

Adalah The Legal Center for Arab Minority Rights in Israel

عدالة المركز القانوني لحقوق الاقلية العربية في اسرائيل

עזאלה המרכז המשפטי לזכויות המיעוט הערבי בישראל



Adalah 2001 Summary Annual Report

INTRODUCTION

This report highlights Adalah's key activities during the period from January to December 2001. The year 2001 marks Adalah's fifth year anniversary, and in this short time, the organization has grown and developed beyond any of our expectations.

Adalah experienced the beginning of an important shift in the focus of our work in 2001. In addition to initiating "classical" anti-discrimination cases often involving economic, social and cultural rights, Adalah increasingly represented individuals in "defensive rights" cases regarding civil and political rights violations. This shift was due primarily in response to political developments on the ground. 2001 began on the heels of the outbreak of the Intifada, and our work throughout the year was conducted in the context of an ongoing political crisis. The October 2000 protest demonstrations in Israel and their suppression, as well as the effects of the continuation of the Intifada in the 1967 Occupied Territories (OTs), necessitated changes within Adalah in order to adequately respond to and meet the needs of Palestinian citizens in Israel.

As this report reflects, a substantial part of our work during the year related directly or indirectly to the events of October 2000. At that time, Israeli police and security forces used violent means to suppress political protests staged by Palestinian citizens in solidarity with Palestinians in the OTs, resulting in the deaths of 13 Palestinian citizens, the injury of hundreds, and the arrests of over 1,000 people. Jewish Israelis also participated in riots against Palestinian citizens targeting people, properties, and mosques in various towns in Israel. Of primary importance in 2001 was our work relating to these events before the official Commission of Inquiry, established by the Israeli government in November 2000 to "investigate the clashes between the security forces and Arab and Jewish citizens, which culminated in the death and injury of Israeli citizens starting from 29 September 2000." The Commission's mandate further calls for an "investigation into the behavior of the inciters, organizers and participants in the events from all sectors, and the security forces."

Representing the High Follow-up Committee for Arab Citizens in Israel and the families of the 13 Palestinian citizens killed during the October 2000 protests, Adalah submitted over 100 eyewitness testimonies, physical evidence, and expert opinions to the Commission, and attended all of its 59 sessions in 2001. Adalah also filed scores of legal challenges to the Commission's decisions, as well as three petitions to the Supreme Court based on testimonies heard by the Commission. Adalah provided analysis and information to the media daily and issued tens of press releases, issue briefs, and other short reports. Our work before the Commission continues in 2002, as the Commission

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enters the crucial second stage of its proceedings – the holding of warnings hearings. In February 2002, the Commission issued 11 warning letters to former Prime Minister Ehud Barak, former Minister of Internal Security Shlomo Ben Ami and police officials as well as to three public representatives of the Palestinian community in Israel. The warnings indicate that these individuals will likely be affected by the inquiry or by its conclusions.

Other developments on the ground have also had an enormous impact on Adalah's work in 2001. Of particular note are the increasing attacks on, persistent incitement against, and restrictions placed on public representatives and Palestinian citizen political activists by the Israeli government. This trend is not entirely new to 2001, but the de-legitimization process of leaders of the Palestinian community and the increased tolerance of anti-Palestinian racism in Israeli society has worsened considerably, and these issues have become a main cause of concern for Palestinian citizens of Israel. In Adalah's view, this re-trenchment of civil and political rights of Palestinians in Israel, particularly political participation rights, has and will continue to deeply affect the citizenship status of the Palestinian minority in the state.

In 2001, Adalah submitted numerous legal challenges concerning attacks on public representatives of the Palestinian community in Israel. Examples of our work in this area ranged from approaching the Attorney General, Elyakim Rubinstein, demanding the revocation of his directives to open criminal investigations against Arab Members of Knesset (MKs) for political statements made opposing the occupation of the Palestinian territories; filing complaints to Mahash (the Ministry of Justice Police Investigation Unit) calling for an investigation into the conduct of police officers who assaulted Arab MKs as well as other demonstrators, during protests against land confiscation, home demolition, and the occupation; and submitting letters to the Chair of the Knesset, MK Avraham Burg, requesting that he instruct MKs on the dangers of incitement and seeking the disqualification of proposed anti-Arab racist legislation.

Adalah was called upon numerous times to represent the leadership of the Palestinian community in Israel in these "defensive rights" cases. A major representation undertaken by Adalah in 2001 was that of MK Dr. Azmi Bishara. In an unprecedented decision, in November 2001, the Knesset voted, at the request of the Attorney General, to lift the immunity of MK Bishara so that he could be criminally charged under the Prevention of Terrorism Ordinance (1948) and the Emergency Regulations (Foreign Travel) (1948). The Attorney General subsequently filed two criminal indictments against MK Bishara for two political speeches that he made concerning the right to resist the occupation, and for his assistance in organizing of a series of visits for elderly Palestinian citizens of Israel to Syria (defined by Israeli law as an "enemy state" to which travel is prohibited for citizens of Israel) to visit refugee relatives they had not seen since 1948. Adalah continues to represent MK Bishara in 2002 on both of these cases before the Nazareth Magistrate Court.

With these representations, Adalah began to adopt an expanded range of techniques to complement our legal work, such as increased international advocacy and media outreach. As a result, Adalah achieved a significantly higher profile with international human rights organizations and agencies and in the local and international media in 2001. This new standard of work within the organization includes: strategic planning for the litigation, pro-active media outreach, and international advocacy for each major representation, taking into account the strengths and weaknesses of each component; translation of more case material into English and Arabic, and dissemination to the relevant domestic and international audiences; and organization of legal study and advocacy tours abroad, whereby staff can gain relevant legal expertise and increase professional contacts and international awareness on a particular issue.

Adalah also continued to bring group rights impact litigation on a range of issues before the Supreme Court. In this regard, Adalah filed 10 petitions and appeals before the Supreme Court in 2001, and achieved precedent-setting Supreme Court rulings. Notably, in one case, the Court essentially afforded recognition to the unrecognized neighborhood of Al Jelasi, located in Kammaneh village in the north. In a second ruling, the Supreme Court required governmental ministries to allocate millions of Israeli shekels under the Urban Renewal Program social-educational budget to Palestinian communities in Israel based on percentage-of-the-population criteria. Further, as a result of a petition filed by Adalah four years ago and a subsequent motion for contempt, the Ministry of Health finally completed the construction of six Mother and Child Clinics in the unrecognized villages in the Naqab (Negev). Hundreds of Palestinian Bedouin women and children now have on-site access to health services in these villages, where none previously existed.

Adalah further strengthened our presence in the Naqab in 2001. Throughout the year, Adalah's key activities conducted through our Naqab office included the filing of major petitions to the Supreme Court such as the right of access to clean drinking water for residents of the unrecognized villages, issuing letters of intervention on concerns such as home demolitions and access to education, conducting legal education activities in schools and community centers, and working closely with local NGOs, lawyers, and community members to meet the most pressing needs of the local population. Toward the end of the year, Adalah recruited a Naqab-based Palestinian Bedouin lawyer to work with our Field Researcher in our Beer el-Sebe (Beer Sheva) office, so that this office is now staffed entirely by members of the local community.

ADALAH'S PRINCIPAL ACHIEVEMENTS IN 2001

A. LEGAL ACTION

New & Ongoing Supreme Court Litigation

Adalah filed 10 new petitions and appeals to the Supreme Court during 2001 on issues such as the right for equality, language rights, education rights, land and housing rights (unrecognized villages), social and economic rights, women's rights, and political rights:

- **Appeal Against Six-Month Administrative Detention Order (ADO) Issued Against a Palestinian Citizen Political Activist** (ADO issued 12/00 and approved by District Court; appeal filed to District Court rejected in 1/01; appeal to Supreme Court filed 2/01 and rejected 3/01, upholding District Court decision; detainee released in 6/01 and detention order not renewed).
- **Access for Families of Four Palestinian Citizens Killed During the October 2000 Events to Autopsy Reports** (Forensic Institute and Mahash refused to release reports; filed 2/01 jointly with Physicians for Human Rights-Israel (PHR-I); petition withdrawn 3/01 when family members gained access to reports from the Commission of Inquiry).
- **Demanding Publication of Haifa Municipality's Public Announcements in the Arabic Language Press** (filed lawsuit against the Municipality to Haifa District Court in 2000, which ruled that it lacked jurisdiction, reasoning that the status of the Arabic language is a national matter; filed petition to Supreme Court in 3/01, case pending).

