



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

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

Complaint submission

Date: 4 February 2016

Submitted to:

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

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 This complaint is lodged by the Women's Centre for Legal Aid and Counselling (WCLAC) on behalf of Mrs. Manal Tamimi, a prominent Palestinian human rights defender in the West Bank. The complaint relates to an incident that took place in and around Mrs. Tamimi's home in the West Bank village of An Nabi Saleh on 15 January 2016.
- 1.2 During the incident Mrs. Tamimi's home was surrounded by Israeli soldiers more than one hour after a weekly protest against the nearby settlement had concluded and who then proceeded to fire multiple tear gas canisters in and around the dwelling without any obvious provocation or legitimate cause. At the time of the incident there were at least five people including three children in the building which rapidly filled up with tear gas resulting in the hospitalization of Mrs. Tamimi.
- 1.3 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 also is 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 a number of occasions by the Israeli military authorities arising out of their activism and participation in demonstrations. Prior to the latest incident, Mrs. Tamimi was shot in the leg with .22 calibre ammunition whilst participating in a demonstration in April 2015. That incident is the subject of a separate complaint to the UN Special Rapporteur on the situation of Human Rights Defenders and the UN Special Rapporteur on Violence against Women lodged on 29 July 2015.¹

2.Background

- 2.1 The village of An Nabi Saleh has a population of approximately 600 people and is situated about 15 kilometres north of Ramallah in the occupied West Bank. In 1977, the settlement of Hallamish was established near the village and in the intervening years has expanded and annexed village land. In 2009, settlers from Hallamish took control of a natural spring belonging to a resident of the village and denied villagers access to this important water source and recreational area.
- 2.2 In response to the take-over of the spring, the men, women and children of the village staged a march on Christmas Day, 2009 to the spring. This was the first in a series of demonstrations that have continued every Friday on a weekly basis up to the present day. Today, the

demonstrations attract residents from neighbouring villages as well as Israeli and international peace activists.²

- 2.3 In response to these weekly demonstrations the Israeli military regularly deploys large numbers of soldiers and border police to the area to disperse the crowd using sound grenades, skunk water, tear gas, rubber bullets and live ammunition. During the past six years two residents of the village have been killed during demonstrations and many more have been injured or detained, including women and children.³
- 2.4 In addition to helping to co-ordinate the weekly demonstration, Mrs. Tamimi regularly hosts international delegations of journalists, politicians, religious leaders and activists in her home to highlight the issues affecting the village. Further, since the demonstrations started, Mrs. Tamimi's husband, Mr. Bilal Tamimi, has recorded hundreds of hours of video footage as part of a human rights initiative promoted by the Israeli organisation, B'Tselem, and has been physically attacked and detained for his efforts.⁴ Accordingly, Mrs. Tamimi and her family are well known to the military authorities.

3. Latest incident – 15 January 2016

- 3.1 According to the testimonial evidence and video footage of the incident, Israeli soldiers entered the village of An Nabi Saleh at around 3:30 p.m. on Friday, 15 January 2016. This was somewhat unusual as the weekly demonstration had already concluded over one hour beforehand. At the time of the incident there were two adults (Manal and Bilal Tamimi) and at least three children (9-11 years) in Mrs. Manal Tamimi's home. After being informed that soldiers had re-entered the village Manal and the group proceeded up to the flat roof of the house to see what was happening.
- 3.2 There is evidence that at the time some Israeli soldiers were on a nearby hill in the village trying to remove a Palestinian flag from its pole and replace it with an Israeli flag in what was seen as a deliberately provocative act. Shortly after arriving on the roof a number of Israeli military vehicles entered the village and a troop carrier stopped in front of Manal's home. There is some evidence from video footage of an individual(s) throwing stone(s) at an armoured vehicle in the street near Manal's home. Soon afterwards soldiers exited the troop carrier and started firing tear gas canisters in all directions including at Manal's house. There is no evidence of any provocation emanating from Manal's house. As a result of the intensity of the gas the Tamimi family group was forced to seek shelter inside.
- 3.3 As the family retreated back downstairs they heard the sound of breaking glass from inside the house and the building rapidly filled up with tear gas. It appears that one tear gas canister was fired directly into the house and more gas entered from outside. There is also evidence that a rubber bullet was fired through a bathroom window causing it to shatter. Meanwhile

one child was left stranded on the roof and later only managed to escape using an old ladder. In order to escape the gas Manal exited the premises with one child whilst her husband attempted to ventilate the building by opening the windows.

- 3.4 As soon as Manal stepped out of her house she encountered more soldiers who threw additional tear gas canisters in her direction. Manal reports that she now became extremely scared because she was finding it difficult to breathe and she was worried for the safety of the children who were now screaming. As Manal attempted to make her way to her brother's house, approximately 20 metres away, a soldier threw another tear gas canister in front of her. As soon as Manal arrived at her brother's house she collapsed, and according to one report, was semi-conscious and turning blue.
- 3.5 In the meantime other relatives attempted to come to Manal's aid which included bringing a vehicle around to the front of the house in order to transport Manal to hospital. Initially it appears that an argument broke out between the soldiers and Manal's relatives about evacuating Manal to hospital. It appears that in desperation and in disregard of the orders of the soldiers, Bilal Tamimi carried Manal out of her brother's home and put her in the car so that she could be transported to hospital for treatment.
- 3.6 On arrival at the hospital Manal was treated for breathing difficulties and was discharged at around 7:00 p.m. Manal was forced to stay with her brother for the next two days because a strong smell of tear gas remained in her home. Manal reports that her 10-year-old son, Samir is now fearful of remaining at home following the incident.

