
Reference: TIGO IOR 10/2022.3262

To the attn. of:

Mr Josep Borrell Fontelles

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

Mr Eamon Gilmore

EU Special Representative for Human Rights
European External Action Service (EEAS)

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

23 September 2022

Dear High Representative Borrell,

Dear Special Representative Gilmore,

Dear Foreign Affairs Ministers of EU member states,

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

We are writing ahead of the EU-Israel Association Council to urge the High Representative and EU Foreign Ministers to **reconsider their approach to resuming these meetings and to ensure that human rights are not sacrificed in the name of reviving relations with Israel, as a “strategic partner”**. After being put on hold for the past 10 years, the EU-Israel Association Council is set to take place against the backdrop of systematic human rights violations and the Israeli authorities’ persistent and increasingly brazen disregard for EU human rights concerns.

Carrying on with business as usual while the Israeli authorities escalate their crackdown on Palestinian human rights and further entrench a cruel system of oppression and domination, would embolden not just the Israeli authorities, but rights-abusing governments across the globe. At a time when the international human rights system faces unprecedented challenges, such short-sighted approaches would only reproduce past policy mistakes, while sabotaging the EU’s own human rights policy and its credibility as an international actor.

Indeed, only a month after the EU [announced](#) the resumption of the Association Council, the Israeli authorities [escalated](#) their crackdown on Palestinian civil society by **raiding and shutting down the offices of seven Palestinian civil society organizations**, including NGOs funded by the EU and its member states. This comes after Israel’s Defense Ministry declared six of these Palestinian civil society organizations as “[terrorist entities](#)” in October 2021, thereby effectively outlawing their activities, while it had [previously outlawed](#) the seventh. The designation also allowed the Israeli authorities to jail their staff, prohibit third parties from funding or publicly expressing support for their activities and prevented lawyers representing these organizations from collecting payment for their work. Prior to the designation, [Front Line Defenders](#) also revealed that the devices of six Palestinian human rights defenders working

for these organizations, were [hacked with the Pegasus spyware](#). Rather than acting upon their commitment to the “shared values” such as respect for human rights and basic freedoms, as outlined in the [EU-Israel Action Plan](#), the Israeli authorities have launched a heavy-handed campaign of repression that threatens to shut down the work of Palestine’s most prominent civil society organizations and have moreover shown no regard for the concerns raised by the [High Representative](#) and [EU member states](#) regarding this clampdown.

Among the human rights defenders targeted in this crackdown, the **French-Palestinian lawyer Salah Hammouri**, a field researcher working with Addameer, has been [held in administrative detention](#) without charge or trial since 7 March 2022. Salah Hammouri’s case is emblematic of Israel’s systematic use of administrative detention which the authorities use to arbitrarily detain hundreds of Palestinians on orders that can be renewed indefinitely without any intent to prosecute them in a criminal trial. As of August 2022, the total number of administrative detainees in Israeli jails reached more than 720, including at least two children, according to [the Israel Prison Service](#). Salah Hammouri is also at risk of deportation after the Israeli minister of interior informed him that his permanent residency status in East Jerusalem would be revoked for allegedly “breaching allegiance with the State of Israel”. After exhausting the appeals process, he now awaits the final ruling by the Israeli High Court. The outcome of this ruling could potentially set a dangerous precedent for all Palestinians holding permanent residency status in East Jerusalem, given that the authorities have long used residency revocation as a tool to forcibly transfer or deport Palestinians from East Jerusalem. Since 1967, some [14,500 Palestinians](#) have had their residency permits revoked, thus altering the demography of the illegally annexed occupied territory.

