

ADALAH – THE LEGAL CENTER FOR ARAB
MINORITY RIGHTS IN ISRAEL

EXECUTIVE SUMMARY

**ADALAH'S 2004 ANNUAL
REPORT OF ACTIVITIES**

ISSUED APRIL 2005



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Issued April 2005

Adalah's 2004 Annual Report of Activities highlights Adalah's main activities in 2004, our eighth year anniversary. As this report reflects, in 2004 Adalah undertook a wide range of legal representations and conducted numerous other advocacy and educational initiatives of crucial importance in promoting and protecting the rights of Palestinian citizens of Israel.

Adalah ("Justice" in Arabic) is an independent human rights organization, registered in Israel. It is a non-profit, non-governmental, and non-partisan legal center. Established in November 1996, it serves Arab citizens of Israel, numbering over one million people or close to 20% of the population. Adalah works to protect human rights in general, and the rights of the Arab minority in particular. Adalah's main goals are to achieve equal individual and collective rights for the Arab minority in Israel in different fields including land rights; civil and political rights; cultural, social, and economic and rights; religious rights; women's rights; and prisoners' rights. Adalah is the leading Arab-run NGO that utilizes "legal measures," such as litigating cases before the Israeli courts and appealing to governmental authorities based on legal standards and analysis to secure rights for Palestinian citizens of Israel. Adalah intensively addresses issues of discrimination against Palestinian citizens of Israel as a group, as a national minority, and speaks from a minority perspective in its legal interventions.

IN ORDER TO ACHIEVE THESE GOALS, ADALAH: BRINGS CASES BEFORE ISRAELI COURTS AND VARIOUS STATE AUTHORITIES; ADVOCATES FOR LEGISLATION; PROVIDES LEGAL CONSULTATION TO INDIVIDUALS, NON-GOVERNMENTAL ORGANIZATIONS, AND ARAB INSTITUTIONS; APPEALS TO INTERNATIONAL INSTITUTIONS AND FORUMS; ORGANIZES STUDY DAYS, SEMINARS, AND WORKSHOPS, AND PUBLISHES REPORTS ON LEGAL ISSUES CONCERNING THE RIGHTS OF THE ARAB MINORITY IN PARTICULAR, AND HUMAN RIGHTS IN GENERAL; AND TRAINS STAGIAIRES (LEGAL APPRENTICES), LAW STUDENTS, AND NEW ARAB LAWYERS IN THE FIELD OF HUMAN RIGHTS.

Adalah operates from two offices, one located in Shafa'amr in the north and the other located in Beer el-Sabe (Beer Sheva) in the south. In 2004, there were 70 members of Adalah's General Assembly, seven members of the Board of Directors, and 21 members of staff. Adalah's budget amounted to US \$890,000.

Legal Achievements

Adalah undertook **64 legal representations** in 2004 in the fields of Land and Planning Rights; Education Rights; Economic and Social Rights; Civil and Political Rights; Criminal Justice; and International Humanitarian Law. Adalah also continued to work to secure the implementation of the recommendations and conclusions of the official Or Commission of Inquiry into the October 2000 protest demonstrations.

Adalah's **Supreme Court litigation docket consisted of 30 cases** - 16 new petitions and appeals were filed and representations continued on 14 pending cases. Adalah also submitted

and followed-up on 34 petitions, appeals, objections, complaints, position papers and principle legal letters before other legal forums and government ministries and agencies (22 new files and 12 pending), including Magistrate and District Courts, the Israel Lands Administration (ILA), the Ministry of Justice's Police Investigations Department (Mahash), the Israel Prison Service, the Attorney General's Office and local planning authorities and committees. **During 2004, Adalah obtained key court decisions and achieved other positive results on cases.**

