

Mandates of the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; 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 situation of human rights defenders; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; the Working Group on the rights of peasants and other people working in rural areas and the Special Rapporteur on the human rights to safe drinking water and sanitation

Ref.: AL ISR 25/2024
(Please use this reference in your reply)

9 January 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur in the field of cultural rights; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right to food; 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 situation of human rights defenders; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; Working Group on the rights of peasants and other people working in rural areas and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 50/6, 55/5, 53/4, 49/13, 52/10, 52/4, 1993/2A, 54/9 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged human rights violations and abuses committed against Palestinian pastoralist communities with the clear intention to forcibly displace them from their places of residence and agricultural and grazing lands across the West Bank, including East Jerusalem. This continues to happen despite this being in violation of the IV Geneva Convention, article 49 and Hague Regulations, articles 46, 52 and 55, and Israel's obligation, as the occupying Power, to withdraw the occupation, dismantle the colonies and end henceforth the exploitation of Palestinian natural resources, as ascertained in the Advisory Opinion rendered by the International Court of Justice on 19 July 2024.

According to the information received:

Israeli settlers have allegedly engaged in a pattern of violently coercing and intimidating Palestinian communities across the West Bank, including East Jerusalem leading to the forced displacement of these communities from their places of residence and agricultural and grazing lands to which they have legal rights. Settler violence has been abetted by Israeli security forces, who reportedly fail to prevent or respond to this violence or hold perpetrators accountable, and have been alleged to actively participate in some of these incidents.

Additionally, the Israeli authorities have dramatically expanded demolitions and destructions of Palestinian homes and structures for punitive reasons, in the context of military operations, or because these homes are alleged to lack Israeli-issued building permits which are exceedingly difficult for most Palestinians to obtain in practice. These demolitions have been coupled with physical and bureaucratic access restrictions imposed by Israeli authorities that prevent the free movement of Palestinians within the West Bank and have led to further displacement.

These actions have escalated dramatically since 7 October 2023. Overall in the West Bank approximately 6,810 Palestinians have been displaced, including 1,743 in the context of settler violence and access restrictions, 3,170 by Israeli military operations, and 1,897 due to lack of permit or punitive demolitions as of 1 December 2024. Over 2,000 Palestinian structures have been demolished, including over 1,000 residential structures and 738 structures necessary for agricultural and livelihood activities within the same period.

Palestinian herding community in Umm-Al-Jamal in the Ein Al Hilweh, Tubas Governorate:

On 16 and 17 August 2024, 14 Palestinian herding families - consisting of approximately 45 people including 25 children - were forcibly requested to dismantle their tents and leave their land in Umm-Al-Jamal in the Ein Al Hilweh area of Tubas Governorate in the north-eastern West Bank. According to the information received, the families have had a rental agreement for use of the lands, owned by a local church for the past 25 years. While seasonal transhumance is a part of these communities' traditional livelihoods, this movement appears to have been an act of forcible displacement, prompted by the establishment of a new outpost by Israeli settlers on 12 August. Settlers established an outpost from which they began harassing the Palestinian herding families through approaching their homes and tents at night and using bright lights to disorient them, among other tactics. Five of the families normally resident in the Umm-Al-Jamal community fled the location when the outpost was established and the harassment began, while others were engaged in seasonal transhumance and returned to Umm-Al-Jamal to dismantle their tents and settle permanently elsewhere after hearing of the situation. One individual remained in Umm al-Jamal until 16 September, when they decided to leave the area due to the daily harassment by the settlers and Israeli Forces. The community now stands empty of Palestinians.

The families have reportedly relocated permanently to Tayasir and Izbiq, which raises concerns of forcible transfer given the coercive circumstances under which they moved. The families have relocated to relatively close areas, however these areas are urban areas or at the edge of urban areas and will not allow the community to maintain their ancestral lifestyle. The move will also compromise their access to grazing space and thus their livelihood. Reportedly, the transfer of this specific community is not isolated and should be placed in the context of efforts, by Israeli settlers and by Israeli authorities, to expel all Palestinian herding and farming communities from Area C, which Israel has overtly expressed sovereignty claims. Such attempts have greatly

intensified since 7 October 2023 and raise concerns of efforts to re-engineer the population around ethnic lines.

