



# Violence against Palestinian Women

*Alternative Country  
Report to the United Nations  
Committee on Elimination of  
Discrimination against Women*

public committee against

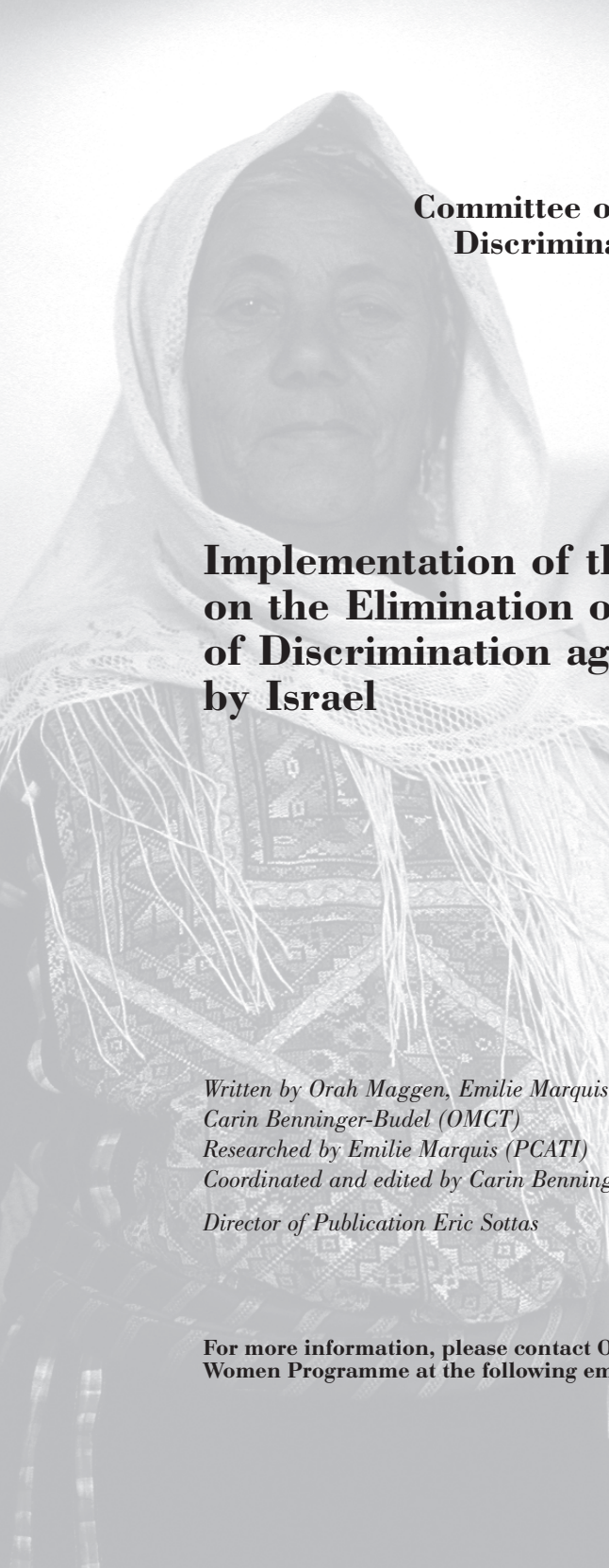
**TORTURE**

in israel

a project coordinated by

**OMCT**  
OPERATING THE **SOB-TORTURE** NETWORK





**Committee on the Elimination of  
Discrimination against Women**

*33<sup>rd</sup> session  
5 to 22 July 2005*

**Implementation of the Convention  
on the Elimination of All Forms  
of Discrimination against Women  
by Israel**

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## ***The World Organisation Against Torture (OMCT)***

*The Geneva-based World Organisation Against Torture is the largest international coalition of non governmental organisations (NGOs) fighting against torture, summary executions, forced disappearances and all other forms of cruel, inhumane or degrading treatment.*

*In co-ordinating the SOS-Torture network, comprising over 280 national, regional and international organisations, in more than 90 countries, OMCT has, since its inception, set as its task the provision of support for the actions of organisations in the field, while avoiding substituting itself for them. The structure of the SOS-Torture network has allowed OMCT to reinforce local activity while favouring the access of national NGOs to international institutions.*

*Since 1996, OMCT has among its programmes the “Violence against Women Programme” which addresses the gender-related causes and consequences of torture and other forms of violence against women. Gender often has a determinative impact on the form of the torture and other forms of violence, its circumstances, its consequences, and the availability of and accessibility of reparation and redress. Torture and ill-treatment of women often has a sexual nature, including rape, sexual abuse and harassment, forced virginity testing, or forced abortion. Although men are also targeted with rape, the threat of rape and other forms of sexual violence, sexual forms of torture and ill-treatment are more consistently perpetrated against women. The approach of OMCT’s Violence against Women Programme is to both prevent and respond to acts of torture and other forms of violence against women through activities established to better integrate a gender perspective and women’s human rights within national, regional and international mechanisms for the promotion and protection of all human rights.*

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Caption: Jericho. Portrait of a palestinian woman. Photographer: MOHR, Jean

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## **The Public Committee Against Torture in Israel (PCATI)**

The Public Committee Against Torture in Israel (PCATI), founded in 1990, works for the abolition of torture in interrogation and the restoration of full respect for human rights in Israel's law and practices. PCATI also aims at informing the public and raising public opposition to the use of torture, altering policies and practices involving torture and ill treatment, and providing legal aid to victims. PCATI has succeeded in raising public awareness to the existence of torture in interrogation, an issue that was denied for the most part since the establishment of the State of Israel, and has made torture the subject of national debate.

PCATI won a historic victory when, on September 6, 1999, in response to petitions of principle PCATI began submitting to the High Court of Justice in 1991, the High Court ruled to prohibit the use of torture during interrogation.

PCATI works in all areas involving torture and ill treatment and on related issues involving violations of human rights in Israel, the Occupied Territories and the Palestinian Authority. PCATI activities include monitoring of detention centers, legal aid and advocacy, filing urgent petitions and petitions of principle to the High Court of Justice, filing complaints to the authorities on torture, ill treatment, the killing of civilians during military operations, documentation, education and outreach, publication of reports, lobbying, and providing information and resources on torture and related issues.

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# Executive Summary

In light of the lack of attention in the Israeli government report submitted to the Committee on the Elimination of Discrimination against Women (U.N. Doc CEDAW/C/ISR/3) on the effect of the current conflict and the occupation on Palestinian women from the Occupied Palestinian Territories (OPT), this report addresses the violence against Palestinian women committed by the Israeli authorities in this context and includes the gender-related impact of the violence against Palestinian women and girls. Except for the cases of Mona Obeid, a Palestinian citizen of Israel and of Israeli Peace activist Tali Fahima, this report does not address discrimination, including violence, against Israeli women.

Special emphasis is given to torture and ill-treatment of Palestinian women from the OPT who have been detained, interrogated and imprisoned by Israeli security forces. It highlights the issue of interrogation of Palestinian detainees by the General Security Service (GSS), during which torture and ill-treatment are routinely applied. Methods used are beating, slapping, kicking, stepping on shackles, bending the interrogee and placing him in other painful positions, intentional tightening of shackles, violent shaking, sleep deprivation, prolonged shackling behind the back, cursing, humiliating, and threatening the detainee, depriving the detainee of essential needs, exposing the detainee to extreme heat or cold, isolation and secrecy, and imprisonment under inhuman conditions.<sup>1</sup> A large number of Palestinian detainees are held in incommunicado detention, deprived of their basic human rights to legal counsel, legal scrutiny, and contact with their families. Incommunicado detention both facilitates torture and ill-treatment and forms an integral part thereof. The interrogators enjoy impunity, which is engineered by a combination of incommunicado detention, the isolation from the outside world, and a strictly internal investigation of complaints.

The report also considers the conditions of Palestinian women in detention. Palestinian female detainees and prisoners are often held in appalling, crowded conditions, suffer from severe punitive measures and are maltreated by prison authorities. Many detainees complain of being denied proper medical care, education, and regular family visits. Women have no access to psychologists or to social workers. Sometimes it is impossible for detainees to communicate with doctors because of language barriers.

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1 – “Back to a Routine of Torture, Torture and Ill-Treatment of Palestinian Detainees during Arrest, Detention and Interrogation”, The Public Committee Against Torture in Israel, Jerusalem September 2001-April 2003, page 83.

The report also highlights the loss of life of Palestinian women as a result of military actions. Some 184 Palestinian women from the OPT were killed or died of causes related to the conflict, twenty-four sick Palestinian women died at checkpoints.<sup>2</sup> Approximately 200 Israeli women were killed during this time in attacks by armed Palestinians.<sup>3</sup> Moreover, the report presents cases of women who are forced to give birth at checkpoints because of delays or denial of passage.

PCATI and OMCT would like to emphasize that although Israel has consistently denied its obligation to apply the provisions of UN human rights treaties, which it has ratified, in the OPT as well as the Fourth Geneva Convention, relevant human rights bodies and the international community have repeatedly reaffirmed the applicability of both the international human rights treaties and the Fourth Geneva Convention to the OPT. PCATI and OMCT also wish to recall that under international law, certain rights are not subject to derogation under any circumstance, including the right to life, freedom from torture and cruel, inhuman or degrading treatment or punishment, fundamental principles of fair trial and the presumption of innocence. They also reaffirm that the prohibition of torture and other cruel, inhuman or degrading treatment or punishment is a peremptory norm of international law.

PCATI and OMCT would also like to stress that they unreservedly condemn all attacks against civilians – *any* civilians, but responding to such attacks by violating the basic, non-derogable rights of human beings – *any* human beings, is equally condemnable.

PCATI and OMCT call on the Committee on the Elimination of Discrimination against Women to urge the Government of Israel to provide information on its compliance with its obligation to exercise due diligence to prevent, investigate and punish acts of violence against Palestinian women from the OPT by Israeli state authorities. They would also urge the government of Israel to take all measures to ensure the respect and protection of the human rights of all Palestinians in the OPT and of those detained inside Israel. We also call on all sides involved in the current conflict to forgo all forms of violence and do their utmost to reach a peaceful, durable solution to the situation in the area and to include in all agreements human rights components in accordance with international humanitarian law in all future agreements and not only political ones.

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2 – Palestine Red Crescent Society, Conflict Deaths by Age and Gender, Sept. 29.2000 to April 20, 2005.

3 – Israel and the Occupied territories, conflict, occupation and patriarchy: Women carry the burden, Amnesty International, 31 March 2005, pages 1,3.

# I

# Introduction

The past four and a half years, since the onset of the current Intifada (uprising), have been marked by a sharp increase in violence and killing in the Occupied Palestinian Territories (OPT) and in Israel. During this time, 3,482 Palestinians and 950 Israelis have lost their lives due to the conflict.<sup>4</sup> Some 184 Palestinian women from the OPT were killed or died of causes related to the conflict.<sup>5</sup> Approximately 200 Israeli women were killed during this time in attacks by armed Palestinians.<sup>6</sup> Violence employed by both sides of the conflict and the excessive military measures used by the Israeli security forces in densely populated areas in the West Bank and Gaza, the thousands killed and tens of thousands injured, the imposition of curfews and closures, the restriction of the freedom of movement, the destruction of Palestinian homes, agricultural lands and infrastructure, and the detention of thousands have taken a heavy toll on every aspect of Palestinian society. Attacks on civilian targets have taken their toll on Israeli society.

The policies and actions of the Israeli authorities and security forces in the OPT are directed at the Palestinian population as a whole often taking the form of collective punishment. We have not found any indication that they target women specifically in any form. Women, like Palestinian men, in the OPT are exposed to violence, movement restrictions, and closures. However, the report of the Special Rapporteur on Violence against Women, Yakin Ertürk, describing her mission to the Occupied Palestinian Territory<sup>7</sup> explains that “owing to the diverse ways in which occupation and patriarchy intersect, the direct and indirect impact of security measures tend to have specific and compounded consequences for women.” This point is also made by Amnesty International in its report on women in the OPT that states: “Palestinian women have borne the brunt of the increased militarisation of the conflict which has resulted in a dramatic

4 – B’tselem –the Israeli Information Center for Human Rights in the Occupied Territories, statistics, website [www.btselem.org](http://www.btselem.org).

5 – Palestine Red Crescent Society, Conflict Deaths by Age and Gender, Sept. 29.2000 to April 20, 2005.

6 – Israel and the Occupied territories, conflict, occupation and patriarchy: Women carry the burden, Amnesty International, 31 March 2005, pages 1,3.

7 – Integration of the Human Rights of Women and the Gender Perspective: Violence Against women, Special Rapporteur on violence against women its causes and consequences, Yakin Ertürk, Addendum, Mission to the Occupies Palestinian Territories, 2 February 2005, page 8.

deterioration of the human rights situation in the West Bank and Gaza Strip in the past four and a half years,” and “the multiple violations committed by Israeli forces in the Occupied Territories have had grave and long-term consequences for the Palestinian population and a particularly negative impact on women . . . compounding the pressures and constraints to which Palestinian women are subject in the traditional Palestinian patriarchal society.”<sup>8</sup>

In light of the lack of attention in the government report submitted to the Committee on the Elimination of Discrimination against Women (U.N. Doc CEDAW/C/ISR/3) on the effect of the current Intifada on women, this report focuses on torture and ill-treatment of Palestinian women from the OPT who were detained, interrogated and imprisoned by Israeli security forces. Moreover, the report includes a chapter on the deaths of Palestinian women that resulted from military actions and on women who, because of delays and obstructions, gave birth at checkpoints. We have also addressed the cases of Mona Obeid, a Palestinian citizen of Israel and Israeli peace activist, Tali Fahima, because of the exceptional use of administrative detention in her case.

