

"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, **to enjoy their own culture**, to profess and practise their own religion, or to use their own language."

Article 27, International Covenant on Civil and Political Rights (ICCPR)

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political ideology of the state, or requiring fundamental changes in Israeli society or political culture, even when these cases are grounded on strong legal reasoning. Adalah's case concerning the Budget for the Ministry of Religious Affairs provides an example of this phenomenon. Despite the fact that the budget for the Arab religious communities constituted only 1.86% of the total budget in 1998, the Supreme Court dismissed the case.

This reluctance on the part of the Supreme Court has a profound, parallel effect upon the legal work and strategies employed by Adalah's lawyers. Since Adalah's lawyers are aware that the Court simply will not provide a positive ruling in some issue areas, we often decline to litigate these types of cases in order to avoid setting a harmful precedent. Alternatively, Adalah believes that not everything can be or should be litigated. Sometimes it is strategically better to encourage public mobilization and other forms of citizen advocacy and media work to change governmental policies and public opinion. Cases involving the right to return for the internal Palestinian Arab refugees provide a useful example of these types of cases.

In order to circumvent these legal, political obstacles, Adalah also employs a legal strategy stressing case-by-case, limited focus litigation. Adalah's work on behalf of the unrecognized Arab villages provides the most visible example of this strategy. Adalah is aware of the difficulties of arguing for the recognition of these villages, an argument that would directly challenge the state's historical, discriminatory land policies, and thus be met with quick defeat. Instead, Adalah brings numerous petitions of limited focus to the Supreme Court, obtaining rights and changing the on the ground reality of the villages on a case-by-case basis, such as the right to an address, the right for health care and the right for social services.

In addition to the organization's frequent difficulty in receiving positive decisions, implementation of

Supreme Court judgments has presented a major challenge to Adalah during its first three years of operation. Positive rulings providing *judicial* remedies have not guaranteed *practical* solutions for Arab citizens of the state. In many instances, the government simply ignores the Court's decisions, or implements its rulings at such a slow pace as to make them effectively non-existent. The lack of strong judicial enforcement mechanisms is a general problem confronting organizations that use the law to advance social change. However, in Israel, this difficulty is exacerbated by the state's non-neutral relationship with its population.

I wish to extend our sincere gratitude to all of Adalah's contributors in 1999. Our donors display confidence in our abilities, encouragement for our activities, and resources essential to our work. They include the Ford Foundation, NOVIB, the New Israel Fund, Christian Aid, the John Merck Fund, the Joyce Mertz-Gilmore Foundation, the International Commission of Jurists-Sweden, and the Foundation for Middle East Peace. Many institutions and colleagues have also contributed to Adalah's achievements in the past year, and the Board and staff of Adalah join me in expressing appreciation to them.

I would also like to thank the three overseas interns Adalah hosted in 1999: Christopher Dunn, Julia Kernochan and Zeinah Salahi. Each of them has made a significant contribution to Adalah's work over the course of the year, and we thank them warmly for their hard work, long hours, and serious commitment.

Finally, I thank Adalah's staff for their top-quality work. It is their dedication, enthusiasm and effort, which have made, and continue to make, Adalah such a success.

**Hassan Jabareen, Advocate**  
General Director

This section details the legal action undertaken by Adalah in 1999. It includes information on: Adalah's seven new Supreme Court petitions filed in 1999; Adalah's continuing representation on pending petitions filed in 1997 and 1998; the submission of ten new pre-petitions to the Attorney General's Office; the submission of four appeals to the District Court and the Central Elections Committee; correspondence with government ministries and offices; and Adalah's participation in various issue-oriented coalitions. All cases and other legal interventions are updated through April 2000, and arranged thematically according to Adalah's fields of interest: Language Rights, Education Rights, Religious Rights, Land and Housing Rights, Palestinian Arab Women's Rights, Employment Rights, Political Rights, and Racism and Hate Speech. Brief explanations precede several sections, and detail legal and social contexts that may not be familiar to readers.

A summary of petitions filed by Adalah to the Supreme of Court of Israel (1997-1999) appears at the end of this section. Adalah is proud to note that of the 16 Supreme Court petitions filed during this period, eight have been resolved in favor of Adalah, one was dismissed, and seven are still pending before the Court. Adalah is also pleased to highlight its numerous successes in resolving disputes through means short of litigation. These legal victories, as well as our defeats, follow in this section.

## Language Rights

Adalah actively works to promote the status and use of the Arabic language in Israel. A range of international human rights instruments provide that language is an impermissible ground of discrimination, and further assert that States have an obligation to preserve minority communities' linguistic identities (Article 27, ICCPR). Furthermore, Article 82 of the Palestine Order-in-Council (1922), which is still valid under Israeli domestic law, states that Hebrew and Arabic are the two official languages of the State. Nevertheless, Hebrew is the dominant language, with the Arabic language afforded a far inferior status.

For example, the laws, regulations, and decisions of the Israeli courts are delivered solely in Hebrew, and university lectures, exams, and professional licensing tests are given in Hebrew. Most transactions, including banking, contracts with public bodies, etc., are conducted in Hebrew, and both of the officially recognized television channels in Israel broadcast a very small percentage of total airtime in Arabic. No academic institute currently exists to preserve and develop the Arabic language in Israel, nor is there an Arab university. Most Jewish Israelis are not bilingual in Hebrew and Arabic.

### Public Notices and Documents in Arabic

#### **Announcements of Government Funds for NGOs:**

In December 1999, Adalah made front-page news when the Attorney General issued an important directive concerning the language rights of the

Human Rights (HRA), against the Public Works Department (PWD), a division of the Ministry of Infrastructure, demanding that Arabic be used on all national road and traffic signs. Adalah argued, relying on Article 82 of the Palestinian Order-in-Council, which designates Arabic as an official language of the state, that the lack of Arabic discriminates against the Palestinian Arab minority in Israel. Adalah cited research conducted by the Technion-Israel Institute of Technology that demonstrates that excluding Arabic creates traffic safety problems. Adalah also submitted the affidavit of an expert supporting the feasibility of replacing all signs within a limited amount of time. In February 1999, the Court ordered the PWD to post the names of towns and directions in Arabic on all signs along Israel's four major highways within two years, and all other national road signs within five years. The Court also ordered the respondents to pay Adalah 7500 NIS in legal fees. As of December 1999, close to 3800 signs, or 30% of all signs, have been replaced.

*(Adalah, et. al., v. Ma'atz (Public Works Department), et. al., H.C. 4438/97, filed 7/97, judgment 2/99)*

In the course of monitoring the implementation of this judgment - progress in posting signs and the identification of Arabic language mistakes on newly posted signs - Adalah learned that only 29 Arabs out of 855 workers are employed by the PWD (barely 3.5%). Further, Adalah found that of the 29 Arab employees, only 14 are permanent staff members. In addition, only 1 of the PWD's 174 engineers is Arab, and none of its 40 administrative workers are Arab. Adalah sent a letter to the PWD expressing alarm at these figures, emphasizing that the department's practices violate the Equal Employment Opportunity Law. The letter also requested that the PWD institute an affirmative action plan to increase the number of Palestinian

Arab employees. The PWD, in response, stated that it hires workers "solely on the basis of their skills, education, and ability to perform," and that due to budgetary restraints, it was currently unable to hire any workers. Further action is under consideration.

### **Signs in Mixed Cities:**

Building on the national road signs case, Adalah, together with the Association for Civil Rights in Israel (ACRI), filed a petition to the Supreme Court in June 1999 against the "mixed" Arab-Jewish municipalities of Tel Aviv-Jaffa, Ramle, Lod, Akka, and Natzerat Illit. Adalah and ACRI asked the Court to order these localities to add Arabic to all the signs within their jurisdiction. While municipalities arguably have a different status under Article 82 of the Palestine Order-in-Council, Adalah and ACRI emphasized that the lack of Arabic directly discriminates against the Palestinian Arab minority within these cities, as Arab residents are afforded inferior access to municipal institutions and neighborhoods. After a hearing in February 2000, the Court granted an *order nisi*, requiring all the municipalities except Akka, which agreed with the petitioners, to respond to Adalah's arguments within 90 days. Following this, the Attorney General joined the case as a respondent, due to its public and legal importance.

