



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

Issued April 2005

### **INTRODUCTION**

This report highlights Adalah's **key 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 defending the rights of the Palestinian minority in 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, 7 members of the Board of Directors, and 21 members of staff. Adalah's budget amounted to US \$890,000.

**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.

### **I. LEGAL ACTION**

This section highlights Adalah's **key legal representations** before all levels of Israeli courts and other legal forums in 2004. It is organized thematically under the following headings: A. Land and Planning Rights; B. Education Rights; C. Economic and Social Rights; D. Civil and Political Rights; E. Criminal Justice; and F. International Humanitarian Law. The section closes with a summary of Adalah's

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continued work in attempting to secure the implementation of the recommendations and conclusions of the official Or Commission of Inquiry into the October 2000 protest demonstrations.

**Planned 2004:**

File 10+ new cases before the Israeli courts each year; file 20+ new other legal interventions each year; follow-up on all pending cases and the implementation of court judgments.

**Achieved 2004:**

In 2004, Adalah undertook **64** legal representations. 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 during 2004 (**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. Cases are updated through 3/05.

*This report does not cover all of Adalah's legal work undertaken in 2004. Numerous additional letters, pre-petitions and complaints were submitted on a variety of subjects. Several legal representations initiated during the year remain in the case development phase, and will be reported in 2005, should litigation be conducted.*

**Full or partial remedies, as well as favorable interim rulings obtained in 2004, together with other legal achievements, are detailed in the following section.**

## **A. Land and Planning Rights**

Adalah undertook **13** cases, objections, and other legal interventions in 2004, which included six new filings and follow-up on seven pending legal actions in the field of land and planning rights. These representations challenged: discriminatory criteria and/or procedures of state institutions and agencies such as the Israel Lands Administration (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.

Adalah's **main achievements** included:

- 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 for the establishment of a nature reserve and national park.
- 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).
- The cancellation of ILA regulations that discriminated against Arab Bedouin farmers in the short-term leasing of agricultural lands in the Naqab.
- The cancellation of an administrative demolition order issued against the mosque in Husseniya, a formerly unrecognized Arab village in the north.
- 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.
- Gaining the JNF's agreement to freeze tenders for lands in the north open only to Jewish individuals, after petitioning the Supreme Court to cancel the discriminatory ILA-JNF policy and MoF regulation.
- 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.

**1. In 11/04, following Adalah's intervention, the Israel Lands Administration (ILA) agreed to cancel a regulation that sets forth discriminatory criteria for Arab Bedouin citizens of Israel in the short-term leasing of agricultural land in the Naqab.** In 9/04, Adalah sent a letter to the ILA demanding the cancellation of the regulation. Adalah argued that the ILA regulations stipulating the criteria for the short-term lease of agricultural land in the Naqab discriminate between Jewish and Arab Bedouin applicants. Seven preconditions are stipulated in the case of Arab Bedouin lease applicants, none of which are required of Jewish applicants. Two of the preconditions - that the applicant may not

own or use and claim ownership of over 50 dunams of land and may not apply to lease more than 150 dunams of land - are obligatory. Arab Bedouin lease applicants must also fulfill a further criterion from a list including that the applicant: be over 50 years of age; be in the process of applying to a "preferable area of settlement"; or have received the written and detailed recommendation of a governmental ministry for his/her application. Adalah argued that such discrimination impedes the ability of the Arab Bedouin to work in agriculture simply on the basis of their nationality, and that the entire procedure of land allocation as implemented by the ILA violates the principle of equitable distribution of land. **In its reply of 11/04, the ILA announced that it intends to draw up new criteria for the leasing of agricultural land, and that it will ensure that a portion of land is reserved for use by the Arab Bedouin.** Following up on the issue, Adalah asked for the timescale for amending the current regulations, and emphasized the necessity of immediate changes.

## **2. H.C. 9205/04, Adalah v. Israel Lands Administration, et. al. (Supreme Court):**

**In 10/04, the Jewish National Fund committed before the Supreme Court to freeze all current and upcoming tenders for lands in the north of Israel and the Galilee, after Adalah submitted a petition demanding the cancellation of an ILA policy and a Minister of Finance regulation permitting the marketing and allocation of JNF lands through bids open only to Jewish individuals.** The petition and motion for injunction were submitted earlier in 10/04. Under Israeli law, the ILA manages "Israel Lands," which comprise 93% of the territory in Israel and include lands in the possession of the JNF. According to an agreement signed between the state and the JNF, the ILA is obliged to respect the objectives of the JNF, which include settling Jewish individuals on Israel Lands. Adalah argued in the petition that, irrespective of this agreement, the ILA, as a public agency established under law, must abide by the principles of equality, just distribution and fairness, and cannot be a sub-contractor for discrimination on the basis of nationality. The petition also argued that the continuation of the ILA's policy will lead to the creation of Jewish-only, racially-segregated areas resembling those established under the Apartheid regime in South Africa. Adalah stressed that almost two million of the 2.5 million dunams of JNF-owned land (approximately 13% of Israel Lands), were transferred to it by the state in 1949 and 1953. **The JNF declared the freezing of the tenders following the filing of the petition.**

In 12/04, the JNF responded to the petition as well as a further petition filed by the Association for Civil Rights in Israel (ACRI) to the Supreme Court (See H.C. 9010/04, *The Arab Center for Alternative Planning, et. al. v. The Israel Lands Administration, et. al.*), claiming to have purchased the lands within its ownership from previous owners using money donated by Jews from around the world, for the purpose of buying land in Israel and its distribution among Jewish individuals. The JNF further argued that its loyalty is only to the Jewish people, and that it operates only for the benefit of the Jewish people. The JNF insisted that the Court should not decide on the issues raised in the petition, claiming that they are purely ideological matters relating to the character and identity of the Jewish state, and the relationship between Jews in Israel and in the Diaspora. The JNF also argued that "non-Jews" do not have the right to choose to live on land given to the Jewish people for the sake of achieving their right to equality.

*Update:* In 1/05, according to media reports, **the Attorney General (AG) issued a ruling in response to the petition that the ILA cannot discriminate against Arab citizens of Israel in the marketing and allocation of the lands it manages, even where such lands belong to the JNF.** However, the AG also decided that whenever a "non-Jewish" citizen wins an ILA tender for a plot of JNF-owned land, the ILA will compensate the JNF with alternative lands. This allows the JNF to maintain its current hold on 13% of Israel Lands. Adalah opposes this declared process, as it involves the transfer of state-owned lands to the JNF - an institution which publicly acknowledges that its land policy is discriminatory. Therefore, although the AG concurred with Adalah's argument that the ILA's policy is discriminatory and his decision prevents the exclusion of Arab citizens from bidding for JNF-owned lands, the ruling will create additional legal scenarios involving discrimination against the Arab minority. Case pending.

## **3. H.C. 2887/04, Saleem Abu Medeghem, et. al. v. Israel Lands Administration, et. al. (Supreme Court):**

**In 10/04, the Supreme Court issued an *order nisi* (order to show cause) on a petition submitted by Adalah in its own name and on behalf of eight other human rights organizations and three individuals in 3/04. The Court instructed the AG to provide an explanation for the ILA's aerial spraying operations on agricultural crops belonging to Arab Bedouin in the unrecognized villages in the Naqab. The Court also extended the injunction originally issued in 3/04 on the**

**petitioners' request, prohibiting the spraying of crops with dangerous substances.** The ILA has used a chemical called ROUNDUP for aerially spraying crops, destroying thousands of dunams of land over a period of almost two years. Adalah argued that these practices constitute a danger to the life and health of human beings and animals, and their environment. The ILA issued no warnings, either before or after the spraying. Adalah is also contesting the state's claim, as set forth in an expert opinion by the Ministry of Health's Chief Toxicologist, that the ILA's crop spraying operations using ROUNDUP posed no health risks. In 11/04, Adalah argued in a further submission to the Court that the MOH's Chief Toxicologist had copied the main parts of his expert opinion verbatim from a public relations statement posted on the website of Monsanto, a company that produces ROUNDUP, and thus, it should be deemed inadmissible. The AG's representative further claimed that the crop spraying is legal, and a useful and efficient means of solving the problem of Arab Bedouin "trespassers" allegedly "creeping" onto state-owned lands. As Adalah stated in the petition, however, these lands are the ancestral lands of the Arab Bedouin in the Naqab, who have suffered and continue to suffer from both historical and contemporary injustices. State attempts to assert ownership claims on the land are vehemently contested.

*Update:* The ILA responded to the petition in 2/05, admitting to aerially spraying crops in the unrecognized villages in the Naqab with chemical agents unauthorized by the Ministry of Agriculture. In the response, the ILA disclosed for the first time that during 2004, two additional chemicals – Typhoon and Glyphogen – had been used. The ILA's response also emphasized the effectiveness and cost-efficiency of these operations in decreasing Arab Bedouin "encroachment" on "huge swathes of land belonging to the state," and contained an admission by the ILA that the basis of the Chief Toxicologist's expert opinion was the scientific material on ROUNDUP and its chemical composition as posted on Monsanto's website. Case pending.

**4. In 8/04, the Northern District Planning and Building Committee cancelled Local Plan G/7337, submitted by the Nature Reserve and National Park Authority (NRNPA), following an objection to the plan by Adalah in 3/02.** The objection demanded the cancellation of the plan, on behalf of more than 100 farmers, Palestinian citizens of Israel, from the area. Had the plan been approved, the NRNPA would have declared an area of over 13,184 dunams of land in the el-Malak Valley, located in the north of Israel, as a nature reserve and national park, constituting a direct threat of land confiscation in the area. The plan would also have imposed restrictions on farmers and landowners, and prevented them from cultivating their land. Adalah argued that the plan was discriminatory as it failed to establish clear objective criteria for the establishment of a nature reserve in the area; rather, the geographical specifications of the plan appeared to be designed specifically to limit the growth of Arab towns. The proposed nature reserve illogically excluded all the area's forests, which are located close to Jewish towns, and was instead concentrated near and entirely surrounded Arab towns, including most of the Arab-owned land in the area that has been cultivated for over 100 years.

**5. *Different Motions 5530/99, State of Israel v. Hussein Sawaed (Akka Magistrate Court):***

**In 6/04, after a 13-year struggle, the planning authorities rescinded their motion for a "demolition order without a conviction" against the home of Mr. Hussein Sawaed.** Mr. Sawaed's house, located near Shafa'amr in the north of Israel, was built in 1959, prior to the enactment of the Planning and Building Law – 1965, and the Sawaed family has resided in it since 1972. The planning authorities have tried to demolish the home since 1991, when they filed an indictment against Mr. Sawaed, charging him with illegal building and illegally using agricultural land for residential purposes, and demanded that he should be prevented from using his house. In 2/99, the Akka Magistrate Court issued a decision that Mr. Sawaed was not permitted to use his house for residential purposes, but did not issue a demolition order. The Court gave Mr. Sawaed three years to find an alternative place to live and/or to try to obtain a permit. Adalah began representing Mr. Sawaed in 10/99, when a motion for a demolition order without a conviction was filed against him by the planning authorities. The Court dismissed a preliminary motion filed by Adalah in early 2000 to cancel the indictment. Adalah conducted negotiations with the ILA, with the involvement of the planning authorities, for several years. At a 5/04 hearing, Adalah argued that: the planning authorities did not prove that an offense of illegal building did indeed occur; the home is built on privately-owned land; and it does not create any nuisance or obstacle to development or to any vital public interest. The planning authorities filed a motion to rescind following the hearing.

**6. *H.C. 9289/03, Adalah, et. al. v. Israel Lands Administration, et. al. (Supreme Court):***

**In 3/04 and in 11/04, the AG's Office announced that the state would add 15 small Arab towns to the list of towns eligible to receive a 90% discount on the price of leasing ILA-managed lands,**

**in response to a petition filed by Adalah in 10/03 on behalf of the National Committee of Arab Mayors.** A government-approved discriminatory ILA land distribution decision awarded this discount to discharged Israeli soldiers and those who have completed one year of national service. The original decision applied to small towns in the Galilee and Naqab designated by the government as National Priority Areas. None of the towns originally selected in the decision was Arab. The government assigns national priority "A" status almost exclusively to Jewish towns and settlements, excluding Arab towns. Such designated towns and their inhabitants receive substantial, lucrative benefits. In the petition, Adalah argued that the use of the military service criterion in land resource allocation constitutes discrimination against Arab citizens on the basis of nationality, since Palestinian citizens of Israel are exempt from and generally do not serve in the army. Further, Adalah contended, there is no clear link between the qualifying criteria of military service and the stated aim of the decision, which is to encourage citizens to move to the Galilee and the Naqab: rather, by conditioning this benefit on military service, it appears that the actual aim of the decision is to direct more Jewish citizens of the state to these regions and provide them with a windfall. Adalah emphasized that the Law of Absorption of Soldiers – 1994 provides a wide scope of social and economic benefits for discharged soldiers, and thus any additional benefits aim to exclude Arab citizens of Israel. At a hearing in 11/04, Adalah argued that, while the state claims that the towns listed as eligible for the discount are in need of financial assistance, it has failed to provide information detailing their socio-economic situation, or to demonstrate that they do indeed require financial support. **During the hearing, Chief Justice Barak stated that conditioning state land distribution on military or national service will result in discrimination against Arab citizens.** Despite Adalah's requests, however, the Court has not issued an injunction freezing the implementation of the ILA's decision. As a result, ILA-managed lands have been and continue to be leased according to the conditions of the decision for over one and a half years. The Court will issue a decision on the case after further submissions by the respondents and petitioners. Case pending before an expanded panel of seven justices.

**7. Criminal Appeal 2005/02, Misgav Local Planning and Building Committee v. Yousef Sawaed, et. al. (Haifa District Court):**

**In 2/04, the Haifa District Court cancelled an administrative demolition order issued against the Mosque in Husseniya.** In 4/01, the head of the Misgav Local Planning and Building Committee (MLPBC) issued an administrative demolition order against the mosque in the Arab village of Husseniya, in the north of Israel, claiming it was built illegally. Husseniya falls within the jurisdiction of the Misgav Regional Council. The Misgav Regional Council, which was set up in 1982, is comprised of 29 Israeli Jewish towns and six Arab villages; thus, representatives of Jewish towns maintain control over land planning decisions for the Arab towns under the regional council's jurisdiction. Adalah submitted a motion to the Akka (Acre) Magistrate Court to cancel the order in 8/01, arguing that it was invalid as the MLPBC had failed to consult with the head of the local committee of Husseniya prior to the issuance of the demolition order, as required by the Planning and Building Law-1965. The head of the Husseniya local committee is the appropriate individual to consult in this case, as he has direct contact with the inhabitants of the village, making him the most knowledgeable about the specific circumstances surrounding the issuance of the demolition order, Adalah argued. Further, Adalah emphasized that this local consultation process is necessary to ensure community participation in planning. It is a mechanism that connects the more centralized national and regional administrative planning bodies to the citizens as well as to the interests of their local communities. Community consultation in planning is a fundamental part of the democratic process; it is not a mere technicality, but rather a tool for a constant "conversation" between the peoples' representatives and governmental authorities. The head of the Misgav Regional Council, who was consulted in this case, is not similarly situated. In 11/01, the Magistrate Court cancelled the administrative demolition order against the mosque. The MLPBC appealed against the decision to Haifa District Court in 1/02. **In 2/04, the Haifa District Court upheld the decision of the Akka Magistrate Court, re-emphasizing the duty to consult with the head of the local committee prior to the issuance of an administrative demolition order.** No appeal was filed to the Supreme Court.

**8. Permission for Criminal Appeal 1782/03, Misgav Local Planning and Building Committee (MLPBC) v. Yousef and Housni Sawaed (Supreme Court):**

**In 12/04, the Supreme Court accepted the MLPBC's appeal, overturning the Haifa District Court's decision, and ruling that there is no legal duty to consult with the head of a local committee before issuing administrative home demolition orders.** In 7/01, the MLPBC issued two administrative home demolition orders on the homes of Yousef and Housni Sawaed, Arab citizens of Israel living in Husseniya, following which the brothers requested that Akka (Acre) Magistrate Court cancel the orders. Their appeal was rejected in 10/01. They immediately appealed against this

decision to the Haifa District Court, which cancelled the demolition order in 1/02. In 2/02, the MLPBC appealed to the Supreme Court, after which the brothers approached Adalah for assistance. In 1/04, Adalah submitted legal arguments contending that the Court should uphold the decision of the Haifa District Court, as the failure of the MLPBC to consult with the head of the local committee of Husseniya prior to the issuance of the demolition order, as required by the Planning and Building Law-1965, and the Local Council Order-1958, rendered the order invalid. At a hearing in 2/04, the MLPBC argued that the heads of local committees cannot be trusted regarding the issuance of home demolition orders, as they are influenced by community forces which prevent their providing impartial consultation. Supreme Court Justice Matza criticized the MLPBC for advancing such an argument, which, if accepted, would essentially moot all powers of elected local committees. Adalah submitted supplemental arguments to the Court in 2/04.

In 12/04, the Supreme Court ruled that consultation with the head of the regional council is sufficient because the close relationships of local elected leaders with residents of the village/settlement can compromise their judgment regarding demolitions. Adalah holds that the Court's decision deviates from accepted principles of statutory interpretation. Further, the judgment renders meaningless the obligation to consult with the head of the local authority, which is part of the democratic process and especially important in cases where administrative decisions are taken without a legal procedure or prior hearings. In addition, the incongruous result of the Court's acceptance of the argument that the close relationship between a local committee and its residents might prejudice the committee's decision-making abilities, is that the elected body – duty-bound to represent the concerns of its residents - is not allowed to express its interests. *With private legal representation, the Sawaed brothers are continuing to negotiate with the planning authorities.*

**9. In 1/04, as a result of an objection filed by Adalah, a local plan was cancelled by the planning authorities, averting *de facto* the large-scale transfer of approximately 7,300 dunams of Arab-owned land to registration as state-controlled land.** In 2003, Adalah filed the objection to the Joint Regional Committee for the Re-Division of Agricultural Land (JRC) with the Committee for the Defence of Land Rights of Internally Displaced Persons in the Naqab on behalf of eleven Arab Bedouin citizens of Israel, demanding the cancellation of the plan. The plan covered an area of around 21,213 dunams of land including Kibbutz Shoval and its surrounding areas (the Wadi Zuballa region). Some of the Arab Bedouin land owners-objectors had filed ownership claims with the state, while others claimed ownership without submitting official documents. Adalah argued that the plan: violates the objectors' rights to due process by bypassing the process of land registration initiated in 1971; is misleading and inaccurate, and uses imprecise language; and fails to meet the criteria for a "plan for the re-division of land". Adalah also argued that the ILA exceeded its authority by initiating and submitting the plan. The objectors added that, "Despite the plan's lack of clarity, an examination of it exposes that its objective is to nullify the land registration process, and deny the Arab Bedouin objectors to the plan their right to property, and even their right to submit lawful land ownership claims." As a result of the objection, the planning authorities cancelled the plan in 1/04.

