

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the human rights of internally displaced persons; the Independent expert on the promotion of a democratic and equitable international order; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on the human rights to safe drinking water and sanitation

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30 January 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the human rights of internally displaced persons; Independent expert on the promotion of a democratic and equitable international order; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 53/4, 52/9, 50/17, 51/21, 50/6, 57/7, 1993/2A, 49/10 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning three main issues: (i) **the recent tensions and violent raids by the Palestinian Security Forces in the occupied West Bank that started on 5 December 2024 in Jenin Refugee Camp, and which has resulted in the killing of at least 9 Palestinians, including a young female journalist**, (ii) **the impact of the curfew and hostilities on the residents in Jenin Refugee Camp** and (iii) **the restriction of freedom of expression and ban of Al Jazeera in the Occupied Palestinian Territory**.

According to the information received:

Crackdown on Jenin Refugee Camp and across the Occupied West Bank

On 5 December 2024, Palestinian security forces (PSF) carried out a raid in Jenin Refugee Camp, arrested seven young Palestinian men, including five members of one family, and confiscated one of their vehicles. The raid allegedly came after members of the so-called Jenin Brigade seized two vehicles belonging to institutions of the Palestinian Authorities, to protest the recent arrest by PSF of four Palestinian men. This led to the PSF began the raid in the city of Jenin to "put an end to sedition and chaos," said a spokesman for the authority's security services.

Reportedly, the raid started in the morning and continued through the evening with PSF blocking entrances to the Jenin Refugee Camp, operating a surveillance drone, and sporadically exchanging fire with armed Palestinians men. In addition, PSF reportedly stormed the Jenin Governmental Hospital in search of wanted people, who they reportedly did not find.

Following this confrontation, similar incidents have taken place that have led to the killing of civilians. For instance, on 9 December, the PSF shot two unarmed Palestinians while riding a motorbike, according to video evidence and eyewitnesses. A 19-year-old young man, and his 15-year-old cousins were reportedly on their way to deliver food from their family's coffee place to a nearby neighbourhood when they were stopped by an armoured PSF vehicle. Video footage shows the young man raising both hands, but shots from inside the vehicle killed him and injured his 15-year-old cousin in the head.

On 10 December 2024, clashes between PSF and armed Palestinian groups spread from Jenin to Tubas and Tulkarem. In Tubas, the PSF deployed in the streets in response to Palestinians blocking the main street in solidarity with Jenin Refugee Camp. Local media reported that PSF armored vehicles and military jeeps were stationed in the city. Additionally, it was reported that Tulkarem witnessed an exchange of gunfire between PSF and armed Palestinian groups.

As a result of the clashes between the PSF, armed Palestinian groups and civilians, 14 Palestinians have been killed, most of them unarmed and including three children, a female journalist and six members of Palestinian security forces and one armed Palestinian. It is also reported that at least 350 Palestinians have been arrested by PSF. In addition, there are reports of threats, harassment, torture and ill-treatment by PSF.

The PSF is preventing any opponents and critics especially on the current situation in the Occupied Palestinian Territory, including in support of the resistance. This has created tensions in Jenin and other parts of the occupied West Bank. The Palestinian Authorities have cracked down on freedom of expression in the last months, including repression and imposing heavy fines and permitting the arbitrary detention of anyone critical of the Palestinian authorities online and offline, including journalists and human rights defenders. Anyone who is deemed to have disturbed "public order", accused of spreading "misinformation" or possessing or distributing "inciting materials" could be arrested or taken for interrogation.

The city of Jenin is the largest city within the northernmost governorate, also called Jenin, in the occupied West Bank and home to approximately 300,000 people. Jenin is also home to Jenin Refugee Camp. The population in Jenin is particularly vulnerable, having been subjected to multiple and sustained assaults on their liberty and security, also by the Israeli occupation forces. The residents of Jenin camp are subject to many incursions by both Palestinian and Israeli forces, often resulting in clashes, injuries, detentions and fatalities.

Impact of the operations by the Palestinian Security Forces on the residents in Jenin Refugee Camp

During the operations by the PSF in Jenin Refugee Camp, which started on 5 December 2024 until their withdrawal on 21 January, access to the camp has been heavily restricted and a curfew was imposed for a period.

