



Euro-Med Monitor
FOR HUMAN RIGHTS

8 August, 2024
Ref: 0708/0824

H.E. Mr. Omar Zniber
President, Human Rights Council
United Nations
Avenue de la Paix 8-14
1211 Geneva
Switzerland

Re: Urgent Request for the Dismissal of Alice Jill Edwards as UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Your Excellency,

We are compelled to express our profound disappointment with Ms. Alice Jill Edwards in her capacity as the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, for failing to fulfill her mandate and execute her duties with the required objectivity and impartiality. We are deeply concerned that such wrongful conduct is eroding the credibility of the United Nations, and specifically undermining the fundamental values upheld by the UN Human Rights Council, including impartiality, integrity, and accountability.

Ms. Edwards's apparent failure to address the horrifying, widespread, and systematic crimes against Palestinian prisoners and detainees in Israeli detention centers and prisons, especially since October 7, 2023, raises serious concerns about her integrity in fulfilling her role. This lapse not only undermines the credibility of her mandate but also casts doubt on its relevance and effectiveness in addressing the gravest relevant violations at a time when it is most needed during this critical and unprecedented crisis.

Over the past ten months, despite the dire conditions endured by Palestinian prisoners and detainees and the overwhelming and credible evidence of systematic torture and severe assaults committed by Israel—particularly against those from Gaza—Ms. Edwards has remained silent. She has failed to report on, publically acknowledge, or draw the international community's attention to the severity of these violations.

Despite her announcement on March 8, 2023,¹ to investigate the torture and mistreatment of Palestinian detainees in Israel, Ms. Edwards has yet to disclose the status or findings, if any, of the investigation after more than five months.

During the same period, nearly all special procedures,² with nearly the exception of hers, have released multiple and joint public statements addressing issues related to Israeli violations, including those related to Ms. Edwards' mandate, namely, the torture and ill-treatment of Palestinians in the Israeli prisons and detention centers.³ However, she has not made similar statements, nor has she endorsed or signed any of these reports.

¹ <https://www.reuters.com/world/middle-east/un-expert-torture-examines-treatment-palestinian-detainees-2024-03-08/>

² <https://www.ohchr.org/en/press-releases/2024/04/un-experts-deeply-concerned-over-scholasticide-gaza>; <https://www.un.org/unispal/document/un-experts-pr-ohchr-3jun24/>; <https://www.ohchr.org/en/press-releases/2024/05/un-experts-outraged-israeli-strikes-civilians-sheltering-rafah-camps>

³ <https://www.ohchr.org/en/press-releases/2024/08/israels-escalating-use-torture-against-palestinians-custody-preventable>; <https://www.ohchr.org/en/press-releases/2024/02/israelopt-un-experts-appalled-reported-human-rights-violations-against>;



In her only statement on topic,⁴ issued on May 23, 2024, Ms. Edwards reiterated the requests made in her formal letter to the government of Israel dated May 16, 2024.⁵ This correspondence came more than seven months after the onset of Israel's full-scale genocide against the Palestinian people in the Gaza Strip and the severe deterioration in the conditions of Palestinian detainees and prisoners in all Israeli detention facilities and prisons.

Among the many concerns indicating potential bias and lack of objectivity, which will be discussed later in this letter, Ms. Edwards' statements and demands were narrowly focused. In both her statement and her letter, she restricted her appeal to urging the government of Israel to independently investigate allegations of torture or ill-treatment against Palestinians and to hold the perpetrators accountable.

