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**HONOR KILLINGS OF PALESTINIAN WOMEN - A  
CRITICAL ANALYSIS**

Master's thesis

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## **Declaration**

1. I hereby declare that I have compiled this thesis using the listed literature and resources only.
2. I hereby declare that my thesis has not been used to gain any other academic title.
3. I fully agree to my work being used for study and scientific purposes.

In Prague on  
January 16, 2022.

Tala Salem.

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## **INTRODUCTION:**

This Master's thesis work will be dealing with studying the myriad reasons and possible ulterior motives that lie behind the present situation of honor killings in Palestine in the West Bank. The acts of honor killings are often carried out against women by her own family members, or at most the husband's side of the extended family. The women who get killed in these incidents are generally already villainized by the family for committing "unacceptable and taboo" acts, at least in their eyes; and have thus impugned the honor and stature of their families in the community.

**Research question: What are the underlying motives for honor killings in the Palestinian communities? How can we hope to find a solution to this atrocity?**

In this work, I'll be looking at the correlation between the level of honor killings being carried out, alongside how highly tradition and religion are regarded within the society. Another aspect that deserves to be included in this analysis would be the societal structure; societies tend to take up a certain form over the passing of time, and that is how we have widely divergent societies when we compare the Western societies with their greater focus on individualism, as opposed to a more collectivist nature of Eastern societies. It is quite possible that the unique societal structure within the Palestinian communities behaves as a contributor to such despicable acts against the women. However, we must not go ahead and place the blame wholly on structural settings of religion or society. That is how accountability of actions of the individual is lost, and individual accountability is paramount; no matter whether we talk about misplacing our documents or killing a woman in the name of God.

The major issue when it comes to honor killings stems from how female sexuality is treated within the family<sup>1</sup>, and also the local community. It is as if female sexuality is looked at as a mode of currency of the highest value, and any action that supposedly tarnishes the modesty of the woman is akin to adding impurities to a pure metal like silver or gold which decreases its perceived value; keeping with the currency analogy. There is also the aspect of establishing control over the woman in these matters. The use of, or threat of violence and death is oftentimes good enough to keep most people in check, whether it be man or woman. In this type of case, the justification is family honor.

When the same incident is looked at from the perspective of psychology, the term “narcissism” appears to be a good description when it comes to justifying some of the honor killings. Like for instance, when the family places the entire blame upon the victim and attempts to justify its actions that led to the murder. By such a move, the family absolves itself of all responsibility, despite them being literally the direct perpetrators of murder<sup>2</sup>. Also there is no semblance of guilt or regret associated with the act of killing, instead the perpetrators often feel proud of their actions. If the same characteristics were applied to a singular person instead of the family unit, the person under question could be safely categorized as narcissistic. This aspect of psychology plays alongside the fear of ostracization from the community<sup>3</sup>.

However, talk of societal structures possibly assisting violent acts against women would naturally lead into the obvious follow-up question: what is the judiciary doing? Because

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<sup>1</sup> "Commodifying Honor in Female Sexuality - MERIP." <https://merip.org/1998/06/commodifying-honor-in-female-sexuality/>. Accessed 16 Jan. 2022.

<sup>2</sup> "Narcissists, Controllers, and the Art of Blame-Shifting - Psychology ...." 17 Jun. 2020, <https://www.psychologytoday.com/gb/blog/tech-support/202006/narcissists-controllers-and-the-art-bla-me-shifting>. Accessed 16 Jan. 2022.

<sup>3</sup> "The Madness of Honor Killing | Psychology Today United Kingdom." 25 May. 2012, <https://www.psychologytoday.com/gb/blog/out-the-darkness/201205/the-madness-honor-killing>. Accessed 16 Jan. 2022.

when actions like honor killings are being committed at significant levels, this would either imply that

- a. the laws against honor killings within Palestine are quite lax<sup>4</sup>, which means the perpetrators are unafraid of the resulting punishment, or
- b. the enforcement of the law is close to non-existent, and the perpetrators are confident of avoiding any sentencing whatsoever.

A more likely possibility is that there is a combination of the two factors operating at different levels. And depending on the conclusions of this research section, I would be able to make some recommendations to how the laws might need to be either added or altered as required. If the problem lies in enforcement, it should be in theory a simpler fix; although now we're hoping that the police would magically change their attitudes towards honor killing victims and actually enforce the existing laws in place. Which means there have to be some incentives put in place to achieve this, as apparently upholding the law for its own sake doesn't seem to be enough of a motivating factor, from the results we already have.

From this point on, I will also be looking at what sort of countermeasures the women themselves can take up, to avoid death or injury at the hands of their own families. However at this point, at the most we can get them into self-defense techniques, which are of nominal help. Like self-defense classes would be incredibly helpful if there's an attempted physical harm on women in general, like in the street or the local market, because the attackers are aware when targeting people who present minimal threat to their attempts.

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<sup>4</sup> "Murder of Women in Palestine under the Pretext of honour - OHCHR." 2 Apr. 2014, [https://www.ohchr.org/Documents/Issues/Women/WRGS/Executive\\_summary\\_study\\_called\\_honour\\_killings\\_Palestine.pdf](https://www.ohchr.org/Documents/Issues/Women/WRGS/Executive_summary_study_called_honour_killings_Palestine.pdf). Accessed 16 Jan. 2022.



But if it is your own family going after you, it's an entirely different story; even keeping the emotions aside, and all the psychological harm, the fight itself would be just impossible to win. You are outnumbered in most cases like 3 to 1 or even worse just to start off, unless the woman manages to get hold of a kitchen knife or something else that constitutes lethal threat like a gun. Even in the case where it is a 1 vs 1, the problem women would run into would be the enormous difference in body and muscle mass between men and women, unless the woman in question is a kung-fu martial artist. In that case, the man likely just has a death wish.

Add in the emotional aspect to these proceedings and what we would most likely witness would be an overly passionate and aggressive person/family attacking a single woman who would be holding back, lest she hurt her family members, who themselves seem to have zero qualms on that front. All in all, a messy situation indeed.

When we move over from individual countermeasures to institutional ones, that is where the international NGOs related to female safety and wellbeing, or major organizations like the UN, the Human Rights Watch or Amnesty International come into play. On top of this, there is also the aspect of other governments applying pressure upon the Palestinian authorities via economic sanctions, but expecting other governments to willfully intervene in what might be argued to be a domestic matter is a stretch. Also, a lot of this depends upon news coverage of the events in question; if news channel coverage is minimal to non-existent, then there is likely no chance of ever getting any assistance in the matter.

Here is where the actions of local organizations might be even more helpful, depending on a specific case in question. Because it is their own community, they will have to pay attention

to whatever atrocities may be committed in the name of honor. The Palestinian Working Women Society for Development, the Union of Palestinian Women Committees and the Jerusalem Center for Women are three of the local organizations that could impact the present condition in a meaningful way.

## **CHAPTER 1: RESEARCH METHODOLOGY**

In this thesis work, the focus is on the titular issue of honor killing in the region of West Bank Palestine, which is unfortunately still an occasional occurrence in some of the local communities.

The thesis work itself is divided into multiple chapters, where I cover the gamut of topics ranging from observations about the Palestinian culture and society to the legal system in place to the main case study, that shall be used to encompass the overall work itself. It also serves as proof of the honor killing problem not being restricted to just the rural areas within Palestine. Alongside that, it also reflects how ingrained the concept of ‘family honor’ is within the society of Palestine.

Because the thesis work is divided into multiple sections, each of the parts have its own way of sourcing the required material for information. Below I will be covering the different ways I went about collecting the necessary data for my thesis work, and they will be divided into different sections, depending on which chapter is being talked about.

### **THE PHENOMENON OF HONOR KILLINGS:**

For the chapter about honor killings itself, the main sources are a mix of scholarly articles discussing the issue, as well as some international organizations which have gathered some relevant info over the matters under discussion. However, it begins with covering the Palestinian society to lay some groundwork and reflect the viewpoint of the people living there. The section covering Palestinian culture and society is largely sourced from Anera

[American Near East Refugee Aid], which is a non-profit organization focusing on assisting refugees from Palestine (West Bank and Gaza), Jordan and Lebanon.

When it comes to focusing on various triggers behind honor killings in Palestine, Havan Dayan's 2019 paper served as an excellent source when covering the role of socio-economic status and modernization of society as they pertain to honor killings of women. This particular paper is situated in the time period 2010-15, which makes it, although not perfectly up-to-date, at least places it reasonably close to the present day. Another paper that has proved useful would be Heydari, Teymoori and Trappes 2021 paper, which argues about how honor killings cannot be solely the effect of religion and sexism, but are a form of setting up an informal social control over the women of the society. This study is not just restricted to Palestine though, instead it looks at the general trend across the various countries across the world where the problem of honor killings still persists. Kesia Ali's 2006 book discussing sexual ethics in relation to Islam cover how the matter of honor killings was dealt with within the Quran. A similar interpretation is also observed within the Palestinian society towards the participants in adulterous behavior.

