Adalah’s 2006 Annual Report of Activities highlights Adalah’s key activities in 2006, our tenth-year anniversary. As this report reflects, Adalah undertook a wide range of legal representations and conducted numerous other advocacy and educational initiatives in 2006 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. 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 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 the state. 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, NGOs, and Arab institutions; appeals to international institutions and fora; organizes study days, seminars, and workshops, and publishes reports on legal issues; and trains stagaires (legal apprentices), law students, and new lawyers in the human rights field.

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 2006, there were 46 members of Adalah’s General Assembly, seven members of the Board of Directors, and 24 members of staff.

POLITICAL DEVELOPMENTS 2006

Domestic and regional political events and their consequences, most significantly a further major shift to the right in Israeli society, impacted Adalah’s work in 2006. The Hamas-led PNA government, elected in January, dominated the Israeli elections and the Kadima party took control of the governing coalition, in which extreme rightist parties were invited to participate. Amid escalating Israeli-Palestinian tensions, an Israeli soldier was captured in the Gaza Strip in June. Israel then launched an invasion of Gaza, causing widespread destruction, death, injury and chaos. In parallel, Israel arrested 64 Hamas-affiliated legislators and ministers, and revoked the residency status of four MPs from East Jerusalem, in another example of draconian measures taken by the new Israeli government.
Soon thereafter, in mid-July, three Israeli soldiers were killed and two captured by Hezbollah on the Israeli-Lebanese border. Within hours Israel launched a full-scale war with Hezbollah. Over the course of the 33-day war, over 1,100 Lebanese were killed and at least 4,000 injured; 43 Israeli citizens were killed (including 18 Arab citizens of Israel), while another 418 civilians were treated in hospitals. The south of Lebanon was subjected to a massive barrage of air strikes and artillery fire, and sustained enormous damage to vital infrastructure. The north of Israel was the target of daily rocket attacks, resulting in the evacuation of the far north, damage to property and businesses, and the paralysis of the Galilee and Haifa areas.

One of the war’s consequences was a further polarization of Jewish and Arab citizens, through the pervasive media portrayal of Arabs as identifying with the enemy and as disloyal to the state. A further result was an increase in the regional tensions between Israel and its neighbors. The ongoing war in Iraq and the deterioration in Israel’s relations with Syria and Iran have all consolidated the right-wing shift in Israeli politics and society. These developments and this shift both created a less conducive environment for Adalah’s legal work and produced new threats and challenges to the Arab community in Israel and Adalah.

LEGAL ACHIEVEMENTS

Adalah undertook pioneering special legal projects and impact litigation before Israeli courts each with carefully developed intervention strategies based on a group rights approach.

Special Legal Projects: Demanding Accountability for the October 2000 Killings and the Democratic Constitution

Adalah continued to demand accountability for the October 2000 killings of 13 unarmed Palestinian citizens of Israel and the injury of hundred of others by the Israeli police. In 9/05, the Ministry of Justice’s Police Investigations Unit (“Mahash”) announced its decision to close all files and recommended that no criminal indictments be issued against any police officer or commander. In 10/06, as the legal representative of the victims’ families, Adalah submitted a comprehensive report entitled “The Accused” to the Attorney General (AG) and demanded an investigation into Mahash for breach of trust and damaging public confidence, and the immediate suspension of all those responsible for Mahash’s failures. The report addresses the shortcomings and failures of the law enforcement authorities – primarily Mahash – in investigating the killings and the injuries. The report was compiled after Adalah studied thousands of pages of documents and other evidentiary material presented to the Official Or Commission of Inquiry as well as Mahash’s investigatory files. Adalah anticipates that the State Prosecutor’s Office will issue a review report of Mahash’s findings in 2007.

