The Perfect Crime

The Supreme Court, the Occupied Territories, and al-Aqsa Intifada

Nimer Sultany

> There I see a miserable people groaning under an iron yoke, the human race crushed in a grip of oppressors, and an enraged mob overwhelmed by pain and hunger whose blood and tears rich men drink in peace. And everywhere the strong are armed against the weak with the formidable power of law.
>
> Jean Jacques Rousseau, *The Principles of the Rights of War* [1]

The occupation does not occupy only territory; it also occupies people and daily life. It occupies the past, present, and future. It distorts history, alters names, and oppresses the language of the occupied people. With one stroke, the West Bank becomes Judea and Samaria, Nablus becomes Schem, al-Khalil turns into Hebron, and the Occupied Territories become the Area, the administered Territories or the Territories. Language becomes a mechanism to disguise and conceal the reality, a mechanism to present an alternative reality by giving it new packaging.[2] The Supreme Court cooperates with these processes and helps rewrite the history of the Occupied Territories. In creating judicial principles that have in the passage of time become judicial heritage, the Court has assimilated the perspective of the occupier and rejected that of the victim.

"It is in the nature of a victim" writes Jean-Francois Lyotard, "not to be able to prove that one has been done a wrong. A plaintiff is someone who has incurred damages and who disposes of the means to prove it. One becomes a victim if one loses these means. One loses them, for example, if *the author of the damages turns out directly or indirectly to be one's judge*. The latter has the authority to reject one's testimony as false or the ability to impede its publication…. the '*perfect crime*' does not consist in killing the victim or the witnesses… but rather in obtaining the silence of the witnesses, *the deafness of the judges*, and the inconsistency (insanity) of the testimony."[3] [emphasis added - N.S.]

Following Lyotard, this article examines the rhetorical means that the Supreme Court uses to erase the Palestinian narrative by rejecting it as false and trampling on its remains. The article focuses on Supreme Court decisions concerning petitions filed on behalf of Palestinians in the Occupied Territories during the Intifada that erupted in late September 2000. In particular, it explores the legal discourse underlying these decisions, and the enormous gulf between two conflicting narratives. In the Jewish Israeli narrative, the Intifada is perceived as violence and terror that threatens the daily existence and personal security of Israelis. In the Arab Palestinian narrative, the Intifada is perceived in terms of freedom, national liberation, independence, self-determination, and struggle against occupation.

Supreme Court decisions delivered during the Intifada show that the Israeli judicial discourse does not register the Palestinian narrative, and the cries of pain and the desire for freedom that characterize it. The justices do not understand the Palestinian suffering, which is viewed as false and its representation in the legal language entails violence. As May Jayyusi writes: "The representation of the 'other' between two unequal discourses involves a violence in that, as Talal

Asad points out, weaker languages are more likely to submit to forcible transformation in the process... The violence done to the 'other' lies in that this other has to present itself within the terms of the dominant discourse."[4] In cases brought by Palestinians, the Supreme Court employs legal techniques that Avigdor Feldman categorizes as cunning:

> Repression, justification, avoidance, and forgetfulness... In the Territories, the Supreme Court adjudicates people whose life experiences do not touch it, whose language is foreign to it, whose culture is estranged to its culture. No channel of communication exists between it and them.[5]

The Supreme Court

With the outbreak of the Intifada, the effect and severity of human rights violations against Palestinians in the Occupied Territories increased, thereby presenting the Supreme Court with great challenges. The Supreme Court did not meet these challenges and failed to act and protect human rights in the Occupied Territories. Rather, it chose to serve as a rubber stamp for questionable security considerations, employing judicial violence and oppression. The Court readily expressed its desire not to interfere with the military and "security" considerations, an old fig leaf used to cover up grave harm to Palestinians. Palestinians who turned to the Supreme Court returned empty handed, their petitions rejected.

As far back as 1986, Avishai Ehrlich found that Palestinians in the Occupied Territories had no chance to succeed in their petitions to the Supreme Court. Of 59 petitions filed in the second half of 1986, none of the Palestinians emerged victorious. Ehrlich further found that 87.7% of the petitions dealt with the military's use of physical force, such as demolition and the sealing of houses, expropriation of property and land, deportation, denial of freedom of movement, restrictions on entry and exit from the country, and the prevention of family unification.[6]

Ronen Shamir found that of 557 petitions filed from 1967 to 1986 by Palestinians in the Occupied Territories, the Supreme Court ruled in favor of the petitioners and rejected the position of the Israeli authorities in only five instances, representing less than 1% of the cases. Only 65 petitions reached the litigation stage. Shamir noted that Palestinian victories were only symbolic; in those cases, too, the Supreme Court's decisions reinforced the legitimacy of Israel's occupation policy.[7] Supreme Court decisions from the end of September 2000 to early September 2001, some of which are discussed below, provide comparable results to those found by Ehrlich and Shamir.