Carolyn Fluehr-Lobban's 2005 paper discusses the situation of any unfortunate women upon whom the allegations of sexual misconduct might have been laid, and how that might lead to honor killings as well. Meanwhile, Suzanne Ruggi's 1998 article describes how rape victims still get the short end of the stick from their family, instead of moral support.

Beyond these papers, there are more articles that have been used, although not to the same extent as the ones above. Also, the various UN articles and resolutions relating to the matter have not been mentioned here for the sake of brevity. But among them, the foremost treaty to

be mentioned is the Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW], whose enforcement is presently under the purview of the UN Office of the High Commissioner for Human Rights.

### **THE JUDICIARY SYSTEM OF PALESTINE:**

The judiciary system of Palestine plays a pretty critical role when it comes to these instances of violence against women. The frequency and severity of these crimes indicate that the legal punishments for honor killings may not be quite tough enough to deter the perpetrators. As such, when it comes to analyzing the general situation of honor killings, looking at the Palestinian laws becomes an important aspect of the work. Another thing to take a look at is the Palestinian Bureau of Statistics<sup>5</sup>, which also tabulates the cases of sexual violence. This can serve as a decent proxy variable, as there is no study directly tabulating honor killings or violence against women related to the concept of honor.

An extra layer of complication arises from the nature of the Palestinian landmass itself; it is not a single, continuous landmass. This automatically makes it harder to implement the same laws over West Bank and Gaza Strip. Also, the region of West Bank is under the control of Palestinian National Authority, while Gaza Strip is under Hamas control. And the West Bank itself is divided into three areas; the areas being called area A, B and C<sup>6</sup>. When it comes to area C, the Palestinian Authority has no control over it.

Added to this complexity is the difference in Penal Codes being used in these two regions.

For instance, the laws of West Bank follow from the Jordanian Penal Code of 1960. However,

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<sup>5</sup> "Palestinian Central Bureau of Statistics." <https://www.pcbs.gov.ps/default.aspx>. Accessed 16 Jan. 2022.

<sup>6</sup> "West Bank Areas A, B and C – How Did They Come into Being?." 2 Jun. 2020, <https://www.joelsinger.org/west-bank-areas-a-b-and-c-how-did-they-come-into-being/>. Accessed 16 Jan. 2022.

when we look at Gaza, the Palestinian Criminal Code, the British Mandate Criminal Code and Egyptian Penal Code all hold the same legal importance. When the codes overlap on certain issues, then the most recent provision in the law is the one that is implemented when deciding the verdicts. Meanwhile Jerusalem, which is claimed by both Palestine and Israel as their capital, follows Israeli penal codes when it comes to the judiciary.

### **THE CASE STUDY OF ISRAA GHRAYEB:**

The honor killing of Israa Ghrayeb occurred over her posting an innocuous Instagram video, where she was with her potential suitor one day before their engagement. So he was essentially her fiancé in all but name, and the couple already had parental approval as well. In retaliation for this action, it is reported that three of her relatives, two of her brothers and her brother in law, assaulted her physically in a manner severe enough that she ended up at the hospital with a broken back and cuts to her face. This was the first time she went to the hospital. The second time she was at the hospital, was as a cadaver. Meanwhile, the family's statement about the woman's death was that she was "possessed by a demon" and ended up jumping from a second-storey balcony.

Related to this case study, the relevant information surrounding it is mainly sourced from the Attorney General's press conference. Added to this are the various news articles covering the story. Even the interview section of the thesis work, which will be the last chapter, covers the Israa Ghrayeb story to a certain extent, as much as it is actually possible. The problem here is that it is extremely difficult to obtain the relevant data from the police records, as the case has received too much local and international coverage to risk accidentally letting out any new piece of information that might come back in the future to bite them back.

## **INTERVIEWS:**

The final section of the thesis work (well, at least before the conclusion) will be me interviewing some of the government officials working at the Ministry of Women's Affairs to discuss the general overall situation when it comes to honor killings in West Bank. As the officials concerned work for the Palestinian Authority, only the information pertaining to the region of West Bank can be accessed by them, and as such the interviews also have the scope of honor killings in specifically the West Bank area. Beyond the general situation, I will also attempt to get as much information as is possible about the Israa Ghrayeb case from them, however there is no guarantee as to how much information I will be receiving from them, if any at all. That's again because of the reason I described in the previous section; that of bringing too much attention to a matter that has already received a lot of press within Palestine and overseas.

## **CHAPTER 2: THE PHENOMENON OF HONOR KILLINGS**

This work is focused around the problem of honor killings of women in Palestine. This is unfortunately something that has been ongoing for a long time, and not just in Palestine, but across various countries around the world. However, the cases of honor killings, upon looking closer, seem to correlate with either the religion of Islam, or a class system based on financial and social status disparities between the two people involved.

When we come to the definition of the term itself, an “honor killing” constitutes the murder of an individual by someone who seeks to protect the honor and respectability of their own selves, or their families<sup>7</sup>. This action is carried out when the perpetrators believe that the victim has partaken in an act which is thought to be bringing dishonor or shame upon the family reputation within the community. Killing this person is thought of as cleansing the family of this shame and dishonor, and in fact bringing honor back to the family as well. It is believed that the concept of honor killings has sprung up from tribal customs and are also heavily associated with tribal and rural areas thereby. But by no means does it mean that honor killings are restricted to such areas, one might witness such incidents in urban areas as well.

### **PALESTINIAN FAMILIAL CULTURE**

Most Palestinians lived traditionally in villages, with large extended families living in close proximity to each other. When we move into urban areas, we observe them living in much smaller family homes. Even so, the culture of family still holds strong within Palestinians<sup>8</sup>.

Family gatherings as a joint family do occur every once in a while, centered around having a

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<sup>7</sup> "Death by family: Honor violence as punishment - SAGE Journals."

<https://journals.sagepub.com/doi/pdf/10.1177/1462474514539537>. Accessed 16 Jan. 2022.

<sup>8</sup> "Palestinian Culture - Anera." 22 Mar. 2021, <https://www.anera.org/blog/palestinian-culture/>. Accessed 16 Jan. 2022.



meal together. The Western analogy for this would be like Thanksgiving dinners, when most families get together for that holiday to have dinner together and catch up with each others' lives. Except such meals are more common when it comes to Palestinians. It doesn't just restrict itself to family dinners of course, the family support also extends to providing financial support to those family members in need, whether it is someone who's unemployed, a relative who is facing medical expenses over an accident or diagnosis of any condition and whatnot. Even the Palestinians who no longer live in Palestine but are abroad, regularly contribute to the family finances by sending back some money every month. That's how close the bond is, so they often get involved in each other's private matters whether it is necessary or sometimes inconvenient.

Another aspect of the Palestinian society's family-centric nature shows up when it comes to internal family conflicts. Family members are expected to keep such conflicts private, and basically refrain from washing the dirty laundry in public, so to speak. The traditional culture is patriarchal when it comes to values and orientation. The male head of the family holds the highest authority; however this hierarchy is not as strictly followed in urban societies and highly educated classes. However, regardless of their gender, elders of the family always command high respect and authority.

The patriarchal nature shows more when it comes to how the family treats the girl members of the family. In more conservative communities, Muslim girls begin to cover their hair after they hit puberty<sup>9</sup>. There also used to be a practice of covering one's face with a veil, however it has been on the decline over the 20th century. The exception to this would be the Bedouins and in some segments of the rural areas.

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<sup>9</sup> "Why and When Do Muslim Girls Wear the Hijab? - Learn Religions." 25 Jun. 2019, <https://www.learnreligions.com/when-do-muslim-girls-start-wearing-the-hijab-2004249>. Accessed 16 Jan. 2022.

When it comes to culture surrounding marriage, we can observe families playing a huge part in the proceedings, whether it be Gaza or West Bank. In a majority of families, the families are the ones who identify the prospective match for their children after the two families involved reach some sort of an agreement<sup>10</sup>. After this is done, the families give the couple time to get to know each other and decide on whether they would like to get married or not. But now with modern culture, it is not too uncommon to witness couples making their own decisions on getting married.