- **Removing Northern District Commander Alik Ron from his Post** (filed 3/01 on behalf of the High Follow-up Committee for Arab Citizens in Israel and 35 mayors of Arab towns; motion to temporarily suspend Ron from commanding police on Land Day 2001 rejected 3/01; petition withdrawn 1/02 as Ron went on study leave from his position). [Note: The Commission served Ron with a warning letter in 2/02].
- **Blocking the Promotion of and Suspending Border Police Commander Benzy Sau** (filed 4/01 on behalf of the Committee for the Martyrs' Families; Supreme Court dismissed the petition in 5/01 ruling that it would not intervene in the respondents' decision). [Note: The Commission served Sau with a warning letter in 2/02].
- **Access to Clean Drinking Water for Arab Bedouin Unrecognized Villages in the Naqab** (filed 5/01 on behalf of the Regional Council for the Unrecognized Villages, the Galilee Society, PHR-I, Association of Forty, Adalah, and residents of seven unrecognized villages; case pending).
- **Challenging Discriminatory Criteria Used to Determine Distribution of Balance Grants to Jewish and Arab Local Authorities** (filed 8/01 on behalf of National Committee of Arab Mayors based on the absence of equal, objective criteria used by the Ministry of Interior, Ministry of Finance, and the Prime Minister; *order nisi* granted 6/02; case pending).
- **Dismissal of the Head of Bedouin Education Authority Due to his Racist Statements** (filed 9/01, *order nisi* granted 1/02; case pending).
- **Appeal for Permission for a Political Prisoner to Attend Son's Wedding** (Prison Authority rejected Palestinian citizen prisoner's request; appeal filed to District Court rejected; appeal to the Supreme Court filed and rejected 9/01 without a hearing, upholding District Court decision).
- **Affirmative Action for Arab Women in Governmental Corporate Boards** (filed 12/01; since 1994, number of Israeli Jewish women on corporate boards increased from 7% to 37% whereas as of 2001, Arab women held less than 1% of the total number of board positions; *order nisi* granted 1/02; case pending).

Adalah also continued representation on many other pending Supreme Court cases. These include:

- **Use of Arabic on Signs in Mixed Cities** (filed 6/99 jointly with the Association for Civil Rights in Israel (ACRI), *order nisi* granted 2/00, case pending for final judgment).
- **Establishment of Arab Schools in Beer Hadaj** (filed 7/00 jointly with ACRI on behalf of the Regional Council for the Unrecognized Villages, parents' committees, and residents of the unrecognized villages; Ministry of Education committed to building an elementary school in the unrecognized village of Beer Hadaj and a kindergarten and first grade school in the Hor HaNegev area in the Naqab; motion demanding completion of construction of schools filed 1/02; case pending).

- **Expansion of the Jurisdiction of Omer Municipality to Encompass the Land of Arab Unrecognized Villages in the Naqab** (filed 9/00, *order nisi* granted; injunction issued and maintained throughout 2001 freezing the implementation of the plan; new Borders Committee recommendations due 12/01 but not produced; case pending).
- **Exclusion of Arab Localities from the National Economic Priority List** (filed 5/98 on behalf of the High Follow-up Committee for Arab Citizens in Israel; case pending for final judgment before an expanded panel of seven judges).
- **Equal Funding for Arab Religious Buildings** (filed 2/00 on behalf of Ittijah, *order nisi* granted, temporary injunction granted freezing budget; only 2.5% of this budget item was allocated to Arab religious buildings. As a result of the petition, Ministry of Religious Affairs (MORA) committed to divide US \$30 million budget into three categories: synagogues, Mikva'ot (ritual baths), and Arab religious buildings. Adalah withdrew petition in 3/01 based on this commitment and was awarded NIS 5,000 in legal fees.).
- **Equal Funding for Arab Religious Cemeteries** (filed 2/99, case accepted 4/00 in 26-page precedent-setting written judgment mandating the allocation of funds on an equal basis between Jewish and Arab Muslim, Christian and Druze religious cemeteries, based on a percentage-of-the-population criteria. For the first time, the Court recognized this principle in budgetary matters. Previously, no funds were allocated from this annual budget item of over US \$4 million for Arab religious cemeteries. Adalah awarded NIS 20,000 in legal fees. Motion filed 2001 demanding implementation; in 6/01, MORA replied that funds are set-aside and Arab municipalities and other groups must apply).
- **Demolition of Mosques in the Formerly Unrecognized Arab Village of Husseniya** (filed 3/00, motion for injunction staying demolition order granted, petition dismissed 5/01. Following the Court's decision, residents dismantled the mosque and built a second, larger mosque in the village. The Misgav Local Planning and Building Committee (LPBC) again issued an administrative demolition order in 4/01. Obtained an order from the Akka Magistrate Court to quash this demolition order in 11/01. In a precedent-setting decision with important implications for unrecognized villages, the Magistrate Court judge ruled that in cases where there is a local governing committee, but no municipality or local council, the head of the planning committee must consult with the head of the local governing committee before ordering the demolition of buildings under the latter's jurisdiction. Appeal by the Misgav LPBC pending for final judgment before the Haifa District Court).

Major litigation victories in 2001 include:

- **Recognition of the Unrecognized Neighborhood of Al Jelasi.** Petition filed on behalf of 150 residents of Al Jelasi, a neighborhood located in the newly recognized Arab village of Kammaneh, in 11/99. Case joined with another petition filed by a private attorney on behalf of the 140 residents of Kammaneh's western neighborhood. The petitions demanded that the Court order that both of the respective neighborhoods and their residents be included in the plan to recognize and grant municipal status to Kammaneh. In a precedent-setting decision delivered in 9/01, the Court ordered the District Planning Committee (DPC) to submit an expanded version of the plan to recognize Kammaneh within 18 months and blocked the DPC from demolishing any homes or removing residents in those areas. These residents comprise about 21% of the population of the village. This decision marks the first time that the Court has essentially

afforded recognition to a previously unrecognized Arab village in Israel. As an initial sign of this recognition, in 11/01, the residents were connected to the network and received electricity in their homes. Adalah was awarded legal fees of NIS 15,000.

- **Equal Access for Arab Neighborhoods to Urban Renewal Programs.** Petition filed 1/00 on behalf of the National Committee for Arab Mayors against the government's discriminatory implementation of the Urban Renewal Programs (URPs). Despite the stated purpose of the URPs, which is to reduce societal inequities in the country, almost all of the poorest Arab municipalities were excluded from the program for 20 years. From the inception of the programs until Adalah filed its petition, 56 Jewish localities and 99 Jewish neighborhoods had benefited from the URPs, as compared with 4 Arab villages and 14 Arab neighborhoods. In 12/01, in response to Adalah's petition, the Supreme Court ruled that government ministries must set clear, objective and equitable criteria to determine URP beneficiaries, and implement the URP in communities that need it most. The Supreme Court also agreed that the NIS 4 billion multi-year proposed program of funds to Arab communities cited by the Attorney General had no concrete allocation of funds in any government budget, and consequently, was irrelevant. Beginning with the 2002 budget, the Court ruled that the percentage of the URP's social-educational budget designated to Arab communities should not be less than these communities' percentage of the population.
- **The Right to Preventive Health Services for Arab Bedouin Women and Children in the Unrecognized Villages in the Naqab.** Petition filed in 1997 on behalf of 121 residents and three Arab NGOs demanding that 12 Mother and Child health clinics be built where none previously existed. In 3/99, Supreme Court ordered the Ministry of Health to build six clinics and to provide public transportation to existing facilities in neighboring towns. Motion for contempt filed in 1/00 demanding implementation, and Court ordered the Ministry to submit a new timetable. After numerous hearings and delays, by 6/01, the Ministry had built five clinics, begun operation of a mobile clinic in the area, and established some public transportation from these villages to existing clinics. In 12/01, a sixth clinic was built. Hundreds of Palestinian women and children now have access to on-site health services in these villages. The Court awarded Adalah NIS 20,000 in legal fees.

