



Plenary sitting

B8-0210/2018

17.4.2018

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the situation in the Gaza strip
(2018/2663(RSP))

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on behalf of the Verts/ALE Group

B8-0210/2018

**European Parliament resolution on the situation in the Gaza strip
(2018/2663(RSP))**

The European Parliament,

- having regard to its previous resolutions on the Israel-Palestine conflict, in particular that of 18 May 2017 on achieving the two-state solution in the Middle East,
 - having regard to the Council conclusions on the Middle East Peace Process, in particular those of 18 January 2016 and 20 June 2016,
 - having regard to the statements by the EU High Representative/Vice-President Federica Mogherini and her spokesperson on the latest developments in Gaza,
 - having regard to the EU Guidelines on international humanitarian law,
 - having regard to the UN Security Council resolutions on the Israel-Palestine conflict, notably Resolution 2334 adopted on 26 December 2016,
 - having regarding to the relevant UN General Assembly resolutions,
 - having regard to the Fourth Geneva Convention and the Rome Statute of the International Criminal Court,
 - having regard to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,
 - having regard to the statement by the Spokesperson of the UN Secretary General Antonio Guterres on the situation in Gaza of 30 March 2018,
 - having regard to the statement by UN Special Rapporteurs on extrajudicial, summary or arbitrary executions, on the right to adequate housing, on the promotion and protection of the right to freedom of opinion and expression and on the situation of human rights in the Palestinian Territory occupied since 1967, of 6 April 2018,
 - having regard to the statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on Gaza of 18 April 2018,
 - having regard to Rule 135 of its Rules of Procedure,
- A. Whereas the Gaza Strip has been subjected to over a decade of unlawful blockade, which, according to the International Committee of the Red Cross, constitutes “a

collective punishment imposed in clear violation of Israel's obligations under international humanitarian law";

- B. Whereas the Gazan population, including 1,3 million refugees, currently experiences a spiralling and unprecedented humanitarian and economic crisis as a result of the blockade; whereas, according to UN data, 1,3 million people in Gaza out of 2 million inhabitants are in need of humanitarian assistance, 47 per cent of the households suffer from severe or moderate food insecurity, 97 per cent of piped water is unfit for human consumption, 80 per cent of energy needs are uncovered, and more than 40 per cent of the population are unemployed in the area; whereas according to 2012 UN estimates, Gaza is on track to become "unliveable" by 2020; whereas the Council stressed "the unsustainable nature of the status quo with regards the situation in the Gaza Strip" in July 2014;
- C. Whereas basic freedoms, including of association and expression, are heavily curtailed by the Hamas-led authorities in Gaza; whereas Israeli authorities have accused Hamas of being responsible for the firing of rockets from the Gaza Strip into Israeli territory, including 35 projectiles in 2017;
- D. Whereas on 30 March and 9 April 2018, the Israeli security forces fired live ammunition from snipers, used rubber-coated metal bullets and launched tear gas grenades, which resulted in multiple casualties, including loss of lives, among tens of thousands of Palestinians participating in demonstrations along the eastern border fence between the Gaza Strip and Israel;
- E. Whereas at least 30 Palestinians taking part in the protests were killed, including three children and one journalist wearing a "press" jacket; whereas close to 2,000 Palestinians were reportedly wounded, including 342 minors, 76 women and 3 journalists; whereas at least 1,350 of those injured were shot with live ammunition and around 40 remain in serious or critical condition;
- F. Whereas this large-scale, annual protest, envisaged to last until 15 May, sought to assert the right of return of refugees and to demand an end of the ten-year blockade of Gaza; whereas in the days before the march, all major Palestinian factions had agreed to keep the demonstrations unarmed, which encouraged women and families with children to also participate;
- G. Whereas some Palestinian demonstrators torched tires, threw stones, firebombs and other objects towards the fence between Gaza and Israel; whereas Human Rights Watch has found no evidence of any protestor carrying firearms;
- H. Whereas UN human rights experts have stated that "there is no available evidence to suggest that the lives of heavily armed security forces were threatened" and noted that a number of the dead and wounded were shot in their upper bodies while at considerable distance from the Israeli security forces; whereas the Spokesperson for

the UN High Commissioner for Human Rights stated that “there are strong indications that security forces used excessive force”;

