

Mandates of the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and the Working Group on discrimination against women and girls

Ref.: AL ISR 21/2024
(Please use this reference in your reply)

18 October 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on violence against women and girls, its causes and consequences; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 50/7, 53/4, 50/6, 1993/2A and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the killing of Ms. Jumana Farid Mahmoud Arafa, her newborn twins, Aser and Aysel Muhammed Mahdi Abu al-Qumsan, and Ms. Arafa's mother, Ms. Reem Jamal al-Batrawi by the Israeli occupation forces.**

According to the information received:

On 13 August 2024, **Ms. Jumana Farid Mahmoud Arafa** was killed together with her newborn twins **Aser and Aysel Muhammed Mahdi Abu al-Qumsan**, and Ms. Arafa's mother, **Ms. Reem Jamal al-Batrawi**.

Ms. Jumana Farid Mahmoud Arafa, together with her mother and her husband, **Mr. Muhammed Mahdi Ibrahim Abu al-Qumsan** had been displaced as a result of the military assault on Gaza and were living in the Qastal Towers in the eastern part of Deir El-Balah in Gaza. Ms. Arafa was pregnant at the time with twins. On 10 August 2024, she gave birth to her twins via a C-section at the clinic of the International Medical Corps. Following the delivery, she returned home and was recovering in bed.

On 12 August 2024, Ms. Arafa's husband went to register the birth of his twins and obtain their birth certificates. He was told to come back the next day to collect them. On 13 August 2024, while he was following up on the birth certificates, he received a phone call informing him that the apartment where his wife, new-born babies, and mother-in-law were staying had been bombed, and that his wife, his newborn twins and his mother-in-law were now in al-Aqsa

His Excellency
Mr. Israel Katz
Minister for Foreign Affairs of the State of Israel

Martyrs Hospital. They had all been killed in the bombardment of their apartment by the Israeli occupation forces. According to the birth and death certificates of the newborn infants, they were only three days old when they were killed.

Ms. Arafa was a pharmacist. She was a civilian who had no connection to any military organisations or military activities. She was also not involved in any human rights or political work. Despite this, she appears, like many other deaths in Gaza in the past twelve months, to have been deliberately targeted by the Israel occupation forces. The apartment building in which the family was living was full of displaced families – who were civilians.

As of 14 October 2024, approximately 42,227 Palestinians have been killed in Israel's military assault on Gaza since October 2023. This includes 11,458 women and 16,891 children.

While we do not wish to prejudge the accuracy of these allegations, we see the killing of Ms. Arafa, her newborn twins and her mother as a violation of international humanitarian law and may constitute a grave violation of the right to life under Human Rights Law. These killings are not isolated incidents but appear to be part of a wider pattern of murder and unlawful targeting of civilians of extrajudicial killings and executions committed by the Israeli occupation forces of Palestinian civilians in Gaza since October 2023, as identified by the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel. In its report to Human Rights Council, the Commission stated that it had investigated cases in which the Israeli occupation forces “killed civilians who posed no threat, including holding white flags” (para. 46 of A/HRC/56/26). Already in [February 2024](#), a number of independent experts had written to the Government of Israel expressing their serious concern that “Palestinian women and girls have reportedly been arbitrarily executed in Gaza, often together with family members, including their children’, including “in places where they sought refuge, or while fleeing”.

In March this year, the undersigned Special Rapporteur on the oPt, who investigated the occupation forces assault on Gaza including after the International Court of Justice's first preliminary measures recognizing the plausibility of genocidal acts being committed, concluded that there were reasonable grounds to believe that at least three acts of genocide had been committed.

We note that despite these damning conclusions and three sets of provisional measures of the International Court of Justice, Israel has neither complied with them nor taken any visible measure to alleviate the burden of its assault on the civilian population.

We recall that the targeted and intentional killing of civilians represents a war crime in both international armed conflict and non-international armed conflict and may represent a crime against humanity when committed as part of a widespread, systematic, or planned attack directed against any civilian population.