Adalah's legal representations in the area of **Land and Planning Rights** challenged: discriminatory criteria and/or procedures of state institutions and agencies such as the ILA and the Jewish National Fund (JNF) against Arab citizens in the allocation of land; attempts to confiscate land; and administrative demolition orders against and the refusal to issue permits for Arab homes and buildings throughout Israel. In 2004, Adalah's **main achievements** included: (i) The cancellation of a plan that threatened more than 100 Arab farmers with the possible confiscation of over 13,000 dunams of land in the north; (ii) The cancellation of a plan, averting *de facto*, the large scale transfer of approximately 7,300 dunams of Arab-owned land to registration as state-controlled land in the Naqab (Negev); (iii) The cancellation of ILA regulations that discriminated against Arab Bedouin farmers in the short-term leasing of agricultural lands in the Naqab; (iv) The cancellation of an administrative demolition order issued against the mosque in Husseniya, a formerly unrecognized Arab village in the north; (v) Preventing the demolition of the Sawaed family home, built in 1959 in the north of Israel, when after a 13-year struggle, the planning authorities rescinded the indictment charging illegal building and illegal use; (vi) Gaining the JNF's agreement to freeze tenders for lands in the north open only to Jewish citizens, after petitioning the Supreme Court to cancel the discriminatory ILA-JNF policy and a regulation; and (vii) Obtaining an *order nisi* and an injunction on a petition filed to the Supreme Court, which prohibits the ILA from spraying dangerous substances on agricultural crops belonging to Arab Bedouin in the unrecognized villages in the Naqab.

In the field of **Education Rights**, Adalah sought increased access to schools and the appointment of additional counselors for Arab Bedouin students in the Naqab, pupils with the lowest educational attainment level in the country; and challenged the Ministry of Education's closure of an Arab school as well as its long-entrenched, humiliating policy of General Security Service (GSS) intervention in the appointment of Arab teachers, principals, and inspectors. In 2004, Adalah's **main achievements** included: (i) Obtaining a precedent-setting Supreme Court ruling that the gap in education that exists between Arab Bedouin and Jewish students in the Naqab necessitates the adoption of a policy of affirmative action. In this case, to date, the state has committed to assigning 9.5 more counselors for Arab Bedouin students in the Naqab at risk of dropping out of school; (ii) Preventing the closure of the Arab Democratic School in Jaffa, with an enrollment of 158 students, by obtaining an injunction from the Tel Aviv District Court; (iii) The payment of educational fees and travel expenses for 100 Arab students by the Beer el-Sabe Municipality so that they can attend school in Tel el-Sabe as there is no Arab school in Beer el-Sebe; and (iv) The reinstatement of an Arab law student to Haifa University following his unjustified suspension, which allowed him to graduate and begin his lawyer's training period with a Supreme Court justice.

Adalah's legal activities in the field of **Economic and Social Rights** primarily challenged discriminatory multi-million dollar governmental economic plans and programs such as the arbitrary designation of National Priority Areas; inequitable budget balancing grants allocated to Arab towns as compared to Jewish towns; and various schemes dealing with high unemployment, which exclude or harm the interests of Arab citizens. Adalah also worked to reinstate social services for Arab young women at risk, and to protect health rights of Arab Bedouin citizens of Israel living the Naqab. Adalah's **main achievements** included: (i) Obtaining a key Supreme Court judgment holding that the exclusion of Arab towns from governmental

socio-economic plans, which have defined and different objectives from that of the government's Multi-year Plan for the Development of Arab Sector Communities, constitutes prohibited discrimination; (ii) The opening and operation of two additional new family health clinics in Lagiyya and Hura in the Naqab, to serve 18,000 Arab Bedouin citizens of Israel; (iii) Preventing the closure of an employment office in the Arab town of Kufr Kana, which serves more than 4,000 unemployed individuals from nine Arab villages, following the Supreme Court's issuance of an injunction on a petition filed by Adalah and Sawt al-Amel; and (iv) Obtaining an *order nisi* on a petition filed by Adalah to the Supreme Court requiring the AG to explain the exclusion of seven Arab Bedouin towns in the Naqab from the National Priority Area "A" list in the field of education.

With its legal representations in the field of **Civil and Political Rights**, Adalah sought to protect the rights of freedom of expression and citizenship/family unification as well as language rights and religious rights. Adalah's **main achievements** in 2004 included: (i) The freezing of an Israeli military order compelling Palestinian citizens of Israel and Palestinians with residency status in Israel visiting family members in Gaza to remain there for three consecutive months; (ii) Gaining the signed agreement of the Haifa Municipality to publish all its informational and public advertisements in the Arabic as well as in the Hebrew press; and (iii) Obtaining an interim ruling from the Supreme Court ordering the Beer el-Sabe Municipality to maintain the status quo regarding the Big Mosque and to refrain from making any further changes or additions to the building. Adalah also filed an important petition to the Supreme Court in the name of Muslim religious leaders demanding legal recognition for Muslim holy sites in Israel. Approximately 120 places have been declared as holy sites, *all* of which are Jewish. The discriminatory use of powers by the Minister of Religious Affairs has resulted in the neglect and desecration of Muslim holy sites in Israel: for instance, many mosques and holy sites have been converted, into bars, night clubs, stores and restaurants.

