

**Adalah** The Legal Center for Arab Minority Rights in Israel

عدالة المركز القانوني لحقوق الأقلية العربية في إسرائيل  
עזאלה המרכז המשפטי לזכויות המיעוט הערבי בישראל



## ADALAH'S 2006 ANNUAL REPORT OF ACTIVITIES

Issued May 2007

### Introduction

This report highlights Adalah's **key activities in 2006**, our tenth-year anniversary. As this report reflects, in 2006 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 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-Saba (Beer Sheva) in the south. In 2006, there were 46 members of Adalah's General Assembly, seven members of the Board of Directors and two members of the Audit Control Committee, 24 members of staff and four volunteers/interns, one local and three from overseas.

### 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

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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.

**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 highlights the organizational activities of the General Assembly, Board of Directors and staff.

## **I. LEGAL ACTION**

This section highlights Adalah's **key legal representations** before the Supreme Court of Israel, lower courts and other legal fora. The section opens by outlining Adalah's "Special Projects" including our continued work on seeking criminal prosecutions for the October 2000 killings (following up on the conclusions and recommendations of the Official Or Commission of Inquiry) and the completion of Adalah's Democratic Constitution. The remainder of the section covers Adalah's "Litigation" and is organized thematically under the following headings: A. Land and Planning Rights; B. Education Rights; C. Economic, Social and Cultural Rights; D. Civil and Political Rights; E. Criminal Justice; F. Prisoners and Detainees' Rights; and G. The Occupied Palestinian Territory (OPT).

### **1. SPECIAL PROJECTS**

#### **Demanding Accountability for the October 2000 Killings**

##### **"The Accused" Report**

On 15 October 2006, Adalah, the legal representatives of the families of the 13 Arab citizens of Israel killed by police during protest demonstrations in October 2000, submitted a comprehensive report entitled, "The Accused" to the Attorney General, and demanded an investigation into the Ministry of Justice's Police Investigation Unit ("Mahash") for breach of trust and damaging public confidence. The report addresses the shortcomings and failures of the law enforcement authorities – first and foremost Mahash – in investigating the killings and the injuries incurred in October 2000. The report demonstrates that Mahash's failure began at the very outset of the events of October 2000. The law enforcement authorities violated the principle of the rule of law by failing to perform their legal duty to immediately open criminal investigations against the police officers and commanders. The report also exposes Mahash's subsequent negligent work and how Mahash concealed significant facts from the public and issued a falsified report in September 2005, in which it claimed that "it investigated the fatal events in an intensive investigation."

"The Accused" report was compiled after Adalah studied thousands of pages of documents and other evidentiary material presented to the Official Commission of Inquiry (Or Commission) into the October 2000 events and collected by Mahash. The material that Adalah examined should have served to guide Mahash during its investigation; however, the reality was very different.

The main findings of "The Accused" report include that: (i) Mahash did not conduct any investigation into five of the killings; (ii) even where Mahash investigated some of the killings, it did so in a completely negligent, incompetent and superficial manner; (iii) although Mahash did not present a single shred of new evidence beyond that brought before the Or Commission, it nonetheless reached opposite conclusions in many cases; and (iv) Mahash concealed the fact that police officers had refused to cooperate with it, including a refusal to undergo a polygraph test. In light of these findings, Adalah concluded that Mahash has damaged the public's confidence and breached its trust, and on behalf of the families of the deceased, demanded the opening of an immediate investigation into Mahash's grave failings, and the immediate suspension of all those responsible for Mahash's failures, led by Eran Shendar, the Director of Mahash in 2000, and currently the State Attorney of Israel. Adalah anticipates that the State Prosecutor's Office will issue a review report of Mahash's findings in 2007.

Warnings against the existence of a culture of lies and deliberate ignorance, and against its severe implications for the rule of law and public trust were repeated in the most recent report of the State Comptroller, published on 31 August 2005, which examined the activities of Mahash. The State Comptroller's Report is available in English at:

<<http://www.adalah.org/features/october2000/StatComptroller-aug05.pdf>>.

Adalah and the Committee of the Bereaved Families (October 2000) held a press conference in 10/06 at Bet Agron in Jerusalem to announce the launching and findings of "The Accused" report. All of the Israeli TV channels (Channel 1, 2, 10 and Knesset TV) and main radio programs (Reshet Bet and Galatz) reported live from the press conference and broadcast the story on the afternoon and evening news. For more details, see *Legal Education – Media Outreach* (below). In addition, Adalah published "The Accused" report in the 10/06 volume of Adalah's Newsletter, the focus of which was the October 2000 killings. The Newsletter is available at:

<<http://www.adalah.org/newsletter/eng/oct06/oct06.html?navi=%2Fnewsletter%2Feng%2Foct06%2Foct06.html>>.

An English summary of "The Accused" report is also available at:

<<http://www.adalah.org/eng/october2000.php>>.

### **Canceling the Promotion of Border Police Commander Benzi Sau**

In 6/06, Adalah filed a petition to the Supreme Court in its own name and on behalf of the Committee of the Victims' Families of October 2000 seeking the cancellation of the promotion of Benzi Sau, who was the Commander of the Border Police Northern District in the Israeli police during the October 2000 events. Sau was responsible for leading police forces into Umm al-Fahem, where they occupied a house belonging to the Qahawish family and opened extensive fire on protestors. The opening of fire resulted in the deaths of two young men (18 year old Mr. Ahmed Jabareen and 23 year old Mr. Mohammed Jabareen) and the injury of tens of other unarmed protestors. He was responsible for ordering the opening of fire by snipers in the Umm al-Fahem area, as a result of which one person (19 year old Misleh Hussein Abu Jarad) was killed and many others were injured, all unarmed civilians.

While the Or Commission was investigating the events, Adalah filed a petition (H.C. 3286/01) to the Supreme Court in 4/01 requesting the freezing of Sau's first promotion and his suspension until publication of the Or Commission's final conclusions. Based on his testimony before the Commission, the petitioners argued that Sau lacked even basic knowledge of the police open fire regulations, that he violated the open fire regulations, and that his testimony before the Commission was clearly contradicted by the testimonies of police under his command in a way that undermines his credibility. The Court dismissed the petition in 5/01, summarily ruling that it would not intervene in the respondents' decision. In 2003, the Or Commission recommended that Sau should not be promoted in rank or position for a period of four years from 2003 to 2007.

In 5/06, however, the Minister of Public Security promoted Sau to the Head of the Minister of Public Security's Operational Staff Unit, a position which granted him a greater degree of power and influence than in his previous position as a border police commander. In the 2006 petition, Adalah argued that the promotion of Sau is illegal and contradicts the law and the Or Commission's recommendations. The petition emphasized that the new appointment and promotion of Sau must be considered absolutely illegitimate, particularly in view of the complete loss of trust on the part of the Arab minority in the Israeli police following the police's actions in October 2000.

In 10/06, the Supreme Court ruled in a landmark decision that the promotion of Sau should be cancelled, finding that it contradicts the recommendations of the Or Commission. The Court ordered Sau to resign from his position within a month. 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 against specific individuals.

For more information, see Adalah's News Update, "In Landmark Decision, Supreme Court Orders Public Security Minister to Cancel Promotion of Senior Police Commander Benzi Sau as it Contradicts Recommendations of the Official Or Commission of Inquiry," 25 October 2006, available at: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_10\\_25](http://www.adalah.org/eng/pressreleases/pr.php?file=06_10_25)>.

## **Adalah's Democratic Constitution**

In 2006, Adalah continued to work on the Democratic Constitution (formerly entitled the "Charter of Human Rights"). Numerous provisions were reviewed and debated at Board-staff workshops, and comments and observations on several drafts were solicited from numerous Israeli and Arab academics and researchers with expertise in constitutional law, political science and other fields. The draft was approved by the General Assembly at a special meeting held for the GA in early 7/06. Adalah postponed the release of the Democratic Constitution in 2006 because of the Second Lebanon War and other political developments.

*Update:* On 28 February 2007, Adalah launched the "Democratic Constitution", offering a comprehensive bill of rights for a democratic, bilingual and multi-cultural state. It is the first time that an Arab group has proposed a complete constitution for Israel. "The Democratic Constitution" is modeled on constitutions adopted by different democratic countries, and international human rights conventions and universal principles of human rights contained in United Nations 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, which set 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. Some of these provisions address historical and current discrimination against Arab citizens by the state. The Constitution's release marks the tenth anniversary of Adalah.

During 2007, Adalah will give a series of lectures at conferences and workshops, and solicit and publish articles discussing the Democratic Constitution in order to generate a public debate over the document. Adalah is also continuing to revise the draft throughout 2007 in accordance with ongoing comments received.

For more information, see Adalah's News Update, "Adalah Proposes the "Democratic Constitution" for Israel as a Democratic - Bi-Lingual - Multicultural State," 1 March 2007.

The English version of the Democratic Constitution is available at:  
<[http://www.adalah.org/eng/democratic\\_constitution-e.pdf](http://www.adalah.org/eng/democratic_constitution-e.pdf)>.

## **2. LITIGATION**

| <b>PLANNED 2006</b>  | <b>ACHIEVED 2006</b>   |
|--|--|
| <b>A. Submit 15+ new cases to Israeli courts</b>                               | <b>Submitted <u>17</u> new cases to Israeli courts, including <u>12</u> to the Supreme Court, and <u>5</u> to the District and Magistrates' Courts</b> |
| <b>B. File 20+ new legal interventions</b>                                     | <b>Filed <u>28</u> new legal interventions</b>   |
| <b>C. Follow-up on pending cases and the implementation of court judgments</b> | <b>Followed up on <u>33+</u> pending cases</b>   |

This section of the report covers the main legal work undertaken by Adalah in 2006. 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 2007. Full or partial remedies, as well as favorable interim rulings obtained in 2006, together with other legal achievements, are detailed in the following section.

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

Adalah undertook **17** cases, objections and other legal interventions in 2006, which included **11** new filings and follow-up on **6** pending legal actions in the field of land and planning rights. These representations challenged: state attempts to confiscate Arab-owned land; administrative demolition orders issued on homes in unrecognized villages in the Naqab; discriminatory land allocation and housing assistance policies; and inequitable master plans and other planning decisions.

Adalah's **main achievements** during 2006 included:

- \* The Beer el-Sabe Magistrates' Court delayed the implementation of *ex parte* demolition orders issued against houses in the unrecognized Arab Bedouin village of Umm el-Hieran in the Naqab.

### ***Supreme Court***

#### **1. Challenge to "Wine Path Plan" for establishment of individual settlements in the Naqab** *H.C. 2817/06, Adalah, et al. v. The National Council for Planning and Building, et al. (pending)*

Petition filed in 3/06 seeking the annulment of the plan, which aims to secure tens of thousands of dunams of land for exclusive use by Jewish citizens and prevent the use and development of this land by Arab citizens in the Naqab. "Individual settlements" are expansive ranches which stretch over more than 81,000 dunams of land. Individual families generally live in these settlements, often without permits and in violation of the planning and building laws and regulations. The Wine Path Plan seeks to establish 30 individual settlements, by retroactively legalizing existing settlements and allowing for the construction of a number of new ones. The ILA presented the Wine Path Plan as an initiative for developing tourism and agriculture in the Naqab. However, as argued in the petition, the primary objective behind the plan is the preservation of "state lands" from use by "foreign elements," namely Palestinian Arab citizens of Israel, who are viewed as a threat by the plan's initiators. The implication is that these unwanted citizens do not deserve to develop as a group. In the petition, Adalah contrasted the state's approach in its treatment of individual settlements, which are afforded official status and provided with all basic services, with its policy toward the unrecognized Arab Bedouin villages, which are denied this status and whose inhabitants are forced to live without basic services. Adalah argued that the establishment of individual settlements under the plan contradicts the principles of equality, justice in land allocation and sustainable development. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_04\\_13](http://www.adalah.org/eng/pressreleases/pr.php?file=06_04_13)>.

#### **2. Defending residents of Kammaneh against attempt by Cooperative Organization of neighboring Jewish town of Kamoun to cancel the village's master plan**

*H.C. 6176/06, The Cooperative Organization for the Agricultural Settlement of Kamoun v. The National Council for Planning and Building et al. (pending)*

Response filed in 11/06 on behalf of residents of the Arab village Kammaneh to a petition submitted to the Supreme Court by the Cooperative Organization of the neighboring Jewish town of Kamoun seeking to cancel the master plan for Kammaneh. Kamoun requested in the petition the cancellation of the master plan for the neighboring village of Kammaneh, unless three demands are met: the relocation Arab families from Kamoun; the paving of a road for the exclusive use of the residents of Kammaneh; and the safeguarding of a Jewish majority on "Mount Kamoun" in the long-term. In the response, Adalah argued that conditioning the approval of the master plan for Kammaneh on the relocation of an Arab family living in Kamoun is arbitrary and illegal, and that the implication of this request is the imposition of an apartheid-like system through the exploitation

of planning and building procedures, by preventing Arab families from living in the town. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_11\\_20](http://www.adalah.org/eng/pressreleases/pr.php?file=06_11_20)>.

### **3. Seeking cancellation of discriminatory ILA land distribution decision awarding 90% discount on land leases to discharged soldiers**

*H.C. 9289/03, Adalah, et al. v. Israel Land Administration, et al. (petition dismissed as a result of the Court's delay in hearing the case)*

A petition filed in 10/03 on behalf the National Committee of Arab Mayors, requesting the cancellation of a government-approved ILA decision which awards a 90% discount on the price of leasing lands managed by the ILA in the Galilee and Naqab to discharged Israeli soldiers and individuals who have completed one year of national service. The decision applied to 423 towns containing fewer than 500 residential units in the Galilee and the Naqab. The decision was limited to towns classified as NPAs "A" and "B" and entailed a massive redistribution of land. None of the towns covered by the decision was Arab. Adalah argued that the decision discriminates against Palestinian citizens as individuals, as they generally do not serve in the Israeli military, and at the level of towns and villages, since the government assigns national priority status almost exclusively to Jewish development and border towns and settlements in the OPT. *Result:* The petition was dismissed in 7/06 by the Supreme Court on the grounds that the ILA's decision, which was valid for a period of two years, had expired and the issue had become moot. Adalah argued that the result of the Court's delay in hearing the petition was that ILA-managed lands continued to be leased according to the decision for its two-year duration, without effective judicial review. In its decision, the Court noted that it will strive to hear petitions which require prompt treatment in a more expeditious manner.

More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=04\\_11\\_10](http://www.adalah.org/eng/pressreleases/pr.php?file=04_11_10)>.

### **4. Preventing the spraying of crops of Arab Bedouin in the Naqab with toxic chemicals**

*H.C. 2887/04, Saleem Abu Medeghem, et al. v. The Israel Land Administration, et al. (petition accepted 4/07)*

A petition filed in 3/04 in Adalah's own name and on behalf of eight other human rights organizations and three individuals, seeking to prevent the ILA from spraying the agricultural crops of the Arab Bedouin inhabitants of the unrecognized villages in the Naqab with toxic chemicals. The ILA had been using a toxic chemical for aerially spraying crops, destroying thousands of dunams of land over almost two years. Adalah argued that the spraying endangers the life and health of human beings and animals, as well as their environment, as the substance used is proven to be dangerous. In 3/04, the Court issued an injunction, at the petitioners' request, prohibiting the spraying of crops with dangerous substances. **Update: In 4/07, the Supreme Court issued a precedent-setting decision prohibiting the ILA from aerially spraying crops cultivated by Arab Bedouin in the unrecognized villages, and stated that spraying the toxic chemicals is insensitive, disrespectful and endangers their lives and health.** In the decision, Justice Arbel also discussed the reality of life for Arab Bedouin living in the unrecognized villages: "It should be that the harsh reality faced by the Bedouin population in the State of Israel requires a systematic comprehensive solution ... I am using this opportunity to call for a thorough examination of the subject [the unrecognized villages] and for the speedy promotion of a settlement ..." More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=07\\_04\\_15-1](http://www.adalah.org/eng/pressreleases/pr.php?file=07_04_15-1)>.

