

ELDH European Association of Lawyers for Democracy & World Human Rights

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EIDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EIDH 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



Bologna, Donostia, Düsseldorf, Vienna, 11 December 2023

International Call for the Immediate Implementation of the Advisory Opinion of the ICJ of 19 July 2024 and the UNGA Resolution on Palestine of 18 September 2024

From the symbolic village of Gernika (Basque Country), today we echo the International Court of Justice's findings that Israel's prolonged occupation, systematic expansion of settlements, and entrenched discriminatory policies not only violate international law but also constitute grave breaches of the fundamental rights of the Palestinian people.

The practices of land confiscation, forced displacement, and the establishment of Israeli settlements on occupied Palestinian territory are illegal under international law, including the Fourth Geneva Convention of 1949, which was ratified by Israel, and represent violations of the Palestinian right to self-determination and sovereignty.

Moreover, Israel's institutionalized apartheid policies in the Occupied Palestinian Territory create a segregated society, in which Palestinians are systematically denied basic rights, freedom of movement, and equal access to resources solely on the basis of their nationality and ethnicity. This apartheid regime, underpinned by legislation and practices that discriminate against Palestinians, stands in violation of the International Convention on the Elimination of All Forms of Racial Discrimination, signed by Israel in 1966, and ratified in 1979.

Additionally, the policy of forced evictions, home demolitions, and the frequent use of military force amounts to a strategy of ethnic cleansing aimed at creating irreversible demographic changes in favour of Israeli settlers, in violation of established rules of international humanitarian law.

The situation in Gaza is catastrophic, with Israeli policies amounting to collective punishment, a humanitarian disaster, that can without doubt be identified as an act of genocide. Gaza's population has been subjected to severe restrictions, including an ongoing blockade and repeated military operations that have devastated civilian infrastructure, led to immense loss of life, and created unliveable conditions. These actions violate the Convention on the Prevention and Punishment of the Crime of Genocide, as they are intended to cause deliberate harm to the Palestinian population, with long-term impacts on their survival, dignity, and future.

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This unsustainable and illegal situation not only constitutes a severe injustice to the Palestinian people but also poses an ongoing threat to regional stability and global peace. The violation of core principles of international law and human rights, evident in Israel's illegal actions in the Occupied Palestinian territories, and in Israel's aggression towards Lebanon, undermines the credibility of the global legal order and sets a dangerous precedent of impunity. The persistence of these policies has exacerbated tensions throughout the Middle East, creating an environment of instability, perpetuating cycles of violence, and hampering any meaningful efforts toward a lasting peace. Therefore, the international community's inaction in the face of these abuses is unacceptable, and demands immediate and coordinated measures to ensure accountability, compliance with international law, the restoration of justice for the Palestinian people, and full implementation of their right to self-determination.

The co-signing organizations issue this urgent appeal to the global community to implement the United Nations General Assembly (UNGA) Resolution of 18 September 2024 on Palestine, which reaffirms the obligation of all UN Member States and international organizations to uphold international law by addressing Israel's illegal occupation of Palestinian territories. This resolution reiterates the international community's role in safeguarding Palestinian rights, condemning Israel's occupation, and addressing the apartheid conditions and elements of ethnic cleansing affecting Palestinians.

Considering the obligations outlined in the UNGA resolution, we call upon the international community to take the following actions:

1. **Support Palestinian Self-Determination.** States must actively work to implement the Palestinian people's right to self-determination, an obligation binding *erga omnes* (universally). This includes dismantling systemic impediments to Palestinian sovereignty, and recognizing it as a foundational element for regional stability.
2. **Non-Recognition of Israel's Unlawful Actions.** The resolution obliges States to refrain from recognizing Israel's illegal presence as legitimate. All nations must avoid endorsing Israeli-imposed changes to Palestine's physical, demographic, or institutional structure. There must be no diplomatic missions in Jerusalem, in compliance with UN Security Council Resolution 478.
3. **Suspension of Israel from the UN General Assembly.** Given Israel's consistent breaches of international law and its disregard for UN resolutions, we call for the suspension of Israel's membership in the UN General Assembly until it complies with its legal and human rights obligations.
4. **Reinstatement of the UN Special Committee Against Apartheid.** We urge the re-establishment of the United Nations Special Committee Against Apartheid, originally created under UN General Assembly Resolution 1761 (XVII) on November 6, 1962, to address the apartheid system in South Africa. Reestablishing this committee would empower the international community to investigate, document, and address Israel's apartheid-like practices, promoting accountability and justice for Palestinians.
5. **Ending All Forms of Aid that Support the Occupation.** Member States must have no diplomatic, military, or economic engagements that could reinforce Israel's unlawful presence in Palestine. Trade agreements that involve or allow Israeli control over Palestinian resources should be prohibited.
6. **Implementation of Targeted Sanctions.** Targeted sanctions, including travel bans and asset freezes, should be imposed on individuals and entities that support Israel's occupation. These

sanctions should also apply to companies that enable settler violence or provide services to settlements.

7. **Right to return.** Allowing all Palestinians displaced during the occupation to return to their original place of residence (as already mentioned in the UN General Assembly Resolution 194, which was passed on 11 December 1948)
8. **International Mechanism for Reparations.** Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned in the Occupied Palestinian Territory. We demand the establishment of an international mechanism for reparation for all damage, loss or injury arising from the internationally wrongful acts of Israel in the Occupied Palestinian Territory
9. **Upholding UN Roles in Distinguishing Israel and the OPT.** International organizations, including the United Nations, are under an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory, maintaining a clear legal and geographical distinction between Israel and the OPT.
10. **International Conference to Enforce Geneva Conventions.** The resolution calls for convening a conference of High Contracting Parties to the Fourth Geneva Convention to enforce protections for civilians in Palestine. This conference, organized by Switzerland as the Convention's depositary, should be convened within six months.
11. **UN-Sponsored International Conference for Palestinian Peace.** We support convening an international conference under the UN to address Palestinian self-determination and statehood, as outlined in the resolution. This conference is essential to advancing a fair and lasting peace in the Middle East.

Commitment to Global Accountability and Justice for Palestine

We call on legal professionals, civil society organizations, and state authorities to endorse and work toward the immediate adoption and enforcement of the UNGA 18 September 2024 Resolution on Palestine. These measures are vital for holding Israel accountable under international law and for promoting the rule of law globally. Implementing this resolution will bring justice to Palestinians and contribute to peace and stability in the Middle East.

Signatories:

- European Association of Lawyers for Democracy and World Human Rights
- Palestine Jurist Union
- Palestinian Center for Human Rights
- Al Mezan Center for Human Rights
- PAL Commission for War Crimes, Justice, Reparations and Return
- European Palestinian Initiative Against Apartheid and Settlements (EPIAAS)
- PLO department on Anti-discrimination & Apartheid
- Euskal Herriko Giza Eskubideen Behatokia/ Basque Observatory for Human Rights
- Progressive lawyers association / CHD
- Legal Centre Lesvos
- Centro di ricerca ed elaborazione per la democrazia, Italia
- Cyprus democratic lawyers
- Giuristi Democratici - Italia
- Association of Lawyers for Freedom (ÖHD)
- Haldane Society of Socialist Lawyers, England
- Socialist Lawyers Association of Ireland
- Gernika-Palestina Ekimena
- Yala Nafarroa