

**Mandates of the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the right to education; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the human rights of internally displaced persons; the Independent Expert on the enjoyment of all human rights by older persons; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on the human rights to safe drinking water and sanitation and the Working Group on discrimination against women and girls**

Ref.: AL ISR 18/2024

(Please use this reference in your reply)

9 October 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on the right to education; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right to food; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the human rights of internally displaced persons; Independent Expert on the enjoyment of all human rights by older persons; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; Special Rapporteur on violence against women and girls, its causes and consequences; Special Rapporteur on the human rights to safe drinking water and sanitation and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 53/14, 53/7, 53/4, 49/13, 51/21, 52/10, 50/6, 51/4, 1993/2A, 50/7, 51/19 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged violations of human rights of persons with disabilities in Gaza and the West Bank, including East Jerusalem since October 2023 and following Israel's military assault with a reference to** numerous rights established in the Convention on the Rights of Persons with Disabilities (CRPD), as well as other human rights treaties, and several provisions of International Humanitarian Law concerning the protection of civilians, and the conduct of hostilities.

According to the information received:

Following repeated cycles of armed conflicts and displacement coupled with severe and long-standing lack of access to adequate healthcare services, medicines, rehabilitation, and psychosocial support as well as assistive devices, disability prevalence in Palestine was estimated to be significant, particularly in Gaza. Official statistics indicated that at least 58,000 persons with disabilities, the majority of them children, women and older persons, were living in Gaza prior to October 2023. It is reported that, since 2010,

Israel has been restricting or prohibiting the entrance into the occupied territory of assistive devices or certain parts of them such as hearing aid batteries, prostheses, and carbon fiber, among others, by labelling them as dual-use objects. This has severely affected a wide range of the rights of persons with disabilities, including the right to personal mobility and to live independently and be included in their communities, as well as their capacity to flee danger and access humanitarian assistance.

From October 2023, intensive and large-scale military ground operations and airstrikes have had a devastating effect on the lives of persons with disabilities in Gaza, many with newly acquired impairments due to the conflict, putting in question their very survival. Increasing attacks and raids by Israeli security forces and settlers, as well as limitations of movement through road closures and checkpoints, further aggravated an already difficult situation of persons with disabilities in the West Bank, including East Jerusalem.

We wish to especially highlight the following issues:

Indiscriminate attacks, inaccessible and ineffective evacuation orders, and targeted killings in Gaza:

As of 25 September 2024, an estimated 41,495 Palestinians have been killed and 96,006 have been injured as a result of armed hostilities in Gaza since October 2023, the majority of them women and children. Several thousands are likely buried under rubble. The extreme scale of human death and destruction has been caused by indiscriminate and disproportionate attacks waged by Israeli forces in densely populated areas with numerous and well-documented incidents where the effective distinction between civilians and combatants did not appear to be applied.

Among the estimated 94,398 injured Palestinians in Gaza, huge numbers have acquired new or additional impairments as a result of Israeli military operations since October 2023, further aggravated through a lack of adequate healthcare, medicines, and rehabilitation. Within only two months of the conflict – by December 2023 - at least 1,000 children had lost one or both of their legs and since then the number of amputations in Gaza, for children and adults alike, has been staggering. Recent statistics from the World Health Organization indicate that around 22,500 people in Gaza are likely to have acute and ongoing rehabilitation needs due to major injuries since October 2023, including extremity injuries, amputations, head and spinal cord injuries, and burns. The mental health toll caused by the war is unimaginable, particularly on children, including children with disabilities, and leads to physical and psychosocial issues which can have long-lasting impact given the acute absence of mental health and psychosocial support services. Almost all children in Gaza are in need of mental health and psychosocial support.

On 26 January 2024, the International Court of Justice ordered Israel to take all measures within its power to prevent genocidal acts, including, *inter alia*, killing and causing serious bodily or mental harm, and preserving evidence of crimes committed in Gaza. The Court reiterated the order to comply with provisional measures on 28 March 2024 and 24 May 2024, when it also ordered Israel to immediately halt its military offensive in Rafah governorate.

The military operations, including thousands of airstrikes, have had a particularly devastating impact on civilians in Gaza. Many have been unable to receive or understand orders from the Israeli military to relocate into so-called 'safe zones' unilaterally-designated by Israel, because of power cuts, extended communication disruptions, limited technology accessibility, mixed messaging, and unclear instructions. Persons with disabilities have been disproportionately affected in this context as evacuation orders are largely inaccessible and ineffective for them.

In many instances, airstrikes were reportedly conducted without prior warning which exacerbated the inability of persons with disabilities to flee on time and exposed them to extreme danger. In cases when evacuation orders were given ahead of attacks, these were not accessible and effective for persons with disabilities, leading to high risks of being left behind and killed. Some evacuation orders gave only three to five minutes for people to flee, did not take into account the existing inaccessibility of infrastructure in Gaza and thus the impossibility of fleeing fast enough for persons with disabilities, and did not provide accessible information on where, when and how to flee to seek safety.

By October 2024, about 86 percent of Gaza had been placed under evacuation orders, with civilians asked to repeatedly leave several locations civilians having been displaced several times. Most persons with disabilities in Gaza have therefore been exposed to evacuation orders and faced impossible decisions affecting their safety. For instance, an order to move from the North to the South of Gaza within 24 hours issued on 13 October left many persons with disabilities either staying behind and separating from families and caregivers or undertaking a difficult move while leaving invaluable assistive devices and adapted facilities behind.

People with hearing and visual impairments, people with intellectual disabilities, people with psychosocial disabilities, children with disabilities, and older persons faced extreme difficulties to flee including following evacuation orders or warnings of imminent attacks due to a lack of understanding of instructions. As a result, many persons with disabilities experienced absolute panic and distress when hearing loud noises without understanding what was going on around them and without having access to their support persons and/or devices. For instance, we received reports about people with hearing impairments who, without functioning hearing devices, could only feel vibrations and see people running but could not know what was occurring.

People with reduced mobility also faced extreme difficulties to flee due to the disconnection of electricity and internet services during attacks, which made it impossible to use their assistive devices to escape and access information to identify a location and time to move safely. Without assistive devices, access to lifts, and adequate and accessible paths given the large-scale destruction and rubble, persons with disabilities fully depend on their relatives, neighbours, and support persons to be able to evacuate and flee.

Many persons with disabilities experienced traumatizing family separations including the loss of relatives who were providing them with care and support,

and as such were left alone to address their needs. The impact of the loss of close family members and (the risk) of separation has been particularly traumatic for all persons with disabilities in need of care and support but especially for children with disabilities. In some cases, persons with disabilities – including children with disabilities - suggested to stay behind to allow their families to flee, therefore accepting that they were likely to be killed. The feelings of being a burden and slowing down the evacuation of relatives, or of not being able to assist and look for their family members – including children – caused unimaginable distress to persons with disabilities and older persons.