In 6/04, the ILA re-submitted the plan after all of the lands which had been entered into the land registration process had been excluded from it. As a result, the area covered by the plan was reduced to 13,532 dunams. In 8/04, Adalah, in cooperation with the Regional Council for the Unrecognized Villages, submitted an objection to the new plan, in the name of seven affected Arab Bedouin citizens living in the Naqab and the Arab Center for Alternative Planning (ACAP), seeking its cancellation. In the new objection, Adalah argued that the plan once again: contains inaccurate as well as vague and ambiguous information, which could impinge upon the transparency of its administration and violate the public's right to know and to object to the plan; and contradicts the Planning and Building Law-1965; was initiated without appropriate legal authority. Adalah also argued that the drafters disregarded the current situation in the area, and did not appraise the need for such a plan, nor its likely effects; and that if passed and implemented, the plan would result in the denial of the rights of the objectors to the plan, and of the landowners' rights to property and to future land use. Update: A hearing was held in 2/05; the objection was rejected in 3/05.

***In 2004, Adalah also undertook the following new interventions to secure land and planning rights:***

**10. *Objection 192/04, Adel and Etaf Sawaed, v. Misgav Local Planning and Building Committee, et. al.:***

**In 9/04, Adalah, on behalf of the Sawaed family, filed an appeal to the Northern District Planning and Building Committee (NDPBC) against the Misgav Local Planning and Building Committee**

**(MLPBC) for refusing to issue a building permit to the family.** The Sawaeds and their children live on their privately-owned land in a caravan in Kamoun, which was established in the early 1980s as a Jewish town. Jewish families' villas surround their home. While the Sawaeds' land is designated for residential use, the Misgav Regional Council has refused to issue them a building permit since 1997, requesting many amendments to their application as well as ILA consent for the permit, as 0.5m<sup>2</sup> of a total of 1,800m<sup>2</sup> of the plot covered by the request falls under the ILA's authority. After seven years of delay, the MLPBC rejected their request in 8/04, claiming that the ILA and the Kamoun town committee had objected on the grounds that it would be preferable to relocate the Sawaed family to the Arab village of Kammaneh, as their continued residence in Kamoun would create "social problems." In the appeal, Adalah argued that: the Misgav local planning authorities' decision is arbitrary, not based on the relevant facts or objective considerations, was drawn up with an inappropriate objective, and is in breach of the Planning and Building Law; and that the MLPBC lacks the authority to make this decision, violated the objectors' basic rights, and discriminated against them on the basis of nationality. A first hearing on the case was held in 1/05. Case pending.

**11. In 9/04, Adalah submitted a position paper to an Investigatory Committee examining the jurisdictional borders of Beer el-Sabe (Beer Sheva) and other towns and regional councils in the Naqab as well as lands located outside the jurisdiction of any local authority.** The position paper addressed a request made by the Beer el-Sabe municipality for a four-fold extension of its jurisdiction, including over an area encompassing the unrecognized Arab Bedouin villages of Assir, 'Awajan and Karkour. Adalah's paper discussed the following issues: (1) the difficult socio-economic conditions of Arab towns and villages in the Naqab; (2) the inequitable distribution of land between Arab and Jewish towns or the lack of "spatial fairness" in the Naqab; (3) the likely detrimental impact on the areas affected by the proposed expansion of Beer el-Sabe municipality's jurisdiction; and (4) recommendations for the Committee. Specifically, Adalah requested that the Committee: not expand the jurisdiction of Beer el-Sabe, or any other town, at the expense of unrecognized Arab villages and their developmental potential; consider the possibility of establishing one or more local authorities as a means of contributing to a settlement of the status of the unrecognized villages; examine and take into consideration the current and future developmental needs of Beer el-Sabe's neighboring Arab towns; strive to achieve just and equitable land allocation among the various residential groups in the Naqab, taking into consideration the differing needs of these groups; and grant the right of hearing to representatives from the affected communities and other groups with an interest in the matter, before reaching a decision. In 11/04, Adalah appeared before the Investigatory Committee, presenting the arguments put forward in the position paper. To date, the Committee's report has not been published.

**12. In 8/04, Adalah submitted a position paper to the ILA Reform Committee (the Gadish Committee) charging that a proposed exchange of lands between the ILA and the Jewish National Fund (JNF) is unconstitutional.** The plan involves an exchange of lands via a process of separation between the state and the JNF, according to which the JNF, which allocates its lands to Jewish citizens only, would concede lands in towns in the central region of Israel to the state in exchange for lands in the 'National Priority Areas.' Adalah argued that the proposed land exchange is discriminatory and contravenes the principles of public administration - equality, just distribution, and fairness - with respect to affected lands in the north and south of Israel. Further, the ramifications of this plan would be particularly grave, as Arab citizens constitute 51.6% of the population in the north, and 13.6% in the south (almost 25% of the total population in the northern Naqab). In the paper, Adalah critiqued the aims of the ILA, and provided in-depth data to demonstrate that the imposition of any restrictions on the Arab minority's access to land through its transfer to the JNF would aggravate the already difficult conditions they face, by further ingraining discriminatory land policies pursued since 1948, and frustrating the future development of Arab communities in affected areas. Since the plan's objective violates the principle of equality, it stands in breach of the state's obligations to provide for the sustainable development of all its citizens, and safeguard their rights to life and dignity, Adalah argued. To date, the Committee has not yet published its report.

**13. In 3/04, Adalah submitted a letter to and appeared before the National Council for Planning and Building (NCPB), setting forth arguments for the cancellation of the proposed discriminatory "Wine Path Plan" for the Naqab.** Initiated by the ILA and the Ramat Ha'Negev Regional Council, the stated goals of the plan, which would affect tens of thousands of dunams of land, are: designating spaces for the area "combining tourist, agricultural, and scenic uses, and setting instructions for preserving and developing them"; and setting purposes and permitted uses in the area for the establishment and recognition of up to 30 "agricultural tourist farms." To meet these goals, the plan seeks to retroactively legalize and re-designate so-called "individual farms," and to establish "individual settlements" for residential and other building purposes. The existing illegal "individual settlements" are large tracts of land, which have been given to Jewish citizens of the state for their

use, over the years, by the ILA and regional councils, without bids. Adalah argued that the plan's inequitable distribution of vast and lucrative portions of land, with no clear, objective criteria, prevents equal access to the land for the entire population of the region, and is thus discriminatory; that the plan is not based on any relevant factual data about the current situation or the needs of the local Arab Bedouin population; and that the retroactive legalization of the seizure of "state lands" violates the Planning and Building Law, violates the dictates of proper administration, and is unconstitutional. In late 3/04, the NCPB decided to approve the Wine Path Plan for submission, with certain conditions. In response to Adalah's subsequent request for intervention, the AG replied that Adalah has the right to object to the NCPB. Adalah filed an objection to the plan to the NCPB on behalf of the Regional Council for the Unrecognized Villages in the Naqab and in Adalah's own name in 2/05.

## **B. Education Rights**

Adalah represented on 8 cases in 2004, which included six new filings and follow-up on two pending legal actions in the field of education rights. With these legal representations, 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.

Adalah's **main achievements** included:

- 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.
- 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.
- Securing 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. There is no Arab school in Beer el-Sebe.
- 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.

### ***1. Case No. 1334/2004, League for the Arabs in Jaffa, et. al. v. Ministry of Education (Tel Aviv District Court); Request for Injunction No. 20848/2004, League for the Arabs in Jaffa, et. al. v. Ministry of Education (Tel Aviv District Court):***

In 12/04, Tel Aviv District Court issued an injunction preventing the closure of the Arab Democratic School - which has an enrollment of 158 students - following the submission of a petition by Adalah demanding the annulment of a closure order issued by the Ministry of Education (MOE). The MOE explained the closure order by pointing to the fact that the Yaffa Arab Democratic School had not obtained a school license before the start of the school year. The school was opened hurriedly because students' families, teachers and the school principal were vehemently opposed to new decisions made by the Orthodox School in Jaffa, including the dismissal of the principal; the reinstatement of traditional, church-based teaching; the making of Greek a compulsory language in the school; the acceptance of students to the school on a selective basis; and the ending of the status of the parents' committee in the school. Adalah argued that, as the school conforms to all criteria for obtaining a license, the failure to obtain a license in time is a technicality outweighed by the students' rights to choose in education and their basic right to education, which would be seriously infringed by the school's closure. In 10/04, the MOE requested an additional 14 days to examine the license application, representing the first instance of the ministry's agreement to review it. In 12/04, the Court stated that the case involved special and extraordinary circumstances where the opening of the school was not a result of disregarding the law. **The Court also issued an injunction preventing the closure of the school pending a final decision on the petition, as a result of which, the students are able to continue attending school.** Case pending.

**2. H.C. 6671/03, Munjid Abu Ghanem, et. al. v. Ministry of Education, et. al. (Supreme Court):**

**At a hearing in 9/04 on a petition filed by Adalah, the state committed to assign 9.5 more counselors for Arab Bedouin students in the Naqab at risk of dropping out of school.** The petition was filed in 7/03, demanding that the MOE appoint counselors for Arab Bedouin students. The petition argued that the seven recognized Arab Bedouin towns in the Naqab have the highest drop-out rates in the country and the least number of counselor positions to address the problem. For example, in 2002-2003 in Rahat, the largest Arab Bedouin town in the Naqab, ninth-grade students dropped out at a rate of 23.6%, compared with an overall drop-out rate of 6.2% of Jewish ninth graders in the country. According to the MOE's own criteria, Rahat should have 15 counselors for at-risk students, while in fact the town has only one counselor. In final arguments, Adalah argued that the additional 9.5 positions suggested by the state are inadequate, and that even if an equal percentage of counselors were appointed for Arab Bedouin students in the Naqab as for Jewish students, they would still be discriminated against, since the former are in greatest need of the counselors owing to their higher-than-average drop-out rate.

**Update: In 1/05, the Supreme Court issued a precedent-setting ruling on the petition, deciding that the gap in education which exists between Arab Bedouin and Jewish students in the Naqab - of which the phenomenon of dropping out is a part - necessitates the adoption of a policy of affirmative action.** This policy, through the assignment of counselors to different population groups in order to minimize the gap, should bring the Arab Bedouin to a similar starting point to that of the Jewish sector, in order to achieve equal opportunities for all social groups. Relying on data submitted by Adalah, the Court also ruled that the needs of different population groups require equal treatment for different sectors, which can be fulfilled by making the assignments appropriate to the needs. Citing statistics brought before the Court by Adalah, the Court noted in the ruling that, while the rate of dropping out of Jewish pupils in Israel as a whole is 4.59%, and among Jewish pupils in the south 4.86%, the percentage of dropping out among Arab Bedouin pupils in the south is 12.56%. The Court also noted that the assignment percentage of counselor positions in Jewish towns throughout Israel is approximately 40% of the recommended number, and for Jewish towns in the south around 35%, whereas in the Arab Bedouin towns in the south the assignment percentage is approximately 25%. The Supreme Court dismissed the petition, however, failing to provide a concrete remedy in ruling that the state's appointment of counselor positions should be gradual and accomplished within a reasonable timeframe. The Court ordered the state to pay NIS 10,000 in legal expenses.

**3. Case No. 328/04, Shehade, et. al. v. Beer el-Sabe Municipality, et. al. (Beer el-Sabe District Court):**

**In 9/04, in a ruling on a petition filed by Adalah, the Beer el-Sabe District Court ordered the Beer el-Sabe Municipality to pay the students' fees for Arab students attending school in Tel el-Sabe (Tel Sheva).** The petition was submitted earlier in 9/04, after the Beer el-Sabe Municipality and the MOE refused to pay the external students' fees and transportation costs for over 100 Arab students. As a result, these students, who must attend school in Tel el-Sabe because no Arab schools exist in Beer el-Sabe, had not been attending school at all. As Adalah argued in the petition, Israeli law obliges the MOE to provide free education for students until the age of 16, and requires the respondents to pay the expenses of pupils forced to study outside of their place of residence, owing to the lack of an appropriate educational framework there.

**4. H.C. 7383/01, Megel el-Hawashleh, et. al. v. Minister of Education, et. al. (Supreme Court):**

**In 5/04, the AG's Office notified the Supreme Court that the state intends to dismantle the Bedouin Education Authority (BEA) by 1/05, after inquiries launched as a result of a petition filed by Adalah revealed mismanagement, misconduct and financial irregularities.** The state also announced the replacement of the BEA - the agency appointed by the MOE to manage the education system in the unrecognized villages in the Naqab - with the newly-planned Abu-Basma Regional Council. The petition, filed in 9/01, asked the Court to order the MOE to comprehensively examine the management practices of Moshe Shohat, the head of the BEA for 16 years, and to dismiss him in light of racist and bigoted statements that he made against the Arab Bedouin, and to publicly advertise for his replacement amongst the Arab community in the Naqab. After numerous hearings and the filing of several legal briefs, the MOE Director General finally issued a dismissal letter to Mr. Shohat in 3/03. The Supreme Court dismissed the petition in 5/04 on the grounds that its main purpose - the dismissal of Mr. Shohat - had been met. The Court refused to intervene in the MOE's appointment of a new BEA head, which was made without a bid and without notice to the Court or to the petitioners.

**5. In 3/04, the Disciplinary Appeals Committee of Haifa University accepted an appeal filed by Adalah on behalf of an Arab student following his suspension from the university for one year just two weeks prior to his scheduled graduation.** Adalah filed the appeal in 1/04 after Mr. Arz Marun, a law student, was convicted in 12/03 by the Disciplinary Committee for disobeying orders on two occasions from security guards who prohibited him from entering the university. At the time, Mr. Marun was studying and working at the university. The guards reasoned their prohibition on the claims that they did not believe that Mr. Marun was working at the university and that he was not in possession of workers' documentation, even though such documentation is not issued to students. The suspension was imposed two weeks prior to Mr. Marun's graduation, and just before he was supposed to start his lawyers' training under the tutelage of a Supreme Court justice. The suspension made his graduation and training impossible. In the appeal, Adalah argued that the decision of the Disciplinary Committee was arbitrary, racist and illegal, and in violation of the student's due process rights in the disciplinary hearing. Adalah added that the behavior of the security guards also violated Mr. Marun's rights. As a result of the successful appeal, Mr. Marun was able to graduate and begin his lawyers' training period.

***In 2004, Adalah also submitted the following petitions to the Supreme Court to secure education rights:***

**6. *H.C. 8193/04, Union of Parents of Arab Students in Israel, et. al. v. Ministry of Education, et. al. (Supreme Court):***

**In 9/04, Adalah submitted a petition, motion for injunction, and request for an urgent hearing demanding that the General Security Service (GSS) be prohibited from intervening in the appointment of teachers, principals and inspectors to the Arab Education Division of the MOE.** Adalah argued that GSS intervention in the appointments of Arab educators: constitutes a serious breach of the rule of law, as there is no authority in law for such practice; is discriminatory and violates the principle of equality, as the GSS involves itself only with regard to Arab candidates seeking positions within the MOE; is humiliating to Arab educators, and thus impairs their right to dignity; and contravenes several articles of the Equal Employment Opportunities Law, which prohibits discrimination on the basis of nationality. Further, Adalah argued that the institutionalization of GSS intervention in the appointment of Arab candidates violates their right to freedom of employment. The AG responded to the petition in 10/04, claiming that the MOE has the authority and is charged with the duty of gaining as much information as possible from the GSS to investigate the potential criminal background of applicants for teacher, principal and inspector positions in the MOE. In 11/04, Adalah countered the state's arguments by stressing that the petition does not address the issue of a candidate's criminal past, and that, while Adalah does not dispute the state's contention that where a candidate has been convicted of criminal activity this should be taken into consideration. However, the intervention and monitoring carried out by the GSS far exceeds that required for such purposes, and is discriminatory as it only concerns candidates for the Arab Education Division. Case pending.

**7. *H.C. 5108/04, Ismael Mohammad Abu Guda, et. al. v. Minister of Education, et. al. (Supreme Court):***

**In 6/04, Adalah petitioned the Supreme Court, demanding the establishment of preschools for 300 3-4 year-old Arab Bedouin children living the unrecognized villages of Zaa'rura and Bir al-Mashash in the Naqab, in accordance with the Compulsory Education Law (Amendment 16) – 1984.** There is currently no preschool or any other educational framework in either village for these children. In 9/04, the Court dismissed the petition, holding that the petitioners did not meet the burden of proof necessary to establish discrimination and to warrant the Court's intervention in the MOE's decision, or to support the claim that the MOE was not fulfilling its duty to provide educational services to the children. The Court did rule, however, that the MOE has an obligation to provide the children with transport to neighboring villages with preschools. Adalah is following-up with the MOE.

**8. *H.C. 4177/04, Yusef Abu-Abied, et. al. v. Ministry of Education, et. al. (Supreme Court):***

**In 5/04, Adalah filed a petition challenging the discriminatory lack of appointments of educational psychologists for Arab Bedouin schools in the Naqab.** The petition demanded that the MOE provide the necessary number of educational psychologists' positions to schools in the seven Arab Bedouin towns in the Naqab, in accordance with its own set criteria. Adalah further requested that the Court instruct the MOE and the Ministry of Social Affairs to apply equal rules in the allocation of educational psychologists' positions between Jewish and Arab Bedouin students in the Naqab. Only 15 of 49 educational psychologists' positions have actually been allocated in the seven Arab Bedouin

towns (equating to 30% of the recommended total according to the MOE's own criteria). In comparison, 21.6 (or 80%) of the 27 positions designated in accordance with the MOE's criteria in Jewish towns in the Naqab currently exist. In 2/05, the state requested and received an extension of time in order to prepare its response to the petition, following the Supreme Court's decision in another petition filed by Adalah regarding the lack of school counselors in Arab Bedouin schools for students at risk of dropping out (see H.C. 6671/03, *Munjid Abu Ghanem, et. al. v. Ministry of Education, et. al.*, above). Case pending.

### **C. Economic and Social Rights**

Adalah represented on 7 petitions before the Supreme Court of Israel, including four new filings and follow-up on three pending cases in the field of economic and social rights. Within this field of interest, Adalah 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:

- 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.
- 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.
- 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 el-Amel.
- 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.

#### **1. H.C. 6223/01, *National Committee of Arab Mayors, et. al. v. Ministry of Interior, et. al.* (Supreme Court):**

**In 11/04, the Supreme Court expanded the panel of Justices to seven in a case filed by Adalah, which challenges discrimination against Arab municipalities and local councils in the allocation of budget balancing grants.** The petition was submitted in 7/01 against the Ministry of Interior, the Ministry of Finance and the Prime Minister, requesting the determination of clear, equal and unified criteria for the allocation of budget balancing grants to municipalities. The purpose of these grants is to reduce budget deficits created when the expenditure of municipalities and local councils for essential services exceeds their income, and secure a minimal and reasonable level of service for the residents of the towns and villages under their jurisdiction. In 2001, the budget deficits of Arab municipalities accounted for 45% of the total deficits of all municipalities in Israel. In its initial response, the state argued that there is an affirmative action policy that awards Arab municipalities 21.5% of the grants, which is greater than the percentage of Arab citizens of Israel within the population. Adalah rejected this claim and argued that the percentage-of-the-population criterion is not a relevant consideration in this instance; rather, distributions should be based on economic need, and Arab towns consistently rank lowest on all socio-economic indices. In 6/02, the Court issued an *order nisi* asking the respondents to explain why the state should not apply clear, equal and unified criteria for the allocation of budget balancing grants.

