

Erkki Tuomioja
President of the Council of Ministers of the European Union

30 August 2006
Ref: b_571

Dear Mr Tuomioja,

Subject: Addressing violations of international humanitarian and human rights law in Israel and Lebanon

In the Extraordinary Council meeting on 25 August you held an exchange with UN Secretary-General Kofi Annan on the situation in Lebanon, in particular to support his efforts to seek swift and effective implementation of UN Security Council resolution 1701.

Discussions and conclusions by the Council understandably concentrated on the immediate questions relating to UNIFIL's operational framework and the commitment of troops by Member States. However, at the same time it is important that proper account is taken of the need to address violations of international humanitarian and human rights law, both in terms of investigating and establishing accountability for abuses committed in the course of the recent conflict and with a view to preventing further violations. We are concerned that this crucial aspect should not be overlooked and ask that the Council at its informal 'Gymnich' meeting on 1 and 2 September consider the propositions set out below.

Amnesty International's own research in Lebanon and Israel underlines the need for a comprehensive, impartial and independent investigation into violations of international humanitarian and human rights law by all parties to the conflict. In its report of 23 August *Deliberate destruction or "collateral damage"? Israeli attacks against civilian infrastructure* (attached) evidence is presented pointing to an Israeli policy of deliberate destruction of civilian infrastructure in Lebanon and a pattern of indiscriminate and disproportionate attacks, which amount to war crimes. At the same time, Amnesty International has condemned the attacks by Hizbullah on northern Israel, which also consist of serious violations of international humanitarian law amounting to war crimes.

Amnesty International holds that for any solution to the conflict in the Middle East to be sustainable, it must address the issue of accountability for crimes under international law, by whoever commits them. To achieve such accountability, it is essential that the truth is established, persons suspected of committing crimes under international law are brought to justice and full reparation is provided to the victims. We therefore strongly subscribe to the views expressed by the UN Secretary-General in his letter of 7 August to the President of the Security Council about the need for a comprehensive investigation.

The inquiry established by the UN Human Rights Council of 11 August does not adequately meet this requirement, and Amnesty International has urged the Secretary-General to establish a proper

investigation as a matter of high priority and to seek the necessary cooperation by all parties concerned. Full support from the part of the EU will be of vital importance if he is to succeed in this effort, and we would urge the EU to specifically request the Secretary-General to go ahead with establishing a comprehensive investigation.

Looking to the future, Amnesty International considers it essential that the scope of the UN peacekeeping operation includes an integrated monitoring component covering international human rights and humanitarian law with a mandate to investigate and publicly report on violations. The expanded UNIFIL's revised rules of engagement should also provide for an effective mandate to protect civilians. Here, too, full backing by the EU will be crucial to ensure a proper monitoring and protection role.

Amnesty International is concerned that putting essential human rights exigencies on hold while addressing the urgencies of cease-fire and humanitarian relief risks mortgaging the possibility of finding sustainable solutions to the conflict both in the short and long term. The EU, with its leading role in the expanded UN force, is uniquely placed to address this risk and to ensure that human rights are indeed part of the basic design of both the short-term measures and the longer-term political agenda.

We therefore call on the Council to shape EU policy with regard to ending this crisis in such a way that it is firmly and concretely grounded in the framework of international human rights and humanitarian law, and to reflect this approach consistently in all its actions.

Yours sincerely,



Dick Oosting
Director
Amnesty International EU Office



Frank Johansson
Director
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Attachment: *Deliberate destruction or "collateral damage"? Israeli attacks against civilian infrastructure* (23 August 2006, MDE 18/007/2006)