The argument over whether to seek redress in the Supreme Court and the utility (or lack of utility) of petitioning the Court is not new.[8] Some Palestinians contend that applying to the Supreme Court symbolizes recognition of the occupying state and legitimizes the oppressive military regime, without offering fair consideration. In addition, it should be emphasized that the acceptance of the rules of the game itself necessarily results in comparable use of these rules and of the language in which the legal proceedings are held, e.g., the language in which the rules of the game are written. These rules are rigid and changing them is complex. The attempt

"to take part and yet feel not a part," that is, to petition the Court without yielding to the dictated rules is ineffective and does not lead to success of any kind, as I demonstrate in the discussion of the cases below.

Palestinians are allowed to petition the Supreme Court as a matter of goodwill and not of right. Some argue that this practice expresses the liberal nature of the occupation. Ehrlich rejects this contention and argues that the purpose of allowing Palestinians to petition the Israeli Supreme Court was to challenge the status of the Arab Supreme Court of Appeals that operated in Ramallah, and to give a liberal image to the occupation, which masks its oppressive reality.[9] Leon Sheleff argues that judgments in favor of the authorities are built into the arrangement:

> Conditioning the litigation on the consent of the authorities-respondents tied the hands of the Court, because a large number of decisions in favor of the petitioners was liable to raise doubts about the continued consent of the respondents.[10]

According to Sheleff, this explains the judicial passivity so evident in decisions relating to the Occupied Territories, a passivity that is reflected in the readiness of the Court to accept the authorities' arguments dealing with security considerations.[11]

The Rhetorical and Narrative Tools of the Profession

A conspicuous characteristic of the vast majority of the judgments dealing with the Occupied Territories during al-Aqsa Intifada is that they are brief, most of them containing only a few lines. The Court is not interested in the details of the oppression as stated in the petitions, and it rushes to rule in favor of the Israeli authorities. The Court does not seriously address petitions filed by Palestinians. It acts with a lack of trust, is closed-minded, and shows utter disregard to the petitioners' arguments and the suffering that they wish to portray to the Court. It should be noted that in most cases the Supreme Court delivers its decisions without holding a hearing or after only one hearing is conducted.

Another evident symptom is the collective decision-making and yet, the anonymous issuance of decisions. One justice does not deliver the decision in his or her name in which other justices join or dissent; the decisions are signed by the whole panel hearing the case. This anonymity indicates the uniform and consensual approach of Israeli Supreme Court justices. This unanimity may be explained by the fact that the justices belong to the Israeli consensus on the Question of Palestine, and play an important role in shaping that consensus. All justices of the Supreme Court are Jews and most served in the State Attorney's Office. The Internet logo of Israel's judiciary opens with "Zion shall be redeemed with judgment, and those that return unto her with righteousness." (Isaiah 1: 27). That is, the law is perceived as a tool to attain the collective Jewish goal, and hence, the religious quotation.

Another element that assists the Court in ignoring Palestinian reality is the frequent use of the phrase "we are satisfied," also stated, as noted, in the plural.[12] The Supreme Court considers itself part of the "struggle of the people of Israel." It

allows the authorities to do the "important work" without obstacle. At times, the Court "forgets itself" (or perhaps reminds those who forgot) and adopts without deliberation the opinion of the state authorities. In doing this, the Supreme Court turns the state's security interests into lofty and natural interests that are not open to criticism. For example, in *S'adi 'Abd Al-'Ashi*,[13] in which the petitioners contested the decision of the General Security Service to prohibit a detainee from meeting his attorney, Justice Heshin-Engelard-Levy ruled that:

> In the application of Petitioner's counsel, we read, *in camera* and without him being present, written material submitted to us in the matter of the Petitioner, and we were persuaded that *the lofty interests of state security* demand that it not be divulged to Petitioner's counsel.[14] [emphasis added - N.S.]