(See Adalah's website for press releases and summaries of all of our Supreme Court cases at: <http://www.adalah.org>).

Litigation Before the Lower Courts and University Tribunals

Adalah continued its work under our new legal approach, begun in 2000, expanding its representation to include legal work on behalf of some individuals, the filing of cases to the lower courts (Magistrate, District, and Labor), and representation before university tribunals. Examples of our work in this area included:

- **Representation of Political Protestors.** Adalah represented numerous Palestinian citizen detainees in 2001 charged with criminal offenses arising out of their participation in protest demonstrations. Adalah offered legal representation primarily at the pre-trial stage of the criminal process including at extension of detention hearings and filing appeals on orders prohibiting detainees from meeting with lawyers and on detention orders. In one notable case, Adalah represented five Palestinian citizens indicted in 5/01 for attempted assault on police officers following demonstrations against the demolition of three homes in the unrecognized village of

Umm al-Sahali in April 1998. During these protests, numerous individuals were injured by the disproportionate firing of tear gas and rubber-coated steel bullets by the police, however, no investigation was opened into the police officers' misconduct. After Adalah raised numerous arguments concerning defects in the indictment, the Kraiot Magistrate Court recommended and the prosecutor agreed to close the file against the political protestors in 1/02.

- **Representation of Haifa University Students Before the District Court and the University's Disciplinary Committees.** In a continuation of similar representations from 2000, Adalah represented Haifa University students before the Haifa District Court and the university's disciplinary committees. Six students were charged for their participation in a demonstration protesting the shortage of housing for Arab students, a result of discriminatory university policies in assignment of rooms at university dormitories and the unwillingness of local landlords to rent apartments to Arab students. At the time, the university had placed a total ban on political protest activity on campus. At the students' preliminary hearing, the head of the university's disciplinary committee ordered three of them expelled. On behalf of the students, Adalah filed a motion for a preliminary injunction to the District Court, which was granted, overturning the university's decision to expel the students and allowing them to return to school. Adalah then represented the students in two subsequent hearings before the disciplinary committees. Although five of the six charges against the students were dropped, the students were convicted and sentenced to censure and suspension during hearings held in 11/01. The Disciplinary Committee agreed to suspend the students' sentences of suspension provided that they refrain from committing an offense under the same article of the Disciplinary Code during the next year.
- **Right to Middle School Education for Arab Children in Ein Hod.** Representatives of Ein Hod (a recently recognized village in the north) approached Adalah regarding a lawsuit that had been filed against them by the Haifa Municipality. The municipality sued the parents of children from Ein Hod who were attending schools in Haifa, alleging that the parents had failed to pay additional fees charged to students living outside of the municipality. Adalah accepted the representation and filed a response on behalf of the parents before the Haifa Magistrate Court in 10/01. Adalah argued that as there are no middle schools for Arab children within the Hofer Carmel Municipality, in which Ein Hod is located, the Haifa Municipality, in accordance with the law, should seek these additional fees from the Hofer Carmel Municipality or the Ministry of Education. Adalah also raised concerns about Haifa Municipality's use of a procedure that limits the ability of the individuals being sued to adequately defend their interests. The case is pending.

Other Legal Interventions

Adalah filed scores of pre-petitions, letters of intervention, legal opinions and complaints to Mahash on a range of issues in 2001. Such interventions provide a means of resolving matters without resorting to litigation, and also serve to exhaust all remedies prior to litigating a particular issue. In addition, Adalah utilizes this approach recognizing that certain issues cannot be successfully litigated. By filing these legal interventions, Adalah seeks to generate media coverage and thus, raise awareness as to various forms of discrimination and racism against Palestinians in Israel.

Subjects addressed in 2001 included access to scholarship funds for Palestinian citizen students; police brutality and police misconduct; tax breaks for Arab towns comparable to those given to Jewish towns; formal recognition of the Palestinian flag; rights and social benefits for non-citizen spouses of Palestinian citizens of Israel; family reunification; demanding an end to the involvement of the General Security Services (GSS) in the selection of Arab educators; and challenging restrictions on freedom of movement of Palestinian citizen political activists.

The Commission of Inquiry

With the outbreak of the Intifada, following then-Likud opposition leader Ariel Sharon's provocative visit to the Haram al-Sharif compound and the subsequent killing of Palestinian demonstrators and worshippers in the 1967 Occupied Territories, the immediate focus of Adalah's work changed substantially. In early October 2000, Palestinian citizens of Israel staged massive demonstrations in towns and villages throughout the country to express their solidarity with the Palestinians in the 1967 Occupied Territories. During these street demonstrations, the Israeli police and special anti-terror units killed 13 unarmed Palestinian citizens and injured hundreds more using tear gas, rubber-coated steel bullets, and live ammunition. Israeli Jewish citizens also attacked Palestinian citizens, their property and their holy sites throughout the country. Over 750 Palestinian citizens of Israel were arrested in connection with these events, and hundreds, including scores of minors, were indicted and detained without bond until the end of trial.

On 22 October 2000, Prime Minister Ehud Barak approved the establishment of a Committee of Examination to investigate "the clashes with the security forces in the state, in which Arabs and Jews were involved, since 29 September 2000." The High Follow-up Committee for Arab Citizens in Israel, comprised of MKs, mayors and community leaders, vehemently opposed the establishment of the Committee of Examination, as it lacked legal powers and was not an independent body, and sought a legally sanctioned Commission of Inquiry, in accordance with the Commissions of Inquiry Law (1968). The 1968 Law gives commissions of inquiry special authorities including: (i) independence from the Executive Branch, as its members are appointed by the Chief Justice of the Supreme Court; (ii) power to subpoena witnesses to testify before it and compel them to present relevant documents and other evidence; and (iii) the guarantee of immunity from criminal prosecution and civil liability to witnesses who testify before it. Although the Attorney General had expanded the powers of the Committee of Examination, there were serious concerns that such an expansion would not withstand judicial review.

As a result mounting pressure by the community, political leaders and NGOs, as well as the concern about the upcoming elections and the Arab vote, on 8 November 2000, the Israeli government established an official Commission of Inquiry. The mandate of the Commission is to "investigate the clashes between the security forces and Arab and Jewish citizens, which culminated in the death and injury of Israeli citizens starting from 29 September 2000." It further calls for an "investigation into the behavior of the inciters, organizers and participants in the events from all sectors, and the security forces." On 15 November 2000, Chief Justice of the Supreme Court Aharon Barak appointed the three-member Commission: Supreme Court Justice Theodore Or (Chair); Tel Aviv University professor and former Ambassador to Egypt and Jordan, Shimon Shamir; and Deputy President of the Nazareth District Court, Judge Sahel Jarah. Judge Jarah resigned from his post for health reasons in June 2001, and Nazareth District Court Judge Hashem Khatib was appointed in his place.

Adalah was appointed by the High Follow-Up Committee for Arab Citizens in Israel to represent its interests as well as the 13 Palestinian victims' families (the Committee of the Martyrs' Families) before the Commission. Three private lawyers, Riad Anes, Azmie Odeh, and Mahmoud Shaheen, also worked with Adalah as members of the legal team. Adalah coordinated a Steering Committee comprised of public representatives, NGOs, and civil society leaders who participate in making strategic decisions concerning the work before the Commission. In 2001, Adalah's involvement consisted principally of the following:

- Submitted three legal challenges to the mandate of the Commission. Adalah's main concern is the reference to the "behavior of the inciters," which appeared to implicate political leaders of the Palestinian community in Israel. Israeli law dictates that official commissions of inquiry are to be established solely to investigate the executive branch in cases in which the actions of these officials created a loss of public trust. Adalah received no response from Supreme Court Chief Justice Barak or Justice Or, Chair of the Commission, to these challenges in 2000 or 2001.
- Submitted nearly 90 eyewitness testimonies as well as physical evidence (e.g., maps, photographs, medical reports, newspaper clippings, videotapes) to the Commission in January 2001 regarding the killings of 13 Palestinian citizens in Umm al-Fahem, Jatt, Kufr Kanna, Nazareth, Kufr Manda, Sakhnin and Arrabe. The Commission called the majority of these witnesses to testify at its hearings in 2001.
- Wrote and widely distributed a 16-page "Report on the Submission to the Commission of Inquiry" in January 2001, available on our website (<http://www.adalah.org>). Much of the testimony heard by the Commission to date has confirmed the information provided in our initial report.
- Submitted additional materials to the Commission including expert opinions about the policing of minority communities and the policing of demonstrations; a file on Alik Ron, the police commander of the Northern District who had direct field responsibility during the October 2000 demonstrations; and testimonies and physical evidence, including videos, photos, and medical records, from peripheral areas compiled with Mossawa.
- Attended all Commission hearings held at the Supreme Court in Jerusalem. Wrote and disseminated about 10 weekly reports on the Commission's proceedings, followed by shorter issue briefs and press releases for subsequent weeks concerning key testimonies. Throughout 2001, the Commission held 59 sessions, during which over 300 witnesses testified.
- Submitted numerous successful legal motions to the Commission regarding its procedures of work and its receipt of evidence including: a request for testimony to be given and translation provided in Arabic; the demand for open hearings; a demand for the right to respond to legal motions submitted by the police and for disclosure of evidence gathered by the Commission; requests for special status for Palestinian citizen victims' family members; and a request for closed-circuit television broadcasting of the hearings in Nazareth. Other legal motions were denied, including a challenge to certain police witnesses' requests to testify anonymously behind screens.
- Sent a letter to the Commission on the families' behalf regarding a recommendation to exhume the bodies of several of the 13 Palestinian citizen victims. The families ultimately declined to conduct the exhumation.
- Submitted three petitions to the Supreme Court on issues arising out of the October 2000 events: the demand for disclosure of autopsy reports (withdrawn following the provision of the reports to the family members by the Commission); request for suspension and/or removal of Alik Ron for abusing his authority during this period (withdrawn after Ron went on study leave from his position); and a challenge to the promotion of Benzy Sau, a border police commander who was involved in the police violence (dismissed).

- Representing Abdel Menem Abu Saleh, the bereaved father of a Palestinian citizen youth killed by police in Sakhnin in October 2000. Mr. Abu Saleh was charged with criminal assault after he attacked Guy Raif, the police commander who likely killed his son, during the commander's testimony before the Commission (case pending before the Jerusalem Magistrate Court).
- Provided legal advice and assistance to Arab MKs and other public representatives called to testify before the Commission.
- Held a successful press conference on our submission; provided background information and analysis to the media, obtaining wide media coverage; gave weekly interviews to radio, TV, and print journalists; and issued tens of press releases and news updates.
- Created and maintained a special section on our website for materials related to the October 2000 events and the Commission of Inquiry (<http://www.adalah.org/coi.shtml>).

Key points revealed by the testimonies during the Commission's hearings in 2001 include:

- Scores of police witnesses provided contradictory testimonies to the Commission's investigators and to the Commission.
- Police witnesses' reporting of events tended to exaggerate the danger posed to them by Palestinian citizen demonstrators.
- Although initially denied, snipers were used against Palestinian citizens in Nazareth and Umm al-Fahem. The October 2000 events marked the first time that snipers were used against demonstrators within the Green Line.
- Although initially denied, it was later confirmed that the police fired live ammunition at Palestinian citizens.
- Police randomly shot rubber-coated steel bullets, where there was no justifiable danger to them and in violation of the open-fire regulations.
- In most cases in which a Palestinian citizen was killed, no shooter was identified by the Commission.
- The Commission heard some expert testimony about the status of Palestinians in Israel and the relationship between the state and the community.

Initial remarks concerning the Commission:

- In Adalah's view, from the beginning, the Commission has tried to create a balance in terms of responsibility for the October 2000 events. While recognizing serious problems with the conduct of the police, the Commission appears to believe that public representatives of the Palestinian community in Israel should also be held accountable.
- The Commission's mandate is legally flawed.
- Adalah anticipated that the Commission would engage in a more thorough investigation of the institutionalized discrimination against Palestinian citizens by the government and by the police. To date, these issues have not been of central concern to the Commission.
- Some current ministers openly and adamantly oppose the Commission. They seek to delegitimize it, as well as its future findings and recommendations. One manifestation of this was the promotion of certain police commanders involved in the October 2000 events (e.g., Benzy Sau and Moshe Valdman) who subsequently received warnings by the Commission in 2002.

- The Commission chose not to investigate the incitement of Israeli Jewish citizens against Palestinian citizens, although there is ample evidence documenting that Jewish rioters blocked streets, burned tires, threw stones at police officers, assaulted Palestinian citizen drivers and destroyed their property, and publicly shouted “Death to Arabs.”
- The Commission chose not to investigate or seek testimony from, let alone warn, Ariel Sharon, for his provocative visit to the Haram al-Sharif on 28 September 2000, a day before the mandate of the Commission begins. However, testimonies revealed that the Jerusalem District Police Commander had warned that the visit would raise tensions, and former Minister Shlomo Ben Ami, in a television interview on 29 September 2000, blamed Sharon’s visit for the deterioration of the situation.
- The Palestinian community in Israel wants truth and justice. In general, the community is interested in learning who gave the orders to shoot, as well as to what degree the Commission will hold Israeli political leaders and high-ranking police commanders accountable.

The Representation of MK Dr. Azmi Bishara

Another major representation undertaken by Adalah in 2001 is that of Member of Knesset (MK) Dr. Azmi Bishara. On 7 November 2001, the Israeli Knesset (parliament) voted to lift the immunity of MK Bishara, head of the National Democratic Assembly party. This move came at the request of Attorney General Elyakim Rubenstein in order to initiate criminal prosecution against MK Bishara. MK Bishara was indicted and is currently being tried on charges pursuant to the Prevention of Terrorism Ordinance (1948) and the Emergency Regulations (Foreign Travel) (1948).

The removal of MK Bishara’s immunity is an unprecedented event in the history of Israeli politics. It is the first time that a MK has been stripped of his immunity because of political statements made in the course of performing his duties as a public representative. MK Bishara is charged in connection with political speeches he made at a public gathering in the Arab town of Umm al-Fahem, Israel on 5 June 2000 and at a memorial assembly in Syria on 10 June 2001, in which he expressed support for the right to resist the Israeli occupation of the Palestinian territories and South Lebanon. He is also charged, along with two of his parliamentary assistants, in connection with a series of visits he organized, whereby elderly Palestinian citizens of Israel traveled to Syria (defined by Israeli law as an enemy state to which travel is prohibited for Israeli citizens) to visit refugee relatives they had not seen since 1948.

After the Attorney General announced his decision to open a criminal investigation against MK Bishara in June 2001, Adalah sent a letter arguing that there was no legal basis for opening such an investigation. This was followed by a legal opinion submitted by Adalah to the Knesset House Committee in October 2001, disputing the legal basis for the Attorney General’s request for the Knesset to remove MK Bishara’s immunity so that he could be indicted on these charges.

The first hearing on the charges related to the Syria visits took place in December 2001. At this hearing, Adalah and private attorney Riad Anis represented MK Bishara and his assistants. The defense team surprised the prosecution with a set of four preliminary convincing arguments for the dismissal of the indictment: (i) The Emergency Regulations do not apply to holders of diplomatic passports, such as MK Bishara. Thus, the indictment fails to state a criminal offense; (ii) Because MK Bishara cannot be prosecuted under the Emergency Regulations, the lifting of his immunity for this alleged offense is invalid; (iii) The Prevention of Infiltration Law (referenced in the Emergency Regulations) lists countries to which Israeli citizens are prohibited from traveling. This law has not been amended to reflect Israel’s agreements with neighboring Arab countries in the 1990s, and thus

is misleading and unclear; and (iv) Visits to refugee relatives is a humanitarian issue, and thus, the Court should dismiss the indictment in the interests of justice.

Adalah also arranged for the attendance of international trial observers at the December hearing. Following the hearing, Adalah held a well-attended press conference in Nazareth, for members of the local and international media. Adalah's representation of MK Bishara continues in 2002.