Cases of persons with disabilities directly targeted and killed by Israeli occupation forces during evacuations or at their places of residence have been reported. Information received includes cases of persons with intellectual disabilities who were chased and killed by the Israeli military, including brutally attacked by military combat dogs, left to bleed to death, or shot at and killed by snipers, without posing any threat to the armed forces, and in most cases without even a full understanding of what was happening around them.

#### Arbitrary arrests and detention:

Since October 2023, it is estimated that thousands of Palestinians, including persons with disabilities, have been arbitrarily arrested and detained by Israeli security forces, both in Gaza and in the West Bank, including East Jerusalem. As detailed in a previous communication (AL ISR 10/2024), there are extremely concerning reports of acts of torture and/or other cruel, inhuman, or degrading treatment or punishment inflicted on Palestinians deprived of liberty, in addition to conditions of detention that fall below international standards. Deaths in custody have been reported. Statistics on the number of persons with disabilities arrested and detained remain unavailable, but it is widely believed that the number of detainees with disabilities increased dramatically, also due to detainees acquiring new impairments as a result of torture and/or other cruel, inhuman, or degrading treatment or punishment.

Persons with disabilities have been arrested and detained at Israeli military checkpoints when they were following evacuation orders, for example, to leave Gaza City for the southern part of the Gaza Strip. It should be noted that owing to their impairments, some persons with disabilities could not understand and follow orders from the Israeli security forces. Specific needs and accommodations for detainees with disabilities were reportedly totally ignored by Israeli security forces, while detention conditions were already intolerable due to overcrowding, denial of food and medical care, hygiene deprivation, and no contact with families and lawyers. Assistive devices of detainees with disabilities were reportedly destroyed or left behind during their arrests while no assistive devices are available in detention centres.

Information was received of at least one case of a detainee with a physical impairment who died in custody after being beaten and left without medical assistance, even despite requests from humanitarian organizations. Another man with intellectual disabilities and speech impairments had reportedly been detained for several months and died after being released with severe injuries. Some detainees with disabilities remain unaccounted for, for example, a man

with hearing disabilities while a video of his arrest and abuse by Israeli security forces was circulated on social media.

Persons with disabilities experienced acts of torture and/or other cruel, inhuman or degrading treatment or punishment due to their disability. For instance, persons with hearing impairments had been singled out for using sign language which was interpreted as mockery by the Israeli armed forces. Detainees with hearing impairments were subjected to blindfolding and handcuffing, making communication impossible for them. Detainees with disabilities who require wheelchairs or crutches were reportedly left to crawl to be able to move around, and in some instances forced to attempt standing up as a form of punishment.

#### Forced displacement and conditions in shelters:

90 per cent of Gaza's population, or some 1.9 million people, have been displaced since October 2023. Many persons with disabilities in Gaza have been forcibly displaced and are currently living in the streets, in tents, in UNWRA schools, and other overcrowded shelters which are not safe and are not accessible and adapted, and without the support services they need. Shelters are also routinely subjected to indiscriminate attacks. Conditions in overcrowded shelters have been extremely severe for displaced persons with disabilities. In particular, persons with visual and hearing impairments, mobility limitations, and intellectual disabilities, as well as those with recently acquired additional or new impairments, face staggering challenges to navigate new unfamiliar and inaccessible environments, often without their usual support persons.

Most shelters lack accessible toilet facilities and, without assistive devices such as wheelchairs, persons with disabilities find it almost impossible to use shared toilets. Persons with disabilities sometimes need to crawl to get to the toilets. Consequently, many persons with disabilities have resorted to reducing the already limited amount of food and water they consume to avoid using toilets, thus further aggravating their health situation and malnutrition. The health of persons with specific types of impairments (including those with skin integrity issues, or bowel or bladder incontinence) who require continuous use of toilets and running water for hygiene purposes, has been severely affected in such conditions.

Moreover, the lack of adequate sanitary facilities and supplies, including continence pads and aids, and menstrual hygiene products, places persons with disabilities, especially women and girls with disabilities, in an even more vulnerable situation, as they are unable to meet their health and hygiene needs in displacement.

Displaced women and girls with disabilities, especially those with intellectual disabilities, are exposed to a higher risk of sexual and gender-based violence and sexually transmitted infections, because of limited access to sexual and reproductive health services and supplies.

Widespread destruction of civilian infrastructure and essential services, and impact on persons with disabilities:

Over 70,000 housing units have been destroyed in Gaza between October 2023 and August 2024 and more than half of the total number of buildings in Gaza have been damaged by June 2024. The Israeli military operations resulted in an unprecedented destruction of civilian infrastructure and service delivery, including medical and rehabilitation facilities, sewage, wastewater, and solid waste management systems, roads, and other infrastructure. The level of destruction is estimated to have setback the levels of healthcare, education, and wealth by 44 years. In the most optimistic scenario, which would entail a five-fold increase of construction materials allowed into Gaza, the reconstruction of civilian infrastructure would reportedly take at least 15 years, that is until 2040. However, it has been estimated that reconstruction would take approximately 80 years, if the reconstruction timeline would follow the same pattern as after the 2014 and 2021 wars.

Persons with disabilities have borne the brunt of the destruction of infrastructure and services with a catastrophic effect on their lives. They have lost their houses - which were adapted to their accessibility requirements - as well as their assistive devices, such as wheelchairs, walkers, and hearing aids, among many others. One assessment conducted in February 2024 indicated that 83 percent of persons with disabilities lost their assistive devices due to recurrent bombings and evacuations. Key rehabilitation services have been reportedly targeted and rendered out of service by Israeli occupying forces, including the Sheikh Hamad Hospital for Rehabilitation, the Assistive Devices Center of the Palestinian Medical Relief Society, and the Baitona Society for Community Development. The significant destruction of roads and transport further means that mobility and access to any type of remaining supplies and services are severely undermined for persons with disabilities.

Through military operations and the imposition of a blockade on the entry and distribution of life-saving assistance, Israeli occupation forces have cut off essential services to the civilian population in Gaza, including electricity without which persons with disabilities cannot power their vital medical and assistive devices, such as breathing machines like CPAP and BPAPs, respirators, dialysis equipment, food-grinding devices for clinical nutrition, electric wheelchairs and mobility scooters, among others. The lack of electricity and internet service further means that persons with disabilities cannot charge and use their phones which contain vital assistive technologies and get emergency information that is usually not accessible to them in other ways. In particular, communication for persons with hearing impairment has been severely impeded as they largely relied on digital devices in the absence of sign language interpretation.

