

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Working Group on Enforced or Involuntary Disappearances; 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 situation of human rights defenders and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Ref.: AL USA 38/2025
(Please use this reference in your reply)

8 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on the issue of human rights and transnational corporations and other business enterprises; Working Group on Enforced or Involuntary Disappearances; 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 situation of human rights defenders and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 58/14, 53/3, 54/14, 52/9, 59/4, 52/4 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the designation and imposition of sanctions by the United States Department of the Treasury's Office of Foreign Assets Control (OFAC) against three prominent Palestinian human rights organisations – Al-Haq: Law in the Service of Man, Al-Mezan Center for Human Rights, and the Palestinian Centre for Human Rights (PCHR) – and the severe impacts on their operations and staff.** We are gravely concerned that these sanctions, which appear to have been imposed in connection with the organisations' cooperation with the International Criminal Court (ICC), may unjustifiably restrict the work of independent human rights defenders and organisations, undermine civic space, and impede access to justice and accountability.

We recall that in August 2025, several mandate holders sent a communication to your Excellency's Government concerning the OFAC designation of one Palestinian human rights organisation ([USA 27/2025](#)). In that communication, we expressed deep concern about the use of financial measures to incapacitate a longstanding human rights organisation, the lack of adequate disclosure enabling an effective challenge, and the resulting operational and human costs borne by staff, beneficiaries and the wider civil society sector. Furthermore, in communications [USA 3/2025](#) and [USA 15/2024](#) addressed to your Excellency's Government, we raised serious concerns regarding retaliatory actions directed at officials and staff associated with the ICC, and at those who cooperate with it. We note with regret that to this date, your Excellency's Government has not replied to any of our concerns.

According to the information received:

On 4 September 2025, OFAC imposed sanctions on Al-Haq, Al-Mezan, and PCHR, by adding them to the Specially Designated Nationals (SDN) list pursuant to section 1(a)(ii)(A) of U.S. Presidential Executive Order 14203 of 6 February 2025, “Imposing Sanctions on the International Criminal Court.”¹ On the same day, OFAC issued the General License 10 under the International Criminal Court-Related Sanctions Regulations (31 CFR part 528), authorizing U.S. persons to wind down transactions with Al-Haq, Al-Mezan, and PCHR until 12:01 a.m. EDT on 4 October 2025. This temporary license permits only those activities that are ordinarily incident and necessary to conclude existing engagements, provided that any payments to the designated entities are made into blocked interest-bearing accounts located in the United States. The license does not authorize any new transactions or dealings with other blocked persons under the ICC-related sanctions regime.

According to the public statement delivered on the same day by U.S. Secretary of State, Marco Rubio, the three organisations were designated on the basis of their alleged direct engagement in efforts by the ICC “to investigate, arrest, detain, or prosecute Israeli nationals, without Israel’s consent.”² Secretary Rubio further stated that the U.S. “opposes the ICC’s politicized agenda, overreach, and disregard for the sovereignty of the United States and that of our allies,” and affirmed that the Government would “respond with significant and tangible consequences ... to punish entities that are complicit in its overreach.”³

Executive order 14203 asserts that any attempt by the ICC to investigate, arrest, detain, or prosecute certain “protected persons” without the consent of their respective countries constitutes an “unusual and extraordinary threat” to U.S. national security and foreign policy. It declares a national emergency to address that threat. Its preamble further characterises the ICC as having engaged in “illegitimate and baseless actions” against U.S. and Israeli personnel and recalls the American Service-Members’ Protection Act of 2002 as the statutory basis for resisting ICC jurisdiction over U.S. nationals and allies.

Al-Haq, established in 1979, is an independent Palestinian human rights organisation based in Ramallah. It conducts documentation, research, and legal advocacy on violations of international human rights and humanitarian law in the occupied Palestinian territories.

Al-Mezan Center for Human Rights, founded in 1999 and based in the Gaza Strip, focuses on the promotion and protection of human rights, accountability

¹ According to Section 1(a)(ii)(A) of Executive Order 14203: “[a]ll property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in [...] any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General [...] to have directly engaged in any effort by the ICC to investigate, arrest, detain, or prosecute a protected person without consent of that person’s country of nationality”.

