

**Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Ref.: AL ISR 12/2025  
(Please use this reference in your reply)

30 June 2025

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 54/14, 53/4, 51/21, 1993/2A and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged enforced disappearance and arbitrary detention of essential healthcare workers in Gaza, who were reportedly arrested at their workplaces, homes or while passing through military checkpoints. Since the outbreak of the military assault on Gaza in October 2023, estimates indicate that over 250 healthcare workers have been detained by the Israeli Defence Forces, with almost 150 remaining in custody. The fate and whereabouts of many of them remain unknown. At least 70 detainees have reportedly died in custody, including four medical professionals and healthcare workers (Dr. Adnan Al Bursh, Dr. Iyad Al Rantisi, Dr. Ziad Al Dalou and Mr. Abu Hamdan Anaba). Furthermore, and according to information received, detainees are allegedly held in conditions that do not conform with international standards on humane and dignified treatment, while there continue to be serious and multiple reports of torture and other cruel, inhuman or degrading treatment or punishment, including physical, psychological, and sexual violence, medical neglect, and starvation.**

In this context, we wish to recall previous communications in which Special Procedures mandate holders raise concerns with your Excellency's Government about alleged arrests, detention, enforced disappearances, torture and other ill-treatment, and deaths in custody of Palestinian detainees, in particular [ISR 6/2025](#), [ISR 4/2025](#), [ISR 3/2025](#), [ISR 18/2024](#), [ISR 10/2024](#), [ISR 2/2024](#), [ISR 11/2023](#) and [ISR 9/2023](#). We thank you for the [reply](#) to ISR 10/2024, transmitted by your Excellency's Government on 18 December 2024. We regret that to date no replies have been received to the other communications.

According to the information received:

Since the escalation of hostilities in Gaza in October 2023, thousands of Palestinians have reportedly been killed and subject to detention by the Israeli authorities, including essential healthcare workers such as physicians, nurses, paramedics, and other medical staff. More than 1400 healthcare workers have reportedly been killed in Gaza since 7 October 2023. Moreover, were arrested at their workplaces, homes, or while passing through military checkpoints and many were and continue to be subject to enforced disappearance, where their fate and whereabouts remain unknown. In many cases, once arrested, they are taken to detention facilities, such as Sde Teiman and Ofer Military Camp, however the fate and whereabouts remains concealed which amounts to an enforced disappearance. Reportedly, 250 healthcare workers have been detained, with almost 150 remaining in custody without criminal charges or clear indications of their release. In this regard, we highlight 33 individual cases of detained personnel, in particular following targeted attacks on hospitals. In some cases, during interrogations, were questioned and accused of “belonging to a terrorist organizations”, but in none of these cases have they been presented with written formal legal charges and evidence has not been presented to substantiate the accusations.

#### *Al Nasr Hospital*

Following attacks at the Al Nasr Hospital in February and March 2024, the following medical personnel were arrested by members of the IDF:

On 23 March 2024, **Khaled Elser**, a surgeon was taken and later released in September 2024.

On 16 February 2024, **Mosaab Simaan**, a doctor; **Ahmad Mosa**, a surgeon; **Hamza Abu Sabha**, an orthopaedic; **Mahmoud Hallak**, an Intensive Care Unit doctor; **Ahmad Shehade**, a cardiologist; **Nahed Abu Teima**, a surgeon, and two nurses, **Ahmad Khalafallah** and **Fayez Abu Anza**, were arrested. On 2 February 2024, **Ahmad Radwan**, a nurse was arrested.

#### *Kamal Adwan Hospital*

Following attacks of the Kamal Adwan Hospital in October 2024, and December 2023, among those arrested by members of the IDF were:

On 25 October 2024, **Hassan Al Mokeid**, a vascular surgeon and two nurses **Nader Radwan** and **Mahmoud Al Mokeid**.

On 12 December 2023, **Al Hussein Al Mokeid**, a nursing student in Al Azhar University, who was volunteering at the hospital.

#### *Al Shifa Hospital*

Following attacks at the Al Shifa hospital in March 2024, the following medical

personnel were arrested by members of the IDF:

On 20 March 2025, **Khaled Jarad**, a dentist. On 18 March 2024, **Khaled Siam**, surgeon; **Morad Al Koka**, an orthopaedic specialist; **Moanes Muheisen**, a volunteering doctor; **Iyas Al Bursh**, a volunteering doctor, and **Awni Ja'awna**, an ear nose and throat doctor.