Adalah's **Criminal Justice** work focused on three main fields of interest: Police Brutality/Misconduct (including some cases involving the Israeli military and/or other security forces); the Criminalization of Political Dissent; and Prisoners' and Detainees' Rights. Here, Adalah's **main achievements** included: (i) Obtaining a precedent-setting Supreme Court decision holding that the right of prisoners to meet with their lawyers is guaranteed, even for political prisoners (defined as security prisoners under Israeli law) on hunger strike; (ii) Securing the acquittal of three Arab political activists indicted for sedition and supporting a terrorist organization following alleged statements they made during 2002 Yum el-Ard (Land Day) demonstrations in the Naqab; and (iii) The cancellation of the Israel Prison Service's (IPS) policy of routinely strip-searching political prisoners visiting prison doctors and dentists.

The dynamic political environment in which Adalah works also requires the organization to respond quickly to events, sometimes under **emergency circumstances**. The ability to initiate such actions utilizing multiple advocacy tools and mechanisms was also a crucial facet of Adalah's work in 2004.

In February, Adalah together with a team of private defense lawyers, worked intensively to assist the leader of the extra-parliamentary movement **Abna al-Balad**, Mr. Muhammed Kannaneh, and three political activists, who were arrested and severely deprived of their most basic rights during their detention by the General Security Service (GSS). The four activists were subjected to brutal interrogations and prevented from meeting with their families or with their attorneys for 18-21 days after their arrests. A total gag order was issued on the cases. After two of the four individuals were indicted for alleged security offenses in 3/04, they were detained under cruel, inhumane, and degrading conditions in GSS cell blocks. The defense team filed numerous motions to all levels of Israeli courts to secure the release of the activists from detention; acquire information about and improve the conditions of their confinement; obtain medical treatment for them; and lift the orders prohibiting meetings with counsel and publication about the arrest. Adalah also worked with Amnesty International and the World Organization Against Torture (OMCT) to attract local and international media attention to the cases. In 4/04, Mr. Kannaneh and

his brother, the two remaining detainees, were transferred from GSS cell blocks to another prison facility and private counsel continued with the cases.

One of the most dramatic events of 2004 took place in May, when the Israeli army initiated a **wide-scale military offensive in Rafah, Gaza**, creating a humanitarian disaster. During the offensive, the Israeli military killed almost 50 Palestinians, mainly civilians, injured over 130 others, and demolished dozens of homes. Together with the Palestinian Centre for Human Rights-Gaza and Al Haq, Adalah submitted a petition to the Supreme Court requesting that the Court - for the first time - define the scope of the concept of "absolute military necessity," used by the army to justify its policy of home demolitions in Rafah and throughout the 1967 Occupied Territories. The petitioners subsequently filed numerous related motions for injunction to prevent further demolitions in southern Rafah. Adalah also wrote legal letters to the AG and the Legal Advisor to the Israeli Army, charging the army with delaying the provision of humanitarian aid to Palestinian civilians, denying medical access to the injured and deceased, and attacking civilians, in contravention of international humanitarian law. Adalah created a special web-report providing information on its actions, and placed protest advertisements in *Ha'aretz* with other human rights organizations to draw attention to the war crimes committed in Gaza.

In August, thousands of Palestinian **political prisoners and detainees** incarcerated in Israeli prisons and detention facilities opened a **hunger strike** in protest against their deplorable conditions of confinement. Adalah initiated a series of legal actions as well as media outreach in response to this event. Adalah brought three petitions before the Supreme Court at this time challenging: (i) The IPS decision to prevent attorneys from visiting prisoners taking part in the hunger strike. This case, filed with the Association for Civil Rights in Israel, resulted in a first time ruling that the right to meet with counsel is guaranteed; (ii) The IPS decision to confiscate salt from hunger-striking prisoners. In this case, the Supreme Court ruled that not providing salt on a daily basis was reasonable; and (iii) The IPS decision to prohibit all children of political prisoners, classified as security prisoners under Israeli law, from any physical contact with their incarcerated parents during visits. This case is still pending. Adalah also initiated an advertisement in *Ha'aretz*, signed by eight other human rights organizations, under the title, "Prisoners Rights are Human Rights" and joined onto another signed by 13 Palestinian and Israeli NGOs seeking the release of 751 Palestinians held in administrative detention in Israeli prisons, including the Chairman of Addameer, a Palestinian prisoners' rights organization.