Persons with disabilities face extreme difficulties in accessing clean and drinkable water in Gaza and have to resort to drinking contaminated and brackish water which poses significant health risks because of waterborne diseases and dehydration. Further, some persons with disabilities are not able to obtain clean water for specific medical equipment they require. Lack of food is also acute within Gaza, and people have to queue for hours to get a limited amount of food while being exposed to the risk of airstrikes and

gunfire.

Distribution points of clean water and food in Gaza are largely inaccessible for persons with disabilities, many of whom cannot queue for hours due to various physical, informational, and institutional barriers. For example, in some cases food and water distribution was designed by calling people by their names, which is not accessible for persons with hearing impairments. Some persons with disabilities have lost their support persons who were accessing water and food for them. As a result, persons with disabilities face extreme food and water insecurity and malnutrition. Additionally, the critical needs of some persons with disabilities, particularly those with difficulty swallowing, are not being met due to the unavailability of their specific food requirements.

Children with disabilities have endured dramatic health consequences due to a lack of specific food and equipment. For example, we received information about a child using a gastrostomy feeding tube who lost seven kilograms during the first month of hostilities due to the difficulties to find specific foods as well as electricity to blend his food. Moreover, the availability of food for children who are lactose or gluten-intolerant has been extremely limited, making it nearly impossible to respond to their nutrition needs.

Due to massive displacement and widespread destruction of educational facilities caused by Israeli military operations, 625,000 children were not able to attend school over the past year in Gaza. At least 45,000 six-year-old children cannot start their first year of school in September 2024. The disruption of education and lack of learning opportunities is especially alarming for children with disabilities as their developmental and learning outcomes are expected to worsen, with particularly high risks for young children with disabilities. The vast destruction of educational buildings and assistive devices, as well as harm and displacement endured by the already limited qualified staff, mean that children with disabilities, including many with newly acquired impairments, will not have access to education for many years to come.

The destruction and breakdown of essential infrastructure and services has been further aggravated by the desperate lack of adequate humanitarian assistance reaching Gaza, including key and specific supplies for persons with disabilities. Even when limited humanitarian aid is allowed entry by the Israeli occupying forces, it excludes assistive devices and life-sustaining supplements tailored for persons with disabilities, such as gauze, urine bags, diapers, sanitary towels, medical-grade mattresses, and beds for persons with disabilities. The lack of batteries for hearing aids or other assistive devices, for example, results in persons with hearing impairments being unaware of what is happening around them, and consequently being at great risk amid armed hostilities.

#### Collapse of the healthcare system and lack of medical supplies:

The healthcare system and availability of medical supplies have virtually collapsed due to the ongoing armed hostilities and deliberate targeting of health facilities and health workers in Gaza since October 2023. In mid-August 2024, out of the 36 hospitals in Gaza, only 4 were reportedly neither

damaged, raided by Israeli forces, or gone out of service; 20 were completely out of service and 16 were partially functional.

Many persons with disabilities require medications or medical supplies for chronic health conditions including insulin, cardiovascular medications, cancer drugs, pain management drugs, nutritional supplements, anti-convulsant and anti-epileptics, psychiatric drugs, and other special treatment drugs, which are not available in Gaza without which they cannot carry out regular daily activities, prevent further impairments and/or not to aggravate existing ones. Only generic medicines, such as painkillers, have been distributed in shelters for displaced persons, which do not meet the needs of most persons with disabilities.

In this context, a significant number of persons with disabilities, including children with disabilities, are at high risk of imminent death if they are not urgently evacuated and treated. The situation is especially acute for persons with disabilities with chronic and serious health conditions such as anaemia, cancer, osteoporosis, and ulcers, but also for those recently wounded or seriously ill due to the ongoing armed hostilities.

At the same time, Israeli authorities have not adopted and implemented a formal and transparent system based on medical criteria for evacuations that would guarantee the safety of those evacuated (especially children) and provide for their right to return to Gaza, to their families and property, upon their wish. Reportedly, the process remains mainly ad-hoc, and complex, depending on many different actors and without consistent criteria. Further, there are constant delays in security checks, and coordination between organizations, hospitals, and Israeli authorities is unpredictable, which leads to frequent last-minute cancellations. According to the World Health Organization, by 19 August, 14,192 critically ill patients have requested evacuation to access life-saving treatments unavailable in Gaza, particularly children and individuals with disabilities, but only 5,012 patients (35%) have been successfully evacuated since October 2023.

#### Mental health and special impact on children with disabilities:

Continuous violence, displacement, deprivation of basic necessities, and extreme difficulties to find safety led to persons with disabilities experiencing psychological harm and trauma in Gaza, especially children. The effect has been particularly severe for persons with psychosocial and intellectual disabilities, who have had to live in unfamiliar and overcrowded conditions, without appropriate and accessible information explaining the current situation and without access to prescribed medications. According to information received, due to stigma and fear of unpredictable behaviour, such as screaming and aggression, in some instances persons with psychosocial and intellectual disabilities have been met with objections to entering collective shelters, thus faced with even higher danger to their safety outside.

Many persons with disabilities have lost their personal carers, relatives, and family support because of injuries or death, which exacerbated psychological distress and trauma, including anxiety, depression, post-traumatic stress disorder (PTSD), and other adverse mental health impacts. This has had a

particularly severe effect on children with disabilities who have been left alone to navigate an extremely dangerous environment and meet all essential needs for themselves.

Persons with newly acquired impairments do not have access to adequate psychological support and are exposed to greater protection risks because they are not familiar with their new reality and lack the resources to deal with everyday necessities.

The situation in the West Bank including East Jerusalem:

Persons with disabilities in the West Bank, including East Jerusalem, have also had their human rights severely undermined since October 2023 due to violent attacks by settlers with the participation and acquiescence of Israeli occupying forces, as well as systematic aerial and ground attacks by the Israeli military. Between 7 October 2023 and 19 August 2024, Israeli authorities demolished, confiscated, or forced the demolition of 1,416 Palestinian structures across the West Bank including roads, water and energy grids, displacing more than 3,200 Palestinians, including about 1,400 children. Travel restrictions across the West Bank have been frequently imposed on Palestinian civilians. As a result, many persons with disabilities can no longer access health and rehabilitation services that are essential for their well-being.

During protests and clashes in the West Bank, including East Jerusalem, Israeli occupying forces have used disproportionate force against Palestinians, including Palestinians with disabilities, even when they did not pose any risk to their safety. In one case, on 30 October 2023, Israeli forces shot in the chest and killed Fuad Ismael Abu Sabha, a 23-year-old man with intellectual disabilities, following a students' protest in Yatta, Hebron Governorate. Existing video footage of the incident suggests that he did not pose any material threat when he was shot.