(All documentation related to these cases can be found at [#bishara](http://www.adalah.org/featuredcases.shtml))

Land Planning Project

In late 2001, Adalah began a new project on land planning. Our work in this area includes legal representation before local, regional and national planning and building committees and, if relief is not obtained, before the courts. Until recently, issues of land planning have primarily been addressed through political means (e.g., in political closed-door forums and through community demonstrations) rather than through the planning committees and the courts. Adalah is attempting to complement this work by "legalizing" this process.

The inaugural intervention for this project was the representation of Arab residents of the Halisa neighborhood in Haifa in a hearing before the Regional Planning and Building Committee of Haifa. The hearing focused on the residents' opposition to the renovation plan proposed by the Haifa Municipality and the Ministry of Housing to widen the roads in the area, which would require the demolition of several homes and the confiscation of others for the municipality. The plan also set limits on the amount of future construction, public places and community services for the neighborhood. Adalah, along with two additional lawyers, presented the viewpoint of the residents, arguing that the plan does not suit the current situation in the neighborhood, that it will add noise pollution and put the residents in danger due to increased traffic flow, and that the maps do not specify exactly which houses will be demolished. During the December 2001 hearing, the representative of Haifa Municipality announced that the municipality had decided not to demolish the houses in accordance with the plan. Further action is continuing in 2002.

Adalah's second intervention was the filing of a formal objection, together with the Arab Center for Alternative Planning (ACAP), to TAMAM 2-9, the Plan for the Northern District of Israel before the Regional Planning Committee (Nazareth) in December 2001. The plan refers to the Arab population as a problem by virtue of its very existence in the Northern District, and asks planners to find solutions to the problem. It also neglects the poor living conditions in the Arab towns and villages, failing to refer to the housing problems, overcrowding, lack of land available for building or public services, and sets forth town limits that exclude many of the towns' residences. The objection filed had three parts: (1) a challenge to the process of planning including the exclusion of Palestinian citizen representation on the plan's editors committee, responsible for finalizing the plan, and the lack of proportional representation on the steering committee (2 Palestinian citizens out of 30 members); (2) an analysis of government maps and the provision of updated maps; and (3) an analysis of what can reasonably and feasibly be done. The government's maps of Arab villages and towns were completely inaccurate, with entire neighborhoods excluded from the maps. Clearly such exclusion of information and of input from the affected community substantively affects the planning process. The ACAP held meetings and workshops for mayors and citizens' groups, obtained signatures from these groups for the objection, and hired an expert urban planner to work with Adalah on the objection and to analyze the maps. Further action is continuing in 2002.

B. LEGAL EDUCATION

Seminars & Panel Discussions

In 2001, Adalah organized five public events throughout the country and took part in many others.

- **Community Consultations.** In January 2001, Adalah organized a community consultation and panel discussion in Beer el-Sebe for 110 participants to facilitate its work on legal issues facing the Palestinian Bedouin communities in the Naqab. Adalah Board and staff members provided information on our aims and legal work to date. Panelists also included the Mayor of Rahat, Ben Gurion University lecturers, and representatives of the Regional Council of the Unrecognized Villages and the Galilee Society. In the discussion that followed, community leaders and activists presented specific areas of concern to Adalah. This consultation provided a forum for community participation in Adalah's decision-making, and helped to ensure that the organization is addressing priority issues.
- **Lawyering and Human Rights.** In May 2001, to open our General Assembly meeting in Nazareth, Adalah organized a panel discussion regarding the role of the Palestinian lawyer in the field of human rights. Over 120 lawyers, municipality officials, journalists, students and community members attended the event. The Mayor of Nazareth, the Chairperson of the High Follow-up Committee for Arab Citizens in Israel, and a representative of the Committee of the Martyr's families delivered welcoming remarks. Three senior Palestinian lawyers, staff and board members of women's rights and human rights organizations in Israel and the West Bank, and Adalah legal staff members served as panelists.
- **Memorial Event and Panel Discussions.** In October 2001, Adalah and the Galilee Society held a memorial even in Shefa'amr to commemorate the 13 Palestinian citizens of Israel killed in October 2000. The memorial consisted of poetry readings, remembrances by family members and friends of the deceased, a musical performance and remarks by Board and staff members of both organizations. Following the service, two panel discussions - "Arab Society in an Emergency Situation - Lessons in Health and Economy" and "The Commission of Inquiry - Evaluation and Strategies for Future Work" - were held with presentations by local political leaders, university lecturers, emergency medical care providers, NGO representatives, and journalists. The event was attended by approximately 100 people.
- **Human Rights Day Events.** In December 2001, Adalah participated in several activities around International Human Rights Day. Adalah organized a series of films and discussions with the Tel Aviv University (TAU) Faculty of Law, during which Adalah representatives, TAU professors, and other human rights experts addressed issues of concern to the Palestinian minority. In addition, the organization co-hosted a three-day event with ACRI and the New Israel Fund, which included panel discussions, a film on the situation of four Palestinian families in Jaffa, and a discussion with one of the residents of the unrecognized villages.

University and Community Educational Lectures

Adalah staff and Board members spoke at scores of events held at universities, NGOs, community centers, and schools throughout the country in 2001. They addressed such issues as the Commission of Inquiry; Palestinian citizen detainees; the right to demonstrate; litigating economic, social and

cultural rights issues; the right to education; and discrimination against Arab children with special needs.

Publications

During 2001, Adalah produced several publications for domestic and international audiences. Selected publications include:

- **Adalah's Review.** Adalah published 5,000 copies of the second volume of *Adalah's Review*, our legal journal, in January 2001. This volume focuses on land, the main subject responsible for the existing tension between the state and the Palestinian community, including a special dossier on the Supreme Court's *Qa'dan* judgment. In addition, Adalah completed much of the preparation of Volume 3 - Law and Violence, which will be issued in the summer of 2002. *Adalah's Review* is published in Arabic, Hebrew and English, and offers a forum for critique of Israeli law and legal discourse from the perspective of Palestinians in Israel. Adalah has received much praise from readers for the quality of the articles and the design of the publication, and has obtained scores of paid subscriptions. Articles in *Adalah's Review* are often cited by academics in law reviews and social science journals, and are used in law school classes and by NGOs, researchers and embassy representatives.
- **Institutionalized Discrimination Against Palestinian Citizens of Israel.** In August 2001, Adalah submitted this 85-page report in English to the third UN World Conference Against Racism. Based on our 1998 report, "Legal Violations of Arab Minority Rights in Israel," this updated report covers such topics as the rights to citizenship, political participation, speech, land and housing, and education. To date, Adalah produced and disseminated about 500 copies of this report.
- **Report on Activities 1997-2000.** To complement Adalah's regular annual report on our work in English, in 2001, we produced 2,000 copies of a four-year printed report on our activities in Hebrew and Arabic. Adalah widely disseminated this report both locally and internationally and posted it on our website for maximum availability.
- **Adalah's Website.** Adalah maintains an extensive website (<http://www.adalah.org>) that is updated several times each week with new press releases and news updates. In 2001, we re-organized the site, giving it a cleaner, more professional look and added new features such as a search engine and sign-up capability for our electronic mailing list. We also posted sections of some publications, including those in Hebrew and Arabic, and added an extensive amount of new information concerning our legal and international advocacy, as well as our work before the Commission of Inquiry. Adalah's website is a major source of information on the legal status of Palestinian citizens of Israel.

Adalah experienced some delays in the publication of reports in 2001 due to our heavy legal action workload. For certain reports, such as *Institutionalized Discrimination* and our *2000 Annual Report* in English, Adalah produced shorter, photocopied versions of these documents rather than printed editions of these publications. For Volume 3 of *Adalah's Review*, Adalah postponed publication for six months.

Media

Media outreach is a large part of Adalah's daily work, and all staff members contribute to this effort. Media work ranges from the drafting and distribution of press releases and news updates to approaching journalists and providing background material and interviews to print, radio, and television outlets. During 2001, Adalah's work was regularly cited in the local Hebrew, Arabic and English press. In addition, the local press published articles, letters to the editor and a book review authored by staff members. The organization also co-signed protest ads in *Ha'aretz* with Arab and Israeli NGOs on issues such as police brutality and human rights violations faced by the Palestinian minority. However, while Adalah receives a substantial quantity of media coverage, the quality of the coverage is not always as good as the organization would like to see. Where possible, the organization will strive to improve in this area.

