

## Punitive Measures: the Gendered impact on Palestinian Women

A submission prepared by the:

Women's Center for Legal Aid and Counselling



For Submission to:

Mr. Michael Lynk, the Special Rapporteur on the situation of Human Rights in the  
Palestinian territory occupied since 1967

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## **1. Introduction**

1.1 This submission has been prepared by the Women’s Centre for Legal Aid and Counselling (WCLAC) to assist the Special Rapporteur on the situation of Human Rights in the Palestinian Territories occupied since 1967 to successfully fulfill his mandate. The submission is based primarily on testimonies gathered by WCLAC and is supplemented, in some parts, with information from other sources.

1.2 Our main focus is the gendered impact of applying punitive measures on Palestinian communities as a whole imposed by Israeli occupation authorities in Jerusalem and the West bank. Specifically, we aim to draw attention to the impact these punitive measures have on the women in these communities through observation of the policies practiced by the Israeli occupation and analyze how such practices are constantly affecting women in a devastatingly negative way. As illustrated by this submission, such practices have had the single biggest impact on women.

1.3 Through the course of carrying out our work, we have identified four major ways in which the Israeli occupation practice punitive measures, namely:

- Housing demolition or closure
- Residency revocations
- Collective punishments imposed on communities
- Preventing prisoners from receiving visits

1.4 This submission contains quotes taken from testimonies, which have been collected by WCLAC’S field researchers from Palestinian women living in Jerusalem and the West bank. Furthermore, some parts of the submission have been primarily based on information extracted from a report published previously by WCLAC under the title “Women’s on Jerusalem: on the Frontline Facing Occupation<sup>1</sup>”

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<sup>1</sup> [http://www.wclac.org/Library/178/Women\\_of\\_Jerusalem\\_On\\_The\\_FrontLine\\_Facing\\_Occupation](http://www.wclac.org/Library/178/Women_of_Jerusalem_On_The_FrontLine_Facing_Occupation)

## **2. Background**

2.1 The use of punitive measures by Israeli occupation authorities against Palestinians is extensive and always detrimental to those affected by them. Punitive measures are imposed on both families and communities, usually in response to a crime or crimes allegedly committed by an individual or by several members of a family or community in collaboration. The imposition of such collective punishments by Israeli occupation authorities serves to influence and permeate through every aspect of the lives of Palestinians, including Palestinian women, who endure the worst consequences of the punitive policies implemented by Israeli occupation forces.

2.2 The occupying authority deliberately uses housing demolition or closure, residency revocation, collective punishment on communities and preventing prisoner's visits as punitive measures against the Palestinian population. Residency revocation is primarily used on Palestinians living in Jerusalem, while all other measures are used in both Jerusalem and the west bank.

2.3 Sometimes, punitive measures are not committed against only individuals or families, but also against whole neighborhoods and communities, by imposing restrictions on movement and closures to roads and entranceways, and/or by conducting night raids and arrests among Palestinians.

2.4 A definite example of the use of the different punitive measures by Israeli occupation authorities identified in this submission can be seen in the case of Fadi al-Qunbar, who drove a car into a checkpoint in Jabal al Mukaber on January 8<sup>th</sup> 2017, injuring four Israeli soldiers and wounding 18 civilians. Fadi al-Qunbar was shot dead at the scene. The extensive nature of the punitive measures taken by the Israeli authorities is highlighted by the actions they took in the wake of this incident. In the following days, Israeli occupation forces demolished the home of Fadi al-Qunbar and in the process rendered his wife and three children homeless. Israeli occupation forces also sealed off the neighborhood of Jabal al Mukaber imposing restrictions on 101 other families;<sup>2</sup> collectively punishing them for the actions of al-Qunbar.

Moreover, the Israeli occupation forces erected a concrete blockade on one of the main entrances to the neighborhood, in addition to installing checkpoints at the opposite end of the blockaded area. The blockade served to limit freedom of movement on the entire neighborhood subject to special restrictions imposed by the Israeli forces. Simultaneously, the Israeli occupation authorities served demolition notices to 13 of Fadi al-Qunbar's family members, as well as revoking 19 residents' driver's licenses. This had a direct and extremely adverse effect on

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<sup>2</sup> The Civic Coalition for Palestinian Rights in Jerusalem Statement: Collective Punishment in Jabal al Mukabir, Available at: [https://www.civiccoalition-jerusalem.org/uploads/9/3/6/8/93682182/ccprj\\_statement\\_collective\\_punishment\\_in\\_jabal\\_al\\_mukabir\\_\\_1\\_.pdf](https://www.civiccoalition-jerusalem.org/uploads/9/3/6/8/93682182/ccprj_statement_collective_punishment_in_jabal_al_mukabir__1_.pdf)

the Fadi al-Qunbar' s family, as these aggressive and far-reaching Israeli policies caused those affected to seek retribution on his wife and children.