Palestinian herding community in Al Farisiya-Nab'a al Ghazal, Tubas Governorate:

The Palestinian herding community of Al Farisiya-Nab'a al Ghazal, also located in Tubas Governorate in the north-eastern West Bank is also at risk of forced displacement. The community, comprised of between four and eight Palestinian families, has reported a significant escalation in threats, harassment, and violence from Israeli settlers from the nearby illegal settlement of Rotem since October 2023. Such incidents have reportedly included stabbings, beatings, the use of electric shocks, stone-throwing, field arson, home invasions, intimidation of children, and threats of murder. Other Palestinian communities in the Al-Farsiya area, including those of Al Farsiya-Khallet Khader and Al Farisiya-al Ihmayyer are targeted during their seasonal transhumance. These communities leave their tents behind during seasonal migrations with their herds and have faced the theft of their tents and related infrastructure while away with their herds. While the communities have set up a system to guard their tents in their absence, they will not fully be able to assess the situation until their return from seasonal migration.

Communities in the Al Farsiya area have also reportedly faced expanded restrictions on their housing, land and property rights. Members of these communities privately own the land where their homes are, however, the surrounding lands once used for grazing have been marked by settlers with Israeli flags and are now off limits for Palestinians. Official restrictions such as exclusive allocations of grazing lands to Israeli settlers, the designation of military zones accessible only to those with Israel identifications, and the designation of nature reserves further curtail the grazing lands available to Palestinian pastoralists. Access to water is also an issue, as communities historically relied on natural springs which have now been fenced off for public use. Water is distributed at a military checkpoint which is meant to remain open for four hours per day but is reportedly often closed leaving pastoralists to face long wait times.

Settler violence and harassment is alleged to be enabled by the actions of Israeli security forces, including the military and police, who do not intervene to curtail settler violence or hold perpetrators accountable. Reportedly, no Israeli settler in the area has been arrested or charged with any crimes. Furthermore, security forces are reported to disproportionately enforce restrictions on the use of local grazing lands by Palestinians, arbitrarily detain Palestinians for prolonged periods, and carry out arbitrary seizures of their property, including the confiscation of livestock, tractors and vehicles. Given the violence, crimes, threats, and harassment communities in Al Farsiya are currently facing, they are at imminent risk of forced displacement. Such a displacement could amount to forcible transfer, given the highly coercive circumstances under which these communities are living. Palestinian shepherds and their families feel under immense pressure to relocate in the absence of effective access to protection, restitution or remedy. Many of these

communities have been displaced multiple times since 1948.

Palestinian communities in the vicinity of Hebron, Ramallah, and East Jerusalem:

Between 7 October and 20 November 2024, at least 143 households and 1,014 people, including 388 children, from at least 15 herding communities of the south Hebron Hills, the Jordan Valley and in herding areas east of Ramallah, were displaced due to settler violence and access restrictions. Settler attacks have reportedly further increased against Palestinian herding and farming communities throughout the West Bank, as settlers take advantage of the political and security atmosphere to accelerate the displacement of these communities from their homes and expanding Israel's effective control over Area C of the West Bank.

Other reported incidents include the forced displacement of all 12 remaining Palestinian families in the Al-Ganoub community in Hebron between 9 and 30 October, the forced displacement on 12 October of the community of Wadi Al Seeq in Ramallah, comprising at least 30 families and 142 persons including 40 children, and the forced displacement on 8 and 30 October of the community of Hizma in East Jerusalem comprising two families totaling 17 Palestinians. In each case, settlers escalated the use of violence to force communities from their homes, destroying homes and stealing livestock while threatening Palestinians with firearms.

On 12 December 2024, Israeli security forces reportedly demolished eight partially-constructed building slated for residential use in the Al Malha natural reserve in Bethlehem, where Israeli civil authorities took over management of the reserve from the Palestinian Authority under military order in July 2024. On 16 December 2024, Israeli authorities carried out mass demolitions of Palestinian property in Hebron and East Jerusalem citing lack of permits. This reportedly included demolition of six homes in Anata town near East Jerusalem, demolition of commercial structures which contained 50 Palestinian-owned businesses in Hebron, and demolition of nine homes and two additional structures in the Al Bustan area of Al Silwan in East Jerusalem, displacing at least 31 Palestinians. The entire Al Bustan area, including 100 buildings, is slated for demolition, which could displace as many as 1,500 Palestinians.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern for the Palestinian civilians across the West Bank and east Jerusalem displaced or at risk of displacement by settler violence, demolitions, and access restrictions, which gravely impacts their rights to life, safety, housing, food, water, land, and to maintain, develop and express their identity and ways of life. All the more, this contributes to irreparably frustrate Palestinians' right to self-determination, which Palestinians, by international law and consensus, have the exclusive right to exercise in the entirety of the occupied Palestinian territory.

