



ADALAH'S 2005 ANNUAL REPORT OF ACTIVITIES

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INTRODUCTION

This report highlights Adalah's **key activities in 2005**, our ninth-year anniversary. As this report reflects, in 2005 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 Palestinian citizens of Israel.

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

In order to achieve these goals, Adalah: brings cases before Israeli courts and various state authorities; advocates for legislation; provides legal consultation to individuals, non-governmental organizations, and Arab institutions; appeals to international institutions and forums; organizes study days, seminars, and workshops, and publishes reports on legal issues concerning the rights of the Arab minority in particular, and human rights in general; and trains stagaires (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 2005, there were 65 members of Adalah's General Assembly, seven members of the Board of Directors, 19 members of staff and five volunteers/interns, two local and three from overseas.

Adalah's 2005 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.

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I. LEGAL ACTION

This section highlights Adalah's **key legal representations** before all levels of Israeli courts and other legal fora. The section opens by outlining Adalah's continued work on seeking criminal accountability for the October 2000 killings and on a new Special Project: Adalah's Proposed Charter of Human Rights. The remainder of the section 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; F. Prisoners and Detainees' Rights; and G. Occupied Palestinian Territories.

Planned 2005:

Submit 15+ new cases before the Israeli courts; file 20+ new other legal interventions; follow-up on all pending cases and the implementation of court judgments.

Achieved 2005:

In 2005, Adalah undertook **73+** legal representations. Adalah's Supreme Court Litigation Docket consisted of **29** cases – **9** new petitions and appeals were filed and representations continued on **20** pending cases. Adalah also submitted 9 new cases and followed up on 7 cases in the District and Magistrate Courts, and submitted **23+** other new legal interventions (appeals, objections, complaints, position papers and principle legal letters) to other legal fora and government ministries and agencies during 2005, including Magistrate and District Courts, the Israel Land Administration (ILA), the Ministry of Justice's Police Investigations Department (Mahash), the Israel Prison Service (IPS), the Attorney General's (AG) Office and local planning authorities and committees. All cases are updated to March 2006.

Total: 18 new cases to the Israeli courts; 23+ new legal interventions; follow-up on 32+ pending cases.

This report covers the main legal work undertaken by Adalah in 2005. 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 2006, should litigation be conducted.

Full or partial remedies, as well as favorable interim rulings obtained in 2005, together with other legal achievements, are detailed in the following section.

Demanding Accountability for the October 2000 Killings

On 18 September 2005, almost five years after the killings of 13 unarmed Palestinian citizens of Israel and the injuring of hundreds of others, shot by Israeli police and security forces during the October 2000 protest demonstrations, the Ministry of Justice's Police Investigation Unit ("Mahash") published its final report of its investigation. Mahash decided to close all files and to recommend that **no criminal indictments be issued** against any police officer or commander responsible for the killings. These conclusions directly contradict those reached by the Or Commission of Inquiry, which investigated the events from 2001 to 2003. In its final report, Mahash claimed that the lack of sufficient evidence prevented it from issuing indictments. However, this claim contradicts the fact that significant amounts of evidence were made available to Mahash by the Or Commission.

On the day of the report's release, Adalah, together with the representatives of the High Follow-up Committee for Arab Citizens of Israel and the victims' families, held a **press conference** at the international press center Beit Agron in Jerusalem to sharply repudiate the report's findings. The press conference was covered live on all Israeli television channels and reported as front-page news or top news by most other media outlets.

The **major flaws of Mahash's report** included: (i) an assumption that the rules of military engagement should govern the police forces' interaction with unarmed Arab demonstrators; (ii) a failure to undertake any investigation into the October 2000 killings soon after the events took place and again immediately after the release of the Or Commission report; (iii) the ignoring of the findings of Or Commission's final report, which identified several police and political officials responsible for the deaths; and (iv) the refusal to penalize police officers who provided contradictory versions of events, refused to cooperate with the investigation, coordinated their testimonies and undermined investigations into the events. Adalah publicly criticized the report as a grave failure on the part of the law enforcement authorities in Israel to hold the responsible individuals accountable. Adalah argued

that, as a result, Mahash has sanctioned a culture of impunity in regard to Israel's treatment of the Arab minority. See, **Adalah's Initial Analysis document**: <http://www.adalah.org/newsletter/eng/sep05-s/position.pdf>

The main Arab and Israeli media were united in strong opposition to Mahash's findings. Criticism intensified after Attorney General Menachem Mazuz publicly endorsed the report at a press conference on 21 September 2005.

Facing enormous public pressure, Mahash decided to "appeal against itself." Although the legality of this procedure is highly questionable, the Mahash investigatory file and its report are still under review by the Deputy State Attorney, Shai Nitzan. The independence and impartiality of this review is compromised as the current State Attorney (SA), Eran Shendar, was the director of Mahash in October 2000, and is a key party to Mahash's failure to undertake a proper investigation into the October 2000 deaths.

At the same time, the AG effectively disqualified himself as an appropriate instance for an appeal by the victims' families when he publicly supported Mahash's work and its report. Shortly after the AG made his remarks, Adalah submitted a **complaint to the State Comptroller** arguing that the AG knew of the possibility that the victims' families would submit an appeal to him against the decisions in Mahash's report. The AG's public endorsement of Mahash's report, Adalah argued, proved him unable to be objective, and consequently he violated the right of the victims' families to just procedures and due process.

To date, the victims' families have decided not to appeal against Mahash's decisions to the SA's Office or to the AG, as they lack faith in the integrity of the investigation and the investigators, and hold the SA responsible for the failures to investigate the death of their sons from October 2000. In response to Adalah's firm request, Mahash released the investigatory materials to the organization, as the victims' families' legal representative.

Mahash's mandate is to investigate any complaint against law enforcement officers. Adalah, together with other human rights organizations, has consistently publicized cases of police brutality resulting in injury and death of Palestinian citizens of Israel and the **unwillingness or inability of Mahash to conduct proper investigations** into misconduct. The State Comptroller's report from 2005 reaffirms this phenomenon and notes the dangerous consequences of state-sanctioned impunity, stating that:

Not investigating such a high number of complaints and shelving them without further treatment by the police on the command level may cause an institutional lack of awareness as to the magnitude of this phenomenon and be interpreted by police officers as legitimating improper conduct, and by the general public – as taking lightly the graveness of these complaints of excessive use of force illegally. (362)

A **Special Edition of Adalah's Newsletter**, published in 9/05, contains background information on the October 2000 killings and detailed information on Mahash's report and Adalah's response. See: <http://www.adalah.org/newsletter/eng/sep05-s/sep05-s.html>.

Adalah, the Follow-up Committee for Arab Citizens in Israel and the Committee of the Martyrs' Families also hosted a **conference** in 10/05 in commemoration of the fifth year anniversary of the events of the October 2000 protest demonstrations. The conference included a presentation of Mahash's new report. *For more details, see* Legal Education, *below*. Adalah also created a **Special Web Report** entitled "October 2000 Killings," which collates information about the killing and injuring of Palestinian citizens in October 2000 and Mahash's report on its investigations into the events. *For the Special Web Report, see:* <http://www.adalah.org/eng/october2000.php>

Special Project: Adalah's Proposed Charter of Human Rights

In 2005, Adalah began to work on a proposed Charter of Human Rights. The purpose of this special project is to set forth, in a single document, the constitutional rights that, in Adalah's view as a human rights organization, must be guaranteed to all citizens by the Basic Laws of Israel or in a new constitution for the state. In recent years, several institutions such as the Israel Democracy Institute (IDI) and other political groupings have proposed draft constitutions for Israel. However, no human rights organization has set forth its vision of rights, although many human rights activists and academics have serious criticisms of the existing documents. Adalah's vision is that Israel should be a democratic, bi-lingual and multi-cultural state.

Adalah found that the proposed constitutions lack reference to basic issues of human rights. For example, they fail to comprehensively protect the right of equality or equal protection, cultural rights, national minority rights and citizenship rights, or to address the question of religion and the state. For these reasons, Adalah decided to draft and propose a Charter of Human Rights as an alternative document, to relate to rights which should be guaranteed to all citizens in a free, democratic and multi-cultural state.

Adalah's proposed Charter of Human Rights relies on comparative research of democratic constitutions such as those of South Africa and Canada, as well as international human rights covenants including the ICCPR, the ICESCR, the ICERD and the CEDAW. Adalah's document takes the current social and political situation in Israel into account and is therefore connected to the socio-political reality. While it is unlikely that Adalah's proposal will be accepted by Israel, we believe that it will challenge existing proposed constitutions and contribute to a public debate on the constitution among human rights organizations, Members of Knesset, law school faculty members and students, other academics, and the media.

Drafts of the proposed Charter were prepared by Attorney Hassan Jabareen, the General Director of Adalah, and commented upon by Adalah staff and Board members, as well as by a number of legal and other academics. Various provisions of the proposed Charter and the preamble were also introduced to Arab Members of Knesset and the High Follow-up Committee for Arab Citizens in Israel. A committee comprised of Adalah staff, Board, and other General Assembly members met frequently to discuss the preamble and other notable provisions. Adalah also solicited and published articles, written by leading academics, lawyers, and researchers, offering a critique of the IDI's proposed constitution, collective rights and the constitution, power-sharing and minority rights, and language rights, which were published in Volumes 7, 9, 12, 13 and 14 of *Adalah's Newsletter*. In 4/05, Adalah's General Assembly discussed and approved the basic principles of a draft of the Charter.

Adalah intends to circulate a draft of the proposed Charter widely in 2006, following the incorporation of comments received to date. We hope that other human rights organizations will contribute to and adopt the document. Adalah intends to publish the final draft of the Charter in Arabic, Hebrew and English, and to hold a conference on the Constitution in 2006.

A. Land and Planning Rights

Adalah undertook **15** cases, objections, and other legal interventions in 2005, which included **10** new filings and follow-up on **5** 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 Land 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** during 2005 included:

- The Supreme Court extended an injunction it had previously issued in a case filed by Adalah against the ILA. The injunction prohibits the ILA from aerielly spraying agricultural crops belonging to Arab Bedouin living in the unrecognized villages in the Naqab (Negev) with toxic chemicals.
- The planning authorities submitted a master plan for the Arab village of Kammaneh in the Galilee which incorporates the neighborhood of Al-Jelasi, over four years after the Supreme Court issued an order in this regard pursuant to a petition filed by Adalah. The plan was submitted days before a hearing was scheduled before the Court on a motion for contempt of court filed by Adalah.
- The AG's Office, in its initial response to a petition filed to the Supreme Court by Adalah, announced the cancellation of the military service criterion as a pre-condition for eligibility to lease land in the seven government-planned Arab Bedouin towns in the Naqab.
- In response to a letter sent by Adalah, the ILA decided to include selected Arab villages in the north of Israel in its Decision No. 897, which awards discounts of up to 50% on the price of leasing land for residential building purposes. The original text of the ILA's decision gave rise to strong fears that the reductions in question would be applied to Jewish villages only.

- After a seven-year legal struggle, Adalah obtained a permit for an Arab Bedouin family, which allows them to build a home on their privately-owned land in the Jewish community town of Kamoun in the north of Israel.

Supreme Court

1. H.C. 2887/04, Saleem Abu Medeghem, et. al. v. Israel Land Administration, et. al.:

In 11/05, the Supreme Court extended an injunction it had previously issued in a case filed by Adalah in 3/04 against the ILA. The injunction prohibits the aerial spraying of agricultural crops belonging to Arab Bedouin inhabitants of the unrecognized villages in the Naqab with toxic chemicals. The Court rejected claims made by the AG's Office that it is necessary to spray crops in order to protect state land, and that the spraying operations are more effective than other means of destroying the crops and are not dangerous, as the substance utilized is accepted for use on agricultural crops.

Adalah submitted the petition on behalf of four Arab Bedouin citizens of Israel, eight human rights organizations and in Adalah's own name. The petitioners seek to prevent the ILA from aerially spraying the agricultural crops with toxic chemicals. Adalah argued that the spraying of crops endangers the life and health of human beings and animals, as well as their environment, as the substance (ROUNDUP) used by the ILA is proven to be dangerous. The ILA issued no warnings, either before or after the spraying operations. Adalah included in the petition two expert opinions stating that ROUNDUP carries reproductive and carcinogenic risks and may induce eye and skin irritations, miscarriages, nausea and breathing difficulties. Immediately after the filing of the petition, the Supreme Court issued an injunction against the ILA prohibiting the aerial spraying of crops. 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 submission to the Court that the 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 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. Adalah commented that the ILA's response confirmed its status as an organization hostile to the Arab Bedouin in the Naqab that does not contribute to the good of the Arab Bedouin or regional development. Case pending.

2. H.C. 7260/99, Hashem Sawa'ed, et. al. v. Regional Council of Misgav, et. al.:

In 12/05 – over four years after a Supreme Court order – the planning authorities submitted a master plan for the Arab village of Kammaneh, which incorporates the neighborhood of Al-Jelasi. Official recognition for the neighborhood is currently pending final approval. The order was delivered pursuant to a petition filed to the Supreme Court by Adalah in 11/99 (H.C. 7260/99), demanding that the neighborhoods of Al-Jelasi and Western Kammaneh and their residents be included in the plan to recognize and grant municipal status to Kammaneh. These neighborhoods were excluded from the plan to recognize Kammaneh, an Arab village in the north of Israel. In an important written judgment delivered in 9/01, the Supreme Court ordered the District Planning Committee to submit an expanded version of the plan to recognize Kammaneh, including the previously excluded western neighborhood and Al-Jelasi, within 18 months. Despite the Court's order, however, the respondents failed to submit a plan for the area. Adalah submitted a motion for contempt of court to the Supreme Court in 5/05, arguing that the planning authorities had failed to submit a plan for Al-Jelasi in violation of the Court's order. Adalah further argued that the non-fulfillment of the Court's decision prolongs a severe violation of the rights to dignity, property and adequate housing of residents of the neighborhood, since the failure to formalize its status prevents them from being provided with infrastructure, basic services, or adequate living conditions. The Court ordered the state to pay legal expenses to Adalah in the sum of NIS 10,000.

3. H.C. 9457/05, Rizeq Gilawi, et. al. v. The Bedouin Development Agency, et. al.:

In 10/05, in response to a petition filed by Adalah, the AG's Office announced the cancellation of the military service criterion as a pre-condition for eligibility to lease land in the seven government-planned Arab Bedouin towns in the Naqab. The AG added that the Ministry of Construction and Housing (MCH) had annulled its policy of denying housing assistance for leasing land in the towns to married couples, one of whom is a citizen and the other a non-citizen, in 4/05. In 10/05, Adalah filed a petition to the Supreme Court in 10/05 against the Bedouin Development Agency (BDA), the ILA, and the MCH challenging discriminatory policies in place regarding the leasing of land and eligibility for housing assistance for inhabitants in the seven towns. The BDA stipulates that an individual submitting an application for leasing land should have served in the Israeli army or in other Israeli "security forces." The petition also challenges an ILA decision from 5/05, which affords large discounts on land prices to those who have served in the Israeli army and other security forces. The BDA imposes the further condition that an applicant should obtain a certificate from the MCH to qualify for housing assistance. However, the Ministry does not issue such certificates where the applicant is a citizen of Israel married to a non-citizen. Adalah argued that the policy of conditioning eligibility for discounted leases for land on military service is illegal as it is not based primarily on socio-economic need, and as there is no connection between army service and the marketing of land in general, and land in Arab towns in the Naqab in particular. Adalah further argued that the policy of denying housing assistance to citizens of Israel married to non-citizens is discriminatory as it distinguishes between citizens on an illegitimate basis – one's choice of life partner – and disproportionately impacts upon Palestinian citizens, a significant proportion of whom marry non-citizens from the OPTs and other Arab countries, stressing that there is no link between the status of a citizen's spouse and the right to housing. Case pending.

4. H.C. 9205/04, Adalah v. Israel Land Administration, et. al.:

In 1/05, according to media reports, the Attorney General (AG) issued a ruling in response to a petition filed to the Supreme Court by Adalah in 10/04 that the ILA cannot discriminate against Arab citizens of Israel in the marketing and allocation of the lands it manages, even when such lands belong to the JNF. The petition demanded the cancellation of an ILA policy and a regulation promulgated by the Minister of Finance permitting the marketing and allocation of JNF lands through bids open only to Jewish individuals. 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 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. **In 10/04, following the filing of the petition, 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.**

In 12/04, the JNF responded to Adalah's petition and a petition filed by The Association for Civil Rights in Israel (ACRI) against the ILA policy (see: *H.C. 9010/04, The Arab Center for Alternative Planning, et. al. v. The Israel Land 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 Jews. The JNF argued that its loyalty is only to the Jewish people, and that it operates only for the benefit of the Jewish people. The JNF further 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. 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.

In his 1/05 ruling, 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 holding of 13% of Israel Lands. Adalah opposes this 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. The AG's Office is waiting for the ILA Council's approval of the recommendations of the Gadish Committee (a committee established in 5/04 to investigate reforms in the ILA) before

responding to the petition. Case pending. (See information regarding Adalah's letter to the Israeli government urging it to reject the recommendations of the Gadish Committee, below.)

5. H.C. 9289/03, Adalah, et. al. v. Israel Land Administration, et. al.:

In 2005, Adalah continued to follow up on a petition filed to the Supreme Court filed in 10/03, challenging a government-approved discriminatory ILA land distribution decision, which awards a discount of 90% on the price of leasing ILA-managed lands 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 (NPAs). 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 economic benefits. Adalah argued that the decision discriminates against Palestinian citizens of Israel on the basis of national belonging, both at the level of the individual, since only individuals who have performed military or national service are eligible for benefit, and at the level of towns and villages, since the decision only applies to small towns and villages in the Galilee and Naqab designated by the government as NPAs, effectively excluding Arab towns. 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. In 3/04 and 11/04, the AG's Office announced that the state would add 15 small Arab towns to the list of towns eligible for the discount. **At a hearing in 11/04, before an expanded panel of seven justices, Chief Justice Barak stated that conditioning state land distribution on military or national service will result in discrimination against Arab citizens.** Case pending.

Update: In 7/05, the Supreme Court informed Adalah that it will delay the delivery of a judgment on the petition until it rules on another petition submitted by Adalah, which demands the cancellation of a discriminatory governmental decision designating "National Priority Areas." In 2/06, in a landmark decision, the Supreme Court ordered the cancellation of the governmental decision designating NPAs as it discriminates against Arab citizens of Israel (see below: *H.C. 2773/98 and H.C. 11163/03*).

District and Magistrate Courts

6. Civil File 3326/04, The State of Israel and the Israel Land Administration v. Ibrahim Farhood Abu el-Qian, et. al. (Beer el-Sabe Magistrate Court) (+ legal representation on 26 additional civil files):

In 2/05, in the context of these cases, Adalah sent a letter to the AG, Interior Minister and Minister of Industry, Trade and Labor, on behalf of the inhabitants of the unrecognized village of Atir-Umm Al-Hieran in the Naqab, demanding the cancellation of 27 civil lawsuits filed by the state in 4/04 to the Beer el-Sabe Magistrate Court. The state is requesting that evacuation orders be issued against the village's 1,500 inhabitants. Adalah is representing Arab Bedouin citizens of Israel in these lawsuits. Adalah further demanded the recognition of the village in the regional planning for the area. In the letter, Adalah argued that the filing of the evacuation lawsuits was done in bad faith, without examining relevant facts and without considering the alternative option of affording the village recognition. If carried out, the enforced evacuation would contradict previous promises made by the state and would gravely violate the basic rights of the village's inhabitants. Adalah also noted that a number of individual settlements inhabited by Jewish families exist in the area surrounding the village of Atir-Umm al-Hieran.

The lawsuits were based primarily on the claim that the villagers are using state land without permission and that they therefore need to be evacuated from the territory and be prevented from using it in the future. Atir-Umm al-Hieran was established roughly 49 years ago following the transfer of Arab Bedouin citizens of Israel to the area in 1956 by order of the Regional Military Governor. Prior to their enforced transfer, ancestors of inhabitants of Atir-Umm al-Hieran had been living and farming in the area of Wadi Zuballa for centuries. Following their expulsion from Wadi Zuballa, their land was transferred by the state to Kibbutz Shuval for agricultural use. In 8/01, the ILA submitted a report on "new and renewed" settlements to the Prime Minister's Office, detailing initiatives for the establishment of 68 new settlements throughout Israel, including the Jewish settlement of Hiran, earmarked for construction in the area currently inhabited by residents of Atir-Umm al-Hieran. The report identifies a number of "special problems" that may affect the planning and establishment of Hiran, among which the Arab Bedouin inhabitants of Atir-Umm al Hieran appear. A preliminary hearing in the civil suits was

held in 6/05 before the Beer el-Sabe Magistrate Court. Hearings on groups of civil files will be held before the Beer el-Sabe Magistrate Court in 4/06 and 7/06. Cases pending.

For more information see: Hana Hamdan, Adalah Urban and Regional Planner, "The Policy of Settlement and 'Spatial Judaization' in the Naqab," *Adalah's Newsletter*, Vol. 11, 3/05
<<http://www.adalah.org/newsletter/eng/mar05/mar05.html>>

7. Criminal Appeal 1801/04, Misgav Local Planning and Building Committee v. Zaker Sawaed (Haifa District Court):

In 4/05, the Haifa District Court rejected the Misgav Local Planning and Building Committee's (MLPBC) request to activate a rarely-invoked article of the Planning and Building Law, which would obligate Mr. Zaker Sawaed, an Arab Bedouin citizen of Israel, to pay a fine equal to twice the value of his house following his conviction for "building without a permit." Mr. Sawaed was convicted by the Akka Magistrate Court for building without a permit pursuant to the Planning and Building Law – 1965. Mr. Sawaed had built his house on his privately-owned land in the Arab Bedouin village of Husseniya in the Galilee in 2000. Husseniya, a formerly unrecognized village, gained official recognition in 1995, but no master plan had been approved for the village at the time that Mr. Sawaed built his home, and thus no building permit could be acquired. The Magistrate Court sentenced Mr. Sawaed to a fine and issued a demolition order against his home, effective within 30 months. The MLPBC appealed the sentence and Adalah began representing Mr. Sawaed on the appeal in 1/05. The MLPBC then asked the Haifa District Court to activate the article. In addition to refusing the MLPBC's request to activate the article, however, the Haifa District Court increased the amount of a fine previously imposed on Mr. Sawaed by the Akka Magistrate Court.

Planning Committees / Other Fora

8. Appeal 192/04, Adel and Etaf Sawaed v. Misgav Local Planning and Building Committee, et. al.:

In 7/05, after a seven-year legal struggle, the Northern District Appellate Committee (NDAC) accepted an appeal filed by Adalah in 9/04 and ruled that the Misgav Local Planning and Building Committee (MLPBC) must grant the Sawaed family a building permit for their house, with some conditions. The Sawaed family 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 Sawaed's 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 the ILA's consent for the permit, as 0.5m² of a total of 1,800m² of the plot covered by the request falls under the ILA's authority. In 8/04, after seven years of delay, the MLPBC rejected their request, 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. Adalah further argued that the MLPBC lacks the authority to make this decision, that it violated the objectors' basic rights, and discriminated against them on the basis of nationality. In its decision accepting Adalah's appeal, the NDAC criticized the MLPBC's management of the Sawaed's application for the building permit and stated that, "Generally, we think that local committees should make the effort to serve a citizen in a way that would make it possible for him to build, and would not do all it can to prevent him from being able to do that," adding that, "It is forbidden to discriminate between one person and another on the basis of religion or nationality; directly or indirectly, in the allocation of land." The Sawaed's are now working towards bringing their home into line with the conditions laid down by the NDAC.