### **5. Challenging policy of publishing tenders for JNF lands open only to Jewish individuals**

*H.C. 9205/04, Adalah v. The Israel Land Administration, et al. (pending)*

A petition filed in 10/04 demanding the cancellation of an ILA policy and a Finance Ministry regulation which effectively permits the marketing and allocation of lands open only to Jewish individuals. Adalah argued that the policy is incompatible with the principle of equality, discriminates against the Palestinian minority on the basis of nationality, and would lead to the further creation of racially-segregated, Jewish-only areas. In its response to the petition and

another petition filed against the ILA's policy by ACRI, the JNF declared that its loyalty is only to the Jewish people and not the general public in Israel, and that it operates only for the benefit of Jewish citizens. **In 10/04, the JNF committed before the Supreme Court to freeze all current and upcoming tenders for lands in the north of Israel and the Galilee, which remains in place.** More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=05\\_01\\_28](http://www.adalah.org/eng/pressreleases/pr.php?file=05_01_28)>.

#### **6. Challenging discriminatory governmental policies regarding the leasing of land and eligibility for housing assistance in Arab Bedouin Towns in the Naqab**

*H.C. 9457/05, Rizeq Gilawi, et al. v. The Bedouin Development Agency, et al. (petition withdrawn)*

A petition filed in 10/05, challenging the following discriminatory policies governing land leasing and eligibility for housing assistance in seven Arab Bedouin towns in the Naqab: (i) the Bedouin Development Agency (BDA)'s requirement that applicants must have served in the Israeli army or other security forces; (ii) an ILA decision affording large discounts on leasing land to those who have completed such service; and (iii) the Construction and Housing Ministry's policy of not issuing a certificate required by the BDA to an applicant married to a non-citizen, irrespective of socio-economic factors. Adalah argued that conditioning eligibility for discounted leases for land to those who serve in the Israeli military is illegal as it is not based on socio-economic need and as there is no connection between army service and the marketing of land. Further, denying housing assistance to those married to non-citizens 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. Moreover, there is no link between the status of a citizen's spouse and the right to housing. **In 10/05, the state announced the cancellation of the military service criterion as a precondition for applicants to lease land in the seven towns.** *Update:* At a hearing held in 4/07 on the issue of the ILA decision to award large discounts in the leasing of land to those who have completed military service, the Supreme Court suggested that Adalah withdraw the petition and file a new petition focused exclusively on this issue. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=05\\_10\\_27](http://www.adalah.org/eng/pressreleases/pr.php?file=05_10_27)>.

#### **7. Challenging discriminatory state financial support to former soldiers for home mortgages**

*H.C. 11956/05, Suhad Bishara, et al. v. The Ministry of Construction and Housing (petition dismissed; request for a second hearing filed 2/07, pending)*

A petition filed in 12/05, which challenged a governmental policy of providing "extended support" in the form of low-interest governmental loans for home mortgages to Israeli citizens who have completed military or national service. This support is provided in addition to supplemental, generous financial support that is already given to former soldiers for housing as well as other benefits under the Absorption of Former Soldiers Law (1994). Adalah argued that the "extended support" discriminates against Palestinian citizens, who are not required and generally do not perform military or national service. Further, Adalah contended that the purpose of supplemental governmental housing support is to assist the socio-economically disadvantaged to find housing solutions, for which the performance of military service is irrelevant. *Result:* The Supreme Court rejected the petition in 12/06, deciding that there is no impediment in principle to granting benefits to those who complete military or national service above that afforded in the Absorption of Former Soldiers Law. *Update:* **In 2/07, Adalah filed a motion to the Court requesting a second hearing on the basis that the decision contains a grave error of law.** More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_01\\_03](http://www.adalah.org/eng/pressreleases/pr.php?file=06_01_03)>.

## **District Courts**

### **8. Demanding registration of land seized 50 years ago in the names of Lajoun landowners**

*Nazareth District Court, C.F. 568/03, et al., Muhammad Mahajneh, et al. v. The State of Israel et al. (case dismissed; appeal filed 5/07)*

Written arguments submitted to the Nazareth District Court in 5/06, challenging the appropriation in 1953 of a 200-dunam plot of land in the Arab village of Lajoun, previously part of the Arab town of Umm al-Fahem. The land, sequestered for "essential settlement and development needs," has never been used for the purposes for which it was ostensibly appropriated in over 50 years. Adalah argued that the confiscation was therefore not necessary in the first place and was carried out for illegal and irrational reasons. Adalah stressed that the state's failure to address the alleged essential settlement and development needs since 1953 indicates that there is no need to construct residential settlements on the land in question, and therefore demanded the Court rule the expropriation of the land fundamentally invalid and that the deeds be registered in the original owners' names. *Result:* In 3/07, the Court decided to permit the state's continued appropriation of the land and ordered its registration in the name of the Development Agency. In the decision, the Court broadly interpreted the term "settlement" as used in the confiscation order, thereby legitimizing the illegal and unjustified seizure of land in an erroneous and dangerous manner. The Court agreed however with Adalah's request to delay the implementation of the decision, to allow Adalah to investigate the possibility of filing an appeal to the Supreme Court. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=07\\_03\\_20](http://www.adalah.org/eng/pressreleases/pr.php?file=07_03_20)>.

## **Magistrates' Courts**

### **9. Demanding the cancellation of *ex parte* demolition orders issued against Arab Bedouin families in the unrecognized village of Al-Sura in the Naqab**

*Beer el-Sabe Magistrates' Court, Different Motions 5892/06, Suleiman Nasasra v. The State of Israel (pending)*

Motions submitted to the Beer el-Sabe Magistrates' Court in 10/06 to cancel *ex parte* home demolition orders issued by the Court in 7/06 and 8/06 against the homes of families from the unrecognized village of Al-Sura, affecting around 40 individuals, mostly women and children. The state does not plan to provide alternative housing for these families. The Court issued the orders based solely on the state's request without the presence of or hearing from any of the affected parties, relying on the state's false contention that it had been unable to identify the homeowners and the families living in the houses. Al-Sura existed before the establishment of the state in 1948, following which its residents were not asked to leave the village; nor did the state attempt to seize the land. Adalah argued that the case is indicative of the worrying phenomenon of state officials routinely filing *ex parte* requests for demolition orders in the unrecognized villages in the Naqab, which are automatically accepted by the courts. This practice results in a violation of the right to housing, which is a component of the constitutional right to dignity, and constitutes a danger to the lives of the inhabitants. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_10\\_11](http://www.adalah.org/eng/pressreleases/pr.php?file=06_10_11)>.

### **10. Court orders freeze of *ex parte* demolition orders on homes in the unrecognized village of Umm al-Hieran in the Naqab**

*Beer el-Sabe Magistrates' Court, 9097/06, Sabri Abu el-Qian, et al. v. The State of Israel (pending)*

A motion filed to the Beer el-Sabe Magistrates' Court in 10/06 against the state, demanding the delay in the implementation of demolition orders issued in 2003 and 2005 against houses in the unrecognized Arab Bedouin village of Umm al-Hieran. The orders were issued *ex parte* by the Beer el-Sabe Magistrates' Court based solely on the state's request, without the presence of or hearing from any of the affected parties, relying on the state's false claim that it could not identify the homeowners. Adalah argued that demolishing the homes would violate the residents' right to housing, part of the constitutional right to dignity, and that the state's attempt to make them homeless endangers their lives. The village was established in 1956, after the military governor

ordered the residents to leave their original homes and relocate to Umm al-Hieran. Adalah is also representing the residents in 27 of the lawsuits filed by the state in 4/04 to evacuate and expel all of the villagers, around 1,000 people (see *Beer el-Sabe Magistrates' Court, Civil File 3326/04, below*). **In 10/06, the Court delayed the implementation of the orders**, with various conditions. *Update*: In 1/07, Adalah filed a motion to the Magistrates' Court to cancel the demolition orders. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_10\\_31](http://www.adalah.org/eng/pressreleases/pr.php?file=06_10_31)>; and <[http://www.adalah.org/eng/pressreleases/pr.php?file=07\\_02\\_14](http://www.adalah.org/eng/pressreleases/pr.php?file=07_02_14)>.

#### **11. Seeking the cancellation of evacuation lawsuits issued against inhabitants of Atir-Umm Al-Hieran in the Naqab and demanding recognition for the village**

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

In 2006, Adalah continued to represent Arab Bedouin citizens of Israel living in the unrecognized village of Atir-Umm Al-Hieran in the Naqab in 27 civil lawsuits filed by the state to the Beer el-Sabe Magistrates' Court in 4/04 to evacuate the village's 1,000 inhabitants, primarily on the claim that the villagers are trespassing on state land. The area they currently inhabit has been earmarked for the construction of the Jewish settlement of "Hiran." A report on "new and renewed" settlements by the ILA 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. Adalah claimed that the lawsuits were filed without examining relevant facts and without considering the alternative of affording the village recognition. If carried out, the enforced evacuation would contradict previous promises made by the state and gravely violate the basic rights of the villagers. Adalah further argued that the evacuation is being pursued for illegitimate aims which discriminate on the basis of nationality and do not provide any public benefit. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=05\\_02\\_23](http://www.adalah.org/eng/pressreleases/pr.php?file=05_02_23)>.

#### **Planning Committees / Other Fora**

#### **12. Seeking permission to submit plan to avoid demolishing village mosque**

A request sent to the Northern District Planning Committee (NDPC) in 2/06 seeking approval of the submission by residents of Husseniya of an alternative master plan for the village. The existing master plan, approved for the village in 2003, re-routes the main road in a way which requires the demolition of the village mosque and a number of houses. The submission of the villagers' alternative plan, which preserves the existing route of the main road, to the NDPC in 6/05 is being challenged by the Misgav Local Planning Committee.

#### **13. Demanding that the ILA market land in Husseniya assigned for residential purposes**

A request sent to the ILA in 3/06 demanding that it market unused state land in the village assigned in the master plan for the area for residential purposes to residents of the village, some of whom do not own private land. Adalah asked the ILA to explain why the land has not been yet marketed for residential purposes and when it will be marketed as such. The ILA replied in 3/06, stating that the land cannot be marketed until the issue of the alternative master plan submitted by Husseniya residents (see above) is resolved.

#### **14. Position paper proposing principles for achieving justice in land planning**

A position paper submitted to the Knesset's Interior and Environment Committee in 3/06 in response to a report issued by the Committee regarding the future of planning and building in Arab towns and villages in Israel. The first section of the position paper discusses the historical and existing planning injustices in Israel and their spatial and geographical consequences from the perspective of the Arab minority. In the second section, Adalah proposes a series of planning principles absent from the Committee's report for the achievement of spatial equality and justice between Arab and Jewish citizens of the state. Adalah argued that successive Israeli governments have discriminated against Arab citizens of Israel in matters of land and planning, ignoring their socio-economic and spatial needs and violating their basic rights. The principles proposed by

Adalah aim at achieving spatial equality and justice between Arab and Jewish citizens. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_03\\_14](http://www.adalah.org/eng/pressreleases/pr.php?file=06_03_14)>.

**15. Challenging the denial of request submitted by Arab couple to live in a village in Misgav**  
Appeal submitted to the ILA in 4/06 against a decision made by the Admissions Committee of the Misgav Regional Council to reject the couple's request to live in Rakefet village. The Committee stated the rejection was based on the expert opinion of a company which conducted 'admissions tests' on the couple. Adalah argued such tests lack a legal basis, that the Committee does not have the authority to make such a decision, and that the decision discriminates against the couple on the basis of national belonging. *Result:* The ILA decided to reject the appeal in 1/07. *Update:* In 2/07, Adalah filed a motion for injunction to the Supreme Court seeking an order to oblige Rakefet and the ILA to allocate a plot of land for the couple in the town. The request was rejected. Adalah is planning to submit a petition to the Supreme Court on the issue of "admissions committees".

**16. Objecting to local master plans that assign lands cultivated by Arab farmers for the creation of "Kiryat Ata Forest"**

Two objections to two local master plans filed in 8/06 on behalf of 19 Arab farmers from the north of Israel to the Haifa and Northern Planning and Building Committees. The plans demarcate an area of land cultivated by Arab farmers in and around the area of Wadi al-Malak to be earmarked as forested land, with the stated goal of creating a man-made forest in the area, called the "Kiryat Ata Forest" in the plans. Adalah demanded that the committees conduct a thorough examination of the facts on the ground in the area, and withdraw the plans. The plans, initiated by the JNF, cover an area of around 12,182 dunams, including land farmed since before 1948. Adalah argued that these lands provide Arab farmers with their basic source of livelihood, and therefore reassigning them as forested areas would deprive them of their income and violate their rights to property and freedom of occupation. Adalah further argued that the farmers' lands do not contain natural forests to be protected or developed, and therefore there is no basis for their demarcation as forested land. In addition, the plans contradict National Master Plan TAMA 22 by exceeding the boundaries marked out for forests. *Update:* In 2/07, the Haifa District Planning and Building Committee accepted one of Adalah's two objections and announced that the plan would be amended so as not to include land plots that are in private ownership. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=07\\_03\\_12-1](http://www.adalah.org/eng/pressreleases/pr.php?file=07_03_12-1)>.

**17. Position paper on land and housing shortages in Arab towns and villages in Israel**

A position paper submitted in 12/06 by Adalah and the Arab Center for Alternative Planning (ACAP) to the Knesset's Interior and Environment Committee entitled, "Land and Housing Shortages in Arab Towns and Villages," discussing the spatial constraints faced by those living in Arab towns and villages in Israel and making recommendations. The paper focused on the inequitable spatial division between Palestinian and Jewish citizens of Israel, the lack of land and housing options among Arab citizens of Israel, and their growing, unmet need for new housing units, and concluded that the state's current land and housing policies discriminate against the Arab minority and harm their current and future socio-economic development. Adalah recommended, inter alia, creating more space for the development of Arab towns and villages and widening the housing options available for Arab citizens. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_12\\_20-1](http://www.adalah.org/eng/pressreleases/pr.php?file=06_12_20-1)>.

## **B. Education Rights**

Adalah represented on 15 cases in 2006, which included 11 new filings and interventions 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 for Arab pupils by seeking: the establishment of educational institutions and facilities in the unrecognized villages; improved access to educational programs and benefits in existing schools; and the repair of unsafe access roads to schools. Adalah also challenged attempts to close down Arab schools and to cancel

transportation for Arab children to school; and the use of the military service criterion in the distribution of educational services and awards.

Adalah's **main achievements** during 2006 included:

- \* The Haifa District Court issued a precedent-setting decision that considering military service as a criterion in the allocation of student dorms by Haifa University is illegal, discriminates against Arab students and must be cancelled.
- \* Following Adalah's petition, the Yaffa Arab Democratic School remained open and operational and the state agreed to cancel its request for closure.
- \* The Supreme Court ordered the state to repair all serious health and safety hazards at an Arab elementary school in Akka.
- \* The state agreed to resume abruptly-cancelled transportation for Arab children living in the Jewish town of Ness Ziona to their schools in Ramle.
- \* Based on Adalah's representations, indictments filed by the Haifa Municipality against 41 parents of children who study at the Hewar School for Democratic and Alternative Education and the Hewar Association, alleging violations of the Compulsory Education Law, were dismissed.