On 3 March 2024 [REDACTED], a surgeon from the Kamal Adwan Hospital from the Al Shifa Hospital.

#### *Other hospitals and healthcare facilities*

On 18 December 2023, **Hamza Al Jebeiri**, an ICU doctor, was arrested by members of the IDF from the Al Maamadani Hospital (Baptist).

On 9 November 2023, **Khalil Abu Naser**, an emergency coordinator and ambulance driver, was arrested by members of the IDF while transporting injured civilians from the Indonesian Hospital to Rafah after coordinating with the International Committee of the Red Cross (ICRC).

#### *Arrests at Checkpoints*

Systematic arrests and detentions have reportedly been taking place at various checkpoints. The following are individual cases of medical personnel deprived of liberty in the said circumstances by members of the IDF:

**Hassan Mustafa**, a United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) doctor, arrested on 26 November 2024 at the Civil Administration checkpoint after being told to evacuate the Kamal Adwan hospital complex.

**Abdelhadi Al Mokeid**, a UNRWA head nurse, was arrested on 18 November 2024 from the Civil Administration checkpoint.

**Omar Ammar**, a gynaecologist and labour doctor, was arrested on 3 March 2024 in Al Hamad City, Gaza.

**Medhat Abu Tabanja**, a doctor and head of the surgery department in the Indonesian Hospital, was arrested on 3 March 2024 from Al Hamad City checkpoint.

**Hassan Tanira**, a pharmacist, was arrested on 9 February 2024 at Al Aqsa university checkpoint.

**Raed Mahdi**, a paediatrician in Al Dorra Children Hospital, arrested on 7 December 2023 at the Al Remal neighbourhood.

**Akram Abu Odeh**, Director of the Orthopaedic Department at the Indonesian Hospital, arrested on 22 November 2023 at a checkpoint in Gaza after coordinating with the ICRC.

**Ahmad Abu Riala**, a nurse in Al Shifa Hospital, was arrested on 18 November 2023 at a checkpoint on his way to Al Shifa after coordinating the move through the safe passage with the Israeli Army.

**Alaa Mekdas**, a nurse, arrested on 12 November 2023.

**Mohammad Hammouda**, a paediatrician in Al Nasr Children Hospital, was arrested on 6 November 2024 at Salah Addin checkpoint.

#### *Deaths in Custody of Medical Personnel*

Since October 2023, at least 70 detainees have reportedly died in Israeli custody. At least four were medical professionals, namely, Dr. **Adnan Al-Bursh**, an orthopaedic surgeon and the Head of Orthopaedics at the Gaza Strip's largest medical facility, Al Shifa Hospital, Dr. **Iyad Rantisi**, Director of Kamal Adwan hospital's maternity department, Dr. **Ziad Al Dalou**, and **Abu Hamdan Anaba**, a paramedic. Many of these deaths remain unaccounted for, with Israeli authorities allegedly withholding information on their treatment or conditions prior to their deaths. Furthermore, the bodily remains of those who die in custody have not been returned to their loved ones, and continue to be withheld by the Israeli authorities.

#### *Human rights violations during arrests and detention*

Healthcare workers detained in Gaza have reportedly been particularly targeted because of their profession. Many have reportedly been subjected to enforced disappearance. Equally, many have endured prolonged isolation, with legal representatives and human rights organizations unable to locate or visit them and contact with the outside world, including to their loved ones, denied.

According to information received, detained medical workers have reported torture and ill treatment, and severe detention conditions among other violations, including physical, psychological, and sexual violence, medical neglect, and starvation.

Reportedly, these arrests and detention are seemingly aimed at extracting intelligence, with accounts of interrogation methods contrary to the prohibition of cruel, inhuman or degrading treatment including the use of "disco rooms" which are interrogation rooms with extremely bright lights and blasting music playing 24/7, along with other mentally overloading methods, used as a way to mentally strain detainees in preparation for and during interrogation. Information has been asked about hospital structures, locations of tunnels, presence of Hamas members and about the whereabouts of hostages. One medical doctor informed that during his interrogation, he was asked to draw a map of the hospital and made to sign a testimony written in Hebrew, a language he does not read or speak, even though the interrogation interview was conducted in Arabic.

