



**Women's Centre for Legal Aid and Counselling
(WCLAC)**

**Frequent targeting of Palestinian human rights defender:
Mrs. Manal Tamimi**

Complaint submission - Update

Date: 24 March 2016

Submitted to:

- United Nations Special Rapporteur on the situation of Human Rights Defenders;
- United Nations Special Rapporteur on Violence against Women;
- United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; and
- United Nations Working Group on Arbitrary Detention.

The Women's Centre for Legal Aid and Counselling ([WCLAC](#)) is a Palestinian non-governmental organization established in 1991 and based in Ramallah and East Jerusalem. WCLAC aims to address the causes and consequences of gender-based violence within the community as well as the gender-specific effects of prolonged military occupation.

1.Introduction

- 1.1 On 29 July 2015 and 4 February 2016, the Women's Centre for Legal Aid and Counselling (WCLAC) lodged complaints under the UN Special Procedures mechanism on behalf of Mrs. Manal Tamimi, a prominent Palestinian human rights defender in the West Bank ([First](#) and [Second](#) Complaints). The First Complaint related to the unprovoked shooting of Mrs. Tamimi during a demonstration on 3 April 2015 and the Second Complaint related to an incident that occurred in and around Mrs. Tamimi's home in the village of An Nabi Saleh on 15 January 2016 which resulted in her hospitalisation due to excessive tear gas inhalation.
- 1.2 This update relates to a subsequent incident that occurred on 8 March 2016, during which Israeli soldiers raided Mrs. Tamimi home at 1:30 a.m. and detained her for three days (Third Complaint). During her three day detention, Mrs. Tamimi was also unlawfully transferred out of the West Bank to Hasharon prison inside Israel in violation of Article 76 of the Fourth Geneva Convention.
- 1.3 As noted in the First and Second Complaints, Mrs. Tamimi is a prominent activist in the Popular Resistance Coordination Committee whose main purpose is to organise peaceful demonstrations against prolonged Israeli military occupation. Mrs. Tamimi is also responsible for the collection of evidence focusing on human rights violations arising out of the occupation from women residing in nearby villages.
- 1.4 In recent years Mrs. Tamimi and her family have been targeted on numerous occasions by the Israeli military authorities arising out of their activism and participation in demonstrations. (See section 4 below). For further background information please refer to the First and Second Complaints.

2.Third complaint - latest incident (8 March 2016)

- 2.1 According to testimonial evidence provided by Mrs. Tamimi, Israeli soldiers started throwing stones at the windows of her home and kicking the front door at around 1:30 a.m. on Tuesday, 8 March 2016. The family was told that if they did not immediately open the front door the soldiers would start shooting. Around 30-40 soldiers then entered her home, most wearing face masks. Mrs. Tamimi reports that she was physically assaulted by a female soldier as she was fetching her ID card. The commander then informed Mrs. Tamimi that she was under arrest but she was not provided with any reasons for her detention. Meanwhile, Mrs. Tamimi's youngest children, aged 10 and 12 years, were in tears and in shock.

- 2.2 Once outside her home, Mrs. Tamimi was pushed into the back of a troop carrier and her hands were tied to the front with a single plastic tie which she reports as being *“tight and painful. Each time I moved by hands the tie got tighter restricting blood flow around my wrists.”* This method of restraint is not in accordance with the Israeli military’s standard operating procedures for the use of restraints. Mrs. Tamimi’s legs were also bound and she was blindfolded. Mrs. Tamimi reports that the troop carrier travelled a short distance before stopping by a dirt track which she could see underneath her blindfold. She was removed from the vehicle and led along the dirt track away from the vehicle. Meanwhile, she heard the sound of rifles being cocked as if ready to shoot. Mrs. Tamimi reports that: *“I was terrified. I thought anything could happen to me in this isolated place.”*
- 2.3 Mrs. Tamimi was then taken for a medical check before being questioned about a recent advocacy trip she conducted to Europe in which she talked about the conflict and the weekly protests in her village. The interrogator suggested to Mrs. Tamimi that she was making a business out of the conflict. During the course of the questioning Mrs. Tamimi remained blindfolded. Mrs. Tamimi was then placed in a military jeep and driven to an Israeli police station inside the settlement of Binyamin, near Ramallah. Mrs. Tamimi remained tied, shackled and blindfolded at the police station for approximately one-and-a-half hours before being taken for interrogation at around 4:00 a.m.
- 2.4 The interrogator attempted to call Mrs. Tamimi’s lawyer but there was no answer due to the early hour and he then commenced the interrogation without affording her the opportunity to consult with her lawyer. Mrs. Tamimi was also not informed of her right to silence under Israeli military law. The interrogator then alleged that Mrs. Tamimi assaulted an Israeli intelligence officer on 30 October and 3 November 2015 during demonstrations in Ramallah. Mrs. Tamimi reports that: *“I was shocked by these ridiculous allegations that I somehow managed to assault an Israeli intelligence officer in Ramallah five months before and then was able to escape back to my village without being stopped.”* The interrogation lasted several hours and ended at around 7:30 a.m.
- 2.5 At around 12 noon, Mrs. Tamimi was questioned about a notorious incident in the village where an Israeli soldier was [filmed](#) attempting to detain a young boy with a broken arm who was subsequently released when a group of women from the village intervened. Mrs. Tamimi was not present during the incident and the interrogator attempted to get her to identify and name the women who were involved. After further interrogation, Mrs. Tamimi was put in the back of a military jeep and driven to Hasharon prison, inside Israel. On arrival at the prison she was questioned further and subjected to two humiliating strip searches. She eventually entered the women’s section of the prison at around 9:00 p.m.
- 2.6 At around midnight Mrs. Tamimi was told to prepare to be transferred to a military court. At around 3:00 a.m. she was transferred to Ramleh prison, also inside Israel, before being

transferred to Ofer military court in the West Bank at around 9:00 a.m. Once in court, Mrs. Tamimi's lawyers (Gaby Lasky & Partners) objected to the fact that she was arrested at night and had been questioned without being afforded the opportunity to obtain legal advice. Mrs. Tamimi's lawyers also produced a video showing that she was not in Ramallah on one of the days she was alleged to have assaulted the intelligence officer. At this point the military prosecutor produced a "secret file" which was shown to the military judge. Neither Mrs. Tamimi or her lawyers were permitted to view this material. The case was then adjourned until Sunday, 13 March 2016.

