



### **Adalah's Litigation Docket**

*Pending cases and recent court decisions as of November 2014*

#### **I. Land and Planning Rights**

##### *Supreme Court (SCT)*

1. Petition to SCT demanding the cancellation of an Israel Land Authority (ILA) policy permitting the marketing and allocation of **Jewish National Fund (JNF)**-controlled lands by the ILA through bids open only to Jewish individuals. In 2007, the JNF and the state agreed that Arab citizens could bid for JNF-controlled lands, and that the state would compensate the JNF for any land acquired by Arab citizens by transferring alternative state lands to it. Adalah rejected this agreement as discriminatory. In 10/14, the JNF and ILA requested an additional six months to present a new proposed agreement between them to the court. The court granted them four months. Case pending.  
*(Supreme Court) HCJ 9205/04, Adalah v. Israel Land Administration/Authority, et al.*
2. Petition to SCT in 12/13 against [a construction company that refuses to sell apartments in Afula to Arab citizens of Israel](#). In refusing the sale, the company argues that the area is not a "mixed neighborhood". The housing project, however, is being built on public land. While the state and the ILA both responded that the apartments should be open to all, the company argued that it made a commitment to Jewish residents who bought apartments that the neighborhood will not be mixed. A court hearing was held in 8/14, the state informed the court that it had not reached an agreement with the company. The next hearing is scheduled for 12/14. Case pending.  
*(Supreme Court) HCJ 8625/13, Muhannad Khoury v. Israel Land Authority (ILA)*
3. Appeal to the SCT against the Beer Sheva District Court's decision to allow the [eviction of Arab Bedouin citizens of Israel from their homes in the unrecognized village of Atir-Umm el-Hieran](#) in the Naqab (Negev) in order for the state to expand the Yatir Forest and to build a new Jewish town named "Hiran" on the same land. Two hearings were held, one in 11/13 and another in 6/14, in which the court asked the state about including Umm el-Hieran in the area's new master plan as an alternative to its demolition. The state rejected the SCT's suggestion. Case pending for decision.  
*(Supreme Court) Appeal 3094/11, Ibrahim Farhood Abu al-Qi'an, et al. v. The State of Israel*

##### *District and Magistrates' Courts*

4. Appeals to the Beer Sheva District Court filed in 12/13 against the Magistrate Court's decision in 10/13 to uphold **19 eviction lawsuits against Arab Bedouin living in Atir-Umm el-Hieran**. (These cases are part of a group of cases, some of which are also pending before the SCT, see #3 above SCT Appeal 3094/11.) Although all of these cases are pending, the government announced in 11/13 that it would accelerate the demolition of Umm el-Hieran

in order to build the Jewish town of Hiran. In 4/14, District Court decided to stay further proceedings on these cases pending the SCT decision in Appeal 3094/11.  
*Civil Appeal 24239-12-13, Musa Abu el-Qian, et al. v. The State of Israel*

#### *Planning and Building Committees*

5. [Objection submitted to the District Land Planning Committee in 12/13](#) on behalf of the Head of the Basmeh Regional Council and over 400 residents of the Arab village of **Mu'awiya (pop: 3,500)**, located in the Triangle in the center of Israel, against the Ministry of Interior's Master Plan for the village. **The Master Plan contains no vision or consideration for developing the village** or for fulfilling the urgent needs of the villagers, including economic development and housing. Hearing held in 5/14. Objection pending.

### **II. Economic and Social Rights**

#### *Supreme Court*

6. Petition to the SCT filed in 7/13 on behalf of **parents of about 3,000 Arab Bedouin children attending seven schools in the Naqab to demand that the Education Ministry [connect the schools to the national electricity grid](#)**. Currently, the schools get their electricity from generators for only a few hours a day, and constant interruptions in the supply disrupt the functioning of air conditioners, computers, internet services and laboratories. Following a SCT order to connect the schools by 3/14, no school was connected, although the state responded that three schools were currently in the connection process. In 8/14, the electricity company informed Adalah its work was halted by the military due to the Gaza War, and that these open areas do not have shelters to protect them. Case pending.  
*HCI 5247/13, Ibrahim Abu Kaff v. Ministry of Education*