² U.S. Department of State, *Sanctioning Foreign NGOs Directly Engaged in ICC’s Illegitimate Targeting of Israel: Press Statement Marco Rubio, Secretary of State*, 4 September 2025, <https://www.state.gov/releases/office-of-the-spokesperson/2025/09/sanctioning-foreign-ngos-directly-engaged-in-iccs-illegitimate-targeting-of-israel>.

³ Ibid.

for violations, and the situation of vulnerable groups including children and women, producing detailed reports documenting abuses and human rights violations. It also provides legal aid and representation to victims of violations.

PCHR, established in 1995 in Gaza City, works to protect human rights, promote the rule of law, and support democratic principles in the occupied Palestinian territories. PCHR is known for its legal aid and litigation on behalf of victims of human rights violations. It has provided legal assistance, monitoring, documentation and coordination with international human rights and legal bodies.

Collectively, these organisations form the backbone of Palestinian civil society's engagement with international accountability mechanisms. They have been instrumental in documenting systemic human rights abuses and violations in the occupied Palestinian territories and Israel, advocating for justice, submitting evidence to the ICC, and bringing alleged breaches of international law before global judicial forums.

As a result of the designations, all property and interests in property of Al-Haq, Al-Mezan, and PCHR that are located in, come within, or fall under the possession or control of a U.S. person are immediately frozen, and U.S. persons, including citizens and companies, are prohibited from engaging in any transactions with them. Although imposed under U.S. law, these restrictions have significant extraterritorial consequences given the central role of the U.S. financial system in global banking and commerce. International banks, donors, and funding agencies frequently comply with OFAC requirements, and often over-comply, to avoid secondary sanctions, effectively resulting in a worldwide embargo on the organisations' access to funding and partnerships. In practice, these measures significantly disrupt their operations, hinder cooperation with international human rights organisations, and create acute difficulties for staff in carrying out day-to-day work.

The organisations' online and digital operations have been significantly disrupted by US-based technology companies, causing serious adverse human rights impacts. Google's YouTube deactivated their accounts, resulting in the permanent loss of critical videos, documentaries, and testimonies collected from victims of international crimes in Palestine. Meta has restricted their ability to use advertisements and promotions tools. Intuit's Mailchimp abruptly shut down Al-Haq's account without prior warning, effectively halting the distribution of statements and updates to journalists, human rights defenders, and followers around the world.

While OFAC permits individuals and entities listed on its sanctions lists, including the SDN List, to submit written petitions for removal, there is no formal judicial appeal mechanism available. Petitions may be submitted directly by the listed person or an authorized representative, without requiring legal counsel, and must include identifying information, the basis for the listing, and arguments or evidence supporting delisting. OFAC reviews each petition on a case-by-case basis, and the process may involve multiple rounds of questionnaires and interagency consultations. The review timeline is undefined

and may be prolonged by incomplete submissions or the need for further verification. OFAC asserts that sanctions aim to incentivize behavioural change rather than punishment.

A joint statement issued on 22 September 2025 by several UN Special Procedures mandate holders expressed dismay at the imposition of sanctions against the three “globally respected” organisations, stressing that the new sanctions on “these key Palestinian organisations pursuant to executive order 14203 come at a time when many countries have begun to voice strong condemnation of Israeli attacks and killings of civilians in Gaza, the targeting of journalists and medical personnel, and restrictions on food aid resulting in famine being declared in the besieged enclave. Sanctioning organisations for denouncing human rights violations is a blatant violation of the rights to freedom of expression and association.”⁴

