

Mandates of the Special Rapporteur on the situation of human rights defenders; 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 and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Ref.: AL ISR 5/2025

(Please use this reference in your reply)

26 March 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; 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 and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 52/4, 53/4, 52/9, 50/17 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning bombing in Gaza that resulted in the killing of Palestinian human rights defender Ihab Marwan Kamal Faisal, a staff member of the Palestinian Center for Human Rights (PCHR) and his family, as they sheltered in the house of Mr. Raji Sourani, the PCHR director. This was the second time Mr. Sourani's house had been bombed by the Israeli Defence Forces and also the second time that Mr. Faisal and his family had been bombed.

Mr. **Ihab Marwan Kamal Faisal** was a human rights defender working with the PCHR.

The Palestinian Center for Human Rights (PCHR) is a non-governmental organisation based in Gaza. It was created in 1995 by a group of Palestinian lawyers and human rights defenders to protect human rights and promote the rule of law in accordance with international standards.

Mr. **Raji Sourani** is a human rights defender and the director of the Palestinian Center for Human Rights.

The killing of PCHR staff and the destruction of its offices were the subject of a previous communication, AL ISR 16/2024. In February 2024, indiscriminate Israeli bombing in Gaza resulted in the death of two PCHR staff members along with members of their families. The PCHR headquarters in a Gaza City building was badly damaged in a land offensive in late December 2023, and in early 2024, air raids and ground attacks damaged the PCHR office in Khan Younis. Regretfully, no reply was received regarding that communication.

According to the information received:

On 7 September 2024, Mr. Faisal, his wife and two daughters were injured in an Israeli airstrike on a residential apartment building near the Abbas Junction in

Gaza City where he was staying. His two brothers-in-law were killed in the attack.

On 16 January 2025, at approximately 02:00 an Israeli air strike hit the house that Mr. Faisal and his family were sheltering in, in the al-Rimal residential neighbourhood of Gaza City. Mr. Faisal, his wife and their two daughters, aged six and three, were killed. No other buildings were hit in that air raid. The house Mr. Faisal was sheltering in belongs to Raji Sourani, the director of the PCHR, and this was the second time that it was hit by Israeli shelling.

Previously, in late October 2023, Mr. Sourani's three-story house already came under direct bombing by IDF for almost 30 minutes. He, his wife and son narrowly escaped death.

Without wishing to prejudge the accuracy of the information received, we express serious concern at Israeli acts that may violate international humanitarian law. These acts include the shelling that led to the killing of the human rights defender cited above – among the tens of thousands of civilians in Gaza. The facts give the impression that it concerns a “targeted killing” of a human rights defender, who is protected as a “civilian” under IHL, and whose targeting would constitute a grave human rights violation and violation of IHL and seriously hinders the rights to freedom of association and expression.

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 any information on any investigations, judicial or administrative proceedings that have been carried out in relation to the killing of Ihab Marwan Kamal Faisal and his relatives, in alleged aerial attacks and how these attacks were compatible with International Humanitarian Law and International Human Rights Law and other relevant standards of international law.
3. Please clarify whether any investigation conducted into the killing of Ihab Marwan Kamal Faisal, including his family and relatives complied with relevant international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths. If no investigation has been conducted, please explain why.
4. Please indicate what measures have been taken to ensure that human rights defenders and civil society organizations in the Occupied Palestinian Territory are able to carry out their peaceful and legitimate

work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any kind.

5. As the occupying power, please provide details on any measures taken by the occupation forces to distinguish between civilian and military targets, as required by International Humanitarian Law, and to prevent incidental death of civilians and protected persons, pending cessation of the occupation forces ongoing unlawful presence in Palestinian territory.

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.

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

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

Francesca Albanese

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forward by the situation described above.

Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Israel on 3 October 1991, guarantees the right of every individual to life and provides that this right shall be protected by law and that no one shall be arbitrarily deprived of his life. In general comment No. 36, the Human Rights Committee reiterated that the right to life is the supreme right from which no derogation is permitted, even in situations of armed conflict and other public emergencies that threaten the life of the nation (CCPR/C/GC/36).

It has further noted 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 ... indiscriminate attacks, failure to apply the principles of precaution and proportionality... 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."

Civilians enjoy protection under international humanitarian law, as well as protection from willful killing or murder. Article 3 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, prohibits acts of violence to life and person, including murder of all kinds, while article 147 includes willful killing among the acts that constitute a grave breach of the Convention. Article 8(2)(a) of the Rome Statute of the International Criminal Court specifically provides that willful killing of protected persons is a grave breach of the Fourth Geneva Convention and constitutes a war crime. In this regard, we would like to reiterate that international human rights law continues to apply in times of armed conflict, including in relation to the conduct of hostilities and throughout an occupation, alongside international humanitarian law, and that both bodies of law are intended to be complementary, rather than mutually exclusive.

We would also like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We would also like 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.

Further, 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. Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3), 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. In its general comment No. 34, the Human Rights Committee stated that 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, cannot be compatible with article 19 (para. 23). The 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” (para. 11) and further 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).

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of peaceful assembly. It states that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the 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”. Article 22 of the ICCPR protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]. This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2(1) of the International Covenant on Civil and Political Rights).

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 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.

Legally, the ongoing prolonged occupation constitutes an act of aggression in violation of jus ad bellum, violating the non-derogable right of the Palestinian people to self-determination. The International Court of Justice mandated Israel to terminate its occupation, dismantle all settlements, and the associated settlement regime, provide reparations to Palestinian victims, and facilitate the return of Palestinian people displaced in 1967.

On 26 January 2024, the International Court of Justice also found it plausible that Israel’s acts could amount to genocide under the Convention on the Prevention and Punishment of the Crime of Genocide. On that occasion, the International Court of Justice issued six provisional measures, ordering Israel to take all measures within its power to prevent genocidal acts, including preventing and punishing incitement to genocide, ensuring aid and services reach Palestinians under siege in Gaza, and preserving evidence of crimes committed in Gaza. It has been compelled to intervene twice further in March and May 2024, in particular, recognizing an “exceptionally grave” risk in Rafah, it ordered an immediate halt to the military offensive. We would like to remind your Excellency’s Government that the Court’s provisional measures have a number of important legal implications. First and foremost, they are binding for the state of Israel.

The Genocide Convention, independently of the provisional measures order, creates obligations upon the state parties. As the Court clarified in its interim order: “... all the States parties to the Convention have a common interest to ensure the prevention, suppression and punishment of genocide, by committing themselves to fulfilling the obligations contained in the Convention. Such a common interest implies that the obligations in question are owed by any State party to all the other States parties to the relevant convention; they are obligations erga omnes partes, in the sense that each State party has an interest in compliance with them in any given case”.