

Dear Mrs. Pramila Patten

United Nations Special Representative on Sexual Violence in Conflict

The Women's Centre for Legal Aid and Counselling and Palestinian women organizations acknowledge your visit to OPT as a Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSV-SVC), and the meetings with us. We also appreciate the opportunity to facilitate meetings between your team and victims of sexual violence and to listen directly to their testimonies on several forms of sexual violence which were committed by Israeli military.

Reviewing your mandate and previous reports, it was apparent that you have addressed sexual and reproductive rights and reproductive violence is considered core to your mandate. In particular, the 2022 annual report which includes a section on Myanmar that discusses "Frontline service provision was disrupted as health-care facilities were raided and hospitals occupied by the military, leading to the collapse of the public healthcare system and impeding access to post-rape care and sexual and reproductive services. Frequent telecommunications shutdowns have hindered access to helplines and other support services. Moreover, the 2023 annual report mentions "Attacks on health centers occurred in Ethiopia, Haiti, Mali, Ukraine and elsewhere, limiting access to life-saving services, including sexual and reproductive care." Additionally, and based on the aforementioned reports highlight instances where conflict and crisis situations have severely impacted access to essential healthcare services, including post-rape care and sexual and reproductive services. The disruptions caused by attacks on health centers and telecommunications shutdowns have further compounded the challenges faced by survivors of sexual violence.

Moreover, the reports document instances of sexual violence occurring in various settings, such as checkpoints, schools, workplaces, and markets, underscoring the pervasive nature of this issue across different conflict-affected regions. The parallels drawn from the reports demonstrate that the situations you have documented fall within the scope of your mandate, emphasizing the urgent need to address sexual violence and ensure access to essential services for survivors in the OPT.

This raises a significant concern regarding the mandate presented to us during your meeting, which limits sexual violence to acts of a grave nature, such as rape and trafficking. This brings into a question about the scope of sexual violence and atrocities that your mission will address in the event of violations against Palestinian women in the OPT.

As a Chair of the UN Action we strongly recommend reinforcing your mandate of amplifying humanitarian work, upstream prevention, justice and accountability, all of which apply in the Gaza crisis. The crisis in Gaza intersects with critical aspects of your mandate, including prevention, protection, and accountability. Thus, it is essential and stemmed from your role as the Chair of the UN Action to address the urgent needs of survivors and advocate for sustainable solutions. Accordingly, we raise our demand to consider Israeli's violations of different forms of violence including sexual and reproductive rights and in your upcoming report on OPT, which is considered core themes in your mandate.

Furthermore, we urge your mission, which understandably lacks an investigative mandate, to cooperate with the Commission of Inquiry, which possesses such a mandate. This collaboration will provide the COI with access to information that it can utilize in investigating cases of sexual violence against Palestinian women and incorporate the findings into their forthcoming report. Additionally, to urge Israel to cooperate with the Commission of Inquiry and allow an impartial investigation into reported sexual assaults in the periphery of Gaza. This ensures transparency and accountability for alleged incidents of sexual violence.

The Women's Centre for Legal Aid and Counseling expresses its willingness to collaborate with you and your team to enhance the success of this mission.

Randa

Regards,
Randa Siniora
General Director of the Women's Centre for Legal Aid and Counselling

Sexual Violence Against Palestinian Women

Submission to the UN Special Representative on Sexual Violence in Conflict

Introduction

This submission addresses the alarming incidents of sexual violence against Palestinian women, underscoring the urgent need for attention and action. The sociopolitical landscape in Palestine has exacerbated the vulnerability of women to sexual violence.

The year 2023 stands out as one of the most tumultuous periods in Palestinian history. Even before October 7th, the toll of Palestinian casualties had surged to 224 individuals in the West Bank and Gaza Strip. By the close of 2023, this distressing figure had escalated to 21,000 Palestinians, underscoring the severity and magnitude of the violence experienced by Palestinians.