While we have cited a few specific examples in this communication, we wish to express that these attacks appears to be part of a systemic and widespread pattern of

intimidation, threats, including of death, harassment, and attacks against Palestinian communities and their housing, land and property in the West Bank, coupled with State-imposed measures that facilitate the transfer of Israeli civilians into the occupied West Bank and east Jerusalem, leading to permanent changes in the demographic composition of affected areas. We wish to recall that both the forcible transfer of the civilian population of an occupied territory and the transfer of an Occupying Power's civilian population into an occupied territory are grave violations of the Fourth Geneva Convention, and constitute war crimes under the Rome Statute. In the context of the 15 month long military assault that Israel has launched against Gaza, this can also be seen as part and parcel of a genocidal conduct aimed at destroying Palestinian presence in what remains of their ancestral land. This may be soon considered in the context of the legal proceedings pending before the International Court of Justice and the International Criminal Court against Israel and Israeli leaders.

We are further seriously disturbed by reports that Israeli authorities have failed to take appropriate actions to prevent and respond to the construction of illegal settlements and to incidents of settler violence, including which endanger their fundamental right to life, and hold perpetrators accountable. We are concerned that when coupled with policy measures that have increased demolitions of Palestinian structures while simplifying the process for Israeli settlement construction, extended municipal services to illegal settlements, and transferred land administration powers for the West Bank from the military to civilian authorities, these acts and omissions by Israel authorities may amount to an attempt to extend Israel's application of sovereignty to the West Bank and incorporate the West Bank into the territory of Israel, an act that would constitute annexation in violation of international humanitarian law and the Rome Statute as well as the United Nations Charter. The loss of the agricultural and communal land will result in the Indigenous Peoples' displacement, leading to their physical displacement and the disintegration of the community will imminently follow.

We remind your Excellency's Government that as long it remains the occupying Power in the occupied Palestinian territory, it is obliged to undertake measures to protect communities facing displacement, as well as those engaging in the defense of their rights, livelihoods and territories, curb illegal settlement activities, including threats to their life, ensure these violations are impartially and comprehensively investigated by independent bodies, hold perpetrators accountable, and ensure access to justice, remedy, and reparations for victims of forced displacement and other human rights violations. Failing to do so could also constitute a serious impediment to the realization of the right to self-determination in line with the determination of the World Court.

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 measures taken by your Government, pending an end to Israel's unlawful presence in the Occupied Palestinian Territory as mandated by the International Court of Justice, to ensure compliance with the Guiding Principles on Internal Displacement and the prohibition of forced and arbitrary displacement of any individual.
3. Please provide information on the measures undertaken or envisaged to prevent further arbitrary displacement, and provide protection and assistance to internally displaced persons during their displacement, investigate violations of their rights, and ensure accountability for perpetrators and remedy to victims, and facilitate durable solutions to their displacement.
4. Please provide information on the measures undertaken or envisaged to ensure the housing, land, and property rights as well as cultural rights, the right to food and the right to safe drinking water and sanitation of Palestinians in all areas of the West Bank impacted by settler violence, as well as the protection of those engaging in the defense of the rights of the communities. Please inform on the measures taken to document violations thereof, ensure accountability for perpetrators, and provide appropriate compensation, restitution, reparations and remedy for those affected.
5. Please provide information on any measures taken to prevent and respond to forced displacement, and to support durable solutions for internally displaced persons. In particular, please provide information on measures envisaged to provide shelter and access to adequate food and to safe drinking water and sanitation for internally displaced persons.
6. Please provide information on measures taken or envisaged to ensure access to humanitarian assistance to civilians in need, including internally displaced persons, and to facilitate rapid and unimpeded access by humanitarian actors to populations in need.
7. Please describe measures taken or envisaged to ensure that Palestinian communities in the West Bank and east Jerusalem impacted by settler violence, demolitions, and access restrictions are afforded the protections required by the Fourth Geneva Convention, particularly in relation to forcible transfer , pending an end to Israel's unlawful presence in the Occupied Palestinian Territory as mandated by the International Court of Justice.
8. Please provide detailed information on concrete measures taken or envisaged to protect the right to life of Palestinian communities in the West Bank and east Jerusalem, and to prevent their arbitrary

deprivation of life, including through ensuring prompt, thorough, complete, independent, impartial and transparent investigation into all allegations of threats/violations of their right to life.