*(Adalah, et. al. v. The Municipalities of Tel Aviv-Jaffa, et. al., H.C. 4112/99, filed 6/99, order nisi 2/00)*

### **Signs in Major Transportation Hubs:**

In March 1999, Adalah filed a pre-petition against the Airports Authority and the Port and Trains Authority (PTA) demanding that these agencies provide signs in Arabic at all major transportation hubs in the country. The pre-petition followed two months of correspondence, during which the Airports Authority contended that it had no obligation to provide Arabic signs, and the PTA

school level; however, no autonomous Palestinian Arab-run educational system exists to meet the needs of the Palestinian Arab community as a distinct group with a common language, history, culture, and national identity. In fact, Section 2 of the Law defines the objectives of state education as instilling the “values of Jewish culture.” Thus, Palestinian Arab students spend more time reading the Torah and Zionist history than studying Palestinian history, literature, or culture.

Palestinian Arab schools are also severely underfunded: the Ministry of Education (MOE) awards substantially fewer resources and services to Arab schools, while the general poverty of Arab municipalities results in a lower tax base for local support. As a result, Arab schools are characterized by poor facilities and insufficient infrastructure, and offer little to no resources to students. Moreover, discriminatory policies pursued by the MOE limit the educational opportunities available to Palestinian Arab students: special programs to assist academically weak students or to enrich the studies of gifted students are disproportionately awarded to Jewish schools. The consequences of the government’s separate but unequal strategies are clear: 84% of students who drop out are Palestinian Arab, and only 30% of Arab students pass their matriculation examinations as compared to 45% of Jewish students.

## Pre-School Education for Arab Children

### **The Law of Free Education:**

In January 1999, the Knesset overwhelmingly passed the truly path-breaking “Law of Free Education.” This Law requires the State to fully subsidize the pre-school education fees of all 3 and 4 year-old children. Ultimately, the effect of this Law

will be free, compulsory education for all citizens of the state from 3-16 years of age.

The Minister of Education, empowered by the bill to decide how and where to implement the Law, decided to begin implementation (fee exemption) in the municipalities on the National Priority List (NPL) and in those chosen for the Neighborhood Renewal Project (NRP). Both the NPL and the NRP almost entirely exclude Arab municipalities.

In May 1998, Adalah filed a petition to the Supreme Court of Israel challenging the government’s arbitrary and discriminatory classification of municipalities as “national priority areas.” Towns listed as “A” priority areas receive a host of special benefits, above normal municipal funding, such as extra educational resources, additional mortgage grants to residents, and tax breaks to local industries. The government overwhelmingly designates Jewish development towns, border communities, and West Bank settlements as recipients of this status, for political and economic reasons, whereas severely socio-economically depressed Arab towns are essentially excluded. Adalah argued that NPL status is intended to help poorer towns develop economically, and contended that the absence of clear criteria or a statute for the government’s selection of municipalities raised important constitutional and administrative law questions. The Court agreed with this assessment, deciding that an expanded panel of seven justices must hear the case. Despite Adalah’s best efforts to obtain a decision, the case is still pending before the Court.

*(The High Follow-Up Committee on Arab Affairs, et. al. v. The Prime Minister of Israel, H.C. 2773/98, filed 5/98)*

Relying on the pending NPL petition, Adalah wrote to the Minister of Education in May 1999 demanding that the Law of Free Education be implemented

*order nisi*, requiring the respondents to reply within seven days. Following this decision, the government-appointed Council in Segev Shalom reopened the kindergartens. At a hearing held in early January 2000, the Court awarded Adalah 5000 NIS in legal fees.

*(The Parents Committee in Segev Shalom, et. al. v. The Government- appointed Council in Segev Shalom, et. al., HC 8534/99, filed 12/99, judgment 1/00)*

The full implementation of the Law of Free Education, especially for Arab children, requires enormous attention by advocates. Already, in February 2000, the MOE announced that no new municipalities will be added to the program in 2000. Adalah is continuing to monitor the implementation of this law.

## Arab Children with Special Needs

Increasingly, national attention is turning to Palestinian Arab children with special needs. In 1998, the JDC-Brookdale Institute conducted a national study of the children in Israel with disabilities. The study exposed the stark inequality in treatment and facilities for children with special needs in the Jewish and Arab populations. For instance, the report shows that the occurrence of mental illness among Arab children is three times as high as among Jewish children, and that the rate of blindness is twice as high. It also demonstrates that the number of Jewish children receiving treatment for their disabilities is twice as high, and in some areas three times as high, as the number of Arab children receiving the same treatment. A parallel study, conducted by SHATIL and submitted to the Knesset in 1998, shows that at least 250 Arab children with special needs between 0-5 are taught at home because they have no access to adequate educational facilities; more than 5,000 Arab children

from first to ninth grade requiring special services are enrolled in regular schools with no special assistance; 1,400 Arab children entitled to paramedical treatment services do not receive those services; and 30 out of 36 Arab institutions for special education are not capable of providing the necessary services. (See *Ha'aretz English Edition*, 20 December 1999)

Adalah handled four cases involving services and educational frameworks for Palestinian Arab children with special needs in 1999. In addition, an Adalah lawyer participated throughout the year in an NGO Special Education Forum, comprised of Adalah, The Galilee Society, SHATIL, Bizchut, and Keshet. This group formed in response to Knesset discussions concerning a new Special Education Law, and is working to draft an alternative special education law.

### **The Right to a Hearing:**

To determine a child's eligibility for special services, a municipal review committee must convene to discuss and decide upon each specific case. Arab municipalities, however, due to inferior budget allocations, frequently lack the funds to convene these committees and review each child's special circumstances. As such, Arab children with special needs are often unable to acquire the special services to which they are not only entitled, but also desperately need.

In August 1999, Adalah learned that the Palestinian Arab village of Qalansawah, located in the Galilee, had failed to convene a municipal review committee because the municipality lacked the funds to hire the necessary psychologist. As a result, numerous children in Qalansawah were either remaining at home, without education, or enrolled in schools unable to provide the special services they required.

adequate education had been violated. Adalah simultaneously filed a pre-petition to the Attorney General's office on the girls' behalf. In February, the MOE located alternative placements for the two girls, agreed to establish a new kindergarten for children with special needs, and promised to hire a staff person to ensure the protection of the education rights of Arab Bedouin children with special needs.

## Access to Educational Benefit Programs

### **Academic Enrichment (Shahar) Programs:**

In May 1997, Adalah filed a petition to the Supreme Court against the Ministry of Education, on behalf of the Follow-Up Committee on Arab Education (FUCAE) and the Coalition of Parents' Groups in the Negev. Adalah sought to compel the Ministry to provide "Shahar" academic enrichment programs equally to Palestinian Arab and Jewish students. The highly successful Shahar programs, which aim to equalize academically weak students from low-income backgrounds, are not offered in any Arab communities. Adalah argued that the Ministry's continued discriminatory implementation of the "Shahar" programs violated the principle of equality of educational opportunities. Adalah also claimed that the Ministry of Education intentionally discriminated against Arab students.

Following the submission of Adalah's petition, the MOE admitted to discriminating against Palestinian Arab students, and offered a variety of gradual remedies beginning in 1998. Adalah, however, rejected these proposed remedies on the grounds that any delay in extending the programs to all students would effectively sanction the historical, intentional discrimination admitted to by the Ministry.

In May 1998, the Court stated that it would issue a written decision on the question of whether a gradual or immediate remedy is required in cases of historical and intentional discrimination. However, the Court offered no timetable for its decision. In February 1999, the Court requested further information from the MOE, but again failed to issue a ruling. Adalah submitted new evidence to the Court in January 2000, demonstrating the respondents' failure to implement their previous promise to reach total equality in allocations within 5 years.

