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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 Goldstone Report

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on behalf of the GUE/NGL Group

European Parliament resolution on the implementation of the Goldstone Report

The European Parliament,

- having regard to the UN Charter,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the 1949 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War,
- having regard to UN Resolution 1860 of 2009,
- having regard to the decision of the International Court of Justice on the Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,
- having regard to its previous resolutions on the Middle East,
- having regard to the report of the UN Fact-Finding Mission on the Gaza Conflict, led by Justice Richard Goldstone, of 15 September 2009,
- having regard to Rule 110(2) of its Rules of Procedure,
 - A. whereas Israel has been occupying the Palestinian territories since 1967; whereas, according to the IV Geneva Convention, Israel is responsible for the humanitarian protection of the whole of the civilian population under its occupation,
 - B. whereas the state of Israel is under an obligation to terminate its breaches of international law (according to the decision of the International Court of Justice),
 - C. whereas over 8 000 Palestinians are being held in Israeli prisons,
 - D. whereas Israel pursues a policy of forcibly expelling Palestinians from East Jerusalem through excessive administrative obstacles, daily disturbances, water cuts and the continuous demolition of their houses,
 - E. whereas Israel continues its policy of colonisation of the Palestinian territories by the continuous construction of new settlements and the extension of existing ones, stealing Palestinian land and aiming at a de facto demographic change of the population,
 - F. whereas Israel has continued the construction of the wall, blocking Palestinian territories, creating enclaved areas, and creating new facts on the ground,
 - G. whereas this constitutes a continuous violation by Israel of international law as confirmed by the International Court of Justice; according to the Advisory Opinion

regarding 'The Wall', Israel is 'under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto'; whereas Israel continues its policy of blockages and checkpoints in occupied Palestine in order to obstruct the free movement and access of the Palestinians, thereby seriously affecting their daily lives and endangering their livelihood,

- H. whereas, on 27 December 2008, Israel launched a large-scale military offensive against the Palestinian population in Gaza which lasted until 18 January 2009 and also targeted civilians and parts of the civilian infrastructure; whereas this was not the first time that Israel has committed violations of international human rights law and international humanitarian law against the Palestinian people;
- I. whereas during this military offensive more than 1 400 Palestinians lost their lives, the vast majority of them civilians, including many women and children, as well as 13 Israelis, and thousands of Palestinian civilians were wounded; whereas during the Israeli military offensive thousands of houses, schools, hospitals, communal buildings, roads and vital infrastructure were targeted and destroyed; whereas in the same period four Israelis died and hundreds were injured as a result of the launching of rockets and mortars from Gaza into south Israel;
- J. whereas violations of international humanitarian law were also committed by Hamas and other groups on Israeli and Palestinian civilians,
- K. whereas there is proof that Israel deliberately targeted the civilian population and used weapons and ammunition that should be prohibited, such as white phosphorus, causing numerous victims and specific injuries,
- L. whereas, following the war in Gaza and the allegations of serious crimes against the civilian population, the President of the Human Rights Council appointed in April 2009 a UN Fact Finding mission with a mandate '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 and 18 January 2009, whether before, during or after',
- M. whereas on 29 September 2009 the Head of the UN Fact-Finding Mission on the Gaza Conflict, Justice Richard Goldstone, presented the Mission Report to the Human Rights Council, stating that, in Gaza, Israel had committed violations of international human rights law and international humanitarian law and failed to meet its obligations under the Fourth Geneva Convention, acts that are tantamount to crimes that should be brought before the International Criminal Court,
- N. whereas Israel has refused to cooperate with the Fact-Finding Mission and rejected the report in vehement terms; whereas the Palestinian Authorities have appointed an internal Palestinian committee of enquiry,