At the outset, PCATI and OMCT would like to emphasize that all violence against women discussed in this report fall within Israel’s jurisdiction, therefore within its obligations under the Convention on the Elimination of All Forms of Discrimination against women. In 1992, the Committee on the Elimination of Discrimination against Women (CEDAW) adopted General Recommendation 19 in which it stated that “*gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention. These rights and freedoms include: (a) The right to life; (b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; (c) The right to equal protection according to humanitarian norms in time of international or internal armed conflict; (d) The right to liberty and security of person; (e) The right to equal protection under the law; (f) The right to equality in the family; (g) The right to the highest standard attainable of physical and mental health; (h) The right to just and favourable conditions of work.*”

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8 – Israel and the Occupied territories, conflict, occupation and patriarchy: Women carry the burden, Amnesty International, 31 March 2005, pages 1.3.

PCATI and OMCT would like to express their opposition to Israel's claim that the mandate of the treaty bodies does not apply to the West bank and the Gaza Strip, in as much as they are part and parcel of the context of armed conflict as distinct from a relationship of human rights (see report to the Human Rights Committee CCPR/C/ISR/2001/2 para. 8). The Human Rights Committee specifically affirmed in its latest Concluding Observations to Israel that *"the applicability of the regime of international humanitarian law during an armed conflict does not preclude the application of the Covenant . . . [t]he Committee therefore reiterates that, in the current circumstances, the provisions of the Covenant apply to the benefit of the population of the Occupied Palestinian Territories, for all conduct by the State party's authorities or agents in those territories that affect the enjoyment of rights enshrined in the Covenant and fall within the ambit of State responsibility of Israel under the principles of public international law."*<sup>9</sup>

In the recent General Comment of the Human Rights Committee, No. 31 on article 2 of the International Covenant on Civil and Political Rights (ICCPR), it was reiterated that the obligation to respect and ensure rights of individuals *"also applies to those within the power or effective control of the forces of a State party acting outside its territory, regardless of the circumstances in which such power or effective control was obtained, such as forces constituting a national contingent of a State party assigned to an international peacekeeping or peace-enforcement operation"* (para. 10).

Although the Human Rights Committee has not yet articulated a comprehensive theory concerning the relationship between human rights law and international humanitarian law during armed conflict, the General Comment stated: *"the Covenant applies also in situations of armed conflict to which the rules of international humanitarian law are applicable. While, in respect of certain Covenant rights, more specific rules of international humanitarian law may be specifically relevant for the purposes of the interpretation of the Covenants rights, both spheres of law are complementary, not mutually exclusive"*(para. 11).

Also the UN Committee on Economic, Social and Cultural Rights confirmed that *"even in a situation of armed conflict, fundamental human rights must be respected and that basic economic, social and cultural rights, as part of the minimum standards of human rights, are guaranteed under customary international law and are also prescribed by international*

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9 – U.N. Doc. CCPR/CO/78/ISR.

humanitarian law. Moreover, the applicability of rules of humanitarian law does not by itself impede the application of the Covenant or the accountability of the State under article 2 (1) for the actions of the authorities.”<sup>10</sup>

In light of the above, the provisions of the Convention of the Elimination of All Forms of Discrimination against Women clearly apply to the Palestinian population of the OPT. As this report shows the tremendous impact of the conflict on Palestinian women in the OPT and the widespread violations of their human rights - civil and political rights such as the right to life and the right to be free from torture and ill-treatment as well as economic, social and cultural rights such as the right to health and education, we hope that the Committee will address these human rights violations. We would also urge the Government of Israel to include in its next report to the CEDAW information on its compliance with its obligations to promote and protect the human rights of Palestinian women from and in the OPT.<sup>11</sup>

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10 – U.N. EC.12/1/Add.90 (para 31), 23 May 2003.

11 – See also the report of the U.N. Special Rapporteur on violence against women, its causes and consequences, U.N. Doc. E7CN.4/2005/72/Add.4, para 78.

Referring to women as particular victims of the conflict, the Special Rapporteur on violence against women urges the Government of Israel “to include treaty-body reporting, particularly on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), information on its compliance with its obligation to promote and protect women’s rights in the OPT.


 III

# The Applicable Legal Framework

This section of the report presents a representative, rather than exhaustive, survey of the legal international and national Framework relevant to women and the extent to which Israeli practice complies with national and international law.

## 2.1 International Obligations

As mentioned in the introduction, Israel is bound by international human rights law, both in Israel and the OPT, especially by the six international human rights treaties to which Israel is a State party.

Israel ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1980 but it has not yet ratified the Optional Protocol to the Convention. When becoming party to the Convention on the Elimination of All forms of Discrimination against women, Israel made the following reservations and declaration:

*In respect of article 7(b)* “The State of Israel hereby expresses its reservation with regard to article 7 (b) of the Convention concerning the appointment of women to serve as judges of religious courts where this is prohibited by the laws of any of the religious communities in Israel. Otherwise, the said article is fully implemented in Israel, in view of the fact that women take a prominent part in all aspects of public life.”

*In respect of article 16* “The State of Israel hereby expresses its reservation with regard to article 16 of the Convention, to the extent that the laws on personal status which are binding on the various religious communities in Israel do not conform with the provisions of that article.”

*In respect of article 29, paragraph 1*”3. In accordance with paragraph 2 of article 29 of the Convention, the State of Israel hereby declares that it does not consider itself bound by paragraph 1 of that article.”

Despite the 1997 recommendation of the Committee on the Elimination of Discrimination against Women to withdraw its reservations to the Convention on the Elimination of All Forms of Discrimination against Women, there have been no changes to this policy which has resulted in

women being treated differently on the basis of their gender when needing to effect changes in their personal status.<sup>12</sup>

Israel is also party to other international instruments relating to human rights: the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment,<sup>13</sup> the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights Ratification, and the Convention on the Rights of the Child. However, Israel has neither ratified nor signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

PCATI and OMCT also note that the optional protocols to the International Covenant on Civil and Political Rights and the Convention against Torture have neither been ratified nor signed by Israel. Israel has only signed, on 14 November 2001, both Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

Under domestic law and at the level of implementation, compliance with and respect for human rights law is far more problematic than has been widely reported, particularly as concerns Palestinians and Palestinian citizens of Israel. Israel has not integrated the treaties into domestic law, and there remains a broad gap between the recognition of formal rights and their implementation. However, again at the normative level, the Israeli courts have signaled a strong general recognition of the underlying principles embodied under international law. For example, the President of the Supreme Court Barak explicitly recognized the importance of international norms over military operations in the Occupied Territories. “There are legal norms – of customary international law, of treaties to which Israel is party, and of the fundamental principles of Israeli law – which set out how military operations should be conducted,” he wrote in a

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12 – (CEDAW/C/1997/III/L.1/Add.7)

13 – Israel has yet to declare, in accordance with article 21, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention. It has also not made a declaration under article 22, paragraph 1, which would enable the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of violations of the provisions of the Convention.

unanimous opinion of the High Court, “all of the IDF’s operations are subject to international law.”<sup>14</sup>

Although Israel consistently disputes the *de jure* applicability of the Fourth Geneva Convention to the OPT, relative to the protection of civilian persons in time of war, its applicability, like the international human rights treaties, has been repeatedly reaffirmed by the international community and human rights bodies. Also the Special Rapporteur on violence against women, Yakin Ertürk, recalls that “the international community has stated clearly that the concept of military occupation applies to the Palestinian territories, and therefore, Israel is subject to the provisions and rules of the international humanitarian law that regulate the situation of occupation.”<sup>15</sup> The Security Council resolution 1544 of 19 May 2004 reiterates this obligation of Israel, as the occupying power, to scrupulously abide by its legal obligations and responsibilities under the Fourth Geneva Convention and the numerous previous resolutions on the Palestinian question. The Committee Against Torture also underlines in its concluding observations on the latest Israel reports that Israel must apply international humanitarian law in the occupied territories in order to guarantee respect for the equal dignity of all people in Israel and the OPT.<sup>16</sup>

## II.2 Domestic Law

Israeli domestic law is not applicable in the OPT, which are covered under the laws of belligerent occupation, although the Supreme Court has held that fundamental principles of Israeli administrative law are also applicable.<sup>17</sup> Israeli Law has been imposed on a personal basis on settlers in particular, and on Israeli citizens in the Occupied Territories in general.<sup>18</sup>

Israeli domestic law contains provisions across a range of statutes as the country does not operate within a formal Constitutional framework. The

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14 – Physicians for Human Rights v. Commander of the IDF Forces in the Gaza Strip [30 May 2004; HCJ 4764/04].

15 – Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, Integration of the Human Rights of Women and the Gender Perspective: Violence against women. Addendum. Mission to Occupied Palestinian Territory. E/CN.4/2005/72/Add.4 para 10.

16 – CAT/C/XXVII/Concl.5.

17 – Beit Sourik Village Council v. the government Israel H.C.J. 2056/04, 30.6.04, p.24.

18 – Land Grab: Israel’s Settlement policy in the West Bank B’tselem, 2002.

Declaration of Independence (14 May 1948) commits the State to “ensure complete equality of social and political rights to all its inhabitants irrespective of... sex.” The Basic Law Human Dignity and Liberty (17 March 1992) is one in a series of Basic Laws that provides general protection against infringements to, but makes no specific mention of equal treatment on the basis of gender. However, broader legal protection and guarantees of formal equality are covered by the Women’s Equal Rights Law (1951), which renders null and void discrimination against women ‘as women’ in most fields of endeavor. Additionally, a March 2000 amendment to this law mandated due representation of women, at all levels, in public entities, and further stipulated that “every woman has the right to be protected against violence, sexual harassment, sexual abuse and the trading of her body.” In 2000, the Penal Code Act (1977) was similarly amended to transform the trade in human beings for purposes of prostitution into an offence punishable by imprisonment (Amendment 56 to the Penal Code (1977), 203 (i) (a) – a change commended by the UN Human Rights Committee in 2003.<sup>19</sup>

There is scarce quantitative material available documenting the manner and extent to which these changes to Israeli criminal law have translated into either policing practice or prosecutions since their enactment. Taking the broad view, and despite these guarantees of formal equality enshrined in domestic law, Agate Nira Kraus reports that “despite this anchoring in law and numerous court rulings, women’s legal status, even today, differs from that of men. There are areas in which, notwithstanding laws and provisions mandating equality, women encounter illegal discriminatory policies. Moreover, the enforcement of many of these laws is lacking.”<sup>20</sup>

PCATI and OMCT would like to highlight, as a matter of grave concern, that Israel maintains two definitions of the minor, one for Israelis and one for Palestinians; eighteen for the former, and sixteen for the latter. This is in contravention of article 1 Convention on the Rights of the Child.

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19 – Concluding Observations of the Human Rights Committee, Israel, U.N. Doc. CCPR/CO/78/ISR [2003]: para. 5.

20 – Agate Nira Krauss, ed., *Women in Israel: Compendium of Data and Information 2002* [The Israel Women’s Network, 2003]: 11; Hilit Cohen, ‘Trafficking of Women’, Israeli Women’s Network, 2002; Yossi Dahan, *Women as Commodities: Trafficking in Women in Israel*. Isha L.Isha - Haifa Feminist Center & Adva Center, 2003.



# Female Detainees in Interrogation

## III.1 Torture and Ill-treatment

On 6 September 1999, following a long struggle by PCATI and other human rights organizations, the Supreme Court of Israel, sitting as High Court of Justice (HCJ), ruled to prohibit torture in interrogation (*HCJ 5100/94 The Public Committee Against Torture in Israel vs. the Government of Israel et. al*). Although the Court outlawed most methods of torture previously permitted by the Landau Commission, it left loopholes that enable the General Security Service (GSS) to use methods of torture and ill-treatment that they consider a “reasonable interrogation” in accordance with the ruling, and allow GSS interrogators to invoke retroactively the “necessity defense” in lone cases of “ticking bombs”.

PCATI has found that “the result is a total, hermetic, impenetrable and unconditional protection that envelops the GSS system of torture, and enables it to continue undisturbed, with no supervision of scrutiny to speak of the achievements of the HCJ ruling of 1999, which was to have put an end to large-scale torture and ill-treatment, limiting it to lone cases of ‘ticking bombs,’ have worn thin, among other reasons, as a result of the HCJ’s reluctance to enforce international standards which prohibit torture and ill-treatment under any circumstances.”<sup>21</sup> PCATI and OMCT reiterate that the prohibition of torture and other cruel, inhuman or degrading treatment and punishment is absolute, and stress that the use of torture and other cruel, inhuman or degrading treatment or punishment is a serious violation of international law and cannot be authorized or justified under any circumstances (see also article 2.2 of the Convention against Torture of which Israel is a State party).

The “defense of necessity” has also become nothing more than a veneer. From the research undertaken by the Public Committee Against Torture in Israel, it is clear that torture is carried out in an orderly and institutional fashion. We know that cases termed “ticking bombs” do not involve a lone interrogator improvising “in the face of an unforeseen event,” as the High

21 – “Back to a Routine of Torture, Torture and Ill-Treatment of Palestinian Detainees during Arrest, Detention and Interrogation”, The Public Committee Against Torture in Israel, Jerusalem September 2001-April 2003, pages 12-13.

