



Open letter and memorandum of protest to Amnesty International

To Mr. Salil Shetty, Secretary General of Amnesty International,

To Mr. Philip Luther, Middle East and North Africa Director at Amnesty International

On the occasion of publishing your report titled “Unlawful and deadly. Rocket and mortar attacks by Palestinian armed groups during the 2014 Gaza/Israel conflict”, which was presented by a press release titled “[Palestinian armed groups killed civilians on both sides in attacks amounting to war crimes](#)”, we would like to protest against the broader stance of your organization, as far as it concern the Palestinian issue.

As a group of solidarity with the Palestinian people, we don't maintain an equidistant position, and we have a clear *political* stance on the side of the people who struggles for its freedom. Nevertheless by this letter we would like to highlight the problematic way your organization is addressing this issue, even in the non-political framework, based on international humanitarian law and international human rights law, which you have adopted as the policy of your organization.

1) Refusal to support the right to self-determination of the Palestinian people

Before anything else, we would like to point out that in order for anyone to have the legitimacy, before the eyes of public opinion, to denounce Palestinians (or anybody else), he should first recognize their obvious rights. Amnesty International, although recognizing that the Israeli occupation exists, opposing settlements in occupied territories as a violation of international humanitarian law and, from time to time, denouncing human rights violations by the Israeli occupation forces, nevertheless **it refuses all these years to condemn occupation itself**. If we are mistaken and Amnesty International has indeed condemned even once the Israeli occupation as such, please let us know.

Furthermore, Amnesty International refuses to take a stance on the issue of founding an independent Palestinian state, and in general on the issue of the right to self-determination of the Palestinians.

As it has repeatedly stated¹:

“Amnesty International does not take a position on the resolution of the Israeli-Palestinian conflict, or on issues of statehood, including the current Palestinian initiative. As a human rights organization, our concern is that any resolution, initiative or agreement fully respects the human rights of Palestinians and Israelis.”

The question which is raised is whether Amnesty International, as a human rights organization who claims to be, could support the right to self-determination of the Palestinians. The obvious answer is yes. The right of people to self-determination is explicitly mentioned both in the International Covenant on Civil and Political Rights (Article 1), and the International Covenant on Economic, Social and Cultural Rights (Article 1). Furthermore, the principle of self-determination is mentioned in the Charter of the United Nations [Article 1(ii)]. All these international treaties are legally binding for the states.

Moreover, Amnesty International refers particularly to both International Covenants, in the defense of human rights.

So the question which is raised is why Amnesty International selectively refuses a particular right which is enshrined in these treaties.

Question #1: will you decide to defend the right to self-determination of the people, which is enshrined in the international law?

2) Disproportionate exposure of violations

As far as it concerns the report about violations by the Palestinian armed groups during the “conflict” of 2014 in Gaza Strip, we will not enter into details; many of these things mentioned in the report were already known and other ones are mentioned as Israeli allegations, which Amnesty International did not manage to corroborate (but nevertheless repeats them, reproducing the Israeli propaganda and creating impressions).

But we would like to point out that constant references to Palestinian violations in your previous texts seemed to be not enough, so you issued a whole report of 67 pages.

Of course we know that this was preceded by two reports of 50² and 32³ pages (a total of 82) about *only some* of the violations of international humanitarian law committed by the Israeli occupation forces.

¹ see for example <http://www.amnestyusa.org/news/news-item/ga-human-rights-implications-of-the-palestinian-bid-for-un-membership>

We also know about the constant pressure that Israel exercises on you, as it is revealed also by your answer to the Israeli embassy in London, which you published on December 10th, 2014.⁴

But an organization wishing to appear as impartial, does not bow to pressure, and does not prepare multipage reports in order to satisfy those who protest in order to balance the accusations.

Moreover, even if we would theoretically accept your view that impartiality means not to take into consideration who has the right in the first place and who has not, who is the occupier and who is the occupied, who is the privileged in an apartheid regime and who is not, who is the powerful and who is the weak, nevertheless what is sure is that it should be taken into consideration who commits more violations, and if not anything else, a principle of proportionality should be respected. An organization is impartial not when it diligently cares to condemn at the same level, intensity, frequency, both sides in a conflict, despite the amount and the gravity of the violations, in order to show a balanced image, but instead when it deals with all the violations, no matter where they come from, in the same way, even if this means more references to the violations of one side over the other.