In *Dir Astiyeh Local Council*,[15] the petitioners objected to the army's expropriation of land. The army contended that the land was necessary for a military purpose, namely, the paving of a road for the movement of army vehicles. Justice Barak-Dorner-Beinisch presented the case in the first line of the judgment, as follows: "The Petitioners' land was seized to meet military needs." This statement sealed the fate of the petition. After summarizing the petitioners' claims in two lines, the panel stated:

> *We are unable to accept these claims*. In the past, stones were thrown at vehicles on the existing road… We have no basis not to accept the Respondent's position on the motive for taking this measure, and on its contribution to the security of the area. It is not collective punishment. We did not find anything unreasonable in the action that was taken. For these reasons, the petition is rejected. [emphasis added - N.S.]

Physicians for Human Rights[16] dealt with the legality of the army's policy of establishing checkpoints. The judgment opens with a statement of the facts and its first few lines dictate the result:

> The checkpoints exist and have existed for several months, following the grave security situation in these areas, *as part of the army's effort to prevent terrorist attacks*, which take a heavy toll on human life in the Territories themselves and within Israel. *The Petitioner contends* that these checkpoints, which create a closure or constitute a siege cause the local population to suffer… [emphasis added - N.S.]

The Supreme Court presents the army's contentions as concrete facts. The contention about Palestinian suffering is always an unreliable claim. The Court adopts the army's position and, in a few plain, forceful, and short sentences rejects the petitioners' contentions. These judgments are important also because of what is missing. Most of them fail to give any response to questions such as: Who are the specific petitioners? What damages have they suffered? What are their living conditions? How will the judgment affect them? The Supreme Court shows no interest in these matters. Furthermore, for understandable reasons,

the word "occupation" cannot be found in its judgments. Everything is conducted as if there is no occupation, or injustice or injury resulting from it. In the reality that the occupation has generated, everything is handled as if justice and judges are non-existent.

Violence by Formalism: The Petition is Premature The Petition is General

The drastic methods adopted by Israel since the beginning of the Intifada, particularly the restrictions on freedom of movement and the high number of gross human rights violations, as well as the rapid pace of events create difficulties for human rights organizations. Coupled with the lack of resources and personnel, it is difficult for human rights activists to obtain data and affidavits. The element of time places organizations and individuals wanting to petition the Supreme Court in a problematic position: The matters require urgent attention and delay is liable to render the petition moot or result in rejection due to laches. Filing a petition with great haste may also result in denial of the petition on procedural grounds such as failure to exhaust other remedies or premature application to the Supreme Court, or on the grounds that the petition is general and lacks a sufficient factual basis. For example, in *Israeli Committee Against House Demolitions*,[17] Justice Heshin-Zamir-Beinisch ruled that:

> Without discussing the merits... this petition is premature. The Petitioners should have waited for a reply to their letter before applying to the Supreme Court. Prior request to the competent authority, including giving the proper amount of time for a response to the request, is a preliminary condition for applying to the Court. The Petitioners did not comply with the requirement imposed on them; therefore, the petition should be summarily denied. The petition is denied.

This formal procedural reasoning completely ignores the facts underlying the petition, which was filed on 29 March 2001. At that time, dozens of Israeli settlers, some of them armed, had for several days, vandalized Palestinian property in al-Khalil and attacked Palestinians living in the city. These acts raised the danger of a pogrom against the Palestinian residents. The media broadcast pictures of the events worldwide, showing Israeli soldiers and police failing to do anything to stop the settlers' rioting. It was very likely that the Israeli army would initiate military action against the Palestinian Abu-Sneineh neighborhood, which is located nearby the Jewish settlement in the city, and would evacuate its residents and destroy the neighborhood or part of it. In their petition, the petitioners mentioned these concerns and the circumstances that caused them to file their petition with great haste. They also mentioned that the Israeli army shelled the neighborhood and requested its residents to evacuate the area. The Court turned its back on the petitioners.

The Supreme Court's approach enabled it to avoid relating to important subjects and to desist from delving into issues requiring difficult decisions, as well as from conducting a genuine investigation into the security considerations and the state's candor in raising such grounds for their actions. In doing so, the Supreme Court approved

practices that severely violated human rights and refrained from placing restrictions on the army. The Court's approach made the petitioners' mission impossible.

