



To: Mr. Karel Schwarzenberg
 Minister of Foreign Affairs of the Czech Republic
 President of the EU General Affairs and External Relations Council
 Ministry of Foreign Affairs
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Dear Minister,

Re: Suspension of the EU-Israel upgrade until completion of an investigation into alleged violations

We, the undersigned child rights, human rights, and humanitarian aid organisations, are calling for an official freeze on the upgrade of EU-Israel bilateral relations until the completion of a comprehensive and independent investigation into alleged violations of international humanitarian law during “Operation Cast Lead”. If such an investigation were to conclude that the Israeli army has committed war crimes, we would call *inter alia* for the annulment of the planned upgrade, and the potential suspension of the EU-Israel Association Agreement, by virtue of Article 2 of the agreement.

We welcome the *de facto* interruption of the upgrade and seek urgent answers to the following questions:

- For how long will the upgrade process be interrupted?
- Is this interruption due to practical, or ethical, considerations?
- What specific criteria have been set by the EU for the upgrade process to resume as planned?

The United Nations Secretary-General and political leaders worldwide have called for independent investigations into allegations of war crimes committed during “Operation Cast Lead”. Any steps towards enhancing economic and political relations with Israel while these allegations stand would invalidate the EU’s commitment to hold itself to the highest possible human rights standards and their equitable promotion through the European Neighbourhood Policy. It would signal that possible criminal conduct is no bar to economic and political gain, and suggest that liability depends on the nationality of the perpetrators and victims.

The illegality of Palestinian rocket attacks on Israel does not exempt Israel from its own obligations under international law as a party to the conflict, and as the occupying power in the Occupied Palestinian Territory, including the Gaza Strip. There is abundant evidence that the means and methods of warfare employed by Israel during “Operation Cast Lead” breached the fundamental international humanitarian law principles of distinction and proportionality and precautions in attack. The unnecessary suffering of Gaza’s civilian population is the direct and foreseeable result of the failure to respect these principles of

customary international humanitarian law. Children, who represent 56 per cent of the population of Gaza, are bearing the brunt of the devastation created by Israel's military offensive.

Furthermore, Israel's obligations under international human rights law apply in all circumstances, including in wars or other public emergencies, thereby *inter alia* absolutely prohibiting the arbitrary deprivation of life as well as torture and other cruel, inhuman or degrading treatment or punishment.

As of 29 January, the [UN](#) reports that over 1,300 Palestinians have been killed and over 5,300 injured in the 22-day operation – approximately a third of the casualties were children. There is sufficient evidence to suggest that some civilians, including children, were wilfully or recklessly targeted by Israeli soldiers. The UN also reports that 17,000 homes have been partially destroyed and another 4,000 reduced to rubble, resulting in thousands of people being left homeless or displaced. Civilian infrastructure, including schools, hospitals, water and sewage facilities and UN buildings have been targeted and severely damaged. In addition, [Human Rights Watch](#) documented Israel's illegal use of white phosphorous shells "igniting civilian structures and causing people horrific burns". The [Red Cross](#) reports on the danger posed by Israeli unexploded ordnance, which has already killed two children since the ceasefire.

To compound this humanitarian crisis, Israel continues to restrict access to the Gaza Strip for humanitarian aid and staff. To this date, only a handful of medical emergency staff have been allowed into the Gaza Strip. This situation follows an 18-month blockade of Gaza which has already severely crippled the provision of emergency healthcare to its population.

The EU has several operational tools at its disposal to promote its partners' compliance with international law, including the EU Guidelines on International Humanitarian Law, the EU Guidelines on Torture and other cruel, inhuman and degrading treatment or punishment, and the EU Guidelines on Children and Armed Conflict. With the recent inclusion of Israel-Palestine in the list of priority conflicts under the latter Guidelines, the rights of Palestinian children affected by the conflict should be addressed as a matter of priority by the EU.

In light of the facts above, we the undersigned child rights, human rights, and humanitarian aid organisations, call on the Czech Republic, currently in turn of the European Union Presidency, to:

1. Advocate for an effective, comprehensive, independent and impartial investigation into potential war crimes committed during "Operation Cast Lead", and for the results of this investigation to be made public;
2. Suspend the upgrade of EU-Israel bilateral relations until the conclusion of such an investigation;
3. Annul the upgrade if such an investigation concludes that Israel has committed war crimes during the recent attacks; or ensure that any future upgrade is based on clear commitments by Israel to achieve specific, time-bound, human rights (including child rights) benchmarks included in the EU-Israel Action Plan.

We would welcome your prompt response on these matters and look forward to receiving clarifications concerning the status of the EU-Israel upgrade as per our questions above.

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