As previously highlighted in Special Procedures communication [ISR 3/2025](#), we recall the concerns raised against the 'Unlawful Combatants' law, which prohibits lawyers' visits for extended periods of time after their initial arrest, and extends their judicial hearings. In this regard, some persons detained are being deprived of their liberty for prolonged periods, without official charges brought against them, and in all cases, right to legal representation was not provided.

#### *Cases of enforced disappearances*

According to the information received, instances in the cases of the above detained persons and many more others, medical personnel are subject to enforced disappearance following their arrest, they are taken to unknown locations and held incommunicado. Their families and loved ones receive no information, the names of detainees are not disclosed on official prisoner lists over extended periods and lawyers and people with legitimate interest are denied information by official authorities.

In particular, in February 2024, during the military operations at Nasser Hospital, a number of medical staff members were arrested. Their fate and whereabouts remained unknown to families and legal representatives for months. Dr. Khaled Alser, a surgeon at Nasser Hospital, described, "I was arrested inside the hospital while the army besieged it for three days. We were detained while still naked for about two hours, then transferred to rooms in houses, with thirty detainees in each room." His family had no information about his whereabouts or condition for over 45 days.

Furthermore, in November 2023, following the siege of Al-Shifa Hospital and the arrest of Dr. K.S. he has been reportedly transferred between multiple detention facilities without any notification to his family. His location was not disclosed to his family, lawyer or ICRC for approximately six months.

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 arbitrary arrest and detention, torture or other cruel, inhuman or degrading treatment or punishment (including during interrogations) and enforced disappearance of essential healthcare workers in Gaza and in particular the above-mentioned 33 individuals. We are alarmed at the deaths in custody of Dr. Adnan Al-Bursh, Dr. Iyad Rantisi, Dr. Ziad Al Dalou, and Mr. Abu Hamdan Anaba and call for an immediate, impartial, independent, thorough and effective investigation into all deaths including those involving allegations of torture and other ill-treatment, to establish the cause and circumstances of their deaths and, where appropriate, hold those responsible accountable.

Should the information alleged above be confirmed, they would amount to violations of articles 4, 6, 7, 9, 10, 14, 16 and 26, read alone and in conjunction with article 2(3), of the of the International Covenant on Civil and Political Rights (ICCPR), 1, 2, 12, 13, 15 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Israel in 1991, as well as articles 2(2), and 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), both ratified by your Excellency's Government in 1991.

We are concerned that Israel has been consistently denying access to detention facilities by the ICRC, and other international observers.

We wish to stress that regular inspection of places of detention, with a view to monitoring the conditions of detention, especially when carried out as part of a system of periodic visits, constitutes one of the most effective preventive measures against torture and ill-treatment, pursuant, inter alia to article 2 of the CAT.

We are also seriously concerned that the authorities reportedly consistently fail to immediately inform the families about the whereabouts of detainees, their physical and psychological integrity and the conditions. We wish to recall that the failure to acknowledge a deprivation of liberty by State agents or the refusal to acknowledge detention are constitutive elements of an enforced disappearance, regardless of the duration of the deprivation of liberty or concealment concerned. If the above allegations are corroborated, they would amount to a violation of articles 1, 2, 3, 7, 9, 10, 13, 17 and 19 of the Declaration on the Protection of all Persons from Enforced Disappearance, adopted by the General Assembly resolution 47/133 of 18 December 1992 ('the Declaration'). In addition, the allegations would entail a violation of the *jus cogens* prohibition of enforced disappearance.

Furthermore, enforced disappearance is also prohibited pursuant to customary international humanitarian law ([rule 98](#)). Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate ([rule 117](#)). Furthermore, parties of a conflict also have obligations regarding the dead, including taking all possible measures to search for, collect and evacuate them, returning remains, respecting and maintaining graves, as well as record all available information before disposal and marking the location of graves (rules [112-116](#)). Rules [118](#) to [128](#) of customary international humanitarian law enshrine the guarantees to be ensured to persons deprived of their liberty, including the ICRC access ([rule 124](#)) and the visits to persons deprived of their liberty ([rule 126](#)).

The right to know the truth about the fate and whereabouts of a disappeared person includes, when the disappeared person is found to be dead, the right of the family to have the remains of their loved one returned to them and to dispose of those remains according to their own tradition, religion or culture. This further implicates the dignity and protection of the dead and the right of families to the remains of their loved ones. ((A/HRC/56/56, paras. 35-36).

