

Mandates of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the situation of human rights defenders

Ref.: AL ISR 21/2025
(Please use this reference in your reply)

25 September 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 53/12 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning measures taken by Israel that impede the work of lawyer Diala Ayesh, and affect the right to a fair trial for her clients in the occupied Palestinian territory.

Diala Ayesh is a Palestinian woman human rights defender and lawyer. She has dedicated her work to advocating for the freedom and fair treatment of Palestinian political prisoners, focusing on ensuring fair trial guarantees and promoting freedom of expression. Additionally, she has actively engaged in monitoring and documenting the conditions of Palestinian political prisoners within the Israeli military prison system. She has been a tireless advocate for the rights of prisoners in the OPT and Israel, ensuring everyone is able to access legal representation and be informed of their rights outlined in both national and international law.

Special Procedures mandate holders have addressed our concerns to you about Ms. Ayesh in the past, AL ISR 13/2024, in July 2024. We regret that no reply has been received from Your Excellency's government and unfortunately, our concerns persist.

According to the information received:

Lawyer Diala Ayesh has faced arrests, threats, and harassment from both the Israeli forces and the Palestinian Authority in the West Bank as a consequence of her work.

Travel Ban in 2025

On 8 March 2025, Ms. Ayesh was travelling to Jordan via the Allenby/King Hussein Bridge to attend a conference necessary for her work as a lawyer specialising in human rights and the treatment of prisoners. When she arrived at the crossing, Israeli military officers informed her that she was banned from travelling. No court order or justification was provided, so the lawful basis of the ban remains unclear. Nor is it known whether a court or other relevant judicial authority was involved in the decision. The land border between the Occupied Palestinian Territory (OPT) and Jordan is the only exit route available to Ms. Ayesh, since she cannot enter Israel to travel via the Ben Gurion Airport without a difficult-to-obtain permit as a Palestinian ID holder, so this ban has effectively restricted all of Ms. Ayesh's external travel. The absence of

information provided to Ms. Ayesh and the apparent lack of involvement by judicial authorities is cause for alarm.

Administrative detention during 2024

Ms. Ayesh was initially arrested on 17 January 2024 by Israeli military forces as she passed through a military checkpoint in the West Bank. On 17 January 2024, the Israeli military arrested Diala Ayesh as she passed through the “Container” Israeli military checkpoint near Bethlehem in the West Bank, Occupied Palestinian Territory. On 25 January 2024, she was issued a four-month administrative detention order by the Israeli military’s Central Command for the occupied West Bank. Reports indicate that this order was imposed without charge or trial, and Ms. Ayesh was not brought before a court. The detention order was subsequently renewed several times until her release. According to her lawyers, she endured assault, threats and verbal abuse by Israeli soldiers during her arrest. She was released from administrative detention on 14 January 2025.

While we do not wish to prejudge the accuracy of these allegations, we are seriously concerned about reports that Ms. Ayesh has been repeatedly targeted for her work as a lawyer and has faced interference and obstacles to her work. It is deeply worrying that these interferences appear to be part of a broader pattern of systematic targeting of legal professionals who perform functions for Palestinian detainees and the defence of human rights.

According to the UN Basic Principles on the Role of Lawyers, lawyers should be able to carry out their professional work free from intimidation, hindrance, harassment or improper interference. Governments must also ensure that they do not suffer and are not exposed to administrative, economic or other persecution or sanctions as a result of any action they have taken in accordance with the obligations, rules and ethical standards recognised for their profession.

We would like to recall that Special Procedures expressed serious concern in June 2024 (AL ISR 11/2024) about the right to fair trial for Palestinian detainees in the military judicial system. In this system, Israeli military courts prosecute Palestinian civilians based on Israeli military orders issued by the Israeli military commander in the occupied West Bank (and previously for occupied Gaza), violating due process guarantees and the right to fair trial, as established under international human rights law and international humanitarian law. The work of lawyers in the Israeli military courts is severely restricted. On 13 October 2023, an amendment to the Unlawful Combatants Law was passed, entitled “Emergency Regulations” (Final Deadlines for Dealing with Unlawful Combatants during War or Military Operations for the Year 2023), and on 18 December 2023, the “Detention of Unlawful Combatants Law (Amendment No. 4 and Temporary Order – Iron Swords) 5784-2023 (2023 amendment law)”, was passed, further amending the Detention of Unlawful Combatants Law. These amendments further exacerbated the violations of due process guarantees and the right to a fair trial for Palestinians, including by restricting access to counsel.¹

¹ The human rights violations described in these allegations have already been brought to the attention of the international community by the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 in reports A/72/556, A/HRC/48/87, and A/HRC/53/29.

The provision of legal aid by lawyers like Ms. Ayesh is essential in this context of systematic violations of the guarantees of due process. If verified, the allegations cited could amount to violations of every individual's right to a fair trial.

