

Mandates of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Ref.: AL OTH 163/2025
(Please use this reference in your reply)

22 January 2026

Dear Mr. Moore,

We have the honour to address you in our capacities as Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; Special Rapporteur on the right to food; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the human rights of internally displaced persons and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 60/5, 58/10, 60/10, 52/10, 59/12 and 1993/2A.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 59 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention information we have received concerning serious allegations relating **to the operations of the Gaza Humanitarian Foundation, its employment and use of private military and security companies and third-country nationals in Gaza and whose activities may**

Gaza Humanitarian Foundation

contribute, enable or directly result in grave human rights violations and serious breaches of international human rights law and international humanitarian law.

According to the information received:

Background

On 7 October 2023, Hamas and other Palestinian armed groups killed approximately 1,200 persons in Israel, of whom at least 822 were civilians, including women, children and older persons, 252 hostages were taken. Since this date, violence has been escalating, today Israeli Defense Forces (IDF) have killed an estimated about 71,419 Palestinians in Gaza injured over 171,318 with more than 70,000 children injured, about 12,400 women killed and 11,000 people remained missing. By end of June 2025, 90 per cent of the population of the Gaza, around 1.9 million people, had been displaced due to the conflict; more than half of them are children. Reportedly, Palestinians in Gaza have been displaced on average at least six times, while some were displaced up to 19 times only between October 2023 and October 2024. Many families have been compelled to live in inhumane conditions, finding shelter in makeshift tents or outdoors, with extremely limited access to essential items including food, water and sanitation, and fuel.

The IDF has systematically destroyed or damaged 92 per cent of the housing units, the majority of hospitals and health care centers, almost 90 per cent of schools and a majority of universities, essential civilian infrastructure and the vast majority of the road network across Gaza, while destroying and controlling access to nearly all water and sanitation facilities. These acts have rendered the majority of Gaza's population homeless, drastically shrunk Palestinian residence in and control of Gaza's territory while rendering it uninhabitable, and are preventing internally displaced persons (IDPs) from returning to their homes. The military assault has also included multiple attacks on temporary housing, including IDP and refugee camps, on schools, medical facilities, religious and cultural sites, and other structures used by IDPs for sheltering, including in areas to which Israeli forces had ordered them to evacuate. Today, at least 259,000 Palestinian families, more than 1.45 million people, need emergency shelter assistance.

Between October 2023 and September 2025, the Israeli military issued over 150 evacuation orders directing civilians to move from certain parts of Gaza to others. Evacuation orders have been disseminated online, through text messages and telephone calls, or with airdropped leaflets with maps and GPS coordinates marking "safe" or "humanitarian" areas. No measures were reportedly taken to allow for the safe evacuation of children, pregnant women, older persons, the sick or injured and persons with disabilities or with other vulnerabilities. This has resulted in people living in constant fear, and many have been forced to move multiple times, a state of permanent exodus of permanent homelessness. However, even when people moved in compliance with the evacuation orders to "humanitarian zones", often on very short and unreasonable notice, they found themselves bombed and attacked.

Most people in Gaza continue to reside in a range of inadequate shelter types that fail to meet basic emergency standards, including tents, makeshift tents, and partially or heavily damaged buildings. The Site Management Cluster (SMC) estimates that, as of 10 November 2025, around one million people were residing in about 862 displacement sites across Gaza, noting that these figures fluctuate daily as people move in response to changing conditions. The vast majority of IDPs are in makeshift and scattered sites in Deir al Balah and Khan Younis, where severe overcrowding persists. Many of these sites were spontaneously established by displaced families along roads, in open areas, agricultural lands, or along the coast. As of 5 December 2025, over 72,000 IDPs were estimated to be living in 85 shelters managed by UNRWA staff and the surrounding areas. Currently, 116 UNRWA facilities are located within the Israeli militarized zone. According to the Shelter Cluster, at least 1.45 million people require emergency shelter items.

On 9 October 2023, Israel's then-Minister of Defense Yoav Gallant declared that in the Gaza Strip there should be no electricity, no food, no fuel, everything should be closed. By December 2023, the situation in Gaza deteriorated with planned denial of basic necessities to the civilian population that led to malnutrition and starvation.

On 19 January 2025, a ceasefire entered into force between the parties, that ended on 18 March. However, on 2 March 2025, Israeli Government imposed a blockade, cutting off all humanitarian aid to the Gaza Strip, relaunching its offensive and taking control of additional vast areas of the Gaza Strip. Over an 11-week period from March to May 2025 Israel imposed a closure, prohibiting any aid from entering Gaza and simultaneously announcing plans to intensify its military operations, accompanied by evacuation orders which served to forcibly relocate the Palestinian population of northern Gaza to southern Gaza. The blockade further increased the risk of famine among the inhabitants of the Gaza Strip and the Occupied Territories. UNOCHA reported 1.4 million people in need of emergency shelter items, and around 1.45 million people in need of essential household items by end of August 2025.

In parallel, the Government of Israel has persistently attacked the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for being infiltrated by Hamas "terrorists", including in the context of the 7 October 2023 attack on Israel. These allegations against UNRWA appear to be part of a long-standing and systematic campaign of misinformation to discredit UNRWA's humanitarian and protection mandate and to undermine international political and financial support for it. Two Israeli laws¹ that entered into force on 20 January 2025 seek to undermine UNRWA by prohibiting Israeli cooperation with it and preventing any UNRWA activities within Israel and occupied East Jerusalem. United Nations Special Procedures mandate holders have warned that these laws are inconsistent with international law², including with Israel's duty to cooperate with UNRWA and to respect its privileges and

¹ Law for the Cessation of UNRWA Activities, 5784-2024 and the Law for the Cessation of UNRWA Activities in the Territory of the State of Israel, 5784-2024, both adopted on 28 October 2024.