### **Supreme Court**

#### **1. State ordered to repair serious health and safety hazards at Arab elementary school**

*H.C. 1203/06, The el-Manara School's Parents' Committee, et al. v. The Municipality of Akka, et al. (pending)*

A petition filed in 2/06 demanding that the Ministry of Education (MOE) and Akka Municipality be compelled to immediately repair the many safety hazards at an Arab elementary school in Akka to remove dangers to the lives of its 670 pupils. Contrary to MOE regulations, for example, there were no water fountains and children were forced to drink from water faucets in sinks in the school's small toilets; the playgrounds lacked shaded areas and the ground is slippery and completely unsafe; and the area through which pupils enter and leave the school is also used as a car park. Adalah argued that this situation violates the children's basic rights to education, health, bodily integrity and dignity. Following the submission of the petition, the Municipality undertook some repairs, but did so in a partial and inadequate manner. **In 8/06, the Court ordered the state to complete repairs by the end of 12/06.** *Update:* In 3/07, Adalah visited the school, and found that not all of the required repairs had been completed. Adalah then sent a motion to the Court stating its intention not to withdraw the petition until the school has been made completely safe. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_04\\_07](http://www.adalah.org/eng/pressreleases/pr.php?file=06_04_07)>.

#### **2. Challenging severe shortage of educational psychologists in unrecognized Arab Bedouin villages in the Naqab**

*H.C. 3926/06, Al-Sayed Abed El-Dayem et al. v. The Ministry of Education and the Abu Basma Regional Council (pending)*

A petition filed in 5/06 demanding the appointment of educational psychologists in five schools in unrecognized villages in the Naqab, in accordance with the MOE's own criteria. None of the schools, which together serve 3,650 students, has such a staff member. 85% of schools in Arab Bedouin villages in the Naqab operate without educational psychologists, compared to 13% of Jewish schools. Adalah argued that the lack of educational psychologists prevents the school system from providing necessary student support and assessment, particularly given the dire socio-economic situation and neglect of the Arab educational system. Adalah further argued that the huge gap in resources invested in the Arab and Jewish educational systems in the Naqab violates the principle of equality. Adalah is seeking to build on the state's response to a previous

petition filed in 5/04 (H.C. 4177/04), demanding the required number of psychologists in the seven government-planned Bedouin towns. In response, the MOE committed to a policy of affirmative action in education for Bedouin students in the Naqab. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_05\\_16-1](http://www.adalah.org/eng/pressreleases/pr.php?file=06_05_16-1)>.

### **3. Securing Education Ministry's commitment to open the first high school in the unrecognized villages in the Naqab in 2009**

*H.C. 2848/05, Fatimah Abu Sabila (Ali) et al. v. The Ministry of Education, et al. (case resolved)*

A petition filed in 3/05, demanding the opening of a high school in the region of Abu-Tulul – El-Shihabi, in which lie seven villages inhabited by approximately 12,000 Arab Bedouin citizens of Israel. Students from the villages who wish to pursue a high school education must currently travel 12 km to schools outside the village. Adalah presented data demonstrating that the dropout rate in the villages is extremely high, at around 77%, and higher still among girls. Adalah further emphasized that the MOE has established schools for Jewish children in many other areas in the Naqab with populations smaller than that of the seven villages. Adalah argued that the higher dropout rate among students in the area resulting from the lack of a local high school constitutes a violation of the petitioners' right to an education. **Update: In 1/07, the Supreme Court approved a settlement reached between the MOE and Adalah, according to which the MOE will establish a high school in Abu-Tulul – El-Shihabi, the first high school in any of the unrecognized villages in the Naqab.** Under the settlement, the state is obliged to open the school from 9/09; should it not be opened for any reason, the petitioners retain the right to re-approach the Court. More information: <<http://www.adalah.org/newsletter/eng/mar05/fet.pdf>>; and <[http://www.adalah.org/eng/pressreleases/pr.php?file=07\\_01\\_30](http://www.adalah.org/eng/pressreleases/pr.php?file=07_01_30)>.

### **4. Demanding transportation for Arab Bedouin children from unrecognized village of al-Za'arora in the Naqab to preschools in neighboring villages**

*H.C. 10030/05, A'aref Ala'moor v. The Ministry of Education (petition dismissed)*

A petition filed in 10/05 demanding transport for the 280 three and four year-old children from al-Za'arora to preschools in neighboring villages, or the construction of preschools in the village. In response to two previous petitions filed by Adalah, the MOE refused to set up preschool buildings in the village due to its unrecognized status. However, it also failed to provide transportation for them to preschools in surrounding villages. Adalah stressed that the MOE's failures violate the children's right to education, which cannot be conditioned on their village's status. **Result: In 4/06, the Court dismissed the petition, ruling, inter alia, that transportation cannot be provided for the children, relying on the MOE's contentions that kindergarten buildings cannot be constructed in al-Za'arora, because "the issue concerns a group of illegal settlements, and no plan exists to enable construction in these villages."** The decision contradicts the Court's previous acknowledgment made in Adalah's second petition on this case that the lack of transportation violates the children's right to education. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_05\\_16](http://www.adalah.org/eng/pressreleases/pr.php?file=06_05_16)>.

## **District Courts**

### **5. Transportation secured for Arab children from Ness Ziona to their school in Ramle**

*Tel Aviv District Court, Administrative Appeal No. 1104/06, Farhan Abu Obeid, et al. v. The Municipality of Ness Ziona and The Ministry of Education (petition accepted)*

A petition filed to the Tel Aviv District Court in 1/06, following the un-notified cancellation of bus transport for Arab pupils living in Ness Ziona to their school in Ramle, located 12 km from their homes, in 9/05. The Ness Ziona Municipality had been providing transportation for the pupils for years before the decision to cancel it, alleging that the children's families do not have addresses in the town of Ness Ziona itself. Their families were then forced to drive them to school or leave them at home. Adalah argued that access to school is a fundamental part of the basic right to education guaranteed by the Compulsory Education Law and the MOE's own regulations. Adalah emphasized that, in addition to placing an economic burden on their parents, the discontinuation of

transportation leads to children dropping out of the education system. **Result:** In 7/06, the state agreed to provide transportation for the children and the Tel Aviv District Court gave the agreement the validity of a court ruling. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_07\\_19](http://www.adalah.org/eng/pressreleases/pr.php?file=06_07_19)>.

#### **6. Preventing the closure of the Yaffa Arab Democratic School by the Education Ministry**

*Tel Aviv District Court, 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 (accepted)*

A petition filed in 10/04 demanding the annulment of a closure order served against the Yaffa Arab Democratic School by the MOE for opening and operating without a license. The MOE explained the closure order on the fact that the school had not obtained a school license before the start of the school year. However, 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 dismissing the principal, reinstating church-based teaching, making Greek a compulsory language, and revoking the status of the parents' committee. Adalah argued that forcing the school's 158 students to leave it would seriously infringe their basic right to education, leaving them without an 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 rights to education and to choose in education. In 12/04, the District Court stated that the case involved extraordinary circumstances as the opening of the school was not a result of disregarding the law, and issued an injunction preventing the closure of the school pending a final decision on the petition. In 8/06, the school was given an interim license and is working to upgrade this to a permanent license. **Update:** In 3/07, Adalah, the MOE and Tel Aviv Municipality asked the Court to close the case.

#### **7. Precedent-setting decision cancelling discriminatory use of military service criterion in allocating student housing at Haifa University**

*Haifa District Court, Lawsuit 217/05, Haneen Na'amneh, et al. v. Haifa University (petition accepted; appeal by Haifa University to the Supreme Court)*

A petition filed in 10/05 demanding that Haifa University's policy of including military service as a criterion for allocating student housing be declared illegal and cancelled. 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. Adalah further argued that participation in military service does not reflect a student's needs for university housing, making it an irrelevant criterion used to exclude Arab citizens of Israel. Adalah emphasized that students who serve in the army receive substantial benefits under The Absorption of Discharged Soldiers Law (1994). **Result:** In 8/06, the Court issued a precedent-setting 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. The Court accepted Adalah's argument that the university's student housing policy should comply with constitutional criteria and principles, first and foremost the principles of equality and objectivity. Haifa University has appealed the decision to the Supreme Court (case pending). More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=07\\_04\\_30](http://www.adalah.org/eng/pressreleases/pr.php?file=07_04_30)>.

### **Magistrates' Courts**

#### **8. Securing dismissal of indictments against 41 parents of children from "Hewar" School**

*Haifa Magistrates' Court, C.C. 1195/06, The State of Israel v. Suheil and Nuha As'ad (indictments dismissed)*

From 11/06, Adalah began representing the parents of children who study at the Hewar School for Democratic and Alternative Education in Haifa and the Hewar Association in indictments filed against 41 of the parents by the Haifa Municipality, alleging violations of the Compulsory Education Law for sending their children to study at an unlicensed school. A disagreement

between the parties began in 2003, when the Hewar Association and the children's parents successfully petitioned the Supreme Court seeking to establish the school. Another dispute arose in 2005 over the issues of a permanent school building and the Hewar Association's involvement in the school's management. As a result, the parents set up another school to work in accordance with the original curriculum. Since the start of the 2006-2007 school year, around 55 children have been studying at this school, with the process of obtaining a license ongoing. **Result: In 12/06, the Court accepted Adalah's arguments that the indictments were filed in breach of the Compulsory Education Law and recommended that the families and the Municipality negotiate over all of the disputed issues.** More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_12\\_20](http://www.adalah.org/eng/pressreleases/pr.php?file=06_12_20)>.

### **Legal Interventions to State Authorities**

#### **9. Demanding sports grounds in schools in the unrecognized villages in the Naqab**

A letter sent to the Abu Basma Regional Council and the MOE in 3/06, demanding the provision of suitable and safe soccer and basketball facilities in schools in the villages, arguing the absence or poor quality of sports services provided violates the children's rights to health and education. The Council replied in 5/06, stating its intention to undertake necessary repairs to sports grounds and build a number of new grounds in the schools during the 2006-2007 school year.

#### **10. Demanding clean and safe toilet facilities in schools in the unrecognized villages**

A letter sent to the Abu Basma Regional Council, the MOE and the Ministry of Health (MOH) in 3/06, demanding the repair and maintenance of toilet facilities in the schools, in accordance with the MOE's directives. Adalah argued that in many schools, the neglected state of the toilets violates the basic right of the students to health. Through correspondence with the MOH, Adalah learned that an MOH report, released to the organization in 9/06, states that the current condition of the toilet facilities poses health risks to children. *Update:* In 2007, Adalah continued its correspondence with the Council, the MOE and the MOH. In 2/07, the MOE committed to provide funds to build more toilet facilities and to add positions for extra cleaners and repair workers at the schools. Adalah is monitoring the progress of repairs and installations.

#### **11. Challenging failure of public health fund to refer Arab child to Arabic-speaking psychologist**

A letter sent to the "Clalit Health Services" and the MOH in 4/06 demanding that the child, who requires treatment for language difficulties and does not speak Hebrew, be referred to an Arabic-speaking psychologist. The fund, however, claimed that it does not employ such a person and does not subsidize such services. Adalah argued that the fund's refusal results not from the unavailability of services but from its failure to employ Arab specialists, and creates discrimination in access to health services. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_04\\_07-1](http://www.adalah.org/eng/pressreleases/pr.php?file=06_04_07-1)>.

#### **12. Demanding appointment of a psychiatrist to the only Arab school for autistic children**

A letter sent in 6/06 to the State Attorney's Office demanding the allocation of a psychiatrist position to the Tawahhud School in Nazareth, which is the only school for autistic Arab children in Israel. Adalah argued that according to the official criteria of the MOH, the school is entitled to such a position, and that the lack of a psychiatrist at the school violates the basic rights of the 47 children attending the school to health and education. **Result: In 12/06, the MOH allocated funds for a psychiatrist's position at the school.**

#### **13. Challenging discriminatory allocation of scholarships by the Israeli lottery**

Letters sent in 10/06 and 11/06 to "Mifal Hapayis," the Israeli lottery, demanding the cancellation of a plan to award 3,000 scholarships to students who serve in the Israeli army, on the grounds that the use of the military service criterion in the plan amounts to discrimination against Arab students solely on the basis of national belonging and is illegal. Although its website stated otherwise, Mifal Hapayis in its responses stated that the condition of military service is not discriminatory and that

the scholarships are designated for students who have served in military fighting units and their back-up units. Adalah is considering further legal action. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_11\\_15](http://www.adalah.org/eng/pressreleases/pr.php?file=06_11_15)>.

#### **14. Demanding safe access road to elementary school in unrecognized village of al-Atrash**

A letter sent to the Ministry of Transport (MOT) and the MOE in 10/06, demanding that the access road to the al-Atrash elementary school be made safe and secure following the death of a nine-year-old child in an accident that occurred while he was traveling in a school bus. Adalah argued that the poor quality of the current road and its narrowness pose serious dangers to the safety and lives of the village's children, of whom 1,750 are of elementary school age. In 11/06, the MOT replied that it is investigating the issue. In 11/06, the Alkarama Organization for Human Rights filed a petition to the Supreme Court seeking a safe road to the school.

#### **15. Seeking implementation of the Long School Day Law in Arab towns and villages**

A letter sent in 11/06 to the MOE asking for the criteria used in applying a governmental order from 2006 for the application of the Long School Day Law (1997), which was amended in 2004 to increase school hours for students in towns and villages with low socio-economic status, and to encourage mothers in these areas to work outside their homes. Adalah sent the letter after learning that the vast majority of Arab towns and villages, including the large towns of Nazareth and Jaffa, were not included in the list, although they are among the most socio-economically depressed in Israel and despite the fact that Palestinian women citizens of Israel have a particularly high rate of unemployment. *Update:* In 1/07, the MOE informed Adalah that, as the issue has legislative aspects, it is being investigated in the ministry's legal department.

### **C. Economic, Social and Cultural 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 2006. Within this field of interest, Adalah challenged discriminatory laws and multi-million dollar governmental economic decisions, including property tax legislation which prevented Arab villages from receiving full compensation for damages incurred during the war on Lebanon in the summer of 2006; articles of taxation laws excluding Arab Bedouin towns in the Naqab from the list of localities eligible for income tax benefits; as well as governmental decisions that deny access to sources of clean drinking water to hundreds of Arab Bedouin living in the unrecognized villages in the Naqab.

Adalah's **main achievements** during 2006 included:

- \* The Supreme Court delivered a landmark decision to cancel a long-standing socio-economic governmental plan which divides the country into "National Priority Areas" for the purpose of allocating lucrative socio-economic benefits on the grounds that it discriminates against Arab citizens of Israel on the basis of nationality.

