

Dear David Miliband,

Jan 5<sup>th</sup>, 2009

I attach a letter that was published in today's Guardian newspaper (see link below).

<http://www.guardian.co.uk/world/2009/jan/05/eu-israel-letters-ceasefire>

I bring this letter to your urgent attention in the hope that you will recognise that the views expressed by almost 300 people, mostly UK citizens, from wide ranging walks of life, strongly reflects well informed opinion here and across Europe about the plans to upgrade relations between the EU and Israel.

Indeed, just as the attached letter was being first circulated for signature at the end of last month, I note that the Liberal Democrats adopted a policy which is very close to that expressed in the attached letter. Also, the sentiment expressed in this letter was reflected in a letter from Lord Phillips of Sudbury, published in yesterday's Observer newspaper:

<http://www.guardian.co.uk/world/2009/jan/04/letters-israel-amas-gaza-war>

The document adopted at the Council of Ministers on 8/9 December at the height of the unlawful collective punishment by Israel of the civilian population of Gaza through siege was extraordinary to those of us who were aware of Gazan suffering at that time.

That document noted that the planned upgrade 'must be based on the shared values of both parties, and particularly on democracy, respect for human rights, the rule of law and fundamental freedoms, good governance and international humanitarian law' (IHL). It was remarkable that an upgrade was in prospect then, especially in the light of the official EU policy on adherence to IHL:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:327:0004:0007:EN:PDF>

Certainly, in the current circumstances the signatories to the attached letter (and probably the public at large right across Europe) would regard continued progress on upgrading EU-Israel relations as being baffling and entirely wrong.

Indeed, speaking personally, I consider an upgrade in EU-Israeli relations would be viewed by Israel (and the world at large) as an endorsement of gross and repeated Israeli grave breaches of IHL. In my view, decision makers proceeding with such an upgrade would (especially if Israel's apparent war crimes were on going) enter what the International Commission of Jurists have recently described as a 'zone of legal risk' because their decisions could amount to criminal complicity.

The message of the attached letter is quite simply this: Israel must bring itself into compliance with IHL and international law in general before anything else.

I hope you will therefore agree to take the steps set out in the attached letter.

I look forward to receiving your early reply.

In the meantime, as you will see from the cc line of the message, I am circulating this letter and email to relevant officials here, in Brussels and in Prague, so the matter can receive swift consideration in the run up to meetings taking place this week across Europe and in Israel.

Daniel Machover