*(Follow-up Committee on Arab Education, et. al., v. Minister of Education, et. al., H.C. 2814/97, filed 5/97)*

## Religious Rights

In Israel, there is no separation between religion and the State: Israel is a declared Jewish State. This is reflected in laws that give special status to the Jewish religious community and Jewish organizations, and that declare the Jewish Sabbath and Jewish religious holidays as national days of rest. Activities aimed at bringing the public closer to the values of Torah (religious learning), mitzvot (religious duties), and Jewish traditions are manifested in educational curricula, media, and government programs. The Minister of Religion is Jewish and budgetary spending is concentrated on Jewish religious services and yeshivot (religious schools). In contrast, a disproportionately small percentage of the Ministry's budget (1.86% in 1998) is allocated to the combined Muslim, Christian, and Druze (MCD) religious communities. Moreover, while the Protection of Holy Sites Law (1967) grants the Religious Minister complete discretion in



In April 1999, the Court issued an *order nisi* requiring the MORA to respond to Adalah's arguments within 30 days. In June, in its reply, the MORA stated that the distribution of funds is based on the needs of the religious communities, and that the percentage of the budget allocated for Jewish cemeteries is directly reflective of the relative need of the Jewish community. The respondents also argued that the articles of the 1999 Budget Law relating to the funding of religious cemeteries are facially neutral, and that some of these funds do support "non-Jewish" cemeteries. Adalah replied that no funding guidelines exist, and presented statistics conclusively demonstrating that funding is given solely to Jewish cemeteries.

In April 2000, the Supreme Court ruled, in a precedent-setting, 26-page written decision, that the MORA should allocate money designated for cemeteries on an equal basis and according to the proportionality test. The Court rejected the State's claim that there is no discrimination in the allocation of these funds, adding that: "We did not hear any reason from the MORA to justify why it set these two sections of the budget in a manner that *prima facie* violates equality." The Court ruled that: "The resources of the State, whether land or money, or other resources as well, belong to all citizens and all citizens are entitled to enjoy [them] according to the principle of equality, without discrimination based on religion, race, sex or any other prohibited consideration." The Court also ruled that: "We learn from the petition about immense neglect of Arab cemeteries ... and it does not dignify the living or the dead."

The Court also ordered the Ministry of Religious Affairs (MORA): "To allocate the money designated for cemeteries for 2000 among the different religious communities equally." The Court emphasized that:

"The MORA, which did not apply the duty of allocating budgets equally to cemeteries in 1999, could and should prepare itself for fulfilling this duty in 2000 and in the coming years." (See *Ha'aretz English Edition*, 19 April 2000, and the *Jerusalem Post*, 19 April 2000)

The Court ordered the MORA to pay 20,000 NIS (approximately \$5000) in legal expenses to Adalah. (*Adalah, et. al. v. Minister of Religious Affairs, et. al., H.C. 1113/99, filed 2/99, decision 4/00*)

In an interesting indication of the affect of Adalah's legal action, in November 1999, prior to the Court's decision, a representative from the Attorney General's Office abruptly stopped the Knesset's deliberations on the 2000 budget for the Ministry of Religious Affairs. According to the Attorney General's Office, the budget's unequal allocations once again made it an easy target for a legal challenge before the Supreme Court of Israel. Specifically, the official pointed out that "an Arab NGO" currently had a petition pending before the Supreme Court involving this budget, a direct reference to Adalah's work on this issue.

## Preservation of Religious Buildings as Holy Sites

### **The Mosque in Majdal Ashkelon:**

In March 1999, Adalah wrote to the MORA, the Municipality of Ashkelon, and the Attorney General concerning the use of a mosque in the uprooted Palestinian village of Ashkelon as a restaurant and gallery. Adalah demanded that the city's plans for the mosque be halted, that its current use be stopped, and that the building be preserved as a religious site. Adalah also pointed out that Israeli law requires the MORA to consult with Palestinian Arab religious leaders before permitting any change

### **The Right to Health Care - Mother and Child Clinics:**

In response to Adalah's petition filed in December 1997, in March 1999, the Supreme Court issued an order requiring the Ministry of Health (MOH) to build six Mother and Child health care clinics in the unrecognized villages in the Negev, and to provide public transportation to existing clinics in neighboring recognized towns. The Court's decision marked one of Adalah's major legal victories, and, for the first time, the Court essentially recognized a right to reasonable access to health care for all citizens, regardless of the underlying ownership disputes concerning the land on which they live.

Since this decision, Adalah has consistently monitored the MOH's progress in constructing the required health care clinics. In December 1999, following numerous inquiries, the Attorney General's Office informed Adalah that the MOH had not even hired a contractor to build the first three clinics, despite the fact that these were to be constructed in 1999. Moreover, the MOH had reduced public transportation to existing clinics in neighboring towns to one-time per week.

Based on this information, in January 2000, Adalah filed a motion for contempt against the MOH for its failure to implement the Court's decision. Seeking a heavy fine, Adalah emphasized that the MOH breached its legal commitment, and that, as a result of the spread of pneumonia in the Negev, the issue of the clinics had become a matter of life and death. As of April 2000, Adalah's motion for contempt is still pending before the Supreme Court.

### **The Right to Social Services:**

The 60,000 Arab Bedouin who live in the unrecognized villages in the Negev receive limited

welfare services from the Ministry of Labor and Social Welfare (MSLW). However, as no recognized local council exists in these villages, the appointed local authorities in Segev Shalom are responsible for dispensing these services to the unrecognized villages. While Segev Shalom has this responsibility, it is not afforded the necessary means to do so adequately. The unrecognized villages are given less funding for social services than any other communities in the country, despite the fact that the Arab Bedouin citizens living in these villages are the most needy. For example, only one social worker is provided for every 6,350 residents of the unrecognized villages in the Negev, while in S'derot, a nearby Jewish town, 1 social worker is provided for every 624 residents. In addition, despite the fact that the unrecognized villages in the Negev are spread over an area constituting 1/3 of the country, Segev Shalom is given only one vehicle to dispense services to the villages.

As a result of this inability to function properly, the government-appointed Mayor of Segev Shalom decided to stop providing services to the unrecognized villages in August 1999. Following this action, Adalah filed a petition to the Supreme Court against the Mayor and the MSLW. The petition demanded that services be immediately reinstated, that the MSLW open welfare bureaus in the unrecognized villages, and that the MSLW increase the resources and services provided to the unrecognized villages in the Negev, as recommended by the Knesset Committee on the Residents of the Unrecognized Villages.

Soon after filing the petition, Segev Shalom reinstated the provision of welfare services to the unrecognized villages. Adalah continued representation against the MSLW on the other pressing issues identified in the petition. While the

decision to recognize Kammaneh must relate to all the village's neighborhoods, and that the continued denial of recognition to Al-Jelasi violated the rights of its residents. Adalah utilized the expert opinions of architects and professional planners to demonstrate that there were no planning considerations that should have mandated the exclusion of Al-Jelasi from the rest of Kammaneh. Adalah's petition demonstrated that without Al-Jelasi, the village of Kammaneh is not even a contiguous entity. Later in the month, the Supreme Court granted an *order nisi* compelling the respondents to reply within 60 days.

*(Hashem Sawahed, et. al. v. Regional Council of Misgav, et. al., HC 7260/99, filed 11/99, order nisi 11/99)*

See also The Arab Association for Human Rights' (HRA), *Weekly Discrimination Diary*, 12 November 1999 ([www.arabhra.org](http://www.arabhra.org)).

## House Demolition and Land Confiscation

Land allocation for housing, building, and development continues to be one of the most critical and contentious issues for the Palestinian Arabs living in Israel. Although the Jewish community in Palestine owned just 6-7% of the land prior to 1948, most Palestinian Arab lands were confiscated by the State in the 1950s and 1960s through a variety of legal and quasi-legal means. Today, 93% of Israel's land is under direct state control.

### **Police Violence at Lod:**

Police brutality against Arab demonstrators protesting house demolitions and land confiscation continued unabated in 1999. Reminiscent of last year's events at Umm Sahali and Umm al-Fahem, on 21 June 1999, Israeli police opened fire on Palestinian Arab protestors in Lod demonstrating

against the demolition of an Arab house. Sixteen demonstrators were injured, including MK Dr. Azmi Bishara, leader of the Tajamoah (Balad) party, who was shot in the shoulder and hospitalized. These events gained widespread media attention locally and internationally. (See *Ha'aretz English Edition*, 23 June 1999, and *New York Times*, 24 June 1999).