In 1/04, the state submitted a new formula to the Court for allocating the grants. Adalah responded in 3/04 that the new formula includes elements which inherently benefit Jewish local councils and municipalities only, and will therefore deepen the discrimination within the system of grant allocation. At a hearing held in 11/04, Adalah presented data to the Court illustrating the wide gap between the allocation of budget balancing grants to Arab local councils and municipalities as compared with Jewish towns. For example, in 2002, local councils and municipalities of Jewish towns in southern Israel received 35% more per citizen than Arab local councils and municipalities of the same socio-

economic level and population size. In 2003, local councils and municipalities of Jewish towns as a whole received 59% more per citizen than their Arab counterparts. At the hearing, the Court decided that, due to the importance of the issues raised, it would expand the panel to seven justices. In 2/05, Adalah submitted closing arguments to the Court.

**2. H.C. 8249/04, Ziad Matar et. al. vs. Ministry of Industry, Trade and Labor (Supreme Court):**

**In 9/04, the Supreme Court issued an injunction on a petition filed by Adalah and Sawt al-Amel, 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.** The petition was filed earlier in 9/04, demanding that the Ministry of Industry, Trade and Labor (MITL) be prevented from shutting down the office and merging it with the Nazareth office. The petitioners argued that all of the nine towns suffer from poor socio-economic conditions and, according to the Central Bureau of Statistics, are ranked within the three lowest bands of a total of ten bands. The National Employment Service recognizes these towns as centers of high unemployment, as the unemployment rates in them exceed 10% of the total labor force: the rate of unemployment in the nine towns actually ranges from 15% to 30%. The petition also argued that the unemployment office in Nazareth, which serves the 100,000 residents of Nazareth, Illut, Kufr Manda, and Yaffa, is already over-crowded and under-staffed, with the number of job seekers in these four towns amounting to approximately 6,200 individuals, and that if the MITL closes the Kufr Kana employment office the number of job seekers to be served by the Nazareth office would rise dramatically to over 10,000 people, severely compromising the standard of service provided. The state has requested and received postponements on the submission of their response to the petition. Case pending.

**3. H.C. 6488/02, National Committee of Arab Mayors, et. al. v. Director's Committee for Fighting Unemployment in Settlements with High Unemployment Rates, et. al. (Supreme Court):**

**In 6/04, the Supreme Court accepted a petition filed by Adalah challenging the discriminatory exclusion of Arab towns from the government's US \$30 million "Ofeq" Program to alleviate high unemployment.** The petition was filed in 2002, and demanded that the state use clear, objective criteria, based on unemployment rates and socio-economic needs, to determine the program's beneficiaries. The state denied the need to include Arab towns in the program, claiming that they receive similar benefits under the government's Multi-year Plan for the Development of Arab Sector Communities ("the Plan") initiated in 2001. Adalah countered that there is no overlap between the two programs, as the Plan only targets the basic infrastructural needs of poor Arab towns. **In this extremely important ruling, the Court held that: the exclusion of Arab towns from specific socio-economic plans which have defined and different objectives from that of the Plan is prohibited discrimination; the existence of the Plan does not deny the rights of Arab communities to be included in economic assistance programs; and Arab communities are entitled to be included, based on equitable criteria, in the various socio-economic programs, if their objectives are not identical to those of the Plan.** Although the Ofeq program has been discontinued, Adalah intends to use the Court's decision as precedent in its cases.

**4. H.C. 786/04, Ahlam el-Sana, et. al. v. Ministry of Health, et. al. (Supreme Court):**

**In 4/04, in response to a petition filed by Adalah, the state admitted that the family health care provided for 18,000 Arab Bedouin citizens of Israel in the villages of Lagiyya and Hura in the Naqab was substandard, and committed to operating two additional family health clinics.** The petition, filed in 1/04, demanded that the state allocate the necessary physician and nurse positions needed to operate the two clinics, arguing that the two severely overcrowded clinics currently operating in Lagiyya and Hura cannot deliver the necessary health services. In 2003, there were 1,345 children between the ages of 0-6 living in Lagiyya, and 2,934 children aged 0-14. At the time of the filing of the petition, there was one family health clinic operating in Lagiyya, providing health services to some 11,000 people from the town and other surrounding unrecognized villages. The one clinic which was operating concurrently in Hura provided services to its 7,000 inhabitants, as well as to Arab Bedouin living in the surrounding unrecognized villages. In 2003, there were 1,695 children between the ages of 0-4 living in Hura, and 3,899 children aged 0-14. MOH regulations require that a family health clinic be established in any community with at least 30 births per year; the number of births in Lagiyya and Hura far exceeds this level. Adalah emphasized that the need for the family health clinics is particularly acute given that the Arab Bedouin living in the Naqab have the highest rate of infant mortality in the country: 17.1 per 1,000 births, compared with 4.7 per 1,000 births among Jewish citizens living in this region. The Court awarded NIS 5,000 in legal expenses in 7/04.

**5. H.C. 2773/98 and H.C. 11163/03, High Follow-up Committee for the Arab Citizens in Israel, et. al. v. Prime Minister of Israel (Supreme Court):**

In 3/04, an *order nisi* was granted by 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. In 5/98, Adalah filed a petition to the Supreme Court against a government decision from 1998 which divides the country into national priority areas (NPAs) in an arbitrary and discriminatory manner, without legislative authorization or any clear, written objective criteria. Towns listed as NPAs and their residents receive substantial additional budgetary allowances, tax breaks and services from the government. The government assigns priority "A" status almost exclusively to Jewish development and border towns, and to settlements in the 1967 Occupied Territories. After five years of hearings and arguments before an expanded panel of seven justices, the Supreme Court requested that Adalah submit a second petition. In the second petition, filed in 12/03, Adalah summarized the facts and the remedies requested, focusing on the issue of the government's exclusion of Arab towns and villages from priority "A" for educational benefits, as constituting discrimination on the basis of nationality. There are only four small Arab villages among the 492 towns and villages designated as national priority "A" for education under the government's decision. In 2/04, Adalah submitted a motion for an *order nisi*, which was granted by the Court, requiring the AG to explain the exclusion of seven Arab Bedouin towns in the Naqab (Negev) - Rahat, Lagiyya, Kessife, 'Arora, Segev Shalom, Hura and Tel el-Sabe - from the national priority area "A" list in the field of education. Adalah argued that these towns should be included in this list, as the official data shows that they are the most in need of such a program, suffering from the lowest levels of educational attainment in Israel.

At a hearing held on the case in 11/04, the state argued that the objective of the government's decision is to encourage Israeli citizens to relocate to peripheral areas, and to support towns which absorb new Jewish immigrants (*olim*). Adalah presented a government map which shows the extent of areas designated as national priority "A" for education, and which demonstrates the exclusion of Arab towns. Justice Heshin asked the state's representative why she would not admit that the government is attempting to "Judaize the Galilee" with this decision. Adalah argued that the goal of assisting towns which take in *olim* is discriminatory against Arab citizens of Israel for three reasons: (1) Arab towns do not receive new Jewish immigrants, and therefore the decision effectively excludes them; (2) Israeli law already provides for a wide range of existing benefits and assistance for *olim*; and (3) if the aim of the decision is to facilitate the immigration of *olim*, then there is no reason for the educational benefits available under the decision to be extended to entire towns or villages. Case pending for final judgment before an expanded panel of seven justices.

**In 2004, Adalah also represented on the following two petitions to secure economic and social rights:**

**6. H.C. 10662/04, Salah Hassan, et. al. v. National Insurance Institute, et. al. (Supreme Court):**

In 11/04, Adalah and Sawt al-Amel petitioned the Supreme Court to annul a law which renders unemployed car owners and users ineligible for income support payments. The petition was filed against the National Insurance Institute (NII) and the Ministry of Industry, Trade and Labor demanding the cancellation of Article 9A(b) of the Income Support Law (1980) and Article 10(c) of the Income Support Regulations (1982), which prevent unemployed owners and users of cars from receiving secured income support allowances. The petitioners argued that the law: fails to differentiate between individuals who own a car and those who merely use one; does not distinguish between different models of cars or their relative value; and fails to give any weight to personal circumstances, such as a person's need for a car, the location of their home, or the level of public transport service in their area. The petition emphasized that the NII also debits previous allowances provided to individuals whom it believes own or are using a car. In cases where individuals are unable to pay the fines imposed, the NII has deducted debts from child allowances and future income support payments. Arab citizens of Israel constitute a significant portion of individuals entitled to these benefits, and many also live in remote villages with limited or no access to public transport services. The petitioners argued that the law violates the constitutional rights to dignity and property. The state requested and received two postponements on the submission of their response to the petition. Case pending.

**7. H.C. 9111/03, Women against Violence, et. al. v. Minister of Labor and Social Affairs (Supreme Court):**

During 2004, Adalah continued to request that the Supreme Court compel the Ministry of Labor and Social Affairs to open a secured shelter for teenaged Arab young women, following up on a petition filed by Adalah in 10/03. In 5/03, the Ministry closed the only state-funded secured shelter serving Arab young women in danger of physical abuse or those who were judged by the courts to be a threat to themselves or others. The Ministry did not initiate a comparable service option to meet the needs of young Arab women. In the petition, Adalah argued that the failure to open a shelter for young Arab women at risk violates the principle of equality on the basis of gender and nationality: Arab women citizens of Israel form a distinct sub-group, and thus are being discriminated against as the Ministry funds such shelters for Jewish teenaged girls, Jewish teenaged boys and Arab teenaged boys. Adalah further argued that the Ministry's policy violates the rule of law, as under Israeli law appropriate alternatives must be available to the courts for teenagers at risk. The lack of a secured shelter for young Arab women leaves them with few options: assignment to a shelter for Jewish youth (which operate at full capacity and have long waiting lists), imprisonment, or living on the streets, all of which present a range of intractable problems.

Throughout 2004, the Ministry repeatedly postponed the opening of a shelter, assuring the Court on each occasion that one would be opened after a few months. Adalah challenged these postponements, and requested an injunction and an urgent hearing in 7/04 on the grounds that any further delay is unacceptable, since many young women are currently in dire need of the shelter, and that the more time that passes without its facilities being available, the more detrimental the effect on their wellbeing. The Court ordered the state to submit a revised response by 11/04. The Ministry again responded that only by 1/05 would the outstanding work on the designated building be finished, and that a bid process for managing the center would be completed in 2/05. Adalah replied that the Ministry's response was incredible, stressing the ever-increasing damage being sustained by vulnerable young women as a result of the repeated delays. Case pending.

**Update:** At a hearing held in 2/05, the Supreme Court issued an *order nisi* demanding that the Minister explain within 30 days why it could not open a secure shelter for young Arab women at risk by 6/05. The Court expressed its concurrence with Adalah that the continued delays are not acceptable, and stated that they have become excessive.

#### **D. Civil and Political Rights**

Adalah undertook 9 legal representations in 2004, which included six new filings or other interventions and continued to follow-up on three pending cases in the field of civil and political rights. With these representations, Adalah sought to protect the rights of freedom of expression and citizenship/family unification as well as language rights and religious rights. In the context of religious rights, Adalah filed an important petition to the Supreme Court in the name of Muslim religious leaders demanding legal recognition for Muslim holy sites in Israel.

Adalah's **main achievements** included:

- 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.
- 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.
- 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.

#### ***Freedom of Expression***

**1. H.C. 12002/04, MK Issam Makhoul v. Knesset (Supreme Court):**

In 12/04, Adalah submitted a petition to the Supreme Court against a Knesset decision to punish MK Issam Makhoul for political statements. The petition demanded the cancellation of a

decision made by the Knesset in 12/04 which banned MK Makhoul from exercising his right to speak in the Knesset for ten sessions. In 6/04, following MK Makhoul's description of the Israeli government as, "a government of death," "a government of blood," and "a 'pork' (immoral) government" during a debate on a strike being undertaken by lifeguards, MK Limor Livnat filed a complaint to the Knesset's Ethics Committee, which decided in 12/04 that MK Makhoul had violated the MKs' ethical code. In the debate, MK Makhoul used the title of the book "The Sea of Death" by George Amado, as a metaphor for the government's policy toward the lifeguards. MK Makhoul also cited MK Shimon Peres, who had described the Israeli government as a "pork government," for which MK Peres faced no complaint to the Ethics Committee. Adalah argued that the Law of Immunity of the Knesset-1951 applies to political expressions and political freedom of speech, making an MK exempt from any legal action based on political expressions made in the course of carrying out his/her work. Adalah also argued that imposing punishments for political expressions could lead to MKs' limiting their political speech, and the Ethics Committee's decision might therefore become a tool for restricting the immunity of MKs, particularly Arab MKs, who are members and representatives of the national minority and not a part of the government's coalition. Following a hearing held in 1/05, the Supreme Court dismissed the petition, advising that it would issue a detailed decision at a later date.

## **2. Case No. 283/04, Mosa'ab Dokhan, et. al. v. University of Haifa (Haifa District Court):**

**In 12/04, Adalah submitted a petition and motion for injunction to Haifa District Court against Haifa University seeking the placement of a Christmas tree in the university's main building on behalf of the Arab Students' Committee (ASC).** The submissions followed Haifa University's refusal of the ASC's request to place a Christmas tree in the Main Building. The university suggested that the ASC place a Christmas tree in the hall of the Multipurpose Building, which, unlike the Main Building, is far from the university's center and from students' activities. The ASC therefore rejected the suggestion of the university, which previously approved the placement of a Chanukah lamp in the Main Building. The university claimed that their decision not to place the Christmas tree there was justified because only 3% of the students are Christian. At a hearing in 12/04, Adalah argued that the university's decision results in discrimination between students regarding their right of access to religious symbols, and that in this case the percentage of Arab students at the university is not relevant for the attainment of freedom of religion. Adalah also asserted that the university's justification for its decision was absurd and could be used to justify every discriminatory action against a minority group, and that the university's decision infringed the Arab students' rights to freedom of expression, religion, religious ritual and equality. The Court rejected the request for an immediate injunction, ruling that, although there exists a "suspicion" of unacceptable discrimination, the inequality does not justify the Court's intervention in the university's decision. Adalah responded that the Court's decision is highly problematic as it contradicts Supreme Court case law, and ignores the rights of the minority. Case pending.

## **Citizenship / Family Unification**

### **3. H.C. 7052/03, Adalah, et. al. v. Minister of Interior, et. al. (Supreme Court):**

In 2004, Adalah continued to challenge the constitutionality of the Nationality and Entry into Israel Law (Temporary Order) - 2003 (extended 2004, 2005). In 8/03, Adalah submitted a petition to the Supreme Court seeking the cancellation of the law, which prohibits the granting of residency or citizenship status to Palestinians from the 1967 Occupied Palestinian Territories (OPTs) married to citizens of Israel, thereby banning family unification. The petition was filed in Adalah's own name and on behalf of two families affected by the Law, the Chairman of the High Follow-up Committee for Arab Citizens in Israel, and nine Arab members of Knesset (MKs) against the Interior Minister and the AG. The law is discriminatory as it applies only to Palestinians; family unification and naturalization remain available to all other foreign spouses of Israeli citizens. The law further flagrantly discriminates on the basis of nationality and ethnic origin against Palestinian citizens of Israel, who are overwhelmingly the Israeli citizens who marry Palestinians from the OPTs. Thus, the law does not merely discriminate on the basis of nationality or ethnicity; it is blatantly racist. The law therefore also contravenes international human rights law, which prohibits discrimination based on nationality specifically with regard to the right to citizenship. The law has already affected thousands of married Palestinian couples and their children living in Israel, as well as newly married couples, and has forced families to separate or emigrate. Moreover security concerns, used by Israel to justify the need for the law, cannot defend such sweeping measures: while Israel claims increasing involvement in terror activity by residents of the OPTs granted status in Israel through family unification, it referred to only 23 people out of a group of thousands of status-receivers whom the state alleged were indirectly involved in terror, without providing full details. In 11/03, the Supreme Court issued an injunction, as requested by the

petitioners, preventing the deportation of several Palestinian spouses until the delivery of a final decision on the petition. **As a result of Adalah and NGO partners' lobbying efforts in 2003 and 2004, the UN CERD and the UN HRC both urged Israel to revoke the law.**

Adalah also extensively lobbied MKs against the passage of the law and its extension. After the Knesset voted to extend the law, Adalah filed a motion for injunction to freeze its implementation in 7/04. In 12/04, the Interior Ministry circulated a draft bill to amend and re-extend the Law. In 12/04, in response to a motion filed by Adalah, a thirteen-justice panel of the Supreme Court decided to postpone a final judgment on the petitions pending against the Law, due to (i) the short time before the expiry of the Law; and (ii) the respondents' announcement that the government would amend the Law and present it to the Knesset before its expiry.

*Update:* In 1/05, the Knesset voted to extend the law, unchanged, for an additional four months; thus, it remains in effect until 5/05. In 2/05, Adalah submitted a motion to temporarily freeze the law and demanding that the Court rule on the pending petitions, arguing that its failure to do so would violate the rule of law, undermine the Court's status, and disproportionately violate the petitioners' constitutional right to access the courts, which includes the right to receive a remedy within a reasonable amount of time. Adalah further argued that the reasons given by the Court for not issuing a decision had been rendered irrelevant by the issuance of a Cabinet decision in 1/05, which asked the Knesset to extend the Law for four months. Adalah stressed that the outcome of these developments is that the Law, which was legislated as a temporary order for one year, has now been in force for almost two years, indicating that the issue is not one of a temporary nature, as the state has claimed, but constitutes a severe and longstanding violation. The Court denied the motion in 3/05. See also: Adalah's Briefing Paper, *Challenging the Constitutionality of the Discriminatory Nationality and Entry into Israel Law*, March 2005.

#### **4. H.C. 5076/04, Z. Housaini et. al. v. IDF Major General, Southern Command (Supreme Court):**

**In 7/04, following a petition filed by Adalah and HaMoked in 5/04, the Israeli military declared the freezing of an order forcing Israeli citizens visiting the Gaza Strip to remain there for three months.** The order, issued in 4/04, conditions the issuance and extension of entry permits into Gaza for citizens and residents of Israel on their commitment to remain in Gaza for three consecutive months, with the intent of limiting the use of the Erez checkpoint. The petition was filed in 5/04 seeking the cancellation of the order which was issued by the Southern Command, on behalf of four families affected by the order, against the IDF Major General, Southern Command. The petitioners argued that the order specifically affects and targets Palestinian citizens and residents of Israel, since it is overwhelmingly they who marry Palestinian residents of the Gaza Strip. Since the order does not affect Israeli citizens and residents requesting to enter the Gaza Strip to visit Israeli Jewish settlers, the new order constitutes discrimination on the basis of nationality. Furthermore, the new order blatantly discriminates against Arab citizens and residents of Israel who are married to, or are parents of, Gaza residents, thereby violating their constitutional rights to family life, dignity, equality and privacy, and breaching their constitutional right to enter Israel. As such, the objective of this order is inappropriate, and unacceptably broad and sweeping.