9. In 2/05, Adalah filed an objection to the proposed discriminatory Wine Path Plan for the Naqab to the National Council for Planning and Building (NCPB) on behalf of the Regional Council for the Unrecognized Villages in the Naqab (RCUV) and in Adalah's own name. 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 determining 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 consist of large tracts of land which have

been given to Jewish citizens of the state for their private use over the years by the ILA and regional councils, without bids. Adalah argued, *inter alia*, that the plan involves the distribution of vast and lucrative portions of land in the Naqab in an inequitable manner with no clear, objective criteria; prevents equal access to the land for the entire population of the region and is thus discriminatory; is not based on any relevant factual data about the local Arab Bedouin population; and by retroactively legalizing the seizure of "state lands," is unconstitutional. Adalah further argued that though the plan has been presented as a tourism project, its real and primary objective is to "preserve state land" from use by "foreign entities," i.e. Arab Bedouin citizens of Israel, through retroactively legalizing existing and allowing for the establishment of new "individual settlements." The objection was rejected in 9/05.

Update: In 3/06, Adalah filed a petition to the Supreme Court of Israel (*H.C. 2817/06, Adalah, et. al. v. The National Council for Planning and Building, et. al.*) demanding the cancellation of the Wine Path Plan on behalf of Bimkom – Planners for Planning Rights, The Negev Coexistence Forum and in Adalah's own name. The named respondents are the National Council for Planning and Building and the ILA. Case pending.

For more information see: Hana Hamdan, Adalah Urban and Regional Planner, "Individual Settlement in the Naqab: The Exclusion of the Arab Minority," *Adalah's Newsletter*, Vol. 10, 2/05 <<http://www.adalah.org/newsletter/eng/feb05/fet.pdf>>

10. In 9/05, Adalah, as a member of "The Coalition for the Advancement of Planning in Halisa," submitted a report to the Haifa Municipal Council outlining its recommendations for planning policies in Halisa. Halisa, a neighborhood in Haifa built before 1948, is now considered a socio-economic slum. In 2001, the Ministry for Construction and Housing and the Haifa Municipality submitted an urban building plan for Halisa to the District Committee for Planning and Building. After receiving many objections against the plan from Halisa residents, the Municipality submitted a further plan, which does not take into account several of the community's needs and would expropriate massive amounts of private land to pave wider traffic roads, in most cases destroying residents' private living space. The Coalition was formed after the Halisa residents' committee asked for assistance to submit changes to the Municipal plan. The Coalition's report takes into account current planning problems as well as the planning needs and goals of residents in terms of housing, open spaces, public buildings and traffic. The Municipality has yet to release its re-amended plan.

11. In 7/05, Adalah and Bimkom – Planners for Planning Rights submitted a request to the Ministry of the Interior's Northern District Supervisor to include the western Al-Mal neighborhood of Wadi Salameh village within the master plan for the village. Al-Mal is one of the oldest neighborhoods in Wadi Salameh. As argued in the request, Wadi Salameh is central to the lives of its 150 residents in terms of social relations and access to health, educational, welfare, religious, commercial and employment services. Adalah and Bimkom further argued that the exclusion of the neighborhood from the village's master plan since its approval in 1990 prevents the neighborhood from developing effectively, denies its inhabitants the ability to connect their homes to infrastructural services and disqualifies them from permits to carry out structural work on their houses or build new homes. The request included an advisory opinion detailing the planning background of the village and the planning considerations behind the request, as well as a conceptual sketch of the proposed expansion. Adalah and Bimkom presented their advisory opinion at a session of the Northern District Planning and Building Committee in 12/05.

12. In 5/05, Adalah filed an objection against the Misgav Local Planning and Building Committee's Plan No. C/970 to the Northern District Planning and Building Committee (NDPBC), demanding the inclusion of a plot of land owned by the Sawaed family, Arab citizens of Israel, within the borders of the aforementioned plan, which would allow for connecting the plot to the surrounding infrastructure in the town of Kamoun in the Galilee. Kamoun was established as a Jewish town in the early 1980s, and was built around the Sawaed family's plot of land. The NDPBC rejected the objection in 8/05, stating, however, that the status of the Sawaed's plot did not change as a result of the forthcoming plan and is in line with previous plan designating it as a residential area.

Legal Letters

13. In 10/05, responding to a letter sent by Adalah in 7/05, the ILA informed Adalah of its decision to include selected Arab villages in the north of Israel in Decision No. 897, which awards discounts of up to 50% on the price of leasing land for residential building purposes in the Galilee and the North. In the letter, Adalah demanded the annulment of Decision No. 897, arguing that the text of the decision gives strong reason to fear that the reductions given under the decision will be applied to Jewish villages only. For example, the decision states that it does not

include land allocated through bidding. As Adalah argued, however, the ILA allocates land in Arab villages through open bids or "registration and ballot" bids, and therefore residents of Arab villages are unable to receive reductions on the price of leasing land under the decision. Further, in accordance with the decision, the ILA applies certain directives which are only relevant to the leasing of land for residential purposes in the various kinds of Jewish agricultural areas including kibbutzim and agricultural cooperatives. Therefore in practice the decision prevents Arab citizens living in villages in the Galilee and the North from acquiring discounts on the price of leasing land marketed by the ILA under the decision in particular, and excludes them from enjoying the right to housing in general on an equal basis with Jewish citizens. Adalah further argued that by applying the decision, the ILA is failing in its duty as an administrative body to uphold the principles of equality, justice and sound administration and to use objective considerations and rely on the relevant facts. Moreover, the decision is unreasonable, as land is an extremely vital resource for the socio-economic development of all citizens, Adalah emphasized.

14. In 6/05, Adalah sent a letter to the government urging it to reject recent recommendations of the Gadish Committee, which support a proposed land exchange between the state and the JNF. The Gadish Committee was established in 5/04 to investigate reform in the ILA. Adalah argued that the proposed exchange of state-held land in the Galilee and the Naqab for land of equal value held by the JNF – which allocates its lands to Jewish citizens only – in the center of the state will exacerbate the discrimination faced by Palestinian citizens of Israel in accessing lands and violate their basic rights. Adalah stressed that a public resource such as land should not be transferred to the JNF, a discriminatory body that openly admits that it works for the benefit of a particular group, the Jewish community, and does not have a duty to practice equality towards all citizens of the state. Such a transfer violates the constitutional right to dignity of Arab citizens of Israel, and the principles of equality and sustainable development. Adalah further contended in the letter that the result of transferring state land in the Galilee and the Naqab to the JNF would result in Arab citizens' being denied their rights in these lands. The JNF currently holds 13% of all ILA-administered "Israel Lands" on behalf of Jewish people worldwide. Non-Jewish citizens of Israel are prohibited from leasing or purchasing land held by the JNF. Encouraging the perpetuation of such segregationist land and planning policies contributes to the institutionalization of apartheid-like settlements, in which citizens of Israel are divided according to ethnic criteria. Moreover, since the Arab minority of Israel lives primarily in the Galilee and the Naqab regions, if implemented, the recommendations of the Gadish Committee would be particularly harmful to them, Adalah emphasized. In 6/05, the government approved the Gadish Committee's recommendations. The Committee's report is due to come before the ILA Council for approval. *(See information about Supreme Court case H.C. 9205/04, above).*

15. In 4/05, Adalah wrote to the ILA demanding a cancellation of its decision which directs the "selection committees" of small community and agricultural settlements to apply a number of discriminatory criteria for accepting new residents, and stipulates that the composition of the committees themselves should include a senior official from the Jewish Agency or the World Zionist Organization. Adalah argued that these criteria raise serious suspicions, *de facto* supported by the practice of selection committees, that the residency applications of Arab Palestinians and other applicants of low socio-economic status will be rejected on the grounds of their social and/or economic lack of suitability. Adalah further argued that under the ILA's decision, Arab applicants have no chance of purchasing leasing rights in agricultural and community settlements because of the presence of settlement bodies and lack of Arab representation on selection committees. The exclusion of Arab citizens from such settlements is especially severe as the decision affects approximately 900 "Jewish rural settlements," which jointly control 80% of land in Israel. The decision therefore contravenes the principles of equality and just distribution, and stands in breach of the duty of the ILA as a public body to refrain from engaging in discriminatory practices. Adalah also argued that the admissions criteria are vague and insufficiently detailed, lacking, for example, a definition of "social suitability", in spite of the requirement that successful applicants comply with this criterion. Thus, the decisions of both the ILA and the selection committees are arbitrary and open to the influence of personal preferences and prejudices. In 6/05, the ILA responded to Adalah, claiming that the new criteria aim to create equal conditions for all. Adalah replied in 7/05, requesting further details. In a response sent in 9/05, the ILA replied to Adalah's request in a partial manner. Adalah is assessing further legal action on this issue.

See also: Suhad Bishara, Adalah Attorney, "On Class and Nationality in Housing Rights," *Adalah's Newsletter*, Vol. 11, 3/05 <<http://www.adalah.org/newsletter/eng/mar05/mar05.html>>

B. Education Rights

Adalah represented on **10** cases in 2005, which included **6** new filings and follow-up on **4** pending legal actions in the field of education rights. With these legal representations, Adalah sought to increase access to education by seeking, for example, the establishment of schools and provision of transportation to educational facilities for Arab Bedouin students in the north and the unrecognized villages in the Naqab, the pupils with the lowest educational attainment level in the country.

Adalah's **main achievements** included:

- The Supreme Court issued a precedent-setting Supreme Court ruling on a petition filed by Adalah that the gap in education between Arab Bedouin and Jewish students in the Naqab necessitates a policy of affirmative action over the long-term. The petition demanded an increase in the number of drop-out counselor positions appointed to schools in Arab Bedouin towns in the Naqab.
- In response to a petition filed by Adalah, the AG acknowledged before the Supreme Court that the Ministry of Education (MOE) has discriminated against schools in the seven government-planned Palestinian Bedouin towns in the Naqab in the appointment of educational psychologists for students. The state committed to increase the number of such positions from 30% to 80% of the required positions within two years, to match the current rate within Jewish schools in the Naqab.
- Following Adalah's petition, the state informed the Supreme Court of the cancellation of the position of the deputy director of the Arab Education Division, which was held by a General Security Services (GSS) representative and allowed the GSS to intervene in the appointments and dismissals of Arab teachers, principals and inspectors in the Division.
- The AG agreed to provide a paved road to the elementary school in the unrecognized village of al-Fur'a in the Naqab in response to a petition filed to the Supreme Court by Adalah. The school currently lacks a safe access road, despite being situated 4 km from the nearest main road, preventing many of the school's teachers and 1,187 students from attending classes during bad weather.
- The Tel Aviv District Court extended an injunction preventing the closure of the Yaffa Arab Democratic School by the MOE until a final ruling on a petition filed by Adalah, allowing over 150 students to begin the new academic year at the school.
- Responding to Adalah's petition, the Haifa District Court ordered the state to allow children from two Arab Bedouin villages in the Galilee to continue studying at schools in a neighboring village. At the beginning of the school year, the Misgav Regional Council told pupils' parents that a decision had been previously made to re-register the pupils at a school in another village.
- Following an order issued to the Led Municipality by the Tel Aviv District Court on a petition submitted by Adalah, the Led Municipality agreed to register an 8-year-old Arab child in a Jewish elementary school. The Municipality initially refused to register the child at the school on the ground that he is Arab.

Supreme Court

1. H.C. 6671/03, Munjid Abu Ghanem, et. al. v. Ministry of Education, et. al.:

In 1/05, the Supreme Court issued a precedent-setting ruling on a petition filed by Adalah, deciding that the gap in education which exists between Arab Bedouin and Jewish students in the Naqab necessitates the adoption of a policy of affirmative action. This policy, stated the Court, through the assignment of counselors to different population groups in order to minimize the gap, should bring the 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 by Adalah, the Court noted 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 rate among Arab Bedouin pupils in the south is 12.56%. The Court also noted that the percentage of assigned 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 approximately 25%.

Adalah filed the petition to the Supreme Court in 7/03, requesting that the MOE appoint the required number of counselors for Arab Bedouin students in the Naqab, in accordance with its own set criteria. Adalah argued that the seven government-planned 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. As a result of the filing of the petition, in 9/04, the state committed to add 9.5 counselor positions in 2004 in the seven towns. In final arguments, Adalah contended that the state's suggestion is inadequate, as, even if an equal percentage of counselors were appointed for Bedouin as for Jewish students, the former would still be discriminated against, since they are in greatest need of the counselors.

Despite the extremely favorable and unprecedented rhetoric of the Supreme Court's ruling, however, the Court dismissed the petition and failed to provide a concrete, immediate remedy. The Court ruled that the state's appointment of counselor positions should be gradual and accomplished "within a reasonable time." The Court ordered the state to pay NIS 10,000 in legal expenses.

2. H.C. 4177/04, Yusef Abu-Abied, et. al. v. Ministry of Education, et. al.:

In 6/05, in response to a petition filed to the Supreme Court by Adalah, the AG admitted discrimination against Arab Bedouin students by the MOE and committed to increasing the number of educational psychologist positions from 30% to 80% of the positions it is required to provide within two years, to match the current rate within Jewish schools in the Naqab. The state also obligated itself to pursue a policy of affirmative action in education over the long term for the Bedouin towns in the Naqab. The decision in *H.C. 6671/03, Munjid Abu Ghanem, et. al. v. Ministry of Education, et. al.*, above, was cited in the state's response to the petition. Adalah submitted the petition to the Supreme Court in 5/04, challenging the discriminatory lack of educational psychologists in schools in the seven government-planned Arab Bedouin towns in the Naqab. Adalah demanded that the Court instruct the MOE to provide the required number of such positions in the towns, in accordance with its own set criteria, and the MOE and the Ministry of Social Affairs to apply equal rules in the allocation of the positions between Jewish and Arab Bedouin students in the Naqab. Adalah brought official data before the Court showing that only 15 educational psychologists' positions have actually been allocated to the seven Arab Bedouin towns (30% of the recommended total according to the MOE's own criteria). In comparison, 21.6 (or 80%) of the positions have been designated in accordance with the MOE's criteria in Jewish towns in the Naqab. In 2/05, the state received an extension of time to prepare its response to the petition, following the Court's decision in *H.C. 6671/03*. In 6/05, the case was dismissed and the state ordered to pay Adalah's legal fees.

3. H.C. 8193/04, Union of Parents of Arab Students in Israel, et. al. v. Ministry of Education, et. al.:

In 6/05, following a petition filed by Adalah, the state cancelled the position of the deputy director of the Arab Education Division, which was held by a General Security Service (GSS) representative, and which allowed the GSS to intervene in the appointments and dismissals of Arab teachers, principals and inspectors in the Division. Adalah filed the petition to the Supreme Court in 9/04, demanding that the GSS be prohibited from intervening in the appointment of teachers, principals and inspectors in the Arab Education Division of the MOE. As Adalah argued, through this post, the GSS has had the power to bar any Arab candidate from being hired without its approval. The opinion of the deputy director, not a pedagogical expert, is decisive in all important matters in the Arab education system, including the appointment or not of a candidate. Adalah contended that GSS intervention in the appointment of Arab educators: constitutes a serious breach of the rule of law, as there is no legal authority for such a practice; is discriminatory and violates the principle of equality, as the GSS involves itself only with regard to Arab candidates; 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. In addition, 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 positions in the MOE. In 11/04, Adalah countered the state's arguments, stressing that the petition does not address the issue of a candidate's criminal past, and that 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. Adalah will continue to monitor the situation, in order to ensure that the GSS does not find new ways to intervene in the Arab Education Division.

4. H.C. 6773/05, Ali Afnan Jabouah, et. al. v. Ministry of Education, et. al.:

In 8/05, during a Supreme Court hearing held on a petition filed by Adalah, the state announced that it would repair a four kilometer-long dirt track which leads to the elementary school in the unrecognized Arab Bedouin village of al-Fur'a in the Naqab. Adalah filed the petition in 7/05, demanding that the state cut and pave the track. As Adalah argued, the track poses several safety concerns for the school's teachers and 1,187 pupils, which prevent them from reaching the school during bad weather. Adalah argued that the state's failure to pave an appropriate and safe road to the elementary school violates the children's rights to education under both Israeli and international human rights law. During a hearing held in 8/05, the state announced that the relevant authority would repair the road. At the hearing, Adalah raised the additional question of necessary repairs to the junction linking the main road between Beer el-Sabe (Beer Sheva) and 'Arad to the track. Adalah argued that the question of improved access to the school was inexorably connected to the condition of the junction, and that the state must therefore repair it as well as the road. During the hearing, the Court ordered the state to repair the road leading to the school within two months and to submit its response regarding the junction within 30 days. **In 9/05, the Court ordered the state to repair the junction in addition to the road and report to the Court regarding which ministry will pay for the repairs.** In 10/05, the AG stated that the MOE and Prime Minister's Office will bear responsibility for the cost of making repairs to the junction. In 1/06, the Court ordered the state to pay 15,000 NIS in legal fees.

For more information, see: Featured Case, "Adalah Petitions Supreme Court Seeking Order to Pave Road Leading to Elementary School for 1,187 Arab Bedouin Children in Unrecognized Village of al-Fur'a in the Naqab," *Adalah's Newsletter*, Vol. 15, 7/05.

<http://www.adalah.org/newsletter/eng/jul05/fet.pdf>

5. H.C. 2848/05, Fatimah Abu Sabila (Ali) et. al, v. Ministry of Education, et. al.:

In 3/05, Adalah submitted a petition to the Supreme Court demanding the opening of a high school in the region of Abu-Tlul – El-Shihabi in the Naqab. The petition was filed on behalf of 35 Arab Bedouin girls and six other local NGOs. Seven Palestinian Bedouin unrecognized villages with a combined population of around 12,000 inhabitants are located in Abu-Tlul – El-Shihabi. There are currently no high schools in any of the villages, although the MOE committed to open a high school in the area in 2000. Adalah presented data revealing that around 77% of the total students from the area drop out of the education system permanently as a direct consequence of the lack of a local high school. The data showed that the dropout rate is particularly high among girls.

As Adalah argued, the reasons for this higher rate lie in the fact that Arab Bedouin culture and customs forbid girls from traveling with "strangers" unless accompanied by a relative, from studying with students who belong to other tribes and from being in the company of unfamiliar boys, and severely curtail their freedom to leave their village or tribal area. The 12-15 kilometer journey to high schools in recognized towns therefore poses an insurmountable barrier to the continued education of many young women. Adalah argued that the denial of the right of Arab Bedouin girls, as women in a traditional society and members of the national minority, to an education constitutes compound discrimination on the basis of gender and nationality. Drawing on Israeli and international law, Adalah contended that the social conventions of the petitioners' society, which reinforce the gender divide, place the state under a grave obligation to consider these social factors and eliminate the ongoing discrimination against the petitioners by making education accessible for them. The petition further emphasized that the MOE establishes high schools for Jewish students in many other areas with populations smaller than those of the petitioners' villages and with a smaller number of high school students, such as the neighboring Jewish settlement of Kibbutz Shuval, which has only 350 inhabitants. Therefore, the respondents' refusal to establish a high school in Abu-Tlul – El-Shihabi constitutes discrimination on the basis of national belonging.

The state responded to the petition in 8/05, stating its refusal to build a high school in the area is due to the villages' unrecognized status, claiming that the villages' residents chose to live in an illegal situation. The state also claimed that a new high school is under construction in a neighboring newly-recognized Arab Bedouin village 8km away, and that the students from the village will be able to attend this school. Adalah responded to the state's response in 11/05, arguing that, contrary to the state's claims, the village pre-dates the establishment of Israel, and that many of its residents were forcibly relocated to it by the state following the war of 1948. Adalah countered inaccuracies in the state's response and stressed that the establishment of a school in another village will not solve the problem of girls from the villages dropping out. A hearing has been scheduled in 4/06. Case pending.

For more information, see: Salem Abu-Medeghem, Adalah's Field Researcher and Naqab Office Manager, "On Gender and Nationality in Education: Petition to Supreme Court to Establish High

School for Unrecognized Bedouin Villages in the Naqab," *Adalah's Newsletter*, Vol. 11, 3/05 <<http://www.adalah.org/newsletter/eng/mar05/fet.pdf>>

6. H.C. 100030/05, A'aref Ala'moor v. Ministry of Education:

This petition was filed in 10/05, demanding transport for the 280 three and four year-old children from the unrecognized Arab Bedouin village of al-Za'arora in the Naqab to preschools in neighboring villages, or the construction of preschools in the village. The petition was filed in Adalah's own name and on behalf of 51 children from the village and a number of educational organizations, against the MOE, the District Committee for Planning and Building – Southern District, the Regional Council for Planning and Building and the ILA. The petition followed a pre-petition sent to the AG in 3/05. Adalah has submitted two previous petitions to the Supreme Court on the issue (*H.C. 3757/03 and H.C. 5108/04*), which resulted in the MOE's committing before the Court to transport the children to preschools outside the village. However, the MOE refused to construct buildings for preschools within the village due to its unrecognized status. Adalah emphasized that the MOE has broken its commitment to provide transport for the children, who have been left without an educational framework. Adalah argued that the MOE's failure violates the children's right to education, which cannot be conditioned on their village's status and that the MOE is not implementing the Compulsory Education Law, which mandates education for children from age three, stressing that, although al-Za'arora as an unrecognized village, it is among the most socio-economically depressed and underdeveloped areas in the country and its inhabitants cannot exercise their rights under the Law.

Update: In 2/06, the state responded, arguing that it does not implement the Compulsory Education Law for children of three to four years of age in the unrecognized villages and does not provide transportation to preschools for any children of that age. The state added that providing transportation and other services to residents of the unrecognized villages works against the state's goal of evacuating these villages. A hearing was held before the Supreme Court later in 2/06. The Court is due to give its decision. Case pending.

District Courts

7. 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 7/05, the Tel Aviv District Court extended an injunction preventing the closure of the Yaffa Arab Democratic School by the MOE until a final ruling on a petition filed by Adalah, thereby allowing the students to begin the new academic year at the school. The petition was filed in 10/04 and demanded the annulment of a closure order served against the school by the MOE for its opening and operation without a license. The MOE explained the closure order on 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 revocation of the status of the parents' committee in the school. In the petition, Adalah argued that forcing the school's 158 students to leave it would represent a serious infringement of their basic right to education, since they would be left without any educational framework. Adalah stressed that, as the school conforms to all criteria for obtaining a license, its failure to obtain a license in time is a technicality which cannot outweigh the students' basic right to education and right to choose in education. In 10/04, the MOE requested an additional 14 days to examine the license application, which represented the first instance of the ministry's agreement to review it. **In 12/04, the Tel Aviv District Court stated that the case involved special and extraordinary circumstances where the opening of the school was not a result of disregarding the law and issued a first an injunction preventing the closure of the school pending a final decision on the petition.** Case pending.

In parallel proceedings, Adalah filed an appeal against the closure order to the MOE's Appeals Committee in 12/04 (*Administrative Petition 2329/05, League for the Arabs in Jaffa, et. al. v. Ministry of Education's Appeals Committee*). The appeal was not heard before the committee, and, after engaging in extensive correspondence with the MOE, Adalah submitted a further appeal in 9/05 to the Tel Aviv District Court challenging the Committee's failure to hear the appeal. A hearing on the appeal was held in 12/05. Appeal pending.