We wish to remind your Excellency's Government that the Palestinian territory, including Gaza, is currently under occupation by Israel, to which international humanitarian law applies, as confirmed by the International Court of Justice in its 19 July 2024 Advisory Opinion (at paras. 104-110). In its Advisory Opinion, the Court found the continued presence of Israel in the Occupied Palestinian Territory violates the fundamental principles of international law (paras. 261-281).

Medical personnel are civilians and have special protections under international humanitarian law (IHL), rules 26-26 and 28 to 30. They are not legitimate targets for attack, nor can they legitimately be detained for exercising their profession. An

intentional attack on a healthcare facility or medical personnel will also constitute a war crime unless and until it can be shown that they committed or were used for the commission of specific acts of hostility and, in such circumstances that cardinal IHL principles were applied - necessity, distinction and proportionality. There are minimum standards of medical care during armed conflicts, healthcare workers must be able to provide this medical care and the wounded and sick under their care remain protected. In addition, during armed conflict the targeting of healthcare workers, hospitals, and healthcare facilities, including ambulances, contravenes the fundamental right to health (CESCR general comment No. 14, para. 34).

In situations of occupation, parties must not only not interfere with the functioning of health systems, but as occupying powers, have additional obligations to support the health system, and even organize health services if necessary (Fourth Geneva Convention, articles 55 and 56). According to IHL, personnel engaging in medical tasks must always be respected and protected and the wounded and sick under their care remain protected. Moreover, the First, Second and Fourth Geneva Conventions protect medical personnel in all circumstances. Article 56 of the Fourth Geneva Convention explicitly states that *Medical personnel of all categories shall be allowed to carry out their duties*. In times of armed conflict, IHL provides rules to protect the access of healthcare services.

The Third Geneva Convention provides standards of treatment for POWs and the Fourth Geneva Convention affords protection to civilians, including in occupied territory. The First Additional Protocol to the Geneva Conventions contains protection measures, including dealing particularly with missing and dead persons (articles 32-34). All those provisions provide important protection for detained persons, ensuring that their detention is recorded and the detained persons remain in contact with their families, thus preventing enforced disappearances.

We wish to note the joint statement of the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances on so-called “short-term” enforced disappearances, which affirms that duration is not a constitutive element of enforced disappearance under international human rights law, therefore regardless of the duration of an enforced disappearance, it produces serious harm and consequences for the disappeared and their families, and also presents practical challenges as regards seeking protection as well as defence of their rights.

We are also extremely concerned about the conditions of detention outlined above, including medical neglect, and starvation. We recall and stress the concerns raised in our previous communications ISR 4/2025 and ISR 19/2024, which also raise concerns about alleged attacks on hospitals and healthcare facilities and healthcare workers, including the deaths of Dr. Ziad Mohammad Eldalou in March 2024 and Dr. Adnan Al Bursh in April 2024. In this connection, 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 ICESCR. We recall general comment No. 14, of the Committee on Economic, Social and Cultural Rights, which provides States legal obligation to, “respect the right to health by inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees, to preventive, curative and palliative health services” (E/C.12/2000/4, para. 34).

In this regard, we wish to underscore the obligation of your Excellency's Government to provide adequate medical care and to uphold the detainees' right to health, as established by the Mandela Rules (rules 24, 25, 27) adopted unanimously by the UN General Assembly (A/RES/70/175).

We also refer to Human Rights Council resolution 10/24 on the role and responsibility of health and other medical personnel, which provides that all States to provide persons deprived of their liberty with professional medical examination at their admission to and transfer between facilities and thereafter on a regular basis as a means to help prevent torture or other ill-treatment. It also ensures that there shall be no interference in the work of medical professionals.

Finally, we also refer your Excellency's Government in particular to the obligations in article 15 of CAT, which provides that persons shall not be subjected to torture or other ill-treatment during interviews/interrogations, nor coercive or unlawful threats, and any information gathered by such techniques cannot be used in any proceedings, except against any person accused of torture as evidence that the statement was made.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights and humanitarian law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide any additional information about the factual and legal grounds for the arrest and continued detention of the above-mentioned individuals.
3. Please indicate in detail which effective measures the Government of Israel has taken, or intends to take, with a view to prevent deaths in custody, enforced disappearances, torture and other ill-treatment, and other related human rights violations and establish the fate and whereabouts of those reported missing or disappeared, and to keep relatives informed.
4. Please provide detailed information on the measures taken to guarantee that medical personnel are respected and protected in all circumstances, including against attack, arbitrary arrest or detention, and other related human rights violations.
5. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to

consistent allegations of torture and/or cruel, inhuman or degrading treatment. Please provide information as to whether any such investigations have been carried out in alignment with the United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol, 2002). If no investigation has been initiated, please explain why and how this is compatible with the international obligations of Israel.

