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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

**Mr Josep Borrell Fontelles**

EU High Representative for Foreign Affairs and Security Policy / Vice-President European Commission

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

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

11 October 2024

Dear President Michel,

Dear President von der Leyen,

Dear HR/VP Borrell,

Dear Heads of States and Governments,

Dear Foreign Affairs Ministers,

## **AMNESTY INTERNATIONAL LETTER ON THE SITUATION IN THE MIDDLE EAST**

We are writing ahead of the Foreign Affairs and the European Council meetings during the week of 14 October concerning the situation in the Middle East.

In **Lebanon**, Israeli airstrikes and a ground invasion risk crimes under international law against the civilian population.<sup>1</sup> Since 8 October 2023, Israeli bombing and mass explosions targeting electronic devices killed over 2,083 people, including at least 127 children,<sup>2</sup> and injured more than 9,869 people according to the Lebanese Ministry of Health.<sup>3</sup> Around 1.2 million people have been displaced.<sup>4</sup> The recent evacuation warnings in southern Lebanon and the southern suburbs of Beirut were inadequate, and in some cases also misleading, and do not absolve Israel of its obligations under international humanitarian law to never target civilians and to take all possible measures to minimize harm to them.<sup>5</sup>

In the **Occupied Palestinian Territory including East Jerusalem**, unprecedented human rights and humanitarian crisis have been unfolding right in front of our own eyes. In Gaza, Israel's offensive killed at least 41,500, wounded at least 90,000 and displaced 1.9 million Palestinians according to the Palestinian Ministry of Health. Due to a mix of deadly unlawful attacks<sup>6</sup> and the deliberate denial of life-saving humanitarian aid due to the tightening of Israel's unlawful blockade of

<sup>1</sup> Amnesty International, "Lebanon/Israel: Fears for safety of civilians grow as devastating death toll in Lebanon continues to rise", 25 September 2024, <https://www.amnesty.org/en/latest/news/2024/09/lebanon-israel-fears-for-safety-of-civilians-grow-as-devastating-death-toll-in-lebanon-continues-to-rise/>

<sup>2</sup> Reuters, "Dozens of health workers killed in Lebanon over past day, WHO says", 3 October 2024, <https://www.reuters.com/world/middle-east/who-says-28-health-workers-killed-lebanon-over-24-hours-2024-10-03/>

<sup>3</sup> Ministry of Public Health – Lebanon, on X, 7 October 2024, <https://x.com/mophleb/status/1843264753273360559>

<sup>4</sup> UNHCR, "Displaced families in Lebanon yearn for peace and a return home", 6 October 2024, <https://www.unhcr.org/news/stories/displaced-families-lebanon-yearn-peace-and-return-home>

<sup>5</sup> Amnesty International, "Lebanon: Israel's evacuation 'warnings' for civilians misleading and inadequate", 10 October 2024, <https://www.amnesty.org/en/latest/news/2024/10/lebanon-israels-evacuation-warnings-for-civilians-misleading-and-inadequate/>

<sup>6</sup> Amnesty International, "Israel/OPT: Israeli air strikes that killed 44 civilians further evidence of war crimes – new investigation", 27 May 2024, <https://www.amnesty.org/en/latest/news/2024/05/israel-opt-israeli-air-strikes-that-killed-44-civilians-further-evidence-of-war-crimes-new-investigation/>

the Strip,<sup>7</sup> Palestinians in Gaza are **at risk of genocide**.<sup>8</sup> In the occupied West Bank, including East Jerusalem, Israel continues to illegally expand settlements, while state-backed settlers and Israeli security forces continue to kill Palestinians with absolute impunity,<sup>9</sup> with more than 690 people killed over the past year. Israeli authorities have also stepped-up arbitrary arrests of Palestinians placing thousands under administrative detention without charge or trial.<sup>10</sup> Attempts to close or defund UNRWA, which serves as a lifeline to Palestinians, continue unabated.<sup>11</sup>

**Israeli civilians** too continue to face a range of violations and crimes under international law. To date, there has not been justice for victims unlawfully killed or abducted during the attacks by Hamas and other armed groups on 7 October 2023, which killed some 1200 people.<sup>12</sup> Hamas and other armed groups continue to unlawfully fire indiscriminate rockets into Israel endangering the lives of civilians. Tens of thousands of Israelis remain internally displaced, while the civilian population remains at risk of attacks from Gaza, Yemen, Lebanon, Iraq or Iran. A year on at least 100 hostages remain held in Gaza.<sup>13</sup> While some are confirmed dead, those still alive are at risk of death, torture or abuse. Hostage taking is a war crime.