While we do not wish to prejudge the accuracy of the aforementioned allegations, we express serious concern at the extremely vulnerable situation to which persons with disabilities have been exposed in Gaza for almost a year. Persons with disabilities have been grossly unprotected from airstrikes and gunfire and placed at severe risk of being killed or seriously injured because of the inability to flee affected areas, separation from their relatives and caregivers, or simply being unaware of the danger around them.

Persons with disabilities who managed to flee are on the verge of dehydration and starvation due to the inaccessibility and unavailability of protection and humanitarian assistance. In many cases, they also have had to endure life-threatening conditions because of the lack of adequate health care and specific medical supplies, without an opportunity to be medically evacuated. Internally displaced persons with disabilities have been surviving in shelters that are neither accessible nor adapted to their specific requirements. Women with disabilities and children with disabilities are at particularly high risk of violence and trauma, including due to the lack of psychosocial support and specific supplies for them.

With the approaching winter season, these disastrous conditions will be utterly unbearable for persons with disabilities who already went almost a year without basic

necessities and key needs, including safe, clean, and accessible shelters, specific medication and food, hygiene products, and infrastructure, assistive devices, and rehabilitation services. We strongly urge your Excellency's Government to ensure unimpeded access for humanitarian actors to deliver adequate humanitarian assistance for persons with disabilities, as well as all the civilian population in Gaza.

We are extremely concerned about the situation of persons with disabilities in Gaza where most of their human rights have been violated, including their right to life, non-discrimination, an adequate standard of living, personal dignity, physical and moral integrity, freedom from torture, cruel, inhuman, or degrading treatment, right to food, water, medical care, and education, and right to respect for home and family.

Persons with disabilities have remained invisible during the conduct of military operations although they are disproportionately impacted by the assault on Gaza. Persons with disabilities are particularly disadvantaged in being able to receive and understand orders by the Israeli occupation forces to evacuate and while fleeing. Without an immediate ceasefire, inclusive and adequate humanitarian assistance, and robust and inclusive reconstruction and recovery, the situation of persons with disabilities, including those with newly acquired impairments, will be beyond desperate with irreversible consequences for their lives. The massive destruction of essential infrastructure, as well as any housing, transport, education, and other services that were accessible and adapted to the needs of persons with disabilities before October 2023, will have severe impacts on the autonomy, inclusion, and participation of persons with disabilities in public life for years to come. We are also alarmed by the death of several disability rights activists from Gaza who for many years provided invaluable leadership and advocacy for the protection and promotion of the human rights of persons with disabilities.

In this regard, if confirmed, the above-mentioned allegations would be violations of international human rights law and international humanitarian law (IHL), including articles 5, 6, 7, 9, 10, 11, 15, 17, 19, 23, 24, 25, 26, and 28 of the Convention on the Rights of Persons with Disabilities (CRPD). Article 11 of the CRPD provides that States shall take "all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters" and in accordance with their obligations under international human rights and humanitarian law. We wish to highlight that the Committee on the Rights of Persons with Disabilities, in its statement of 27 May 2024, recalled that as the occupying Power, Israel is required under article 11 of the CRPD to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risks, including situations of armed conflict.

In addition, the allegations would involve violations of the applicable IHL rules governing the conduct of military operations and the protection of civilians during hostilities and in occupied territories, which should be read in conjunction with the Convention on the Rights of Persons with Disabilities. The conduct of Your Excellency's Government reportedly contravenes IHL rules stating that parties to the conflict must treat civilians who are not participating in hostilities without any adverse distinction and that privileged treatment should be given to individuals based on the state of their health, which applies to persons with disabilities. Further, the allegations would imply violations of the rules on the conduct of hostilities, of the principles of distinction, proportionality, and most importantly, the duty to take

precautions before attacks including issuing advanced warnings, that should be accessible and inclusive of persons with disabilities if they are to comply with the CRPD.

Furthermore, we are equally concerned about the situation of persons with disabilities in the West Bank, including East Jerusalem, whose human rights have been increasingly violated, amid violent attacks from settlers and the Israeli military, disproportionate use of force against peaceful protestors, and movement restrictions which have prevented persons from disabilities from accessing much-needed health, rehabilitation, and other services. All of these would also constitute violations of the CRPD, among others regarding their personal integrity and access to health and rehabilitation, including in emergencies.

We wish to recall that the International Court of Justice has ordered your Excellency's Government to comply with provisional measures in relation to its conduct in the Gaza Strip that aim at preventing acts of genocide, including killing members of the group, acts causing serious bodily or mental harm to members of the group and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, while the Court deliberates the application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip, in *South Africa v. Israel*, which makes the cessation of any such practices all the more needed.

In addition, the International Court of Justice declared Israel's occupation of Palestinian territories, encompassing the West Bank, including East Jerusalem, and the Gaza Strip, as illegal under international law, emphasising that Israel's actions amount to annexation. This also includes forcible transfer, racial discrimination and apartheid, annexation, and the right to self-determination of the Palestinian people. More importantly, the International Court of Justice provided unequivocal direction concerning the responsibilities of States and international organisations, concerning Israel's unlawful occupation.

We wish to recall that the International Criminal Court's Office of the Prosecutor recognises that crimes against or affecting children are "regarded as particularly grave, given the commitment made to children in the Statute, and the fact that children enjoy special recognition and protection under international law," (A/78/545) and that the Court is conducting an ongoing investigation into the Situation in the State of Palestine.

We highlight that the UN Secretary-General recently listed your Excellency's Government in the annual report concerning children and armed conflict as a party that commits grave violations affecting children in situations of armed conflict, where "[t]he conflict in Israel and the Occupied Palestinian Territory presents an unprecedented scale and intensity of grave violations against children, with hostilities leading to an increase in grave violations of 155 per cent", which included ill-treatment in detention and multiple forms of sexual violence, by Israeli armed and security forces. Additionally, the Committee on the Rights of the Child in its recent concluding observations on Your Excellency's government, stated that the ongoing armed conflict has led to serious violations of children's rights. The Committee emphasized that the State party's continuing occupation of, and further expansion of illegal settlements in the OPT and the Occupied Syrian Golan Heights, constitute serious violations of the rights of children living in those areas and their families, and

hinder the enjoyment of their rights under the Convention on the Rights of the Child.

In view of the seriousness of the allegations raised in the present communication, and the ongoing proceedings and investigations at the International Court of Justice and International Criminal Court, we are requesting that your Excellency's Government fully and effectively cooperates with all international investigations, including by preserving all evidence and allowing access to the occupied Palestinian territory to investigators, with particular attention to the violations of the rights of persons with disabilities.