Concerns regarding international human rights law

While we do not prejudge the accuracy of the allegations described above, we wish to express our grave concern that the imposition of sanctions on Al-Haq, Al-Mezan, and PCHR interferes with a range of rights concerning them, protected under international human rights law, particularly those guaranteed under the International Covenant on Civil and Political Rights (ICCPR), ratified by the U.S. in 1992, including the right to freedom of opinion and expression (article 19), the right to freedom of association (article 22), the right to take part in public affairs (article 25), and non-discrimination and equality (articles 2 and 26). We also recall the UN Declaration on Human Rights Defenders, which affirms the right of individuals and organisations to promote and protect human rights (articles 1 and 2), to form associations (article 5), and to solicit, receive and utilise resources for these purposes (article 13). In addition, by restricting their work for the human rights of Palestinians, the sanctions will further impede the rights of the Palestinian beneficiaries of their work in relation to the right to life (article 6), freedom from torture and other ill-treatment (article 7 and Convention against Torture), freedom from arbitrary detention (article 9) and enforced disappearance, the right to fair trial (article 14), the right to recognition everywhere as a person before the law (article 16), non-discrimination and equality (articles 2 and 26), and the right to an effective remedy (article 2(3)).

In the current context of the illegal occupation of the State of Palestine and the ongoing hostilities, Al-Haq, Al-Mezan, and the PCHR carry out essential work in monitoring compliance with international human rights and humanitarian law, documenting violations, and providing legal aid and representation to victims and their families, including particularly vulnerable groups such as detainees, women, and children. A decision to cut off these organisations’ access to financial resources and international cooperation severely restricts their capacity to fulfil these vital functions and risks having a broader chilling effect on Palestinian civil society, effectively silencing other human rights defenders and organisations. We are further concerned that the U.S. listing may influence other State and non-State actors to disengage from Al-Haq, Al-Mezan, and PCHR, thus aggravating the human rights impacts.

⁴ OHCHR, ‘UN Experts dismayed by US sanctions against Palestinian human rights organisations’, press release, 22 September 2025, available at: <https://www.un.org/unispal/document/un-experts-press-release-22sep25/>

In previous communications ([USA 3/2025](#) and [USA 15/2024](#)) addressed to your Excellency's Government, we raised serious concerns regarding retaliatory actions directed at officials and staff associated with the ICC, and at those who cooperate with it. We emphasised that States must not undertake or condone measures, whether administrative, financial or coercive, that harass, intimidate, stigmatise or otherwise impede the independence and effective functioning of the Court, or deter cooperation with it. The legal and policy principles set out in those communications – emphasising the right of individuals and organisations to engage with international judicial bodies without fear of reprisals, and the obligation of States to protect such cooperation – are directly applicable to the present case and weigh against measures that penalise or stigmatise organisations for their engagement with the ICC.

We reaffirm the concerns expressed in [USA 27/2025](#) and reiterate our request that your Excellency's Government provides clear and detailed explanations of the factual and legal bases for designation, ensure meaningful procedures for review and redress, and adopt immediate measures to mitigate any adverse human rights impacts arising from these listings.

Freedom of opinion and expression

We are concerned that the designation of Al-Haq, Al-Mezan and PCHR may violate the right to freedom of expression under article 19(2) of the ICCPR, which protects the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other media. These protections apply equally to individuals and to legal entities such as non-governmental organisations (Human Rights Committee, General Comment No. 34, para. 7).

The three organisations engage in documenting violations of human rights and humanitarian law, publishing reports, conducting legal analysis, and advocating before domestic, regional, and international institutions, including the ICC. These activities fall squarely within the scope of protected expression, which includes human rights and the work of human rights defenders (general comment No. 34, paras. 11 and 30).

By freezing assets, disrupting financial operations, and obstructing access to resources, the sanctions will have the effect of dismantling the organisations' capacity to perform these functions. Restrictions on the right to freedom of expression must be compatible with the requirements in article 19(3) of the ICCPR, that is, they must be provided for by law, pursue a legitimate aim, be necessary and proportionate, and be the "least intrusive instrument among those which might achieve their protective function" (general comment No. 34, para. 34). We are concerned that the restrictions imposed by executive order No. 14203 do not satisfy any of these requirements, as no clear or public evidentiary basis has been disclosed to substantiate that the activities of these organisations genuinely threaten national security or the rights of others so as to justify restrictions on their operations.

