

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

Ref.: AL USA 29/2025

(Please use this reference in your reply)

4 September 2025

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolution 58/14.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the refusal of visas to Palestinian officials to attend the United Nations General Assembly in New York in September 2025, and the blanket suspensions of visitor visas for Palestinian nationals from the occupied Palestinian territories and other countries. I am concerned that the refusal of visas to Palestinian officials would violate international law, including by impeding the protection of the right of the Palestinian people to self-determination; and that the suspension of visitor visas to Palestinian nationals involves unlawful discrimination on the basis of nationality.

According to information received:

On 29 August 2025, the United States Secretary of State announced that the US would deny and revoke visas of Palestinian Liberation Organization (PLO) and Palestinian Authority (PA) officials ahead of the United Nations General Assembly in New York, which commences on 9 September 2025.<sup>1</sup> The measure may affect about 80 officials. A High-Level Summit on Palestinian Statehood is scheduled for 22 September 2025.

The US indicated that the PLO and PA must “repudiate terrorism – including the 7 October massacre – and end incitement to terrorism in education. The US also called for an end to “attempts to bypass negotiations through international lawfare campaigns, including appeals to the ICC and ICJ, and efforts to secure the unilateral recognition of a Palestinian State”. The US alleges that these steps contributed to Hamas's refusal to release hostages and to the breakdown of the Gaza ceasefire talks.

The “waivers” for the PA mission to the UN, concerning an exception to the US listing of the PLO as terrorist in 1987, to enable US compliance with the UN Headquarters Agreement 1947,<sup>2</sup> are said to remain unaffected.

These restrictions add to earlier suspensions of visas for Palestinian nationals. On 16 August 2025, the US paused approvals of visitor visas for about two

---

<sup>1</sup> <https://www.state.gov/releases/office-of-the-spokesperson/2025/08/trump-administration-reaffirms-commitment-to-not-reward-terrorism-and-revokes-visas-of-palestinian-officials-ahead-of-unga>.

<sup>2</sup> Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, 26 June 1947.

million Palestinians in Gaza, including those seeking medical care. On 18 August 2025, the US Government reportedly instructed US consular officers worldwide “to refuse under 221(g) of the Immigration Nationality Act (INA) all otherwise eligible Palestinian Authority passport holders using that passport to apply for a non-immigrant visa”, thus also suspending visas for Palestinians from the West Bank and living in other countries. The restrictions were reportedly justified to enable enhanced vetting and identity checks, in connection with unspecified national security concerns.

Separately, Palestinian representatives to United Nations headquarters must leave the US each year to renew the above-mentioned waiver. This is reportedly costly and burdensome, and creates considerable disruption and uncertainty, for Palestinian representatives.

While I do not wish to prejudge the accuracy of these allegations, I wish to raise the following concerns.

#### *Exclusion of Palestinian officials*

I am concerned that these measures appear to violate the US’ international law obligation to respect transit privileges to UN headquarters in New York. Article IV(11) of the United Nations Headquarters Agreement 1947 provides that US authorities “shall not impose any impediments to transit to or from the headquarters district of... (5) ... persons invited to the headquarters district by the United Nations... on official business”. This provision applies “irrespective of the relations existing between the Governments of the persons referred to in that section and the Government of the United States”. US laws and regulations on the entry of aliens explicitly must not be applied in a manner so as to interfere with these transit privileges, and where visas are required “they shall be granted” (article IV (13)(a)).

As such, these obligations are not conditional on US national law or foreign policy considerations, including any claimed exceptions in relation to alleged terrorism, the use of international courts, or efforts to secure recognition of the State of Palestine. The General Assembly, Security Council and Human Rights Council have repeatedly affirmed that all measures to counter terrorism must comply with international law.<sup>3</sup>

I emphasize further that the State of Palestine has been accorded the status of a non-Member observer State of the United Nations, by General Assembly resolution 67/19. As such, according to established international practice the US is obliged to facilitate the necessary transit privileges to enable the participation of Palestine’s representatives.

Self-determination movements further enjoy international legal personality and their officials, representing their peoples, are entitled to special treatment in relation to attendance at United Nations headquarters. General Assembly resolutions 3210 (XXIX) of 14 October 1974 and 3237 (XXIX) of 22 November 1974 invited the Palestine

---

<sup>3</sup> See United Nations Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); as well as Human Rights Council resolution 35/34 and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180.

