

Jerusalem, 7 September 2018

Ms. Federica Mogherini
High Representative of the European Union for Foreign Affairs and Security Policy,
Vice-President of the European Commission,
Rue de la Loi 200, Brussels
Belgium

RE: Imminent demolition of Khan al-Ahmar, urgent need for effective EU action

Dear Ms. Mogherini,

I write to you following the September 5 Israeli High Court decision in the case of Khan al-Ahmar, greenlighting the destruction of this Palestinian community. Taking to heart your important July 18 statement on this issue, which emphasized that “the consequences of a demolition of this community and the displacement of its residents, including children, against their will, would be very serious”, we have reached the juncture where it appears that these serious consequences must be spelled out, if the EU is to credibly back its own positions.

If the Israeli government goes ahead with the demolition, the future, perhaps only a few days down the line, is one where the war crime of forcible transfer – through the realization of judicially sanctioned demolition orders – will be perpetrated in broad daylight, just a few kilometers east of the offices of the EU Delegation to the West Bank and Gaza Strip. In their occupation-serving decision, the justices ignored both the context of a completely one-sided planning regime, where building “legally” is an option reserved for settlers and denied from protected persons – as well as the broader Israeli intention, to minimize Palestinian presence throughout Area C, displace local communities, and expand settlements.

The EU is the leading global power advocating for respect for human dignity and human rights, freedom, democracy, equality and the rule of law. It is also Israel’s leading trade partner and benefits Israel in numerous additional ways including academic and research cooperation, diplomatic backing, the open skies agreement, and more. And, of course, at the heart of this relationship – the EU-Israel Association Agreement which is “based on respect for human rights and democratic principles”. The above illustrates the EU’s global moral leadership – combined with its very tangible local leverage.

In reality, Israel’s half-century of control, oppression and dispossession of Palestinians has nothing to do with “respect for human rights and democratic principles” – and has everything to do not only with the destruction of Palestinian society, land and lives, but also with the destruction of these very values. The rule of law, in any meaningful sense, has been absent

from Palestinians' lives ever since 1967. Instead, Israel clings to the letter of the law to procure legally-sounding justifications for its organized state violence.

The EU obviously has ample leverage to affect a concrete impact, by showing Israel that unacceptable human rights violations will have serious consequences and spelling out exactly what it stands to lose. And yet, though in the context of the situation in the occupied Palestinian territories, the EU has the practical – not only the moral – leverage, it is not used.

Every day that goes by without any of the numerous tangibles Israel stands to lose being made conditional upon it ending human rights abuses against millions of Palestinians – and ending the occupation – articulates to the Israeli leadership, and to the Israeli public, that the EU accepts the current reality, and that, in fact, it is helping to sustain and advance it.

The destruction of an entire Palestinian community is the clearest recent expression of Israel's unabashed disregard for the supposed shared values that presumably lie at the core of its relationship with the EU. By going ahead with the demolition, Israel would be undermining the very foundations of the EU-Israel Association Agreement. What is the EU's response to such blatant disregard for core values?

The opposite of the rule of law is unchecked power. To quote a recent tweet from Prime Minister Netanyahu's feed: "The weak crumble, are slaughtered and are erased from history." Have we come to this? Are we really at the point where the only thing that matters is naked power? If Europe is to protect its own specific policies – as well as the rules-based international order – it must act so that Palestinian communities are not abandoned and left to crumble and to be erased.

We are potentially less than a week away from the destruction of an entire Palestinian village. What may follow will dictate the fate of Palestinian communities all over the West Bank. If not act now, when?

Respectfully,

Hagai El-Ad
Executive Director, B'Tselem



cc:

Ambassador Fernando Gentilini, MENA Managing Director, EEAS
Ambassador Susanna Terstal, Special Representative for the MEPP
Ambassador Emanuele Giaufret, Head of the EU Delegation to Israel
Ambassador Ralph Tarraf, EU Representative to the West Bank, Gaza Strip, UNRWA