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To the attn. of:

Ms Kaja Kallas

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

Foreign Affairs Ministers of European Union (EU) member states

10 February 2025

Dear HR/VP Kallas,
Dear Foreign Affairs Ministers,

AMNESTY INTERNATIONAL'S RECOMMENDATIONS AHEAD OF THE EU-ISRAEL ASSOCIATION COUNCIL

We are writing ahead of the upcoming EU-Israel Association Council meeting on 24 February to recommend that the EU present clear asks to Israeli counterparts to remedy Israel's grave violations of international law and to apply effective pressure to bring them to an end.

For the first time, EU leaders are holding an Association Council with the Foreign Minister of a state whose Head of Government and former Minister of Defense are subject to arrest warrants by the International Criminal Court (ICC) on charges of war crimes and crimes against humanity.¹ It is the first time that EU leaders will share the room with a Minister of a State that is party to proceedings related to possible breaches of the Genocide Convention before the International Court of Justice (ICJ).² It is also the first time that EU leaders are holding an Association Council with a state that the ICJ found to have been unlawfully occupying and annexing a territory – the Occupied Palestinian Territory (OPT) – as well as violating its obligations to prevent racial discrimination and apartheid.³

Amnesty International's research has concluded that Israel has established and maintained a system of apartheid against Palestinians.⁴ Our research has also found sufficient basis to conclude that Israel has committed and is continuing to commit genocide against Palestinians in the occupied Gaza Strip.⁵ As a result, at least 47,540 Palestinians have been killed – and at least other 13,000 people presumed dead under the rubble – and 111,618 others injured to date, the majority of whom are women, children and older people.⁶

¹ International Criminal Court, 'Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant', 21 November 2024, <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges> ; Amnesty International, 'Israel/OPT: Netanyahu, Gallant and Al-Masri must face justice at the ICC for charges of war crimes and crimes against humanity', 21 November 2024, <https://www.amnesty.org/en/latest/news/2024/11/israel-opt-netanyahu-gallant-and-al-masri-must-face-justice-at-the-icc-for-charges-of-war-crimes-and-crimes-against-humanity/>

² International Court of Justice, 'Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)', <https://www.icj-cij.org/case/192>

³ International Court of Justice, 'Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem', 19 July 2024, <https://www.icj-cij.org/case/186>

⁴ 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/>

⁵ Amnesty International, 'Israel/Occupied Palestinian Territory: 'You Feel Like You Are Subhuman': Israel's Genocide Against Palestinians in Gaza', 5 December 2024, <https://www.amnesty.org/en/documents/mde15/8668/2024/en/>

⁶ OCHA, 'Reported impact snapshot | Gaza Strip (4 February 2025)', <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-4-february-2025>

During its military offensive and ongoing genocide against Palestinians in Gaza, Israel has arbitrarily detained and forcibly disappeared thousands of Palestinians, including hundreds of healthcare workers from Gaza, without charges or trial. Detainees, including health workers, have been subjected to torture and other ill-treatment, held in incommunicado detention or subjected to conditions amounting to enforced disappearance.⁷

While the ceasefire brings a glimmer of hope, it is not nearly enough to end the genocide in Gaza, with displaced Palestinians, whose homes and livelihoods have been destroyed, reeling under the impact of inhumane living conditions.⁸ The healthcare sector in northern Gaza has been completely decimated; the water and sanitation infrastructure across Gaza has been severely damaged; makeshift shelters to accommodate the hundreds of thousands whose homes are destroyed have not yet been allowed in; and the prospect of reconstruction looks grim. What is more, Israeli officials are threatening to resume the military offensive by the end of the first phase of the ceasefire scheduled for early March. We welcome the EU's concern over the situation in the occupied West Bank, including East Jerusalem. Statements firmly addressing Israel's unlawful settlement expansion, settler violence, unlawful demolitions and Israeli military operations are vital. Since October 2023, there has been a horrifying spike in unnecessary or disproportionate lethal force by Israeli forces and violent state-backed settler attacks in the West Bank, including East Jerusalem, with Israeli forces and settlers killing at least 865 Palestinians, including at least 183 children.⁹

Within this context, we remind the EU and member states of their obligations under international law as laid out by the ICJ in its 19 July 2024 advisory opinion, which determined that Israel's continued presence in the OPT is unlawful. The ICJ's findings also establish the responsibilities of third states, including the EU and its member states.¹⁰

We welcome the EU's reiterated support for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and opposition to Israeli measures aimed at preventing UNRWA from executing its mandate. We also welcome the resumption of EU funding to UNRWA and support for the reform process.