6. Please provide information as to how Israel ensures that interrogations/interviews are carried out in accordance with article 1, 15 and 16 of CAT.
7. Please provide information on measures adopted by your Excellency's Government to ensure the right of persons to effective remedy for human rights violations, including arbitrary arrest and detention, enforced disappearance and torture and ill-treatment. If no such measures have been taken, please explain how this is compatible with the international human rights obligations of Israel.
8. Please provide information on the steps taken by your Excellency's Government to ensure that the death of a person during his/her deprivation of liberty is subjected to prompt, impartial, independent, thorough and effective investigations, including examinations and autopsies to determine the cause of death, in accordance with the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, commonly known as the Minnesota Protocol.
9. Please provide detailed information on measures undertaken to facilitate the return of human remains to the next of kin as required under international humanitarian 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.

We would also like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. Similarly, the Working Group on Enforced or Involuntary Disappearances may also transmit the individual cases through its standard humanitarian procedure. The Government is required to respond separately to the allegation letter and the regular procedures of each Working Group.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Please be informed that a copy of this letter has been also sent to the Government of State of Palestine.

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

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

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

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

Alice Jill Edwards  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

## Annex

### Reference to international human rights and humanitarian law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the relevant obligations under international human rights law and international humanitarian law that are applicable to the issues brought forth by the situation described above.

#### *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.

In addition, on 20 May 2024, the Prosecutor of the International Criminal Court (ICC) submitted applications for arrest warrants against senior Israeli officials, in the context of the Situation in the State of Palestine, alleging their criminal responsibility for war crimes and crimes against humanity committed during the hostilities in Gaza. The alleged crimes include the war crime of starvation of civilians as a method of warfare, and the crimes against humanity of murder, persecution, and other inhumane acts, as defined under articles 7 and 8 of the Rome Statute.<sup>1</sup>

#### *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. 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 1948 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

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<sup>1</sup> ICC, *Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC: Applications for Arrest Warrants in the Situation in the State of Palestine*, 20 May 2024. Available at: <https://www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-karim-khan-kc-applications-arrest-warrants>

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.

### *Right to life*

We would like to refer your Excellency's Government to articles 6 of the ICCPR which guarantee the rights to life, read alone or in conjunction with article 2(3). In this regard, we would like to recall general comment No. 36 of the Human Rights Committee, wherein the Committee reiterated that, in times of conflict, international human rights law under article 6 of the ICCPR and humanitarian law are complementary and not mutually exclusive (para. 64), as well the Committee underlined that the duty to protect the right to life requires State parties to take “special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence” and that such persons “include human rights defenders”.<sup>2</sup> The Committee also highlights that State parties to the Covenant have an obligation, “where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents.”<sup>3</sup> Such investigations must be independent, impartial, prompt, thorough, effective, credible and transparent. States are also under the obligation to prevent the occurrence of similar violations in the future.

This duty to investigate is heightened in cases where loss of life occurs in custody, in unnatural circumstances, creating a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation that establishes the State’s compliance with its obligations under article 6.

We also refer your Excellency’s Government to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on death in prisons (A/HRC/53/29), in which emphasizes that States assume direct responsibility for the lives of individuals deprived of liberty and therefore have a duty to prevent and investigate deaths of people under the control of a detaining authority. Furthermore, according to principle 9 of the Principles of the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, there is an obligation to conduct thorough, prompt and impartial investigation of all suspected cases of extra-legal,

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<sup>2</sup> Human Rights Committee, *general comment No. 36*, CCPR/C/GC/36, para. 23

<sup>3</sup> *Ibid.*, para. 27

arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death. The Minnesota Protocol on the Investigation of Potentially Unlawful Death which in 2016 updated the original UN Manual on the Effective Prevention of Extra-legal, Arbitrary and Summary Executions of 1991; and the UN Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989), states that an investigation must be a) prompt; b) effective and thorough; c) independent and impartial; and d) transparent.

In situations of international armed conflict, international humanitarian law, notably article 131 of the Fourth Geneva Convention (1949) explicitly provides that every death of or serious injury to a civil internee that is caused or suspected to have been caused by a sentry, another prisoner of war or internee, or any other person, as well as any death the cause of which is unknown, “shall be immediately followed by an official enquiry by the Detaining Power.”