In the West Bank, the year 2023 witnessed an unprecedented surge in home invasions, night raids and settler terrorist attacks. The cities of Jenin and Nablus, in particular, experienced a disturbing and continuous occurrence of home invasions. The perpetual presence of Israeli Occupation Forces in the West Bank and Occupied East Jerusalem creates an environment where the occurrence of sexual violence becomes more likely. This heightened risk is exacerbated by daily confrontations, frequent home invasions, and the alarming trend of arresting over 90 Palestinian women from the West Bank, Occupied East Jerusalem, and land 1948. The exact number of arrests from the Gaza Strip remains unknown.

In Gaza, the relentless genocide has resulted in a devastating toll, with the death count reaching 26,000, over 70% of the victims being women and children. Given the ongoing military operations, there has been a notable scarcity of documentation on sexual violence in Gaza.

Documenting Instances of Sexual Violence in OPT

One of the main obstacles that faces WCLAC's field's researchers when it comes to documenting sexual violence in Palestine is the Societal Norms and Power Dynamic. These norms contribute to a culture where victims fear stigma, retaliation, or disbelief if they report incidents of sexual violence.¹ Making it nearly impossible for Human Rights Organizations -including WCLAC- to document such incidents.

Three women of Ajlouni family in Hebron for example were coerced by an Israeli Soldier with a large dog to fully undress and walk nude in front of their children.² Including Diala 'Ajlouni, a 24-year-old mother of three daughters, aged three months to five years, recounted the distressing experience that night: *“ There were two masked [female] soldiers in the room, and they were holding a huge dog. I was so scared I stayed glued to the door. I tried to leave, and they yelled at me and ordered me to stop. I told them that I was afraid of the dog, but they ordered me to take off all of my clothes. I refused to do it, and then one of the soldiers threatened to release the dog if I didn't obey. I had no choice and took off all of my clothes, including my undergarments. She*

¹ <https://palestine.unfpa.org/en/gender-based-violence>

² https://www.btselem.org/routine_founded_on_violence/20230905_soldiers_enter_homes_of_extended_ajlouni_family_with_dogs_and_female_soldiers_strip_search_women

ordered me to turn around in front of them, and I did. It was humiliating and degrading. I started to cry, and then they ordered me to get dressed, and some of the [male] soldiers took me back to the room with all of the women”³.

Despite the incident gaining widespread attention in the media, when contacted by WCLAC's field researcher for further documentation, the women from that family declined to speak, citing concerns about the associated stigma. Furthermore, Hijazi Al Tamimi, one of the tribes' leader from Hebron expressed on a radio channel that these women should not have been exposed in such a manner, stating, "Sedition is dormant; may Allah curse whoever awakens it." Saying that the Human Rights Organization B'tselem was the one to instigate the whole thing for reporting it and publishing the matter, indicating that the whole ordeal is a scandal. ⁴

However, Manal Al-Jabari, associated with B'tselem and involved in documenting the Ajlouni family incident, revealed that she has documented 20 similar incidents in Hebron. She pointed out a rising trend in such occurrences. Al-Jabari further noted that women consistently refrain from discussing these incidents, driven by a fear of societal stigma.⁵

Additionally, a feminist blog reported to WCLAC that after releasing information from Freed Prisoner Areen Qawasmi from Hebron, providing her account of undergoing a full nude search, family members contacted this blog requesting the deletion of the information and issuing legal threats if not complied with. When asked about the reasons for their request, sister of Areen stated that “threats had been made to her, and these threats did not originate from the Israeli occupation forces”.

In this regard, a research study conducted on the situation of Palestinian female prisoners has uncovered alarming statistics post-release. The study found that 67% of the female prisoners within the sample experienced social exclusion, which manifested as their community avoiding social interaction or direct engagement with them. These women reported that their social relationships were never fully restored to their pre-detention status. One of the primary reasons, as highlighted by the researcher, is the stigma associated with the potential exposure of female prisoners to sexual assaults within the Israeli occupation prisons. One of the female prisoners even disclosed that her husband divorced her following her detention.⁶

In addition to that, one of the challenges related to documenting such incidents, are the direct threats made to Palestinian women by Israeli Occupation officers. All the women WCLAC interviewed following their release from prisons reported receiving threatening phone calls from Israeli Occupation Forces (IOF) officers who identified themselves as "Captain Diyab, Captain Hakam, and Captain Nimer." The calls contained direct threats, warning the women that they would be returned to prison or that harm would be inflicted upon their incarcerated family members if they disclosed their experiences. Such intimidation left many of them distressed and in a mental state that compelled one of them to refrain from talking to others leaving her home.