Further, we would like to remind Your Excellency's government of United Nations Security Council resolution 2475 (2019), which recognizes that persons with disabilities face disproportionate impact from armed conflicts including abandonment, violence and lack of access to basic services, and that their particular needs should be considered in humanitarian response. It further urges all State parties to armed conflicts to take measures, in accordance with applicable international law obligations to protect civilians, including those with disabilities. 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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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 information about measures taken to protect the Palestinian civilian population during the conduct of hostilities, especially persons with disabilities and older persons including those attempting to flee areas of military operations, and to prevent targeted, indiscriminate and/or incidental loss of life of civilians with disabilities.
3. Please explain what measures are being taken to prevent the destruction of housing and civilian infrastructure.
4. Please provide information on measures being taken by the military to address the particular risks and needs of people with disabilities during military operations.
5. Please indicate the measures being taken to guarantee that displaced Palestinians will be able to secure access to shelters that will be accessible for persons with disabilities and older persons, including sanitary facilities, and ensure that displaced persons will be able to access the protection and assistance required by their condition and

treatment which takes into account their special needs.

6. Please provide information concerning measures being taken to enable Palestinians with disabilities, to be able to access food and drinkable water on an equal basis with others, and according to their specific requirements. More concretely, please explain how the allowance of the entrance of humanitarian assistance and the systems for the distribution of essential aid, consider and are inclusive and accessible to persons with disabilities of all ages.
7. Please inform of steps taken to ensure increased access to essential healthcare services, specific medicines and supplies, assistive devices, and other essential elements for persons with disabilities and older persons within Gaza, and that Palestinians and international organisations are unimpeded in their ability to ensure their appropriate distribution.
8. Please inform of measures taken to immediately restore access to electricity for the Palestinian civilian population, especially considering that the survival of many persons with disabilities depends on it.
9. Please inform the steps being taken to ensure the urgent medical evacuation of persons with disabilities who are wounded and/or seriously ill and/or with chronic health conditions and require urgent medical attention which cannot be provided in Gaza due to the complete disruption of the medical system. Further, please provide information on the scheme of evacuations in place, its medical criteria, and safety guarantees for those evacuated.
10. Please inform of measures taken to secure the ability of Palestinian children with disabilities to access their right to special protection during hostilities, especially to secure their guarantee of access to medical services, psychological support and rehabilitation, as well as to prevent family separation.
11. Please inform of measures taken to secure the ability of Palestinian women and girls with disabilities to secure their special protection, including to secure their access to adequate sexual and reproductive health information, services and supplies, and of measures taken to able the implementation of protection from sexual and gender-based violence and sexually transmitted infections.
12. Please inform of measures taken to guarantee that Palestinians with disabilities in the West Bank, including those who were displaced, are able to secure self-determined access to the health and rehabilitation services they require, as well as essential supplies such as assistive devices.
13. As the occupying Power in occupied Palestinian territory, please inform about measures taken to ensure the independent, impartial, prompt, thorough, effective investigation, prosecution and punishment of those responsible for the killing of Fuad Abu Sabha, and to

guarantee his family appropriate compensation and integral reparation for the harm suffered. In addition, please explain what measures have been taken or foreseen to prevent arbitrary deprivation of life, in particulars of persons with disabilities.

14. Please provide an update on measures taken or envisaged to comply with the binding Provisional Measures imposed by the International Court of Justice on 26 January 2024 and most recently reaffirmed on 24 May 2024, including the obligations:
  - a. To immediately halt its military offensive and any other action in the Rafah Governorate that could inflict on Palestinians in Gaza conditions of life that could bring about its destruction in whole or in part.
  - b. To maintain open the Rafah crossing for unhindered provision at scale of urgently needed basic services and humanitarian assistance.
  - c. To take effective measures to ensure the unimpeded access to the Gaza Strip of any commission of inquiry, fact-finding mission, or other investigative body mandated by competent organs of the United Nations to investigate allegations of genocide.
  
15. Please provide an update on measures taken or envisaged to comply with the Advisory Opinion of the International Court of Justice issued on 19 July 2024, including the obligations to:
  - a. Cease all new settlement activity, repeal legislation and measures creating or maintaining the unlawful situation, including measures that discriminate against the Palestinian people and aim to modify to demographic composition of any parts of the territory.
  - b. Provide full reparation for the damage caused by its internationally wrongful acts and restitution of land and other immovable property and all assets and cultural property seized since the start of its occupation in 1967, or compensation in lieu thereof.

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 be informed that a copy of this letter has been sent to the Permanent Observer Mission of the State of Palestine to the United Nations Office and other international organizations in Geneva.

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

Heba Hagrass  
Special Rapporteur on the rights of persons with disabilities

Farida Shaheed  
Special Rapporteur on the right to education

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

Michael Fakhri  
Special Rapporteur on the right to food

Tlaleng Mofokeng  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Balakrishnan Rajagopal  
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Paula Gaviria  
Special Rapporteur on the human rights of internally displaced persons

Claudia Mahler  
Independent Expert on the enjoyment of all human rights by older persons

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

Reem Alsalem  
Special Rapporteur on violence against women and girls, its causes and consequences

Pedro Arrojo-Agudo  
Special Rapporteur on the human rights to safe drinking water and sanitation

Laura Nyirinkindi  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## Annex

### Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the international human rights standards, the norms of international humanitarian law, international criminal proceedings, and the obligations to which Israel is bound and which are applicable regarding the present allegations.

The Human Rights Council notes in resolution 9/9 that both international human rights law and international humanitarian law apply to situations of armed conflict and provide complementary and mutually reinforcing protection. Effective measures to guarantee and monitor the realization of human rights should be taken with respect to civilian populations in situations of armed conflict and effective protection against violations of their human rights should be provided, in accordance with international human rights law and applicable international humanitarian law.

#### *International proceedings*

On 19 July 2024, the International Court of Justice issued an [Advisory Opinion](#) on the "Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem". The International Court of Justice declared Israel's presence in the Occupied Palestinian Territory (OPT) unlawful under both *jus ad bellum* and *jus in bello* perspectives, also recognizing violations of racial segregation and apartheid prohibitions. The Court affirmed, inter alia:

"The sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel's presence in the Occupied Palestinian Territory unlawful"; that "this illegality relates to the entirety of the Palestinian territory occupied by Israel in 1967"; and that "this is the territorial unit across which Israel has imposed policies and practices to fragment and frustrate the ability of the Palestinian people to exercise its right to self-determination, and over large swathes of which it has extended Israeli sovereignty in violation of international law".

The ICJ also unequivocally affirmed that "occupation cannot transfer or confer sovereign title to the occupying Power over the territory that it occupies", reaffirming that "the occupation of a territory is to be a temporary, de facto situation, whereby the occupying Power can neither claim possession nor exert its sovereignty over the territory it occupies". It is to be noted that the Court explicitly affirmed that Israel's security concerns cannot override the prohibition of the acquisition of territory by force, a peremptory norm.

