



The Right Honourable Justin Trudeau
Prime Minister of Canada
80 Wellington Street
Ottawa, Ontario
K1A 0A2

The Honourable Marc Garneau
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario
K1A 0A6
marc.garneau@international.gc.ca

May 25, 2021

Re: Amnesty International calls on Canada to recognize Israel's illegal occupation of the Occupied Palestinian Territories, act now to end abuses of human rights and uphold international law

Dear Prime Minister Trudeau,
Minister Garneau,

We write to express our grave concern about the recent violence in Israel and the Occupied Palestinian Territories, including East Jerusalem and Gaza. Within a matter of weeks, the situation escalated from a crackdown by Israeli forces against peaceful Palestinian demonstrators in East Jerusalem to a full-scale armed conflict between Israeli forces and Palestinian armed groups in Gaza.

Although a ceasefire took effect on May 21, 2021 between Israeli authorities and Hamas, it is insufficient to bring justice for victims and to address the grounds of the cyclical violence in the Occupied Palestinian Territories. A ceasefire must not enable the return to an unacceptable status quo.

The recent wave of violence escalated to similar patterns reminiscent to the horrific hostilities from 2008, 2012 and 2014. Unless the root causes are addressed, such as the illegal blockade of Gaza, impunity and longstanding dispossession and oppression of Palestinians, there will continue to be devastating rounds of civilian deaths and destruction.

The Canadian government must urgently pursue all diplomatic measures at its disposal now, including the upcoming May 27, 2021 Special Session at the Human Rights Council, to establish accountability for this recurring cycle of impunity and violations in Israel and Occupied Palestinian Territories.

HUMAN RIGHTS COUNCIL SESSION

It will be essential for Canada to actively engage at the Special Session to ensure that the Human Rights Council responds to the High Commissioner's call for independent thorough investigations, in parallel and in addition to the ongoing independent investigation by the ICC. An investigative mechanism set up by the Human Rights

Council must be mandated to conduct immediate collection and preservation of evidence as critical to ensure accountability, for potential use by the ICC and other possible international justice processes, including at the national level. It should have the ability to cooperate with the ICC, as well as future investigations or proceedings by national, regional or other possible international justice processes.

SUPPORT THE ICC INVESTIGATION

The death toll in Gaza has risen to at least 248 Palestinians – including at least 66 children – in Gaza have been killed, along with 12 Israelis, including two children. Almost 40,000 Palestinians in Gaza are sheltering in UN schools to escape the missiles. At least 14 Palestinians in the West Bank protesting the violence in Gaza and the forced displacement in East-Jerusalem have been killed by Israeli security forces and many were arrested.

Israel's firing of missiles and shells into heavily populated areas of Gaza, its dreadful toll on civilians, property destruction and bombing of international media offices constitute war crimes. The firing of rockets by Palestinian armed groups into Israeli urban areas also violates international law.

On 10 May, Amnesty International documented a chilling pattern of Israeli forces using abusive and reckless force against largely peaceful Palestinian protesters in recent days, including in al-Aqsa Mosque and Sheikh Jarrah neighbourhood in occupied East Jerusalem. On 12 May, Amnesty International condemned war crimes and other violations of international humanitarian law in Gaza and Israel by both Israeli forces and Palestinian armed groups – including indiscriminate rocket fire by Palestinian armed groups and deliberate targeting of civilian objects and extensive unjustified destruction of property by Israeli forces. Expressing fear of a further spike in civilian bloodshed and destruction homes and infrastructure, Amnesty International called for urgent action by the UN Security Council, including a comprehensive arms embargo on Israel, Hamas, and other Palestinian groups.

Amnesty International pressed for Israel to address the root causes of the latest flare up in violence, including longstanding impunity for war crimes and other serious violations of international law as well as Israel's ongoing illegal settlement expansion, the blockade of Gaza, and the forcible eviction and dispossession of Palestinians such as those in Sheikh Jarrah. On 17 May, Amnesty International condemned a pattern of Israeli attacks against residential buildings, killing entire families and causing wanton destruction of civilian property that may amount to war crimes or crimes against humanity.

Amnesty International asked the International Criminal Court (ICC) to investigate these attacks as a matter of urgency in addition to the indiscriminate rocket fire by Palestinian armed groups towards civilian areas of Israel, and urged states to consider exercising universal jurisdiction over those who commit war crimes

These unlawful attacks must be investigated by the International Criminal Court (ICC). In March of this year, the ICC Prosecutor, Fatou Bensouda, opened a ground-breaking formal investigation into crimes under international law committed in the Occupied Palestinian Territories. This is the first genuine prospect for thousands of victims to gain long overdue access to justice, truth and reparations after decades of impunity for war crimes and crimes against humanity. We ask your government to support the ICC's formal investigation and call on the ICC to urgently investigate the recent attacks in Gaza.

