

DEATH OF THE MORAL COMMANDETORÉ: THE EUROPEAN FAÇADE OF HUMAN RIGHTS TO THE MARCH FOR THE ONGOING LIBERATION IN PALESTINE.

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ABSTRACT

The international community's response is increasingly vocal, yet actions remain paramount. The European Union with president Ursula von der Leyen as President, has not sufficiently tackled the surging human rights crisis in Gaza and the West Bank since October 7th 2023. This legal research analyses the tokenism of the EU's human rights obligation under the von der Leyen Commission. The EU's conducts raises concerns regarding the inadequacy in the ongoing genocide, potentially landing the institution in the Court of justice of the European Union. This research uses the presumption of distinction to highlight the selective application of international human rights law in the Occupied Palestinian Territories, questioning the EU's neutrality. A comparative-historical analysis of the EU's foreign security policy in Ukraine reveals a financial and geopolitical bias favoring Ukraine, overshadowing its legal efforts in the human rights case in Palestine. This legal research examines the historical failures of the European Community in maintaining neutrality between Israel and Palestine in the 1950s to its dissolution into the EU in 1993 post Maastricht Treaty. This legal research investigates the enduring influence of imperial legalgies on the EU's transitional justice efforts regarding Palestine.

Keywords: International Human Rights, European Union, OPT, Gaza, Israel, Universal Declaration of Human Rights, Genocide, Crimes Against Humanity, Ukraine, GNR, Principle of Non-Discrimination

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INTISARI

Tanggapan komunitas internasional semakin keras, namun tindakan tetap menjadi prioritas utama. Uni Eropa di bawah kepemimpinan Presiden Ursula von der Leyen belum cukup menangani krisis hak asasi manusia yang melonjak di Gaza dan Tepi Barat sejak 7 Oktober 2023. Penelitian hukum ini menganalisis sifat simbolis dari kewajiban hak asasi manusia Uni Eropa di bawah Komisi von der Leyen. Perilaku UE menimbulkan kekhawatiran terkait ketidakcukupan dalam menghadapi genosida yang sedang berlangsung, yang berpotensi membawa institusi tersebut ke Pengadilan Keadilan Uni Eropa. Penelitian ini menggunakan asumsi pembedaan untuk menyoroti penerapan selektif hukum hak asasi manusia internasional di Wilayah Palestina yang Diduduki, mempertanyakan netralitas UE. Analisis komparatif-historis terhadap kebijakan keamanan luar negeri UE di Ukraina mengungkapkan bias finansial dan geopolitik yang menguntungkan Ukraina, mengaburkan upaya hukum UE dalam kasus hak asasi manusia di Palestina. Penelitian hukum ini meneliti kegagalan historis Komunitas Eropa dalam mempertahankan netralitas antara Israel dan Palestina pada 1950-an hingga pembubarannya menjadi UE pada 1993 pasca Perjanjian Maastricht. Penelitian hukum ini menyelidiki pengaruh abadi hukum kolonial pada upaya keadilan transisi UE terkait Palestina.

Katakunci: Hak Asasi Manusia Internasional, Uni Eropa, OPT, Gaza, Israel, Deklarasi Universal Hak Asasi Manusia, Genosida, Kejahatan terhadap Kemanusiaan, Ukraina, GNR, Prinsip Non-Diskriminasi