

RECOMMENDATIONS TO EU AND ITS MEMBER STATES IN RESPECT OF THE ONGOING CONFLICT IN GAZA

1. Encourage the Prosecutor of the International Criminal Court (ICC) to proceed beyond a preliminary examination of the international crimes committed in Gaza and to determine that there is a reasonable basis to proceed with an investigation under Article 15 of the ICC Statute. This should be done by raising questions in the Assembly of State Parties, other international fora and in informal off-the-record discussions as to why the Prosecutor is taking so long to make this decision. The present preliminary examination has now lasted three and a half years. But in effect this examination has lasted for nine years as the issue of the conflict in Gaza was first considered in respect of Operation Cast Lead in 2009 and later in respect of the killing of 9 people in the Mavi Marmara case involving an attempt to break the blockade of Gaza.
2. Publicly support the interstate complaint of Palestine in terms of Articles 11-14 of the Convention on the Elimination of All Forms of Racial Discrimination of 1965. EU member states should initiate similar complaints themselves.
3. Allow prosecutions of present and former Israeli political and military leaders to proceed in the domestic courts of EU member states in the exercise of universal jurisdiction. EU member states should cease placing obstacles in the way of such proceedings by requiring some connection between the complainant and the forum state and by requiring that a senior government official authorize the prosecution.
4. Demand compensation from Israel for damage caused to EU funded projects in Gaza and demand that Israel consent to the submission of such claims to the International Court of Justice or to international arbitration if such compensation is not paid.
5. Play an active role in effecting reconciliation between Fateh and Hamas in Gaza. There is no good reason why EU member states and the EU itself should not speak directly to Hamas. If Donald Trump can speak directly to Kim Jong-Un there is no conceivable reason why the EU and its member states should not speak directly to Hamas. United States opposition to this is Not a good reason to refrain from doing so.
6. EU member States should recognize Palestine as a state and support its admission to the United Nations.
7. The EU should play a more independent and honest role in the Quartet and not simply defer to the United States in this body.

8. The EU and its member states should resist attempts to define Anti-Semitism as including criticism of Israel's repressive and discriminatory practices in the Occupied Palestinian Territory, including Gaza.
9. The EU and its member states should acknowledge that Israel's policies and practices in the Occupied Palestinian Territory constitute apartheid and should invoke the measures that were taken against apartheid South Africa in order to compel it to abandon this heinous policy.

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