Freedom of association

We are further concerned that the designation of these organisations and the accompanying sanctions, including the freezing of bank accounts and blocking of transactions constitute severe interferences with their ability to function. Such measures obstruct the exercise of the right to freedom of association under article 22 of the ICCPR, which protects the ability to form and operate associations for legitimate purposes, including human rights monitoring, legal advocacy, and humanitarian assistance.

As affirmed by the Human Rights Committee in its jurisprudence, including *Kudeshkina v. Russian Federation* (CCPR/C/90/D/1407/2005, para. 7.4) and *Zvozkov et al. v. Belarus* (CCPR/C/88/D/1039/2001, para. 7.2) and further supported by general comments Nos. 25 and 34, restrictions on the functioning of associations, including the freezing of assets and other financial obstacles, constitute interferences that must be exceptional and strictly justified against the criteria of legality, legitimate aim, necessity, and proportionality. The present sanctions risk interrupting donor contracts, disrupting ongoing programmes and services, and stigmatizing the organisations in ways that undermine cooperation with international partners. The U.S. restrictions do not pursue any legitimate aim and are therefore incompatible with article 22.

Right to participate in public affairs

The three organisations play a central role in enabling Palestinians to participate in public affairs by documenting violations, advocating before international mechanisms, and providing victims with a channel to seek accountability. Al-Haq's strategic litigation before international courts, and the engagement of Al-Mezan and PCHR in accountability processes and community representation, are key avenues for public participation. By financially restricting these organisations, the sanctions obstruct the ability of Palestinians to participate in public life and to contribute to decision-making affecting their rights (article 25 ICCPR). Article 25 of the ICCPR guarantees the right of every citizen to take part in the conduct of public affairs, directly or through freely chosen representatives, including the ability of individuals and associations to engage in human rights monitoring, policy advocacy and other activities contributing to public debate.

Consequential interferences in rights by private actors

Al-Haq, Al-Mezan, and the PCHR's online and digital operations have been significantly disrupted by US-based technology companies, causing serious adverse human rights impacts. These actions have severely undermined the organisations' capacity to ensure that the voices of Palestinian victims are heard, that the violations of international law are publicly documented, preserved as potential evidence of international crimes, and remedied. These actions have obstructed efforts to hold perpetrators accountable, and to uphold the rights of victims under international human rights law, and to make victims aware of the services available to them, including legal aid and representation. These actions have also impeded the organisations' capacity to reach their target audiences and to fulfil their mandates of promoting the implementation of human rights, documenting and publicising violations, and providing access to essential reports and other documents.

Rights to liberty, fair trial, and effective remedy (articles 6, 7, 9, 14, 16, read alone and in conjunction with 2(3) ICCPR)

Al-Mezan and PCHR provide legal aid and representation to victims of human rights violations in Gaza, including detainees and persons who have been subjected to arbitrary detention, enforced disappearance and risks or arbitrary deprivation of life, torture and other ill-treatment, and victims of arbitrary property seizures. The sanctions obstruct their ability to provide such services, undermining the right to life (article 6 ICCPR), right to liberty and security of person (article 9 ICCPR), the right to a fair trial (article 14 ICCPR), right to recognition everywhere as a person before the law (article 16) and the prohibition of torture and cruel, inhuman or degrading treatment (article 7 ICCPR), read alone or in conjunction to the right to an effective remedy (article 2(3) ICCPR). The Human Rights Committee has stressed that access to legal counsel and representation is an essential safeguard against arbitrary detention and unfair trial. Restricting organisations that provide such services undermines the enjoyment of these rights.

Al-Haq, while not primarily engaged in direct legal aid, contributes to accountability and effective remedies through documentation and strategic litigation before international tribunals, including the ICC. The sanctions, therefore, also impair the ability of victims of human rights violations to pursue justice and redress through international mechanisms (article 2(3) ICCPR).

