



High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the
Commission Federica Mogherini
The European Union

15 May 2018

Re.: the EU Response to the Deadly Violence in the occupied Gaza Strip

Your Excellency,

Al-Haq, a Palestinian human rights organization, writes this letter to provide information about the mass killing and injury of Palestinians in the occupied Gaza Strip on 14 May 2018 and raise its concerns on the position taken by the European Union in this regard.

Yesterday was the deadliest day in the occupied Gaza Strip since Israel's 2014 offensive. According to initial investigations carried out by Al-Haq, Israel killed at least 43 Palestinian *protesters*,¹ including seven children, during 14 May 2018 alone. Another 1,861 were injured on the same day, of which 1,286 were injured by live ammunition. A reported 70 Palestinians remain in critical condition. According to Al-Haq field documentation, Israel has resorted to lethal and excessive force against Palestinian protestors who posed no threat to the lives of others. The killing and injury of Palestinians, by and large, is not justifiable and could amount to the war crime of wilful killing. As expressed by United Nations mandate holders, including the High Commissioner on Human Rights, the throwing of stones and burning of tires as well as attempts to cross or damage the border fence on the part of Palestinians do not justify Israel's resort to lethal force.

Since 30 March 2018, Palestinians have gathered along the Gaza fence to assert their right to return and to protest Israel's illegal closure of the Gaza Strip. Since the start of the demonstrations, Israel has resorted to lethal force against the unarmed Palestinian protestors and announced their intention to suppress the demonstration and kill at will. For example, during the first weeks of the demonstration, Israel's Defense Minister Avigdor Lieberman announced that there are no innocent civilians in the Gaza Strip, and the Spokesperson of the Israeli Defense Force has repeatedly issued warnings to Palestinians that they will endanger their lives if they approach the border. Between 30 March and 15 May 2018, 100 Palestinians have been killed in the Gaza Strip and thousands of others have been injured, hundreds with live ammunition.

The so called Great Return March is driven by civil society and grassroot organizations and supported by various Palestinian political parties. It is a public initiative that embraces Palestinians' right to engage in protest.

It is against this backdrop that the High Representative issued a most troubling statement on 14 May 2018, calling for proportionality in the use of force. In the context of the demonstration, Israel is obligated

¹ This data represents Al-Haq documentation as of 15 May 2018. According to Al-Haq, the total number of Palestinians killed is 59. Al-Haq continues to carry out investigations into these killings with a view to establish the facts.



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to act in accordance with international human rights law, as opposed to rules of engagement during hostilities as set out in international humanitarian law. Israel, acting as a law enforcement agency, must strictly respect and protect Palestinian right to life. As a corollary of that right, lethal force is only permitted 'when strictly unavoidable in order to protect life', as set out in the United Nations Basic Principles on the use of Force and Firearms by Law Enforcement Officials. The European Union is therefore expected to categorically refute Israel's skewed characterization of the demonstrations as ' Hamas-led' and the assumption that Palestinians may be unquestionably killed.

It is likely that the Palestinian death toll will increase in the coming days, considering the commemoration of Nakba Day and the move of the United States embassy to Jerusalem. Rather than emboldening Israel, the European Union must stand united in its renouncement of Israeli suppression of demonstrations and the unjustified killing and injury of Palestinians. Furthermore, the European Union must address the root-causes at play; the denial of Palestinian right to self-determination, including the unfulfilled right of the Palestinian people to return to their homes. This includes the right of Palestinians in the Gaza Strip to live in dignity and exercise free movement. A step in this direction is the unconditional lifting of the closure.

The European Union must also take concrete action to bring to an end violations of international law committed by Israel. Al-Haq recalls that the European Union's bilateral relationship with Israel is conditioned on their compliance with human rights law. Israel's consistent and grave violations of international human rights law warrants a severing in the relationship. This includes an abandonment of trade and military agreements between the countries.

In addition to the above, Al-Haq also calls on the European Union to reaffirm its united commitment to international law and a human rights approach to the situation of occupation in Palestine. This includes repeatedly and robustly renouncing the participation of member states of the European Union, including Austria, in the ceremony on the opening of the United States embassy in Jerusalem.

We look forward to further engagement on this matter and hope to receive your response to this letter.

Yours Sincerely,

Mr. Shawan Jabarin
Al-Haq General Director