

## Joint Open Letter to the European Union-Israel Association Council Meeting on 13 June 2006

To:

The Foreign Ministers of 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

12 June 2006

Dear Ministers,  
Dear High Representative,  
Dear Commissioner,

As Palestinian and Israeli non-governmental human rights organizations, we would like to express our grave concern over the Israeli war crimes committed in the Gaza Strip on Friday, 9 June 2006 that killed seven civilians and injured more than 30.

Reports from Gaza indicate that shells were fired from a yet to be confirmed Israeli source: a naval ship positioned opposite a beach near Beit Lahya, or canons situated along the Gazan border. The beach was particularly crowded as Friday is the official Palestinian weekly day off. The dead included five children and their parents; the surviving family member is a 12-year-old child. Among the wounded were 13 children.

While Israel has yet to issue a definitive statement on the matter, the sheer number of civilian victims necessitates immediate action. Moreover, Israel's record of killing Palestinian civilians indicates that this is not an isolated incident. In fact, Israeli Prime Minister Olmert's statement in early March that "there are no restraints on security forces to use any means necessary to stop terror attacks," suggests a high-level policy that disregards the customary principle of proportionality under international humanitarian law.

Civilians in Gaza live under constant threat of military attack. According to a 7 June 2006 report from the United Nations Office for the Coordination of Humanitarian Affairs, Israeli Occupying Forces have fired more than 5,700 shells into the densely-populated Gaza Strip since the end of March. Ground operations have also been carried out in recent weeks. The attacks have exacted a heavy toll on a civilian population already burdened by severe economic hardship brought on by border closures and the international boycott of the Palestinian government.

Israel's actions in Gaza demonstrate that its unilateral withdrawal in August 2005 did not put an end to the occupation. Israel has maintained effective control over the region, thus retaining its status under international humanitarian law as an Occupying Power. Israel controls Gaza's land borders, sea access, and air space. It also controls Gaza's basic infrastructure, such as electricity and water supply, as well as the population registry.

As the Occupying Power, Israel is bound by Article 43 of the Hague Regulations and Article 32 of the Fourth Geneva Convention to protect the safety of Palestinian civilians. Israel claims that its ongoing operations in the Gaza Strip are in response to Palestinian Qassam missile attacks

against Israeli civilians; however, it is a cardinal principle of international humanitarian law that a breach of that law is not rendered legal by another breach committed by opposing forces. Israel, as a belligerent, is bound to distinguish between combatants and civilians at all times and to take all the feasible measures to spare the civilian population. In failing to take such necessary precautions the Israeli Occupying Forces are responsible for war crimes.

We respectfully request that the EU Ministers of Foreign Affairs, the EU High Representative for CFSP and the EU Commissioner take the upcoming 13 June 2006 meeting as an opportunity to uphold your obligations under international humanitarian law, as reiterated in the EU Guidelines on promoting compliance with international humanitarian law. Namely, we urge you to:

- Set as your highest priority the termination of the bombardment of Palestinian civilians in the Gaza Strip;
- Soundly condemn Israel's actions and ensure that those responsible for the attack are held duly accountable;
- Use the political, legal and economic means at your disposal to ensure that there is no impunity for violations of international humanitarian law.

Sincerely,

Al-Haq

Adalah - The Legal Center for Arab Minority Rights in Israel

Al-Mezan Center for Human Rights

HaMoked: Center for the Defence of the Individual

Palestinian Center for Human Rights

Physicians for Human Rights – Israel

Defence for Children International – Palestine Section

Women's Center for Legal Aid and Counselling



רופאים לזכויות אדם ע"ר  
أطباء لحقوق الإنسان  
Physicians For Human Rights



DCI  
Defence for  
Children International  
Palestine Section  
الحركة العالمية للدفاع عن الأطفال  
دع فلسطين

مرکز العون  
للإرشاد القانوني والاجتماعي  
Women's Centre for Legal Aid and Counselling