MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission
pursuant to Rule 110(2) of the Rules of Procedure
on the implementation of the recommendations of the Goldstone report

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on behalf of the Verts/ALE Group
European Parliament resolution on the implementation of the recommendations of the Goldstone report

The European Parliament,

– having regard to the Universal Declaration of Human Rights of 1948,

– having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,

– having regard to the International Covenant on Economic, Social and Cultural Rights (ICESC) of 1966,

– having regard to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949,

– having regard to the UN Convention on the Rights of the Child of 1989,

– having regard to Resolution A/HRC/S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip, adopted by the UN Human Rights Council (UNHRC) on 12 January 2009 at its 9th Special Session,

– having regard to Resolution A/HRC/RES/S-12/1 on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, adopted by the UNHRC on 16 October 2009 at its 12th Special Session,

– having regard to UN General Assembly Resolutions A/RES/64/10 and A/RES/64/254 on the follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict, adopted on 5 November 2009 and on 26 February 2010 respectively,

– having regard to the Declaration of the Presidency on behalf of the EU on the humanitarian situation in Gaza, of 18 November 2009,

– having regard to the report of the EU Heads of Mission on East Jerusalem,

– having regard to the Council Conclusions of 8 December 2009 on the Middle East peace process,

– having regard to its previous resolutions on the Middle East, in particular that of 15 January 2009 on the situation in the Gaza Strip,

– having regard to Rule 110(2) of its Rules of Procedure,
A. whereas the Union's action on the international scene must be guided by strict respect for the principles and objectives of the UN Charter and international law; recalling at the same time that international law sets obligations on states not only to respect and to protect but also to ensure respect for international humanitarian law,

B. whereas breaches of the Geneva Conventions permit the exercise of universal jurisdiction for serious international crimes, such as war crimes, crimes against humanity, torture and genocide,

C. whereas, given the EU's contractual relations with Israel and its position as main donor to the Palestinians, the EU and its Member States have a particular responsibility to ensure full respect for international human rights and humanitarian law by neighbouring partner countries notably, in accordance with the Articles 8 and 21 of the EU Treaty,

D. whereas the UN Fact-Finding Mission on the Gaza Conflict, led by Justice Richard Goldstone, was mandated on 3 April 2009 by the UN Human Rights Council 'to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 to 18 January 2009, whether before, during or after',

E. whereas the initial mandate, which was a one-sided approach, has been expanded at the request of Richard Goldstone, Head of the Mission, so as to appropriately address all parties to the conflict, namely Israel, the Palestinian Authority, the Hamas de facto administration in Gaza and armed Palestinian groups,

F. having regard to the decision of the Government of Israel not to cooperate with the UN Fact-Finding Mission and its implicit refusal to give it access to Gaza, the West Bank and southern Israel,

G. whereas the three-week military offensive by the Israeli Defence Forces in the Gaza Strip resulted in the mass violation of the human rights of the Palestinian people, with at least 1 440 Palestinians being killed, including 431 children and 114 women, and over 5 300 Palestinians being injured, and in the widespread destruction of Palestinian infrastructure, with an estimated 22 000 buildings being completely destroyed, including 4 230 destroyed homes; whereas, at the same time, 13 Israelis were killed during this conflict which took place in Gaza and southern Israel,

H. whereas Hamas and other Palestinian armed groups have launched about 8 000 rockets into southern Israel since 2001, including attacks during the truce agreed between Israel and Hamas on 18 June 2008; whereas the UN Charter, notably Article 51 thereof, explicitly provides for the right of individual or collective self-defence in an armed attack,

I. whereas the truce was often violated by the two sides and did not result in the lifting of the Israeli blockade on the Gaza Strip as agreed by the parties, with a deep humanitarian crisis affecting the whole population of the strip and with limited improvements in the situation in the West Bank,
J. whereas the report of the UN Fact-Finding Mission published on 15 September 2009 concluded that both Israel and Hamas committed serious violations of international human rights and humanitarian law during the Gaza conflict, some amounting to war crimes, and possibly crimes against humanity, and that neither side carried out any credible investigations into alleged violations or took serious steps to hold perpetrators to account,