#### ***Supreme Court***

##### **1. Challenging the transfer of the Sakhnin employment office to industrial area of Tradyon** *H.C. 3441/06, Manal Gantous, et al. v. Ministry of Industry, Trade and Labor, et al. (petition withdrawn)*

A petition filed in 4/06 seeking to overturn a decision to close the employment office in Sakhnin, a large Arab town in the north of Israel, and to transfer it to Misgav, forcing its 3,000 users living in the five towns of Sakhnin, Arrabe, Dir Hana, Kawkab Abu al-Hija and Sha'ab to spend a significant part of their income on travel to and from the new office. Adalah argued the transfer violates Sakhnin residents' basic rights to dignity, equality and a minimum living standard, and that transferring the office to an area under the jurisdiction of another local authority violates their right to realize their residency in their own town. Adalah also argued that the transfer discriminates

against Arab citizens living in Sakhnin relative to Jewish citizens in towns with similar populations and unemployment rates. **Result:** In 5/06, the Court acknowledged the right of Sakhnin's residents to receive public services in their town, but advised that the petition be withdrawn as a bid had been won for a new building for the office, thereby ending employment services in one of the largest Arab towns in Israel. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_05\\_29](http://www.adalah.org/eng/pressreleases/pr.php?file=06_05_29)>.

## **2. Challenging the state's discriminatory compensation scheme for war damages**

*H.C. 8276/05, Adalah, et al. v. The Minister of Finance, et al. (pending)*

A petition filed in 9/06, challenging the state's compensation scheme for war damages incurred during the Second Lebanon War under the amended Property Tax Regulations and Restitution Fund (2006) by businesses and NGOs as discriminatory against Arab towns in northern Israel and Arab citizens. Adalah challenged three designations and compensation formulae regulated by the Finance Minister in 7/06 for 'border towns', 'restricted towns' and NGOs, and sought 'border town' status for four Arab villages which suffered serious damage during the war. The villages are located very close to the Lebanese border in close geographic proximity to Jewish towns with such status. Adalah further requested an equitable policy for compensating other towns and villages classified as 'restricted towns,' and that NGOs not be excluded from those establishments entitled to compensation. In 12/06, the Court ordered the Finance Minister to show cause why one calculation method should not be used for all northern communities, and to explain its exclusion of businesses in the four Arab villages from full compensation. **Update:** In 1/07, the Ministry of Finance announced its agreement to include the four Arab villages in the list of 'border towns' retroactively since 1973. The Ministry also added 19 Jewish towns and villages to the list, all located within 9km of the Lebanese border. Additional demands raised in the petition remain pending before the Supreme Court. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_12\\_19](http://www.adalah.org/eng/pressreleases/pr.php?file=06_12_19)>; and

<[http://www.adalah.org/eng/pressreleases/pr.php?file=07\\_02\\_04](http://www.adalah.org/eng/pressreleases/pr.php?file=07_02_04)>.

## **3. Appealing against the state's policy of not providing drinking water to Arab Bedouin living in the unrecognized villages in the Naqab**

*C.A. (Civil Appeal) 9535/06, Abdullah Abu Musa'ed, et al. v. The Water Commissioner and the Israel Land Administration (pending)*

An appeal to the Supreme Court filed in 11/06, on behalf of six Palestinian Bedouin citizens of Israel representing 767 people, against a ruling delivered by the Haifa District Court (sitting as a Water Tribunal) in 9/06 upholding prior decisions of the Water Commissioner not to provide water to those families living in unrecognized villages. The Tribunal based its decision on the political issue of the "illegal" status of the unrecognized villages (D.C.H. Appeal 609/05, see below). Adalah asked the Court to overturn the decision and order the provision of water access points via the existing main water distribution network to the affected families. Adalah argued that refusing to provide drinking water constitutes a violation of the basic constitutional right to dignity, which includes the rights to health, life and an adequate standard of living. Adalah further argued that the Commissioner's decisions were based on improper and arbitrary considerations, and that their primary aim is to support the government's discriminatory policy of relocating the Arab Bedouin from their land to government-planned towns by refusing to provide them with basic services such as drinking water. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_11\\_27](http://www.adalah.org/eng/pressreleases/pr.php?file=06_11_27)>.

## **4. Landmark decision to cancel governmental socio-economic plan on the grounds that it discriminates against Arab citizens**

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

In 2006, Adalah followed-up on petitions filed in 5/98 and 12/03 against a long-standing governmental decision which arbitrarily and discriminatorily divides Israel into "National Priority Areas" (NPAs), without legislative authorization or objective criteria and excludes the vast majority

of Arab towns and villages. The decision granted substantial economic and social benefits to residential communities categorized as NPA "A" or "B" and their residents, such as extra educational funding, personal income tax benefits and tax breaks to local industries. Only four Arab villages were among the 553 towns and villages originally classified as NPA "A." In the amended petition, filed in 2003 at the request of the Court, Adalah addressed the government's decision granting significant educational assistance and benefits to communities designated as NPAs for education. Adalah argued that the government's decision lacked clear and consistent criteria and discriminated against Palestinian citizens, and that the government lacks the authority to divide the country into NPAs, since the educational and other economic benefits provided are of such a magnitude as to require statutory legislation. **Result: In 2/06, an expanded seven-justice panel of the Supreme Court unanimously cancelled the decision, recognizing the government's discrimination against Arab citizens on the basis of nationality.** The Court also accepted Adalah's argument that the government is not authorized to unilaterally divide the country into NPAs. Significantly, the Court's cancellation of the government's decision is not restricted to National Priority Areas for education, but affects all designated National Priority Areas. **Update:** In 4/07, Adalah demanded that the court reject the state's request to extend a deadline for the implementation of the ruling until 9/07. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=07\\_04\\_30-2](http://www.adalah.org/eng/pressreleases/pr.php?file=07_04_30-2)>.

##### **5. State ordered to provide information about budget balancing grants in 2007 budget**

*H.C. 6223/01, National Committee of Arab Mayors v. The Ministry of Interior, et al. (pending)*

A petition filed in 7/01 on behalf of the National Committee of Arab Mayors and the Municipality of Nazareth, requesting the determination of equal, clear, transparent and unified criteria for the allocation of budget balancing grants to municipalities and local councils. The purpose of these grants is to reduce budget deficits created when the expenditure of municipalities and local councils for essential services exceeds their income, to secure a minimal and reasonable level of service for the communities under their jurisdiction. Adalah argued that the distribution of budget balancing grants discriminates against Arab municipalities and local councils. In 1/04, the state submitted a new equation to the Court for the calculation of the grants, most of the elements of which result in discrimination by excluding the vast majority of Arab municipalities and local councils, and increase the existing socio-economic gaps between Arab and Jewish towns, according to Adalah's response of 3/04. **In 9/06, the Court ordered the state to submit to it an update regarding articles of the state's budget for 2007 relating to budget balancing grants.** The state did not provide details to the court, however, and in 12/06, Adalah requested an additional hearing on the case. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_09\\_21](http://www.adalah.org/eng/pressreleases/pr.php?file=06_09_21)>.

##### **6. State must explain why car owners and users are ineligible for income support payments**

*H.C. 10662/04, Salah Hassan, et al. v. The National Insurance Institute, et al. (pending)*

A petition filed in 4/04 with Sawt al-Amel (the Laborer's Voice), seeking the cancellation of income support legislation which renders individuals who use or own a car ineligible for income support payments. Adalah and Sawt al-Amel argued that the law violates the constitutional rights to dignity and property, breaches the principle of equality, and is illogical, failing, for example, to distinguish between those who own and use a car, and not taking personal circumstances into account. The petitioners stressed that when the National Insurance Institute (NII) believes that individuals own or are using a car, they are not only prevented from receiving income support payments, but that fines are also imposed on them of up to tens of thousands of NIS, and that in cases where individuals cannot pay the fines, the NII has deducted the debt from child allowances and future income support payments. In 3/06, the Court issued an order nisi on the petition, impelling the NII and the state to show cause as to why the above articles should not be cancelled. **Update: In 1/07, as a result of Adalah's petition, an amendment was passed to the legislation, which allows car owners and users to receive income support payments, with certain conditions.** In 3/07, the respondents filed a motion to the Court for the cancellation of the petition, claiming that

it has become moot. Adalah is currently examining the new amendment. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_04\\_04](http://www.adalah.org/eng/pressreleases/pr.php?file=06_04_04)>.

#### **7. Order nisi issued on Adalah's petition challenging discriminatory law which excludes Arab Bedouin towns from income tax benefits**

*H.C. 6901/05, Mayor of Rahat Municipality, et al. v. Minister of Finance, et al. (pending)*

A petition filed in 7/05, demanding the cancellation of a 6/05 amendment to the Income Tax Ordinance, enacted immediately before the 'disengagement' from Gaza. The objective of the amendment is to provide a 13% reduction in income tax payments to citizens living in localities in Israel located within 7km of the Gaza Strip. In addition to excluding five Arab Bedouin towns in the Naqab from the list of eligible localities, three more towns and two regional councils were added to the list *not* located within a 7km of the Gaza Strip. The petition demanded: the cancellation of the discriminatory amendment; the application of clear and consistent criteria in determining which localities receive income tax benefits; and the inclusion of the five Arab Bedouin towns in the list of localities deemed eligible for such benefits. Adalah argued that arbitrarily removing the five Arab Bedouin towns, which are the poorest localities in the country, from the list constitutes discrimination. **In 1/06, the Supreme Court ordered the state to show cause as to why the amendment should not be cancelled.** *Update:* In 3/07, the state asked for an extension in order to examine the possibility of amending the law through the Knesset. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_01\\_15](http://www.adalah.org/eng/pressreleases/pr.php?file=06_01_15)>.

#### **District Courts**

#### **8. Appealing Water Commissioner's refusal to provide water access for hundreds of Arab Bedouin in unrecognized villages in the Naqab**

*Haifa District Court sitting as a Water Tribunal, D.C.H. Appeal 609/05, Abdallah Abu Musa'ed, et al. v. Water Commissioner (appeal dismissed)*

An appeal filed in 4/05 to the Haifa District Court (sitting as a Water Tribunal) on behalf of 767 Palestinian Bedouin citizens of Israel living in unrecognized villages in the Naqab, demanding access to sources of clean drinking water. Adalah argued that Arab Bedouin living in the unrecognized villages in the south 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 the appeal after submitting motions before the Water Committee in 2003 and 2004 on behalf of numerous families requesting water access points. *Result:* In 9/06, the Court rejected the appeal, ruling that it did not have the authority to interfere in considerations relating to how "Bedouin settlement" is regulated, basing its decision on the political issue of the "illegal" status of the unrecognized villages, which is unrelated to the humanitarian issue of the availability of clean drinking water. **Following the rejection of the appeal, Adalah filed a further appeal to the Supreme Court** (C.A. 9535/06, see above). More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=05\\_04\\_27-1](http://www.adalah.org/eng/pressreleases/pr.php?file=05_04_27-1)>.

#### **Legal Interventions to State Authorities**

#### **9. Seeking educational materials on genetic diseases among the Arab population, as provided for the Jewish population**

A letter sent in 9/06 to the MOH, demanding that the ministry provide an educational booklet on genetic diseases among the Arab population in Israel, following the publication of such a document entitled, "Genetic Testing to Identify Couples with Genetic Diseases among the Jewish Population." Adalah stated that the published document is a valuable initiative, but argued that a parallel publication is also required for the Arabs in Israel, stressing that the majority of the most widespread genetic diseases in Israel affect the Arab community. **In 10/06, the MOH stated that it was in the process of preparing such a document, and in 11/06 sent Adalah a copy of the published booklet.**

### **10. Demanding that the National Insurance Institute accept documents in Arabic**

A letter sent in 11/06 to the NII, requesting administrative directives to mandate that official documents in Arabic be accepted by all NII branches. According to the NII's policy, individuals submitting documents in Arabic, primarily decisions of the *Shari'a* (Islamic) courts, were required to translate them into Hebrew at their own expense. Adalah argued that the NII is obliged to accept documents from official institutions in Israel, including the *Shari'a* courts. Further, as Arabic is an official language in Israel, the public authorities are obliged to accept Arabic documents. The NII's policy violates the right of Arab citizens of Israel to receive services from the NII; this violation is particularly severe as most applications to the NII are made to obtain payments to secure a minimal livelihood. Thus, translation costs impose a heavy financial burden on the Arab poor, deterring many from approaching the NII to realize their rights, discriminating against them, and impairing their dignity. The NII responded in 11/06, stating that they have official procedures for the translation of Arabic documents. *Update:* In 1/07, Adalah attended a hearing of the Knesset's Interior Committee convened to discuss this issue, during which Adalah asked the NII for details about their translation procedures. The NII is due to present its responses at a forthcoming hearing of the committee. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_11\\_30](http://www.adalah.org/eng/pressreleases/pr.php?file=06_11_30)>.

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

Adalah undertook **13** legal representations in 2005, which included **7** new filings or other interventions and continued to follow-up on **6** pending cases in the field of civil and political rights. With these representations, Adalah sought to protect the right of citizenship, including the right to family unification; the rights to political participation and freedom of expression, as well as religious rights. Adalah also challenged various decisions and directives based on racial profiling and restrictions on freedom of occupation and association, demanding the annulment of an administrative order declaring prisoners' association Ansar Al-Sajeen an illegal organization.

Adalah's **main achievements** included:

- \* After five years of litigation by Adalah, the Supreme Court ruled that the Knesset's decision in 2001 to remove MK Dr. Azmi Bishara's parliamentary immunity was illegal and dismissed all criminal charges against him for his political speeches.
- \* The Central Elections Committee voted against motions filed by right-wing MKs to disqualify MK Sheikh Sarsour and the United Arab List from the Israeli Parliamentary elections following the submission of Adalah's reply brief on their behalf. The claims against MK Sarsour and the UAL were for allegedly denying that Israel is a "Jewish and democratic state" and making statements in "support of armed struggle of an enemy state or of a terrorist organization against the State of Israel."
- \* The Israel Broadcasting Authority cancelled its contract with a private company which was collecting broadcasting fees from Arab citizens only and using aggressive means.
- \* Following Adalah's demand, the Attorney General announced the opening of a criminal investigation into the publication of a virulently racist article against Arabs by an ultra-Orthodox magazine.

### ***Supreme Court***

#### **1. Challenging travel ban imposed on Arab literary critic and journalist Antwan Shalhat** *H.C. 841/06, Antwan Shalhat et al. v. The Minister of the Interior (petition withdrawn)*

A petition filed in 1/06 demanding the cancellation of a 12-month travel ban imposed on Mr. Shalhat by the Interior Minister based on the Emergency Regulations (Leaving the Country) – 1948, on the pretext that any travel by Mr. Shalhat abroad could harm the security of the state,

without disclosing his reasons. Adalah demanded that the ban be lifted and that the Court limit the Minister's authority to impose travel restrictions on citizens. Adalah argued that right of citizens to leave the state is a constitutional right also protected under international law, and emphasized the dubiousness of the "secret" General Security Services (GSS) evidence against Mr. Shalhat, who was not investigated by any authority before the ban was issued. *Result:* After holding a closed meeting with the state and GSS at a Supreme Court hearing in 3/06, the Court advised that the petition be withdrawn. Adalah withdrew the petition to avoid a decision which could further harm Mr. Shalhat. *Update:* In 1/07, the Interior Minister extended the ban until 9/07, arguing that the GSS's information is credible and cannot be revealed to Mr. Shalhat for security reasons. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_04\\_19](http://www.adalah.org/eng/pressreleases/pr.php?file=06_04_19)>.

