



**Women's Centre for Legal Aid and Counselling
(WCLAC)**

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST
WOMEN (CEDAW)**

**Pre-sessional Working Group - (25-29 June 2016)
Suggested List of Issues Prior to Reporting for
Israel**

Submission

Date: 10 June 2016

The Women's Centre for Legal Aid and Counselling ([WCLAC](#)) is a Palestinian non-governmental organization established in 1991 and based in Ramallah and East Jerusalem. WCLAC aims to address the causes and consequences of gender-based violence within the community as well as the gender-specific effects of prolonged military occupation.

1. Introduction

1.1 The purpose of this submission is to provide the CEDAW Committee with a suggested list of issues affecting Palestinian women living under Israeli occupation for consideration during the Pre-Sessional Working Group meetings prior to reporting for Israel. This comes to affirm the CEDAW Committee's position that the Convention applies beyond the State Party's own territory and that it is the State Party's duty to report on the status of implementation of the Convention in the Occupied Territories, including the situation of women in the Occupied Territories. The submission is based on some of the main conflict related issues affecting Palestinian women under occupation that were documented by WCLAC in the past 18 months. During the course of this period WCLAC collected **220 testimonies** from women in the West Bank, East Jerusalem and the Gaza Strip with a focus on:

- Night-raids conducted by the Israeli military on Palestinian homes;
- Settler violence;
- Human rights defenders;
- Unlawful transfer of female prisoners;
- Property destruction; and
- General issues affecting women in Gaza.

2. Night raids

2.1 Night raids conducted by the Israeli military on Palestinian homes in the West Bank and East Jerusalem remains a major concern according to women interviewed by WCLAC in 2015 and the first 6 months of 2016. During the course of this period, WCLAC interviewed **156 women** who had direct experience of a night and the common thread running through each testimony was a sense of fear and terror engendered by this practice.

2.2 According to evidence collected by WCLAC the majority of raids occur between 2:00 a.m. and 4:00 a.m. when the residents of the targeted households are asleep. The raids are conducted by large numbers of soldiers in full battle gear who often wear camouflage or masks over their faces. The targeted household will usually wake to the sound of shouting or loud banging at the front door. Since October 2015, a more common practice has been for front doors to be kicked in or blown off their hinges without any prior warning whatsoever.

2.3 A common theme throughout the testimonies is the sense of fear and terror experienced by those in the targeted households as large numbers of soldiers enter the house and sometimes the bedrooms. This sense of terror increases when children are involved, with reports of young children wetting themselves. In some cases the soldiers are also accompanied by

service dogs which increases the tension and fear inside the confined space of the family home.

- 2.4 There is some evidence that night raids increase in frequency and intensity every time the military rotates a new unit into the area. The intention appears to be to stamp the new unit's authority on the region early on during its deployment and to send a clear message to the surrounding Palestinian communities that all forms of resistance are futile.
- 2.5 In many of the night raid cases documented by WCLAC no arrests were made, suggesting that the purpose of the raid was simply to intimidate the community. In cases where arrests were made, little or no information was provided to the family who were left to contact NGO's to obtain information as to the whereabouts of their loved ones.
- 2.6 Following the upsurge in violence in October 2015, WCLAC noted a sharp increase in the frequency and intensity of night raids in the West Bank. The evidence disclosed an increase in gratuitous property damage, such as throwing clothes and kitchen items on the floor, as well as the making of death threats against women and family members attempted to ask the soldiers for information regarding why their home had been targeted. In the month of October alone, WCLAC recorded death threats being made by soldiers in **42 per cent** of night raid cases documented by the organisation.
- 2.7 From the body of evidence collected by a number of key findings emerged:
- (i) The Israeli military is currently conducting approximately **1,400** night raids each year in the West Bank (not including East Jerusalem), or four raids each and every night;
 - (ii) Since June 1967, it is estimated that the Israeli military has conducted **68,600** night raids in the West Bank (not including East Jerusalem). This figure does not include the more common day-time incursions into Palestinians centres of population conducted by the Israeli military; and
 - (iii) On average each night raid occurs within **2 kilometres** of an Israeli settlement built in violation of international law and UN Security Council resolutions.
- 2.8 Based on the evidence it is reasonable to conclude that the extensive use of night raids by the Israeli military into Palestinian communities appears to be part of the well-documented strategy of "making the military's presence felt" in order to suppress the Palestinian population so that Israeli settlers can go about their daily routine relatively undisturbed in occupied territory.¹