This specific request raises concerns about Ms. Edwards' genuine commitment to addressing the suffering of Palestinians, her credibility in ensuring accountability, and her dedication to providing reparations to victims. First, this is particularly troubling given the historical evidence that the Israeli judicial system has frequently been both unwilling and unable to investigate, prosecute, and hold accountable Israeli militants and settlers for their crimes against Palestinians. To illustrate, evidence indicates that between 2017 and 2021, fewer than one percent of complaints about the conduct of the Israeli military towards Palestinians were investigated and prosecuted.⁶ Second, Unlike the complaints mechanisms of the human rights treaty monitoring bodies, the Special Rapporteur does not require the exhaustion of domestic remedies to act.⁷

Yet, after more than three months and the lack of any meaningful action by Israeli authorities to investigate these issues, including the failure to effectively address the notorious Sde Teiman incident involving the gang rape and sodomizing of a Palestinian prisoner from Gaza by Israeli soldiers, until he was hospitalized with severe injuries,⁸ Ms. Edwards has not revised her approach. She has neither called for an international independent investigation, expedited the release of her investigation findings, nor engaged with international bodies such as the ICC to oversee the issue of the Palestinian prisoners and detainees.

Returning to her official letter sent to the government of Israel,⁹ several additional issues related to Ms. Edwards' apparent bias become evident, particularly when compared to the letter she sent to the government of Palestine on January 3, 2024.¹⁰ These issues can be summarized as follows:

- 1- The letter Ms. Edwards sent to the government of Israel on May 16, 2024, downplayed the severe realities faced by Palestinian prisoners and detainees, particularly regarding issues of rape and other forms of sexual violence, and diminished the significance of the evidence provided on these violations.
- 2- Despite the lack of substantial evidence to date, the term "sexual violence" was cited 15 times in her letter to the State of Palestine concerning alleged violations by Palestinian factions on October 7. In stark contrast, it was mentioned only once in her letter to Israel, where it was described as "sexual harassment" rather than sexual violence, despite compelling evidence of the systematic occurrence of sexual violence against Palestinian detainees and prisoners.
- 3- Similarly, rape was cited 11 times in the letter to Palestine, but only once in her letter to Israel, where it was confined to the threat of rape rather than the act itself, which has become a systematic form of abuse against prisoners and detainees. Furthermore, Ms. Edwards limited her discussion of rape threats to Palestinian detainees from the West Bank, excluding those from the Gaza Strip.

⁴ <https://www.un.org/unispal/document/calls-for-probe-of-allegations-23may24/>

⁵ <https://t.co/g2BeyG8vOH>

⁶ Yesh Din, "Data sheet: Law enforcement against Israeli soldiers suspected of harming Palestinians and their property- Summary of figures for 2017-2021", 21 Dec 2022 < [⁷ <https://www.ohchr.org/en/special-procedures/sr-torture>](https://www.yesh-din.org/en/law-enforcementagainst-israeli-soldiers-suspected-of-harming-palestinians-and-their-property-summary-of-figures-for-2017-2021/#:~:text=According%20to%20the%20military's%20figures,known%20cases%20in%20those%20years>; A/HRC/53/59 para. 48.</p></div><div data-bbox=)

⁸ <https://www.haaretz.com/israel-news/2024-07-30/ty-article/.premium/doctor-who-saw-abused-gazan-detainee-i-couldnt-believe-an-israeli-jailer-could-do-this/00000191-0436-df85-a399-ed36f4800000>