⁴ Link to the interview:

⁵ <https://ultrapal.ultrasawt.com/%D9%85%D8%AC%D9%86%D8%AF%D8%A7%D8%AA-%D8%A5%D8%B3%D8%B1%D8%A7%D8%A6%D9%8A%D9%84%D9%8A%D8%A7%D8%AA-%D9%8A%D8%AC%D8%A8%D8%B1%D9%86-5-%D9%86%D8%B3%D8%A7%D8%A1-%D9%85%D9%86-%D8%A7%D9%84%D8%AE%D9%84%D9%8A%D9%84-%D8%B9%D9%84%D9%89-%D8%AE%D9%84%D8%B9-%D9%85%D9%84%D8%A7%D8%A8%D8%B3%D9%87%D9%86-%D9%88%D8%A7%D9%84%D8%B3%D9%8A%D8%B1-%D8%B9%D8%A7%D8%B1%D9%8A%D8%A7%D8%AA/%D8%A7%D9%84%D8%AA%D8%B1%D8%A7-%D9%81%D9%84%D8%B3%D8%B7%D9%8A%D9%86/%D8%B1%D8%A7%D8%B5%D8%AF>

⁶ <https://repository.najah.edu/server/api/core/bitstreams/ed64c07a-81f9-443b-8002-9217d5dd2a93/content>

This intimidation tactic effectively deterred many of these women from disclosing the violations they had endured.

This introductory data holds significant importance for comprehending the current landscape of documenting sexual violence in the OPT. It also underscores the exploitation by the IOF of an already existing system that deters sexual violence victims from seeking justice, allowing them to evade accountability for such violations.

Documentations in the West Bank, Occupied East Jerusalem and Gaza.

- Testimonies of Female Prisoners'

Many female prisoners testified that following October 7th, appalling incidents of torture and sexual violence within Israeli prisons have increased. These including threats of rape and sexual assault, degrading strip searches of the prisoners, collective naked searches, verbal sexual harassment, and the use of menstruation as a means of physical and psychological pressure on the prisoners. This is achieved by depriving them of sanitary pads, hygiene items and necessary clothing for changing, restricting bathroom usage, violating privacy, forced unveiling of Hijabi women, capturing and circulating their images on personal phones of soldiers and investigators, violating religious beliefs by forcibly removing the hijab, insulting and cursing, depriving female prisoners of their basic needs, lack of personal hygiene items, and overcrowding in rooms.

Also one child prisoner had her first period in prison. She was treated with ridicule and humiliation.⁷

- According to A. Abbadi, a prisoners' lawyer stated that "No female prisoner was spared from the strip search. It was a group strip search, during which shameful and humiliating practices were carried out, such as ordering them to turn around, open their legs, sit down, and sit while y were naked."⁸
- Journalist and writer Lama Khater testified that following her arrest she was threatened with rape and sexual assault: "I was surrounded by 20 investigators and intelligence officers, and I was handcuffed and blindfolded. The officers began threatening me with rape in a humiliating way, and they were even despicable when discussing forms of rape."⁹ Hanadi Halwani also said the same thing.
- Ahed Tamimi also testified that she was stripped naked and beaten repeatedly all over her body, three times: "I was stripped naked, taken to a bathroom and beaten all over my body parts while I laid on the floor".
- Another female inmate was interviewed by researcher Khalida Jarrar stated that: "They searched me completely naked, and the female soldier asked me, while I was naked, to stand and sit several times. Throughout the interrogation, the interrogator was touching the leg of the female soldier sitting right close to him and getting close to her in a sexual way. The interrogator also asked me questions of a sexual nature, "How many men have you slept with, and did you have fun with them?" it should be noted that Khalida Jarrar was detained following the publication of her report.
- Hanan Barghouthi¹⁰ described her ordeal of sexual harassment as follows: "The most provocative thing was the soldiers' hands that were touching me from various areas of my body, especially the chest area, under the pretext of holding me for fear of falling. These grabs made me scream at the top of my lungs, telling them to leave me, stay away from me, do not touch me, but to no avail. My hands

⁷<https://www.ichr.ps/reports/8658.html>

⁸ Ibid.