Recommendation

- Request that the CEDAW Committee includes a section on Israeli military night-raids on Palestinian homes in its list of issues prior to reporting for Israel.

3. Settler violence

- 3.1 Violent attacks carried out by Israeli settlers in the West Bank and East Jerusalem against Palestinians and their property continue to be one of the major concerns of women interviewed by WCLAC in 2015 and the first 6 months of 2016. During the course of this period, WCLAC interviewed **15** women who had direct experience of a settler.
- 3.2 Before considering the evidence relating to settler violence, it is worth reviewing the applicable legal principles relating to settlement activity in occupied territory:
- (i) The West Bank and East Jerusalem are under Israeli military occupation;
 - (ii) Occupying powers are not permitted to allow their citizens to live in occupied territory;
 - (iii) All Israeli settlements, settlement blocks and outposts in the West Bank and East Jerusalem are illegal under international law; and
 - (iv) All legal obligations undertaken by the Government of Israel apply equally, and without discrimination, to all persons under its control, including Palestinians living in the West Bank and East Jerusalem.
- 3.3 In 2013 an independent UN report found that the establishment of the settlements has fragmented the West Bank placing at risk the possibility of a Palestinian State, and by implication, a viable two state solution – a stated policy goal of the US, EU and UN.² Whilst the fenced areas of the settlements cover three per cent of the West Bank, in total 43 per cent of the territory is allocated to settlement local and regional councils.
- 3.4 The UN report also highlighted violence between settlers and Palestinians in the West Bank and expressed the view that the intention behind settler attacks is to pressure Palestinians to leave the land. Numerous testimonies cited in the report referred to the presence of the Israeli police and military forces during these attacks suggesting an element of coordination, collusion and complicity by the State.
- 3.5 According to figures compiled by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in 2015, the UN agency recorded a total of **224** Israeli settler

attacks on Palestinians and their property across the West Bank, including East Jerusalem, of which **89** resulted in Palestinian injuries and **135** in damage to property. This compares with 324 incidents in 2014 representing a decrease of **31 per cent**.

- 3.6 On 31 July 2015, settlers conducted an arson attack on a home in the West Bank village of Duma which left one Palestinian infant dead and the rest of the family severely injured. The infant's parents later died of their injuries in hospital. Following the attack the UN Security Council issued a statement condemning "in the strongest terms the vicious terrorist attack and underlining the need to bring the perpetrators of this deplorable act to justice". On 3 January 2016, two settlers, including one minor, were charged with various offences arising out of the incident.³
- 3.7 The nature of the Duma attack in July bears a chilling similarity to two cases documented by WCLAC in March 2015 and illustrates that settlement construction in occupied territory makes violence of this nature virtually inevitable raising questions about the personal responsibility of Israeli officials who encourage and facilitate continued settlement activity in the West Bank and East Jerusalem.
- 3.8 As already noted the Palestinian communities affected most by night raids are located on average within two kilometres of an Israeli settlement. Many of these Palestinian communities are located even closer to roads used by settlers or the Israeli military highlighting the inevitable friction that is caused by the mass influx of illegal settlers. Based on the evidence it is reasonable to conclude that the mass intimidation of the Palestinian civilian population by the military is an essential element in maintaining the viability of Israel's settlement project in occupied territory.

