

Mr. Dimitrij Rupel
President of the Council of the European Union

Brussels, 6 February 2008
Our ref. B742

Dear Mr. Rupel,

Subject: EU-Arab League ministerial meeting, 11/12 February 2008

On the occasion of the upcoming EU-Arab League ministerial meeting, to be held in Malta on 11 and 12 February 2008, Amnesty International asks the EU to use this opportunity to raise the following three critical issues of cross-regional importance with Arab League partners.

Crisis in Darfur

The deteriorating situation in Darfur calls for concerted engagement by EU and Arab League leaders to press the Sudanese Government to comply with Security Council resolution 1769 and stop impeding the deployment of United Nations African Union Mission in Darfur (UNAMID) to all affected areas and hindering the protection of civilians. Systematic violations of human rights including attacks against civilians continue unabated in Darfur and other parts of Sudan.

The EU has made a number of strong statements on the situation in Darfur. The EU should therefore urge the Arab League states to use their influence to end human rights violations in Sudan and publicly condemn the active obstruction, by the Sudanese Government, of the complete deployment of UNAMID to all affected areas, in particular its failure to sign the Status of Force Agreement. Regional partners should emphasise to the Government of Sudan the urgent need to:

- stop obstructing, support and cooperate fully in facilitating the work of UNAMID;
- accept the Abyei Boundary Commission's report of 2006 to ensure that further conflict with accompanying loss of civilian lives, is averted;
- cooperate fully with international mechanisms, including the International Criminal Court, in order to bring to justice those suspected of being responsible for violations of international human rights and humanitarian law in Darfur. It is regrettable that Ahmad Haroun, one of those indicted by the court on 51 counts of crimes against humanity and war crimes continues to serve in the government.

Isolation of Gaza

Since June 2007 the Gaza-Egypt border has been sealed, resulting in the virtual imprisonment of 1.5 million Palestinians living in Gaza, most of whom live in abject poverty as a result of the stringent blockade imposed by Israel on Gaza. United Nations agencies and humanitarian agencies have attested for months that the blockade is preventing the delivery of necessary quantities of aid to satisfy the needs of the Palestinian people.

The situation in medical facilities in particular remains dire, even though the Israeli authorities are now allowing limited quantities of fuel and other basic necessities to enter Gaza. Rolling power cuts continue to severely affect hospitals and health clinics, as do shortages in fuel and medical supplies and a lack of specialised staff and equipment to deal with a range of conditions, such as cancer and cardio-vascular illnesses. Patients in urgent need of medical treatment not available in Gaza have not been allowed to leave, either through Israel or through Egypt, and dozens of people have died in recent months due to lack of medical care after being refused passage.

Following the breach of the Gaza-Egypt border on 23 January, the Egyptian government has the right to secure its border with Gaza. However a return to the situation whereby the border is completely sealed, as it has been for the past seven months, is not acceptable. Therefore, whatever agreement concerning the future management of the border is reached between the governments of Israel and Egypt, the Palestinian Authority and the Hamas de-facto administration in Gaza, it must respect fully the fundamental rights of the population of Gaza. This centres on their right not to be subjected to collective punishment, including arbitrary restrictions on movement and their rights to health, adequate standard of living and freedom of movement.

Amnesty International urges the EU to discuss this issue constructively as a matter of urgency with Arab League states, and to spare no efforts to work towards a solution to the Egypt-Gaza border crisis. In particular, the EU should also urge all regional partners to facilitate access to medical care for patients from Gaza.

Imposition of the death penalty on children

International law places an absolute prohibition on the imposition of the death sentence on children in any circumstances. Article 6(5) of the ICCPR states "sentence of death shall not be imposed for crimes committed by persons below eighteen years of age" and Article 37 (a) of the Convention on the Rights of the Child (CRC) states "neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age". All members of the Arab League are states parties to the CRC, and most are parties to the ICCPR. Amnesty International is not aware of reservations by any Arab League state to Article 37 (a) of the CRC or Article 6 (5) of the ICCPR.

Therefore, Amnesty International remains concerned that article 7 of the Arab Charter on Human Rights (adopted in May 2004) allows for exceptions on the prohibition on the imposition of the death penalty on children under the age of 18. Article 7 of the Charter states that "the death penalty should not be imposed on those below the age of 18 unless national legislation at the time of the commission of the crime state otherwise." It is alarming that not only is this provision in the Charter not consistent with state obligations under international law, it is also going against the world-wide trend towards the prohibition of the death penalty against child offenders.

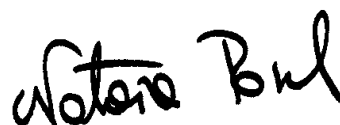
Amnesty International urges the EU to maintain high-level pressure on all Arab League states that still retain the death penalty to ensure that its use against child offenders is precluded in law. The imposition of the death penalty on children under the age of 18 at the time of the commission of the offence should be prohibited without any exception. States must take measures to ensure that courts do not sentence child offenders to death, including where necessary, the examination of birth certificates as proof of their age.

We look forward to hearing from you as to the outcome of your discussions.

With best regards,



Natalia Alonso
Acting Director
Amnesty International EU Office



Nataša Posel
Director
Amnesty International Slovenia

Cc:
Javier Solana, High Representative for CFSP
Benita Ferrero-Waldner, Commissioner for External Relations