² Communication by Special Procedures mandate holders to Israel, ISR 3/2025, 19 February 2025, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29706>.

immunities, including the inviolability of its premises. Israel’s efforts to establish humanitarian relief alternatives to UNRWA and other United Nations entities and partners have been staunchly opposed by the General Assembly, Security Council and the Secretary-General³. The General Assembly stressed that UNRWA is “indispensable” and the “backbone of all humanitarian response in Gaza” and that “no organization can replace or substitute” its capacity and mandate to serve Palestine refugees and civilians in urgent need of life-saving humanitarian assistance”. It warned that “any attempts to dismantle or diminish the operations and mandate of” UNRWA would have “severe humanitarian consequences for millions of Palestinian refugees”.⁴

After blocking aid for a nearly two-and-a-half-months, on the evening of 4 May 2024, the Israeli security cabinet preliminarily approved a new mechanism to overhaul humanitarian aid distribution in the Gaza Strip that would be coordinated directly by Israel instead of the traditional U.N.-led framework. The Israeli government presented the model as a tactical approach to resume aid in response to the Israeli claims that aid was being routinely diverted by Hamas. The idea of an Israeli-backed private food distribution program however was initially discussed in December 2023, long before the allegations regarding Hamas looting aid was made. Despite Israeli claims of aid diversion by Hamas, USAID published analysis in July 2025 that found no evidence of large-scale diversion of aid by Hamas. It appears that no evidence of such allegations has been found.

On 21 May 2025, Israel announced it would allow limited humanitarian aid to enter the Gaza Strip and be distributed through the newly established **Gaza Humanitarian Foundation (GHF)**.

Gaza Humanitarian Foundation (GHF)

The GHF was established in February 2025 and is registered as a “charitable nonprofit” in Delaware, United States of America, aiming to supply humanitarian aid to Gaza. The GHF claims that it is “organized and operated exclusively for religious, charitable, scientific, literary and educational purposes” to accord with the requirements in 26 U.S.C. para. 501(c)(3), which governs tax-exempt organizations. It was also registered in Switzerland, however reportedly Swiss authorities dissolved it in August 2025. The Gaza Humanitarian Foundation announced on 24 November 2025 that it will shut down operations in Gaza. Its website has become defunct.

The GHF stated plan initially involved setting up to four Secure Distribution Sites (SDS), each intended to serve 300,000 people, 1.2 million Gazans in the initial phase, with capacity to expand up to 2 million. The aid included pre-packaged rations, hygiene kits, and medical supplies to be moved through tightly controlled corridors, monitored in real time to prevent diversion. The GHF was set up to take-over the functions previously performed by United Nations agencies, most notably the United Nations Relief and Works Agency for Palestine Refugees in Near East (UNRWA), which were running 400 aid

³ A/79/684-S/2024/892 (10 December 2024).

⁴ General Assembly resolution ES-10/25 (11 December 2024), entitled “Support for the Mandate of UNRWA”

distribution sites. The GHF seems to be set up in an effort to prevent UN and other independent international NGOs from being involved in the distribution of life saving assistance

Four days ahead of the launch of GHF's operations in Gaza in coordination with the Israeli Government, Prime Minister Netanyahu announced a plan to allow an amount of food into the Gaza Strip, which later revealed to be insufficient. This plan was to facilitate the continuation of the military operations in Gaza as the first aid and distribution points would be established in areas under Israeli Defense Forces' control.

Since 27 May 2025, when the GHFs operation in four what it called Secure Distribution Sites (SDS) began, GHF SDS' was reportedly marked by daily violence and high casualties among Palestinians seeking aid. Killings of Palestinians have continued since then. One of the deadliest incidents took place on the 24 June 2025, when 44 people were killed and at least 146 were injured after Israeli forces reportedly opened fire as people advanced towards aid trucks carrying food.

Allegedly, commanders ordered troops to shoot at crowds to drive them away or disperse them, even though it was clear they posed no threat, confirming reports that the IDF was firing at and killing Palestinian civilians.

Over 90 per cent of the population – many repeatedly – were forcibly displaced through forced “evacuation” orders and mass bombardments. Notably, more than 630,000 Palestinians were forcibly displaced from 18 March 2025, to 30 May 2025, which coincides with the period of time that the GHF became operational in Gaza.

Moreover, U.S. trained contractors working for the GHF alongside Israeli forces at GHF checkpoints have used lethal force including using M-4 rifles against people waiting in the dense food-aid queues killing over 2,000 and injuring more than 4,000 Palestinians while seeking food and aid. As of 22 July 2025, at least 859 Palestinians have been killed in incidents near the GHF distribution sites since the operations started in late May 2025, most of these deaths due to gunshot injuries. On 9 October, two people were killed and 13 others were injured by Israeli forces, increasing the death toll to 2,615 with 19,177 others wounded. Furthermore, the GHF's Secure Distribution Sites are especially difficult to access to people in more vulnerable conditions, such as women, children, persons with disabilities and older persons and sited in high risk environments areas designated by the IDF as red zones.

The GHF largely limited food distribution to sites in southern Gaza while providing no food distribution to Palestinians in northern Gaza. Moreover, GHF distributed only food aid, excluding other essentials such as clean water, medical supplies and equipment and medicine. GHF had only four distribution centers compared to 400 aid distribution points run by the United Nations and other international organizations prior to October 2023. This resulted in widespread violations of economic, social, and cultural rights in Gaza. These deprivations were further stressed on 22 August 2025 by the Integrated Food Security Phase

Classification (IPC), which declared that the worst-case scenario of famine (IPC Phase 5) is currently playing out in Gaza⁵. The IPC described the famine as “entirely man-made and can be halted and reversed”. Their analysis projected that the entire population in Gaza will face Phase 3 or above (Crisis/Emergency) food insecurity by September 2025, including half a million people in Phase 5 (Catastrophe) (see figure 3). According to the IPC, frequent displacements and extremely restricted humanitarian access are the key drivers of food insecurity across Gaza⁶. Concerningly, the IPC note that it has not been feasible for them to conduct a more up to date reliable analysis of the status of famine in Gaza, with another analysis tentatively planned for November, however at the time of writing there has been no updated analysis since August 2025.

Concerns were also raised that the GHF system, including the location of GHF distribution sites, may have become a contributing factor to forced displacement of the population.

The GHF system seemed to be part of Israeli unlawful occupying force’s efforts to control how much aid enters the enclave. Allegedly, Israeli Defense Forces (IDF) selected the distribution sites and not GHF, and also built them. The sites are all in areas where there are no civilians and in locations completely leveled, unoccupied and devoid of structures and inhabitants and far from “safe zones”, forcing thousands of Palestinians walk for 4 or 5 hours or even overnight at least and crossing IDF’s red zones to reach the sites and queues up there often for hours. There is no shelter, no water and no clear communication regarding the distribution schedule. There was also not enough aid available at each site to meet the needs people gathered with the expectation of receiving aid.

