

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right to education; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Independent expert on the promotion of a democratic and equitable international order; the Special Rapporteur on minority issues; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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(Please use this reference in your reply)

19 March 2025

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right to education; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Independent expert on the promotion of a democratic and equitable international order; Special Rapporteur on minority issues; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 52/9, 53/7, 50/17, 52/4, 57/7, 52/5, 1993/2A and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the arrest, detention and the threat of deportation of Mr. Mahmoud Khalil, in connection with his advocacy of Palestinian rights and participation in protests.**

We have previously expressed concern about the United States Government's unjustified restrictions and crackdown on peaceful protests by students and others against Israel's military assault on Gaza and universities' ties with companies implicated in alleged war crimes as well as the disproportionate action by the universities and the United States Government against students exercising their rights to freedom of expression and peaceful assembly (AL [USA 12/2024](#)). We acknowledge the Government's reply dated [16 July 2024](#).

Mr. Mahmoud Khalil is a student at Columbia University and a lawful permanent resident in the United States. He was born in Syria to Palestinian refugees and moved to the United States in 2022 where he has been pursuing his education at Columbia University's School of International and Public Affairs. Mr. Khalil has been an outspoken advocate of Palestinians' human rights and protested against the widespread killing of civilians in Gaza by Israel's armed forces, and Columbia University's relations with companies involved in financing and facilitating alleged war crimes. He has also been a mediator and negotiator, facilitating dialogue between student protestors and Columbia University's administration.

According to the information received:

As of January 2025, Mr. Khalil has been the target of an online smear campaign, calling for his deportation for his actions in support of Palestinian rights at Columbia University Campus. He reached out to Columbia University officials, reporting the hateful comments, including calls for his deportation, and asking for protection.

On 8 March 2025, agents in plainclothes from the Department of Homeland Security (DHS) arrested Mr. Khalil with no prior notice at his Columbia University student housing. The agents stated that they were detaining him because his student visa had been revoked by the U.S. Department of State, on the basis that the U.S. Secretary of State has “reasonable ground to believe that your presence or activities in the United States would have potentially serious adverse foreign policy consequences for the United States”. When Mr. Khalil showed the officers his immigration document (green card), which indicates that he is a lawful permanent resident and not a student visa holder, the agents still proceeded with the arrest, stating that his green card had also been revoked but providing no basis for the revocation. Mr. Khalil was then taken to the Immigration Court facilities at 26 Federal Plaza, New York.

On Monday 10 March 2025, the U.S. District Court of the Southern District of New York issued an order, blocking federal authorities from deporting Mr. Khalil, to further review the constitutionality of the actions. This order was extended on 12 March.

On Monday 10 March 2025, President Trump put out a post on Truth Social saying that Mr. Khalil’s arrest was the first of “many to come”, and also stating the following: *“We know there are more students at Columbia and other Universities across the Country who have engaged in pro-terrorist, anti-Semitic, anti-American activity, and the Trump Administration will not tolerate it.”* The comments by the President regarding Mr. Khalil’s case follow several statements made by the Trump administration about cracking down on so-called antisemitism on U.S. campuses.

Mr. Khalil’s arrest and detention take place in a context of a wider repression of student activism, political speech and protests, specifically targeting students at Columbia University for criticism of Israel’s assault on Gaza, the universities’ investments in and cooperation with Israeli institutions and businesses, and public statements by the U.S. authorities and others indicating that immigration enforcement would be used as a tool to suppress such speech and activism.

No other basis has reportedly been provided for Mr. Khalil’s arrest and detention.

While we do not wish to prejudge the accuracy of these allegations, we are alarmed about what appears to be the arbitrary arrest, detention and unsubstantiated deportation order of Mr. Khalil, using the immigration enforcement powers as retaliation against Mr. Khalil for his lawful exercise of the rights to freedom of expression and peaceful assembly and his human rights activism on the defense of the

rights of Palestinian people.

We note with concern that Mr. Khalil's arrest, detention and purported revocation of his residence permit appear to have been taken in an arbitrary manner in direct retribution for his exercise of the rights to freedom of expression and peaceful assembly as well as his human rights advocacy work in connection to Palestine. We emphasize that, according to the information received, Mr. Khalil's exercise of such rights has remained in line with international human rights law and standards, notably article 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which the United States ratified on 8 June 1992.