At the 7/04 hearing, the army declared the freezing of the order, and stated that all permit requests will be reviewed on an individual basis, and the actual necessity for the order will be reviewed. Although the Court did not rule on the legality of the order, it declared that the petitioners may return to the Court should the army decide to renew the order.

**5. In 7/04, Adalah sent a letter to all Members of Knesset, urging them to vote against a government-supported bill which aims to strip the Interior Minister of his discretion in issuing temporary and permanent residency status to the following groups of people:** those who have over-stayed their visas; those whose residency applications have been refused in the past; and those whose applications for status in Israel rely on a relationship with someone who was granted status on the basis of a familial relationship. The bill further proposed to introduce limited yearly quotas for granting temporary and permanent residency permits, as well as for those who ask for residency status as the spouses of Israeli citizens. These proposed quotas for residency permits do not affect those who gain status in Israel under the Law of Return – 1950. The explanatory notes to the bill explicitly make reference to its "demographic" purpose. The bill passed a preliminary reading in the Knesset in 7/04.

**6. N.I. 1246/2004, *Unnamed Petitioners v. National Insurance Institute (Beer el-Sabe Regional Labor Court):***

In 1/04, Adalah submitted an appeal against a decision of the National Insurance Institute (NII) to illegally stop child allowances, health insurance and childbirth support to a Palestinian woman citizen of Israel and her infant daughter. The reason given by the NII in its decision was that the woman no longer lives in Israel, but has relocated to the Gaza Strip. In fact, the woman does live in Israel, and her only visit to Gaza was for a few hours in 5/00, shortly before her marriage to a Gaza resident. Other than this visit, the woman has never left Israel. In the appeal, Adalah argued that the NII's decision was arbitrary and without a factual basis. Adalah further contended that the decision violates the fundamental constitutional rights of the woman and her daughter and is thus illegal. At a hearing on the case held in 12/04, the Court scheduled the submission of closing arguments in 3/05.

**Language Rights**

**7. H.C. 1114/01, *Adalah, et. al. v. Haifa Municipality (Supreme Court):***

In 11/04, the Supreme Court approved an agreement between Haifa Municipality and Adalah, according to which the municipality agreed to publish all its advertisements in the Arabic as well as the Hebrew language press. Adalah submitted a petition to the Supreme Court against the municipality in 3/01. Adalah argued in the petition that the municipality's practice of only publishing informational and service advertisements in the Hebrew press discriminates against Arab citizens of Israel living in Haifa, who constitute 14% of the city's total population, concerning the receipt of vital information about the municipality's services, and disregards their safety. Adalah further contended that the practice violates Article 82 of the Palestine Order-in-Council - 1922, according to which the Arabic language is an official language of the state, together with Hebrew, and all authorities in Israel are obliged to respect this status. This law was originally codified under the British Mandate and later adopted by the Knesset, thereby becoming part of Israeli law. The agreement incorporates the majority of the demands made in the petition, and was reached after four years of litigation and negotiations. The agreement represents a significant shift in the original position of Haifa Municipality, which initially denied any legal duty to publish in Arabic and any need to do so. The agreement follows an earlier Supreme Court decision in another petition filed by Adalah and the Association for Civil Rights in Israel (ACRI) in 1999 (H.C. 4112/99, *Adalah, et. al. v. The Municipalities of Tel Aviv-Jaffa, et. al.*). In that case, the Supreme Court ruled 2-1 in favor of the petitioners, issuing a decision which obliged municipalities in "mixed" cities to add Arabic to all traffic, warning and other informational signs in their jurisdiction.

**Religious Rights**

**8. H.C. 7311/02, *Association for Support and Defense of Bedouin Rights in Israel, et. al. v. Municipality of Beer Sheva, et. al. (Supreme Court):***

In 2/04, in response to Adalah's motion for an injunction, the Supreme Court ordered the Beer el-Sabe Municipality to maintain the *status quo* regarding the Big Mosque, to limit any work on the building to that which is necessary for its upkeep, and to refrain from making any further changes or additions. The Municipality committed to abide by this ruling. In 8/02, Adalah filed a petition to the Court on behalf several organizations, 23 Palestinian citizens of Israel, and in Adalah's own name against the Municipality of Beer el-Sabe, the Development Authority, the Ministry of Religious Affairs, and the Minister of Science. The petitioners sought the re-opening of the Big Mosque in Beer el-Sabe, the city's only mosque, which has stood empty and neglected since 1991. From 1906-1948, the building served as a mosque; after the establishment of the state the mosque was used as a court and prison, and later as a museum. The petition argued that free access to the mosque is protected by freedom of religion and the right to dignity. In 2003, the state established an inter-ministerial committee to examine the issue; the committee had no Muslim or Arab representatives, despite demands made for such appointments by Adalah.

In 9/04, the committee issued its report recommending that the *status quo* be maintained; that because Beer el-Sabe is a 'Jewish city', it did not need a mosque; that three places of worship (in Kay College, Ben-Gurion University, and Soroka Hospital) already existed for Beer el-Sabe's Muslims; and that the Big Mosque and the land on which it sits are not Waqf property, but are owned by the state. The Municipality joined the state in arguing that in light of the committee's recommendations, the Court should dismiss the petition. Adalah countered that by recommending that the *status quo* be maintained, the committee was advocating for the perpetuation of discrimination against Muslims and

harming their freedom of religion, freedom of worship, and right to dignity. Adalah also noted that Beer el-Sabe maintained 260 synagogues for the Jewish population of 180,000; by this ratio, the Municipality should offer its Muslim population of 5,000 at least eight mosques. Furthermore, Adalah's investigations revealed that two of the three venues for Muslim worship cited by the state did not in fact exist, while the third at BGU, is a small room which is often closed during prayer times. Adalah also stressed that the issue of ownership of land on which the Big Mosque sits is not in dispute in this case. However, according to the principle of equality, Adalah argued that the state had a responsibility to allow the building to be used for worship once again, and cited examples of old mosques that are now functioning again in Jaffa and Lod (Lod), as well in other countries containing Muslim minorities.

*Update:* At a hearing held in 1/05, the Court suggested that the petitioners and respondents agree to the re-designation of the building as an Islamic cultural and social center, and criticized the composition of the inter-ministerial committee, adding that the state had acted unjustly by failing to take into consideration the rights of Muslims in Beer el-Sabe. In 2/05, the Municipality filed its response, in which it rejected the Court's proposal claiming that if permission were granted to re-open the mosque, a conflict would inevitably ensue between the Muslim and Jewish communities in Beer el-Sabe. The municipality insisted that the Mosque should be opened as a museum. Adalah's position is that Beer el-Sabe Municipality shows no respect for the Muslim community or its heritage. As Adalah contended in its own response to the Court submitted earlier in 2/05, the rights of religious minorities must be respected under domestic and international law, and the Big Mosque must therefore be opened as a place of worship. Case pending.

**9. H.C. 10532/04, Sheikh Abdullah Nimr Darwish, et. al. v. Minister of Religious Affairs, et. al. (Supreme Court):**

In 11/04, Adalah submitted a petition to the Supreme Court in the name of Muslim religious leaders demanding legal recognition for Muslim holy sites in Israel. The petition demanded that the Court issue an order compelling the Minister of Religious Affairs (through the Office of the Prime Minister) to issue regulations for the protection of Muslim holy sites in Israel, as has been done for Jewish holy sites, in accordance with the Protection of Holy Sites Law-1967. Although the law requires the Minister to regulate holy sites in general, not selectively on the basis of religious grouping, thus far regulations have only been issued for Jewish holy sites: around 120 places have been declared as holy sites, *all* of which are Jewish. Adalah argued that the discriminatory use of powers by the Minister of Religious Affairs has resulted in the neglect and desecration of Muslim holy sites in Israel: many mosques and holy sites have been converted, for instance, into bars, night clubs, stores and restaurants. Adalah further argued that the non-recognition of Muslim holy sites constitutes a breach of the Protection of Holy Sites Law, violates the principle of the rule of law and the principle of equality, and contravenes the principles of administrative law. It further unjustifiably disregards the religious and historical significance of these sites, which mars the dignity and offends the religious sensitivities of Arab Muslim citizens of the state. Moreover, some of these sites are also sacred for millions of Muslims outside Israel. The Court ordered the AG's Office to respond to the petition. Case pending.

## **E. Criminal Justice**

Adalah undertook **23** representations in 2004, including 14 new filings or other interventions and follow-up 9 pending cases, in the area of criminal justice. 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.

Adalah's **main achievements** included:

- 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;
- 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.
- The cancellation of the Israel Prison Service's (IPS) policy of routinely strip-searching political prisoners visiting prison doctors and dentists.

### **Police Brutality/Misconduct**

Adalah represented on **10** cases of police brutality/misconduct (some of which involve the Israeli military and/or other security forces), resulting in the **death of six Palestinian citizens of Israel**.

#### **1. H.C. 12000/04, Labiba Sadi and Adalah v. Attorney General (Supreme Court):**

In 12/04, Adalah submitted a petition to the Supreme Court against the State Attorney's decision to reject Adalah's request to order the Ministry of Justice Police Investigation Unit ("Mahash") to prosecute police officers who shot and killed 17 year-old Mahmoud Sadi. The petition also demanded that the Court order the AG to file a criminal indictment against the officers. Mahmoud Sadi was killed by police officers in Ramle in 12/03. Adalah filed an initial complaint to Mahash in 12/03 requesting an investigation into the case. An investigation was launched, but subsequently closed due to "lack of guilt." In 4/04, Adalah filed an appeal to the State Attorney's Office against Mahash's decision to close the file, despite ample *prime facie* evidence indicating that the police's actions constituted a criminal offence. Based on a thorough review of the state's evidence, including the autopsy report, testimonies of police officers and an eyewitness, as well as fingerprint and other forensic reports, Adalah argued in the petition that Mr. Sadi was killed by the police without posing any danger to them, and that their use of deadly force against him constitutes manslaughter, causing death by negligence, and causing harm with aggravating intent. Thus, Adalah argued that, based on all the facts, none of which are disputed by the parties, the decision not to indict the police officers is an error of law and must be overturned by the Supreme Court. Adalah emphasized in the petition that the closing of the file against the police, despite all of the facts, legitimizes the dangerous use of force by the police against citizens in general, and demonstrates an almost total disregard for the right to life of Palestinian citizens of the state. Case pending.

**2. In 11/04, Adalah sent a complaint to the army, demanding the launching of a criminal investigation into the circumstances surrounding the shooting and killing of 20 year-old Mr. Tamer Sarsoor by Israeli soldiers in 11/04.** According to eyewitnesses' accounts, Mr. Sarsoor, an Arab citizen of Israel from the village of Kufr Qassem, was shot dead by soldiers at the Qalqilya checkpoint while driving his car. To date, the army has not informed Adalah about whether or not they have opened an investigation into Mr. Sarsoor's death.

#### **3. Cause of Death Investigation 1027/03, In Re. Meteb al-Nebari, Deceased (Beer el-Sabe Magistrate Court):**

In 2004, Adalah continued to represent the brother of Mr. Meteb al-Nebari, an Arab Bedouin citizen of Israel from Tel el-Sabe, who was killed by the Israeli army in the West Bank in 10/03. In 10/03, Adalah filed a motion seeking the appointment of an investigatory judge pursuant to Article 19 of the Investigation into Circumstances of Death Law - 1958 and an autopsy. In parallel to the Court proceedings, Adalah sought a military investigation into the case. The autopsy, ordered by the Court, revealed serious damage to several of Mr. al-Nebari's organs as a result of being shot, wounds to his arm, buttocks, and back, as well as a skull fracture, caused by a blunt injury, probably close to the time of death. Based on the autopsy, in 12/03, Adalah filed a second motion for an investigatory judge, and in 1/04, a motion to examine the bullets extracted from the body, the latter of which was granted. In 3/04, the Court held a hearing on the case at which the state claimed that the case should be examined by the Military Police. The Court ordered the AG to submit an initial report on the military's findings and a decision on whether or not the military is planning to indict the soldiers involved in the death by 4/04. In 6/04, the AG announced that the Military Police had been ordered to open an investigation; in 8/04, Adalah requested the summary operational investigatory report; and in 9/04, the Military Police rejected this request. Case pending.

*Update:* In 3/05, Adalah filed a petition to the Supreme Court to obtain the release of the summary report regarding the killing of al-Nebari. Eighteen months after the killing, the family still has no information from the army on the circumstances of the deceased's death. At a hearing held later in the month, the Supreme Court ruled that the Military Prosecutor must inform the Court and the petitioners within 30 days of decisions made regarding the military's investigation into the case. H.C. 2366/05, *Atallah al-Nebari and Adalah v. The Chief of Staff of the Israeli Army, et. al.*

**4. Criminal Case No. 8200/03, State of Israel v. Arlix Ben Itzhak Digodkar (Beer el-Sabe District Court):**

In 2004, Adalah continued to represent the family of Mr. Nasser el-Keeaan, a 27-year-old Arab Bedouin citizen of Israel from Hura, who was shot and killed by a border police officer in 7/03. Mr. el-Keeaan was shot while in a car with three other people, which was stopped at a traffic light. The Border Police officer claimed that Mr. el-Keeaan tried to hit him with his car. Mahash opened an investigation into the case. In 10/03, the border police officer was indicted for manslaughter under Penal Law 298. Adalah is representing Mr. el-Keeaan's family under the Right of Crime Victims' Law - 2001, pursuant to which a victim's family members have the right to receive the indictment, to attend the hearings, to present arguments against a particular plea bargain offered and/or at sentencing, and to request compensation if the defendant is convicted. In 6/04, the District Court found the border police officer not guilty based on his claim of self-defense. Adalah requested access to Mahash's investigation file. However, following the decision of the State Attorney's office not to appeal the District Court ruling, the border police officer has now submitted a lawsuit against the state for compensation. As long as this lawsuit proceeds, Adalah will not be able to gain access to Mahash's investigation file.

**5. Cause of Death Investigation 1001/04, In Re. Hamad Dibsán, Deceased (Beer el-Sabe Magistrate Court).**

In 1/04, after Adalah's intervention, the AG requested the appointment of an investigatory judge to inquire into the circumstances of the death of Mr. Hamad Dibsán, a 30-year-old Arab Bedouin citizen of Israel from Rahat, who died in 8/03 while in police custody. The family was notified that Mr. Dibsán had committed suicide after he was detained. On behalf of Mr. Dibsán's family, based on the autopsy report, in 8/03, Adalah urged the AG to authorize an investigation into the cause of death, which is not mandatory under Article 19 of the Cause of Death Investigation Law - 1958. After receiving a positive response in 9/03, Adalah then asked the AG to authorize the appointment of an investigatory judge to examine the case; in 1/04, the AG's office filed a motion for this appointment. The AG is the representative of the family in the investigation, but Adalah requested the right of standing before the Court in order to present arguments, which was granted. The first hearing on the case was postponed from 5/04 to 11/04 to 2/05. At the 2/05 hearing, the Court decided that Adalah and the AG's representative must decide what kinds of materials are admissible to the Court as evidence. After receiving these materials, the judge, in her investigatory capacity, will decide how the case will proceed. Case pending.

**6. In 2004, Adalah continued to monitor the investigation into the death of Mr. Moursi Jabali, a 28 year-old Arab citizen of Israel killed by Border Police in 7/03 in Taybeh, near the West Bank town of Tulkarm, and the criminal indictment of the officers responsible.** On the day of Mr. Jabali's killing, a Border Police control car stopped the car in which Mr. Jabali and one companion were traveling, and three policemen started shooting at them inside the car. Mr. Jabali was killed and his companion injured. The police claimed that they suspected Mr. Jabali of being a suicide-bomber and ordered the car to stop; when the car failed to stop, they opened fire. However, an examination of the car revealed that Mr. Jabali was not in the possession of any lethal weapon, nor any other suspicious object. Adalah gathered many affidavits from eyewitnesses who confirm that no warning was issued before shots were fired. Adalah sent a letter to Mahash and the AG in 7/03, requesting the launch of a criminal investigation into Mr. Jabali's death, and for the indictment of the policemen who killed him. Adalah argued that the police's actions constituted criminal offences, including causing death by negligence. Adalah emphasized that the police violated the open fire guidelines as well as their obligations concerning the deadly use of force against citizens. While Mahash opened an investigation into Mr. Jabali's death in 7/03, it has still not released its findings. During 2004, Adalah sent many letters to Mahash inquiring about any developments in the investigation. Case pending.

**7. In 7/04, Adalah requested a criminal investigation into the injury of Mr. Yousef Abou-El-Kea'an, an Arab citizen of Israel, shot by Israeli soldiers in Hebron in 6/04.** The army initially decided to open an internal inquiry regarding the shooting. In 8/04, the army agreed to open a criminal investigation against the soldiers responsible. The investigation started immediately, and was concluded in 11/04. Adalah will decide how to proceed with the case after receiving the results of the investigation. Complaint pending.

**8. In 4/04, Adalah submitted a comprehensive complaint to Mahash, including 15 affidavits gathered from injured individuals and eyewitnesses, copies of medical records and photographs of the events, which involved hundreds of police and security forces entering the Arab village of Beineh in 2/04 in order to demolish a local resident's home.** The security forces used shock and tear gas grenades, assaulted many residents inside their homes, and caused widespread damage to property and livestock. Scores of people, including children, were treated for tear gas inhalation and other serious injuries. Adalah also demanded that Mahash investigate and secure the indictment of anyone found responsible. Adalah argued that these actions violated the constitutional rights of Beineh's inhabitants including their rights to personal freedom, property, dignity, liberty, and privacy, rights guaranteed under both Israeli and international human rights law. Mahash opened an investigation into the events. In 12/04, the police filed an indictment against one individual assaulted by police, accusing him of assaulting, threatening and insulting public officials. The day after the indictment was filed, Adalah asked the Akka Magistrate Court to delay the hearing until Mahash completes its investigation. The Court consented. Complaint pending.

**9. *Crim. Case 3797/03, The State of Israel v. Bilal Lawabni (Nazareth Magistrate Court):***

**In 4/04, Adalah secured the release from house arrest of Mr. Bilal Lawabni, a 28 year-old Arab citizen of Israel, whose brother, Iyad Lawabni, was killed by the police during the October 2000 protest demonstrations, and who was arrested in 9/03 for threatening violence against the police.** Mr. Lawabni's arrest was based on an interview he gave to the Israel TV Channel 10 in 9/03, the day after the Or Commission of Inquiry released its final report and recommendations. The state filed an indictment against Mr. Lawabni on two counts - threatening and threatening murder in writing - and requested his remand until the end of trial. The Court agreed to the state's request. Later in 9/03, Adalah filed a motion for re-consideration; the Court granted the request and released him to house arrest. In preliminary arguments submitted in 10/03, Adalah contended that Mr. Lawabni had not committed any crime, and that the statements made by Mr. Lawabni should be placed in context, considering their circumstances and timing. Furthermore, Adalah argued that Mr. Lawabni's televised statements did not constitute a threat made in writing. From 1/04, Adalah filed repeated motions to the Court after the prosecution refused to release him from house arrest, all of which were dismissed. At a meeting held with the prosecution, Adalah asked that a probation officer be appointed to consider Mr. Lawabni's case; in 4/04, the probation officer recommended that Mr. Lawabni should not be imprisoned. A plea bargain was then negotiated, which was accepted by the Court, following which Mr. Lawabni was released from house arrest.