There was also not enough aid available at each site to meet the basic needs of around 7,000 to 8,000 people would come to each delivery with the expectation of receiving aid. Aid-seekers need to compete with others for insufficient amounts of aid and those who collapse or are injured were not provided water or first aid. These aid sites were out of reach for vulnerable groups such as persons with disabilities, older persons, as well as women and children. But at the end, hundreds of them, including women, children, the elderly, would leave the sites with nothing, or maybe only few noodles and beans they could pick out of the dirt after all the boxes of food were gone. On a good day, as many as 15 trucks would arrive at a single site, carrying around 25,000 boxes of food. Each box could feed a family of five for three days. Yet, despite these efforts, between 7,000 and 8,000 people often showed up at each distribution. By the end, hundreds – including women, children, and the elderly – were left with nothing, or with only a few scattered food boxes they managed to pick up from the dirt after all the boxes were gone. Once the boxes of food were over, people were forcibly and violently evicted from the site, often by using force, even though most of them were attempting to leave voluntarily but taking time as they had no shoes were trying to help the older ones. The GHF suspended its operations in October 2025, halting activity during ceasefire implementation and as part of a planned wind down and ceased operations on 24 November

⁵ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_Aug2025.pdf

⁶ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_GazaStrip_Alert_July2025.pdf

2025, following a U.S.-brokered ceasefire and after transitioning aid responsibilities to other organizations.

The GHF's organizational structure

The GHF is an Israel and United States-backed body that reportedly operates under Israeli military's control. It is registered at Northwest Registered Agent Service, Inc., 8 The Green, STE B, Dover, Delaware, was incorporated on 3 February 2025. It is composed of two GHF entities which were set up in the US State of Delaware.

- 1) The *Gaza Humanitarian Foundation* (file No. 10087528), registered at Northwest Registered Agent Service, Inc., 8 The Green, STE B, Dover, Delaware, was incorporated on 3 February 2025.
- 2) The *For Those In Need Foundation*, originally called the Gaza Humanitarian Foundation but which changed its name to on 7 February 2025 (file No. 10002670) and is registered at The Corporation Trust Company, Corporation Trust Centre 1209 Orange St, Wilmington, Delaware. The foundation was incorporated on 12 December 2024.

Both entities appear to be shell companies with empty offices and no-known staff, not much information is available about these companies. Moreover, the GHF's work is underwritten by 30 million US Agency for International Development (USAID) grant approved by the White House on 26 June and flagged as a high-priority directive. On 1 July, the USAID was officially dismantled but the grants remained managed by the State Department. Allegedly, the GHF is an Israel and United States-backed body that reportedly operates under Israeli military's control.

In addition, a Swiss Branch of GHF was registered in Geneva and in July 2025, the Swiss Federal Supervisory Authority for Foundations (so-called, ASF) initiated proceedings to dissolve the GHF – Geneva Branch due to the GHF'S failure to meet legal requirements for a foundation in Switzerland, including lacking a valid Swiss bank account, postal address, and minimum board members.

Use of private security companies

Allegedly, the U.S. private military and security companies (PMSCs), Safe Reach Solutions and UG Solutions have been subcontracted by GHF. The Safe Reach Solutions and UG Solutions were reportedly part of the consortium of three companies tasked with managing and securing the north-south passage in the Gaza Strip, under the terms of the January 2025 ceasefire agreement. Allegedly, Safe Reach Solutions' and UG Solutions' managers are remunerated by the GHF. Both companies are largely staffed by former American military personnel and led by a former US Center Intelligence Agency (CIA) covert-action chief, to install camera networks and runs onshore logistics.

The GHF hired armed private contractors from these two PMSCs – Safe Reach Solutions (SRS) and UG Solutions – to provide logistics and security, militarizing the distribution mechanism of food supplies. Allegedly, under this arrangement, Palestinians in Gaza have to travel to the distribution sites – three of which are in the far south of Gaza, which makes access extremely challenging for Palestinians based in the middle and north and forcing them to cross the IDF’s ‘red zones’ and impossible for those injured in the red zone to be taken to the hospitals and receive medical assistance. Both companies – SRS and UG Solutions – are reportedly responsible for delivering aid to the distribution points and providing security, which can be considered as direct participation in hostilities.

Reportedly, serious concerns were expressed about the lack of vetting and training on use of force and humanitarian principles provided to the contractors recruited the PMSCs prior to entering Gaza.

The contractors arrived with a tourist visa (B2 visa) and once on the ground, were allowed to use deadly force to protect themselves and their coworkers, without any clear rules of engagement and guidance on what use of force was considered as appropriate. In addition, they had not received any training to use those weapons or neither had their qualifications to use them prior to their recruitment. In addition, the contractors received no training on international humanitarian law and human rights and had no experience in humanitarian work and distribution.

At the GHF’s sites, use of rubber bullets, tear gas and live ammunition as a purported form of crowd control, were used against persons not presenting a direct threat at or near GHF installations. Allegedly GHF staff possibly killed and injured many aid seekers by directing gunfire at those who attempted to cross barriers to seek aid and that many were injured or killed in front of others, who were helpless to intervene. There was also random gunfire and shelling that caused panic, leading to stampedes. In some instances, stronger pepper spray (capable of incapacitating people rather than merely dispersing crowds) was used on aid seekers by GHF to “control the crowds”.

On 2 July 2025, American individuals, reportedly hired by the private military and security companies fired live ammunition and stun grenades at Palestinians attempting to get aid at one of the GHF’s Secure Distribution Sites. Recordings and videos showed PMSC contractors shooting at Palestinian in the Secure Distribution Sites while being in direct communication with the IDF.

Reportedly, UG Solutions’ contractors⁷ recognized the IDF as their clients.

The Safe Reach Solutions

The Safe Reach Solutions (SRS) was the main security contractor involved in distribution and management of aid under GHF. It played the main role in securing distribution sites. The SRS was registered in the Wyoming (USA)

⁷ The term “contractors” generally refers to the individuals employed by these companies to provide military or security-related.

commercial register on 21 November 2024, by James H. Cundiff, a tax lawyer, who has also registered the GHF's mirror foundation in the State of Delaware in the United States.

The Safe Reach Solutions was registered in Israel on 14 May 2025. The Wyoming-based Two Ocean Trust LLC, a wealth management company which also serves as SRS's registered agent in the US, is reportedly listed as the sole director of the company. The Safe Reach Solutions SRS is active in *planning, logistics, and life support in the world's most complex environments*, according to the SRS's webpage. It is headed by Phil Reilly, reportedly a former Central Intelligence Agency (CIA) Afghanistan Station Chief.

