



European Institutions Office

Catherine Ashton

High Representative of the Union for Foreign Affairs and Security Policy
Vice President of the European Commission

Brussels, 23 September 2011
Our Ref: B1102

Dear Baroness Ashton,

Palestinian request for United Nations membership

Over the past few weeks, the EU and member states have been involved in intense negotiations regarding possible initiatives at the United Nations on Palestinian statehood. Palestinian Authority (PA) President Mahmoud Abbas is today expected to present a request for full UN membership to UN Secretary General Ban Ki-moon, and in the coming weeks the PA may also request a resolution from the UN General Assembly. This resolution could facilitate the ratification by Palestine of some international treaties, potentially including the Rome Statute of the International Criminal Court (ICC).

The EU must use its influence to ensure that any such resolution, initiative or agreement fully respects the human rights of Palestinians and Israelis, including access to justice, truth and reparations.

Amnesty International is therefore highly concerned at reports suggesting that the EU is actively promoting a compromise including the condition that there should be no recourse to the ICC. Any such move by the EU runs directly contrary to the EU common position and action plan on the ICC, which commits the EU and member states to support and cooperate with the court. It clearly undermines the authority of the Court itself and will have serious repercussions on the credibility of the EU's work to secure justice in other parts of the world, including current efforts in Libya and Syria.

Moreover, the deal reportedly proposed by the EU would preclude a significant international justice opportunity, thereby reinforcing the impunity that exists and further undermining the rule of law. Despite a UN Fact-Finding Mission Report documenting war crimes and possible crimes against humanity committed during the 2008-2009 Gaza conflict, the Israeli authorities and the Hamas *de facto* administration in Gaza have failed to conduct investigations that are credible, independent and in conformity with international law, or demonstrate a commitment to prosecuting the perpetrators of violations. On 22 January 2009 the PA made a declaration accepting the ICC's jurisdiction over crimes "committed on the territory of Palestine since 1 July 2002".

The EU must not seek to reinforce impunity by preventing both Palestinian and Israeli victims of the Gaza conflict and other crimes under international law committed since 1 July 2002 from accessing justice through the ICC. This contravenes the fundamental principle that justice must be available to all equally, regardless of nationality or political affiliation. Amnesty International expects the EU to stand by its commitments and obligations towards the ICC and stand up strongly for justice, truth and reparation for all victims, wherever they may live.

Yours sincerely,

Dr. Nicolas J. Beger
Director