On 8 December 2024, the PSF took command of the upper floors and roof of the Jenin Governmental Hospital and used the premises as a base to conduct its security operation, which involved shooting from inside the hospital. As a result of the operation, UNRWA suspended its services in Jenin, including schooling, and access to medical services provided by the Hospital was disrupted. In addition, water and electricity were completely cut off for several days and movement was heavily restricted, severely worsening the already dire living conditions.

As a consequence of the raids on Jenin Refugee Camp, about 2,000 families were displaced from Jenin Refugee Camp since the operation by Palestinian forces began on 5 December 2024, and estimates that about 650 families, or 3,400 people, currently remain in the camp and are struggling to meet basic needs amid access restrictions. More importantly:

1. Residents have been struggling to meet basic needs, supermarkets are running out of supplies, and access to water and electricity has been minimal. The inability to work or access workplaces has also rendered residents without the financial means to support their families or buy food.
2. The four UNRWA schools in the camp have been closed since 9 December 2024, resulting in the loss of more than 20 learning days for 1,600 students. Repeated and long-term incursions by Israeli forces over the past two years have already affected the mental health of camp residents, particularly children.
3. A power outage led to the spoilage of approximately 1,600 vials of insulin in UNRWA's health clinic, which has been non-operational since the operation began. UNRWA offered camp residents health services five days a week at the nearby Qabatiya health center, but they have largely been unable to visit it due to access difficulties. As a result, about two-thirds of non-communicable disease patients have missed their appointments.
4. The UNRWA health center inside the camp was temporarily occupied by armed Palestinians until 31 December 2024.
5. Property and infrastructural damage have been widespread, with reports of the burning of about 29 houses, damage to water tanks and generators, and substantial damage of the laboratory room in the UNRWA health centre when it was hit with a rocket-propelled grenade on the night of 31 December 2024.

6. The rehabilitation of water networks, which were significantly damaged by previous Israeli military operations, has been on hold, affecting access to safe drinking water and sanitation for over 60 percent of the camp's population while several generators have reportedly been hit, causing intermittent electricity and communication outages in multiple neighbourhoods inside the camp.
7. UNRWA has been forced to suspend solid waste management operations, leading to the accumulation of solid waste and unhygienic conditions.

Closure of Al Jazeera's Office in occupied Palestinian territory

On 1 January, the Palestinian Attorney-General ordered the suspension of Al Jazeera broadcasts, and the of its affiliated journalists, employees and crews in the occupied Palestinian territory for alleged "incitement and bias." The Attorney-General prohibited Al Jazeera's operations including 'inciting content, misinformation, sedition and interference in Palestinian internal affairs.'

The suspension followed a letter from the Palestinian Minister of Culture, based on a decision issued by the Tripartite Committee – a specialised ministerial committee that includes the Ministries of Culture, Interior and Communications – responsible for licensing ground and satellite radio and television stations.

According to information received, this decision follows an ongoing campaign of incitement and intimidation by parties associated with the Palestinian Authority against Al Jazeera's journalists and correspondents, particularly their journalists who have been covering the PSF operation in Jenin Refugee Camp.

On 5 January, the Magistrate Court of Ramallah in the occupied West Bank ordered the closure of several highly popular Al Jazeera websites for four months, including aljazeera.net, aljazeera.net/live, aljazeera360.com and global.ajplus.net on the grounds that their published material "threaten[ed] national security and incite[d] the commission of crimes".

In parallel, a growing crackdown on the freedom of expression and press in the occupied West Bank, including restrictions on social media for citizens that criticise the Palestinian Authority and its security and civil services have been reported. In this context, there has been reported arrests, threats and ill-treatment in direct connection with the exercise of freedom of expression.