8. Admin. Petition 1345/05, Muhammad Ibrahim Sawaed, et. al. v. Misgav Regional Council and Ministry of Education (Haifa District Court):

In 10/05, following the filing of a petition by Adalah, the Haifa District Court ordered the Misgav Regional Council and the MOE to allow children from two Arab Bedouin villages in the Galilee to continue studying at junior high and high schools in a neighboring village. The Court also compelled the Council to continue to pay for their "external students' education fees" and resume bus transportation for the children to their schools. Adalah submitted the petition together with an urgent motion for an injunction in 10/05 to the Haifa District Court against the MOE and the Misgav Regional Council, challenging the Council's decision to halt bus transportation for 150 Arab Bedouin junior high and high school pupils to their school in Nahaf, the route to and from which is 15 km from their homes, at the beginning of the school year. Parents later learned that the Council had decided early in 2004 to transfer incoming pupils from their current schools – where pupils from both villages had been studying for forty years prior to the decision – to schools in Wadi Salami, the route to and from which is 25 km. At no point since making the decision did the Council inform the parents or the students. Following the cancellation of transportation, many children were forced to walk to school, often arriving late and exhausted. Some parents kept their children – especially girls – at home, fearing the potential dangers of the commute. Adalah argued that suspending transportation for the children violates their right to education, which under Israeli law requires the state to provide transportation for students to and from school, and that the Council's decision to transfer incoming students to schools in Wadi Salami contradicts Supreme Court case law, according to which parents have discretion to decide which school their children will attend. **The Court issued an injunction in 10/05, ordering the MOE and the Council to resume transportation for the pupils immediately.**

9. Admin. Petition 2293/05, Hassnein et. al. v. Municipality of Led and Ministry of Education (Tel Aviv District Court):

In 9/05, the Municipality of Led (Lod) agreed to register an eight-year old Arab child at a Jewish elementary school in Led in response to a petition filed by Adalah in 8/05 after the Municipality and the MOE refused to register him on the grounds that he is Arab. Adalah submitted the petition on behalf of the child and his parents against the Municipality of Led and the MOE, requesting that the Court order the respondents to explain why they have not cancelled this decision. Among the reasons given by the respondents was the purported fear that the child would be unable to fit in with the other school students. The Municipality and MOE stated that it is therefore preferable for him not to attend the school, which is situated close to his family's home in Led, and enroll in an Arab or mixed school, even if such a school were located far from his home. Adalah argued that this position amounts to discrimination on the basis of national belonging and contradicts all constitutional and democratic principles as well as international human rights covenants which afford protection for the rights of national minorities. Adalah stressed that many parents of Arab students in mixed cities, such as Led, are obliged to move their children to Jewish schools out of concern for their educational attainment, health and futures because of the state's gross neglect of Arab schools and the consequent deterioration in the conditions and standards. **After a hearing held on the petition held in 8/05, the Court issued an order obliging the Municipality to register the child in the school as quickly as possible, pending the delivery its final decision on the petition.** Following the Municipality's announcement of its agreement to register the child, Adalah withdrew the petition.

In 9/05, following the Court's order, Adalah wrote to the Municipality of Led demanding that three three-year-old children from Led be registered at a Jewish kindergarten in Led after they were turned away at the beginning of the school year, despite documentation stating that they had been registered there. **Two days later, the Municipality agreed to register the children at the kindergarten.**

10. Lawsuit 217/05, Haneen Na'amneh, et. al. v. Haifa University (Haifa District Court):

The petition was filed by Adalah in 10/05 to the Haifa District Court, demanding that the Court declare illegal Haifa University's policy of including military service as a criterion for allocating student housing. Adalah argued that the inclusion of this criterion discriminates on the basis of national belonging against Arab students, most of who are exempt from and do not perform military service. One of the criteria used by the university's Dormitory Committee in its points-based system for deciding which students will be allocated student housing is the military service criterion. In the fall of 2005, students scoring 61 points and above qualified for student housing. Applicants who have performed military or national service or who are student soldiers are automatically granted 20 points, and applicants with army reserve an additional five points and therefore enter the application process with between 33% and 41% of the required points. Adalah argued that participation in military service does not reflect students' needs for university housing, making it an irrelevant criterion used to exclude Arab citizens of Israel. Adalah emphasized that students who have served in the Israeli military receive

substantial benefits under the "The Absorption of Discharged Soldiers Law," which enumerates all the social and economic benefits former soldiers are entitled to, including housing and educational grants. Haifa University is therefore providing illegitimate additional benefits to students who have performed military service. Adalah noted that this policy particularly discriminates against Arab women, as religious Jewish women perform non-military service and receive the equivalent number of points under the university's system.

Update: At a hearing of the Haifa District Court held in 1/06, the Court ordered the parties to file their written summaries, after which it will issue its decision.

C. Economic and Social Rights

Adalah represented on **10** petitions including **5** new filings and follow-up on **5** pending cases in the field of economic and social rights in 2005. Within this field of interest, Adalah challenged discriminatory laws and multi-million dollar governmental economic decisions, including articles of taxations laws which exclude Arab Bedouin towns in the Naqab from the list of localities eligible for income tax benefits, and a governmental decision awarding grants for the purchase of apartments in National Priority Areas, completely excluding Arab towns, as well as governmental decisions that deny access to sources of clean drinking water to hundreds of Bedouin living in the unrecognized villages in the Naqab.

Adalah's **main achievements** included:

- In response to a petition filed to the Supreme Court by Adalah and Sawt el-Amel, the Ministry of Industry, Trade and Labor canceled its decision to close the unemployment office in the Arab town of Kufr Kana. The office now continues to serve the 71,000+ Arab citizens of Israel in the area.
- The Supreme Court compelled the Ministry of Labor and Social Affairs to open and operate a secure shelter for young Arab women at risk by 1/06, in accordance with Adalah's demand and following the Ministry's closure of the only such state-funded shelter in the country in 5/03.
- Following an appeal filed by Adalah, the Beer el-Sabe Regional Labor Court obliged the NII to restore all social benefits to a Palestinian woman citizen of Israel and her children.
- Following Adalah's intervention, the AG ordered the MOE to cancel regulations which discriminated against Palestinian citizens of Israel on the basis of nationality in contractual or maintenance work in all Jewish educational institutions in the Jerusalem District.

Supreme Court

1. H.C. 8249/04, Ziad Matar et. al. vs. Ministry of Industry, Trade and Labor:

In 5/05, following Adalah's petition, the AG informed the Supreme Court of the Ministry of Industry, Trade and Labor's (MITL) decision to cancel its previous instruction to close the unemployment office in the Arab village of Kufr Kana in the Galilee. As a result of the MITL's decision, the unemployment office there can now continue to provide its services to approximately 71,000 Palestinian citizens of Israel in the area, including over 4,000 job seekers. Adalah and Sawt el-Amel filed the petition in 9/04, demanding that the Court prevent the MITL from closing the office and merging it with the Nazareth unemployment office. As the petitioners argued, all of the nine towns served by Kufr Kana's unemployment office 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 petitioners also stressed that the unemployment office in Nazareth, which serves the 100,000 residents of Nazareth and four surrounding villages is already over-crowded and under-staffed, and that these towns head the Labor Office's list of centers of high unemployment. The standard of service provided by this office would be severely compromised should the MITL close the Kufr Kana employment office as the number of job seekers to be served by it would rise dramatically to over 10,000 people, Adalah contended.

2. H.C. 9111/03, *Women against Violence, et. al. v. Minister of Labor and Social Affairs*:

In 9/05, the Supreme Court complied with Adalah's demand to deliver a final decision on a petition filed in 10/03 and ordered the state to open and operate a secure shelter for young Arab women at risk by 1/06. In the petition, Adalah asked the Court to compel the Minister of Labor and Social Affairs to open a secure shelter for young Arab women at risk immediately, in response to the Minister's closure in 5/03 of the only such state-funded shelter in the country serving Arab young women in danger of physical abuse or those judged by the courts to constitute a threat to themselves or others. 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 comprise 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 appropriate alternatives must be available to the courts for teenagers at risk under Israeli law. The lack of a secured shelter for young Arab women leaves them with few options: assignment to shelters for Jewish youth (which have long waiting lists), imprisonment, or living on the streets, all of which present a range of intractable problems.

Throughout 2004, the Ministry announced repeated postponements in the opening of a shelter, which Adalah challenged. In 2/05, the Court issued an *order nisi* demanding that the Minister explain within 30 days why it could not open a shelter by 6/05, and expressed its concurrence with Adalah that the continued delays are unacceptable and excessive. Before the 9/05 hearing, the Ministry asked for a further delay in the opening of the shelter, which Adalah strongly opposed during the hearing, arguing that the delay is causing irreparable damage to hundreds of young women, and putting the lives of some of them at risk. During the hearing, as well as issuing its final decision to order the Ministry to open the shelter by 1/06, the Court also imposed a fine on the Ministry in the sum of NIS 15,000.

Update: In 1/06, Adalah sent a letter to the Ministry of Labor and Social Affairs asking whether or not the shelter is operational, and has to date not received a reply.

3. 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*:

In 6/05, Adalah submitted a motion for an injunction to the Supreme Court to freeze a new discriminatory governmental decision awarding grants for the purchase of apartments in "National Priority Areas" (NPAs), completely excluding Arab towns. As Adalah emphasized in the motion, there are only four Arab towns among the 527 categorized as priority "A" areas, and even these are not covered by the government's new decision, as they do not meet the decision's criterion that qualifying apartments must be located in buildings of multiple storeys. The motion was submitted pursuant to a petition filed to the Supreme Court by Adalah in 5/98, seeking the cancellation of the original governmental decision which divides the country into NPAs. Adalah argued that the decision divides the country in an arbitrary and discriminatory manner, without legislative authorization or 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 towns and settlements in the 1967 Occupied Territories. After years of hearings, written submissions and arguments before an expanded panel of seven justices on the petition, in 12/03, the Court asked Adalah to submit a new petition on the case.

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 successfully requested an *order nisi* requiring the AG's Office to explain the exclusion of seven recognized Arab Bedouin towns in the Naqab) – Rahat, Lagiyya, Kessife, 'Arora, Segev Shalom, Hura and Tel el-Sabe – from the priority "A" list in the field of education, all of which suffer from the lowest levels of educational attainment in Israel. At a hearing 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 clearly demonstrates that the borders of priority "A" areas exclude Arab towns and villages. Adalah argued that the goal of assisting towns which take in *olim* is discriminatory against Arab citizens of Israel for three reasons: (i) Arab towns do not receive new Jewish immigrants, and therefore the decision effectively excludes them; (ii) Israeli law already provides for a wide range of existing benefits and assistance for *olim*; and (iii) 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.

Update: In 2/06, a seven-Justice panel of the Supreme Court issued a landmark, unanimous ruling to cancel the government decision establishing NPAs, finding that it discriminates against Arab citizens of Israel on the basis of race and national origin. The Court also ruled that the government is not authorized to unilaterally divide the country into NPAs without legislation enacted by the Knesset establishing criteria and justifications. Importantly, the Court's ruling is not restricted to NPAs for education, but affects all NPAs. In accepting Adalah's position, the Supreme Court has ruled that the executive and every other governmental authority must respect the principle of equality and are prohibited from discriminating against Palestinian citizens of Israel.

4. H.C. 6901/05, Mayor of Rahat Municipality, et. al. v. Minister of Finance, et. al.:

In 7/05, Adalah submitted a petition to the Supreme Court requesting the inclusion of five Arab Bedouin towns in the Naqab in the list of localities eligible for income tax benefits. The petition further asked the Court to cancel an amendment to the Income Tax Ordinance, enacted in 6/05, the objective of which is to provide a 13% reduction in income tax payments to localities located up to 7km from the Gaza Strip. However, following the first reading of the bill, the Knesset's Finance Committee added a further 18 Jewish localities not located within the given area to the list of eligible localities. Adalah stressed that in 2003, the Economic Recovery Law removed the five Arab Bedouin towns from the list of towns entitled to tax benefits under an amendment to a 2001 tax law which granted – for the first time – tax benefits to recognized Arab Bedouin towns in the Naqab, despite the fact that all five towns are classified in the lowest cluster of localities on official socio-economic indices, and that localities with a higher socio-economic status remained eligible under the law. Adalah argued that arbitrarily revoking the eligibility of the five Bedouin towns for income tax benefits violates the principle of equality and thus constitutes discrimination, and demanded the application of clear and consistent criteria in determining which localities receive income tax benefits in the Naqab. Case pending.

Update: At a hearing on 1/06, the Supreme Court issued an order to show cause compelling the state to answer as to why eligibility for tax benefits under the amendment is not based on equal criteria and why the law should not be cancelled. The respondents were granted six months from the establishment of the new government to revise the law and establish clear and consistent criteria for the qualification of localities for tax benefits.

5. H.C. 10662/04, Salah Hassan, et. al. v. National Insurance Institute, et. al.:

During 2005, Adalah continued to follow up on a petition filed to the Supreme Court by Adalah and Sawt el-Amel in 11/04 against the National Insurance Institute (NII) and the Ministry of Industry, Trade and Labor. The petitioners demanding the cancellation of Article 9A(b) of the Income Support Law (1980) and Article 10(c) of the Income Support Regulations (1982), which render unemployed owners and users of cars ineligible for 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 use a car. In cases where individuals cannot pay the fines, the NII has deducted debts from child allowances and future income support payments. Arab citizens 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 further argued that the law violates the constitutional rights to dignity and property. In its response to the petition, the AG's Office stated that depriving car users of income support payments is justified, whatever their reason for using the car.

Update: In 3/06, the Supreme Court issued an *order nisi* on the petition which impels the NII and the state to show cause as to why the two aforementioned articles should not be cancelled. The Court also ordered the AG and NII to respond to the petition within 90 days. Case pending.

6. H.C. 6223/01, National Committee of Arab Mayors, et. al. v. Ministry of Interior, et. al.:

During 2005, Adalah also continued to follow-up on a petition submitted to the Supreme Court in 7/01 against the Ministry of Interior (MOI), the Ministry of Finance and the Prime Minister, in which Adalah demanded that the government reject the criteria applied by the MOI to determine distribution of "budget balancing grants" to municipalities on the grounds that the criteria discriminate against Arab local authorities. The petition requested the determination of clear, equal and unified criteria for the allocation of the grants, the purpose of which is to secure a minimal and reasonable level of service for the residents of the towns and villages under the jurisdiction of municipalities and local councils. 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 that 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 only Jewish local councils and municipalities, and will therefore deepen the discrimination within the system of grant allocation. At a hearing in 11/04, Adalah presented data to the Court illustrating the wide gap between the allocation of budget balancing grants to Arab and Jewish local councils and municipalities. For example, in 2003, Jewish municipalities 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. The Court linked a decision in this case to the decision given on Adalah's petition challenging the government's designation of National Priority Areas (see *H.C.2773/98* and *H.C. 1163/03*, above). Case pending.

District Courts / Labor Court

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

In 8/05, the Beer el-Sabe Regional Labor Court issued a decision accepting in full an appeal filed by Adalah and obliging the National Insurance Institute (NII) to restore to a Palestinian woman citizen of Israel and her children all of their social rights. Adalah submitted this appeal in 1/04 against the NII's decision to cancel the social rights and benefits of the woman and her children following her marriage to a Palestinian resident of the Gaza Strip, falsely claiming that her place of residence was the Gaza Strip. The petition demanded that the NII retract its decision to cancel their status in Israel, of which it divested them in an arbitrary manner. As a result, the woman and her children lost all of their social rights, to which they are entitled under the National Insurance Law – 1995, including childbirth support, maternity leave, child benefits and income support benefits, as well as health insurance rights under the National Health Insurance Law – 1994. Adalah contended that the NII took its decision without due process, since it did not grant the woman the right to be heard or give her an opportunity to appeal the decision within the NII, and ignored the clear facts of the case, which demonstrated that the woman and her children were living in Israel. Further, as the woman and her children are citizens of Israel, born in Israel and living here, there can be no doubt that they are residents of Israel for the purposes of both the aforementioned laws. Therefore, the NII's decision was in contradiction of the principle of the rule of law, and in violation of fundamental and constitutional rights, including the rights to dignity, equality and due process. In its decision, the Court refuted all of the claims made by the NII and obliged the NII to pay the various benefits – wrongfully withheld – retroactively, at Adalah's request.

8. D.C.H. Appeal 609/05, Abdallah Abu Msaed, et. al. v. Water Commissioner (Haifa District Court):

In 4/05, Adalah appealed to the Haifa District Court (sitting as a Water Tribunal) against decisions of the Water Commissioner to deny access to sources of clean drinking water to 767 Arab Bedouin living in unrecognized villages in the Naqab. As the villages concerned are not recognized by the state, they are not connected to the national water network. Most inhabitants are forced to bring drinking water from water access points located several kilometers from their villages via improvised plastic hose connections or by transporting the water in unhygienic metal containers by vehicle or donkey. For example, the Arab Bedouin living in Tla' Rashid rely on a water access point located seven kilometers from their village. Due to the heavy use of this source, the supply of water is intermittent and frequently stops. In addition to the problem of physical access to drinking water, the inhabitants are also exposed to health risks associated with the poor quality of their drinking water. The appeal includes an expert opinion of Prof. Michael Alkan of Ben-Gurion University, whose research into water access concluded that Bedouin living in unrecognized villages were at risk of dehydration, intestinal infections and other diseases associated with poor hygiene such as dysentery, as a result of the poor quality of their drinking water. In the appeal, Adalah raised the main arguments that the Water Commissioner's refusal to grant water access points: (i) infringes the Arab Bedouin villagers' rights to water, health and dignity under both Israeli and international human rights law; (ii)

discriminates against them on the basis of their nationality, since while thousands of Arab Bedouin citizens living in unrecognized villages are deprived of adequate water access, individual Jewish families living on expansive ranches ("individual settlements") in the Naqab are promptly provided with water access, often prior to obtaining planning permission for their dwellings; (ii) and violates basic principles of administrative law. A hearing on the appeal has been scheduled for 4/06. Appeal pending.

Pre-Petitions / Legal Letters

9. In 6/05, in response to a complaint sent by Adalah, the AG stated that the MOE had been ordered to cancel regulations which discriminate against Palestinian citizens of Israel in contractual or maintenance work in all Jewish educational institutions in the Jerusalem District. Adalah sent the complaint to the AG in 3/05, asking him to order the MOE to cancel regulations issued by the MOE's Jerusalem district officer entitled "The Employment of Minorities in Maintenance Work and in Contractual Work in Educational Institutions," which prohibited the hiring of Palestinians from the OPTs for contractual and maintenance work in Jewish educational institutions and stipulated conditions for the hiring of Palestinian citizens of Israel. Adalah further asked the AG to make a commitment that it will not discriminate on any basis against citizens of Israel, and to publish a formal apology for the regulations. The regulations stipulated, *inter alia*, that: (i) checks of every Arab hired in an educational institution must be made to ensure that he/she has no criminal record. Every potential employee must also present signed police statements confirming that he/she has not committed any sexual offenses; (ii) Arab employees of a contractor must be supervised by a Jewish foreman; (iii) it is forbidden to give a key to any gates or doors of educational institutions to Arab contractual and maintenance workers; and (iv) every contractor of Arab workers must employ and post armed Jewish security guards in addition to the school's guard. Adalah argued that these regulations discriminate against Palestinian citizens on the basis of nationality, thereby violating the right to dignity. Adalah also argued that the regulations cause severe damage, since they identify Arab citizens – as a group – as potential criminals simply because of their national belonging.

10. In 5/05, Adalah sent a letter to the Israel Broadcasting Authority (IBA) after receiving numerous complaints indicating that representatives from the private company "Milgam" had sent warnings to Arab citizens owing money to the IBA and caused damage to houses and confiscated private household property through aggressive means. Adalah discovered that Milgam is the only company with which the IBA holds a contract, through which it authorized the company to collect broadcasting fees exclusively from Arab citizens, and that the IBA did not contract a company to perform the same activity in Jewish towns. Adalah argued that, as a private company, Milgam lacks the legal authority to collect broadcasting fees from citizens, a task that can only be undertaken by a government authority, and that the collection of fees by a private company exclusively among Arab citizens of Israel is tantamount to a policy of selective implementation of the law, which discriminates against Arab citizens on the basis of national belonging. In subsequent correspondence with the IBA, Adalah demanded that it discontinue its contract with Milgam.

Update: In 1/06, the IBA informed Adalah that it does not intend to renew its contract with "Milgam", and that the IBA will not use a private company to collect broadcasting fees.

D. Civil and Political Rights

Adalah undertook 11 legal representations in 2005, which included 6 new filings or other interventions and continued to follow-up on 5 pending cases in the field of civil and political rights. With these representations, Adalah sought to protect the right of citizenship, the rights to political participation and freedom of expression, as well as religious rights. Adalah also sought the recognition of the four Arab citizens of Israel who fell victims of the Shafa'amr terror attack in 8/05 as "victims of a hostile act," and due compensation for their families.

Adalah's **main achievements** included:

- The four victims of the Shafa'amr terror attack of 8/05 were recognized as "victims of a hostile act" under Israeli law and their families awarded due compensation following Adalah's intervention to the Prime Minister, Attorney General and National Insurance Institute (NII).
- In response to a petition submitted by Adalah to the Supreme Court, the AG's Office informed the Court of its agreement not to order the police to destroy a demonstration tent set up in the

unrecognized Bedouin village of al-Araqib. The tent was set up in protest against the Israel Land Administration's policy of destroying land cultivated by Arab Bedouin in the Naqab.

Supreme Court

1. H.C. 7052/03, Adalah, et. al. v. Minister of Interior, et. al.:

In 2005, Adalah continued to challenge the constitutionality of the Nationality and Entry into Israel Law (Temporary Order) – 2003, following up on a petition filed to the Supreme Court in 8/03, seeking the cancellation of the law. The law prohibits the granting of residency or citizenship status to Palestinians from the 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 MKs against the Interior Minister and the AG. The petitioners argued that 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 also discriminates against Palestinian citizens of Israel, who are overwhelmingly the Israeli citizens who marry Palestinians from the OPTs. Thus, the law is blatantly racist and in contravention of international human rights law, which prohibits discrimination based on nationality specifically with regard to the right to citizenship. The law affects thousands of married Palestinian couples and their children, and has forced families to separate or emigrate. Moreover security concerns, used by Israel to justify 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, argued the petitioners. Further, the "graduated procedure" for naturalization grants the government wide authority to conduct individual criminal and security background checks on all status seekers. In 11/03, the Court issued an injunction, as requested by the petitioners, preventing the deportation of several Palestinian spouses pending a final decision on the petition. In 7/04, the Knesset extended the law for an additional six months; and injunction requested by Adalah was denied by the Supreme Court.

