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## Human Rights Council

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Agenda item 7

**Human rights situation in Palestine and other  
occupied Arab territories**

**Joint written statement\* submitted by the International  
Organization for the Elimination of All Forms of Racial  
Discrimination (EAFORD), Indian Movement "Tupaj  
Amaru", International-Lawyers.Org, Kayan - Feminist  
Organization, Union of Arab Jurists, non-governmental  
organizations in special consultative status, International  
Educational Development, Inc., World Peace Council, non-  
governmental organizations on the roster**

The Secretary-General has received the following written statement which is  
circulated in accordance with Economic and Social Council resolution 1996/31.

[04 June 2019]

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\* Issued as received, in the language(s) of submission only.



## Sexual abuse of Palestinian women in detention

Palestinian women<sup>1</sup> are subjected to psychological and physical violence during arrest, interrogation, investigation and detention by Israeli authorities. They are subjected to a wide range of violence, most notably sexual harassment and rape, a flagrant violation of human rights. These violations have always been perpetrated by Israeli authorities and the situation has not improved in spite of several condemnations by the international community. The violations aim at breaking the will of prisoners and their families.

There is a lack of data and information about women who have been subjected to rape in detention and prison. This is due to social and psychological factors that prevent the victim from disclosing the circumstances of her arrest and assault.

In addition to the use of sexual harassment as a mechanism for exerting pressure on female Palestinian prisoners, it is also relevant that the conditions of detention do not take into account gender considerations. Women are subjected to the same conditions as men. Palestinian women held in detention into Israeli detention facilities are subjected to measures that do not take into account the needs of women during pregnancy, childbirth and menstrual periods.<sup>2</sup>

The treatment of women in detention is a broad issue. However, this statement will focus on the issue of sexual abuses against women. In order to represent the extent to which those forms of violence are used by Israeli authorities during arrest and interrogation, this report will show some of the cases that have been monitored. Those cases involve both police officers and officers of the Israeli Security Agency (SHABACK).

### Sexual abuse by police officers

Cases of sexual harassment against Palestinian women by Israeli Authorities have been documented during cross-border operations. As an example, a recent report released by the Public Committee against Torture in Israel (PCATI)<sup>3</sup> brought the case of a woman that was arrested during a border crossing operation. She was interrogated for days, without any clarification of the real objective of the investigation. The interrogations included sexual, verbal and physical threats. She explained that the investigator sat very close to her and started to yell. She moved her head so that she would avoid touching the investigator but then he put his thigh on top of her thigh. She was afraid and found it difficult to breathe. The case against the investigators was closed without any charge.<sup>4</sup>

In another case, a Palestinian woman from Jerusalem was raped while she was detained by Israeli authorities at one of the police stations in East Jerusalem. The Israeli soldiers had detained her under the pretenses that she was not allowed to enter Jerusalem. She was harassed by a policeman for hours at the station. Even after she successfully rebuffed the

<sup>1</sup> We are both referring to Palestinian women with Israeli citizenship and Palestinian women with Palestinian citizenship living in the West Bank.

<sup>2</sup> <http://stoptorture.org.il/wp-content/uploads/2015/09/%D7%9E%D7%A2%D7%93%D7%95%D7%AA%D7%94-%D7%A9%D7%9C-%D7%90%D7%A1%D7%99%D7%A8%D7%94-%D7%A4%D7%9C%D7%A1%D7%98%D7%99%D7%A0%D7%99%D7%AA-%D7%99%D7%95%D7%A0%D7%99-2013.pdf>.

<sup>3</sup> PCATI is an Israeli NGO established in 1990, in response to longstanding governmental policy which permitted the systematic use of torture and ill-treatment during interrogations, in order to eradicate the culture of torture and to end the absolute impunity granted to torturers in Israel. <http://stoptorture.org.il/about-us/vision/?lang=en>.

<sup>4</sup> <http://stoptorture.org.il/wp-content/uploads/2018/06/%D7%94%D7%95%D7%95%D7%A2%D7%93-%D7%94%D7%A6%D7%99%D7%91%D7%95%D7%A8%D7%99-%D7%A0%D7%92%D7%93-%D7%A2%D7%99%D7%A0%D7%95%D7%99%D7%99%D7%9D-%D7%91%D7%99%D7%A9%D7%A8%D7%90%D7%9C-%D7%93%D7%95%D7%97-%D7%9E%D7%A6%D7%91-2018.pdf>.

first policeman, a second policeman came. After a struggle, the second policeman succeeded in raping her despite her screams and protestations which were ignored.

### **Sexual abuse by SHABACK**

The routine usage of methods that constitute ill-treatment and even torture by SHABACK is well known and has already been brought to the attention of the Human Rights Council. However, what is less known are the abuses to which Palestinian women are subjected during interrogation and prison, that remain without accountability.