Court stipulated. Interrogators appeal to their superiors in an orderly fashion, receive approval in advance, and employ certain methods repeatedly, at least some of which (including the “bending” method) require cooperation between a number of interrogators.<sup>22</sup>

The 1999 HCJ ruling constituted a significant and bold step in the right direction, but the HCJ failed by not absolutely prohibiting torture and ill-treatment. Instead, the ruling left the legal and moral concepts intact, which authorize a GSS interrogator to consider torture as legal and legitimate options in extreme situations. The achievements of the ruling are wearing down due to those failures, due to the GSS’ policy of torture, and due to the fact that the HCJ, the State Prosecutor’s Office, and the Attorney General have, regarding this matter, transformed themselves from guardians and protectors of the law into sentries at the gates of GSS torture chambers.<sup>23</sup>

Since the outbreak of the Al Aqsa Intifada in September 2000, PCATI has found increasing numbers of violations of the ban against torture and other ill-treatment. PCATI has received hundreds of complaints from detainees who were cut off from the outside world, held without access to legal counsel and without being informed that an attorney was representing them (incommunicado detention). PCATI’s findings reveal that the following methods of torture and ill-treatment are routinely implemented by the GSS in the interrogation rooms, while others are applied less frequently. The methods under the title of violence refer to direct physical violence. Additional and secondary methods refer to methods not necessarily used during the interrogation itself but during the interrogation period (for example when a person is in his cell).

### *1. Violence*

- Beating, slapping, kicking, stepping on shackles
- Bending the interrogee and placing him in other painful positions
- Intentional tightening of shackles
- Violent shaking

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22 – Ibid.

23 – Ibid.

## 2. Sleep Deprivation

### 3. Additional 'Interrogation Methods'

- Prolonged shackling behind the back
- Cursing, humiliating, and threatening the detainee
- Depriving the detainee of essential needs
- Exposing the detainee to extreme heat or cold

### 4. Secondary Methods

- Isolation and secrecy
- Imprisonment under inhuman conditions<sup>24</sup>

Female Palestinian detainees have been subjected to many of the above-mentioned methods of torture and ill-treatment during interrogation. The following are specific examples of such cases:

**Samira Hadar Mahmoud Algenazra** aged 25, from Alarub in Hebron, divorced with two children, was arrested on 5 August 2002. Two female soldiers searched her in a humiliating manner. According to Ms Algenazra's evidence, she was asked to open her blouse in public and in full view of a group of boys. Moreover, the two female soldiers threw a copy of the Koran, which was in Ms. Algenazra's handbag on to the ground, and trod on it. Ms Algenazra was blindfolded and her hands were tied behind her back, and she was put onto a jeep. The soldiers did not allow her to move her head and when she did so, she received a blow to her leg from one of the soldiers. She was taken to the office of the District Commander in Hebron, where she was questioned by an interrogator called 'Hakim,' whom she alleges threatened to bring her children and cut their hands off in front of her. On midnight of the same day (5 August 2002) Ms Algenazra was sent home. On 8 August 2002, Ms Algenazra was arrested again. Ms. Algenazra was taken to the Bedboya police station in Hebron. There, she was interrogated by a person called 'Mimo,' who cursed and insulted her during the interrogation.. The next day, Ms. Algenazra was taken to the

24 – "Back to a Routine of Torture, Torture and Ill-Treatment of Palestinian Detainees during Arrest, Detention and Interrogation", The Public Committee Against Torture in Israel, Jerusalem September 2001-April 2003, page 88.

Etzion camp, where she was interrogated by three interrogators named 'Captain Amram,' 'Zohar' and 'Tony.' They shouted at her and threatened that they would put her in a cell for a long period and no one would know anything of her whereabouts. Ms Algenazra's interrogation continued for almost eight hours, and when it was over she was taken to the Russian Compound in Jerusalem. On her way to the Russian Compound, her hands and feet were bound and she was blindfolded. At the Russian Compound, Ms Algenazra was questioned by 'Captain Amram,' 'Tony' and 'Mofaz.' Ms Algenazra's interrogation lasted a long time and was accompanied by curses. The interrogators threatened that if she did not confess to the charges against her, they would rape her and bring in a person who she is close to and torture him in front of her. At the end of the interrogation, Ms Algenazra was made to sign a confession written by her interrogators, which she had not admitted to and had not read before she signed it.

**Kahara Sa'adi**, a resident of A-Ram, was arrested on 1 May 2002 at her home. The arresting soldiers beat her in front of her four children. She was brought to the Russian Compound Detention Center in Jerusalem and interrogated from 14:00 until 3:30AM the following morning. Ms. Sa'adi reported that her interrogators threatened to rape her, beat her and to arrest her sister and brother-in-law. She was under interrogation for nine days, during which she was held in a small solitary cell. A hole infested with insects served as a toilet. She was interrogated each day from 9:00 AM until the 3:30 AM the next day while her hands and feet were tied to a chair. After her interrogation ended she was kept in a solitary cell for 115 days. Ms. Sa'adi reports that during this time, an officer called Shlomo would come into her cell and beat her leaving marks on her body. Kahara Sa'adi was later transferred to the Neve Tirza prison.

**Rasha Khaled Mahmud Al-Kassas**, a 16-year-old minor, resident of the Dahaishe Refugee Camp, Bethlehem, was arrested and searched at 3:00 AM on 1 January 2003. Rasha Al-Kassas requested that she be allowed to get dressed, but when her request was finally granted one of the soldiers went into the house with her and would not let her get dressed in privacy. She was, therefore, forced to put her clothes on over her nightgown. After this, the soldier took her to a female soldier who again searched her body. Rasha Al-Kassas and her mother were taken to the military camp at Etzion where they were left in the courtyard in the bitter cold and rain until 9:00 AM. Then Rasha Al-Kassas was taken to the interrogation room where she was interrogated for four hours by two investigators in civilian clothes nicknamed "Younes" and "Captain Adal." During the investigation, "Captain Adal" slapped her in the face, slammed

her head into the wall, and cursed at her. After a break in the interrogation, “Captain Adal” returned and continued his questioning. During the interrogation, he threatened Rasha Al-Kassas with detention if she did not confess to the charges. When she asked to drink some water, he refused her request saying she needed “drugs, not water.” She was also refused food and access to the toilet. During the noon hours Rasha Al-Kassas and her mother were told that they were free to go. When they asked how they would get home, “Captain Adel” said: “Just get in touch with Arafat and ask him to come and pick you up.” Rasha and her mother, aged 40, had to make their own way back home.

Torture and ill-treatment during interrogation were also reported by **Suheir Issan Abd’Alrazek Alhashlamon**, **Mona Hassan Obied** and **Tali Fahima** whose cases are described later on in this report.

PCATI and OMCT would like to recall that the above described human rights violations are in clear contradiction of Israel’s international obligations, in particular the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights which stipulates in article 7 that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” the Convention on the Elimination of All Forms of Discrimination against Women (see notably General Recommendation 19 which provides that the definition of discrimination against women in article 1 includes gender based violence (paragraphs 6 and 7)), and the fourth Geneva Convention, which forbids in its article 3 (1) (c) “outrages upon personal dignity, in particular humiliating and degrading treatment.”

## III.2 Incommunicado Detention

The practice of incommunicado detention, depriving detainees of their basic human rights to legal counsel and legal scrutiny, and contact with their families, has been employed against a large number of Palestinian detainees, including women, in the past four and a half years. PCATI has taken action on the cases of hundreds of Palestinian detainees who were denied their right to meet with counsel, and has reported extensively on this practice. One PCATI report specifies: *“the system of torture and ill-treatment in GSS facilities is based on a shroud of isolation and secrecy that encompasses the physical facilities. This shroud denies the Palestinian detainee basic rights of contact with the outside world, first and foremost with his family, attorney and any other friendly person to whom he can*

complain and who can defend him in “real time” from the GSS. On the other hand, this shroud of isolation and secrecy protects GSS interrogators from any critical and independent eye, and thus from the need to justify their illegal actions, granting them broad freedom of action to do as they please with Palestinian detainees, at least during the initial period of interrogation.”<sup>25</sup>

The provisions of article 78 of the Security Regulations Order, issued by the military commanders in the Occupied Territories, grant a policeman with the rank of officer the authority to detain a Palestinian for up to eight days prior to bringing him before a judge, grant a military judge the authority to extend the detention by three periods of up to 30 days, and allow a military judge in a military appeals court to add up to three additional months to this period.

At the same time, the official “in charge of the interrogation” is authorized to deprive the detainee of his right to meet with his attorney for a period of up to 15 days; an “approving authority” may extend this period by 15 additional days; the military judge may extend it for additional periods of up to 30 days each time, for a total of three months; the president on-duty at the military appeals court has the authority to extend it (at the request of the State Attorney) to a period of up to thirty additional days. In total, a resident of the Occupied Territories can therefore be held for six months under detention order, without the privilege of meeting with his or her attorney.

Unfortunately, the Supreme Court is a full participant in this glaring violation of basic human rights. The Justices of the Court often try to reach an arrangement or compromise between the parties, such as an agreement not to renew the order preventing detainees from meeting with their attorneys, and sometimes, during the trial, recommend the cancellation of the order. The Court, however, has not acquiesced even to a single one of the hundreds of petitions submitted by attorneys on behalf of the Public Committee Against Torture in Israel, on behalf of other human rights organizations or independently: the Court has always refused to rule that such an order be annulled.

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25 – “Flawed Defence, Torture and Ill-treatment in GSS Interrogations following the Supreme Court Ruling 6 September 1999-6 September 2001, The Public Committee Against Torture in Israel, Jerusalem, September 2001, pages 19-21.



OMCT and PCATI have no doubts that one of the goals of incommunicado detentions is to place psychological pressure on the detainees. In specific reference the policy of incommunicado detention of Palestinian detainees in Israel, UN Special Rapporteur on torture, Prof. Sir Nigel Rodley, stated explicitly in a report he submitted in 2001 to the Commission on Human Rights that, “*The Government continues to detain persons incommunicado for exorbitant periods, itself a practice constituting cruel, inhuman or degrading treatment or punishment...*”<sup>26</sup>

It is important to understand that that incommunicado detention is not merely a means of facilitating torture, but it is a part of torture and other ill-treatment and constitutes a violation of the right of freedom from torture and ill-treatment. The following are examples of cases of incommunicado detention of female detainees processed by PCATI.

**Ibtihal Yusuf Btillo** was arrested on 21 January 2003 at the El Kuds University dormitories in Abu Dis and taken to the GSS Interrogation Unit at the Russian Compound Detention Center in Jerusalem. Orders Prohibiting Meeting with Counsel were imposed against Ms. Btillo until 3 February 2003.

On 29 January 2003, attorney Andre Rosenthal, representing PCATI, filed an urgent petition to the High Court of Justice demanding that the Order Prohibiting Meeting with Counsel be lifted. The petition was withdrawn the day after the State Attorney’s Office stated that Ms. Btillo may meet with her attorney beginning on 31 January 2003.

**Fatma Ibrahim Mahmud Zayed** was arrested on 20 January 2003 at her apartment in Um al-Sharayit, a suburb of Ramallah, with her flatmate, Iman Abu Farah, also a fourth year student at the El Kuds University. Both women were taken to the Beit El Military Detention Center and held in harsh conditions of detention.

On 22 January 2003, Fatma Zayed was issued a four-month administrative detention order. The next day, Fatma Zayed, Iman Abu Farrah, and a third female detainee, Abla Sa’dat, all of whom had been issued four-month administrative detention orders the previous day, went on a hunger strike

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26 – U.N. Doc. E/CN.4/2001/66, 25 January 2001, para 665. See also The U.N. Commission on Human Rights reminded all States in its latest resolution on torture and other cruel, inhuman or degrading treatment or punishment (2002/39) that prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment (...).

to protest the conditions at their detention and demanded that they be transferred to facilities suitable for female detainees.

On 26 January 2003, Fatma Zayed was transferred to the GSS interrogation unit at the Russian Compound Detention Center in Jerusalem. An Order Prohibiting Meeting with Counsel, signed by “Ali” and valid for five days beginning on 29 January 2003, was imposed against Ms. Zayed. This was done in spite of the fact that during the hearing on her administrative detention Ms. Zayed was able to speak freely with her attorney.

On 29 January 2003, Attorney Rosenthal representing PCATI filed an urgent petition to the High Court of Justice demanding that the Order Prohibiting Meeting with Counsel be lifted. The petition was withdrawn the day after the State Attorney’s Office stated that Ms. Zayed may meet with her attorney beginning on 30 January 2003.


 IV

## Women in Detention Centers and Prisons

There are 8043 Palestinian detainees and prisoners, including 772 administrative detainees in Israeli detention facilities.<sup>27</sup> The Women's Organization for Political Prisoners (WOFPP) reports that there are currently 115 Palestinian women in prison, 6 in administrative detention, 16 of these women are minors. All Palestinian female security prisoners are held at the Hasharon Prison (Telmond) since the prison authorities moved the last group from Neve Tirza. (Tali Fahima, an Israeli political detainee, is still being held in Neve Tirza). According to WOFPP, in many of the cells, the windows are covered 24 hours a day and there is no light or fresh air.<sup>28</sup> Holding detainees and prisoners inside Israel is in violation of article 76 of the Fourth Geneva Convention that states "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein," clearly prohibiting the transfer of Palestinian detainees from the OPT to Israel.

Article 76 of the Fourth Geneva Convention also provides, that 'women shall be confined in separate quarters and shall be under the direct supervision of women'. There is uncontested evidence that women prisoners are not necessarily under the supervision of female guards and, more seriously, that women from the Occupied Territories are held in Israeli detention facilities at Hasharon, Telmond and elsewhere.

Like their male counterparts, Palestinian female detainees and prisoners are often held in appalling, crowded conditions, suffer from severe punitive measures and are harshly treated by prison authorities. In addition, many complain of denial of access to proper medical care and education, denial of regular family visits, humiliation, and poor quality of food.