In 1/05, the Knesset extended the law, unchanged, until 5/05. In 2/05, Adalah filed a motion to freeze the law and demanded that the Court rule on petitions pending against the law, 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. The Court did not freeze the law or rule on the petitions. In 5/05 and 7/05, Adalah extensively lobbied MKs and government bodies against another proposed extension as well as various amendments to the law, appearing before three sessions of the Parliamentary Interior Committee and before the Rubinstein Committee appointed by the government to give recommendations on issues of immigration and naturalization in Israel. **In addition, as a result of Adalah and NGO partners' lobbying efforts in 2005, the UN CEDAW Committee urged Israel to reconsider the law.** For more information, see: *International Advocacy, below.*

In 7/05, the Knesset re-extended the law until 31/3/06 and introduced new amendments to it. Adalah submitted a motion for injunction in 7/05 requesting that the implementation of the law be frozen and a decision be delivered urgently on the petition. Adalah argued that none of the new amendments addresses the law's unconstitutionality; on the contrary, they are arbitrary and inflict further violations of constitutional rights. As Adalah argued, the new amendments allow family unification between residents of the OPTs and citizens of Israel in very limited circumstances, and include new age and gender-related stipulations which impose a sweeping ban on applications from all Palestinian men under 35 years of age, and all Palestinian women under 25 years of age. Further, individuals who meet these criteria are eligible for a temporary permit at most, and do qualify for work permits, social benefits, etc. A further amendment provides that no status will be granted to Palestinians *related to* individuals whom security officials *suggest might* constitute a threat to the state. In 12/05, ACRI and Adalah submitted joint concluding arguments to the Court, arguing that law and its subsequent amendments lack any substantive factual basis. The organizations emphasized that the new amendments do not alter the racist nature of the legislation, and that the main challenge to it – that it is unconstitutional as it discriminates on the basis of national origin – remains pending before the Court.

Update: The state's response was submitted in 2/06. A panel comprised of 11 Supreme Court justices heard closing arguments on the case in 2/06. As the law was due to expire during the election period in 3/06, the law was automatically extended for a further three months, in accordance with Israeli elections law. Case pending for decision.

Note: In addition to its work on this petition, Adalah represents over 75 individual families in family unification cases before many different fora, including the Supreme Court, the Labor Courts, the MOI, and the AG's Office.

2. H.C. 7311/02, Association for Support and Defense of Bedouin Rights in Israel, et. al. v. Municipality of Beer Sheva, et. al.:

In 2005, Adalah followed up on a petition filed to the Supreme Court in 8/02 demanding that the Big Mosque in Beer el-Sabe – the town's only mosque – in which Muslims have been banned from praying by the Municipality since 1948, be re-opened for prayer. Adalah filed the petition on behalf several local 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. From 1906-1948, the building served as a mosque. After the establishment of the state, however, the mosque was used as a court, prison and museum and stood empty and neglected since 1991. The petition argued that free access to the mosque is protected by freedom of religion, freedom of worship and the right to dignity. In 2003, the state established an inter-ministerial committee to examine the issue, which had no Muslim or Arab representative, despite Adalah's demands. The committee reported in 9/04, recommending the maintenance of the *status quo*; that because Beer el-Sabe is a 'Jewish city' it does not need a mosque; and that three places of worship already existed for the town's Muslims. The Municipality and the state argued that the petition should be dismissed in light of the committee's recommendations. Adalah countered that the committee was advocating for the perpetuation of discrimination against Muslims, noting that Beer el-Sabe maintains 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. Further, Adalah discovered that two of the venues for Muslim worship cited by the state did not exist and the third, a room in Ben-Gurion University, is small and often closed during prayer times. In 2/04 the Court ordered the Municipality to maintain the *status quo*, limit any work on the building to that necessary for its upkeep and not make further changes or additions. 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. In 2/05, the Municipality rejected the Court's proposal, claiming that if permission were granted to re-open the mosque, a conflict would inevitably ensue between Muslim and Jewish communities in Beer el-Sabe. Adalah responded that Municipality showed no respect for the Muslim community, stressing that the rights of religious minorities must be respected under domestic and international law, and the Big Mosque must therefore be opened for worship. In 4/05, the AG again argued before the Court that the mosque should only be re-opened as a museum.

Update: During a hearing held in 1/06, the Court issued a second proposal that suggested the site be converted to a museum of Islamic culture. The Municipality was ordered to respond in 60 days, after which Adalah will have a further 60 days to respond to the Municipality's position. Case pending.

For more information, see: Eva Mousa, "Beer el-Sabe Municipality Refuses to Allow Muslim Residents and Visitors to Pray in the Big Mosque, Due to Concerns over 'Public Safety and Security,'" *Adalah's Newsletter*, Vol. 9, 1/05 <<http://www.adalah.org/newsletter/eng/jan05/mesq.pdf>>

3. H.C. 10532/04, Sheikh Abdullah Nimr Darwish, et. al. v. Minister of Religious Affairs, et. al.:

During 2005, Adalah continued to follow up on a petition submitted to the Supreme Court in the name of Muslim religious leaders in 11/04, demanding 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 principles of equality and the rule of law, 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. In 6/05, the state requested its fourth extension of time in which to submit its response. The Court granted the state's request and scheduled a hearing on the case in 6/06. The state is due to submit its response prior to the hearing. Case pending.

4. H.C. 12002/04, MK Issam Makhoul v. Knesset:

In 2005, Adalah also followed up on a petition submitted to the Supreme Court in 12/04 against a Knesset decision to ban Arab MK Issam Makhoul from exercising his right to speak in the Knesset and its committees for ten Knesset sessions as a punishment for political statements. MK Limor Livnat filed a complaint to the Knesset's Ethics Committee 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, accusing him of making negative statements against the government of Israel. 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 towards lifeguards. MK Makhoul also cited MK Shimon Peres, who had described the Israeli government as a “pork government,” for which he faced no complaint to the Ethics Committee. The Committee decided in 12/04 that MK Makhoul had violated the MKs’ ethical code. Adalah argued in the petition that the Law of Immunity of the Knesset – 1951 applies to political expressions and political freedom of speech, making MKs exempt from any legal action based on political expressions made in the course of carrying out his or her work. Adalah also argued that imposing punishments for political expressions could lead to MKs’ limiting their political speech and that the Committee’s decision might become a tool for restricting the immunity of MKs.

Result: The Court dismissed the petition in 1/05 and in 9/05 issued its explanations, ruling that the Knesset’s Ethics Committee is authorized to take disciplinary measures against MKs for speech voiced in the Knesset, even speech protected by parliamentary immunity. The Court refused to decide on the petitioners’ argument that MK Makhoul did not breach the Knesset’s Ethical Code. Adalah’s views the Court’s decision as ambiguous and entailing harsh repercussions for Arab MKs, whose political statements vehemently challenge governmental policy and are often harshly contested by the majority of MKs. It is probable that MKs opposed to Arab MK’s viewpoints of for purely political reasons will exploit the decision and demand the punishment of Arab MKs for political statements.

5. H.C. 971/05, Hussein al-Rafaya et. al. v. Southern Chief Commander of the Police et. al.:

In 2/05, in response to a petition filed to the Supreme Court by Adalah, the AG’s Office informed the Court of its agreement not to order the police to evacuate and tear down a demonstration tent set up in the unrecognized Arab Bedouin village of al-Araqib in the Naqab. Adalah submitted the petition against the Police Commander of the southern region of Israel, the Commander of the Rahat police station and the Israel Land Administration (ILA) in 1/05, following police attempts to have the tent dismantled and evacuated on the basis of the ILA’s claims that the protesters were trespassing on state lands. The demonstration tent was erected in 1/05 in protest against the ILA’s policy of destroying land cultivated by Arab Bedouin citizens of Israel in al-Araqib and elsewhere in the Naqab through digging up the ground. Adalah argued that permission for the tent’s erection was not required, and that the police have no right to dismantle it as the residents of al-Araqib enjoy a basic right to demonstrate. It is especially important that this right be protected when the residents are attempting to prevent their cultivated land from being destroyed, Adalah argued. Upon the tent’s erection, police informed the chairman of the Regional Council of Unrecognized Villages in the Naqab (RCUV) that, despite earlier assurances to the contrary, police permission for the tent was required. The RCUV duly applied for police permission but was then informed that the application had been denied as the ILA had complained that the protesters were trespassing on state lands. After being approached by the protestors, Adalah contacted the police and attempted to gain permission for the tent. The police responded by denying permission for the tent and ordering its evacuation, a position which the AG’s Office supported. Adalah then filed the petition to the Supreme Court.

District Courts and Other Fora

6. Civil Case, Anonymous v. Ministry of Education (Haifa District Labor Court):

In 5/05, Adalah filed a lawsuit on behalf of a teacher against the MOE, seeking an order to compel the ministry to re-appoint her as a teacher. While the individual had worked as a teacher, was qualified for the post and had received positive evaluations from pupils and parents, the MOE refused to renew the teacher’s contract for family-related security reasons completely unconnected to the individual. Adalah argued that the MOE employed unfair procedures in rejecting the applicant; considered inaccurate and irrelevant facts, and thus had no proper factual basis to reach its conclusions; and violated the individual’s right to equal opportunity for employment. Case pending.

Note: The client has requested confidentiality.

7. Case No. 283/04, Mosa’ab Dokhan, et. al. v. University of Haifa (Haifa District Court):

In 2005, Adalah continued to represent on a petition filed to the Haifa District Court against Haifa University in 12/04, demanding that Arab students be permitted to place a Christmas tree in the university’s main building on behalf of the Arab Students’ Committee (ASC). The petition was submitted following Haifa University’s refusal of the ASC’s request, which it has been making unsuccessfully for over three years. The university suggested that the ASC place a Christmas tree in

the hall of a building far from the university's center and from students' activities. The ASC 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 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 and equality. The Court dismissed the motion for injunction filed with the petition in 12/04, 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 disregards the rights of the Arab minority.

Result: In 11/05, the Court rejected the petition, stating that equality between different religions does not automatically lead to identical treatment.

8. In 9/05, Adalah submitted an appeal to a Special Committee of the Governmental Press Office (GPO) sitting in the Prime Minister's Office on behalf of Mr. Abdel Karim Samara, an Arab journalist and resident of East Jerusalem whose press card was not renewed on the basis of a GSS request. Mr. Samara has been a journalist for 25 years and has held an Israeli press card for the past 16 years. He has no criminal record, and has never been arrested or questioned by the Israeli police or security forces, nor have any of his close family members. In 2004, the GPO informed him that his press card would not be renewed on the basis of a request from the GSS, without providing him with further details. Adalah argued that, as an administrative authority, the GPO is obliged to give Mr. Samara explanations of why he was denied a press card in order to allow him to defend himself and exercise his right to be heard. Adalah also expressed its surprise that Mr. Samara, a man without a criminal record and a resident of East Jerusalem allowed to move freely through the state, could be considered a danger to state security. Adalah further argued that the non-renewal of his press card breaches his right of freedom of occupation, and that there should be clear and credible evidence to justify the restriction of this right. Adalah also demanded that the GPO renew Mr. Samara's press card.

Update: During a session held in 1/06, the Special Committee of the GPO informed Adalah that there exists a GSS file on Mr. Samara, and that the GSS alleges that he is connected to a terrorist organization, and that some of his brothers are members of the Popular Front for the Liberation of Palestine (PFLP). During the session, Adalah argued that, as a journalist, Mr. Samara is connected to the entire Palestinian population through the course of his work, and that the non-renewal of his press card because of the political affiliations of his brothers constitutes collective punishment. In 2/06, the Committee rejected the appeal. Adalah is assessing further legal action on this issue.

Pre-Petitions / Legal Letters

9. In 9/05, following Adalah's intervention, the Israeli government amended the Compensation Law for Victims of Hostile Acts – 1970 to allow the four Palestinian citizens of Israel killed in the Shafa'amr terror attack of 8/05 to be recognized as "victims of a hostile act" and their families to qualify for compensation from the NII on the basis of this status. Adalah sent a letter to the Prime Minister, AG, and the General Director of the NII in 8/05 on behalf of the High Follow-up Committee for Arab Citizens of Israel, requesting that the victims of the Shafa'amr terror attack immediately be recognized as victims of a hostile act. In the attack, the four Palestinian citizens were killed and several others wounded when a Jewish Israeli army deserter opened fire aboard a bus in Shafa'amr. When the victims' families applied for compensation from the NII on the basis of their status as victims of a hostile act, they were informed that they did not legally qualify for such compensation. The NII decided that, as an exceptional case, the families would receive financial compensation, but not under the aforementioned law. Adalah argued that the NII's decision is humiliating and discriminatory, contradicts the essence of the law, effectively constitutes an official statement that the murderous attack was an ordinary criminal act and not a racist and hostile act targeting Palestinian citizens of Israel and indicates a two-track system which discriminates between Jewish and Arab victims of hostile acts. The new amendment to the Compensation Law for Victims of Hostile Acts states explicitly that Jews and Arabs are entitled to compensation on an equal basis.

10. In 3/05, Adalah sent a letter to the Transport Minister urging him to cancel a new amendment to the Traffic Regulations which authorizes the GSS to intervene in the granting of driving licenses to Israeli citizens. In 2/05, the Knesset Economic Committee approved an amendment to the regulations, under which the Licensing Office can prevent any individual from

obtaining a driving license following a GSS decision based on "security" considerations. Adalah argued that affording these powers to the GSS is illegal, since the GSS's powers, which are clearly defined by law, do not include this authority. Adalah further argued that the GSS's confidential operations and absolute decisions will increase the likelihood that citizens' basic rights will be infringed. In 5/05, the Transport Ministry responded, repeating the security-related rationale given for the amendment. The Ministry further stated that the authorities will afford applicants for driving licenses various procedural safeguards, including access to judicial review. The GSS responded in 5/05, making a commitment to use the amendment to the regulations in a non-arbitrary manner and in accordance with decisions of the Supreme Court. Adalah is currently monitoring the implementation of the regulation.

11. In 4/05, the Interior Ministry responded to a letter sent by Adalah, informing that Mr. Wadie Said, son of the late Professor Edward Said, had been allowed to enter the state. Adalah sent the letter to the Interior Minister in 2/05, requesting that Mr. Said be allowed entry into Israel, following the denial of his entry at Ben-Gurion airport for unspecified "security" reasons.

E. Criminal Justice

Adalah undertook **14** representations in 2005, including **7** new filings or other interventions and follow-up **7** pending cases in the area of criminal justice. Adalah's criminal justice work focused on three main fields of interest: police brutality / misconduct (including seven death cases, in addition to other cases involving the Israeli military and other security forces), the criminalization of political dissent, and restrictions on freedom of movement.

Adalah's **main achievements** included:

- Following Adalah's intervention, the Ministry of Justices' Police Investigation Unit ("Mahash") withdrew its request to exhume and autopsy the body of 17-year-old Asil Asleh, one of thirteen Palestinian citizens of Israel who were killed by police during the October 2000 protest demonstrations. Mr. Asleh's family was vehemently opposed to the exhumation.
- Adalah secured the acquittal by the Beer el-Sabe Magistrate Court 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.
- After four years of proceedings, the Nazareth Magistrate Court decided not to convict two former parliamentary aides of MK Dr. Azmi Bishara, represented by Adalah, on criminal charges relating to assisting elderly Palestinian citizens of Israel to travel to Syria to visit their refugee relatives, ruling that the purpose of their actions was a humanitarian goal of the highest level.
- Adalah and private Attorney Shafeeq Abu Hani secured the release of four Arab Bedouin citizens who were violently assaulted and detained by police officers following a protest by residents of the unrecognized village of Beer el-Mashash in the Naqab against home demolitions.
- As a result of Adalah's intervention, the state indicted the Border Police Officer who shot an Arab citizen of Israel in Kufr Qassem for causing grievous bodily harm before the Tel Aviv District Court.

Supreme Court

1. H.C. 11225/03, MK Azmi Bishara, et. al. v. Attorney General, et. al.:

In 2005, Adalah continued to represent MK Dr. Azmi Bishara before the Supreme Court on a petition filed by Adalah in 12/03 against the Knesset, the AG and the Nazareth Magistrate Court following the latter's decision of 11/03 not to dismiss the indictment against MK Bishara in the "political speeches" case. MK Bishara is charged under emergency regulations with two counts of allegedly "supporting a terrorist organization" 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 petitioners demanded that: (i) the Knesset cancels its 11/01 decision to revoke MK Bishara's immunity from prosecution; (ii) the AG cancels the indictment; and (iii) the Nazareth Magistrate Court stops all criminal proceedings pending a final decision 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. The Magistrate Court decided in 11/03 not to rule on the issue of immunity pre-trial, stating that the arguments "have no place in the

preliminary stage but rather following the hearing the evidence of the case." 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 representative, and he cannot be criminally prosecuted for expressing opinions in line with the political party agenda on which he was elected. In addition, MK Bishara had previously made identical speeches in the Knesset, for which no indictments were sought.

At a hearing in 11/04, the Supreme Court determined that the issue of MK Bishara's immunity must be resolved pre-trial. The Court heard arguments on the petition in 7/05. In 2/05, the AG stated that the Supreme Court is the appropriate venue for deciding on the matter of MK Azmi Bishara's immunity.

Update: In 2/06, the Supreme Court unanimously accepted the petition, ruling illegal the Israeli Knesset's vote in 2001 to strip MK Bishara of his parliamentary immunity, and dismissed all criminal charges against him.

2. H.C. 2366/05, *Atallah al-Atwa al-Nebari and Adalah v. IDF Chief of Staff, et. al.*:

In 2005, Adalah continued to represent the brother of Mr. Meteb al-Nebari, an Arab Bedouin citizen of Israel from Tel el-Sabe killed by the Israeli army in the West Bank in 10/03. In 3/05, Adalah filed a petition to the Supreme Court to obtain the release of the summary operational report regarding the killing of Mr. al-Nebari. In 4/05, the Military Prosecutor informed the Court that a decision had been made to close the file on this case and not to indict any individuals. In 6/05, Adalah submitted a reply to the Court, re-stating its request for access to the report, and emphasizing that, although Mr. al-Nebari's family has the right to know what happened to Mr. al-Nebari, they were still without official information on the circumstances of his death after 18 months. Parallel proceedings involving a request for an investigatory judge to be appointed into Mr. Nebari's killing are also pending (*Cause of Death Investigation 1027/03, In Re. Meteb al-Nebari, Deceased (Beer el-Sabe Magistrate Court)*). At a Supreme Court hearing in 8/05, the state claimed that there is no right under law to obtain the summary report but rather, it is a matter of the Chief of Staff's discretion. Adalah disputed this interpretation of the law in its filings and before the Court. Case pending for decision.

3. H.C. 12000/04, *Labiba Sadi and Adalah v. Attorney General*:

In 2005, Adalah followed up on a petition submitted in 12/04 to the Supreme Court against a decision of the State Attorney's Office to reject Adalah's request, made in 12/03, to order Mahash to prosecute police officers who shot and killed 17-year-old Mahmoud Sadi in 12/03. The petition also demanded that the Court order the AG to file a criminal indictment against the officers. Mr. Sadi was shot and killed in Ramle while the car he was driving was stopped at a red traffic light. Two police cars surrounded the car and police officers then exited the cars and shot no less than fifteen bullets in the direction of Mr. Sadi and his car. 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, despite the existence of 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, 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, and causing death by negligence and 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.

Result: In 9/05, the Supreme Court requested that Adalah withdraw its petition. The Court's decision did not take into account the testimonial and physical evidence which supported Adalah's position that Mr. Sadi did not pose an immediate threat to the police officers at the scene of the crime.

For more information, see: Ran Shapira, Adalah's Hebrew Publications Editor, "Supreme Court Rejects Petition Demanding Indictment of Police Officers who Killed 17-Year Old Mahmoud Sadi," *Adalah's Newsletter*, Vol. 18, 9/05 <<http://www.adalah.org/newsletter/eng/sep05/sep05.html>>

District and Magistrate Courts

4. Case No. 1018/04, The State of Israel In Re. Asil Asleh (Magistrate Court, Akka):

In 6/05, the Ministry of Justice Police Investigation Unit ("Mahash") informed the Akka Magistrate Court that it was withdrawing its request to exhume and perform an autopsy on the body of 17-year-old Asil Asleh. Adalah began representing the family of Asil Asleh – one of thirteen Palestinian citizens of Israel who were killed by police during the 10/00 mass demonstrations held in towns and villages throughout Israel to protest the government's oppressive policies against Palestinians in the OPTs – in 2/05, at the first hearing on a motion submitted by Mahash in 10/04 to the Akka Magistrate Court. Mahash sought the appointment of an investigatory judge to inquire into the circumstances of his death, in an attempt to gain a court order to exhume his body for the purpose of conducting an autopsy. During the hearing, Mahash admitted that it had not launched any investigation into the killing of the deceased, even after the Or Commission recommended that it do so in 2003. Adalah argued that Mahash's motion, coming four years after the death of the deceased, was undertaken in bad faith, emphasizing that in the interim between Mr. Asleh's death and the request to exhume his body, Mahash had failed to investigate the killing seriously. Thus, Adalah contended that this move, vehemently opposed by the Asleh family, harms the dignity of the deceased and his family, as well as their religious beliefs. Mahash failed to undertake a serious investigation despite Adalah's repeated requests for an investigation since 10/00, as well as the recommendations issued by the Or Commission in its final report of September 2003. Mahash's failure in this regard constitutes gross neglect of its professional duties, Adalah argued. Adalah further noted that such neglect was not an isolated incident, and pointed to Mahash's failure to examine the autopsies of four other individuals who were killed by police officers during the protest demonstrations, despite the fact that the autopsy reports were in Mahash's possession shortly after the deaths occurred. During the hearing, Mahash admitted that it had not launched any investigation into the killing of the deceased.

For more information, see: Adalah Press Release, "The Legal Facts Regarding the Issue of the Exhumation of the October 2000 Victims' Bodies for Autopsy," *Adalah's Newsletter*, Special Edition, Vol. 17, 9/05: < <http://www.adalah.org/newsletter/eng/sep05-s/sep05-s.html> >

5. Crim. Case 2078/02, State of Israel v. Abd al-Karim Atayka et. al. (Beer el-Sabe Magistrate Court):

In 1/05, after almost three years of hearings, the Beer el-Sabe Magistrate Court acquitted four political activists, all Arab citizens of Israel, of the charges filed against them for sedition and supporting a terrorist organization during a Land Day demonstration in 3/02. The State Prosecutor, with the agreement of the AG, submitted indictments against the four activists in 4/02 for sedition and supporting a terrorist organization following their participation in a Land Day demonstration in 3/02. The purpose of the demonstration was to protest against the government's policy of home demolitions in the unrecognized villages in the Naqab, as well as against Israeli military operations in the OPTs. According to the indictment filed against the detained protestors in 4/02, the men called out different slogans in support of Hezbollah and Palestinian resistance organizations during the demonstration. Three of the detained individuals were represented by Adalah. 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 met numerous times with the individuals and their families, as well as with the Committee for the Defense of the Land Day Detainees. In 12/04, the Court granted Adalah's motions to suppress two videotapes of the demonstrations from evidence after Adalah challenged their authenticity.

6. Crim. Case, 5196/01, State of Israel v. Azmi Bishara, Mousa Diab and Ashraf Qurtam (Nazareth Magistrate Court):

In 12/05, after four years of proceedings, the Nazareth Magistrate Court decided not to convict Mr. Mousa Diab and Mr. Ashraf Qurtam, former parliamentary aides of MK Dr. Azmi Bishara, on criminal charges relating to assisting elderly Palestinian citizens of Israel to travel to Syria – defined as an enemy state under Israeli law – to visit their refugee relatives. The two were indicted along with MK Bishara in 11/01. The Court sentenced Mr. Diab and Mr. Qurtam to a symbolic punishment of 200-300 hours of community service. The Court stated that its decision is based, *inter alia*, on "the fact that the purpose of their actions was to serve a humanitarian goal of the highest level, namely giving the opportunity for these elderly [citizens] who went to meet their relatives that left [Israel] in 1948, and on the fact that the deeds of the accused did not, actually, cause any harm to the state or its security, while this remained merely a potential hazard." The Court dismissed the indictment against MK Bishara in 4/03, ruling that he could not be charged under these regulations, due to his parliamentary immunity, but kept the indictments pending against Mr. Diab and Mr. Qurtam.