Throughout 2004, Adalah also continued its campaign to have the racist **Nationality and Entry into Israel Law (Temporary Order) - 2003** rescinded. Since its enactment, Adalah has initiated a petition to the Supreme Court challenging its constitutionality, conducted lobbying against the law in the Knesset, and engaged in extensive international legal advocacy and media outreach. The Law bars all Palestinians from the OPTs from obtaining any residency or citizenship status in Israel through marriage to an Israeli citizen - primarily Palestinian citizens of Israel - solely on the basis of nationality. For the second time, after an appeal was launched by FIDH, B'Tselem and Adalah in 2004, the UN CERD, which monitors State Parties' compliance with the prohibition on racial discrimination, called upon Israel to revoke the Law. Despite these efforts, the Law was extended in July and again in January 2005, and thus will remain in effect until at least May 2005.

Four years after the **October 2000 protest demonstrations**, Adalah continued to seek criminal investigations into those responsible for the killings of 13 unarmed Arab citizens of Israel by the police. Adalah corresponded regularly with the **Ministry of Justice's Police Investigation Unit ("Mahash")**, persistently demanding that it implement the recommendations and conclusions of the **Or Commission of Inquiry** to investigate and open criminal prosecutions into the deaths. Adalah also represented family members of an **additional six Arab citizens of Israel killed** by the Israeli police, the Border Police and/or the Israeli army before a range of legal forums seeking investigations and for those responsible to be held accountable. Too often, these cases are inadequately investigated or closed for lack of guilt leading to a culture of impunity. Adalah also approached Mahash in cases of involving police brutality or misconduct leading to the serious

injury of Arab citizens of Israel or extensive property damage. In 4/04, Adalah submitted a comprehensive complaint to Mahash on behalf of 15 individuals from **Beineh**, who were assaulted inside their homes, injured from shock and tear gas grenades, and who sustained damage to property when hundreds of security forces entered the Arab village in order to demolish a local resident's home. In this case, Adalah also demanded that Mahash investigate and secure the indictment of those found responsible.

Legal Education Achievements

ADALAH'S LEGAL EDUCATION WORK IN 2004 CONSISTED OF SEMINARS AND CONFERENCES; PUBLICATIONS AND REPORTS; MEDIA OUTREACH; AND TRAINING FOR LAW STUDENTS AND RECENT LAW GRADUATES. WITH THIS WORK, ADALAH SOUGHT TO RAISE LOCAL INTEREST IN AND INTERNATIONAL AWARENESS OF ISSUES OF DISCRIMINATION AGAINST THE PALESTINIAN MINORITY AND HUMAN RIGHTS STANDARDS; TO INCREASE INTEREST AMONG ISRAELI, ARAB AND INTERNATIONAL ACADEMICS AND LAWYERS TO CONDUCT RESEARCH ON THE RIGHTS OF THE PALESTINIAN MINORITY; TO ATTAIN MORE EXTENSIVE AND POSITIVE LOCAL AND INTERNATIONAL MEDIA COVERAGE/VISIBILITY ON ARAB RIGHTS IN ISRAEL; AND TO CREATE A NEW GENERATION OF ARAB LAWYERS TRAINED IN HUMAN RIGHTS LEGAL ADVOCACY.

IN 2004, ADALAH'S MAIN ACHIEVEMENTS INCLUDED SUBSTANTIALLY INCREASING ACCESS FOR OUR MAIN CONSTITUENCIES TO ADALAH'S WORK BY ISSUING KEY PUBLICATIONS FOR THE FIRST TIME IN THREE LANGUAGES - ARABIC, HEBREW AND ENGLISH. THIS WAS ACHIEVED BY THE LAUNCHING OF OUR TRI-LINGUAL WEBSITE AND TRI-LINGUAL MONTHLY ELECTRONIC NEWSLETTER IN 5/04, AND BY GREATLY EXPANDING OUR MAILING LIST.