- O. whereas, in the concluding observations of the Fact-Finding Mission report, article 1876 states that ‘In carrying out its mandate, the Mission had regard, as its only guides, for general international law, international human rights and humanitarian law, and the obligations they place on States, the obligations they place on non-State actors and, above all, the rights and entitlements they bestow on individuals. This in no way implies equating the position of Israel as the occupying Power with that of the occupied Palestinian population or entities representing it. The differences with regard to the power and capacity to inflict harm or to protect, including by securing justice when violations occur, are obvious and a comparison is neither possible nor necessary. What requires equal attention and effort, however, is the protection of all victims in accordance with international law’,
- P. whereas some of the EU Member States represented in the UN Human Rights Council have rejected the report as well as the resolution of the UNHRC,
- Q. whereas no agreement has been reached on putting the report on the agenda of the UN General Assembly or the UN Security Council,
- R. whereas the blockade of the Gaza strip continues, preventing international efforts from assisting with the reconstruction of Gaza; whereas the humanitarian situation one year after the war represents a humanitarian catastrophe,
- S. whereas the people of Palestine have the right freely to determine their own political and economic system and to live in peace, freedom and security, in their own State; whereas the people of Israel have the right to live in peace and security; whereas both peoples are entitled to justice in accordance with international law,
1. Welcomes the report of the UN Fact Finding Mission on the Gaza Conflict and calls for the immediate embracing of its findings by the member states of the EU and implementation of its recommendations; emphasizes that these findings and recommendations may have a major impact on the efforts to reach a peace agreement based on a two states solution; considers that accountability can contribute to a peaceful solution of the Middle East conflict; calls on the EU not to tolerate the lack of accountability on behalf of Israel for crimes committed against the Palestinian civil population;
 2. Demands an end to Israeli occupation of the Occupied Palestinian Territories (the West Bank and Gaza);
 3. Denounces attacks against civilian populations, from whichever side;
 4. Calls for the release of all Palestinian prisoners currently illegally imprisoned by Israel;
 5. Denounces the Israeli government’s policy against the Palestinian people;
 6. Condemns the crimes committed by the Israeli military against the civilian population in Gaza, particularly the targeting and killing of civilians, collective punishment, the

use of weapons and material that should be prohibited;

7. Denounces the destruction by the Israeli army of infrastructure in Gaza, particularly infrastructure linked to food production and supply, health, and education, as well as the closures and prohibition of free movement that have caused the humanitarian situation in Gaza to deteriorate further;
8. Regrets Israel's refusal to cooperate with the Mission as well as to set up a committee of inquiry; calls on Israel to react positively to the recent request of the UN Secretary General to undertake serious investigations; welcomes the appointment of an internal Palestinian committee of inquiry and looks forward to receiving its results;
9. Calls on Hamas to take on board the relevant conclusions of the Goldstone Report, fulfil its responsibilities and engage in an inclusive political dialogue;
10. Stresses the importance of achieving inter-Palestinian reconciliation and underlines, in this respect, the need for a permanent geographical connection between, and the peaceful and lasting political reunification of, the Gaza Strip and the West Bank;
11. Calls on all EU Member States to support the presentation of the report in the UN General Assembly and hence bring it before the ICC with the aim of persecuting the perpetrators of such crimes as are described above;
12. Underlines that the policy of the EU and other international actions to grant Israel impunity for violations of international and international humanitarian law has failed; calls on the Council, the Member States and the Commission finally to draw the necessary conclusions from this fact; calls on all EU Member States to support the presentation of the report in the UN General Assembly;
13. Demands that no upgrading of the EU – Israel Association Agreement be conceded, given the violations committed by Israel; reaffirms that the development of the EU-Israel relations must be strongly conditioned on respect for human rights and the international humanitarian law,(on the end of the humanitarian crisis in Gaza and in the Occupied Palestinian Territories, on real commitments to a comprehensive peace settlement)
14. Urges Member States to stop delivering weapons to Israel;
15. Considers that accountability can bring an end to the commitment of crimes against the Palestinian population;
16. Is committed to promoting actively a negotiated, just and peaceful solution to the Palestinian problem on the basis of the two-state solution, establishing an independent, viable Palestinian state within the 1967 borders with East Jerusalem as its capital, and a comprehensive settlement for all Palestinian refugees on the basis of UN Resolution 194;
17. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the UN Secretary-General, the

Quartet, the Israeli Government, the President of the Palestinian Authority, the Knesset and the Palestinian Legislative Council.