We are particularly dismayed that Ms. Arafa, like dozens of women in Gaza since this latest assault on Gaza, had just given birth and was entitled to special protections afforded to pregnant and lactating mothers under international humanitarian law, as a matter of customary international law, the Fourth Geneva Convention and article 76 of the Additional Protocol I. As mentioned by the Commission of Inquiry, the “siege, hostilities and displacement have had a disproportionate impact on groups in vulnerable situations and their equal enjoyment of fundamental rights, including children and newborns, older persons, persons with disabilities, female-headed households and widows, mothers of young children, and pregnant and lactating women” (para. 55 of A/HRC/56/26). We express serious concern at the apparent targeting of civilians in violation of international law and extrajudicial killing of a woman, her infant twins, and her mother.

We would like to remind your Excellency’s Government, as the de facto occupying Power, that the unlawfulness of the occupation notwithstanding, your Government remains under international obligation to conduct - or allow the conduct of – an independent investigation, prosecution, and to punish all violations of the right to life. We urge your Excellency’s Government, as the de facto occupying power, in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.¹ Delay in ensuring accountability over this umpteenth killing, will further aggravate your Government’s record of a lack of compliance with international law.

Under international humanitarian law, parties to a conflict, whether international or non-international, are required to treat with particular care mothers of young children, especially nursing mothers. This applies, *inter alia*, to the provision of food, clothing, medical assistance, evacuation and transportation. We are alarmed that this obligation, found in the Fourth Geneva Convention and the Additional Protocol I, has been systematically breached, including in this case, with severe consequences on the life to mothers and their infant children.

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.

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 on the steps taken by your Excellency’s Government to ensure the prompt, impartial, independent, thorough and effective investigation of the killing of Ms. Jumana Farid Mahmoud Arafa, Mr. Aser Muhammed Mahdi Abu al-Qumsan, Ms. Aysel

¹ Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, 75 U.N.T.S. 287, article 38

Muhammed Mahdi Abu al-Qumsan, and Ms. Reem Jamal al-Batrawi, and the measures taken to hold perpetrators accountable and ensure full reparation to the family.

3. Please also provide information as to the current status, or, where available, the results of any such investigation, along with any domestic proceedings that have been initiated, and any outcomes.
4. If investigations are conducted into these killings, please inform if they are guided by international standards, including the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, commonly known as the Minnesota Protocol. If not, please explain why.
5. Please provide details on any measures taken to distinguish between civilian objects and military objectives and observe the prohibition on directing attacks against civilian objects, as required by international humanitarian law, and to prevent indiscriminate attacks on civilians and protected persons.
6. Please clarify what measures have been taken or are envisaged to provide protection and assistance to those displaced in Gaza including the steps taken to ensure access to justice for victims and accountability for attacks on displaced persons.

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 to clarify the issue/s in question.

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

Reem Alsalem

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

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

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

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

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

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 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.

In addition, 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 International Court of Justice 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 Israel.

The Genocide Convention, independently of the provisional measures order, creates obligations upon the state parties. 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](#)).

Right to life

The facts alleged, if proved correct, appear to be in contravention with the right to life protected under the international human rights law, specifically article 6 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Israel on 3 October 1991, as well as under international humanitarian law, as outlined in common article 3 of the Four Geneva Conventions, ratified by Israel on 6 July 1951.

In its general comment 36, paragraph 2, the Human Rights Committee notes that article 6 of the ICCPR recognizes and protects the right to life of all human beings, without derogation even in situations of armed conflict. Adding that the inherent right to life and its effective protection are prerequisites for the enjoyment of all other human rights. In addition, the Committee states in paragraph 64 that "[p]ractices inconsistent with international humanitarian law, entailing a risk to the lives of civilians and other persons protected by international humanitarian law, including the targeting of civilians, civilian objects and objects indispensable to the survival of the civilian population, indiscriminate attacks, failure to apply the principles of precaution and proportionality, and the use of human shields 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." A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR.

