

URGENT APPEAL

NGO Secretariat for the Implementation of UNSC Resolution 1325 Urgent Appeal to United Nations Special Procedures for the Immediate Release of Detainee Ms. Anhar Al-Deek

30 August 2021

For the attention of:

- The United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territory Occupied since 1967, Mr. S. Michael Lynk;
- The United Nations Working Group on Arbitrary Detention, Ms. Elina Steinerte (Chair-Rapporteur);
- The United Nations Special Rapporteur on Violence against Women, its Causes and Consequences, Ms. Reem AlSalem;
- The United Nations Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Ms. Tlaleng Mofokeng;
- The United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Ms. E. Tendayi Achiume.

1. Introduction

Anhar Al-Deek, a 25-year-old mother, is being held in the Israeli occupation's Damon prison without charge or trial. On March 8, 2021, she was detained by Israeli forces near an Israeli colonial settlement built very close to her hometown, Kufur Ni'mah. Anhar was four months pregnant when she was detained. She is currently in her ninth month of pregnancy and approaching her due date in the coming days. The NGO Secretariat for the Implementation of UNSC Resolution 1325¹ calls on UN Special Procedures to immediately intervene with the Israeli Military Occupation for the immediate release of Anhar Al-Deek.

¹ The NGO Secretariat for the implementation of UNSC Resolution 1325 consists of 13 Palestinian human rights and feminist organizations working on the Women, Peace and Security Agenda. This Secretariat is under the auspices of the General Union of Palestinian Women (GUPW) and includes the following organizations: The Women's Center for Legal Aid and Counselling (WCLAC), The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH), The Women's Studies Center (WSC), The Women's Affairs Technical Committees (WATC), Women's Media and Development

2. Facts of the case

Anhar was arrested after being brutally attacked and beaten by a group of Israeli colonial settlers near her home. When arrested by the Israeli military occupation, she was first referred to hospital for medical treatment and then transferred to Hashron prison, a detention center for women political prisoners, where she stayed for a period of 30 days under interrogation. Until this day, Israeli settlers have not been held accountable and no measures were taken against them.

As a result of the beating, long investigation period, and during her time in prison, all whilst pregnant, Anhar's overall psychological and physical situation has worsened, and was later diagnosed with bipolar depression. However, she is barely receiving the needed treatment and care. Moreover, the family's request to be accompanied by a member of her family on the day of her delivery was refused.

According to WCLAC's interview with Anhar's husband, Thaer Al-Deek, we were informed that the Israeli prison authorities have denied him and other family members from their right to visitations. Thaer who only saw his wife once during her last military hearing two month ago; said that on that day Anhar was very tired and suffered from severe pain in her pelvis and legs due to her pregnancy. Her mother was allowed to see her only for one minute behind prison glass. Thaer also stated that her military trial has been postponed 7 times, and her next military hearing is scheduled in October 2021. However, no action has been taken regarding the release demands from the family. Despite promising the family, ICRC has not yet been able to help them issue a visiting permit, nor arrange a video call with Anhar. Since her detention, Anhar's husband has also been denied permits to his work inside Israel.

Anhar wrote a heartbreaking letter from inside Damon prison, where she is detained which sparked a firestorm of outrage on social media, calling for her immediate release: "I miss Julia, my beloved

(TAM), Palestinian Working Women Society for Development, The Culture and Free Thought Association-Gaza, Filastiniyat Organization, Center For Women's Legal Research ,Counseling & Protection – Gaza, The Women's Affairs Center- Gaza (WAC), Young Women Christian Association (YWCA), The Palestinian Development Women Studies Association- Gaza. This Urgent Appeal is also endorsed by the following women's committees and organizations: Mothers School Society Federation of Women Action Committees, Psycho-Social Counselling Center for Women (PSCCW), Association of Women Committees for Social Work , Women's Struggle Block, Association of Women's Action Union of Palestinian Women Committees.

daughter, so deeply. My heart cries for her, wishing I can hug her and hold her in my heart. The pain in my heart cannot be expressed. What can I do if I have to give birth away from you, shackled? You know what it is like to go through a Caesarean delivery outside of prison. How will it be to go through it chained inside the prison? I am so tired and have severe pain...I do not know how I will take my first steps after the surgery, when the jailer holds my arm with disgust...How can I protect the baby from the terrifying jailers? I ask all free and honorable people of conscience to act, even by raising a word!”