While we do not wish to prejudge the accuracy of the above-mentioned allegations in relation to the conduct by PSF on Jenin Refugee Camp, we are seriously concerned about several grave violations of international human rights law, including unlawful killing through the unnecessary and excessive use of force, torture and ill-treatment and possible extrajudicial executions. We do acknowledge the security arrangement and coordination between the State of Israel and the Palestinian Authority under the Declaration of Principles on Interim Self-Government Arrangements (the so-called Oslo Accords), which provides the PSF the following key responsibilities:

(a) maintaining internal security and public order, (b) protecting the public and all other persons present in the areas as well as protecting their property, and acting to provide a feeling of security, safety and stability, (c) adopting all measures necessary for preventing crime in accordance with the law, (d) protecting public installations, infrastructure and places of special importance, (e) preventing acts of harassment and retribution, (f) combating terrorism and violence, and preventing incitement to violence and (g) performing any other normal police functions. However, none of these responsibilities permit the violation of international law, including international human rights law, and especially the right of the Palestinian people to self-determination. We therefore reiterate our calls for the PSF to operate in compliance with international standards, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

We are especially alarmed at the reported high number of alleged arbitrary arrests (at least 350 Palestinian have been arrested so far), and the extra-judicial killing of at least 14 Palestinian since 5 December 2024, the vast majority of whom are civilians protected under international law. We remind your Excellency's Government that the unlawful killings of civilians, either intentional or disproportionately incidental, are prohibited under international law.

We further express our concerns regarding the alleged use of new technologies, specifically drones. We are particularly concerned about the potential implications of using drones to surveil individuals in the Jenin Refugee Camp, which pose obvious threats to the right to privacy, freedom of assembly, freedom of expression, and the right to participate in political affairs. We emphasise that the use of drones, combined with the coercive power of the PSF, is susceptible to raising serious issues related to arbitrary detention, the liberty and security of the person, and the right to life (see A/HRC/52/39).

We express our profound concern regarding the substantial impact of the recent raids on the Jenin refugee camp on the economic, social, and cultural rights of the displaced families, as well as those who have chosen to remain in the camps despite the prevailing restrictions. We note with grave concern that these families have been unable to meet basic rights such as the right to water, food, medical services, and the right to work. Furthermore, we observe with apprehension that this situation is likely to deteriorate further due to the suspension of UNRWA operations.

We express great concern about the deliberate targeting and harassment of journalists and citizens under speech and national security related charges in connection to the exercise of their freedom of expression and association, including arrest, detention and other ways of harassment and measures of reprisal, which create a serious chilling effect among the population and contradict international human rights law.

We are also alarmed by the efforts to silence media coverage about the operations on Jenin Refugee Camp, inter alia through harassment and intimidation of Palestinians working for the news organization Al Jazeera. The population in Jenin is particularly vulnerable, having been subjected to multiple and sustained assaults on their liberty and security, also by the ISF. In such circumstances, the right to freedom of expression, including the right of the press to cover and report as well as of citizens to access information, to express concerns and legitimate criticism and denounce human rights violations, takes on greater urgency and importance to avoid further

egregious violations of their rights.

We further express great concern about the recent ban of the operations of the news organization Al Jazeera in areas under the authority of the Government of the State of Palestine. This extreme measure contravenes freedom of expression, including freedom of the press, and This ban, together with the reported arrests, detentions and harassments of journalists, dissidents and critics of the authorities, contribute to the existing hostile environment for the exercise of freedom of expression in the occupied Palestinian territory, and enables rights' violations committed by diverse actors to be further perpetuated, as well as hindering the efforts to ensure accountability and justice.

We are further concerned about the lack of access to basic services including water and electricity, especially due to damaged civilian infrastructure including damaged water networks, electricity grids, and communication services. In regard to putting the rehabilitation of water networks on hold, we refer to the report of the Special Rapporteur on the human rights to safe drinking water and sanitation (A/78/253) in which he mentions that the “reconstruction of water systems symbolizes a return to normalcy and fosters an environment conducive to peace.”

Further, we are particularly concerned that the allegations presented in this letter suggest that there is an emerging pattern of violations, and that the real or perceived lack of accountability and lack of transparency is leading to perpetuating an environment of impunity for abusive and humiliating treatment of Palestinians for simply exercising their rights to express their opinion and to self-determination. Such treatment can never be justified and requires immediate measures to prevent any further alleged harms.