Human rights defenders and non-discrimination

Al-Haq, Al-Mezan and PCHR are internationally recognised human rights organisations with long-standing engagement with United Nations mechanisms and international accountability processes. Targeting them for their cooperation with the ICC contravenes the UN Declaration on Human Rights Defenders, which affirms that everyone has the right to promote and protect human rights (articles 1 and 2), to form associations (article 5), and to solicit, receive, and utilise resources for the purpose of promoting human rights (article 13). It also raises concerns of discriminatory application contrary to articles 2 and 26 of the ICCPR, insofar as the sanctions target only organisations pursuing accountability for alleged violations by Israel against Palestinians.

Due process and legality

It has been reported that the organisations have not been provided with adequate disclosure of the evidence underlying their sanctions listing, impairing their ability to effectively challenge the measures. The absence of transparent and accessible procedures for contesting designation decisions fails to meet international due process standards and judicial protection guarantees (article 14 ICCPR). Designations must include procedural safeguards such as timely notification, access to evidence, the right to judicial review, and periodic review of listings. In the analogous context of counter-terrorism designations, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has set out best practice international standards on the listing of entities (A/HRC/16/51, para. 35 and A/80/284, paras. 17-39).

Pattern of interference with the ICC and targeting of Palestinian civil society

The sanctions imposed on Al-Haq, Al-Mezan, and the PCHR appear to form part of a broader pattern of measures undertaken by your Excellency's Government that undermine the work of the ICC and those who cooperate with it. These actions collectively convey a policy of obstructing accountability efforts for alleged international crimes, both by penalising the ICC's institutional functions and by targeting individuals and organisations that support or engage with its proceedings.

The use of sanctions and other coercive tools against actors associated with the ICC, including civil society organisations, represents a form of interference with the administration of international justice. Such measures, even when framed as responses to perceived jurisdictional overreach, risk setting a precedent that weakens the independence of international judicial mechanisms and dissuades future cooperation by States, human rights defenders, and victims' representatives.

The present designations also reflect an escalating trend of restrictions directed at Palestinian civil society organisations that document violations, advocate for accountability, and engage with international human rights mechanisms. The effect of these measures is to stigmatise and isolate legitimate human rights activity, constrict civic space, and discourage other actors from undertaking similar documentation or advocacy for fear of retaliation.

When States employ financial restrictions or sanctions against entities engaged in international justice work, such measures not only impede the affected organisations but also have a broader chilling effect on global cooperation with accountability mechanisms. They risk deterring witnesses, victims, and human rights defenders from sharing information with international institutions, thereby frustrating the pursuit of truth, justice, and reparation for serious violations.

Your Excellency's Government has characterised the sanctions as necessary to safeguard sovereignty and the security of its allies. However, the imposition of such punitive measures against those pursuing justice for grave human rights violations undermines the very principles upon which the international legal order is based. The protection of sovereignty and security interests are still subject to the requirements of international law, including international human rights law, international humanitarian law, international criminal law and remedies and accountability for violations. These actions threaten to erode the universality of accountability, the independence of judicial institutions, and the rule of law itself.

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 the factual and legal basis for the designation of Al-Haq, Al-Mezan, and the Palestinian Centre for Human Rights under executive order 14203, including any evidence relied upon, and explain how the designations comply with the principles of legality, legitimate aim, necessity, proportionality and non-discrimination under international human rights law.
3. Please explain how your Excellency's Government has ensured that the designation and associated sanctions are consistent with its obligations under the ICCPR, in particular with respect to freedom of opinion and expression (article 19 ICCPR), freedom of association (article 22 ICCPR), and the right to participate in public affairs (article 25 ICCPR).
4. Please indicate what measures have been taken to ensure that the designations do not obstruct the right to life (article 6) rights to liberty and security of person (article 9), freedom from enforced disappearance, freedom from the torture and other ill-treatment (article 7 and CAT), the right to a fair trial (article 14), right to recognition everywhere as a person before the law (article 16) and to an effective remedy (article 2(3) ICCPR), in conjunction with the prohibition of torture and ill-treatment (article 7 ICCPR), including by impairing the legal aid and representation services provided by Al-Mezan and PCHR.
5. Please indicate what safeguards exist to ensure that designations and sanctions are not applied in a discriminatory or retaliatory manner against civil society organisations based on their political views, affiliations, or cooperation with international accountability mechanisms, including the ICC.
6. Please clarify whether your Excellency's Government has engaged in consultations with civil society, United Nations human rights mechanisms, or other stakeholders prior to or following the designation of Al-Haq, Al-Mezan, and PCHR, and whether any measures are foreseen to mitigate its impact on civic space, human rights defenders and their legitimate advocacy and engagement in human rights protection.
7. Please explain the procedures available to the organisations to effectively challenge their designation, including the disclosure of evidence, access to judicial review, and the possibility of de-listing. Please indicate how these procedures are consistent with international due process guarantees (article 14 ICCPR).
8. Please provide information on any human rights impact assessment undertaken prior to the designations, particularly regarding their foreseeable effects on the rights of human rights defenders, victims, and Palestinian civil society more broadly.