The arrest, detention and threat of deportation of Mr. Khalil appear to violate his fundamental rights to expression and peaceful assembly and send a chilling message to all those wishing to speak out on Palestinian rights. The actions against Mr. Khalil also appear to be intended to threaten and intimidate all foreign students and permanent residents and deter them from expressing their political views or engage in human rights activism for fear that it could lead to the revocation of their visas and residence permits and subsequently to deportation. We stress the responsibility of States to ensure that human rights defenders and activists can safely carry out their legitimate human rights activities, and, notably, to guarantee that they are protected from violence, threats and harassment, as well as from refoulement, expulsion or extradition for carrying out their work.

Freedom of expression

As a party to the ICCPR, the United States is obliged to uphold the right to freedom of expression, which includes the right to seek, receive and impart information and ideas of all kinds, including information that may be critical of governments, raise political issues or seek to peacefully change policies. Any restriction of this right must pursue a legitimate aim as set out in the Covenant, in accordance with a law that is sufficiently clear, and must conform to the requirements of necessity, proportionality, and non-discrimination. As established by the Human Rights Committee in its general comment No. 34, any State party seeking to invoke a legitimate ground for restriction of freedom of expression on the basis of a perceived threat to national security or public order, must demonstrate in a specific and individualised 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 and any restriction must be "the least intrusive instrument among those which might achieve their protective function" (CCPR/C/GC/34, paras. 34 and 35).

Retaliation against individuals, including through arbitrary detention, prosecution or deportation, for the exercise of their right to freedom of expression is incompatible with the Covenant. In its general comment No. 34, the Human Rights Committee asserted that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23).

In her recent report on "Global threats to freedom of expression arising from the Gaza conflict", the Special Rapporteur on freedom of opinion and expression stressed that "In the light of the advisory opinion of the International Court of Justice issued in

July 2024, States should repeal – or refrain from adopting – laws and policies that penalize opposition to or impede advocacy against Israeli occupation and segregation”. The Special Rapporteur also reaffirmed that “States must not restrict the expression of support for Palestinian self-determination”, stressing that “Advocacy of Palestinians’ human rights, including the right to self-determination, is legitimate expression,” recognized under international law (A/79/319, paras. 94 and 95).

The Special Rapporteur further noted that any decision to prohibit expressions in support of the Palestinian people on the grounds of incitement “must be done on a case-by-case basis, taking into account international legal standards as well as specific contextual and other factors, as articulated in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” (para. 93). She further emphasized that States must respect, protect and fulfil the right to freedom of opinion and expression without discrimination of any kind and that any restriction of expression, including in relation to antisemitism, must follow strictly the criteria set out in articles 19 (3) and 20 (2) (para. 92).

Freedom of peaceful assembly

Article 21 of the ICCPR guarantees the right to peaceful assembly. This article also states that “no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”. Moreover, we refer to Human Rights Council resolution 24/5 of 2013 which reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, as well as to ensure that any restrictions on these are in accordance with their obligations under international human rights law.

The Human Rights Committee has confirmed that article 21 “protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs” (CCPR/C/GC/37, para. 6). Restrictions on peaceful assemblies must not be used, explicitly or implicitly, to stifle expression of political opposition to a government, challenges to authority, including calls for democratic changes of government, the constitution or the political system, or the pursuit of self-determination. (CCPR/C/MDG/CO/4, para. 51). They should not be used to prohibit insults to the honour and reputation of officials or State organs” (CCPR/C/GC/37, para. 49).

In addition, in her [“Recommendations for universities worldwide for the second semester of 2024: Safeguarding the right to freedom of peaceful assembly and association on campuses in the context of international solidarity with the Palestinian people and victims”](#) the Special Rapporteur on freedom of peaceful assembly and of association stressed that “States and public authorities must end the vilification of peaceful Pro-Palestinian solidarity protesters by labelling them as ‘supporters of terrorism’, for their legitimate demands for an end of the genocidal violence, apartheid and illegal occupation of Palestinian people. It is also essential to refrain from adopting any legislative reforms or administrative regulations that threaten to penalize students

for participating in peaceful protests, such as by denying them access to loans or loans forgiveness, or deporting foreign students for the exercise of their right to freedom of peaceful assembly”.

In the present case, Mr. Khalil’s arrest and threatened deportation appear to be in retaliation for the legitimate exercise of his right to peaceful assembly.