⁹ Ibid, 5

¹⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28655>



- 4- In her letter to Palestine, Ms. Edwards repeatedly called for the immediate and unconditional release of Israeli hostages. In contrast, her letter to Israel did not contain a single request for the release of Palestinian detainees who are being held arbitrarily or without charge.
- 5- In her letter to Israel, Ms. Edwards requested permission to visit Israel but excluded the occupied Palestinian territories from her request. Notably, in her letter to Palestine, she also did not request nor mention the need for any visit. This discrepancy suggests a bias and undermines her ability to thoroughly address violations and interview Palestinian victims and their families.
- 6- In her letter to Palestine, Ms. Edwards extensively addressed events from October 7, including those unrelated to the capture of prisoners and hostages, such as the indiscriminate rocket fire from the Gaza Strip into Israel. However, in her letter to Israel, she did not address the massacres committed by Israel against civilians in Gaza, including indiscriminate rockets fired against civilians in Gaza.
- 7- Ms. Edwards' approach clearly frames the situation in Gaza as primarily a response to the October 7 attack. She explicitly titled her letter to Israel and centered her inquiry into allegations of torture and ill-treatment of Palestinian detainees as "Israel's response to attacks by Hamas and other armed groups on October 7, 2023." This framing suggests that she views the events in Gaza through the lens of retaliatory actions, potentially overshadowing the broader context of the conflict and the humanitarian issues at hand.
- 8- Ms. Edwards began her letter to Israel by extending her sincere condolences to the Government of Israel, as well as to the families and friends of those who lost their lives or were injured on October 7. In stark contrast, her letter to the State of Palestine contained no expressions of sympathy for the tens of thousands of civilians, mostly women and children killed by Israeli assault against the Gaza Strip since October 7. This disparity highlights a notable inconsistency in her approach, potentially reflecting a lack of balanced empathy in addressing the humanitarian impact on both sides.
- 9- In her letter to Israel, Ms. Edwards addressed some of the Israeli legislation that justifies violations against Palestinian prisoners and detainees, such as the Unlawful Combatants and Administrative Detention Laws. However, she did not explicitly state that these laws contravene international humanitarian and human rights law, nor did she acknowledge their role in depriving Palestinians of fundamental rights, including the presumption of innocence, the right to a fair trial, and the ability to prepare an effective legal defense. Furthermore, she did not request the repeal of these laws, missing an opportunity to directly challenge their legality and impact.
- 10- In her letter to Israel, Ms. Edwards omitted any reference to the incidents of unlawful killings and deaths among Palestinian detainees and prisoners in Israeli detention facilities and prisons, including the more than ten Palestinians from Gaza who died at the Sde Teiman detention center. This omission reflects a significant gap in her coverage of the severe abuses and undermines a comprehensive assessment of the situation.
- 11- Ms. Edwards did not inform or alert Israel that concealing prisoners and detainees and withholding their fate or whereabouts constitutes enforced disappearance. Furthermore, she did not acknowledge these actions as crimes of enforced disappearance in her assessment.

After months of sending the letter to the Israeli government and observing the government's proven inaction in response to the requests made, Ms. Edwards' ongoing inaction becomes even more notable. This is particularly concerning given the steady flow of reports from United Nations entities and mechanisms addressing the same issue. For instance, a report by the office of The High Commissioner for Human Rights on July 31, 2024,¹¹ detailed instances of torture and other forms of cruel, inhuman, and degrading treatment, including rape and sexual abuse of both men and women and highlighted that such acts may constitute war crimes.

Before this, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, found in its latest report,¹² that the torture and inhuman and cruel treatment that were committed by Israel against Palestinian detainees amounted to war crimes. The Commission also concluded that the threshold of the elements of crimes against humanity has been fulfilled, identifying a widespread or systematic

¹¹ <https://www.ohchr.org/en/documents/reports/detention-context-escalation-hostilities-gaza>

¹² <https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index>



attack against the civilian population in Gaza. This included crimes such as extermination, murder, gender-based persecution targeting Palestinian men and boys, forcible transfer, torture, and cruel, inhuman treatment.

Furthermore, reports from prominent international and local organizations, including Human Rights Watch,¹³ Amnesty International,¹⁴ and B'Tselem,¹⁵ have consistently concluded that Israel is engaged in severe torture and ill-treatment, which they describe as amounting to war crimes. Some of them also classify these acts as crimes against humanity.

Ms. Edwards' persistent inaction starkly contrasts with the extensive documentation of Palestinians' torture, rape, and cruel treatment. This evidence is substantiated not only by the UN and various organizations but also by major international and Israeli media outlets, such as the New York Times,¹⁶ The Guardian,¹⁷ the Washington Post,¹⁸ and Haaretz,¹⁹ whose reports on the subject have been widely circulated.

Moreover, Ms. Edwards has shown a notable lack of engagement with Palestinian civil society organizations, which are essential for gathering relevant evidence for her mandate. Despite our team's attempts to reach out to her, we received no response. This disregard not only impairs the thoroughness of her investigation but also undermines the impartiality expected from any UN special procedure.