## **2. Dismissal of petitions challenging government decision banning family unification**

*H.C. 4608/02, Awad, et al. v. The Prime Minister of Israel, et al. (petition dismissed)*

A joint motion filed in 5/06 with ACRI, requesting a ruling on petitions filed in 9/02 challenging Government Decision #1813 made in 5/02, which prohibits family unification between an Israeli citizen and non-citizen Palestinian spouse. The decision formed the basis of the Citizenship and Entry into Israel Law (see above), and ordered the freezing of implementation of the gradual naturalization process for gaining status in Israel for any spouse of an Israeli citizen who is "Palestinian, a resident of the Palestinian Authority or Palestinian by origin." Following the law's enactment in 7/03, the Court postponed ruling on these petitions pending a final judgment on petitions challenging the law, which the Court rejected in 5/06. In the motion, the organizations argued that, because a majority of the Court in fact ruled that the law violates basic constitutional rights, and since the violation of a constitutional right requires specific authorization in law, the decision is legally void. In response to the joint motion, the state argued that the governmental decision is clearly encompassed in the Citizenship and Entry into Israel Law and, in view of the fact that petitions challenging the law's constitutionality were dismissed, the petitions challenging the decision should also be dismissed. *Result:* In 1/07, the Court dismissed the petition and a further petition challenging the decision filed by ACRI, concurring with the state's arguments. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=07\\_01\\_22](http://www.adalah.org/eng/pressreleases/pr.php?file=07_01_22)>.

## **3. Supreme Court upholds Citizenship and Entry into Israel Law, banning family unification between Israeli citizens and their Palestinian spouses from the OPT**

*H.C. 7052/03, Adalah, et al., v. Minister of Interior, et al. (petition dismissed)*

In 2006, Adalah followed-up on a petition submitted in 8/03 challenging the law, which prohibits the granting of residency or citizenship status to Palestinians from the OPT married to Israeli citizens, solely on the basis of national belonging. Adalah argued the law violates the constitutional rights of Israeli citizens to equality, liberty and privacy, is discriminatory and racist, and disproportionate to the alleged security concerns used to justify it. Amendments to the law made in 3/06 added age and gender-based limitations and did not substantially ease restrictions. **Result: In 5/06, a 6-5 majority of the Court rejected the petition and six petitions joined to it, preventing thousands of Palestinian families from living together in Israel.** Significantly, however, a six-justice majority accepted the petitioners' argument that the law disproportionately violates the basic rights to family life and equality, with one majority justice indicating that the Knesset should be allowed time to amend it. Of the remaining majority justices, two ruled that the law does not harm basic rights and three ruled that while it does cause harm to the right to family life, it is nonetheless proportionate.

*Update:* In 1/07, Adalah also submitted a position paper to the AG, Justice Minister and the Chair of the Knesset's Interior Committee, setting forth its legal arguments against a proposed two-year extension of the law, as well as its expansion to ban unification of spouses from so-called "enemy states". Adalah argued that the essence of the new proposed legislation is to deny the right to family life on a national/ethnic basis. The Knesset did not pass the proposed law in 1/07, but rather extended the existing law for an additional three months, and Adalah petitioned the Supreme Court (H.C. 830/07) demanding the cancellation of the extension. In 3/07, the Knesset passed the

new law which maintains the ban on family unification where one spouse is a Palestinian from the OPT and adds the more stringent denial of family unification where one spouse is a resident or citizen of Lebanon, Syria, Iran or Iraq – states all defined by Israeli law as “enemy states” – and/or is an individual defined by the Israeli security forces as residing in an area where activity is occurring that is liable to endanger Israeli security. Adalah will also challenge the new law before the Supreme Court. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_05\\_14](http://www.adalah.org/eng/pressreleases/pr.php?file=06_05_14)>;

<[http://www.adalah.org/eng/pressreleases/pr.php?file=07\\_01\\_26](http://www.adalah.org/eng/pressreleases/pr.php?file=07_01_26)>; and

<<http://www.adalah.org/features/famuni/postionPaper090107.pdf>>.

#### **4. Securing dismissal of criminal charges against Dr. Azmi Bishara for political speeches**

*H.C. 11225/03, MK Azmi Bishara v. The Attorney General, et al. (petition accepted)*

A petition filed in 12/03 after the Knesset decided in 11/01 to revoke MK Bishara's parliamentary immunity and the Nazareth Magistrates' Court decided in 11/03 not to dismiss indictments subsequently filed against him on two counts of “supporting a terrorist organization,” based on political speeches he made in 6/00 and 6/01. The removal of MK Bishara's immunity is an unprecedented event, as it represents the first time that an MK has been stripped of immunity for political statements made while performing duties as an elected representative and expressing views stated in the platform of his political party. Adalah argued the indictment is legally flawed, particularly regarding immunity, which is a *per se* matter of law and must be decided pre-trial. Adalah also argued that the Magistrates' Court had erred in failing to decide on the legality of lifting the immunity at the outset of the proceedings and that its decision to uphold the indictments was legally flawed. **Result: In 2/06, the Supreme Court unanimously accepted the petition, ruling the decision to remove MK Bishara's immunity illegal and dismissing all charges against him.** The Court also ruled MK Bishara's statements did not constitute support of armed struggle by a terrorist organization, and that the Court must be very careful in ruling on whether to limit MKs' freedom of expression. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_02\\_14-2](http://www.adalah.org/eng/pressreleases/pr.php?file=06_02_14-2)>.

#### **5. Defending the right of Muslims to pray in the Big Mosque in Beer el Sabe**

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

A petition filed in 8/02 demanding that the Big Mosque in Beer el-Sabe – the town's only mosque – be re-opened for prayer. Adalah filed the petition in its own name and on behalf several local organizations and 23 Palestinian citizens of Israel. The Beer el-Sabe Municipality has refused to allow Muslims to pray in the mosque since 1948, when most of the town's Arab residents became refugees. The mosque was used as a court and prison until 1953, and thereafter as a museum until 1991, when it was closed. Today it lies dilapidated and unprotected. Adalah argued that not opening the mosque for prayer infringes the dignity and the rights of Muslims from the town to respect their holy sites and to worship. The Municipality, with the agreement of the state, claimed before the Supreme Court that if permission were granted to restore the building to its function as a mosque, a conflict would inevitably ensure between the Muslim and Jewish communities in Beer el-Sabe, justifying its closure on security grounds. Adalah responded that this claim constitutes incitement against Arab citizens in the town, and that converting the mosque into a museum would itself damage relations with Arabs from Beer el-Sabe and the Naqab in particular, and Arab citizens in general. **Update: In 1/07, Adalah rejected the Court's suggestion to open the mosque as an Islamic museum; in 2/07 the Supreme Court issued an order nisi demanding that the Beer el-Sabe Municipality and the AG give their reasons why the Big Mosque should not be opened for prayer and worship.** More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=07\\_03\\_01](http://www.adalah.org/eng/pressreleases/pr.php?file=07_03_01)>; and

<<http://www.adalah.org/newsletter/eng/jan05/mesq.pdf>>.

## **6. Demanding legal protection for Muslim holy sites in name of Muslim religious leaders**

*H.C. 10532/04, Sheikh Abdullah Nimr Darwish, et al. v. The Minister of Religious Affairs, et al. (pending)*

A petition filed in 11/04 in the name of Muslim religious leaders, demanding that the Court issue an order compelling the Minister of Religious Affairs to issue regulations for the protection of Muslim holy sites in Israel, 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. Adalah argued that the discriminatory use of the Minister's powers has resulted in the neglect and desecration of Muslim holy sites; 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. The state submitted numerous motions to delay a hearing on the case. In 1/06, the state announced that there is an inter-ministerial committee working on how to manage the holy sites. In 3/07, there were 135 designated holy sites, increased from 120 at the time of the filing of the petition, *all* of which are Jewish. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=04\\_11\\_23](http://www.adalah.org/eng/pressreleases/pr.php?file=04_11_23)>.

### **Other Fora**

## **7. Disqualification averted of leader of United Arab List from Israeli parliamentary elections**

In 2/06, Adalah represented MK Sheikh Sarsour and the United Arab List (UAL) before the Central Elections Committee (CEC) in motions submitted by right-wing MKs and the Likud party for disqualification from the 3/06 elections to the Knesset. The motions, filed pursuant to Section 7A of the Basic Law: The Knesset (as amended in 2002), alleged that both had denied that Israel is a "Jewish and democratic state" and made statements in "support of armed struggle of an enemy state or of a terrorist organization against the State of Israel." At a CEC hearing in 2/06, Adalah argued that the motions should be rejected as they lack a factual basis and rely on an inaccurate report from one Hebrew-language media source. Adalah further argued that the motions did not meet the required legal standards, and even contradicted them. In particular, they amounted to seeking to annul two basic rights: the right to run for political office and the right to vote, without legal basis. **Result: In 2/06, the CEC voted 18 to 16 against the disqualification motions and thus Sheikh Sarsour and the UAL were permitted to run in the elections.** More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_03\\_08-1](http://www.adalah.org/eng/pressreleases/pr.php?file=06_03_08-1)>.

## **8. Demanding cancellation of racist directives preventing Arabs from air travel**

A letter sent to the Prime Minister and Transport Minister in 6/06 challenging directives reportedly issued by the GSS barring Arab citizens from Israeli airline "Tamir Flights," allegedly due to the unavailability of luggage scanning machinery. Adalah argued that the directives are based on racist criteria and constitute collective and illegal discrimination in their blatant targeting of Arabs as a permanent security threat solely on the basis of their national belonging. In addition, they violate Arab citizens' constitutional rights to equality and dignity, education, livelihood and employment. In 6/06, the airline stated that Arab citizens had been allowed back on its flights after the repair of the machinery. *Update:* To date, Adalah has received no substantive response to its request for a clear position from the state on the legal arguments raised by the case. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_06\\_20](http://www.adalah.org/eng/pressreleases/pr.php?file=06_06_20)>.

## **9. Securing criminal investigation into ultra-Orthodox magazine publication of virulently racist article against Arabs**

A complaint sent in 8/06 to the Attorney General demanding the opening of an immediate investigation into the publication of an article in the ultra-Orthodox "Hassidic World" magazine on the grounds that it contains racist statements and opinions which constitute incitement against Arabs in general and Muslims in particular. The article, entitled "All Arabs' Intentions are Bad,"

states, for example, that Arabs are an inferior, imbecilic people full of hatred, that they are deceitful and hypocritical savages similar to donkeys and take delight in killing. The author also calls the Prophet Muhammad a false prophet. Adalah demanded that a criminal investigation be opened into the publication of the article for offenses such as racist incitement and harming religious sensitivities (under the Penal Law – 1977 and the Anti-Defamation Law – 1965), arguing that the enormous number of racist and insulting statements demonstrates that the author's goal is racial incitement. **Result: In 11/06, the State Prosecutor's Office announced the launch of a criminal investigation for racial incitement into the publication of the article.** More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_12\\_07](http://www.adalah.org/eng/pressreleases/pr.php?file=06_12_07)>.

#### **10. Challenging conditioning of entry of Arabs into Hebrew University on presentation of "character references"**

A letter sent to the Hebrew University in 10/06, demanding the cancellation of racist and discriminatory directives which condition the entry of Arab visitors on the presentation of a "character references" based on criminal records. Adalah learned of these directives from the Alternative Information Center (AIC), which had planned to host a publications stand at the university and was asked to provide character references for Arab activists from the organization who were supposed to work in it. Adalah argued in the letter that these directives constitute blatant racial discrimination: entry to the Hebrew University, an institution of higher learning which also provides services to the general public, must be granted without discrimination based on race or any other "suspect class" categorization of individuals. Adalah stressed that there is no law which authorizes the university to condition the entry of a person to its campus on the presentation of a character reference. The university responded in 12/06 that the security personnel it employs are entitled to request any documentation they deem appropriate from any person who is not a student or staff member wishing to enter the university. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_11\\_02](http://www.adalah.org/eng/pressreleases/pr.php?file=06_11_02)>.

#### **11. Demanding annulment of order declaring Ansar Al-Sajeen an illegal organization**

A pre-petition sent in 11/06 to the Defense Minister, demanding the cancellation of his order declaring Ansar Al-Sajeen (The Prisoners' Friends Association) an illegal organization on the grounds that such a measure "is necessary in order to protect state security, public welfare, and the public order" under Regulation 84(1)(b) of the Defense (Emergency) Regulations (1945). Ansar Al-Sajeen is an NGO legally registered in Israel which has acted on behalf of Palestinian prisoners incarcerated in Israeli prisons and detention centers since 1980. In 9/06, Israeli security forces raided the organization's offices in Majd Al-Krum and confiscated property, including all of its computers, files, documents and furniture and served the General Secretary with an eviction notice. Adalah argued that the arbitrary use of emergency regulations from the Mandate era grossly violates the members' rights to freedom of speech and association, employment, assembly and property, particularly since the organization was not provided with the opportunity to be heard, and given that a clear mechanism exists in the Israeli Law of Associations – 1980 for the cessation of an NGO's activities, which includes affording an NGO a proper opportunity to defend itself. Adalah further argued that the order violates the rights of Palestinian prisoners to proper legal representation and to maintain contact with their families. To date, no response has been received from the Defense Minister. Adalah is considering further legal action with Ansar al-Sajeen. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_12\\_21](http://www.adalah.org/eng/pressreleases/pr.php?file=06_12_21)>.

#### **12. IBA cancels contract with company collecting fees from Arab citizens only**

Adalah sent a letter to the Israel Broadcasting Authority (IBA) in 5/05 after learning that a private company, "Milgam," contracted to collect broadcasting fees for the IBA, operates only in Arab towns and had threatened and caused damage to the property of Arab citizens who owed the company money. 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. Adalah demanded that the IBA cancel the company's contract, arguing that its operation exclusively in Arab towns is discriminatory, and that only a government authority can legally collect the fees. **Result: The IBA announced its intention not to renew the contract in 1/06, and to collect broadcasting fees without the help of a private company.** More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_01\\_25](http://www.adalah.org/eng/pressreleases/pr.php?file=06_01_25)>.

### **13. Appeal against non-renewal of press card of an Arab journalist based on a GSS request**

Adalah appealed in 9/05 to the Special Committee of the Governmental Press Office (GPO) against the non-renewal of the press card of East Jerusalem resident Mr. Abdel Karim Samara, who has no criminal record and has never been arrested or questioned by the GSS. Adalah argued the non-renewal of his press card breaches his right of freedom of occupation without clear and credible evidence to justify it. During a session held in 1/06, a Special Committee of the GPO stated that the GSS has a file on the individual containing allegations 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). Adalah responded 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. *Result:* The Committee rejected the appeal in 2/06. *Update:* In 8/06, the GPO committee allowed the journalist to re-apply for a press card.

## **E. Criminal Justice**

Adalah undertook **12** representations in 2006, including **5** new filings or other interventions and follow-up **7** pending cases in the area of criminal justice. Adalah's criminal justice work focused primarily on police brutality / misconduct including death cases, in addition to other cases involving the Israeli military and other security forces.

Adalah's **main achievements** included:

- \* The Supreme Court, in a landmark decision, cancelled the promotion of Benzi Sau, a senior border police commander during the October 2000 protest demonstrations, ruling that it contradicts the conclusions of the Or Commission.

### ***Supreme Court***

#### **1. Landmark Supreme Court decision to cancel promotion of police commander Benzi Sau** *H.C. 4585/06, The Committee of the Victims' Families (October 2000) and Adalah v. Avi Dichter, et al. (petition accepted)*

A petition filed in 6/06 seeking the cancellation of the promotion of Benzi Sau, a senior border police commander during the October 2000 protest demonstrations who ordered the use of snipers to fire rubber-coated steel bullets and live ammunition on unarmed civilians, resulting in the deaths of three young Arab men and the injury of tens of others. Through the 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, and risks the complete loss of the Arab minority's trust in the authorities.