PCATI has taken action on behalf of many female detainees and prisoners whose rights had been violated. In July 2003, PCATI called on the Minister of Internal Security, Tzahi Hanegbi, to improve the conditions of detention under which the female security prisoners are held. PCATI presented the Minister the findings of the visits made by attorneys Tahrir

27 – The Mandela Institute for Human Rights, statistics, posted on the organization's website [www.mandela-palestine.org](http://www.mandela-palestine.org).

28 – "Newsletter May 2005", Women's Organization for Political Prisoners (WOFPP), Tel Aviv.

Atamaleh on behalf of PCATI and Targid Jahasan on behalf of WOFPP who had visited the prison and interviewed security prisoners.

Among other matters, PCATI detailed the following violations: sleeping on the floor; isolation in harsh conditions as a result of the extreme crowding; lack of extra clothing which forces the inmates to wear the same clothing for a long period of time; violations of the rights of minor prisoners to study and take matriculation examinations and the lack of an organized studies framework; denial of family visits because most of the security prisoners are residents of the Occupied Territories; the prohibition of regular telephone contact between the prisoners, their families and their children, improper medical care; strip searches violating the dignity of the prisoners; food of poor quality and little variety, lack of toilets in the prison yard and more.<sup>29</sup>

#### **IV.1 Ill-treatment**

Female detainees and prisoners are in many instances subjected to ill-treatment that violates their basic rights and is in blatant contravention of Israeli and international law. They are subjected to harassment, physical and verbal abuse, degrading body searches, solitary confinement and harsh or arbitrary punishment. Punishment includes solitary confinement, fines, removing televisions, radios and ventilators from the cells, denial of family visits, the right to buy products from the prison canteen, visiting prisoners in other cells, the right to send letters.

WOFPP reported, for example, in August 2004, that “arbitrary punishments meted out to the prisoners are increasing and becoming harsher. There is a new method of punishing the women by imposing fines that are taken out of their prison canteen accounts. Considering that they have to buy additional food in order to complement the poor prison diet and other basics this is a very serious punishment. They are often put into solitary confinement in very small and very dirty cells. They are prevented from receiving family visits. Quite often they are beaten, but the prison authorities do not admit this. They claim that beating is not a punishment but a method of self defense...”<sup>30</sup>

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29 – “The Public Committee Against Torture in Israel (PCATI) filed a complaint to Minister of Internal Security, Tzahi Hanegbi” press release, the Public Committee Against Torture in Israel (PCATI), Jerusalem, 13 July 2003.

30 – “Newsletter August 2004”, Women’s Organization for Political Prisoners (WOFPP), Tel Aviv.

The following are examples of ill-treatment processed by PCATI.

**Tahani Ahmed Issa Titi**, twenty-three years old, a resident of Aruv, Hebron, was detained on 13 June 2002 and subsequently taken to the Russian Compound Detention Center in Jerusalem for interrogation. She was held at the Russian Compound for sixty days after having signed a confession. Ms. Titi complained in a sworn affidavit given to PCATI that the conditions at the detention center were hard, the food was bad and there was hair in it. She also stated that the detainees were not allowed to use the toilet at times and that several times one of the female wardens opened the shower door while the prisoner was showering. One time when Ms. Titi asked to use the toilet, the male warden who answered her request insisted on binding her feet. When she told him that this was not necessary, he threw her on the ground, lifted her skirt up, tied her hands behind her back, put a mattress on her face and sat on it. Another warden sat on her feet. She felt that she was suffocating and tried to call for help. Only a quarter of an hour later was she lifted up and then put in her cell for six hours while her hands and feet were tightly handcuffed.

Excessive violence was used against the prisoners in Neve Tirza on 6-7 July 2003 following protests by the prisoners against the harsh conditions at the prison and a power struggle between two groups of prisoners. On 6 July the prisoners refused to go to the yard. The prisoners charged that the wardens, in response, beat them with clubs, used water cannons and sprayed them with tear gas. They also complained that they were denied medical attention after this event. The following day, in protest against the violence used by the prison authorities, the women refused to leave their cells. A large group of wardens then entered the ward, sprayed tear gas into the cells and beat the prisoners. A letter written by PCATI attorney, Gaby Lasky, on 10 July 2003, regarding these events was sent along with an affidavit collected by PCATI from Arij Ataf Sbahi Shahabari, leader of one of the prisoners' groups. In the letter, Ms. Shahabari states that when she and her fellow prisoners refused to stand up for roll call, a force of 70 wardens entered their cells, sprayed the prisoners with tear gas and beat them. Ms Shahabari also stated that she was thrown on the floor and beaten on the back, and then manacled by the hands and legs and thrown into a filthy room unfit for human beings. PCATI attorney Tahrir Atamaleh who visited the Neve Tirza prison on 17 July 2003 and met with some of the prisoners reported that the women in the group led by Arij Shahabari were all harshly punished. The punishments included denial of family visits for two months, denial of the right to buy supplies at the prison canteen for a month and a half, isolation, removal of the

television, radio and ventilator, denial of visits between cells, and shortening the walk in the yard.

## **IV.2 Conditions of detention**

Palestinian detainees and prisoners are often held in poor conditions of detention that are in contravention of the standards set in Israeli law, international law and the UN Minimum Standard Rules for the Treatment of Prisoners. The findings of PCATI and reports by other NGO's on the conditions under which female detainees and prisoners have been held reveal the following:

- Crowded, unsanitary conditions
- Sleeping on the floor for lack of beds in the cells
- A shortage of clothing, shoes and personal supplies
- Poor quality food
- Lack of toilets in the prison yard

A letter written by PCATI on 9 July 2003 to the Minister of Internal Security, the Israel Prison Service authorities and the Director of the Neve Tirza, following a visit to the prison by Attorney Tahreer Atamaleh of PCATI and Attorney Tagrid Jahshan of WOFPP, states that because of overcrowding and the fact that the prison is not prepared to absorb the large number of prisoners and that, therefore, some of the security prisoners are put in a separation cell in particularly harsh conditions although there is no justification for doing so. In each security prisoners' cell at least one woman is forced to sleep on the floor, there is a shortage of clothing and shoes and the women must wear the same clothes for a long period of time and that there is an unreasonable delay in passing the clothing sent by human rights organizations to the prisoners. Furthermore, the food given to the women detainees and prisoners is of poor quality, there is little variety and often hot pepper and too much salt are added making the food inedible; and the prisoners' diet is based mostly on starches and lacking in fruits, vegetables and meat. There are no toilets in the yard where the women spend around three hours a day and the procedure for entering the toilets in the building is long.<sup>31</sup>

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31 – Letter on the conditions of detention of the female prisoners and detainees at the Neve Tirza prison, the Public Committee Against Torture in Israel, Jerusalem, 9 July 2003.

**Mrs Suheir Issan Abd'Alrazek Alhashlamon**, aged 26, a resident of Hebron, was sentenced in 2002 to six months administrative detention (see below) and sent to the Neve Tirza prison. She stated that when she arrived at the prison she was placed in solitary confinement in a foul smelling room where there were worms in the shower. Afterwards, she was taken to a cell where there were five other women prisoners. The attitude of the warders at Neve Tirza was very hostile, and they would curse the prisoners using oaths like 'daughters of whores', 'whores'. The quality of the food served to the prisoners was particularly bad. The main problem was that the food was overly spicy, and their request that the cooks stop seasoning the food was only answered after a long time. As a result of this, Ms. Alhashmalon began suffering from violent stomach pains. Ms. Alhashmalon asked for a mattress, as she suffers from back pains dating from an injury to her spine. Her request was accepted only two months later, when she was given a torn mattress, which smelled so badly that she could not use it.<sup>32</sup>

The Women's Organization for Political Prisoners reported in August 2004 that all conditions in Hasharon Prison are harsh: "The rooms are dirty and infected with mice and cockroaches. The heat is unbearable. The windows are closed and covered so that hardly any air or daylight can enter. There are not enough ventilators, and often the electricity is cut off, so that even the existing ventilators do not work [...]the food is insufficient, of inferior quality or even spoilt, it is dirty , often containing insects and worms. Sometimes there are not enough portions for all the women."<sup>33</sup>

### IV.3 Medical Care

Although detainees and prisoners receive medical care whether in the detention facilities or in hospitals, this care is often negligent. Specialists, such as dentists or ophthalmologists, visit the prisons infrequently leading to delays in the provision of medical treatment. There are frequent complaints that the medical care is insufficient and that prisoners who are ill are given only mild painkillers. DCI/Israel reported after a visit to the Neve Tirza prison that "any complaint of pain are attended to only after a week or two and the only treatment they receive is medicine for the relief of pain...the attitude of the doctors is humiliating and they always claim

32 – letter of complaint, the Public Committee Against Torture in Israel, Jerusalem 30 June 2003.

33 – "Newsletter August 2004", "Newsletter May 2005", Women's Organization for Political Prisoners (WOFPP), Tel Aviv, August 2004.

the prisoners are ‘making up the pain’ and dental checkups are carried out once every three weeks and there are no emergency calls....”<sup>34</sup> A letter written by PCATI on 9 July 2003 to the Minister of Internal Security, the Israel Prison Service authorities and the Director of the Neve Tirza, following a visit to the prison by Attorney Tahreer Atamaleh of PCATI and Attorney Tagrid Jahshan of WOFPP, also refers to the medical care in the prison as negligent, and that it often includes only the dispersal of mild painkillers. PCATI also complained in the letter that the women have no access to psychologists or to social workers. A press release issued by the Mandela Institute on 3 February 2005, after a visit to Neve Tirza prison, repeats many of the above complaints and adds that the women prisoners have repeatedly asked for a female doctor but the prison authorities reject their demands. They also complain that the present doctor only speaks Russian, a language none of the prisoners speak.<sup>35</sup>

PCATI has received numerous complaints from detainees and prisoners regarding improper medical care during their interrogation or detention. The following are examples of cases processed by PCATI:

**Asama’a Muhammad Salman Abu Alhija**, a forty year-old resident of Jenin, was arrested on 11 February 2003. (see below) Ms. Abu Alhija suffers from a malignant growth in her head and has already undergone surgery twice in the Almakassad Hospital in Jerusalem in 1991 and in 1999. As a result of the two operations Ms. Abu Alhija was blind in her left eye and is prone to severe headaches. Upon release from hospital, the doctors recommended that she continue with medicines and regular visits to the hospital’s out-clinics. According to Ms. Abu Alhija, the first time an X-ray was taken of her head was on May 20, 2003, three months after her arrest. She was not told what the diagnosis was. Ms. Abu Alhija suffered tremendously from the conditions of her imprisonment, the crowded conditions of the cell, the heat and the inedible food. Following complaints by PCATI, the organization was informed by Dr. Alex Adler, Chief Medical Officer of the Israel Prison Service that Ms. Alhija had a CT examination on 25 May 2003 and an eye examination on 23 July 2003 and that she was receiving the necessary medical treatment.

**Mirbat Mahmoud Yusuf Taha**, twenty years old, a resident of Isawiye, was arrested on 2 May 2002 and held at the Kishon Detention Center for

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34 – “Visitation Report-Neve Tirza Prison for Women”, DCI-Israel, 9 September 2003.

35 – Press release, Medical Conditions of Palestinian Female Prisoners”, Mandela Institute for Human Rights, Ramallah, 3 February 2005.

interrogation. She was pregnant at the time. On 30 July 2002, she was transferred to the Neve Tirza prison. On 8 February 2003 Ms. Taha gave birth at the Asaf Harofeh Hospital. Ms. Taha reported in a sworn affidavit collected by PCATI that after the birth her legs were tied to the bed and when she had to go to the toilet her legs were shackled and one of her guards entered the toilet with her, a situation she describes as humiliating. She was brought back to Neve Tirza with her baby and shared a cell with two other detainees, one of whom had to sleep on the floor. Ms. Taha stated that the conditions in which she had to take care of the baby were difficult. The clothes given to her for him were worn out, the diapers were in terrible condition and her family was not allowed to bring her food for him. Medical examinations she requested for the baby when he had a rash on his body and earaches were not granted.

**Riham Asad Elsheik**, fifteen years old, a resident of the Tulkarem Refugee Camp, was arrested on 20 February 2003 for allegedly attempting to attack soldiers with a knife. During her arrest she was shot and brought to the Meir Hospital near Kfar Saba. She had three operations to remove shrapnel from her intestines and legs. Ms. Musa complained that she was tied to her hospital by the hands and feet. She was then brought to a prison hospital, but because her condition deteriorated she was sent back to the Meir Hospital. From the hospital she was sent to the Ramleh women's prison.

#### **IV.4 Denial of Meetings with Attorneys, Regular Family Visits and Access to Education**

Lawyers who come to meet with detainees and prisoners often encounter various obstacles, harassment and humiliation by prison authorities. They are forced to arrange their visit ahead of time, and often wait for hours before being allowed to meet with the detainees. Sometimes the attorneys are presented with new demands or regulations by prison authorities or with an Order Prohibiting Meeting with Counsel that they were not informed of when they scheduled their visit. Because of the closures and demands for entrance permits, most Palestinian attorneys from the OPT have not been allowed to enter Israel and visit their clients. This fact is crucial because in the past few years most Palestinian detainees and prisoners have been held inside of Israel. As stated above, this is in violation of article 76 of the Fourth Geneva Convention that clearly prohibits the transfer of Palestinian detainees from the OPT to Israel.