The SRS is not a member of the International Code of Conduct Association (ICoCA) and it does not appear to be employing ISO 18788:2015. Reportedly, as of 2 July 2025, it announced open job positions to carry out military intelligence activities, including operating roadblocks, processing visual data from cameras, drones and satellites and using it to screen Palestinians.

UG Solutions

UG Solutions is registered in North Carolina. Its webpage states that it provides "solutions" worldwide, in both high-risk and commercial environments. Among its "current programs," it appears to provide humanitarian assistance in high-risk environments and protect industry leaders and their assets worldwide.

UG Solutions was hired as a security firm to work on ground operations in Gaza for the GHF, and has launched a recruitment process for an "international humanitarian security manager," seeking "highly qualified security professionals with combat experience to support multinational security operations. This mission involves securing key infrastructure, facilitating humanitarian efforts, and ensuring stability in a dynamic environment."

The activities related to the position would involve: securing checkpoints at critical locations – mobile and fixed posts available; fixed posts involve monitoring checkpoints, while mobile posts involve escorting convoys; protect and facilitate humanitarian efforts; provide humanitarian assistance – help distribute food and essential services to communities affected by crises; collaborate with local and international partners such as NGOs, government agencies, and community leaders; work effectively in high-risk environments alongside multinational teams. Allegedly, UG Solutions has been recruiting former Delta Force and Special Forces Operators.

UG Solutions is also not a member of ICoCA and it does not appear to be employing ISO 18788:2015. A former UG Solutions contractor claimed that the contractors were deployed to Gaza without any training on the use of weapons humanitarian or cultural awareness training and were provided with no guidance on the use of force. The former contractor also claimed that the Israeli Defense Forces is involved in the operations, that they have officers in their compounds and they share the radio communications with them. This was reportedly confirmed by other contractors, though UG Solutions denied the allegations.

While we do not wish to prejudge the accuracy of these allegations, we are expressing our most serious concern, should they be confirmed, at what may constitute cases of intentional infliction of conditions of life, notably by the deprivation of access to food and medicine and actual killings of thousands of civilians, including people in vulnerable situations, such as children, women, persons with disabilities, older persons and internally displaced persons, who have allegedly been subjected to serious violations of international human rights law and international humanitarian law in the context of ongoing hostilities and repeated displacement, including indiscriminate and disproportionate attacks, severe restrictions on freedom of movement, and significant impediments to humanitarian access, adversely affecting their access to food, water, health care, adequate shelter and education. Calculated acts to bring about the elimination of part of a population can be underlying act of genocide and war crime under international law through the so-called “secure distribution sites”.

We are particularly alarmed by what appears to be the use of private military and security companies by the Gaza Humanitarian Foundation in Gaza and the direct involvement of the Israeli Defense Forces and alleged recruitment of third country nationals whereby their deployment without any supervision, appropriate training on human rights and IHL or without or lacking previous experience on humanitarian work and distribution, or any training on accountability mechanisms negatively impacts on the peace, human rights, security and the life of Palestinians living under Occupation, while they are seeking for aid and food.

We also would like to express our deep concerns regarding the use of private military and security companies by GHF which has been facilitating and escalating violence and impunity in the commission of violations of international human rights and international humanitarian law, including crimes against humanity, war crimes and possibly genocide, which contravene the Statute of Rome of 1998 and individuals may be held accountable and be prosecuted by International Criminal Court. In addition, we are seriously concerned that the allegations above may indicate that the Gaza Humanitarian Foundation has been operating as a proxy contributing to significantly worsening the deterioration of the humanitarian situation and the human rights violations in the Gaza strip and in the Occupied Territory.

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, also kindly provide the names, the role and level of involvement of other companies in the creation and activities of GHF.

3. Please indicate whether the GHF has a policy or procedures in place to ensure PMSCs' personnel respect international human rights and humanitarian law, particularly to the respect of the use of force.
4. Please kindly clarify the role of the above-mentioned private and military security companies in the operation of the GHF in the Gaza Strip and Occupied Territory and whether there is any oversight or monitoring mechanisms for their activities.
5. Please, kindly provide any human rights due diligence measures undertaken with respect to these above-mentioned private military and security companies. Please also provide information whether the contracts for these contractors of the private military and security companies were and are in compliance with national and international labour standards and how are these contractors able to perform security functions under the alleged tourist visas they have been granted.
6. Please provide any steps that GHF has taken to address the above-allegations.

This communication and any response received from you 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.

Please be informed that a letter on this subject matter has also been sent to the Government of Israel, United States of America and Switzerland and copies of this letter have also been sent to Safe Reach Solutions and UG Solutions.

Please accept, Mr. Moore, the assurances of our highest consideration.

Michelle Small

Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Michael Fakhri

Special Rapporteur on the right to food

Tlaleng Mofokeng

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

Balakrishnan Rajagopal

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Paula Gaviria
Special Rapporteur on the human rights of internally displaced persons

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 wish to draw your attention to the relevant international norms and standards committed by the United States of America where the GHF is registered, that are applicable to the issues raised by the situation described above.

In addition, the Human Rights Council notes in resolution 9/9 that both international human rights law and international humanitarian law apply to situations of armed conflict and provide complementary and mutually reinforcing protection. Effective measures to guarantee and monitor the realization of human rights should be taken with respect to civilian populations in situations of armed conflict and effective protection against violations of their human rights should be provided, in accordance with international human rights law and applicable international humanitarian law.

International proceedings

On 19 July 2024, the International Court of Justice (ICJ) 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”. We recall the article 16 of the International Law Commission Articles on State Responsibility by which a State can be considered complicit, if it is found to have aided or assisted another State in committing internationally wrongful acts, such as blocking aid or supplying weapons.

Prohibition of Genocide

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 (Genocide Convention). 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 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". The prohibition of genocide more generally is considered a *jus cogens* norm and is one of the crimes that falls under the jurisdiction of the International Criminal Court (article 6 of the Rome Statute). While the ruling on the merits of the case will take many more years, and the issue of whether there was complicity in or a failure to prevent genocide will depend upon that judgment, the mere issuance of provisional measures by the Court, detailing the destruction (South Africa v Israel, paras. 46-49) and dehumanizing language (paras. 50-53) that make the risk of genocide plausible, triggers at the very least the duty to prevent since all states are now aware of the serious risk of genocide and the urgency of the case.