We would also like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. In general comment No. 31, the Human Rights Committee observed that there is a positive obligation on State Parties to ensure protection of Covenant rights of individuals against violations by their own security forces. Permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13). Furthermore, the Committee requires that "Investigations into allegations of violations of article 6 must always be independent, impartial, prompt, thorough, effective, credible and transparent" and that full reparation should be granted to victims. (general comment No. 36, para. 28), and insists that "Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations. Investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates." (para. 27).

In his report to the 50th session of the Human Rights Council (A/HRC/50/34, para. 80), the Special Rapporteur on extrajudicial, summary or arbitrary executions underlined that "The duty of States to investigate the cause and manner of any potentially unlawful death promptly, thoroughly, effectively, independently, impartially and transparently is integral to the right to life. The duty to investigate applies to all potentially unlawful deaths without distinction of any kind. States should ensure that medico-legal death investigations are conducted according to the principles and standards set out in the Minnesota Protocol on the Investigation of Potentially Unlawful Death."

Under International Humanitarian Law, willful killing and murder are used interchangeably and considered as grave breaches amounting to a war crime. All four Geneva Conventions list "willful killing" of protected persons as a grave breach. In addition, the prohibition of murder is recognized as a fundamental guarantee by Additional Protocols I and II. Murder is also specified as a war crime under the Statute of the International Criminal Court with respect to both international and non-international armed conflicts and under the Statutes of the International Criminal Tribunals for the former Yugoslavia and for Rwanda and of the Special Court for Sierra Leone.

Furthermore, it is a war crime to intentionally direct attacks against a civilian population or individual civilians not taking a direct part in hostilities in both international and non-international armed conflict. In addition, allegations concerning an attack against civilians must be investigated, and where there is sufficient evidence, persons responsible for the commission of the offence or ordering of the offence must be prosecuted, and full reparation should be granted for the loss suffered. (Additional protocol I arts. 48, 49, 50, 51, 52, 57, 58, 79; 85; additional protocol II art. 13.)

We would also like to recall that launching an intentional attack against medical personnel in the context of an international or non-international armed conflict is a war

crime, punishable under international humanitarian law and international criminal law (arts. 8.2.b.xxiv and 8.2.e.ii of the Rome Statute of the International Criminal Court).

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 International Humanitarian Law 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.

Furthermore, we emphasize the deep concerns of the Committee on the Rights of the Child “[t]hat children on both sides of the conflict continue to be killed and injured, children living in the OPT being disproportionately represented among the victims. The Committee expressed serious concerns that hundreds of Palestinian children have been killed and thousands injured over the reporting period as a result of the State party military operations, especially in Gaza where the State party proceeded to air and naval strikes on densely populated areas with a significant presence of children, thus disregarding the principles of proportionality and distinction” (CRC/C/ISR/CO/2-4, para. 25). We further reiterate the Committee on the Rights of the Child’s recommendations requiring the State of Israel to “take prompt measures to comply with the fundamental principles of proportionality and distinction enshrined in humanitarian law, including the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War , put an end to all killings and injuring of children, investigate immediately and effectively all such crimes, bring the perpetrators to justice and take all necessary measures to provide child victims of these human rights violations with possibilities for adequate compensation, recovery and social reintegration” (para. 26). In this regard we hereby also wish to remind about the provisions under the UN Declaration on the Protection of Women and Children in Emergency and Armed Conflict, proclaimed by General Assembly resolution 3318 (XXIX) of 14 December 1974.

Protection of the rights of women, including lactating women

We would also like to refer to the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which the State of Israel ratified on 3 October 1991, which calls on States to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions act in conformity with this obligation. Article 2 of the Convention also calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.

