



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 22 COUNTRIES

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

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

Bologna, Donostia, Düsseldorf, Vienna, 22 December 2023

ELDH: For an immediate Ceasefire and respect for international law in Israel and Palestine

The European Association of Lawyers for Democracy and World Human Rights (ELDH) is a lawyers' association with members in 22 European countries. It is committed to democracy and human rights, in particular for respect for international law.

ELDH strongly supports United Nations General Assembly (UNGA) Resolution ES-10/22 of the 10th Emergency Special Session of the UNGA which called for an immediate ceasefire in the 2023 Israel–Palestine war, for an "immediate and unconditional" hostage release, for "ensuring humanitarian access" and that "all parties comply with their obligations under international law".

At the start of the session, UNGA President Dennis Francis underscored the urgency of ending the suffering of innocent civilians. "We have one singular priority – only one – to save lives," he stressed.

ELDH condemns the 10 states including the USA and Israel which voted against, and the 23 states including the UK, Germany and Netherlands which abstained. ELDH notes with approbation that a significant majority of European states were among the 153 states which voted in favour.

ELDH fully supports the demands of the UNGA outlined in its Resolution:

1. Demands an immediate humanitarian ceasefire;
2. Reiterates its demand that all parties comply with their obligations under international law, including international humanitarian law, notably with regard to the protection of civilians;
3. Demands the immediate and unconditional release of all hostages, as well as ensuring humanitarian access;

Further, the ELDH condemns those states which harm their own democracy by banning demonstrations and criminalising expressions of opinion which criticise the actions of any actor involved in the conflict. The

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European Court of Human Rights regularly emphasize that the fundamental rights of free communication are the basis of any democratic state. ELDH therefore calls on the governments concerned to stop using political bans, exclusion from public media, police bans on events, and immigration policy decisions to restrict public expression for human rights.

In addition, ELDH joins the lawyers' organisations which have made formal written requests to the Chief Prosecutor of the International Criminal Court ('ICC'), Karim Khan KC, to issue a "preventative statement", as his office has done in the past. Mr Khan is asked urgently to remind all parties to the conflict, as well as third party States, of their obligations under international law, and in particular their obligation to respect the fundamental international law principle of distinction between civilians and combatants.

A formal statement would serve as an important reminder at this time that Mr Khan's office is undertaking an ongoing investigation into the "Situation in the State of Palestine", that he has jurisdiction over the current hostilities in relation to acts of genocide, war crimes and crimes against humanity committed by any person in Gaza or the West Bank, including East Jerusalem, and/or committed by nationals of State parties to the Rome Statute of the ICC, including the State of Palestine, within Israel or elsewhere. All persons who have committed, are committing, or plan to commit such serious crimes, or otherwise order, aid and abet or facilitate them or contribute to their commission, must be left with no doubt that they are individually accountable and at risk of prosecution by the ICC.