In a related development, in 2006, Adalah sought the cancellation of the promotion of Benzi Sau, a border police commander during the October 2000 protest demonstrations who ordered the use of snipers, resulting in the deaths of three young Arab men and the injury of tens of others. Through his promotion to the position as Head of the Minister of Public Security’s Operational Staff Unit, Sau received greater power and influence than in his prior positions. Adalah argued the appointment is illegal, contradicts Supreme Court case law and the Or Commission’s recommendation that Sau not be promoted for four years. In 10/06, the Supreme Court ruled that the promotion of Sau should be cancelled as it contradicts the conclusions of the Or Commission and ordered Sau to resign. The Court also ruled that it has the power of judicial review over the lack of implementation by the government of recommendations made by the Or Commission regarding specific individuals.

From 2005 Adalah began to work on a “The Democratic Constitution”. This document is the first complete constitution proposed by an Arab human rights group in Israel. After it was reviewed and debated at the Board-staff workshops during 2006 and comments and observations on the initial draft were solicited from Israeli and Arab academics and researchers working in relevant fields, the Democratic Constitution was launched in 2/07. The
purpose of this special project is to set forth 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 have proposed draft constitutions for Israel, all of which lack reference to basic issues of human rights. The proposed constitutions 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.

Adalah’s Democratic Constitution offers a bill of rights for a democratic, bilingual and multicultural state. It is modeled on constitutions adopted by various democratic countries, and international human rights conventions and universal human rights principles contained in UN declarations. It calls for an equal and democratic state that guarantees rights and freedoms for all residents and citizens of the state. The document contains 63 articles, setting forth provisions on citizenship, official languages, educational and cultural institutions to promote multiculturalism, model mechanisms for the participation of the Arab minority in decision-making in the Knesset, as well as rights and freedoms to which all residents and citizens are entitled including equality and anti-discrimination, distributive and restorative justice, particularly concerning land and property, social and economic rights, and rights in court and criminal justice.

**Impact Litigation before the Israeli Courts**

Adalah maintained a strong record of successful legal representation and litigation on major issues of discrimination and minority rights protections. Adalah undertook 78+ legal representations in 2006 in the fields of Land and Planning Rights; Education Rights; Economic, Social and Cultural Rights; Civil and Political Rights; Criminal Justice; Prisoners and Detainees’ Rights; and the Rights of Palestinian Residents of the Occupied Palestinian Territory (OPT).

Adalah filed 17 new cases to the Israeli courts, including 12 new petitions and appeals to the Supreme Court and five to the District and Magistrate Courts; 28 other new legal interventions; and followed-up on 33+ pending cases. Adalah’s Annual Report for 2006 details each of the cases and our main achievements in each field of interest. Landmark decisions achieved and unfavorable rulings on key cases handed-down by the courts are discussed below.

**Landmark Decisions Achieved**

**National Priority Areas:** After eight years of litigation, a seven-Justice panel of the Supreme Court unanimously ruled in 2/06 to cancel the government decision establishing “National Priority Areas” (NPAs) as it discriminates against Arab citizens of Israel on the basis of race and national origin. Since the early years of the state, the government has assigned NPA status almost exclusively to Jewish towns, the inhabitants of which receive substantial, lucrative economic and educational benefits. Less than a handful of small Arab villages received such benefits as compared with over 500 Jewish towns. The Court also ruled that the government is not authorized to divide the country into NPAs unilaterally without Knesset-enacted legislation establishing objective criteria and justifications. Adalah filed the petition on behalf of the High Follow-up Committee for Arab Citizens in Israel and the Follow-up Committee for Arab Education. This precedent-setting ruling will have a substantial impact on Adalah’s future cases in the fields of education, economic and social rights.

**MK Dr. Azmi Bishara and Political Speech:** In 2/06, the Supreme Court unanimously accepted an appeal filed by Adalah on behalf of MK Bishara and ruled that the Israeli Knesset’s decision to strip MK Bishara of his parliamentary immunity was illegal, dismissing all criminal charges against him in the “political speeches” case. MK Bishara was charged in 2001 under emergency regulations with allegedly “supporting a terrorist organization” based on public political speeches he made in Kardaha, Syria and Umm al-Fahem, Israel in
violation of the Prevention of Terrorism Ordinance – 1948. In 11/03, the Nazareth Magistrate Court decided not to dismiss the indictment against him, and an appeal was filed to the Supreme Court. The Court's decision is the culmination of a long legal struggle against the authorities’ attempts to violate the fundamental right of political representation.