At the beginning of the current Intifada, human rights organizations attempted to challenge the army's policy of placing physical, unmanned roadblocks throughout the Occupied Territories. These roadblocks prevented Palestinians from moving about in their vehicles, affected the orderly supply of food and medicine, and made it impossible for millions of Palestinians to live normal, routine lives. Claiming that the petitions were general, the Supreme Court rejected the first two petitions relating to the roadblocks. In *Na'im Salem al-'Adreh and The Association for Civil Rights in Israel*,[18] Justice Matza-Dorner-Tirkel ruled that:

> The second demand set forth in the petition requests that we order the Respondent to remove all the physical barriers that it placed on the roads and thoroughfares in the area, and that it refrain hereinafter from using the method of placing physical barriers. This part of the petition does not state a cause of action for the Court's intervention. In addition to its being general and banal, no concrete foundation is presented that enables the Court to examine the reasonableness and proportionality of the measure under discussion, to achieve the objectives for which they were employed... As a result, therefore, the petition is denied...

This decision ignores the factual basis that the petitioners presented in great detail in their petition and affidavits. The judgment transforms the petitioners' description of the drastic consequences of the roadblocks into a picture of something general and banal. In *Physicians for Human Rights*,[19] Justice Heshin-Zamir-Beinisch ruled:

> The Petitioner presents the Court with a general picture laying no sufficient factual foundation on which to base the order requested... The Court does not consider it proper to grant the Petitioner the relief sought, which is general relief, without the customary and required factual foundation...

As a result of these two judgments, human rights organizations were compelled to undertake endless and unavailing efforts in smaller areas to meet the requirements that the Supreme Court set. The effect of the Supreme Court's decisions was to marginalize the overall picture and give major significance to the marginal.[20] The rulings of the Supreme Court reflect a simple equation; as the oppression increases, the generality of the petition grows.

Experts' Discourse

The Supreme Court held the legal discourse hostage to the security discourse, and subjected it to an "experts' discourse" in which Palestinians are not part of a national or political group that opposes the occupation. The Palestinians are severed from the overall picture and are turned into a security issue. In this discourse, the Palestinians are a passive entity. Israeli Jewish experts define for the Palestinians their needs and design the conditions under which Palestinians

live. The experts' discourse is ostensibly objective, apolitical, and pure, but for them "security" is the most important thing. The expert is always an Israeli Jew and the Palestinians' contentions are always weaker.

The Supreme Court does not critically assess these experts' considerations or determinations in the manner that it should examine the statements of an interested party. The opposite is true. Even when the Court senses that something is wrong, it does not intervene. For example, in *Zaqariyya al-Bakri*,[21] the petitioners requested that the Court order the Israeli authorities to cease present and future construction in the Tel-Rumeida antiquities site in al-Khalil. The Court ruled:

> Ostensibly, at face value, the State's response regarding the reasonableness of granting building permits on an archeological site is not persuasive. But this is a security-political decision in which this Court does not intervene.

The Absurd

The judgment in *Israeli Committee Against House Demolitions*[22] illustrates the hardship faced by petitioners in the Supreme Court. The Court describes the relief that the petitioners sought:

> The Petitioners request that we order the Respondent, the Commander of IDF forces in the West Bank, to employ soldiers and police to prevent settlers living in Hebron from using violence and hooliganism against Palestinians; that he allocate appropriate forces for this purpose; that he refrain, himself and anyone on his behalf, from collective punishment against the Abu-Sneineh neighborhood in Hebron and from evacuating residents from their homes; *and, if he intends to take military action against the Abu-Sneineh neighborhood, that he prepare a specific plan that will meet international standards*. [emphasis added - N.S.]

In their petition, the petitioners recognize the legitimacy of the military's activity in the Occupied Territories and demand that the activity comply with international standards. By doing so, the petitioners refrain from challenging the occupation. A further example of this is that the petitioners also mention that "their objective in filing the petition is to *strengthen the Respondent* in ensuring that the settlers obey the law, to prevent it from capitulating to rioting against Palestinians, and require it to consider, gauge, and slant its military response as to those who are not at fault." (emphasis added - N.S.)

After the Supreme Court rejected the petition on procedural grounds, the petitioners filed another petition.[23] This second petition refers to the settlers, in some of the instances, as "Israeli citizens who live in Hebron," and requests that the Court order the military commander to require the settlers to protect "the enclaves in which they live." The petitioners explain this request on the grounds that the protective means, "can be effective in protecting the Israeli residents, save lives, and prevent increased violence entailed in any attack. All this can be attained at relatively little cost in regards to the injury to the residents."[24]

Entry into the halls of the Israeli judiciary led the petitioners awry. It led to adoption of the rules

of the game and rhetoric of the Israeli legal establishment.

