**State of Palestine input for the Special Rapporteur on Torture**

Occupation and armed conflicts are subject to stringent legal standards under international law, which aim to ensure the protection of civilians, respect for human rights, and maintenance of global peace and security. However, the Israeli Occupation over Palestine is unlawful under international law.[[1]](#footnote-1) This is why Israel, the Occupying power has been committing genocide, ethnic cleansing, annihilation, collective punishment, forced displacement and other grave violations of international law with abject impunity and deliberate disregard for Palestinian lives and fundamental rights. Israel's actions have inflicted unimaginable suffering on 2.2 million people. This includes the deliberate deprivation life essentials, starvation, the cut off of fuel, power, water, and hindering access to food, medicine, and basic services, as well as intentionally targeting civilians, and humanitarian workers, causing the destruction of social infrastructure, buildings and installations, including hospitals, solar panels, and places of worship. Israel's tactics extend beyond denying life essentials, as they have also resorted to sexual torture as a means of warfare.

Sexual torture represents one of the most abhorrent forms of human rights violations, penetrating the very core of our intimate selves. It encompasses a spectrum of barbaric acts, including forced nudity, verbal sexual threats, assault, rape, and other degrading practices. Despite its widespread occurrence, impunity remains pervasive, particularly in conflict zones where it is wielded as a weapon of domination. It epitomizes the exertion of power, inflicting lasting physical and psychological trauma, necessitating specialized rehabilitation.

Palestinian men, women, and children are subjected to rape, physical harassment, and threats of sexual violence. Reports by UNRWA disclosed sexual abuse against both men and women and the insertion of what appears to be an electrified metal stick into prisoners’ rectums.[[2]](#footnote-2) In an official statement by UN experts, it was affirmed that Palestinian women are subjected to sexual assaults and rape. They confirmed that at least two female Palestinian detainees in the occupation’s detention centers were reportedly raped while others were reportedly threatened with rape and sexual violence.[[3]](#footnote-3)

In the case of Lama Khater a Palestinian ex-detainee, she was threatened by rape and burning her entire family; this extended to discussing the forms of rape and positions that the occupation officers want to perform on her. In another case they verbally sexually harassed Suhair Barghouti an ex Palestinian detainee, IOF used sexual terms describing her in front of her male cousins and family members as a form humiliation.[[4]](#footnote-4)

Moreover, a Palestinian women in Gaza upon her exit from Al-Shifa hospital testified that Women have been subjected to rape, torture, and extrajudicial execution. A Palestinian woman was raped for two days until she lost her ability to speak. Another woman at the Nasr Hospital was stripped of her clothing by Israeli soldiers in front of her husband and brother, and when one of them took their clothes off to cover her the Israeli soldiers killed both her brother and husband.[[5]](#footnote-5) These incidents are fractions of the broader image of the systematic sexual torture and violence Palestinians are subjected to in the occupied territory.**[[6]](#footnote-6)**

**Challenges and Obstacles in documenting cases of Sexual torture**

Documenting such cases is extremely difficult for several of reasons. First, amidst the relentless onslaught of genocide, annihilation, ethnic cleansing, and displacement in the Occupied Territory, instances of sexual torture may unfortunately be perceived as just one among countless other horrors faced by the Palestinian population. The sheer scale of the atrocities can overshadow individual instances of sexual torture, leading victims to focus primarily on their immediate survival rather than on reporting such incidents. Moreover, the sensitivity of the subject, the pervasive fear and trauma experienced by victims further complicate the process of reporting. Survivors may be hesitant to come forward due to the fear of reprisals, and stigma. In some cases, cultural or societal taboos surrounding sexual violence may also discourage Palestinian victims from speaking out.

Secondly, the absence of personnel documenting and gathering information on the ground represents a formidable obstacle. Journalists, human right defenders and Humanitarian workers, who play a vital role in documenting and reporting cases are frequently deliberately targeted by the Israeli Occupation Forces. Until today 224 humanitarian workers were executed including 178 UNRWA staff members and 7 humanitarian workers from the World Central Kitchen, more than three times as many humanitarian aid workers killed in any single conflict recorded in a single year.[[7]](#footnote-7) This in addition to 122 journalists killed.[[8]](#footnote-8) As a result, the already limited pool of individuals capable of documenting these incidents is further depleted, exacerbating the challenges in reporting efforts.

Thirdly, Israel, the occupying power, deliberately continues to cut off electricity and to target telecommunication infrastructure. This subjects Gaza Strip to a blackout isolating it from the world. This presents a significant obstacle to individuals tasked with documenting human rights abuses, such as sexual torture. The ability to capture and report incidents through videos, written reports, or communication with international organizations or government entities is severely compromised. Without access to electricity, to power devices or reliable telecommunication networks to transmit information, documenting and disseminating evidence of atrocities becomes a monumental task.