9. 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. Bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible.
 - b. 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 the demographic composition of any parts of the territory.
 - c. 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.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

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

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

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Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Michael Fakhri
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standard of living, and on the right to non-discrimination in this context

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to refer to article 3 of the Universal Declaration of Human Rights which provides that every individual has the right to life, liberty and security of the person. The right to life constitutes a jus cogens, peremptory norm from which no derogation is permitted. It applies at all times including during armed conflicts. We further highlight that an integral part of the right to life is the conduct of thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. We would also refer to article 12 of the UDHR recognizing the right of everyone not to be subjected to arbitrary interference with his or her privacy, family, home or correspondence in connection with the above alleged facts and concerns.

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.

We would like to recall that under article 49 of the Fourth Geneva Convention, ratified by Israel on 6 July 1951, individual or mass forcible transfers of protected persons by the Occupying Power are prohibited, as is the transfer by the Occupying Power of its own civilian population into the territory it occupies. Forcible transfer is defined as a war crime and a crime against humanity in the Rome Statute. “Forcible” in the context of the Rome Statute has been interpreted as not solely restricted to physical force, and may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment. The applicability of the 1949 Fourth Geneva Convention to the situation in the occupied Palestinian territory has been the subject of consecutive legal affirmation (see the ICJ Advisory Opinion on the Wall 2004) as well as political affirmation (including through UNGA res A/RES/76/82 of 9 December 2021). We wish to further recall that article 53 prohibits “[a]ny destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations” except “where such destruction is rendered absolutely necessary by military operations”.

We remind your Excellency’s Government that 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 Court further reaffirmed “that the Israeli settlements in the West Bank and East Jerusalem, and the régime associated with them, have been established and are being maintained in violation of international law (see *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004 (I), p. 184, para. 120).” The Court also noted “with grave concern reports that Israel’s settlement policy has been expanding since the Court’s Wall Advisory Opinion. In particular, in December 2022 Israel’s parliament approved the establishment of an additional minister within the Ministry of Defense vested with governing powers in the West Bank, including land designations, planning and co-ordination of demolitions, which would expedite the approval process for new settlements.”

The Court determined that Israel’s “policies and practices amount to annexation of large parts of the Occupied Palestinian Territory” and recalled that “to seek to acquire sovereignty over an occupied territory, as shown by the policies and practices adopted by Israel in East Jerusalem and the West Bank, is contrary to the prohibition of the use of force in international relations and its corollary principle of the non-acquisition of territory by force.” Among the policies and practices cited by the Court in its determination that Israel’s actions constitute annexation was “the displacement of the local population from the occupied territory, which sustains Israel’s settlement policy, also advances the integration of the territory.” The Court clarified that “Israel’s policies and practices induce the departure of the Palestinian population from parts of the Occupied Palestinian Territory, notably from East Jerusalem and Area C in the West Bank. This, in turn, enables the further expansion of Israel’s settlement policy and the ready integration of Palestinian territory into Israel.”

The ICJ observed that “almost the entire Area C has been allocated to settlements, or it has been designated as closed military zones and nature reserves. While these areas are accessible to all settlers and holders of an entry permit to Israel, including non-Israeli Jews, Palestinians in the Occupied Palestinian Territory require a special permit to access them” and that this and other legislation and measures served to maintain a near-complete separation in the West Bank and East Jerusalem between the settler and Palestinian communities” which it determined to constitute a breach of article 3 of CERD.

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.

The International Court of Justice mandates Israel to terminate its occupation, dismantle settlements, provide reparations to Palestinian victims, and facilitate the return of displaced people.

We would also like to refer to the 1998 Guiding Principles on Internal Displacement, which establish the need to respect and ensure respect for international human rights law to prevent and avoid conditions that might lead to the displacement of persons (principle 5). We moreover stress that according to the Guiding Principles, every human being shall have the right to be protected against being arbitrarily displaced from his or her home, including situations of armed conflict and based on policies resulting in altering the ethnic or religious composition of a population (principle 6). 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.

Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects (principle 7(1)). 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 (principle 7(1)). If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with: (a) A specific decision shall be taken by a State authority empowered by law to order such measures; (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 endeavour to involve those affected, particularly women, in the planning and management of their relocation; (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected (principle 7(3)).

Displacement should not be carried out in a manner that violates the right to life, dignity, liberty, and security of the displaced (principle 8). Indigenous peoples and minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands should be particularly protected from displacement (principle 9). Every human being has the right to dignity and physical, mental and moral integrity. (Principle 11).

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 would like to refer your Excellency's Government to article 15 paragraph 1(a) of International Covenant on Economic, Social and Cultural Rights (ICESCR), which Israel ratified on 3 October 1991, recognizing the right of everyone to take part in cultural life. Under this provision, States Parties have also undertaken to respect the enjoyment and development of cultural practices and respect the freedom indispensable for creative activity. In its 2009 general comment 21 (E/C.12/GC/21), the Committee on Economic, Social and Cultural Rights stressed that States must refrain from interfering with the exercise of and the access to cultural practices, goods and services. The obligation of States to fulfil this right requires them to take appropriate legislative, administrative, judicial, budgetary, promotional and other measures aimed at the full realization of the right for everyone. It also recalled the right of everyone not to be subjected to any form of discrimination based on cultural identity, exclusion or forced assimilation, to express their cultural identity freely, to exercise their cultural practices and way of life and to access to their own cultural and linguistic heritage and to that of others. States parties should consequently ensure that their legislation does not impair the enjoyment of these rights through direct or indirect discrimination (E/C.12/GC/21, paragraphs 44, 48, 49).

ICESCR requires States to "take appropriate steps to ensure the realization of the right to food" (article 11.1). While article 11(1) is subjected to progressive realization to the maximum of States available resources, article 11(2), provides "the fundamental right to freedom from hunger and malnutrition", which is of immediate application. In interpreting this provision, 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). Thus, the right to food entails both economic and physical accessibility of food, as well as the sustainability of food access for both present and future generations (para. 7). Additionally general comment 12 further underlines, the obligations to respect existing access to adequate food requires State parties and to refrain from taking any pressures that result in preventing such access. The obligation to protect requires measures by the state to ensure that enterprises or individuals do not deprive individuals 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 in order to ensure their food security (para. 15.) Whenever an

individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly.

General comment No. 36 on the right to life adopted by the Human Rights Committee states that measures called for addressing adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food. The Human Rights Committee recognized that the right to life should not be interpreted narrowly, noting that it places not only negative obligations on States but also positive obligations to ensure access to the basic conditions necessary to sustain life. It has affirmed that measures that restrict access to basic and life-saving services, such as food, are contrary to article 6 of ICCPR that protects the right to life. Furthermore, the Committee indicated that the obligation to respect the right to life entails the duty to refrain from engaging in conduct resulting in arbitrary deprivation of life and to exercise due diligence to protect the lives of individuals against deprivations even if caused by persons or entities not attributable to the State. This absolute and non-derogable obligation to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life.

We remind your Excellency's Government that all potential violations of the right to life, as outlined in article 6 of the ICCPR, should be investigated when appropriate ex officio and the Government should support and cooperate in good faith with international mechanisms of investigation and prosecutions addressing these potential violations in an independent, impartial, prompt, thorough, effective, credible, and transparent manner, in compliance with the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016).

We further wish to draw the attention of your Excellency's Government to CESCR's general comment No. 26 on land and economic, social and cultural rights, which emphasizes the essential role of land in the realization of a range of rights under ICESCR. In fact, the secure and equitable access to, use of and control over land for individuals and communities can be essential to eradicate hunger and poverty and to guarantee the right to an adequate standard of living, including the right to food and to adequate housing, as housing is often built on land used for the purpose of food production. Without such access, people could be subject to displacement and forced eviction, which could violate their right to adequate housing. Additionally, the Committee underlines that agrarian reform is an important measure to fulfil such rights, as more equitable distribution of land through agrarian reform can have a significant impact on poverty reduction and improve food security, since it makes food more available and affordable, providing a buffer against external shocks (para. 36). Such redistribution of land and agrarian reforms should focus particularly on the access to land of young people, women, communities facing racial and descent-based discrimination and others belonging to marginalized groups, and should respect and protect the collective and customary tenure of land. Therefore, States parties shall put in place laws and policies that allow for the recognition of informal tenure through participatory, gender-sensitive processes, paying particular attention to tenant farmers, peasants and other small-scale food producers (para. 39).

