell phones of COVID-19 patients or those suspected of being infected.<sup>vii</sup> Allowing extraordinary measures to be used as a pretext in the fight against the coronavirus, Israel has drawn on decades of so-called counter-terrorism measures, which have entrenched Israel's system of control over Palestinians.

As such, while COVID-19 has reminded the world of our common humanity, it also has the potential to exacerbate existing structures of oppression and inequality. While the world is facing the same pandemic, Palestinians will not be able to equally mitigate its impacts under Israeli occupation, colonization, and apartheid, policies which for decades have undermined the right of Palestinians to the highest attainable standard of health, including access to health care and the enjoyment of the underlying determinants of health. In this context, Israel's apartheid regime aggravates the impacts of the COVID-19 pandemic, with the public health emergency disproportionately affecting Palestinians.



The Wall in 2004 in Al-Ram, winner of Canada Foreign Department Photo Competition in 2008. Photo by Bassam Almohor.

As of March 24, 2020, the World Health Organization (WHO) has recorded 334,981 confirmed cases of COVID-19 in 189 countries and territories around the world;<sup>viii</sup> Israel has confirmed 1,656 cases, while 58 cases have been recorded in the West Bank. In addition, two COVID-19 cases have been diagnosed in patients returning to the Gaza Strip, with growing fears of the pandemic spreading throughout the Strip. Given severe overcrowding, the contamination of most of the water supply, and a health care system already on the verge of collapse,<sup>ix</sup> Israel's siege hampers the ability of Palestinians in the Gaza Strip to adequately prevent and mitigate the impacts of a potentially catastrophic outbreak.<sup>x</sup>

In the Gaza Strip, as elsewhere, Palestinian refugees living in densely populated refugee camps and suffering from decades of protracted conflict are particularly susceptible to the threats of the coronavirus, with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) currently strengthening preventive measures to reduce the risks of COVID-19 transmission.<sup>xi</sup> The fear of a rapid spread is compounded in Israeli prisons, where Palestinian prisoners and detainees are kept in overcrowded cells lacking proper hygiene requirements and ventilation and face deliberate medical neglect with hundreds suffering from chronic diseases that go untreated.<sup>xii</sup> Even in terms of access to information and

The pandemic has reminded us of the interdependence of the world we live in, where action taken on the national level can have a global impact. It reminds us that only when states take effective measures can systems of oppression, such as colonialism and apartheid, eventually be overturned.

awareness raising, initial materials released by the Israeli Health Ministry on COVID-19 were almost exclusively in Hebrew and virtually unavailable in Arabic,<sup>xiii</sup> again the result of decades of institutionalized discrimination and oppression.<sup>xiv</sup>

In our globalized world, it only takes hours for infectious diseases to spread from one country to another. Whether in China, Italy, or Iran, this is a testament to how interconnected our world has become. The same is true for overturning systems of oppression. When states around the world decide to take effective measures, such as economic sanctions, to put an end to Israel's apartheid regime, apartheid will inevitably fall the same way it fell in South Africa.

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Palestinians and Israelis alike dread an outbreak of COVID-19 in Gaza. Photo courtesy of al-monitor.com.

<sup>i</sup> Mossawa Center, "The Palestinian Arab Citizens of Israel: Status, Opportunities and Challenges for an Israeli-Palestinian Peace," June 2006, p. 10, available at <http://www.mossawa.org/eng/Public/file/02006%20The%20Palestinian%20Arab%20Citizens%20of%20Israel%20Status.pdf>.

<sup>ii</sup> Barak Ravid and Gili Cohen, "Israeli Military Imposes Broad Closure on Hebron; Security Cabinet Meets on Terror Surge," *Haaretz*, July 1, 2016, available at <https://www.haaretz.com/israel-news/.premium-idf-imposes-broad-closure-on-hebron-1.5404251>.

<sup>iii</sup> "Report on UNCTAD Assistance to the Palestinian Developments in the Economy of the Occupied Palestinian Territory," July 23, 2018, UN Doc. TD/B/65(2)/3, para. 27.

<sup>iv</sup> "Report on UNCTAD Assistance to the Palestinian Developments in the Economy of the Occupied Palestinian Territory," July 22, 2019, UN Doc. TD/B/EX(68)/4, para. 12.

<sup>v</sup> Al-Haq, "Joint Oral Intervention to the 100th Session of CERD for the Review of Israel," December 2, 2019, available at <http://www.alhaq.org/advocacy/16266.html>.

<sup>vi</sup> Al-Haq, "Palestinian, regional, and international groups submit report on Israeli apartheid to UN Committee on the Elimination of Racial Discrimination," available at <http://www.alhaq.org/advocacy/16183.html>. See also ESCWA, "Israeli Practices towards the Palestinian People and the Question of Apartheid, Palestine and the Israeli Occupation," Issue No. 1, UN Doc. E/ESCWA/ECRI/2017/1, Beirut, 2017.

<sup>vii</sup> Adalah, "CORONAVIRUS: Adalah, Joint List petition Israeli Supreme Court against emergency regulations that allow Shin Bet security service to track citizens' cellphones," March 17, 2020, available at <https://www.adalah.org/en/content/view/9921>.

<sup>viii</sup> WHO, "Novel Coronavirus (COVID-19) Situation Dashboard," last updated March 23, 2020 18:00 CET, available at <https://experience.arcgis.com/experience/685d0ace521648f8a5beeee1b9125cd>.

<sup>ix</sup> OHCHR, "COVID-19: Israel has 'legal duty' to ensure that Palestinians in OPT receive essential health services – UN expert," March 19, 2020, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25728&LangID=E>.

<sup>x</sup> Ramzy Baroud, "What happens if Coronavirus reaches the Gaza Strip?," Mondoweiss, March 5, 2020, available at <https://mondoweiss.net/2020/03/what-happens-if-coronavirus-reaches-the-gaza-strip/>.

<sup>xi</sup> UNRWA, "UNRWA Launches COVID-19 US\$ 14 Million Flash Appeal For Palestine Refugees," March 17, 2020, available at <https://www.unrwa.org/newsroom/press-releases/unrwa-launches-covid-19-us-14-million-flash-appeal-palestine-refugees>.

<sup>xii</sup> Addameer, "PHROC Calls the International Community & ICRC for an Urgent Intervention to Protect Palestinian Prisoners and Detainees Amid COVID-19 Exposure Concerns," March 24, 2020, available at <https://www.addameer.org/news/phroc-calls-international-community-icrc-urgent-intervention-protect-palestinian-prisoners-and>.

<sup>xiii</sup> See supra note ix.

<sup>xiv</sup> Suha Arraf, "Israel didn't publish coronavirus guidance in Arabic — so Palestinians stepped in," *+972 Magazine*, March 17, 2020, available at <https://www.972mag.com/coronavirus-guidance-arabic-israel/>.