Lastly, we wish to recall that victims of human rights or humanitarian law violations shall be provided with effective access to justice, including remedy and reparation for the harm suffered, including in the case of torture; appropriate compensation; and accountability, which should also lead to the adoption of measures to prevent future violations and ensure non-repetition.

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 detailed information on the legal and procedural safeguards granted to the above-mentioned individuals from the outset of their arrest. Please explain whether and how they are provided with all the protections and standards required under international human rights and humanitarian law, including with regard to access to legal assistance, medical care, food, safe drinking water and sanitation, bedding and

clothing and general conditions, and contacts with their families.

3. Please provide information regarding the methods and procedures for the carrying out of investigations into allegations of torture and/or other ill-treatment and whether, or how, international standards are being complied with, including the Istanbul Protocol (Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2022 edition).
4. In relation to the killing of the 14 Palestinians, please provide detailed information on the investigation carried out concerning these deaths, in compliance with the State obligations under international human rights law, in particular article 6 of the International Covenant on Civil and Political Rights and following international standards outlined in the Minnesota Protocol on the Investigation of Potentially Unlawful Death. In this context, in the event that the alleged perpetrators have been identified, please provide the full details of steps taken to bring them to justice, including any penal, disciplinary or administrative sentences that may have been imposed on the police and security officers allegedly responsible, as well as any reparation provided to families of victims.
5. Please explain how the force used during security operations by the Palestinian Forces was legal, necessary, and proportionate, as required by international standards, and explain how any excessive use of force has been, if applicable, investigated and perpetrators duly held accountable.

Civilians and Civilian Structures in the Jenin Refugee Camp

6. Please provide information on the measures undertaken or envisaged to prevent further arbitrary displacement and provide protection and assistance to the citizens of the Jenin Refugee Camp, including to investigate violations of their rights, and ensure accountability for perpetrators and remedy to victims, and facilitate durable solutions to their displacement.
7. 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 guarantee economic and social rights, including shelter and access to adequate food and to safe drinking water and sanitation for internally displaced persons.
8. Please provide information on the current operational status of the Jenin Governmental Hospital and provision of services by UNWRA in the camp, including at Qabatiya health center.

Freedom of expression

9. Please provide information on what steps have been taken to ensure that journalists, human rights defenders, social activists and political dissidents are able to carry out their work and exercise their freedom of expression in a safe and enabling environment, free from fear or reprisals, including threats of violence, intimidation or harassment of any sort.
10. Please provide detailed information concerning the criminal investigations and judicial proceedings initiated or criminal charges brought against the journalists or other citizens reporting, documenting or speaking up against the crackdown reportedly committed by the PSF, including the reasons for their prosecution, the charges brought against them, the sentences and convictions imposed, indicating the dates of any court decisions and the names of the courts that issued the verdicts. Please indicate how these prosecutions and sentences are in line with international human rights law, notably regarding the right to freedom of expression.

Al Jazeera ban

11. Please provide information concerning any judicial proceeding that may have been initiated against Al Jazeera, including the charges brought against the news organization and its legal grounds. Please further provide information regarding the legal grounds for the forced suspension of its operations and the decision to temporarily shut down its websites: aljazeera.net, aljazeera.net/live, aljazeera360.com and global.ajplus.net on grounds that their published material “threaten national security and incite the commission of crimes.”
12. Please explain how is the Al Jazeera ban compatible with international law and standards concerning media freedom and freedom of expression, including article 19 ICCPR, which has protects the right to a free and independent press as one of its core rights, and how does this decision respect the right of the citizens of the State of Palestine to access diverse sources of information, including from foreign media outlets.

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.

At this stage, in particular, we respectfully call on your Excellency’s Government to consider allowing immediate access to international human rights and

humanitarian observers to all places where Palestinians are currently deprived of liberty, so that their location and conditions of detention may be independently verified, without delay.

We stand ready to support your Excellency's Government's efforts to make this possible, and we remain available to complement them, as may be appropriate, in a consultative manner with all relevant authorities, for the purpose of strengthening human rights protection for all.

A copy of the present allegation letter is also being sent to the Government of Israel for their information.