Legally, the ongoing prolonged occupation constitutes an act of aggression in violation of *jus ad bellum*, violating the non-derogable right of the Palestinian people to self-determination. The International Court of Justice mandated Israel to terminate its occupation, dismantle all settlements, and the associated settlement regime, provide reparations to Palestinian victims, and facilitate the return of Palestinian

people displaced in 1967.

On 26 January 2024, the International Court of Justice also found it plausible that Israel's acts could amount to genocide under the Convention on the Prevention and Punishment of the Crime of Genocide. On that occasion, the International Court of Justice issued six provisional measures, ordering Israel to take all measures within its power to prevent genocidal acts, including preventing and punishing incitement to genocide, ensuring aid and services reach Palestinians under siege in Gaza, and preserving evidence of crimes committed in Gaza. It has been compelled to intervene twice further in March and May 2024, in particular, recognizing an "exceptionally grave" risk in Rafah, it ordered an immediate halt to the military offensive. We would like to remind your Excellency's Government that the Court's provisional measures have a number of important legal implications. First and foremost, they are binding for the state of Israel.

The Genocide Convention, independently of the provisional measures order, creates obligations upon the state parties. As the Court clarified in its interim order: "... all the States parties to the Convention have a common interest to ensure the prevention, suppression and punishment of genocide, by committing themselves to fulfilling the obligations contained in the Convention. Such a common interest implies that the obligations in question are owed by any State party to all the other States parties to the relevant convention; they are obligations *erga omnes partes*, in the sense that each State party has an interest in compliance with them in any given case".

The prohibition of genocide more generally is considered a *jus cogens* norm and is one of the crimes that falls under the jurisdiction of the International Criminal Court (article 6 of the [Rome Statute](#)). While the ruling on the merits of the case will take many more years, and the issue of whether there was complicity in or a failure to prevent genocide will depend upon that judgment, the mere issuance of provisional measures by the Court, detailing the destruction (South Africa v Israel, paras. 46-49) and dehumanizing language (paras. 50-53) that make the risk of genocide plausible, triggers at the very least the duty to prevent since all states are now aware of the serious risk of genocide and the urgency of the case.

*International human rights law:*

In connection with above alleged facts and concerns, we would like to refer to the attention of your Excellency's Government the international human rights standards that are applicable in this case. They are enshrined, inter alia, in the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) acceded to by Israel on 3 October 1991; the Convention on the Rights of Persons with Disabilities (CRPD), ratified by Israel on 28 September 2012; the Convention on the Rights of the Child (CRC), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), all three ratified by Israel on 3 October 1991.

In light of the Advisory Opinion, it is particularly important to draw attention to the recognition therein of the denial of the right of the Palestinian people to self-determination. This is a *jus cogens* norm, enshrined by common article 1 of the ICCPR and ICESCR as the bedrock of international human rights law, and recognized

as the prerequisite to the enjoyment of human rights. It is a recognition by states that without the right to self-determination, it is impossible to realise all other human rights. As such, it has an interpretive function for the construction of all human rights protections. Where a people are denied their right to self-determination, this must inform the way in which human rights protections are constructed vis-à-vis the state being asked to protect them. In particular, the positive and negative obligations of that State party should aid in enabling the fulfilment of the right of the people themselves to self-determine the protection and realisation of all their human rights.

We wish to bring to Your Excellency's attention the provisions of the Convention on the Rights of Persons with Disabilities (CRPD), and in particular article 11, as well as article 5 on equality and non-discrimination, article 6 on women with disabilities, article 7 on children with disabilities, article 9 on accessibility, article 10 on the right to life, article 14 on liberty and security of person, article 15 on freedom from torture or to cruel, inhuman or degrading treatment or punishment, article 17 on protecting the integrity of the person, article 19 on living independently and being included in the community, article 23 on the respect of home and the family, article 24 on the right to education, article 25 on the right to health, article 26 on habilitation and rehabilitation, and article 28 on the right to adequate standard of living.

In particular, article 11 of the CRPD on situations of risk and humanitarian emergencies provides the obligation of States to take all necessary measures in accordance with their obligations under human rights law and international humanitarian law, to ensure the protection and safety of persons with disabilities in situations of risk, crisis and emergency including armed conflicts. A Thematic Study by the Office of the High Commissioner for Human Rights (A/HRC/31/30) on article 11 highlights that persons with disabilities are often exposed to a higher rate of abuse, neglect and abandonment in situations of risk, armed conflict and humanitarian emergencies, while programme assistance, adequate shelter, communication and means of transportation tend to be inaccessible, resulting in widespread violations of their human rights. The study further expresses that parties to armed conflicts have an obligation to give effective advance warning prior to an attack that may affect the civilian population, which can be achieved by different means of communication, including audio, written, visual and alternative means, while respecting diversity. Failure to comply with this obligation in an accessible and inclusive manner amounts to discrimination on the basis of disability.

Article 6 of the CRPD recognizes that women and girls with disabilities are subject to multiple discrimination, and in this regard, measures should be taken to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms. The Working Group on discrimination against women and girls in its report on discrimination against women with regard to health and safety (A/HRC/32/44) stated that women with disabilities face particular barriers in accessing health care for reasons of cost, distance, discriminatory attitudes, and lack of physical access or information. The experts recommended to ensure that health services, including reproductive and sexual health, for women with disabilities are available and accessible on an equal basis with others and that their autonomy and decision-making, including in relation to their sexuality and reproduction, are guaranteed in accordance with the principles of the Convention on the Rights of Persons with Disabilities. In its report on Women's and girls' sexual and reproductive

health rights in crisis (A/HRC/47/38), the Working Group on discrimination against women and girls stated that women and girls with disabilities face a higher risk of abuse and violence as a result of the breakdown of support systems to which they may previously have had access. Also, the former Special Rapporteur on the rights of persons with disabilities, highlighted in her thematic report on sexual and reproductive health and rights of girls and young women with disabilities (A/72/133), that humanitarian crises and conflict generate additional risks of sexual violence that affect girls with disabilities, who are at heightened risk of being subjected to physical, or sexual abuse and contracting sexually transmitted infections, while generally having limited access to sexual and reproductive health-care services.

The CRPD Committee stated in its general comment No. 3, highlighted that in situations of armed conflict, occupation of territories, and humanitarian emergencies, women with disabilities are at an increased risk of sexual violence and are less likely to have access to recovery and rehabilitation services or access to justice; further, the lack of sanitation facilities increases discrimination against women with disabilities, who face a number of barriers to accessing humanitarian aid including lack of accessibility to information or distribution points.

Article 7 of the CRPD states that children with disabilities enjoy all human rights and fundamental freedoms on an equal basis with other children, and that the best interests of the child are a primary consideration in all actions concerning children with disabilities. In general comment No. 9 of the Committee on the rights of the Child on children with disabilities, the Committee stated that States parties to armed conflicts must take all necessary measures to protect children with disabilities from the detrimental effects of war and armed violence and to ensure that children affected by armed conflict have access to adequate health and social services, including psychosocial recovery and social reintegration.