General recommendation No. 19 of the CEDAW Committee (1992) on violence against women defines gender-based violence as “violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.” We would also like to recall the CEDAW Committee’s general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, which calls on States parties to protect women’s

human rights at all times, advance substantive gender equality before, during and after conflict as well as to provide access to justice for victims of sexual violence (CEDAW/C/GC/30). Furthermore, in general recommendation No. 35 (2017) on gender-based violence against women, updating the general recommendation No. 19 (1992), the CEDAW Committee clarifies that the due diligence obligation underpins the Convention as a whole and that States parties will be held responsible should they fail to take all appropriate measures to prevent, as well as to investigate, prosecute, punish and provide reparations for, acts or omissions by non-State actors that result in gender-based violence against women (CEDAW/C/GC/35).

Due to their compounded vulnerabilities, international law mandates specific protections for pregnant and new women. Article 38 of Geneva Convention IV, ‘Pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned’.² Additionally, special state responsibilities are mandated for occupying powers. Article 50 of Geneva Convention IV which stipulates that ‘The Occupying Power shall not hinder the application of any preferential measures... which may have been adopted prior to the occupation in favour of children under fifteen years, *expectant mothers*, and mothers of children under seven years.’³

Reproductive rights are intrinsically linked to other rights. We herewith would like to remind your Excellency’s Government of the right to equality and non-discrimination as provided for in article 3 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and articles 2 and 3 of CEDAW. States are required to confront the different health needs of women and girls, including access to reproductive health services without legal or other restrictions,⁴ and/or discriminatory gender practices.⁵ Furthermore, the right to life contained in article 6 of the ICCPR entails a guarantee that women are able to survive pregnancy and childbirth by ensuring their access to adequate medical care (during and after pregnancy) as well as to emergency obstetric services.⁶ Similarly the right to health provided for in article 12 of the ICESCR requires the availability of acceptable and good quality reproductive health services, materials and facilities for all women, free from discrimination, violence and coercion.⁷

We also wish to recall that the Working Group on Discrimination against Women and Girls, in its report on sexual and reproductive health rights in crisis (A/HRC/47/38), acknowledged the widespread impunity for violations of the sexual

² Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, 75 U.N.T.S. 287, article 38

³ Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, 75 U.N.T.S. 287, article 50

⁴ See CESCR, general comment No. 16 (2005): The equal right of men and women to the enjoyment of all economic, social and cultural rights (article 3 of the International Covenant on Economic, Social and Cultural Rights), para. 29, UN Doc. E/C.12/2005/4 (2005).

⁵ See Committee of the Elimination of Discrimination against Women, general recommendation No. 28 (2010): The core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, para. 18 and 21, UN Doc. CEDAW/C/GC/28 (2010).

⁶ Human Rights Committee, general comment No. 36: Article 6 (Right to life), para. 8, UN Doc. CCPR/C/GC/36 (2018).

⁷ CESCR, general comment No. 14 (2000): The right to enjoy the highest attainable standard of health (article 12 of International Covenant on Economic, Social and Cultural Rights), para. 12, UN Doc. E/C.12/2000/4 (2000); CEDAW Committee, general recommendation No. 14: Women and Health, para. 2, UN Doc. A/54/38/ Rev. 1 (1999).

and reproductive health rights of women and girls and emphasized that women and girls are entitled to receive adequate reparations, including restitution, compensation, satisfaction, rehabilitation and guarantees of non-repetition, for violations of their sexual and reproductive health rights, and States have a core obligation to ensure access to effective and transparent reparations. The Working Group stressed that international human rights standards concerning sexual and reproductive health continue to apply during situations of crisis and States have the duty to continue to meet their core obligations. International human rights obligations concerning sexual and reproductive health rights are complementary to those in international humanitarian, refugee and criminal law. It also underscored that women and girls continue to face a variety of barriers to access to justice in situations of crisis, from the lack of recognition of the harm caused to them as being a violation of human rights to the absence of procedures and formal mechanisms. Moreover, we recall that UN experts have urged Israel, as the occupying power, to fulfil its duty to prevent and protect women and girls

