

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

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(Please use this reference in your reply)

22 November 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 52/9, 51/21 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the urgent need for medical evacuation of journalist Fadi Al-Wahidi**, who was severely injured in Gaza and is currently unable to receive the medical care needed to treat his life-threatening condition.

According to the information received:

On 9 October 2024, Fadi Al-Wahidi, a cameraman for Al Jazeera, was shot in the neck while covering the situation in the Jabalia refugee camp. This serious wound has resulted in paralysis and severe neurological and respiratory issues. Despite the grave nature of his injuries, reports indicate that Israeli authorities have continuously denied requests for his medical evacuation.

The collapse of medical facilities in Gaza entails that Mr. Al-Wahidi has not been able to receive the medical care needed to treat his life-threatening condition. The medical team on the ground has requested the urgent transfer of the journalist out of the Gaza Strip. Persons associated with him have requested his transfer to Amman, Jordan, to receive the urgently needed adequate medical care.

Despite appeals from the doctors, the family and several press and journalists' organizations, the permission for the evacuation of Mr. Al Wahidi has not been granted up to date.

On 20 November 2024, Ali Al-Attar, also a cameraman for Al Jazeera, was finally evacuated from Gaza to Amman, Jordan. The medical requests to transfer him had also been repeatedly denied, despite the deterioration of his health due to the lack of availability of adequate medical treatment for his condition in Gaza. Mr. Al-Attar had been severely injured by shrapnel in an Israeli airstrike in Deir al-Balah, Gaza, on 7 October 2024. He has sustained a cerebral haemorrhage, causing ongoing convulsions and severe damage to his nervous system.

While we do not wish to prejudge the accuracy of the above information or formulate a conclusion on the allegations, we express our most serious concern at the life-threatening condition of Mr. Al-Wahidi and the alleged repeated rejection of the requests for his medical evacuation.

We appeal to your Excellency's Government to allow for the medical evacuation of Fadi Al-Wahidi as a humanitarian imperative.

We welcome that Ali Al-Attar's evacuation has finally been authorized and taken place recently, although we regret the long delay in enabling it, including several rejections of the requests for his transfer, which hindered the provision of adequate medical treatment.

We emphasize everyone's right to receive urgent medical care under international law, including international humanitarian law and international human rights law.

We recall that the right to life is a norm of *jus cogens* and customary international law applicable at all times and under all circumstances, and that States have the obligations to promote, protect, and respect the human rights of all individuals, particularly the foundational right to life upon which all other human rights are dependent. We also recall the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, without any kind of discrimination, as set forth in international law, including articles 2.2 and 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by Israel on 3 October 1991.

Additionally, we refer to the right to freedom of opinion and expression, guaranteed by Article 19 of the International Covenant on Civil and Political Rights, which includes the right to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media and protects the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output as one of its core elements.

The Human Rights Committee has asserted that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression and vigorously investigate such attacks in a timely fashion (CCPR/C/GC/34, para. 23).

In view of the urgency of the matter, we would appreciate an urgent response on the part of your Excellency's Government to safeguard the rights of Mr. Al-Wahidi in compliance with international law.

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 also be grateful for your observations on the following matters:

1. Please provide any additional information you may have on the above-mentioned allegations.

2. Please indicate the measures taken to ensure that Mr. Fadi Al-Wahidi is able to receive adequate, urgently needed medical care for his life-threatening medical condition.
3. Please provide information on the measures taken by your Excellency's Government to enable the medical evacuation of Mr. Al-Wahidi in an urgent manner, and if not, please indicate the reasons.
4. Please inform of steps taken to ensure access to essential healthcare services within Gaza during the hostilities, including access to doctors and other healthcare workers.
5. Please inform if the Government of Israel has undertaken or intends to undertake or would facilitate an independent, impartial, and transparent investigation into the above-referenced incident.

While awaiting a reply, we urge that all necessary interim measures be taken urgently to ensure adequate medical care and attention for Mr. Al-Wahidi as well as to take all the necessary measures to enable his medical evacuation.

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.

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.

Please be informed that a copy of this letter has been sent to the State of Palestine.

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

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

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

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