It is important to note that our concerns extend back to Ms. Edwards' appointment in 2022, during which she has consistently overlooked the issue of Palestinian detainees and prisoners. Despite the severe conditions these protected persons faced before October 7, she has not addressed Israeli detention practices prior to that date. Furthermore, she has failed to contextualize Israel's detention policies within their broader historical framework, neglecting their role in entrenching Israeli colonialism and perpetuating an apartheid system.

To finalize, it is now well-established that thousands of Palestinian detainees and prisoners are subjected to severe, systematic, and widespread torture, ill-treatment, rape, and other forms of sexual violence, particularly since October 7, 2023, at the hands of the Israeli army and the Israel Prison Service. Given the gravity of the situation and the collaboration of all Israel's state systems, including the judiciary, in either ignoring, endorsing, or openly condoning these crimes, it is unrealistic to expect Israeli investigative bodies to address or hold accountable those responsible effectively. The ongoing genocide we all witnessed over the past 10 months further underscores that leaving the issue solely in their hands is both inadequate and unjust. On the contrary, it sets the stage for impunity and denies victims their fundamental rights.

Thus, relying on a biased or inactive Special Rapporteur is neither a viable nor an acceptable solution. The gravity of the abuses and the entrenched complicity of Israeli state systems require a robust and impartial mechanism to ensure accountability. A Special Rapporteur perceived as biased or ineffective would undermine the credibility of

¹³ <https://www.hrw.org/news/2024/07/23/israel-detainees-face-inhumane-treatment>

¹⁴ <https://www.amnesty.org/en/latest/news/2024/07/israel-must-end-mass-incommunicado-detention-and-torture-of-palestinians-from-gaza/>

¹⁵ https://www.btselem.org/publications/202408_welcome_to_hell

¹⁶ <https://www.nytimes.com/2024/06/06/world/middleeast/israel-gaza-detention-base.html?smid=nytcore-ios-share&referringSource=articleShare&srp=c-cb>

¹⁷ <https://www.theguardian.com/world/article/2024/aug/05/palestinian-prisoners-describe-widespread-abuse-in-israel-jails#:~:text=Violence%2C%20extreme%20hunger%2C%20humiliation%20and,policy%20of%20%E2%80%9Cinstitutionalised%20abuse%E2%80%9D>; <https://www.theguardian.com/world/article/2024/jul/01/freed-gaza-hospital-head-accuses-israel-of-repeated-torture>

¹⁸ <https://www.washingtonpost.com/world/2024/07/29/palestinian-prisoners-israel-jails-abuse/>

¹⁹ <https://www.haaretz.com/opinion/2024-08-06/ty-article-opinion/premium/tip-of-the-iceberg-israel-cannot-whitewash-horrific-abuse-of-palestinians-by-its-soldiers/00000191-237e-dcd6-abf7-777f4f4a0000>; <https://www.haaretz.com/israel-news/2024-07-30/ty-article/premium/doctor-who-saw-abused-gazan-detainee-i-couldnt-believe-an-israeli-jailer-could-do-this/00000191-0436-df85-a399-ed36f4800000>; <https://www.haaretz.com/israel-news/2024-04-04/ty-article/premium/doctor-at-idf-field-hospital-for-detained-gazans-we-are-all-complicit-in-breaking-law/0000018e-a59c-dfed-ad9f-afdfb5ce0000>



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the investigative process and fail to address the urgent need for justice and redress. Therefore, the gravity of the situation calls for a more effective and impartial approach to achieving justice for the victims.

Therefore, Euro-Med Human Rights Monitor respectfully urges the Human Rights Council to:

1. **Dismiss Alice Jill Edwards** from her position as the Special Rapporteur on Torture for her failure to fulfill her mandate impartially and effectively.
2. **Appoint a New Special Rapporteur** who demonstrates integrity, impartiality, and a steadfast commitment to the global principles of human rights, irrespective of the race, ethnicity, or nationality of either the perpetrators or the victims.

In conclusion, we trust that the Human Rights Council will act swiftly to restore confidence and effectiveness in its mission, reaffirming its commitment to impartiality and justice.

Yours sincerely,

Ramy Abdu,
Founder and the Chairman of Euro-Med Human Rights Monitor