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To the attn. of:

Mr Charles Michel
President of the European Council

Ms Ursula von der Leyen
President of the European Commission

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

8 December 2023

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

AMNESTY INTERNATIONAL URGENT APPEAL TO EU LEADERS: HEED THE UN SECRETARY-GENERAL'S CALL FOR A CEASEFIRE BY ALL PARTIES IN GAZA AND ISRAEL

I am writing to you ahead of the European Council meeting in relation to the unprecedented man-made humanitarian and human rights crisis in the Occupied Palestinian Territories (OPT), as well as the risks for civilians in Israel and in Lebanon, to emphasize the urgent need for a sustained **ceasefire** and **accountability**, and for the EU to reverse the current downward spiral towards uncharted territory that threatens to undermine the rules-based world order beyond repair.

Amnesty International considers that EU member states have a unique opportunity to ensure the UN Security Council acts on the extraordinary step taken by the UN Secretary-General when he called, on 6 December, for an immediate ceasefire by invoking Article 99 of the UN charter for the first time since 1989. We welcome and share the [call](#) by HR/VP Mr. Josep Borrell upon EU member states of the UN Security Council (UNSC) to vote in favour of a ceasefire. We urge and call on all other EU member states to support the call for a ceasefire through a joint EU position, but in the absence of one, to make that call separately or with like-minded states. We also call upon EU member states to call on US President Biden to vote in favour or at minimum abstain from votes at the UNSC calling for a ceasefire.

The short relief brought by the humanitarian pause was brutally shattered with the resumption of hostilities, which are intensifying.¹ Between 7 October and 5 December, at least 16,248 Palestinians were killed in the occupied Gaza Strip, 70% of whom were children and women, 253 Palestinians, including 66 children were killed in the West Bank, while at least 1,200 people were killed in Israel, mostly civilians including 33 children, on 7 October. According to Israeli sources, 136 hostages and captives are still held in Gaza. Indiscriminate rocket fire by Hamas and other armed groups from Gaza towards Israel intensified on 5 December, but no fatalities were reported. According to UNRWA, nearly 1.9 million people in Gaza, over **85 per cent** of the population, are estimated to be internally displaced, a global record. The humanitarian situation is catastrophic, as repeatedly explained in detail

¹ Amnesty International, Israel/OPT: Urgent need for a sustained ceasefire to end civilian bloodshed and mass suffering as fighting resumes, 1 December 2023, <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-urgent-need-for-a-sustained-ceasefire-to-end-civilian-bloodshed-and-mass-suffering-as-fighting-resumes/>

by various UN experts and officials. Also, the intensified exchanges of fire between armed groups in Lebanon and Israeli military has resulted in civilian casualties in both countries.²

As you meet to discuss the situation in Israel and the Occupied Palestinian Territories, I hope we can all agree that the hostilities have resulted in unprecedented loss of civilian lives and destruction. We agree with the HR/VP's statement that "[...] it is not possible to kill an idea. That the only way is to have a better idea."

Right now, the EU, by its inaction, has largely been contributing to dehumanization and radicalization among Israelis and Palestinians in the region and beyond. In fact, the EU's approach to Israel and the OPT has enabled violations of international humanitarian law (IHL) and war crimes by both sides. **As long as the EU does not hold all sides to the universal standards of international law, voices advocating for human rights and justice on the Palestinian and Israeli side will remain silenced. Meanwhile voices inciting discrimination and hatred, while seeking to undermine international law, will continue to be empowered.**

The EU's failure to support efforts of accountability and international law, when the perpetrator of violations of IHL is a close ally to the EU, is severely undermining the EU's credibility as an actor committed to uphold human rights and international law. **By failing to denounce Israeli violations of IHL or to show support for the International Criminal Court (ICC) and the International Court of Justice (ICJ) investigations, the EU is undermining their credibility when denouncing, for instance, violations by Russia or supporting the ICC investigations for Russian war crimes in Ukraine.** That some EU leaders appear to repeat similar talking points used by Russian officials to justify violations of IHL is something Russians officials are already seizing upon to undermine the EU's global credibility.

