



# المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

Ending War Crimes and other violations of international humanitarian law in the Occupied  
Palestinian Territories: A European Obligation

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Ladies and gentlemen,

Thank you for the opportunity to address you today. It is an honour to meet members of the European Parliament, especially after the courageous resolution adopted 10 April calling for the suspension of the Euro-Israel Association Agreement. It is our hope that the European Union will heed the Parliament's call and suspend the agreement until Israel respects the Fourth Geneva Convention and withdraws from the Occupied Palestinian Territories.

In the next few minutes, I would like to provide a brief overview of violations of the Convention by Israel in the OPT during the al-Aqsa Intifada, including grave breaches, i.e. war crimes. But as we are all aware, the main problem facing the application of international humanitarian law in the conflict is not information but a lack of political will. For this reason, I will highlight the specific obligations of EU states in this context, and suggest some useful and practical steps that they could take to end these violations.

According to PCHR's documentation, Israeli occupying forces and settlers have killed approximately 1,400 Palestinian non-combatants in the OPT during the al-Aqsa Intifada, of whom approximately 20% were children under age 18. A special category of these killings are assassinations, undertaken as part of a policy of state-sponsored extra-judicial execution openly



## المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

announced by government officials from the Prime Minister on down. In fact, Israel is arguably the only country in the world to have legalized assassinations.

Assassinations involve no judicial process, review of evidence, or opportunity for appeal. In almost all cases, arrest is not attempted. As a category of willful killings, assassinations are clearly war crimes under the Fourth Geneva Convention.

Moreover, assassinations are carried out in ways that show complete disregard for bystanders. As of 7 June, 118 Palestinians have been killed in Israeli assassination operations during the Intifada, of whom 35 were bystanders, including 11 children. Additionally, 112 Palestinians have been injured, of whom 95 were bystanders. The high percentage of bystanders killed and wounded reflects the often indiscriminate methods used in assassination operations, including helicopter-launched missiles, tanks, and booby-trapped explosives.

Another aspect of Israeli policy has been the massive destruction of housing and land, especially in the Gaza strip. Israeli force have demolished approximately 560 Palestinians houses in the Gaza strip during the al-Aqsa Intifada, and razed approximately 17 million square meters of land, most of it agricultural. These policies have left thousands of refugees homeless – often a second or third time – and destroyed the livelihoods of hundreds of farmers. It is impossible to justify this destruction on grounds of military necessity; rather, Israeli forces have systematically sought to create “buffer zones” along the border with the Gaza strip, as well as near bases, illegal settlements, and bypass roads. This is effectively a form of administrative ethnic cleansing. The widespread, wanton, and unlawful destruction of property not justified by military necessity is a war crime under the Convention.



## المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

The assassination and property destruction policy are just two of the systematic war crimes currently being perpetrated by Israeli forces, in addition to the numerous other violations of international humanitarian law: settlements, torture and transfer of prisoners, attacks on medical personnel and journalists, use of civilians as human shields, and, of course, the suffocating siege and closure that disrupt every aspect of life. The problem is not one of information. Palestinian, Israeli, and international human rights organisations, UN institutions, the ICRC, and the media have all gathered and disseminated enormous amounts of data on these violations. Indeed, many of these actions, such as assassinations and house demolitions, are openly admitted to and defended by the Israeli government. Nor is there a legal problem: under Article 1 of the Fourth Geneva Convention, all High Contracting Parties are obligated to ensure Israel's respect for the Convention.

The problem is clearly one of political will. Palestinians are extremely frustrated and disappointed with the hypocrisy and double standards inherent in the policy of many states towards Israel. There have been two meetings of High Contracting Parties to the Fourth Geneva Convention, in 1999 and 2001, and both failed to take any concrete steps to secure Israel's respect for international humanitarian law. The EU continues unrestricted trade with Israel, even importing products made in Israel's illegal settlements in the OPT. This impunity has not only allowed Israel to act as a state above the law; it has *encouraged* it to do so, and to escalate its violations, knowing that there will be no negative consequences.

For years, the international community has victimized international humanitarian law should be for the sake of "peace." Nearly ten years after the Oslo process began, we are nowhere closer to the vision of peace based on two states for two peoples. Instead, we have twice as many settlers residing illegally in the OPT as in 1993, with unprecedented level and scope of human rights



## المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

violations, including widespread war crimes. The lesson should be clearer than ever: violating the Fourth Geneva Convention does not help bring peace. Rather, true peace must be built on a foundation of respect for human rights and international humanitarian law. Without vigorous steps to ensure the application of the Convention in the OPT, the conflict will only continue to worsen.

Palestinians have no illusions about the willingness of the United States government to bring about an end to the conflict. American aid is what makes the occupation possible: Israel's annual defence budget is \$US 8 billion, and the country receives \$US 5 billion in direct and indirect aid from the US government per year. But the European Union can use its status as Israel's largest trading partner – as well as scientific, cultural, and sporting links – to promote Israel's respect for international humanitarian law. I would like to briefly outline three steps that the EU can and should take:

- Suspend the Euro-Israel Association Agreement. Now that the European Parliament has adopted its resolution, we expect that the EU will heed this and suspend the agreement, as Israel has clearly, systematically, and unapologetically violated Article 2 of the agreement. We are aware that the value of suspending the agreement would primarily be symbolic as trade between Israel and the EU would continue, but we believe it would be an important step in expressing dissatisfaction with Israel's violations of international humanitarian law.
- End settlement trade. Again, this is a very clear issue, and entirely separate from the Euro-Israel Association Agreement. Israeli settlements are illegal, as EU governments have recognised on numerous occasions, and therefore, imports from these settlements should be banned in EU states, whether or not the Association agreement is in force. If Israel insists on withholding information



## المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

that is needed to determine whether a product is from a settlement, then its refusal to comply should be treated very seriously, incurring further sanctions.

- End impunity for war crimes. Under Article 146 of the Convention, all High Contracting Parties are obligated to search for and try those suspected of committing war crimes or ordering them to be committed. By enacting appropriate legislation and providing needed technical support to facilitate investigations and prosecutions of war crimes, EU states can send a clear message that Israeli perpetrators of war crimes no longer enjoy impunity and should at the very least carefully consider any trips to EU states.

These are only a few basic steps that the European Union can take to ensure Israel's respect for international humanitarian law in the OPT. A final note: It has often been said that European guilt over the Holocaust has contributed to Israel's ability to act as a state above the law. We Palestinian human rights activists, however, know that a more fitting legacy of the Second World War should not be guilt, but a determination to protect universal human rights and humanitarian values no matter what the circumstances. This determination is the spirit embodied in the Geneva Conventions, and we call upon you, as Europeans and as human beings, to join us in shouldering the burdens of this legacy.