We are concerned that the information points to a violation Ms. Ayesh's due process rights, as she was placed under a travel ban, held without charge in administrative detention on a renewed basis, and subjected to other irregularities. According to international standards, she is entitled to know the reasoning behind the ban so that she can defend her case before a court, judge or other relevant body.

It is regrettable that administrative decisions imposed by the Israeli military do not provide for legal remedies. Article 2 of the ICCPR establishes that States must guarantee that any person whose rights have been violated shall have an effective remedy, and that the competent authorities shall enforce such remedies when granted. States must also ensure that the right to a remedy is determined by the competent judicial, administrative, or legislative authorities, or by any other competent authority provided for by the legal system of the State, with a view to developing judicial remedies. Furthermore, article 26 of the International Covenant on Civil and Political Rights establishes that all persons are equal before the law and are entitled, without any discrimination, to equal protection of the law. In this regard, the law shall prohibit all discrimination and guarantee all persons equal and effective protection against discrimination on any ground, including political or other opinion.

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 indicate the legal provisions that regulate the imposition of a travel ban on lawyers and human rights defenders, and how it is justified in this case.
3. Please provide information on the measures taken to ensure that lawyers and human rights defenders in the occupied Palestinian territory can carry out their functions, in accordance with international standards.
4. Please explain what measures the State has taken to ensure respect for the guarantees of due process, for Palestinian detainees, set out in article 14 of the International Covenant on Civil and Political Rights on the right to counsel of one's choice, and including: the right to be tried by a competent, independent and impartial tribunal; the right to an adequate defence; the presumption of innocence; and the right to be tried within a reasonable time.

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

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Please be informed that a copy of this letter is being sent to the Government of the State of Palestine.

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

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to articles 7, 9, 10, 14 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Israel on 3 October 1991, which guarantee that no one should be subjected to torture, cruel, inhuman or degrading treatment or punishment, everyone has the right to liberty and security of person, to a trial within a reasonable time, to challenge the legality of the detention before the courts, to be released subject to guarantees to appear for trial, to a fair and public trial before an independent and impartial tribunal without undue delay and with legal assistance of their choosing, that everyone shall be granted these rights free of discrimination.

We would also like to highlight that article 14 of the ICCPR requires that anyone facing criminal charges shall be granted adequate time and facilities for the preparation of his defence, to communicate with counsel of his own choosing, to be tried without undue delay and not to be compelled to testify against himself or to confess guilt.

We express our deepest concern at allegations regarding the widespread and systematic use of administrative detention against Palestinians, as analysed in detail in the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to the 53rd session of the Human Rights Council (A/HRC/53/59). This report concludes that the aforementioned elements are constitutive of a serious crime under the Rome Statute of the International Criminal Court. We express our concern that, reportedly in the vast majority of cases, evidence remains classified and thus cannot be effectively challenged, and that detainees are held without trial or charge and without meaningful access to legal counsel (A/HRC/37/42).

We would like to remind your Excellency's Government that any arrested or detained person must be treated with dignity and accommodated in humane conditions, compatible with the absolute prohibition of torture and other cruel, inhuman, or degrading treatment or punishment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Israel ratified in 1991, and which is non-derogable even in a state of emergency (article 2(2)) has attained the status as an international norm of jus cogens, and as reflected inter alia, in Human Rights Council resolution 52/7 and 46/15, and General Assembly resolution 77/209.

We are also highly concerned that the issuance and entry into force of military ordinances or emergency regulations have reportedly undermined judicial guarantees. We underline that all persons, regardless of the gravity of the charges against them, have the right to a fair trial, recognised not only in human rights treaties but also in international humanitarian law, international criminal law, counter-terrorism conventions and customary international law, and to the rule of law (see A/63/223).

We remind your Excellency's Government that article 14 of the ICCPR establishes, inter alia, the principle of equality before competent, independent and impartial courts and tribunals, the presumption of innocence, the provision of adequate

time and facilities for the preparation of the defence and the right of accused persons to communicate with counsel of their own choosing. We respectfully remind your Excellency's Government that the Human Rights Committee has clarified that the right to a fair trial is non-derogable even during a state of emergency (CCPR/C/GC/35, para. 67) and that trials of civilians by military courts should be exceptional and strictly "limited to cases where the State party can show that resorting to such trials is necessary and justified by objective and serious reasons, and where with regard to the specific class of individuals and offences at issue the regular civilian courts are unable to undertake the trials" (CCPR/C/GC/32, para. 22). Fundamental safeguards are also required under international humanitarian law.

With regard to the conditions of detention and the responsibility of States to provide health care for prisoners, we wish to reiterate rules 24, 25, 27 of the Mandela Rules, adopted unanimously by the UN General Assembly (A/RES/70/175). The Special Rapporteur on torture stresses the importance for the application of the Mandela Rules as general standards for both remand and convicted persons. They also remind that the conditions and standards of treatment in places of deprivation of liberty should have differentiated approaches with respect to persons belonging to certain groups, not least women and girls (United Nations Rules for the Treatment of Women Prisoners and non-custodial measures for Women Offenders (Bangkok Rules)).

Finally, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.