If for the victims of the Palestinian attacks (as far as it concern the people killed: 6 civilians in Israel or even 13 more, Palestinians, as you claim), you dedicated a report of 67 pages, we are wondering how many thousands of pages (compare to the 82 pages you have published till today) you should dedicate to the more than 1,500 civilians killed by Israeli attacks in the Gaza Strip.

Or otherwise, if it is that any victim has the same importance for you, we are wondering if you should give *to any* victim of an Israeli attack, the same space in your reports, as you gave to the victims of the Palestinian attacks.

Question #2: how many reports do you intend to issue in order to render with the same gravity, without discrimination, what the victims of last year's war experienced in Gaza Strip?

This pattern of disproportionate exposure of violations by Amnesty International is constant as far as it concerns the treatment of Israelis and Palestinians. It is enough to consider not only the ratio between civilians of each side who have been killed or injured, but the whole range of violations (the whole set of violations related to prisoners, including torture, the house demolitions, the destruction of cultivations,

² [Israel and the Occupied Palestinian Territories: Families under the rubble: Israeli attacks on inhabited homes](#)

³ [Israel and the Occupied Palestinian Territories: 'Nothing is immune': Israel's destruction of landmark buildings in Gaza](#)

⁴ [Israel/Occupied Palestinian Territories: Response to the Israeli Embassy in London's reaction to the report 'Nothing is immune': Israel's destruction of landmark buildings in Gaza](#)

wells and infrastructure, the settlement on lands, the displacement of populations, the restrictions on movement etc.), in order to understand that a minimally proportionate treatment would demand, given the time and resources you dedicate to investigate Palestinian violations, to work hundreds of times more about the violations by the Israeli occupation, than you do till today.

This disproportionate exposure of violations does not consist only in the quantity but also in the tone of the accusations. It is telling to note that Amnesty International systematically uses harsher terms, especially in the titles of texts, when it refers to attacks by Palestinians, compare to those of the Israeli occupation forces. Here are only two recent examples:

- in the title of the press release about the recent report, the term “war crimes” is highlighted, something that Amnesty International has refrained from doing in the titles of the two previous reports focusing on the Israeli violations.
- the attack of November at the synagogue, which had a death toll of five people killed, Amnesty International described it⁵ in the title as an “abhorrent attack”. On the contrary, in the report about 8 attacks against residences which killed at least 104 civilians, as it says, the title is just “Families under the rubble”.

Question #3: on the basis of which impartial standards Amnesty International chooses the terms used in its public texts?

- 3) Selective examination of specific violations only by one side

Among the alleged violations you examined, as far as it concern the way the Palestinian armed organizations resisted last summer, there was the launching of attacks by armed persons who were in the vicinity of civilian buildings and in residential areas. We will not stay at the obvious, which even you were obliged to mention in your report, that Gaza is a particularly densely populated area.

But we would like to pose a number of questions.

Question #4: when are you going at last to conduct a similar research in order to investigate whether the Israeli ground occupation forces too, when they invaded in Gaza Strip, they launched attacks while being in the vicinity of civilian buildings and in residential areas?

It is true that in your report, you point out the presence of Israeli military facilities inside or in close proximity to populated areas in Israel, but without analyzing it thoroughly.

On the other hand you investigated, with no results, the Israeli allegations about the use of civilians as human shields by Palestinian armed groups.

⁵ <https://www.amnesty.org/en/articles/news/2014/11/israelopt-killing-worshippers-synagogue-abhorrent-attack/>

Question #5: when are you going to conduct a similar research about the allegations that Israeli soldiers used Palestinian civilians as “human shields”?⁶

Question #6: when are you finally going to conduct a similar research in order to investigate if the constant mixing of uniformed and armed Israeli soldiers with the civilian population, inside the towns, in stations and inside the means of transportation, puts in risk the life of civilians and constitutes an indication of continuous and permanent use of the civilian population as a “human shield”?