In November 2003, for example, the Association for Civil Rights in Israel, PCATI, Physicians for Human Rights and WOFPP petitioned the High Court of Justice demanding that the female prisoners at the Neve Tirza prison be allowed to meet with their attorneys on a regular basis (HCJ 10471/03). The petition followed the institution of internal regulations, which forbade more than one of the female security prisoners, who belong to various groups and factions, to meet with their attorney at the same time. The regulations also prevented attorney visits on family visitation days, and raised the issue of the unreasonable delays faced by attorneys before they are allowed to enter the prison, and the administration's policy that has created a norm forcing attorneys to wait for hours before it decides whether to allow them to meet with the prisoners or not. (The petition was withdrawn in June 2004 after the Israel Prison Service agreed to many of the petitioners' demands).

Family visits have been denied for extended periods of time on several occasions during the past four and a half years and, when allowed, are often infrequent and difficult to arrange because Palestinian detainees and prisoners are held inside Israel. This fact and the ongoing closure and the need for permits to travel between the OPT and Israel have severely affected the possibility of family visits. In addition, the denial of family visits has been employed as a form of punishment on many occasions. For example, the minor, **Su'ad Ghazal** (see details below), was denied family visits for two months and fined as punishment for writing details about prison conditions in a letter to a French human rights organization.<sup>36</sup> The May 2005 report of the WOFPP<sup>37</sup> states "the prison authorities use a privation of family visits as a common punishment. For example, **Amne Muna, Aaysha Abayat, Sanaa Aamr and Fairuz Marhil** were punished by being deprived of family visits for a period of six months. Following lawyers' protest against this harsh measure - the maximum period for the punishment is two months - the prison authorities found a way to circumvent this stipulation: after two months they allow one visit and then again forbid visits and repeat this at will."

Visits by families of Palestinian detainees and prisoners from the OPT are arranged by the International Committee of the Red Cross (ICRC) who also

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36 - "Newsletter August 2004", Women's Organization for Political Prisoners (WOFPP), Tel Aviv, 15 August 2004.s

37 - "Newsletter May 2005", Women's Organization for Political Prisoners (WOFPP), Tel Aviv, May 2005.

facilitate the exchange of letters between the detainees and their relatives and bring clothing and basic supplies to prisoners whose families cannot receive permits to enter Israel.

Additional complications have been cited in a report by DCI/Israel section (ABI) dated 9 September 2003 on Neve Tirza: “when these visits do take place, there is a great difficulty in clear communication between the visitors and the prisoners, this feat is quite difficult due to the thick divider that prevents them from clearly understanding what is being said on each of the sides...” and “there is absolute forbiddance of telephone communications with the families- from the public phone as well which is situated in the public area of the ward.”<sup>38</sup> The May 2005 report of the WOFPP states: “when the families finally succeed in getting in, the visit is difficult: there are 15 families at one visit in the same room each family consists of approximately three persons; there is a partition made of Plexiglas and two wire fences between the prisoners and the visitors.”<sup>39</sup>

Access to education and educational materials are often denied and are not provided on a regular basis. Permission to stand for matriculation exams is arbitrary. The WOFPP reported in August 2004 that out of the sixteen women who asked to take the exams, only five were given permission. The prison authorities stated at the time that standing for these exams is a privilege and they can decide on the granting of this privilege. In May 2005, out of the thirty-three prisoners who asked to take the examinations the prison authorities refused permission to nine prisoners who are still not sentenced.<sup>40</sup> The Association for Civil Rights appealed against this and the authorities relented.<sup>41</sup>

The DCI/Israel section reported in September 2003 following a visit to the Neve Tirza prison that there are not enough schoolbooks and that the prison authorities do not allow the admittance of additional ones; that the few copies of the school books required for the Palestinian matriculation exams are divided up among the many prison cells, making it difficult for the minors to pursue their studies; that the female minors requested study hours with a teacher on several occasions but had received a negative reply

38 – “Visitation Report-Neve Tirza Prison for Women”, DCI-Israel, 9 September 2003.

39 – “Newsletter May 2005”, Women’s Organization for Political Prisoners (WOFPP), Tel Aviv, May 2005.

40 – “Newsletter August 2004”, “Newsletter May 2005”, Women’s Organization for Political Prisoners (WOFPP), Tel Aviv, August 2004, May 2005.

41 – “Newsletter August 2004”, “Newsletter May 2005”, Women’s Organization for Political Prisoners (WOFPP), Tel Aviv, August 2004, May 2005.

each time; and that it is difficult to receive books and reading materials, and that those sent by their parents are returned to the senders.<sup>42</sup>

A letter written by PCATI on 9 July 2003 to the Minister of Internal Security, the Israel Prison Service authorities and the Director of the Neve Tirza, following a visit to the prison by Attorney Tahreer Atamaleh of PCATI and Attorney Tagrid Jahshan of WOFPP stated, regarding the issue of education, that female minors who were not sentenced were not allowed to take their matriculation exams. The letter also stated that the schoolbooks in the prison library are out of date, that the prison authorities refuse to allow families and organizations to bring in new ones, and that there are no regular study frameworks forcing the minors to study on their own in contravention of prison regulations and international standards.

#### **IV.5 Minors in Detention**

Sixteen of the Palestinian female security prisoners are minors. All are being held at the Hasharon Prison (Telmond). Minors particularly suffer from the harsh conditions of detention, denial or infrequency of family visits, inadequate medical care, deprivation of education and ill-treatment by wardens and prison guards. Moreover, as mentioned above, Israel maintains two definitions of the minor, one for Israelis and one for Palestinians: Israelis are considered minors until the age of eighteen, while Palestinians from the OPT are considered minors only until the age of sixteen, in contravention of international law, in particular the Convention on the Rights of the Child. Following are several examples of cases of female minors processed by PCATI.

**Su'ad Hilmi Ghazal**, a resident of Sebastia near Nablus, was arrested on 13 December 1998, before her fifteenth birthday. She was charged with stabbing and wounding an Israeli woman settler and sentenced to six and a half years imprisonment in January 2001, after two years of detention. Ms. Ghazal was allegedly beaten during her arrest. She was held in incommunicado detention for 27 days, 17 of which were in solitary confinement. Following appeals, her family was allowed to visit her. Ms. Ghazal suffered from severe psychological stress. Prior to her trial, the court asked that Ms. Ghazal be examined by a psychologist. She was examined by Dr. Mahmud Sehwal from the Treatment and Rehabilitation Center for Victims of Torture in Ramallah on 10 February 2000.

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42 – “Visitation Report-Neve Tirza Prison for Women”, DCI-Israel, 9 September 2003.

Dr. Sehwaïl concluded that she was unfit to stand trial, needed psychological treatment and that further imprisonment will exacerbate her condition. Three psychiatrists eventually examined her. She was held at the Neve Tirza prison and took part on at least two occasions in hunger strikes and protests against the conditions at the prison. Su'ad Ghazal was released in March 2005.

**Sanaa' Amer** was fourteen years old at the time of arrest, with her sister Abir, on 20 February 2001 in Hebron. She was accused of planning to stab a settler. In a sworn affidavit taken by a DCI/Palestine attorney on 14 March 2001,<sup>43</sup> Sanaa' stated that she was beaten by the soldier who arrested her and by her interrogators in Kiryat Arba where she was taken for a brief interrogation. The two sisters were then transferred to the Russian Compound Detention Center in Jerusalem where they were kept in a room for 19 days and allowed outside for only one hour each day. They were allowed a visit by their father. On 11 March 2001, the two sisters were transferred to Ramle prison where they were kept in isolation. Sanaa' complained that they did not receive clothes or other necessities and that they had only two thin blankets which were not enough to keep them warm. She also complained that they were being kept in the criminal compound and saw other political prisoners only during their one hour break, that they had no television or radio, and that they were harassed by the criminal prisoners.

On 12 July 2001, at a hearing held at the Beit El Military Court, Sanaa' Amer was sentenced to one year in prison and four years suspended sentence for planning to stab a settler even though she did not carry out her plan or other acts of violence. PCATI, on 18 July 2001, called on Judge Advocate General Menachem Finkelstein to nullify the sentence handed down by the court adding that Amar has been held in Ramleh prison with adults and prevented from receiving family visits, medical care and a steady supply of clothes and learning materials.<sup>44</sup> Sanaa' Amer was released on 5 November 2001.

**Aeysha Mohammed Ahmed Awad Abiyat**, was arrested on 30 May 2002 in Bethlehem. She was sixteen years old at the time. In a sworn

43 – "DCI/Palestine Expresses grave Concern Over continued detention of 14-year old Sanaa' Amer", DCI/PS press release, 17 March 2001.

44 – "The Public Committee Against Torture in Israel calls on the Chief Military Advocate: The Military Prosecution must be instructed to agree, on appeal, to the nullification of the sentence handed down against a 14 year old Palestinian girl to one year's imprisonment and 4 years suspended sentence for the intention to stab a settler" " , press release, the Public Committee Against Torture in Israel, Jerusalem, 18 July 2001.

affidavit collected by PCATI attorney Tahreer Atamaleh on 15 May 2003, Aeysha stated that she was attacked by youths near the Church of the Nativity and, when she removed a knife from her pocket to protect herself, one of the boys brought her to the Israeli soldiers who were stationed nearby. The soldiers put her in a tank for two hours and then brought her to a local police station where she was kept on the floor for three hours without water or the possibility of using the toilet. Ayesha stated that, at the station, she was attacked by soldiers who beat her so severely that she had to be taken to a hospital for treatment. From the hospital she was brought to the Etzion Detention Center where she was interrogated from eleven in the morning until midnight. During this time, her hands and legs were manacled and her eyes were kept covered. She further alleges that despite her pleas, she was not given food or drink and not allowed to use the toilet. She stated that her interrogators yelled at her and slapped her and that finally, around midnight, she confessed due to exhaustion and fear. She was later brought to the Russian Compound Detention Center and kept there for eighteen days. On 18 June 2002 Ayesha was transferred to the Neve Tirza prison. On 20 October 2003, she was convicted of possession of a knife and attempting to stab a soldier and sentenced to six years imprisonment and three years suspended sentence.

#### **IV.6 Women Detained as a Means of Pressure on Family Members**

Some women have been arrested, threatened and ill-treated in order to put pressure on their husbands or other relatives who may be wanted by Israel or who are under interrogation. Following are three such cases that were processed by PCATI:

**Suheir Issan Abd'Alrazek Alhashlamon**, a twenty-six-year-old resident of Hebron, was arrested on 15 November 2002. Ms. Alhashlamon, her brother and father were taken to the police station in Kiryat Arba. Her father was taken from the vehicle and told to return home. Ms. Alhashlamon and her brother were transferred to a Border Police vehicle and taken to the DCO's offices where she was severely ill-treated and searched several times in a degrading manner. After the interrogation of Ms. Alhashlamon's brother was completed, he was allowed to leave. When he refused to go without his sister, the officer in charge promised him that she would be released on the same day, and he was forced to leave. Ms. Alhashlamon was taken to Wadi Alnassera area, where fighting

occurred earlier that day. Next, she was taken into a tent where bodies of the dead were placed, and ordered to locate the body of her husband. When she was unable to find her husband among the dead, Ms Alhashlamon was returned to the DCO's office. She was later transferred to the Russian Compound Detention Center in Jerusalem for interrogation. Ms. Alhashlamon was held for over a month in small, solitary cells, where conditions were bad: the toilet and the basin were filthy and the mattress, blankets, and the room had a bad odor. At times, she was exposed to extremely cold temperatures. The food she received was inedible. During her interrogations at the Russian Compound, her interrogators threatened that they would rape her, beat her, and leave her in the solitary confinement for a long time if she did not reveal her husband's whereabouts. Meanwhile, she was told that there were no charges against her and that she would be released shortly. Ms. Alhashlamon was sentenced to six months administrative detention and held under harsh conditions at the Neve Tirza prison. Ms. Alhashmalon was released on 14 April 2003. .

**Asama'a Muhammad Salman Abu Alhija**, a forty year-old resident of Jenin, was arrested on 11 February 2003. IDF soldiers came to Ms. Abu Alhija's home and evacuated the family, including five children aged seventeen, fifteen, fourteen, ten and eight, into the cold night. Then they searched the house. Ms. Abu Alhija was taken to the Kishon detention center where she was left outside for several hours with her hands and feet tied and her eyes blindfolded before she was transferred to the Neve Tirza prison in Ramle. Ms. Abu Alhija was sentenced to six months administrative detention. According to Mrs. Abu Alhija, she was arrested without having committed any offense; rather, she was arrested in order to put pressure on her husband who was in the Beer Sheva prison. Mrs. Abu Alhija suffered from a malignant growth in her head and had undergone surgery twice in the Almakassad Hospital in Jerusalem in 1991 and in 1999. As a result of the two operations Mrs. Abu Alhija is without sight in her left eye and is prone to severe headaches. Mrs. Abu Alhija had no contact with her family and did not know how her children were doing. The children were at home without their parents. Mrs. Abu Alhija suffered tremendously from the conditions of her imprisonment, the crowded conditions of the cell, the heat and the inedible food. Ms. Abu Alhija's administrative detention was extended on 10 August 2003 by four additional months. She has since been released.

**Mona Hassan Obied**, a teacher and director of the young division at the school in Kfar Barah, is a Palestinian citizen of Israel and resident of Taibe

who had no prior criminal record. Ms. Obied was arrested on 10 August 2001 and held in detention for twenty-seven days. She was arrested around the same time that two of her brothers were also arrested, allegedly in order to apply pressure on another brother, who had been in Lebanon for several years and was wanted by the GSS. Mona was charged with aiding an enemy and having contacts with a foreign agent. She was interrogated and tortured by the GSS. She was finally released without charges. Ms. Obied was taken to the International Crimes Unit in Petah Tikva and later to the Petah Tikva Detention Center. She was held at the interrogation unit under harsh conditions and illegally interrogated. Methods employed against her included shaking, manacled by the hands and feet for extended periods of time, beatings, verbal abuse, threats, solitary confinement under harsh conditions and exposure to loud noises. She was prohibited from meeting with an attorney for 10 days.