In its general comment No. 4, the Committee on Economic, Social and Cultural Rights has stated that the right to housing should not be interpreted in a narrow or restrictive sense by assigning to it a meaning of “merely having a roof over one’s head”, but it should rather be seen as the right to live somewhere in security, peace and dignity. The Committee has also underscored the State’s obligation to ensure security of tenure and legal protection against forced eviction, harassment, and other threats, “notwithstanding the type of tenure”, including (as the Committee has stated) “owner-occupation, emergency housing and informal settlements, including occupation of land or property” (paragraphs 7 and 8). In its general comment No. 7, the Committee concluded that forced evictions are “prima facie incompatible with the requirements of the Covenant” and are performed “against the will of individuals families and/or communities” and “without the provision of, and access to, appropriate forms of legal or other protection” (general comment No. 7, paragraphs 1 and 3). Hence, forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions. Paragraph 15 of the same general comment provides that if an eviction is to take place, procedural protections are essential, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. Under no circumstances should evictions result in homelessness nor vulnerability to the violation of other human rights (paragraph 16), and the State party must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available to affected individuals, where they are unable to provide for themselves. We wish to underscore that, notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. Furthermore, evictions are only legitimate under international human rights law if they strictly comply with the Basic Principles and Guidelines on development-based Evictions and Displacement (A/HRC/4/18, annex).

Moreover, we wish to underscore that the systematic or widespread destruction of housing, including of informal settlements, may amount to “domicide” if they form part of an attack directed against any civilian population. In the report on the right to adequate housing during violent conflict, the Special Rapporteur on the right to adequate housing established that the deliberate destruction of homes may also constitute a crime against humanity (A/77/190). He also called upon States to establish and enhance “participation mechanisms for affected communities and victims of housing rights violations, including ethnic or religious minorities” in order to “understand and address their distinct and unique vulnerabilities and risks.” He also called upon government officials and military and security forces to ensure that their actions “are compliant with international humanitarian law, international human rights law and international criminal law.”

In addition to the above, we would like to recall another report by the Special Rapporteur on the right to adequate housing on spatial segregation (A/HRC/49/48) in which the Special Rapporteur called upon States to “refrain and desist from actively pursuing segregationist policies and practices, resulting in the violation of the right to

adequate housing and the prohibition of discrimination.”

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 this regard, we would like to refer to the Special Rapporteur on the human rights to water and sanitation report, A/HRC/51/24, in which he recommended Member States to recognize in national legislation the existence of Indigenous Peoples within their borders and their collective rights to lands, territories and natural resources, including aquatic ecosystems, with legal communal ownership of the lands, resources and water rights in their territories.

In December 2018, the General Assembly adopted the United Nations Declaration on the Rights of Peasants (UNDROP). Article 6 of UNDROP guarantees peasants and other people working in rural areas the right to life, liberty, and personal security. This includes protection from violence, harassment, intimidation, and arbitrary detention, particularly when defending their rights, land, and resources. States are obligated to take measures to prevent and punish violence against peasants, including actions by private actors such as corporations or landowners. States must also ensure that peasants can safely exercise their human rights, including their right to peaceful protest, without fear of retaliation. In partnership with rural communities, states should adopt legal frameworks and policies that safeguard personal security and uphold the rule of law, ensuring that peasants and rural workers live free from threats and can fully participate in society. These protections are crucial to maintaining the dignity and safety of rural populations as they engage in the defence of their livelihoods and territories.

In addition, article 15 of UNDROP affirms the right of peasants and other people working in rural areas to land, water, and other natural resources essential for their livelihoods. This includes the right to access, use, and manage these resources sustainably and equitably, based on traditional practices and in ways that preserve the environment for future generations. States are obligated to protect these rights by ensuring that peasants are not arbitrarily deprived of their land or resources, preventing land grabbing, and promoting equitable land distribution. Article 15 also calls on states to respect customary land tenure systems, recognize collective land ownership, and provide legal protection against forced evictions and displacements. Additionally, states must support peasants in their efforts to sustainably manage natural resources, ensuring that land and resource policies align with the principles of

equity, sustainability, and human rights. By securing access to land and resources, article 15 aims to promote rural development, food security, and the environmental stewardship of rural communities.

We further wish to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. In addition, article 12 provides that states “shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.