



Adalah's Litigation Docket

Pending cases and recent court decisions as of February 2013

I. Land and Planning Rights

Supreme Court

1. [Demanding the cancellation](#) of an Israel Land Administration (ILA) policy permitting the marketing and allocation of **Jewish National Fund (JNF)**-controlled lands by the ILA through bids open only to Jewish individuals.
HCJ 9205/04, Adalah v. Israel Land Administration, et al.
2. Demanding the **cancellation of the "Admissions Committee Law"**, enacted in 3/11, which legalizes "admissions committees" and the use of "social suitability" criterion to determine whether to accept or reject individuals who wish to live in these towns. Last hearing held before an expanded panel of nine justices in 12/12. Case pending for decision.
HCJ 2504/11, Adalah, et al v. The Knesset, et al.
3. Motion for permission to appeal to the Supreme Court against the decision of the Beer el-Sabe (Beer Sheva) District Court 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 in order for the state to build a new Jewish town named "Hiran" on the same land. Hearing in 9/13.
Motion for Perm. to Appeal 3094/11, Ibrahim Farhood Abu al-Qi'an et al. v. The State of Israel

District and Magistrates' Courts

4. Seeking cancellation of **eviction lawsuits** against 1,000 Arab Bedouin citizens of Israel living in Atir-Umm el-Hieran in the Naqab and demanding recognition for the unrecognized village. Hearing scheduled 2/13.
Beer el-Sabe Magistrates' Court, Civil File 1769/08, The State of Israel and the ILA v. Bajis Farhood Abu el-Qian, et al. (+ legal representation on 22 additional civil files) (see also Motion for Permission to Appeal 3094/11 above)
5. Appeal against the decision of Kiryat Gat Magistrates' Court in 12/11 to uphold [ex parte demolition orders](#) against **33 homes in Umm el-Hieran**, an unrecognized Arab Bedouin village in the Naqab. Hearing scheduled for 2/13.
Beer el-Sabe District Court, 507611-01-12, Abu el-Qian, et al. v. The State of Israel.
6. Defending a precedent-setting decision delivered 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. The state has appealed; hearing scheduled for 4/13.
Beer el-Sabe District Court, Different Criminal Appeal 62341-01-12, State of Israel v. Odeh Mousa Nasasra

Land Planning Committees

7. [Objection submitted against the “Yatir Forest Plan 11/03/264,”](#) which would **destroy the unrecognized Arab Bedouin village of Atir** and establish a forest in its place. The District Committee for Planning and Building – Southern District (DCPB) rejected the objection, and Adalah filed for permission to appeal in 1/13; permission granted 2/13.
Motion for Permission to Appeal filed by Adalah and Bimkom in 1/13; appeal to the National Council for Planning and Building to be filed in 3/13.

II. Civil and Political Rights

Supreme Court

8. Petition submitted by Adalah with the Association for Civil Rights in Israel (ACRI) on behalf of MK Haneen Zoabi (National Democratic Assembly-Balad) to [cancel the Knesset’s decision to revoke some of MK Zoabi's parliamentary privileges](#) due to her participation in the Gaza Freedom Flotilla in May 2010. Case pending for decision by an expanded panel of seven justices.
HCJ 8148/10, Zoabi v. The Knesset
9. Response in 2/12 on behalf of MK Haneen Zoabi to a petition filed by former MK Michael Ben Ari to the Supreme Court demanding that the Attorney General (AG) [criminally indict MK Zoabi for her participation in the Gaza Freedom Flotilla](#) in May 2010. In 12/11, the AG announced that no indictments would be filed against Israeli citizens on the flotilla. Case pending.
HCJ 97/33/11, Ben Ari et al v. Attorney General et al.
10. Petition to [cancel the “Anti-Boycott Law” enacted in 3/11](#) filed by Adalah and ACRI on behalf of leading human rights organizations in Israel, as well as associations calling for an economic boycott of the settlements in the West Bank 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, and ordered the next hearing to be held before an expanded panel of justices.
HCJ 2072/12, The Coalition of Women for Peace, et al v. The Minister of Finance, et al.