The situation of the Palestinian Arab residents of Lod, located 15 minutes from Ben-Gurion Airport, is illustrative of the conditions of many Palestinians living in mixed cities. About one-fifth of Lod's 70,000 residents are Arab citizens of Israel, most of whom live in three poor, overcrowded, crime-ridden neighborhoods. "Illegal" construction is rampant, a direct outgrowth of the discriminatory zoning policy of the Israel Lands Administration and the Municipality, which refuse to grant building permits in order to limit the space available for the expansion of Arab neighborhoods in the city. The Municipality focuses its new housing resources on the thousands of new immigrants from the former Soviet Union who have moved into the city.

Following the violent clashes, Adalah wrote to the Attorney General and Prime Minister Benjamin Netanyahu urging them to establish a Committee of Inquiry to examine police conduct with respect to Palestinian Arab demonstrators. Adalah emphasized that the events at Umm Salahi (April 1998), Umm al-Fahem (September 1998), and Lod indicate that the police consistently utilize a policy of extreme and disproportionate violence against Arab protestors. Adalah also requested information concerning the internal police guidelines for the use of force against demonstrators, asking specifically for the internal "open fire" instructions, and a two-year record of police brutality complaints arising out of demonstrations. In November, the government released its "open fire" guidelines to

## Land Privatization

Beginning in the early to mid-1990's, the Israel Lands Administration (ILA) issued a series of decisions authorizing farmers on *kibbutzim* and *moshavim* to re-classify their agricultural lands as "building lands." The ILA offered the farmers compensation for the re-classification. The decisions came as a result of the state's need to absorb the massive influx of new immigrants arriving from the former Soviet Union, and its recognition of the economic crisis confronting the *kibbutzim* and *moshavim*. Following this re-classification, however, the *kibbutzim* and *moshavim* effectively became the private landlords of the new housing units constructed by contractors on these re-classified lands, reaping tremendous profits from tenants. In February 1999, in response to this development, the Attorney General froze all re-classification. Israeli Jewish farmers from *kibbutzim* and *moshavim* who had not yet completed the re-classification process quickly submitted a petition to the Supreme Court to invalidate this order, enlisting the aid of several members of the Knesset to lobby on their behalf.

The Hakeshet Hademokratet Hamizrahit (HHH), which represents the interests of the *Mizrahim*, Israeli Jews of Middle Eastern descent, filed a parallel petition to the Supreme Court. The petition demands that the Court declare all attempts to re-classify land along the guidelines being presented by the government and the Israeli Jewish farmers illegal. The HHH argues that such re-classification violates the principle of equality and discriminates against communities that do not have access to *kibbutzim* and *moshavim* lands, such as the *Mizrahim*, who live in so-called "development towns."

Congruent with these events, in 1998, the government formulated an initiative to register agricultural land. Popularly known as the "Sharon plan," it calls for 3 million dunams (750,000 acres) of farmland, estimated at a value of US \$60 billion and constituting a quarter of Israel's habitable land, to be transferred to the ownership of the *kibbutzim* and *moshavim* that currently lease it from the (ILA). This massive privatization would instantaneously transform 3% of Israel's population into a wealthy landowning elite, and would have tremendous implications for future infrastructure development. For the Palestinian Arab citizens of Israel, the Sharon Plan also means that the land expropriated by the government since the state's establishment would pass irretrievably out of reach.

In March 1999, as a result of the overwhelming outcry of groups and individuals throughout the country, the government "indefinitely" delayed confirmation of the Sharon Plan. Adalah participated in a SHATIL-coordinated committee to protest the initiative, and, in April, provided the Prime Minister's Office and the ILA with a detailed list of criticisms regarding the Sharon Plan's impact on Palestinian Arab citizens.

Despite this "indefinite" delay, however, a similar initiative was submitted to the Knesset in the summer of 1999, as a result of intense lobbying by Knesset members allied with the *kibbutzim* and *moshavim* farmers. Social change groups throughout the state once again issued their protests, including the Adalah.

As a result of these events, protests and petitions, the government decided, in February 2000, to convene a professional committee to discuss all issues related to land ownership, land re-classification and land use. The resulting David

Adalah hired feminist activist, Ms. Hoda Rouhana, to conduct interviews with lawyers, judges, and social workers, observe court sessions and review decisions, and discuss this new initiative with other women leaders in order to identify the main problems faced by Palestinian women in the religious courts. Based on her research, Ms. Rouhana identified two main problem areas: (1) General Problems in the Arab Religious Courts and (2) Substantive Legal Problems facing Palestinian Arab Women in the Religious Courts.

### **General Problems in the Arab Religious Courts:**

1. In general, the level of legal representation in Arab religious courts is low. Few lawyers work in the religious courts, with most representation undertaken by *morafeh shar'ie* (defenders), individuals qualified solely by examination. Moreover, some women are not represented at all before the courts. There is a distinct need to involve more active lawyers in the process, to have them engage critically with the verdicts delivered and to consider progressive options for change.
2. The Arab religious courts are severely underfunded by the government. This is reflected, among other things, in the lack of basic facilities in the courts, the failure to publish lower court decisions, the lack of a database of cases, limited access to files, insufficient judicial and administrative staff, and low salaries. In some of the courts, there are no permanent, sitting judges, resulting in long delays for cases to be heard and resolved.
3. Some judges (*Kadis*) in the Muslim Shar'ia courts are appointed for political reasons and lack the required professional qualifications. These *Kadis* may be unable to deal with matters related to new interpretations of religious texts, and to think

critically about the status of women in Palestinian society.

### **Some Substantive Legal Problems Facing Women:**

1. Usually, the Arab religious courts grant very low alimony and child support payments to Palestinian Arab women. The courts rarely conduct any investigation into finding out the actual needs of women and children, and the resources which are available to meet these needs.
2. Women lawyers report acute problems with child custody matters. For example, many women who re-marry lose custody over their children, regardless of the best interest of their children.
3. In Shar'ia courts, *Kadis* issue "obeyance orders" against women who have allegedly "disobeyed" their husbands (*nashes*), at the request of disaffected spouses. These orders are a humiliating reminder of women's subservient role in the family in the eyes of the court.

Adalah's staff discussed the preliminary findings of the research and decided in the short-term, to further monitor the situation in the religious courts, and to conduct additional substantive empirical studies/and or comparative legal research on various personal status matters. A general project concept, with short-term goals, has been formulated, and includes the following points:

1. The project will aspire to represent Palestinian Arab women in the religious courts, in an attempt to improve the level of representation and to provide legal aid, including representation, to women who are in need.
2. Cases viewed as potentially suitable for feminist

**Dismissal Conditioned on Security Reasons:**

In May, Adalah wrote to the employer of a Palestinian Arab woman who was fired for undisclosed 'security reasons.' The woman worked for the repossession department of the courts, and was responsible for collecting payments on court judgments. The woman is an Israeli citizen, and has no history of arrest or detention, however her brother had been arrested during the *intifada*. Adalah argued that the woman's arbitrary dismissal was unjust and illegal, and demanded to know the specific reasons for her firing. Upon receipt of the letter, the woman's employer immediately asked her to return to work.

## Equal Employment Commission

Adalah joined the Equal Employment Commission (EEC) Coalition, comprised of the Tel Aviv University Legal Aid Center, the Association for Civil Rights in Israel, and the Israel Women's Network, in May 1999. The Coalition was formed to draft a bill to establish an equal employment commission to monitor adherence to the Equal Employment Opportunity Law. Adalah assisted in drafting various provisions of the bill, and submitted an opinion to the Coalition concerning the bill's final structure and content. Adalah is continuing to work with the Coalition throughout the legislative process.

# Political Rights

## The Right to Participate in Power

**The National Elections:**

The National Elections for Prime Minister and the Knesset constituted the main event in Israel in 1999. From January-May, Adalah was actively engaged in representing the interests of the three Arab political parties - The Communist Party (Hadash), Ta'jamoah/Balad, and the United Arab List - before the Supreme Court and the Central Elections Committee (CEC).

**Public Announcements Regarding New Political Parties:**

In February, Adalah filed a petition to the Supreme Court against the Registrar of Political Parties, in its own name and on behalf of an Arab woman who does not read the Hebrew press, challenging the Registrar's practice of publishing announcements regarding the registration and platforms of new political parties in Hebrew newspapers only. The petition followed the Registrar's rejection of a request by *Al-Ittihad*, the only daily Arabic newspaper in Israel (run by the Communist Party), to publish the announcements. The Registrar told *Al-Ittihad* that announcements were published exclusively in Hebrew since the enactment of the Law of Political Parties (1992), that the only consideration in placing announcements was that of publicity, and that all citizens are eventually informed of registrations since new parties receive coverage in the Hebrew and Arabic media.

