

**JOINT OPEN LETTER
FOR IMMEDIATE RELEASE
DATE: 09 DECEMBER 2010
REF.: 330/2010**

To: Mr. Thomas Dupla Del Moral, Middle East Director, External Relations Directorate General, European Commission

Dear Mr. Dupla Del Moral,

Re: EU-Israel Sub-Committee on Political Dialogue and Cooperation, 15 December 2010

As Palestinian human rights organisations committed to the protection and promotion of human rights in the Occupied Palestinian Territory (OPT), in light of the upcoming EU-Israel Subcommittee Meeting on Political Dialogue and Cooperation, scheduled for 15 December 2010, we would like to express our strong concerns regarding Israel's continuing settlement construction.

For over four decades Israel has engaged in a policy of consolidating its territorial, administrative and legal control over the OPT, constituent of the West Bank, including East Jerusalem, and the Gaza Strip, by establishing and expanding its illegal settlements. Settlements and their associated infrastructure of Israeli-only by-pass roads, checkpoints, roadblocks and the Annexation Wall, control 42% of the West Bank. Built on lands illegally confiscated from Palestinians, the settlement infrastructure fragments the occupied territory into separate enclaves, preventing the Palestinian people from making use of their land and natural resources, and exercising their right to self-determination.

In addition to having a devastating impact on Palestinian freedom of movement, family life and access to education, food, health care and other services, Israel's settlement enterprise has further resulted in the creation of two parallel and unequal societies in the OPT – a superior Israeli settler society and a dominated and disadvantaged Palestinian society that is denied its fundamental human rights.

In November 2009, in response to international criticism, Israel declared a ten-month moratorium on settlement construction in the West Bank. With the expiration of the moratorium on 26 September 2010, construction in the West Bank has resumed at an even greater rate. In its Council Conclusions of December 2009, the EU supported the moratorium as a "first step in the right direction" and in October 2010, following her visit to Israel and the OPT, the EU High Representative Ashton called on "Israel to continue the moratorium." Earlier this week the High Representative noted "with regret that Israel has not been in a position to accept an extension of the moratorium, as requested by the US, the EU and the Quartet."

While we appreciate the EU's attempts to challenge Israel's settlement activity, it is crucial to acknowledge that the moratorium amounts to nothing more than a hollow political gesture. The terms of the "freeze" were so narrow as to effectively allow much construction to continue. For example, construction in and around occupied East Jerusalem, of public buildings or for security needs as well as ongoing construction were exempted from the moratorium. Furthermore, the moratorium allowed the Civil Administration to single-handedly permit construction in a wide set of circumstances, including for "public safety" and in other undefined exceptional cases. These factors, in conjunction with a lack of enforcement by the Israeli authorities of even the most limited terms of the moratorium, means that settlement construction has continued with almost no change of pace during the alleged "freeze."

Israel's settlement policy in the OPT is in blatant violation of international law. Settlement activity violates the international humanitarian law prohibitions of population transfer and of unlawful and wanton destruction of property not justified by military necessity, which constitute war crimes amounting to grave breaches of the Fourth Geneva Convention. Israel's

discriminatory policies further violate the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Declaration on the Granting of Independence to Colonial Countries and Peoples as well as various human rights instruments (for an in depth legal and technical analysis kindly find enclosed Al-Haq's Position Paper "[Unmasking the 'Freeze': Israel's alleged Moratorium on Settlement Construction Whitewashes Egregious Violations of International Law](#)").

In conclusion, and as affirmed in the EU Council Conclusions of December 2009, settlements "are illegal under international law, constitute an obstacle to peace and threaten to make a two-state solution impossible." Israel's settlement policy cannot be redressed with political measures such as the recent moratorium. The terms of the moratorium do not represent a halt to the violations caused by the construction and presence of settlements in the OPT, thus disregarding Israel's continuous breaches of international law and contradicting the EU's demands for an immediate end to "all settlement activities in East Jerusalem and the rest of the West Bank."

In light of the above and in view of the upcoming EU-Israel Subcommittee Meeting on Political Dialogue and Cooperation, the Palestinian human rights community urges the EU to reaffirm its demand on Israel to "reverse its settlement policy and to freeze all settlement activity" as expressed in the 2004 Council Conclusions. The EU must further ensure a prompt "abolition of financial and tax incentives and direct and indirect subsidies, and the withdrawal of exemptions benefiting the settlements and their inhabitants," as affirmed in the 2005 Council Conclusions. Moreover, the EU must send Israel a clear message affirming that the upgrade of EU-Israel relations will remain frozen until Israel adheres to its obligations under international law and EU demands relating to Israel's settlement policy are met.

Finally, the EU must reject deceptive notions of a temporary settlement "freeze" and instead insist on adherence to the fundamental principles of international law. International law unequivocally states that the only remedy to Israel's settlement policy in the OPT, and the only basis for a just and lasting peace in the context of the Israel-Palestine conflict, is an immediate, unambiguous and permanent end to all settlement activity.

Sincerely,

The Palestinian Council of Human Rights Organisations

Cc: EU High Representative for Foreign Affairs and Security Policy, Catherine Ashton



Addameer Prisoners' Support and Human Rights Association

Sahar Francis
General Director

Aldameer Association for Human Rights

Khalil Abu Shammala
General Director

Al-Haq

Shawan Jabarin
General Director

Al Mezan Center for Human Rights

Issam Younis
General Director

Badil Resource Center for Palestinian Residency and Refugee Rights

Ingrid Jaradat Gassner
General Director

The Civic Coalition for Defending Palestinians' Rights in Jerusalem

Zakaria Odeh
General Director

Defence for Children International -Palestine Section

Rifat Kassis
General Director

Ensan Center for Human Rights and Democracy

Shawqi Issa
General Director

Jerusalem Center for Legal Aid and Human Rights

Issam Aruri
General Director

Ramallah Center for Human Rights Studies

Iyad Barghouti
General Director

Women's Centre for Legal Aid and Counselling

Maha Abu Dayieh
General Director