District and Magistrate Courts

11. [Representing MK Mohammed Barakeh](#) (Democratic Front for Peace and Equality-Hadash) on a criminal indictment charging him with four alleged offenses of assaulting or insulting police officers resulting from his participation in anti-Wall and anti-War demonstrations between 2005 and 2007. The court accepted Adalah's arguments concerning parliamentary immunity, and dismissed two of the four charges in 10/11. [Hearings held in 12/12](#) and will continue in 2013.
Tel Aviv Magistrate Court, Criminal Case 12318-12/09, State of Israel v. Mohammed Barakeh
12. Representing Prof. Nadera Shalhoub-Kevorkian of the Hebrew University in a torts lawsuit against the Israel Airports Authority for [humiliating and demeaning treatment at Ben Gurion Airport](#). Adalah also submitted a petition to the Supreme Court in 1/12 requesting the screening standards at the airport as part of evidentiary procedures in the case. In 7/12, the Supreme Court dismissed the petition relying on previous court decisions refusing to cancel the immunity certificate on the airport screening standards. Based on this decision, the torts lawsuit was

revived, and an evidentiary hearing is scheduled for 4/13. Due to the Supreme Court's decision no cross-examination will be permitted on airport security procedures and criteria.
(Supreme Court) Motion 605/12, Nadera Shalhoub-Kevorkian v. Airports Authority
Magistrate Court Tel Aviv, Civil Case 6783-11-09, *Nadera Shalhoub-Kevorkian v. Airports Authority*

13. Representing **residents of Al-Araqib** and human rights activists on **10 criminal indictments related to protest activities concerning the repeated demolition** of the Arab Bedouin village of Al-Araqib in the Naqab. The court has [cancelled five indictments after hearings thus far](#). Hearings scheduled throughout 2013.
Beer el-Sabe Magistrate Court, Criminal Case: 12879-08/10, State of Israel v. Sayyah al-Touri (+ 9 additional criminal files)
14. Representing [MK Sa'id Naffaa on a criminal indictment charging him with traveling illegally to Syria](#), defined as an enemy state by Israeli law; assisting in organizing a visit of around 300 Arab Druze religious clerics on a pilgrimage to Druze holy places in Syria; and being in contact with a foreign agent in Syria in September 2007. MK Naffaa maintains that all his activities fall within the framework of his duties as an elected public official. In 12/12, the District Court rejected Adalah's motion to dismiss the charges based on [MK Naffaa's political immunity](#). Case pending.
Nazareth District Court, Criminal Case: 47188-12-11, State of Israel v. Sa'id Naffaa
15. Representing **Arab Druze religious leaders**, as part of a legal defense team, on criminal indictments charging them with travelling illegally to Syria. These clerics went on a pilgrimage to Druze holy places with MK Sa'id Naffaa.
Nazareth District Court, Criminal Case: 16047-01/12, State of Israel v. Muady et al.

III. Economic, Social and Cultural Rights

Supreme Court

16. Seeking the inclusion of the Arab village of Aramshe on the [list of communities eligible for lucrative egg production and marketing subsidies](#) (only Jewish towns receive these benefits).
HCI 3815/08, Eyad el-Mugheys, et al. v. The Minister of Agriculture
17. Demanding the annulment of amendment No. 113 to the National Insurance Law, which states that if a child does not receive vaccinations mandated by the Health Ministry, his/her [state-funded child allowance payments will be decreased](#) by 60 percent. Case pending for final judgment.
HCI 7245/10, Adalah v. Minister of Welfare and Social Affairs
18. Appeal to the Supreme Court in 3/12 against the Haifa District Court's decision to deny [access to water to Arab Bedouin residents](#) living in the unrecognized village of Umm al-Hieran. This appeal follows a landmark [Supreme Court decision](#) delivered in Adalah's case in 6/11 ruling that the right to water is a constitutional right, and that all citizens possess the right to minimal water access, regardless of the legal status of their community. Next hearing scheduled in 2/13.
C.A. (Civil Appeal) 2541/12 - Salib Abu al-Qi'an vs. The Government Authority for Water and Sewage

IV. Prisoners' and Detainees' Rights

Supreme Court

19. Motion for reconsideration of decision and an additional hearing by an expanded panel of justices filed to the Supreme Court following its [recent ruling to uphold a sweeping ban on higher education](#) via correspondence courses for Palestinian political prisoners held in Israeli prisons and designated as “security” prisoners.

