

# Israel's Violations of Article II of the Euro-Med Agreement

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To:  
The Joint Committee on European Affairs  
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## **Mr Chairman, Members of the Committee**

Thank you for giving me the privilege and honour of addressing you today on a very important issue – Israeli violations of the human rights of Palestinians, violations which mean that Israel is in breach of Article 2 of the Euro-Med agreement.

Human rights are the freedoms to which all individuals are entitled as human beings. The international system for the protection of human rights is closely associated with international humanitarian law. The four Geneva conventions of 1949 and the two additional protocols of 1977 form the core of international humanitarian law.

In my opinion, there is not the slightest doubt that Israel has continually failed to live up to its obligations under international humanitarian law and is therefore in breach of Article 2 of the Euro-Med Agreement.

A prime example of this is Israel's economic strangulation of Gaza over many years. On 26 February 2008, Mr John Holmes, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, described this as "collective punishment". He told the Security Council:

**"The effective Israeli isolation of Gaza is not justified, given Israel's continuing obligations to the people of Gaza. It amounts to collective punishment and is contrary to international humanitarian law".**

Article 33 of the 4<sup>th</sup> Geneva Convention forbids the "collective punishment" of people under occupation. It says:

**"No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited."**

The EU has also described the economic strangulation of Gaza as collective punishment, former external Relations Commissioner, Benita Ferrero-Waldner saying on 21 January 2008:

**“I am against the collective punishment of the people of Gaza”.**

The former Irish Foreign Minister, Mr Dermot Ahern, told the Dáil on 11 March 2008:

**“I remain deeply concerned about the worsening humanitarian situation in Gaza. It is unacceptable that Israel should isolate the people of Gaza and cut off essential supplies in order to exert pressure on them to reject Hamas. I agree with the UN that this constitutes collective punishment and is illegal under international humanitarian law.”**

His successor, Minister Micheál Martin agreed, telling the Dáil on 5 November 2008:

**“The Government agrees with those who state that the effective isolation of Gaza constitutes collective punishment and is illegal under international humanitarian law.”**

Judge Goldstone's report states categorically that Israel has engaged in “collective punishment” on the people of Gaza before, during and after Operation Cast Lead. Paragraph 1326 says:

***“The facts ascertained by the Mission, the conditions resulting from the deliberate actions of the Israeli armed forces and the declared policies of the Israeli Government – as they were presented by its authorized representatives – with regard to the Gaza Strip before, during and after the military operation, cumulatively indicate the intention to inflict collective punishment on the people of the Gaza Strip. The Mission, therefore, finds a violation of the provisions of article 33 of the Fourth Geneva Convention.”***

There is no doubt that Israel is guilty of imposing “collective punishment” on the people of Gaza over many years and is therefore in breach of Article 2 of the Euro-Med Agreement.

Mr Chairman

In the West Bank, paragraph 92: from Judge Goldstone's report, says:

*"In the West Bank, Israel has long imposed a system of movement restrictions. Movement is restricted by a combination of physical obstacles such as roadblocks, checkpoints and the Wall, but also through administrative measures such as identity cards, permits, assigned residence, laws on family reunification, and policies on the right to enter from abroad and the right of return for refugees. Palestinians are denied access to areas expropriated for the building of the Wall and its infrastructure, for use by settlements, buffer zones, military bases and military training zones, and the roads built to connect these places. Many of these roads are "Israeli only" and forbidden for Palestinian use. Tens of thousands of Palestinians today are subject to a "travel ban" imposed by Israel, preventing them from travelling abroad. A number of witnesses and experts invited by the Mission to meet in Amman and participate in the hearings in Geneva could not meet with the Mission due to this travel ban."*

In additions, Israel, the Occupying Power, continues to build settlements on Palestinian land in a grave breach of article 49 of the 4th Geneva Convention, which forbids an occupying power from transferring its citizens into the territory it occupies. It continues to build settlements, despite Security Council demands in resolutions 446, 452 and 465 that it cease building and remove the existing ones. And it maintains its annexation of East Jerusalem contrary to Security Council demands in resolutions 252, 267, 271, 298, 476 and 478 that it reverses this annexation.

Up to now, Israel has built over 132 illegal settlements and more than 100 outposts, on Occupied Palestinian Territories, housing illegally five hundred thousand Jewish settlers.

Mr Chairman, Members of the Committee

Benefiting from lack of action by the international community against these Israeli illegal practices, Israel continues to survive by terrorizing its neighbours and the people under its occupation. In 2006 Israel launched two offensives, one against Lebanon and the other against Gaza, resulting in horrendous damage to the civilian infrastructure and the killing of hundreds of innocent civilians in both places.

In the hope of avoiding these and previous offensives, we have constantly appealed for the Security Council's engagement and called upon it to shoulder its responsibility, **as I am appealing to you today.**

The Arab initiative endorsed by all Arab Countries at their summit in Beirut 2002 is still on the table. This initiative calls for the normalization of relations with Israel in return for its withdrawal from the Arab territories it conquered by force in 1967. But the lack of any favourable response from the Security Council has encouraged Israel to ignore this initiative, and to ignore more than 30 of the Security Council resolutions that require action by it and it alone. It has also encouraged Israel to ignore the ruling on the Wall by the International Court of Justice in July 2004.

Had Israel responded favourably to the Arab initiative, as would have been expected from a democratic state, a Palestinian state would have been declared by now side by side with the state of Israel.

