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To the attn. of:

Mr Charles Michel

President of the European Council

Heads of State or Government of European Union (EU) member states

17 October 2023

Dear President of the European Council,
Dear EU Heads of State,

AMNESTY INTERNATIONAL CONCERNS AHEAD OF EXTRAORDINARY EUROPEAN COUNCIL MEETING ON RECENT FIGHTING IN ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

I am writing to you ahead of your extraordinary European Council meeting in relation to the horrific events unfolding in Israel and the Occupied Palestinian Territories, as well as their impact on the European Union (EU).

Amnesty International condemns unequivocally the attacks perpetrated by Hamas in Israel and we are horrified by these senseless killings. Hamas and other armed groups carried out war crimes, which cannot be justified under any circumstances. Attackers displayed a chilling disregard for human life by carrying out execution-style summary killings of many civilians, abducting civilians, taking hostages, launching direct attacks on civilians, and firing thousands of indiscriminate rockets into Israel.

We are deeply concerned about the serious violations of international humanitarian law (IHL), including war crimes committed by all parties to the conflict in the most recent round of fighting and in particular the unfolding humanitarian crisis in Gaza. As leaders of the European Union, your actions have significant consequences for the lives of millions of Palestinians and Israelis¹, as well as for the perception of the EU as an unbiased actor committed to human rights for all.

We are currently witnessing a desperate humanitarian crisis impacting more than 2.2 million people trapped in the Gaza Strip, which has been under Israel's illegal blockade since 2007. On 9 October, the Israeli officials announced a total siege on Gaza, blocking the entry of food, fuel and humanitarian assistance, and cutting off the supply of electricity and water, amid a massive bombing campaign. On 13 October, the Israeli army ordered people in northern Gaza and Gaza city, including medical staff and patients in hospitals, to "evacuate" to the south of the Gaza Strip. This order cannot be considered an effective warning and may amount to forced displacement of the civilian population², a violation of international humanitarian law.

Israeli military has urged hospitals and international humanitarian organizations in northern Gaza to rapidly relocate people to the south. This has proven impossible, with no transportation and fuel, putting at risk civilians, particularly

¹ Amnesty International, Israel/OPT: Civilians on both sides paying the price of unprecedented escalation in hostilities between Israel and Gaza as death toll mounts, 7 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-civilians-on-both-sides-paying-the-price-of-unprecedented-escalation-in-hostilities-between-israel-and-gaza-as-death-toll-mounts/>

² Amnesty International, Israel/OPT: Appalling Gaza "evacuation order" must be rescinded by Israel immediately, 13 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-appalling-gaza-evacuation-order-must-be-rescinded-by-israel-immediately/>

young children, sick and older people, pregnant women, and people persons with disabilities. Orders to evacuate hospitals, already on the brink of collapse, are unacceptable.

Our organization verified videos of an attack on 13 October, resulting in civilian casualties along Salah-Al Deen Street, a route the Israeli army had designated as safe for civilians to flee after the order to “evacuate”. This is yet another illustration that civilians in Gaza have nowhere safe to go.

The consequences of this humanitarian crisis will not be limited to the region. Conflicts and instability in the Middle East and North Africa have forced millions to seek refuge in Europe, and the ramifications of the current military operations and humanitarian crisis will be far reaching. Hamas and other armed groups have committed war crimes, including deliberately killing civilians, taking hostages, and firing indiscriminate rockets at communities in Israel those responsible must be brought to justice in fair trials³. But the punishment cannot extend collectively to all civilians in Gaza.

We are deeply concerned with the unreserved support that many European Governments have declared for the state of Israel, as Israeli forces are conducting an unprecedented bombing of Gaza which, according to Palestinian Ministry of Health, has already killed 2,670 peoples, whilst denying millions access to life-saving aid. All victims deserve support and assistance and selective solidarity by the EU will severely undermine the EU’s role in the region. EU leaders are signalling to countries all over the world that respect to international humanitarian law is subjective, severely undermining the EU calls for holding perpetrators of crimes accountable in the future.

The EU risks undermining its role in ensuring respect for international law, including humanitarian and human rights international law, as well as its commitment to freedom of expression, peaceful assembly, and association. We are deeply concerned that several EU member states have adopted restrictions on the right to peaceful assembly, limiting expressions of solidarity with Palestinians⁴, curtailments that constitute a serious and disproportionate restriction on the right to protest. EU leaders are signalling to countries all over the world that their support for human rights depends on the identity of the perpetrator and the victims. States responsible for violations and crimes will highlight the EU’s double standards to challenge the EU’s efforts to build support for international justice from states outside Europe.

According to official records, in Israel at least 1,400 people have been killed and some 3,621 wounded, in the Gaza Strip at least 2,670 people have been killed and some 9,600 wounded. While less reported, in the occupied West Bank, including East Jerusalem, in the last two weeks at least 51 Palestinians have been killed and 1,173 injured by Israeli forces and settlers. Many of these victims are, once again, civilians.