- 2.7 Mrs. Tamimi was then returned to Hasharon prison where she arrived after midnight on Thursday, 10 March 2016. Less than one hour after arriving at the prison she was told to prepare herself for another military court hearing. Later that day Mrs. Tamimi returned to Ofer military court where she was ordered to be released on payment of a bond of NIS 4,000 (reduced from NIS 10,000 following her lawyer's objection). No date for a further hearing was scheduled. She was finally released from Ofer prison at 9:00 p.m. the same day, Thursday, 10 March 2016. Meanwhile, Mrs. Tamimi's husband and two youngest children were waiting 45 kilometres away at Jubara checkpoint where they had been told she would be released.
- 2.8 Mrs. Tamimi reports that: *"I think all the military authorities wanted to achieve was to stop me taking part in the weekly protests. The experience has really affected my children, especially my 10-year-old son, Samer, who has become very clingy. He now sleeps in my bed and wants to hold my hand all day long."*

Supporting evidence

- A. [Testimony](#) of Mrs. Manal Tamimi
- B. [Video](#) of an incident occurring in An Nabi Saleh on 28 August 2015 which Mrs. Tamimi was questioned about in March 2016.

3.Repeated targeting of Manal Tamimi and her family

- 3.1 Since the start of the weekly demonstrations in 2009, Mrs. Tamimi and her family have been subjected to a campaign of harassment and intimidation that has included being imprisoned and shot. Listed below are some of these incidents listed in chronological order. The list is not exhaustive.

Chronology – reverse order

Mar 2016	Night raid and detained for 3 days.
Jan 2016	Hospitalised for tear gas inhalation.
Oct 2015	Hospitalised for tear gas inhalation.
Aug 2015	Husband detained for 4 days.
May 2015	Eldest son assaulted by soldiers at entrance to village.
Apr 2015	Shot in ankle with .22 calibre bullet during demonstration.
Mar 2015	Tear gas fired into her house at 2:00 a.m.
Jan 2015	Eldest son shot with a .22 calibre bullet during demonstration.
Jan 2015	Eldest son assaulted by soldiers at entrance to village.
Jan 2015	Husband assaulted by soldiers at entrance to village.
Jan 2015	Detained at entrance to village and interrogated until 1:00 a.m.
Dec 2014	Military night raid on home.
Dec 2014	Youngest son injured by live ammunition left by soldiers.
Oct 2014	Husband assaulted by soldiers during demonstration.
Feb 2014	Husband detained and released at midnight.
Dec 2013	Shot at close range with rubber bullets.
Jun 2013	Husband hit with tear gas canister.
Apr 2012	Husband detained for 4 days.
Apr 2012	Military night raid on home at midnight.
Feb 2012	Military night raid on home at 2:00 a.m. and house searched.

Nov 2011	Military night raid on home at 1:00 a.m. and children photographed.
Apr 2011	Eldest son hit with tear gas canister requiring hospitalisation.
Apr 2011	Eldest son hit with tear gas canister.
Mar 2011	Husband detained and released at midnight.
Jan 2010	Detained for 10 days and fined NIS15,000.
Dec 2009	Village protests commence

4. Unlawful transfer of a protected person from occupied territory

- 4.1 Following her arrest on 8 March 2016, Israeli military authorities transferred Mrs. Tamimi out of the occupied West Bank and detained her in Hasharon prison inside Israel. The act of transferring and detaining Mrs. Tamimi in Israel violates [Article 76](#) of Convention (IV) relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) which relevantly provides that: “*Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein.*” It should also be noted that a breach of Article 76 constitutes a “grave breach” of the Fourth Geneva Convention for which personal criminal liability applies by virtue of [Articles 146](#) and [147](#).
- 4.2 Due to the unlawful transfer and detention of Mrs. Tamimi inside Israel this complaint has also been lodged with the UN Working Group on Arbitrary detention which has jurisdiction over cases where the deprivation of liberty is inconsistent with “*the relevant international legal instruments accepted by the States concerned.*” In this regard it should be noted that the State of Israel ratified the Geneva Conventions in 1951.

5. Recommendations

- 5.1 In response to the information contained in the First and Second Complaints, WCLAC requests that the Special Rapporteurs and Working Group give consideration to taking the following steps:
- (i) Conduct an independent investigation into the frequent targeting of Mrs. Tamimi and her family by Israeli military forces;

- (ii) Conduct an independent investigation into the restrictions placed on the village of An Nabi Saleh to assemble peacefully and conduct demonstrations;
- (iii) Initiate urgent communication with the Government of Israel regarding the treatment of Mrs. Tamimi and her family and their future protection;
- (iv) Issue a press release on the findings of any independent investigation conducted in accordance with recommendations (i) and (ii) above and confirm the fundamental right of the Palestinian people to peaceful assembly;
- (v) Confirm the unlawful nature of Mrs. Tamimi's detention based on a breach of Article 76 of the Fourth Geneva Convention; and
- (vi) Such other and further actions as are deemed appropriate in the circumstances.