9. Please provide information about measures and policies that your Excellency's Government has put in place to protect against human rights abuses by business enterprises domiciled in its territory, including Meta, Google's YouTube and Intuit's Mailchimp. This includes conducting effective human rights due diligence to identify, prevent, mitigate and account for how they address their impacts on human rights throughout their operations (including abroad), as set forth by the UN Guiding Principles on Business and Human Rights. This includes conducting heightened human rights due diligence in conflict-affected regions (A/75/212).
10. Please indicate the steps that your Excellency's Government has taken, or is considering taking, to ensure effective access to domestic judicial mechanisms for victims of business-related human rights abuses.
11. Please indicate the steps that your Excellency's Government has taken or is considering taking to ensure that business enterprises such as Meta, Google's YouTube and Intuit's Mailchimp provide effective, operational-level grievance mechanisms, or cooperate in the provision of effective remedies through legitimate processes to the affected victims if they have contributed to adverse human rights impacts.
12. Please indicate the steps that your Excellency's Government has taken or is considering taking to ensure that its legal framework applicable to technology companies is compatible with international human rights law.

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 lift the sanctions immediately 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.

Please be informed that letters on this subject have also been sent to the referred enterprises. A copy of this communication has been sent to the Government of Israel and the Government of the State of Palestine.

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

Ben Saul

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

Pichamon Yeophantong
Chair-Rapporteur of the Working Group on the issue of human rights and
transnational corporations and other business enterprises

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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 principles and international standards applicable to this communication.

Freedom of opinion and expression

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 and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In 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" (para. 11). The Committee further noted that States parties to the ICCPR "shall put in place effective measures to protect against attacks aimed at silencing those who exercise their right to freedom of expression" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) of the ICCPR. 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. To be provided by law, a restriction must be formulated with sufficient precision to enable individuals to regulate their conduct accordingly, must not confer unfettered discretion, and must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not (para. 25). 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" (general comment No. 34, para. 35). The relation between right and restriction and between norm and exception must not be reversed. A restriction must be "the least intrusive instrument among those which might achieve their protective function" (para. 34). 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).

The Human Rights Committee has also emphasized that States must ensure that any counter-terrorism measures are compatible with article 19(3) of the ICCPR and that any offences should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression (general comment No. 34,

para. 46).

In her report on “freedom of expression in turbulent times”, the Special Rapporteur on freedom of opinion and expression urged States to “refrain from restricting freedom of expression or from making takedown requests, except in accordance with the requirements of legality, necessity, proportionality and legitimate objectives as set out in the International Covenant on Civil and Political Rights and the relevant jurisprudence” (A/80/341, para. 109 b).

Freedom of peaceful assembly and association

Article 21 of the ICCPR 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. 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). Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies. These rights can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose.