Adalah's work also appeared numerous times in the foreign press such as *The Guardian*, *The Economist*, *Al-Abram Weekly*, *The Los Angeles Times*, and *Al Hayat*. The organization also focused on increasing our contacts with the international media based in Jerusalem and began to disseminate press releases via a listserv. In 2002, Adalah developed a comprehensive list of media contacts both in and outside of Israel, and regularly provided information to them regarding our work. Adalah's challenge vis-à-vis the international media is obtaining more coverage of issues facing the Palestinian minority in Israel as well as citation to Adalah within articles. While Adalah's work and the issues we address may be increasingly cited, the organization is frequently not mentioned by name - something we hope to change in the future.

In 2001, Adalah hosted its first press conferences. The first, held in Jerusalem, previewed information that Adalah submitted to the Commission of Inquiry. The organization participated in numerous other press conferences with partner organizations throughout the year, including the International Federation for Human Rights (FIDH), and Palestinian NGOs in Israel participating in the UN World Conference Against Racism. In addition, Adalah held a press conference for local and international media in December 2001, focusing on the case of MK Dr. Azmi Bishara.

Adalah's work in this area would benefit from a full-time Media Coordinator, a position we are currently seeking to fill. Our experience to date has shown that this is a challenging position, due to the broad range of demands placed on the individual, including both administrative and strategic matters, and the need for the successful candidate to possess both legal knowledge and a communications background.

Training

Stagers and Students

- Sonia Boulos and Abeer Baker worked as Adalah's stagers (legal apprentices) during 2001. Ms. Boulos worked as a stager from February 2000 - February 2001, and returned in the summer of 2001 to assist in the research and preparation of *Institutionalized Discrimination Against Palestinian Citizens of Israel*. She left Adalah in mid-August 2001 to pursue an LL.M degree at the University of Notre Dame in the US, where she obtained a full scholarship. Ms. Baker, a graduate of Haifa University Faculty of Law, joined Adalah as a stager in April 2001.
- Luna Barakat, a current student at Haifa University, Faculty of Law and Faculty of Psychology, worked part-time as a law student intern during fall 2001.

- Adalah also hosted several students from the law school clinics of Hebrew (Minerva Center) and Haifa Universities during this period. Students spent several hours each week working in Adalah's offices on a variety of legal research projects for staff attorneys.

LLM Fellows

- Suhad Hammoud worked with Adalah as a New Israel Fund (NIF) Fellow from October 2000 - October 2001. Her primary responsibility was for media relations for Adalah's work before the Commission of Inquiry.
- Suhad Bishara joined Adalah as a Staff Attorney in October 2001. Her work is partially funded by the New York University Global Scholars Program.
- Gadeer Nicola left Adalah in August 2001 to pursue an LLM at American University, Washington College of Law, under the NIF Fellows program. Adalah expects Ms. Nicola to return to the office in fall 2002 for the second year of her fellowship.

Adalah staff members also served as lecturers and assistant lecturers for semester-long and year-long courses of Palestinian minority rights in Israel and constitutional law at the law faculties of Haifa, Hebrew, and Tel Aviv Universities, and the Academic College of Law, Ramat Gan. Through these courses, Adalah's lawyers teach hundreds of law students each year, and maintain close contacts with academics at Israeli universities.

C. INTERNATIONAL ADVOCACY

Working With UN Treaty Bodies & Other Entities

- **UN Human Rights Inquiry Commission (HRIC), Jerusalem.** In February 2001, as a follow-up to two previous meetings with UN officials, Adalah took part in an NGO meeting with the HRIC to raise the concerns of the Palestinian minority relating to the October 2000 protests and their suppression. Adalah assisted in organizing this meeting of Israel-based Palestinian and Israeli NGOs with HRIC members John Dugard, Richard Falk and Kamal Hossein, mandated by the Emergency Session of the Commission of Human Rights to investigate human rights abuses by Israeli security forces against Palestinians from 28 September 2000. Staff Attorney Jamil Dakwar and Advocacy Coordinator Anne Massagee participated in the meeting, and presented Adalah's written statement to the members of the committee. Adalah also drafted and submitted a letter of critique to the final HRIC report.
- **UN Committee on Economic, Social and Cultural Rights (CESCR), Geneva, Switzerland.** Adalah participated in the 25th session of the CESCR in April/May 2001. Adalah Staff Attorney Jamil Dakwar presented an oral and written statement to the NGO session of CESCR concerning Israel's failure to uphold its obligations under the Covenant. Following-up on Adalah's November 2000 report to the Committee, major issues addressed were lack of basic services to the unrecognized Arab villages, the effect of the *Qa'dan* judgment on land and housing in Israel, and human rights violations against Palestinian citizens of Israel relating to the October 2000 events. In addition, Adalah worked as part of a coalition of Palestinian and international NGOs to submit a joint memorandum raising concerns about Israel's violation of

the economic, social and cultural rights of Palestinians on both sides of the “Green Line” during the current Intifada.

- **Habitat II +5, UN General Assembly, New York, New York, USA.** Adalah Staff Attorney Jamil Dakwar participated in a special session of the UN General Assembly that reviewed the implementation of the Habitat II agenda, during which NGOs raised concerns about the language of the Habitat Declaration. He also participated in a panel on “Housing Rights Under Occupation,” organized by Habitat International Coalition.
- **UN World Conference Against Racism, Racial Discrimination, Xenophobia & Related Intolerance (WCAR)**

In 2001, Adalah participated in many preparatory meetings for the WCAR, as well as attending the conference itself and the accompanying NGO Forum. Adalah Staff Attorney Gadeer Nicola participated in an NGO Networking Meeting held in Amman, Jordan, where she presented a statement outlining the concerns of the Palestinian minority in Israel. She and Advocacy Coordinator Anne Massagee represented Adalah at the Second and Third PrepComs held in Geneva, where they raised concerns of the Palestinian minority with governmental and NGO delegates, drafted proposed language for the Declaration and Programme of Action, took part in press conferences, and assisted in drafting relevant interventions. Adalah also met with representatives of SANGOCO, a coalition of South African NGOs that organized the NGO Forum, during their trip to Israel and the 1967 Occupied Territories. Throughout the preparatory process, Adalah also participated in meetings of the Ittijah-facilitated Palestinian NGO Local Committee, a coalition of NGOs in Israel preparing for the WCAR, and played a leading role in the development of a common statement. This statement is available in English and Arabic on Adalah’s website.

In August/September 2001, Adalah Board Chairperson Ghassann Agbaria, General Director Hassan Jabareen, Staff Attorneys Jamil Dakwar and Orna Kohn, and Advocacy Coordinator Anne Massagee participated in the NGO Forum and the WCAR in Durban, South Africa. Adalah’s representatives participated in numerous workshops, regularly monitored the governmental debate, and met with local and national activists from NGOs around the globe. Conference highlights included:

- Serving as a rapporteur for the NGO Forum Thematic Commission on Ethnic Minorities and leading the drafting of a paper for this working group.
- Organizing two panels: (i) “Race, Politics and Constitutionalism,” which brought together NGO human rights litigators to discuss the proactive use of discriminatory constitutional systems to obtain rights for victims of racial discrimination; and (ii) “Political Participation of Minority, Native and Indigenous Groups,” which addressed the participation and involvement of minority, native and indigenous peoples in national political systems and the issues raised by such participation.
- Speaking on a panel at Amnesty International’s day-long workshop on racism in the criminal justice system.
- Participating in a demonstration, attended by tens of thousands of marchers, that was organized on behalf of Palestinians against the occupation.
- Taking part in press conferences, drafting press releases, and providing interviews to the BBC, UN Radio, a Polish newspaper, and other media outlets.
- Presenting the intervention of the Palestinian NGO Local Committee during the OHCHR session on Cooperation for the Better Protection of the Rights of Minorities.

- Addressing the governmental representatives to the WCAR on behalf of the Palestinian NGO Local Committee at a joint governmental and NGO plenary session.
- Disseminating *Institutionalized Discrimination Against Palestinian Citizens of Israel*.