4) Delay in examining serious allegations

As far as it concerns last year’s Israeli attack on Gaza Strip, we would also like to stress that Amnesty International, apart from references to the attacks against medical personnel⁷, the attacks on homes with families inside, and the destruction of big buildings, so far it has not seriously dealt with a number of other serious allegations.

According to a report⁸ by a group of independent international medical experts, who were sent by the organization of Physicians for Human Rights – Israel (PHR – Israel), there are serious allegations that the Israeli occupation forces:

- used civilians as human shields;
- shot civilians dead at close range;
- left mortally wounded children on the ground to die, even after soldiers made eye contact with them;
- conducted multiple consecutive strikes on a single location (“double taps”), killing injured survivors and those attempting to rescue them;
- refused to allow civilians to exit areas being attacked;
- targeted civilian escape routes;
- attacked civilians attempting to flee areas under fire;
- physically beat civilians;
- denied civilians food and water.

There are also allegations that there was use of:

- flechette munitions
- “Tzefa Shirion” weapons, that were made to be used to clear mines, but were dropped on civilians;
- perhaps DIME weapons, leading to “unusual burns” and “unusual amputations,” with “charred” black skin that did not smell like burning flesh
- weapons that left “‘computer chips’ with Sony markings embedded as shrapnel in people’s bodies”;

⁶ see for example <http://972mag.com/palestinian-teen-i-was-used-as-a-human-shield-in-gaza/95800/>

⁷ <https://www.amnesty.org/en/articles/news/2014/08/mounting-evidence-deliberate-attacks-gaza-health-workers-israeli-army/>

⁸ http://reliefweb.int/sites/reliefweb.int/files/resources/gazareport_eng.pdf

- chemical gases

Question #7: will Amnesty International investigate all these allegations? And when?

- 5) Refusal to refer to the crime of apartheid

Amnesty International is known for its refusal to condemn the South African apartheid as such. But with its current policy it has such a possibility.

Apartheid is defined as a specific crime in international law, both according to the Convention on the Suppression and Punishment of the Crime of Apartheid and the Rome Statute of the International Criminal Court.

According to the final Report⁹ of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, which was issued last year:

“In 2011, the Special Rapporteur reiterated the call made by his predecessor in 2007, for a referral to the International Court of Justice for an advisory opinion on the question of whether “elements of the [Israeli] occupation constitute forms of colonialism and apartheid¹⁰”.

In the 2014 report, Richard Folk thoroughly analyzes the subject. And he reiterates the same request.

Question #8: what is the position of Amnesty International about whether the crime of apartheid is committed in Palestine? Will Amnesty International at least support the repeated request of the last two Special Rapporteurs for human rights in the occupied territories, for the issue to be examined by the International Court of Justice?

- 6) Selective and deficient work about the rights of prisoners

Amnesty International begun as an organization of defense of those who describes as “prisoners of conscience” and in the first years gave particular weight on the issues of prisoners, before gradually expanding its field to the whole range of human rights. Hence, it is expected to have a particular sensitivity about the issues of prisoners’ rights. We know that indeed you work, from time to time, on the personal cases of Palestinian prisoners of conscience and administrative detainees.

But we also know that the definition you give to “prisoners of conscience” is so narrow (those who have neither used nor advocated violence¹¹) that can be attributed to very few people, and we know that the administrative detainees are today 421.¹²

⁹ A/HRC/25/67 13 January 2014

<http://unispal.un.org/UNISPAL.NSF/0/06AE69A80B959A3D85257C86006D89A7>

¹⁰ A/HRC/16/72, para. 8, A/HRC/4/17, p. 3.

¹¹ <http://www.amnestyusa.org/our-work/issues/prisoners-and-people-at-risk/prisoners-of-conscience>

The reasonable questions raised are:

Question #9: what does Amnesty International do about the thousands of other cases of Palestinian prisoners? Does it work on them or is not concerned?