Arbitrary detention

Regarding the allegations of arbitrary detention, article 9 of the ICCPR states that no one shall be subjected to arbitrary arrest or detention or deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. As interpreted by the Human Rights Committee in its general comment No. 35, the notion of “arbitrariness” should not be equated with “against the law” but should be interpreted more broadly to include considerations of inappropriateness, injustice, unpredictability and due process, as well as considerations of reasonableness, necessity and proportionality (para. 12). In addition, the Working Group on Arbitrary Detention has established in its jurisprudence that preventive deprivation of liberty, as a precautionary and non-punitive measure, must also comply with the principles of legality, necessity and proportionality to the extent strictly necessary in a democratic society. It may only proceed in accordance with the limits strictly necessary to ensure that the efficient development of investigations is not impeded and justice is not evaded, and provided that the competent authority substantiates and accredits the existence of the aforementioned requirements. Because of the particularly restrictive nature of pre-trial detention, the imposition of this measure should be the exception rather than the rule.

In the present case, detention pending deportation is arbitrary where it is based solely on the unnecessary and disproportionate restriction of Mr. Khalil’s rights to freedom of expression and peaceful assembly, as discussed above.

Human Rights Defenders

Additionally, we wish to refer your Excellency's Government 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, and in particular, 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. Articles 5(a), 6(b) and 12 of the Declaration further provide for everyone’s right to “meet or assemble peacefully” (article 5), to “publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms” (article 6), and reiterate the State’s responsibility to “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” (article 12).

Right to due process

We note that Mr. Khalil's abrupt deportation would also violate his right to due process, including to an opportunity to be heard on his application. We emphasize the need to fully comply with due process and fair trial guarantees, including article 14 of the ICCPR, and adopt the necessary measures to prevent any violation of such right.

National security and counter-terrorism

Finally, we wish to remind your Excellency's Government that any restriction on expression or information that a government seeks to justify on grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (general comment No. 34). We stress that counter-terrorism legislation should not be misused against individuals peacefully exercising their rights to freedom of expression and freedom of association and peaceful assembly, including to suppress peaceful minority groups and their members (general comment No. 34).

We recall the many resolutions of the United Nations General Assembly, Security Council and Human Rights Council that reaffirm that any measures taken to combat terrorism or violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.¹ The General Assembly has unanimously recognized that effectively combatting terrorism and ensuring respect for human rights are not competing but complementary and mutually reinforcing goals in the Global Counter-Terrorism Strategy (A/HRC/60/288). Counter-terrorism measures must conform to fundamental requirements of legality, proportionality, necessity and non-discrimination, and States must ensure that measures to combat terrorism and preserve national security do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.²

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response as soon as possible on the steps taken by your Excellency's Government to safeguard and prevent any irreparable damage to Mr. Khalil's rights. We request authorities to review his case, according to international human rights standards as well as due process and fair trial standards, to proceed to his release if the charges that motivated his detention are found unsubstantiated and respect all of Mr. Khalil's fundamental rights in the process.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would also be grateful for your observations on the following matters:

¹ Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

² See [A/HRC/RES/22/6](http://www.ohchr.org), para. 10(a).

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on the factual and legal grounds under which Mr. Khalil's residence permit was revoked. Please indicate the procedure followed to decide on its revocation as well as whether Mr. Khalil was provided an opportunity to be heard. Please indicate how these decisions are compatible with international human rights law and standards, including articles 13 (due process in the expulsion of aliens), 19, 21 and 22 of the ICCPR.
3. Please provide detailed information on the factual and legal grounds for Mr. Khalil's arrest and detention. Please indicate how these are compatible with international human rights law and standards, including articles 9, 13, 19 and 21 of the ICCPR.
4. Please provide information on the legal and procedural safeguards provided to Mr. Khalil from the outset of his arrest and detention, including his right to be informed of the reasons for his arrest and the charges against him, in conformity with articles 9 and 13 of the ICCPR.
5. Please provide information about the measures your Excellency's Government intends to take to protect the rights of students, including student human rights defenders, advocating Palestinians' human rights, to exercise their freedom of expression and participate in peaceful protests.

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 prevent any irreparable damage to Mr. Khalil's rights and stay his potential deportation until a thorough assessment of his case and conclusion of the ongoing legal proceedings has taken place.

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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and expression

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Special Rapporteur on the right to education

Gina Romero
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