### **III. Civil and Political Rights**

#### *Supreme Court*

7. Petition to SCT to [cancel the "Anti-Boycott Law" enacted in 3/11](#) filed by Adalah and the Association for Civil Rights in Israel (ACRI) on behalf of leading human rights organizations in Israel, plus associations calling for an economic boycott of the settlements in the West Bank and/or of Israel. At a hearing held in 12/12, the Court [issued an order nisi](#) requiring the state to explain the justification for the law. A further hearing was held in 2/14 before an expanded panel of nine justices. Case pending for decision.  
*HCI 2072/12, The Coalition of Women for Peace, et al. v. The Minister of Finance, et al.*
8. Petition to the SCT in 10/14 by Adalah and ACRI on behalf of **Arab Member of Knesset (MK) Haneen Zoabi (Balad/al-Tajammu' party) against the Knesset Ethics Committee's decision of 7/14 to suspend MK Zoabi from all parliamentary meetings for 6 months** (until the end of 1/15). The petitioners argued that the Knesset lacked the authority to impose such a punishment and that the decision violated MK Zoabi's right to freely express her political opinion and her right to political participation. Case pending.

*HCJ 6706/14, MK Haneen Zoabi v. The Ethics Committee of the Knesset*

9. Adalah is also representing MK Haneen Zoabi against a petition filed by MK Dani Danon to the SCT, the Attorney General (AG) and the police, **demanding the criminal prosecution of MK Haneen Zoabi** for statements that she made concerning the kidnapping of three Israeli teenagers in the West Bank in 6/14. The AG has refused to indict and prosecute MK Zoabi for these statements finding that they did not amount to incitement, and that no crime was committed. Adalah responded to the petition in 11/14. Case pending.

*HCJ 5716/14, MK Dani Danon v. The State Attorney*

#### *District and Magistrates' Courts*

10. Appeal filed in 6/14 on behalf of MK Muhammed Barakeh. In 3/14, the Tel Aviv Magistrates' Court **acquitted MK Mohammed Barakeh (Democratic Front for Peace and Equality – Hadash)** of assaulting an undercover officer during a protest against the Separation Wall, but **convicted him of assaulting** a right-wing activist during a protest. In 4/14, the court **sentenced MK Barakeh to pay a fine of NIS 650**. Adalah has been representing [MK Barakeh](#) since 2009 on a criminal indictment charging him with four alleged offenses related to demonstrations against the war in Lebanon in 2006 and the Separation Wall in the West Bank. The court accepted Adalah's arguments concerning parliamentary immunity, and dismissed two of the four charges in 10/11. Next hearing scheduled for 12/14.

*Tel Aviv Magistrates' Court, Criminal Case 12318-12/09, The State of Israel v. Mohammed Barakeh*

11. Representing **residents of the Arab Bedouin village of Al-Araqib** in the Naqab and human rights activists since 2010 on **14 criminal indictments related to protest activities** concerning the repeated demolition of the village. [All but one of the indictments have been dismissed](#), or clients have been acquitted or pled guilty to very minor offenses in 2013 and in 1/14. One case remains pending with a hearing scheduled for 12/14.

*Beer Sheva Magistrates' Court, Criminal Case 12879-08/10, State of Israel v. Sayyah al-Touri*

#### **IV. Prisoners' and Detainees' Rights**

##### *Supreme Court*

12. An extraordinary motion for reconsideration filed by Adalah, ACRI and the Haifa University Prisoners' Rights Legal Clinic to the SCT in 1/13 and granted in 2/13 following the SCT's [ruling in 12/12 to uphold a sweeping ban on higher education via correspondence courses for Palestinian political prisoners designated as "security prisoners" and held in Israeli prisons](#). Adalah argued that the Court's decision was a radical departure from past precedent which held that education is a basic right. Two additional hearings have been held before expanded panels of justices in 7/14 and 11/14. Case pending.