Adalah contended that the Registrar's practice violated laws providing that Arabic is an official

reference to soldiers or the armed forces.

Adalah filed a petition to the Central Election Committee (CEC) protesting these acts of censorship and requesting that the deleted portions of the advertisements be reinstated. Adalah argued that the deletions and the prohibition on discussing the military infringe on citizens' freedom of speech, and damage the democratic principles of free and fair elections and the right to criticize authority. Moreover, Adalah also argued that this prohibition is inconsistent with Supreme Court precedents that speech be limited through prior restraint only where there is clear evidence that such speech will hurt the public interest and endanger the public safety. Adalah contended that such evidence was absent, as MK Mahameed's statement had been previously broadcast on television, without incident, and that the misnomer "Black Patrol" had been previously used by other commentators and public figures. Adalah pointed out that no other party's advertisements were censored, and requested that the UAL advertisements be aired in their original forms.

The Commissioner dismissed Adalah's petition, stating that the deletions constituted a legitimate exercise of the discretionary authority granted him by law, and noted that while the word "soldiers" was removed, the visual images were not censored. He further argued that the use of the term "Black Patrol" supports a reasonable suspicion of incitement to disobey, as it is a derogatory name for official body.

**The Knesset:  
The Basic Law on Equality of the Arab  
Population:**

In November 1999, two legal advisors to the Knesset recommended the immediate disqualification of a

bill, initiated by three MKs of the Hadash party, that would guarantee equal rights for the Palestinian Arab citizens of Israel. The legal advisors argued that the bill's reference to Israel as "a democratic and multi-cultural state" denied Israel's existence as the state of the Jewish people, thus violating the Basic Law: The Knesset and the spirit of the Declaration of Independence.

The bill, entitled "The Basic Law on the Equality of the Arab Population," states that the rights of the Palestinian Arab citizens of Israel should be "founded on the recognition of the principle of equality." The bill's second and problematic clause provides that the aim of the bill is to "anchor in a basic law the values of the state of Israel as a democratic and multi-cultural state."

In November, Adalah wrote to the Chairman of the Knesset, MK Avraham Burg, in an attempt to stop the disqualification of the bill, and to demonstrate the illegality of such an action. Adalah emphasized that the principles embodied in the Hadash bill are no different than those articulated in the platform of any of the Palestinian Arab parties. Given that these parties continue to participate in the Knesset, logic dictates that their platforms are not illegal. With this in mind, Adalah argued that the bill is no more worthy of disqualification than the parties of the Arab MKs.

In January 2000, the Knesset Chairman decided to permit the introduction of the bill for voting. The bill was defeated by a vast majority of MKs.

**Local Government:  
The Right for Representation:**

Approximately 4,000 people live in the Arab village of Mazra'ah, located in the north of Israel. Until 1996, Mazra'ah belonged to a regional council, but

down some of its institutions.

Immediately following the publication of the recommendations, Adalah wrote to the Prime Minister, the Minister of Public Security and the Attorney General to raise objections to the sweeping measures proposed by the security forces. Adalah stressed that the recommendations were unnecessarily broad in scope, prohibiting legally protected conduct of individuals, and that the actions of specific persons could not legitimize the persecution of a legal association. Even if the recommendations were only partially implemented, Adalah pointed out, they would violate and erode the basic civil rights of Arab citizens of Israel, and effectively impart collective punishment on the residents of those towns where Islamic Movement candidates were democratically elected. Moreover, Adalah argued that in allowing the government to function above the law, the recommendations remove the role and power of the judiciary, allowing security forces to act as “judges.” As a result, basic freedoms, such as the freedom of speech and assembly and the principle of equality, would be gravely endangered.

In a response issued on 25 September 1999, the Prime Minister acknowledged that Adalah’s concerns were valid. The following day, according to newspaper reports, at a government forum convened to discuss the issue of the recommendations, state officials decided against implementing several of the security forces’ suggestions.

## The Registrar of Associations

Adalah took legal action against the Registrar of Associations on behalf of two Palestinian Arab NGOs in 1999. 1999 witnessed a significant increase in the Registrar’s attempts to control, regulate, and,

on numerous occasions, even close various Arab NGOs. As a result of the Registrar’s actions, numerous meetings of Israeli and Palestinian NGOs, organized by Ittijah and SHATIL, have taken place to exchange information and formulate a cooperative, strategic plan.

### **The National Committee for the Defense of the Rights of the Uprooted Palestinians (“The Uprooted”):**

In May, the Registrar of Associations rejected the Uprooted Committee’s application for association status. The Registrar gave three reasons for refusing the application: 1) that the name of the NGO was ‘misleading to the public’; 2) that the group’s proposed actions were illegal; and 3) that the organization would offend and conflict with the public interest. Immediately following this refusal, Adalah filed an appeal to the District Court in Jerusalem on behalf of the Uprooted Committee against the Registrar of Associations. Adalah argued that under the Law of Associations (1980) and Supreme Court precedent, the Registrar’s rejection of the application violated the fundamental right of association and assembly.

Declining to hold a hearing on the issue, the District Court, on June 19, asked both parties to submit closing arguments. After Adalah filed its closing arguments, the Legal Advisor to the Registrar notified Adalah that the Registrar wished to settle the case out of court. The final agreement allowed the Uprooted to retain its original name, goals, and plan of action, with a only small correction in phrasing to the organization’s Charter. The Court accepted a joint announcement of settlement filed by Adalah and the Registrar.

*(The National Committee for the Defense of the Rights of the Uprooted Palestinians, et. al. v The Registrar of Associations, D.C. [Jerusalem] 7075/99, filed 5/99)*



citizens of Israel living abroad. As adults, these individuals sought Israeli ID cards and citizenship; and 2) Non-Jewish, foreign spouses of Palestinian citizens of Israel. The spouses sought Israeli ID cards, temporary or permanent residency status, and citizenship.

In each case, Adalah has attempted to force the Population Bureau of the Ministry of Interior to issue a general directive acknowledging the existence of discrimination against Palestinians and their spouses. If no policy changes are initiated, Adalah's extensive work in this area could supply the evidence needed for a larger petition to the Supreme Court against the Minister of Interior.

#### Adult Children with Foreign Passports of Arab Citizens of Israel Living Abroad:

Adalah represented three individuals belonging to this group in 1999. Two of the cases were successfully resolved, and one is pending as of April 2000. In each case, the Population Bureau of the Ministry of Interior refused to grant adult children of Palestinian citizens of Israel living abroad their right to an Israeli ID card and citizenship. The Ministry informed the individuals that they had no legitimate claim to citizenship, and issued them tourist visas, which require renewal every three months.

In each case, Adalah filed a pre-petition arguing that the individuals were Israeli citizens by birth, relying on the fact that the children of Israeli citizens are automatically granted citizenship under Israeli law. Adalah demanded that these individuals immediately be granted ID cards and citizenship, and that the Minister of Interior issue instructions to all its employees detailing Israel's citizenship laws and halting the policy of discriminating against

Palestinian Arabs and their children. Adalah emphasized that the presence of numerous individual instances of discrimination demonstrates a general, intentional policy on the part of the Population Bureau and the Minister of Interior.

Despite victories in two of the three cases, the Ministry of Interior has thus far refused to acknowledge a general policy of discrimination or prejudice, and has not issued a general directive to its employees.

#### Non-Jewish, Foreign Spouses of Palestinian Citizens of Israel:

Adalah represented several individuals belonging to this group in 1999. The Population Bureau of the Ministry of Interior regularly delays or resists granting citizenship or temporary or permanent residency to non-Jewish, foreign spouses of Palestinian citizens of Israel. Two cases from this category are explained below.