Beyond Israel and the OPT, the EU's refusal to call for a ceasefire in the face of repeated calls by UN agencies and other organs threatens to wreak **irreparable damage to the credibility of the UN system**. The unprecedented number of statements and strong language describing the humanitarian situation in Gaza, and clear violations of IHL by many UN bodies and even the ICC Prosecutor is reflective of the danger that the situation in Gaza poses to the lives of millions of Palestinian civilians, but also to global peace and security. Already, the UNSG explicitly invoked article 99 of the UN charter, for the first time since 1989. At least 130 UNRWA staff members have been killed, some with their families. The EU's inaction in the face of this catastrophe, emboldens perpetrators of atrocities to act with impunity.

The EU has the potential to play a positive role in Israel and the OPT, but right now is failing to do so. Instead of protecting civic space for advocates of Palestinians' rights, some EU member states have undermined the rights to freedom of expression, peaceful assembly and association within their own borders and beyond, under the guise of counterterrorism and combatting antisemitism.³ **Yet by closing peaceful means of protesting human rights violations or violations IHL by Israeli authorities, including the crime against humanity of apartheid against Palestinians, the EU is fostering a climate that nourishes demonization, discrimination and hatred within and among communities.** Arbitrary restrictions on rights and freedoms might be limited today to Palestinian rights advocates but will surely not end there.

While some EU leaders and member states are increasingly taking a position in line with international law and promoting a positive role for the EU in Israel and the OPT and beyond, it is lamentable that to date the EU collectively has failed to take a principled position when it came to Palestinians' human rights. In the absence of a common EU position that is in line with international law, we call upon individual member states to work with like-minded states to adopt the following recommendations:

- **Publicly demand an immediate and sustained ceasefire by all parties in the conflict:** A ceasefire would enable aid agencies

² Amnesty International, Lebanon: Deadly Israeli attack on journalists must be investigated as a war crime, 7 December 2023, <https://www.amnesty.org/en/latest/news/2023/12/lebanon-deadly-israeli-attack-on-journalists-must-be-investigated-as-a-war-crime/>

³ Amnesty International, European governments donors' discriminatory funding restrictions to Palestinian civil society risk deepening human rights crisis, 28 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/european-governments-donors-discriminatory-funding-restrictions-to-palestinian-civil-society-risk-deepening-human-rights-crisis/>

to get sufficient relief into the occupied Gaza Strip and to distribute it safely and unconditionally. It would give hospitals an opportunity to receive life-saving medicines, water and equipment they desperately need as well as to repair damaged wards; it is also the most effective way to protect civilians as warring parties continue to commit grave violations. It could limit the mounting civilian death toll in Gaza and could also provide safety and an opportunity to secure the release of hostages; it could also enable independent investigations into violations of international law by all parties to be carried out, including by the International Criminal Court and the Independent Commission of Inquiry on the Occupied Palestinian Territory and Israel.⁴

- **Publicly denounce violations by all sides to the rules of international humanitarian law, naming them, including the prohibition of direct attacks on civilians and on civilian objects⁵, indiscriminate and disproportionate attacks, collective punishments, hostage-taking, abduction of civilians and violations of the right to life and the prohibition of torture and other ill-treatment in Gaza, Israel and the West Bank:** The EU must apply the same IHL and IHRL 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.
- **Maintain calls for Hamas to immediately and unconditionally release all civilian hostages⁶:** Further call on Hamas and other armed groups to treat all those held captive, including Israeli soldiers, humanely and in accordance with international humanitarian law. All hostages should be given access to the International Committee of the Red Cross and allowed to communicate with their families. Those who are injured or ill must be provided with medical care.
- **Put public pressure on the state of Israel to immediately lift its illegal blockade of the Gaza Strip⁷, including by ensuring that adequate food, water, fuel and medical supplies, as well as humanitarian aid and electricity are available to all residents:** It is vital that EU leaders publicly make it clear to Israeli leaders that collective punishment and deliberately blocking relief supplies to civilians are war crimes.
- **Call for Israel to release arbitrarily detained civilians and ensure they are humanely treated:** All Palestinians arbitrarily detained must be released. Israeli authorities must end arbitrary arrests and immediately reverse the inhumane emergency measures imposed on Palestinian prisoners and grant them immediate access to their lawyers and families. The International Committee of the Red Cross should be granted access to conduct urgent visits to prisons and detention facilities and to monitor conditions for Palestinian detainees.
- **Unequivocally, unconditionally and publicly support the work of the International Criminal Court (ICC):** 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 ICC Office of the Prosecutor has confirmed that this mandate includes crimes under international law committed by all parties in the current fighting, which includes crimes committed by Israeli authorities and Palestinian armed groups.
- **The EU should recognise and address the root causes of the situation:** As the UN Secretary-General said, "It is important to