**10. *Criminal Case No. 4552/04, State of Israel v. Naji Dada and Ateth Dada (Beer el-Sabe Magistrate Court):***

**In 2004, Adalah continued to represent Mr. Naji and Mr. Ateth Dada, Arab Bedouin citizens of Israel from Kessife. In 3/02, the brothers were indicted for assaulting police officers, after being beaten by the police.** The Dada brothers had been transporting their elderly father to hospital when they noticed they were being followed by another car. Upon their arrival at the hospital parking lot a fight broke out between the brothers and the men from the second car. According to the Dada brothers, the individuals in the other, unmarked car did not identify themselves as police officers. The police officers claimed that, although they were dressed in plain clothes, they were wearing police caps when they exited the car, and that when they approached the Dada brothers assaulted them with their father's crutch. In 11/04, the State Attorney dismissed Adalah's appeal against Mahash's decision to close the file against the police.

*Update:* In 1/05, the Dada brothers pled guilty to assaulting police, threats, and insulting a police officer, for which they received a conditional sentence: no jail time, no community service and no fine, provided that they are not convicted of any similar offenses in the next three years. Should they be convicted of other similar offenses, they will be sentenced for this offense to six months in prison.

***Criminalization of Political Dissent***

Adalah continued its representations on 2 cases involving the criminalization of political dissent.

**1. *H.C. 11225/03, MK Azmi Bishara, et. al. v. Attorney General, et. al. (Supreme Court):***

**In 11/04, the Supreme Court decided that the issue of MK Dr. Azmi Bishara's parliamentary immunity must be resolved pre-trial.** The decision came at the first hearing on a petition filed by Adalah in 12/03 against the Knesset, the Attorney General (AG) and the Nazareth Magistrate Court

following the Magistrate Court's decision of 11/03 not to dismiss the indictment against MK Bishara, head of the National Democratic Assembly party (NDA), in the political speeches case. The petition seeks a ruling by the Supreme Court on the issue of immunity.

At the hearing, the Supreme Court determined, as Adalah had argued, that the issue of MK Bishara's immunity must be resolved pre-trial. The Court suggested that the AG should choose one of two tracks: either the case should be sent back to the Magistrate Court to decide on the status of MK Bishara's parliamentary immunity, or the Supreme Court will give the final decision on this issue. Chief Justice Barak stated that the petition raised a very important substantive subject and emphasized that prior Supreme Court decisions on cases concerning political speech clearly established that political speech is protected speech. MK Bishara is charged under emergency regulations with two counts of allegedly "supporting a terrorist organization," namely Hezbollah, based on public political speeches he made in Kardaha, Syria in 6/01 and Umm al-Fahem, Israel in 6/00 in violation of the Prevention of Terrorism Ordinance – 1948. The petition demands that: (i) the Knesset cancel its 11/01 decision to revoke MK Bishara's immunity from prosecution; (ii) the AG cancel the indictment; and (iii) the Magistrate Court stop all criminal proceedings as long as no final decision has been made on the status of MK Bishara's parliamentary immunity.

In the petition, Adalah argued that the indictment is legally flawed, particularly on the issue of immunity, which is a *per se* matter of law and must be decided pre-trial. Adalah argued that there is no legal basis for lifting MK Bishara's immunity, emphasizing that this is the first time since 1948 that an MK has been stripped of immunity for voicing political dissent. In the two public political speeches, MK Bishara analyzed the factors that led to the end of the Israeli occupation of South Lebanon and spoke about the realities of the continued Israeli occupation of the Palestinian territories. Adalah argued that both speeches fall within the scope of MK Bishara's parliamentary immunity and constitute classical political speech, which enjoy full legal protection. The political speeches were made in MK Bishara's fulfillment of his role as an elected political representative, and as such, he cannot be criminally prosecuted for expressing opinions in accordance with the political party agenda on which he was elected. In addition, MK Bishara made identical speeches in the Knesset, for which no indictments were sought, prior to his delivery of the Umm al-Fahem and Syria speeches.

According to a 1/04 decision of the Inter-Parliamentary Union's (IPU) Committee on the Human Rights of Parliamentarians in MK Bishara's case, "Deciding upon the question of immunity at the end of a trial is legal absurdity, as it wholly defeats the purpose of immunity." The IPU is an international organization of 130 national parliaments worldwide, including Israel's Knesset.

*Update:* In 2/05, the AG decided that the Supreme Court is the appropriate venue for deciding on this matter. To date no hearing has been scheduled. Case pending.

*Update:* Throughout 2004, Adalah also continued to represent two of MK Bishara's parliamentary assistants in the "Syria Visits" case. In this case, MK Bishara and his two aides were charged under Article 18(d) of the Emergency Regulations (Foreign Travel) (1948) for organizing a series of visits for elderly Palestinian citizens of Israel to travel to Syria to visit refugee relatives they had not seen since 1948. On 1 April 2003, the Magistrate Court unanimously decided to dismiss the indictment against MK Bishara, accepting Adalah's argument that Article 17(c) of the Emergency Regulations exempts MKs from prosecution for this offense. The Court, however, refused to dismiss the indictments pending against MK Bishara's two parliamentary assistants, finding that the immunity of an MK does not protect his aides. The AG rejected Adalah's request to dismiss the indictments against them for lack of public interest and in the interests of justice. At Adalah's request, the prosecutor agreed to assign a probation officer, who recommended in 4/04 that they should not be convicted. Case pending.

## **2. Criminal Case No. 2078/02, State of Israel v. Abd al-Kareem al-Ataika et. al. (Beer el-Sabe Magistrate Court):**

**In 12/04, after lengthy evidentiary hearings were held in 2003 and 2004, the Court granted Adalah's motions to suppress two videotapes of the 2002 Yum El-Ard demonstrations from evidence.** Adalah had challenged the authenticity of the videotapes. Based on these rulings, the prosecutor had to decide whether or not the state can proceed with the criminal cases against three Arab political activists - Mr. Abd Al-Kareem al-Ataika, Mr. Wa'dia al-Atawna and Mr. Mohammed Mahajni - on charges relating the Yum El-Ard demonstrations, which took place in the Naqab in 3/02. The three men represented by Adalah were indicted in 4/02 for sedition and supporting a terrorist organization for alleged statements made in support of Hezbollah and Palestinian resistance organizations during the protest demonstrations. From 7/02-12/02, Adalah filed motions for the re-

consideration of their restrictive conditions of detention or release under house arrest; held several meetings with prosecutors and the police to obtain police reports; and held numerous meetings with the individuals and their families, as well as with the Committee for the Defense of the Land Day Detainees. **In 1/05, the Beer el-Sabe Magistrate Court acquitted the men of all the charges against them.**

### ***Prisoners' and Detainees' Rights***

This section highlights **11** legal representations and other interventions undertaken by Adalah in 2004 to protect the rights of prisoners and detainees. Adalah's work in this regard focuses primarily on the conditions of confinement of Palestinian political prisoners and detainees (both citizens of Israel and residents of the Occupied Territories incarcerated in Israel), classified under Israeli law as security prisoners or detainees.

In 2004, in the context of the **hunger strike** staged by thousands of prisoners and detainees held in Israeli prisons and detention facilities in 8/04 against their deplorable conditions of confinement, Adalah undertook the following legal representations:

#### ***1. H.C. 7867/04, Fida Kawaer, et. al. v. Israel Prison Service (Supreme Court):***

**In 9/04, the Supreme Court decided - for the first time - that the right of prisoners to meet with their lawyers is guaranteed, including those taking part in a hunger strike, following a petition filed by Adalah and ACRI.** The petition, submitted in 8/04, was submitted after the Israel Prison Service (IPS) began preventing attorneys from visiting prisoners taking part in the hunger strike begun in 8/04. The petitioners argued that the prevention of meetings between attorneys and hunger-striking prisoners and detainees has no legal basis, contradicts existing laws, and constitutes illegal punishment. Further, obstructing such meetings violates prisoners' basic right to legal counsel, their constitutional rights to life, bodily integrity and dignity, in addition to the right to access to the courts. In some cases, attorneys were denied access to non-striking prisoners. **The Court also decided that cases of the IPS barring such meetings during the hunger strike were illegal, by the admission of the state's own representative.**

#### ***2. H.C. 7585/04, Hakeem Kana'ni, et. al. v. Israel Prison Service (Supreme Court):***

**In 8/04, Adalah filed a petition demanding an order instructing the IPS to allow children of political prisoners, classified by the IPS as security prisoners, physical contact with their incarcerated parents during visits.** Adalah argued that Israeli law allows any prisoner and detainee to receive family visits, and does not distinguish between their classification (criminal or security) over visitation rights. Adalah contended that the IPS's decision is illegal, since the IPS is not authorized to introduce such limitations: the decision infringes the constitutional right to dignity; contradicts and neglects the principle of acting in the best interests of the child; is discriminatory; and constitutes illegal and collective punishment. The IPS responded in 11/04 that it will allow physical contact between so-called security prisoners and their children only as an exception, according to individual circumstances. The IPS emphasized that the restrictions placed on physical contact are due to security considerations, including attempts to smuggle items into the prisons through the children. The IPS's response made no mention of children's rights, focusing only on the IPS regulation which enables the restriction of physical contact.

*Update:* At a hearing on the case held in 3/05, the Court ordered the IPS to explain the reasons behind the prevention of children from having physical contact with their incarcerated parents other than in exceptional circumstances. The Court's order also obliges the IPS to draw up a complete list of the criteria which apply for the permitting of such contact. The Court gave the IPS three months to submit its detailed response. Case pending.

#### ***3. H.C. 7837/04, Lila Bourgal, et. al. v. Israel Prison Service, et. al. (Supreme Court):***

**In 8/04, Adalah petitioned the Supreme Court to compel the IPS to explain why salt was not being provided on a daily basis to hunger-striking prisoners.** Although the thousands of Palestinian political prisoners who participated in the strike stated that the strike would involve refusing food, not fluids and salt, the IPS confiscated salt from their cells. The IPS claimed that the confiscation of salt was a disciplinary measure taken against the hunger strike, classified as a disciplinary offence by IPS Order - 1971. The petition argued that depriving prisoners of salt on a daily basis is illegal, as it

breaches their constitutional rights to bodily integrity and dignity, and their rights to health and personal autonomy, which are guaranteed even when on hunger strike. Adalah also argued that the confiscation of salt represents an overly-broad and thus illegal punishment. In 9/04, the Supreme Court decided that the IPS's decision to confiscate salt from hunger-striking prisoners was reasonable. The Court's decision contradicted expert medical opinions included in the petition, which stated that not ingesting salt in daily drinking water is a serious health risk. The Court failed to address the issue of illegal and overly-broad punishment. Further, as Adalah argued during the hearing, even if the hunger strike is considered as a violation of the IPS's regulations, the confiscation of salt is not recognized in the regulations as a legal punishment.

**4. In 8/04, Adalah sent a letter to the Head of the IPS, protesting against the violation of Marwan Barghouti's rights to privacy and dignity.** Following the broadcasting of photographs of Marwan Barghouti taken while eating in his cell during the hunger strike in a state of semi-undress, Adalah sent a letter to the Head of the IPS, arguing that the broadcasting of the photographs violates Mr. Barghouti's rights to dignity and privacy, and requested to be informed about whom was responsible for their broadcast. Adalah emphasized that the exploitation of the photographs of Mr. Barghouti as a means of aborting the prisoners' hunger strike is illegal. In 9/04, Adalah received a response in which the IPS stated that the photographs were broadcast for the sake of public interest.

***During 2004, Adalah also undertook the following interventions in defense of prisoners' and detainees' rights:***

**5. In 12/04, Adalah sent a letter to the Minister of Internal Security, demanding the cancellation of a regulation that discriminates between detainees classified as security and criminal detainees in their conditions of confinement.** The regulation permits the imposition of harsher conditions of confinement on persons classified as security detainees simply because they are alleged to have committed offenses defined as security offenses under the Criminal Procedure Law (Enforcement-Detention) - 1996. Adalah argued that the discrimination is unreasonable and irrational, particularly since all of the detainees are merely suspected of having committed offenses; none has been convicted or sentenced. The regulation stipulates, for example, that individuals classified as security detainees are not entitled to a daily walk in the open air, and are not entitled to use the telephone, even to call their attorney; individuals classified as criminal detainees, by contrast, are permitted a daily hour-long walk in the open air, and to make a daily telephone call to their attorneys. Adalah argued that these disparities exhibit gross discrimination, flagrantly contradict the Criminal Procedure Law, and severely violate the fundamental rights of thousands of detainees, including their right to dignity, personal freedom and fair and minimal living conditions in detention. The principle of equality is fundamental, Adalah argued, and all governmental agencies must comply with it.

**6. In 11/04, Adalah filed a pre-petition to the AG's Office in the name of the father of a political prisoner sentenced to life imprisonment, who has not seen his son for eight years.** The Israeli army has refused to grant the prisoner's father, a resident of the Occupied Palestinian Territories, a permit to enter Israel to visit his son. In response to the pre-petition and the involvement of the AG's Office, the army replied that, in accordance with a new procedure, the father could resubmit an application to visit his son, and that it will reconsider his request. No final decision has been made.

*During the last year, Adalah has intervened in many cases involving the denial of family visits to Palestinians from the OPTs imprisoned in Israel. Following interventions by Adalah, as well as many other Palestinian and Israeli human rights organizations, the IPS cancelled its decision to punish political prisoners by denying them their right to receive visits from their families, and the prisoners have been able to receive visits from some members of their families.*

**7. In 7/04, following a letter of complaint sent by Adalah to the AG and the IPS, the IPS informed Adalah that an order had been issued by the Head of the IPS banning the routine strip-searching of prisoners visiting the prison doctor or dentist.** In the letter, Adalah demanded that the AG and the IPS instruct all prison guards and wardens to refrain from illegally strip-searching and resorting to physical violence against prisoners and detainees, in particular those classified by the IPS as "security prisoners." Political prisoners who had recently requested to see a prison physician or dentist had been unjustifiably ordered to strip naked. At the time Adalah sent the letter, the practice of ordering illegal strip searches of prisoners had become widespread and systematic. In the letter, Adalah stressed that strip searches gravely breach prisoners' rights to dignity and privacy. Adalah added that initiating a policy according to which any prisoner who asks to be seen by a physician or dentist must remove his clothes is blatantly illegal. Moreover, it is evident that as soon as prisoners raise objections, they are stripped and violently assaulted by prison guards.

In 7/04, the Ministry of Justice responded that representatives of the AG's office would visit Shata and Gilboa prisons to investigate the matter, meet the prisoners and listen to their complaints. In 7/04, Adalah received a letter from the IPS which stated that the Head of the IPS had issued an order to ban this policy on a regular basis, and that such searches would only be carried out in cases where there is reason to believe that a prisoner is concealing a prohibited item on his person. Prisoners later confirmed to Adalah that the policy had indeed been discontinued. In 9/04, the Ministry of Justice sent a further letter, confirming that the AG had intervened in the case, by appointing a committee who met prisoners and detainees.

**8. In 7/04, Adalah wrote to the IPS Commissioner, demanding the rescinding of an order to prevent all prisoners classified as "security prisoners" from the Occupied Palestinian Territories from taking the Palestinian Authority matriculation examinations.** Adalah demanded the cancellation of the order, which came into force after one of the examination supervisors attempted to smuggle a cellular phone to a security-classified prisoner. Adalah argued in the letter that the IPS's order constitutes collective punishment and is completely illegal, since the principle of punishing the perpetrator of a crime is the foundation of criminal law. In this case, the prisoners affected by the order did not commit any crime. Moreover, the order denies the prisoners their basic right to education, as well as gravely infringes their rights to personal freedom, self-autonomy and dignity and, since any order which denies basic rights must be based on primary legislation, the IPS Commissioner's order is therefore unlawful. Adalah's letter further stressed that the order prevents pursuing higher education, and harms their future chances for reintegrating into society. In 8/04, the IPS wrote to Adalah stating that they had considered preventing prisoners from the OPTs from taking the PA matriculation examinations, but that no final decision had been taken on the matter. Prisoners have since been able to take the examinations.

**9. In 5/04, Adalah sent a letter to the AG demanding that he compel the General Security Services (GSS) to record all interrogations of suspects held in GSS facilities including a literal, verbatim transcription of the entire texts of statements, made without amendment and in the language in which they were given.** The letter was sent upon the release of three Arab youths from the village of Kufir Kana, who were detained for ten months on murder charges. The three young men were indicted for their alleged involvement in the murder of an Israeli soldier last year, mainly on the basis of a confession coerced from one of them by the GSS. It only later transpired that the confession was obtained by illegal means, including the use of force, and was completely false. Adalah argued that the GSS routinely uses illegal interrogation methods, including psychological pressure, physical violence and sleep deprivation. The lack of recording contravenes all procedures required by law regarding the submission of evidence and confessions and which apply, for example, to the police. Further, the lack of full documentation of GSS interrogations may result in the unjust conviction and sentencing of innocent people to life imprisonment. Moreover, the interrogators write down the suspects' statements without fully or even partially recording the methods of investigation used. These transcripts are then forwarded to the police, who rely on the confessions extracted by GSS in their own interrogations. Adalah argued that coerced confessions obtained by the GSS are presented to the courts as fully corroborated statements with which to convict the accused. The gravity of these violations of rights cannot be underestimated, especially since Israeli law permits the conviction of an individual on the basis of his or her confession with minimal corroboration.

In 8/04, the legal advisor of the Ministry of Internal Security wrote to Adalah, stating that the ministry is now working on a new set of regulations to govern the duties and obligations of the police during interrogations, but made no mention of the GSS. Adalah sent subsequent letters in 11/04 and 1/05 to the legal advisor, the Minister of Internal Security and the Prime Minister, asking for information about regulations governing GSS interrogations.