In addition, Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel discussed the "genocidal intent" in a recent report (A/HRC/60/CRP.3) issued on 16 September 2025 in the killings of Palestinian civilians in Gaza and recommended "(a) immediately implement a complete permanent ceasefire in Gaza and end all military operations in the occupied Palestinian territory that involve the commission of genocidal acts; (c) Restore, allow and ensure unhindered access of all United Nations staff, including UNRWA international staff, and all international agencies coordinating or providing humanitarian aid in the occupied Palestinian territory, including East Jerusalem; (d) Immediately end its policy on starvation and end the distribution of food aid through the Gaza Humanitarian Foundation; (e) Ensure full, unimpeded access of humanitarian aid at scale and through multiple distribution points throughout the Gaza Strip, including food, clean water, medical equipment and medicine to all areas of Gaza through a UN-led humanitarian response; (f) Allow, facilitate and ensure unhindered medical evacuation of Palestinians from Gaza to third States; (g) Allow, facilitate and ensure the unhindered access to Gaza by emergency medical teams;"(para. 256).⁸ According to article 1 of the Genocide Convention, States have a duty to prevent genocide, including by not contributing or facilitating means to commit genocidal acts.

On 22 October 2025, the ICJ delivered its advisory opinion concerning Israel's obligations regarding the presence and activities of the UN, other international organizations, and third States in and in relation to occupied Palestinian territory⁹. The advisory opinion resoundingly supports UNRWA's mandate and continued operations. In addition, as the occupying power, Israel is obliged to lift restrictions on UNRWA's operations and agree to and facilitate relief provided by the agency¹⁰. It also recognised

⁸ See also para. 30 and 45-50 of the report A/HRC/60/CRP.3.

⁹ <https://www.icj-cij.org/case/196>

¹⁰ <https://www.unrwa.org/icj-advisory-opinion-israel-obligations-key-conclusions-relating-unrwa>

the unique and sustained connection between UNRWA's mandate and the realization of human rights for the Palestinian people, including their right to self-determination. As such, the Court found that Israel risks violating international human rights law by impeding UNRWA's operations, and must cooperate in good faith with UN entities. Furthermore, the ICJ rejected Israel's allegations against UNRWA concerning its alleged lack of impartiality and specifically dismissed Israel's argument that the unsubstantiated 'infiltration' by Hamas legitimised the restriction on UNRWA's operations. The Court also expressly stated that UNRWA cannot be replaced on short notice and without a proper transition plan.

Under international humanitarian law, as an occupying power, Israel has a legal obligation to ensure the wellbeing of the protected population, by providing all objects necessary for their survival, and ensuring the passage of humanitarian relief where populations are inadequately supplied, as it is a signatory of all four Geneva Conventions. This is made explicit in article 23 of the Fourth Geneva Convention which stipulates that an occupying power must facilitate the free passage of humanitarian relief for civilian populations, including in occupied territories¹¹.

Under article 55, the occupying power is responsible for ensuring the provision of food and medical supplies¹². Article 59 states that if the whole or part of the population of an occupied territory is inadequately supplied, the occupying power shall agree to relief schemes on behalf of, and in the sole interest, of the population, and insists that it must facilitate such relief by all means at its disposal. It further stipulates that relief should be undertaken by **impartial humanitarian organisations** and that such contracting parties shall permit the free passage of aid and shall guarantee their protection. This is further ratified by article 70 of the Additional Protocol I¹³ which assumes that relief actions are humanitarian and impartial in character and conducted without any adverse distinction.

Israel has not only violated the ICJ ruling through its total siege and blockade of all aid routes into Gaza, but further violates its obligations under international humanitarian law, as per the Geneva Convention, through outsourcing such legal obligations to a private entity lacking in impartiality and as such impeding the free passage of aid and guaranteed protection of civilians accessing aid. Israel further risks violating international human rights law through the dismantling of UNRWA's operations and neutral multilateral aid frameworks with a **privately-run and politically affiliated foundation and security firm**, and has deliberately designed an aid model that paves the way for its project of displacing Palestinians and further enabling acts of genocide.

International humanitarian law

Common article 1 to the four Geneva Conventions of 1949, ratified by United States of America on 2 August 1955, places a standing obligation on States to "respect and ensure respect" for the Conventions' protections in all circumstances. To this end, States are required to adopt all measures necessary to ensure respect for the Geneva

¹¹ <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-23?activeTab=>, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-59?activeTab=>

¹² <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-55?activeTab=>

¹³ <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-70>

Conventions not only by their organs but also by private individuals within their jurisdictions as well as other States and non-State parties, as outlined in the ICRC Commentary on the First Geneva Convention (2016). Parties to a conflict must adhere to the rules on the conduct of hostilities, including the principles of distinction, proportionality and precautions. Indiscriminate attacks are prohibited under International Humanitarian Law and parties to conflicts must at all times distinguish between civilians and combatants. Direct attacks against civilians are prohibited. Parties to conflicts must further do everything feasible to verify that targets are military objectives and take all precautions to avoid and minimize incidental loss of life. When a choice is available between different military objects, Additional Protocol I to the 1949 Geneva Conventions requires that the target chosen pose the least danger to the civilian population (art. 57(3)). Moreover, common article 3(1)(a) of the Geneva Conventions categorically prohibits, “violence to life and persons in particular murder of all kinds, mutilation, cruel treatment and torture”, against those not taking active part in the hostilities. Both the inherent right to life and the principle of distinction between combatants and those not taking direct part in hostilities are rules are recognized as part of customary international law and are universally binding at all times. Violence against, and attempts upon the life of, those who are wounded and sick are strictly prohibited under international humanitarian law. In addition, the willful killing of a person who is wounded or sick, or willfully causing great suffering or serious injury to their person, constitutes grave breaches under common article 3 of the three Geneva Conventions and constitutes war crimes. In certain circumstances, the denial of medical treatment may constitute cruel or inhuman treatment, an outrage upon human dignity, or even torture.

Right to self-determination

In light of the Advisory Opinion, it is particularly important to draw attention to the recognition therein of the denial of the right of the Palestinian people to self-determination. This is a jus cogens norm, enshrined by common article 1 of the ICCPR and ICESCR as the bedrock of international human rights law, and recognized as the prerequisite to the enjoyment of human rights. It is a recognition by states that without the right to self-determination, it is impossible to realise all other human rights. As such, it has an interpretive function for the construction of all human rights protections. Where a people are denied their right to self-determination, this must inform the way in which human rights protections are constructed vis-à-vis the state being asked to protect them. In particular, the construction of positive and negative obligations of that State party should aid in enabling the fulfilment of the right of the people themselves to self-determine the protection and realisation of all their human rights.