## **THE CULTURE BEHIND HONOR KILLINGS**

The idea behind the culture of honor killings is to exercise control over the family members through the threat or use of violence<sup>11</sup>. Such a culture is generally cultivated in places where the rule of law is not all that strong, which means that families or individuals have to develop tough reputations among their communities in order to deter possible crimes against them or their families. This reason is also probably why the culture of honor killings is more prevalent among nomadic peoples. In such cultures, men are supposed to be the agents of honor, so to speak, while the women of the family can only serve to tarnish the family honor. And once the honor of the family is considered to have been destroyed by a woman's actions, the need to save face among the local community and to 'restore honor' to the family pushes the men to slaughter the transgressor.

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<sup>10</sup> "Family - Palestinian Culture — Cultural Atlas."

<https://culturalatlas.sbs.com.au/palestinian-culture/palestinian-culture-family>. Accessed 16 Jan. 2022.

<sup>11</sup> "Honor killings in Muslim and Western countries in modern times." 10 Jul. 2021, <https://onlinelibrary.wiley.com/doi/10.1111/jftr.12426>. Accessed 16 Jan. 2022.

*The regime of honor is unforgiving: women on whom suspicion has fallen are not allowed to defend themselves, and family members have no socially acceptable alternative but to remove the stain on their honor by attacking the woman.*

- an Amnesty International statement.

There is a direct link between female sexuality and honor killings<sup>12</sup>, when it comes to getting to the root of the matter. The main way through which women are considered to be bringing dishonor to their families is through their sexual behavior. An act, even an alleged one, of any female sexual misconduct is perceived to be upsetting the moral order of the culture, and for some reason can only be rectified by killing the woman in such cases, writes Carolyn Fluehr-Lobban. However, there is more dispute when it comes to determining the cause.

Some authors counter-argue that it is not just female sexuality as such that is the determining factor behind honor killings, but the self-determination of the women in regard to it<sup>13</sup>. As per Sharif Kanaana's assessment, honor killings as a subject is something that cuts deep into Islamic culture itself, where originally the women of the tribe were considered a baby-making factory in essence. Through honor killings (or the threat of it), the men of the family / clan / tribe seek to control reproductive power and fertility. This is where the patriarchal nature of the society comes out to be a problem; because it takes away an individual's right to choose. My own opinion on the matter: While I personally think cheating on one's spouse is reprehensible and the transgressor deserves to be punished by the law or at least shunned by society, you don't have to be the direct arbiter of deathly punishment.

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<sup>12</sup> "Gender-related killing of women and girls - GLOBAL STUDY ON ...."  
[https://www.unodc.org/documents/data-and-analysis/gsh/Booklet\\_5.pdf](https://www.unodc.org/documents/data-and-analysis/gsh/Booklet_5.pdf). Accessed 16 Jan. 2022.

<sup>13</sup> "Honor killing as a dark side of modernity: Prevalence, common ...." 24 Feb. 2021,  
<https://journals.sagepub.com/doi/full/10.1177/0539018421994777>. Accessed 16 Jan. 2022.

In some cultures, honor killings are not seen to be as serious as any other murders, as honor killings arise from long-standing cultural traditions. This feature seems to normalize, and thus justify, the act. The perpetrators of the honor killings take pride in ‘restoring their family’s honor’, while the societal leaders condone these acts and protect their identities in the event of any legal investigation. It is also not too uncommon to witness the police assist the community in the cover-up of the crime, depending on how entrenched they are within the local community. As such, there is minimal social stigma attached to honor killings, if any.

The problem of honor killings got severe enough that various Palestinian women’s rights groups documented 11 killings of women in just the first four months of 2020. There were 23 killings in 2018 and at least 18 more in the first nine months of 2019 as well.<sup>14</sup>

With the coming of modernity to society also come new justifications for honor killings. For instance, the changing cultural and economic status of women is also being used nowadays to explain the honor killings taking place nowadays. Women gaining economic independence from their families tends to go against culture in such societies, where the cultures are largely patriarchal and male-dominated. This shift can act as a trigger for the male family members to behave in oppressive and even sometimes violent ways to stamp their authority upon the proceedings. Other aspects related to modern culture that might act as triggers could be dressing up in a Western style, refusing to accept an arranged marriage or having a boyfriend as well. When you put all these factors together, it seems like the women in such societies have to work quite hard to stay alive from one day to the next.

## **TRIGGERS BEHIND HONOR KILLINGS**

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<sup>14</sup> "A/HRC/47/NGO/73 General Assembly - the United Nations." 8 Jun. 2021, [https://www.un.org/unispal/wp-content/uploads/2021/06/AHRC47NGO73\\_080621.pdf](https://www.un.org/unispal/wp-content/uploads/2021/06/AHRC47NGO73_080621.pdf). Accessed 16 Jan. 2022.

The main triggers behind honor killings, as discussed earlier, are strongly related to a woman's sexuality. In such cultures, a woman supposedly maintains her honor through her modesty. If her modesty is brought into disrepute by someone dating her or having sexual relations with her, then the woman's family view the situation in a very negative light. It is as if the woman has brought dishonor to the family's name through her actions<sup>15</sup>. Whether the relationship itself is consensual or not is immaterial to the discussion here, in their perspective. To restore the woman's 'lost honor', the male members of the family will go after the said 'offender' of the woman's modesty and beat him up, in some cases even murder him. This sometimes leads to retaliatory actions from the man's family, and the overall situation turns into a family conflict.

Adjacent to the above reason would be the classic case of adultery, wherein the married woman is engaging in sexual relations with another person. Such situations often end in honor killings by the husband of the cheating woman<sup>16</sup>, or family members from either side of the marriage really. Also in such cases, the sentences handed out to the perpetrators are much reduced in severity; this will be discussed in greater detail in the chapter dealing with Palestinian laws.

In certain situations, even the allegations of sexual promiscuity laid upon a woman can be cause enough to trigger an honor killing. Because such allegations do tarnish the family reputation and prestige within the community, the family's fear of being ostracized just might be strong enough to undertake such an action towards the woman, despite her possible

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<sup>15</sup> "Honor Killings, Illicit Sex, and Islamic Law | Muslim Sexual Ethics."

<https://www.brandeis.edu/projects/fse/muslim/honor.html>. Accessed 16 Jan. 2022.

<sup>16</sup> "The Biological Roots of Heat-of-Passion Crimes and Honor Killings." 18 Jan. 2001, <https://www.jstor.org/stable/4236668>. Accessed 16 Jan. 2022.

innocence of the matter. In other words, it is basically peer pressure operating on a community-level scale.

Central to the code of honor in some of the traditional societies, such as the ones in Palestine, is a woman's virginity, which must be preserved until marriage, as per tradition<sup>17</sup>. As such, even if the woman is a victim of rape, she is looked at as having disgraced the family honor. The insult upon the family is doubled if the victim happens to get pregnant from the rape. And as such, rape victims do face severe violence from their own family members, and in some cases even get killed in the name of honor.

Continuing the tradition of sexuality and oppression of free will being the major components behind honor killings, it is only fair to mention the matter of homosexuality. But it is not just homosexuality itself, but even certain behaviors that might be viewed as 'inappropriate gender expression' by the society at large, that can result in honor killings. In this case, the violence is not just restricted to women, one might observe male victims in this regard too. For example, if a male behaves in an effeminate manner, or dresses himself up in a way that might be seen as feminine, he could quite possibly become the subject of violence from his family, in the worst case even the victim of a murder. Even the United Nations High Commission for Refugees [UNHCR] states that "claims made by LGBT persons often reveal exposure to physical and sexual violence, extended periods of detention, medical abuse, the threat of execution and honor killing". A 2021 study delving into anti-gay honor abuse found that women and younger people were less likely to support such twisted definitions of 'honor' and abuse justifying it<sup>18</sup>. Hopefully, lessening support among the younger population

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<sup>17</sup> "Honor killing as a dark side of modernity: Prevalence, common ...." 24 Feb. 2021, <https://journals.sagepub.com/doi/full/10.1177/0539018421994777>. Accessed 16 Jan. 2022.

<sup>18</sup> "Anti-gay "Honor" Abuse: A Multinational Attitudinal Study of Collectivist." 29 Mar. 2019, <https://journals.sagepub.com/doi/abs/10.1177/0886260519838493>. Accessed 16 Jan. 2022.

is a signal that using honor to justify violent acts might be going out of business in a few more generations.

Finally, there are also situations where seemingly more benign causes might also be stated as grounds for honor killings, like refusing an arranged marriage. The family that has pre-arranged a marriage would risk losing face in the community if the marriage does not proceed as planned, especially if the betrothed woman is already in a relationship with someone else, with the family being unaware of such developments. In this type of situation, the two main outcomes that occur would be either a forced marriage<sup>19</sup>, or an honor killing. Which, frankly speaking, isn't much of a choice really.