K. whereas, at the 12th Special Session of the UNHRC, Sweden on behalf of the EU group pointed out that 'the EU has consistently reminded all parties to the conflict of their obligations under international law' and that 'an overarching human rights priority for the EU is to combat impunity'; whereas EU Member States nevertheless took different positions at the UN General Assembly on 5 November 2009,

L. whereas, in its resolution of 26 February 2010, the UN General Assembly reiterated its call on both Israel and the Palestinian side to conduct credible investigations and requested further reports in five months,

M. whereas Israeli and Palestinian civil society organisations played a crucial role in facilitating the UN Fact-Finding Mission's access to information, testimonies and evidence, closely monitoring and reporting on the steps taken by all sides to achieve a step-by-step approach for accountability and continuing to bring pressure to bear on both the international community and all concerned parties with a view to the establishment of independent and impartial investigation mechanisms,

N. whereas Israeli non-governmental human rights organisations are facing a campaign of defamation, which is aimed at discrediting those speaking out against Israeli policies in the Palestinian Occupied Territories; noting that the attacks increased immediately after the publication of the Goldstone report; whereas, at the same time, the Knesset's Constitutional Committee is due to adopt a severely restrictive government-backed bill on 17 March, which would require NGOs to register as political organisations and revoke their charity status, thus restricting their ability to receive funding from foreign political entities and increasing state monitoring of the activities of NGOs;

1. Stresses that respect for international human rights and humanitarian law by all parties and in all circumstances remains an essential precondition for achieving a just and lasting peace in the Middle East;

2. Reminds the international community of its responsibility to ensure accountability for serious violations of international law and stresses that no state or armed group should be above the law;

3. Reminds the EU and its Member States of their legal obligation as High Contracting Parties to the Geneva Conventions to ensure respect for these conventions in all circumstances and reminds the EU Member States that EU external policy is based on the promotion of and respect for international human rights law; considers that lack of accountability for war crimes and other grave human rights violations would not only be seen as a breach of international law, but would also strongly undermine and compromise
the EU's external action;

4. Calls on the High Representative of the Union for Foreign Affairs and Security Policy and EU Member States to work towards a strong EU common position on the follow-up to the Fact-Finding Mission report on the conflict in Gaza, publicly demanding the implementation of its recommendations and accountability for all violations of international law, including alleged war crimes, urging both sides to conduct investigations that meet international standards of independence, impartiality, transparency, promptness and effectiveness within five months, in line with UN General Assembly Resolutions A/RES/64/10 and A/RES/64/254, and calling for all persons responsible for the alleged crimes to be held accountable;

5. Considers that the submissions made by Israel, the Palestinian Authority and Hamas to UN bodies in response to UNGA Resolution A/RES/64/10 demonstrate that none of the relevant parties has yet taken the necessary steps to conduct investigations;

6. Calls on the High Representative of the Union for Foreign Affairs and Security Policy and the Member States, therefore, to use the legal and diplomatic tools at their disposal to urge all the parties concerned to immediately conduct independent, impartial and credible investigations into the serious violations reported by the UN Fact-Finding Mission; calls on the High Representative also to assess the results of Israeli and Hamas investigations and to report back to Parliament on these assessments;

7. Calls on the High Representative of the Union for Foreign Affairs and Security Policy and the Member States to monitor actively the implementation of recommendations included in the Goldstone report by means of consultation of all parties to the conflict, EU external missions and NGOs in the field, and to issue statements on the state of the investigations; calls for the recommendations and related observations to be included in EU dialogues with both sides, as well as in EU positions in multilateral fora; calls on the EU, at the same time, to actively support all parties to the conflict in implementing the recommendations of the Goldstone report;

8. Draws attention to the fact that the General Assembly, in its reiterated request of 26 February 2010 to the UN Secretary-General, asked him to report back after five months 'with a view to considering further action, if necessary, by the relevant UN organs and bodies, including the Security Council'; calls on the EU to actively support the Secretary-General in analysing the implementation by all parties of the recommendations included in the Goldstone report;