Right to life

Concerning the protection of the right to life, safety, and security, article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by United States of America on 8 June 1992, guarantees the right of every individual to life and provides that no one shall be arbitrarily deprived of his life. In general comment N^o. 36, the Human Rights Committee reiterated that the right to life is the supreme right from which no derogation is permitted even in time of public emergency that threatens the life of the nation (CCPR/C/21/Rev.1/Add.6). Adding that the inherent right to life and its effective

protection are prerequisites for the enjoyment of all other human rights. In addition, the Committee states in paragraph 64 that “[p]ractices inconsistent with international humanitarian law, entailing a risk to the lives of civilians and other persons protected by international humanitarian law, including the targeting of civilians, civilian objects and objects indispensable to the survival of the civilian population, indiscriminate attacks, failure to apply the principles of precaution and proportionality, and the use of human shields would also violate article 6 of the Covenant.

We would like to recall that the right to life applies to all human beings, and that Governments have a responsibility to protect this right in territories under their control regardless of the citizenship of the persons concerned (E/CN.4/2003/3, para. 55). This was also confirmed by the Committee in its concluding observations on Israel, which it “reiterated and underscored the Covenant applies with regard to all conduct by the State party’s authorities or agents adversely affecting the enjoyment of the rights enshrined in the Covenant by persons under its jurisdiction regardless of the location (CCOR/C/ISR/4, para. 5).

Notably, we wish to recall that international humanitarian law and international human rights law continue to apply in a situation of armed conflict. We also reiterate the critical and essential interdependence of human rights and humanitarian law.

Prohibition of Torture

We would like to recall that article 4(2) of the ICCPR states that certain rights, including right to life and the prevention of torture, are non-derogable and cannot be suspended even in a state of emergency; no one should be subjected to torture, cruel, inhuman or degrading treatment or punishment.

We also wish to refer to article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), acceded to by the United States of America on 21 October 1994. Article 2 states that: “Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. No exceptional circumstances whatsoever (...) may be invoked as a justification of torture (...)”. Article 7 of the CAT also states that: “The State Party (...) shall (...) submit the case [of torture] to its competent authorities for the purpose of prosecution (...)”. Article 12 of the CAT further provides that: “Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction”. Article 14 of the CAT states that: “Each State Party shall ensure (...) that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. (...)”.

We wish to draw your Government’s attention to international humanitarian law. According to customary international humanitarian law applicable in non-international armed conflict, attacks must not be directed against civilians (see ICRC Study on Customary International Humanitarian Law, rule 1). Indiscriminate attacks are prohibited (rule 11) and all feasible precautions must be taken to avoid, and in any event minimize incidental loss of civilian life, injury of civilians and damage to civilian objects (rule 15) as well as torture (rule 90).

Right to health

We stress the right to life and right of everyone to the enjoyment of the highest attainable standard of physical and mental health in accordance with article 3 of the Universal Declaration of Human Rights, and article 6 of the ICCPR and articles 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 12 of the ICESCR guarantees the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Article 12(1), coupled with article 2.2 (non-discrimination) establishes States parties' obligation to respect the rights of everyone to the enjoyment of the highest attainable standard of physical and mental health, including prisoners and detainees.

In its general comment No. 14, the Committee on Economic, Social and Cultural Rights stresses that States should refrain from "limiting access to health services as a punitive measure, for instance, during armed conflicts in violation of international humanitarian law" (para. 34). It also indicates that "States are obliged to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees, to preventive, curative and palliative health services". We wish to stress that the right to health is interpreted by the CESCR Committee as "an inclusive with extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food [and] nutrition" among others (CESCR, general comment No. 14, para. 11).

Right to food

We also would like to refer to article 11 of ICESCR, that recognizes the right to adequate food as part of the right to an adequate standard of living. The article 23 of the IV Geneva Convention of 1949 which allows the free passage of food, medical supplies and other essential items to civilians, especially children, in occupied territories. The occupying power has the duty to ensure the food and medical supplies of the population in the occupied territory "to the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population...". Article 59 which states that if the population is inadequately supplied, the occupying power must permit and facilitate relief operations, including food supplies, carried out by impartial humanitarian organizations.

Article 8 paragraph 2(b)(xxv) of Rome Statute of the International Criminal Court of 1998 which defines as a war crime the act of intentionally using starvation of civilians as a method of warfare, which includes the willful obstruction of relief supplies indispensable to their survival, as provided for under the Geneva Conventions.

The International Committee of the Red Cross (ICRC)'s Customary International Humanitarian Law Database affirms the following as binding customary rules: starvation of civilians as a method of warfare is prohibited (rule 53); attacks against, destruction of, or rendering useless objects indispensable to the survival of the civilian population are prohibited (rule 54); the parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief, including food (rule 55);

and the parties must ensure the freedom of movement of humanitarian relief personnel (rule 56).

Rights of internally displaced persons

We would finally like to recall the 1998 Guiding Principles on Internal Displacement which establish that all authorities shall respect their obligations under international law, including human rights and humanitarian law, to prevent and avoid conditions that might lead to the displacement of persons. The principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction (principle 2). The principles apply without discrimination, including on the basis of race, colour, language, religion or belief, political or other opinion, national, ethnic, or social origin, legal or social status, and disability, and certain internally displaced persons, including persons with disabilities, shall be entitled to protection and assistance required by their condition and which takes into account their special needs (principle 4).

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, so as to prevent and avoid conditions that might lead to displacement of persons (principle 5). Every human being shall have the right to be protected from being arbitrarily displaced, including in situations of armed conflict or when such displacement is based on policies of apartheid, “ethnic cleansing”, or similar practices aimed at/or resulting in altering the ethnic, religious, or racial composition of the affected population, and when it is used as collective punishment (principle 6). Where no alternatives to displacement exist, all measures shall be taken to minimize displacement and its adverse effects, and the authorities undertaking such displacement shall ensure that proper accommodation is provided to the displaced persons and that such displacements are effected in satisfactory conditions of safety, nutrition, health, and hygiene and that members of the same family are not separated (principle 7). Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected (principle 8). States are under a particular obligation to protect against the displacement of Indigenous Peoples, minorities, peasants, pastoralists, and other groups with a special dependency on and attachment to their lands (principle 9).