Ms. Obied was taken to the hospital twice as a result of her interrogation and the conditions of her detention, but was sent back to interrogation each time. She was also brought by a court order to the Geha Psychiatric Hospital where, following a lengthy debate between the medical staff and the GSS interrogators, she was allowed to be alone with the medical staff who determined that she was suffering from depression and had thoughts of suicide and recommended that she take three kinds of tranquilizers.

On the twenty-seventh day of her detention she was again taken to court and released. No charges were filed. Following her release, Ms. Obied was suspended from her work based on confidential evidence by the Executive Director of the Ministry of Education.


 V

# Administrative Detention

Administrative detention, detention without charge and trial, and without informing the detainee of the charges or evidence standing against him has been used against hundreds of Palestinians from the OPT and also a number of citizens of Israel. Palestinians from the OPT are held in Administrative Detention under orders of a military commander and under general orders that govern this form of detention.<sup>45</sup> Under this practice, which is a blatant violation of international law, detainees can be detained indefinitely. There are currently about 772 Palestinians in administrative detention.<sup>46</sup>

As mentioned above, the number of Palestinian women held in administrative detention has increased in the past four and a half years. Currently there are six Palestinian women in administrative detention.<sup>47</sup>

Following are the cases of Abla Sa'adat, Fatma Ibrahim Mahmud Zayed, Iman Abu Farah who were arrested on approximately the same date and held at the Beit El Military Detention Center. On 22 January 2003 all three were placed in administrative detention for four months. Ibtihal Yusuf Btillo, who like Ms. Zayed and Ms. Abu Farah was a student at the El Kuds University, was also arrested and placed in administrative detention. She was held at the Russian Compound Detention Center in Jerusalem.

**Abla Sa'adat**, a forty-seven-year-old long time human rights activist, and mother of four, is the wife of Ahmad Sa'adat, Secretary General of the Popular Front for the Liberation of Palestine who was arrested on 21 January 2002 by the Palestinian Security Services and held at the Jericho Central Prison as part of an agreement with Israel. The Addameer Association reported that Ms. Sa'adat was detained at the Allenby Bridge while traveling to Jordan on her way to Brazil to represent Addameer at the World Social Forum. Ms. Sa'adat was transferred to the Beit El Military Detention Center where she was held in harsh and inhuman conditions with two other Palestinian female detainees, Iman Abu Farah and Fatma Zayed. She was placed in an extremely cold small isolation cell. All of her personal belongings were taken from her, including her mobile phone,

45 – In the West Bank, Administrative Detention Order (Temporary Provision) (Judea and Samaria) (No. 1229, 1988, in Gaza, Administrative Detention Order (Temporary Provision) (Gaza Strip) (No. 941), 1988.

46 – Website of the Mandela Institute for Human Rights, Ramallah, [www.mandela-palestine.org](http://www.mandela-palestine.org)

47 – “Newsletter May 2005”, Women’s Organization for Political Prisoners (WOFPP), Tel Aviv.

airline ticket and money. Ms. Sa'adat and another female detainee, Iman Abu Farah (see below) began a hunger strike to protest the harsh conditions. They demanded that they be transferred to more adequate facilities for female detainees. They complained that they were unable to bathe as there were no separate facilities for women. They had to share a toilet with male detainees and they were allowed to use it only 3 times a day.<sup>48</sup> On 30 January 2003 Ms. Sa'adat and Iman Abu Farah were transferred to Neve Tirza in Ramleh, Israel. On 22 January 2003, Ms. Sa'adat was issued a 4-month administrative detention order. She was released on 7 March 2003.

**Iman Abu Farah**, a twenty-four-year-old fourth year student at the El Kuds University was arrested on 20 January 2003 at her apartment in Um al- Sharayit, a suburb of Ramallah, with her flatmate Fatma Zayed, who was also a fourth year student at the El Kuds University. Both women were taken to the Beit El Military Detention Center and held in harsh conditions of detention. Iman Abu Farah began a hunger strike along with Abla Sa'adat (see above) to protest the harsh conditions demanding that they be transferred to more adequate facilities for female detainees.<sup>49</sup>

**Fatma Ibrahim Mahmud Zayed**, a twenty-three-year-old resident of the village of Beit Yanon near Jenin and a fourth year student at the El Kuds University, was arrested on 20 January 2003 at her apartment in Um al-Sharayit, a suburb of Ramallah, with her flatmate Iman Abu Farah. Both women were taken to the Beit El Military Detention Center and held in harsh conditions of detention. On 22 January 2003, Fatma Zayed was issued a 4-month administrative detention order. On 26 January 2003, Fatma Zayed was transferred to the GSS interrogation unit at the Russian Compound Detention Center in Jerusalem. Although Ms. Zayed was allowed to speak freely with her attorney during the hearing on her administrative detention, an Order Prohibiting Meeting with Counsel was imposed against her. On 29 January 2003, attorney Andre Rosenthal representing PCATI, filed an urgent petition to the High Court of Justice on behalf of Ms. Zayed, demanding that the Order Prohibiting Meeting with Counsel be lifted. On 30 January 2003, the petition was withdrawn after the State Attorney's Office stated that Ms. Zayed may meet with her attorney on 31 January 2003.

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48 – Addameer-Prisoners' Support and Human Rights Association press releases January 23-26, 2003.

49 – Addameer-Prisoners' Support and Human Rights Association press releases January 23-26, 2003.

**Ibtihal Yusuf Btillo**, a student at the El Kuds University was arrested on 21 January 2003 at the El Kuds University dormitories in Abu Dis and taken to the GSS Interrogation Unit at the Russian Compound Detention Center in Jerusalem. On 22 January 2003, she was issued a 4-month administrative detention order. Orders Prohibiting Meeting with Counsel valid through 3 February 2005 were imposed against Ms. Btillo. On 29 January 2003, Andre Rosenthal filed an urgent petition to the High Court of Justice on behalf of Ms. Btillo, demanding that the Order Prohibiting Meeting with Counsel be lifted. On 30 January 2003, the petition was withdrawn after the State Attorney's Office stated that Ms. Btillo may meet with her attorney on 31 January 2003.

**Tali Fahima**, an Israeli peace activist from Kiryat Gat was arrested on 30 May 2004 and released without charge following four days of house arrest. She was arrested again on 8 August 2004 and has since been charged with a number of security offenses including aiding the enemy during wartime and passing information to a wanted person, Zakariya Z'beidi, the leader of the Al-Aqsa Martyr's Brigades in Jenin with whom she had ties. Ms. Fahima was held in the GSS interrogation unit at the Petah Tikva Detention Center where she was interrogated for many hours a day for four weeks. Her interrogators employed methods such as sleep deprivation and painful handcuffing to a chair for long periods of time. On 5 September 2004, she was placed in administrative detention for three months, a measure rarely employed against Israelis. Ms. Fahima has been held in the Neve Tirza prison where she was, until recently, separated from the other prisoners and allowed to meet only with her attorney and her mother. She was repeatedly punished with solitary confinement, denied visits and cigarettes and the right to make phone calls to anyone but her attorney. She was also prevented from buying supplies in the prison's canteen. Following a court appeal the terms of Ms. Fahima's solitary confinement were relaxed in April 2004 and she is now allowed to meet with other prisoners for two hours a day and meet with her attorney and her mother without a glass divider. Ms. Fahima's case is still pending. Ms. Fahima has been indicted and is in detention until the end of her legal proceedings.

# Loss of Life During Military Activity



The high level of violence and the security measures employed by the Israeli security forces since the outbreak of the current Intifada affect all Palestinians in the OPT, men women and children. Military incursions, targeted assassinations and excessive use of force have resulted in a large number of civilian casualties. During this period, hundreds of Israeli civilians were killed in attacks by armed Palestinians. According to Amnesty International, 150 Palestinian women and 200 Israeli women were killed in the past four and a half years.<sup>50</sup> The Palestinian Red Crescent Society reports 184 Palestinian women were killed as of 30 April 2005 (of a total of 3,602 Palestinian casualties).<sup>51</sup> The Palestinian Center for Human Rights reported that attacks by the Israeli security forces led to the deaths of 169 Palestinian women, including 65 minors. In addition, twenty-four Palestinian women died because they were denied access to medical facilities at military checkpoints and border crossings.<sup>52</sup>

While Israeli military sources state that IDF soldiers only open fire at armed Palestinians who threaten their lives during the execution of their missions and that every effort is made to avoid hurting civilians, the information held by PCATI including sworn affidavits, reports by Israeli, Palestinian and international NGO's and the media reveal that, in practice, the Israeli security forces operate in a different way and that the rules of engagement do not take into account the presence of a large civilian population or the crowded conditions under which it lives. There have been numerous cases of careless shootings during military activities, random firing into densely populated areas, assassinations in public locations and killings resulting from "a light finger on the trigger." B'tselem estimates that civilians who did not take part in the fighting account for about 1,650 of the approximately 3,000 Palestinians who were killed in the conflict. However, only eighty-nine military police investigations were initiated into the killings and wounding of civilians.<sup>53</sup>

50 – "Israel and the Occupied Territories Conflict Occupation and Patriarchy: Women Carry the Burden", Amnesty International, 31.3.2005, page 1.

51 – "Conflict Deaths by Age & Gender", the Palestinian Red Crescent Society, May 2005.

52 – "Palestinian Women Continue to Suffer Under Israeli Occupation as they Commemorate International Women's Day", The Palestinian Center for Human Rights press release, Gaza, 7 March 2005.

53 – The website of the Association of Civil Rights. [www.acri.org.il](http://www.acri.org.il) update 22.12.2004.

A petition demanding the investigation of the killing of every Palestinian civilian during military activity in the OPT was filed by B'tselem and the Association for Civil Rights in Israel to the High Court of Justice in October 2003 (HCJ case 9594/03).

## VI.1 Adult Women Killed During Military Activity

Most Palestinian women who lost their lives during military activity by the Israeli security forces were killed near (and sometimes in) their homes or while going about their daily routine. As an example, two women, Aziza mahmoud Danoun Jubran, fifty-eight years old, and Rahma Rasheed Shahin Hindi, fifty-four years old, were killed during the assassination of Fatah activist, Hussein 'Abayat, in Beit Sahour on 9 November 2000 by anti-tank missiles fired by Israeli helicopters. This was the first known assassination carried out by Israel after the beginning of the current Intifada.<sup>54</sup> PCATI has filed dozens of complaints on the killing of civilians. Following are brief descriptions of some of the cases on female casualties that were processed by PCATI.

**Bariza Durram Diab el Minawi**, a nineteen year-old student from Nablus, was killed on 17 September 2004 in her home. That day, some Palestinian demonstrators threw stones at military jeeps that were traveling in the northern part of Nablus. Bariza el Minawi went up on the roof of her house to see what was happening. Immediately afterwards, a jeep halted about 100 meters from the house. A soldier got down, aimed his gun at Ms. el Minawi and fired one shot at her. The bullet entered Ms. Minawi's body through her left hand and entered her chest. She died of her wounds in the hospital.

**Dalal Mujahad Abu El-Hasan**, a twenty-five-year-old Jenin resident, married and a mother of three, was killed on 9 March 2004. According to reports describing the event, the IDF entered Jenin to make an arrest. Dalal Abu El-Hasan was injured, apparently by a bullet from a sniper, while hanging laundry on the roof of her house. Allegedly, the IDF soldiers held up the ambulances that arrived on the scene to transport Ms. El-Hasan to the hospital. The neighbors were forced to taken her in a taxi without medical equipment. Dalal Abu El-Hasan died before reaching the

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54 – “The Assassination Policy of the State of Israel, November 2000-January 2002”, The Public Committee Against Torture in Israel and Law-The Palestinian Society for the Protection of Human Rights and the Environment, Jerusalem, June 2002, pages 12, 21.

hospital. According to the medical report, a bullet entered her back and came out through the neck. She left three small children, aged four (a boy), three (a boy), and a thirty-nine-day-old baby girl.

**Jamila Abed El Hadi Hamad**, forty-four years old, was killed on 8 July 2004 near her home in Beit Hanun, Gaza during a street battle between Israeli forces and armed Palestinians. Her thirteen-year-old daughter Waffa Hamad was wounded in the same incident. Ms. Hamad was attempting to leave the area with her seven children and go to a relative's house hoping they would be safer. She was killed by gunfire while on her way.

**Nahela Abdul Rahman Akel**, forty-one-years old, a resident of the Bader Refugee Camp, was shot to death on 9 December 2002 near the Tel El-Sultan neighborhood in Rafah, Gaza. Three of her children were wounded in the same incident. The shooting occurred after a tank crew reported a group of six armed Palestinians approaching the settlement of Rafah Yam from the direction of Tel El-Sultan and the local area commander approved of the shooting. It is unclear whether the soldiers mistook Nahela Akel and her children for the group of armed Palestinians or whether they aimed at this group and hit the women and children. According to Mohammed Adal Akel, Nahela's son, an Israeli army tank stationed in Rafah Yam, which is 300 meters away from the family's home, fired at their house and hit the family that was inside.

## **VI.2 Female Minors Killed During Military Activity**

The Palestinian Center for Human Rights reported that sixty-five female minors were killed in the past four and a half years during military activity in the OPT.<sup>55</sup> Most were killed in or near their homes, on their way to school and some in their classrooms. Following is a brief description of a few of the cases processed by PCATH.

**Sa'ara Mahmoud Zoareb**, aged twelve (13), was shot to death near her home on 26 July 2004 in Khan Younes, Gaza. Sa'ara, who was playing ball with her friends at the time, was killed by Israeli gunfire from nearby watchtowers.