**Result: 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 from the new position within one month.** 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. More information:

<[http://www.adalah.org/enq/pressreleases/pr.php?file=06\\_10\\_25](http://www.adalah.org/enq/pressreleases/pr.php?file=06_10_25)>.

#### **2. Challenging decision not to indict soldiers responsible for killing Mr. Meteb al-Nebari** *H.C. 10682/06, Ayman Atrash v. The Chief Military Prosecutor (pending)*

A petition filed in 12/06 requesting that the court order the Chief Military Prosecutor (CMP) to indict soldiers responsible for the death of Mr. Meteb al-Nebari, a Palestinian Bedouin citizen of Israel shot and killed in 10/03 by Israeli army soldiers in the West Bank. Mr. al-Nebari did not constitute a threat to the soldiers, and had no security record with the GSS. The military police did not launch

an investigation until 7/04, which was concluded in 4/05 with the CMP's decision not to issue any indictments. The soldier who fired at Mr. al-Nebari testified that he did so after he "saw the white in his eyes"; the CMP accepted the soldier's account, despite the fact established in the official autopsy report that he was shot from behind. Moreover, according to soldiers present at the scene, Mr. al-Nebari did not move forwards toward them or pose any clear and immediate threat. According to the military police's report, the army harshly criticized the conduct of the soldiers who killed Mr. al-Nebari, and stated that the shooting ran contrary to military regulations. Adalah argued that the decision not to initiate any proceedings against the soldiers responsible therefore contradicts basic legal principles governing prosecutorial discretion and is void. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_12\\_29](http://www.adalah.org/eng/pressreleases/pr.php?file=06_12_29)>.

### **Magistrates' Courts**

#### **3. Representing family of Hamad Dibsán in an investigation into his death in police custody Cause of Death Investigation 1001/04, In Re. Hamad Dibsán, Deceased (Beer el-Sabe Magistrates' Court; pending)**

In 2006, Adalah continued to represent the family of Mr. Hamad Dibsán, a 30-year-old Arab Bedouin citizen of Israel 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 his family and based on the autopsy report, in 8/03, Adalah urged the AG to request an investigatory judge into the cause of death, which the AG did. The AG is the family's representative in the investigation, but Adalah was granted the right of standing. In 2005, Adalah learned from the evidence disclosed that a special police committee had been established, which concluded that Mr. Dibsán had committed suicide. In 2006, Adalah asked the Court to retain jurisdiction over the matter, as an investigation was still needed into possible police failure and negligence, and the Court decided to do so. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=03\\_08\\_19](http://www.adalah.org/eng/pressreleases/pr.php?file=03_08_19)>.

### **Other Fora**

#### **4. Seeking indictment of police who beat Arab citizens accused of traffic offences**

A complaint sent to the Mahash in 6/06 on behalf of two Arab citizens who were stopped in their car by police officers and severely beaten in 5/06. The men were arrested for committing a traffic offence and held in custody for five hours. Adalah demanded the indictment of the officers involved in the beating. Adalah included photographic evidence of the men's injuries in the complaint. An investigation into the incident was opened in 11/06.

#### **5. Seeking indictment of police for beating and insulting Prisoner Solidarity Day protestors**

A complaint sent to Mahash in 7/06 on behalf of two protestors who raised the Palestinian flag during a demonstration in Jerusalem in 4/06 to mark Prisoner Solidarity Day. Police confiscated the flag, advising the men that it would be returned to them after the protest. When they went to collect it after the demonstration, police officers severely beat and insulted them. Adalah demanded the indictment of the police officers involved. In 7/06, Mahash replied that an investigation had been opened into the incident. The investigation is still ongoing.

#### **6. Demanding police directives to end harassment and detention of Aljazeera journalists**

An urgent letter sent in 7/06 to the State Prosecutor and Minister of Public Security, demanding the release of two Aljazeera television network correspondents from detention and for an order to the police to end the harassment and detention of correspondents from the network during the course of their journalistic work. The two correspondents suffered many forms of police harassment in a single day during the Second Lebanon War, including detention for hours at a time. The police alleged that the two men were detained because of their media work, which indicated locations where *katyusha* rockets landed. Adalah argued that the repeated harassment was illegal and discriminatory, emphasizing that the men were carrying out their journalistic duty to report on what they witnessed and heard, as were other journalists who were not harassed for

reporting similar stories and showing similar pictures. Further, the obstruction of their work not only infringes their right to employment and the principle of the freedom of the press, but also violates the right of hundreds of thousands of viewers, and in particular Arab viewers in Israel, who watch Aljazeera as a source of reliable and professional information. In 8/06, the Legal Advisor to the Interior Minister responded that the men had been investigated, but were then released without suspicion of committing any crime. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_07\\_22](http://www.adalah.org/eng/pressreleases/pr.php?file=06_07_22)>.

#### **7. Demanding that the GSS be compelled to record all interrogations of suspects**

A letter sent to the AG in 5/04 demanding that the GSS be compelled to record all interrogations of suspects held in its facilities, including a verbatim, unamended transcription of the entire texts of statements in the language in which they were given. Adalah argued that 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, and may result in the unjust conviction and sentencing of innocent people to life imprisonment. The letter was sent upon the release of three Arab youths from Kufr Kana, who had been detained for ten months for their alleged involvement in the murder of an Israeli soldier, mainly on the basis of a confession coerced by the GSS. It only later transpired that the confession was obtained by illegal means, including the use of force, and was completely false. In 1/06, after lengthy correspondence between Adalah, the Attorney General, the Public Security Ministry and the Prime Minister's Office, the AG responded that several issues related to interrogations, including Adalah's demands, were being examined by a specially-designated team. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=04\\_05\\_13](http://www.adalah.org/eng/pressreleases/pr.php?file=04_05_13)>.

#### **8. Army decides to indict soldiers for shooting of Arab citizen of Israel, then "loses file"**

A complaint sent to the army 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. After lengthy correspondence and delay, 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 requesting the indictment and the decisions and protocols of the hearings. In 7/06, the army replied that it had lost the file. In 10/06, Adalah wrote to the army requesting at least the electronic documentation related to the file, but has received no reply. Adalah is considering further legal action.

#### **9. Appealing against Mahash's decision to close the file on police brutality in Beineh**

An appeal submitted in 4/05 to the AG against Mahash's decision to close the file on a police brutality complaint made by Adalah on behalf of Arab citizens of Israel from the Galilee village of Beineh, due to "lack of public interest." Police and security force officers entered the village to demolish a local resident's home in 2/04, but carried out assaults on unarmed residents using shock and tear gas grenades, damaging residential property, harming residents' livestock, refusing to provide medical attention to the injured and hurling racist verbal abuse at residents. In 4/04, Adalah filed a comprehensive complaint to Mahash demanding a criminal investigation and the indictment of the officers involved. Adalah argued that the police's actions violated the villagers' rights to personal freedom, property, dignity, liberty and privacy. In 5/05, the AG informed Adalah that the appeal had been forwarded to Mahash for its response. The AG has yet to deliver his decision. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=05\\_04\\_25-1](http://www.adalah.org/eng/pressreleases/pr.php?file=05_04_25-1)>.

#### **10. Demanding investigation into the army's assault of anti-Wall protestors at Bilin**

An intervention submitted to the Israeli army and Mahash in 4/05 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 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 police 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. In 2/06, Adalah notified the army that it had a witness

to the event, and in 4/06 the army replied stating that they would invite the witness to testify and then make decisions about criminal investigations. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=05\\_04\\_29](http://www.adalah.org/eng/pressreleases/pr.php?file=05_04_29)>.

#### **11. Appealing Mahash's decision to close file against police who shot dead Moursi Jabali**

An appeal filed to the Attorney General (AG) in 5/05 against the Ministry of Justice's Police Investigations Unit's ("Mahash") decision to close the investigation file against Border Police who opened fire on and killed Mr. Moursi Jabali, and shot and injured his companion, Mr. Shihab Jaber in 7/03. The police claimed that they had suspected Mr. Jabali of being a suicide-bomber and ordered the car to stop, and opened fire when the car failed to do so. However, an examination of the car revealed no lethal weapon or other suspicious objects. The day after his death, Adalah submitted a complaint to the AG and Mahash, demanding a criminal investigation into the shooting and the indictment of the officers involved. Mahash opened an investigation in 7/03, but closed the file in 3/05 on the grounds of "lack of guilt". In the appeal, Adalah emphasized that the shooting was unjustified because the men did not pose a threat to the police. Adalah included testimonies from eyewitnesses who stated that the police fired at the car without issuing any prior warning, against the internal police guidelines for opening fire. In addition, photographs of the car reveal that most of the bullets were aimed at the back of the car, indicating that the shots were fired at the two men, and not intended to bring the car to a halt. Adalah further argued that the many inconsistencies between the officers' testimonies indicate that their statements are unreliable and therefore criminal prosecution essential. Failure to bring the criminally responsible officers to trial, Adalah contended, will further institutionalize a culture of impunity within the police forces. **Result: In 10/06, the AG rejected the appeal, stating that, in spite of the circumstances in which the incident occurred, he decided not to issue indictments against the police officers involved.** More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_10\\_13](http://www.adalah.org/eng/pressreleases/pr.php?file=06_10_13)>.

#### **12. Complaints against Mahash for violent police assault on residents of the unrecognized village of Beer el-Mashash following protests against home demolitions**

In 2006, Adalah followed-up on six complaints filed in 12/05 to the Director of Mahash after the violent assault by police officers of residents of the unrecognized Arab Bedouin village of Beer el-Mashash in the Naqab, including women, in 11/05. The assault followed a protest by villagers against home demolition orders issued by the Interior Ministry on houses in the village. Adalah demanded that police officers involved be investigated and criminally prosecuted. Adalah heavily criticized the police's conduct, arguing that their use of excessive force had been racially motivated. Complaints pending. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=05\\_12\\_27](http://www.adalah.org/eng/pressreleases/pr.php?file=05_12_27)>.

### **F. Prisoners and Detainees' Rights**

This section highlights **9** legal representations and other interventions undertaken by Adalah in 2006 to protect the rights of prisoners and detainees, including **7** new filings and follow-up on **2** pending cases. Adalah's work in this regard focused on the conditions of confinement of Palestinian political prisoners and detainees (both citizens of Israel and residents of the OPT incarcerated in Israel) classified under Israeli law as "security" prisoners or detainees; access for lawyers to their incarcerated clients; prisoners and detainees' rights of access to fair hearings; and the rights of prisoners' families and children to visit their relatives in prison.

Adalah's **main achievements** included:

- \* Following Adalah's petition, the Supreme Court ordered the Israel Prison Service (IPS) to provide lawyers with immediate access to parliamentarians from the Palestinian Legislative Council (PLC) who were detained and threatened with the revocation of their Jerusalem residency status.

- \* The IPS provided improved waiting area facilities for the families of Palestinian prisoners and play areas for children in two Israeli prisons.
- \* The IPS stopped its practice of holding closed hearings on prisoners' cases in Shata Prison and transferred the hearings to courtrooms open to the public without exception or limitation.

## **Supreme Court**

### **1. Securing access for lawyers to detained Palestinian Legislative Council members**

*H.C. 5613/06, Attorney Fadi Qawasmī, et al. v. The Israel Prison Service (partially resolved)*

A petition filed in 7/06 on behalf of the two lawyers of detained PLC members, seeking access to their clients. The two lawyers had been denied access to the detained men, who were arrested along with tens of other PLC members in 6/06 following the Hamas victory in the elections and the capture of an Israeli soldier. One day later, the Interior Minister revoked the Jerusalem residency status of three PLC members and one PA parliamentarian. Adalah argued that preventing lawyers from meeting with detainees violates their basic right to legal counsel and increases the chance that their rights to bodily integrity, health, dignity and access to the courts will be infringed. Adalah emphasized that it also impedes their ability to challenge the decision to revoke their residency status, placing them in danger of expulsion from Jerusalem after their release. Adalah also challenged the IPS's general policy regarding attorneys' visits to all Palestinian political detainees, and demanded the cancellation of a recent IPS decision to prevent all attorneys from entering Israeli prisons to meet their clients without prior coordination, and Palestinian prisoners termed in Israeli law as "security" prisoners, in particular. In response, the IPS announced before the Court that it would allow all attorneys to enter prisons to visit Palestinian prisoners, including PLC members. Adalah, however, requested that the Court rule on the IPS's general policy of restricting attorneys' access to Israeli prisons. In response, the Court asked Adalah to amend the petition to focus on the principle issue (*see H.C. 5613/06, amended, below*). More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_07\\_06](http://www.adalah.org/eng/pressreleases/pr.php?file=06_07_06)>.

### **2. Demanding cancellation of prison order restricting attorneys' access to detainees**

*H.C. 5613/06, Attorney Fadi Qawasmī, et al. v. The Israel Prison Service (amended; pending)*

A petition filed in 9/06, demanding the issuance of an injunction to cancel Article 4(a) of the Prison Service Order #04/34/00, which is used by the IPS to restrict an attorney's access to a detainee, sometimes for many consecutive days, on the pretext that the meeting was not pre-arranged with the IPS. Significantly, the order does not grant the IPS the authority to prevent a meeting between an attorney and a detainee, but merely stipulates that an attorney must inform and coordinate visits with the prison authorities in advance. Adalah argued that the way in which the IPS interprets its authority to limit meetings between attorneys and detainees contradicts the Criminal Procedures Law (Power of Enforcement – Detainees) – 1996. Adalah further contended that the language of Article 4(a) of the order is vague, allowing the IPS to interpret it in an arbitrary manner and breaches the rule of law and the legal duty to set out clear and transparent criteria. In addition, the prevention of meetings between detainees and attorneys increases the danger that harm will be caused to detainees' bodily integrity health and dignity, and that their rights to legal counsel and to access to the courts will be violated. The petitioners further demanded the annulment of the IPS's policy of arbitrarily closing prisons to attorneys who want to visit Palestinian political prisoners and detainees for several days without any legal basis. In general, meetings with attorneys are restricted only in the cases of Palestinian political prisoners and detainees. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_09\\_06](http://www.adalah.org/eng/pressreleases/pr.php?file=06_09_06)>.

### **3. Prison Service ordered to reconsider directives on children's visits to their parents**

*H.C. 7585/04, Hakeem Kana'ni, et al. v. The Israel Prison Service (pending)*

A petition filed in 8/04, seeking the cancellation of an IPS decision from 2002 to deny physical contact between political prisoners and their children during visits. Adalah argued the decision is illegal as it violates the children's constitutional rights to dignity and family life. The decision also

contradicts the principle of acting in the best interests of the child. Further, the decision discriminates between the children of political prisoners and those of criminal prisoners, who continue to enjoy the right of physical contact with their children, which is tantamount to illegal, arbitrary and collective punishment. **In 4/06, the Court asked the IPS to restrict contact in exceptional cases only.** In 6/06, the IPS issued revised guidelines which arbitrarily deny physical contact to children over six years old and to prisoners who committed offenses in prison, thereby punishing the child for the parent's behavior. The IPS also reserved the right to alter the guidelines. In 6/06, Adalah demanded the cancellation of the revised guidelines as they prevent the consistent exercise of rights. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_05\\_03](http://www.adalah.org/eng/pressreleases/pr.php?file=06_05_03)>.