Profiting from the unhealthy environment of international silence and inaction, on 27 December 2008, Israel launched its most immoral military offensive, Operation Cast Lead, unleashing its military might for 22 days on the defenseless population in the Gaza Strip, killing more than 1,400 and injuring more than 5,000, half of them women and children. This operation was not merely a military offensive against civilians, impoverished victims of occupation and siege over four decades, it was an ongoing assault on international humanitarian law. Victims were not only

trapped, traumatized and terrorized along with the 1.5 million inhabitants there, but they were deprived from the protection accorded to civilian persons, under international humanitarian law.

The disproportionality of Operation Cast Lead was reflected in the fatalities (100 Palestinians to 1 Israeli), in the explosives used (1 kilogram to 1,000) and in the use of internationally illegal weapons, depleted uranium and the white phosphorous, by Israel. It was also reflected in the gruesome images, shown daily on our TV screens, of this most brutal aggression ever conducted by a "democratic" state. This utter disproportionality transformed Gaza from a big prison into an abattoir.

Israel's abandonment of attempts to distinguish civilians from combatants gave rise to what amounts to war crimes and crimes against humanity. According to a report in the Israeli newspaper Haaretz (3 February 2010):

**“The Israeli defence forces chose to risk civilians in Gaza in order to protect its soldiers during Operation Cast Lead, a high ranking Israeli military officer told the British daily the Independent on Wednesday. The IDF officer claimed the traditional ‘means and intentions’ engagement principle - stating that a suspect must have both a weapon and a visible intent to use it before being fired at - {this principle} was discarded during Israel’s Gaza incursion in late 2008 and early 2009”.**

Colonel Daniel Reisner, former head of the legal department of the Israeli army, argues:

**“If you do something for long enough the world will accept it. The whole international law is now based on the notion that an act that is forbidden today becomes permissible if executed by enough countries. ... International law progresses through violations. We invented the targeted assassinations thesis and we had to push it.”**

Judge Goldstone and his team interpreted their mandate as requiring them to place the civilian population of the region at the centre of its concerns regarding the violations of international law. They concluded that Israel's offensive against Gaza during Operation Cast Lead was **“a deliberately disproportionate attack designed to punish humiliate and terrorize a civilian population”**.

They accordingly found Israel, the Occupying Power, guilty of perpetrating war crimes and crimes against humanity.

In Gaza, the civilian population continues to suffer from unlawful collective punishment measures being imposed by Israel, the Occupying Power. The repercussions of Operation Cast Lead, which has left approximately 100,000 Palestinians homeless to this day, shocked Minister Micheál Martin in his last visit to Gaza and he argued in his article published in the New York Times on March 4:

“What I witnessed in Gaza, amidst all the rubble and devastation still so evident from last year's conflict, was a population traumatized and reduced to poverty by an unjust and completely counterproductive blockade.”

He added:

**“I view the current conditions prevailing for the ordinary population as inhumane and utterly unacceptable, in terms of accepted international standards of human rights”**.

**An Taoiseach, Mr Brian Cowen told the press on the day of the Israeli piracy against the Gaza Aid Flotilla on the 31<sup>st</sup> of May 2010. “The reason why this has happened is that there is a blockade taking place at the moment in respect of humanitarian assistance being provided to the people of Gaza. I believe that that is in violation of International law”**.

Mr. Chairman, Members of the Committee,

My leadership is committed to non-violent means to ending the Israeli Palestinian conflict. Yet one cannot ignore the fact that the so called Hamas rockets have over 8 years before Operation Cast Lead killed 20 Israelis, while in retaliation to this unfortunate loss of Israeli lives, Israel has killed more than 3,500 Palestinians, the overwhelming majority of them were non combatant civilians. Furthermore, the indiscriminate nature of the Israeli offensive on Gaza and the great losses proves that the real targets of the Israelis are not "extremists", or their weapons but the will and resolve of all the Palestinians, in the hope of imposing a unilateral humiliating settlement on them.

Mr Chairman,

I believe that these Israeli practices are not at all a reflection of Jewish values but of the Zionist strategy of ethnic cleansing of Palestine since 1948. Ilan Pappé, the renowned Israeli historian and chair in the Department of History at the University of Exeter, argues in a recent article, dated 2 January 2009:

**"We have to try and explain, not only to the world but also to the Israelis themselves, that Zionism is an Ideology that endorses ethnic cleansing, occupation and now massive massacres".**

Mr. Chairman, Members of the Committee,

To a large extent the shameful and unacceptable silence of world leaders in the face of the Israeli siege of Gaza, Israeli war crimes and the latest act of piracy, contributes to the continued injustice perpetuated against the Palestinian people.

Since the early 1990s, world leaders have distanced themselves from attempting to resolve the crisis, and have called on both sides to settle their differences on their own, as if this were a fight between equal contenders rather than a struggle between a powerful, ruthless Occupying Power and the people it occupies by military means.

This is in spite of the fact that these leaders know very well that the Israeli-Palestinian struggle constitutes a real threat to world peace and stability. And unless we reach a just and durable peace between the Israelis and the Palestinians by transforming the vision of two states into a reality, the achievement of global peace and security will remain a remote possibility.

Mr. Chairman, Members of the Committee,  
I would like to conclude by emphasizing that the rules of the Israeli-Palestinian struggle need to be changed. I very much doubt that bilateral negotiations will ever yield the Peace and Security that Israelis and Palestinians in the Holy Land badly need, unless determined international pressure is exerted on Israel.

Guided by the aforementioned narrative and based on the European vision on national interests and foreign policy, as expressed by the former EU high representative Mr Javier Solana on 7 October 2008 – I quote **“foreign policy which is not informed by our values is neither possible nor acceptable”**,

I hope that you all agree with me, that Israel is in grave breach of Article 2 of the Euro-Med Agreement. And I anticipate that you will decide accordingly.