ADDRESS THE ILLEGAL OCCUPATION

Canada must finally acknowledge Israel's illegal occupation, institutionalized discrimination and chronic impunity against Palestinians living under its rule in the Occupied Palestinian Territories.

Since 1967, Israel's construction and expansion of illegal settlements on occupied Palestinian land has been a driving force behind the occupation's mass human rights violations. Over the past 50 years, Israel has demolished tens of thousands of Palestinian properties and displaced large swathes of the population to build homes and infrastructure to illegally settle its own population in the Occupied Territories. It has also diverted Palestinian natural resources such as water and agricultural land for settlement use.

The creation and expansion of settlements in the Occupied Palestinian Territories is a breach of international humanitarian law and constitutes a war crime. Yet, despite several UN resolutions, Israel has continued to appropriate Palestinian land and support at least 600,000 settlers living in the occupied West Bank, including East Jerusalem. Amnesty International calls upon Canada again to meet its obligations under international law, stop the financial support and expansion of settlements and ban settlement goods from entering its markets.

The recent violence in Gaza and demonstrations in East Jerusalem reflect the impact of 54 years of occupation by one of the best equipped militaries in the world, ruling over a people who have the right to end a protracted and illegal occupation. There will be no just and durable solution to the violence without recognition of this fundamental fact.

Canada holds one of the weakest voting records on the Israeli occupation at the UN General Assembly. Canada's muted criticism of Israel in Foreign Affairs Minister Marc Garneau's latest statement on the violence in Gaza and the failure to address the root causes of this latest bloodshed cannot continue. It is time for Canada to hold Israel to the same international human rights standards as the rest of the world.

We urge you to act now and publicly denounce war crimes and other serious violations committed by Israel's authorities, including the illegal settlement expansion, the blockade of Gaza, and dispossession of Palestinians in Sheikh Jarrah.

END THE GAZA BLOCKADE

Two million Palestinians who live in the thin Gaza strip have been closed off from the outside world by Israel's comprehensive 14-year land, sea and air blockade which is a prohibited act under the Fourth Geneva Convention, which has resulted in deteriorating humanitarian conditions, and left 45 percent of the working population unemployed, one of the highest rates in the world.

Gaza's sole source of drinking water – an underground aquifer – is almost completely undrinkable. Its inhabitants have power for only six to ten hours daily. Since the blockade began, Gaza's health care system has been starved of equipment, medicines, and trained staff. It was already collapsing under the ravages of the Covid-19 pandemic. Now, it is struggling to treat the more than 2,000 Palestinians injured during this latest violence.

Canada must abide by international law and, as a close ally of Israel, has the responsibility to pressure Israel to lift the inhumane blockade on Gaza which Amnesty International has documented extensively. Israel must be held accountable for its occupation of Gaza and its resulting cycle of violence.

RECONSIDER CIFTA

In our statement and joint letter to the Standing Senate Committee on Foreign Affairs and International Trade on the 2019 adoption of Bill C-85, an Act to amend the Canada-Israel Free Trade Agreement Implementation Act, we urged the Canadian government to take action to ensure that settlement goods are barred from Canada and business is not benefiting from the human rights violations fueled by over 50 years of occupation.

Despite these recommendations, amendments to the Bill C-85 failed to distinguish products made on illegal Israeli settlements from other Israeli products. Amnesty International remains deeply concerned by the human rights impact of this trade agreement, and specifically, its role in the expansion and viability of the illegal Israeli settlements on Palestinian land.

By adopting Bill C-85 without acknowledging and addressing the reality of the Occupied Palestinian Territories, the Canadian government is not only condoning the illegal construction of settlement homes and infrastructure on Palestinian land, but it also actively contributes to a thriving economy which sustains the very presence and expansion of Israeli and international businesses in settlements. This “settlement enterprise”, which relies on unlawfully appropriated Palestinian resources, including land, water and minerals, to produce goods that are exported and sold for private profit, is illegal and violates the rights of Palestinians in the OPT.

Actions which recognize the settlements in the OPT as lawful and/or provide means to sustain themselves also violates the Fourth Geneva Convention which Canada has an obligation to uphold.

ACT NOW TO END THE CYCLE OF VIOLATIONS AND INJUSTICE

International pressure is essential to end violations taking place in the Occupied Palestinian Territories. More than 50 years after the start of the Israeli occupation, official condemnation and quiet diplomacy have proved ineffective in stopping violations against Palestinians.

We request the opportunity to share Amnesty International’s concerns and recommendations on Canada’s international legal obligations with you, at your earliest convenience.

Thank you for your attention to this urgent situation.

Sincerely,



Ketty Nivyabandi
Secretary General
Amnesty International Canada
knivyabandi@amnesty.ca



France-Isabelle Langlois
Directrice générale
Amnistie Internationale Canada francophone
filanglois@amnistie.ca