Among them, there are cases of Palestinian civilian prisoners who are accused for (alleged) attacks against the Israeli occupation forces (for example with stones). Even in the cases where this is true, resisting an occupation army is a right and does not constitute a violation of international humanitarian law. Especially when it is about an occupation army which does not draw legitimacy by any UN decision, on the contrary it has to withdraw according to the UN decisions, and moreover it is an army that you have shown that it systematically violates international humanitarian law.

Question #10: by what right then Israel imprisons all these Palestinian civilians even if they have indeed resisted to soldiers of the occupation forces? Does Amnesty International agree that these people should be in detention? If yes, then how it is considered impartial if it supports the right of the occupation forces to imprison those resisting to them? If no, then why it does not ask for their release?

Amnesty International's working mainly on the cases of Palestinian "prisoners of conscience", that is people considered not to have used violence, and on the cases of administrative detainees, gives the impression that the organization justifies the detention of everybody else.

Beyond that, the position of the organization is supposed to be against the trials of civilians in military courts.¹³

Question #11: what are you doing for all those Palestinians who despite being civilians are tried by Israel military courts? Why you don't issue statements about all these trials of civilians conducted almost daily in military courts? Why you didn't mention the trials in military courts neither in your last annual report?¹⁴

But even when it is about Palestinians who are members of armed groups, those have also right to armed resistance for the reasons we already mentioned. Every people under occupation have the right to resist by all means, according to the resolution [A/RES/3246 \(XXIX\)](#) of UN General Assembly on November 29th, 1974.

¹² <http://www.hamoked.org/Prisoners.aspx>

¹³ <https://www.amnesty.org/en/articles/news/2014/09/thailand-military-trial-peaceful-protesters-affront-justice/>

¹⁴ <https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/>

Amnesty International does not take position though, about whether it is fair that they are imprisoned. In any case they should be considered as prisoners of war¹⁵, especially after the recognition of the Palestinian state, and should have the relevant rights.

Question #12: what are you doing to defend the rights of the Palestinian who should be considered as prisoners of war?

Furthermore, since it is apartheid, you should defend even those who are engaged in armed resistance. Because this is the position you took, even with a delay of several decades, about Nelson Mandela, who was the founder of the armed wing of African National Congress.¹⁶

On the other hand, since they are not deemed as prisoners of war, it is strictly prohibited by the 4th Geneva Convention (Article 76), to transfer detainees from occupied territories.¹⁷

Question #13: what actions does Amnesty International undertake in order for Israel to stop this violation? Why it is not mentioned in the last annual report?

Finally, it is particularly evident the inactivity of Amnesty International concerning the hundreds of cases of underage Palestinians who, every year, are not only arrested, but they are also being systematically abused¹⁸, often used to incriminate adults, and are also tried by military courts.

Question #14: when are you going to start working seriously on the cases of underage Palestinian prisoners?

7) Refusal to accuse specific Israeli officials

We do recognize that Amnesty International had the courage to publicly and repeatedly ask¹⁹ the arrest of former president of the USA, George W. Bush, for crimes of international law and specifically for torture.

¹⁵ Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 ([A/66/358](#)) παρ. 21-22.

¹⁶“ If Nelson Mandela’s case was to arise today, we would call for him to be released on the grounds that he had not been given a fair trial – an area we have worked on since 1964. Unjust systems cannot deliver just verdicts or sentences, and the apartheid system founded on racism did not give Nelson Mandela a fair trial, nor could it have done.”

<http://www.amnesty.org.uk/nelson-mandela-and-amnesty-international#.VRy7IZNGSKs>

¹⁷ <http://www.alhaq.org/advocacy/topics/right-to-life-and-body-integrity/697-palestinian-prisoners-subjected-to-war-crime-of-deportation>

¹⁸ [UNICEF, Children in Israeli Military Detention, Bulletin No 2, February 2015](#)

¹⁹ <http://www.amnestyusa.org/news/press-releases/amnesty-international-urges-ethiopia-tanzania-zambia-to-bring-george-w-bush-to-justice>

Question #15: we are wondering when at last Amnesty International will find the courage to ask namely the arrest of even one Israeli higher official for crimes of international law. Does Amnesty International considers that for politicians who have repeatedly served as prime ministers or ministers of defense, like for instance, Benjamin Netanyahu or Ehud Barak, there is not enough evidence not even to prosecute and send them to an – always fair – trial in order to examine if they are responsible for war crimes or even crimes against humanity?