Adalah then approached the AG, requesting that he withdraw the indictments against them in the interest of justice. The AG refused the request. The State Prosecutor's Office maintained throughout the proceedings that Mr. Diab and Mr. Qurtam should be convicted due to the severity of the accusations against them. Adalah asked the Court not to find them guilty, since their deeds were motivated by humanitarian concerns and they are not criminals who should face grave punishment.

7. Various Motions, 21814/05, Abu Obeid Suleiman et. al. v. Israeli Police (Beer el-Sabe' District Court):

In 11/05, four Arab Bedouin detainees were released from detention after being violently assaulted by police following a protest by inhabitants of the unrecognized village of Beer el-Mashash in the Naqab after a joint appeal by Adalah and private Attorney Shafeeq Abu Hani. The appeal was filed in 11/05 to the Beer el-Sabe' District Court seeking the release of the four Arab Bedouin citizens after police officers violently assaulted and detained tens of residents of Beer el-Mahash, including women, a few days earlier. The assault followed a protest by villagers against home demolition orders issued by the Ministry of the Interior (MOI) on a number of houses in the village. According to the police, they initially entered the village to protect MOI investigators, who were distributing home demolition orders to the Abu Sbeet family, on the pretext of building without a permit. Police officers assaulted residents of the village, alleging that it was the police who had come under assault from the residents. Additional police officers then forcibly entered the village with reinforcements from special units and detained 42 people for investigation. The police subsequently released most of the detainees, but prolonged the detention of eight individuals. The following day, the Beer el-Sabe' Magistrate Court ruled that the detainees posed a threat to public safety. It was argued in the appeal the Magistrate Court had erred in ruling given the nature and context of the alleged offenses, in addition to the detained individuals' personal circumstances, and that the Court should order an alternative to detention. Further, as Adalah and Attorney Abu Hani argued, since most of the evidence is based on photographs and the testimonies of police officers, it was not possible for their clients to obstruct the investigation. In parallel proceedings, Adalah filed six complaints to Mahash regarding police conduct during the incident (see *below*).

8. Crim. Case. 40097/05 State of Israel v. Hayin Ben Tzion Kastro (Tel Aviv District Court):

In 1/05, as a result of an intervention made by Adalah in 9/03, the State Prosecutor indicted the Border Police Officer who shot Mr. Salah Amer in Kufr Qassem in 9/03 for causing grievous bodily harm before Tel Aviv District Court. Soon after the shooting, Adalah sent a detailed letter of complaint to Mahash demanding the launch of an immediate investigation into the shooting, and the criminal prosecution of any officer found responsible. The case is currently being tried in court.

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

In 2005, Adalah continued to represent the family of Mr. Hamad Dibsán, a 30-year-old Arab Bedouin citizen of Israel from Rahat, who died in 8/03 while in police custody, in an investigation into the circumstances of his death. The family was notified that Mr. Dibsán had committed suicide after being detained. On behalf of Mr. Dibsán's family and 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 Israeli law. After receiving a positive response in 9/03, Adalah asked the AG to authorize the appointment of an investigatory judge to 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 has been granted the right of standing before the Court in order to present arguments. At a hearing in 2/05, the Court decided that Adalah and the AG's representative must decide on what kinds of materials are admissible to the Court as evidence. Adalah then learned from the evidence that a special police committee had been established, which concluded that Mr. Dibsán had committed suicide, confirmed by his autopsy report.

Update: At a hearing in 2/06, Adalah argued that the Beer el-Sabe Magistrate Court should investigate the case, and not rely only on information obtained from the police, as Mr. Dibsán had died in police custody. Adalah further argued that, even if Mr. Dibsán did commit suicide, there would still remain a need for an investigation into any possible police failure and negligence in connection with the death. During the hearing, it was decided that the Court will investigate the death. The Court granted permission to Adalah to review material previously been classified as confidential. Case pending.

Appeals / Complaints

10. In 5/05, Adalah filed an appeal to the State Prosecutor to cancel Mahash's decision to close the file against Border Police officers who killed Mr. Moursi Jabali in 7/03 and shot and injured

his companion, Mr. Shihab Jaber, both Palestinian citizens of Israel. Mr. Jabali and Mr. Jaber had left a coffee shop in the town on Taybeh, heading for their homes by car. At a certain point, Mr. Jaber realized that he was driving the car against the flow of traffic, and quickly turned into the correct lane. According to eyewitnesses, a Border Police car approached at that moment, and three officers exited the police car and started shooting at the car, hitting Mr. Jabali in the head and Mr. Jaber in the shoulder. The police claimed that they had 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 argued that the shooting of the deceased and Mr. Jaber constitutes an illegal action necessitating the punishment of the officers involved. The day after his death, Adalah submitted a complaint to the AG and Mahash, demanding a criminal investigation into the shooting, and the bringing to trial of the Border Police officers involved on the charges of killing and causing grievous bodily harm. Adalah argued that the police's actions constitute criminal offences, including causing death by negligence. Adalah emphasized that the police violated the open-fire guidelines as well as their obligations concerning the use of deadly 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 and 2005, Adalah sent many letters to Mahash inquiring about any developments in the investigation. In 6/05, the State Prosecutor informed Adalah that he had forwarded Adalah's appeal to Mahash. Mahash has yet to release the results of its investigation. Appeal pending.

11. In 4/05, Adalah submitted an appeal to the AG against Mahash's decision to close the file on a police brutality complaint made by Arab citizens of Israel from the Galilee village of Beineh, due to "lack of public interest." The police operation occurred in Beineh in 2/04, and involved brutal assaults on unarmed residents by hundreds of police and security forces officers, who used shock and tear gas grenades, caused widespread damage to residential property, extensive harm to residents' livestock, refused to provide medical attention to injured residents and hurled racist verbal abuse at residents. Scores of people, including children, were treated for tear gas inhalation and other serious injuries. The police entered the village in order to demolish a local resident's home. In 4/04, Adalah filed a comprehensive complaint to Mahash, including 15 affidavits gathered from injured individuals and eyewitnesses, copies of medical records and photographs of the events, demanding a criminal investigation and the indictment of police officers who carried out the assaults. 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. In 5/05, the AG informed Adalah that the appeal had been forwarded to Mahash for its response. The AG is now due to give his decision. Appeal pending.

12. In 12/05, Adalah filed six complaints to the Director of Mahash following the violent assault by police officers of residents of the unrecognized Arab Bedouin village of Beer el-Mahash in the Naqab, including women, in 11/05. The assault followed a protest by villagers against home demolition orders issued by the Ministry of the Interior on a number of houses in the village. Adalah demanded that police officers involved be investigated and criminally prosecuted. The complaints were filed on behalf of six families from the village brutally assaulted by the police. Adalah heavily criticized the conduct of the police, arguing that they had used excessive force unreasonably and without cause, and that their violent treatment of Arab Bedouin had been racially motivated. Adalah added that the police officers' behavior is evidence that they came to intimidate the villagers through force, rather than maintain public safety and safeguard the rule of law. Complaints pending.

13. In 4/05, Adalah submitted an intervention to the Israeli army and Mahash on behalf of MK Muhammad Barakeh, demanding that the army open an immediate investigation into the assault by members of the Israeli security forces of demonstrators protesting against the Separation Wall being constructed around the West Bank Palestinian village of Bilin, including MK Barakeh, and the prosecution of those responsible. In 6/05, Mahash responded to Adalah, claiming that Mahash forces were not involved in the incident. The Army Prosecutor also responded in 6/05, stating that the army is investigating the incident and will notify Adalah of the results.

14. In 2005, Adalah contacted the Israeli army several times in order to follow developments regarding a complaint sent to the army by Adalah in 7/04, requesting a criminal investigation into the injury of Mr. Yousef Abou-El-Kea'an, an Arab citizen of Israel shot by Israeli soldiers in the West Bank town of Hebron in 6/04. The army initially decided to open an internal inquiry into the shooting. The army stated that an investigation had been opened into the shooting in 11/04, which had since been completed, but that the results of the investigation were still being analyzed.

Update: In 2/06, the Army Prosecutor informed Adalah that it had been decided to indict three soldiers in the army's disciplinary court. Adalah replied to the army's letter later in 2/06, requesting the indictment and the decisions and protocols of the hearings.

F. Prisoners and Detainees' Rights

This section highlights 9 legal representations and other interventions undertaken by Adalah in 2005 to protect the rights of prisoners and detainees, including 4 new filings and follow-up on 5 pending cases. Adalah's work in this regard focuses 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, as well as prisoners and detainees' rights of access to legal counsel and fair hearings.

Supreme Court

1. H.C 7585/04, Hakeem Kana'ni, et. al. v. Israel Prison Service:

Adalah continued to represent ten children of political prisoners and the Prisoner Association on whose behalf a petition was filed to the Supreme Court in 8/04, demanding an order instructing the Israel Prison Service (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 the IPS's 2002 decision to deny physical contact between children and their parents is illegal and should be cancelled, 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 right to family visits for political prisoners is made particularly critical by the fact that these, unlike criminal prisoners, are not permitted to use telephones, and because visits by Palestinian families from the OPTs are extremely limited due to the Israeli military's restrictions on their entry into Israel. Adalah stressed 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 further contended that preventing physical contact between a parent and child contradicts Israeli law, as well as international treaties to which Israel is a signatory, including the Convention on the Rights of the Child.

In 11/04, the Attorney General's Office responded that, due to security concerns, the IPS will allow physical contact between political prisoners and their children only as an exception, following review of prisoners' requests and according to individual circumstances, including prisoners' behavior. At a hearing in 3/05, Adalah argued that the state's security argument is an attempt to over-emphasize isolated incidents, without examining the root of the issue – the state's lack of authority to limit children's rights. Adalah objected to the IPS's suggestion, arguing that it does not guarantee that any child will be allowed to approach his or her parent, and stressed that the IPS's response did not detail the criteria for the acceptance or non-acceptance of a prisoner's request. During the hearing, the Court ordered the IPS to explain the reasons behind the prevention of physical contact 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 permitting such contact. In 8/05, the IPS responded to the Court, claiming that tens of prisoners had been given the opportunity to have physical contact with their children since the petition was filed. The IPS's response did not contain additional information regarding the criteria governing prisoners' requests for physical contact, as requested by the Court. In 9/05, Adalah stated its opposition to a number of the criteria, including the criterion of a prisoner's behavior, arguing that a child should not be punished for his parent's conduct in prison. A hearing had been scheduled on the petition before the Court in 4/06. Case pending.

Pre-Petitions / Legal Letters

2. In 10/05, Adalah sent an urgent letter to the Prime Minister, the Minister of Justice and the AG demanding the cancellation of the "Criminal Law Procedures Bill (Powers of Implementation – Special Directives for Investigating Security Violations Perpetrated by Non-Residents)," which proposes new and harsher criminal procedure laws to be applied to individuals suspected of security offenses based solely on their national belonging. The bill was recommended by the General Security Services (GSS), and would create a two-track criminal procedure law governing investigation, interrogation and detention, one for Israelis and one for Palestinians. Under the bill, for example, "non-Israeli residents" suspected of security offenses can be investigated continuously for 96 hours without being brought before a judge, instead of the 48 hours allowed under Israeli criminal procedure law. Unlike Israeli detention law, under the bill detained

individuals can have their detention extended without appearing before a court. The bill authorizes a Supreme Court Justice to prevent detainees from meeting an attorney for 50 days; under Israeli criminal procedure law, a District Court president may deny access to legal counsel for only 21 days, and the individual may appeal such a decision, not possible under the bill. In the letter, Adalah argued that the bill as a whole is unconstitutional and violates international human rights law, which stipulates that detainees be treated in accordance with the principle of equality and civilian laws regardless of their national belonging or nationality. The text of the bill clearly shows that the goal of the GSS is to delay judicial review of the detention of Palestinians and their meetings with lawyers for as long as possible, which increases the possibility of detained individuals being tortured and heightens fears that they will be interrogated by force in order to unjustly expedite an indictment. Consequently, the bill is fundamentally distorted and dangerous and must therefore be annulled in its entirety and not presented before the Knesset for voting.

For more information, see: Abeer Baker, Adalah Attorney, "Ideological Legislation in the Name of Security," *Adalah's Newsletter*, Vol. 19, 10/05 <<http://www.adalah.org/newsletter/eng/oct05/ar2.pdf>>

Update: The bill came before the Knesset's Constitution, Law and Justice Committee in 3/06, at which Adalah presented arguments. It was decided at the hearing to amend the bill so that it applies to all detainees charged with security offenses, and not only non-residents. Later in 3/06, the bill failed to pass a vote of the Committee. On the same day, it was further amended following a meeting of the Committee, representatives of the GSS and the Justice Minister, so that the term "security offense" is more stringently defined and the period for which a detainee can be denied access to legal counsel is reduced from 50 to 30 days. The bill, however, remains unconstitutional, since it stipulates harsher criminal procedure laws for "security suspects," the vast majority of whom are Palestinians from the OPTs. The amended bill has not been presented before the Knesset to date.

3. In 6/05, Adalah submitted a position paper to members of the Knesset's Constitution, Law and Justice Committee, against a Bill to Amend the Prison Ordinance (No. 30) (Prisoners' Meetings with Legal Counsel – 2005). The bill aimed to authorize the IPS to restrict the access of political prisoners (classified by Israeli law as "security prisoners") to their attorneys. Adalah argued that the bill discriminates on the basis of national belonging on two levels: (1) against the prisoners, since they are overwhelmingly Palestinians from the OPTs or Palestinian citizens of Israel; and (2) against the attorneys who represent these prisoners, almost all of whom are Palestinian citizens of Israel. In 6/05, Adalah attended a hearing of the Committee. In 7/05, the bill was passed into law by the Knesset, amended so as to restrict the access to legal counsel of all prisoners, not only those classified as "security prisoners." Adalah is following up on the implementation of the law.

For more information, see: Abeer Baker, Adalah Attorney, "Lawyers Under Suspicion," *Adalah's Newsletter*, Vol. 10, 2/05 <<http://www.adalah.org/newsletter/eng/feb05/come2.pdf>>

4. In 10/05, Adalah sent a letter to the Director of Courts Administration, the AG and Justice Minister, demanding an end to the holding of court hearings in Shata Prison, in view of their manifold legal defects. Court hearings on the petitions of prisoners incarcerated in the Galilee area are held in a small room designated for this purpose in Shata prison. A judge travels to the prison from the Nazareth District Court once or twice every two weeks and hears and decides on the petitions of many prisoners within a short space of time. Unlike hearings held in ordinary courts, anyone wishing to attend court hearings in Shata Prison must request permission in advance from a prison warden. In the letter, Adalah detailed the many violations of the prisoners' constitutional rights entailed by the hearings in the prison, most notably the right to an open trial and the right to receive a fair trial. Adalah stressed that closed hearings also violate the public's right to know, in particular, that of the families of prisoners and journalists' ability to report on these events to a wide audience.

Update: In 1/06, the Director of Courts Administration informed Adalah that, from 15/2/06, court hearings will no longer be held in Shata Prison, but will be transferred either to an ordinary court or to a courtroom located in Tzalmon Prison. The hearings will be open to the public without exception or limitation. The courtroom meets all of the formal conditions of a courtroom, in particular with regards to allowing entry to the public. In addition, the holding of court hearings in Tzalmon Prison will require a court decision and can be opposed by prisoners, giving their reasons.

5. In 2005, Adalah continued to follow developments related to its challenge of a regulation which discriminates between detainees classified as security and criminal detainees in their conditions of confinement. In 12/04, Adalah first contacted the Minister of Internal Security (MIS), demanding the cancellation of the regulation. As Adalah argued, a comparison between the rights and conditions of confinement of individuals classified as criminal detainees and those classified as security detainees reveals that these differences are unreasonable and irrational, particularly since none of the detainees

has been convicted of committing an offense. In 12/04, the legal advisor to the MIS stated that the Ministry is investigating the issue. In its response to Adalah in 7/05, the MIS agreed to cancel some provisions of the regulation, to the effect that each "security" detainee will be provided with a chair and a table, a sleeping area which is separated from toilet facilities, and a wash basin. The MIS also informed Adalah that the provisions of the regulations will now be presented before the Knesset's Constitution, Law and Justice Committee for approval. The provisions were approved by the Committee in 9/05. In 7/05, Adalah sent a further letter to the MIS, asking for the reasoning behind the cancellation of certain and not other individual provisions of the regulations relating to "security" detainees, as well as several subsequent letters, none of which received a response. Adalah is assessing further legal action on this issue.

6. In 2005, Adalah also followed up on a letter sent to the AG in 5/04 demanding that the GSS be compelled to record all interrogations of suspects held in GSS facilities, including a verbatim, unamended transcription of the entire texts of statements in the language in which they were given. The letter was sent upon the release of three Arab youths from the village of Kufr Kana, who had been detained for ten months on murder charges. The three men were indicted for their alleged involvement in the murder of an Israeli soldier the year before, 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 in their own interrogations. Adalah argued that confessions coerced 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 a confession with minimal corroboration. In 8/04, the legal advisor of the Ministry of Internal Security wrote to Adalah, stating that the ministry is 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 (MIS) and the Prime Minister, asking for information about regulations governing GSS interrogations. The MIS replied in 1/05 that the Ministry does not deal with GSS-related complaints. The MIS further claimed to be working on new police regulations to deal with issues regarding police investigations and suspects' rights. In 5/05, the Prime Minister's office responded that they had not yet received the GSS's reply. The AG also replied in 5/05, stating that the issue is still under investigation. Adalah sent numerous follow-up letters during 2005.

Update: In 1/06, the AG's Office responded that several issues related to interrogations are currently being examined by a specially-designated team, including the demands made by Adalah.

7. In 5/05, after receiving several complaints from prisoners, Adalah sent a letter to the Head of the IPS, requesting the immediate provision of Arabic-language programs for illiterate prisoners incarcerated in Israeli prisons. The current policy of only providing Hebrew-language programs to illiterate prisoners discriminates against Arab prisoners, including Palestinians from the OPTs and Palestinian citizens of Israel, on the basis of nationality, by failing to provide them with instruction in their native language and violates their right to education. The IPS responded in 6/05, claiming that adult prisoners enjoy no right to education. Therefore, according to the IPS's response, it has no legal duty to provide them with educational instruction, and has full discretion over any educational programs it offers to adult prisoners, including over issues concerning language. Adalah is assessing further legal action on this issue.

8. In 2005, Adalah continued to monitor the investigation into the assault of Mr. Ibrahim Saleh, a Palestinian citizen of Israel, in Shata prison in 7/03 and to demand the indictment of prison guards responsible. Mr. Saleh was severely beaten by five prison guards after refusing to remove his underwear during a body search. Mr. Saleh's affidavit indicates that, following his refusal, he was brutally beaten all over his body by the guards, causing him to lose consciousness. He 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, the Bet Shean police stated that the prosecution is still dealing with the investigation in a letter sent to Adalah in 12/04. After receiving no update, Adalah sent a letter in 6/05 to the State Prosecutor for the Northern District, requesting an immediate result to the investigation.

Update: In 1/06, Adalah learned from the prisoner's family that he had been indicted for assaulting prison guards. Adalah is not representing the prisoner in this criminal case. In 2/06, Adalah wrote to the IPS requesting the result of the investigation.

9. In 5/05, as a result of a pre-petition filed by Adalah to the AG's Office in 11/04, the father of a Palestinian political prisoner sentenced to life imprisonment was allowed to visit his son. The pre-petition was filed in the name of the father, a resident of the OPTs, who had not seen his son for eight years due to the refusal of the Israeli army to issue him a permit to enter Israel for the purpose of visiting his son.

G. Occupied Palestinian Territories

Adalah filed **1** new petition and continued its representation on **2** pending cases before the Supreme Court challenging Israeli military operations against Palestinian civilians in the 1967 Occupied Palestinian Territories (OPTs), and amendments to the Civil Wrongs Law, which deny residents of the OPTs the right to compensation from Israel for damages caused to them by the Israeli security forces.

Adalah's **main achievements** included:

- The Supreme Court issued a landmark judgment on a petition filed by Adalah in its own name and on behalf of six major Israeli and Palestinian human rights organizations, ruling that the Israeli army's use of Palestinian civilians as "human shields" in military operations constitutes a violation of international humanitarian law (IHL). The Court banned the army's use of this practice and the army's "prior warning order," which permitted this practice with the so-called "consent" of the civilian. The precedent-setting judgment was delivered after three years of litigation on the matter.

Supreme Court

1. H.C. 3799/02, Adalah, et. al. v. Yitzhak Eitan, Commander of the Israeli Army in the West Bank, et. al.:

In 10/05, the Supreme Court issued a landmark decision declaring illegal the Israeli army's practice of using Palestinian civilians as human shields during military operations in the OPTs, accepting Adalah's petition. The Court determined that this procedure is in breach of IHL as "assistance" still amounts to the involving of civilians in military operations. According to the "prior warning order," the Israeli army claims that Palestinian civilians may be used in military operations to conduct an arrest, if they "do not refuse to assist," and the commander in the field determines that there is no danger to the individual's life. The petition was filed in 5/02 by Adalah in its own name and on behalf of six Palestinian and Israeli human rights organizations against the Israeli army. 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. The petitioners argued that the Israeli military's practice constitutes inhumane treatment and violates the right to life, physical integrity and dignity. The petitioners further argued that this practice is in "grave breach" of the Geneva Convention (IV) – 1949 and thus amounts to a war crime. Following the filing of the petition, the Court issued an injunction banning the Israeli military's use of Palestinian civilians as human shields and/or as hostages. According to the army, however, the "prior warning order" and these practices do not constitute the use of Palestinian civilians as human shields. The petitioners submitted numerous motions for injunction and contempt of court against the army, detailing the military's continuing use of Palestinian civilians as human shields. The Court rejected these motions.

At a hearing held in 6/05, the AG argued that the military is not willing to waive the "prior warning order" and that, in practice, the order is used very successfully and efficiently to reduce the risk of danger to the civilian population. Countering these claims, Adalah argued before the Court that: (i) the petitioners vehemently dispute the "successful reality" described by the state; there is an imminent danger to protected persons; (ii) the "prior warning order" is the same as using civilians as "human shields"; (iii) there can be no real agreement by the protected person – Palestinian civilians would not agree to assist and, if they did, it would be out of fear – and the Geneva Convention (IV) absolutely

prohibits an occupying power from using civilians – who are a protected population in occupied territory – in military operations; and (iv) there is no source in IHL that permits this order.

While welcoming the Court's decision from 10/05, Adalah notes that over the course of three years' litigation, the Israeli army has violated the Court's injunction on at least thirty-three occasions. Therefore, it is imperative that the Israeli army's actions in this regard continue to be monitored to ensure compliance with the Court's ruling.

In 11/05, the AG submitted a petition to the Supreme Court (*H.C. 10739/05, Minister of Defense et. al. v. Adalah*) on behalf of the Minister of Defense and the Israeli Army Chief of Staff requesting a second hearing before an expanded panel of the Court, arguing that the precedent-setting decision is legally flawed. Specifically, it was argued that the Court was mistaken in ruling that the "prior warning order" violated international law.