Every human being has the inherent right to life which shall be protected by law and internally displaced persons shall be protected in particular against inter alia genocide, murder, and summary or arbitrary executions. Threats and incitement to commit any of the foregoing acts shall be prohibited. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted, starvation as a method of combat, and attacks against their camps or settlements (principle 10). Every human being has the right to respect of his or her family life, and family members who wish to remain together shall be allowed to do so. Families which are separated by displacement should be reunited as quickly as possible (principle 17).

All internally displaced persons have the right to an adequate standard of living, including at a minimum safe access to: (a) essential food and potable water; (b) basic

shelter and housing; (c) appropriate clothing; and (d) essential medical services and sanitation (principle 18). All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services (principle 19). The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities and all authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced (principle 25). Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence (principle 26).

Under international humanitarian law, ordering the displacement of the civilian population, in whole or in part, for reasons related to the conflict is prohibited, unless the security of the civilians involved or imperative military reasons so demand; and the parties to the conflict must prevent displacement caused from their own acts, such as terrorizing the civilian population or carrying out indiscriminate attacks (rule 129 and article 17 of additional protocol II, acceded by Ethiopia on 8 April 1994). In case of displacement, all possible measures must be taken in order that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition and that members of the same family are not separated (rule 31 and additional protocol II, article 17). Displaced persons have a right to return and their property rights must be respected (rules 132 and 133). Women and children are entitled to special protection (rules 134 and 135). Each party to the conflict must respect and ensure respect for international humanitarian law by its armed forces (rule 139), and States must investigate war crimes allegedly committed by their nationals or armed forces and prosecute suspects (rule 158).

Rights of child

We further underscore that children should be granted special protections during conflict. The 1949 Geneva Conventions and their 1977 Additional Protocols determine that “children shall be the object of special respect and shall be protected against any form of indecent assault. The parties to the conflict shall provide them with the care and aid they require” (additional protocol I, art. 77). The protections for children under IHL include: sheltering them from hostilities; maintaining family unity; and ensuring the necessary care, relief, or protection for those caught in hostilities and evacuation from besieged areas.

Rights of women

The general recommendation No. 19 (1992) of the [Committee on the Elimination of Discrimination against Women \(CEDAW\)](#) defines [gender-based violence](#) as discrimination that includes violence directed against a woman because she is a woman, or that affects women disproportionately, under the article 1 of the Convention on the Elimination of All Forms of Discrimination against Women of 1979. Therefore article 2 of the Convention is applicable as the UN Security Council resolution 1325 (2000) on Protection of women in armed conflict.

Older persons

The International Committee of the Red Cross (ICRC)'s Customary International Humanitarian Law Database affirms the following as customary law: “*Older persons affected by armed conflict are entitled to special respect and protection.*”(rule 134); the protection of all civilians against attack, including older persons (rule 138); and protection against torture, cruel and inhuman or degrading treatment as key for protecting dignity of older civilians (rule 87-90).

Persons with disabilities

We would like to recall that the article 11 of the Convention on the Rights of Persons with Disabilities of 2006 explicitly requires protection of persons with disabilities in armed conflict and emergency contexts: “international law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including armed conflict, humanitarian emergencies and natural disasters.”

We also would like to remind that violence against, and attempts upon the life of, those who are wounded and sick are strictly prohibited under international humanitarian law and article 8(a) of the Additional Protocol I of 1977 of the Geneva Conventions stipulates that the terms ‘wounded’ and ‘sick’, may include persons with disabilities.

Mercenaries and mercenary-related actors, and their impact on human rights

We wish to stress that the recruitment, use, financing and training of mercenaries and mercenary-related actors impedes the right of peoples to self-determination and violates the purposes and principles enshrined in the Charter of the United Nations, as recalled by the Human Rights Council (A/HRC/RES/57/8). This resolution requests all States to “exercise the utmost vigilance in banning the use of private companies offering international military consultancy and security services when intervening in armed conflicts or actions to destabilize constitutional regimes” (para. 5). Similarly, General Assembly resolution 79/162 stresses concerns over the “impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts” and noted that such “companies and their personnel are rarely held accountable for violations of human rights” (para. 7). This resolution requests all States to “exercise the utmost vigilance in banning the use of private companies offering international military consultancy and security services when intervening in armed conflicts or actions to destabilize constitutional regimes” (para. 5). We also recall that General Assembly resolution 3103 states that “the use of mercenaries by colonial and racist regimes against national liberation movements struggling for their freedom and independence from the yoke of colonialism and alien domination is considered to be a criminal act and the mercenaries should accordingly be punished as criminals.”

The Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict, joined by the United States of America on 17 September 2008, recalls existing legal obligations of States and private military and security companies

and their personnel and draws on various international humanitarian and human rights agreements and customary international laws, including the references above. In particular, States where a private military and security company is registered or incorporated, or where a private military and security company has its principal place of management, as well as States that directly contract for the services of private military and security companies have an obligation, within their power, to ensure respect of these companies for international humanitarian law. Such States have an obligation not to encourage or assist in, and to take appropriate measures to prevent and suppress violations of international humanitarian law committed by the personnel of private military and security companies through appropriate means such as administrative or other regulatory measures as well as administrative, disciplinary or judicial sanctions, as appropriate. Moreover, States are required to enact legislation to provide effective penal sanctions, to search, and to bring before its courts persons alleged to have committed or ordered to be committed the willful killing or willfully causing great suffering or serious injury to body or health of a civilian.

