



**OPEN LETTER
ON THE OCCASION OF THE EU-ISRAEL ASSOCIATION COUNCIL 15 JUNE 2009**

To:
The Foreign Ministers of the Member States of the European Union
The High Representative of the European Union for the CFSP, Mr. Javier Solana
The Commissioner for External Relations, Ms Benita Ferrero-Waldner

June 11, 2009

Dear Ministers,
Dear High Representative,
Dear Commissioner,

Since the European Union's (EU) political commitment to upgrade its relations with Israel in June 2008, the human rights situation on the ground has severely deteriorated both in the Occupied Palestinian Territory (OPT) and in Israel. Given these negative developments, as also reflected in the European Commission's progress report on the implementation of the EU-Israel 2008 Action Plan¹, the EU should publicly declare that the upgrading of EU-Israel relations is on hold, pending tangible progress in Israel's respect for human rights and international humanitarian law (IHL) in the OPT and inside Israel. The EU should further clearly state that the deepening of relations between the EU and Israel is conditioned on Israel's fulfilment of these commitments.

The EU should not accept a mere declaratory commitment of the new Israeli government to a two-state solution, if made, but it should also demand from Israel that it translates this commitment into concrete actions aiming at reversing its illegal actions in the OPT and improving the human rights situation of the Palestinian Arab minority in Israel.

A 'business as usual' approach by the EU towards Israel would amount to a blatant disregard of Israel's violations of human rights and IHL, signaling the EU's acquiescence in or non-objection to Israel's conduct. Moreover, in order to comply with its duty of non-recognition of internationally wrongful acts, the EU must proceed with an upgrade only after it has sought an effective legal solution to the misapplication of existing agreements with Israel and has put in place effective safeguard measures to prevent future breaches of such agreements.

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http://ec.europa.eu/world/enp/pdf/progress2009/sec09_516_en.pdf

The EMHRN and FIDH are concerned that beside the political discussion on the upgrade taking place in Brussels, in practice the upgrade is in fact proceeding and discussions regarding Israel's participation in Community Programs and EU agencies have resumed just after Israel's unilateral ceasefire in January.

Meanwhile, the blockade imposed by Israel on the Gaza Strip since June 2007 has not been lifted as requested by the EU but was further tightened. Vital and basic commodities such as food and fuel, educational supplies, construction materials, spare parts and cash, are routinely denied entry into the territory. Reconstruction and rehabilitation efforts to which the EU and EU member states have pledged support after Israel's devastating military offensive on the Gaza Strip between December 2008 and January 2009 are blocked. This offensive has resulted in the death of more than 1400 Palestinians, a majority of whom were civilians, including women and children, and to the destruction of an unprecedented scale of civilian infrastructure. Israeli air strikes and ground incursions have led to the total destruction of at least 3500 homes and the causing of major damage to 2100 more and have damaged and/or destroyed additional civilian infrastructure such as public buildings, hospitals and schools. Palestinian, Israeli and international human rights organizations have reached the conclusion that Israel has intentionally and systematically disregarded and violated IHL. However, Israel did not conduct any independent and impartial investigation into these alleged violations and refuses, to date, to give access to the UN Human Rights Council's fact-finding commission lead by Richard Goldstone. The EMHRN and FIDH strongly condemn the indiscriminate launch of rockets by Palestinian factions from Gaza and attacks on civilians but also remind that Israel's legitimate security concerns do not justify violations of international law and that many of Israel's policies towards Gaza are not security motivated but rather of political nature.

In the West Bank, despite repeated calls from the EU, the expansion of Israeli settlements and the illegal practices in and around East Jerusalem including the building of new settlements and new housing units, evictions of Palestinian families from their homes and house demolitions have accelerated. Physical and administrative obstacles to freedom of movement in and around the West Bank and between the West Bank and Gaza, continue to paralyze the Palestinian economy and the daily lives of the people, and to undermine the fundamental right of the Palestinian people to self-determination. In Israel, the Palestinian Arab minority faces increased threats where a flood of "anti-Arab" legislation has been introduced in the Knesset (Israel's parliament) by members of the new government to severely restrict their rights of political participation, freedom of expression and citizenship.

The EMHRN and FIDH urge the EU to use the upcoming EU-Israel Association Council meeting to put pressure on Israel to:

- Cease immediately its unlawful measures of collective punishment against civilians in Gaza, including the immediate lifting of the blockade and the opening of the crossings to goods and people;
- Allow access of the UN Human Rights Council fact-finding commission to Israel and to Israeli political and military officials to conduct its investigation into all violations committed during Operation Cast Lead in Gaza;
- Dismantle and freeze the expansion of settlements and outposts in the West Bank, including East Jerusalem;

- Seek an end to restrictions on the freedom of movement of Palestinians in the OPT and to cease Israeli policies of land confiscation and home demolition in the West Bank, particularly in and around East Jerusalem;
- Ensure that practices amounting to the torture and ill-treatment of Palestinian detainees by General Security Service (GSS or Shabak) interrogators immediately cease in accordance with the newly released concluding observations of May 2009 of the UN Committee Against Torture;
- Put an end to arbitrary detentions especially to administrative detention, and detention under the unlawful combatants' law, which severely violate the due process rights of detainees;
- Promote and respect the civil, political, economic, social and cultural rights of Palestinian Arab citizens of Israel, as well as their rights to equitable and fair land allocation, land planning and housing;
- Not support the racist and discriminatory laws recently proposed by the Knesset;
- Resume its stalled human rights dialogue with the EU and to set up as soon as possible a full-fledged EU-Israel human rights subcommittee.

Hoping that the concerns expressed in this letter will receive the attention they deserve, we remain,

Sincerely yours,



Kamel Jendoubi
President of the EMHRN



Souhayr Belhassen
President of the FIDH