

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967**

Ref.: AL ISR 16/2024

(Please use this reference in your reply)

13 August 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 52/4, 53/4, 52/9, 50/17 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning indiscriminate bombing in Gaza that resulted in the killing of Palestinian human rights defenders **Ms. Nour Nasser Abu-al-Nour** and **Ms. Dana Yaghi**, and the destruction of the offices in Gaza of the **Palestinian Centre for Human Rights (PCHR)**. We would like to further bring the attention of your Excellency's Government to an intense smear campaign by the Israeli group NGO Monitor against the Gaza-based PCHR and human rights organisations **Addameer** and **Al-Haq**, based in the occupied West Bank, as well as reports of Israeli surveillance of all three organisations.

**The Palestinian Center for Human Rights (PCHR)** is a non-governmental organisation for the defence and protection of human rights, based in Gaza. It was created in 1995 by a group of Palestinian lawyers and human rights defenders to protect human rights and promote the rule of law in accordance with international standards.

**Ms. Nour Nasser Abu al-Nour** was a human rights lawyer with the PCHR, documenting violations against women and children and providing legal consultations.

**Ms. Dana Yaghi** was a human rights lawyer with the PCHR, working in the organisation's Women's Rights Unit.

**Al-Haq** is a Ramallah-based independent non-governmental organisation, established in 1979, with the aim of defending human rights and promoting the rule of law in the Occupied Palestinian Territory. Al-Haq was the subject of two previous communications, [AL ISR 8/2016](#) and [AL ISR 12/2019](#) dated 2 August 2016 and 28 August 2019 respectively, concerning allegations of threats and smear campaigns against the organisation. No replies were received to either communication.

**Addameer** is a Palestinian non-governmental organization that works to support Palestinian political prisoners held in Israeli and Palestinian prisons. It

provides free legal aid to political prisoners, advocates for their rights at the national and international levels, and works to end torture and other violations of prisoners' rights through monitoring, legal procedures and solidarity campaigns. Addameer was the subject of two previous communications [AL ISR 13/2012](#) and [AL ISR 13/2019](#), sent on 20 December 2012 and 7 October 2019 respectively, concerning alleged illegal Israeli military raids on the organisation's office in Ramallah. We thank your Excellency's Government for its [reply](#) dated 11 October 2019 to the second communication. Regretfully, no reply was received regarding the first communication.

According to the information received:

In the aftermath of the 7 October 2023 attacks by Hamas, Israel launched a full-scale military operation in the Gaza Strip and further tightened its 17-year siege, cutting off the people of Gaza from basic necessities including electricity, fuel, food, water and medical supplies. In addition to the imposed blockade, the Israeli military severely bombed the Gaza strip, destroying over half of the civilian infrastructure, killing at least 38,000 Palestinians and forcibly displacing 1.9 million Palestinians, more than once. The International Court of Justice (ICJ) is considering whether this amounts to genocide, as it has ordered three times to Israel to comply with provisional measures aiming to prevent acts of genocide.

*Regarding Ms. Abu al-Nour and Ms. Yaghi:*

On 20 February 2024, Ms. Abu al-Nour was killed along with her two-year-old daughter, her parents, and four siblings in an Israeli air raid on her house in Rafah.

On 22 February 2024, Ms. Yaghi and 37 family members were killed in an Israeli air raid on a house to which they had relocated for safety in Deir el-Balah, 14 km south of Gaza City.

*Regarding the PCHR:*

In late December 2023 the PCHR's headquarters on the 12<sup>th</sup> floor of a Gaza City building was badly damaged during a land offensive. In January and February 2024, air raids and ground attacks damaged its Khan Younis office, leaving the building standing but in need of demolition. Its Jabaliya branch office was hit in a land attack in late April 2024. The PCHR's three offices are currently unusable.

The PCHR, among other Palestinian human rights organisations, has been the target of an online smear campaign by the Israeli group, NGO Monitor, which has falsely accused them of having terrorist links. The attacks amount to defamation and may endanger the safety of PCHR staff and of persons providing testimony to it.

*Regarding Al-Haq and Addameer:*

Both organisations have been the target of an online smear campaign by the Israeli group NGO Monitor, which has falsely accused them of having terrorist

links. The attacks amount to defamation and may endanger the safety of Al-Haq and Addameer staff and of persons providing testimony to them.

*Regarding the surveillance of PCHR, Al-Haq and Addameer:*

On 8 November 2021 Front Line Defenders and Citizen Lab issued the results of an investigation revealing the infiltration of the mobile devices of Palestinian human rights defenders working with the three organisations. The infiltration was reportedly carried out using Pegasus spyware, sold by the Israel-based NSO Group. Al-Haq and Addameer were among six human rights organisations in the Occupied West Bank that the Israeli authorities designated as “terrorist organisations” on 19 October 2021 under Israel’s Counter-Terrorism law 5776/2016. It is not known if the three Palestinian human rights organisations continue to be monitored.

