



**EJDM** Europäische Vereinigung von Juristinnen und Juristen für Demokratie und Menschenrechte in der Welt e.V.

**ELDH** European Association of Lawyers for Democracy and World Human Rights

**EJDH** Asociacion Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

**EJDH** Association Européenne des Juristes pour la Démocratie et les Droits de l'Homme dans le Monde

**EGDU** Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i Diritti dell'Uomo nel Mondo

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## **Palestine – Israel**

### **STOP THE AGGRESSION IMMEDIATELY, PROTECT THE CIVILIAN POPULATION, PROSECUTE THE WAR CRIMINALS**

#### **Declaration of European Lawyers**

People around the world have followed with horror the bombarding of civilian buildings, schools, and hospitals as well as UN facilities by the Israeli army.

The rocket attacks by Hamas against Israeli civilians have frequently been described as the cause for Israel's military aggression. In the meantime it is known, that the attack on and invasion of Gaza were planned months ago by the Israeli Government. The measures ordered by the Israeli Government are in any case a violation of international humanitarian law contained in the 4<sup>th</sup> Geneva Convention and the Additional Protocols to the Geneva Conventions because they are mainly aimed at civilians. Furthermore, they amount to collective punishment. If indeed Israel could claim any right to self defense against an occupied territory (and this is unknown to international law), its actions are excessive and wholly disproportionate. The shelling of civilians by Hamas is also a violation of international law, even if the scale is far less serious.

The members of the UN Security Council have taken two weeks to finally decide upon the resolution on 8<sup>th</sup> January 2009, calling for an immediate ceasefire in Gaza leading to a full Israeli withdrawal and the unimpeded provision throughout Gaza of food, fuel and medical treatment. Until the day of the resolution the Israeli military have already killed 758 people in Gaza, of whom 257 were children and wounded 3.100 people, 1.080 of them children. Also essential installations of infrastructure of Gaza such as, hospitals, schools, power plants, water system have been seriously damaged and will be out of action for a long period. Installations of the UN in Gaza and a UN truck have been destroyed as well. There is compelling evidence that the Israeli army has used weapons which are prohibited by international humanitarian law because of their indiscriminate effects.

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The Israeli army continues its operations ignoring the Resolution of the UN Security Council, and has even announced to intensify them. The Israeli Government has refused to comply with the Resolution.

The lawyers' association and individual lawyers organized in ELDH demand from the European Union and their member states

- To bring to bear immediately all the political and economical means of the EU and its member states to force the conflicting parties to comply with the UN Resolution
- To initiate immediately the necessary humanitarian aid program for the Palestinian people and to support such activities of the UN
- To immediately become active within the UN Security Council in order to decide upon the necessary measures, or if this is not possible to convene an emergency session of the UN General Assembly under Authority of Resolution 337
- To undertake the necessary steps for the international recognition of the Palestinian State within the borders of 1967 and for the end of the occupation of Palestinian territory by Israel, in order to eliminate one major cause of the conflict
- To investigate and to prosecute in a special UN tribunal all crimes committed in this conflict

ELDH and its members – as far as possible together with other lawyers and human rights activists and their associations - will support all activities to end the violence in Israel and Palestine and in order to eliminate the major reason for the violence, to put an end to the illegal occupation of Palestine by the Israeli army and Israeli settlers. ELDH will also support all activities to investigate the crimes committed in this conflict, to prosecute the responsible persons and to end the impunity of the responsible Israeli politicians and military personnel. For this purpose a special UN Criminal Tribunal should be established, and universal jurisdiction should be applied by domestic courts .

ELDH appeals to all lawyers to endorse this declaration, to support other ELDH activities in this context, and to help the suffering Palestinian people with a donation to one of the Palestinian humanitarian aid associations. Donations are also possible to the bank account of ELDH which is a non-profit organization based in Germany (bank account EJDM e.V.(the German name of ELDH), bank: Postbank AG, Dortmund, IBAN: DE78 4401 0046 0334 6974 62, BIC: PBNKDEFF).

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