Finally, we wish to draw the attention of your Excellency's Government to the positive obligations that States have to protect and fulfil human rights. In this respect, we would like to recall that it is now widely accepted that States' obligations to protect and fulfil human rights, such as the right to life, extend beyond their own agents and also encompass protecting against human rights abuses by third parties, including private actors, and to take positive steps to fulfil human rights. This includes taking appropriate measures to prevent, punish, investigate and bring perpetrators to justice and redress harm caused by both State and private actors (CCPR/C/21/Rev.1/Add.13, para. 8). In its general comment No. 36, the Human Rights Committee further recalled that States have a due diligence obligation to take adequate preventive measures in order to protect individuals against reasonably foreseen threats to life originating from private persons and entities whose conduct is not attributable to the State (CCPR/C/GC/36, para. 21). It follows that States have the responsibility to take steps to prevent human rights abuses by those providing private military and security services, including by adopting legislative and administrative measures to regulate their actions. This includes taking adequate measures to "prevent, investigate, punish and remedy arbitrary deprivation of life by private entities, such as [...] private security firms" (Ibid). States are further required to effectively regulate, monitor and control the conduct of private individuals or entities empowered or authorized to employ force with potentially lethal consequences (CCPR/C/GC/36, para. 15). The Human Rights Committee further established that States must also take appropriate legislative and other measures to ensure that all activities taking place in whole or in part within their territory and in other places subject to their jurisdiction, but having a direct and reasonably foreseeable impact on the right to life of individuals outside their territory, including activities taken by corporate entities based in their territory or subject to their jurisdiction, are consistent with the right to life, taking due account of related international standards of corporate responsibility, and of the right of victims to obtain an effective remedy (CCPR/C/GC/36, para. 22). We also would like to remind your Excellency that States have the obligation to provide victims of human rights violations with effective remedies. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the General Assembly in 2006, provide that victims of a gross violation of international human rights law or a serious violation of international humanitarian law must be guaranteed:

equal and effective access to justice; adequate, effective and prompt reparation for the harm suffered; and access to relevant information concerning violations and mechanisms for reparation.

UN Guiding Principles on Business and Human Rights

Although the [UN Guiding Principles on Business and Human Rights](#) (UNGPs) are addressed for businesses, the underlying concepts – respecting human rights, due diligence, and remedy mechanisms – can be logically extended to any organization, including non-profit organizations, especially in conflict-affected or high-risk contexts, where “the risk of gross human rights abuses is heightened in conflict-affected areas” action by States and due diligence by business should be heightened accordingly” (A/75/212). All business enterprises have a responsibility to respect human rights. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights. The Guiding Principles have identified two main components to the business responsibility to respect human rights. This requires that “business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts” (guiding principle 13). This dual-requirement is further elaborated by the requirement that the business enterprise put in place: 1. A policy commitment to meet their responsibility to respect human rights; 2. A human rights due-diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights. The business enterprise should communicate how impacts are addressed; and 3. Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute (guiding principle 15). The guiding principles 25 to 31 provide guidance to business enterprises and States on steps to be taken to ensure that victims of business-related human rights abuse have access to effective remedy. As specified in the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises to the General Assembly (A/75/212), on steps that States and business enterprises should take to prevent and address business-related human rights abuse in conflict and post-conflict affected contexts, business should exercise heightened due diligence in conflict-affected contexts because of the increased risk of being involved in serious human rights abuses.

In addition, regarding the fact that the GHF may be serving as a proxy and contributing to significantly worsening the deterioration of the humanitarian situation and the human rights violations in the Gaza strip and in the Occupied Territory, the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination highlighted in a recent thematic report ([A/80/329](#)) its preoccupation on the increasingly negative and serious impact on human rights by the use of “proxies” by a State or non-State party. While there is no definition in international law, the Working Group, in its report, the Working Group defines the term “proxy” as an individual, group of individuals and/or an entity, who acts on behalf of another party, be this a State or non-State party. Proxy

action may take the form of: (a) direct delegation, whereby operational command and control over the proxy exists; (b) orchestration, whereby support or facilitation is offered but the proxy demonstrates greater autonomy; or (c) sanctioning, whereby the proxy benefits from an enabling environment of a party or parties that “turn a blind eye”. Proxy actors may receive diplomatic, logistical, financial, military and/or technical support from the States in which they operate, from the States from which they originate and/or from “third-party” States which serve as a conduit or hub for their assembly, transit, activity and operation. Proxy action may occur online or offline and may be defensive or offensive, or for the purpose of supporting, augmenting or securing the influence of the sponsoring party, without the direct intervention or attribution of the sponsoring party. The use of proxies, among whom mercenaries, mercenary-related actors and private military and/or security companies increasingly feature, allows States, in particular, to avoid direct confrontation with other States, while pursuing and/or competing for resources, military gains and/or geostrategic outcomes¹⁴. In this regard, the Working Group draws the attention as its particular concern, an emergence practice of States “using private actors in humanitarian operations in the absence of Security Council resolutions or multilateral backing and without regard for humanitarian law, humanitarian training and humanitarian principles”¹⁵.

Moreover, we would like to draw your attention to the UN General Assembly (UNGA) resolution 46/182 of 19 December 1991 which reaffirms *key principles of humanitarian assistance, such as impartiality, neutrality, humanity and independence* in the provision of humanitarian assistance and also underscores the need for coordination and for humanitarian assistance to be provided without discrimination. The Resolution also calls the international community as a whole to provide the necessary support¹⁶. The UNGA resolution 79/141 of 12 December 2024 calls upon the international community, which includes also non-State actors such as GHF, to provide urgently needed assistance and services in an effort to alleviate the difficult humanitarian situation being faced by Palestinian women, children and their families and to help in the reconstruction and development of relevant Palestinian institutions;¹⁷ and it also stresses the need to ensure the safety and security of humanitarian personnel, premises, facilities, equipment, vehicles and supplies¹⁸. In addition, the [Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs Disaster Relief \(2024\)](#), a benchmark in the humanitarian sector, used as standard-setting reference for ethical and principled humanitarian action, putting forward that the aim of humanitarian aid is to prevent and alleviate human suffering (principle of humanity), that the aid should be given based on need alone without discrimination (principle of impartiality), that the aid should not be used to further political or ideological ends (principle of neutrality) and that humanitarian agencies must remain autonomous from political, economic, or military agendas (principle of independence). We would also like to draw your attention to key principles of international humanitarian law designed to protect civilians whereby parties must be clearly distinguished, proportionality, whereby attacks do not cause excessive civilian harm and military necessity, whereby actions do not cause unnecessary suffering and destruction, which has been consolidated as customary law and codified by articles 61, 63 and 66 of the Fourth

¹⁴ See A/80/329, thematic report on “Role of mercenaries, mercenary-related actors and private military and/or security companies as proxies, enablers and facilitators”, para. 4-5.

¹⁵ *Idem*, para. 11.

¹⁶ Operative paragraph 17.

¹⁷ Operative paragraph 11.

¹⁸ Operative paragraph 17.

Geneva Convention referring to the distribution of relief aid to be carried out by a neutral Power, to the International Committee of the Red Cross or **to any other impartial humanitarian body**. The same principles would apply to the activities and personnel of special organizations of a non-military character for the purpose of ensuring the living conditions of the civilian population.