9. Calls on the EU Delegate to the UN Secretary-General's Office to report back to Parliament within three months on the progress made by all parties to the conflict in implementing the recommendations of the Goldstone report;

10. Calls on the EU Delegation in Tel Aviv, Jerusalem and Ramallah to report back to Parliament within three months on the progress made by Israel and the Palestinian side in implementing the recommendations of the Goldstone report;

11. Calls on the EU, as recommended by the Goldstone report, to support an independent
committee of international experts on international law and criminal investigations to monitor and assess the effectiveness and genuineness of the domestic investigations carried out by the parties to the conflict;

12. Draws attention to the fact that a State responsible for an unlawful act has an obligation to make full reparation for the loss or injury caused and that international law recognises the right of victims to an effective remedy and reparations for damage or loss resulting from human rights violations;

13. Endorses the other recommendations of the Goldstone report which focus on other serious violations of international law that Israel is committing in the Occupied Palestinian Territory, and calls on Israel to immediately lift the blockade on the Gaza Strip, to ensure freedom of movement within the Occupied Palestinian Territory, to release political prisoners, including PLC Member Marwan Barghouti, and to lift travel bans imposed on Palestinians related to their human rights and political activities;

14. Reiterates its calls for the immediate release of Gilat Shalit; strongly condemns the Dubai murder of a Hamas official and expresses its concern that this could hamper efforts in negotiating Shalit's release;

15. Considers that the follow-up to the recommendations of the UN Fact-Finding Mission report and the demands for accountability should be an essential and integral part of EU-Israel and EU-PLO relations;

16. Reaffirms that the upgrading of relations between the EU and Israel must be strongly conditioned on strict respect for international human rights and humanitarian law, including the immediate lifting of the blockade on the Gaza Strip, a total freeze on all settlement constructions in the West Bank, including East Jerusalem, the conduct of investigations that meet international standards of independence, impartiality, transparency, promptness and effectiveness, real commitments and actions aimed at a comprehensive peace settlement and the full implementation of the EC-PLO Interim Association Agreement;

17. Points out that the Israeli military action gravely contributed to shattering the Annapolis process, and calls on the EU, therefore, to take a strong initiative with a view to revitalising the remaining hopes of a negotiated comprehensive settlement of the conflict, by endorsing the principle of collective recognition of a Palestinian State before the end of the peace negotiations, as put forward in the proposal made by the French and Spanish Foreign Ministers for collective recognition of a Palestinian State; calls on the Council and the Commission, in the same spirit, to endorse and implement the recommendations set out in the EU Heads of Mission report on East Jerusalem of December 2009;

18. Is deeply concerned by the campaign of defamation against Israeli human rights organisations, including arrests and restrictions of movement; considers also that the bill on 'disclosure requirements for recipients of support from a foreign political entity', which has similarities with the Russian NGO Law, endangers the exercise of freedom of expression and of association, as guaranteed by Articles 19 and 22 of the ICCPR, to which Israel is a party, and asks the Knesset to withdraw it; urges the EU, in this
connection, to raise the issue at the highest level in its discussions with Israel at the EU-
Israel Association Council, scheduled for 23 March, and calls on the High Representative
of the Union for Foreign Affairs and Security Policy to do likewise when visiting Israel in
March;

19. Takes the view that universal jurisdiction is an efficient tool for enforcing international
human rights and humanitarian law, preventing impunity and promoting international
accountability;

20. Calls on the Member States to support the holding of a Conference of the High
Contracting Parties to the fourth Geneva Convention, with a view to enforcing the
protection of civilians in the Occupied Palestinian Territory, including East Jerusalem;

21. 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 governments and parliaments of the Member States, the UN
Secretary-General, the Quartet Envoy to the Middle East, the Israeli Government, the
Knesset, the President of the Palestinian Authority, the Palestinian Legislative Council
and the Euro-Mediterranean Parliamentary Assembly bodies.