Use of Military Service Criterion for Student Dorms at Haifa University: In 8/06, the Haifa District Court issued a landmark judgment that using military service as a criterion for determining the allocation of student housing at the University of Haifa is illegal, discriminates against Arab students on the basis of national belonging, and must be cancelled, on a petition filed by Adalah in 10/05 on behalf of three Arab women students. Adalah argued that the use of this criterion discriminates against Arab students, most of whom are exempt from military service on the basis of national belonging, and that participation in military service does not reflect a student’s needs for university housing. Adalah emphasized that students who serve in the army already receive substantial benefits for university study and housing under the Absorption of Former Soldiers Law – 1994. In 10/06, Haifa University filed an appeal to the Supreme Court against the District Court’s decision, which remains pending.

Compensation for Palestinians in the OPT: In a unanimous nine-justice ruling, the Supreme Court decided in 12/06 that Israel cannot exempt itself from paying compensation to Palestinians in the OPT who have been harmed by the Israeli military. The Court thereby invalidated and struck down provisions of the Civil Wrongs (Liability of the State) Law from 7/05, as challenged in a petition filed by Adalah in 9/05, together with HaMoked and ACRI in their own names and on behalf of Al-Haq, PCHR-Gaza, B’Tselem, Physicians for Human Rights-Israel, the Public Committee Against Torture in Israel and Rabbis for Human Rights. The petitioners argued that the law grossly violates the fundamental principles of international humanitarian law and international human rights law, and breaches the fundamental rights to life, bodily integrity, equality, dignity and property and the constitutional right of access to the courts. As a result of the petition, Palestinians who have been harmed by the Israeli military since September 2000 can once again seek compensation for damages in Israeli courts.

Unfavorable Rulings Handed Down by the Courts

The Citizenship and Entry into Israel Law (Temporary Order) – 2003: In 5/06, in a split decision of 6 to 5, the Supreme Court issued a 263-page judgment dismissing petitions demanding the cancellation of this law which bans family unification between Israeli citizens and their Palestinian spouses from the OPT. Adalah argued in its petition that the law violates the constitutional rights of Arab citizens to equality, liberty and privacy, is discriminatory and racist, and disproportionate to the alleged security concerns used by the state to justify it. Several UN human rights committees, the European Parliament, and international human rights organizations (Amnesty, HRW, FIDH and the ICJ) have also urged Israel to revoke the law. Adalah represented three families affected by the law, the Chairman of the High Follow-up Committee for Arab Citizens of Israel and Arab MKs in this case. As a result of this dangerous ruling, thousands of Palestinian families are prohibited from living together in Israel based solely on their nationality. An amendment to the law passed by the Knesset in 3/07 expands this ban to include spouses from Lebanon, Syria, Iran and Iraq. Adalah will continue to challenge the constitutionality of this ever-expanding law in 2007.

Enormous State Financial Support to Former Soldiers for Home Mortgages: The Supreme Court decided in 12/06 that there is no impediment in principle to granting benefits to those who complete military service in addition to that afforded to them by the Absorption of Former Soldiers Law – 1994. The Court rejected Adalah’s petition filed in 12/05 challenging a governmental policy of providing “extended support” in the form of low-interest governmental loans for home mortgages to former soldiers in addition to generous financial support that is already given by law. Adalah argued that the “extended support” discriminates against Arab citizens, who are not required and generally do not perform military service, and that the purpose of governmental housing support is to assist the socio-economically disadvantaged to find housing solutions, for which the performance of military service is
irrelevant. In 2/07, Adalah requested a second hearing before the Supreme Court on the basis that the decision contains a grave error of law. This case is pending and will have an effect on the Haifa University student dorms case discussed above, as well as several other cases on the state’s discriminatory use of the military service criterion to afford enormous benefits solely to Jewish citizens.