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55 – "Palestinian Women Continue to Suffer Under Israeli Occupation as they Commemorate International Women's Day", press release, The Palestinian Center for Human Rights, Gaza, 7 March 2005.

**Ra'ada Adnan As'ar**, a ten (11) year-old resident of Khan Younis, was wounded by shots fired from the direction of Israeli army posts in Neve Dekalim while sitting at her desk at the C Girls UNRWA elementary school in Khan Younis on 7 September 2004. She died from her wounds on 22 September 2004.

**Iman Al-Hams**, thirteen years old, was killed by IDF fire in Rafah, Gaza, on 5 October 2004 near the Girit military outpost while on her way to school. After she was hit, the battalion commander, Captain "R" "confirmed" the killing. The internal military investigation conducted by the division commander exonerated the soldiers stationed at the outpost from all blame. However, evidence given by some soldiers that reached the press suggested that illegal actions took place during the particular incident. The Military Investigative Police investigation of the event raised suspicion that the battalion commander confirmed the killing of the girl. He was charged with the "illegal use of arms." No soldier was charged with the girl's death.

The parents of Iman Al-Hams and PCATI petitioned the High Court of Justice on 23 January 2005 demanding that the IDF investigate the legality of the open fire orders given to the soldiers at the "Girit" military post. The petitioners maintain that there is evidence that the soldiers stationed at the "Girit" military outpost were given blatantly illegal orders stating that they must shoot to kill anyone, including civilians who do not endanger anyone's life, without even resorting to the procedure regulating the arrest of suspects. The petitioners also demanded that the supervision of the investigation be taken out of the hands of the Military Attorney's office because of its involvement in the drafting of the open fire regulations.

**Christine Sa'adeh**, a ten-year-old from Bethlehem, was killed on 25 March 2004 during a Border Police operation that took place in a crowded part of the city. Undercover policemen riding in two vehicles fired at a car that was carrying two wanted Palestinians. Christine who was riding in her family's car that was positioned just in front of the car carrying the wanted persons was wounded by the gunfire. She died on her way to the Hadassah, Ein Karem hospital in Jerusalem.

**Mona Hamda Abu Tabak**, nine years old, was killed on 22 April 2004 at the El Nada neighborhood in Beit Lahiya, Gaza, on her way home from the local grocery store. She was wounded in her arm and stomach by gunfire. The crew of an ambulance that was nearby was unable to reach

her quickly because of the shooting. She died of her wounds in hospital three hours.

**Nada Madhi**, eleven years old, a resident of Rafah, Gaza, was wounded by Israeli army gunfire in her bedroom. Two shots entered the room one of which hit Nada, who was in bed at the time, in the chest. A civilian vehicle transferred her to the hospital but she died of her wounds.

## Childbirth at Checkpoints

VII

The severe restrictions on the freedom of movement of Palestinians in the OPT have affected all aspects of their daily lives with devastating results, particularly regarding access to medical care. The passage of ambulances, the ill, and women in childbirth through checkpoints, roadblocks and various forms of barriers (such as trenches, dirt piles and fences) have been hindered on innumerable occasions. The rural population is particularly affected because they cannot reach medical centers and hospitals in the cities. The medical implications of this policy have been documented by various human rights organizations.<sup>56</sup> PCATI has filed complaints in a number of cases involving Palestinians who died because they were not given prompt and unhindered passage to medical facilities and involving women who were forced to give birth at the military checkpoints. Several newborns died because their mothers were not given proper access to hospitals. The Palestinian Center for Human Rights states in its press release of 7 March 2005 that twenty-four sick women died during the present conflict when the Israeli security forces obstructed their passage through military checkpoints and border crossing and fifty-five women were forced to give birth at these checkpoints.<sup>57</sup>

56 – “No Way Out, Medical Implications of Israel’s siege Policy, B’tselem, The Israeli Information Center for Human Rights in the Occupied Territories, Jerusalem, June 2001. “Wounded in the Field: Impeding Medical Treatment and Firing at Ambulances by IDF Soldiers in the Occupied Territories” Information Sheet, B’tselem, The Israeli Information Center for Human Rights in the Occupied Territories, Jerusalem, March 2002. “Death at the Checkpoints, Medical Personnel Harmed: The Delay, Abuse and Humiliation of Medical Personnel by Israeli Security Forces” Joint Report with Physicians for Human Rights - Israel, Tel Aviv, December 2003.

57 – “Palestinian Women Continue to Suffer Under Israeli Occupation as the Commemorate International Women’s Day”, Palestinian Centre for Human Rights, Press release, Gaza, 7 March 2005.

Obstructing civilians' access to medical care in the OPT is a grave violation of the Fourth Geneva Convention. According to Article 38(2) of the Fourth Geneva Convention, Israel, as the occupying power, has an obligation to ensure that Palestinians in the West Bank and Gaza Strip "receive medical attention and hospital treatment to the same extent" as do Israeli citizens. The Convention also stipulates that Israel must:

Ensure the food and medical supplies of the occupied population (Article 55);

Ensure and maintain the medical services, public health and hygiene in the occupied territory, and ensure that medical personnel of all categories can carry out their duties (Article 56);

Treat the occupied population humanely at all times (Article 27).<sup>58</sup>

Following are examples of cases processed by PCATI.

**Monira Ahmed Kabha**, a thirty-year-old resident of Tur El Garabiya near Jenin, lost her baby on 6 December 2002 because she was not allowed prompt, unhindered passage to the hospital in Jenin. Earlier that day, when she began labor, the village midwife told her that it will be a breech birth and that she must go to the hospital. Ms. Kabha's husband called an ambulance, but he was told that the ambulance could not enter the village and that he should meet the ambulance at the El Shuhada intersection at the entrance to Jenin. When the family arrived at the intersection they saw that the ambulance they ordered was stopped by Israeli soldiers. Only after negotiations between the ambulance crew and the soldiers, and only after the soldiers checked Ms. Kabha and saw that she was in the process of giving birth was the ambulance allowed to go on its way. Ms. Kabha's baby died before the ambulance reached the hospital.

**Adela Abed-Aljabar Asad Ramadan**, thirty-three years old, from the village of Tal, began labor on 20 December 2002. She was told a month earlier that because of the position of the baby she should give birth by Caesarean section. The family phoned the Palestinian Red Crescent who sent an ambulance to the Beit Iba checkpoint located between Tal and the city of Nablus. Ms. Ramadan and her family went to the checkpoint at Beit Iba in a private car. When they got there the soldiers stationed at the checkpoint refused to allow the ambulance or its crew to cross over and

58 – "Israel and the Occupied Territories, Conflict, occupation and patriarchy: Women carry the burden", report by Amnesty International, 31 March 2005 pages 7-8.

take Ms. Ramadan by stretcher to the ambulance. They were forced to return to their village. On the way, Ms. Ramadan's pains increased and she was forced to stop in one of the village houses and to give birth with the assistance of only a midwife. Ms. Ramadan's doctor tried to reach the village in order to assist in the delivery, but when he arrived he found the baby dead. Ms. Ramadan was seriously suffering from massive bleeding and extremely low blood pressure.

B'tselem-the Israeli Information Center for Human Rights in the Occupied Territories documented the case of **Tahani Fatuah**, thirty-five, from Nablus whose newborn died on 12 April 2002. Ms. Fatuah was forced to give birth at home because the Red Crescent ambulance was prevented from reaching her home. The birth was attended by a local obstetrician and by Ms. Fatuah's husband, who is also a doctor. About 15 minutes after the birth, the baby's condition began to deteriorate and he died. The baby was born one month early. The hospital is only two kilometers from the family's home.

Another case documented by B'tselem is that of **Lubna Abdalla** who was in a Palestinian Red Crescent ambulance on her way to the hospital in Nablus. At the Huwara military checkpoint the ambulance was stopped by the soldiers for an ID card check. Ms. Abdalla, a tourist from Jordan, had no ID card, only her passport. Because of this and despite the pleas of the paramedic that she is in labor, the soldiers forced her to get out of the ambulance and to leave the checkpoint. The ambulance crew kept arguing with the soldiers and were beaten and threatened. They did, however, manage to contact the Palestinian Red Crescent who contacted the Red Cross whose representatives finally arrived at the scene. An Israeli officer who was also called to the checkpoint asked a couple of the members of ambulance crew to look for Ms. Abdall and take her to the hospital but they did not find her.<sup>59</sup>

In the report "Women Carry the Burden", Amnesty International reports on women forced to give birth at checkpoints. The report details the cases of **Rula Ashtiya**, twenty-nine, whose baby died after she was forced to give birth on the ground of a dirt road by the Beir Furik checkpoint on 26 August 2003. The report also details the case of **Suzanne Alan** who, one week later on 12 September 2003, was refused passage through the Al-Raum checkpoint near East Jerusalem and gave birth in the back seat of

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59 – B'tselem, the Israeli Information Center for Human Rights in the Occupied Territories, Testimonies on the website [www.btselem.org](http://www.btselem.org)

a taxi. Other cases reported on in the report include those of **Randa Jabeeti** from the village of Fundq near Kakilya who delivered a baby in an ambulance after it was delayed at a checkpoint, **Baya Hussein-Ali** from Al-Hatab, a village near Nablus who was also held up at a checkpoint and gave birth in the ambulance by the checkpoint; and, **Saleh Nayef al-Hayek**, twenty-three. Although examining their papers and allowing them passage Israeli soldiers stationed at the Hawara checkpoint shot at the car Ms. Al-Hayek was traveling in, killing her husband and injuring Ms. Hayek and her father-in-law. When she finally reached the hospital, she gave birth to a baby girl in the elevator.<sup>60</sup>

The above cases are in clear violation with article 12 of the Convention on the Elimination of All Forms of Discrimination against Women which provides that (1) States shall ensure access health services and (2) appropriate services in connection with pregnancy, confinement and the post-natal period. Moreover, PCATI and OMCT consider that the hindering of passage to medical facilities of women in labour at checkpoints constitutes cruel, inhuman and degrading treatment.

## Recommendations

### VIII

In order to ensure the protection of the human rights of Palestinian women in the Occupied Palestinian Territories, OMCT and PCATI believe that is highly important that the Committee on the Elimination of Discrimination Against Women recommend that the State of Israel take the following measures in order to fully implement the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women and other human rights treaties regarding female detainees and prisoners and the provisions of international humanitarian law regarding the treatment of civilians under occupation:

- To enforce all laws and regulations and rulings set in both Israeli and international law that forbid the torture and ill-treatment of detainees

60 – Israel and the Occupied Territories, Conflict, occupation and patriarchy: Women carry the burden”, report by Amnesty International, 31 March 2005, pages8-9.

and prisoners, and specifically in the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and the Israeli High Court of Justice ruling in case number 5100/94 the *Public Committee Against Torture in Israel vs. the State of Israel and the General Security Service*.

- To cease the practice of administrative detention.
- To cease the practice of incommunicado detention.
- To bring to justice all members of the security forces who allegedly acted unlawfully during the detention and interrogation of Palestinian detainees.
- To allow detainees regular and frequent family visits, and access by medical professionals, attorneys and representatives of human rights groups.
- To immediately take all steps necessary to improve the conditions in detention facilities and prisons, and to ensure that the health and hygienic needs of female detainees are addressed in accordance with international law and the UN Standard Minimum Rules for the Treatment of Prisoners.
- To ensure that the Israeli army and all other security forces fully respect and comply with international law and Israeli laws and regulations governing military actions in the OPT.
- To re-evaluate the terms of the rules of engagement in force in the West Bank and Gaza in light of the large number of civilians killed during military operations in these areas, and to exercise the highest level of caution during any form of military activity in populated areas.
- To fully investigate the killing of all civilians during military actions in the OPT and to bring those allegedly responsible and their superiors to justice in accordance with both Israeli and international law.
- To ensure that all persons in the OPT in need of medical care, and particularly pregnant women, are given prompt and unhindered passage and access to medical facilities.


 IX

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**Concluding Observations of the  
Committee on the Elimination of  
Discrimination Against Women:  
Israel**



## Concluding comments of the Committee

### 1. Introduction by the State party

1. The Committee considered the third periodic report of Israel (CEDAW/C/ISR/3) at its 685th and 686th meetings, on 6 July 2005.

#### A. Introduction

2. In introducing the report and up-to-date information, the representative indicated that these were the result of a collaborative effort by various government bodies, together with inputs from non-governmental organizations. Equality and the promotion of women's rights were of the utmost importance to the Government and society. The representative emphasized that Israeli women were a vibrant, vocal, integral part of every aspect of society, which they shape and take part in as members of every profession. Drawing attention to progress in many areas, the representative noted remaining gaps still to be addressed. Since the submission of the previous report, concerted efforts had been made, in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, to promote equality between men and women, Jews and non-Jews of all ethnic and religious backgrounds alike. The representative emphasized that Israeli women awaited the day when they and Palestinian women, especially under the new Palestinian leadership, will no longer know the grief of loss but only the joy of equality, building and progress.

3. Efforts to eliminate discrimination against women in the legislative arena had been wide-ranging. Recent laws complemented one another, representing a new approach of "women's legislation". These laws covered a variety of issues including women's equal rights, sexual harassment, stalking, governmental responsibility for gender equality, the rights of women victims and prevention of discrimination in the private sector. They provided a broad vision of social change and complete transformation of gender power and relations. Measures had also been taken to guarantee implementation.

4. The Government had taken steps, including affirmative action, to eliminate discrimination against women, for example in supporting the integration of single mothers into the labour market. The courts continued to play a crucial role in promoting women's rights. Recent decisions approved governmental affirmative action measures in funding women's sports activities; secured women's equal retirement rights and granted a battered wife punitive damages for abuse suffered.