The **root cause** of these crimes remains the longstanding pattern of impunity for war crimes by all parties, along with Israel's cruel system of apartheid rule over Palestinians and unlawful 57-year long occupation. For decades, Israel has subjected millions of Palestinians to the crime of apartheid, and an occupation, which the International Court of Justice (ICJ) has confirmed is unlawful.<sup>14</sup> On 17 September, the UN General Assembly also voted overwhelmingly to end Israel's unlawful occupation of the OPT within 12 months, this would involve removing all settlers from the occupied West Bank, including East Jerusalem, and reversing annexation of occupied territory, both in law and in practice.<sup>15</sup>

Further, the ICJ and UNGA have rightly pointed out the role of third states in bringing an end to Israeli violations, including by not rendering aid or assistance that maintains Israel's unlawful presence in the OPT. We regret that the United States, as well as a limited number of EU member states, continue to supply arms to Israel despite ample knowledge that they are being used to commit war crimes or carry a clear risk of being used as such.<sup>16</sup> Further, we regret the lack of cooperation by the USA and some EU member states against the UN, ICJ and ICC and failure to support the UNGA vote.

The EU has the obligation to ensure act and act now through:

- **Publicly denouncing crimes under international law by all actors:** The EU rightly denounces crimes committed by Hamas and other armed groups, Hezbollah, the Houthis or Iran. However that moral and legal clarity is absent

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<sup>7</sup> Amnesty International, "Israel/ OPT: With famine setting in a ceasefire and more aid routes into Gaza are urgently needed", 5 April 2024, <https://www.amnesty.org/en/latest/news/2024/04/israel-opt-with-famine-setting-in-a-ceasefire-and-more-aid-routes-into-gaza-are-urgently-needed/>

<sup>8</sup> Amnesty International, "Israel must comply with key ICJ ruling ordering it do all in its power to prevent genocide against Palestinians in Gaza", 26 January 2024, <https://www.amnesty.org/en/latest/news/2024/01/israel-must-comply-with-key-icj-ruling-ordering-it-do-all-in-its-power-to-prevent-genocide-against-palestinians-in-gaza/>

<sup>9</sup> Amnesty International, "Israel/OPT: Palestinians face drastic escalation in unlawful killings, displacement as Israel launches West Bank military operation", 28 August 2024, <https://www.amnesty.org/en/latest/news/2024/08/israel-opt-palestinians-face-drastic-escalation-in-unlawful-killings-displacement-as-israel-launches-west-bank-military-operation/>

<sup>10</sup> Amnesty International, "Israel must end mass incommunicado detention and torture of Palestinians from Gaza", 18 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/israel-must-end-mass-incommunicado-detention-and-torture-of-palestinians-from-gaza/>

<sup>11</sup> UN News, "Israel: New law blocking UNRWA 'would be a catastrophe', Guterres warns", 8 October 2024, <https://news.un.org/en/story/2024/10/1155471>

<sup>12</sup> Haaretz, "Israel's Dead: The Names of Those Killed in Hamas Attacks, Massacres and the Israel-Hamas War", 19 October 2023, <https://www.haaretz.com/haaretz-explains/2023-10-19/ty-article-magazine/israels-dead-the-names-of-those-killed-in-hamas-massacres-and-the-israel-hamas-war/0000018b-325c-d450-a3af-7b5cf0210000?gift=edff9479230540518b59935ccf9574ba>; Israeli Social Security, "Data from the beginning of the war until today", 28 July 2024, <https://www.btl.gov.il/About/newspapers/Pages/NetunimMilhama.aspx>;

<sup>13</sup> Amnesty International, "Israel/ OPT: Hamas and other armed groups must immediately release civilians held hostage in Gaza", 12 July 2024, <https://www.amnesty.org/en/latest/news/2024/10/israel-opt-one-year-on-from-7-october-need-to-ensure-a-ceasefire-and-release-of-hostages-more-pressing-than-ever/>

<sup>14</sup> Amnesty International, "ICJ opinion declaring Israel's occupation of Palestinian territories unlawful is historic vindication of Palestinians' rights", 19 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/icj-opinion-declaring-israels-occupation-of-palestinian-territories-unlawful-is-historic-vindication-of-palestinians-rights/>