Denial of Water for Arab Bedouin Families in the Unrecognized Villages in the Naqab. In 9/06, the Haifa District Court, sitting as a Water Tribunal, rejected Adalah’s appeal on behalf of 767 Arab Bedouin citizens of Israel for access to clean water, ruling that it did not have the authority to interfere in considerations relating to how “Bedouin settlement” is regulated. The District Court accepted the state’s contention that the villages are “illegal” and that the Arab Bedouin are “trespassing” on “state land.” Adalah argued that Bedouin living in the unrecognized villages possess the basic human right to water and health, which must be granted by the state in order to guarantee the constitutional right to dignity. Adalah filed an appeal against this decision to the Supreme Court in 11/06.

INTERNATIONAL LEGAL ADVOCACY ACHIEVEMENTS

Adalah undertook a wide-range of international legal advocacy initiatives in 2006. Adalah submitted or contributed to more than 12 new interventions to UN human rights bodies and EU institutions and provided information to foreign embassies in Israel. Adalah also participated in more than 10 activities with international human rights organizations, NGO working groups and networks, and law schools and universities abroad, and strengthened its presence in the US.

Adalah regularly submitted reports and interventions to UN treaty bodies, charter bodies and Special Rapporteurs, and participated in relevant UN sessions. The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Prof. Philip Alston, featured the October 2000 killings in his 3/06 report to the UN Commission on Human Rights, and questioned Israel’s failures in these investigations of the police. Adalah representatives met with the UN SR in 2005 and submitted a dossier of materials to him in 1/06 concerning these matters.

In the run-up to its full review of Israel, the UN CERD Committee published its list of questions to Israel in 7/06. The Committee’s critical questions featured many inquiries regarding Israel’s violations of the CERD convention against Palestinian citizens of Israel and Palestinians in the OPT raised in Adalah’s NGO report submitted to the Committee in 12/05.

Adalah also submitted four written interventions to the UN Commission on Human Rights, before its replacement by the new Human Rights Council, on the law banning Palestinians from the OPT from claiming compensation for damages, injuries and killings by the Israeli army from Israel (with Al-Haq); the ban on family unification law; Israel’s discriminatory land and housing policies in the Naqab; and the Jewish National Fund’s discriminatory land policies (with Habitat International Coalition).

Adalah undertook advocacy tours to Germany, the Netherlands, Switzerland and Brussels, together with Israeli and Palestinian NGO partner members (Al Haq, PCATI, B’Tselem and HRA) of the Euro-Mediterranean Human Rights Network (EMHRN). Adalah also increased its submissions to EU institutions by contributing information for open letters and publications, and an Adalah Attorney addressed the European Parliament’s Sub-Committee on Human Rights in Brussels, delivering a paper entitled “Israel’s Human Rights Violations as a Breach of its Obligations Under the EU-Israel Action Plan”, at a public hearing on human rights and the EU’s Neighbourhood Policy. Adalah was the first NGO invited to present information to the EU’s Ad Hoc Human Rights Forum in Israel (on the citizenship law case). Adalah often met with representatives of foreign embassies in Israel and visiting delegations from foreign ministries to provide analysis of recent legal developments. Adalah also initiated two well-attended briefings for embassy representatives in 5/06 and 11/06 in
Tel Aviv. The US State Department’s Country Report on Human Rights for Israel and the OPT referenced Adalah and our cases 22 times.

Adalah continued to establish new relationships and to deepen existing contacts with international human rights organizations and networks, engaging in joint advocacy initiatives, and exchanging legal research and information with law schools, law professors, Middle East Institutes and international journalists. Adalah’s lawyers participated in and gave talks at several conferences hosted by the Open Society Justice Initiative: for human rights fellows in Cairo; on “hate speech” in Budapest; on combating statelessness in New York; and its “Jamboree” in Istanbul. Adalah’s lawyers also participated in trainings and international academic conferences held at universities in Europe and the US. Adalah also undertook an advocacy and outreach tour in Washington, DC in 2006, and gave presentations at US law schools and to community groups.