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

V. Occupied Palestinian Territory (OPT)

Supreme Court

20. Adalah and ACRI, as amicus curiae before the Supreme Court, 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. Hearing held in 1/13.

HCJ 7803/06, Khalid Abu Arafah, et al. v. Minister of Interior

21. Motion submitted to the Supreme Court in 1/11 asking for status as amicus curiae to join several petitions challenging the **application of the Absentees' Property Law in East Jerusalem** *Civil Appeal 2250/06, On the Issue of the Custodian for Absentee Property and the State of Israel v. Dkkak Noha et al.*

22. Petitions filed in 6/12 and 10/12 to the Beer el-Sabe District Court and the Supreme Court, respectively, on behalf of Gaza residents and Palestinian and Israeli human rights organizations [challenging the ban on Palestinian residents of Gaza from entering Israel to access the courts for tort damages](#) cases filed against the Israeli security forces. The state's prevention of entry is resulting in the dismissal of hundreds of compensation lawsuits. In effect, the state is exempting itself from all damages claims.

(Beer el-Sabe) Administrative Petition no. 43070-06-12, Nasrallah v. Interior Minister (case withdrawn, following the state's commitment to reconsider entry of specific claimants in the case)

HCJ 7042/12, Abu Daqqa, et al. v. Interior Minister, et al. (case pending)

Land Planning Committees

23. Objection submitted in 1/13 to the Jerusalem District Planning and Building Committee on behalf of the 'Anata Municipality [against a plan to construct a landfill on lands belonging to the Palestinian villages of 'Anata \(pop: 20,000\) and Al-'Issawiyya \(pop: 12,000\).](#)

Objection filed by Adalah and Civic Coalition for Defending the Palestinians' Rights in Jerusalem

24. Objection to the [Eastern Ring Road Plan for Jerusalem](#), designed to create a segregated road system and to encircle Palestinian neighborhoods in East Jerusalem, in violation of international and Israeli law.

Objection was filed on behalf of Palestinian NGOs and four municipalities in cooperation with the Civic Coalition in 3/08. Waiting for decision

VI. Recent Decisions

1. Immediately before a scheduled hearing in 2/13, the Supreme Court decided to dismiss a petition filed on behalf of MK Dr. Ahmad Tibi (Ra'am-Ta'al) against the Knesset Presidium's decision in 2011 to [disqualify his proposed legislative bill prohibiting Nakba denial. MK Tibi tried to introduce this legislation](#) following the enactment of the "Nakba Law" in 2011. The court ruled that MK Tibi can re-submit his bill in 2013 to the new Knesset; however, the court had already issued an order nisi, and had expanded the panel to seven justices. *HCI 5478/11, MK Ahmad Tibi v. The Speaker of the Knesset, MK Reuven Rivlin*
2. In 2/13 the Supreme Court [dismissed a petition](#) demanding the cancellation of a **sweeping exemption in law granted to the Israeli police and the General Security Services (GSS) from the duty to make audio and video recordings** of their interrogations of individuals suspected of security offenses, overwhelmingly Palestinians. In 7/2012, the Knesset extended the exemption. The Court's dismissal cited the state's claim that it will re-examine the exemption in 2015. *HCI 9416/10, Adalah v. Ministry of Public Security*
3. In 1/13, Adalah withdrew a [petition](#) filed to the Beer Sheva District Court in 11/12 demanding the cancellation of a decision – taken without consulting the parents – to **transfer 55 Arab Bedouin students in a special education program** from the town of Kassifa in the Naqab to another school in the village Molda/Attrash, as the new school is located far from the students' homes and does not offer the minimum necessary level of security and accessibility. At the court's request, Adalah filed individual complaints against each student's transfer. *Administrative Petition 41218-11-12, Nasasra v. Ministry of Education*
4. The National Council for Planning and Building (NCPB) dismissed an appeal in 1/13 filed by Adalah, Bimkom and the RCUV against the rejection of an [objection submitted against the government plans to build "Intelligence City"](#). This new planned area is a consolidation of several military bases in the south, which would also include lands on which unrecognized Arab Bedouin villages lie. At a hearing held in 5/12, the District Committee for Planning and Building – Southern District (DCPB-SD) rejected the objection. *Objection filed 3/12 and appeal submitted 8/12 by Adalah, Bimkom and the Regional Council for the Unrecognized Villages in the Negev (RCUV)*
5. In 1/13, the Nazareth District Court dismissed a petition filed on behalf of the Mayor of Nazareth requesting the cancellation of a tender **making "service in the security forces" a condition to bid on five plots of land in the city**. The Israel Lands Administration [froze the bid](#) in response to the petition; however, the court ruled that military service is an appropriate criterion for awarding land and housing benefits. *Administrative Petition 21030-11-12 Municipality of Nazareth vs. Israel Land Administration*
6. In 12/12, Adalah filed a petition on behalf of the Arab Center for Alternative Planning (ACAP) to prevent Jewish ultra-Orthodox organizations from [bidding in land tenders for the construction of 78 apartments in the planned city of Harish](#) in Arab Wadi 'Ara. The petition was filed due to fears that right-wing and Jewish ultra-Orthodox associations will dominate the bids and distribute them exclusively to their members, while excluding Palestinian citizens of the state. In