Update: In 2/06, Adalah responded to the petition, stating that there is no legal basis for requesting a second hearing as the Court's original ruling is in accordance with domestic and international legal principles and jurisprudence. Adalah argued that the petitioners' request should be denied substantial evidence was presented that the Israeli army has consistently violated and continues to violate the Court's injunctions and rulings prohibiting the use of Palestinian civilians in military operations. Adalah also submitted two new testimonies documenting similar violations by the Israeli military since 10/05. **In 2/06, the Court dismissed the petition filed by the Defense Minister and the Army Chief of Staff seeking a second hearing.**

For more information, see: Adalah Briefing Paper, *The Use of Palestinian Civilians as Human Shields by the Israeli Army*, 2/05 <http://www.adalah.org/features/humshields/05_02_humshields_briefing.pdf>

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

In 2005, Adalah followed up on a petition filed in 5/04 by Adalah, PCHR-Gaza, Al-Haq and ten individuals from the south of Rafah, Gaza, seeking the cessation of home demolitions by the Israeli military in the OPTs. The petition asked the Court to define – for the first time – the legal parameters of the term, "absolute military necessity," invoked by the Israeli army to justify its extensive home demolitions throughout the OPTs, in accordance with IHL, the Rome Statute of the International Criminal Court, and recent decisions of the International Criminal Tribunal for the Former Yugoslavia. The named respondents were Israeli Army Major General Central Command, Major General Southern Command, the Chief of Staff, the Minister of Defense, and the Prime Minister. While IHL recognizes "absolute military necessity" as an exception to the basic principle prohibiting the destruction by the occupying power of civilian property, it is subject to many stringent limitations under the principles of distinguishing at all times between civilian objectives and military objects and proportionality. The extensive scale and planned nature of the overwhelming majority of home demolitions, including the widely-publicized operations which occurred in Rafah in 5/04 and in the Jenin refugee camp and Nablus, the West Bank, in 4/02, clearly show that the Israeli military violates the terms of the exception, the petitioners argued.

Result: In 7/05, the Supreme Court dismissed the petition. In its three-page judgment, the Court ruled that there was no need to hear the substantive claims raised in the petition in light of the military's statement that it intends to refrain from house demolitions and that the petition has become theoretical and moot. As for the merits of the petition, the Court added: "However, it is understood that dismissal of the petition herein does not constitute rejection of any of the petitioners' arguments, and they remain available to them, should they decide to file another petition if the policy that the respondents declared before us in this matter should change." It is Adalah's position that the Court's failure to examine the legality of the military's conduct, during or after the events occurred, essentially amounts to granting domestic impunity to the Israeli military for grave breaches of IHL, given the extensive and well-documented evidence presented by the petitioners, the petitioners' timely approach, and the Court's previous description of the case as one that raises principled issues.

For case developments in 2004 and 2005, see:

Adalah 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: Case Developments from October 2004 to June 2005*, 6/05 <<http://www.adalah.org/features/rafah/ABP270705.pdf>>

3. H.C. 8276/05, Adalah, et. al. v. The Minister of Defense, et. al.:

Adalah, HaMoked and the Association for Civil Rights in Israel (ACRI) submitted a petition in 9/05, demanding that the Supreme Court declare void new amendments to the Civil Wrongs (Liability of the State) Law passed in 7/05, which deny residents of the OPTs, citizens of

“Enemy States,” and activists or members of “a Terrorist Organization,” the right to compensation from the state of Israel for damages caused to them by the Israeli security forces, including those damages caused to them outside of the context of a military operation (with minor exceptions). The petitioners included the three organizations and Al-Haq, The Palestinian Centre for Human Rights, B'Tselem, Physicians for Human Rights, The Public Committee Against Torture in Israel and Rabbis for Human Rights. The amendments challenged by the petition further grant the Minister of Defense the authority to proclaim any area outside of Israel a “Conflict Zone,” even if no war-related activity has taken place there, denying those injured in the area the right to seek compensation from Israeli courts. The law operates retroactively in cases of damages sustained since the beginning of the second Intifada in 9/2000.

The petitioners emphasized that the law grossly violates the fundamental principles of international humanitarian law and international human rights law, which apply in the OPTs. It also breaches basic rights in contravention of Israel's Basic Law: Human Dignity and Liberty and is therefore unconstitutional. The petitioners also argued that the articles of the law *de facto* terminate monitoring of Israel's military activities in the OPTs, discourage investigations and the bringing of those responsible for cases of death or injury before the courts, including in cases in which damages were caused by the random or deliberate opening of fire, torture and abuse, and looting and theft of civilian property. The law thus violates the fundamental rights to life, bodily integrity, equality, dignity and property, as well as the constitutional right of access to the courts. The petitioners stressed that the violations entailed by the law are gross, as they deny in a sweeping manner any remedy for the breach of fundamental rights, and that this denial is tantamount to a denial of the rights themselves.

Together with the petition, a motion for a temporary injunction to freeze the law until the Court delivers a final ruling on the petition was filed. The Supreme Court refused to issue the injunction. The first hearing on the case is scheduled for 5/06. Case pending.

II. INTERNATIONAL LEGAL ADVOCACY

This section highlights Adalah's **international legal advocacy** initiatives in 2005. 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 four headings: A. UN; B. EU and Embassies; C. International Human Rights Organizations and Regional Networks; D. Law Schools and Human Rights Institutes.

Adalah's **main achievements** include:

- Gaining special consultative status with the UN Economic and Social Council (UN ECOSOC) allowing for direct accreditation and more formal and regular interventions to UN bodies.
- Before the UN, obtaining 14 favorable concluding observations from the UN Committee on the Elimination of Discrimination Against Women (CEDAW). Following its review of Israel, CEDAW emphasized Israel's violations of basic rights of Palestinian women citizens of Israel and Palestinian women living in the OPTs, covering issues such as the right to equality, political participation and participation in public life, education, family unification, health, and Palestinian Bedouin women citizens of Israel. Adalah worked together with Working Group on the Status of Palestinian Women Citizens of Israel, a national network of Palestinian women's rights and human rights NGOs on its CEDAW Committee submissions and advocacy.
- Before the EU, continuing to strengthen our relationship and cooperation with the Euro-Mediterranean Human Rights Network (EMHRN) through active membership in the Working Group on Palestine, contributing research materials for EU advocacy publications and participating in conferences, meetings and advocacy tours sponsored by EMHRN.
- Establishing new relationships and deepening existing contacts with international and local human rights organizations and networks, engaging in joint advocacy initiatives, and exchanging legal research and information with human rights organizations, law schools and law professors, Middle East Institutes and journalists.

Planned 2005:

Research and submit 3-5 new reports and / or other interventions to UN/EU bodies and embassies (to achieve favorable concluding observations and decisions as well as some coverage on discrimination against Arab minority in annual reports of foreign governments); participate in / conduct 5-10 activities with international human rights NGOs, regional networks, law schools, and human rights institutes (to put the rights of Palestinians in Israel on the international agenda).

Achieved 2005:

During 2005, Adalah submitted or contributed to more than **10** 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 organizations, NGO working groups and networks and law schools and universities abroad. Adalah's activities are summarized below, along with favorable outcomes achieved.

A. United Nations

1. Adalah Granted UN ECOSOC Status. After gaining a recommendation in 5/05 by the UN Committee on Non-Governmental Organizations, in 7/05, Adalah received final confirmation that the UN Economic and Social Council had decided to grant Adalah special consultative status. Adalah is one of a handful of Palestinian NGOs in Israel and the Occupied Territories to have received this status. Adalah's initial application for ECOSOC status was submitted in 2001.

2. Advocacy Before the UN Committee on the Elimination of Discrimination Against Women (CEDAW), as a Coalition Member of the Working Group (WG) on the Status of Palestinian Women Citizens of Israel. 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). Principal researchers, writers and representatives of Adalah to the WG were Katie Hesketh, Abeer Jubran, Abeer Baker, Gadeer Nicola, Rina Rosenberg and Sawsan Zaher.

The main activities of the WG and Adalah in 2005 included:

- In 1/05, the WG submitted a preliminary NGO Alternative Report to the Committee's pre-session task force. Adalah contributed chapters to this report on Israel's implementation of Articles 1 and 2 (Discrimination and Obligations to Eliminate Discrimination), 4 (Acceleration of Equality between Men and Women), 9 (Nationality), and 10 (Education) of the CEDAW.
- In 2/05, a two-person delegation of the WG attended the pre-session meeting of the CEDAW at the UN in New York, where they presented the WG's report and lobbied Committee members. Following its initial review of Israel's Third Periodic Report, submitted in 2001 and NGO Alternative Reports, the Committee produced its *List of Issues and Questions for Israel*. **18 of the 30 questions asked by the Committee to Israel were directly related to concerns detailed by the WG in its report.** The 18 questions covered almost all fields, including violence against women, participation in public life and decision-making, education and stereotypes, employment and economic empowerment, health, rural and vulnerable women and personal status law.
- In 4/05, the WG held a highly successful **Study Day** in Shafa'amr attended by over 200 people. (*For more details about the Study Day, see: Part III, Legal Education.*)
- In 4/05, Adalah created a **special web-report on the CEDAW**, which is the most comprehensive bank of information available on Israel's implementation of the Convention *vis-à-vis* Palestinian women citizens of Israel and the WG's activities. Copies of all materials produced by the WG are available on Adalah's website. (*For more details, see: Part III, Legal Education.*)
- In 5/05, the WG submitted an NGO Alternative Report in response to the 'List of Issues and Questions with Regard to the Consideration of Periodic Reports' on Israel's implementation of the CEDAW. Adalah provided responses to Question 2 (Constitution, Legislation and National Machinery for the Advancement of Women), Question 13 (Participation in Public Life and Decision-Making) and Questions 21 and 24 (Health). Adalah also submitted a "Proposed Concluding Observation" regarding Article 9 (Nationality) of the CEDAW, focused on Israel's discriminatory family unification policies. In 5/05, Israel submitted its own responses to the *List of Issues and Questions* posed by the Committee.
- In 7/05, the CEDAW Committee's country review of Israel was held during its 33rd Session. A four-member delegation of the WG, including Adalah Attorney Abeer Baker, presented statements and lobbied Committee members for favorable concluding observations. WG members also participated in a CEDAW training program hosted by the International Women's Rights Action Watch (IWRAP).
- In 7/05, the CEDAW Committee issued its **Concluding Observations, emphasizing 14 areas of concern** regarding Israeli violations of the rights of Palestinian women citizens of Israel and Palestinian women living in the OPTs, covering issues including the right to equality, political participation and participation in public life, family unification, education, health and Palestinian Bedouin women citizens of Israel.

3. Briefing Papers submitted to Prof. John Dugard, the UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied by Israel in 1967 – 2/05 and 3/05.

Adalah Attorneys Marwan Dalal and Orna Kohn met with Prof. Dugard in preparation for his reports and statements to the 61st Session of the Commission for Human Rights. Adalah provided Prof. Dugard with three updated briefing papers on Supreme Court litigation concerning the rights of Palestinians in the Occupied Territories:

- "The Israeli Army's Exploitation of the 'Absolute Military Necessity' Exception to Justify its Policy of Home Demolitions in the 1967 Occupied Palestinian Territories," 2/05
<<http://www.adalah.org/features/rafah/ABP170205.pdf>>
- "The Use of Palestinian Civilians as Human Shields by the Israeli Army," 2/05
<http://www.adalah.org/features/humshields/05_02_humshields_briefing.pdf>
- "Challenging the Constitutionality of the Discriminatory Nationality and Entry into Israel Law," 3/05
<http://www.adalah.org/features/humshields/05_02_humshields_briefing.pdf>

Prof. Dugard referenced Adalah as a source of information in his testimony on home demolitions before the Israeli Knesset's Constitution, Law and Justice Committee in 2/05. Prof. Dugard also strongly criticized the Nationality and Entry into Israel Law and its disproportionate discriminatory effect on Palestinian women in his 8/05 report to the UN.

4. Written and Oral Interventions to UN Commission on Human Rights (UNCHR), 61st Session on Item 6: Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination and Item 9: Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World – 2/05 and 3/05. In 3/05, Adalah Attorney Orna Kohn attended the UNCHR, and lobbied members of the Commission on Israel's discriminatory family unification law and policies, and the Israel Land Administration's (ILA) discriminatory allocation of lands on behalf of the Jewish National Fund (JNF). Adalah submitted a written and oral intervention to the Commission regarding the Nationality and Entry into Israel Law (Temporary Order) – 2003 (the Ban on Family Unification Law), in cooperation with the International Federation for Human Rights (FIDH) and Al-Haq. Adalah delivered an additional oral intervention regarding the ILA / JNF's land policies, in cooperation with the Habitat International Coalition (HIC):

- Intervention before the Commission Regarding the Ban on Family Unification Law – The International Federation for Human Rights (FIDH), Al-Haq and Adalah, 2/05
<<http://www.adalah.org/eng/intladvocacy/FamUniUNCHR.pdf>>
- Background Document for Intervention before the Commission Regarding the Policy of the Jewish National Fund, Habitat International Coalition (HIC) and Adalah, 3/05
<<http://www.adalah.org/eng/intladvocacy/JNFUNCHR.pdf>>

Attorney Kohn's participation marked the first time that Adalah attended sessions of the Commission, which has been an important forum for international networking and lobbying. Hundreds of NGOs from around the world and states participate in the Commission's annual sessions. The International Commission of Jurists (ICJ) organized Adalah's accreditation for the session as well as numerous meetings with state and NGO representatives.

5. UN Special Committee to Investigate Israeli Practices Affecting Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. Adalah has received an annual invitation to provide testimony to this UN Committee since 2002. Hassan Jabareen appeared before the Committee in 7/05. He analyzed Israeli Supreme Court and Knesset developments in the following cases: the citizenship law (ban on family unification), human shields, home demolitions, the new bill exempting Israel from compensation lawsuits from Palestinians in the Occupied Territories, and the disengagement decision. His participation was supported by the UN.

6. UN Committee on the Elimination of Racial Discrimination (CERD). In 5/05, after years of delay, Israel submitted its combined 10th, 11th, 12th and 13th reports to the UN CERD, and the Committee scheduled its review of Israel for 2/06. In 12/05, Adalah submitted a report to the UN CERD, in advance of the Committee's preparation of the *List of Issues*. Adalah reported on Supreme Court cases and legislative developments that demonstrate Israel's failures to fulfill its obligations under Articles 1, 2, 3, and 5 of the ICERD. The report included examples and analysis of Israel's discrimination against Palestinian citizens of Israel through its legislation and practices governing the allocation of land and housing in Israel, attempts to censor political expression, the targeting of Arab MKs, impunity for police and security force brutality, and issues of citizenship and nationality. The report also included a list of suggested questions for the Committee's consideration for presentation to Israel. The Committee's review of Israel was postponed to 8/06.

B. European Union and Embassies

1. Euro-Mediterranean Human Rights Network (EMHRN) – EU Advocacy Visit (Brussels). In 12/05, Adalah Attorney Orna Kohn participated in an advocacy tour organized by EMHRN to present recent human rights developments in Israel / Palestine and the EMHRN's second annual "Human Rights Review on the EU and Israel." The tour included meetings with representatives to the European Union from Finland, Austria and the United Kingdom; representatives from the General Secretariat of the Council of Europe; the European Commission's External Relations Department; Members of the European Parliament, and the Europe Near-East Forum. Al-Haq, The Public Committee Against Torture in Israel, the Arab Association for Human Rights, and the Mattin Group also participated in the advocacy tour. Attorney Kohn's participation was supported by EMHRN.

2. Embassies in Israel. Adalah staff members met on request with embassy representatives and members of parliament and foreign ministries visiting Israel from countries including the U.S., Britain, Germany, France, Switzerland, Sweden and the Netherlands, as well as members of the European Parliament and staff of the European Commission. During these meetings and consultations, Adalah's 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 the US State Department's Annual Human Rights Report (in which Adalah is cited as a reference more than ten times) and its Annual Report on International Religious Freedoms; and human rights reports on Israel produced by the EU and national governments.

C. International Human Rights Organizations & Regional Networks and Partners

In 2005, Adalah worked with international human rights NGO partners and regional networks by providing legal information and analysis for reports and campaigns and participating in and giving presentations at international NGO conferences and training sessions. 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) and Amnesty International (AI) on specific advocacy initiatives.

1. Euro-Mediterranean Human Rights Network (EMHRN):

Adalah General Director Attorney Hassan Jabareen and International Advocacy Director Rina Rosenberg participated in the **EMHRN's Working Group on Palestine / Israel and Palestinians** meeting held in Austria in 2/05 and drafted a concept paper for the WG. The WG meeting was held in connection with a **conference on Human Rights and the Middle East Conflict** organized by the Vienna Institute for Development and Cooperation, which they also attended. The conference brought together human rights activists, legal scholars and experts in conflict resolution. Rina Rosenberg also participated in the **EMHRN's Working Group on Palestine / Israel and Palestinians** meeting held in Austria in 11/05 and contributed research for the EMHRN's second annual EU-Israel Human Rights Review. Their participation was supported by EMHRN and the Vienna Institute.

The EMHRN released a report in 2/05 entitled, "**Justice in the South-East Mediterranean Region.**" The report addresses the issue of the legal system and people's access to an independent, impartial and fair system of justice. Adalah contributed research to the report as a member of the **EMHRN's Access to Justice Working Group**.

2. *Advocats Sans Frontières* (ASF), "An Encounter Between Israeli and Palestinian Lawyers Defending Fundamental Rights," Brussels, Belgium – 3/05. Adalah Attorney Abeer Baker participated in this networking and professional training seminar on the International Criminal Court (ICC), universal jurisdiction, and international humanitarian law. Her participation was supported by ASF-Belgium.

Attorney Baker also participated in two additional seminars convened by ASF-Belgium in Jerusalem to follow up on the session held in Brussels. One seminar focused on the legal status of Gaza and the West Bank, after the disengagement and the construction of the Wall, while the other seminar offered a comparative study of the legal situation in South Africa under apartheid and the current situation in the OPTs. Participants also met with the Belgian Justice Minister in Jerusalem.

3. Dignity International, Fundar – *Centro de Análisis e Investigación*, International Budget Project (IBP), International Human Rights Internship Program (IHRIP), and the International Network for Economic, Social and Cultural Rights (ESCR-Net), "Linking and Learning Programme on Budget Analysis and Economic, Social and Cultural Rights," Portugal – 3/05. Adalah Attorney Gadeer Nicola participated in this one-week intensive training course for 20 participants from human rights organizations around the world. Adalah was chosen to attend after a competitive application process. Attorney Nicola's participation was supported in part by ESCR-Net via the Ford Foundation and in part by Adalah.

4. Attac (European Movement against Globalization), Stop the Wall Campaign and other Palestinian Solidarity Groups, Germany – 4/05. Adalah Attorney Marwan Dalal gave a lecture on the legal status of the Palestinian minority in Israel and the Palestinians in the Occupied Territories and held discussions with human rights activists. Attorney Dalal's participation was supported by host organizations.

5. Joint Advocacy Initiative with HRW, AI and ICJ on the Ban on Family Unification Law. In 5/05, Adalah worked in close cooperation with HRW, AI and ICJ in preparation for the issuance of their joint letter to Israeli MKs urging them to reject the proposed extension and amendments to the Nationality

and Entry into Israel Law (Temporary Order) – 2003. The law was renewed, with minor amendments, in 7/05 and will remain in effect until at least 6/06, barring a Supreme Court decision.

6. Amendment No. 5 to the Civil Wrongs (Liability of the State) Law – 2005: HRW Press Release, “Israel: Bill Would Deny Compensation for Rights Abuses – Palestinians Would Be Excluded from Seeking Remedies in Israeli Courts” – 6/05. This press release cited Adalah’s testimony before the Knesset. Adalah worked closely with HRW and AI as well as other local Palestinian and Israeli human rights organizations on advocacy initiatives in an attempt to block an amendment to the civil torts law, which would almost completely exempt Israel – retroactively to 9/00 – from paying compensation to Palestinians in the Occupied Territories who were killed or injured or who sustained property damage as a result of Israeli military activities. The law was passed by the Knesset in 7/05.

7. University of London, The Institute of Education, “Israel, Palestine and the Law,” London – 10/05. Adalah Attorney Marwan Dalal participated in this conference convened by the Palestinian Solidarity Campaign (PSC). He delivered a presentation on “Israel’s Supreme Court Jurisprudence.” Attorney Dalal’s participation was supported by the PSC.

8. School for Oriental and African Studies (SOAS), “The Question of Palestine in International Law,” London – 11/05. Adalah Attorney Orna Kohn presented on the Ban on Family Unification Law at this conference and held meetings with Interights, Christian Aid, the Bar Human Rights Committee of England and Wales, Amnesty International, Council for Arab-British Understanding (CAABU), and the Minority Rights Group. Her participation was supported by SOAS’s Palestinian Society.

9. Al-Haq, “From Theory to Practice: Upholding International Humanitarian Law in the Occupied Palestinian Territories,” Ramallah – 11/05. The conference focused on establishing new strategies for international litigation and advocacy. International and local legal scholars, lawyers and academics discussed trends in international law and litigation and their implications for human rights advocacy in the OPTs. Attorney Kohn gave a presentation on “OPTs Litigation Before the Israeli Courts.”

10. International Service for Human Rights (ISHR), Jerusalem – 12/05. Attorney Kohn delivered a presentation at an ISHR training session for NGOs based in Israel and Jerusalem on accessing UN mechanisms for advocacy purposes. Following the session, she also met ISHR representatives to discuss opportunities for future cooperation.

D. Law Schools and Human Rights Institutes

1. National University of Ireland (NUI) – The Irish Centre for Human Rights (ICHR), “The International Criminal Court (ICC),” Galway, Ireland – 7/05. Adalah Attorney Marwan Dalal attended this week-long course, which covered the ICC’s establishment and the Rome Statute as well as related issues of international criminal law, such as universal jurisdiction and immunities. The course was led and taught by a world-renowned group of academics, practitioners, human rights activists and other experts including ICC judges and lawyers working before the ICTY. Attorney Dalal’s participation was supported by NUI-Galway.

2. Harvard University Program on Humanitarian Policy and Conflict Research (HPCR) and The International Committee of the Red Cross (ICRC), “International Humanitarian Law (IHL) and Current Conflicts: New Challenges and Dilemmas” – Cambridge, Massachusetts – 7/05. Attorney Dalal was selected through a competitive application process to participate in this advanced training course, which combined instruction on IHL with debate and policy discussion on key challenges in its implementation. The course was taught by HPCR and ICRC experts and covered the protection of victims of armed conflict, linkages with other legal regimes, the status of combatants and the security of humanitarian personnel. Attorney Dalal’s participation was supported by Christian Aid.

3. Yale Law School, The Schell International Human Rights Law Clinic. Adalah and Al-Haq partnered Yale Law School for the first time in 2005. Adalah and Al-Haq submitted a legal research request to the international human rights law clinic concerning a case that the organizations wish to bring on behalf of Palestinians in the OPTs before the Israeli Supreme Court. Three law students wrote a comprehensive legal memo delineating points of international human rights law, IHL, and comparative constitutional law for the case and conducted field research in the West Bank. Adalah’s International Advocacy Director Rina Rosenberg coordinated the project with the law students.