Recommendations

- Request that the CEDAW Committee includes a section on settler violence in its list of issues prior to reporting for Israel.

4. Human Rights Defenders: WCLAC field-researcher shot while peacefully protesting

- 4.1 In April 2015, Ms. Manal Tamimi, a field-researcher for WCLAC, was shot in the leg by an Israeli soldier during the weekly protest in the West Bank village of An Nabi Saleh. The weekly demonstrations in the village have been taking place every Friday for the past five years and oppose Israeli settlement construction and continued military occupation. Ms. Tamimi is prominent human rights defender through her involvement in the weekly protests in the village. These demonstrations started in 2009 after residents in the settlement of Hallamish seized a spring owned by a villager.

- 4.2 In July 2015, WCLAC and Lawyers for Palestinian Human Rights (LPHR) submitted a joint [complaint](#) to the UN Special Rapporteurs on Violence against Women and Human Rights Defenders concerning the frequent targeting of Ms. Tamimi by Israeli military authorities.⁴
- 4.3 WCLAC and LPHR are concerned that the shooting and frequent targeting of Ms. Tamimi by the Israeli military authorities amounts to an illegitimate and grave interference with her right to peacefully demonstrate. The organizations have urged the Special Rapporteurs to undertake an urgent investigation of Ms. Tamimi's case and contact the government of Israel to ensure that her treatment by Israeli authorities is consistent with fundamental rights guarantees contained within international human rights law.
- 4.4 WCLAC and LPHR have further requested that the Special Rapporteurs consider urging the Israeli military authorities to repeal Military Order 101 on the basis that this unjust law is repeatedly used to unjustifiably infringe upon the fundamental right to protest guaranteed by international human rights law.
- 4.5 On 24 March 2016, WCLAC submitted a further [complaint](#) to four UN Special Procedures mechanisms on behalf of a local activist and human rights defender, Mrs. Manal Tamimi. The most recent complaint relates to an incident that occurred on 8 March 2016 in which a large number of Israeli soldiers raided Mrs. Tamimi's home at 1:30 a.m. She was physically assaulted during the raid and then detained without initially being given reasons. After being painfully tied, shackled and blindfolded, she was taken to a deserted area near her village where she heard the sound of weapons being cocked ready for firing. She was later interrogated and accused of assaulting an Israeli intelligence officer in Ramallah five months earlier.
- 4.6 Following her interrogation, Mrs. Tamimi was unlawfully transferred and detained in Hasharon prison inside Israel in violation of [Article 76](#) of the Fourth Geneva Convention that prohibits the transfer of protected persons from occupied territory. After three days in detention a video was produced at Ofer military court proving that Mrs. Tamimi was not in Ramallah on the day of the alleged assault and she was released on a bond of NIS 4,000 (about \$1000).

Recommendation

- Request that the CEDAW Committee includes a section on Israel's targeting of female human rights defenders in its list of issues prior to reporting for Israel and to call on Israel to report on practices that violate the fundamental right of the Palestinian people to peaceful assembly.

5. Upsurge in violence

- 5.1 In October 2015 there was increase in the level of violence in East Jerusalem and the West Bank. For well over a year prior to the recent upsurge in violence the UN, EU and civil

society have been warning that tensions were on the rise in Jerusalem. The general consensus was that the tension can be attributable to a number of factors including:

- (i) Restrictions on access to the Al Aqsa mosque;
- (ii) Police/military brutality and night raids;
- (iii) Relentless settlement construction in East Jerusalem and the West Bank;
- (iv) Lack of adequate housing and building permits for Palestinians; and
- (v) Freedom of movement restrictions imposed by the Israeli permit system.

In addition to these factors the failure of any credible political process to resolve the conflict in accordance with well established principles of international law inevitably leads to an erosion in faith in the possibility of a peaceful resolution.