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

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan

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

Gina Romero

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

Tlaleng Mofokeng

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

Paula Gaviria

Special Rapporteur on the human rights of internally displaced persons

George Katrougalos

Independent expert on the promotion of a democratic and equitable international order

Francesca Albanese

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

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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 refer your Excellency's Government to the following applicable international human rights law and international humanitarian law provisions and standards:

The reported allegations, if they prove to be accurate, would be in contravention of the rights of every individual to life, health, physical integrity, the absolute prohibition of torture and other cruel, inhuman or degrading treatments or punishment, and of arbitrary deprivation of liberty, as well as the right to recognition as a person before the law, the rights to freedom of opinion and expression, including through artistic disciplines, to freedom of association and peaceful assembly, to health and cultural rights, as established, inter alia, in articles 3, 5, 6, 9, 10, 14, 19, 20 and 27 of the Universal Declaration of Human Rights (UDHR), articles 6, 7, 9, 16, 17, 19, 21, 22, 24 and 26 read alone and in conjunction with article 2, para. 3 of the International Covenant on Civil and Political Rights (ICCPR), as well as articles 2.2, 12 and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), both ratified by your Excellency's Government on 24 June 1975.

Article 6 of the ICCPR states that every human being has the inherent right to life. 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 security emergencies or 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 "practices 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.

Furthermore, 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.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers 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.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Additionally, according to the Committee “the penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression” and any restrictions on the operation of websites, blogs or any other internet-based information dissemination system “are only permissible to the extent that they are compatible with paragraph 3” (para. 43). In this regard, it is “inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government” (para. 43).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and

restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. (CCPR/C/GC/34, para. 34).

Article 20(2) ICCPR prescribes that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Yet, this prohibition, that may entail restrictions of free expression, has a high threshold as it requires the fulfilment of three components: a) advocacy of hatred; b) advocacy which constitutes incitement and c) incitement likely to result in discrimination, hostility or violence (A/67/357, para. 43).

We would like to underline that article 21 of the ICCPR, which provides for the right of peaceful assembly to be enjoyed, and that no restrictions should be placed on those who exercise this right, and article 22 which provides for the right to freedom of association. We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials.

Under international law, any loss of life that results from the excessive use of force without strict compliance with the principles of necessity and proportionality is an arbitrary deprivation of life and therefore illegal. Moreover, the Code of Conduct for Law Enforcement Officials, General Assembly resolution 34/169 of 17 December 1979 and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990), though not binding, provide an authoritative interpretation of the limits on the conduct of law enforcement forces. According to these instruments, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life. Law enforcement officials may only use force when it is strictly necessary and only to the extent required for the performance of their duties. The use of force and firearms must as far as possible be avoided, using non-violent means before resorting to violent means. Force used must be proportionate to the legitimate objective to be achieved. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated, including giving a clear warning of the intent to use force and to provide sufficient time to heed that warning, and providing medical assistance as soon as possible when necessary. We would also like to draw your Government’s attention to its principle 4, which provides that, “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply nonviolent means before resorting to the use of force and firearms.” Furthermore, principle 5 provides that, “Whenever the use of force and firearms is unavoidable law enforcement officials shall, (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment and (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.”

In its general comment No. 31, the Human Rights Committee observed that there is a positive obligation on States to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities, which includes the duty to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice and to redress the harm caused by non-state actors. 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 (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

We remind that the right not to be arbitrarily deprived of life, the right not to be subjected to torture and the prohibition of enforced disappearance are *jus cogens* norms, also enshrined in international customary law, from which no derogation is permitted, regardless of contexts of internal political instability or any other public emergency (Human Rights Committee, general comment No. 36, para. 2). The State of Palestine, as a State party to the ICCPR, is required to undertake all necessary measures to prevent arbitrary deprivation of life by law enforcement officials.

We make further reference to the standard that the extreme forms of arbitrary detention that are themselves life-threatening, in particular enforced disappearances, violate the right to personal liberty and personal security and are incompatible with the right to life (general comment No. 36, para. 57). Furthermore, enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life, and States parties must take adequate measures to prevent the enforced disappearance of individuals and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance (general comment No. 36, para. 58).

