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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**

9 November 2023

Dear High Representative,  
Dear Ministers of Foreign Affairs,

**AMNESTY INTERNATIONAL CALLS FOR A CEASEFIRE AHEAD OF THE FOREIGN AFFAIRS COUNCIL ON ONGOING FIGHTING IN ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES**

I am writing to you ahead of the Foreign Affairs Council meeting in relation to the ongoing fighting in Israel and the Occupied Palestinian Territories, in particular to emphasize the urgent need for a **ceasefire** to bring an end to the expanding man-made humanitarian and human rights crisis unfolding in the Occupied Palestinian Territories, especially in Gaza.

We are deeply concerned about the daily death of hundreds of Palestinian civilians due to Israeli bombing and blockade, the ongoing serious violations of international humanitarian law (IHL), including war crimes committed by all parties to the conflict in the ongoing round of fighting. We are concerned that as the risk of regional escalation increases, more civilians will suffer, as we are already seeing in the occupied West Bank, including East Jerusalem. In the face of the unprecedented humanitarian disaster in the occupied Gaza Strip that is growing worse by the day, an immediate ceasefire by all parties is vital to save the lives of thousands of civilians and halt the spiralling humanitarian and human rights crisis. We are also concerned with the implication of the crisis in the Middle East upon rights to expression and assembly in Europe. We have attached a briefing along with the letter detailing our research findings.

Since 7 October, according to Israel's Ministry of Health, at least 1,400 people have been killed and around 5,400 wounded in Israel. In the same period, according to the Palestinian Ministry of Health in the Gaza Strip at least 10,569 people, including 4,324 children have been killed and some 26,475 wounded. Other 2,550 people including 1,350 children reported missing and may be trapped under the rubble.<sup>1</sup> In the occupied West Bank, including East Jerusalem, in the same period, Israeli forces and settlers killed at least 163 and injured 2,400 Palestinians according to the Palestinian Ministry of Health. Many of these victims are, once again, civilians. Hamas and other armed groups continue to hold at least 240 hostages, some of whom are civilians including children. Since 7 October, Israeli forces have detained more than 2,200 Palestinian men and women. Between 1 October and 1 November, the total number of Palestinians held in administrative detention, without charge or trial, rose from 1,319 to 2,070. Testimonies and video evidence also point to numerous incidents of torture and other ill-treatment by Israeli forces including severe beatings and deliberate

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<sup>1</sup> OCHA, Hostilities in the Gaza Strip and Israel – reported impact | Day 33, 8 November 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-33>

humiliation of Palestinians who are detained in dire conditions.<sup>2</sup>

While we welcome EU calls for all sides to respect IHL, as well as the increase of humanitarian aid, we are deeply concerned with the EU's approach so far to the escalation of fighting and its failure to address the root causes of the conflict. It is important for the EU to keep denouncing IHL violations and war crimes committed by Hamas and other armed groups and emphasize the need for the EU to continue calling for the immediate and unconditional release of all civilian hostages. However, without equally denouncing Israeli war crimes such as indiscriminate attacks on civilians and the collective punishment imposed through the illegal blockade of Gaza, and calling for the release of arbitrarily detained Palestinians, the EU is perceived as one sided and selective in its application of IHL and concerns for civilian lives. This approach is counterproductive, as on the one hand it sends the message to Israeli authorities that they are above the law and can continue to operate with impunity, while on the other hand to Palestinians that they are on their own and international law will not protect them. This is a recipe for an endless cycle of violence and hatred and the EU must refrain from feeding into it.

On 6 November, Israeli Prime Minister Netanyahu said that "Israel will have an 'overall security' role in Gaza indefinitely."<sup>3</sup> Such statement, in addition to a long list of alarming statements showing the intent of Israeli government and military officials to forcibly transfer civilians and establish settlements in Gaza, coupled with the increased forcible displacement by Israeli authorities and settlers in the West Bank are warning signs that Israeli authorities intend to entrench the same root causes that have led us to where we are now. In the past week alone, Israeli government ministers called for forcibly relocating all Palestinians in Gaza to countries around the world, dropping nuclear weapons on Gaza and creating "Palestinians free zones" around illegal Israeli settlements in the West Bank.<sup>4</sup>

We would like to thank you for taking several positive measures so far, including calling for recession of violence and recognizing the importance of addressing the root causes of the conflict and the EU's responsibility including by recognizing that the EU does support Israel. We are also aware of your responsibility to adhere to the EU common position, however it is clear that not everyone in the EU equally recognizes the EU's founding values and role in promoting human rights and international law. We therefore think that you have a higher responsibility, to international law and to preserving the credibility of the EU. As such, we call on you to support the call for a ceasefire, and failing to see a consensus position by EU member states that is in line with international law, to use your office to advance commitment to the following recommendations:

- **Publicly demand an immediate humanitarian ceasefire by all parties in the conflict: Already the UN Secretary-General,<sup>5</sup> 6 UN bodies,<sup>6</sup> 18 heads of UN bodies and humanitarian NGOs,<sup>7</sup> and 120 states<sup>8</sup> have called for a humanitarian truce or a ceasefire, it is time for all the EU to join the call:** A ceasefire would enable aid agencies to get sufficient relief into the 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

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<sup>2</sup> Amnesty International, Israel/OPT: Horrifying cases of torture and degrading treatment of Palestinian detainees amid spike in arbitrary arrests, 8 November 2023, [https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests/?\\_thumbnail\\_id=203084](https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests/?_thumbnail_id=203084)

<sup>3</sup> AP News, "Fighting Hamas deep in Gaza City, Israel foresees control of the enclave's security after the war", 8 November 2023, <https://apnews.com/article/israel-hamas-war-news-11-7-2023-6e1425d218de6a73f8a51e4c036cfd39>

<sup>4</sup> The Times of Israel, "Far-right minister: Nuking Gaza is an option, population should 'go to Ireland or deserts'", 5 November 2023, [https://www.timesofisrael.com/liveblog\\_entry/far-right-minister-nuking-gaza-is-an-option-population-should-go-to-ireland-or-deserts/](https://www.timesofisrael.com/liveblog_entry/far-right-minister-nuking-gaza-is-an-option-population-should-go-to-ireland-or-deserts/)

<sup>5</sup> UN News, Gaza: 'Unfolding catastrophe' makes humanitarian ceasefire more urgent, 6 November 2023, <https://news.un.org/en/story/2023/11/1143267>

<sup>6</sup> UNDP, Joint statement by UNDP, UNFPA, UNICEF, WFP and WHO on humanitarian supplies crossing into Gaza, 21 October 2023, <https://www.undp.org/press-releases/joint-statement-undp-unfpa-unicef-wfp-and-who-humanitarian-supplies>; United Nations, Occupied Gaza Strip: UN Committee calls for immediate ceasefire and urges end to hate speech amid fears of broader conflict, 27 October 2023, <https://www.ohchr.org/en/press-releases/2023/10/occupied-gaza-strip-un-committee-calls-immediate-ceasefire-and-urges-end>

<sup>7</sup> UNHRC, Statement by Principals of the Inter-Agency Standing Committee, on the situation in Israel and the Occupied Palestinian Territory, "We need an immediate humanitarian ceasefire", 5 November 2023, <https://www.unhcr.org/news/speeches-and-statements/statement-principals-inter-agency-standing-committee-situation-israel>

<sup>8</sup> UN News, "UN General Assembly adopts Gaza resolution calling for immediate and sustained 'humanitarian truce'", 26 October 2023, <https://news.un.org/en/story/2023/10/1142847>

wards; it is also the most effective way to protect civilians as warring parties continue to commit grave violations. It could prevent the mounting civilian death toll in Gaza and could also provide an opportunity to secure the safe release of hostages; it could also enable independent investigations into human rights violations and war crimes by all parties to be carried out, including by the International Criminal Court and the Independent Commission of Inquiry on the Occupied Palestinian Territory.<sup>9</sup> Their work is vital as ending the longstanding impunity for war crimes and crimes against humanity and securing justice and reparation for victims are essential to prevent recurrence of these atrocities and to address the root causes of the conflict, such as Israel's system of apartheid imposed on all Palestinians.

- **Put public pressure on the state of Israel to immediately lift its illegal blockade of the Gaza Strip,<sup>10</sup> 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 is a war crime.
- **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 objects,<sup>11</sup> indiscriminate and disproportionate attacks, collective punishments, hostage-taking, and abduction of civilians both in Gaza, Israel and the West Bank:** 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.
- **Maintain calls for Hamas to immediately and unconditionally release all civilian hostages:<sup>12</sup>** 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.
- **Call for Israel to release arbitrarily detained civilians and ensure they are humanely treated:** All Palestinians arbitrarily detained must be released. Israeli authorities must 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 also recognize the attacks by Hamas did not happen in a vacuum."<sup>13</sup> If there is a genuine desire to break

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<sup>9</sup> 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/>

<sup>10</sup> 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/>

<sup>11</sup> 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/>

<sup>12</sup> 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/>

<sup>13</sup> 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>

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 settlement products and using all political and diplomatic means to pressure Israel to end its apartheid against Palestinians.<sup>14</sup>

- **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. 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 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  
Head of Office and Advocacy Director  
Amnesty International – European Institutions Office

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<sup>14</sup> 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/>