*Motion for Additional Hearing in HCJ 204/13, Said Salah et al v. Israel Prison Service*

##### *District Court*

13. In 6/14, Adalah sent an urgent letter which called for an [immediate end to Israeli hospitals' shackling of Palestinian hunger-striking prisoners to their beds by their hands and feet 24 hours a day](#). This restraint prevented prisoners from moving at all and further complicated their already deteriorating health status. The restrictions impeded on the prisoners' most basic humanitarian needs, such as going to the bathroom, especially at night when staff claimed that there were not enough wardens to accompany them to the toilet. [In response to Adalah's letter](#), the Health Ministry claimed that the IPS decided to shackle prisoners, not the ministry. The Health Ministry claimed that it had no knowledge about this issue. Following this exchange, Adalah and Addameer filed a petition to the Nazareth District Court against this policy. The petition argued that these practices constituted torture and/or cruel, inhuman and degrading treatment, which are prohibited. The case is pending.

## **V. Occupied Palestinian Territory (OPT)**

### *Supreme Court*

14. *Amicus curiae* opinion filed to the SCT in 8/13 [challenging the application of the Absentees' Property Law in East Jerusalem](#). The opinion set out Adalah's legal arguments against the Attorney General's new position to permit the transfer of property ownership in East Jerusalem belonging to Palestinian West Bank residents to the Israeli Custodian of Absentee Property. Hearing held in 9/13 with a [decision deferred for additional arguments](#) on whether any decision by the court should also apply retroactively. Case pending.  
*(Supreme Court) Civil Appeal 2250/06, In the Matter of the Custodian for Absentee Property and the State of Israel v. Noha Dkkak et al.*
15. Adalah and ACRI, as *amicus curiae* before the SCT, challenging the [unprecedented revocation of Jerusalem residency status of Palestinian parliamentarians](#) elected on the Change and Reform List to the Palestinian Legislative Council (PLC) in 2006. The state is arguing that the parliamentarians have "breached their loyalty to the state" by sitting in a foreign parliament. Numerous hearings have been held on the case over the last 8 years. Next hearing scheduled for 12/14 before an expanded panel of nine justices.  
*HCI 7803/06, Khalid Abu Arafah, et al. v. Minister of Interior*
16. Petition filed to the SCT in 10/12 on behalf of Gaza residents, lawyers and human rights organizations [challenging the ban on Palestinians from Gaza from entering Israel to access the courts for tort damages](#) cases filed by them against the Israeli security forces. The state's prevention of entry of claimants has resulted in the dismissal of hundreds of compensation lawsuits. In effect, the state - a party to the case, which is also the decision-maker about whether or not a person may enter - is exempting itself from all damages claims in violation of the law. At a hearing held in 11/14, documents were revealed showing that the State Prosecutor's Office was illegally and unethically using its power over permits to manipulate the outcome of cases. Case pending.  
*HCI 7042/12, Abu Daqqa, et al. v. Interior Minister, et al.*

### *Land Planning Committees*

17. Objection submitted by Adalah and the Civic Coalition for Palestinian Rights in Jerusalem in 12/12 to the Jerusalem District Planning and Building Committee on behalf of the 'Anata Municipality [against a plan to construct a landfill on land belonging to the Palestinian villages of 'Anata \(pop: 20,000\) and Al-'Issawiyya \(pop: 12,000\)](#). A hearing is scheduled for 12/14.
18. Objection filed on behalf of Palestinian NGOs and four municipalities in cooperation with the Civic Coalition for Palestinian Rights in Jerusalem in 3/08 to the [Eastern Ring Road Plan for Jerusalem](#). The plan is designed to create a segregated road system and to encircle Palestinian neighborhoods in East Jerusalem, in violation of international and Israeli law. Case pending for decision.