**10. Criminal Motion 3582/04, State of Israel v. Muhammed Kannaneh, et. al. (Haifa District Court); Criminal Motion 3316/04, 3325/04, 3326/04, Sahar Abdoo, et. al., v. State of Israel (Haifa District Court); Criminal Motion 3386/04, Malek Abou Ali v. State of Israel (Haifa District Court).**

**Prisoner's Petition 374/04, Muhammed Kannaneh, et. al., v. Commander of Kishon Detention Center et. al. (Haifa District Court).**

**Detention Motion 1652/04, 1654/04, State of Israel v. Muhammed Kannaneh, et. al. (Akko Magistrate Court); Detention Motion 1382/04, State of Israel v. Sahar Abdoo (Akko Magistrate Court).**

**Between 2/04 and 4/04, Adalah, with private lawyers, represented the General Secretary of Abna al-Balad, Mr. Muhammed Kannaneh, and three other political activists from the extra-parliamentary movement, before the Magistrate, District and Supreme Court after they were severely deprived of their basic rights during detention.** The leader of Abna al-Balad and the activists were arrested in 2/04, held without charge, subjected to intensive and brutal interrogations by the GSS, and prevented from meeting with their families or with their attorneys for 18-21 days. A total gag order was issued on the cases, which was not lifted until 3/04, when two of the four - Mr. Malek Abu-Ali and Ms. Sahar Abdoo - were released. After being indicted for alleged security offenses in 3/04, Mr. Muhammed Kannaneh and his brother, Mr. Majed Kannaneh, were detained under cruel, inhumane, and degrading conditions in GSS cell blocks. Adalah filed numerous motions to the courts to secure their release from detention, acquire information about and improve the conditions of their confinement to meet the standards of domestic and international law, obtain medical treatment for the men, and lift the orders prohibiting meetings with counsel and the publication of information on the case. 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, Muhammed and Majed Kannaneh, the two remaining detainees, were transferred from GSS cell blocks to another prison facility. *They were represented by private lawyers on the indictments, and in late 2004, they were convicted of security offenses and sentenced.*

**11. In 2004, Adalah continued to monitor the investigation and demand the indictment of prison guards responsible for assaulting Mr. Ibrahim Saleh.** Mr. Saleh was severely beaten by five prison guards in Shata prison in 7/03, after refusing to take off his underwear during a body search. Mr. Saleh's affidavit, given to Adalah, indicates that, following his refusal to do as he was ordered, he was brutally beaten all over his body by the guards, causing him to lose consciousness. He also suffered severe bruises to his ear, neck, head and back. In 9/03, Adalah filed a complaint requesting an investigation into the incident, and the indictment of the prison guards to the Head of the IPS, Minister of Internal Security and AG. The IPS agreed to open an investigation in 10/03, with the involvement of the police. During 2003 and 2004, Adalah sent many letters to the Bet Shean police station regarding the indictment of the prison guards. In 1/04, the Bet Shean police informed Adalah that the prosecution must decide whether or not to indict the guards. After contacting the police and the prosecution several times, in a letter sent to Adalah in 12/04, the Bet Shean police stated that the prosecution is still dealing with the investigation.

## **F. International Humanitarian Law**

Adalah filed 1 new petition and continued its representation on 1 pending case before the Supreme Court challenging Israeli military operations against Palestinian civilians in the 1967 Occupied Palestinian Territories (OPTs).

### **1. H.C. 3799/02, Adalah, et. al. v. Yitzhak Eitan, Commander of the Israeli Army in the West Bank, et. al. (Supreme Court):**

**In 9/04, the Supreme Court criticized the "prior warning order" allowing the Israeli army to use Palestinian civilians in military operations to conduct an arrest,** during a hearing held pursuant to a petition filed in 5/02, a motion for injunction submitted in 4/04, and a motion for contempt of court against the Israeli army filed in 8/04 by Adalah in its own name and on behalf of six Palestinian and Israeli human rights organizations in the "human shields" case. During the second Intifada, the Israeli army has used Palestinian civilians as human shields and/or as hostages during the course of military operations in the OPTs. Israeli soldiers have forced Palestinian civilians to: (i) enter buildings to check if they are booby-trapped; (ii) remove suspicious objects from roads used by the army; (iii) stand inside houses where soldiers have set up military positions, so that Palestinians will not fire at the soldiers; (iv) walk in front of soldiers to shield them from gunfire, while the soldiers hold a gun behind their backs and sometimes fire over their shoulders; and (v) remain tied to military jeeps at which stones are being thrown by protestors.

According to the "prior warning order", the Israeli army claims that Palestinian civilians may be used during military operations, if they "do not refuse to assist," and the commander in the field determines that there is no danger to the individual's life. Adalah argued that international humanitarian law absolutely prohibits an occupying power from using civilians - who are a protected population in an occupied territory - in military operations. The Court also suggested that the military waive the order, stating that, in the overwhelming majority of cases, Palestinian civilians would not agree to assist and, if they did, it would be out of fear of the army. At the 9/04 hearing, the Court ordered the army to notify

the Court about how the order is implemented in the field. Case pending. See also: Adalah Briefing Paper, *The Use of Palestinian Civilians as Human Shields by the Israeli Army*, February 2005.

**2. H.C. 4969/04, Adalah et. al. v. Moshe Kaplinski, IDF Major General, Central Command et. al. (Supreme Court):**

**At a hearing held in 10/04, the Supreme Court emphasized the scathingly critical UN and international human rights organizations' reports on the Israeli military's home demolition practices provided to the Court by the petitioners in their legal filings.** The Court also expressed its disappointment with the insufficient detail provided by the state in its response to a petition submitted by Adalah together with the Palestinian Center for Human Rights – Gaza and Al Haq in 5/04. The petitioners' request that the Court define - for the first time - the concept of "absolute military necessity," used by the army to justify its policy of home demolitions in Rafah and throughout the 1967 Occupied Palestinian Territories, and subsequently, filed numerous related motions for injunction to prevent further demolitions in southern Rafah. The context for the petition was the Israeli army's wide-scale offensive in Rafah, Gaza in 5/04, which created a humanitarian disaster: the Israeli military killed almost 50 Palestinians, mainly civilians, injured over 130, and demolished dozens of homes.

During the offensive, Adalah also wrote letters in 5/04 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 also placed an advertisement in *Ha'aretz*, which cited a ruling from the International Criminal Tribunal for the Former Yugoslavia (ICTY), highlighting its relevance for the Israeli military's actions in Rafah, and joined a further advertisement in 5/04 placed by eight other human rights organizations in the Hebrew and English versions of *Ha'aretz*, criticizing the Israeli military's operations in Gaza, and the Supreme Court's approval.

*Update:* In 1/05, the petitioners submitted a new legal filing identifying three patterns of home demolitions to illustrate how the Israeli army's extensive destruction of civilian property throughout the OPTs violates international humanitarian law and cannot be justified under the "absolute military necessity" exception. The petitioners requested that the Supreme Court issue an *order nisi*. Case pending. See also: Adalah Briefing Paper, *The Israeli Army's Exploitation of the 'Absolute Military Necessity' Exception to Justify its Policy of Home Demolitions in the 1967 Occupied Palestinian Territories*, October 2004, updated February 2005.

## **The Official Commission of Inquiry into the October 2000 Protest Demonstrations**

The Commission released its final report in 9/03. This 831-page document marks the culmination of the Commission's three-year investigation into the October 2000 demonstrations, which resulted in the killing of 13 Palestinian citizens of Israel and the injury of hundreds of others by the police. The Commission's final report presented conclusions and recommendations regarding the responsibility of executive branch officials and Arab elected public representatives for the events of October 2000. Adalah represented the Arab victims' families, as well as the three Arab leaders who received letters of warning, before the Commission. **In 2004, Adalah continued its efforts to secure the implementation of the recommendations and conclusions of the Commission.** See *Adalah's Official Position Regarding the Or Commission of Inquiry Report, issued 4 September 2003*.

Adalah's main activities in 2004 included:

- On behalf of the victims' families, Adalah continued to correspond with the Ministry of Justice's Police Investigation Unit ("Mahash") and the AG, **demanding that Mahash implement the Commission's recommendations and open criminal investigations** into those responsible for the killings of 13 unarmed Arab citizens of Israel in October 2000.
- In 6/04, the government-appointed Ministerial Committee published its overdue report on the implementation of the Commission's recommendations. In 6/04, Adalah prepared and submitted a **position paper** arguing that the report did not relate to the failure to indict any of the police officers or commanders involved in the events, nor to any of the Commission's recommendations on the principle of just land distribution to Arab citizens of Israel. The paper also analyzed and critiqued the report's proposals for the advancement of the Arab minority.

- In 10/04, Adalah, the High Follow-Up Committee for the Arab Citizens in Israel, and the Victims' Families Committee held a **conference entitled "October 2000: A Memory for Protest"** in commemoration of the fourth anniversary of the events, and placed a **protest advertisement** in the Hebrew edition of *Ha'aretz*, criticizing the failure of Mahash to recommend the indictment of police officers involved in the killings. (See Legal Education section for more details).
- In 10/04, Adalah accepted the legal representation of the family of 17 year-old Asil Asleh, from the Arab village of Arrabeh. Asil was killed by police in October 2000. After four years, Mahash submitted a motion to the Magistrate Court in Akka (Acre) seeking the appointment of an investigatory judge in an attempt to exhume Asil's body for purposes of autopsy. The Asleh family is vehemently opposed to the exhumation and autopsy. Case pending.

## **II. INTERNATIONAL LEGAL ADVOCACY**

This section highlights Adalah's wide range of **international legal advocacy** initiatives in 2004. Through this work, Adalah strives to promote compliance by Israel with its international human rights treaty obligations and agreements and to raise awareness among the international community about the institutionalized discrimination against Palestinian citizens of Israel in order to most effectively protect rights on the national level. This section is organized under the following two headings: A. UN/EU/Embassies; and B. International Human Rights Organizations/Law Schools.

Adalah's **main achievements** include:

- Before the UN, obtaining the second UN CERD decision in two years calling on Israel to revoke the Nationality and Entry into Law (Temporary Order) – 2003, and submitting interventions/reports to human rights bodies for the first time – the UN Commission on Human Rights and the UN Working Group on Indigenous Populations.
- Before the EU, strengthening our connection and work with the Euro-Mediterranean Human Rights Network by active membership in the Working Group on Palestine, contributing research materials for EU advocacy publications, and participating in conferences.
- Building new relationships and deepening existing US contacts with universities, law schools, Middle East Institutes, human rights organizations, law professors, journalists and donors during a US advocacy and outreach visit. Throughout the year, Adalah exchanged legal research and information with many colleagues from these law schools and organizations.

### ***Planned 2004:***

Research and submit 3-5 new reports and/or other interventions to UN/EU bodies; participate in /conduct 5-10 activities with international human rights NGOs, networks and law schools.

### ***Achieved 2004:***

During 2004, Adalah submitted **7** new interventions to UN human rights bodies and EU institutions, and regularly provided information to foreign embassies in Israel. Adalah also conducted **more than 10** activities with international human rights NGOs, networks, and law schools/universities abroad. **Adalah's activities are summarized below, along with favorable outcomes achieved.**

## **A. United Nations / European Union / Embassies**

**1. Written Intervention to UN Commission on Human Rights on Item 6: Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination – February 2004.** Jointly prepared with Al-Haq and the Palestinian Centre for Human Rights – Gaza (PCHR), this intervention focused on the illegality of the Nationality and Entry into Israel Law (Temporary Order) – 2003, which prohibits Palestinians from the 1967 Occupied Territories married to Israeli citizens from obtaining any residency or citizenship status in Israel. It was submitted for the 60<sup>th</sup> Session of the UN Commission on Human Rights held in Geneva. No resolution was issued. This was Adalah's first submission to the UN Commission on Human Rights.

**2. Adalah Report to the UN Working Group on Indigenous Populations (UNWGIP), "Land Rights and the Indigenous Palestinian Arab Citizens of Israel: Recent Cases in Law, Land and Planning" – April 2004.** This report was submitted to the UNWGIP as a contribution to a UN working paper on the principle of free, prior and informed consent of indigenous populations in relation to development affecting their lands and natural resources. The report detailed Adalah's recent cases in law, land and planning under the themes of discrimination in land allocation, discrimination and injustice in land planning, and dispossession and displacement. This was Adalah's first submission to the UNWGIP.

**3. Testimony to the UN Special Committee to Investigate Israeli Practices Affecting Human Rights of the Palestinian People and Other Arabs of the Occupied Territories – May 2004.** Adalah Attorney Marwan Dalal testified before the special committee in Cairo, Egypt on the Israeli army's practices of home demolitions, the use of Palestinian civilians as human shields, and targeted assassinations conducted in the Occupied Territories as well as analyzed the Israeli Supreme Court's review of these operations. The Committee issued its report on 23 September 2004, which was presented to the UN General Assembly. [Supported by the UN]

**4. Letter to the Counsellor of the Delegation of the European Commission to the State of Israel, Request for EU Statement Urging Israel to Cancel the Discriminatory Citizenship Law – 4 August 2004.** In the letter, Adalah asked the EC delegation to consider issuing a public statement with a view to declaring the Nationality and Entry into Israel Law (Temporary Order) – 2003 (as extended in 7/04) in violation of international human rights law, and urging Israel to cancel the extension of the law as well as to reconsider its discriminatory family unification policy. The response of 18 August 2004, stated that the EC, "... taking into account the opinions of the UN Human Rights Committee and the UN Committee on the Elimination of Racial Discrimination, has reiterated its concerns to the Israeli authorities making references to Israel's obligations both under the Euro-Mediterranean Association Agreement and under international human rights conventions to which it is party. The Nationality and Entry Law is also one of the issues that the Commission keeps in mind in the broader context of the EU-Israel relations for example the on-going discussions on the European Neighbourhood Policy."

**5. Urgent Action to the UN Committee on the Elimination of Racial Discrimination (CERD) – August 2004.** In 8/04, Adalah, together with FIDH and B'Tselem, prepared and submitted an appeal, utilizing the urgent action procedure of the UN CERD, for the second time, regarding the Nationality and Entry into Israel Law (Temporary Order) – 2003 (extended for six months in 7/04). As it did in 2003, the UN CERD once again called upon Israel to revoke the discriminatory law banning family unification of Palestinians from the OPTs married to Israeli citizens.

**6. Briefing Paper, "The Israeli Army's Exploitation of the 'Absolute Military Necessity' Exception to Justify its Policy of Home Demolitions in the Occupied Palestinian Territories" – October 2004.** Since the outbreak of the second Intifada in September 2000, the Israeli army has executed extensive home demolitions throughout the OPTs. The Israeli army's policy of home demolitions was evidenced most recently during its military operations in the Gaza Strip, where an estimated 120 houses were razed each month between January and September 2004, rendering approximately 10,800 Palestinians homeless. Hundreds more homes in Gaza have been partially destroyed. To justify its policy of home demolitions, the Israeli military has relied upon the "absolute military necessity" exception to the basic principle in international law prohibiting the destruction of civilian property during military operations. Adalah's position is that the Israeli military knowingly exploits the "absolute military necessity" exception, and that the scale of the demolitions constitutes a war crime. In May 2004, Adalah, in cooperation with the PCHR and Al-Haq, filed a petition to the Supreme Court asking the Court to define, for the first time, the legal parameters of the term "absolute military necessity," in accordance with international humanitarian law, the Rome Statute of the International Criminal Court (ICC), and recent decisions of the International Criminal Tribunal for the Former Yugoslavia (ICTY), in order to prevent any further illegal demolitions of Palestinian homes. The briefing paper, which was distributed widely to UN and EU bodies, outlines the petitioners' arguments, the state's responses, and other case developments before the Supreme Court.

**7. Report of the Euro-Mediterranean Human Rights Network (EMHRN), "A Human Rights Review on the EU and Israel – Relating Commitments to Actions 2003-2004" - December 2004.** The report examines the European Union's positions and responses to Israeli violations of international law in the Occupied Palestinian Territories (OPT), and its commitments to respect and promote human rights in relation to its actions vis-a-vis Israel. It constitutes the EMHRN's first annual assessment of EU compliance with its own human rights commitments in its relations with Israel, a third country in the Barcelona Process. Focusing on events and developments from July 2003 to September 2004, the review presents several instances where Israel's implementation of its agreements with the EU has been based on its rejection of its key international obligations as an occupying power, and as a state of all its citizens, and in violation of the agreements themselves. Moreover, the report demonstrates how the EU may have actually facilitated Israel's violations of international human rights and humanitarian law by the way in which the EU conducts its own dealings with Israel.

Adalah has been a member of the EMHRN since 1999. EMHRN is a network of 80 human rights organisations based in Europe, the Middle East, and North Africa that work on the promotion and protection of universal human rights values. Adalah as a member of the EMHRN's Working Group on Palestine, which commissioned this report, contributed some research materials for its preparation.

**8. UN Committee on the Elimination of Discrimination Against Women (UN CEDAW), Coalition Member of the Working Group on the Status of Palestinian Women Citizens of Israel - 2004.** The coalition is comprised of Palestinian human rights and women's rights organizations in Israel, including: Adalah, Altufula: Pedagogical and Multipurpose Women's Center, the Arab Association for Human Rights (HRA), Kayan: A Feminist Organization, Maan: The Forum of Bedouin Women, and

Women Against Violence (WAV). The coalition held several meetings throughout 2004 in order to prepare a series of advocacy reports and to participate in the CEDAW Committee pre-session meetings in 1/05, and its full session to review Israel's compliance with the convention in 7/05. Adalah Int'l Advocacy Director Rina Rosenberg is a member of the Steering Committee, Financial Committee, and Drafting Committee of the coalition.

**9. Embassies in Israel.** Adalah staff members met on request with embassy personnel and members of parliament/foreign ministries visiting Israel from countries including the United States, Britain, Ireland, Germany, France, Finland, South Africa, Switzerland and the Netherlands as well as members of the European Parliament and staff of the Delegation of the European Commission. During these meetings and consultations, Adalah staff provided information about recent litigation undertaken by the organization, and offered analysis on government decisions and plans, new Knesset bills and laws, and Supreme Court judgments. Adalah also provided research and documentation for various US, EU, and other national government human rights reports on Israel.

**US State Department International Visitor Project:** Adalah Attorney Abeer Baker took part in this 18-day program in 6/04 in the US entitled "Human Rights Awareness," organized by the US State Department. The program was designed to introduce Arab lawyers and human rights leaders from around the world to US government institutions, Congressional representatives and local political leaders, civil rights/human rights NGOs and policy institutes, and major newspaper editors and writers. [Supported by the US Embassy]

## **B. International Human Rights Organizations/Law Schools**

In 2004, Adalah worked with international human rights NGO partners and regional networks by providing legal information and analysis for reports and campaigns; hosting delegations, observer missions, and NGO field researchers; and participating in and presenting at international NGO conferences and law schools/universities abroad. Adalah is a member of the Euro-Mediterranean Human Rights Network (EMHRN), the International Federation for Human Rights (FIDH), and Habitat International Coalition, and also works closely with Human Rights Watch (HRW), Amnesty International (AI), and the World Organization against Torture (OMCT) on specific advocacy initiatives.

**1. US Advocacy and Outreach Visit.** In 1/04-2/04, Adalah General Director Hassan Jabareen, Adalah Attorney Marwan Dalal, and Adalah Int'l Advocacy Director Rina Rosenberg embarked upon a US Advocacy and Outreach Tour. They gave lectures before students and faculty of numerous **universities, law schools, and Middle East institutes** including New York University Law School (Global Scholars Program), City University of New York Graduate Center (Ralph Bunch Institute and the Middle East Center), the University of Virginia Law School, and the Center for Policy Analysis on Palestine. They also held strategic meetings and discussions with staff of **international human rights organizations** including the International Center for Transitional Justice – Middle East and North Africa Section; the American Civil Liberties Union; Human Rights Watch; and Human Rights First. They also met with donors, law professors, members of the National Lawyers' Guild, and journalists and editors writing for *The Nation*. Adalah built new relationships and deepened existing US contacts during the tour. Throughout the year, Adalah exchanged legal research and information with many colleagues from these law schools and organizations. University and law school presentations and lectures included:

- **University of Chicago Law School Conference: "Constitutionalism in the Middle East – Israeli and Palestinian Perspectives,"** Chicago, 1/04. Hassan Jabareen presented on Section 7A of the Basic Law: The Knesset and its 2002 amendments - "Jewish and democratic state" and "supporting terror" - and their application in the 2003 elections disqualifications cases. Marwan Dalal lectured on the conceptual foundations of citizenship in Israel, past and present, and about how these concepts are manifested in law and society. Participation by US, Israeli, Palestinian and South African law professors, lawyers and judges. [Supported by the University of Chicago Law School]
- **New York University Law School Seminar: "LLM Global Public Service Lawyering, Theory and Practice,"** New York, 1/04. Hassan Jabareen, Marwan Dalal and Rina Rosenberg spoke about various aspects of Adalah's work to about 25 lawyers from around the world who are participating in this graduate-level seminar. Marwan Dalal also gave a lecture to the NYU student chapter of the National Lawyer's Guild.

