



INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

CHAUSÉE DE HAECHT 55, 1210, BRUXELLES-BRUSSELS, BELGIQUE-BELGIUM

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Dear Ambassador,

On behalf of the International Association of Democratic Lawyers, we write to express our strongest concern and alarm at the announcement of the Israeli government that it plans to unlawfully annex even more Palestinian territory beginning on 1 July 2020. This land comprises 30% of the occupied Palestinian West Bank, including the Jordan Valley, one of the most fertile areas of Palestinian land and a major water source for the area, as well as over 235 unlawful, exclusively Jewish colonial settlements built on Palestinian land throughout the West Bank.

This comes in addition to the unlawful proclaimed annexation of the Syrian Golan Heights and of Palestinian East Jerusalem by the Israeli state, a racist and colonial state. It is a blatant violation of international law and norms that shows utter disregard for the UN Charter, the Geneva Conventions, and any form of global rule of law. The prohibition of annexation of territory acquired by force is a fundamental rule of international law that is unequivocally upheld by the UN General Assembly, Security Council and all international courts, including the International Court of Justice. This applies equally to the territory of states as it does to territory of peoples who have been denied the right to practice their self-determination due to the presence of military and/or colonial occupation.

Israeli annexation of the West Bank or any portion thereof is a clear violation of this fundamental norm prohibiting annexation as it is of the right of self-determination of the Palestinian people. In this context, we note that the current state of *de facto* annexation pursued by Israel carries the same consequence as its threatened *de jure* annexation, regardless of the terms used to describe this violation, such as "extension of law," "extension of sovereignty" or "extension of jurisdiction." It can and must lead to significant consequences at the international level, including international sanctions and individual criminal liability for the members of the government responsible for this action.

The source of the ongoing denial of Palestinian rights is Israeli occupation and apartheid, and this has been the case since 1948. These violations are continuing regardless of the pursuit of *de jure* annexation and have only grown significantly worse in the absence of meaningful international action. The impunity enjoyed by Israel and the states responsible for supporting it have only further encouraged the institutionalized epidemic of settler violence, unlawful killings of civilians, extrajudicial executions, land confiscation, home demolitions, natural resource confiscation, forced transfer of population, political detention and imprisonment, torture and cruel, inhuman and degrading treatment, exploitation of labor, targeting of journalists, child detention, forced evictions, displacement, denial of refugee rights and the right to return, violations of the rights of human rights defenders, economic deprivation and the ongoing, unlawful and comprehensive siege imposed on two million Palestinians in Gaza.



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Israel routinely violates the International Covenant on Civil and Political Rights (ICCPR), including Article 9, which guarantees people's rights to know the reason for their arrest and be free of arbitrary arrest or detention, as well as Article 14, which governs the right to a fair and public trial. Of course, the Israeli military court system, used against Palestinian civilians – while unlawful Israeli settlers are exempted - also violates the provisions of the ICCPR.

In this context, a mere condemnation of annexation is insufficient to respond to the threat to the Palestinian people and to the fundamental principles of law. The lack of political will at the international level to protect Palestinian rights in line with international humanitarian law, international human rights law and fundamental international norms such as those of the UN Charter has led to the continuation and extension of these ongoing violations.

In this context, we note that Israel is already responsible for the crime of apartheid. As defined in the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973) and the Rome Statute of the International Criminal Court (2002), apartheid is a system of "inhumane acts...committed in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime." In this context we note that as extensively documented by many UN committees, Special Procedures and investigations, Israel is already responsible for the crime of apartheid against the Palestinian people.

Further, we also note that Israel is also responsible for the crime of genocide against the Palestinian people. From the mass killing and displacement of Palestinians in 1948 to the devastating siege on Gaza to the annexation plan, which aims to force Palestinians from their land by depriving them not only of access to the law but also to agricultural land and water sources, Israel is responsible for a series of institutional policies and practices "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group," as defined by the Convention on the Prevention and the Punishment of the Crime of Genocide and Article 6 of the Rome Statute of the International Criminal Court.

Therefore, we note that under the Genocide Convention, the Convention on the Crime of Apartheid and the UN Charter, states have a responsibility to prevent or punish these crimes. For too long, Israel has enjoyed the support of states that has allowed it to continue this behavior with impunity. This support has taken the form of direct military aid, as in that provided by the United States of America, which has further demonstrated its utter disregard for multilateralism and the international order through its expressed support for Israel's annexation plan and promulgation of the so-called "Peace to Prosperity" plan. Other states, such as those member states of the European Union, have continued not only to shield Israel from accountability but



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also to continue favorable trade deals and funding agreements, such as the EU-Israel Association Agreements, despite numerous statements of condemnation for Israel's violations of international law.

Therefore, we urge in this context that you not only take action by condemning the annexation plan pursued by the Israeli "unity government" of Benjamin Netanyahu and Benny Gantz, but also by imposing real consequences on Israel. These consequences should not be tied only to the current annexation plan but also to the ongoing crimes of genocide and apartheid being committed against the Palestinian people.

The United Nations may impose a sanctions regime that aims to maintain or restore international peace and security, including arms embargoes and other forms of restrictions. Sanctions on Israel rather than continued impunity are one important step towards holding Israel accountable for its occupation and the numerous violations of Palestinian human rights that flow from that occupation.

Further, within this context, we note the responsibility of individual states to refrain from involvement and complicity in these ongoing crimes and the crime of annexation. This also includes the responsibility of states to cooperate to bring to an end grave violations of international law committed by any state. To that end, countermeasures are necessary, including refusing to deal in arms with the Israeli state that demonstrably uses this weaponry in the commission of crimes against the Palestinian people and refusing to purchase arms that have been tested through ongoing crimes against the Palestinian people. Therefore, we urge international bodies to impose a comprehensive prohibition on military trade and security and military joint training and cooperation with Israel.

We further note the responsibility of states to cancel or end trade agreements that are nominally conditioned on human rights principles yet have continued despite severe violations, such as the EU-Israel Association Agreement and other free trade agreements with Israel. Within this context, the adoption of national legislation in each country prohibiting trade with unlawful settlements is a critical step towards cutting off complicity and cooperation with the colonial annexation project. This also means that governments have a responsibility to ensure that corporations in their countries respect international human rights and humanitarian law by refraining from business deals and trade agreements with Israeli settlements and other Israeli institutions linked to ongoing war crimes and crimes against humanity targeting the Palestinian people.

Finally, we note the responsibility of states to support criminal accountability for Israeli officials responsible for these crimes at the International Criminal Court. Instead of receiving support,



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Palestinian efforts to ensure accountability have instead faced significant roadblocks and politically motivated attempts to discourage or undermine these efforts and thus undermine the legitimacy of the ICC itself. Criminal prosecution, rather than impunity, for Israeli violations, is an important step toward accountability and meaningful international action to secure the rights of the Palestinian people and bring the unlawful occupation to an end.

Sincerely,

International Association of Democratic Lawyers