Supporting evidence

- A. Testimony of [Manal Tamimi](#)
- B. Testimony of [Bilal Tamimi](#)
- C. Testimony of [Najla Tamimi](#)
- D. Testimony of [Atallah Tamimi](#)
- E. Video footage recorded by Bilal and Manal Tamimi: [Video 1](#); [Video 2](#); and [Video 3](#).

4. Repeated targeting of Manal Tamimi and her family

- 4.1 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

Jan 2010	Detained for 10 days and fined NIS15,000.
Mar 2011	Husband detained and released at midnight.
Apr 2011	Eldest son hit with tear gas canister.
Apr 2011	Eldest son hit with tear gas canister requiring hospitalisation.
Nov 2011	Military night raid on home at 1:00 a.m. and children photographed.
Feb 2012	Military night raid on home at 2:00 a.m. and house searched.
Apr 2012	Military night raid on home at midnight.
Apr 2012	Husband detained for 4 days.
Jun 2013	Husband hit with tear gas canister.
Dec 2013	Shot at close range with rubber bullets.
Feb 2014	Husband detained and released at midnight.
Oct 2014	Husband assaulted by soldiers during demonstration.
Dec 2014	Youngest son injured by live ammunition left by soldiers.
Dec 2014	Military night raid on home.
Jan 2015	Detained at entrance to village and interrogated until 1:00 a.m.
Jan 2015	Husband assaulted by soldiers at entrance to village.
Jan 2015	Eldest son assaulted by soldiers at entrance to village.
Jan 2015	Eldest son shot with a .22 calibre bullet during demonstration.
Mar 2015	Tear gas fired into her house at 2:00 a.m.
Apr 2015	Shot in ankle with .22 calibre bullet during demonstration.

May 2015	Eldest son assaulted by soldiers at entrance to village.
Aug 2015	Husband detained for 4 days.
Oct 2015	Hospitalised for tear gas inhalation.
Jan 2016	Hospitalised for tear gas inhalation.

5. Legal framework

International law

- 5.1 The right to peaceful assembly is a fundamental right enshrined in Article 21 of the International Covenant on Civil and Political Rights (ICCPR):

“The right of peaceful assembly shall be recognised. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”

- 5.2 The ICCPR recognises that the right to peaceful assembly is not unrestricted but any limitation must be in conformity with the relevant law. Israeli authorities frequently argue that only International Humanitarian Law (IHL) applies in the West Bank which contains no such right to demonstrate – security and order being the predominant considerations. However this position has been consistently rejected by various UN treaty bodies as well as the International Court of Justice which recognise that both IHL and International Human Rights Law (IHRL) operate concurrently during conflict situations and the former only takes precedence in circumstances where there is a direct contradiction or inconsistency between two provisions.⁵
- 5.3 Further, under IHL an occupation was always envisaged to be a temporary situation. Now after nearly 50 years of occupation and settlement construction there is a strong argument to be made that the *lex specialis* in occupied Palestine is IHRL not IHL whenever there is a situation of direct contradiction or inconsistency between two provisions as this construction provides the greatest possible protection to the civilian population.

Israeli military law

- 5.4 Under Israeli military law severe restrictions have been placed on the right of Palestinians to protest.⁶ These restrictions have been in place since August 1967. Under the military law, any assembly, vigil, or procession of 10 or more people requires a permit from the Israeli military commander in the area, if the gathering is intended for the purpose of “a political matter or one that may be interpreted as political, or to discuss such a matter”. These provisions apply to both public and private gatherings in somebody’s home and carry a maximum penalty of 10 years imprisonment.
- 5.5 It is also relevant to note that the importance of the right to demonstrate has been recognised under Israeli civilian law by the Supreme Court which has noted that the right is fundamental but must be balanced with other considerations, as is the case under the ICCPR. The discrepancy between Israeli civilian and military law regarding the right to demonstrate appears to violate the prohibition imposed on all states not to discriminate between those over whom it exercises penal jurisdiction based on race or national identity in circumstances where Israel is applying its civilian law to its citizens residing in illegal settlements in the occupied West Bank.

Conclusion

- 5.6 It is submitted that the circumstances of this case and prior incidents strongly indicate that Mrs. Tamimi and her family are being specifically targeted due to their activism and participation in the weekly protests against the adjacent settlement and the response of the military is disproportionate and unwarranted.
- 5.7 After nearly 50 years of occupation it is submitted that the Israeli military authorities cannot legitimately continue to deny Palestinians the right to peaceful assembly whilst at the same time blocking the right to self determination and aggressively building and expanding settlements in contravention of international law. These circumstances only serve to delegitimise the international legal order and undermine the authority of its institutions.

6. Recommendations

- 6.1 In response to the information contained in this complaint, WCLAC requests that the Special Rapporteurs 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; and
- (v) Such other and further actions as are deemed appropriate in the circumstances.

Ramallah
4 February 2016

End notes

¹ LPHR and WCLAC, UN Complaint Concerning the Frequent Targeting of Palestinian Human Rights Defender, Mrs Manal Tamimi (29 July 2015). Available at: <http://is.gd/FEy2vI>

² B'Tselem, Show of Force: Israeli Military Conduct in Weekly Demonstrations in a-Nabi Saleh (September 2011). Available at: <http://is.gd/KcH6JP>

³ B'Tselem, Background on the demonstrations at a-Nabi Saleh. Available at: <http://is.gd/9o2a7s>

⁴ B'Tselem's camera project. Available at: <http://is.gd/tYD0rO>

⁵ See for example the Concluding Observations of the Human Rights Committee and Committee Against Torture in relation to Israel as well as the Advisory Opinion of the International Court of Justice into the legality of the Wall.

⁶ Military Order No. 101 – Order Regarding Prohibition of Incitement and Hostile Propaganda Actions (August 1967). Available at: <http://is.gd/RblYAi>