One final reason that could be behind honor killings would be if the woman wishes to divorce her husband, without the consent of the husband or the extended family. In cultures that have a high incidence of arranged marriages, it is not just the two people who get married that are involved but also the two families as well; this is because there is an exchange of goods between the two families arranging the marriage. As such, a woman seeking divorce can be seen as an insult to the men who negotiated the deal in the first place, as well as the husband himself. Also, because annulment of a marriage is a civil matter, the marital issues become known to the entire community and become fodder for gossip and nasty rumors about both the aggrieved parties. Therefore, a woman seeking divorce or separation from her husband is looked at as someone who is exposing the families to public dishonor; as such, she becomes a prime target for honor killing again.

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<sup>19</sup> "So-Called Honour-Based Abuse and Forced Marriage - The Crown ...."  
<https://www.cps.gov.uk/legal-guidance/so-called-honour-based-abuse-and-forced-marriage-guidance-identifying-and-flagging>. Accessed 16 Jan. 2022.

Among all these real causes of honor killing is hidden the curious case of fake honor killings too. These cases have the acquisition of property as their root cause. What basically happens is that after the father and mother of the family pass away, the family property has to be split among the children, according to the law. In these situations, there might be some male members of the family who get greedy for money and property, and they decide to accuse their sister of having sexual relations before marriage, regardless of whether the allegation is true or false. Now they have their justification, and they can use this fake accusation to kill the woman and plead guilty to performing an honor killing to get smaller sentences from the courts. This in turn allows them to get out of prison within a year or two at most, instead of the ten-odd years a standard murder charge would easily result in. And once they are back out, they can freely claim the sister's half of the property for themselves without any conflict. This strategy doesn't work with sisters who are already married, as now the brother would have to deal with his sister's husband and his family as well when it comes to making the allegations. This would seriously complicate their planning.

When it comes to the situation of honor killings in Palestine, some of these justifications are more prominent than the others. It also depends on whether the families involved are of an urban background or rural; urban families tend to be more open in these matters, as they come into greater contact with Western culture and are thus more used to witnessing some of these things on a regular basis. Thus, they become inured to the kind of social stigma the same actions might carry, when it comes to a rural setting instead.



## CHAPTER 3: JUDICIARY SYSTEM IN PALESTINE

The laws in Palestine are not uniform at all; they differ from region to region in quite significant manner. Many of the laws within the current Palestinian legal framework come down from the colonial period. The current legal framework in the occupied Palestinian territory is in fact, a mixture of Jordanian, Egyptian, Palestinian, British and Ottoman laws<sup>20</sup>. Added to this are the Israeli military orders which also influence the local laws, wherever their presence is prominent.

Another complication here is the problem of Palestine not being a singular landmass. When an entity is not a singular landmass, it becomes much more difficult automatically to implement the legal standard over the whole of the territory; it becomes much more easy for parts of the country or territory to rebel and refuse to enforce or enact certain laws. Also, different laws apply to the regions of West Bank and Gaza Strip. As such, the lack of a united legal framework across the territory of Palestine creates many unsolved gaps and inconsistencies to the current legislation. Plus the legislative council of Palestine was dissolved in 2007<sup>21</sup>, and has since not been reinstated.

The same problem extends to penal laws and codes as well. When we look at the West Bank Penal Code<sup>22</sup>, it is found to be rooted in Jordanian Penal Code established in 1960. This is however not the case for the penal code of Gaza. That is found to be an amalgamation of the

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<sup>20</sup> "Measuring Access to Justice for Palestinian Women — The IWI." 20 Aug. 2020, <https://www.theiwi.org/gpr-reports/palestine-womens-rights-justice-access>. Accessed 16 Jan. 2022.

<sup>21</sup> " Hamas rejects court move dissolving legislative council - Anadolu ...." 26 Dec. 2018, <https://www.aa.com.tr/en/middle-east/hamas-rejects-court-move-dissolving-legislative-council/1349276>. Accessed 16 Jan. 2022.

<sup>22</sup> "Palestinian Women and Penal Law - DCAF." [https://www.dcaf.ch/sites/default/files/publications/documents/Policy\\_Brief\\_Penal\\_EN\\_Final.pdf](https://www.dcaf.ch/sites/default/files/publications/documents/Policy_Brief_Penal_EN_Final.pdf). Accessed 16 Jan. 2022.

British Mandate Criminal Code, the Palestinian Criminal Code and Egyptian Penal Code<sup>23</sup>; all of them have the same legal importance. Whenever there is a conflict arising within the law from overlapping provisions from these three penal codes, the most recent provision related to the case in question, is the one that gets implemented when deciding the merits of the case. However, the inherently complex nature of having three separate codes has led to calls for a new, reformed penal code that is able to unify all three and avoid cases of overlap.

## **IN THE CONTEXT OF VIOLENCE TOWARDS WOMEN**

The applicable penal laws in Palestine fail at providing sufficient protection to women and girls. This is especially true when it comes to gender-based violence. From the viewpoint of many Palestinians, the main issue arises from the outdated laws still in place in the legal system, and they fail to take into account the needs and rights of Palestinian women and girls. Through the endorsement of CEDAW by the President Mahmoud Abbas in 2009<sup>24</sup>, these needs and rights for girls and women of Palestine have been acknowledged by the Palestinian National Authority. However, for the proper administration of justice and to uphold the principle of equality before the law [enshrined in the Palestinian Basic Law], it is imperative to fix the gaps and inconsistencies within the penal legislation.

It is not all smooth sailing however. For instance, while the PNA acceded to CEDAW in 2014, there was friction from the Supreme Fatwa Council and the Supreme Commission of Tribal Affairs, both of which opposed compliance with CEDAW<sup>25</sup>.

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<sup>23</sup> "Palestine (Gaza) Penal Code, British Mandate Criminal Code ...." <https://learningpartnership.org/resource/palestine-gaza-penal-code-british-mandate-criminal-code-document-arabic>. Accessed 16 Jan. 2022.

<sup>24</sup> "Al-Haq letter to President Mahmoud Abbas Regarding the ...." <https://www.alhaq.org/advocacy/7152.html>. Accessed 16 Jan. 2022.

<sup>25</sup> "A/HRC/47/NGO/73 General Assembly - the United Nations." 8 Jun. 2021, [https://www.un.org/unispal/wp-content/uploads/2021/06/AHRC47NGO73\\_080621.pdf](https://www.un.org/unispal/wp-content/uploads/2021/06/AHRC47NGO73_080621.pdf). Accessed 16 Jan. 2022.

When it comes to addressing the conflicts within the legal framework as pertains to protection of women from violence, we see gaping irregularities in the matter. For instance, the Palestinian National Authority has made some recent decisions, as well as endorsed international agreements like the CEDAW agreement ratified by Presidential Decree in 2009, or the Council of Ministers Resolution to Improve the Protection of Women Subjected to Violence in 2005. The problem is that these decisions by the PNA are in contradiction to both the Jordanian Penal Code No. 16 of 1960 (West Bank), and the British Penal Code No. 47 of 1936 (Gaza Strip). In addition to these contradictions is also the fact that both the West Bank and Gaza penal codes enshrine articles within them that provide mitigating circumstances to perpetrators of violent acts against women. This aspect of the penal codes runs directly counter to what the PNA is attempting to achieve, with its Strategic Plan for Combating Violence Against Women.

- Articles 97, 98, 99 and 100 of the Jordanian Penal Code of 1960 provide “mitigating circumstances” to crimes committed in the name of honor<sup>26</sup>. In legal parlance, proving these circumstances would allow the offenders being prosecuted to get away with lesser charges and less severe sentences being handed down by the courts. For instance, Article 98 grants perpetrators of honor killings a reduced sentence if the court finds the perpetrators were put in a position where they were “unable to control their anger”.
- Article 308 of the Jordanian Penal Code of 1960<sup>27</sup> is another of these cases, where the offender is allowed to have an escape option. According to Article 308, a rapist can escape punishment by getting married to the victim, and staying married for a

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<sup>26</sup> "Murder of Women in Palestine under the Pretext of honour - OHCHR." 2 Apr. 2014, [https://www.ohchr.org/Documents/Issues/Women/WRGS/Executive\\_summary\\_study\\_called\\_honour\\_killings\\_Palestine.pdf](https://www.ohchr.org/Documents/Issues/Women/WRGS/Executive_summary_study_called_honour_killings_Palestine.pdf). Accessed 16 Jan. 2022.

<sup>27</sup> "Palestinian Women and Penal Law - DCAF." [https://www.dcaf.ch/sites/default/files/publications/documents/Policy\\_Brief\\_Penal\\_EN\\_Final.pdf](https://www.dcaf.ch/sites/default/files/publications/documents/Policy_Brief_Penal_EN_Final.pdf). Accessed 16 Jan. 2022.

minimum period of time. If the crime committed is considered a misdemeanor by the court, the minimum period lasts three years. Five years is the minimum period instead, if the crime is considered severe enough to be labeled a felony. In case of divorce between the rapist and his victim “without legitimate reason” as stipulated by the court before the end of the minimum period, the legal proceedings continue from where they were left off, and the perpetrator is sentenced.