3. Legal context

While Israel justifies the presence of Palestinians in Israeli prisons and detention centers by labeling them as “security prisoners”, the reality is that they are political prisoners. Notably Israel targets political leaders, elected representatives, academics, and journalists, human rights defenders, children and women, who are civilians protected by international humanitarian law; namely the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and Occupation. Israel consistently resorts to incarceration as a tactic of political control concordant to its intent to instate a colonial domination, preventing the possibility of putting an end to the occupation. It is politically motivated and a direct result of the persistence of a colonial prolonged occupation. Detainees such as Anhar are usually arrested without charge or trial and are brought before a military court which provides superficial hearings, and in most cases justify arrests under the pretext of an existing “secret evidence” file. Palestinians such as Anhar brought before military courts are denied access to justice and a fair and just trial.

In one of her early talks with the Commission of detainees and Ex-detainees Affairs, Anhar expressed her concerns on having her baby born in prison stating that “the prison is not adequate for giving birth nor for the upbringing of a child; the conditions of the prison are very bad, and the child will suffer epilepsy as a result of counting, inspections, and knocking on windows. We as adults get scared, so how can a child be born and raised inside the prison?”

After the birth of the child, Israeli law gives the detained mother two options: either to send the new-born outside the prison, or to keep the baby with her in prison for the maximum of two years but does not allow for both options. However, during these two years, children do not get any form of special care that ensures their well-being. Instead, they are detained with their mothers in the

same bad conditions, depriving them of their most basic human rights. Many times, they confiscate their toys and other essentials provided by the International Committee of the Red Cross (ICRC)

4. Recommendations

We call on UN Special Procedures to immediately intervene for the unconditional release of Anhar. If not released, Anhar will give birth to her child while her hands and feet are shackled to the bed. As soon as she gives birth, the newborn and his mother will be isolated in a cell, as a COVID-19 measure. In that cell, the mother and the newborn will sleep on a prison bed, made of steel, inconvenient and even harmful to the recovery period of the mother, and the health of the baby.

Noting, with great concern, the situation of Anhar, and the ongoing and systematic policy of Israeli arbitrary detention, and ill-treatment, we demand the international community and UN Special Procedures to intervene immediately, and specifically to:

- Call on the Occupying Power, Israel, to immediately release Palestinian detainee Anhar, who is under critical health conditions as a pregnant woman, and guarantee her right to liberty and freedom from arbitrary arrests and detention;
- We call on Israel to ensure and uphold Palestinian detainee Anhar's right to the highest attainable standard of health and mental health and safety both for her and her unborn child, through monitoring her physical and mental health condition regularly.
- Demand Anhar's right to give birth in a decent hospital with the provision of all necessary medical care and attention not in an inhumane setting of an Israeli prison. We also demand Anhar's right to have her family with her while giving birth and during her recovery period.
- Call on Israel to put an end to the systematic and arbitrary use of detention, torture and other ill-treatment, and other coercive or punitive measures, against Palestinians, and demand the release of all Palestinian women prisoners in specific held indefinitely without charge or trial, contrary to international law;
- Call on the international community and all High Contracting Parties to the Fourth Geneva Convention to fulfil their obligations towards protecting human rights and enforcing the implementation of international humanitarian law.

- EuroMed Feminist Initiative (EFI) stands in solidarity with the NGO Secretariat for the implementation in Palestine of UNSC Resolution 1325 and support their urgent appeal to United Nations Special Procedures for the immediate release of detainee Ms. Anhar Al-Deek. EFI welcomes the court order to release Anhar al-Deek on bail, carried out on September 3, 2021.

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