Article 9 of the CRPD provides that to enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public. In its general comment N°2 on accessibility, the CRPD Committee underscored that article 9 is a vital precondition for the effective enjoyment of many rights covered by the Convention, and that in situations of risk, natural disasters and armed conflict, the emergency services must be accessible to persons with disabilities, or their lives cannot be saved or their well-being protected.

Article 15 of the CRPD complements other human rights instruments on the prohibition of torture or any form of cruel, inhuman or degrading treatment inflicted under any pretext or circumstance, such as articles 2 and 4 of the CAT. The lack of disability-related support, accessibility and reasonable accommodation places persons with disabilities in sub-standard conditions that are incompatible with the prohibition of cruel, inhuman or degrading treatment or punishment, as stated under article 15(2) of the Convention.

In addition, States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation, in accordance with article 25 of the CRPD. We would

also like to bring to the attention of your Excellency's Government provisions of the ICESCR, ratified by Israel. Article 12 of the ICESCR guarantees the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Article 12 (1), coupled with article 2.2 (non-discrimination) establishes States parties' obligation to respect the rights of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Concerning the protection of the right to life, safety, and security, article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 of the International Covenant on Civil and Political Rights (ICCPR), protect the inherent right to life of all human beings. general comment No. 36 of the Human Rights Committee states 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). The Human Rights Committee clearly indicated that "Persons with disabilities, including psychosocial or intellectual disabilities, are also entitled to specific measures of protection so as to ensure their effective enjoyment of the right to life on an equal basis with others. Such measures of protection must include the provision of reasonable accommodation when necessary to ensure the right to life, such as ensuring access of persons with disabilities to essential facilities and services, and specific measures designed to prevent unwarranted use of force by law enforcement agents against persons with disabilities." (CCPR/C/GC/36, para. 24).

Article 28 CRPD affirms the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing, water and housing. In the recent resolution on the right to adequate housing with a focus on disability, the Human Rights Council called on States to avoid and prevent the destruction of housing and civilian infrastructure in conflicts in a manner that is compliant with international human rights law and international humanitarian law (A/HRC/RES/55/11). The Special Rapporteur on the right to adequate housing has also noted that, during armed conflicts, persons with disabilities encounter heightened vulnerability when their housing is attacked, unsafe or rendered uninhabitable. He has called for 'domicide', namely the systematic and deliberate mass destruction of homes during violent conflict, to be recognized as a distinct crime under international law (A/77/190).

Moreover, in its general comment No. 4, the Committee on Economic, Social and Cultural Rights (CESCR) established that the right to housing should not be interpreted in a narrow or restrictive sense, but it should be seen as the right to live somewhere in security, peace and dignity (para. 7) and set out that the concept of "adequate housing" should include the following elements: a) security of tenure, b) availability of services, c) affordability, d) habitability, e) accessibility, f) location and g) cultural adequacy (para. 8). The general comment clarified that "forced evictions are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law". Further, in its general comment No. 7 on forced evictions, the Committee stated that if an eviction is to take place, procedural protections must be guaranteed, including genuine consultation with those affected, adequate and reasonable notice, alternative accommodation, and provision of legal remedies and legal aid. In addition, principle 5 of the principles on housing and property restitution for refugees and displaced persons (E/CN.4/Sub.2/2005/17) prohibits the "forced eviction, demolition of houses and destruction of agricultural areas and the arbitrary confiscation or expropriation of land as a punitive measure or

as a means or method of war.”

Furthermore, article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – ratified by Israel in 1991 – recognizes the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. Article 11(2) provides “the fundamental right to freedom from hunger and malnutrition”, which is of immediate application. Article 11(1) of the ICESCR further requires States to “take appropriate steps to ensure the realization of this right”. The Committee on Economic Social and Cultural Rights (Committee) stressed in its general comment No. 12 that the core content of the right to adequate food refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems (para. 12). According to the Committee, the obligation to respect existing access to adequate food requires State parties to refrain from taking any pressures that result in preventing such access. The obligation to protect requires the State to take measures to ensure that other actors, including individuals, do not deprive others of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including their access to land to ensure their food security (para. 15). The right to be free from hunger and malnutrition is not subjected to progressive realization as it must be fulfilled in a more urgent manner (para. 1).

As stated by the Committee in its general comment No. 12, States are required to respect existing access to adequate food and to take no action to prevent such access. The Committee also recalled that the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to food may constitute a violation of this right. The formulation and implementation of national strategies, mandatory for the progressive realization of the right to food, require full compliance with the principles of transparency, accountability and participation of the people. Paragraph 54 of general comment No. 12 also emphasizes that “[t]he denial of access to food to particular individuals or groups” constitutes a violation of the right to food.

Furthermore, as recalled by the Special Rapporteur on the right to food in his report on right to food and conflict (A/HRC/52/40), international humanitarian law prohibits attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population, including foodstuffs, agricultural areas for the production of foodstuffs, crops and livestock. For all to enjoy their right to food, food should be accessible to the physically vulnerable, including children, sick people, people with disabilities and the elderly. Food must also be available to people in remote areas, to victims of armed conflicts or natural disasters, and to prisoners.

We recall the explicit recognition of the human rights to safe drinking water by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. In its general comment No. 15, the Committee on Economic, Social and Cultural Rights clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

Furthermore, the UN General Assembly (resolution 70/169) and the Human Rights Council (resolution 33/10) recognized that water and sanitation are two distinct but interrelated human rights. In particular, we recall explicit recognition that “the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living”.

In addition, the Convention on the Rights of Persons with Disabilities (CRPD) article 28 explicitly states that State parties should ensure equal access by persons with disabilities to clean water services.

Further, we wish to bring the attention of Your Excellency’s Government to the statement issued by the CRPD Committee on 27 May 2024 related to the unbearable consequences of the ongoing hostilities and violence in the occupied Palestinian territory for persons with disabilities. Concretely, it recalled the obligation under article 11 of the CRPD to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, expressed shock at the disproportionate impact of the hostilities on persons with disabilities (including on their health, physical and mental integrity, family unity and access to housing, food and water), and called to ensure disability-responsive peacebuilding, recovery and reconstruction of Gaza, in close consultation and with the active involvement of persons with disabilities through their representative organizations.

We would finally like to recall the 1998 Guiding Principles on Internal Displacement which establish that all authorities shall respect their obligations under international law, including human rights and humanitarian law, to prevent and avoid conditions that might lead to the displacement of persons. The principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction (principle 2). The principles apply without discrimination, including on the basis of race, colour, language, religion or belief, political or other opinion, national, ethnic, or social origin, legal or social status, and disability, and certain internally displaced persons, including persons with disabilities, shall be entitled to protection and assistance required by their condition and which takes into account their special needs (principle 4). All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, so as to prevent and avoid conditions that might lead to displacement of persons (principle 5).