### **Other Fora**

#### **4. Challenging flagrant violations of prisoners' rights during transport in prison vehicles**

A letter sent to the IPS in 1/06 demanding an end to the harsh treatment of Palestinian prisoners being transported between prisons and courts. Several prisoners approached Adalah complaining of the humiliating conditions to which they are subjected during transportation from one prison to another or from prison to court: during transportation outside of prison facilities, which can last for up to 12 hours, prisoners have been made to sit inside prison vehicles without being allowed to eat or use a toilet, against prison regulations. Adalah argued that this treatment breaches IPS regulations and international standards, stressing that the IPS is duty-bound to ensure prisoners' safety, dignity and health at all times. In addition, the harsh treatment of prisoners while in transit to courts could obstruct their right of access to the courts, which has been acknowledged by the Supreme Court to be a part of the human right to dignity. **Result: In 2/06, the IPS responded that prisoners will be given suitable access to food and toilet facilities during transportation.** Adalah is monitoring the situation. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_01\\_26](http://www.adalah.org/eng/pressreleases/pr.php?file=06_01_26)>.

#### **5. Prison Service provides improved facilities for families visiting Palestinian prisoners**

A letter sent to the IPS and the Minister of Public Security in 2/06 demanding improvements in the appalling conditions faced by families of Palestinian prisoners from the OPTs visiting their relatives in the Ohalei Kedar Detention Center and Eshel Prison. For example, prisoners' family members were made to wait standing outside of the prisons for many hours in an unsheltered area, exposed to the elements in winter and summer alike. The area designated for waiting lacked drinking water and toilet facilities. The absence of comfortable and suitable waiting areas forced prisoners' families, upon entering a waiting room, to leave all of their belongings and even their children outside without any supervision. Adalah emphasized that the facilities provided for visiting family members were humiliating and grossly violated the rights of prisoners and their families to visits and the constitutional right to a family life, and that the state's duties towards prisoners include the duty to guarantee that visits can be made in a suitable manner and without any obstacles. **Result: In 3/06, the IPS stated that it had provided a sheltered hall for the families with the required facilities.** The IPS further stated that it had built large and air-conditioned rooms, in addition to play areas for children adjacent to the prison yard. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_04\\_06](http://www.adalah.org/eng/pressreleases/pr.php?file=06_04_06)>.

#### **6. Arab lawyer re-permitted to enter all prisons in Israel following Adalah's intervention**

A letter sent to the IPS and the State Attorney's Office in 3/06, demanding the cancellation of a decision banning an Arab woman defense lawyer for Palestinian political prisoners from all prisons in Israel. The reason given was that she had made statements to an Arabic language media outlet that a copy of the Qur'an had been torn by one of the Sharon prison wardens. She then unsuccessfully attempted to explain to the District Prison Commander that her statements were an honest representation of what one of her clients had told her. Adalah argued that the decision is arbitrary and legally baseless, and that the way in which the decision was made, the position of the decision-maker and the results arising from the decision all run counter to the instructions of the law, judicial rulings and the constitutional and administrative principles to which the prison authorities are bound. Further it was made without allowing her to appeal or defend herself, and

breaches prisoners' right to legal representation and her own right to freedom of occupation. One week after the letter was sent, the IPS lifted the ban. More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_03\\_15](http://www.adalah.org/eng/pressreleases/pr.php?file=06_03_15)>.

#### **7. Demanding resumption of broadcast of Arabic television channels for prisoners**

A letter sent to the IPS in 7/06, demanding that it resume broadcasts of Arabic language television channels for Arab prisoners incarcerated in Israeli prison facilities, after receiving numerous complaints that the IPS had ceased broadcasting Arabic channels immediately after an Israeli soldier was captured by Palestinians near the Gaza Strip. Hebrew language channels continued to be shown as usual. Adalah argued that the decision is illegal as it was made in an arbitrary and sweeping manner, and violates the constitutional rights of Arab prisoners to freedom of expression, dignity and equality. Further, it violates Arab prisoners' rights to access the media, which forms part of the exercise of the right to freedom of expression and constitutes a grave breach of the prisoners' right to language, which is derived from the rights to dignity, equality and personal autonomy. Adalah further stressed that the decision adds to a number of measures implemented since the capture of the Israeli soldier aimed at isolating Palestinian prisoners from the outside world, which is a form of collective punishment. **Result: The broadcast of Arabic language channels was resumed soon after the letter was sent.** More information:

<[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_07\\_20](http://www.adalah.org/eng/pressreleases/pr.php?file=06_07_20)>.

#### **8. Closed hearings held in Shata Prison are stopped and transferred to open courtrooms**

A letter sent to the Director of Courts Administration, the Attorney General and the Minister of Justice in 10/06, demanding an end to the practice of holding closed hearings in Shata Prison, in view of their manifold legal defects. Adalah detailed many violations of the prisoners' constitutional rights entailed by the hearings in Shata Prison, most notably the right to an open and fair trial. It was also necessary for anyone wishing to attend those hearings, including a prisoner's family members and journalists, to obtain special permission in advance from a prison warden. 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 for a wide audience. **Result: In 1/06, the Director replied that from 2/06, hearings will be transferred either to an ordinary court or to a courtroom located in Tzalmon Prison, and that the hearings will be open to the public without exception or limitation.** In addition, the holding of court hearings in Tzalmon Prison will require a court decision and can be opposed by prisoners, giving their reasons. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_01\\_29](http://www.adalah.org/eng/pressreleases/pr.php?file=06_01_29)>.

#### **9. Challenging criminal procedures law which discriminates against Palestinian detainees**

In 2006, Adalah continued to challenge a legal regime of harsher criminal procedure laws for individuals suspected of security offenses based solely on their national belonging. The Criminal Law Procedures Bill was passed into law in 6/06 as the Criminal Procedure (Detainees Suspected of Security Offenses) (Temporary Provision) Law – 2006. Following severe criticism over the discriminatory scope of the bill – its application solely to non-Israeli residents or citizens – including an urgent letter sent by Adalah in 10/05 to the Prime Minister, Justice Minister and Attorney General demanding its cancellation, the relevant provision was removed from the adopted draft, which applies to all detainees charged with security offences. However, the law remains discriminatory in its application, since the overwhelming majority of "security suspects", for which it stipulates harsher criminal procedure laws, are Palestinians from Gaza. The law also lacks essential procedural safeguards, including allowing the detention of a security suspect for up to 96 hours before being brought before a judge (twice the period allowed under the Israeli Criminal Procedure Law), and permitting the detention of a suspect remanded by a court for a period of less than 20 days to be extended by the court *in absentia* for remaining period of up to 20 days from the original detention if this was ordered in his/her presence. During this period, the suspect is also denied contact with legal counsel: as is well known, a detainee is most at risk of torture and degrading or ill treatment in the first days of detention.

## **G. The Occupied Palestinian Territory**

Adalah continued its representation on **2** pending cases before the Supreme Court challenging the Israeli military's use of Palestinian civilians as human shields in military operations in the 1967 OPT, and amendments to the Civil Wrongs Law, which denied residents of the OPT the right to compensation from Israel for damages caused to them by the Israeli security forces.

Adalah's **main achievements** included:

- \* The Supreme Court, in a unanimous 9-justice ruling, canceled a racist law, deciding that Palestinians harmed by the military in the OPTs are eligible for compensation from Israel.
- \* The Supreme Court rejected a motion filed by the Attorney General and the Israeli military for a second hearing on the human shields petition, concurring with Adalah's arguments that the Court's decision to accept Adalah's petition was in line with domestic and international law.

### ***Supreme Court***

#### **1. Cancellation of law preventing Palestinians from claiming compensation from Israel**

*H.C. 8276/05, Adalah, et al. v. The Minister of Defense, et al. (petition accepted)*

A petition filed 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, PCATI and Rabbis for Human Rights, demanding the cancellation of amendments to the Civil Wrongs (Liability of the State) Law from 7/05. The amendments denied residents of the OPTs, citizens of "Enemy States," and activists or members of "a Terrorist Organization," the right to compensation from Israel for damages caused by the Israeli security forces. The law operated retroactively in cases of damages sustained since the beginning of the second Intifada in 9/2000. 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. **Result: In 12/06, the Supreme Court, in a unanimous 9-justice ruling, decided that the Israel cannot exempt itself from paying compensation to Palestinians in the OPTs who have been harmed by the Israeli military**, invalidating a provision of the amendment. As a result, Palestinians who have been harmed by the Israeli military since September 2000 can again seek compensation in Israeli courts. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_12\\_12](http://www.adalah.org/eng/pressreleases/pr.php?file=06_12_12)>.

#### **2. Rejection of Army Chief and Defense Minister's motion to rehear human shields case**

In 2006, Adalah followed-up on a decision delivered by the Supreme Court in 10/05 ruling that the army's use of Palestinian civilians in military operations violates international humanitarian law (IHL) and banning its use of civilians as human shields or hostages as well as the "prior warning order" for conducting arrests in the OPT. Following the landmark ruling, the Attorney General and the Israeli military filed a motion for a second hearing (*H.C. 10739/05, Minister of Defense, et al. v. Adalah, et al.*), arguing that the Court had created a legal precedent harmful to military operations in the OPT and erred in ruling that the "prior warning order" violated IHL. Adalah responded that there is no legal basis for a second hearing as the decision is in line with domestic and international law, and substantial evidence had been presented to Court demonstrating that the Israeli army consistently violated its injunctions and rulings prohibiting the use of Palestinian civilians in its operations. The petition was filed in 5/02 in Adalah's own name on behalf of ACRI, LAW, Physicians for Human Rights - Israel, B'Tselem, PCATI, and HaMoked. **Result: In 2/06, the Court rejected the Defense Minister's motion, ruling that the decision is in line with domestic and international law and that there is no legal basis for holding a further hearing.** *Update:* In 2007, Adalah has asked the AG and the Chief Military Advocate General to open investigations into various recent instances in which the Israeli army has used Palestinian civilians as human shields. Adalah is continuing to monitor developments in these cases. More information: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_03\\_08](http://www.adalah.org/eng/pressreleases/pr.php?file=06_03_08)>.

## II. INTERNATIONAL LEGAL ADVOCACY

This section highlights Adalah's **international legal advocacy** initiatives in 2006. 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 headings: A. United Nations / European Union / Embassies; B. International Human Rights Conferences; and C. Strengthening Adalah's Presence in the United States.

Adalah's **main achievements** include:

- Before the UN: 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 by Adalah in its report submitted to the Committee in 12/05. The **UN Special Rapporteur** on Extrajudicial, Summary or Arbitrary Executions, Prof. Philip Alston, featured the October 2000 fatal shootings of 13 Palestinian citizens of Israel by police in his 3/06 report to the UN Commission on Human Rights, and questioned Israel's failures in these investigations. Adalah representatives met with the SR in 2005 and submitted a dossier of materials to him in 1/06 concerning these matters.
- Before the EU: Adalah undertook **advocacy tours** to Germany, The Netherlands, Switzerland and Brussels, together with Israeli and Palestinian NGO partner members of the Euro-Mediterranean Human Rights Network (EMHRN). Adalah also increased its submissions to EU institutions by contributing informational materials for open letters and publications.
- Before embassy representatives in Israel: 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), and Adalah initiated two well-attended briefings for **embassy representatives** in 5/06 and 11/06. The US State Department's Country Report on Human Rights for Israel and the OPT referenced Adalah and our cases 22 times.
- Adalah strengthened its **presence in the US** by undertaking an advocacy tour in Washington, DC and giving presentations at US law schools and to community groups.

| PLANNED 2006   | ACHIEVED 2006  |
|--|--|
| A. Research and submit 3-5 new reports / interventions to UN / EU bodies and embassies   | Researched and submitted <u>12</u> new reports / interventions to UN / EU bodies and embassies                 |
| B. Participate in / conduct 5-10 activities with international human rights NGOs, regional networks, law schools and human rights institutes | Participated in <u>10</u> international human rights conferences / networking                                  |
| C. Strengthening Adalah's presence in the United States  | Undertook an advocacy tour in Washington, DC, and gave presentations at US law schools and to community groups |

## **A. 12 New Reports / Interventions to UN / EU Bodies and Embassies**

### **United Nations**

#### **1. HR organizations submit interventions to UN Commission on Human Rights**

In 2/06, Adalah submitted four written interventions to the Commission on a newly-enacted law banning Palestinians in 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). The interventions are available at: <<http://www.adalah.org/eng/intladvocacy2006.php>>

#### **2. UN SR Prof. Philip Alston questions Israel's failures in October 2000 investigations**

The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions featured the October 2000 fatal shootings of 13 Palestinian citizens of Israel by the Israeli police in his 3/06 report to the UN Commission on Human Rights. Adalah met with the UN SR in 2005 submitted a dossier in 1/06 to him on these killings; the Or Commission of Inquiry, which inquired into these events; and the Ministry of Justice's Police Investigation Unit's ("Mahash") reports. Prof. Alston raised numerous concerns regarding Mahash's failure to issue any indictments against those responsible for the killings. Adalah sent a follow-up letter to the UN SR in 11/06 providing him with comprehensive information on Adalah's report, "The Accused". Prof. Alston's report is available at: <<http://daccessdds.un.org/doc/UNDOC/GEN/G06/121/83/PDF/G0612183.pdf?OpenElement>>

Information about Prof. Alston's communications with Israel concerning this matter is also available on the website of the Center for Human Rights and Global Justice, New York University, Project on Extrajudicial Executions, at: <<http://www.extrajudicialexecutions.org/communications/israel.html>>

#### **3. UN CERD poses tough questions to Israel on racial discrimination against Arab citizens**

In the run-up to its full review of Israel's compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the UN CERD Committee published its list of questions to Israel in 7/06. The Committee's questions featured many inquiries regarding Israel's violations of the CERD against Palestinian citizens of Israel raised by Adalah in an NGO report submitted to the Committee in 12/05 in relation to the following issues: the right to equality, benefits from military service, the Multi-Year Plan, the criminal law procedure bill and discrimination in criminal conviction and imprisonment, Mahash's improper and ineffective investigation of police brutality complaints including the October 2000 killings, the ban on family unification law, unjust land and planning policies, the unrecognized Arab Bedouin villages, discrimination in education, the lack of protection of non-Jewish holy sites, and the no-compensation law. The Committee's review of Israel, scheduled for 8/06, was postponed until 2/07 due to the war at the state's request.

*Update (Progress in 2007):* Adalah wrote and sent a second report to the Committee in 2/07 and Adalah Attorney Sawsan Zaher and International Advocacy Director Rina Rosenberg attended the review sessions in Geneva, which took place on 22-23/2/07. The Committee issued its Concluding Observations in 3/07. **The Concluding Observations included almost all issues raised by Adalah in our reports, and urged Israel to eradicate racial discrimination against Arab citizens in different fields.** Adalah's reports and participation in the CERD Committee sessions were widely covered by the local Hebrew, Arabic and English media. For more information see Adalah's Special Report on UN CERD available at: <<http://www.adalah.org/eng/cerd.php>>.

#### **4. Adalah gives testimony before the UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the OPT**

Adalah has received an annual invitation and provided testimony to this UN Committee since 2002. GD Attorney Hassan Jabareen appeared before the Committee in 11/06. He analyzed Israeli Supreme Court and Knesset developments and governmental decisions in the following

cases: the citizenship law (ban on family unification), the no-compensation law case, the revocation of the residency status of the elected Hamas members of the Palestinian Legislative Council from Jerusalem. Participation supported by the UN.

#### **5. Adalah requests intervention of UN HCHR Louise Arbour in five key human rights issues**

In 11/06, the UN High Commissioner for Human Rights, Louise Arbour, visited Israel and the OPT. On the occasion of her visit, Adalah sent a letter to the UN HCHR outlining five key issues of concern: the citizenship law; culture of impunity: Mahash and the October 2000 killings; the no-compensation law; home demolitions in the Naqab; and the state's discriminatory scheme for war compensation. Adalah requested the UN HCHR's involvement in and investigation of these matters. The Head of the West Bank Field Office of OHCHR, Ms. June Ray, thanked Adalah for providing the materials to the UN HCHR.