1/13 the petition was withdrawn, despite serious legal implications according to the judge, because of the impending bid deadline.

Administrative Petition 58680-12-12, Milhem Milhem, et al. v. ILA, et al.

7. In 1/13, the Supreme Court [unanimously overturned](#) a **ban of Balad/Tajammu's election campaign video** that included a spoof enactment of the Israeli national anthem Hatikva.
HCJ 246/13, MK Jamal Zahalka v. The Chair of the Central Elections Committee
8. In 12/12, the Supreme Court [unanimously overturned the Central Elections Committee's decision to disqualify MK Haneen Zoabi](#) (Balad/Tajammu) from running in the January 2013 national elections.
(High Court) Elections Confirmation 9255/12, The Central Elections Committee v. Haneen Zoabi
9. Adalah represented in a case in 2011 involving [the families of five Palestinians killed by rocket fire while working in settlements in Gaza in 6/2005](#). The State denied all liability for the deaths of the Palestinians based on an order of the Defense Minister, denying compensation to Palestinians; Chinese worker families did receive compensation. In 12/11 the National Labor Court ordered the State to negotiate compensation payments for the families, and by 11/12, a settlement was reached and confirmed by the court.
National Labor Court 537/09, Samir Jarjon, et al v. National Insurance Institute and the Attorney General
10. In 9/12, the National Council for Planning and Building (NCPB) rejected [an objection to the Jerusalem Regional Master Plan](#) submitted by Adalah in cooperation with the Civic Coalition for Defending the Rights of Palestinians in Jerusalem in 11/08. This plan will further restrict development of Palestinian neighborhoods, entrench the settlements and alter the city's demographic composition.
11. In 9/12, a subcommittee of the NCPB rejected an appeal filed by Adalah and Bimkom against Master Plan 15/02/107 for the [planned Israeli Jewish town of Hiran](#). The NGOs brought the appeal in the names of Arab Bedouin citizens of Israel living in Umm el-Hieran against a decision by the District Planning Committee to approve the Master Plan and build "Hiran", a new town for Jewish families to be constructed on the ruins of Umm el-Hieran, home to 1,000 residents. The organizations first submitted an objection against the plan in 1/11.
12. In 8/12, Adalah learned that the Education Ministry established the [first high school in Abu Tulul, a formerly unrecognized Arab Bedouin village](#). 120 students started the 10th grade this academic year, 2012-2013, in a series of caravans. The opening of this school follows seven years of litigation before the Supreme Court by Adalah as well as a motion for contempt due to the state's failure to uphold its commitment to open the school in 2009.
HCJ 7562/09, Fatmeh Abu Sbeli, et al. v. Ministry of Education, et al.