Moreover, especially as far as it concerns torture, it is known that in Israel this is committed systematically, as it is exposed also at your reports. And despite the Supreme Court decision of 1999, torture continue to be legal since it is permitted the use of “moderate physical pressure” in cases of “necessity”, as the Supreme Court itself has ruled.²⁰

Question #16: so what has Amnesty International done in order to be brought to international justice, the leaders of a state where it is permitted and is institutionalized the use of torture, while there is full impunity for those state agents or soldiers who commit it?

8) The appeal for arms embargo against both sides

Amnesty International, having denounced violations of international humanitarian law, both by the Israeli occupation forces and the armed groups of Palestinian resistance, constantly asks for an arms embargo against all sides.

First of all we cannot avoid commenting that if the appeal was to be accepted today, it would consolidate a *status quo* of complete imbalance of power, and thus such an appeal *de facto* supports the more powerful and the occupation force. If Amnesty International wanted to be really impartial, would not simply ask for arms embargo but for a complete disarmament of the region.

The second thing which worth to be commented is that the Palestinian people already is subjected to an arms embargo by the vast majority of states and in the same time to a blockade by the Israeli occupation forces and a neighboring country (Egypt).

Furthermore, it is Amnesty International itself which accuses the Palestinian armed groups of using weapons that are indiscriminate (rockets) or imprecise (mortars). This fact is exactly the *result* of the arms embargo and the blockade imposed on Palestinians, and of the fact that the weapons used by Palestinian groups are often improvised or of low technology. If someone had an honest interest for civilians not to be killed, would ask for providing precise weapons. On the contrary, an arms embargo against a people struggling for its freedom or for its survival, it could only lead to the use of any weapon that it could purchase or manufacture.

²⁰ UN Human Rights Committee, [Concluding observations on the fourth periodic report of Israel](#), 21 November 2014, Torture and ill-treatment

9) Double standards about international military interventions

By the end of 2013, Amnesty International asked for an international military intervention in Central African Republic to prevent massive violations of human rights²¹. It makes one wonder how Amnesty International asks international military interventions for the defense of human rights, knowing that even the UN forces, have occasionally been accused of grave human rights violations²², since they are usually consisted of members of police and military forces of countries with a very bad record of violations, anyway.

In any case, since Amnesty International now asks for international military interventions, the question is raised about whether it has objective criteria about when and where these should happen.

Question #17: According to which objective criteria Amnesty International asked for an international military intervention in Central African Republic but not in Gaza Strip? Given the record of massive war crimes in Gaza Strip in recent years, why it did not ask in the same way for an international military intervention, at least after the first weeks of the Israeli aggression on Gaza Strip, when it was obvious that the crimes were being repeated multiple times, and in the same time they were resulting in more people killed than in the Central African Republic? After how many thousands of Palestinian civilians killed, will you ask, the next time, for an international military intervention for the protection of the civilian population in Gaza Strip? Or is it that the lives of civilians in Central African Republic worth more than the lives of civilians in Gaza Strip?

The above are only some of the serious problems in the covering of the Palestinian issue by Amnesty International.

We are calling you to take them into consideration and in the same time to give us answers to the specific questions we raised.

Greek Association for Solidarity with the Palestinian People - INTIFADA

²¹ <https://www.amnesty.org/en/articles/news/2013/12/central-african-republic-un-peacekeeping-mission-needed-avoid-mass-slaughter/>

²² see for example recently in Haiti: <https://www.youtube.com/watch?v=38owUZrNHZA> και [UN Troops Use Live Ammunition on Haitian Protesters, Pledge Investigation](#)
For other accusations see http://en.wikipedia.org/wiki/United_Nations_peacekeeping#Human_rights_in_United_Nations_missions

About the issue of the increase of child prostitution after the arrival of Blue Helmets: http://en.wikipedia.org/wiki/Child_sexual_abuse_by_UN_peacekeepers