Organizations that supported Adalah's participation in WCAR events include: The Ford Foundation (via The International Institute for Education), Christian Aid, and The Minority Rights Group. (Reports on Adalah's participation in WCAR preparatory activities and our attendance at the NGO Forum and the WCAR are available upon request.)

In 2001, Adalah invested substantial efforts in increasing and strengthening our international advocacy work before the United Nations, in particular, the Office of the High Commissioner for Human Rights (OHCHR). As a result of these efforts, we have strengthened our relationship with the OHCHR, which now approaches the organization to submit materials for the preparation of their reports, cites Adalah's work in such reports, and invites us to participate in their meetings with regional NGOs.

To further strengthen our work in these areas, Adalah has applied for consultative status before the United Nations. The application is presently under review, and a decision is expected in mid-2003.

Participation in International Conferences, Study Tours, & Workshops

Training and Networking

- Adalah representatives participated in several meetings of the Euro-Mediterranean Human Rights Network (EMHRN) and received initial confirmation of membership in the network. In January 2001, Staff Attorney Jamil Dakwar represented Adalah at an EMHRN strategy session in Brussels on the human rights crisis in Israel/Palestine. Staff Attorney Suhad Bishara attended a seminar in November 2001 in Brussels on the MEDA programs and the human rights implications of EU assistance to its Mediterranean partners. [Supported by the EMHRN]
- Adalah Board Chairperson Ghassann Agbaria participated in an Amnesty International training workshop on the legal protection of human rights held in Jordan in March 2001. This seminar focused on international human rights standards relating to fair trials and torture; legal protection in national courts; and human rights violations against women. [Supported by AI]

Organizational Development

- Adalah representatives Hassan Jabareen, Rina Rosenberg and Riad Anes traveled to Northern Ireland and London in January/February 2001 for a strategic legal consultation visit concerning our work before the Commission of Inquiry. They met with leading lawyers who have experience working before tribunals of inquiry and before the European Court of Human Rights on cases involving the excessive use of lethal force by police and other state agents against unarmed civilians. Meetings were held with The Committee for the Administration of Justice; the law firm of Madden and Finucane, which is representing family members in the Bloody Sunday inquiry; British-Irish Rights Watch; the Bar Human Rights Committee of England and Wales; as well as numerous other solicitors, barristers, and human rights organizations involved in inquiries and inquests. [Supported by Ford Foundation]

- Adalah Director of Development Rina Rosenberg participated in a Novib-led May 2001 workshop in The Hague on measuring the impact of human rights interventions. The objective of this workshop was to come to a methodology of indicators to measure human rights work for use by NGOs, evaluators, and Novib staff. She delivered a brief presentation to the group that offered an impact assessment of Adalah's legal and educational work. [Supported by Novib]
- In June 2001, Adalah Board Member Salam Zubi attended a Habitat International Coalition (HIC)-led first solidarity meeting of people under occupation, held in Dharamsala, India. Groups representing the Tibetan, Palestinian and Kurdish peoples participated in the meeting, which was originally conceived in 1996 at the Istanbul Habitat II conference. The participants resolved to support the process of democratization within each independence movement, and to promote reciprocal solidarity through civil society and leadership initiatives. [Supported by HIC]

International Outreach and Development

- Then-Adalah Board Member Salman Natour attended a February 2001 conference on "The Future of Palestinian Refugees" held in Rabat, Morocco, organized by the Cairo Institute for Human Rights Studies and the Moroccan Organization for Human Rights. The conference addressed the legal and political situation and the living conditions faced by Palestinian refugees, and the difficulty of realizing the right of return. He presented a paper entitled "Uprooted in Their Land: The Story of an Old Man and a Village." [Supported partially by the organizers]
- Adalah Staff Attorney Jamil Dakwar attended the annual meeting of the American Arab Anti-Discrimination Committee (ADC) in Arlington, Virginia in June 2001. He spoke about Adalah's October 2000-related activities, and accepted the "Distinguished Palestinian Civil Rights Organization" award on behalf of Adalah. [Supported by ADC]

D. INSTITUTIONAL DEVELOPMENT

General Assembly, Board & Staff

In 2001, the General Assembly (GA) was expanded from 15 to 74 individuals, including all staff. Adalah organized two GA meetings in 2001. In May 2001, the organization held its annual GA meeting, attended by 56 of the 74 members. The GA reviewed and approved Adalah's 2000 activities report and audited financial report. In a second GA meeting in December 2001, members were updated on Adalah's recent activities, notably the case of MK Azmi Bishara and our Commission of Inquiry activities.

During the May 2001 GA meeting, the following seven (7) individuals were elected to the Board:

- Mr. Ghassann Agbaria, Advocate (Chairperson)
- Mr. Yousef Anton
- Mr. Muhammed Dahleh, Advocate
- Ms. Iman Kandalaft
- Mr. Azmie Odeh, Advocate
- Mr. Fuad Sultani, Advocate
- Mr. Salam Zubi

(Bios of Adalah Board Members can be found at <http://www.adalah.org/staffboard.shtml#board>.)

During 2001, Adalah held monthly Board meetings during which Board members reviewed and approved program plans and budgets; and monitored and evaluated managerial, program, and fiscal policies and budgets. Members of Adalah’s Board and staff also sit on the Financial Committee, which met quarterly in 2001 to review income and expenditures; contracts on grants and upcoming donor meetings; employee contracts; and international travel arrangements.

Adalah also organized two Board/Staff retreats:

- **Board/Staff Retreat and Visit to the Naqab.** In January 2001, Adalah organized a meeting for Board and staff in the Naqab to liaise with local community leaders and NGO representatives and to tour unrecognized Palestinian Bedouin villages. This retreat was held together with a community consultation meeting, discussed under “Seminars and Panel Discussions” above. For the Board and staff, this retreat provided a valuable opportunity to renew and make new contacts for cases and assess changes in the living conditions of residents of the unrecognized villages.
- **Board/Staff Retreat.** In October 2001, Adalah Board and staff participated in a two-day retreat in Nazareth, during which we discussed organizational development issues such as organizational goals, the role of the Board, and Adalah’s impact on Israeli society. Consultants from Sa’adi Farrage Offaly facilitated the meetings. This meeting began a process that Adalah is continuing in 2002-2004 to develop institutionally. Key goals include the development and approval of by-laws and policies and procedures manuals.

Key staff developments and changes during the year have been outlined above in “Training.” By the end of 2001, Adalah had a staff of 16:

Job Title	Name	Full or Part
General Director	Mr. Hassan Jabareen, Advocate	Full
Staff Attorney	Ms. Suhad Bishara, Advocate	Full
Staff Attorney	Mr. Jamil Dakwar, Advocate	Full
Staff Attorney	Mr. Marwan Dalal, Advocate	Full
Staff Attorney	Mr. Morad el-Sane, Advocate	Part
Staff Attorney	Ms. Orna Kohn, Advocate	Full
NIF Fellow	Ms. Gadeer Nicola, Advocate	Studying in the US
Stager	Ms. Abeer Baker	Full
Naqab Fieldworker	Mr. Salem Abu-Medeghem	Full
Director of Development	Ms. Rina Rosenberg	Full
Advocacy Coordinator	Ms. Anne Massagee	Full/Fixed Contract
Publications	Ms. Samera Esmair	Part
Administrative Director	Ms. Fathiyya Hussein	Full
Accountant	Mr. Basheer Geraisy	Part
Administrative Assistant	Ms. Amal Hussein	Full
Administrative Assistant	Ms. Christine Nasrallah	Part

Two full-time overseas interns - Mr. John Halski and Mr. Jake Wadland - supported Adalah’s staff.

(Bios of Adalah’s staff and interns can be found at <http://www.adalah.org/staffboard.shtml#staff>.)

Additional overseas interns and law students who volunteered with Adalah in 2001 include: Ms. Farida Deif, Ms. Sanjukta Paul, Ms. Katie Taylor, and Ms. Rachel Tiven. Former Adalah interns Ms. Julia Kernochan, Mr. Tawfiq Rangwala, and Mr. Brad Rubin also continued to contribute their time and their talents to Adalah by conducting legal research for our cases from their law schools and offices abroad.