⁹ Ibid.

¹⁰ Barghouthi, Hanan. Interview with Researcher Nadwa Barghouthi. 29-11-2023

were tied and my eyes were blindfolded. For four hours, I have been on army patrol alone with a number of soldiers I do not know, and I do not know where they are taking me, and I am in an indescribable state of fear from the soldiers' movements and harassment of me"

- **Hanan** also talked about female prisoners who were subjected to severe beatings on their genitalia, such as the female prisoner A.J and the female prisoner T. S, who were subjected to severe beatings on the genitals. She says that the "effects of the beating were visible, blood was oozing and the color of their body was blue due to the excessive torture".
- **Hanan** Adds: "Many female prisoners spoke to me about sexual harassment by the occupation soldiers, whether at the time of arrest or during investigation, and the intense fear was evident from the recurrence of these behaviors. One of the female prisoners: -She asked me not to mention her name- She told me that the investigation officer had a stick and he was threatening her that "he would shove this stick anywhere he saw fit" if she did not confess. She says that she was trembling in fear and felt more than once that she would lose consciousness whenever he waved the stick at her, especially since she was still a virgin and had not been married."
- **Khoulood**, was detained and released told WCLAC that: There were five soldiers who spoke Arabic and one of whom spoke Hebrew. Their first words were all sexual insults, such as (You are a whore/a hooker/a slut/your mother is an adulterer). After that, one of the soldiers began to open the zipper of his pants and threaten me that now I will sit you on my lap over my penis. I started screaming at the top of my voice in fear. And disgusting. My husband was screaming at them, but next to him stood a soldier. Every time he screamed, he hit him. It is clear from this method that it is a threat to my husband and a method of putting pressure on him. One of the soldiers was saying in a loud voice to my husband, "Your wife's breasts are large and suitable for breastfeeding." This despicable investigation lasted more than three hours. They played songs, and danced in all sexual movements, while playing with they played with their genitals

Documentation in Occupied East Jerusalem

In Jerusalem, WCLAC's field researchers face substantial challenges in documenting Israeli violations against women, primarily stemming from the heightened fear of detainment following the recent amendments to Israeli counter-terrorism laws. Concerns about potential repercussions under these legal provisions have been openly expressed by individuals interviewed by WCLAC. This climate of fear further complicates the gathering of information regarding human rights abuses against women in the region.

Nevertheless, we managed to document a case for 25 years old L. S testified that while heading for her job at a daycare, she was questioned by a female soldier for "wearing green", L.S answered the soldier "that's none of your business" L.S was then taken to a police station, she was physically assaulted and interrogated about any affiliation with Hamas. The interrogation lasted over four hours, during which she was forcibly fully-undressed and subjected to severe beatings targeting on her genitalia. She mentioned that cameras were filming the entire ordeal and she felt violated. However, she expressed fear of mentioning her name due to concerns about potential prosecution and detention.¹¹

¹¹ L.S. Interview with Researcher Ala' Dayeh. 10-12-2023.

In addition to that, videos have emerged –link in reference- to Israeli Officers bodily searching and harassing school girls in their way to school. Footage from Shufat Refugee camp in Jerusalem.¹² It is worth noting that WCLAC has documented a correlation between the harassment of Israeli Occupation Forces (IOF) soldiers and Israeli settlers targeting schoolgirls, leading to issues such as disrupted education and increased instances of early marriages in affected areas.

