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Adalah's Law Students' Conference on Legal Strategies In Preparing Cases before the Courts

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Over 95 law students from all over Israel participated in three study days held by Adalah in Givat Haviva entitled, "Legal Strategies in Preparing Cases before the Courts". A number of senior lawyers gave lectures at the conference, including Attorneys Avigdor Feldman, Riyadh al-Anis and Leah Tsemel, experts in the field of criminal law; Attorney Dana Briskman from the Attorney General's Office in the section for advocacy before the Supreme Court; and Attorneys Hussein Abu Hussein and Osama Sa'adi as well as Adalah staff and board members, including Attorneys Dr. Hala Khoury, a lecturer in international criminal law, Suhad Bishara, Suhad Agha and Hassan Jabareen. The conference was inaugurated by a lecture given by Hassan Jabareen, the General Director of Adalah, in which he discussed the need to transform a case from a general claim to a very specific one. He spoke of strategies in preparing cases to the Supreme Court especially human rights cases, focusing on the suffering of Arab Bedouin living in the unrecognized villages in the Naqab (Negev). He emphasized the necessity of focusing on the human and social aspects of cases, and not to bring specifically the political aspects before the courts. Attorney Jabareen added that, "It is necessary in the preparation of cases to bring documentation and records and to provide facts in order to convince judges."

The lectures dealt with numerous issues, such as legal strategies in constructing criminal, constitutional and administrative and security cases, as well as using Israeli and international law in cases relating to the Occupation. In his lecture Attorney Riyadh al-Anis discussed strategies in preparing criminal cases. He stressed that it is important that a lawyer deals with cases as issues that concerns him or her, and representing the clients in the best way possible, even if he or she does not identify with the clients. Attorney al-Anis also indicated that it is imperative for the lawyer to totally convince his or her clients of their right to have their opinions and testimony heard before a court, and that sometimes, if a client remains silent this will damage his or her defense.

The lecturers stressed the importance of filing lawsuits in order to engender change within our society in all fields. For over the course of years of the struggle before the courts, a tangible, if insufficient, change has taken place in the living conditions of Arabs in the country. However, the struggle must continue, especially given the unjust violations of the rights of Arabs, whether regarding land, planning and building cases or security cases, and all those cases are considered a judicial dilemma in a state living within the notion of "security". Attorneys Osama Sa'adi and Hussein Abu Hussein spoke of the difficulty of working on security-related cases, as information and basic details are concealed and not made available to defense attorneys on the pretext of the need for maintaining confidentiality and protecting security. The attorneys also shed light on arbitrary laws relating to administrative detention that have been adopted by the state in a sweeping manner, also on the pretext of security.

Discussing another subject, Dr. Hala Khoury underlined the importance of and need to use and draw on international law to secure rights; these are the laws that are relied upon during the trials of the perpetrators of war crimes. Retired Judge Rayeq Jarjoura, a keynote lecturer, spoke of legal strategies in building cases from the viewpoint of the courts. Jarjoura stated that a successful lawyer is a lawyer who is attentive to the details of the case, studies the case meticulously before attending court, and is aware of all the facts. On the final day of the conference, workshops were held and the students were divided into groups. The workshops were facilitated by Mr. Wehbe Badarne from the Sawt al-Amel (Laborer's Voice) association, Adalah Attorneys Suhad Bishara and Sawsan Zaher, and Attorney Abeer Baker.

Walid Abed, a student from the village of Beineh who participated in the conference, said that, "We benefited greatly from the activities in the conference, and got to know senior lawyers and lecturers and learned from their experience. This will provide students with mechanisms for working on cases before the courts in the future. Most important of all was the contact made among our Palestinian people." Rawi Fuad Sultany, a student from al-Tira, stated that, "The Arab minority in the country suffers from blatant discrimination legally and judicially. Study days such as these represent an opportunity for law students to familiarize themselves with the legal and judicial reality of the Arabs, and to obtain information about how to confront this injustice. They also give you the mechanisms through which to deal with the courts and the means of tackling cases. Moreover, such conferences also contribute to the development of the students' personalities in terms of the legal and judicial aspects, and reinforce their connection to the Arab community and Arab organizations. They also increase the lawyer's self-confidence and arm him with the capability and confidence to stand before the courts."

Rawia Mohammed Handaqlu, a student from the village of Jatt in the Triangle area, said that, "You feel a part of the Arab people because there are organizations and associations that can help you to grow and develop your character. They provide you with information and ways of dealing with the Israeli judiciary, and give the chance for students to voice their opinions, learn about themselves and to be in contact with their community. During the conference we gained skills in working with laws and in particular those with a political aspect or those that are directed towards Arabs, and we became certain of the need not to confuse political and legal issues when dealing with a case before the courts." According to Hadil Fahoum, a student from Nazareth, "The prevailing belief within our society that lawyers are dishonest in their work was refuted during these study days and through the lectures; in fact the opposite is true. A lawyer has to work in an open way and has to use facts and documents in preparing cases or advocating before the courts, and so has to rely first and foremost on honesty and trust between the lawyer and the client. Study days of this kind contribute towards the creation of ranks of professional lawyers with the capability to stand before the courts confidently and with pride. The conference has made us aware of the need to draw on the legal and human aspects and on the facts in strategizing during case-building."