Every human being shall have the right to be protected from being arbitrarily displaced, including in situations of armed conflict or when such displacement is based on policies of apartheid, “ethnic cleansing”, or similar practices aimed at/or resulting in altering the ethnic, religious, or racial composition of the affected population, and when it is used as collective punishment (principle 6). Where no alternatives to displacement exist, all measures shall be taken to minimize displacement and its adverse effects, and the authorities undertaking such displacement shall ensure that proper accommodation is provided to the displaced persons and that such displacements are effected in satisfactory conditions of safety, nutrition, health, and hygiene and that members of the same family are not separated (principle 7). Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected (principle 8). States are under a

particular obligation to protect against the displacement of Indigenous Peoples, minorities, peasants, pastoralists, and other groups with a special dependency on and attachment to their lands (principle 9).

Every human being has the inherent right to life which shall be protected by law and internally displaced persons shall be protected in particular against *inter alia* genocide, murder, and summary or arbitrary executions. Threats and incitement to commit any of the foregoing acts shall be prohibited. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted, starvation as a method of combat, and attacks against their camps or settlements (principle 10). Every human being has the right to respect of his or her family life, and family members who wish to remain together shall be allowed to do so. Families which are separated by displacement should be reunited as quickly as possible (principle 17).

All internally displaced persons have the right to an adequate standard of living, including at a minimum safe access to: (a) essential food and potable water; (b) basic shelter and housing; (c) appropriate clothing; and (d) essential medical services and sanitation (principle 18). All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services (principle 19).

The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities and all authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced (principle 25). Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence (principle 26).

*International humanitarian law:*

While Israel remains the unlawful occupying power, it is bound by the obligations set out in the Fourth Geneva Convention of 1949 on the protection of the civilian population during armed conflicts, Additional Protocol I of 1977 to the Convention, and customary international humanitarian law throughout the occupied Palestinian territory.

Parties to a conflict must adhere to the rules on the conduct of hostilities, including the principles of distinction, proportionality and precautions. Indiscriminate attacks are prohibited under IHL and parties to conflicts must at all times distinguish between civilian and combatants. Direct attacks against civilians are prohibited. Parties to conflicts must further do everything feasible to verify that targets are military objectives and take all precautions to avoid and minimize incidental loss of life. The former Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, highlighted in his thematic report on the rights of persons with disabilities during armed conflicts (A/76/146), that when conducting military operations, the

military should conduct themselves under the assumption that there will be at least 15 percent of any given civilian population with a disability in theatres of operation and that there will be a diversity of persons with disabilities present. He additionally stated that all IHL rules related to the protection of the civilian population and those no longer participating in hostilities, mentioned in the Geneva Conventions and their Protocols as “wounded,” “sick,” “infirm” or “disabled”, should be interpreted in light of the Convention on the Rights of Persons with Disabilities and the human right model of disability. This protection has to apply to both persons whose health-care needs are caused by a conflict, as well as to those whose needs predate the conflict and who require access to continued health-care services, as long as such persons do not engage in hostilities.<sup>1</sup>

Violence against, and attempts upon the life of, those who are wounded and sick are strictly prohibited under IHL. In addition, the willful killing of a person who is wounded or sick, or willfully causing great suffering or serious injury to their person, constitutes grave breaches under common article 3 of the three Geneva Conventions and constitutes war crimes. In certain circumstances, the denial of medical treatment may constitute cruel or inhuman treatment, an outrage upon human dignity, or even torture. Article 8(a) of the Additional Protocol I of 1977 stipulates that the terms ‘wounded’ and ‘sick’, may include persons with disabilities.

He further expressed that when a choice is available between different military objects, Additional Protocol I to the 1949 Geneva Conventions requires that the target chosen pose the least danger to the civilian population (art. 57(3)), and in making this determination, account must also be taken of the impact of striking such a target on persons with disabilities, who may not use the target in question in the same manner as the general population. In addition, to comply with the Convention on the Rights of Persons with Disabilities while conducting operations, he reaffirmed the obligation not to target hospitals and medical personnel, considering persons with disabilities tend to be generally more dependent on medical services and supplies.

Concerning humanitarian aid, we would like to underscore that under article 69 of Additional Protocol I to the Geneva Conventions, occupying powers shall supply, without any adverse distinction, all essential supplies for the survival of the civilian population. Further, according to article 70 of such Protocol, Parties to the Conflict shall secure the rapid and unimpeded passage of relief aid and equipment, which should be distributed considering those persons who deserve priority or special protection; this must include persons with disabilities. In addition, we would like to remind your Excellency’s Government that starvation of the civilian population as a method of warfare is prohibited as stipulated in article 54(1) of Additional Protocol I.

We further underscore that children should be granted special protections during conflict. The 1949 Geneva Conventions and their 1977 Additional Protocols determine that “children shall be the object of special respect and shall be protected against any form of indecent assault. The parties to the conflict shall provide them with the care and aid they require” (Additional Protocol I, Art. 77). The protections for children under IHL include: sheltering them from hostilities; maintaining family unity; and ensuring the necessary care, relief, or protection for those caught in hostilities and evacuation from besieged areas.

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<sup>1</sup> Art. 8(a) API; 2016 Commentary on common article 3 GCs, paras. 736-749.

Additionally, the specific protection, health and assistance needs of women and girls affected by armed conflict must be respected, including in the light of the specific rules relating to the prohibition of sexual violence as stated by article 27 of the IV Geneva Convention of 1949 and Additional Protocol I, articles 76–77. Read in conjunction with the Convention on the Rights of Persons with Disabilities, States should take particularly under consideration the specific requirements of women and girls with disabilities.

We would finally like to remind your Excellency's Government that Security Council resolution 2475 (2019) on the impact of armed conflict on persons with disabilities, urges all parties to armed conflict to take measures, in accordance with applicable international law obligations, to protect the rights of persons with disabilities in situations of armed conflict; to prevent all forms of violence and abuse against persons with disabilities in conflict and post-conflict situations; and to ensure their equal access to humanitarian assistance. The resolution especially calls upon all parties to armed conflicts to allow and facilitate safe, timely and unimpeded humanitarian access to all people in need of assistance as well as sustainable, timely, appropriate, inclusive and accessible assistance to civilians with disabilities affected by armed conflict, including reintegration, rehabilitation and psychosocial support, to ensure that their specific needs are effectively addressed, in particular those of women and children with disabilities. According to the resolution, States should also ensure that persons with disabilities have access to services during armed conflicts on an equal basis with others, including education, health care services, transportation, and information and communication technologies and systems.