#### **Waiving Foreign Citizenship to Gain Israeli Citizenship:**

In October 1999, Adalah filed a pre-petition on behalf of a woman married to an Arab citizen of Israel denied Israeli citizenship because of her refusal to relinquish her Romanian citizenship. The couple had been married in Romania in 1990, and moved to Israel in 1992. At that time, the woman applied for Israeli citizenship. The MOI informed her that she must first apply for permanent residency, and then wait five years to become eligible for Israeli citizenship. Complying with these conditions, the woman applied for and received permanent residency in 1993. In 1998, upon submitting her application for Israeli citizenship, the MOI told her that she must give up her Romanian citizenship in order to be granted Israeli citizenship.

Moa'aweya, located in the Triangle. During this search, Azulay seized a variety of weapons, held for criminal (not security) use, according to investigators.

Following the seizure, Police Chief Azulay made a series of comments, reported in *Ha'aretz*, concerning the Arab community and constituting incitement to racism: "In the Arab community every citizen demands to possess a weapon so he can have social status in society. There are two things from an Arab person's perspective that grant status, a weapon and a piece of land. It (a weapon) is worth more for him than his brother and the rest of his family. An Arab would be willing to fight for a weapon and not give it up, whereas he would waive his wife no problem."

Prompted by these comments, Adalah wrote to the Attorney General, the National Chief of Police, and the Minister of Internal Security. Based on Penal Law Section 144A, which provides for criminal punishment for incitement to racism, Adalah asked the Attorney General to conduct an investigation and begin criminal proceedings against Police Chief Azulay. Adalah asked the National Chief of Police and the Minister of Internal Security (MIS) to conduct an internal review of Azulay's statements, and to remove Azulay from his position until this investigation could be completed. In each of the letters, Adalah emphasized that Azulay's position requires that he must deal with Arab citizens on a daily basis, and that these comments indicate that he is unable to fulfill this duty in an objective, evenhanded manner. Also, Adalah pointed out that the power and status of Azulay's position intensify the need for a strong response to his overtly racist comments.

In mid-October, the MIS informed Adalah that it had

already completed an internal inquiry, which concluded that the *Ha'aretz* quotations attributed to Azulay were inaccurate. The actual remarks, according to the MIS, were: "Holding a weapon in the Arab community is a symbol of status. . .and sometimes this pursuit risks the lives of the family." The MIS decided that these amended remarks were not racist and thus not criminal. In Adalah's further correspondence with *Ha'aretz*, the paper reiterated that its quotations were completely accurate, stating that it had "nothing to omit or amend to the original report."

More disturbing was the response of the Attorney General's Office, received by Adalah in December 1999. Announcing that it had completed an inquiry into the criminality of Azulay's comments, the Attorney General's Office stated that it had found no evidence of incitement to racism, even assuming the validity of the *Ha'aretz* quotations. In light of this reaction, Adalah is deciding what further legal action to pursue against Police Chief Azulay.

the government-appointed Mayor. Petition and motion for discovery still pending.

*(Omar Imbaraki v. Yitzhak Edan, Mayor of Mazra'ah, H.C. 5734/99, filed 8/99, order nisi 10/99, discovery motion filed 1/00)*

**Recognition for the Unrecognized Neighborhood of Al-Jelasi:**

Petition filed against the Regional Council of Misgav, both the District and Local Planning Committees, the National Planning Council, and the Ministry of Interior on behalf of the residents of Al-Jelasi. Adalah argued that the government's decision to recognize the village of Kammaneh must relate to all the village's neighborhoods, which includes Al-Jelasi, and that the continued denial of recognition to Al-Jelasi violated the rights of its residents. *Order nisi* granted. Case pending.

*(Hashem Sawahed, et. al. v. Regional Council of Misgav, et. al., HC 7260/99, filed 11/99, order nisi 11/99)*

1998 Filings

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**Final Judgments**  
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**Religious Budget Case:**

Petition filed against the Religious Ministry (RM) and the Finance Ministry. Asked Court to declare unconstitutional four provisions of the Knesset Budget Law (1998) that allotted only 1.86% of the total budget of the RM to Arab religious communities. Case dismissed by written decision.

*(Adalah, et. al. v. the Minister of Religious Affairs, et. al., H.C. 240/98, filed 1/98, judgment 12/98)*

**Holiday Charity Funds:**

Petition filed against the Ministry of Labor and Social Welfare. Successfully petitioned for 20% of governmental holiday charity fund for needy

families to be set-aside for Arab religious communities.

*(Adalah, et. al. v. the Ministry of Labor and Social Welfare, et. al., H.C. 2422/98, filed 4/98, judgment 5/98)*

**The Right to Demonstrate for Uprooted Residents of Umm El Faraj:**

The mosque and cemetery in Umm Al-Faraj, an uprooted Arab village, were destroyed based on a decision by the Regional Planning and Building Committee. Successfully petitioned to compel police to grant a permit to uprooted residents to demonstrate on the site.

*(Wakim Wakim, et. al. v. Israeli Police et. al., H.C. 5913/98, filed 9/98, judgment 1/99)*

.....  
**Pending Cases**  
.....

**National Economic Priority Areas:**

Petition filed against the Prime Minister challenging the government's selection of towns for the national priority list (NPL). Adalah argued that current selection discriminates against Arab towns, and that clear criteria should be set for selection. Case pending, with decision to be delivered by expanded panel of seven justices. Motion for injunction filed to stop the Minister of Education from using the NPL as the basis for selecting cities and towns in which to establish new kindergartens. Minister responded by adding 34 Arab municipalities, and agreed that in the future, this selection will be based on socio-economic considerations.

*(The High Follow-Up Committee on Arab Affairs, et. al. v. the Prime Minister of Israel, H.C. 2773/98, filed 5/98, motion for injunction 7/99)*



In 1999, Adalah hosted three public legal education events, produced and distributed three publications, including the first volume of *Adalah's Review*, Adalah's new law journal, and hosted eight Arab law students, staggers and New Israel Fund Law Fellows, as well as three overseas interns. Adalah staff and Board members participated in a wide range of local university and community symposia and events, and attended numerous international conferences and training workshops. Adalah's work was highlighted numerous times each month in the local Arabic, Hebrew and English press, with staff and Board members also publishing several articles and appearing often on the radio and television. In addition, Adalah initiated or joined coalitions which published four advertisements in *Ha'aretz* to call attention to pressing issues concerning the Palestinian Arab minority and the broader Israeli public.

## Events

### 51 Years after the Declaration of Independence

In January 1999, Adalah and the University of Haifa, Faculty of Law co-hosted a panel discussion at the University entitled "51 Years after the Declaration of Independence: The Status of Arabs in Israel." This event marked the first academic, cooperative seminar for Adalah with Haifa University. Approximately 50 legal academics, lawyers, and law students attended the panel, which addressed the issue of whether "equality" as promised in the Declaration is feasible in Israel, a state that defines itself as a "Jewish state" and/or the state of the Jewish people. The panel also focused on the future

of the Palestinian Arab national minority in Israel and their relationship with the State. Dean of the Haifa University Law School, Professor Yossi Edrey, opened the session and speakers included Professor Arnon Sofer, Haifa University, Department of Geography, Dr. Azmi Bishara, Member of Knesset, Raef Zreik, Advocate, Board Member of Adalah, and Lecturer Ilan Saban, Haifa University, Faculty of Law. Dr. Sandy Kedar, Haifa University, Faculty of Law served as the moderator.

### The Palestinian Minority in Israel: Between Integration and Collective Rights

In October 1999, Adalah hosted a panel discussion entitled "The Palestinian Minority in Israel: Between Integration and Collective Rights" at its offices in Shfaram. Speakers at the event included MK Mohammed Baraka, MK Dr. Azmi Bishara, Senior Lecturer Sami Shmooaha, Haifa University, Sociology Department, Sheikh Raed Salah, Mayor of Umm al-Fahem, and Wakim Wakim, Advocate, Secretary of the Committee for the Defense of the Rights of the Uprooted Palestinians. Approximately 150 academics, community leaders and activists, journalists, and students attended the event. All of the speakers agreed that there was an urgent need for the development of democratically elected Palestinian Arab institutions and bodies. These bodies, according to the speakers, should represent the Palestinian Arab community vis-a-vis the State, and formulate creative solutions to its unique challenges. In addition, the speakers addressed the question of the power dynamic between the state and the Palestinian Arab community, discussing how some form of autonomy could develop, and whether it should be demanded by the Palestinian Arab community or granted by the state. Marwan Dalal, Advocate, Staff Attorney for Adalah

- Throughout the year, Adalah's staff and board members gave lectures to law students or presented papers at conferences held at Hebrew University, Tel Aviv University, Haifa University and Bar-Ilan University. At all of these events, Adalah representatives spoke about the legal status of the Palestinian Arab minority in Israel, international human rights and minority rights issues, and Adalah's legal work.