Adalah strove to address issues of staff development throughout the year. The organization held frequent legal and full-staff meetings to ensure regular review and evaluation of all areas of the organization's work: program, legal, administration, and finance.

Staff Study Days. In April 2001, Adalah organized an intensive three-day staff study session in Jerusalem. Staff participated in workshops led by external lawyers and other experts on effective media strategies, working before commissions of inquiry, representing political prisoners, and understanding and challenging budgets of Israeli ministries. Staff assessed ongoing and upcoming legal and advocacy work, examined our legal and media strategies, and discussed interaction between legal, development and administrative staff.

Program - Naqab Office

A major programmatic development during the 2001 grant period was the expansion of our presence in the Naqab. Adalah has worked on numerous cases addressing the specific issues of concern faced by the Palestinian Bedouin community in the Naqab since the organization's inception. Some of our earlier petitions which we filed regarding the Naqab include: the right to preventive health services for women and children in the unrecognized villages; the establishment of schools in Beer Hadaj; the right to kindergarten education for Arab children in Segev Shalom; and the right to social services for Palestinian Bedouin in the unrecognized villages.

Wanting a more established presence in the area, in August 2000, Adalah opened its first branch office in the Naqab. In order to work more effectively with the Palestinian Bedouin community in the Naqab (one of the poorest and most disadvantaged in the country), Adalah recognizes the acute need to be present and thus, more accessible to the community in order to better represent their interests.

Due to the complex political, social, and cultural situation among the Palestinian Bedouin in the Naqab, and the need for Adalah to gain a more complete understanding of the local circumstances, Adalah decided to build the office gradually. In May 2000, Adalah hired a local Field Researcher, Salem Abu-Medeghem, based in our Naqab office, to assist Adalah's attorneys in gathering facts for petitions, monitoring compliance with court judgments, and coordinating local community outreach and legal education events. From September 2000 - September 2001, Staff Attorney Marwan Dalal worked three days per week out of the Beer el-Sebe office. Adalah recruited a Palestinian Bedouin lawyer, Morad el-Sane, in November 2001, to staff the Naqab office. Adalah is particularly proud to note that this office is now staffed with individuals from the local community, as we recognize that Naqab-based staff can best represent the community.

Key activities during 2001 included:

- Filing major petitions to the Supreme Court regarding the unique concerns of the Palestinian Bedouin, notably access to clean drinking water for the unrecognized villages in the Naqab, and the dismissal of the head of the Bedouin Education Authority due to his racist statements (referenced above in "New and Ongoing Supreme Court Litigation").

- Issuing letters of intervention on a range of issues affecting Palestinian Bedouin in the Naqab such as home demolition, transportation to schools, asbestos in public buildings, the use of Israeli soldiers as teachers, unexploded landmines in the area, exposed sewage, and access to the Beer el-Sebe mosque.
- Undertaking legal education activities such as a series of five lectures on human rights and Palestinian minority rights in Israel to students and community members at the Rahat high school and Tel Sheva community center.
- Organizing and participating in community consultations through grassroots NGOs, the Regional Council of the Unrecognized Villages, Association of Forty, and our newly-established “Friends of Adalah” network, which assists the organization in identifying the most pressing needs of the community and in establishing contacts. In November 2001, Adalah invited seven professionals from the community to join this network, including several lawyers who also assist the organization on a volunteer basis in our legal work.
- Conducting extensive fieldwork to support our cases including:
 - Community mobilization, by seeking individual and organizational petitioners for litigation, obtaining power of attorney, identifying individuals for key affidavits and court attendance, and updating community members on the status of ongoing petitions;
 - Field research and letter-writing to obtain information for cases (e.g., historical background, statistics and reports);
 - Outreach to the local media by disseminating press releases and publications, and organizing meetings with local journalists;
 - Organizing meetings and tours for national and international delegations to the Naqab.

In addition, as noted above, Adalah strove to expand our organizational knowledge of the concerns of the local Palestinian Bedouin community through a series of meetings for Board and Staff in the Naqab in January 2001.

Financial

Financial Management

Adalah places great emphasis on proper financial management and has several systems in place to ensure fiscal accountability. In 2001, Adalah established a Financial Committee, comprised of two board members and three staff members, which met quarterly to review income and expenditures in accordance with the budget, financial procedures, and contracts. In addition to this and other standard procedures, during 2001, Adalah established clearer financial systems that allow for better tracking of finances, including the ability to track expenditures per budget-line and donor. Also in 2001, as required under contractual agreements with its donors, Adalah submitted semi-annual unaudited financial statements and an annual independent financial audit. Our 2000 audited annual financial report was also filed with the Registrar of Associations, as required under Israeli law.

Fundraising

Adalah's work during this period was supported by grants from donor agencies, contributions from individuals around the world, and locally-generated income. Adalah's major contributors in 2001 included the Ford Foundation, Novib, New Israel Fund, Oxfam-GB, John Merck Fund, European Commission, ICJ-Sweden, MFA -Switzerland, Welfare Association, Foundation for Middle East Peace, Joyce Mertz-Gilmore Foundation, Christian Aid, Naomi & Nehemiah Cohen Foundation, and the OSI Development Foundation.

- **Major Grant.** In 2001, Adalah was awarded a \$600,000, three-year grant from the Ford Foundation. This generous donation is the single largest contribution made by the Ford Foundation to any NGO in Israel.
- **New Major Donors.** Adalah received single and multi-year donations from donor agencies in Israel, Europe and North America. During the 2001 grant period, Adalah received major donations (defined as a financial commitment of at least \$40,000 per year) from two new donor agencies, including the Open Society Institute Development Foundation and the International Commission of Jurists (ICJ)-Sweden (three-year grant of approximately \$120,000).
- **Local Income.** During 2001, Adalah generated approximately \$75,000 through court-awarded judgments, sales of publications, individual donors, and interest income.

Awards

- The American-Arab Anti-Discrimination Committee awarded Adalah the "Distinguished Palestinian Civil Rights Award" in June 2001 for our work on behalf of Palestinian citizens of Israel.
- Ansar el-Sajeen (Friends of Political Prisoners), a Palestinian NGO in Israel, presented an award to Adalah for our Detainees' Project. With this project, established in response to the October 2000 events, Adalah and tens of volunteer lawyers represented hundreds of Palestinian citizens of Israel who were arrested and detained.

CHANGES TO PROGRAM

There were several changes in Adalah's 2001 program due to the political situation on the ground and the shift in community needs and expectations since the beginning of the Intifada. This has resulted in the adjustment of our organizational workplans, and the delay of certain activities. While we have identified some of these changes earlier in this report, the primary change to the program has been in the area of our community mobilization efforts. In Adalah's proposed workplans for 2000 and 2001, we envisioned a model of community outreach and mobilization with field researchers who would not only gather information but also address the implementation of court decisions and settlements obtained through Adalah's legal work. In 2000, we began implementation of this model by hiring a Field Researcher for the Naqab. Adalah did not hire a Field Researcher for the North before the Intifada began, at which point the organization faced a very different situation.

Although Adalah did not fully implement this model, the organization endeavored to ensure that a component of community mobilization and consultation was realized through other means. Adalah staff and external lawyers worked closely with the local community as they collected testimonies for our submission to the Commission of Inquiry. The organization also increased our external consultation processes and community participation in our decision-making as discussed in the report. Adalah also worked extensively in partnerships and coalition with other NGOs in all aspects of our work - litigation, outreach and education, and advocacy.

This experience, together with our changing circumstances, has taught us that at this time, a different model of community mobilization would better complement Adalah's work and expertise. We have learned that, done properly, there must be a tremendous investment of resources to do follow-up and implementation on the complex issues addressed by Adalah's work, as well as area specialization and a strong connection to community groups. With this in mind, we aim to do such work in partnership with other NGOs, whereby each group can contribute its particular expertise. Our issue-focused work, such as the Land Planning project discussed earlier in this report, has proven to be a more successful model. We believe that this re-conceptualized model takes into account a realistic evaluation of our own capacity and resources, and enhances our strengths. While Adalah contributes its legal expertise and the partner provides outreach specialization, the organizations work together throughout the process. This model takes advantages of each organization's expertise, supplements each group's capabilities, and builds stronger and more effective alliances.