⁴ Amnesty International, Israel/OPT: Urgent call for an immediate ceasefire by all parties to end unprecedented civilian suffering, 26 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-urgent-call-for-an-immediate-ceasefire-by-all-parties-to-end-unprecedented-civilian-suffering/>; Amnesty International, Israel/OPT: Paris Conference must push for an immediate humanitarian ceasefire, 8 November 2023, <https://www.amnesty.org/en/documents/mde15/7388/2023/en/>; Amnesty International, Israel/ OPT: Deal to release hostages and prisoners must pave way for further releases and a sustained ceasefire, 22 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-deal-to-release-hostages-and-prisoners-must-pave-way-for-further-releases-and-a-sustained-ceasefire/>

⁵ Amnesty International, Israel/OPT: 'Nowhere safe in Gaza': Unlawful Israeli strikes illustrate callous disregard for Palestinian lives, 20 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-nowhere-safe-in-gaza-unlawful-israeli-strikes-illustrate-callous-disregard-for-palestinian-lives/>; Amnesty International Citizen Evidence Lab, 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/>; Amnesty International, Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza, 20 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>

⁶ Amnesty International, Israel/OPT: Hamas and other armed groups must release civilian hostages and treat all captives humanely, 7 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-hamas-and-other-armed-groups-must-release-civilian-hostages-and-treat-all-captives-humanely/>

⁷ Amnesty International, Israel/OPT: Israel must lift illegal and inhumane blockade on Gaza as power plant runs out of fuel, 12 October, <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/>

also recognize the attacks by Hamas did not happen in a vacuum.”⁸ If there is a genuine desire to break the cycle of violence, the EU must recognize the system of apartheid against Palestinians, ending the supply of technology and arms to Israel that allows it to maintain its system of apartheid, instituting a ban on Israeli settlement products, , and using all political and diplomatic means to pressure Israel to end its apartheid against Palestinians.⁹

- **The EU should use the UN fora to promote full compliance with international law:** EU member states should support debates and resolutions in UN fora that promote the protection of civilians during the conflict; acknowledge the vast scope of human rights violations ongoing and the context of domination and oppression that has brought us to today; and to promote accountability, including through support for the ICC investigation. EU member states must continue to support the UN mandates that exist already and may have a role to play in investigating human rights abuses and promoting accountability, including the Human Rights Council Commission of Inquiry on Israel and the OPT; this entails calling that all parties cooperate with this mechanism and allow for its unimpeded access to Israel and the OPT.
- **Refrain from supplying arms to any party to the conflict, given that serious human rights violations and violations of international humanitarian law amounting to crimes under international law are being committed:** EU member states must refrain from supplying Israel with arms and military materiel, including related technologies, parts and components, technical assistance, training, financial or other assistance. They should also call on states supplying arms to Hamas and other armed groups to refrain from doing so.

We stand ready to meet you to discuss our concerns detailed above or provide any further information as you may require.

Yours sincerely,



Eve Geddie
Director
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⁸ UN, Secretary-General’s remarks to the Security Council – on the Middle East, 24 October 2023, <https://www.un.org/sg/en/content/sg/speeches/2023-10-24/secretary-generals-remarks-the-security-council-the-middle-east%C2%A0>

⁹ Amnesty International, Israel’s apartheid against Palestinians: Cruel system of domination and crime against humanity, 1 February 2022, <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>