According to the Human Rights Committee, the ICCPR requires States parties to ensure that individuals have accessible and effective remedies to vindicate their rights as provided under the Covenant and that there is a general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies (see CCPR/C/21/Rev.1/Add.13, para. 15). Where investigations find human rights violations, States parties must ensure that those responsible are brought to justice. Importantly, investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates. They 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 avoid repeated violations.

Also, under international law, States have a duty to investigate acts of torture and other cruel, inhuman or degrading treatment or punishment via prompt, independent, transparent and impartial investigations wherever there is a 'reasonable ground' to believe that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed even in the absence of a formal complaint. Persons making complaints must likewise be protected from intimidation or other risks to their personal integrity or safety. It is further prohibited to use any form of intimidation or pressure to coerce a person to confess or provide information, against their will and such information or confession shall not be admitted into any proceedings except for

proceedings to establish that torture or another form of ill-treatment has been committed. We refer your Excellency's Government to the recent report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the Human Rights Council, A/HRC52/30, which sets out a State's obligations including under customary international law to investigate all allegations of torture or similar mistreatment and the protection of the rights of victims.

The allegations would also be in breach of the guarantees of a fair trial, provided by article 14 of the ICCPR, which sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. Article 14 of the ICCPR provides a set of procedural guarantees that must be made available to persons charged with a criminal offence, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing (see also principles 17 and 18 of UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment). Also, principles 19 require that a detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his/her family and shall be given adequate opportunity to communicate with the outside world. We remind your Excellency's Government that handing down death penalties on the basis of forced confessions of guilt extracted under torture is a grave violation of the exclusionary rule as set out in article 15 of the CAT and renders the sentence arbitrary in nature.

These guarantees provide that lawyers are entitled to perform their professional functions without any threat, intimidation, harassment or interference, and without suffering, or being threatened with prosecution or any administrative or disciplinary sanctions for actions undertaken in accordance with professional duties and ethical standards.

We would like to further refer your Excellency's Government to articles 12 and 2.2 of the ICESCR, which establish that an obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services (Committee on Economic, Social and Cultural Rights (CESCR), general comment No. 14, para. 34). In addition, we would like to underline the Basic Principles for the Treatment of Prisoners, adopted by the General Assembly in resolution 45/111, according to which prisoners should have access to health services available in the country without discrimination on the grounds of their legal situation (principle 9).

Additionally, we would like to refer to the Mandela Rules, adopted unanimously by the UN General Assembly (A/RES/70/175), which recognize the responsibility of States to provide health care for prisoners, free of charge without discrimination (rule 24), paying special attention to those with special healthcare needs or with health issues that hamper their rehabilitation (rule 25) and indicate that prisoners requiring specialized treatment shall be transferred to specialized institutions or to civil hospitals (rule 27). We wish to also remind rule 46 that stresses that health-care personnel shall "pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff" and that "[h]ealth-care personnel shall report to the prison director, without delay, any

adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons.”

Moreover, we wish to refer to the report of the former Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in which he makes reference to the fact that “[i]n contexts of confinement and deprivation of liberty, violations of the right to health interfere with fair trial guarantees, the prohibition of arbitrary detention and of torture and other forms of cruel, inhuman or degrading treatment, and the enjoyment of the right to life” and that [v]iolations of the right to health emerge as both causes and consequences of confinement and deprivation of liberty”. He also stresses that “for the right to health to be enjoyed in detention centres, health-care facilities, goods and services must be available, accessible, acceptable and of good quality”. In addition, the Special Rapporteur urges States to “[f]ully abide by, and implement, the Nelson Mandela Rules, in particular as regards the provision of health care in prisons”.

We also wish to bring to your Excellency’s Government attention general comment No. 14 adopted by the CESCR, which interprets the right to health as “an inclusive with extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food [and] nutrition” among others (CESCR, general comment No. 14, para. 11).