## Community Groups and Schools

By invitation, Adalah staff and board members led seminars or participated in panel discussions approximately two-three times per month for Palestinian Arab students, teachers, municipality leaders, NGOs, and community activists. The lectures and panels covered topics related to Adalah's work such as national identity, collective rights, law and politics, integration vs. separation, equality, and culture rights. Adalah continued to participate in HRA's Human Rights Education Program, leading seminars for university students on subjects related to the application of international human rights and minority rights standards in the Israeli legal system vis-a-vis the Arab minority. In addition, in 1999, for the first time, an Adalah lawyer presented Adalah's mission, goals and legal work to a group of over 400 Arab Bedouin high school students in the Negev.

## Special Guests

- In December, Justice Arthur Chaskelson, President of the Constitutional Court of South Africa and Benjamin Pogrud, Director of the Yakar Center (Jerusalem) and former Editor of the Rand Daily Mail met with Adalah staff, Board members, and other Palestinian lawyers at Adalah's offices. Much of the discussion focused on the legal dimension

of fighting the apartheid regime used by the Legal Resource Center, South Africa, the workings and findings of the Truth and Reconciliation Commission, and the role of the media in reporting on human rights violations. Similarities between the strategies and tactics employed by the LRC and Adalah, as well as the political questions raised by lawyering on behalf of subordinated groups, were drawn and explored by the participants.

- In November 1999, Adalah hosted Dr. Fouzi El Asmar, a journalist for *Al-Riyadh*, a Saudi newspaper based in Washington D.C., and an activist in the 1950s and 1960s in the first Palestinian nationalist group in Israel, the El Ard Movement. Dr. El Asmar led a lively discussion with Adalah and Galilee Society staff members, and offered his perspectives on the Christian-Muslim conflict in Nazareth, politics in the Arab World, the PLO and the Palestinian Authority, the strengthening Arab-American voice in US politics, and globalization and its effects in Arab countries.

- Throughout 1999, Adalah presented its work to numerous visiting student groups and individuals from universities abroad, including Temple University, American University, University of Colorado, and the University of California, Berkeley.

presented his award-winning paper on the unrecognized Arab villages; and Ms. Esmeir presented a paper on self-determination.

- In June-July 1999, Adalah stager Gadeer Nicola attended Oxford University's one-month summer program on International Human Rights Law. Ms. Nicola took two courses taught by internationally known and respected professors: human rights lawyering and the rights of indigenous and minority groups. As part of her coursework, Ms. Nicola gave presentations on torture in Israel and the status of international law in the Israeli domestic legal system. In addition, by invitation from her professor, Ms. Nicola led the last class of the program, lecturing on the Palestinian Arab minority in Israel and Adalah's legal work.

- In July 1999, Adalah's General Director Hassan Jabareen participated in a conference in Geneva comprised of representatives of international human rights organizations, Arab and Palestinian NGOs, and other experts. Convened by LAW ([www.lawsociety.org](http://www.lawsociety.org)) and the Palestinian Centre for Human Rights ([www.pchrgaza.com](http://www.pchrgaza.com)), the conference ran parallel to the UN Meeting of High Contracting Parties to the Fourth Geneva Convention. The Conference discussed the legal status of the Occupied Territories, and Israel's continuing failure to comply with its Fourth Geneva Convention obligations regarding the West Bank and Gaza. In addition, participants called on the UN Meeting of High Contracting Parties to "adopt a substantive agenda designed to address the ongoing Israeli breaches of the Fourth Geneva Convention in the Occupied Palestinian Territories."

- In August 1999, Adalah staff attorney Jamil Dakwar and stager Gadeer Nicola attended the "National Conference for the Release of Palestinian and Arab

Prisoners in Israeli Jails" in Gaza. The conference, organized by the Palestinian Ministry of Prisoners' Affairs, the Palestinian Centre for Human Rights, and other Palestinian human rights organizations, highlighted prisoner conditions, arrests and detentions since the Oslo Accords, the role of human rights organizations in defending political prisoners, and the international perspective on the question of prisoners' rights. Mr. Dakwar delivered a brief paper on Palestinian Arab political prisoners, citizens of Israel.

- Hassan Jabareen participated in NOVIB's MESCA Meeting and its Economic, Social and Cultural Rights Conference in Nepal in September 1999. The MESCA meeting brought together NOVIB partners throughout the Middle East and South Asia to facilitate exchange and discuss the NOVIB-Oxfam International Strategic Business Plan. The ESCR Conference, attended by numerous NOVIB partners and international experts, examined economic, social and cultural rights activities of development and human rights organizations, including education programs, community infrastructure initiatives, and litigation. At the ESCR Conference, Mr. Jabareen presented a paper on Adalah's litigation strategies and tactics on behalf of the Arab Bedouin in the unrecognized villages in the Negev.

- In October 1999, Adalah Board member Dr. Hala Espanioly participated in a Salzburg Seminar on "Race and Ethnicity." Dr. Espanioly's participation was the result of a joint application of Adalah and the Follow-Up Committee on Arab Education. The session explored different strategies for increasing public awareness of minority issues and the positive affect this awareness has on social change.

- In October 1999, staff attorney Jamil Dakwar participated in the Seoul International Conference

the legal status and preservation of *waqf* property, as well as the larger topics of the status of absentee property in Israel and the final status talks between Israel and the Palestinian Liberation Organization.

Adalah's legal staff and Board members also contributed numerous articles and editorials to the Arabic and Hebrew newspapers, allowing Adalah to offer its perspective and frame debates. Among the topics covered by these articles in 1999 were: the Supreme Court's September decision in the torture case, the necessity of a written constitution in Israel, El Al's hiring of an Arab flight attendant, the right of return for uprooted, Palestinian citizens of Israel, and the upcoming referendum on returning the Golan Heights to Syria.

#### **International Media:**

Little is known internationally about the discrimination faced by Palestinian citizens of Israel, or their perspectives on Israeli politics and law. The international media generally only reports on issues related to the peace process or violence in the Occupied Territories, but ignores the Palestinian minority in Israel. In 1999, Adalah attempted to increase its contacts with the international media to bring world attention to the unique legal situation of the Palestinian Arab minority in Israel. A few highlights of international media coverage gained in 1999 include:

- *C-Span*, US Cable TV - In May 1999, Hassan Jabareen analyzed the process and results of the Israeli elections at a luncheon briefing at the Center for Policy Analysis on Palestine (CPAP) in Washington, DC. A summary of that lecture is posted on CPAP's website: <http://www.palestinecenter.org>. *C-Span* taped the lecture and re-broadcast it several times throughout the week.

- *Al Hayat* - Through frequent contacts with a journalist for *Al Hayat* based in Jerusalem, Adalah staff provided interviews on a wide range of subjects including the Israeli elections, police violence at Lod and Umm al-Fahem, the proposed referendum, the temporary appointment of Justice Zouby, the first Arab judge on the Supreme Court, as well as other major events.

- *BBC* - In November, Adalah staff attorney Marwan Dalal appeared on an episode of *BBC* radio's Crossing Continents series. The program featured commentary on the unrecognized villages in the Negev. Mr. Dalal provided information on the legal status of these villages, and Adalah's work on their behalf.

- *Washington Post* - Adalah's legal staff provided interviews or background information for the *Washington Post* and other US-based newspapers.

#### **Ad Campaigns:**

Adalah launched three ad campaigns and joined a fourth in 1999 to draw attention to police brutality, land confiscation and dispossession, the fate of Lebanese political prisoners in Israel, as well as to critique a Supreme Court decision. All four ads appeared in the Hebrew edition of *Ha'aretz*, and were signed by other prominent human rights organizations and/or Palestinian Arab political leaders.