- Article 340 of the Jordanian Penal Code of 1960, as well as Article 18 of the British Mandate Criminal Code both provide more mitigating circumstances to perpetrators of murders in so-called “honor crimes”<sup>28</sup>. That could in turn result in a reduced sentence for the murderers. These two articles were suspended via a Presidential Decree dated 15 May, 2011. However, these articles have not been repealed, which means they can be reinstated any time in the future.
- The Jordanian Penal Code of 1960 does not classify incest as a type of sexual assault<sup>29</sup>. It also considers both the perpetrator and victim as offenders, when it comes to prosecuting the case.

There are some more issues when we come to the Law of Penal Procedure No.3 of 2001<sup>30</sup>. It fails to take into consideration some specific needs of women when it comes to trials and investigations. Most importantly, it does not guarantee the confidentiality of trials and investigations involving cases of domestic violence. Greater attention is needed in such cases when minors are involved. Another irregularity is concerning the matter of body searches related to security.

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<sup>28</sup> "Femicide and the Palestinian Criminal Justice System - jstor." <https://www.jstor.org/stable/1512163>. Accessed 16 Jan. 2022.

<sup>29</sup> ""Factsheets on sexual violence in the Palestinian context" - MIFTAH." 19 Nov. 2018, <http://www.miftah.org/Doc/PolicyPapers/Policy191118En.pdf>. Accessed 16 Jan. 2022.

<sup>30</sup> "Law of Penal Procedure No. 3 of 2001 | DCAF Palestine." <https://security-legislation.ps/en/law/100037>. Accessed 16 Jan. 2022.

- Article 47 of this law states that only females can perform body searches of girls and women; however, this same point is not made when it comes to other articles related to body searches.
- The present form of Article 6 makes registering a complaint by the victim or one of his/her relatives a necessary condition for the Public Prosecution to be able to press charges on behalf of the victim. In cases where no complaint is registered, or the registered complaint is withdrawn before any charges have been filed, the situation is out of hand of the prosecution.
- The present form of Article 100 cannot guarantee that women victims of violence have access to exclusively female staff.

Unequal treatment before the law still exists, despite the Presidential Decree of 2009 accepting the conditions of the CEDAW treaty. For instance, when it comes to the case of adultery, the Jordanian Penal Code of 1960 has stricter punishments for women in comparison. Article 282 stipulates that a woman found guilty of adultery by the law should be sentenced from six months to a maximum of two years in prison. However, Article 283 stipulates that a man found guilty by the law of the same exact offense should be sentenced from one month to one year in prison<sup>31</sup>.

These disparities show that there is still some way to go before equality before the law is truly achieved within Palestine. But from what we have seen, steps are being taken in the right direction by the PNA, thanks in part to public outcry related to incidents of honor killings as well.

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<sup>31</sup> "Palestinian Women and Penal Law - DCAF."  
[https://www.dcaf.ch/sites/default/files/publications/documents/Policy\\_Brief\\_Penal\\_EN\\_Final.pdf](https://www.dcaf.ch/sites/default/files/publications/documents/Policy_Brief_Penal_EN_Final.pdf).  
 Accessed 16 Jan. 2022.

## CHAPTER 4: THE CASE STUDY OF ISRAA GHRAYEB

August 22, 2019. The public prosecution office received information about the arrival of a dead body at the Beit Jala public hospital. As per protocol, an officer from the state prosecution office was dispatched to the hospital to examine the state of the body. Upon inspection, he found the body of the dead woman was severely bruised, in a manner that is not congruent with an accident but an act of violence<sup>32</sup>.

Once he suspected a criminal undertone to the situation at the hospital, the prosecutor decided to involve the forensics department into the matter. Dr. Ashraf al-Kadi was appointed to perform the autopsy of the body. As per procedure, tissue samples from the body were taken, and sent to Jordan for the toxicology screening and other forensic procedures necessary in cases where foul play is suspected. Tissue examination was also conducted in the Palestine medical complex.

Upon receiving the results, the public prosecution office decided to form a team of investigators to figure out what really was the story behind the dead body. The investigation team included the following:

- The prosecution office of Bethlehem, where the crime took place.
- The prosecution team for electronic crimes
- The prosecution office of family protection
- Judicial police

The dead body that caused all this hubbub was that of Israa Ghrayeb.

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<sup>32</sup> "Israa Ghrayeb: Palestinian woman's death prompts soul-searching." 16 Sept. 2019, <https://www.bbc.co.uk/news/world-middle-east-49688920>. Accessed 16 Jan. 2022.

## **WHO WAS ISRAA GHRAYEB?**

Israa Ghrayeb was a 21-year-old woman from the village of Beit Sahour, located close to Bethlehem in the region of West Bank. She was a make-up artist and was quite popular at that, with her Instagram profile collecting thousands of followers through her make-up skills. According to a friend of hers who was interviewed by the BBC, Israa was an independent and outgoing girl who was self-motivated and wanted to make it big in her line of work.

Unfortunately, her nature would prove to be an ill fit with her conservative family, which followed strict rules when it came to the matter of courtship between men and women. As per their tradition, it was not an honorable thing to be spotted in public with a man before having an official marriage contract, even if that man was already a potential suitor or they are engaged without the marriage contract. Even though they would be getting married in a short while. And this is where she stepped 'out of bounds', in her family's viewpoint.

It is believed that she had made a social media post to her friends, a picture of herself and her fiancé in a coffee shop. There are conflicting reports about this point, with some sources stating that it was an Instagram video story and others calling it a picture. Either way, the one thing that can be stated for sure, is that there was a publicly available image or video of herself with another man. And this was against their family tradition, and the family members saw this action as dishonorable to the family prestige and reputation. Another thing that can be said for sure, is the unavailability of this image or picture that triggered the whole reaction and led to the killing of Israa Ghrayeb<sup>33</sup>. The contents of the account have since been deleted, whether to protect the privacy of her family or to cover up evidence, one can only speculate.

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<sup>33</sup> "Suspected honour killing of 21-year-old woman sparks Palestinian ...." 3 Sept. 2019, <https://www.independent.co.uk/news/world/middle-east/israa-ghrayeb-palestine-honour-killing-protest-beit-sahour-a9089976.html>. Accessed 16 Jan. 2022.

It probably works out in both ways though, seeing as the family members were most likely behind the killing, to begin with.

The weirdest part of this whole sordid tale, is that Israa already had prior approval and consent of her family, when it came to the relationship itself. They had no problems with her fiancé, which adds an extra twist of absurdity to the tale. If the family had never approved of the relationship in the first place, then the family murdering the woman would at least make a semblance of logical sense. At least the observer would be able to put motive and action together; the justification for the crime would exist, even though it is terribly flawed. But in this case where the family was already fine with the fiancé, the entire ordeal fails to make an iota of sense. It is quite strange to see that a family would rather kill their own member to supposedly hold their pride up in their community, over such a frivolous reason.

Israa Ghrayeb was originally admitted to the Al Hussein hospital near Bethlehem with a fractured spine and bruises on her face and body. This incident occurred on August 10, 2019<sup>34</sup>. Because the hospital was located quite close to Israeli army checkpoints and the separation barrier between Israel and West Bank, it was quite common for the hospital to receive young patients with severe injuries on a regular basis. As such, it is entirely possible that the doctors treating Israa Ghrayeb on her first visit to the hospital thought that hers was a similar case as well. At any rate, Israa never confided in the doctors or the local police about the real cause behind her injuries.

The next time she was brought to the hospital on August 22, she was already dead. Or was she, really? Because here is where we see conflicting testimonies again; however the scenarios involved here were much more serious in nature, and would implicate more than just the family.

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<sup>34</sup> "The Truth Behind Israa Ghrayeb's "Honor Killing" Murder." 4 Sept. 2019, <https://en.vogue.me/fashion/perspectives/israa-ghrayeb-murder/>. Accessed 16 Jan. 2022.



## **THEORIES BEHIND ISRAA'S DEATH:**

The more 'benign' report of the incident, such as it is, states that she was beaten up again after she returned home post her first hospitalization. She eventually was said to have succumbed to the injuries that were inflicted on her by her family members this time round, leading to her inevitable death on August 22, which puts the date of death less than two weeks after her first visit to the hospital.