The freedom to access resources is part of the right to freedom of association, including to seek, receive, and use resources, without prior authorization or other undue impediments, from natural and legal persons, whether national, foreign, or international, and including individuals, associations, foundations and other civil society organizations, foreign governments and aid agencies, the private sector, the United Nations, and other entities (A/HRC/53/38/Add.4, para. 11). The Human Rights Committee has consistently expressed its concern about restrictions on foreign funding as an impediment to the right to freedom of association. Article 13 of 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 (the Declaration on Human Rights Defenders) establishes that everyone has the right, individually and in association with others, to seek, receive, and utilize resources to promote and protect human rights by peaceful means. Additionally, in resolution 22/6, the Human Rights Council urged States to ensure that reporting requirements imposed on individuals, groups, and civil society bodies do not inhibit their functional autonomy. States must ensure that any restrictions on the right of civil society organizations to access funding and resources comply with the international human rights requirements of legality, legitimate aim, necessity, and proportionality in a democratic society, as set out in article 22(2) of the ICCPR.

The Human Rights Committee has stated that “the imposition of any restrictions should be guided by the objective of facilitating the right, rather than seeking unnecessary and disproportionate limitations on it. Restrictions must not be discriminatory, impair the essence of the right, or be aimed at discouraging participation in assemblies or causing a chilling effect” (general comment No. 37, para. 36). In addition, the Special Rapporteur on the rights to freedom of peaceful assembly and of association highlighted that “negative and hostile narratives increasingly used to vilify and criminalize civil society and activists deepen the stigmatization of those exercising their rights to peaceful assembly and association. Stigmatization, whether intentional or not, especially when propagated by authorities, effectively denies these fundamental rights. It misrepresents legitimate exercises of freedom as illegal and those involved as criminals or threats to national security, public order or morals. This fuels harmful stereotypes, fosters hostility, justifies punitive measures and triggers undue restrictions on these rights” (A/79/263, para. 11). The Special Rapporteur emphasized the weaponization of unjustified accusations of terrorism, facilitated by broad anti-terrorism laws, to stifle civic activism and civil society critical of government policies (paras. 32-35).

Equality and non-discrimination

Article 2 of the ICCPR and the ICESCR requires that States respect and ensure to all individuals the rights protected under both Covenants without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 26 of the ICCPR further provides that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. It requires that the law “prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” The Human Rights Committee reminds that non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitutes a “basic and general principle” relating to the protection of human rights (general comment No. 18, para. 1). It also noted that article 26 prohibits discrimination in law or in fact in any field regulated and protected by public authorities (para. 12).

Right to participate in public affairs

Article 25(a) of the ICCPR provides that: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions... [t]o take part in the conduct of public affairs”. The Human Rights Committee noted that “[c]itizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association” (general comment No. 25, para. 8).

Human rights defenders

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 (the UN Declaration on Human Rights Defenders), articles 1 and 2, 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(c), 9 and 12 state that everyone has the right, individually and in association with others, to meet or assemble peacefully for the purpose of promoting and protecting human rights; to study, discuss, form or hold opinions on the observance of all human rights and fundamental freedoms; to draw public attention to these matters; to benefit from an effective remedy and be protected in the event of the violation of these rights; and to participate in peaceful activities against violations of human rights and fundamental freedoms. Human Rights Council resolution 13/13 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.

Right to life

Article 6 of the ICCPR guarantees the right to life and provides that “every human being has the inherent right to life [which] shall be protected by law. No one shall be arbitrarily deprived of his [or her] life.” In its general comment No. 36, the Human Rights Committee noted that States must take all necessary measures to prevent arbitrary deprivation of life by their law enforcement officials. This includes procedures to ensure that law enforcement actions are properly planned, consistent with the need to minimize the risk they pose to human life, mandatory reporting review and investigation of lethal and other life-threatening incidents (para. 13). The State also has a responsibility to take “all appropriate measures to deter, prevent and punish the perpetrators as well as to address any attitudes or conditions within society which encourage or facilitate such crimes violence or killings committed by non-State actors” (E/CN.4/2005/7, para. 71).

Freedom from torture and other ill-treatment

The absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law, codified in article 7, read alone and in conjunction with article 2(3), of the ICCPR and at least, articles 1, 2, 15 and 16 of the CAT. Attached to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute suspects, to punish those responsible and to provide remedies to victims.