Meanwhile, despite [repeated EU condemnations](#), the Israeli authorities have recently scaled up the **demolition of homes and other structures in Masafer Yatta** after the Israeli Supreme Court rubber stamped the forced eviction of the more than 1,000 West Bank residents in May 2022. Paving the way for further Israeli settlement expansion and encroaching annexation, implementing this large-scale expulsion would amount to an act of **forcible transfer** which is a war crime and crime against humanity. According to the [UN Office for the Coordination of Humanitarian Affairs \(OCHA\)](#), some [136 of the structures already](#) demolished in [Firing Zone 918](#) covering Masafer Yatta since 2011 had been funded by humanitarian donors, including the EU and EU member states. On the other side of the Green Line, Palestinian Bedouin who are citizens of Israel also continue to suffer the repeated demolition of their homes as a corollary of **discriminatory policies that do not recognize the legality of some 35 villages in the Negev/Naqab region**. Indeed, across Israel and the OPT, Israel’s state-sanctioned, discriminatory policies and practices have forcibly displaced Palestinian communities for decades. Such policies have been deliberately designed to minimize Palestinians’ access to and control over strategic lands while seeking to maintain Jewish Israeli domination.

Israel’s **illegal blockade of the Gaza Strip** has now entered its 15th year, despite repeated [EU calls](#) to end the closure and ensure the full opening of crossing points. The blockade continues to inflict collective punishment on the Gaza Strip’s 2 million residents and has exacerbated an already dire humanitarian crisis through wide ranging restrictions on the movement of people and goods which, among other things, have prevented hospitals, homes, and other essential infrastructure from being rebuilt. Adding onto these violations, between **5 and 7 August, the Israeli military carried out a military offensive** during which at least 49 Palestinians were killed, including at least 31 civilians, and at least 360 Palestinians were injured, including 151 children, according to Amnesty International’s research. Thirty-three Palestinians were killed by Israeli forces, including at least 17 civilians, while 16 Palestinians, including 14 civilians, were likely killed by misfired rockets launched by Palestinian armed groups. Some of the attacks documented by Amnesty International during this military offensive may amount to war crimes. Meanwhile, justice, truth and reparation for past violations, including [apparent war crimes committed by Israel’s military forces](#), remains elusive as Israeli investigations remain wholly inadequate and fail to comply with international standards and Israel fails to cooperate with international investigations including by the UN and the International Criminal Court (ICC).

Widespread violations by the Israeli military and law enforcement authorities occur against the backdrop of a **deep-seated and pervasive culture of impunity**. Indeed, the Israeli authorities have subjected Palestinians to forced evictions, arbitrary detention, torture and other ill-treatment with almost total impunity. For decades, Israeli, Palestinian and international human rights organizations have published ample evidence of unlawful killings committed by the Israeli army. Yet the rules on opening fire have still not been brought into line with international standards, and impunity has permeated across Israel’s military, legal and political ranks. The killing of Palestinian journalist **Shireen Abu Akleh** is emblematic of the scores of Palestinians apparently unlawfully killed, in acts that at times amount to extrajudicial executions and wilful killings. The persistent disregard for human life, justice and truth

has led Amnesty International to conclude that the Israeli authorities' failure to hold perpetrators to account form part of a deliberate policy.

These systematic human rights violations, including massive land seizures, unlawful killings, forcible transfers, drastic movement restrictions, and the denial of nationality and citizenship to Palestinians are all components of a broader system which Amnesty International, along with a growing number of Palestinian, Israeli and international organizations and [UN experts](#), have concluded **amounts to apartheid under international law**. These acts are committed with the intent to maintain a cruel system of oppression and domination against Palestinians across all areas under Israel's control. Apartheid is both a system and a crime against humanity. As such, the international community is obliged to act and must not remain complacent.

Against this background, the EU appears to be sacrificing human rights concerns in the interest of reviving EU-Israel relations at the upcoming Association Council. Impunity for war crimes and crimes against humanity including apartheid is pervasive, and the EU and its member states have a responsibility to bring it to an end. Indeed, without **robust public messaging and clear signals that Israel's abuses stand in the way of developing bilateral relations based on both parties' stated commitments to human rights**, the EU risks undermining its human rights policy and the integrity of its own legal order. But frank **dialogue and statements on their own will not suffice** in the face of Israel's systematic human rights violations and crimes under international law. Beyond merely repeating formulaic condemnations, the EU and its member states should take concrete steps towards holding the Israeli authorities to account and securing meaningful human rights improvements. This would entail a comprehensive review of EU-Israel bilateral relations and a fundamental shift in the EU's approach to the Israeli-Palestinian conflict.