The more extreme possibility that might be behind Israa Ghrayeb's death is that much more horrifying. And this story was brought to life by a Facebook group called *Do You Know Him?* The members of this group would expose men who would mistreat their women, cheat on their partners, or other actions of that nature. What the group did this time was post a video recording of what was allegedly Israa Ghrayeb screaming in pain, while she was being beaten up by her father, brothers and brother-in-law. While she was already in the hospital.

If this video evidence were indeed true, it would imply that Israa Ghrayeb was not dead when she was brought to the hospital for the second time after all, but still alive despite whatever injuries she was carrying. This would also mean that the family members showed up to the hospital premises to finish off the job they had left incomplete a second time; this time to end her life for good. The further implication in this incident, provided it were true, would be a judgement upon the hospital staff. Either the hospital staff were too negligent to attend to one of their patients while acts of violence were being carried out on her person, or worse, they willingly stood by and decided not to intervene in the situation to prevent her death. As to whether the reason behind their inaction was their approval of the actions of the family, or just plain cowardice, the result remains that Israa Ghrayeb was now dead.

The prosecutors stated that the video posted by the Facebook group merged two separate clips that were originally recorded seven hours apart. Meanwhile for their part, the hospital categorically denied that Israa Ghrayeb faced violence and certain death upon the hospital premises, instead contending with the statement that Israa was already dead by the time she was brought to the hospital.

### **THE INVESTIGATION:**

The investigation team that was formed by the prosecutor's office got down to work. When it came to the family's version of events that led to Israa Ghrayeb's death, they stated that she had either fallen off, or jumped from the second floor balcony of the house. However upon further investigation and gathering of evidence, the investigators came to the conclusion that Israa Ghrayeb's family was lying about the cause of the woman's death.

The family's problem when being questioned by the investigators was about explaining the injuries upon Israa Ghrayeb's face and her broken back. It had to be done in such a way that nothing could be traced back to them, so that the case would be eventually dismissed by the prosecution's office as an accident. The exact way the family would want the case to end. The claim was fabricated by one of those accused for Israa's murder, and the same cause was given by the other family members too.

It is almost certainly the case that the family members got together either before or during the investigations, to agree upon a common cause of death they could all state upon being interrogated. Unfortunately for the family, their attempt to mislead the investigation was a failure in the end. The investigators eventually came to the conclusion that the family's claim about Israa Ghrayeb falling off the balcony of their house, was a false statement of fact from the family. This of course, led to a stronger suspicion of murder upon the family.

Alongside this, the family was also making statements that would create a question about Israa's mental health, if found to be true. A spokesperson for the family stated that she was haunted by a demon, which was the reason she threw herself off the balcony of the house. The same "demon possession" shtick was used to explain why she was screaming while she was being admitted to the hospital.

### **THE FORENSIC REPORT:**

The forensics department came back with its report on September 10, 2019. The results of the report showed that Israa Ghrayeb's death was caused by "severe respiratory failure" caused by torture and physical abuse. This would naturally strengthen the case for murder, for the prosecution.

The forensic report was shared on social media, which naturally led to a public outcry online, and strong statements against the culture that still allowed honor killings to take place. The problem with sharing forensic reports online however, is that it is a crime against the law that could result in some level of punishment. The punishment might even be somewhat more severe than it would have otherwise been, as the case had taken on a life of its own and gathered significant popularity within Palestine and abroad as well, with news networks like the BBC covering it. Also, the fact that the investigation was still ongoing at that moment would amplify the severity of the case that might be levied against whoever leaked the report. This action could be taken as interfering with the proceedings of the investigation, if and when it does go to court.

Coming back to the result of the forensic report itself, there is another peculiar incident that took place in connection. Three of the forensics experts who worked on Israa Ghrayeb's body

resigned soon after, according to the press conference of the Attorney General Akram al-Khateeb addressing the murder investigation<sup>35</sup>. Apparently their resignations were not connected to the Israa Ghrayeb murder; if that were the case, then it must be an incredible coincidence indeed to have *three* of the forensics staff resign at once, and all of them having worked on her cadaver. Some articles state that their resignation was in protest in the aftermath of Israa's death<sup>36</sup>.

Other matters that came up during the Attorney General's press conference<sup>37</sup> were dealing with the civil society organizations, human rights organizations and women's rights organizations, all of which were joined together in fighting this extraordinary case of injustice towards a woman over what is a pretty flimsy reason. Media networks also joined up with these organizations in the quest to find the truth behind the murder, and help progress the investigation in any which way they could.

When it came down to making the prosecution's case, the prosecution team decided to try three of the family members as the accused in the murder of Israa Ghrayeb. The three accused would be tried under Article 330 of Law No. 16 of 1960 on the West Bank Penal Code; the charges brought forth were that of assaulting and unintentionally killing Israa<sup>38</sup>. As per Article 330, those declared guilty of manslaughter would be punished by imprisonment with hard labor, for a minimum period of five years. The names of the three accused have not yet been released by the Public Prosecution.

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<sup>35</sup> "West Bank: 3 doctors resign after 'anomalies' in Israa Ghrayeb's ...." 11 Sept. 2019, <https://www.middleeastmonitor.com/20190911-west-bank-3-doctors-resign-after-anomalies-in-israa-gharibs-autopsy/>. Accessed 16 Jan. 2022.

<sup>36</sup> "Three doctors resign in protest in aftermath of Israa Ghrayeb's ...." <https://palestinewestgazette.com/three-doctors-resign-in-protest-in-aftermath-of-israa-ghrayeb-murder/>. Accessed 16 Jan. 2022.

<sup>37</sup> "The Public Prosecution announces Investigation result of the victim ...." 13 Sept. 2019, <http://english.pnn.ps/2019/09/13/the-public-prosecution-announces-investigation-result-of-the-victim-isra-ghrayeb-case/>. Accessed 16 Jan. 2022.

<sup>38</sup> "West Bank: Palestinian Authority Announces Planned Changes to ...." 13 Nov. 2019, <https://www.loc.gov/item/global-legal-monitor/2019-11-13/west-bank-palestinian-authority-announces-planned-changes-to-penal-code-in-response-to-case-of-honor-killing/>. Accessed 16 Jan. 2022.

Under Article 326 of the Code, the offense of murder would entail a punishment of a minimum of fifteen years of hard labor, while Article 328 punishes the perpetrator of murder of a sister, daughter or mother with the death penalty as the maximum. The case acquired proportions large enough within the society that The Office of the Head of the Palestinian National Authority, Mohammad Shtayyeh, had also issued a statement affirming the office's commitment to seek justice for Israa Ghrayeb, and publicize the final results of the police investigation as well<sup>39</sup>. He is also on record calling for the maximum penalty for those found responsible for Israa's death.

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<sup>39</sup> "Palestinian PM vows to release probe result over woman's death." 3 Sept. 2019, <https://www.aljazeera.com/news/2019/9/3/palestinian-pm-vows-to-release-probe-result-over-womans-death>. Accessed 16 Jan. 2022.

## **CHAPTER 5: INTERVIEWS WITH PALESTINIAN OFFICIALS**

As a part of the necessary research work, I was able to conduct interviews with some of the Palestinian Authority officials working in the region of West Bank. The major topics under discussion here were pertaining to the legal systems within Palestine and its gaps and modifications, why the concept of honor killings is still in place and some other aspects to the story which came up over the course of the interview, based on something the respondents might have said, in answer to previous questions. In that sense, I would say the interviews were to an extent free-flowing, with only the general topics to be covered being agreed upon beforehand.

### **INTERVIEW 1: Dr. Amal Hamad**

The first interview was conducted with Dr. Amal Hamad, who serves as the Minister of Women's Affairs within the State of Palestine. Dr. Hamad also used to be the chairwoman for the General Union of Palestinian Women [GUPW] in the Southern Governates from 2007 until April 2019. The information recorded over the course of the interview is being covered in this section.

There are certain laws and agreements that exist to ensure that women's rights are not being trod upon. Foremost among these would be the UN Convention on the Elimination of All Forms of Discrimination against Women<sup>40</sup> [CEDAW] and the 1993 UN Declaration on the Elimination of Violence against Women<sup>41</sup> exist to uphold the right of women to live free.

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<sup>40</sup> "Convention on the Elimination of All Forms of Discrimination Against." <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>. Accessed 16 Jan. 2022.

<sup>41</sup> "Declaration on the Elimination of Violence against Women - OHCHR." <https://www.ohchr.org/en/professionalinterest/pages/violenceagainstwomen.aspx>. Accessed 16 Jan. 2022.