### **3. International Humanitarian Law and International Human Rights Law**

3.1 Collective punishment is prohibited under international humanitarian law.

3.2 Article 50 of the Hague Regulations, annexed to the 1907 Hague Convention states: "No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible."

3.3 Article 33 of the Fourth Geneva Convention states, "No protected person may be punished for an offence he or she has not personally committed. Collective penalties are prohibited."

3.4 Article 116 of the Fourth Geneva Convention states, "Every prisoner shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible."

3.5 The fact that Israel is imposing collective punishment on Palestinians through punitive house demolitions, has also been recognized by international human rights treaty bodies.<sup>3</sup>

3.6 The CEDAW Committee has noted with concern that Israeli occupation authorities continue the punitive practice of house demolitions in Jerusalem "...which punishes families and disproportionately affects women and girls, particularly female-headed households" and "...has a harmful impact on the physical and psychological well-being of Israeli Arab women and girls..." The CEDAW Committee recognizes punitive demolitions as collective punishment.<sup>4</sup>

3.7 The United Nations Human Rights Committee has urged Israel to cease and desist from the action of carrying out punitive house demolitions and provide

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<sup>3</sup> For example, CEDAW Committee "Concluding observations on the sixth periodic report of Israel" (2017) CEDAW/C/ISR/CO/6 para.32 and Committee Against Torture, "Concluding observations of the Committee against Torture" (2009) CAT/C/ISR/CO/4 para.33

<sup>4</sup> CEDAW Committee "Concluding observations on the sixth periodic report of Israel" (2017) CEDAW/C/ISR/CO/6 para.32

effective remedies to victims of property destruction, forced eviction and forcible transfer.<sup>5</sup>

3.8 The Committee against Torture has recognized house demolitions as a form of cruel, inhuman and degrading treatment, in violation of Art.16 CAT.<sup>6</sup>

#### **4. The gendered impact**

4.1. From a gendered perspective, punitive measures place enormous psychological burdens upon women and girls, who are disproportionately affected by these kinds of collective punishments and are left to bear the weight of these consequences. It is most commonly men who are the victims of extra-judicial killings, arrests or imprisonment, while their wives and families are left to endure the punitive measures mentioned above, in addition to facing shame within their local communities. This leaves women and girls, who have encountered such violations at an increased risk of facing poverty and homelessness and being forced to bear the enormous burden of having to singlehandedly support their families.<sup>7</sup>

#### 4.2. Housing demolition or closure:

Housing demolitions are imposed as a punitive measure on family members or persons otherwise connected to someone accused of certain crimes in particular. The Israeli authorities continue to serve demolition notices and/or demolish houses of persons accused of committing security related offences, and/or the houses of their families. This punishment by association is usually done without having undergone any judicial process or fair hearing for the individual who has been accused of committing the crime itself or of collaboration with the accused. This jeopardizes the right to a fair trial<sup>8</sup> and equal protection before the law.<sup>9</sup> Punitive demolitions that are imposed on family members or persons otherwise connected to those accused of certain crimes, amounts to a form of collective punishment.

Throughout the testimonies collected by WCLAC, through interviews conducted with women whose houses have been demolished or closed as a punitive

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<sup>5</sup>UN Human Rights Committee 'Concluding observations on the fourth periodic report of Israel' (2014), ICCPR/C/ISR/CO/4 para.9(a)

<sup>6</sup> UN Committee Against Torture, 'Concluding Observations of the Committee Against Torture: Israel' (2009), CAT/C/ISR/CO/4 Para.33; UN Committee Against Torture, 'Concluding Observations of the Committee Against Torture: Israel' (2016), CAT/C/ISR/CO/5 Paras.40-41

<sup>7</sup> WLIPF – UPR Submission p.20, para.5.4

<sup>8</sup> Article 14 ICCPR

<sup>9</sup> Article 26 ICCPR; Article 5 CERD

measure, it is clearly demonstrable that women bear the greatest sense of guilt and the largest burdens, as they become the mother and father of the family facing challenges from two fronts in the form of a patriarchal society on one hand and a ruthless occupation on the other. Aside from all of the tension and pressure that the woman is exposed to, she also has to become the one who is solely responsible for the welfare of the family, including her children; the woman also becomes responsible for securing a new house and a place to live in for her family. Besides having to deal with all these things, the woman has to bear all of the consequences in the aftermath of the events leading to the current state in which she and her family find themselves. After punitive measures have been taken, as usually the occupation is not satisfied with only the demolition or closure of the house, but also conduct several arrests amongst family members, including children and females. Which was the case of Rania, “My children were subjected to several violations two days after the death of my husband. On 11-10-2016, my daughter was arrested at the age of 16 because she expressed to the media the fact that she was proud of her martyred father, she spent 8 days in Maskobiya detention center, and after her release she was sentenced to home imprisonment for 14 days”.