Protection of the rights of persons forcibly displaced in the occupied territories

We recall that individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited under article 49 of the Fourth Geneva Convention, regardless of their motive. Article 49 permits the occupying Power to carry out total or partial evacuation of protected persons under very narrow circumstances, where "...the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased." We wish to further recall that according to article 49 of the said Convention, the Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are affected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

We also remind your Excellency's Government of the Guiding Principles on Internal Displacement, which recognize, inter alia, the right of everyone "to be protected against being arbitrarily displaced from his or her home or place of habitual residence". Guiding principle 7(1) establishes that "Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether". Guiding principle 7(2) also stipulates that "The authorities undertaking such displacement shall ensure to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated"; and guiding principle 7(3) states that "(b) adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation; (c) the free and informed consent of those to be displaced shall be sought; (d) The authorities concerned shall endeavor to involve those affected, particularly women in the planning and management of their relocation; (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities shall be respected". Guiding

principle 9 further provides that “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.” This is particularly relevant, given the status of Palestinians as protected persons under the Israeli occupation. Authorities are also under an obligation to protect the right to life of internally displaced persons, including through protecting them against genocide, murder, and summary or arbitrary executions, and attacks against internally displaced persons who do not participate in hostilities (principle 10). The principal duty and responsibility for providing humanitarian assistance lies with national authorities, who must grant the free passage of humanitarian assistance (principle 25). Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected and shall not be the object of attack or other acts of violence (principle 26).

Protection of children’s rights, including the right to life

As pointed out by the Special Rapporteur on the oPt in her report to the General Assembly of the UN (A/78/545), the Convention on the Rights of the Child, including the Optional Protocol on the Involvement of Children in Armed Conflict, establishes the most comprehensive framework for safeguarding children’s rights. The Convention, ratified by Israel in 1991 and the State of Palestine in 2014, is applicable in the OPT. Signatories must respect, protect, and fulfil the rights of children within their jurisdiction or subject to their effective control. The State of Palestine’s accession to the Convention and other international human rights treaties does not absolve the Israeli occupying authorities of their responsibilities toward Palestinian children under occupation. The Convention is a vital instrument for promoting and defending the rights and dignity of every child. It enshrines four guiding principles underpinning all other rights: the principle of non-discrimination, the principle of safeguarding the best interests of the child, the right to life that spans from survival to development, and the right to participate in decisions and actions that affect them. The Convention shields them from discrimination, exploitation, ill-treatment, and violence. It ensures access to education, healthcare, and a nurturing environment conducive to their physical, mental, and emotional growth. It affords special psychosocial support to children exposed to abuse, neglect or armed conflict.

Article 6 of the Convention on the Rights of the Child, which the State of Israel ratified on 3 October 1991, recognises the inherent right of every child to life (art. 6(1)) and establishes the obligations upon States to ensure to the maximum extent possible the survival of the child (art. 6(2)). Article 37 (a) and (b) protects children against any act of torture or other cruel, inhuman, or degrading treatment or permanent punishment, as well as against unlawful and arbitrary deprivation of liberty. It further upholds the right of the child to preserve his or her identity, name, and family relations as recognized by law without interference (art 8.1), as well as not to be separated from his or her parents against their will (art 9.1). We also refer to the general comment No. 13 (2011) of the Committee on the Rights of the Child on the right of the child to freedom from all forms of violence, and reference non- exhaustively further articles 19, 20 and 24.

Furthermore, under international humanitarian law, article 77 of the additional protocol I to the Four Geneva Conventions establishes that in addition to the general

protection as members of the civilian population, children shall be the object of special respect against the effects of warfare.

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 International Humanitarian Law 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.⁸ 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)).

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.

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