- 5.2 In response to the upsurge in violence there is evidence that Israeli forces in East Jerusalem and the West Bank are increasingly resorting to extra-judicial killing, mass intimidation and collective punishment in order to maintain their grip on Palestinian territory in violation of basic international norms.
- 5.3 According to a statement published by Amnesty International ([“Israeli Forces in Occupied Palestinian Territories Must End Pattern of Unlawful Killings”](#)): “[T]here is mounting evidence that, as tensions have risen dramatically, in some cases Israeli forces have ripped up the rule book and resorted to extreme and unlawful measures. They seem increasingly prone to using lethal force against anyone they perceive as posing a threat, without ensuring the threat is real.” Amnesty’s statement continues: “Intentional lethal force should only be used when absolutely necessary to protect life. Instead we are increasingly seeing Israeli forces recklessly flouting international standards by shooting to kill in situations where it is completely unjustified. Israeli forces must end this pattern of unlawful killings and bring all those responsible to justice.”

6. Property destruction

- 6.1 The home is the centre of most women’s lives in the occupied Palestinian territory. The home not only provides basic shelter but is a place where women participate in social activities with friends and family, where they can create a safe and secure environment for their children, and can also be a location for economic activity. The particular relationship that women have with their homes means that forced evictions and home demolitions or even the threat of being forced from their home has an acute and distinct impact on women’s lives.
- 6.2 According to UN data Israeli authorities demolished or dismantled a total of **539** Palestinian owned structures in the West Bank in 2015, mostly in Area C, on the grounds of lack of building permits. This represented a **10 per cent** decrease compared with 2014. According to

the UN Approximately **60 per cent** of the structures targeted in both years were located in small herding communities in Area C, and some **20 per cent** were provided as humanitarian assistance and funded by international donors. Israel's current housing policy and issuance of construction permits to Palestinians does not ensure that Palestinian women are able to enjoy their right to adequate housing and to family and private life.

Recommendation

- Request that the CEDAW Committee includes a section on Israel's practice of demolishing Palestinian homes in area C and in East Jerusalem in the list of issues prior to reporting for Israel, and to request an answer as to whether Israel, as the occupying power, has the legal right to establish a building permit regime in occupied territory and to maintain it indefinitely.
- Request that Israel provides a detailed list of building permits issued to Jewish residents of the illegal settlements in Area C and in East Jerusalem and to compare it to the number of building permits issued to Palestinian residents in area C and in East Jerusalem since the last CEDAW Committee review of Israel.
- Israel should review its housing policy and issuance of construction permits to Palestinians to ensure that Palestinian and Israeli Arab women can enjoy all their fundamental rights and freedoms, particularly their right to adequate housing and to family and private life

7. Unlawful transfer of female prisoners

7.1 According to data released by the Israeli Prison Service (IPS), in any given month since January 2015, between **18** and **57** Palestinian women and girls were transferred and/or unlawfully detained in prisons located inside Israel in violation of Article 76 of the Fourth Geneva Convention and Article 8 of the Rome Statute.⁵ In 2015 no Palestinian female political prisoner held in Israeli prisons were detained inside the Occupied Palestinian Territories as required under international law. This policy not only makes it more difficult for family members to visit their loved ones in prison, it also amounts to a war crime in circumstances where there is no dispute of fact.

Recommendation

- Request that the CEDAW Committee includes a section on Israel's illegal practice of transferring Palestinian female prisoners to prisons inside Israel.

8. Gaza

8.1 In June 2015, the [International Commission of Inquiry](#) established by the UN following the 2014 war in Gaza ("Operation Protective Edge") published its findings in a 183 page [Report](#) and 34 page [Summary](#). The Commission's mandate was to examine alleged violations of

international law occurring between 13 June and 26 August 2014, throughout Israel and Palestine. The Commission received full support from Palestine whilst Israel declined to cooperate. According to the Commission:

- 2,251 Palestinians were killed during the 51-day military attack on the Gaza Strip. The Commission found that 1,462 of the Palestinian fatalities were civilians (65 per cent), including 299 women (20 per cent) and 551 children (38 per cent). A further 11,231 Palestinians were injured, including 3,540 women (32 per cent) and 3,436 children (31 per cent). According to the Commission, 1,500 children in Gaza were left orphaned by the war.
- There was enormous destruction to the civilian infrastructure in Gaza, including: 18,000 housing units destroyed in whole or in part; much of the electricity network and of the water and sanitation infrastructure were incapacitated; and 73 medical facilities and many [ambulances](#) were damaged. At the height of the hostilities, the number of internally displaced persons reached 500,000 or 28 per cent of the population of Gaza.
- The Commission also found that many of the attacks launched by Israel on residential buildings occurred at dusk and dawn. The timing of the attacks increased the likelihood that many people, often entire families, would be at home. Further, attacking residential buildings rendered women particularly vulnerable to death and injury.

8.2 The Commission concluded that the persistent lack of implementation of recommendations – made by previous commissions of inquiry, fact-finding missions, United Nations treaty bodies, special procedures and other United Nations bodies, in particular the Secretary-General and OHCHR – lies at the heart of the systematic recurrence of violations in Israel and Palestine. The Commission made a number of specific recommendations to both parties based on agreed principles of international law. The Commission also found serious flaws in both Israel’s investigative processes and a lack of appropriate accountability.

8.3 On 15 January 2015, [WCLAC submitted a 55-page report](#) to the Commission of Inquiry highlighting the cases of 36 women from Gaza and including their eyewitness testimonies of their experiences during the 51-day conflict. Many of the issues referred to by the Commission of Inquiry are included in these testimonies.

8.4 The ceasefire following the 2014 war in Gaza largely held throughout 2015. Twenty-four Palestinian fatalities were recorded in Gaza in 2015 as a result of the conflict – the second lowest figure since the outbreak of the second Intifada in 2000.⁶

8.5 Unemployment in Gaza remains one of the highest figures in the world at 42.7 per cent, and commercial exports and transfers still constitute only 10 per cent of the volume recorded in 2007, prior to the imposition of the blockade.⁷

9. Concluding words

9.1 Time and again illegal Israeli settlement construction in the West Bank and East Jerusalem has been identified as the main impediment to a peaceful resolution to the conflict based on a two-state solution and yet settlement construction continues. The response of the international community has generally been too little too late with foreseeable consequences.

9.2 During the 2015, 1,800 new housing units were constructed in the settlements and despite a declared “tender freeze”, tenders for 1,143 new housing units were published in 2015.⁸ It is estimated that at some point during the course of 2016, the settler population in East Jerusalem and the West Bank will exceed 600,000, making the chances of a two-state solution more and more improbable and the chances of further violence more likely.

9.3 In the absence of any credible political process or accountability the last remaining option within an established international framework may involve proceedings at the International Criminal Court. Should this option also fail then a future including increased instability, escalating violence, desperation and extremist views in Israel and Palestine is looking ever more likely. The impact of such developments on Palestinian women will be devastating.

¹ See for example testimonies provided by former Israeli soldiers to the group Breaking the Silence. Available at: <http://is.gd/7EZzvf>

² UN Human Rights Council, Report of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/. Available at: <http://is.gd/0Uv83c>

³ Jerusalem Post, Amiram Ben Uleil and minor indicted in Duma terror attack, 3 January 2016. Available at: <http://is.gd/Wo8wei>

⁴ UN submission on frequent targeting of human rights defenders. Available at: <http://is.gd/uyXi7q>

⁵ Palestinian women and girls held in Israeli military detention are generally held in Hasharon and Damon prisons.

⁶ OCHA Humanitarian Bulletin, December 2015. Available at: <http://is.gd/tNuO6K>

⁷ OCHA Humanitarian Bulletin, December 2015. Available at: <http://is.gd/tNuO6K>

⁸ Peace Now. Available at: <http://is.gd/ZOIX2B>