Recent investigative reports, published on 28 May 2024,<sup>1</sup> suggest that Israeli intelligence surveillance of the PCHR, Addameer and Al-Haq, among other Palestinian human rights organisations, began nearly ten years ago in relation to information these organisations were submitting to the International Criminal Court. The surveillance was reportedly led by Israel’s Shin Bet agency and the information reportedly covered Israeli torture of Palestinian prisoners and detainees; Israel’s punitive house demolition of Palestinian homes; bombing campaigns against Gaza; and Israeli settlers’ conduct in the West Bank. The impact of the monitoring has been to restrain individuals from reporting on Israeli violations out of fear of repercussions if they were to be publicly identified, including in the context of the ongoing war on Gaza.

Without wishing to prejudge the accuracy of the information received, we express serious concern at Israeli acts that may violate international humanitarian law and may gravely hinder the rights to freedom of association and expression. These acts include the indiscriminate shelling that led to the killing of the two Palestinian human rights defenders, among the tens of thousands of civilians who have been killed in Gaza since 7 October 2023, and the airstrikes and ground shelling that inflicted damage to offices of the Palestinian Centre for Human Rights in Gaza. We are also concerned about the dangers of a smear campaigns and surveillance against human rights organisations. The use of Pegasus spyware to monitor human rights defenders and journalists was the subject of three communications sent by several Special Procedures mandate holders to your Excellency’s Government on 5 August 2021 ([AL ISR 7/2021](#)); on 27 December 2021 ([AL ISR 11/2021](#)) and on 21 June 2023 ([AL ISR 5/2023](#)). We regret not receiving a reply to any of these communications. Surveillance and the danger of smear campaigns may generate a profound chilling effect and prevent human rights defenders from exercising their rights to freedom of association and expression.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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<sup>1</sup> <https://www.972mag.com/icc-israel-surveillance-investigation/>

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide any information on any investigations, judicial or administrative proceedings that have been carried out in relation to the killing of journalists Nour Nasser Abu al-Nour, Dana Yaghi and their relatives, in alleged indiscriminate attacks and how these attacks were compatible with IHL, IHRL and other relevant standards of international law. Please provide any information on any investigation, judicial or administrative proceedings that have been carried out in relation to the destruction of the PCHR offices, which are civilian structures. If the investigations have provided conclusive results, please provide information about them and on how the investigations complied with relevant international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths. If no investigation has been conducted, please explain why.
3. Please provide any information on any investigations, judicial or administrative proceedings or other inquiries initiated into the allegations concerning the smear campaign against and surveillance of the above-mentioned human rights organisations. If no investigation has been initiated, please explain why.
4. Please indicate what measures have been taken to ensure that human rights defenders and civil society organisations in the Occupied Palestinian Territory are able to carry out their peaceful and legitimate work and exercise their rights to freedom of expression and association in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any kind.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Francesca Albanese  
Special Rapporteur on the situation of human rights in the Palestinian territory  
occupied since 1967

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forward by the situation described above.

Article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Israel on 3 October 1991, guarantees the right of every individual to life and provides that this right shall be protected by law and that no one shall be arbitrarily deprived of his life. In general comment No. 36, the Human Rights Committee reiterated that the right to life is the supreme right from which no derogation is permitted, even in situations of armed conflict and other public emergencies that threaten the life of the nation (CCPR/C/GC/36).

It has further noted that “practices inconsistent with international humanitarian law, entailing a risk to the lives of civilians and other persons protected by international humanitarian law, including ... indiscriminate attacks, failure to apply the principles of precaution and proportionality... would also violate article 6 of the Covenant. States parties should, in general, disclose the criteria for attacking with lethal force individuals or objects whose targeting is expected to result in deprivation of life, including the legal basis for specific attacks, the process of identification of military targets and combatants or persons taking a direct part in hostilities, the circumstances in which relevant means and methods of warfare have been used, and whether less harmful alternatives were considered. They must also investigate alleged or suspected violations of article 6 in situations of armed conflict in accordance with the relevant international standards.”

Civilians enjoy protection under international humanitarian law, as well as protection from wilful killing or murder. Article 3 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, prohibits acts of violence to life and person, including murder of all kinds, while article 147 includes wilful killing among the acts that constitute a grave breach of the Convention. Article 8 (2) (a) of the Rome Statute of the International Criminal Court specifically provides that wilful killing of protected persons is a grave breach of the Fourth Geneva Convention and constitutes a war crime. In this regard, we would like to reiterate that international human rights law continues to apply in times of armed conflict, including in relation to the conduct of hostilities and throughout an occupation, alongside international humanitarian law, and that both bodies of law are intended to be complementary, rather than mutually exclusive.

The right to freedom of peaceful assembly under article 22 of the ICCPR requires States parties to take positive measures to establish an enabling environment for associations. It is crucial that individuals exercising this right are able to operate freely without fear that they may be subjected to, for example, any threats, acts of intimidation or violence. States additionally have a negative obligation not to unduly obstruct the exercise of the exercise of the right. Associations, pursuing objectives and employing means in accordance with international human rights law should benefit from international legal protection. (A/HRC/20/27, paras. 63 & 64). Authorities must

also respect the right of associations to privacy as stipulated in article 17 of the Covenant on Civil and Political Rights (A/HRC/20/27, para. 65).

We would also like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We would also like to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Further, article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline. Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19 (3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. In its general comment No. 34, the Human Rights Committee stated that an attack on a person because of the exercise of his or her freedom of opinion or expression, including arbitrary arrest, torture, threats to life and killing, cannot be compatible with article 19 (para. 23). The Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (para. 11) and further asserted that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23).