

Dear Honorable MEPs,

We, the undersigned civil society organisations and coalitions, address this letter to you having read the draft recommendation report on the relations with the Palestinian Authority. We commend the references in the draft report to supporting accountability mechanisms including the investigation into the Situation in Palestine at the International Criminal Court (ICC) and the anticipated advisory opinion by the International Court of Justice (ICJ). Further, we strongly welcome the EU call to withdraw the designation of six Palestinian civil society organizations as terrorist organizations, as consistent with international law norms protecting human rights defenders.

Nonetheless, the report contains some problematic framing on the premise of peacebuilding. We highlight, that as a first step, the international community including member states of the EU, have an international responsibility not to recognize as lawful the internationally wrongful acts of Israel, and to intervene collectively to end Israel's international crimes. Only then, can there be promotion of peacebuilding, and not while the grave breaches of international law are ongoing and accelerating. As such, we offer a list of recommendations before the final vote on the report on 12 July 2023, especially in light of the latest and one of the fiercest Israeli attacks in decades in the occupied West Bank.

Between 3 and 4 July 2023, Israel launched a full-scale military attack on the densely populated Jenin Refugee Camp, killing 12 Palestinians, and injuring 120, with 20 in a critical condition, according to the Palestinian Ministry of Health. The attack has left deliberate destruction of civilian properties and infrastructure in the Camp, as Israel deployed aerial drone bombardments, as well as the use of military D9 bulldozers, military vehicles and a full ground force of Israeli occupying forces. In footage that testify that the *Nakba* of 1948 has never ended, the refugees in the camp, who have been denied their right to return to their original homes they were displaced from 75 years ago, had to evacuate their homes during the two-day deadly attack and seek safety outside the Camp. The attack as noted by UN experts “constitute collective punishment of the Palestinian population” and “may constitute a war crime”.

We stress that this attack is not the first and would not be the last should the root causes underpinning these crimes remain unchallenged. Israel's destructive military attacks on Palestinian cities, villages and refugee camps, which have been increasing since 2022 are happening in a context of a settler-colonial apartheid regime and an illegal military occupation, whereby the Palestinian people are denied their right to self-determination, including their right to return. In order to “break the cycle of violence,” these regimes should be dismantled. In light of this, and having read the draft report, which language is framed in a two-sided way that promotes peacebuilding with Israel as the only solution to the unjust reality in Palestine, we urge you to adopt the following integral points before adopting the final report:

➤ **The Root Causes**

Calling for equality and peace negotiations as the only viable solutions without calling for the dismantling of the root causes driving the daily human rights violations against the Palestinian people won't generate genuine and durable justice, peace or equality. For seven decades, Israel has imposed an apartheid regime over the Palestinian people, which constitutes a tool of the broader settler-colonial regime. Israel's permanent occupation is yet another extension of the settler-colonial apartheid regime. These root causes must be dismantled before any sort of good-faith negotiation can ever happen. As outlined by Francesca Albanese, UN Special Rapporteur on the situation in the Palestinian Territory occupied since 1967, ‘Israel's occupation is illegal and indistinguishable from settler-colonialism, which must end as a pre-condition for the Palestinians to exercise their right to self-determination’.

In this regard, we urge you to explicitly acknowledge and address the root causes of Israeli violations including the ongoing regime of settler colonialism and apartheid. The report should explicitly call on Israel to dismantle its apartheid regime imposed over the Palestinian people as a whole, as well as to immediately end the illegal occupation and not merely the policies and acts within. Furthermore, the EU should work toward preventing further illegal annexation in the West Bank, including by preventing the transfer of operations from the authority of the military commander to civilian Israeli government offices. The EU should also call for the complete end to the blockade of the Gaza Strip, an illegal collective punishment policy, while ensuring Palestinians have full access to their 250 nautical mile exclusive economic zone.

➤ **The Right to Self-determination**

We commend the reference in the report to the right to self-determination of the Palestinian people, and stress that this right includes permanent sovereignty of the Palestinian people in the city of Jerusalem in its entirety. Since 1948, the western part of Jerusalem has been illegally annexed, in violation of the right to self-determination of the Palestinian people and the prohibition against the threat or use of force to acquire territory. As such, we urge that the report assert Palestinians' sovereignty to all of Jerusalem, and ensure that any future negotiation does not contravene the right to self-determination of the Palestinian people.