In line with the principles enshrined in the CAT, States should establish all acts of torture as offences under domestic law (article 4); exercise jurisdiction over said offences (article 5); receive complaints and examine them promptly and impartially (article 13); and investigate those allegations promptly and impartially (article 12). Prosecutors and courts have a duty to refuse evidence obtained, or suspected of having been obtained, through torture or other illicit means (article 15). Victims are to be protected from reprisals or intimidation during said investigations (article 13) and they have an enforceable right to fair and adequate compensation including the means for as

full rehabilitation as possible (article 14). At no time shall torture be used to extract information or a confession (article 1), and any statement which has been obtained via such methods, shall be excluded from any proceedings except against a person accused of torture as evidence that the statement was made (article 15).

Arbitrary detention

We also draw to the attention of your Excellency's Government that states have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State, since by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their lives and bodily integrity, and they may not rely on lack of financial resources or other logistical problems to reduce this responsibility. The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health. We, therefore, express our utmost concern over the reports of current defendants were held incommunicado for large periods of time and subject to ill-treatment while in detention, including with the aim of obtaining confessions.

Enforced disappearance

Article 13 of the Declaration on the Protection of all Persons from Enforced Disappearance states that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. Article 13 also states that steps shall be taken to ensure that all involved in the investigation, including witnesses, are protected against ill-treatment, intimidation or reprisal.

Right to an effective remedy

Article 2(3) of the ICCPR enshrines the right to an effective remedy. It provides that States parties have the obligation: (a) to ensure that any person whose rights or freedoms recognized in the ICCPR are violated have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) to ensure that any person claiming such a remedy has such right determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; and (c) to ensure that the competent authorities enforce such remedies when granted.

The right to an effective remedy is a key element of the full enjoyment of human rights. Without access to an effective remedy, human rights violations go unpunished, and victims may be deprived of justice, compensation and their human dignity.

UN Guiding Principles on business and human rights

The United Nations Guiding Principles on Business and Human Rights were unanimously endorsed by Human Rights Council resolution A/HRC/RES/17/31 in 2011. The guiding principles clarify that the business enterprises have an independent responsibility to respect human rights, but States must also take appropriate steps to prevent, investigate and redress human rights abuses committed by private actors. The guiding principles recognise: a) “States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms”; b) “The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights”; and c) “The need for rights and obligations to be matched to appropriate and effective remedies when breached.” States must protect against human rights abuses by business enterprises within their territory, including by taking appropriate steps to “prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication” (guiding principle 1). In addition, States should “enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights” (guiding principle 3). The guiding principles also require States to ensure that victims have access to effective remedy in instances where adverse human rights impacts linked to business activities occur. We would like to remind your Excellency’s Government that the United Nations Guiding Principles on Business and Human Rights clarifies that the business enterprises have an independent responsibility to respect human rights. However, States may be considered to have breached their international human rights obligations where they fail to take appropriate steps to prevent, investigate and redress human rights abuses committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures.

International law applicable to the occupied Palestinian territory

In relation to the occupied Palestinian territory, the International Court of Justice in its Advisory Opinion of the of 19 July 2024 on the “Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem” declared that Israel’s occupation and illegal annexation violates two peremptory norms of international law: the right to self-determination of the Palestinian people and the prohibition on the acquisition of territory by force. It identified numerous violations of international humanitarian law (including the law of occupation) and international human rights law, including the prohibition on apartheid and racial segregation. The Court explicitly affirmed that Israel’s security concerns cannot override the prohibition of the acquisition of territory by force. The Court directed Israel to terminate its occupation, dismantle all illegal settlements, provide reparations to Palestinian victims, and facilitate the return of Palestinians displaced in 1967.

On 26 January 2024, the International Court of Justice also found it plausible that the Palestinian population of Gaza had a plausible right to be protected from acts of genocide prohibited under the Convention on the Prevention and Punishment of the Crime of Genocide. The Court 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 humanitarian aid and services reach Palestinians under siege in Gaza, and preserving evidence of crimes committed in Gaza.

All other States also have a duty to take all feasible measures to prevent the risk of genocide in Gaza under the Convention.