The Oppression

The Supreme Court's decisions reproduce the asymmetry of power found outside the courtroom. The law gives the illusion that there are two equal parties standing before it. In practice, the occupier remains the occupier and continues to be the strong party. The occupied party remains the occupied party and is further weakened. Initiating court action does not change the status of the parties. The Court preserves the existing situation, perpetuating the asymmetry.

The oppression continues also within the courtroom because any uncritical examination of reality results in its preservation. The legal apparatus generated for itself an internal means of justification for the continuation of its existence and for the oppression that it produces.

End Notes

* I would like to thank Dr. Eyal Gross and Samera Esmeir for reading drafts of this essay and providing helpful comments.

1. Jean Jacques Rousseau, "Principles of the Rights of War," in *Reading Rousseau in the Nuclear Age*, trans. Grace Roosevelt (Philadelphia: Temple University Press, 1990) at 233.

2. David Grossman, *The Yellow Wind* (New York: Farrar, Straus and Giroux, 1988).

3. Jean-Francois Lyotard, *The Differend: Phrases in Dispute*, trans. George Van Den Abbeele (Manchester: Manchester University Press, 1988) at 8.

4. May Jayyusi, "Justice, Narrative and the Occlusion of Particularity," available at www.muwatin.org.

5. Avigdor Feldman, "Build a House, Cut Down a Tree, Marry a Woman, Bear a Son: The Territories, the Supreme Court, and the Late Return Motif," *Politics*, June 1987 at 14-15 (Hebrew).

6. Avishai Erlich, "'*Bagatzim*' - Petitions to the High Court - A Statistical Portrait," 1 Israeli Democracy 33, 34 (May 1987).

7. Ronen Shamir, "Landmark Cases and the Reproduction of Legitimacy: The Case of Israel's High Court of Justice," 24(3) Law & Society Review 781 (1990).

8. Oded Lipschitz, "Don't Go to the High Court, Muhammad!" *Hotam Al-Hamishmar* (Weekend Supplement), 31 July 1987 at 8, 16 (Hebrew).

9. A. Erlich, supra note 6. See also Ilan Peleg, *Human Rights in the West Bank and Gaza: Legacy and Politics* (Syracuse: Syracuse University Press, 1995) at 85.

10. Leon Sheleff, "The Green Line is the Border of Judicial Activism: Queries about Supreme Court Judgments in the Territories," 17 Tel Aviv University Law Review 757, 759 (1993) (Hebrew). Yoram Dinstein maintains that the Court erred when it ruled that it does not have jurisdiction to hear petitions relating to the action of the military commander. In his opinion, "In the absence of special legislation enacted by the Knesset that grants the military commander immunity to judicial review, there is nothing to prevent… the Supreme Court… from reviewing his acts in the Occupied Territories." Dinstein also criticizes the Supreme Court's position that its power to directly apply the Hague Regulations to the Convention (IV) on the Laws and Customs of War on Land (1907) to the acts of the military commander results from the goodwill of the state attorney's office. See Yoram Dinstein, "Judicial Review on Acts of the Military Administration in the Occupied Territories," 3(1) Tel Aviv University Law Review 330, 332 (1973) (Hebrew).

11. Id. L. Sheleff at 761. See H.C. 3950/99, *Sami Sadeq Mahmud Sabih, et. al. v. Minister of Defense, et. al.*, delivered on 27 June 2001, in which the petitioners sought to nullify the proclamation of certain parts of al-Aqaba village in the West Bank, as a closed military area, and to force the army to cease conducting exercises on village land. Justice Heshin-Zamir-Beinisch ruled that, "… the Petitioners' contention that there is no military necessity in making the proclamation or conducting the exercises was not persuasive two years ago. Today, *in light of the deterioration in the security situation, it lost all weight*… This is sufficient cause to deny the petition." (emphasis added-N.S.) See also H.C. 4592/01, '*Abd al-Rahman al-Ahmar, et. al. v. Minister of Defense, et. al.*, delivered on 12 June 2001, where the detained petitioner argued that the

General Security Service was using forbidden methods of interrogation and did not allow him to receive medical treatment. Justice Matza-Strassberg-Cohen-Levy ruled that, "the response of the state, confirmed by the affidavit of the interrogator in charge, would have been sufficient to satisfy the Court also in the matter of the first and principal subject raised by the petition that is the contention regarding the use of forbidden methods of interrogation." See H.C. 8286/00, *The Association for Civil Rights in Israel v. Commander of IDF Forces in Judea and Samaria*, delivered on 13 December 2000, where the Supreme Court upheld the army's seizure of a school.