Rania’s case demonstrates how Israeli occupation forces use housing demolitions and closures as a punitive measure against Palestinian families. Rania is a 40-year old mother with five sons and daughters. Rania’s family was subject to various violations by Israeli occupation forces since the day her husband carried out a shooting against Israeli forces, which ultimately resulted in his death. Rania’s family was subjected to many punitive measures including the arrest of her sons, various forms of harassment and the closure of their house.

Rania explains: “All that I’m going through now and went through during the past two years has exhausted me and affected my psychological state very much. I am the only source of support for my children and I also take care of their needs and every aspect of their lives, whether through visiting them in prison or through communicating with their lawyer.”

Another key negative impact of these punitive measures is the economic burdens it places on those affected, which can be clearly seen in the case of Ekram. Ekram is 47-year-old housewife and a mother of five (two sons and three daughters). On 22\10\2014, a settler killed her eldest son 21 years old, after accusing him of conducting a run over attack. After that, Ekram’s house was demolished as a punitive measure. She explained, “After this incident, I remained a week in the bed, unable to move or do my housework, I became very nervous and I suffered from depression for more than two months”. Furthermore, Ekram had to sacrifice her own savings (valued in gold), in order to be able to secure a new house for her family, “After the demolition of the house we lived for a period of 6 months, in a house owned by my husband's brother in Silwan, who hosted us. But then we

had to buy a house in Qalandiya, which is in the West Bank, and I paid for it after I sold my gold and took on loans incurring debts from our relatives, and we still have financial installments to pay for them”.

#### 4.3. Residency revocation:

The Israeli occupation authorities also continue the practice of residency revocation as a form of collective punishment. In cases where a Palestinian Jerusalemite has allegedly committed a crime, it is common practice on the part of Israeli authorities to revoke the residency not only of the perpetrator (if he was not dead), but of their entire family. For example, a Palestinian man from East Jerusalem rammed an Israeli vehicle on January 8<sup>th</sup> 2017, killing four soldiers and injuring 15 more. By the end of January, 13 of his family members had their residency revoked and were evicted from East Jerusalem. Speaking with regard to the decision, Aryah Deri, Israeli Minister of the Interior said: “Let this be known to all who are plotting, planning or considering carrying out an attack that their families will pay a heavy price for their actions and the consequences will be severe and far-reaching.”<sup>10</sup>

Another example is found in the case of Rama, which also demonstrates how Israeli occupation forces utilize residency revocation as a punitive measure. Rama is a 59-year old divorced housewife with four sons and six daughters. She has lived in Jerusalem since 1987; however, after the construction of the separation wall in 2002, she and all of her family have held Palestinian IDs. Since her home is still in an area considered to be a part of Jerusalem, she had to apply for the residency permit. On the 3<sup>rd</sup> of May 2016, after an attack conducted by a Palestinian man who holds the same family name as Rama, she and all of her family had their residency permits revoked in an act of collective punishment. Rama explains: “I was prevented from meeting with my daughters living in the West Bank due to my inability to move through the checkpoints between us without a permit.”

Furthermore, as a divorced mother, she had to be solely responsible to secure her family financially and solve all of the problems related to the revocation of the family’s residency permits. Rama had to bear the high expenses related to following up with re-obtaining her residency permit, in her own word she explained “I had to hire a lawyer and I paid him 20,000 shekels, just to issue four permits, and he gave us the permit on the 4/4/2017. However my son Hamza had to pay 15,000 shekels to a lawyer in order to remove the security refusal imposed on him and get a permit issued for him.”

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<sup>10</sup> Al-Haq “*Field Report: Collective Punishment in Jabal Al-Mukabir*” (2017)  
<http://www.alhaq.org/documentation/weekly-focuses/1097-field-report-collective-punishment-in-jabal-al-mukabir>

#### 4.4. Preventing visits to prisoners:

According to the Fourth Geneva Convention, Palestinians are entitled to family prison visits, which can only be limited for security reasons, on a case-by-case basis, but never for strictly punitive or disciplinary purposes. Furthermore, International humanitarian law prohibits collective punishment, in Article 33 of the Fourth Geneva Convention. The practice of arbitrarily denying permits and access to groups of people without these refusals being subject to proper scrutiny or justification can be considered as a form of collective punishment. In addition to this, the journey to visit family members in prison is long, difficult and costly. The inability of families to easily and regularly visit their relatives in prison is in direct contravention of agreed upon international humanitarian law standards, with Israel being unable to justify such policies on grounds of necessity or security.

