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To the attn. of:

Mr Josep Borell Fontelles

EU High Representative for Foreign Affairs and Security Policy / Vice-President European External Action Service (EEAS)

Foreign Affairs Ministers of the European Union (EU) member states

10 October 2023

Dear High Representative,
Dear Ministers of Foreign Affairs,

AMNESTY INTERNATIONAL CONCERNS AHEAD OF EMERGENCY MEETING ON RECENT FIGHTING IN ISRAEL AND OCCUPIED PALESTINIAN TERRITORIES

I am writing to you ahead of your emergency meeting in relation to the horrific events unfolding in Israel and the Occupied Palestinian Territories. 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. As leaders of the European Union (EU), your actions in the next hours will have significant consequences for the lives of millions of Palestinians and Israelis, and to the perception of the EU as an unbiased actor committed to human rights for all.

Today you must decide whether the EU will act in accordance with its commitment to uphold international humanitarian law and human rights or undermine international law by applying double standards.

According to official records, since 7 October, in Israel at least 900 people were killed and some 2,616 wounded, in the Gaza Strip at least 687 people were killed and some 3,800 wounded. 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. Violations committed by Palestinian armed groups and security forces have also remained unpunished. The pervasive climate of impunity has delegitimised the trust in and the basic values 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.

Since the current Israeli government took power, the EU have issued repeated statements following Israeli crimes voicing concerns over Israeli actions, calling for restraint, sometimes for accountability, always for ending the cycle of violence but never mentioning the right of Palestinians to safety and never announcing measures to halt or review cooperation with Israel, despite potential complicity in international crimes. We are therefore deeply shocked that an [EU commissioner](#) as well as some [member states](#) have announced the suspension of aid to Palestinians. Arbitrarily suspending aid at a time when humanitarian assistance is more urgently needed than ever is grossly irresponsible with dire consequences and severe risks to the human rights of Palestinians. We welcome the statements of the High [Representative](#), some [commissioners](#) and [member states](#) who oppose this proposition and call for the protection of

civilians and respect for IHL. We are dismayed that official statements by the EU and some member states failed to make these calls.

As you consider the EU's response to this grave crisis, I urge you to:

- **Ensure that EU and member states providing aid continue delivering humanitarian assistance to the Occupied Palestinian Territories and ensure adequate response in light of the current attacks.** This is particularly important in the face of Israel's defence minister's announcement of a complete siege on Gaza, which has been grappling with the devastating effect of Israel's 16-year-long illegal blockade. The EU must refrain from any action that would, even indirectly, legitimise Israel's blockade of Gaza and the resulting violations against civilians, including collective punishment.
- **Call on all sides to respect the rules of IHL, including the prohibition of direct attacks on civilians and on civilian objects, of indiscriminate and disproportionate attacks, collective punishments, hostage-taking, and abduction of civilians** which can constitute crimes under international law. Abducted civilians must be released immediately, and the practice of hostage-taking halted. All captives must be treated humanely, in accordance with international law and granted medical treatment.
- **Call on the state of Israel to ensure that food and medical supplies, as well as humanitarian aid and electricity are available to all residents of Gaza:** It is vital that EU leaders make it clear to Israeli leaders that collective punishment is a war crime.
- **Unequivocally and unconditionally support the work of the ICC:** In 2021, the International Criminal Court (ICC) opened an investigation into the situation in the State of Palestine. Its 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.
- **Refrain from supplying arms to any party to the conflict given that serious 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 the PIJ to refrain from doing so.

Immediate and principled action from the EU is urgent. Civilians will continue to pay a heavy price so 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.

History will remember your words and actions at these times. The horrors that Israelis have witnessed on an unprecedented scale in recent days and the oppression, violence and dispossession that Palestinians have experienced over the last 75 years are the result of decades of failed policies marginalizing human rights and enshrining impunity that have resulted in mutual dehumanization. I ask you to be true to the founding values of the EU, including uncompromised respect for human rights and international law.

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,



Eve Geddie
Head of Office and Advocacy Director
Amnesty International – European Institutions Office