Liberation Organization to participate in the deliberations of the General Assembly as the representative of the Palestinian people and granted it observer status. Rule 62 of the Rules of Procedure of the General Assembly permits the General Assembly to invite any national liberation movement recognized by the Organization of African Unity or by the League of Arab States, and any other observer, to participate in its sessions.

The General Assembly in New York is the epicentre of global diplomacy for peace, security, justice and human rights. Unilaterally excluding foreign leaders strikes at the heart of this vital mission. The US must maintain its long tradition of facilitating access to the United Nations' headquarters as a neutral meeting place to enable peaceful dialogue and dispute settlement. The exclusion of Palestinian officials directly interferes with the conduct of debates at the General Assembly that are designed to advance the Palestinian right of self-determination, a jus cogens human rights under customary international law and article 1 of the International Covenant on Civil and Political Rights, ratified by the US on 8 June 1992.

I note further that the PLO and PA are not responsible for Hamas' attacks of 7 October 2023, and they should not be treated adversely in relation to the conduct of other actors.

In addition, seeking to uphold international law through international courts is not "lawfare", but an entirely legitimate means of pursuing peace and justice according to the international rule of law, including accountability for violations of international humanitarian law, international criminal law and international human rights law by both terrorist groups and States acting to counter terrorism in the conflict in Israel and Palestine.

Efforts to seek recognition of Palestinian statehood are also fully consistent with international law. For many decades, the international community has recognized the right to self-determination of the Palestinian people, including to choose to become a State. The General Assembly has recognized the State of Palestine as a non-Member observer State since 2012. All States are entitled to bilaterally recognize this legal and factual reality. Unilateral declarations of Statehood are not prohibited by international law (International Court of Justice, *Kosovo Advisory Opinion*) and recognition of Statehood claims over territory to which no pre-existing sovereign State has a valid claim is not contrary to international law. There is no duty under international law to negotiate independence prior to its declaration, particularly where the exercise of self-determination has been forcibly denied by an occupying power. In its 2024 Advisory Opinion, the International Court of Justice declared that Israel's continuing occupation of Palestine is a violation of the right of self-determination and called for the occupation to be brought to an end as soon as possible. The General Assembly set a deadline of September 2025.

I also note that these measures appear to discriminate against Palestinian officials, since the US has not denied visas to any Israeli officials accused of the most serious international crimes or who have forcibly denied the Palestinian right of self-determination or thwarted the peace process, including by maintaining the illegal annexation of East Jerusalem and authorizing illegal settlements in the West Bank contrary to international humanitarian law.

Separately, I encourage the US to regularize the continuation of visas for members of the Palestinian delegation to UN headquarters, given the disruption the annual renewal process causes to their diplomatic work, and to ensure full compliance with the US' obligations under the UN Headquarters Agreement 1947.

*Suspension of visa decisions for Palestinian nationals*

I am concerned that the suspensions of visitor visa processing for Palestinian nationals appears to discriminate on the basis of nationality, contrary to article 2 of the ICCPR. Suspending visa processing in relation to a whole class of millions of Palestinians based on their nationality, by vague reference to national security concerns which are not specific to particular threats or individual, is neither a necessary nor proportionate response. While States enjoy significant discretion in the admission of non-nationals, such decisions must still comply with international law, including the prohibition of discrimination. In certain cases, suspensions could also prevent individuals, including children, obtaining specialist health care in the US to treat war injuries, and impede family visitation.

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 my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I 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 indicate whether the decision to refuse visas to Palestinian officials to attend the General Assembly in New York will be reconsidered and reversed and the visas issued. If not, please explain how this measure is consistent with international law, including the US' obligations under the UN Headquarters Agreement 1947.
3. Please indicate whether the suspension of processing of Palestinian visitor visas will be lifted. If not, please explain how this measure is compatible with the right to non-discrimination on the basis of nationality under international human rights law.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I 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.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I 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 also been sent to the State of Palestine.