We also recall to your Excellency the explicit recognition of the human rights to safe drinking water and sanitation 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. Furthermore, in its general comment No. 15, the CESCR 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. The human rights to water and sanitation require that water is continuously available, insufficient quantity for drinking, personal hygiene and domestic uses. General comment No. 15 also states that environmental hygiene is an aspect of the right to health, encompassing taking steps on a non-discriminatory basis to prevent threats to health from unsafe and toxic water conditions.

We would also like to refer to the report of the Special Rapporteur on the human rights to safe drinking water and sanitation (A/78/253) in which he mentions that the “reconstruction of water systems symbolizes a return to normalcy and fosters an environment conducive to peace.” The concept “water for peace” promotes “equitable distribution of good-quality water through robust legal, institutional and policy frameworks prioritizing human dignity, fairness, inclusivity, greater social cohesion, sustainable use and effective management.”

We would like to remind your Excellency’s Government that article 9 of the ICCPR guarantees the right not to be subjected to arbitrary arrest or detention, and that the prohibition of arbitrary detention is absolute. We also recall that the arrest or detention of an individual as punishment for the legitimate exercise of the rights

guaranteed by the ICCPR, including the right to freedom of expression and opinion, including artistic expression (art. 19), the rights to freedom of peaceful assembly (art. 21), and of association (art. 22) is arbitrary (see CCPR/C/GC/35, para. 17 and the jurisprudence of the Working Group on Arbitrary Detention). In addition, as reiterated by the Working Group on Arbitrary Detention, a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination, including discrimination based on gender or political or other opinion.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR. This right shall include freedom 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 of his choice. The Human Rights Committee underlined that the freedom of expression includes political expression and commentary on public affairs and cultural and artistic expression. Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR, that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. We wish to remind your excellency's Government that, as stated by the Human Rights Committee in general comment 34, under no circumstance can an attack on a person because of the exercise of his or her freedom of opinion or expression, including arbitrary arrest, torture, threats to life and killing, be compatible with article 19 (paragraph 23).

We would like to underline that any restriction on expression or information that a government seeks to justify on the grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (CCPR/C/GC/34). We would like to stress that counter-terrorism and national security legislation with penal sanctions should not be misused against individuals peacefully exercising their rights to freedom of expression and freedom of peaceful association and assembly. These rights are protected under ICCPR and non-violent exercise of these rights is not a criminal offence. Counter-terrorism legislation should not be used as an excuse to suppress peaceful minority groups and their members.

States parties to CAT as State of Palestine have overarching obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment via effective legislative, administrative, judicial and other measures (articles 2 and 16), to educate and train relevant personnel including military officials on the prohibition (article 10) and to keep all rules, instructions, methods and practices relating to interrogation, custody and treatment under systematic review (article 11).

Article 10(1) of the ICCPR reiterates that persons deprived of their liberty must be treated with humanity and with respect to the inherent dignity of the human being; while article 10(2) provides certain standards of treatment. The standards of conditions and treatment of persons deprived of their liberty are further contained in the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), which establish that all prisoners shall be treated with dignity and no prisoner shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Under international humanitarian law, torture and related ill-treatment is likewise absolutely prohibited. The main instruments: the 1907 Hague Regulations respecting the Laws and Customs of War on Land (art. 4); the four Geneva Conventions of 1949 (GC I, art 2; GC II, art. 12; GC III, arts 13, 17 and 87; GC IV, arts 27 and 32; GC I-IV common article 3 and arts 50, 51, 130 and 147 respectively; additional protocol I of 1977 (art. 75(2)(a)(ii)); and additional protocol II of 1977 (art. 4(2)(a)).

Article 17, fourth paragraph, of the 1949 Geneva Convention III provides: “No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.” - Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949, article 17, fourth para.

Article 87, third paragraph, of the 1949 Geneva Convention III provides: “Any form of torture or cruelty is forbidden.” - Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949, article 87, third para.

Article 89 of the 1949 Geneva Convention III provides: “In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.” - Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949, article 89.

Article 32 of the 1949 Geneva Convention IV provides: “The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering ... of protected persons in their hands. This prohibition applies not only to ... torture ... but also to any other measures of brutality whether applied by civilian or military agents.” - Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, article 32.