Fourthly, checkpoints in the West Bank can significantly limit the ability to document cases of sexual torture. These checkpoints, often manned by IOF, restrict movement and access to healthcare, legal assistance, and human rights organizations. As a result, survivors of sexual torture may face obstacles in seeking help, reporting incidents, or accessing support services.

Fifthly, the Israeli Occupation Forces (IOF) continues to detain more than 9500 Palestinians in its detention centers including 80 women and 200 children. This number does not even encompass the detainees from the Gaza Strip. Despite the significant number of individuals held in custody, the occupying power refuses to disclose their status and whereabouts.

The IOF's refusal to disclose any information about the detainees or to grant access to international bodies such as the International Committee of the Red Cross (ICRC) or legal representatives constitutes a blatant violation of human rights. This lack of transparency allows for the perpetuation of torture including sexual torture against detainees, as they are effectively held incommunicado, without any oversight or accountability measures in place.

Sixthly, Israel's deliberate denial of entry to UN experts whose perspective and reports do not align with its agenda. Obstructs efforts to document cases of sexual torture in the occupied territory of Palestine. By restricting access, Israel, the occupying power, prevents experts from gathering firsthand evidence, interviewing survivors, and assessing the extent of violations. This denial hampers accountability mechanisms and perpetuates impunity for perpetrators. Granting access to UN experts would enhance documentation efforts, strengthen accountability, and increase awareness of sexual torture's prevalence. Moreover, such visits could pressure Israel to adhere to international human rights standards, improving access to justice and support for survivors.

The deliberate efforts by the occupying power to restrict access and destroy evidence serve as clear indicators of the occurrence of sexual torture in the occupied territory. These actions signal a grave disregard for international humanitarian law and basic human dignity. Given the severity of the situation and the urgent need to address such egregious violations, there is a clear, automatic and compelling mandate for the special rapporteur on torture to intervene. The special rapporteur is uniquely positioned to shed a light on these atrocities, to advocate for accountability, and to push for measures aimed at preventing further harm. Through thorough documentation, reporting, and advocacy for justice, the special rapporteur can play a pivotal role in addressing the ongoing crisis of sexual torture in conflict-affected regions.

**Recommendations:**

1. To automatically activate article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, this is through cooperating with the committee against torture to ensure information exchange regarding allegations of systematic sexual torture within the country of conflict.
2. Special rapporteurs are mandated to proactively address and report on cases of sexual torture occurring in countries of conflict, without requiring a request from the country of conflict.
3. To call on the committee against torture to warrant an investigation in the country of conflict regarding the crime of sexual torture.
4. To call on the committee of torture to include the situation in the country of conflict including Palestine within its annual report.
5. To call on the international community to open an immediate investigation into the crimes committed in conflict zones including Palestine.
6. To report to the Human Rights Council and to propose recommendations to protect sexual torture victims rights;
7. Support investigations carried out by entities such as the International Criminal Court and the Commission of Inquiry on the Occupied Palestinian Territory including East Jerusalem, and Israel.

1. Check this: <https://www.ohchr.org/en/press-releases/2022/10/commission-inquiry-finds-israeli-occupation-unlawful-under-international-law> [↑](#footnote-ref-1)
2. Check this: <https://www.unrwa.org/resources/reports/detention-and-alleged-ill-treatment-detainees-gaza-during-israel-hamas-war> [↑](#footnote-ref-2)
3. Reem Alsalem, Special Rapporteur on violence against women and girls, its causes and consequences; Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; Dorothy Estrada Tanck, Claudia Flores, Ivana Krstić, Haina Lu, and Laura Nyirinkindi, Working group on discrimination against women and girls, 19 February 2024. <https://www.ohchr.org/en/press-releases/2024/02/israelopt-un-experts-appalled-reported-human-rights-violations-against> [↑](#footnote-ref-3)
4. independent commission of human rights, Jarrar Khalida, Booklet, 2023 [↑](#footnote-ref-4)
5. Middle East Monitor (2024) *‘women in Gaza are being raped and this is not being investigated or reported’*, *Middle East Monitor*. Available at: <https://www.middleeastmonitor.com/20240324-women-in-gaza-are-being-raped-and-this-is-not-being-investigated-or-reported/> (Accessed: 25 March 2024). [↑](#footnote-ref-5)
6. [↑](#footnote-ref-6)
7. Check this: <https://press.un.org/en/2024/sc15658.doc.htm> [↑](#footnote-ref-7)
8. Check this: <https://www.ohchr.org/en/press-releases/2024/02/gaza-un-experts-condemn-killing-and-silencing-journalists> [↑](#footnote-ref-8)