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

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

## **Annex**

### **Reference to international human rights law**

In connection with the abovementioned facts and concerns, we would like to take this opportunity to draw your attention to relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

#### ***Obligation of non-discrimination***

The obligation of non-discrimination is a cornerstone of international human rights law, enshrined in numerous treaties and declarations. Article 2(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States of America on 2 April 1992, obliges States Parties to respect and ensure the rights recognized in the Covenant to all individuals within their jurisdiction, without distinction of any kind, including race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

In addition, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by the United States on 21 October 1994, defines racial discrimination as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. While article 1(2) of the Convention permits distinctions between citizens and non-citizens, it prohibits discrimination based on national or ethnic origin in the application of nationality laws and related measures.

#### ***Right of self-determination***

The right to self-determination is a foundational principle of international law and a core human right, recognized in article 1(1) of the International Covenant on Civil and Political Rights (ICCPR). This provision affirms that “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” Article 1(2) of both Covenants further provides that all peoples may freely dispose of their natural wealth and resources, and in no case may they be deprived of their own means of subsistence. Article 1(3) of the ICCPR adds that States Parties, including those with responsibility for administering Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination and shall respect that right in conformity with the provisions of the Charter of the United Nations, which itself enshrines the principle of equal rights and self-determination of peoples as essential to the maintenance of international peace and security

Furthermore, the Human Rights Committee has interpreted the right to self-determination as applicable not only in the context of decolonization, but also in situations where peoples are denied meaningful participation in public affairs, subjected to systemic discrimination, or deprived of control over their natural resources. States have a duty to respect and promote this right, including by ensuring inclusive

governance, protecting cultural identity, and enabling communities to participate fully in decisions affecting their lives. In its general comment No. 12, the Committee emphasized that the right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights (para. 1). It further stated that all States parties to the Covenant should take positive action to facilitate realization of and respect for the right of peoples to self-determination (para. 6). In connection with article 1 of the Covenant, the Committee referred to other international instruments concerning the right of all peoples to self-determination, in particular the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in resolution 2625 (XXV). The Committee also noted that history has proved that the realization and respect for the right of self-determination of peoples contributes to the establishment of friendly relations and cooperation between States and to strengthening international peace and understanding (paras. 7–8).

In its Advisory Opinion of 19 July 2024 on *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, the International Court of Justice reaffirmed that the right of all peoples to self-determination is “one of the essential principles of contemporary international law” (para. 232), citing its earlier judgment in *East Timor (Portugal v. Australia)*. The Court emphasized that the obligation to respect this right is owed *erga omnes*, and that all States have a legal interest in its protection, referencing its prior findings in the *Wall* (2004) and *Chagos Archipelago* (2019) Advisory Opinions. It noted that the right to self-determination is enshrined in common article 1 of both the ICCPR and ICESCR, which affirms that all peoples have the right to freely determine their political status and pursue their economic, social, and cultural development. The Human Rights Committee has explained that the realization of this right is an essential condition for the effective guarantee and observance of individual human rights (general comment No. 12, para. 1). The Court further recalled that the General Assembly has repeatedly recognized the right to self-determination as an “inalienable right” in the context of decolonization (resolutions 40/25, 42/14, 49/40) and has affirmed that “there is no alternative to the principle of self-determination” in this process (resolutions 57/138, 59/134). The Court concluded that in situations of foreign occupation, such as the present case, the right to self-determination constitutes a peremptory norm of international law (para. 233).

The Court found that Israel’s violations of the prohibition on the acquisition of territory by force and of the Palestinian people’s right to self-determination have a direct impact on the legality of its continued presence in the Occupied Palestinian Territory. It held that Israel’s sustained abuse of its position as an occupying Power—through annexation, assertion of permanent control, and continued frustration of the Palestinian people’s ability to exercise their right to self-determination—violates fundamental principles of international law and renders its presence unlawful (para. 261). This illegality applies to the entirety of the Palestinian territory occupied in 1967, which constitutes the territorial unit across which Israel has imposed policies and practices aimed at fragmentation and the extension of Israeli sovereignty in violation of international law (para. 262). The Court addressed arguments based on the Oslo Accords and clarified that these agreements do not authorize Israel to annex parts of the

territory or maintain a permanent presence for security purposes (para. 263). Finally, the Court emphasized that the illegality of Israel's continued presence does not absolve it of its obligations under international law, particularly the law of occupation, toward the Palestinian population and other States, and that effective control over a territory determines the basis of a State's responsibility for its actions therein (para. 264).