ADALAH'S ORIGINAL WEBSITE WAS POSTED IN ENGLISH IN 1999. THE INTRODUCTION OF ARABIC AND HEBREW VERSIONS OF THE WEBSITE (WWW.ADALAH.ORG) HAS SUBSTANTIALLY INCREASED ADALAH'S OUTREACH EFFORTS BY MAKING MORE PRIMARY SOURCE MATERIAL AND OTHER INFORMATION EASILY AVAILABLE TO A LARGE NUMBER OF PEOPLE. WITH THIS INITIATIVE IN 2004, THE NUMBER OF UNIQUE VISITORS TO ADALAH'S WEBSITE MORE THAN DOUBLED FROM ABOUT 5,100 USERS IN APRIL (ENGLISH ONLY) TO OVER 13,600 USERS IN DECEMBER.

As part of Adalah's strategy to maximize our outreach efforts using tri-lingual internet-based media, Adalah produced and issued **8 volumes of Adalah's E-Newsletter** in 2004. The e-newsletter highlights Adalah's activities and provides easy links to primary source legal documentation, as well as features original articles written by external contributors, including lawyers, legal academics, activists and Adalah's staff and Board. The e-newsletter has received much praise from readers for its overall professionalism, design, ease of use and content, and is considered the best project of 2004 by staff. **Subscribers to Adalah's e-newsletter/mailling list numbered 21,000 (Hebrew 9,000, English 7,000, Arabic 4,000) in December.**

Adalah also published **volume 5 of *Adalah's Review*, "In the Name of Security" (Spring 2004)** in Arabic, Hebrew and English. *Adalah's Review* is the flagship, academic publication of the organization. Dr. Jonathan Yovel from the Faculty of Law, Haifa University, writing on the front page of *Ha'aretz* book review section in 11/04, offered high praise for *Adalah's Review*, emphasizing that it "has become one of the most interesting, original and readable journals in Hebrew today." He also wrote that the journal is "packed with intelligent, articulate writing by an intriguing group of men and women, Arabs and Jews, with different literary styles and research approaches, but all able to convey their ideas in a fresh, straightforward and stimulating manner."

The journal was distributed to a wide-range of legal academics and decision-makers, and sold to libraries, researchers, and lawyers in Israel and abroad.

Adalah devised and implemented a **new media strategy** during 2004 to increase the coverage and visibility of our work. This strategy involved a team approach to obtaining more feature stories, which offer readers a more complete picture of the rights violations challenged by our legal work. This new strategy, which met with encouraging success, enabled Adalah to develop closer personal relationships with journalists and to attain wider media coverage. Adalah's work enjoyed regular coverage – hundreds of news articles – in the local Arabic, Hebrew and English media, including print, websites, and radio as well as some international media coverage. The cases that received the **widest media coverage** in 2004 were: the chemical aerial spraying of Arab Bedouin agricultural crops in the Naqab; the prisoners' hunger strike; the ban on family unification law; the use of Palestinian civilians as human shields by the Israeli military in the OPTs; the Israeli military's home demolition operations in Rafah; and the Jewish National Fund land case. As this list indicates, four of the most widely-covered of Adalah's cases involve gross human rights violations in the OPTs, or are cross-over cases involving Palestinian citizens of Israel and Palestinians from the OPTs, testifying to the challenge of drawing international media attention to the concerns of the Palestinian citizens of Israel.

Adalah also held **two well-attended public conferences** in 2004. In 10/04, Adalah hosted a conference in Nazareth under the title "**October 2000: A Memory for Protest**" in coordination with the High Follow-Up Committee for Arab Citizens of Israel and the Victims' Families Committee in remembrance of the October 2000 protests. The keynote speaker at the conference was Peter Madden, the solicitor who represents the majority of the families of Irish civil rights protestors killed by British forces in 1972 before the Bloody Sunday Tribunal of Inquiry. In 12/04, Adalah hosted its first conference in the Naqab under the title "**Planning, Control & the Law in the Naqab.**" Panelists included academics and activists who specialize in land and planning rights and education rights. The papers presented at both conferences were subsequently published in Adalah's e-newsletter.

Adalah's 2004 Annual Report of Activities is divided into four chapters: **I. Legal Action**, which includes detailed information on our Supreme Court litigation, as well as our legal representations before lower courts and other forums; **II. International Legal Advocacy**, which presents our work before the United Nations and the European Union as well as staff and Board participation in conferences convened by international human rights organizations and law schools/universities; **III. Legal Education**, which discusses our seminars and conferences; publications and reports; media outreach; and training for law students and new lawyers; and **IV. Institutional Development**, which describes the organizational activities of the General Assembly, Board of Directors and staff.