- **City University of New York, Graduate Center, The Ralph Bunch Institute for International Studies and the Middle East Center**, New York, 1/04: Marwan Dalal gave a lecture to about 100 people entitled, "The Human Rights Status of Palestinians in Israel and the Occupied Territories." Professor Peter Rosenbloom, Director of the International Human Rights Clinic at Columbia University moderated the event.
  - **University of Virginia Law School (UVA)**, Virginia, 2/04: Marwan Dalal gave a lecture entitled "Between Law and Lawyering – Challenging the System from Within?" at UVA and met with Clinic students and faculty and students interested in Adalah's work. The UVA International Human Rights Law Clinic partnered with Adalah for the first time in 2004. After the submission of various research requests, the Clinic decided to focus on prisoners' rights. The students wrote a comprehensive legal memo for Adalah on the right of prisoners to receive legal counsel, analyzing and comparing national court law on this subject in the United States, Canada and South Africa. Adalah Attorney Abeer Baker maintained contact with the Clinic and supervised the law students on this project.
2. **The Mediterranean Program of the Robert Schuman Center for Advanced Studies:** Adalah Attorney Abeer Baker attended the 5<sup>th</sup> Mediterranean Social and Political Research Meeting, entitled "Economic and Social Rights in the Euro-Mediterranean Region, and the Impact of Euro-Mediterranean Free Trade Areas" in Italy, 3/04. [Supported by EMHRN]
  3. **International Federation for Human Rights (FIDH):** Adalah Board member Dr. Moussa Abou-Ramadan attended the FIDH General Assembly Congress in Ecuador, 3/04. Adalah was officially voted as a member of FIDH. [Supported by FIDH]
  4. **Arab Institute for Human Rights:** Conference held in 5/04 with the United Nations Educational, Social and Cultural Organization (UNESCO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Tunisia. Adalah Board Chairperson Dr. Marwan Dwairy participated in this meeting, which concerned a regional evaluation of the UN Decade for Human Rights (1995-2005) and its application in the Arab world. [Supported by AIHR]
  5. **Euro-Mediterranean Human Rights Network (EMHRN): Working Group on Palestine:** Adalah's General Director Hassan Jabareen participated in two sessions of the working group in Vienna, in 2/04 and 6/04. The working group, comprised of Palestinian, Israeli and European human rights activists, seeks to develop common advocacy strategies to end the occupation. In 6/04, Hassan Jabareen spoke at a widely attended public event on "The *Status Quo* of Human Rights in the Israeli-Palestinian Conflict" and joined a lobbying tour, meeting with the Austrian Foreign Ministry, the Austrian Parliament's Human Rights Committee, and the Austrian Development Agency. Adalah staff also contributed research and documentation to the **EMHRN's first annual Human Rights Review on the EU and Israel – Relating Commitments to Actions 2003-2004** published in 12/04. The report constitutes the EMHRN's first annual assessment of EU compliance with its own human rights commitments in its relations with Israel in the Barcelona Process. [Supported by EMHRN]
  6. **Euro-Mediterranean Human Rights Network (EMHRN) - Access to Justice:** Adalah staff contributed numerous resource materials to a report being prepared on "Access to Justice" in the Middle East region. The report was published in 2/05.
  7. **Habitat International Coalition (HIC):** Adalah's Urban and Regional Planner Hana Hamdan participated in a regional consultation on "Women's Right to Adequate Housing and Land" held in Alexandria, Egypt in 7/04. The four-day meeting was hosted by HIC in cooperation with the UN Special Rapporteur (SR) on the Right to Adequate Housing. Hana presented on "Space, Planning and the Palestinian Bedouin Women in the Naqab." This case study, along with those of the other participants, contributed to a report on women and adequate housing, which was submitted by the SR to the UN Commission on Human Rights in 2005.

### **III. LEGAL EDUCATION**

Adalah's legal education work in 2004 consisted of A. Seminars and Conferences; B. Publications and Reports; C. Media Outreach; and D. Training for Law Students and Recent Law Graduates. With this work, Adalah seeks 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.

Adalah's **main achievements** in 2004 include:

- 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, and by greatly expanding our mailing list. With these initiatives, 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 in December. Subscribers to Adalah's e-newsletter/mailling list numbered 21,000 (Hebrew 9,000, English 7,000, Arabic 4,000) in December.
- Issuing the fourth volume of *Adalah's Review* and receiving high praise for the publication on the front-page of the *Ha'aretz* book review supplement. Articles in this volume as well as previous volumes of *Adalah's Review* are often cited in legal and social science academic journals.
- Wide media coverage including numerous feature stories on Adalah's work in the Arabic, Hebrew and English press.

#### **A. Seminars and Conferences**

##### ***Planned 2004:***

Organize and hold 3-4 panel discussions, seminars, or study days per year, independently or in cooperation with other NGOs or law schools in Israel; present at 20+ Israeli law school / university symposia; local CBO and NGO conferences; and teachers' training / high school lectures per year.

##### ***Achieved 2004:***

During 2004, Adalah organized **2 public conferences** and a **seminar for activists**, and presented at **45** symposia, conferences and events held at universities, colleges, NGOs, community centers, and schools in Israel.

**1. Roundtable on Land Rights of Indigenous Peoples:** The guest lecturer, Maivan Lam, Professor of Law and Associate Director of the Ralph Bunche Institute for International Studies, The Graduate Center, City University of New York (CUNY), spoke about the history of the indigenous peoples' rights movement. About 20 staff members of Adalah and other human rights organizations participated in the roundtable at Adalah's office in Shafa'amr in 4/04.

**2. In 10/04, Adalah, the High Follow-Up Committee for the Arab Citizens in Israel, and the Victims' Families Committee held a conference entitled "October 2000: A Memory for Protest" in Nazareth:** The keynote speech was delivered by Solicitor Peter Madden, the head of the legal team which represents the majority of the families of Irish civil rights protestors killed by British forces during the 'Bloody Sunday' events. The legal representation is before the Bloody Sunday Tribunal of Inquiry. Dr. Yoav Peled, Tel Aviv University; Dr. Ahmed Sa'adi, Ben Gurion University; and Adalah Attorney Marwan Dalal presented analysis of the protests as well as the proceedings and final report of the Or Commission of Inquiry. Over 200 guests attended this highly successful conference. The conference papers were published in Adalah's e-newsletter of October 2004 and on the website.

**3. In 12/04, Adalah hosted a conference entitled "Planning, Control and the Law in the Naqab" in Beer el-Sabe:** Speakers included: Dr. Alexandre (Sandy) Kedar, Haifa University on "Land Settlement in the Negev in International Law Perspective"; Nili Baruch, Bimkom: Planners for Planning Rights, on Spacial Inequality in the Allocation of Municipal Resources; Hana Hamdan, Adalah's Urban and Regional Planner on "Space, Settlement Policy, and the Arab Community in the Naqab"; Sarab Abu Rabia-Queder, Ben Gurion University, on Women, Education and the Policy of Control; and Prof. Ismael Abu-Saad, Ben Gurion University, on Education as a Tool of Expulsion from the Unrecognized

Villages. Over 100 participants attended this conference. The conference papers were published in Adalah's e-newsletter of December 2004 and on the website.

**4. University and Community Educational Lectures in Israel:** Adalah staff and Board members spoke at **45** symposia, lectures and events held at universities, colleges, NGOs, community centers, and schools throughout the country in 2004. They addressed issues such as Adalah's work before the Or Commission of Inquiry; the state's land allocation and distribution policies; the factors affecting relations between the minority and the majority; the 2003 elections disqualification cases against Arab political parties and candidates; constitutionalism; indigenous peoples rights; legal and international aspects of the right of return; the right for housing in mixed Jewish and Arab cities; and litigation strategies and analysis of Supreme Court cases relating to discrimination against Arab citizens.

## **B. Publications and Reports**

### ***Planned 2004:***

Adalah's Review, tri-lingual website, mailing list, reports/articles on the Or Commission of Inquiry; Agenda, Annual Human Rights Report, Annual Activity Report, and informational materials.

### ***Achieved 2004:***

Adalah published Volume 4 of *Adalah's Review*; launched the Arabic and Hebrew versions of the website and maintained and updated Adalah's tri-lingual website; greatly expanded our electronic mailing list to 21,000 subscribers by the end of 2004; and published **8** volumes of Adalah's newly launched electronic newsletter. Adalah also produced an Annual Activity Report for 2003, and our Supreme Court Litigation Docket for 2004.

1. Adalah published 1,500 copies of its flagship academic journal ***Adalah's Review, Volume 4: "In the Name of Security," Spring 2004*** in Arabic, Hebrew and English. *Adalah's Review* is unique in that it combines theory and practice and it is the only Palestinian journal offering a forum for the critique of Israeli legal discourse. The current volume presents articles from lawyers, academics and human rights activists offering interdisciplinary discussions of the concepts and workings of law and security in Israel. The special inquiry section reprints primary source documents from Adalah's petitions and reports, which expound legal challenges to the workings of security logics in Israel *vis-à-vis* Arab citizens of the state. The journal is being sold and distributed widely to decision-makers, libraries and researchers in Israel and abroad.

In 11/04, a book review of "In the Name of Security" by Dr. Jonathan Yovel, Faculty of Law, Haifa University was featured on the front page of *Ha'aretz* under the title "Security – or insecurity." According to Dr. Yovel, *Adalah's Review* "... has become one of the most interesting, original and readable journals in Hebrew today," and the articles published in it "fit into an unfilled niche in Israeli discourse: They are scholarly, solidly researched, but relatively short, using clear, comprehensible language," and 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 call for papers for ***Adalah's Review, Volume 5: "On the Criminal Justice System"*** was drafted and distributed in 9/04.

2. Adalah launched its **Tri-Lingual Website ([www.adalah.org](http://www.adalah.org))** in 5/04. Adalah set up an English website in 1999. The introduction of Arabic and Hebrew versions of the site has substantially increased Adalah's outreach efforts by making more primary source material and other information easily accessible to a large number of people, including most importantly, Adalah's immediate local constituency. The success of the new site can be ascertained by reviewing the number of visitors it attracted since its launch. **The total number of unique visitors to the site more than doubled rising from 5,100 in 4/04 (only English) to 13,600 in 12/04 (Arabic, Hebrew and English).**

### **New Web-Reports in 2004:**

- For Land Day (Yum el-Ard) in 3/04, Adalah published a temporary web report, which included an advertisement that Adalah placed in *Ha'aretz*, an article written by Adalah Attorney Suhad Bishara on new trends in state land planning and allocation policy, and a report of Adalah's land cases.

- In 5/04, Adalah created a web-report detailing the legal challenges made against the Israeli military's incursions and home demolition operations in Rafah, Gaza and the Occupied Palestinian Territories generally.

3. Adalah launched its innovative **monthly tri-lingual electronic newsletter** in 5/04 with the websites. The e-newsletter arrives directly to its subscribers' email inboxes in Arabic, Hebrew or English. **8 volumes** were produced and posted in 2004. The e-newsletter, with **21,000 subscribers** (9,000 Hebrew, 7,000 English, 5,000 Arabic), is a forum both to highlight Adalah's activities as well as to generate critical debate on human rights issues. The e-newsletter provides easy links to press releases and primary legal documentation, including Adalah's petitions and other legal interventions, state responses, and Supreme Court rulings posted on the websites. Each volume also features original articles written by external contributors, including lawyers, legal academics, and activists in Israel and abroad, as well as members of Adalah's staff and Board. Adalah originally intended to publish a periodic report in Arabic and Hebrew, under the title 'Agenda.' *Adalah's e-Newsletter* is a more innovative, cost effective and ambitious project, which reaches a wider audience of subscribers.

**Adalah's e-newsletter has received much praise from readers for its overall professionalism, design, ease of use and content:**

- Adalah regularly receives requests to re-print articles in academic books and newspapers.
- Several NGOs have contacted Adalah for consultation on the process of producing the e-newsletter, and requested that Adalah include links to their new reports in the newsletter.
- Following the publication of each volume, Adalah is sent congratulatory emails from law professors, embassies, donors, etc. praising the excellent newsletter.
- Adalah succeeded in generating a critical human rights debate about the nature and content of the proposed constitution for Israel. Beginning in the November 2004 volume of the newsletter, Adalah published three articles on the subject, and focused on it in the opening remarks. The Knesset's Constitution, Law and Justice Committee repeatedly cited to this volume in sessions held on the constitution and the Arab minority; the Israel Democracy Institute, which has published a "Constitution by Consensus," sent a response to the critique of its proposed constitution; and several academics, NGOs, journalists and political figures entered into the debate. The debate on the constitution and the Arab minority extended from Adalah's newsletter to Israeli newspapers *Ha'aretz*, *Yediot Aharonot* and *Maariv*, the local Arabic press, and Israeli TV Channel 10.
- A great willingness has developed among external authors to contribute articles to the newsletter.

**4. 2003 Annual Activities Report:** Adalah produced an annual report in English of its key activities in 2003. The 44-page report, completed in 6/04, was widely distributed to donors, embassy representatives, and international visiting delegations.

**5. Adalah's 2004 Supreme Court Litigation Docket:** Adalah produced and up-dated this report in English and Arabic at regular intervals throughout the year.

**6. Academic Publications by Adalah Staff Members**

- Hassan Jabareen, Adalah General Director, "Comments on the Unreasonableness of the Attorney General's 'Reasonable Discrimination Policy'" – Adalah's E-Newsletter, May 2004. Reprinted in Anat Maor, (ed.) *Affirmative Action and Equal Representation in Israel*, Tel Aviv: Ramot Publishing, 2004, pp. 387-397 [Hebrew].
- Marwan Dalal, Adalah Attorney, "Economics, Society and Law: Critical Reflections," in *Economic, Social and Cultural Rights in Israel*, Y. Rabin & Y. Shany, (eds.), Tel Aviv: Ramot Publishing, 2004 [Hebrew].

## **C. Media Outreach**

### ***Planned 2004:***

Contact lists, issue 50+ press releases; provide interviews, commentary and analysis to the media; write articles for newspapers; 3-5 protest ads; organize / participate in 2-3 media training / strategies workshops.

### ***Achieved 2004:***

In 2004, Adalah issued **70** press releases / news updates; provided interviews, commentary and analysis to the media on virtually all of our cases; placed **6** protest ads and signed onto **4** ads initiated by other NGOs. Adalah staff wrote **3** articles that were published in the local press and participated in several media trainings organized by Shatil and Agenda.

**1. Contact Lists:** In 2004, Adalah maintained an extensive list of international journalists and regularly distributed information to them via our electronic listserv, newsletter and website. Adalah obtained additional international media contacts through the GPO 2004 list from a Shatil-hosted international media workshop, and from Ittijah, which distributed the 2004 Foreign Press Association list. These media lists were merged into a master list. At the end of 2004, the master list consisted of approximately 500 individual contacts. Adalah maintains comprehensive lists of contacts for the Arabic and Hebrew local media, and updates them on a continual basis.

**2. Press Releases:** Adalah issued approximately **70** press releases and / or news updates on its legal work in Arabic, Hebrew and English.

**3. Media Strategy:** Adalah recognizes that the media plays a major role in influencing and shaping public opinion, and therefore media outreach constitutes a crucial part of Adalah's daily work. During 2004, Adalah devised and implemented a new media strategy, designed to increase the coverage of Adalah's work in the local media and in particular the number of longer, more detailed **feature stories** on specific cases. This new strategy has enabled Adalah to develop and foster personal relationships with local Hebrew and Arabic language journalists, which will continue to benefit Adalah's attempts to gain publicity for its cases within Israel. Adalah is currently extending its new media strategy to international journalists.

### **4. Media Coverage:**

**Local Arabic Media:** Adalah's work appeared almost weekly in the local Arabic-language newspapers *Al-Ittihad*, *Kul Al-Arab*, *Hadeeth Al-Naas*, *Al-Sinara* and *Panorama*, which covered the majority of Adalah's cases. Attorneys participated in numerous interviews on Radio Al-Shata, and were interviewed regularly by Radio Al-Shams. Adalah's cases were also widely featured by Arabic language website arabs48 and Ynet (Arabic).

**Hebrew Media:** Israeli daily newspapers *Ha'aretz* (Hebrew and English) and the *Jerusalem Post* (English) regularly published articles covering Adalah's cases, including in depth feature stories. Reshet Bet and Gali Tsahal radio stations generally covered Adalah's work. Adalah succeeded in obtaining coverage for our cases on several Hebrew language websites including Ynet (Yediot Aharonot), Walla, NRG (Maariv) and NFC. Adalah's cases appeared only sporadically in the print versions of the dailies *Maariv* and *Yediot Aharonot*.

**International Media:** Adalah gained some coverage in the international English and Arabic press and websites, including Al-Jazeera, *Al Hayat*, the BBC, Reuters, the Associated Press, *the Guardian*, the International Press Center, and the Electronic Intifada.

The following cases received the widest media coverage of Adalah's work during 2004:

**The chemical spraying of Arab Bedouin agricultural land in the Naqab:** This case was covered extensively throughout the year in the local Arabic and Hebrew print media, including an article published in *Yediot Aharonot*. The case also received attention from the international and local English language media including the International Press Centre, Scoop (New Zealand), the *Jerusalem Post*, *Ha'aretz*, and the Electronic Intifada. Adalah Attorney Marwan Dalal was interviewed regularly on local Arabic and Hebrew language radio and television stations. The case received the widest media coverage of all of Adalah's cases in the Naqab.

**The prisoners' hunger strike:** The petitions demanding access to salt and legal counsel for hunger-striking prisoners, as well as the petition challenging the ban on physical contact between Palestinian political prisoners and their children attracted attention from a wide range of local and international media sources. Feature stories were published in August in *Al-Ahram Weekly* in an article written by Jonathan Cook, and in a further article published in Peacelink (Italy). The cases were also reported on in the International Press Center, the Arab Media Internet Network, *Ha'aretz* and BosNewsLife (Hungary). The cases were also reported on in the Hebrew media outlets *Ha'aretz*, NRG, Ynet and Globes. Adalah Attorney Abeer Baker was also interviewed on local Hebrew radio station Reshet Bet and Israel's military radio Gali Tsahal in August. The cases were covered widely in the local Arabic media by arabs48, *Al-Ittihad*, *Hadeeth al-Naas* and *Panorama*, as well as in the international Arabic media, including *Al-Quds Al-Arabi*, *Dar Al Hayat* and *al-Khaleej*.