LEGAL EDUCATION ACHIEVEMENTS

Adalah’s legal education work in 2006 consisted of seminars and conferences; publications and reports; media outreach; and training for law students and recent law graduates.

Adalah organized and held three well-attended public conferences. Adalah’s first annual conference for law students was held over two days at Neve Shalom/Wahat al-Salaam. Entitled “Law and Human Rights”, it was attended by 104 Arab law students from law schools throughout Israel. Supreme Court Justice Salim Joubran gave the keynote lecture and some of the most prominent Jewish and Arab human rights lawyers and journalists spoke on the panels. Adalah and the Faculty of Law at Haifa University jointly hosted a conference to mark the 10th anniversary of Adalah entitled, “Identities, Law and Politics”. The speakers included Dr. Ilan Saban, Prof. Ramzi Sulieman, Prof. Ruth Gavison, and Attorney Hassan Jabareen. Adalah posted these lectures in three languages in Adalah’s Newsletter. “Not on the Map” was the title of a conference discussing the government’s development plans for the Naqab and their impact on Arab citizens. The conference was held in Tel Aviv by Adalah jointly with the ADVA Center, the Regional Council for the Unrecognized Villages in the Naqab, Bimkom: Planners for Planning Rights, and the Association for Civil Rights in Israel (ACRI). Panelists from each of the organizations spoke about various plans to a full-house of approximately 200 participants. Further, Adalah staff and Board members gave over 40 presentations, by invitation, at Israeli universities, high schools, community centers, and at NGO events.

Adalah’s publications continued to receive praise from readers as high-quality, informative, accurate, timely, and original. They were often used in Israeli and international law schools and universities, cited by academics in legal journals, and referenced widely by decision-makers and journalists.

Adalah published Volume 1 of Makan – Adalah’s Journal of Law, Land and Planning – “The Right to the City” in 2006, our pioneering new journal which aims to provide research and a forum for discussion on law, land and planning issues in general, and in Israel in particular, especially as related to the Arab minority. 1,500 copies of Makan (“Place” in Arabic) were printed in Arabic, Hebrew and English, and the journal was distributed and posted in electronic form in Adalah’s Newsletter and on our website. Makan is the first journal in Israel to look at land and planning from the perspective of law and legal discourse.

Adalah produced and distributed our monthly, tri-lingual electronic Adalah’s Newsletter. In 2006, Adalah published 11 volumes of the newsletter, and increased the number of subscribers by approximately 2,000 from 24,000 in 12/05 to over 26,000 in 12/06. Adalah’s Newsletter highlighted our cases and other activities and provided easy links to primary source legal documentation, as well as featured original articles written by leading Israeli, Palestinian and international lawyers, legal academics, activists and Adalah’s staff and Board. Land rights, family unification, and language and cultural rights were the principal
themes of the newsletter in 2006. Media outlets and organizations regularly republished articles and items from Adalah’s Newsletter on their websites or in print. Adalah’s Newsletter forms a major part of our strategy to maximize outreach efforts to our target audiences using tri-lingual internet-based media.

Adalah also continuously updated and maintained our tri-lingual website and created new web-reports (on family unification, the no-compensation law, and the October 2000 killings). The number of unique visitors to the website increased to a monthly average of almost 18,000. Simultaneously, Adalah also made progress in re-designing and developing our new website, including developing the graphics, content and technical aspects of the new system. Adalah expects to launch the new website in 2007.

In 2006, Adalah also completed work on its first, short documentary film, “The Unrecognized”, which highlights the plight of Arab Bedouin living in the unrecognized villages in the Naqab. The 23-minute film was written and commissioned by Adalah and produced by the Scotland-based media company, Fifty-Nine, Ltd. Adalah will use the film for advocacy purposes both locally and abroad on the unrecognized villages in 2007 and 2008.