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

- 1) **Publicly and unequivocally denounce the Israeli authorities' systematic human rights violations and crimes under international law, as well as Israel's persistent disregard for EU human rights concerns** and joint commitments outlined in the EU-Israel Action Plan.
- 2) **Reiterate that measurable progress in human rights and respect for international humanitarian law are central to EU-Israel bilateral relations and insist on tangible steps from the Israeli authorities towards:**
 - **Ending the system of apartheid** by dismantling measures of discrimination, segregation and oppression currently in place against the Palestinian population
 - **Granting equal and full rights to all Palestinians in Israel and the Occupied Palestinian Territories (OPT)**, in line with principles of international human rights law while ensuring respect for the protections guaranteed for Palestinians in the OPT under international humanitarian law.
 - **Immediately ceasing all settlement activity** as a first step towards dismantling Israeli settlements in the OPT.
 - **Halting the destruction of houses, land and other properties, and the forcible transfer of Palestinians in the OPT**, including ongoing demolitions in Masafer Yatta.
 - **Halting the demolition and forced evictions of Palestinian Bedouin communities in the unrecognized villages in the Negev/Naqab** and ending discriminatory policies and practices that have led to their forcible displacement.
 - **Ceasing the arbitrary revocation of residency rights of Palestinian residents in East Jerusalem**, used as a tool to forcibly transfer Palestinians from East Jerusalem and alter demographic facts on the ground.
 - **Lifting the blockade on the Gaza Strip** and other forms of arbitrary restrictions on freedom of movement of people and goods that result in collective punishment.

- **Ending impunity for the widespread violations by the Israeli military and law enforcement authorities and other state officials:** This includes guaranteeing prompt, impartial, independent and effective investigations into the **killings of Shireen Abu Akleh**, as well as all unlawful killings, war crimes and crimes against humanity committed by state officials and actors.
 - **Ending the practice of administrative detention and arbitrary arrests**, as well as other restrictions on fundamental rights, such as arbitrarily restricting Palestinians' freedoms of association and of expression
 - **Ending the crackdown on Palestinian civil society**, including by revoking the "terrorism" and "illegitimate" designation for the seven Palestinian civil society organizations, cancelling the military orders closing their offices and allowing their staff and directors to do their human rights and social research and welfare work free from harassment.
 - **Conducting an immediate, independent, transparent and impartial investigation into cases of surveillance targeted at civil society organizations.** Israel should investigate export licenses granted for targeted surveillance technology and revoke all marketing and export licenses in situations where human rights are put at risk. Israel should also adopt and enforce a legal framework requiring private surveillance companies and their investors to conduct human rights due diligence in their global operations, supply chains and in relation to the end use of their products and services.
 - **Immediately releasing the French-Palestinian lawyer, Salah Hammouri** or promptly charging him with an internationally recognizable offence. He should be allowed to keep his residency status in Jerusalem and continue his human rights work without fear of reprisals.
 - **Undertaking a review of all laws, regulations, policies and practices that discriminate on racial, ethnic or religious grounds, with a view to repealing or suspending those** found not to conform with human rights standards, such as **the 1945 Defence (Emergency) Regulations**.
 - **Repealing the Anti-Terrorism Law (2016)** as it does not meet basic human rights standards or bringing it into conformity with human rights standards.
- 3) **Undertake a comprehensive review of EU-Israel bilateral relations to ensure consistency with the EU's commitments and obligations under international law** and take mitigating measures to ensure the EU's dealings are not contributing to facilitating the crime of apartheid or other crimes under international law. This includes by enforcing a ban on trade with products originating from Israel's unlawful settlements and imposing a comprehensive EU arms embargo covering the supply, sale or transfer of all weapons, munitions and security equipment including training, given the clear risks that such equipment might be used in the commission of serious violations.
- 4) **Hold the Israeli authorities to account and support avenues to bring perpetrators of crimes under international law to justice**, including by providing full political and practical support to the ICC's ongoing investigation into the situation in Palestine, making use of universal jurisdiction mechanisms, and UN investigations.

We remain at your disposal should you require any further information.

Many thanks in advance for your support.

Yours sincerely,



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