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**After ceasefire between Israel and Palestinian armed groups
EU must take strong measures to ensure accountability and the lifting of Gaza's illegal closure to avoid future violence**

The Euro-Mediterranean Human Rights Network (EMHRN) welcomes the ceasefire agreed between Israel and the Palestinian armed groups on 21 November 2012 and urges all parties to respect it. The EMHRN is concerned by the large number of civilian casualties and the destruction of civilian property during the hostilities and condemns the alleged violations of international law. The EMHRN is deeply disturbed that the EU should keep silent about grave suspicions of Israeli violations of international law. The EMHRN urges the EU and the international community to take all measures necessary to ensure that alleged violations of international law by all parties are investigated and prosecuted and that obligations under international humanitarian law (IHL) and human rights law are fully respected, including the lifting of the illegal closure of the Gaza Strip.

On 14 November, Israel launched a military campaign, code named "Operation Pillar of Defence", launching over 1,500 aerial, marine and ground bombardments throughout the Gaza Strip, using missiles and artilleries. Meanwhile, Palestinian armed groups in the Gaza Strip fired over 1,500 rockets and missiles into Israel.

According to the information available to Israeli and Palestinian Human Rights organisations monitoring the situation in the Gaza Strip there exists grave suspicion that violations of IHL were committed by Israel, including direct targeting of civilians and civilian objects – including houses, media offices and vehicles -, indiscriminate and disproportionate attacks, and a failure to take all feasible precautions in attacks and in the choice of methods and means of warfare.¹ According to data collected by Palestinian human rights NGOs, from 8 November until the ceasefire on 21 November 2012, at least 156 Palestinians have been killed in the Gaza Strip, of which at least 103 are civilians, including 33 children, 13 women and three journalists. At least another 1,000 Palestinians were injured, of which at least 971 are civilians, including 274 children, 172 women and 12 journalists. On 20 November, Israel dropped leaflets instructing hundreds of civilians to evacuate their homes. However, there is no safe place in the Gaza Strip, which essentially has no shelter where civilians can have protection from day and night bombardments. At least 865 houses have also been damaged or destroyed, including 92 that were destroyed completely and 44 houses that were directly attacked. Of those 44 houses, 33 were deliberately targeted by direct Israeli army attacks using the roof-knocking tactic. Another 179 houses sustained serious damage. Moreover, the Israeli army attacks caused varying damages to six health centres, 30 schools, two universities, 15 NGO offices, 27 mosques, 14 media offices, 11 industrial plants, 81 commercial stores, one UNRWA food distribution centre, seven ministry offices, 14 police/security stations, five banks, 30 vehicles, and two youth clubs.

Rockets launched by Palestinian armed groups on Israel, the majority of which are reported to be directly targeting civilians in violation of IHL, have killed five Israelis, including one soldier, and injured 222 Israelis, including 21 soldiers, according to the data from Israel's Ministry of Foreign Affairs. EMHRN is also concerned regarding the bomb attack on a civilian bus in Tel Aviv yesterday.

¹For further information on individual cases, please refer to the websites of Al Haq (<http://www.alhaq.org/>), Al Mezan Center for Human Rights (<http://www.mezan.org/en/>), B'Tselem (<http://www.btselem.org/>) and Palestinian Center for Human Rights (PCHR) (<http://www.pchrgaza.org/portal/en/>). Please note that Adalah, Al Mezan Center for Human Rights and PCHR have demanded in a letter to the Israeli Military Advocate General and the Attorney General that a criminal investigation be opened into the suspicion of war crimes by the Israeli military following the killing of 10 Palestinian civilians, including 8 members of the Al-Dalu family, in Gaza on 18 November 2012. For further information see: <http://adalah.org/eng/?mod=articles&ID=1869>.



Under all circumstances, the IHL obligation to avoid harm to the civilian population and civilian infrastructure stands and must be strictly respected. Distinction between civilian and military targets and taking all feasible precautions to spare civilians and civilian objects must be observed. Attacks must conform to the principles of military necessity and proportionality. In the event of a violation of international law, suspected war crimes must be duly investigated and punished. EMHRN notes that the obligation of abiding by the rules of international law must be fulfilled regardless of the conduct of the other party in situation of conflict; including occupation. Human rights obligations apply and must be respected even in times of hostilities.

EMHRN highlights that the Israeli violations in the Gaza Strip are made possible as a result of the pervasive culture of impunity in Israel and the occupied Palestinian territory (OPT), generated by a consolidated failure of Israel to hold those who have ordered and/or committed violations of international law accountable. The international community, including the EU, has also failed to hold Israel accountable for these violations, as has been shown, inter alia, by the EU member States' lack of support for the implementation of the recommendations of the UN Fact-Finding Mission Report on the Gaza Conflict in 2008-2009. The lack of impartial and effective investigations into past crimes raises concerns that victims of crimes in the present conflict may be left without access to justice and reparation. It is imperative that the international community ensures accountability in the present context, in order to prevent further tragedy.

EMHRN is concerned about the statements of the EU regarding the situation in Gaza. While the EU strongly condemned the rockets attacks, the EU invoked Israel's right to protect its population while failing to condemn the alleged Israeli violations of international law. This could be understood as justifying Israel's attacks. EMHRN stresses that claims of self-defence under Article 51 of the UN Charter are legally untenable as it fails to take into account the broader international armed conflict in which this escalation is taking place. The EU also fails to call for independent investigations into the alleged violations committed during the hostilities. This silence of the international community has and will allow, if not encourage, further attacks on civilians and civilians infrastructures. More generally, EMHRN reiterates its firm position that the EU's decision to continue to strengthen its commercial and technical relations with Israel in the context of the current European Neighbourhood Policy Action Plan has encouraged Israel to continue to violate the rights of Palestinians in the OPT.

EMHRN also recalls that the current escalation of violence is taking place in the context of the on-going occupation of the Palestinian territory and of Israel's more than five-year-long illegal closure of the Gaza Strip. Over the course of the current operation, the dire humanitarian situation in Gaza has further deteriorated.

In order to avoid future violence and killings of innocent civilians and in line with EU Member States obligations under Common Article 1 of the Geneva Conventions to "ensure respect" for the Convention, the EMHRN calls on the EU and its member states to:

- Take all measures at their disposal to ensure that all parties respect the ceasefire and their obligations under IHL and human rights law;
- Express condemnation of the alleged violations of IHL committed and ensure that investigations in accordance with international standards are conducted immediately into the suspected violations of IHL, and that those who ordered or committed them are prosecuted. If these investigations do not take place promptly, the EU should support further actions through international accountability mechanisms;
- Urge Israel to immediately and unconditionally lift the illegal closure of the Gaza Strip, which amounts to collective punishment, and allow for free flow of goods and people in and out of Gaza;
- Put on hold the negotiation of any new commercial or technical agreement with Israel, even if based on the current Action Plan, until Israel complies with its obligations under IHL and human rights law.