Adalah also published the following two major documents: “The Accused”, a 133-page comprehensive report addressing the failures of the law enforcement authorities in investigating the killings and the injuries incurred in October 2000; and the “Democratic Constitution”, Adalah’s proposal for a democratic, bilingual and multi-cultural state.

Adalah’s readiness and skill in responding to major cases, which attract a lot of media attention, and Adalah’s objective to approach media in a more proactive manner continued to create a favorable media environment in 2006. Adalah’s work enjoyed regular coverage: Hundreds of news articles appeared in the local Arabic, Hebrew and English media, including print, websites, radio and TV as well as some international media coverage throughout the year, with attorneys frequently giving interviews and commentaries. The cases that received the widest media coverage in 2006 were: the law banning family unification; the cancellation of a law banning compensation to Palestinians from the OPT; the release of “The Accused” report; the Supreme Court’s cancellation of a socio-economic plan dividing Israel in a discriminatory manner into “National Priority Areas”; and the dropping of criminal charges of “supporting terror” against MK Dr. Bishara’s and the upholding of his parliamentary immunity in the political speeches case.

Adalah also worked with law students in Israel and abroad. Adalah hosted two stagaires (legal apprentices) in 2006 and began training a new Arab Bedouin woman lawyer. Adalah also began a partnership with a new legal clinic during academic year 2006-2007 – the al-Quds University Human Rights Clinic – for which Adalah General Director Attorney Hassan Jabareen is the legal advisor on a pro bono basis. Law students from international human rights clinics at Yale Law School and the University of Virginia worked on cases with Adalah attorneys, and Adalah hosted legal interns from US and Canadian law schools. Adalah also launched a scholarship nomination committee and put forward two candidates (one of whom was selected in early 2007) to the Open Society Justice Initiative L.L.M. Fellows Program at the Central European University, Budapest for 2007-2009.

INSTITUTIONAL DEVELOPMENT ACHIEVEMENTS

Adalah continued to be very much of a learning organization. Board and staff met regularly and held three extended workshops to plan and evaluate our work and to conduct in-depth analyses of cases and political developments to detect trends and devise our strategies accordingly. Highlights of our key achievements in institutional development included:

In 2006, Adalah began to institute measures to ensure the long-term sustainability of the organization. In this regard, the General Assembly (GA) approved an important change in the
organizational by-laws of Adalah relating to the future selection of Board members and work was initiated on an organizational manual and a salaries scale. In addition, Adalah found a suitable office space in Haifa and is continuing to engage in negotiations for its purchase. Adalah also increased its reserve fund for the purpose of purchasing an office.

Staff participated in short, work-related training courses locally and internationally and five of Adalah’s lawyers were awarded prestigious visiting fellowships as well as scholarships for L.L.M. studies during 2006. General Director, Attorney Hassan Jabareen, was awarded a fellowship by Yale University (US) and was in residence at the university as a Yale World Fellow from 8/05-5/06. The Yale World Fellows Program brings together each year a group of 18 highly accomplished mid-career professionals in various disciplines from around the world. International Advocacy Director Rina Rosenberg, Esq. was appointed by Yale Law School as a Schell Fellow with the Schell Center for International Human Rights between 8/05-8/06, and was also awarded a scholarship for Arabic language study. Attorney Marwan Dalal was selected to participate in Columbia Law School’s Public Interest Law Initiative program in New York, with a scholarship from OSI from 9/06-12/06. Attorney Morad El-Sana was selected by the New Israel Fund as one of two lawyers from Israel to participate in the NIF Law Fellows Program for study at the American University, Washington, DC from 8/06-6/07 to obtain an L.L.M. degree. Attorney Orna Kohn was awarded a partial tuition scholarship from the University of Ulster, Northern Ireland to study for an L.L.M. in human rights from 9/06-8/07.

Adalah’s 2006 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.