

I. SUMMARY

1. Rasmae Odeh is a Palestinian-American community organizer living in Chicago who is being prosecuted by the United States government for allegedly lying on a citizenship application twenty years ago. The government claims that Odeh failed to disclose a 1969 conviction in an Israeli military court. Odeh insists that the false confession was extracted by torture, including sexual assault, and that she only confessed to relieve her father from Israeli torture practices threatening his life. By relying on this conviction, based on a false confession extracted through torture, the United States government is denying Odeh her right to be free from torture and right to not be compelled to incriminate herself in a criminal case.

II. LEGAL FRAMEWORK

2. The Universal Declaration of Human Rights states in Article 5, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” And Article 1 of the United Nations Convention Against Torture, to which the United States has been a party since 1994, defines torture as:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Because Rasmae Odeh faced severe pain or suffering by officers of the Israeli government in order to extract a confession, she is a victim of torture. Some of the torture she and her father faced is outlined by Amnesty International in a 1979 report titled Report and Recommendations of an Amnesty International Mission

to The Government of the State of Israel.¹ An article published by **The Hill** includes details about her torture, as recalled by Odeh. Odeh stated that interrogators “once [] brought in my father and tried to force him under blows to take off his clothes and have sexual relations with me.”² Later, interrogators “tore my clothes off me while my hands were still tied behind my back. They threw me to the ground completely naked and the room was full of a dozen or so interrogators and soldiers who looked at me and laughed sarcastically as if they were looking at a comedy or a film. Obviously they started touching my body.” Interrogators threatened to rape Odeh while her father was in the interrogation room and then they “tried to introduce a stick to break my maidenhead [hymen].” She explains how interrogators hung her from the ceiling by her handcuffed wrists and “tied my legs, which were spread-eagled, and they started to beat me with their hands and also with cudgels.”

3. As a Party to the International Covenant on Civil and Political Rights since 1992, the United States of America is bound by the terms of the convention. Article 14.3(g) states that everyone shall be entitled to certain minimal guarantees with regard to a criminal charge, including that they should “not be compelled to testify against himself or to confess guilt.” In 1969, Rasmia Odeh was tortured by Israeli security officers and forced to watch as her father was tortured as well. To relieve her father and herself of torture and humiliation, Odeh confessed to a crime she did not commit. Because her confession was compelled, it should not have been used against her in trial and the resulting conviction should not be used in the United States’ trial prosecuting her for a crime she did not commit. The United States is benefitting from a compelled confession, in violation of Article 14.3(g) and the Fifth Amendment of the United States Constitution, stating “No person shall be . . . compelled in any criminal case to be a

¹ Recommendations of an Amnesty International Mission to The Government of the State of Israel, at 9, **Amnesty International** (June 3-7, 1979), available at <http://www.amnesty.org/en/library/asset/MDE15/002/1980/en/e3d7fa29-1c9f-4591-a8a8-f5ded8110429/mde150021980en.pdf> (“Josef Odeh had stated to the Sunday Times that his daughter, when in custody, had been threatened with rape and that an object had been thrust into her vagina in his presence.”).

² Why is Obama’s DOJ prosecuting a torture victim?, **The Hill** (June 10, 2014), available at <http://thehill.com/blogs/pundits-blog/international/208699-why-is-obamas-doj-prosecuting-a-torture-victim>.

witness against himself.” By using the compelled confession, the United States government is depriving Odeh of her basic human rights and violating the supreme law land of the law.

III. RECOMMENDATIONS

- (1) 4. Rasmae Odeh’s case should be dismissed, her record should be wiped clean of this charge and relating events, and the United States government should apologize for subjecting her to the trauma of reliving the torture she faced years ago.
- (2) 5. The United States government should hold true to its ideals of rule of law, freedom, and democracy by upholding its domestic laws and international human rights law, especially with regard to use of compelled confessions in criminal cases.
- (3) 6. Foreign courts that skirt international law to achieve political victories through criminal convictions should be condemned and their records should not be treated as credible in the United States.
- (4) 7. Practices of torture should be condemned and the fruits of such practices should not be used to further persecute people in the United States.

IV. CONCLUSION

8. Palestinian-American community organizer living in Chicago, Rasmae Odeh, should not be made twice the victim of Israeli torture and a false military court conviction because of a technical fault on a citizenship application twenty years ago. The United States government claims that Odeh failed to disclose a 1969 conviction in an Israeli military court, but Odeh insists that the false confession was extracted by torture. Odeh only confessed to save her father’s life and to end forty-five days torture and interrogation. By relying on this conviction, the United States government is subjecting Odeh to torture, by forcing her to relive her trauma, and is using her compelled confession and false conviction to further the persecution she faced under the hands of the Israeli government.