The current crisis did not emerge in a vacuum. Israel has a long history of committing war crimes and crimes against humanity, including by imposing a system of apartheid on Palestinians for decades, with impunity. The many violations and war crimes committed by Palestinian armed groups and security forces have also remained unpunished. The pervasive climate of impunity has undermined the trust in the rules and principles of international law, foremost humanity, as shown by the unprecedented violence against civilians in Israel and the relentless attacks that have obliterated entire families in Gaza. The EU now has an important role to play in reversing the side-lining of international law.

As you consider the EU’s response to this unfolding crisis, we urge you to:

- **Put pressure on the state of Israel to [lift its illegal blockade of the Gaza Strip](#)⁵, including by ensuring that food, water, fuel and medical supplies, as well as humanitarian aid and electricity are available to all residents:**

³ Amnesty International, Israel: Palestinian armed groups must be held accountable for deliberate civilian killings, abductions and indiscriminate attacks, 12 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-palestinian-armed-groups-must-be-held-accountable-for-deliberate-civilian-killings-abductions-and-indiscriminate-attacks/>

⁴ Amnesty International, Ban on protests supporting Palestinians is disproportionate attack on the right to protest in France, 16 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/ban-on-protests-supporting-palestinians-is-disproportionate-attack-on-the-right-to-protest-in-france/> ; Amnesty International, Germany: Protect the Protest: Against blanket bans of demonstrations for the rights of Palestinians, 12 September 2023, <https://www.amnesty.org/en/documents/eur23/7180/2023/en/>

⁵ Amnesty International, Israel/OPT: Israel must lift illegal and inhumane blockade on Gaza as power plant runs out of fuel, 12 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-israel-must-lift-illegal-and-inhumane-blockade-on-gaza-as-power-plant-runs-out-of-fuel/>

It is vital that EU leaders make it clear to Israeli leaders that collective punishment is a war crime. They must expedite efforts, in collaboration with regional and global partners, to ensure the delivery of humanitarian aid to Gaza and to allow those in need of medical assistance to access medical care, including outside the Gaza Strip. They should ask Israel to immediately rescind the order for all civilians in north Gaza, including medical staff and patients in hospitals to move to the southern part of the strip.

- **Call on all sides to respect the rules of International Humanitarian Law, including the prohibition of direct attacks on civilians and on civilian objects⁶, of indiscriminate and disproportionate attacks, collective punishments, hostage-taking, and abduction of civilians**, which constitute crimes under international law. Abducted civilians must be released immediately, and the practice of hostage-taking halted. All captives must be treated humanely and granted medical treatment. The EU must apply the same IHL standards to all parties to the conflict, otherwise risk signalling that the EU values some lives over the others. EU leaders must unequivocally denounce all advocacy of violence and hatred by officials and leaders on all sides.
- **Strongly call on all parties to the conflict to refrain from conducting military operations** that are detrimental to civilians' safe access to humanitarian assistance and medical care.
- **Unequivocally and unconditionally support the work of the International Criminal Court (ICC)**. In 2021, the ICC formally opened an investigation into the situation in Palestine, concerning crimes within the Court's jurisdiction committed since June 2014. The ICC Office of the Prosecutor has confirmed that this mandate includes crimes under international law committed by all parties in the current fighting. EU member states must call on the state of Israel, as the occupying power, to cooperate with and facilitate the ICC's work, including by allowing access to the OPT and Israel to conduct investigations into crimes committed by all sides to the conflict. EU member states must also ensure that the ICC has the needed resources to fully conduct its investigations. EU member states should pursue accountability at the national level for crimes under international law committed in Israel and Palestine.
- **The EU and member states must seek to protect and facilitate the rights to freedom of expression and peaceful assembly and refrain from introducing disproportionate restrictions. Those EU states that have introduced such measures targeting assemblies by those advocating for Palestinian rights must be called upon to lift these serious and disproportionate restrictions on freedom of expression and assembly.**
- **Refrain from supplying arms to any party to the conflict, given that serious human rights violations amounting to crimes under international law are being committed.** EU member states must refrain from supplying Israel with arms, weapons or equipment that could be used to commit crimes under IHL. EU member states should also call on states supplying arms to Hamas and other armed groups engaged in hostilities to refrain from doing so.

Immediate and principled action from the EU is urgent. Civilians will continue to pay a heavy price, as long as the violations and injustices that are the root causes of the conflict are not addressed and victims are not afforded justice and reparation.

We stand ready to meet you anytime to discuss our concerns detailed above. In addition, we remain at your disposal to provide any further information.

Yours sincerely,



Agnès Callamard
Secretary General

⁶ Amnesty International, Israel/OPT: Identifying the Israeli army's use of white phosphorus in Gaza, 13 October 2023, <https://citizenevidence.org/2023/10/13/israel-opt-identifying-the-israeli-armys-use-of-white-phosphorus-in-gaza/>