- Following the violence and police brutality at Lod in June, Adalah published an advertisement calling for an immediate investigation into the security forces' excessive use of violence against Palestinian Arab protestors, and the continued issuance of home demolition orders in Palestinian Arab communities. The ad reminded readers of the violence at Umm al-Fahem and Umm Sahali in 1998,



ignored this ruling. In April 2000, in a precedent-setting ruling, the Supreme Court ordered the release of 13 of the Lebanese political prisoners.

## Training New Lawyers and Law Students

### **Jamil Dakwar, Advocate.**

In August 1999, Mr. Dakwar completed his New Israel Fund Law Fellowship year with Adalah, and joined Adalah as a staff attorney. During his NIF fellowship year, Mr. Dakwar drafted petitions and argued before the Supreme Court for the Umm al-Faraj, Political Announcements, National Road Signs, and Signs in Mixed Cities cases, and before the District Court in Jerusalem for the National Committee of the Uprooted Palestinians case. He also represented Adalah before the UN Committee on Economic, Social & Cultural Rights (CESCR) and at the MRG Partner Training Workshop on “Minorities and Development.” In addition, Mr. Dakwar published numerous articles in the Arabic press.

### **Marwan Dalal, Advocate.**

Mr. Dalal, Adalah’s first stager, received the New Israel Fund Law Fellowship for 1998-2000. Following the completion of his L.L.M. studies at American University, Mr. Dalal returned to Adalah in August 1999 to complete the second year of his NIF fellowship. In 1999, Mr. Dalal filed two petitions and argued before the Supreme Court in the Right for Representation in Local Government and the

Kindergartens in Segev Shalom cases. Mr. Dalal also gave presentations at local conferences, and published numerous articles in the Arabic and Hebrew press.

### **Gadeer Nicola.**

Ms. Nicola joined Adalah as a law student intern in April 1998, and became a stager upon graduating from Haifa University Law School in March 1999. As a stager, Ms. Nicola conducted fact gathering and legal research for Supreme Court petitions, drafted affidavits, and wrote letters to government offices on various cases. Ms. Nicola represented Adalah at an MRG training session on UN Advocacy in Geneva, and spoke before the UN Working Group on Minority Rights. She also participated in a one-month Oxford University summer program on International Human Rights Law.

### **Sonia Boulos, Fadia Atamly, Shireen El Saigh, and Omyah Salih.**

Ms. Boulos, Ms. Atamly and Ms. El Saigh worked with Adalah as part of their Haifa University Law Clinic studies in 1999. Ms. Salih worked with Adalah as part of her legal studies in 1999 through the Minerva Institute, Hebrew University. Each of these law students provided valuable research for cases and publications to Adalah staff. Ms. Boulos joined Adalah as a stager in March 2000.

### **Courses at Haifa University Law School (HU) and Tel Aviv University Law School (TAU).**

In the fall semester of 1999, Hassan Jabareen, Adalah’s General Director taught a course entitled “The Arab Minority and the Israeli Legal System” at HU and TAU. Sixty-five (65) Israeli and Palestinian Arab students enrolled in the course in HU, and over 90 students attended the course at TAU. The class covered topics such as Israel as a Jewish and democratic state, the right of the Palestinian Arab

information on how to contribute to Adalah. In 2000, Adalah will produce an Arabic and a Hebrew brochure, in addition to up-dating the English brochure. The brochure is very useful for publicizing Adalah's work.

## Adalah's Review

In December, Adalah published the first volume of its new journal, *Adalah's Review*, in Arabic, Hebrew and English. The theme of the first volume is Politics, Identity, and Law.

*Adalah's Review* is intended to open a critical stage for discussion of Israeli law, the legal system and legal discourse, specifically focusing on subjects that relate to the status of the Palestinian Arab minority in Israel. The journal is also meant to provide general background to some of the debates taking place - legally, politically and socially - between the Palestinian Arab minority and the state, and to introduce Adalah's work to the broader international community.

Lawyers, academics, journalists, and Adalah's staff contributed articles to the first edition, which uniquely combines theory and practice in exploring Palestinian Arab rights issues in Israel. Adalah printed 2000 copies of the journal in Arabic, 2000 copies in Hebrew, and 1,500 copies in English, and distributed them to Arab and Israeli lawyers, members of Knesset, judges, municipalities, NGOs, schools, the media, law professors and libraries, law students, embassies, donors, and other international contacts. Adalah received much praise for the journal from recipients, and, to date, over 100 individuals and institutions have placed subscriptions for Volumes 2 and 3, to be published in 2000. Adalah hosted a reception for about 100 people in its offices in December to announce the

publication of *Adalah's Review* to the community.

*Adalah's Review* also received much attention from the Arabic and Hebrew media. Of special note: Muhammad Dahleh, Chairperson of Adalah's Board, appeared on Channel 1's popular news program, *From Today to Tomorrow* to discuss the journal, and Ronen Shamir, Lecturer of Law and Sociology at TAU, published a book review on the journal in *Ha'aretz*.

# Staff Profiles

## **Mr. Hassan Jabareen, Advocate, General Director and Founder of Adalah.**

Received Masters of Law (L.L.M.) in International Law and Human Rights from American University, Washington College of Law (USA) in 1995 and L.L.B. in Law and B.A. in Philosophy from Tel Aviv University (TAU) in 1990. Lecturer, Haifa University, Faculty of Law and TAU, Faculty of Law (The Arab Minority and the Israeli Legal System). Worked for four years as a staff attorney with the Association for Civil Rights in Israel in charge of the Haifa Branch. Former Assistant Instructor at HU, Faculty of Law (Sources of Israeli Law), Rupin College (Introduction to Israel Law), and TAU, Faculty of Law (Labor Law). Recipient of New Israel Fund (NIF) Law Fellowship 1994-1996, and Peter Cicchino Award for Outstanding Advocacy in the Public Interest 2000.

## **Ms. Rina Rosenberg, Esq., Development Director and Co-Founder of Adalah.**

Received Juris Doctor (J.D.) from Georgetown University Law Center (USA) in 1991 and B.A. in History from New York University (USA) in 1987. Director of Program Development for the Galilee Society since 1998. Worked for two years with the Arab Association for Human Rights and the Working Group on the Status of Palestinian Women in Israel. Prior to her arrival in Israel, worked for four years as a public defender in New York City and Washington, DC, and as a clinic supervisor for law students with Georgetown's Criminal Justice Clinic. Recipient of Prettyman Fellowship 1993-1995.

## **Mr. Jamil Dakwar, Advocate, Staff Attorney.**

Received L.L.B. in Law from Tel Aviv University (TAU) in 1996 and Candidate for an L.L.M. in

International Law and Human Rights, American University, Washington College of Law. Assistant Instructor, TAU, Faculty of Law (Constitutional Law). Former Head of the Arab Students Committee at TAU. Recipient of NIF Law Fellowship 1997-1999.

## **Mr. Marwan Dalal, Advocate, Staff Attorney.**

Received L.L.M. in International Law and Human Rights, American University, Washington College of Law in 1999 and L.L.B. in Law from the College of Management, School of Law in 1997. Assistant Instructor, TAU, Faculty of Law (The Arab Minority and the Israeli Legal System). Former Assistant Instructor at Netanya College, the College of Management, School of Law and Tel Aviv University, School of Law (Property Law, History of Property Law and Islamic Law). Stager with the Assan-Zues Law Office in Tel Aviv, where he worked on cases on behalf of Palestinians tortured in Israeli prisons, and with Adalah. Recipient of NIF Law Fellowship 1998-2000.

## **Ms. Orna Kohn, Advocate, Staff Attorney.**

Received L.L.B. in Law from Haifa University in 1995. Worked for three years with ACRI, as a stager and then as a staff attorney in charge of West Bank and Gaza cases. Worked for one year with the Haifa Women's Coalition on rape, sexual harassment and family violence cases.

## **Ms. Samera Esmeir, Advocate, Publications.**

Received L.L.M. in Law from Tel Aviv University in 1998, and L.L.B. in Law from Haifa University in 1995. Candidate for a Ph.D. in Law and Society from the Institute for Law and Society, New York University (USA). Former Teaching Assistant, TAU (Law, Culture and Society), and staff attorney with the Quaker Legal Aid Center. Recipient of the US Embassy Scholarship 1998-2000.

