

# AMNESTY INTERNATIONAL PUBLIC STATEMENT



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## **Israel/Occupied Palestinian Territories: Israel must release Palestinian detained for organising peaceful protests against expanding Israeli settlement**

Palestinian human rights defender Bassem Tamimi is a prisoner of conscience, detained solely for his role in organizing peaceful protests against the encroachment onto Palestinian lands by Israeli settlers, and should be released immediately and unconditionally, Amnesty International said today.

Bassem Tamimi was arrested on 24 March 2011 and charged days later with “incitement and support of a hostile organization, organizing and participating in unauthorized processions, incitement to throwing objects against a person or property” and other offences. Bassem Tamimi denies the charges. He is currently detained in Ofer prison while his trial continues.

Bassem Tamimi, aged 44, is married with four young children. He has repeatedly affirmed non-violent principles in his defence of villagers against the construction of settlements on occupied territories which violates international law. In a statement in court on 16 November 2011, Bassem Tamimi said:

“International law guarantees the right of occupied people to resist Occupation. In practicing my right, I have called for and organized peaceful popular demonstrations against the Occupation, settler attacks and the theft of more than half of the land of my village... I organized these peaceful demonstrations in order to defend our land and our people... The military prosecutor accuses me of inciting the protesters to throw stones at the soldiers. This is not true. What incites protesters to throw stones is the sound of bullets, the Occupation’s bulldozers as they destroy the land, the smell of teargas and the smoke coming from burnt houses. I did not incite anyone to throw stones, but I am not responsible for the security of your soldiers who invade my village and attack my people with all the weapons of death and the equipment of terror.”

Before his arrest, Bassem Tamimi had been organising weekly protests against the encroachment onto village lands of al-Nabi Saleh near Ramallah in the occupied West Bank by a neighbouring Israeli settlement, Halamish – Neve Tzuf. The protests began in December 2009 – a few months after the settlement began to expand rapidly despite a temporary settlement construction freeze announced by Israel following US pressure – and have been largely peaceful.

The Israeli army has repeatedly used excessive force in countering these demonstrations, as a result of which the organizers reiterate instructions for Palestinian demonstrators to adhere to non-violent methods. Occasionally, individual protestors have engaged in throwing stones at soldiers. One such protestor, Mustafa Tamimi, was shot in al-Nabi Saleh on 10 December 2011 by a high-velocity tear gas projectile fired at his head at close range from an Israeli military jeep. He died the next day in hospital.

At another hearing on 19 February 2012, Bassem Tamimi said:

“International law gives us the right to peaceful protest, to demonstrate our refusal of the policies that hurt us, our daily life and the future of our children... I do not know and do not care if they [the settlements] are permitted by your law, as it was enacted by an authority I do not recognize... True justice would not have me stand here before this court at all, let alone while I am imprisoned and shackled. This case is baseless and made up with the sole goal of putting me behind bars.”

Amnesty International has previously documented the torture of Bassem Tamimi by the General Security Service, Israel's domestic intelligence agency, in 1993. After his arrest on 9 November 1993, he was subjected to violent shaking during interrogation. He suffered a subdural haematoma, as a result of which he lost consciousness for six days, during which he underwent life-saving surgery. He was subsequently released without charge on 6 December 1993 (see Amnesty International, *"Under constant medical supervision": Torture, ill-treatment and the health professionals in Israel and the Occupied Territories*, Index: MDE 15/037/1996, August 1996, <http://www.amnesty.org/en/library/info/MDE15/037/1996/en>).

### **Background**

Some 490,000 Israeli citizens live in the Occupied Palestinian Territories as a result of years of government-sponsored settlement construction. The establishment and retention of civilian settlements in occupied territory violates international humanitarian law. The “transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies” is considered a war crime under Article 8(2) of the Rome Statute of the ICC, “when committed as part of a plan or policy or as part of a large-scale commission of such crimes.” Israel’s settlement policy is also inherently discriminatory and results in continuing violations of the rights to adequate housing, water and livelihoods for Palestinians in the occupied West Bank. The Israeli authorities continue to construct new housing and plan entire new neighbourhoods in settlements in East Jerusalem and elsewhere in the occupied West Bank, adding to over 230 already existing localities.

Amnesty International has repeatedly called on the Israeli authorities to put an immediate end to the construction or expansion of Israeli settlements in the Occupied Palestinian Territories and to take measures to evacuate Israeli civilians living in settlements in the West Bank. All Israeli settlers in the Gaza Strip were removed by the government in 2005. The establishment of settlements not only violates international humanitarian law, but also constitutes a serious violation of the prohibition on discrimination, as laid out in the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Israel is a state party. The International Court of Justice found in July 2004 that the ICESCR is applicable in the Occupied Palestinian Territory. The presence of Israeli-only settlements has led to mass violations of human rights of the local Palestinian population.

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