

**Re: Palestinian Civil Society Submit Recommendations for the European Parliament
Motion for a Draft Resolution on Palestine**

Your Excellency,

Since 7 October 2023, the number of Palestinians killed by Israel's attack against the Gaza Strip, as of 8:20 p.m., on 16 October 2023, has reached at least 2,778 Palestinians, including at least 1,000 children, with approximately 10,000 more injured. In the West Bank, including eastern Jerusalem, 61 Palestinians have been killed and 1,250 injured by Israeli occupying forces and settlers. Given the unretrieved bodies still trapped under the rubble, we have reason to believe that this figure will further drastically rise in the next few days, further aggravated by the aggressive warning by [Israeli Prime Minister Netanyahu](#) that this "is only the beginning".

Our organisations are concerned at the statements of [genocidal intent](#) from senior Israeli leaders stating: "We are imposing a complete siege on [Gaza]. No electricity, no food, no water, no fuel – everything is closed. We are fighting human animals, and we act accordingly" (Israel's Minister of Defense [Yoav Gallant](#)); "Israel has imposed a total blockade on Gaza, no electricity, no water, just damage. You wanted hell, you will get hell" (Coordinator of the Government in the Territories Maj. [Gen. Ghassan Alian](#)). Israel's indiscriminate targeting of Palestinian civilians and civilian objects, coupled with the alarming number of Palestinian casualties points to an indiscriminate scorched earth policy, prohibited under international law, with methods of starvation giving rise to concerns of incitement to genocide.

We note that Israel carried out preemptive strikes in its 1967 Six Day War, in [breach](#) of international law, establishing on the foot of this unlawful aggression, an [illegal belligerent occupation](#) still in force in the Gaza Strip, some 56-years later. The acts of Palestinian armed groups have been carried out in the context of this continuing international armed conflict, which Israel has been mandated to end since 1967, under numerous [UN Security Council](#) and General Assembly resolutions. Israel has purportedly *de facto* and *de jure* annexed the occupied Palestinian territory, [pillaging](#) its natural resources. In the West Bank, including East Jerusalem, Israel has established a far-reaching settlement enterprise, acts which dispossess Palestinians of their homes and lands, fragment the Palestinian people and amount to war crimes. Israel's segregationist acts of apartheid prevent the Palestinian people from exercising their right to self-determination, violating peremptory norms of international law.

We note that the International Court of Justice in its 2004 Advisory Opinion on the Wall, concluded that Israel did not have an Article 51, UN Charter right of self-defence during its belligerent occupation. Further, the Article 51 right of self-defence applies to armed attacks by States, or that are attributable to a Third State- neither of these conditions are satisfied in the current case. In addition to illegally occupying the Gaza Strip, in its continuing act of aggression, Israel, in an act of collective punishment has enforced a 16-year [illegal blockade](#) on the Gaza Strip. Israel, the Occupying Power is responsible for the civil life of the occupied territory, including the medical condition of Palestinians in Gaza under its effective control.

We note that a military attack by combatants against Israel does not absolve Israel (or any party) from respecting basic international humanitarian (IHL) principles between civilians and combatants, which, if violated, may constitute war crimes. Notwithstanding, between 7 and 10 October, Israel has killed at least [seven journalists](#). IHL further grants special protection to health workers and paramedics, yet "[90 incidents](#) were recorded, at least 15 incidents reported health facilities being extensively damaged, 28 health workers killed and 23 injured by

explosive weapons used by Israeli forces”. Strictly, IHL prohibits the forced transfer of populations and yet, Israel has demanded that 1.1 million Palestinians living in the north of Gaza to go to the south of Gaza, with no infrastructure or provisions- a move that amounts to a “death sentence” for the sick and injured, according to the [World Health Organisation](#). Notably, forcible transfer is an international crime under the Rome Statute.

The deliberate failure of the international community to hold Israel responsible for its 56-year illegal occupation and aggression on the Palestinian territory, and its impunity over decades for its international crimes, including apartheid, has culminated in this week of horrific violence, war crimes and incitement to genocide. In light of the above, we urge the European Parliament to:

- Immediately call for a cease-fire and demand Israel comply with its obligations under international law, to stop its deliberate targeted attacks on civilians and civilian infrastructure in Gaza, including with white phosphorus;
- Demand that Israel urgently and unconditionally allow the entrance of basic supplies necessary for the survival of the population and call on the international community, including states and international bodies, to take concrete steps to ensure the revocation of the Israeli decision to cut off water, electricity, and food in Gaza, and the unimpeded access of humanitarian aid, including medical supplies, into the Gaza Strip;
- Call on Israel to allow the immediate and unconditional transfer of patients from Gaza to receive healthcare treatments, including lifesaving treatments;
- Call on Israel to lift its 16-year-old illegal blockade on the Gaza Strip, and end its illegal occupation as a continuing act of aggression since 1967;
- Call on Israel, the occupying power to hold its responsibility in protecting civilians in occupied West Bank, including Jerusalem and to stop the complicity of IOF in settlers’ terror against Palestinian people.
- Recognise and acknowledge the root causes underpinning the ongoing Israeli military aggression, including Israel’s apartheid regime since 1948, as a tool of its settler colonialism, and the denial of the right to self-determination of the Palestinian people, including their right to return;
- Call for the realisation of the right to self-determination of the Palestinian people, including their right to return, including by calling for a complete end to Israel’s settler-colonial regime and its military occupation;
- Call on European Union (EU) Member States to abide by their obligation to refrain from assisting in maintaining the illegal situation, arising from Israel’s violations of peremptory norms, including by stopping the provision of military equipment used in Israeli war crimes, and issuing statements greenlighting aggressive force under the guise of “self-defence”;
- Support the increase of EU’s financial and development assistance for Palestine, pursuant to the responsibility to protect and rebuild; and
- Reiterate the EU’s strong support for the ICC’s work, including the investigation into war crimes and crimes against humanity committed in the oPt and calling on the EU to continue

supporting technically, politically and financially the ICC and its Prosecutor to move forward with the investigation and prosecution.

Yours Sincerely,

1. Al-Haq
2. The Public Institute for Public Diplomacy (PIPD)
3. The Palestinian Initiative for the Promotion of Global Dialogue and Democracy - MIFTAH
4. Palestine Independent Commission for Human Rights (ICHR)
5. Union of Agricultural Work Committees (UAWC)
6. Bisan Center for Research and Development
7. Palestinian Human Rights Organizations Council (PHROC)

The Jerusalem Human Rights Consortium comprises four organisations:

8. The Jerusalem Legal Aid and Human Rights Centre (JLAC)
9. The Land Research Centre (LRC)
10. The Society of Saint Yves
11. The Women's Centre for Legal Aid and Counselling (WCLAC)