## VI. Recent Decisions - 2014

19. In 1/14, the Beer Sheva Magistrates' Court [dismissed two indictments against protestors in Al-Araqib](#) charged with attacking police officers and disrupting public order. The decision came after Adalah attorneys revealed video recordings proving there was no factual basis for the cases. The cases are part of a group of 14 criminal indictments brought against 11 residents and activists for protesting against the destruction of Al Araqib village. 13 of 14 indictments have been dismissed or individuals' acquitted by the court, with one case pending (See case # 11 above *Criminal Case 12879-08/10*).
20. In 1/14, Adalah, Darna - The Popular Committee for the Protection of Land, ACRI, and BIMKOM agreed to withdraw their petition filed in 7/13 and enter into negotiations with the ILA concerning the criteria of ILA housing construction tenders in the [Ajami neighborhood of Yaffa-Tel Aviv](#). The neighborhood is undergoing extensive gentrification, with poorer Arab residents finding it almost impossible to remain in their community. The NGOs, together with the residents, seek changes to reflect the principle that profits are not the only relevant consideration in building new housing.  
*Tel Aviv District Court, Administrative Petition 22361-07-13, Darna, et al. v. The ILA*
21. In 4/14, following an urgent motion submitted by Adalah, the Haifa Magistrates' Court [lifted a gag order on the arrest of Mr. Majd Kayyal](#), a journalist and web editor at Adalah, who was detained while crossing the border from Jordan to Israel. Kayyal was arrested for traveling to an "enemy state" and for alleged contact with a foreign agent. Kayyal was returning from a conference in Beirut, Lebanon that he independently attended to mark the 40th anniversary of the *As-Safir* newspaper, to which he is a frequent contributor. Adalah also submitted motions to the courts to lift the ban on meeting with a lawyer, and against the extension of Kayyal's detention. Kayyal was eventually released following five days of incommunicado detention.  
*Haifa District Court 26284-04-14 Majd Kayyal v. Israeli Police & Haifa Magistrate Court 23318-04-14 Israeli Police v. Majd Kayyal*
22. In 5/14, the Beer Sheva District Court issued **a precedent-setting ruling by rejecting the state's appeal** against a decision by the Kiryat Gat Magistrates' Court in 12/11 ordering the immediate [cancellation of 51 demolition orders](#) against the homes of 500 Arab Bedouin

residents of Al-Sira in the Naqab. As a result, the residents of Al-Sira can remain in their homes and village.

*Beer el-Sabe District Court, Different Criminal Appeals 62341-01-12, The State of Israel v. Odeh Mousa Nasasra*

23. In 5/14, the Haifa District Court [decided to cancel Haifa University's decision](#) to **expel Palestinian Arab students Tarek Yassin and Ahmad Masalha for organizing political activity on campus on the anniversary of the Nakba**. The court ordered the students' return to the university the following week. The decision followed Adalah's appeal on behalf of the students.

*Haifa District Court Motion 29042-05-14, Masalha, et al. v. Haifa University, et al.*

24. In 6/14, Haifa University announced to the SCT that it was willing to lift its [recent ban on Arab student clubs' activities](#) and to allow them to hold public activities on campus to celebrate the end of the school year. This announcement followed Adalah's appeal to the SCT, filed in 6/14, against the Haifa District Court's decision to uphold the ban on activities of the Arab student clubs associated with political parties' al-Jabha/Hadash, Balad, and Abnaa al-Balad imposed by the Dean of Students. The University also announced that it would waive court expenses imposed by the District Court, in return for Adalah's withdrawal of the appeal.

*(Supreme Court) Civil Appeal 3967/14. Masalha v. Haifa University*

25. In 7/14, the National Infrastructure Committee rejected an objection submitted by Adalah the Arab Center for Alternative Planning (ACAP), and the Public Committee in Wadi 'Ara in 2/14 [against the planned expansion of Wadi 'Ara Road \(Road no. 65\) into a highway](#). The plan would lead to the confiscation of vast lands from Arab towns, deviates from standard planning considerations and denies participation in planning to landowners in the area. The Committee's decision adopted very important principles that were raised by the objectors. The decision states that: (1) due to the land crisis in the area (a) there is a need to minimize areas designated for open scenic areas adjacent to the road, and that any land not used on completion of the road works will be returned to its owners, and (b) the plan should sacrifice open scenic spaces to uphold the right to property; (2) the agricultural roads in the area should be upgraded to urban roads; (3) the plan will not change existing building options; (4) walkways should be added to the plan; and (5) areas designated for confiscation should be decreased.

26. In 9/14, the Supreme Court in a 5-4 decision rejected Adalah's petition demanding the **cancellation of the "[Admissions Committee Law](#)"**, enacted in 3/11. The law legalizes "admissions committees" and the use of the "social suitability" criterion to determine whether to accept or reject individuals who wish to live in these towns. This criterion overwhelmingly affects Palestinian Arab citizens of Israel. The court reasoned that the case was premature or not ripe, as the petitioners did not show that the law had been used to deny entry to applicants. However, hundreds of applicants (Arab citizens, gay families, single mothers, and others) have been denied admissions to various communities pursuant to the same admissions committees' policies.

