

3 April 2002

Dear Foreign Minister,

It is with the utmost urgency that we write to you today regarding the full-scale war being conducted by Israel against the civilian population of the Occupied Palestinian Territories (OPT) and the need for immediate action not only to resolve the current crisis, but to reverse a longstanding and disastrous policy of placing political expediency above international humanitarian law.

This past week, Israeli forces have invaded Ramallah, Beit Jala, Bethlehem, Jenin, Tulkarm, Salfit, and Qalqilya, and have launched a direct assault on Palestinian President Yasser Arafat. Dozens of civilians have been killed, thousands have been detained in mass arbitrary arrests, and hundreds of thousands remain trapped in their homes with limited access to food, water, and electricity. In addition, Israeli forces are regularly firing upon or otherwise obstructing emergency medical personnel and are seeking to prevent journalists, human rights defenders, and diplomats from gathering and relaying information about the situation, through either unlawful orders or physical attack.

The escalating Israeli invasions of Palestinian cities, refugee camps, and villages will continue to bring willful killings, indiscriminate and excessive use of military firepower, attacks on medical personnel and journalists, and arbitrary mass arrests. Death tolls will continue to mount in ever-increasing increments. The pattern of escalating oppression and brutality – including war crimes – of the past 18 months is moving inexorably towards a disaster whose consequences we can only begin to imagine.

None of this should come as a surprise. For years, Palestinian civil society has warned that treating Israel as a state above the law would produce neither peace nor respect for human rights. The ongoing, decades-long failure to implement relevant international law and numerous UN resolutions, from General Assembly Resolution 194 onwards, has led to the destruction of countless lives, during times of both conflict and negotiation. The failure of the Oslo process to incorporate respect for applicable international humanitarian law, specifically the Fourth Geneva Convention, allowed Israel to expand its illegal settler colonies with impunity instead of ending its illegal and belligerent military occupation. The consequent breakdown in negotiations and Israel's excessive response to the Intifada for independence only highlighted the need for the application of international humanitarian law to protect Palestinian civilians.

Failing to heed the lessons of Oslo, some EU member states have chosen to maintain a conspiracy of silence, in sharp contrast with global civil society's clear and principled opposition to the unprecedented attacks against Palestinian civilians. In April 2001, EU states at the UN Commission on Human Rights refused to support a resolution condemning violations of international humanitarian law in the OPT. In September, the governmental declaration of the World Conference Against Racism made no mention of Israel's racist system of settlement apartheid in the OPT, which ultimately drives the conflict. In December, a much-needed conference of High Contracting Parties to the Fourth Geneva Convention intended to produce concrete steps to ensure Israel's respect for the Convention collapsed under the pressure of a US-Israeli boycott.

Instead of seizing these opportunities to support peace and justice by holding Israel to account for its systematic and widespread violations of human rights, EU governments have walked away from their moral and legal obligations, leaving behind a trail of empty statements. Furthermore,

this failure to stop Israel's war crimes and other systematic and widespread violations of international humanitarian law only encourages further abuses.

The need for international humanitarian law to be applied in the OPT is not only the concern of Palestinian civil society. The United Nations High Commissioner for Human Rights, the UN Human Rights Enquiry Commission, the UN Special Rapporteur for Human Rights in the OPT, the International Committee of the Red Cross, and non-governmental organisations from around the world have all highlighted the urgent need for the application of the Fourth Geneva Convention and protection for Palestinian civilians. In addition to these experts, thousands of European citizens have visited the OPT to witness firsthand the systematic violations committed by Israeli forces and to demonstrate their solidarity with Palestinian civilians, as victims of a 35-year belligerent military occupation intended to perpetuate a system of settlement apartheid.

As dire as the current situation is, it will pale in comparison with what is likely to happen without immediate, effective, and sustained international intervention. The long-neglected legal obligation of states under Article 1 of the Fourth Geneva Convention to ensure Israel's respect for international humanitarian law is more necessary than ever in this time of crisis. The time has long passed to break the conspiracy of silence, heed the voices of European civil society, and take urgent action to secure Israel's respect for the Fourth Geneva Convention and the withdrawal of its forces from the entirety of the Occupied Palestinian Territories. We urge EU foreign ministers at their meeting today to set in motion a series of steps to secure these goals, including:

- Condemning of Israel's ongoing attacks against Palestinian civilians and calling for an end to the 35-year belligerent military occupation
- Using the opportunity provided by the current session of the United Nations Commission on Human Rights to pressure Israel to end its war crimes and other human rights violations
- Enacting sanctions on Israel, including the suspension of the Euro-Israel Association agreement, and to pressure other states to do so as well
- Supporting the investigation and prosecution of Israeli military personnel or officials suspected of responsibility for war crimes, in accordance with Article 147 of the Fourth Geneva Convention

We trust that the gravity of this situation will bring an appropriate and timely response.

Yours sincerely,
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