III. LEGAL EDUCATION

Adalah's legal education work in 2005 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 2005 include:

- Holding three well-attended public conferences / study days on the subjects of: the CEDAW Convention and Israel, as a member of the Working Group on the Status of Palestinian Women Citizens of Israel; legal representation of Palestinian political prisoners, in cooperation with the Municipality of Nazareth; and the events of October 2000, with the Follow-Up Committee for Arab Citizens in Israel and the Committee of the Martyrs' Families.
- Organizing a five-week training course with the Israeli Bar Association for the first time on "Constitutional Aspects in Criminal Law," hosting well-attended study days and giving 50 presentations on Adalah's cases and important developments in Israeli and international law at universities, NGOs, schools and community centers throughout the year.
- Continuing to produce and electronically distribute *Adalah's Newsletter* each month (12 volumes issued) and updating our websites in Arabic, Hebrew and English. Subscribers to our newsletter increased from 21,000 in 2004 to 24,000 in 2005.
- Completing the first edition of *Makan, Adalah's Journal of Law, Land and Planning* – "The Right to the City." 1,500 copies of *Makan*, 500 each in Arabic, Hebrew and English, were printed in January 2006.
- Contributing articles, maps and photos to F.A.S.T – The Foundation for Achieving Seamless Territory in Israel, which were published in its art exhibition catalogue: "One Land: Two Systems."
- Obtaining wide coverage and feature stories in the local and international media on Adalah's work regarding the human shields case, our challenges to the JNF and ILA's discriminatory land allocation policies, the law banning family unification, and the failure of the Ministry of Justice Police Investigation Unit ("Mahash") to recommend indictments against those responsible for the October 2000 killings.
- Hosting a stagaire (legal apprentice), assisting a staff member toward pursuing a law degree, and organizing a training seminar for new lawyers and stagaires.

A. Seminars and Conferences

Planned 2005:

Organize and hold 3-4 seminars / conferences; give lectures and present on panels at 20+ law school / university symposia, NGO and CBO conferences, and teachers' training and in high schools, as requested; develop a proposal for an 'International Minority Rights' Conference.

Achieved 2005:

During 2005, Adalah organized 3 public study days / conferences, a five-week training seminar with the Israel Bar Association on "Constitutional Aspects in Criminal Law, and presented at 50 symposia, conferences and events held at universities, colleges, NGOs, community centers and schools in Israel.

1. In 4/05, Adalah jointly organized a **study day on CEDAW** convened by the Working Group on the Status of Palestinian Women Citizens of Israel (WG) in Shafa'amr. The aims of the conference were to present the WG's research on Israel's lack of compliance with the UN CEDAW Convention as regards Palestinian women citizens of Israel, and to gather further information for the preparation of the WG's final report to the CEDAW Committee. An introduction to the working mechanisms of the Convention and an overview of the WG's preliminary report to the Committee was followed by a series of workshops on: the position of women in the unrecognized villages; violence against women and the state's policies of intervention; health; social and economic rights; personal status; and gender

stereotyping and its effects on the education system. WG members, guest academics and professionals spoke at the conference, which was attended by over 200 people.

2. In 5/05, Adalah hosted a **study day on "The Experience of Legal Representation of Palestinian Political Prisoners"** in cooperation with the Municipality of Nazareth. The conference was attended by approximately 150 participants. The keynote speaker was Attorney Felicia Langer, who represented Palestinian and Syrian political prisoners from the OPTs and the Occupied Golan Heights before the Israeli military courts for 22 years from 1967. The study day also included a panel entitled, "Law and Political Prisoners." The participating panelists were Attorney Lea Tsemel, Mr. Abd Al-Latif Ghaith from Addameer, and Attorney Fuad Sultani. The keynote speech by Attorney Felicia Langer was published in *Adalah's Newsletter*, 5/05.

3. In 10/05, Adalah, the Follow-Up Committee for Arab Citizens in Israel and the Committee of the Martyrs' Families hosted a **conference entitled "October 2000: 5 Years"** in Umm al-Fahem commemorating the fifth-year anniversary of the October 2000 killings. Introductory remarks were made by the Chair of Adalah's Board of Directors, Dr. Marwan Dwairy, the Mayor of Umm al-Fahem, Hashem Abdel Rahman, and a representative of the Committee of the Martyrs' Families, Jameeleh Asleh. The conference included a panel entitled "The Right to Political Activism" with panelists MK Dr. Jamal Zahalka, MK Mohammad Barakeh and MK `Abd al-Malek Dahamshe. The conference was attended by approximately 150 people.

4. In 11/05 and 12/05, Adalah, in cooperation with the Israeli Bar Association, hosted a **five-week training seminar entitled "Constitutional Aspects in Criminal Law."** The training seminar was attended by **46** members of the Israeli bar and stagiaires. The keynote address was given by former Supreme Court Justice Dalia Dorner. Other speakers included leading criminal defense and constitutional lawyers and law professors including Advocates Smadar Ben Natan, Hussein Abu Hussein, Saleem Wakeem, Riad Anis, and Avigdor Feldman; law professors Aeyal Gross and Kenneth Mann (the former Public Defender in Israel); and Adalah Attorneys Marwan Dalal and Orna Kohn. Speakers gave presentations on the issues of false confessions, internal police and military investigations, detainees' and prisoners' rights litigation, criminal law and torts law, the right to counsel, secret evidence and *incommunicado* detention. Adalah Attorney Abeer Baker organized and coordinated the sessions in cooperation with the Bar Association.

5. **University and Community Educational Lectures in Israel.** By request, Adalah staff and Board spoke at approximately **50** symposia, lectures and events held at universities, colleges, NGOs, community centers and schools throughout the country. They addressed issues such as the Arab minority, the right to education and the Dovrat Committee report; the proposed constitution for Israel; master plans for Arab villages and towns; citizenship rights in deeply-divided societies; Arab Bedouin women in the Naqab and housing rights; land planning and Zionist discourse; the AG's unreasonable policy of "reasonable discrimination"; discrimination in state budget allocations; religious rights; human rights dialogue via the internet; prisoners' rights, impunity and police brutality; and litigation strategies and analysis of Supreme Court decisions concerning discrimination against Arab citizens of Israel.

B. Publications and Reports

Planned 2005:

Makan; *Adalah's Review*; Website; Adalah's E-Newsletter; Annual Report; and Informational Materials. Adalah will issue all of its publications in Arabic, Hebrew and English and make them available electronically in order to reach the widest audiences possible.

Achieved 2005:

Adalah completed Volume 1 of *Makan: Adalah's Journal on Law, Land and Planning*; maintained, updated and published new web-reports on Adalah's tri-lingual website; expanded our electronic mailing list from 21,000 to 24,000 subscribers by the end of 2005; published **12** volumes of Adalah's monthly electronic newsletter; and produced an Annual Activity Report for 2004. For the first time, Adalah produced written materials, photographs, and maps for an art catalogue published by F.A.S.T. and began work on an advocacy film on the unrecognized villages in the Naqab.

1. ***Makan, Volume 1: "The Right to the City."*** In 2005, Adalah completed our first volume of *Makan*; ("*Place*" in Arabic), a new journal of law, land and planning, in Arabic, Hebrew and English. The printed publication (1,500 copies) was released and made available in 1/06, with electronic copies of the articles publicized and posted in *Adalah's Newsletter* in 1/06 and 2/06. The aim of the journal is to provide updated research and a forum for discussion on urban planning issues in general, and the land

planning situation in Israel, in particular, especially as related to the Arab minority. Volume 1 consists of three theoretical articles on the theme of "The Right to the City," as applied to the Palestinian minority and women in Israel; short articles describing instances of "Segregated Spaces" using case studies from Adalah and other human rights organizations; and excerpts from Adalah's petition to the Supreme Court challenging land distribution to Jews only by the Israel Land Administration (ILA) and the Jewish National Fund (JNF) as well as the portions of the JNF's response to the petition. The co-editors of *Makan* are Adalah Attorney Suhad Bishara and Adalah Urban and Regional Planner Hana Hamdan. The members of the Editorial Board are: Dr. Yosef Jabareen (Massachusetts Institute for Technology), Marwan Dalal, Advocate (Adalah), Dr. Tovi Fenster (Tel Aviv University), Dr. Michael Karayanni (Hebrew University), Dr. Alexandre Kedar (Haifa University), Rina Rosenberg, Esq. (Adalah), Dr. Mahmoud Yazbak (Haifa University and Adalah Board of Directors), and Prof. Oren Yiftachel (Ben Gurion University). *Makan* is the first journal in Israel to look at land and planning from the perspective of law and legal discourse.

2. Adalah's Review, Volume 5: "On the Criminal Justice System." *Adalah's Review* is the flagship, academic publication of the organization. It is a journal devoted to the legal, social and political analysis of the legal system and legal practice in Israel, and their interaction with the Arab minority in the state. *Adalah's Review* aims to generate a critical discussion of Israeli law and legal discourse and to offer a central stage to alternative, fresh perspectives and insights on law's subjugation of Arab citizens of Israel. Taking the lead from Adalah's legal work and the questions it raises, each volume of *Adalah's Review* focuses on one theme. The journal opens its pages to a range of contributions from lawyers and academics, and appeals in a unified way to Arabic, Hebrew and English readers who are interested in a critical understanding of Israeli law. In 2005, Adalah solicited 10 articles from lawyers and academics, working both in Israel and abroad, covering a wide range of legal mechanisms of "criminalization." Six articles were received by Adalah, which have undergone a process of internal and external review. As Adalah experienced several delays due to a change in the editorial staff (see: *Part IV, Institutional Development*), the introduction of a more extensive process of review, and the late submissions by authors, publication is now expected in 2006.

3. Website. Adalah continued to update and maintain our tri-lingual website, launched in 5/04. Adalah also began the process of planning its new website, obtaining quotations and drafts for website re-design and conceptualizing the new content. In 4/05, Adalah created a new special web-report on the UN Convention for the Elimination of All Forms of Discrimination Against Women (the CEDAW), bringing together information about the Convention, its State Parties, and the process of the CEDAW Committee's country review of Israel, as well as the activities of the Working Group on the Status of Palestinian Women Citizens of Israel. In 10/05, Adalah created a second special web-report on the October 2000 killings, bringing together information on the events that lead up to the killings of 13 Palestinian citizens of Israel during protests in October 2000, on Adalah's continuing efforts to litigate and advocate for accountability, on the Ministry of Justice's Police Investigation Unit's ("Mahash") report on the investigations, which found no reason to issue any indictments against police officers or commanders, and on Adalah's analysis of this report.

4. Adalah's E-Newsletter. Adalah published **12** volumes of our tri-lingual monthly electronic newsletter, *Adalah's Newsletter*. Three thousand additional subscribers signed up for the newsletter, increasing our distribution from 21,000 in 12/04 to **24,000 subscribers** in 12/05. In the e-newsletter, Adalah published 17 articles and 8 commentaries by external contributors, in addition to 14 articles and 10 commentaries by Adalah's staff and board members. The themes of the 12 volumes were: the proposed Constitution for Israel, litigating minority rights, Land Day, collective rights and the constitution, power sharing and minority rights, language rights, international courts, the human rights impact of the Gaza disengagement, the Or Commission and Mahash, education rights, immunity and security, and gender and group rights. The archive of published volumes of *Adalah's Newsletter* is available on Adalah's website.

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

- Articles and commentaries published in Adalah's newsletter were regularly re-printed in newspapers and on websites. Some items have been re-printed in academic books. Adalah's staff members regularly received invitations to speak at conferences following the publication of an article or commentary.
- Several NGOs and scholarship programs contacted Adalah to include links to their new reports and higher educational funds in the newsletter. Increasing numbers of NGOs in Israel and abroad are now using the medium of e-newsletters to disseminate their work.

- Following the publication of almost every volume, Adalah was sent congratulatory emails from law professors and other academics, embassies, donors, etc., praising the excellence of the newsletter. Academics informed Adalah that they had placed various articles from the newsletters on their syllabi for law school and university courses. Numerous subscribers have informed us that they forwarded the newsletter to their email groups.
- Adalah posted a special edition of the newsletter after Mahash released its final report in September 2005 about responsibility for the October 2000 killings. This edition generated enormous interest from subscribers.
- External authors continued to willingly contribute articles to the newsletter.

5. Annual Report. Adalah issued its 43-page Annual Report for 2004 in English in 4/05, presenting the work of the organization over 2004 divided into four chapters: legal action, international legal advocacy, legal education, and institutional development, and distributed it to donor organizations, embassies, and visiting delegations. Adalah also issued a 51-page Annual Report for 2004 in Arabic, which was issued in 5/05.

6. F.A.S.T. Exhibition Catalogue. In 2/05, four articles written by Adalah were published in an exhibition catalogue, under the subtitle of 'Segregated Spaces,' launched by F.A.S.T. (The Foundation for Achieving Seamless Territory in Israel) at an architectural exhibition entitled "One Land: Two Systems" in the Netherlands. Adalah's Urban and Regional Planner Hana Hamdan attended the opening of the exhibition, which exhibited alternative plans submitted by international architects and planners to the Israeli government's master plan for the formerly unrecognized Palestinian village of Ein Hud, situated in the north of Israel. The four articles which Adalah contributed to the catalogue delineated four examples of segregationist land planning policies in Israel. The planning competition and the catalogue were organized and produced by F.A.S.T. The exhibition catalogue is available online at: <www.seamless-israel.org>

7. Film about the Unrecognized Villages in the Naqab. In 2/05, Adalah commissioned Scotland-based media company Fifty Nine Ltd. to produce a 20-minute film about the Israeli government's discriminatory policies against the Arab Bedouin living in unrecognized villages in the Naqab. Since these policies and the resulting living conditions of Arab Bedouin in the unrecognized villages are largely ignored by the mainstream media, the film is intended to contribute to the Adalah's efforts to raise both domestic and global awareness of these issues. Numerous Arab Bedouin citizens of Israel living in the unrecognized villages, human rights activists, and academics were interviewed and appear in the film. The film, entitled "Unrecognized," will be released in 2006 with Arabic, Hebrew and English subtitles, posted on Adalah's website, distributed on DVD to a wide range of local and international decision-makers, and submitted to international human rights short film festivals.

C. Media Outreach

Planned 2005:

Issue 50+ press releases; provide interviews, commentary and analysis to media (achieving at least 5 features in the local Hebrew press, 3 features in the international press, and interviews on at least 12 legal programs); participate in and organize press conferences; write opinion pieces for newspapers; and place / join protest ads with other NGOs in the local press; work with media consultants to develop a stronger communications program and encourage staff participation in 2-3 media training workshops.

Achieved 2005:

In 2005, Adalah issued **80** press releases; provided interviews, commentary and analysis to the media on virtually all of our cases (about **25** cases / events were featured in the local media with **4** cases obtaining very extensive local and international media coverage); organized **1** press conference; wrote **12** opinion pieces / articles for newspapers; and joined **7** advertisements with other NGOs.

1. Press Releases. Adalah widely disseminated to media outlets and posted on our website **80** press releases in Arabic, Hebrew and English on our legal representations and other activities.

2. Media Coverage:

Arabic Media. Adalah's work appeared almost weekly in the local Arabic-language newspapers *Al-Ittihad*, *Kul Al-Arab*, *Hadeeth Al-Naas*, *Al-Sinara*, *Fasl al-Maqal* and *Panorama*, and on Arabic-

language websites arabs48 and Ynet (Arabic). Adalah Attorneys participated in several interviews per week on Radio Al-Shams and Voice of Israel (Arabic).

Hebrew Media. *Ha'aretz* (Hebrew and English) published new items on Adalah's cases several times per month, including some feature stories. Several Hebrew-language websites including Ynet (*Yedioth Aharonot*), Walla, NRG (*Maariv*), MSN (Israel), Globes and Mahsom also regularly reported on our work. Reshet Bet and Gali Tsahal radio stations periodically interviewed Adalah staff on news and legal programs. Israeli TV interviewed Adalah Attorneys on all of our major legal representations.

International English Media. Adalah Attorneys were interviewed for radio programs and for articles on our work by several English media outlets including the *BBC*, *The Guardian*, Pacifica radio, *The Economist*, *The Jerusalem Post*, and *The Jewish Week*, and the Electronic Intifada posted several of our press releases and articles. Additionally, Adalah cases were featured in *LA Times*, *New York Times*, *Reuters*, and *AP*.

Four of Adalah's cases received **widespread media coverage**:

- **The Jewish National Fund case.** This case was covered extensively in 1/05 and 2/05, following press reports that the Attorney General (AG) had ruled that bids for JNF land managed by the ILA must be made open to all of Israel's citizens. Israel TV Channels 1, 2 and 10 all reported on the case and broadcast interviews with Adalah lawyers, whilst Hebrew feature articles were published in *Ha'aretz* and on the Globes, Ynet, Mahsom, and NRG websites. All of the Arabic-language newspapers, websites and radio stations reported on the case. The case also received attention from the international and local English language media, with news articles, feature articles and commentaries published in *The Jewish Week*, *The Jerusalem Post*, *Ha'aretz*, and the Globes, Israel National News and Electronic Intifada websites.
- **The Ban on Family Unification Law case.** This case received a great deal of attention in the media. Israel TV Channels 1 and 2 in Hebrew and Pacifica Radio (US) all reported on the case and broadcast interviews with Adalah lawyers. Numerous news articles were also published in *Ha'aretz*, the NRG website, and *Al-Ittihad*, among others. In the English language press, *The Jerusalem Post* published feature articles by Dan Izenberg in 3/05 and 11/05, and *Ha'aretz* published a feature by Aluf Benn in 4/05. In addition, *Ha'aretz* (Hebrew and English) published an editorial strongly criticizing the law in 1/05, and an op-ed on the law by Adalah General Director Hassan Jabareen in 5/05. In 8/05, the *Daily Star* published a commentary by Jonathan Cook featuring the case. The Electronic Intifada also regularly posted press releases on case developments.
- **The Failure of "Mahash" to Issue Indictments for October 2000 Killings.** In 9/05, Adalah held a press conference in conjunction with the High Follow-up Committee for Arab Citizens of Israel and the victims' families at the international press house Beit Agron in Jerusalem to respond to the report of the Ministry of Justice Police Investigation Unit ("Mahash") on its investigations into the killings of 13 unarmed Palestinian citizens and the injuring of hundreds of others by the Israeli police and security forces during the October 2000 protest demonstrations. The report made no recommendation for the indictment of any individual in connection with the events. The press conference received front page and top of the news coverage by all Israeli media outlets and widespread coverage in the international press. Coverage of the press conference and interviews with the participants were featured in articles published by *Haaretz*, *Reuters*, *The Jerusalem Post*, *LA Times*, *Seattle Times*, *Newsday* and *AFP*. *The Jerusalem Post* and *Haaretz* published articles on the decision to give Adalah access to the investigation files and *MERIP* published an in-depth feature on Mahash and impunity by Jonathan Cook in 11/05. Adalah attorneys were interviewed on *Kul Hai Radio*, *Tel Aviv Radio*, *TV Channel 2 Israeli* and *Reshet Bet*. Adalah's response to AG Mazuz's endorsement of Mahash's report was covered by *Haaretz*, *Al-Baidar*, *Panorama*, *Kul Al Arab*, *Al Ittihad*, and *Yedioth Ahronoth* and arabs48 and Mahsom websites.
- **The Human Shields case.** In 10/05, the Supreme Court delivered a landmark decision on a petition filed by Adalah in 5/02, in which it ruled that the Israel army's practice of using Palestinian civilians as human shields in its military operations violated international humanitarian law. The Court's decision and Adalah's response received widespread domestic and international press. *The Jerusalem Post* and *Haaretz* (English), *Al-Fager Al-Jadeed*, *Fasel Al-Makal*, *Maan* (Arabic) and *Hadeeth Annas*, (Hebrew) and Mahsom and NRG websites published feature articles in addition to *CNN*, *BBC News*, *Guardian*, *AP*, *New York Times*, *Middle East Times*, *Houston*

Chronicle, Reuters and ABC News. The case was also voted by *Haaretz* as the decision of the year for 2005.

Featured Cases:

- **Evacuation lawsuits submitted to Arab Bedouin in unrecognized villages** – Mohammed Yunis, *Akhbar al-Naqab*, and Mahsom, in 2/05. Dutch journalist Alwine van Heemstra wrote a feature on the state of Israel's attempts to evacuate and relocate the residents of the unrecognized village of Atir-Umm al-Hieran for Amnesty International's magazine *Wordt Vervolgd*, (Dutch) in 3/05.
- **Crop spraying in the Naqab case** – Yuval Yoaz, *Ha'aretz*, and Mahsom, in 2/05 and *Sawt al Haq Wa-al-Hurriya*, *Akhbar Al-Naqab*, *Maan*, (Arabic) and *Hadeeth Annas* (Hebrew) and Mahsom and Wafa websites, in 11/05 and 12/05.
- **Petition to establish a high school in the unrecognized village of Abu-Tlul El Shihabi in the Naqab** – Nir Hasson & Yuli Khromchenko, *Ha'aretz*; and Radio Al-Shams, in 3/05.
- **Discriminatory regulations against the hiring of Arab construction workers in schools in Jerusalem** – Yuli Khromchenko, *Ha'aretz*, and Voice of Israel, in 3/05 and 6/05.
- **The Broadcasting Authority's hiring of a private firm to collect license fees from Arab towns and villages** – Zeidan Khalayli, *Kul Al-Arab*, 3/05 and Radio Al-Salam, in 6/05.
- **The investigation into the killing of Meteb al-Nebari by the Israeli military** – Yasser Aloqbi, *Al-Usubua' al-Arabi*, and Radio Al-Shams, in 3/05.
- **Appeal for water access points in the unrecognized villages** – Reshet Bet, Roni Sofer, Ynet; Mahsom (Hebrew); and *Akhbar al-Naqab* websites and Radio Al-Shams and Voice of Israel (Arabic) in 4/05.
- **Study Day with Attorney Felicia Langer hosted by Adalah** – Hisham Nafaa, *Al-Ittihad*; Ghassan Bousol, *Kul Al-Arab*; and Assad Talhami, *Fasl al-Maqal*, 5/05.
- **Preventing the closure of the unemployment office in Kufr Kana case:** Walla website (Hebrew), and *Al-Ittihad*, *Hadeeth Al-Naas*, *Al-Sinara*, *Panorama* and *Fasl al-Maqal* all reported on the case (Arabic) in 5/05.
- **Mahash's request to exhume the body of Asil Asleh case** – News articles and radio announcements appeared on this case in 3/05 (after the hearing) and in 6/05 (when Mahash announced the withdrawal of its request) in Ynet, *Ha'aretz* and Reshet Bet radio (Hebrew), and *Al-Ittihad*, *Fasl al-Maqal*, and Radio Al-Shams (Arabic). *Al-Arabiyya* TV also interviewed an Adalah attorney on the case.
- **Cancellation of the GSS position in the Arab Education Division case** – This case was covered in 6/05 by *Ha'aretz*, the Walla website and Reshet Bet and Gali Tzahal radio stations (Hebrew); and *Kul Al-Arab*, *Al-Ahali*, arabs48 website and Radio Al-Shams and Voice of Israel radio stations (Arabic).
- **Grants for purchasing apartments in National Priority Areas which exclude Arab towns case** – Radio Al Shams and Voice of Israel (Arabic) in 6/05.
- **Proposed land exchange between the state and the JNF case** – Radio Al-Shams and Voice of Israel (Arabic) in 6/05.
- **Building permit issued to Arab Bedouin family after seven years** – Wafa and Electronic Intifada websites, 7/05.
- **Law barring compensation for Palestinians** – This case was covered Yuval Yoaz and Gideon Alon in *Haaretz* (English), 7/05 and 9/05 and Hadeeth Annas (Hebrew) in 9/05.
- **Court order repairs to the al-Fur'a school road for safe transportation of students** – This case was covered in *Kul Al-Arab*, and *Akhbar Al-Naqab* (Arabic) and arabs48.com website, in 9/05.
- **Compensation for the victims' families of the Shafa'amr shootings** – This case was covered by Yosef Goell and Shani Rosenfeld in *The Jerusalem Post*, *AP*, *News.24* and Yuval Yoaz in *Haaretz*, in 8/05 and 9/05.
- **Equal-access to elementary school education in Lod** – *YNET* in 9/05, Yuli Khromchenko in *Haaretz* and the arabs48 website, in 8/05.
- **Court order to open a shelter for Arab women** – *NFC*, *Maan*, *Al-Baidar*, *Fasel Al-Makal*, and *Al-Jabha*, (Arabic) and *Haaretz* and *Hadeeth Annas* (Hebrew) in 9/05 and 10/05.
- **Resumption of transportation for students in Kammaneh and Husseniya** – *Al-Arabiyya*, *Maan*, *Fasel Al-Makal*, *Kul Al-Arab*, *Al-Ittihad*, *Al-Jabha*, (Arabic) and *Haaretz*, *Hadeeth Annas*, *Assennara*, *YNET* (Hebrew) and Mahsom and arabs 48 websites, in 10/05.
- **Harsher Criminal Procedures for Palestinian Security Detainees** – *The International Peace Center (IPC)* and the Electronic Intifada website, in 10/05.