*(Supreme Court) HCJ 2504/11, Adalah, et al v. The Knesset, et al.*

27. In 9/14, the National Council for Planning and Building rejected an appeal filed by Adalah and the Civic Coalition for Palestinian Rights in Jerusalem in 2/14 [against a new “National Park” to be built on the lands of the Palestinian neighborhoods of Al-‘Issawiya and At-Tur in East Jerusalem](#). The project will annex nearly 700 dunams of lands belonging to the Palestinian villages of Al-‘Issawiya and At-Tur in occupied East Jerusalem and prevent any possibility of development or expansion in the area.
28. In 9/14, the SCT denied Adalah’s motion for permission to appeal filed in 4/14 against decisions of the Kiryat Gat Magistrates’ Court in 12/11 and the Beer Sheva District Court in 3/14 to uphold [ex parte demolition orders](#) **against 33 homes in Umm el-Hieran**. The SCT ruled that the cases raise no “important public interest”. In 10/14, Adalah submitted a further request to the SCT asking it to cancel this decision and to join this homes demolition case with the Atir-Umm el-Hieran evictions cases that are currently pending before the SCT (see #3 above, pending cases, Appeal 3094/11). The request was denied.  
(Supreme Court) *Request to Appeal 3082/14, Musa Abu el-Qian, et al. v. The State of Israel*
29. In 10/14, [the National Council for Planning and Building rejected the appeal submitted by Adalah and Bimkom in 3/13 against the Yatir Forest Plan 264/03/11](#). This plan, if implemented, **will destroy the unrecognized Arab Bedouin Village of Atir and establish a forest in its place**. The human rights organizations emphasized that the plan privileged recreational parks over the constitutional rights of Atir’s residents to their homes. It further violates the citizens’ right to property and their constitutional right to dignity.
30. In 10/14, the SCT accepted [a petition filed by Adalah and the I’lam Media Center in 10/14 on behalf of Radio Ashams](#) and in their own names challenging the prohibition on Arabic radio station Ashams from broadcasting on Yom Kippur (the Jewish Day of Atonement). As a result, the radio station was allowed to broadcast on the holiday. *HCI 6587/14, Radio Ashams v. Minister of Communication*
31. In 6/14, Adalah sent an urgent letter to the IPS and the AG, followed by a petition to the Lod District Court in 7/14, [demanding that the IPS withdraw its recent decisions](#) preventing Palestinian hunger-striking prisoners and detainees from all family visits. In correspondence, the IPS legal advisor acknowledged that the IPS is preventing the hunger-strikers from family visits as a punitive measure, as hunger-striking is a violation of prison regulations. Petition was withdrawn in 11/14.
32. At a hearing held in 11/14, Adalah withdrew its petition to the SCT filed in 7/13 on behalf of representatives of five unrecognized Arab Bedouin villages (population: 12,000) in the Naqab **demanding that the state Water Authority reduce the high [water prices](#)** charged of the villagers. The villagers are obliged to pay the regular price for water, which includes expenses for sewage infrastructure, despite the fact that the villages are not connected to the national water infrastructure. Adalah argued that the current pricing system amounts to illegal gains for the Water Authority. Adalah withdrew its petition after the court stated that it would not intervene in the matter.  
*HCI 5259/13, Ahmad El-Riadi, et al. v. Mekorot, et al.*

33. Petition filed in 10/14 to the Tel Aviv District Court on behalf of a family demanding **the cancellation of the Israel Football Association (IFA)'s decision to divide the children's national football league**. The division effectively creates segregation between Israeli Jewish teams and most Arab teams. In its response on 22 October, the IFA hinted that the division was based on requests for separate and not mixed leagues from Jewish families. A successful hearing for Adalah in the District Court in Tel Aviv was held in 11/14, where the IFA has agreed to mix the leagues and add new Jewish teams to Hashmron league. The IFA declared that it will not create or support any separation between Arab and Jewish teams. They also agreed to hear Adalah's suggestions on issues relating to mixed leagues, for advancing educational values and league assignments.

*Tel Aviv District Court Civil Case 31842-14-10, Jad Mahajneh v. The Israel Football Association*