Also, in line with the right to self-determination of the Palestinian people, we stress that the reference in the report to "mutually agreed land swaps" is irreconcilable with the right to self-determination and third-party States' responsibilities under international law not to recognise or assist the illegal situation stemming from the illegal occupation and the apartheid regime, upon which illegal annexation and settlement policies are implemented. In particular, the law of occupation prohibits the conclusion of agreements in which the imbalanced position of the two parties would coerce the authorities of the occupied territory to sign agreements infringing on the rights of the occupied population. As such, references to land swaps in the report should be omitted.

Furthermore, by keeping democratically elected political parties on the EU terrorist list, the EU is perpetuating the denial of self-determination of the Palestinian people. Hamas needs to be removed from the terrorist list to ensure Palestinian internal cohesion and democracy. There can be no peace, democracy and rule of law, when there is a massive imbalance and rupture in the internal Palestinian political system, steered and agitated from the outside.

➤ **The Right to Return**

We commend the support for UNRWA's work, while remaining critical to UNRWA's mandate, which falls short on delivering a durable solution to the Palestinian refugees' issue. As such, we urge you to explicitly urge the EU and its member states to enable and facilitate the return of Palestinian refugees to their original homes, and ensure restitution of their property and compensation, as a result of their displacement.

➤ **Accountability and Countermeasures**

The year 2022 was the deadliest year on record in the West Bank, including Jerusalem, since the second *Intifada*, with a total of 157 Palestinian killed, including 44 children. So far this year, and as of 4 July 2023, the IOF and Israeli settlers have killed 153 Palestinians in the West Bank. At a time when the EU is firmly supporting the Ukrainian people against Russia's aggression, the Palestinian people who have been subjected to decades of settler-colonialism, apartheid and occupation are met with double standards. This is evidenced in the language found in the draft report calling for the disarming of Palestinian groups, while at the same time, the EU is actively supporting Ukrainians with ammunition procurement, in clear disregard of the universality of international law. The EU can address the "never-ending cycle of violence" sustained with impunity by focusing its policy with Israel on two pillars; **countermeasures and accountability**.

We commend the draft report's support to the ICC and the anticipated advisory opinion by the ICJ. Unfortunately, the EU and many of its member states have decided not to submit legal opinions to the ICJ's advisory opinion on the legal consequences of Israel's occupation of the Palestinian territories. It is imperative that the report encourage the EU and its member states to submit written statements to the ICJ on the questions posed before the deadline of 25 July 2023, as an important endorsement of the rule of international law.

We further call on you to support the Prosecutor of the ICC in advancing the investigation without any further undue delay. The report should also call on the EU and its member states to start issuing arrest warrants for Israeli war criminals and exercise their universal jurisdiction, and complementarity under the Rome Statute; prosecuting those of dual nationality, or those who are present in the territory. In promoting existing accountability mechanisms, the report should also call for the support of the UN Independent International Commission of Inquiry on the OPT, and in Israel.

Moreover, as Israel continues to violate peremptory norms of international law, including the denial of the Palestinian people to exercise their right to self-determination and the commission of the crime of apartheid, international law obligates third states not assist in maintaining the illegal situation and to positively cooperate to bring the illegal situation to an end. Language in the draft report around differentiation in trade and calling on Israel to "stop favouring Israeli settler companies over Palestinians with regard to construction permits" does not conform with such legal obligations neither the EU's principled positions to the universal principles of human rights. The report should explicitly call on the EU and its member states to implement economic and diplomatic sanctions, severing cultural ties, ending trade in weapons and military-security cooperation with Israel, as well as banning any economic relations that perpetrate the apartheid regime over the Palestinian people, including by adopting legislation to prohibit trade with illegal Israeli settlements.

Undersigned Organisations:

- 1- Addameer Prisoners' Support and Human Rights Association
- 2- Al-Haq, Law in the Service of Man
- 3- Center for Defense of Liberties and Civil Rights "Hurriyat"
- 4- Cultura è Libertà
- 5- Defense for Children International – Palestine
- 6- Finnish-Arab Friendship Society
- 7- International Association of Democratic Lawyers
- 8- International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)
- 9- Ireland-Palestine Solidarity Campaign
- 10- Jerusalem Legal Aid and Human Rights Center
- 11- National Lawyers Guild International Committee
- 12- Palestinian Human Rights Organizations Council (PHROC)
- 13- Pax Christi Flanders, Belgium
- 14- The Civic Coalition for Palestinians Rights in Jerusalem
- 15- The Palestine Institute for Public Diplomacy
- 16- The Women's Center for Legal Aid and Counselling
- 17- Viva Salud