In addition, article 130 of the Fourth Geneva Convention requires the detaining authorities to ensure that internees who die in custody are “honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized,” in addition to the obligation to treat remains of the deceased, including those in custody, with respect and dignity and facilitate the return of remains to the bereaved families.

*Detention conditions and prohibition on torture and other cruel, inhuman or degrading treatment or punishment*

The absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law that must be respected and protected under all circumstances and has been codified in human rights treaties, including in the Universal Declaration of Human Rights (art. 5), the International Covenant on Civil and Political Rights of 1966 (art. 7) and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (art. 2 and 16). No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as justification for torture (article 2(2)). No order by a superior officer or public authority may be invoked to justify torture (article 2(3)).

Attached to such prohibition are obligations to investigate all acts of torture and other ill-treatment, to prosecute suspects, to punish those responsible and to provide remedies to victims (see A/77/502 for full explanations).

We would like to draw the attention of your Excellency’s Government to the reviewed United Nations Standard Minimum Rules for the Treatment of Prisoners (as amended and adopted by the UN General Assembly on 5 November 2015 and referred to as the “Mandela Rules”) and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly on 9 December 1988. We recall that the Committee against Torture and the Human Rights Committee have consistently found that conditions of detention can amount to inhuman and degrading treatment. We also refer to paragraphs 12, 13, 15, 16 and 17 of the General Assembly resolution 77/209 (2022) which emphasizes that conditions of

detention must respect the dignity and human rights of persons deprived of their liberty and calls upon States to address and prevent detention conditions that amount to torture or cruel, inhuman or degrading treatment or punishment.

With regard to the conditions of detention and the responsibility of States to provide health care for persons deprived of their liberty, we wish to reiterate rules 24, 25 and 27 of the Mandela Rules. We also refer you to Human Rights Council resolution 10/24 on the role and responsibility of health and other medical personnel.

We would also like to bring to the attention of your Excellency's Government provisions of the ICESCR, ratified by Israel in 1991. 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 reiterates 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." In particular, it 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."

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

### *Enforced disappearances*

With regard to the alleged enforced disappearance, we reiterate that enforced disappearance is prohibited under customary international law applicable in armed conflicts (rule 98), each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family

members with any information it has on their fate ([rule 117](#)). Furthermore, parties of a conflict also have obligations regarding the dead, including taking all possible measures to search for, collect and evacuate them, returning remains, respecting and maintaining graves, as well as record all available information before disposal and marking the location of graves (rules [112-116](#)). Rules [118](#) to [128](#) of customary international humanitarian law enshrine the guarantees to be ensured to persons deprived of their liberty, including the ICRC access ([rule 124](#)) and the visits to persons deprived of their liberty ([rule 126](#)). Importantly, the absolute prohibition of enforced disappearance and the corresponding obligation to investigate and hold perpetrators accountable have attained the status of *jus cogens*. Therefore, no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances. The above allegations, if confirmed would amount to violations of articles 6, 7, 9-13 and 16 of the ICCPR, read alone and in conjunction with article 2(3). Moreover, it would entail a violation of article 7, read alone and in conjunction with article 2(3) of the ICCPR with regard to the relatives of the disappeared person. In this respect, we also make reference to general comment No. 36 (2018) on article 6 of the ICCPR, which states, *inter alia*, that extreme forms of arbitrary detention that are themselves life-threatening, in particular enforced disappearances, violate the right to personal liberty and personal security and are incompatible with the right to life (para. 57), and that enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life, and States parties must take adequate measures to prevent the enforced disappearance of individuals and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance (para. 58). Moreover, articles 9-13 of the Declaration spell out the rights to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty; to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest; and to ensure that all involved in the investigation are protected against ill-treatment, intimidation or reprisal.

Lastly, we wish to reiterate the joint statement of the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances on so-called “short-term” enforced disappearances, which affirms that duration is not a constitutive element of enforced disappearance under international human rights law, therefore regardless of the duration of an enforced disappearance, it produces serious harm and consequences for the disappeared and their families, and also presents practical challenges as regards seeking protection as well as defence of their rights. We also make reference to the Working Group’s study on Enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5), in particular on the impact that disappearance of medical personnel can have on the entire community. We also note that prolonged enforced disappearances may also constitute forms of torture or other ill-treatment including for family members.