However, the problem with international agreements is that even if the signatories have cases where the agreement under question is not being upheld, the most the international community can do is impose sanctions upon the offender, and hope the sanctions are effective enough for the offenders to step back. It is quite hard to directly intervene by sending in forces for instance, as that would violate the sovereignty of the state/territory under question. As such, diplomatic negotiations are the best the international community can hope to perform, when it comes to achieving results. Which is why when it comes to protecting women from honor killings and general violence, it is far better to strengthen the laws that already exist. That would prove a better deterrent when it comes to violating women's rights. The other side of the coin would be to properly enforce the laws that do exist; even the strictest laws in the world would prove useless at stopping crime, if there is severe lack in enforcing the laws.

The issue with adding new laws to the judicial system is the absence of a legislative council at present. Without a legislature, there can be no vote to determine the passing of a law or stopping a bill from becoming a new act/law. As such, this feature has been effectively disabled. However, the Presidential Decree is being enforced to amend certain laws, until the revitalization of the Palestinian Legislative Council [PLC].

However, the situation is not all bad. Changes that promote women empowerment are being put into place over the last few years and the general situation is getting way better. There exists a special police of sorts called the Family Protection Unit, that is focused on the protection of families; especially in cases where there is documented evidence of violence against the women within the family, or threats of violence at the very least. In cases where these police can mobilize and step up in time, they are able to prevent honor killing incidents with relative success. Unfortunately, this success is limited to the regions that come under

area A, as per the Oslo agreement. Alongside this is the presence of a prosecution office tasked with family protection. This office is presently headed by a woman. Not just this, there are also women prosecutors and women police in the system now. Hopefully, they are able to better empathize with the plight of the women in cases of family violence and are able to prevent honor killings, if it is within the realm of possibility.

When it comes to pushing new laws that provide more protection to women against the possibilities of honor killings and general violence, the Ministry of Women's Affairs is co-operating with other branches of the government. The Ministry of Social Development, the Ministry of Health, the Ministry of Justice and the forensic adjudication, and the Governates are all working hand-in-hand with the Ministry of Women's Affairs in this capacity. This diverse collection of ministries is also assisted by civil society institutions in their moves. Explanatory notes over the new laws or acts are submitted to the Council of Ministers, and they go through three readings. After whatever modifications might be made over the course of these reading sessions by the ministers, they are passed on to the President, where he can have a final look at the propositions under question, and issue a Presidential Decree enforcing these new laws.

Finally, the government must address the plight of women who have been abused by their families and are at risk of further abuse and possible death in case they go back. For women like these, the State of Palestine was able to create four shelters overall to take them in and protect them against further abuse, both physical and psychological. Three of them are located in West Bank, while there is one shelter in Gaza.



## **INTERVIEW 2: Prof. Soona Nassar**

The second interview was conducted with Prof. Soona Nassar, who works as the legal advisor at the Ministry of Women Affairs, Palestinian National Authority. The general information recorded is being covered below. Some of the info here is also from a few relevant documents that Prof. Nassar has sent me, for a better understanding of the social issue of honor killings in the region of the West Bank.

To begin with, killing of, and violence against, women is against human rights. Unless such an incident takes place in the action of self-defense, of course. One would argue that violence or killing of anybody with an intent to cause harm, would be against basic human decency itself, however the arbitrary notions of good and kindness have never stopped anybody from committing heinous acts. As such, there are laws and agreements to ensure that women's rights are not violated, like CEDAW and others which have been referenced in the previous interview with Dr. Amal Hamad.

The region of Palestine runs into a significant problem when it comes to enacting laws in a uniform manner. Palestine is not a single landmass, which would have made the matter of enforcing legal changes a smoother process. Palestine is in fact, divided into the regions of West Bank and Gaza Strip; added to this is the complication surrounding Jerusalem, which is claimed by both Palestine and Israel as theirs.

Even when having a single enforcing authority of law across all regions, implementing legal changes would be a tough matter to tackle. In the case of Palestine, the matter is complicated by the division of control. Palestinian National Authority is in control of West Bank area, whereas the region of Gaza Strip is under the control of the Hamas. As Prof. Soona Nassar

works for the Ministry of Women's Affairs of PA, she does not have much access to the situation in Gaza, if any.

And as if this is not enough, the penal codes followed by the judicial systems in the three regions are all different. The penal code followed in Palestine is mixed. The Palestinian Criminal Code, British Mandate Criminal Code and Egyptian Penal Code all have the same legal importance, even some penal codes are from the Ottoman era. In those cases where a provision in one law contradicts a provision in another law, the most recent one supersedes the other one when it comes to implementation. When it comes to the region of West Bank, the penal code being used by the judiciary here is Jordanian. Moving on to Jerusalem, the penal code here is Israeli, as Israel has kept control of the city for decades now, especially following the 1967 war.

Moving onto the subject of honor killings in West Bank, the discussion revolved around how the laws already were quite weak against the offenders. For instance, according to the Article 340, Jordanian Penal Code for 1960, there were exempting and mitigating circumstances in favor of the perpetrator, depending on whether the victim was participating in adultery or pre-marital sexual relations at the time of the perpetrator witnessing the act. Also, Article 98 of the Penal Code states that if the perpetrator commits a crime while in the state of rage as a result of the victim participating in an unjustifiable and dangerous act, shall receive the benefits from a mitigating circumstance. However, when it comes to the actual practice of law, these provisions were being applied in cases where the accused claims his "honor" had been assailed.

Another aspect of sexual violence against women being not addressed effectively, is how the rapists are treated by the law. As per Article 308 of the Jordanian Penal Code, rapists can avoid getting sentenced for their crime by marrying the victim and stay married for a

minimum time span. In case the crime is considered a misdemeanor by the law, this minimum period lasts three years, while it is five years in case of the crime being registered as a felony. In case of a divorce between the perpetrator and the victim before the minimum period expires, the legal proceedings continue from where they were left off, with the perpetrator being sentenced. Even so, it gives rapists a free pass for committing the crime with zero accountability.

As we already stated, honor killings generally revolve around either a female family member engaging in premarital sexual relations or alternatively, when a woman engages in adultery. But that is not the extent of honor killings, they also extend to cases where a woman is found to be romantically involved with someone, regardless of whether she was engaging in premarital sex. This usually happens when the man she's involved with is thought to be of low social/financial status or is 'undesirable' to the woman's family in some way. There are also instances where the women might do something that the men of the family might take as an insult to their masculinity, and go off the deep end and get violent towards them. Because of this, it feels as if the women have to walk on eggshells just to not trigger the men into violence from any random cause they might think to be justification.

The root cause behind the general view of women being seen as 'inferior' likely lies behind the masculine nature of Palestinian society. The man is seen as a leader, while the women would be looked at as more of a servile entity; this is reflected in the family hierarchies as well. With rare exceptions, it is always the oldest male member of the family who acts as the family head, despite older women existing in the family. This same disparity follows when one looks at how society might shame a woman for acting a certain way, while a man might receive minimal reaction for the same acts. For instance, when it comes to cases of adultery, a woman participating in extramarital sexual relations would likely face violence at the very

least, and in extreme cases might even get killed. The same does not hold true for a man participating in adultery.

Yet another aspect of this discussion would be how technology has led to cybercrimes (against women, for the purpose of this work). In these cases, the two parties exchange intimate pictures and/or videos with each other. And later on in time, if/when the relationship happens to go sour, the men would post these images or videos over the internet as a form of 'revenge' over the women involved. This is a disgraceful way to act, but this line of actions does occur pretty much all over the world. '**Revenge porn**' is an actual thing, after all.

The other way these things play out is where the intention is to **blackmail** the women. Upon receiving compromising images and videos, the blackmailer threatens to post this stuff on to the internet, unless the woman sends him a certain amount of money, or in exchange for a certain service.

At least when it comes to cybercrime, the laws against the perpetrators of these incidents are quite strict. As such, there is some level of legal deterrence when it comes to cybercrimes. Also, the police are able to reach the criminals, whether they are located in Palestine or abroad in these matters.

When it comes to changing society for the better, treaties like the CEDAW help a lot in societal progress, however these ideas should not be introduced all at once. If that were to happen, then the Palestinian society would reject these ideas outright, and that would bring the situation right back to square one. Instead, these modifications should be introduced in increments so as not to alarm the public, and instead give them some time to adjust and embrace the change. Lasting change is a slow game to be played, and requires enormous patience. We must grow a plant so that it flourishes into a tree in a span of a few generations; we might never sit beneath the tree and experience its cooling shade, however that is what we

provide to our future generations. It is much the same when it comes to enacting such reforms.

## CONCLUSION

Before beginning to frame the final recommendations however, we must not fail to take a good look at the general living conditions of the average Palestinian. To start with, Palestine is a land under occupation, and as such is not the land for a free person. Because of the disputed nature of the territory of Palestine, there is no strict adherence to enforcing human rights in a satisfactory manner. One might go so far to say that human rights do not really exist in Palestine. That person would not be wrong.