- I. Whereas the intentional use of lethal force against protestors who do not pose an imminent threat to life or serious injury violates international human rights law and, in the context of occupation, constitutes the offence of wilful killing, which is a grave breach of the Fourth Geneva Convention and a war crime under the Rome Statute of the ICC; whereas States are obliged to respect the right to peaceful protest and, even if violence may occur, only the minimum force necessary to address it can be used; in any event, lethal force may never be used against peaceful protestors;
- J. Whereas the UN Secretary General and the EU have called for an independent and transparent investigation, with a view to holding those responsible accountable;
- K. Whereas the Prosecutor of the International Criminal Court, Fatou Bensouda, has stated that “violence against civilians - in a situation such as the one prevailing in Gaza - could constitute crimes under the Rome Statute of the ICC, as could the use of civilian presence for the purpose of shielding military activities”; whereas Ms Bensouda stated that “any person who incites or engages in acts of violence including by ordering, requesting, encouraging or contributing in any other manner to the commission of crimes within ICC’s jurisdiction is liable to prosecution before the Court”;
- L. Whereas Human Rights Watch has stated that “the killings highlight the importance of the ICC prosecutor opening a formal investigation into serious crimes in Palestine”;
- M. Whereas the Israeli human rights NGO B’Tselem has stressed that it is a criminal offense to obey manifestly illegal orders and has called on soldiers to refuse to comply to orders to use live fire against unarmed civilians;
- N. whereas the Gaza Strip has witnessed three major escalations of violence over the past decade during Israeli Defence Forces operations in December 2008-January 2009, November 2012, and June-August 2014; whereas, according to UN data, more than 3,800 Palestinians, including over 920 children, as well as 90 Israelis were killed, and around 900 Palestinians, including around 300 children, were permanently disabled in these hostilities; whereas more than 18,000 Palestinian homes were destroyed or severely damaged during the latest conflict in 2014, which resulted in 100,000 displaced persons, of whom more than 4,000 families remain displaced until today;
1. Condemns the grossly disproportionate use of force by Israeli security forces against unarmed Palestinian demonstrators in the Gaza Strip over the past two weeks and expresses its solidarity with the victims and their relatives;

2. Calls on all sides to avoid and to prevent further injuries and loss of life; calls on the Israeli authorities to abide with its international legal obligations by putting an immediate end to its use of lethal and other excessive force against Palestinian demonstrators and by upholding the fundamental rights to life, to peaceful protest and to freedom of expression of the Palestinian people, including when legitimately protecting its borders and ensuring its security;
3. Encourages Palestinians and Palestinian factions, notably Hamas, to eschew violence and to continue to embrace peaceful protest as means of mobilization against the occupation;
4. Calls for an independent and impartial investigation into the killings and injuries; deplores the veto by the US administration of a United Nations Security Council statement calling for such an investigation;
5. Calls on the Prosecutor of the International Criminal Court to open *proprio motu* a formal investigation into the latest developments; calls on the Palestinian authorities, as a State Party to the ICC, to refer the current situation in Gaza to the Prosecutor; expects the EU to take the results of these investigations into full account in its bilateral relations with Israel and the Palestinian Authority;
6. Calls on the Israeli authorities to enable the quick delivery of medical equipment to those who need it and allow medical referrals outside Gaza for humanitarian reasons; calls on the Palestinian Authority to ensure the replenishment of essential drugs, medical disposables and laboratory reagents, needed for the treatment of injuries in public hospitals;
7. Urges the Israeli and Egyptian Governments to lift the blockade of the Gaza Strip and ensure the full opening of the crossing points; deplores the continued restrictions imposed by Israel on the entry of building materials into Gaza; calls on the EU, alongside its Quartet partners, to enable Palestinians in Gaza to reopen their airport and build a seaport in order to break the international isolation of the Strip;
8. Denounces the dramatic healthcare situation for the Palestinians in Gaza, including substantial delays or denials in exit permits for those seeking needed medical treatment outside of Gaza; recalls the responsibility of Israel under international law to ensure the health and welfare of the Palestinian population under its control;
9. Expresses its concern at the deteriorating climate for human rights NGOs in both Israel and Palestine, including Gaza, and the growing attempts by the authorities to stifle dissent and independent voices; calls on the EU Delegation and on Member States' diplomatic missions to continue engaging with the authorities and to systematically meet and support human rights and peace actors, without whom the two-state solution will remain elusive;

10. Calls on all Palestinian forces to resume efforts towards reconciliation, notably through the holding of the long overdue presidential and legislative elections throughout Palestine; calls on the Israeli authorities to provide a fair trial or release all members of the Palestinian Legislative Council currently in administrative detention, as well as all other Palestinians under administrative detention without charges; calls on the EU to take innovative action to promote reconciliation;
11. In line with the EU Common Position on Arms Exports, calls on EU Member States not to export any form of security equipment and military aid to Israel, which could be used to suppress peaceful protest; calls on the European Commission to exclude Israeli military and security companies from participating in security and defence-related EU framework programmes, such as Horizon 2020, and future programmes such as FP9, the defence research programme and the defence industrial development programme;
12. Expresses outrage at the continued and unjustified obstruction by the Israeli authorities of any visit by official bodies or individual Members of the European Parliament to the Gaza Strip; underscores that this obstruction prevents Parliament from carrying out its basic responsibility of monitoring EU action, notably with respect to the funding of UNRWA; calls on its Conference of Presidents to seize itself of this matter;
13. Decides to send an ad hoc delegation to Gaza and West Bank to assess the situation on the ground, notably the heightened challenges faced by UNRWA in the delivery of basic services to the Palestinian refugees; stress the need for this delegation to assess the destruction by the Israeli authorities of at least 400 EU-funded structures for Palestinians worth over EUR 1,5 million, as well as the state of reconstruction since the last Israeli military intervention in Gaza;
14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for the Middle East Peace Process, the parliaments and governments of the Member States, the Secretary-General of the United Nations, the Prosecutor of the International Criminal Court, and the Commissioner-General of UNRWA.