5. The representative stressed that combined efforts were necessary to eliminate discrimination against women as demonstrated through action taken by the legislative, judicial and executive branches, in cooperation with civil society, to combat trafficking in women for sexual exploitation. These included the amendment of the Penal Code to include a prohibition against trafficking in persons for purposes of prostitution, followed by the establishment of a Parliamentary Investigative Committee on Trafficking in Persons. That Committee interacted with victims and exercised oversight function over government agencies. Its work had resulted in further legislative progress, including mandatory minimum imprisonment for violations of the law and expansion of victims' rights. Additionally, an Intra-ministerial Committee had been established to recommend measures, which have been adopted and implemented, to combat trafficking more effectively. Law enforcement and prosecution of traffickers had been enhanced, and courts had been issuing more severe sentences and interpreted the law in accordance with the spirit of relevant international treaties. Operational guidelines issued by the Attorney General on combating trafficking had been implemented. Shelters provided medical and psychosocial treatment and free legal aid to trafficking victims. Cooperative arrangements were in place, including with the International Organization for Migration and non-governmental organizations, to arrange for victims' safe return to countries of origin and to initiate rehabilitation processes.

6. Turning to measures taken in response to some of the Committee's concerns expressed in its previous concluding comments, the representative noted the growing number of women in prestigious positions within the Israel Defense Forces and the establishment, in 1998, of the statutory Authority for the Advancement of Women. The Knesset Committee on the Status of Women had also played a pivotal role in women's issues. Women's representation in political life had progressed with 18 members, or 15 per cent, in the Knesset — the highest rate ever, 3 ministers, 4 deputy ministers, and 5 director-generals of Ministries.

7. Addressing another of the Committee's concerns, the representative drew attention to the substantial rise in Bedouin students taking matriculation exams and receiving baccalaureates. More Bedouin women were studying for Bachelor's degrees than men. Steps were being taken to increase the number of Bedouin women admitted to the faculty of medicine, while the Ministry of Education, Culture and Sports granted scholarships to Bedouin students and had taken steps to increase attendance and prevent dropouts.

8. In conclusion, the representative stressed that the delegation, consisting of high-ranking officials from the relevant ministries, was prepared to engage in a constructive and fruitful dialogue with the Committee on the implementation of the Convention.

## Concluding comments of the Committee

### A. Introduction

9. The Committee expresses its appreciation to the State party for its third periodic report, which is in compliance with the Committee's guidelines for the preparation of the periodic reports. It commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation.

10. The Committee commends the State party for its delegation, made up of representatives of different ministries with responsibility for several areas of the Convention.

11. The Committee notes that Israel continues to retain its reservations to articles 7 (b) and 16 of the Convention.

### B. Positive aspects

12. The Committee notes with appreciation the significant law reform undertaken since the consideration of its combined initial and second reports (CEDAW/C/ISR/1-2) in 1997, aimed at the promotion of gender equality and elimination of discrimination against women and at achieving compliance with the obligations under the Convention, including

amendments to the Women's Equal Rights Law, the Employment of Women Law (Amendment 19), the Prevention of Violence in the Family Law and the Civil Service Law (Appointments) and enactment of the Prevention of Sexual Harassment Law (1998), the Victims of Offences Rights Law (2001), the Prevention of Stalking Law (2001) and the Local Councils Law (Adviser on the Status of Women) (2000).

**13.** The Committee welcomes the establishment of the Authority for the Advancement of Women in 1998.

### **C. Principal areas of concern and recommendations**

**14.** The Committee notes the State party's obligation for the systematic and continuing implementation of all the provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to the Knesset so as to ensure their full implementation.

**15.** The Committee is concerned that the State party has not taken adequate steps to implement the recommendations in regard to some concerns raised in its previous concluding comments adopted in 1997 (A/52/38/Rev.1). In particular, the Committee finds that its concerns reflected in paragraphs 170, 171 and 173 have been insufficiently addressed.

**16.** The Committee reiterates these concerns and recommendations and urges the State party to proceed without delay with their implementation.

**17.** The Committee is concerned that the right to equality between women and men and the prohibition of both direct and indirect discrimination against women has not been reflected in the Constitution or in a basic law.

**18.** The Committee recommends that a definition of discrimination in line with article 1 of the Convention, as well as provisions on the equal rights of women in line with article 2 (a) of the Convention, be included in the new Constitution that is in the process of being drafted, or in a basic law.

**19.** The Committee is concerned that only some provisions of the Convention have been incorporated into the domestic legal order. The Committee is also concerned about the lack of mechanisms to monitor and ensure the compatibility of domestic laws with the State party's obligations under the Convention.

**20.** The Committee urges the State party to fully incorporate the provisions of the Convention into its legal order and regularly assess the compatibility of its domestic laws with its obligations under the Convention. The Committee recommends that the State party implement training and awareness-raising programmes to familiarize judges, prosecutors and other members of the legal profession with the provisions of the Convention.

**21.** The Committee is aware that the persistence of conflict and violence hinders the full implementation of the Convention and notes that recently, steps have been taken towards its resolution. In this regard, the Committee welcomes the draft law on women in peacemaking, which will require 25 per cent participation of women in the peacemaking process.

**22.** The Committee encourages the State party to continue its efforts towards conflict resolution and to fully involve all women concerned in all stages of the peace process.

**23.** The Committee regrets the State party's position that the Convention does not apply beyond its own territory and, for that reason, the State party refuses to report on the status of implementation of the Convention in the Occupied Territories, although the delegation acknowledged that the State party had certain responsibilities. The Committee further regrets that the delegation did not respond to questions by the Committee concerning the situation of women in the Occupied Territories. The Committee notes that the State party's view that the Convention is not applicable in the Occupied Territories is contrary to the views of the Committee and of other treaty bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture and also of the International Court of Justice, which have all noted that obligations under international human rights conventions as well as humanitarian law apply to all persons brought under the jurisdiction or effective control of a State party and have stressed the applicability of the State party's obligations under international human rights conventions to the Occupied Territories.

24. The Committee urges the State party to reconsider its position and to give full effect to the implementation of its obligations under the Convention in regard to all persons under its jurisdiction, including women in the Occupied Territories, and to provide in its next periodic report detailed information on the enjoyment by all women, including if still relevant, women living in the Occupied Territories, of their rights under the Convention.

25. The Committee remains concerned that the State party continues to retain its reservations to articles 7 (b) and 16 of the Convention. The Committee is particularly concerned at the State party's statement that such reservations are "unavoidable at this point in time" and its position that laws based on religious values cannot be reformed.

26. The Committee urges the State party to consider withdrawing its reservations to articles 7 (b) and 16, which are contrary to the object and purpose of the Convention.

27. While welcoming the establishment of the Authority for the Advancement of Women as an important measure towards strengthening the national mechanism for the advancement of women, the Committee is concerned that the Authority may not have sufficient power, visibility, and human and financial resources for the effective promotion of the advancement of women and gender equality.

28. The Committee calls on the State party to strengthen the Authority for the Advancement of Women. In particular, it calls on the State party to ensure that the Authority is provided with the power, location within the executive branch of Government and necessary human and financial resources so as to enable it to carry out effectively the promotion of the advancement of women and gender equality throughout all sectors of Government.

29. While appreciating the State party's efforts to address the issue of trafficking in women and girls, including ratification of the United Nations Convention against Transnational Organized Crime in 2000 and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, in 2001, the establishment of a Parliamentary Investigative Committee on trafficking of women and an amendment to the Penal Law prohibiting trafficking, the Committee is concerned that domestic legislation has not been brought into conformity with international obligations. While noting that a bill to broaden the definition of trafficking is under preparation, the Committee is concerned

that the current definition of trafficking in the Penal Law addresses trafficking only for prostitution and bondage and does not cover trafficking for other forms of exploitation. The Committee also expresses concern about the lack of a comprehensive plan to prevent and eliminate trafficking in women and to protect victims, as well as the lack of systematic data collection on this phenomenon.

**30.** The Committee urges the State party to intensify its efforts to combat all forms of trafficking in women and girls, including by expanding the provisions in the Penal Code to bring it into line with the definition contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Committee also urges the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin and transit so as to address more effectively the causes of trafficking, and improve prevention of trafficking through information exchange. The Committee urges the State party to continue to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. The Committee further calls on the State party to take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the male demand for prostitution. The Committee calls on the State party to ensure that trafficked women and girls have adequate support to be in a position to provide testimony against their traffickers.

**31.** While noting the increase in the number of women in the Knesset, the Committee remains concerned about the low level of representation of women in decision-making positions in local authorities. It is also concerned that the number of women in high-level positions in the civil service and foreign service remains low. The Committee is further concerned about the low level of representation of Israeli Arab women in these areas.

**32.** The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women, including Israeli Arab women, in elected and appointed bodies in all areas of public life.

**33.** The Committee is concerned about the State party's temporary suspension order of May 2002, enacted into law as the Nationality and

Entry into Israel Law (Temporary Order) of 31 July 2003, which suspends the possibility, subject to limited and subjective exceptions, of family reunification, especially in cases of marriages between an Israeli citizen and a person residing in the Occupied Territories. The Committee notes with concern that the suspension order, which has currently been extended through August 2005, has already adversely affected the marriages and family life of Israeli Arab women citizens and Palestinian women from the Occupied Territories.

**34.** The Committee calls on the State party to balance its security interests with the human rights of persons affected by such policies, and to reconsider them with a view to facilitating family reunification of all citizens and permanent residents. It calls on the State party to bring the Nationality and Entry into Israel law (Temporary Order) of 31 July 2003 into line with articles 9 and 16 of the Convention. It requests the State party to provide, in its next periodic report, detailed statistical information and analysis of the short- and long-term impact of this Order on affected women.

**35.** While appreciating the progress made in the fields of women's education and health, the Committee is concerned that Israeli Arab women remain in a vulnerable and marginalized situation, especially in regard to education and health. While efforts have been made to eliminate gender stereotypes from textbooks, the Committee is concerned that these persist in the Arab education system.

**36.** The Committee recommends that the State party take urgent measures to reduce the drop-out rates of Israeli Arab girls and increase the number of Israeli Arab women at institutions of higher education, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee also urges the State party to review and revise textbooks in the Arab education system in order to eradicate gender stereotypes. The Committee recommends that the State party allocate adequate resources to improve the status of Israeli Arab women's health, in particular with regard to infant mortality, and to provide in its next periodic report a comprehensive picture of the situation of Israeli Arab women.

**37.** The Committee is concerned about the number of incidents at Israeli checkpoints which have a negative impact on the rights of Palestinian women, including the right of access to health-care services for pregnant women.

**38.** The Committee calls upon the State party to ensure that the Israeli authorities at the checkpoints are instructed to ensure the access to health-care services for pregnant women, while protecting the security of Israel.

**39.** The Committee is concerned that Bedouin women living in the Negev desert remain in a vulnerable and marginalized situation, especially in regard to education, employment and health. The Committee is especially concerned with the situation of Bedouin women who live in unrecognized villages with poor housing conditions and limited or no access to water, electricity and sanitation.

**40.** The Committee requests the State party to take effective measures to eliminate discrimination against Bedouin women and to enhance respect for their human rights through effective and proactive measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 in the fields of education, employment and health. The Committee calls upon the State party to provide, in its next periodic report, a comprehensive picture of the situation of Bedouin women and girls in regard to their educational opportunities and achievements, and access to employment and health-care services, and to provide an assessment of the impact of policies in those areas that directly affect them.

**41.** The Committee is concerned by the State party's assertion that it is not in a position to implement the law prohibiting polygamy and enforce the minimum age of marriage due to respect for the privacy rights of persons engaging in such practices. The Committee is further concerned that petitions for under-age marriage of girls are regularly granted.

**42.** The Committee urges the State party to take active measures to enforce the prohibition of polygamy and adherence to the minimum age of marriage. The Committee recommends that the State party take comprehensive and effective measures, including public awareness-raising campaigns, aimed at eliminating the practices of polygamy and early-age marriage.

**43.** The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

**44.** The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing

Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

**45.** The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals (MDGs). It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the MDGs and requests the State party to include information thereon in its next periodic report.

**46.** The Committee notes that States' adherence to the seven major international human rights instruments\* enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Israel to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**47.** The Committee requests the wide dissemination of the present concluding comments in order to make all people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

**48.** The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention, which is due in November 2008.

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\* The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Writing alternative country reports for the UN treaty monitoring bodies is one of the main activities of the World Organisation Against Torture (OMCT). This report on violence against Palestinian women was jointly prepared by OMCT and the Public Committee against Torture in Israel (PCATI) for the Committee on the Elimination of Discrimination against Women. It was presented at the 33rd session of the Committee on the Elimination of Discrimination against Women, which took place in New York from 5 to 22 July 2005 and during which the Israeli Government's report was examined. An OMCT delegate and a PCATI delegate presented the report during the NGO information session of the Committee and shared their observations and concerns with its members.

This study highlights the effect of the current conflict and occupation on Palestinian women and girls from the Occupied Palestinian Territories (OPT). Special emphasis is given to torture and ill-treatment of Palestinian women from the OPT who were detained, interrogated and imprisoned by Israeli security forces. The report also calls attention to the loss of life of Palestinian women as a result of military actions and presents cases of women who were forced to give birth at checkpoints because of delays or denial of access to medical care.

The Committee's Concluding Observations adopted following examination of the Israeli government report are included in the Appendices.

The World Organisation Against Torture wishes to thank the Interchurch Organisation for Development Cooperation for its support for OMCT's Violence against Women Programme.



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