**The ban on family unification law:** This case was the subject of a number of special features in the international English language media. *Le Monde Diplomatique* published a long article written by Meron Rapoport in February, a further feature by Gideon Alon and Yair Ettinger was published in the English edition of *Ha'aretz* in July, and BBC News published an in-depth article by Barbara Plett on the case in August. Maariv International and the Palestine Media Center also widely covered the case. In addition, features appeared in the Hebrew language media, including two published by *Ha'aretz* in January, and on Hebrew news websites Ynet, NRG and the Marker in July. Reshet Bet aired several news items on the case during the year, and interviewed Adalah Attorney Orna Kohn about the case in July. Gali Tsahal radio station also extensively covered the case, as did Israeli radio Channel 7. The case received a high level of attention from the international and local Arabic media, e.g. *Al-Quds Al-Arabi*, the Palestine Media Center, *Al-Ittihad* and arabs48.

**The use of Palestinian civilians as human shields by the Israeli military:** A feature story appeared on the case in the *Jerusalem Post*, written by Dan Izenberg in September. The case was also covered by BBC News, Yahoo News and Swiss Info, Reuters, the International Press Center and *Ha'aretz* English edition. In the Hebrew language media, the case appeared widely in *Ha'aretz*, Walla, Ynet and NRG, and on Hebrew television and radio channels Reshet Bet, Channel 1 and Gali Tsahal. Local Arabic press and websites *Al-Sinara*, *Kul Al-Arab* and arabs48 closely followed the case developments.

**The Israeli military's home demolition operations in Rafah:** A lengthy feature story was published in the *Jerusalem Post* on this case by Dan Izenberg in October. In addition, ABC online (Australia), Al-Jazeera (Qatar), eubusiness, iafrica, the *Himalayan Times* (Nepal) and the *Daily Times* (Pakistan) all covered the case. Reshet Bet discussed the case several times during the year, including an interview with Adalah Attorney Marwan Dalal in October. Hebrew language media outlets *Ha'aretz*, NFC, Ynet and NRG published articles on the case, as did local Arabic media sources *Kul Al-Arab*, *Al-Ittihad* and arabs48.

**The Jewish National Fund case:** This case roused a great deal of media interest, particularly in December, following the state's submission of its response to the petition. *Ha'aretz* published a feature story by Yuval Yoaz on this case. The case also appeared in English in *Ha'aretz*, Truth News (USA), and Globes online. Hebrew language outlets Ynet and Nana covered the case. Adalah Attorneys Suhad Bishara and Marwan Dalal were interviewed on the issue and the case by Reshet Bet in October and Channel 10 respectively. In the local Arabic media, *Al-Ittihad* and arabs48 published lengthy articles on the case in October. Additionally, Arabic language press agencies Palestine Media Center, the Wafa Agency and Miftah all wrote about the case.

The list above attests to the challenge of drawing international media attention to cases focusing on the rights of Palestinian citizens of Israel: four of the most widely-covered of Adalah's cases involve rights violations in the OPTs or are cross-over cases involving Palestinian citizens of Israel and Palestinians from the OPTs. However, in addition to those detailed above, the following **feature stories** appeared on other Adalah cases dealing with the rights of Palestinian citizens of Israel, in English as well as in Hebrew:

- **The Big Mosque in Beer el-Sabe** – Nir Hasson, *Ha'aretz*, March.
- **Home demolition in the Naqab** – Yair Ettinger, *Ha'aretz*, March.
- **Educational psychologists in schools in the Naqab** – Nir Hasson, *Ha'aretz*, May.
- **The future dismantling of the Bedouin Education Authority** (and the dismissal of the head of the BEA) – Nir Hasson, *Ha'aretz*, May.
- **The Kufr Kana employment office** – Eli Ashkenazi, *Ha'aretz*, May.

- **Preschools in the unrecognized villages in the Naqab** – Ruth Sinai, *Ha'aretz*, June.
- **The Supreme Court decision in the "Ofeq" case** (concerning the government program to alleviate high unemployment) – Yair Ettinger, *Ha'aretz*, June.
- **GSS interference in the Arab educational system**– Aryeh Dayan, *Ha'aretz*, September.
- **The National Priority List case** – Dan Izenberg, *Jerusalem Post*, November
- **The recognition of Muslim holy sites** – Yuval Yoaz, *Ha'aretz*, November.
- **Atir-Umm El-Hieran, and Al Sidr** (the evacuation orders issued to the unrecognized villages' residents) – Nir Hasson, *Ha'aretz*, December.

## 6. Newspaper Articles Written by Adalah Staff Members

- Marwan Dalal, Adalah Attorney, "Constitution-in-the-Making," published in *Ha'aretz*, February.
- Suhad Bishara, Adalah Attorney, "The Banality of Planning: Whitening the Space," published in the local Arabic language daily newspaper *Al-Ittihad*, March.
- Gadeer Nicola, Adalah Attorney, "The Role of the Supreme Court in Education Cases," published in *Al-Ittihad*, August.

## 7. Newspaper Protest Advertisements

Adalah placed **6** advertisements in 2004 and signed onto **4** other NGO-initiated advertisements:

1. In 3/04, on the 28th anniversary of **Yum el-Ard (Land Day)**, Adalah placed an advertisement in *Ha'aretz*, which provides examples of the state's ongoing discriminatory land policies towards Palestinian citizens of Israel, particularly focusing on the unrecognized villages in the Naqab.
2. In 3/04, Adalah joined 12 other NGOs in a Mossawa-initiated advertisement on the **International Day for the Elimination of Racial Discrimination** calling on the public to fight racism in Israel.
3. In 5/04, Adalah placed an advertisement in *Ha'aretz*, which cited a key ruling on the destruction of homes from the **International Criminal Tribunal for the Former Yugoslavia (ICTY)**, highlighting its relevance for the **Israeli military's actions in Rafah, Gaza**.
4. In 5/04, Adalah joined a Physicians for Human Rights-initiated advertisement with seven other human rights organizations in a further ad in the Hebrew and English versions of *Ha'aretz*, criticizing **the Israeli military's operations in Rafah Gaza, which were approved by the Knesset and the Supreme Court**.
5. In 5/04, Adalah placed an advertisement in *Ha'aretz* in Hebrew and English on **Adalah's mission and goals** for a special supplement on the Arabs in Israel.
6. In 7/04, in the run-up to the Knesset vote to extend the **ban on family unification law**, Adalah joined seven other NGOs in a Mossawa-initiated advertisement entitled, "Don't Set Borders for Love."
7. In 8/04, during the hunger strike, Adalah initiated an advertisement placed in *Ha'aretz*, signed by eight other human rights organizations, under the title, "**Prisoners Rights are Human Rights**."
8. In 8/04, Adalah joined an advertisement initiated by B'Tselem and 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.
9. In 10/04, Adalah, the High Follow-up Committee for Arab Citizens of Israel, and the Victims' Families Committee placed a protest advertisement in the Hebrew edition of *Ha'aretz*, **criticizing the failure of Mahash to recommend the indictment of police officers involved in the killing of 13 Arab citizens in October 2000**.
10. In 12/04, Adalah placed an advertisement in *Ha'aretz* signed by 18 Palestinian artists and authors entitled, "**Stop the Persecution of Islamic Movement Leaders Now**."

## **8. Staff Participation in Media Training Workshops**

**Internet Workshop for Upgrading Websites:** In 3/04, Gabrielle Rubin participated in a Shatil workshop for social change organizations. The workshop provided participants with information and skills for upgrading websites and employing them as a more effective outreach tool.

**International Media Workshop:** Rina Rosenberg attended this Shatil workshop in 4/04, which gave an overview of the different media outlets working in Israel and a register of international journalists based in Israel. A number of foreign correspondents addressed the participants.

## **D. Training for Law Students and Recent Law Graduates**

### ***Planned 2004:***

1-2 stagaires / law student internship opportunities; work with law school clinic externs each year; seek and host at least 1 L.L.M. graduate fellow per year, as available.

### ***Achieved 2004:***

During 2004, Adalah hosted **1** stagaire (legal apprentice) and **2** law student researchers.

### **Stagiaires / Law Students**

Mr. Adel Bader completed his one-year legal apprenticeship in March. Mr. Bader was the valedictorian of his law school, Sha'arei Mishpat College of Law. Mr. Bader joined the staff as an Attorney in July and is working part-time.

Two law student researchers worked with Adalah in 2004 – Mr. Alaa Ayoub (candidate for an L.L.B. in Law from Haifa University) from March through August and Ms. Abeer Jubran (candidate for an L.L.B. in Law and a B.A. in Economics from Haifa University) from March. Ms. Jubran began her staige with Adalah in March 2005.

Adalah's Field Researcher and Office Manager in the Naqab, Mr. Salem Abu Medeghem, began law school in 10/04 at the Ramat Gan College of Law.

## **IV. INSTITUTIONAL DEVELOPMENT**

This section summarizes Adalah's **institutional development** initiatives in 2004. It is organized as follows: A. Planning and Policy Workshops; B. Board and General Assembly; and C. Staff Composition.

Adalah's **main achievements** include:

- The cancellation by the Interior Minister of the Registrar of Association's August 2002 decision to appoint a legal investigator into Adalah's activities, following Adalah's appeal.
- By holding in-depth planning meetings with staff and Board at which roles and responsibilities as well as the work plan for 2004 were clarified, Adalah was able to function efficiently and effectively during the absence of General Director for several months due to serious illness.
- Increasing membership in Adalah's General Assembly from 44 to 70.

### ***Planned 2004:***

Organize and hold 2-4 staff / Board workshops; encourage and sponsor (where feasible) staff / Board to attend relevant professional courses and training workshops.

### ***Achieved 2004:***

During 2004, Adalah organized and held **3 planning and policy workshops** with staff and Board, and Adalah staff members attended **training workshops**.

## **A. Planning and Policy Workshops**

**1. Staff Planning Meetings.** In February, Adalah held a series of planning and legal strategy meetings with all staff. The main outcomes of these meetings included: (i) work plans for each staff member for 2004; (ii) the position of "lawyer" was re-formulated, and the specializations, responsibilities, and work plans of each lawyer were discussed; (iii) the position of legal coordinator, created in January, was clarified; (iv) the mandate of the Criminal Justice Project was written and discussed; (v) the hiring of a part-time urban and regional planner and lawyer to work on land and planning issues was recommended (positions filled in July); and (vi) the Public Relations department was established and its work plan developed. Adalah's 'organizational flow' has improved markedly as a direct result of these meetings. Full staff meetings were held monthly throughout the year.

**2. Board-Staff Workshop: Mandate, Challenges and Priorities.** In March, Adalah's Board and staff participated in a two-day workshop in Jerusalem during which Adalah's mandate and 2003 activities were discussed and evaluated, as were the new challenges faced by the organization. Randa Saniora, the Director of Al-Haq, briefed the group on issues faced by human rights NGOs in the West Bank. Board members led a series of sessions on Adalah's role in internal social and political issues, and the role of Adalah in the Occupied Territories. MK Dr. Jamal Zahalka and MK Issam Makhoul also contributed to these meetings, providing Adalah with perspectives on and a critique of our work. Staff members reported on their work in 2003, and presented their work plans for 2004.

**3. Time Management Workshop.** In April, Adalah staff members participated in a time management workshop facilitated by Mr. Fathi Marshoud, the Director of Shatil's office in Haifa, held over two days in Jerusalem. The aims were to provide an analysis and overview of planning and time management; to develop specific strategies and modes of action to further rationalize working practices within Adalah; and to provide the staff with concrete tools for developing more efficient working practices. The workshop included lectures, discussions, and skills-building exercises.

**4. Additional Training Workshops.** Some examples of staff participation in training workshops include: (i) *Ittijah-Christian Aid Workshop on European Union Funding*: Rina Rosenberg attended this two-day workshop in April, which included presentations on "problem tree analysis" as well as a briefing from a representative of the European Commission; (ii) *Beyond Grant Writing: Building Effective Resource Development Systems that Work*: Rina Rosenberg attended one-day workshop, facilitated by Emily Gantz McKay of Shatil, in Haifa in December; (iii) *Oxfam-GB Partners' Workshop on Gender Mainstreaming*: In December, Adalah's Naqab staff participated in this training session. Reports back after the workshop indicate that it was particularly useful, as the facilitation presented both Western and Eastern perspectives on gender roles.

## **B. Board and General Assembly**

### ***Planned 2004:***

Hold annual GA meeting and Board election; hold monthly Board meetings and quarterly Financial Committee meetings; implement new by-laws, passed in December 2002 (e.g., membership, membership fees, etc.); involve and activate Board / GA to contribute to capital campaign to purchase an office for Adalah.

### ***Achieved 2004:***

Adalah's Board of Directors and Financial Committee met regularly to discuss and decide upon priorities and policies, and **16** new members joined Adalah's General Assembly.

**1. Annual General Assembly Meeting and Board Election:** Due to the serious illness of the General Director, the annual General Assembly and Board was postponed to and held in April 2005.

### **2. Adalah's Board of Directors - 2004**

- **Chairperson, Dr. Marwan Dwairy:** Founder and Chief Supervisor of Municipal Psychological Services Center, Nazareth; Director and Therapist, Clinic of Psycho-Diagnosis and Psychotherapy.
- **Dr. Moussa Abou-Ramadan:** Lecturer in the Faculty of Law, University of Haifa specializing in Islamic law, international law, and human rights; new board member.
- **Ms. Suhad Aga,** Advocate: Criminal defense lawyer, Public Defenders' Office in Haifa; Founder and current member of *Assiwar* - The Palestinian Feminist Center in Support of Victims of Sexual Abuse; new board member.
- **Ms. Samar Khamis,** Advocate: Head of private law practice in Eilabun; a board member of *Assiwar* -The Palestinian Feminist Center in Support of Victims of Sexual Abuse; new board member.
- **Mr. Salman Natour:** Editor of *Madar*, an Arabic language journal; Director of the Emil Tuma Institute for Israeli and Palestinian Studies; wrote and published 27 books of stories, essays and poems in Arabic.
- **Mr. Fuad Sultani,** Advocate: Head of private law office in Tira; activist and member of Ansar al-Sajeen - Friends of the Political Prisoners.
- **Dr. Mahmoud Yazbak:** Senior Lecturer in Middle East History, University of Haifa, specializing in social and political history of 19th and 20th Century Palestine. Spokesperson of the Victims' Families Committee (October 2000); new board member.

The Board of Directors **held 8 meetings**, in accordance with its decision to meet once every six weeks. A protocol of each meeting was recorded and distributed to Board and staff members for information and to follow-up on the implementation of decisions.

### **3. Adalah's Financial Committee**

Financial Committee members:

- Dr. Marwan Dwairy: Board Chairperson and signatory.
- Dr. Moussa Abou-Ramadan: Board Member.
- Dr. Mahmoud Yazbek: Board Member and signatory.
- Hassan Jabareen, Advocate: General Director and signatory.
- Basheer Geraisy: Accountant.
- Rina Rosenberg: International Advocacy and Development Director.
- Fathiyya Hussein: Administrative Director.

The Financial Committee **convened 3 times** to review and monitor quarterly budget expenditures, to assess progress in fundraising, and to draft and review the budget for 2005 prior to Board discussion and approval.

**4. Membership in Adalah's General Assembly.** As of 12/03, Adalah had 44 members. In 2004, Adalah invited all participants in our conferences to become members. **26 individuals applied and were approved by the Board to become new members; 16 of the new members paid the dues by the end of 2004.** All members pay an annual fee of NIS 150, as per the by-laws.

## 5. Institutional Challenges – The Registrar of Associations

In January, the Interior Minister accepted Adalah's appeal filed in September 2002 and cancelled the Registrar of Associations' decision of August 2002 to appoint a legal investigator into Adalah's activities. In the decision, the Interior Minister declared that: "in accordance with the opinion of the Legal Advisor of the Interior Ministry, the arguments of the organization (Adalah) as to its goals, including the funds received from the Galilee Society, are all accepted ... in accordance with the legal opinion before me, providing legal services is clearly within the [declared] goals of the organization ... the Legal Advisor of the Ministry did not find a legal prohibition which prevents the Galilee Society from financing salaries of employees who are expected to be employed by another organization during its establishment stages. Certainly these activities do not warrant appointing an investigator into the activities of the other organization." The decision of the Interior Minister did not relate to the Registrar's third claim against Adalah, thus accepting Adalah's position, and stated that: "The fact that Adalah represents different political leaders, among them members of Knesset, does not lead to the conclusion that organizational funds were utilized for the benefit of political figures. Representing public figures, including MKs in cases where, in accordance with the organization's mandate, their rights were harmed, adheres to the [declared] aims of the organization." *A copy of the Interior Minister's decision as well as other supporting documents are available upon request.*

### C. Staff Composition

Job Title	Name	Full or Part Time
General Director	Mr. Hassan Jabareen, Advocate	Full
<b>Legal Department</b>		
Attorney and Legal Coordinator	Ms. Suhad Bishara, Advocate	Full
Attorney	Mr. Adel Bader, Advocate	Part
Attorney	Ms. Abeer Baker, Advocate	Full
Attorney	Mr. Marwan Dalal, Advocate	Full
Attorney	Mr. Morad El-Sana, Advocate	Full
Attorney	Ms. Orna Kohn, Advocate	Full
Attorney	Ms. Gadeer Nicola, Advocate	Full
Law Student Researcher	Ms. Abeer Jubran	Part
Field Researcher and Office Manager, Naqab	Mr. Salem Abu-Medeghem	Full
Urban and Regional Planner	Ms. Hana Hamdan	Part
<b>Public Relations Department</b>		
International Advocacy and Development Director	Ms. Rina Rosenberg	Full
Media Coordinator	Ms. Eva Musa	Full
Adalah's Review Editor	Ms. Samera Esmeir	Part
Webmaster/IT	Mr. Fadi Karkaby	Full
Publications Researcher	Ms. Maisam Mouallem	Part
HR and Development Fellow	Ms. Katie Hesketh	Full
HR and Development Fellow	Mr. Sharif Hamadeh	Full
<b>Administration</b>		
Administrative Director	Ms. Fathiyya Hussein	Full
Accountant	Mr. Basheer Geraisy	Part
Administrative Assistant	Ms. Christine Nasrallah	Full

As of 31 December 2004, Adalah had **21 staff members**, including two human rights and development fellows. The staff is comprised of 13 women and 8 men.

#### **Staff Moving On**

International Advocacy and Development Coordinator, Ms. Gaby Rubin, left Adalah at the end of August in order to obtain a Masters Degree in Human Rights offered by the Euro-Med in Malta. She received a full scholarship. Law Student Researcher Alaa Ayoub also left Adalah at the end of August to complete his stage in the Haifa Magistrate Court.

### **Volunteers / Interns**

During 2004, 7 overseas legal interns and human rights and development fellows interned with Adalah at different times during the year. Adalah sincerely appreciates the hard work of our legal interns - Ms. Jackie Kelly (January–March); Ms. Emma Brown, Barrister (April–August); and Ms. Diane Aboushi (June–August) – as well as our human rights and development fellows – Ms. Lillian Huber (May 2003–January 2004); Mr. Sammy Mansour (February–March); Ms. Katie Hesketh (May–present); and Mr. Sharif Hamadeh (October–present).

## **ACKNOWLEDGEMENTS**

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*The views expressed in this report are those of Adalah and do not reflect the official position of any donor to Adalah.*