12. See e.g., H.C. 1118/01, *Faiz Shahwan, et. al. v. General Security Service*, delivered on 13 February 2001 by Justice Levin-Strassberg-Cohen-Rivlin, ruling that: "We are satisfied that it would be improper to reveal the confidential material to the Petitioners' counsel. We so decide." Regarding the demand to meet with an attorney, the judgment stated that, "We reviewed the confidential material that was submitted to us, and we also received verbal explanations. We are satisfied that there is no basis for intervention in the order prohibiting the Petitioner from meeting with his attorney… The petition is denied." In H.C. 3330/01, *Sari 'Arabi Taha v. General Security Service*, delivered on 2 May 2001, Justice Barak-Strassborg-Cohen-Engelard ruled that, "With the consent of Petitioner's counsel, we heard *in camera* the position of the General Security Service. We are satisfied that the security of the area justifies the secret evidence order. The statement of Respondent's counsel that no physical measures will be used against the Petitioner is on the record. The petition is denied." See also H.C. 936/01, *Faiz Shahwan, et. al. v. General Security Service*, delivered on 17 February 2001; H.C. 556/01, '*Amad Saptawi v. Commander of IDF Forces in the Gaza Strip, et. al.*, delivered on 22 January 2001; H.C. 3814/01, *Mamdouh Ibrahim Abu Musa, et. al. v. General Security Service*, delivered on 15 May 2001; H.C. 3811/01, '*Ali Rajeb, et. al. v. Commander of IDF Forces in Judea and Samaria*, delivered on 23 July 2001.

13. H.C. 4092/01, *S'adi 'Abd Al-'Ashi, et. al. v. General Security Service,* delivered on 24 May 2001.

14. The author has found no Supreme Court decision delivered during the current Intifada that allowed, after the justices reviewed confidential material, the petitioner's counsel to review the material or a ruling that allowed a petitioner, subjected to a General Security Service prohibition order to meet with his attorney. See supra note 12.

15. H.C. 2716/01, *Dir Astiyeh Local Council, et. al. v. Commander of IDF Forces in Judea and Samaria,* delivered on 5 April 2001.

16. H.C. 9242/00, *Physicians for Human Rights v. Minister of Defense, et. al.*, delivered on 21 March 2001.

17. H.C. 2555/01, *Israeli Committee Against House Demolitions, et. al. v. Commander of IDF Forces in the West Bank*, delivered on 30 March 2001.

18. H.C. 32/01, *Na'im Salem al-'Adreh and The Association for Civil Rights in Israel v. Commander of IDF Forces in Judea and Samaria,* delivered on 22 January 2001.

19. See supra note 16.

20. The petition in H.C. 2811/01, *Fares Amin Riahi, et. al. v. Commander of IDF Forces in the West Bank*, delivered on 16 April 2001, also involved physical roadblocks. It, too, was denied. Another petition on this matter is H.C. 3637/01, *Musa Shaqarneh, Esq., et. al. v. Commander of IDF Forces in the West Bank* (withdrawn on 9 January 2002 with leave to re-file.)

21. H.C. 3352/01, *Zaqariyya al-Bakri, et. al. v. Civil Administration for Judea and Samaria, et. al.*, delivered on 12 August 2001. On this point, see also supra note 11.

22. See supra note 17.

23. H.C. 4647/01, *HaMoked: Center for the Defence of the Individual, et. al. v. Commander of IDF Forces in the West Bank*, submitted 12 June 2001 and withdrawn on 19 December 2001.

24. The examples brought in this article raise other issues that are no less important. Among them are the functioning of Israeli human rights organizations, the tactics and rhetoric employed by these groups, and their perception of the legal system as a tool for change of the sociopolitical reality. These important issues are left for discussion elsewhere.

Nimer Sultany, Advocate, is an L.L.M. student, Faculty of Law, Tel Aviv University