Finally, we welcome the EU's commitment to respect the ICC and statements reiterating support to the court's independence. We also welcome the European Commission's statement reminding all EU member states of their obligation to execute ICC arrest warrants. We regret statements by some EU member states indicating that they would not execute the arrest warrants against Israeli leaders and emphasize that such double standards would undermine the credibility of the ICC in other contexts. We also welcome the movement by some EU states to push back against US sanctions against the ICC.

Amnesty International calls on the High Representative and EU Foreign Ministers to use the upcoming EU-Israel Association Council to:

- **Strongly urge Israeli authorities to adhere to and respect the terms of the ceasefire**, including the unhindered provision of life-saving supplies such as shelter, medical supplies, water and fuel.
- **Lay out clear and measurable actions for the Israeli authorities to take to demonstrate compliance with article 2 of the Association Agreement:** Failure to do so should be considered as a breach of Israel's obligations under the Agreement, requiring appropriate measures as per the Association Agreement;
 - Halt settlement expansion in the West Bank, including East Jerusalem, and remove all illegal settlements.
 - Overturn Israel's ban on UNRWA.

⁷ 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/>

⁸ Amnesty International, 'Israel/OPT: Tragically overdue ceasefire will not repair lives of Palestinians shattered by Israel's genocide in Gaza', 15 January 2025, <https://www.amnesty.org/en/latest/news/2025/01/israel-opt-tragically-overdue-ceasefire-will-not-repair-lives-of-palestinians-shattered-by-israels-genocide-in-gaza/>

⁹ OCHA, 'Data on casualties', from 7 October 2023 to 4 February 2025, <https://www.ochaopt.org/data/casualties>

¹⁰ 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-i-opt-letter-to-eu-member-states-on-implications-of-the-icj-advisory-opinion/>

- Grant the International Committee of the Red Cross (ICRC) access to places of detention, in line with their obligations under international humanitarian law.
 - Immediately stop the commission of any of the prohibited acts under the Genocide Convention against Palestinians in Gaza.
 - Take all available measures within their power to prevent the further commission of any of the prohibited acts under the Genocide Convention by any organ of the state, including the military.
 - Suspend, investigate and, if sufficient admissible evidence exists, prosecute any governmental or other state officials suspected of responsibility for genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, or complicity in genocide.
 - Release all Palestinians arbitrarily detained and forcibly disappeared, and ensure the respect of the rights of all persons in Israeli custody, including the right to health care and to family and lawyer visitation; refrain from and prevent any act of torture and other ill-treatment and ensure their right to a fair trial, which cannot be guaranteed in front of military courts.
 - End its unlawful occupation of the OPT and provide reparations, in line with the ICJ's advisory opinion and the UN General Assembly's resolution of 18 of September 2024.
 - End the system of apartheid imposed upon Palestinians.
- **Oppose any attempts by Israel to establish a permanent military presence in Gaza, alter its borders or deport Palestinians from Gaza, or shrink its territory including through any expanded buffer zones or the construction of permanent checkpoints:** Refuse to recognize Israel's ongoing blockade of Gaza as legal, as well as refuse to support Israel, directly or indirectly, in maintaining the blockade or to use means of coercion such as conditional access to aid and medical care to forcibly deport Palestinians.
 - **Ensure that public communications reflect EU values, respect for international law and refrain from double standards:** For example, voicing equal compassion for all victims without discrimination, and accurately naming perpetrators of crimes under international law.
 - **Reiterate political support for UNRWA's work:** We welcome the decision by the European Commission and most member states to resume funding UNRWA and call on you to maintain your support.
 - **The European Commission should conduct a legal assessment to determine which aspects of EU-Israel cooperation violate international law,** and take steps to remedy that.

I stand ready to meet you to discuss our urgent concerns detailed above or provide further information.

Sincerely,



Eve Geddie
 Director
 Amnesty International – European Institutions Office