Documentation of sexual Violence in the Gaza Strip

In the midst of the ongoing genocide and relentless bombings, compounded by the desperate struggle for basic necessities such as food and shelter, our field researchers have encountered significant challenges in documenting human rights violations against women in Gaza. The pervasive lack of telecommunications further complicates these efforts. The researchers have been limited to conducting interviews with women in shelters, where they now reside with their families.

Nevertheless, footage and videos have surfaced on various media outlets featuring women testifying that they underwent full-nude searches, received rape threats, and one of them was subjected to beatings on her stomach once they saw she was pregnant.¹³

Additionally, Women WCLAC interviewed had testified that women from Gaza were brought into detention in Damon prison but they were not allowed to interact with them. There are more than 30 Palestinian women detainees from Gaza in Damon Prison, enduring harsh conditions. The detainees from Gaza are prohibited from communicating or mingling with other female prisoners in different sections of the prison.

A notable void in information exists regarding the conditions, numbers, and identities of the detainees from Gaza. Their families are left uninformed and uncertain about whether they are alive or deceased. This absence of data creates a disconcerting gap in understanding the potential hardships they may have endured.

Sexual torture

Sexual Violence in the context of International Law

Sexual violence is explicitly prohibited as a war crime by international law, dating back over a century. International humanitarian law, encompassing the laws of war, provides protections for civilians, prisoners of war, and non-combatants during both international and internal armed conflicts. Perpetrators shall can be held accountable for sexual violence as war crimes, crimes against humanity, and acts of genocide, depending on the broader context of the crimes. The Geneva Conventions and their Additional Protocols condemn rape and other forms of sexual violence as grave breaches in both international and internal conflicts. Common Article 3, applicable to all parties in internal armed conflicts, implicitly condemns sexual violence by prohibiting "outrages upon personal dignity." The Fourth Geneva Convention emphasizes protections for civilians, stating that "women shall be especially protected against any attack on their honor, particularly rape." Grave breaches include torture and inhuman treatment, with even a single act of sexual violence constituting a war crime. Protocol II, governing internal armed conflicts, expressly forbids violence to life and well-being, outrages upon personal dignity, rape, and enforced prostitution, among other offenses.

¹² <https://youtu.be/kmGBHGlxq5c?si=Lh3A2xp0d1qsCRlo>

¹³ <https://drive.google.com/drive/u/0/my-drive>

Israel, as an occupying power under the Fourth Geneva Convention, has the duty to ensure the protection of the civilian population, Palestinian women and girls from arbitrary detention, discrimination and violence.

In reference to UN Security Council Resolution 1325 on Women, Peace and Security (WPS), the current humanitarian crisis in the OPT, in particular in Gaza is a protracted crisis where gender inequality is a humanitarian concern. In calling for the protection of the rights of girls and women, UNSCR 1325 acknowledges gender dimensions and differences in the protection of human rights in conflict and post-conflict situations and calls on "all parties to armed conflict to take special measures to protect women and girls from gender-based violence." These measures include ensuring respect for international law with regard to women's human rights, protecting women and girls from sexual abuse and gender-based violence and ending impunity for perpetrators of genocide, crimes against humanity and war crimes including sexual and gender-based violence crimes. UNSCR 1325 highlights the need to end impunity for sexual violence and rape, particularly in holding governments accountable for the actions of their members of armed forces and civilian police

In terms of Protecting Palestinian women from the impact of Israeli occupation and enhancing their sense of human security to strengthen their protection from the Israeli occupation, its practices and policies that lead to the spread of violence and particular sexual violence.

RECOMMENDATIONS:

- ❖ We strongly urge you to publicly support and advocate the for an immediate cease-fire, put an end to Israel's bombardment of Gaza, and address the mass displacement of Palestinians. Additionally, we call upon you to emphasize the need for adequate access to humanitarian aid in the Gaza Strip.
- ❖ We call on you to visit detention centers in which Palestinian women are being detained, this includes Damon, Hasharon, and Anatot.
- ❖ We request that you persist in urging Israeli authorities to collaborate with the Commission of Inquiry.