The regions that come under Palestinian territory are clearly demarcated from Israeli lands by separation barriers set up by the Israeli forces, as well as multiple border checkpoints.

Because the area is heavily militarized by Israeli forces, it contributes to a lack of self-determination of the Palestinian people, the very first article of the Charter of the United Nations that came into force in 1945. When such basic rights cannot be ensured for a population, it is naive to expect better living conditions through actual legal provisions being implemented and guaranteed within the occupied territory of Palestine.

The struggles of daily life are not just restricted to the border situation itself. Even when it comes to the possibility of upward financial mobility in society, Palestinians most often face the problem of hitting the 'ceiling of success', so to speak. An easy analogy to describe the problem, could be a case of a physicist who has studied, let us say, quantum mechanics and has even published papers on the subject. But then, if his only option with such a high level of physics education is becoming a science teacher at the local secondary school, there is a hard cap to how high he can go with his expertise in physics within his community. The same ceiling of success is what the Palestinians are experiencing regularly while living at home.

For instance, even if a small business started up by a family grows to be successful, there are not many prospects of expansion available to them. When we look at a similar case in many

other countries, the choice of business expansion is within the hands of the business owners, which in this case would be the family.

The same lack of higher prospects extend into other fields like sport or science or just regular office jobs as well; lack of financial mobility leaves the general society in a stagnant economic state, while at the same time they would be witnessing the fellow Israelis improving their own financial and social status while working the same amount of time as well, or even fewer hours. This would naturally breed more frustration and resentment within the Palestinian community, which would feel robbed of their money and labor.

To add to this is the regular beatings that Palestinian men take from the Israeli army members at the border checkpoints. Their movements are strictly regulated by the Israeli army, and any action the Palestinians might perform that the army believes to be threatening is met with force. Regular occurrences of this nature serve to make the Palestinian men feel emasculated, as there is no real room for retaliation towards the Israeli forces. It does not matter whether the beatings are justified or carried out just to stamp their authority upon the Palestinians, either way the results are the same. Add this extra factor to the already frustrating lack of upward financial mobility and absence of human rights, and it is only natural to expect such men to be extremely resentful and frustrated over their living conditions. As such, it is quite possible that this confluence of factors leads to men taking out their frustrations on their women through beatings and other such violent acts. In the worst cases, just these factors alone might lead to the killing of women.

When it comes to society, Palestine is a traditional, masculine society and is quite religious in nature. The man is supposed to be the one heading the family hierarchy; having the oldest male member as the head is the traditional way, unless he happens to be suffering from any medical condition(s) that leave him incapacitated and unable to perform the traditional duties

of the family head. Men are to be the ones that bring honor to the family through their achievements, while the women of the family are often relegated to the sidelines, except in rare cases. As such, men are encouraged to pursue their interests actively by the family, whether it be going abroad for further studies or pursuing business interests or whatnot; while the same may not be the case when it comes to the females. However, these descriptors would not do a good job at explaining the sensibilities of urban families, which tend to be more exposed to modern culture of the West, and as such tend to be more open in such matters.

When it comes to upbringing of children, the manner the children are brought up by families is very conservative and 'closed' in a sense, with wide disparities between the male and female child as mentioned in the above paragraph. Schooling is an important feature of upbringing that must be discussed, as kids spend about a third of their childhood in schools after all. Men are kept separate from women when it comes to schooling: boys and girls go to separate schools, which basically prevents any possibility of interaction between the two genders during their childhood years and early adolescence. At least this is the case with public schooling; when it comes to private schooling, some of them do have co-ed systems of teaching where the boys and girls can interact with each other. But because of the schooling system, what eventually happens is that a lot of boys have meaningful interactions with their female counterparts for the first time while at universities. That seems to be leaving it quite late, which of course severely reduces the socialization aspect of life, which could exacerbate already existing problems of the male/female dynamic within the system.

With the advent of modern culture and Westernization, it is much more common to witness highly educated women in society now, taking up important positions of responsibility within it, whether it is medicine or business or politics. This in turn could result in the men feeling



inferior to their female counterparts, and that might cause them to double down on the already existing dichotomy within the family structure. And thus, they might become more oppressive to 'keep women down' and to further showcase their authority.

The other side of the same point of Westernization is the lack of change in expectations towards women. Despite women taking up newer roles in society, they are still expected by the family to remain 'traditional', in the sense that women moving out of their family homes to live on their own is frowned upon, and viewed negatively by the community. Women are still expected to go from the family home to their husband's home, despite changing societal norms due to the Western influences. Virginity of women is still looked at as a huge aspect of their entire being, instead of it being just another feature that should honestly be a personal matter. Unless she has contracted some STIs of course, in which case she would have to let her partner know of such a situation so that he is able to take appropriate precautions in the matter. Because STIs are not a personal matter anymore. But that is like one exception in the overall situation. However, women are afraid of visiting the gynaecologist before marriage, because that visit would be a tacit admission of engaging in premarital sex, which could again lead to honor killing. Also, most of the gynaecologists are male, which means that women would only be visiting them with their partner to begin with; it also might put women in a more vulnerable position.

When it comes to honor crimes, the mentalities of the general public should change when it comes to the topic of female sexuality and self-determination. However, it is of course not possible to change the collective thought process on a dime; such things take time. At most, what we can do is provide an alternate perspective, give them an extra choice. Trying to force a new way of thinking into the public sphere will only serve in getting the entire concept rejected wholesale right at the start, as was already mentioned in a previous chapter

discussing this matter. This is doubly true when it comes to women empowerment, as it is antithetical to how the Palestinian society works on a daily basis, where a lot of such male/female biases and attitudes might be ingrained and unconscious.

When we get to the honor killings themselves, the problem we face is attempting to find out just how many of these incidents happen to begin with. When statistics about violence are drawn up, crimes of honor go into the same category as regular crimes. This serves the purpose of masking the real numbers being recorded. Also, public discussions of honor crimes are not really encouraged and are instead kept under wraps; it is as if keeping silent about such matters will push the problem away. In simpler, more direct words, it is a form of cowardice to fail to acknowledge the existence of the problem.

Far as the Israa Ghrayeb case is directly concerned, I tried to contact the head of the Prosecution Office of the Family Protection Unit for more information. However, this attempt was rebuffed with the statement that it was against the law to give out information about the Israa Ghrayeb investigation. The case is still ongoing at present date: this was likely why the prosecution office decided to not give any information out, as would most likely result in the weakening of the case against Israa Ghrayeb's family if they ever caught hold of the same information. In that hypothetical situation, the family would be able to set up their defense much stronger and possibly be able to get away with their crime. As such, I cannot really fault their rejection towards my query for more details.

When it comes to legal ways of reducing honor killings, the necessity is to strengthen the laws against honor killings to begin with and get rid of those articles within the penal codes that provide 'mitigating circumstances' for crimes of honor. These provisions allow for such criminals to get away with heinous acts like murder, rape and attempted murder.

Another aspect of lawmaking would be the part of enforcing the laws that are already existing. Even the strongest laws of the land will prove useless when there is zero enforcement of said laws. Another thing to be concerned about is the overlapping provisions between the multiple Penal Codes in use, which cause curious irregularities in announcing the verdicts and in some cases, loopholes that either the prosecution or the defense could exploit to get their preferred outcomes. These must be rectified to provide not only justice to the victims, but also a free and fair trial to the accused under question. Because in the end, we do not want to overcorrect the course of law to the point where the legal system becomes a farce, and it becomes effectively a kangaroo court that rests its decisions on public opinion. That is how dystopian societies like that of Franz Kafka's *The Trial* are made.

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16<sup>th</sup> of Jan 2022

## INTERVIEW CONSENT FORM



The Ministry of Women's Affairs in Palestine permits Tala Salem, a student of Charles University in Prague- MAIN program, to quote the content of the interviews, to enrich her thesis entitled, "Honor killing of Palestinian Women: A Critical Analysis", monitored by Doc. PhDr. Bela Plechanovova.

Tala Salem has interviewed the Minister of Women's Affairs **Dr. A'amal Hamad**, and the Legal Advisor of the Ministry of Women Affairs **Soona Nassar** according to the following schedule:

- Minister of Women's Affairs, Dr. Amal Hamad
  - January 6, 2022 for 1 hour
  - January 12, 2022 for 30 minutes
- Legal Advisor of the Ministry of Women's Affairs, Soona Nassar.
  - 8<sup>th</sup> of January 2022, for 2 hours
  - 10<sup>th</sup> of January 2022, for 2 hours

We look forward for the final thesis so as to build on the findings of her research.

Best Regards

**Dr. Amal Hamad**

**Minister**  
**Ministry of Women's Affairs**

