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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by TOBE Foundation for Rights & Freedoms, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2021]

* Issued as received, in the language(s) of submission only.



Crimes against Humanity, Crimes of War and Incarceration of WHRDs in MENA

The TOBE Foundation for Rights & Freedoms, Women Human Rights Defenders (WHRD) Regional Coalition in the Middle East and North Africa (WHRD MENA Coalition), and FEMENA are extremely concerned about the crimes against humanity, war crimes and incarceration of women human rights defenders (WHRDs) in Yemen, the State of Palestine and Afghanistan. The Human Rights Council needs to hold these states accountable, push for the adoption of a resolution that looks into these crimes, and punish perpetrators, including state and non-state actors in accordance with the law.

In Yemen, women and WHRDs are held captive in secret prisons in Sana'a by the Houthi militant groups, where they are subjected to, according to various news outlets, abduction and various forms of torture. They tend to be held in these secret prisons for years. In a published testimony by a 55-year-old WHRD, who is a member of the General People's Congress, she describes how she was beaten on a daily basis, forced to stand on one foot and electrocuted. Moreover, she currently has problems with her vision due to her beating on a daily basis, and suffers from renal disease due to drinking polluted water in these prisons.¹ Other detainees include students, women who do not conform to the norms and rules of Houthi Militias, Baha'i women, or those who speak up against their atrocities. Around 200 women have been held in these prison cells and these militias employ women "forces" known as "zeneebat" who beat the women and torture them in various ways, including not letting them use the toilet or not allowing them to sleep.² According to the Rome Statute of the International Criminal Court, these crimes constitute crimes of war and crimes against humanity. An independent international commission needs to be formed to investigate these crimes and hold those accountable according to international law.

In Palestine, more than 700 various violations against the Palestinian people by Israeli forces took place,³ in addition to various violations against women and WHRDs – not only in the Occupied Palestinian Territory – but in other countries in which WHRDs participated in solidarity actions with the Occupied Palestinian Territory and the attacks against them. Violations included physical assault, death threats, arrest, home raids, fabrication of charges "of incitement through an attempt for the creation of a false image was made that demonstrations in the Occupied Palestinian Territory are 'anti-semitic' and racist," by focusing on the false claim that those arrested were inciting against Jews. Moreover, WHRDs and journalists were arrested in Jordan, including the journalist Heba Abu Taha, who was assaulted, and a 15-year-old child, where they both participated in solidarity actions and were released with bail the next day from the Administrative Governor's office. Sudan also banned solidarity demonstrations using the claim of the novel Coronavirus, COVID-19, and Facebook banned publishing any news or writing associated with the violations taking place against the Palestinian people that equate to genocide. Subsequently, we call for the immediate accountability of Israel for all crimes committed, which are not only human rights violations, but are crimes against humanity due to the bombing of homes and killing of women, children and various groups of Palestinian people, which reached – according to the Palestinian Center for Human Rights – in 11 days of continuous bombing, 247 dead including 66 children and 39 women, and 1,416 wounded including 277 women and 412 children, in addition to the violations referred to above.

Violations against HRDs, WHRDs and Palestinians can be classified as follows, according to the report of Rights Advocated to Defend the Detainees of Demonstrations | the Terrorization of Israeli Arrests: Random arrests, raid of houses and shops, assault and arrest of those who take photographs and document the attacks, physical assault during detention and transfer to detention centers, refusal of medical support and transfer to hospitals for treatment including eye injuries, death threats, collection of fake evidence, crowding numbers of arrestees in small vehicles, violation of children's rights during investigation by physical assault and psychological violence, violent physical assault in interrogation centers, and attack of lawyers among other violations. Additionally, on May 24, Israeli police announced,

¹ <https://samrl.org/pdf/1Women%20in%20yemen%20report.pdf>.

² ibis.

³ <https://whrdmena.org/2021/05/16/ar-terrorofisraelarrests/>.

in a plan approved by the Minister of Internal Security Amir Ohana and the Commissioner of Israeli Police Kobi Shabtai, that they will arrest hundreds of Palestinian citizens of Israel over the coming days for their participation in sit-ins in support of Palestinians in occupied East Jerusalem and the besieged Gaza Strip.

While the adoption of a resolution (A/HRC/RES/S-30/1) in which the Human Rights Council established an independent, international commission of inquiry to investigate violations in the Occupied Palestinian Territory, including East Jerusalem, and in which Israel is welcomed, we call on this commission to: Visit prisons and places of detention and meet demonstrators to investigate crimes committed both during interrogation and in detention; collect evidence on specific torture tactics used against those detained; collect evidence of weaponry used to commit crimes of genocide against Palestinians; ensure that settler processes are halted; and mainstream a gender perspective to look into crimes against WHRDs and women, detailing specific measures taken to commit crimes of a gender-based nature.

Furthermore, WHRD Shaza Abu Fannouneh has been incarcerated by Israeli security forces since 7 July 2021, when her house was raided in Ramallah, and the vehicle of the Health Work Committees that Abu Fannouneh heads was confiscated, in addition to closing the premises of the concerned committees in Ramallah. This comes within the wave of arrests referred to above. Abu Fannouneh is a WHRD who works on access to health services in various communities in the Western Bank, where her organization alone provides 12% of the health services Palestinians can reach. She faced some harassment from Israel previously due to her work, where the latest was in June when administration offices were closed for 6 months in accordance with an Israeli military order, and the Minister of Health reopened premises where provision of services continued.⁴

In Afghanistan, atrocious crimes against humanity and crimes of war are taking place by the Taliban. Since they have taken over more than 16 provinces including Kabul, reports of killings, abductions and torture of women and WHRDs have been communicated and published. This is extremely alarming as it marks a fierce and sharp regression in the gains in women's human rights that feminists and WHRDs in Afghanistan worked so hard for over the past 20 years.

Women's groups have called for immediate ceasefire by all parties and military groups, and for the protection of all civilians.⁵ They have also urged guarantees for inclusive peace talks, that include women, minorities and marginalized groups and those impacted most by conflict.⁶ Women's groups have demanded that rights guarantees for all be a precondition to any future peace negotiations and that international bodies facilitating peace talks should be fully committed to ensuring the coming to power of a civil government, with free elections and guarantees to end violence and discrimination against women.

In subsequent, we call on the Human Rights Council to form an independent investigation committee to closely monitor the human rights violations in Afghanistan by the Taliban now that they are in power, and fully investigate all crimes, including the targeted killings of WHRDs journalists, civil activists and ethnic minorities by the Taliban and others. In addition, we call for an investigation to the mis-management of the crisis by international forces and the Taliban including the death and killing of citizens while planes were flying out of Kabul airport, the death and injuries inflicted on citizens in the airport parameters and the holding of WHRDs and civilians hostage in Kabul while citizens of other countries were being evacuated.

We also call for the immediate intervention of the UN by extending aid bridges and setting up safe zones and peacekeeping forces. We call on the UN to facilitate safe evacuation and speedy asylum requests and we urge countries to ensure open borders to receive refugees fleeing the current state of war and terror in Afghanistan.

⁴ <https://whrdmena.org/2021/08/09/freeshathaaude/>.

⁵ <https://femena.net/campaigns/supporting-whrds-in-afghanistan/demanding-peace-in-afghanistan>.

⁶ <https://www.awid.org/news-and-analysis/solidarity-afghan-women>.

Women Human Rights Defenders (WHRD) Regional Coalition in the Middle East and North Africa (WHRD MENA Coalition), FEMENA, Association for Women's Rights in Development (AWID), NGO(s) without consultative status, also share the views expressed in this statement.