



PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the Special Rapporteur on violence against women, its causes and consequences

REFERENCE: AL G/SO 214/79-9 G/SO 214 (89-15)
ISR 9/2013

12 November 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 5/1 and 23/25.

In this connection, we would like to bring to your Government's attention information we have received concerning the following cases of Israeli settler violence against Palestinian women and their families:

- Ms. [REDACTED], a Palestinian woman from Al Mazra'a Al Qibliyeh, West Bank, was allegedly severely beaten by four settlers as she picked herbs near her home. Ms. [REDACTED], lives with her husband and five children in her village near the Israeli settlement of Talmon.

According to information received, at 8:00 a.m. on 18 July, 2013, Ms. [REDACTED] left her home with her nine-year-old son, and went to pick sage on their family land. As she was working in the hills, and her son rested under a tree close by, she was allegedly surrounded by four settlers who were carrying three pistols and one rifle. Ms. [REDACTED] tried to walk away from them, but the settlers began running after her and struck her in the back with a rock. Ms. [REDACTED] was then unable to continue running and fell down. The men reportedly beat her with their fire-arms, slapping and kicking her violently, until she lost consciousness. When she regained consciousness, Ms. [REDACTED] managed to crawl to where her son was, and asked him to get help from workers at a nearby quarry. She was then driven to the hospital, but lost consciousness again before arriving. She reportedly spent four days at the hospital where she was treated for wounds and bruises.

It is reported that Ms. [REDACTED] now suffers from aches and pains, and still visits the clinic for follow up treatment. Both Ms. [REDACTED] and her son have nightmares

and wake up screaming in the middle of the night. In addition to the physical and psychological repercussions of the attack, she worries about her family and their income, as her husband is unable to work due to illness and she provides for her family by picking wild herbs and selling them at the market in Ramallah. She reportedly will not be able to collect herbs for some time and is also terrified of going back into the hills.

- ██████████, a Palestinian mother of three and her family were allegedly attacked and shot at by Israeli settlers, while planting almond trees on their land in the village of Qusra, in the West Bank. Her village is reportedly surrounded by settlements built on land belonging to the village and other villages nearby.

According to information received, on Saturday 23 February 2013, at approximately 12:00 p.m., Ms. ██████████ and her family were taking a tea break, after a morning of field work on their land, when they allegedly heard men shouting and cursing outside their shed. When Ms. ██████████ and her husband walked out of the shed they reportedly saw five Israeli settlers carrying guns, including a masked man who took position behind a pile of dirt at close distance, pointed at them with his rifle and started shooting in their direction. It is reported that as the settler shot at them repeatedly, Ms. ██████████ and her husband rushed into their car and managed to move away from the area, as did their children who were inside the shed.

A day later, Ms. ██████████'s husband came back to their field and noticed that the attackers had pulled out some trees, smashed the windows of their shed and damaged their property. He reportedly also found empty tear gas canisters from Israeli soldiers on the ground. According to their neighbours, the soldiers fired tear gas and sound grenades at villagers who stood by on that day. Ms. ██████████ is allegedly suffering psychological trauma as a result of these attacks.

- ██████████, a 62 year old Palestinian woman who was allegedly attacked by armed Israeli settlers in her home. Ms. ██████████ lives with her husband in the Palestinian village of Qusra, in the West Bank and they run a small dairy farm. Their house is reportedly located on the top of a hill across the Israeli settlement of Migdalim, which was built in 1984.

According to information received, on Saturday, 23 February, at approximately 12:00 p.m., a group of four settlers armed with metal sticks approached Ms. ██████████'s house shouting and insulting her and her husband. While they were warned to stay inside, the settlers allegedly began to smash the windows and throw stones at the house. It is reported that Ms. ██████████ and her husband did not offer any resistance to the attack as they feared they were not strong enough to confront them.

It is also reported that a group of young men who were passing by tried to keep the attackers away from the house, and that clashes lasted until mid-afternoon when Israeli soldiers arrived and dispersed the men. The soldiers allegedly threw tear gas and stun grenades at the village men who were trying to resist the settlers. Neighbours allegedly reported that settlers also attacked other homes from the area. This was reportedly not the first time Ms. [REDACTED] had suffered an attack of this sort.

These events have taken place in a context of persistent violence and property destruction by Israeli settlers in the Occupied Palestinian Territory, with particularly negative effects on women and their families. It is reported that entire villages have been attacked by settlers with the acquiescence of the Israeli authorities and that tear gas has been used against villagers who try to defend themselves. Other incidents include violence perpetrated against young girls while riding a bus to school, women and girls being sprayed with urine while walking on the street, and women and their families receiving death threats by security guards as they work the land.

As stated in recent reports of the Secretary-General, the High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, acts of violence committed by Israeli settlers living in the Occupied Palestinian Territory against Palestinians occurs with alarming frequency and has resulted in some cases in victims being severely injured (A/68/513, A/68/379, A/HRC/23/21 and A/HRC/22/35). Destruction of property, especially agricultural lands and acts of violence close to sources of water, has had a grave impact on Palestinians, who depend on those resources for their livelihood. (A/67/375).

Concern is expressed regarding the reported continuous violence against women and their families, perpetrated by Israeli settlers in the Occupied Palestinian Territory, as well as the alleged failure of the Israeli authorities to prevent, respond to, protect against, and provide redress for these acts.

While we do not wish to prejudge the accuracy of these allegations, we would like to bring to your Excellency's attention Article 1 of the United Nations Declaration on the Elimination of Violence against Women which provides that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

In this context, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment

by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women (ratified by your Excellency's Government on 3 October, 1991), whether perpetrated by a State official or a private citizen, in public or private life.

We also recall Article 4 (b) of the United Nations Declaration on the Elimination of Violence against Women, which stipulates that States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should refrain from engaging in violence against women. Article 4 (c & d) of the Declaration also notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms.

In this context, the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), considers that States parties are under an obligation to act with due diligence to investigate all crimes, including that of sexual violence perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. In general recommendation No. 19, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfil this obligation; in paragraph 9, it makes clear that "under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation".

Moreover, as it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the cases accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken; Have penal,

disciplinary or administrative sanctions been imposed on the alleged perpetrators?

5. Please indicate whether compensation has been provided to the victims or their families.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Richard Falk
Special Rapporteur on the situation of human rights in the Palestinian
territories occupied since 1967

Rashida Manjoo
Special Rapporteur on violence against women, its causes and
consequences