According to article 50 of the 1949 Geneva Convention I, article 51 of the 1949 Geneva Convention II, article 130 of the 1949 Geneva Convention III and article 147 of the 1949 Geneva Convention IV, “torture or inhuman treatment” and “wilfully causing great suffering or serious injury to body or health” are grave breaches of these instruments. Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 12 August 1949, article 50; Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva, 12 August 1949, article 51; Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949, article 130; Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, article 147.

Also under international humanitarian law, similar investigative obligations exist as those under CAT. As a grave breach of each of the four Geneva Conventions of 1949, the High Contracting Parties are obliged: to enact legislation to provide penal sanctions for persons committing, or ordering to be committed, torture and inhuman treatment, including biological experiments; to search for such persons in order to bring them to justice; and to prosecute suspects of acts of torture as grave breaches under universal jurisdiction, which is considered obligatory. States may discharge their

obligation to investigate war crimes and prosecute the suspects by setting up international or mixed tribunals.

The duty to investigate and prosecute torture as war crime or crimes against humanity is also determined to be customary law, applicable for crimes committed in international and non-international armed conflict, which requires States to establish jurisdiction and investigate war crimes allegedly committed by its nationals or armed forces, or including outside their territory, and, if appropriate, to prosecute the suspects. Customary law has also established that soldiers have a duty to disobey orders of a superior for grave breaches and that there is no relief for following superior orders. Also considered customary norms are the rules against amnesties and statutes of limitation.

We wish to emphasize that States have an obligation to investigate threats and acts of violence against all those who promote, protect and defend human rights, including journalists, promptly, thoroughly and effectively through independent and impartial bodies. Following investigations, States must ensure that those responsible are brought to justice so as to prevent impunity, and make reparation to individuals whose rights have been violated. The latter generally entails appropriate compensation and can involve, where appropriate, restitution, rehabilitation and measures of satisfaction, such as public apologies, guarantees of non-repetition and changes in relevant laws and practices.

Lastly, we would like to underline that resolution 45/130 adopted by the Third Committee on 14 December 1990, on the Importance of the universal realization of the rights of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights, in particular its operational paragraph 3, which “[r]eaffirms [...] the inalienable right of the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference”; and operational paragraph 6 which “[s]trongly condemns [...] the constant and deliberate violations of the fundamental rights of the Palestinian people, as well as the expansionist activities of Israel in the Middle East, which constitutes and obstacle to the achievement of self-determination and independence by the Palestinian people and a threat to peace and stability in the region”.

In this connection it is critical to recall the International Court of Justice’s Advisory Opinion of 19 July 2024 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 unlawful and 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. Also, the Court ruled in its Advisory Opinion Israel’s unlawful, discriminatory policies and practices in the Occupied Palestinian Territory violate the Palestinian people’s right to self-determination. The Oslo Agreement and security arrangement cannot override the right of Palestinians to self-defence and the prohibition on use of force.

Also we would finally like to refer to the Guiding Principles on Internal Displacement of 1998 (E/CN.4/1998/53/Add.2), which establishes all authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons (principle 5). Every human being shall have the right to be protected against being arbitrarily displaced from his or her home, including due to serious violations of human rights, discrimination and fear of persecution (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. 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) 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 (principle 7) Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected (principle 8) States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands (principle 9). Every human being has the inherent right to life, and internally displaced persons shall be protected in particular against genocide, murder, summary or arbitrary executions, and enforced disappearances including abduction or unacknowledged detention, threatening or resulting in death; threat and incitement to commit any of the foregoing acts are also prohibited (principle 10(1)). Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances (principle 10(2)). All internally displaced persons have the right to an adequate standard of living, which at a minimum should include essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation (principle 18).

Special attention should be paid to the health needs of women, including access to female health care workers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses (principle 19(2)). Every human being has the right to education (principle 23(1)). To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion (principle 23(2)). Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes (principle 23(3)). Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit (principle 23(4)). The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities. (principle 25). Persons engaged in humanitarian assistance, their transport, and supplies

shall be respected and protected and should not be the object of attack or other acts of violence (principle 26). Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons (principle 28).