



ELDH European Association of Lawyers for Democracy & World Human Rights

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

WITH LAWYERS
IN 21 COUNTRIES

Equality Privacy Social Rights
No Racism Peace No Torture No War
Self-Determination of Peoples Civil Rights Democracy
Human Rights Rights of Migrants

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Statement against war crimes committed in Palestine and Israel

The European Lawyers for Democracy and Human Rights (ELDH), with members in 21 European countries, expresses its grave concern at the latest outbreak of violence in Israel and the Occupied Palestinian Territories (OPTs).

As a result of the violence so far, at least 230 Palestinians have been killed, including 65 children, in Gaza, by Israeli airstrikes. Palestinian rocket fire has so far killed 12 in Israel, including one child. On 11 May 2021, the Israel Defence Forces stated that at least 15 of the 230 Palestinian casualties were confirmed members of Hamas. As of 19 May 2021, the Palestinian National Authority reported injuries for at least 1710 Palestinians, while as of 12 May Israel reported at least 200 injured Israelis. ELDH notes this disparity.

As of 19 May, at least 72,000 Palestinians have been displaced. Calls for a ceasefire were first proposed on 13 May by Hamas, but rejected by Israeli prime minister Benjamin Netanyahu, who has so far been resisting calls by the USA. for a ceasefire.

There is no doubt that war crimes have been committed both by Israel, in deliberately targeting civilians and causing wanton damage, and by Hamas, in firing rockets at Israel civilians.

On 3 March 2021 Fatou Bensouda, Prosecutor at the International Criminal Court (ICC) announced the Investigation by her Office into crimes alleged to have been committed in the Situation in Palestine since 13 June 2014. The territorial scope of the ICC's criminal jurisdiction extends to Gaza and the West Bank, including East Jerusalem. The ICC has already been denounced by Mr Netanyahu as an anti-Israeli conspiracy, but ELDH urges all European states to give their full support to the ICC's investigation, which will extend to all individuals, Israeli or Palestinian, suspected of committing crimes under the Rome Statute of the ICC.

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The present violence started on 6 May 2021, when Palestinian protests began in Jerusalem over an anticipated decision of the Supreme Court of Israel on the eviction of six Palestinian families from Sheikh Jarrah in occupied East Jerusalem. Under international law, the area, illegally annexed by Israel in 1980, is part of the Palestinian territories that Israel occupied in 1967. The protests quickly escalated into violent confrontations between Jewish and Palestinian protesters. On 7 May, Israeli police stormed the compound of the al-Aqsa Mosque, the third-holiest site in Islam.

ELDH recalls that its President, Professor Bill Bowring, was a member of the English lawyers' Mission to Sheikh Jarrah in December 2010. In its report, published in May 2011 by Avocats Sans Frontières, and available on the ELDH website, the Mission gave full details of the relevant international law, and of the aggressive attempts by Israeli settlers to evict Palestinian families from their homes by force. The events of May 2021 are a continuation of this aggression and illegality. By tragic coincidence, 15 May 2021 was Nakba Day, the annual day of commemoration of the Nakba, also known as the Palestinian Catastrophe, which saw the destruction of Palestinian society and its homeland in 1948, and the permanent displacement of a majority of the Palestinian people.

On 12 January 2021 the Israeli human rights organisation B'Tselem, published its momentous Report "A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid". It stated that Israel's regime of apartheid and occupation is inextricably bound up in human rights violations. It explained in detail why Israel's regime is correctly described in international law as apartheid. On 27 April 2021 Human Rights watch followed with its Report entitled "A Threshold Crossed Israeli Authorities and the Crimes of Apartheid and Persecution".

These are amongst the crimes to be investigated by the ICC.

- ELDH insists that all European states are under an obligation to do everything in their power to bring to an end the illegality and oppression of Israel's continued occupation since 1967, which is the root cause of the current violence. Instead, the EU and the UK have continued to collude with Israel.
- ELDH urges all European states to give the maximum support to the ICC and its new Prosecutor in carrying out their investigation without hindrance, in particular Israel, which has effectively declared war on the ICC.
- ELDH demands that all parties to the conflict, in particular Israel, which has the overwhelming preponderance of military power, and which is responsible of the illegality which gives rise to the present violence, cease their military activities forthwith.