As can be seen in the testimonies collected by WCLAC, the state of Israel regularly utilizes the prevention of prisoner's visits as a punitive measure against Palestinians. It was noted throughout these testimonies that such punishment is practiced either in an organized manner, in which the order will come from authorities for security reasons, which is clear in the case of Sana, who was denied the right to visit her husband. Even though Sana had a permit from Israeli occupation forces allowing her to visit her husband, she was not permitted to for security reasons, according to what the soldier at the checkpoint told her. She recounted that "...it was a very difficult feeling, since the morning I had waited and prepared myself, and I had arranged many things for my husband. I was glad that I was going to visit him, and all of a sudden I was forbidden from doing so." Or in some incidents, it will be based on an individual decision as reflected in the case of Jihan, which will be discussed later on in this submission.

After a family member is arrested, a long and very tiring journey for a woman involved begins. The suffering of a woman (whether she is affected person's spouse or mother) begins the moment she starts thinking about the responsibility she has to bear living in a patriarchal society, especially if she does not work and mainly depends on the family member who was arrested, in securing the household expenses. Not to mention, the pressure that she experiences through following up their cases in the Israeli courts and bearing the financial burdens that flow from the high costs of lawyers in Israeli courts.

In addition to all of this, the women have to bear the long exhausting journey to visit their family members in prisons, and have to go through endless checkpoints and humiliating body searches, all of which is to just see their beloved ones for 45 minutes. Nevertheless, this is not the case for some of the women WCLAC interviewed. Jihan, who is 43 years old and a mother of a prisoner, was about to visit her son when suddenly she was prevented from visiting him as a form of punishment. Although she made it to the prison, the fact that her 13 year old son



was wearing a shirt that had “freedom to our prisoners” written on it was enough for the Israeli officer to prevent her from conducting the visit. She recalled, “My feeling was very painful. I cannot describe it, after I had been hoping that I would visit my son, at the last minute, I was deprived from seeing him. I was also very afraid that they would deprive me of having other visits or that they would deny me for security reasons because of a t-shirt!”

#### 4.5. Collective punishments for villages\ communities:

Even though under international humanitarian law it is prohibited to practice collective punishments or to punish persons for acts they are not responsible for, the Israeli occupation on many occasions imposes collective punishments on whole villages or communities, whenever an indecent or an attack occurs at the hands of a person who belongs to that village or community.

A poignant example of such practices is what occurred in the Palestinian village of “Kober” on 26\7\2018, after 18-year-old Muhammed Tareq from Kober had conducted a stabbing attack in the settlements of Adam near Ramallah. As a result of this individual’s action the whole village of Kober was subject to collective punishment, as Palestinian families were faced with night raids, arrests, blockades of the roads and threats.

Following that incident, WCLAC interviewed some women from Kober, one of them was Ferial who said, “on 07/26/2018 a young man, Muhammad Tareq aged 18, from the town of Kober carried out a stabbing attack in the Adam settlement near Ramallah, according to the Israeli occupation. Which led to the storming of the village by the occupation every night, blocking the roads of the village and subjecting us all to collective punishment.” During such operations, WCLAC has found that women are exposed to intimidation and are in constant fear for their families and children, furthermore such practices; especially night raids may cause psychological distress and long-term trauma for the women and children affected.

Amal, 46 years, a resident of Kober expressed her frustration after her son Bassam 23 years was arrested in a night raid on their house, the arrest was a punishment inflicted on the family, as Amal expressed that they had no idea with regard to the reason for the arrest. She said, “I can’t sleep at night, and I’m constantly worried about my son. I miss him every moment and feel that I do not want to do anything but think about him.” While in the case of Ferial, 63 years, she and her family were subject to various provocations, body searches and beatings. Furthermore, her son Milad 28 years was detained for a while with no reasons given for his arrest and without an arrest warrant being issued. Ferial recalled, “At twelve o'clock in the afternoon, my son Milad returned to the house. He told me that the occupation, had detained him at Atara checkpoint, and threatened him saying that if they saw him taking part in marches or stone-throwing at the soldiers, they would kill him.”

## **5. Recommendations:**

5.1. Ensure Israeli compliance with International Humanitarian Law by prohibiting collective punishment and immediately ending all punitive policies that cause women and girls to become arbitrary victims of these illegal acts.

5.2. Emphasize the importance of social protection for the women and girls affected by providing them with the necessary recourse to psychological support services in order to reintegrate them fully into their communities.

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