

17 March 2010

**EMHRN – FIDH STATEMENT ON THE OCCASION OF THE EU-ISRAEL ASSOCIATION
COUNCIL**

(23 March 2010)

PROXIMITY TALKS ARE NOT ENOUGH TO RESUME UPGRADING WITH ISRAEL

Tangible progress re the humanitarian and human rights situation is needed

In the run-up to the Association Council meeting between the European Union and Israel, to be held on 23 March 2010, the Euro-Mediterranean Human Rights Network (EMHRN) and the International Federation for Human Rights (FIDH) would like to raise their concerns regarding EU's prospect to upgrade its relations with Israel. **While proximity talks between Israel and the Palestinians should be welcomed, tangible progress regarding the humanitarian and human rights situation on the ground are necessary before the EU considers resuming the upgrading of its relations with Israel.** Israel's recent announcement that it would be constructing 1,600 houses in a Jewish settlement in occupied East-Jerusalem underlines the importance of concrete steps on the ground. The EMHRN and FIDH are also concerned that despite the political decision of the EU in June 2009 to put the upgrade on hold, in practice the upgrade is proceeding and discussions regarding Israel's participation in Community Programs and EU agencies have continued.

Since the last Association Council meeting in June 2009, Israeli violations of international human rights and humanitarian law in Israel and the Occupied Palestinian Territory (OPT) have continued.

More than one year after Operation Cast Lead, **Israel has failed to conduct investigations in conformity with international law as demanded in the report of the UN Fact-Finding Mission on the Gaza Conflict (the Goldstone Mission) and endorsed by the UN General Assembly, the EU and the European Parliament.** As reported by various Israeli, Palestinian and international NGOs, the Israeli investigations are conducted by the military. Many aspects of these military investigations are carried out in the form of so-called operational debriefings. These operational debriefings are conducted for the purposes of evaluating lessons learned for the military itself, and not to investigate the possibility of criminal behavior. Further, Israeli investigations as a whole look only into violations resulting from deviations from orders; they do not examine the legality of the orders themselves. However, most of the harm to civilians, property and civilian buildings during Operation Cast Lead was a result of policies determined at the senior government and army levels, with the approval of the Military Advocate-General.

Meanwhile, the **blockade imposed by Israel on the Gaza Strip since June 2007 has not been lifted as requested by the EU, significantly contributing to its de-development.** Vital and basic commodities such as fuel, educational supplies, construction materials, spare parts and cash, are routinely denied entry into the territory. Reconstruction and rehabilitation efforts to which the EU and EU member states have pledged support after Israel's devastating military offensive on the Gaza Strip between December 2008 and January 2009 are blocked. While humanitarian aid is mostly allowed to enter Gaza, Israel has denied most of the reconstruction materials from reaching the Strip, with only 41 truckloads of construction materials permitted into Gaza by the Israeli authorities since Operation Cast Lead. Poverty and unemployment levels have reached

unprecedented levels, with 80% of families living on a dollar a day and employment rates reaching 40-45%.

The EMHRN and FIDH are also concerned regarding the **recent attempts of the Israeli government to de-legitimise and restrict the freedom of association and expression** of Israeli human rights organisations. Under the pretext of increasing transparency of foreign funding of NGOs, the government backed "*Bill for the Duty of Disclosure for Someone Supported by a Foreign Political Entity*", if adopted, will severely restrict the work and funding of Israeli human rights organisations. It stipulates that any organisation "seeking to influence public opinion in Israel", should be deemed a "political organisation" rather than one serving a charitable purpose. Such organisations will be required to register with the Political Party Registrar, and lose tax-exempt status. Furthermore, the bill requires any spokesperson of such an organisation to declare in all public appearances that they represent an organisation that receives funding from a "foreign political entity". Non-compliance with the bill will result in fines or imprisonment.

Once again, the EMHRN and FIDH reminds the EU that "business as usual" approach towards Israel amounts to disregarding Israeli policies in the OPT and Israel, signalling EU acquiesce in or non-objection to Israel's conduct. At the upcoming Association Council, the EU should therefore publicly declare that the upgrading of EU-Israel relations continues to be on hold, pending tangible progress in Israel's respect for human rights and international humanitarian law (IHL) in the OPT and inside Israel.

The EU should urge Israel during the meeting to implement the recommendations of the Goldstone Mission, including the immediate and full opening of crossings for humanitarian and commercial goods and movement of people to and from the Gaza Strip and the holding of domestic investigations into the alleged violations of international law. These investigations must be independent, credible and in conformity with international standards. The EU has committed itself to "following closely" the domestic investigations by Israel and the Palestinians. The European Parliament, in its resolution dated 10 March 2010, called upon the EU to publicly demand the implementation of the recommendations of the UN Fact Finding Mission, as well as accountability for all violations of international law. The European Parliament also called for the inclusion of the Goldstone recommendations and related observations in the EU's bilateral dialogue with Israel. The European Parliament also stressed that "the responsibility and credibility of the EU and its Member States requires them to fully monitor the investigations".

At the upcoming Association Council meeting, the EMHRN and FIDH also call on the EU to urge the Israeli government to **withdraw its support for the "foreign funding" bill** and refrain from introducing any law under which independent human rights organisations would be redefined as "political" and/or jeopardising their foreign funding and support.

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