One of the worst cases of violence and inhumane treatment against Palestinian women happened in 2015, when an individual was suddenly arrested during the night in her home in the West Bank. During the arrest, officers of SHABACK ordered a female soldier to perform a genital search of the woman in their presence. She was subjected to this sexual humiliation twice.<sup>5</sup> Although a complaint was filed against their behavior, marking the first time that a criminal investigation was opened against SHABACK officers due to their behavior against investigated people, a year and a half later the Ministry of Justice announced that the case against them would be closed without any kind of accountability for the perpetrators.

More than 1,200 complaints have been submitted to the Inspector for Complaints Against SHABACK<sup>6</sup>, since its establishment in 2001. However, this authority has failed to criminally investigate any of these complaints except for the one mentioned above. Most of the complaints submitted are related to torture and abuse by investigators. Those are often perpetrated inside interrogation rooms, where there are no witnesses since the only people present are the investigator and the detainee. There are no visual or audio recordings of the interrogations. As a consequence, most of the cases are just the words of the interrogator against the words of the detainee and this is used as an excuse to close the cases.

In another case a Palestinian woman was arrested by SHABACK in 2009 and during interrogation she was physically tortured in different ways such as: isolation, preventing her from sleeping, threatening to interrogate her family, and harassing her sexually.<sup>7</sup> One officer put his hand on her leg, while another interrogator kissed her on the forehead. The woman filed a complaint in 2012, but the file was closed without investigation. At 2016, PCATI filed an appeal against the closure of the file. In 2017, about 7 years after the submission, PCATI received a letter in response saying that the case had been closed again.

In 2019, a 40-year-old Palestinian woman from the city of Hebron was repeatedly subjected to sexual humiliation, in an attempt to coerce her to confess a crime.<sup>8</sup> According to the report of PCATI, at 3 a.m., the Israeli army attacked her house, accompanied by dogs. Her hands were tied and she was searched naked, thrown into the army vehicle, and taken to an interrogation center in the South of Israel. She spent two weeks there, being interrogated for days with covered eyes; each interrogation lasted for 15 hours continuously. She was sexually harassed: "With whom do you sleep at night? Surely you need someone to hug you." She was jailed in a cell with two male guards watching her. She could not sleep, and she was afraid that someone would enter and assault her. Her physical condition deteriorated so much that she confessed what they wanted. Even so, they continued to abuse her.

<sup>5</sup> Haaretz article on 13 May 2019 called by the head of the legal department of the PCATI, Efrat Bergamin-Sapir, <https://www.haaretz.co.il/opinions/.premium-1.7225085>.

<sup>6</sup> The Inspector for Complaints Against the Israel Security Agency (ISA), [https://www.gov.il/en/departments/units/complaints\\_of\\_interrogees](https://www.gov.il/en/departments/units/complaints_of_interrogees).

<sup>7</sup> <http://stoptorture.org.il/%D7%A2%D7%A8%D7%A8-%D7%91%D7%A9%D7%9E%D7%94-%D7%A9%D7%9C-%D7%90%D7%99%D7%A9%D7%94-%D7%A4%D7%9C%D7%A1%D7%98%D7%99%D7%A0%D7%99%D7%AA-%D7%A9%D7%94%D7%95%D7%98%D7%A8%D7%93%D7%94-%D7%9E%D7%99%D7%A0%D7%99>.

<sup>8</sup> <https://mailchi.mp/3eb3a49d6316/bpzun30y03-1345349>.

### **Conclusion and Recommendations**

The practice of subjecting women to abusive and humiliating conditions, as well as to sexual threats, is used by interrogators as a method of putting pressure on detained women during interrogations for different purposes, such as in order to obtain a confession or to gather the information they need.

These acts are considered a flagrant violation of international laws and treaties to which Israel is a state party. The treatment of Palestinian women in Israeli detention is violating the “United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders”, also known as the “Bangkok Rules.”<sup>9</sup>

Therefore, it is necessary to adopt prompt measures aimed at encouraging women victims of such abuses to report those acts as well as at promoting general awareness on the issue. Accountability for those violations that occurred in the past must be provided and guaranteed and prevention measures to avoid future violations must be developed.

#### **We call on:**

- All states and UN agencies to improve measures and mechanisms to respect, protect, and fulfil women’s rights in detention in accordance with international laws and norms.
- The international community to enhance special protective measures for women and girls in prisons
- The Human Rights Council to take prompt measures in order to seek justice for women who have faced sexual harassment and other abuses by Israeli authorities
- The international community to adopt the necessary measures towards ending gender-based violence against Palestinian women and the illegal occupation of the Palestinian territories

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Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.

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<sup>9</sup> Adopted by the United Nations General Assembly on 22 December 2010.