- **Haifa University Discriminatory Housing Policy** – Mahsom, Wafa and arabs48 websites, *Kul Al-Arab*, and *Al-Jabha*, (Arabic), *Hadeeth Annas*, *Assennara* and *YNET* (Hebrew) in 10/05
- **Military Service Criterion to Lease Land in Arab Bedouin Towns in the Naqab** – *Haaretz* (Hebrew) and Mahsom website and *Sawt al Haq Wa-al-Hurriya*, *Akhbar Al-Naqab*, and *Fasel Al-Makal* (Arabic) in 10/05.
- **Complaints of Police Brutality in Beer al-Mashash** – *The Jerusalem Post* (English) and *Sawt al Haq Wa-al-Hurriya*, *Akhbar Al-Naqab*, *Maan*, *Al-Jabha* and arabs48 website (Arabic) in 12/05
- **Acquittal of MK Azmi Bishara's Former Parliamentary Assistants** – NFC, NRG and Mahsom websites and *Maan*, in 12/05.

4. Articles and Op-Eds Written by Adalah Board and Staff:

- Attorney Marwan Dalal, "Forced 'Nomadism': Palestinian Bedouins in the South of Israel." Published in *Palestina Nu* magazine, (Swedish) in 2/05.
- Attorney Abeer Baker, "Children in Name Only." Published in *Shabab* (Arabic) in 2/05.
- Attorney Abeer Baker, "Lawyers under Suspicion." Published in *Ha'aretz* (Hebrew) in 2/05.
- Dr. Marwan Dwairy, Board Chairperson, "Constitution by Jewish Consensus Only." Published in *Ha'aretz* (Hebrew) and *Al-Ittihad* (Arabic) in 3/05.
- General Director and Attorney Hassan Jabareen, "From Discrimination to the Denial of Basic Freedoms." Published in *Ha'aretz* (English and Hebrew) in 5/05.
- Hassan Jabareen, "Ignoring the 'Other'," a book review of Supreme Court Chief Justice Aharon Barak's new book, "A Judge in a Democratic Society." Published on first page of a major supplement in *Ha'aretz* (English and Hebrew) and in *Al-Ittihad* (Arabic) in 6/05.
- Dr. Marwan Dwairy and Hassan Jabareen, "On Establishing a Committee for the Defense of the Arabic Language." Published in *Al-Ittihad* (Arabic) in 6/05.
- Sharif Hamadeh, "Slicing of Gaza is just a diplomatic nose job." Published in *The Independent* (English) in 8/05.
- Attorney Abeer Baker, "The Palestinian Prisoner as a One Dimensional Human Being." Published in *Mitsad Sheni* (Hebrew) in 8/05.
- Attorney Abeer Baker, "Ideological Legislation in the Name of 'Security.'" Published in *Haaretz* (Hebrew) and *Al-Ayyam* (Arabic) in 10/05.
- Dr. Marwan Dwairy, "October 2000: Defined Goals and Mechanisms." Published in *Fasl al-Maqal* (Arabic) in 10/05.
- Attorney Abeer Baker, "On Gender, Nationalism and Universalism: The Legal Issue of Representation of Women in Israel." Published in the Israeli Bar Association Journal (Hebrew) in 11/05.

5. Articles from Adalah's Newsletter Republished by the Media:

Numerous articles, commentaries and featured cases written by Adalah Board, staff and external contributors for *Adalah's Newsletter* were republished by the Arabic, Hebrew and English print and electronic media each month, citing Adalah as the source. In Arabic, *Al-Ittihad* and *Sawt al Haq Wa-al-Hurriya* newspapers and *Al Jabha*, arabs48 and Arabs Against Discrimination (Egypt) websites regularly republished items; in Hebrew, the Ofakim Hadashim, Mahsom, Hagada, Haokets and Kedma websites; and in English, *The Jordan Times* and *The Daily Star* (Beirut) newspapers and the Electronic Intifada, Miftah and Arab Media Watch websites.

6. Protest advertisements:

- Together with five NGOs – Mossawa, Hamoked, B'Tselem, Physicians for Human Rights in Israel, and the Israel Section of Amnesty International – against the discriminatory Nationality and Entry in Israel Law. Published in *Ha'aretz* (Hebrew) in 1/05.
- Jointly signed with four NGOs – Physicians for Human Rights, HaMoked, B'Tselem, the Public Committee Against Torture in Israel, and Rabbis for Human Rights – demanding the release of or a fair trial for Palestinian administrative detainees. Published in *Ha'aretz* (Hebrew) in 2/05.
- Jointly signed with 16 NGOs, on Land Day, calling on Israel to recognize the Palestinian "Nakba" of 1948, and to work towards a society based on the principle of equality for all its citizens. Published in *Ha'aretz* (Hebrew) in 3/05.
- Together with several Palestinian NGOs in Israel, to mark International Women's Day, and demanding that the High Follow-Up Committee for the Arab Citizens in Israel should include more women in its membership. Published in the local Arabic-language newspapers in 3/05.

- Along with 28 Palestinian and women's rights NGOs and individuals, expressing solidarity with an Arab Bedouin women's organization in the Naqab after their premises was burned. Published in *Panorama* and *Kul al-Arab* (Arabic) in 5/05.
- Together with 13 Palestinian and Israeli NGOs signed on to a public letter to UN Secretary General Kofi Annan calling for the implementation of the International Court of Justice advisory ruling on Israel's Separation Wall. Published in *Al-Ayyam* (Arabic) in 7/05.
- Jointly signed with 9 NGOs calling for the rejection of the unconstitutional proposed Criminal Law Procedures Bill. Published in *Haaretz* (Hebrew) in 12/05.

D. Training for Law Students and Recent Law Graduates

Planned 2005:

Offer opportunities to 1-2 stagaires (legal apprentices) and law students to work in our offices; host LL.M. fellows, as available; seek opportunities for and encourage higher legal education for Adalah lawyers; and host law students from Israeli law school clinic programs on an externship basis.

Achieved 2005:

During 2005, Adalah hosted one stagaire, assisted one staff member toward pursuing a law degree, and organized a training seminar for new lawyers and stagaires.

Stagaires / law student. Ms. Abeer Jubran began her training as a stagaire with Adalah in 3/05. In 6/05, Adalah successfully recruited a new law student, who is due to begin her training period in 2006, after completing her law degree.

Higher legal education. Adalah's Field Researcher and Naqab Office Manager, Salem Abu-Medeghem, completed his first year of law school in 7/05 and began his second year in 10/05 at the Ramat Gan College of Law (degree expected 2007/2008).

Training seminar for young lawyers and stagaires. In order to expand our outreach to young lawyers and law students, Adalah, for the first time, in cooperation with the Israeli Bar Association, hosted a five-week training seminar entitled "Constitutional Aspects in Criminal Law." The training seminar was attended by 46 members of the Israeli bar and stagaires. Lecturers included former Supreme Court Justice Dalia Dorner, leading criminal defense and constitutional lawyers, and law professors (*see: Part III, Legal Education, Seminars and Conferences*).

IV. INSTITUTIONAL DEVELOPMENT

This section summarizes Adalah's **institutional development** activities undertaken in 2005. It is organized as follows: A. Planning and Policy Workshops; B. Board and General Assembly; C. Staff and Fellows / Interns; and D. Fundraising.

Adalah's **main achievements** include:

- The Welfare Association awarded Adalah one of three NGO Awards for Excellence in Achievement. Adalah received a prize of US \$10,000.
- By holding in-depth planning meetings with staff and Board at which roles and responsibilities, as well as the work plan for 2005 were clarified, Adalah was able to function efficiently and effectively during the second half of the year when Adalah's General Director, Attorney Hassan Jabareen, was appointed as a Yale World Fellow began his fellowship at Yale University in the United States in 8/05. Acting General Director, Attorney Orna Kohn, and Acting Legal Director, Attorney Marwan Dalal fulfilled key staff leadership roles in Adalah.
- Adalah was awarded new multi-year grants for our work in 2006-2008 by the Welfare Association-OSI and the European Commission.

A. Planning and Policy Workshops

Planned 2005:

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

Achieved 2005:

During 2005, Adalah organized and held **3 planning and policy workshops** with staff and Board and Adalah staff members attended **training workshops**.

1. Staff Planning Meetings

In 1/05, Adalah held a series of planning and legal strategy meetings with all staff members. The planning meetings opened with an overall evaluation and discussion of Adalah's work in 2004. Each staff member then presented a paper on his or her work in 2004 as compared with his or her original plan for 2004 and his or her work plan for 2005. Full staff and legal staff meetings were also held monthly throughout 2005.

2. Board-Staff Study Days: Planning and Evaluation Workshop I

In 2/05, Adalah's Board and staff members participated in a two-day workshop in Jerusalem. The main topics of discussion included: the proposed constitution of the Israel Democracy Institute (IDI) (Guest speaker: Dr. Mordechai Kremnitzer, Hebrew University Faculty of Law and Board Member of the IDI); Adalah's draft Charter of Human Rights; class action lawsuits and their potential applicability for human rights litigation (Guest speaker: Dr. Michael Karayanni, Hebrew University, Faculty of Law, Director of the Minerva Center); discussion and evaluation of 2004 activities; Adalah's work plan for 2005, including decisions on public activities; and a workshop on the culture of fundraising in Adalah (Facilitator: Fathi Marshood, Director of Shatil, Haifa).

3. Board-Staff Study Days: Planning and Evaluation Workshop II

In 7/05, Adalah Board and staff members held a three-day workshop in Tiberias. The meetings included discussions and presentations of Adalah's work plan for the remainder of 2005 focusing on legal actions, *Adalah's Newsletter* and upcoming conferences. Participants also discussed new provisions and revisions to Adalah's draft Charter of Human Rights. Internal coordination, including roles and responsibilities of senior staff members, was also discussed in depth in preparation for the General Director's residency at Yale University.

4. Training Workshops. Adalah staff participated in the following training workshops:

- *Shatil-Facilitated Advanced Fundraisers' Forum.* Adalah's International Advocacy and Development Director, Rina Rosenberg, participated in four meetings of this group.
- *Oxfam-GB Partners' Workshops.* Adalah Attorney Morad El-Sana and Adalah's Field Researcher and Naqab Office Manager, Salem Abu Medeghem, participated in two workshops: a four-day workshop in Amman, Jordan on participatory methods of research in 1/05; and a three-day

fieldwork assignment in the Naqab to investigate public service priorities for residents in the unrecognized villages in 2/05, at which they implemented these new research skills.

- *Shatil and The Minerva Center for Human Rights: "State Budgets: How to Influence and Promote Equality and Social Justice."* Adalah Attorney Gadeer Nicola and Adalah's Legal Apprentice, Abeer Jubran, attended six sessions of this course held in 4/05 and 5/05.
- *Shatil Course, "Training for Media Coordinators in NGOs."* Adalah Media Coordinator Marwan Athamneh attended this two-day workshop in 9/05.

B. Board and General Assembly

Planned 2005:

Hold annual General Assembly (GA) meeting and Board election; hold bi-monthly Board meetings and quarterly Financial Committee meetings; continue to implement by-laws; attempt to increase Board involvement in fundraising for the purchase of an office for Adalah.

Achieved 2005:

Adalah held its annual GA meeting and Board elections; Adalah's Board of Directors and Financial Committee met regularly to discuss and decide upon priorities and policies, and seven new members joined Adalah's General Assembly.

1. Annual General Assembly Meeting. On 1 April 2005, Adalah held its annual GA meeting in our offices in Shafa'amr. Members of the GA discussed Adalah's proposed charter of human rights project, and discussed and approved Adalah's 2003 and 2004 Activities Reports, Audited Financial Statements, as well as reports of the Control Committee. The GA also re-appointed our auditor, Mr. Nazeeh Bocaie, CPA. A new Board of Directors was elected at the meeting.

2. Adalah's Board of Directors – 2005

- **Chairperson, Dr. Marwan Dwairy.** Founder and Chief Supervisor of Municipal Psychological Services Center, Nazareth; Director and Therapist, Clinic of Psycho-Diagnosis and Psychotherapy. Board member since 2002.
- **Dr. Moussa Abou-Ramadan.** Lecturer in the Faculty of Law, University of Haifa specializing in Islamic law, international law, and human rights. Board member since 2004. (Dr. Ramadan resigned from the Board in 5/05. The Board appointed Dr. Thabet Abu Ras to replace him in 12/05).
- **Dr. Thabet Abu Ras.** Lecturer in the Department of Geography and Environmental Development, Ben Gurion University of the Negev; research and publications focus on local government studies, ethnic relations, land and planning and regional development. Director of Shatil's Beer el-Sabe office and Bedouin Education Campaign Coordinator. Board member since 2005.
- **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. Board member since 2004.
- **Dr. Muhammad Haj-Yahia.** Senior Lecturer, School of Social Work, The Hebrew University, Jerusalem, specializing in violence against women and the maltreatment of children. New Board member 2005.
- **Ms. Samar Khamis,** Advocate. Head of private law practice in Eilabun; a board member of *Assiwar*. Board member since 2004.
- **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. Board member 2000-2001 and from 2003.
- **Dr. Mahmoud Yazbak.** Senior Lecturer in Middle East History, University of Haifa, specializing in social and political history of 19th and 20th Century Palestine. Former Spokesperson of the Victims' Families Committee (October 2000). Board member since 2004.

The Board of Directors **held 8 meetings** in 2005. 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. Among other activities, Adalah's Board was actively engaged in drafting and commenting upon the proposed Charter of Human Rights, preparing Adalah's prisoners' rights and October 2000 conferences, and contributing articles and commentaries for *Adalah's Newsletter*.

3. Adalah's Financial Committee

- **Dr. Marwan Dwairy.** Board Chairperson and signatory.
- **Dr. Mahmoud Yazbak.** Board Member and signatory.
- **Mr. Salman Natour.** Board Member.
- **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 discuss the audited financial report for 2004, to monitor income and budget expenditures for 2005, to assess progress in fundraising, and to discuss the budget proposal for 2006.

4. Membership in Adalah's General Assembly (GA). In 2005, Adalah recruited **7** new members to the GA. Each member of Adalah's GA contributes a NIS 150 annual fee. Adalah has **65** GA members.

C. Staff

Job Title	Name	Full or Part Time
General Director	Mr. Hassan Jabareen, Advocate *	Full
Attorney and Acting General Director (from 8/05)	Ms. Orna Kohn, Advocate *	Full
Legal Department		
Attorney and Acting Legal Director (from 8/05)	Mr. Marwan Dalal, Advocate *	Full
Attorney	Ms. Suhad Bishara, Advocate *	Full
Attorney	Mr. Adel Bader, Advocate	Part
Attorney	Ms. Abeer Baker, Advocate	Full
Attorney	Mr. Morad El-Sana, Advocate	Full
Attorney	Ms. Sawsan Zaher, Advocate	Full
Stagaire	Ms. Abeer Jubran	Full
Field Researcher and Office Manager, Naqab	Mr. Salem Abu-Medeghem	Full
Urban and Regional Planner	Ms. Hana Hamdan	Part
Public Relations Department		
International Advocacy and Development Director	Ms. Rina Rosenberg	Full
Media Coordinator	Mr. Marwan Athamneh **	Part
Adalah's Review Man. Editor	Ms. Hala Khoury	Part
Webmaster/IT	Mr. Fadi Karkaby	Full
Publications Researcher	Ms. Maisam Musallam	Part
Hebrew Publications Editor	Mr. Ran Shapira	Part
HR and Development Fellow	Ms. Katie Hesketh	Full
HR and Development Fellow	Ms. Leila Hull	Full
Administration		
Administrative Director	Ms. Fathiyya Hussein	Part
Accountant	Mr. Basheer Geraisy	Part
Administrative Assistant	Ms. Christine Nasrallah	Full
Administrative Intern	Ms. Noura al-Mahdhe	Part

As of 31 December 2005, Adalah had **23 staff members**, including 2 human rights and development fellows. 14 worked full-time and 9 work part-time. 14 Adalah staff members were women and 9 were men. 20 staff members worked in Adalah's office in Shafa'amr, and 3 staff members worked in Adalah's office in Beer el-Sabe (Beer Sheva).

* Adalah Attorney Orna Kohn is serving as the Acting General Director of Adalah from 8/05 to 6/06. Adalah Attorney Marwan Dalal is serving as the Acting Legal Director of Adalah for the same period. During this time, General Director Hassan Jabareen is in residence at Yale University as a Yale World Fellow. Ms. Suhad Bishara went on maternity leave in 8/05. She returned to Adalah in 3/06.

Staff Moving On / New Staff

Media Coordinator Ms. Eva Musa left Adalah after three years of work at end of 2/05 and joined the staff of the Association for Civil Rights in Israel.

**Mr. Marwan Athamneh worked as Media Coordinator with Adalah from 5/05 to 1/06. This position is currently vacant.

Adalah's Review Editor Samera Esmeir left Adalah after six years of work at the end of 3/05 to complete her Ph.D dissertation. In 8/05, Ms. Esmeir began work as an Assistant Professor at the University of California, Berkeley, in the Department of Rhetoric.

Ms. Hala Khoury, Ph.D Candidate in Law, Oxford University, joined Adalah in 6/05 as the Managing Editor of *Adalah's Review*.

Attorney Gadeer Nicola left Adalah after eight years of work at the end of 6/05. She joined the staff of the Tel Aviv University Law School Clinic in the fall of 2005.

Attorney Sawsan Zaher joined Adalah as a new staff attorney in 8/05.

Mr. Ran Shapira joined Adalah in 7/05 as our first Hebrew Publications Editor.

Fellows / Interns

In 2005, **four overseas fellows** interned with Adalah. Adalah hosted one legal fellow, Mr. Shane Kelleher, from 3/05-8/05. His main responsibility was to undertake comparative constitutional and administrative law research for Adalah's cases. Adalah also hosted three human rights and development (HRD) fellows in 2005: Ms. Katie Hesketh (5/04-present); Mr. Sharif Hamadeh (10/04-8/05); and Ms. Leila Hull (9/05-present). HRD fellows worked on all aspects of international public relations and advocacy and English language publications for Adalah. During 2005, one administrative intern volunteered in Adalah's Beer el Sabe office, Ms. Noura al-Mahdhe (3/05-12/05).

Volunteers

Numerous lawyers and academics also contribute to Adalah's work throughout the year as volunteers. These professionals contribute articles and commentaries to Adalah's electronic newsletter, *Makan* and *Adalah's Review*; serve on editorial committees; provide expert opinions for Adalah's petitions; and speak at public conferences and internal staff-Board study days, all without fees.

D. Fundraising

Planned 2005:

Continue to manage our diversified portfolio of grants; submit grant renewal requests to current partners for our work; research and submit proposals and applications to potential new donors; prepare and submit narrative activity and financial reports to donor agencies; and establish a reserve fund for the building or purchase of an office for Adalah.

Achieved 2005:

During 2005, Adalah secured all budgeted funds from donors; managed grants from **12** international donor agencies; produced grant proposals, narrative and financial reports which were approved by donors; and established a reserve fund, for the first time, for the building or purchase of an office for Adalah. Adalah also received **2 new major grants** and an **award for NGO excellence**.

1. Summary of Budget and Expenditure, 2005

Estimated budget in 2005:	US \$960,000
Total funds obtained in 2005:	Over US \$1 million
Spending in 2005:	US \$910,000 (95% of estimated budget)

2. Portfolio of Grants. Adalah had **12** international foundation donors in 2005. Our donors are: The Ford-Israel Fund (US); The New Israel Fund (US); NOVIB (The Netherlands); EED (Germany); Oxfam-GB (England); Foundation for Middle East Peace (US); Swedish International Development Agency

(SIDA) (Sweden); Ministry of Foreign Affairs (Switzerland); Naomi and Nehemiah Cohen Foundation (US); Open Society Development Foundation (US); The Welfare Association (Jordan/Switzerland); and Christian Aid (England). We acknowledge and sincerely appreciate the generous support provided to the organization by all of our foundation and individual donors.

Adalah was pleased to hold and participate in meetings with the leadership of two of our partners during this reporting period: the President and Vice President, Ms. Susan Berresford and Mr. Barry Garberman, of the Ford Foundation in 2/05; and the President of the Open Society Institute, Mr. Aryeh Neier in 5/05.

3. New Major Grants and Award

- **Welfare Association-Open Society Institute.** Adalah was awarded a new three-year grant of US \$180,000 for our land and planning rights work in the Naqab. The grant runs from 1 April 2005 to 31 March 2008.
- **Welfare Association (WA).** Adalah was granted a US \$10,000 award from the WA for excellence in achievement. The WA produced a short film about Adalah and two other Palestinian NGO prize recipients – The Women's Centre for Legal Aid and Counseling and the Young Scientists' Forum. Adalah's General Director attended the award ceremony in Amman in 5/05.
- **European Commission (EC).** In 5/05, Adalah was invited to submit a full proposal to the EC's EIDHR Programme, Support for Democratization, Good Governance and the Rule of Law. Adalah submitted the original pre-proposal in 6/04. In 6/05, Adalah completed the three-year project proposal entitled "Promoting Access to the Israeli Legal System for Arab Citizens of Israel." In 10/05, the EC notified Adalah that the project was selected for funding. NOVIB is co-financing the project. The EC grant of EUR 519,000 runs from 1 January 2006 to 31 December 2008.

4. Narrative and Financial Reports. Adalah completed and sent all required narrative and financial reports for 2004 projects to donors, and requested reports for the first half of 2005. Adalah also completed and sent our 2004 Annual Activities Report and Audited Financial Report to all partners. These reports were accepted and approved by all donor organizations.

5. Reserve Fund for Building. In 2004, Adalah's Board of Directors decided to set aside US \$150,000 from the accumulated general fund for the period 1997-2003 for the purposes of either building or buying an office for Adalah. The reserve fund was designated in Adalah's 2004 Audited Financial Report. Adalah intends to continue setting aside funds each year to the reserve fund from donations from private individuals, membership fees, sales of publications, court-award judgments and other unrestricted funds obtained.

ACKNOWLEDGEMENTS

Adalah wishes to thank all of its supporters, colleagues, friends, and volunteers for generously contributing to the work of the organization. Adalah sincerely appreciates this commitment and dedication to promoting and defending the rights of Palestinian citizens of Israel.

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