<sup>15</sup> Amnesty International, "Israel must implement UNGA resolution by ending its unlawful occupation of Palestinian Territory", 18 September 2024, <https://www.amnesty.org/en/latest/news/2024/09/israel-must-implement-unga-resolution-by-ending-its-unlawful-occupation-of-palestinian-territory/>

<sup>16</sup> Amnesty International, "Israel/OPT: US-made munitions killed 43 civilians in two documented Israeli air strikes in Gaza – new investigation", 5 December 2023, <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-made-munitions-killed-43-civilians-in-two-documented-israeli-air-strikes-in-gaza-new-investigation/>

when the perpetrator is Israel. We welcome the commitment of some EU member states to applying international law and standards consistently, which is sadly missing among others;

- **Continue to call for an immediate, enduring ceasefire in Gaza and Israel, and the unconditional release of all civilian hostages:** Pending their release ensure that they have access to international monitors and are treated protected from torture and other ill-treatment and treated humanely in line with international law;<sup>17</sup>
- **Call for Israel to release arbitrarily detained Palestinians and end enforced disappearances:** Pending their release Israel must ensure that they are granted access to international monitors, treated humanely in line with international law and protected from torture and other ill-treatment;
- **The EU and member states must impose a comprehensive arms embargo on Israel:**<sup>18</sup> In particular, states must immediately suspend all transfers of arms and related equipment to Israel due to the overriding risk that they will be used to commit or facilitate serious violations and crimes under international law in Gaza, the rest of the OPT, or in Lebanon; this includes all arms or equipment or technology or parts that allow Israel to maintain its unlawful occupation, including policing and surveillance equipment used in the OPT.
- **Call on Lebanon to give the International Criminal Court (ICC) jurisdiction over Rome Statute crimes committed on its territory:** Giving the ICC jurisdiction to investigate will signal to all warring parties that such crimes will be prosecuted, pressuring them to take the necessary measures to prevent and repress war crimes and other crimes under international law;
- **Maintain support to UNRWA:** We welcome the decision by the European Commission and member states to support resume funding UNRWA and call on you to maintain your support;<sup>19</sup>
- **Publicly call on the United States to refrain from aiding or abetting Israel in committing crimes:** The United States must halt all arms exports to Israel, refrain from blocking action at the United Nations Security Council aimed at ending violations and securing a ceasefire, and back down from attempts to punish ICC employees and resume funding UNRWA;
- **Publicly call on Iran to refrain from aiding to abetting other warring parties in committing crimes under international law:** Iran must refrain from exporting arms to armed groups which have used such arms in committing crimes under international law;
- **The EU and member states must review EU-Israel cooperation with a view to identifying and addressing aspects that violate international law, including by maintaining Israel's unlawful presence in the OPT: In particular, the EU must take steps towards banning trade in settlement goods, trade and financial activities that facilitate the maintenance or construction of settlements or settlements infrastructure in the OPT, as well as other activities that entrench Israel's unlawful occupation.**<sup>20</sup>

Regards,



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Amnesty International – European Institutions Office

<sup>17</sup> Amnesty International, “UN resolution must pave way for enduring ceasefire to alleviate mass suffering in Gaza”, 25 March 2024, <https://www.amnesty.org/en/latest/news/2024/03/un-resolution-must-pave-way-for-enduring-ceasefire-to-alleviate-mass-suffering-in-gaza/>

<sup>18</sup> Amnesty International, “Israel/OPT: Slovenia, Montenegro and Portugal must not assist the MV Kathrin’s delivery of explosives to Israel”, 1 October 2024, <https://www.amnesty.org/en/latest/news/2024/10/israel-opt-slovenia-montenegro-and-portugal-must-not-assist-the-mv-kathrins-delivery-of-explosives-to-israel/>

<sup>19</sup> Amnesty International, “Gaza: The EU must urgently continue funding UNRWA, to avoid exacerbating suffering of Palestinians facing serious risk of genocide”, 28 February 2024, <https://www.amnesty.eu/news/gaza-the-eu-must-urgently-continue-funding-unrwa-to-avoid-exacerbating-suffering-of-palestinians-facing-serious-risk-of-genocide/>

<sup>20</sup> Amnesty International, “EU/OPT: Letter to EU member states on implications of the ICJ Advisory Opinion”, 28 August 2024, <https://www.amnesty.eu/news/eu-iopt-letter-to-eu-member-states-on-implications-of-the-icj-advisory-opinion/>