### **European Union**

#### **6. Euro-Mediterranean Human Rights Network (EMHRN) advocacy tour in Europe**

Acting General Director Attorney Orna Kohn and representatives of Al Haq, the Public Committee Against Torture in Israel (PCATI) and the EMHRN traveled to the Netherlands and Germany in 4/06 for meetings with MPs, Ministries of Foreign Affairs' officials, and NGOs (Amnesty International, F.A.S.T, Defense for Children International and Oxfam) to present the EMHRN report, "A Human Rights Review on the EU and Israel: 2004-2005," available at: <<http://www.emhrn.net/pages/75>>. Attorney Kohn then presented Adalah's work in a set of meetings in Switzerland with the Ministry of Foreign Affairs, the Swiss Agency for Development and Cooperation and a roundtable of NGOs. Participation funded by EMHRN and FDA-Switzerland.

**7. HR NGOs urge EU-Israel Association Council to act on human rights violations** Adalah contributed research to two letters sent to the foreign ministers of EU member states and the EU's High Representative and Commissioner for External Relations, on the occasion of the Association Council (AC) meeting between the EU and Israel in 6/06. One letter presented by the EMHRN outlined a series of human rights violations in Israel and the OPT and asked that these issues be raised at the EU-Israel AC meeting, pursuant to the human rights clause of the EU-Israel Association Agreement, and that action be taken. See EMHRN Open Letter on the Occasion of the Association Council between the EU and Israel, 9/6/06, available at: <<http://www.euromed.creatingsite.com/pages/275/news/focus/9538>>. The second letter presented by Palestinian human rights NGOs in Israel and the OPT condemned the killing of civilians in Gaza. The EU-Israel Association Council protocols raise some concerns regarding human rights in the OPT, but no statements were made concerning the rights of Palestinian citizens of Israel.

#### **8. Adalah Attorney addresses European Parliament's Sub-Committee on Human Rights**

Adalah Attorney Orna Kohn presented remarks from 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 in the Neighbourhood Action Plans of Israel and Egypt," in 6/06. Adalah, along with the EMHRN, B'Tselem, and Mossawa, was invited to testify at the hearing. In Brussels, Attorney Kohn also participated in a meeting of the EMHRN Working Group on Israel / Palestine and the Palestinians. Adalah's paper is available at: <<http://www.adalah.org/eng/intl06/EP190606.pdf>>. The documents from the hearing are available at: <[http://www.europarl.europa.eu/meetdocs/2004\\_2009/organes/droi/droi\\_20060619\\_1530\\_audition.htm](http://www.europarl.europa.eu/meetdocs/2004_2009/organes/droi/droi_20060619_1530_audition.htm)>

#### **9. Adalah urges visiting delegation of MEPs to raise human rights issues of the Arab minority in the European Parliament and with the Government of Israel**

In 12/06, a delegation of six Members of the European Parliament: MEP Elmar Brok (EPP-ED, DE), MEP Veronique de Keyser (PES, BE), MEP Baroness Emma Nicholson of Winterbourne (ALDE, UK), MEP David Hammerstein Mintz (Greens/EFA, ES), MEP Luisa Morgantini (GUE/NGL, IT) and MEP Konrad Szymanski (UEN, PL) visited Israel/OPT. Adalah sent a letter to

the delegation providing information on legal developments concerning the human rights of Arab citizens of Israel, and asked the MEPs to raise these issues as crucial causes of concern in the European Parliament and with the government of Israel. MEP Louisa Morgantini thanked Adalah for providing the materials.

## **Embassies**

### **10. Informational briefings for embassy representatives in Israel**

Adalah lawyers met regularly with embassy representatives to discuss litigation and strategies and to offer analysis of legal developments in Israel. By invitation, Adalah gave a presentation on family unification / citizenship issues in 4/06 to the EU's Ad Hoc Human Rights Forum (composed of representatives of EU member states in Israel). In 5/06, immediately after the Supreme Court's ruling to dismiss petitions challenging the citizenship law, banning family unification, Adalah held a briefing session at the Heinrich Boll Foundation in Tel Aviv, which was attended by representatives of 12 embassies. See: <<http://www.adalah.org/newsletter/eng/may06/3.php>>. In 11/06, Adalah held a comprehensive briefing session for embassy representatives from 17 countries on legal developments in 2006. See: <<http://www.adalah.org/newsletter/eng/nov06/fet.php>>. By initiating these briefings, Adalah aims to influence international actors to take a strong stand on Israeli human rights violations. At these meetings, Adalah urged the embassy representatives to raise these issues with their foreign affairs ministries and in bilateral discussions with their Israeli counterparts.

### **11. Joint NGO letter to diplomatic representatives concerning targeted assassinations**

Adalah joined Palestinian and Israeli human rights organizations in a joint letter to diplomatic representatives sent in 2/06 raising serious concern regarding Israel's intensified campaign of targeted assassinations of Palestinian activists and highlighting the legal and political implications of this policy. Ten Palestinians in the five days preceding this letter were killed in such operations in the Gaza. The text of the letter is available at: <[http://www.adalah.org/newsletter/eng/feb06/un\\_letter.pdf](http://www.adalah.org/newsletter/eng/feb06/un_letter.pdf)>

### **12. US State Department Report on HR in Israel and OPT for 2005 cites Adalah 22 times**

The US State Department Country Report for 2005 issued in 2006 referenced Adalah's work on numerous cases filed to Mahash in cases of the excessive use of force by police including our work concerning the Or Commission; the citizenship law; the Jewish National Fund; the Israeli Land Administration's spraying of crops cultivated by Arab Bedouin in the unrecognized villages; the intervention of the General Security Services in the appointment of Arab educators; and the protection of Muslim holy sites, among others. The report is available at: <<http://www.state.gov/q/drl/rls/hrrpt/2005/61690.htm#ot>>.

## **B. 10 International Human Rights Conferences/Networking**

### **1. Open Society Institute (OSI) Human Rights Fellows gather for training in Cairo**

Adalah Attorney Sawsan Zaher lectured at this retreat on the citizenship law banning family unification and how it violates human rights in 1/06. The retreat was organized by the Open Society Justice Initiative and the American University in Cairo, and attended by about 125 people. Participation funded by OSI.

### **2. Practitioners and academics discuss hate speech and freedom of expression**

Adalah Attorney Marwan Dalal participated in a conference organized by the Open Society Justice Initiative, the Central European University, and the Benjamin N. Cardozo School of Law, entitled "Hate Speech from the Street to Cyber-space, Cases & Policies in Specific Contexts," in Hungary in 3/06. Mr. Dalal presented on Israel's selective view and criminal prosecution of hate speech. Participation funded by OSI. For more information see:

<<http://www.cmcs.ceu.hu:8080/cmcs/Conferences/HSconf/>>.

### **3. International lawyers meet at conference on the rule of law and universal jurisdiction**

The Palestinian Centre for Human Rights (PCHR) organized an international conference on "Bringing Cases against War Criminals: Universal Jurisdiction," held in Malaga, Spain in 4/06. Marwan Dalal attended the event. Adalah joined a subcommittee, along with representatives from PCHR, Human Rights Watch (HRW), The International Federation for Human Rights (FIDH)/EMHRN, Hickman & Rose, and IADL, which was given the mission of strategizing and building the next legal steps in the fight against impunity. Participation supported by PCHR. <<http://www.pchrgaza.ps/files/PressR/English/2006/news/15-2006.htm>>.

### **4. Experts and practitioners explore global approaches to combating statelessness**

Adalah General Director Hassan Jabareen and International Advocacy Director Rina Rosenberg attended a conference held by the Open Society Justice Initiative on "Human Rights and Legal Identity: Approaches to Combating Statelessness and Arbitrary Deprivation of Nationality" in New York in 5/06. Adalah gave a presentation on issues of citizenship, family unification, and revocation of residency. Participation funded by OSI. More information is available at: <[http://www.justiceinitiative.org/statelessness\\_meeting](http://www.justiceinitiative.org/statelessness_meeting)>.

### **5. Academics map a rights-based approach to resolving the Israel / Palestine conflict**

Hassan Jabareen spoke at a conference on "Israel: Rights and Democratic Reform for the Palestinian Minority" in 6/06 at the University of Exeter (UK), which organized the event with the Institute of Law at Birzeit University, SOAS (UK), and the Law Faculty of Western Ontario University (Canada). Participation supported by conveners and the International Development and Research Centre, Canada. The convenors wish to publish an edited book of the conference papers in 2007 or 2008. The conference program is available at: <<http://www.huss.ex.ac.uk/news/mideastconference2006.doc>>.

### **6. FIDH legal training and roundtable on International Justice and the ICC**

Adalah attorneys participated in this two-day workshop held in Jerusalem in 6/06. Organized by FIDH and the Coalition for the International Criminal Court (ICC), the training focused on new legal mechanisms in the fight against impunity of alleged perpetrators of war crimes, crimes against humanity and genocide. Ms. Hala Khoury-Bisharat of Adalah, a specialist in international criminal law, led a training session for all of the participants. The participants discussed the need for a campaign to raise awareness among Israeli civil society and to urge the State of Israel to accede to the ICC.

### **7. Adalah's General Director participates in OSI's International Leadership Conference**

The OSI's "Jamboree, 2006", held in Istanbul, Turkey in 6/06, gathered OSI Board, staff, and network partners in a series of workshops on OSI's global reform campaign, including legal reform and human rights, policy versus politics, hate speech and pluralism. Hassan Jabareen spoke on a "Religion, Secularism and Open Society" panel, which discussed the rise in fundamentalism, religious intolerance and faith-based identity politics, and the OSI network's activities. Participation supported by OSI.

### **8. EMHRN and FIDH mission to Israel/OPT: Human rights in the aftermath of the war**

In 8/06, representatives of the EMHRN and FIDH traveled to Israel and the OPT to study the situation of human rights in the aftermath of the Israel-Hezbollah war and to evaluate the consequences of the ongoing Israeli military operations in Gaza. With Adalah's lawyers, the representatives attended the Supreme Court hearings on the "no-compensation law" case. Adalah also briefed the delegation on developments regarding the ban on family unification case, and the state's discriminatory scheme for war compensation in Israel. The mission report is available at: <<http://www.euromedrights.net/usr/00000026/00000027/00000875.pdf>>

### **9. United Against Torture, First Steering Committee Convention**

In 9/06, Adalah Attorney Adel Badir, together with representatives of PCATI, Mandela, Al-Haq, the Prisoners Club, Hurryyat, DCI-Palestine, Gaza Mental Health Center, Amnesty International-Israel, and the Arab Association for Human Rights, participated in a two-day meeting convened by United Against Torture (UAT) ([www.unitedagainstitorture.org](http://www.unitedagainstitorture.org)) in Amman. The meeting focused on strategic planning for the UAT including specific advocacy initiatives for raising the continued use of torture and coerced confessions before the Israeli and Palestinian public, the Israeli government and the PA, as well as the EU and international bodies. Participation supported by UAT.

#### **10. Swiss Forum for HR in Israel and Palestine holds seminar on Palestinian refugees**

Adalah Board Member Attorney Samar Khamis gave a lecture at this seminar held in Bern, Switzerland in 11/06. The seminar focused on the destroyed villages, internally-displaced Palestinians, the right of return, the Israeli public discourse of "the demographic threat", and the impending dispossession and displacement of Arab Bedouin citizens of Israel from the unrecognized villages in the Naqab. The group held the seminar to prepare for an upcoming visit to Israel and the OPT.

### **C. US Advocacy Tour: Presentations at Law Schools and Community Groups**

*Adalah's General Director and International Advocacy Director spent the 2005-2006 academic year at Yale University, and used this opportunity to strengthen Adalah's presence in the US. They undertook an advocacy tour in Washington, DC and gave numerous presentations at Yale and other US law schools and to community groups. Attorney Marwan Dalal spent the fall of 2006 at Columbia University Law School and gave two special presentations at Harvard University.*

#### **Advocacy Visit**

##### **1. Putting equal rights for Palestinian Citizens of Israel on the US Agenda**

Hassan Jabareen and Rina Rosenberg participated in a three-day advocacy visit to Washington, DC in 5/06 with the support of the OSI MENA Program. The purpose of the visit was to introduce Adalah to some key actors in the US Congress, the State Department, human rights organizations, and other agencies in order to identify opportunities for future US advocacy on discrimination against Palestinian citizens of Israel. A memo of key outcomes from the visit and list of meetings is available upon request.

#### **Law School Presentations**

##### **2. Yale Law School: The implications of Hamas's victory**

This panel discussion, entitled "Hamas's Victory in Palestinian Elections: Implications for the Middle East," was convened by the Schell Center for International Human Rights, the Middle East Legal Forum, and the Middle East Studies Council in 2/06. Hassan Jabareen spoke on the panel with Emeritus Professor Riaz Hassan, Flinders University, Australia, and Assistant Professor Ellen Lust-Okar, Department of Political Science, Yale University and Chair, Council on Middle East Studies. Around 100 participants attended the event. *Hassan Jabareen gave about 15 lectures at Yale during 2005-2006 on a range of legal subjects including the Israeli-Palestinian conflict.*

##### **3. NYU Law School: Young cause-lawyers from around the world share legal dilemmas**

Hassan Jabareen and Rina Rosenberg spoke about Adalah's litigation strategies and fundraising challenges for legal NGOs at a seminar for LLM students participating in Global Scholars Program (GSP) at New York University Law School in 3/06. Following the presentations, legal dilemmas regarding the representation of disadvantaged groups around the world were discussed.

##### **4. Harvard Law School: The politics of segregation**

Hassan Jabareen gave a presentation entitled "The Politics of Segregation and the Future of Palestinians in Israel" at Harvard Law School in 5/06. The lecture was attended by law students active in Justice for Palestine, law professors and lawyers.

**5. Harvard Law School: History, law and memory**

In 11/06, Adalah Attorney Marwan Dalal spoke before a full-house at Harvard Law School on a panel with Dr. Ilan Pappé, a Senior Lecturer at Haifa University in the Department of Political Science. The panel discussion, entitled "History, Law, and Memory: Ethnic Cleansing in Palestine," was moderated by Harvard Law School Professor Duncan Kennedy.

**6. Harvard University: International law and the Occupation**

Adalah Attorney Marwan Dalal also presented a seminar at the Harvard University Center for Middle East Studies in 12/06, entitled "International Law and Occupation: The Wall, Home Demolitions & Targeted Assassinations: Domestic & International Legal Challenges." Harvard University Professor Sara Roy hosted and chaired this seminar.

**Community Presentations**

**7. "Israel Beyond the Current Conflict: The Challenge of a Jewish and Democratic State"**

The New Israel Fund (NIF) hosted this day-long forum, attended by 250 people, at Columbia University, New York, in 2/06. Hassan Jabareen participated as a key actor in a ten-person role play on Israel's policy of home demolitions in the unrecognized villages in the Naqab. The forum featured discussions on the religion/state and majority/minority divides in Israel. For more information see: <<http://nifblog.kesem.net/about.cfm>>.

**8. 300 Students from the Ethical Culture Fieldston School discuss the Israeli-Arab Conflict**

The Fieldston School in New York City held a day-long series about the Middle East in 5/06. Hassan Jabareen participated in a panel discussion chaired by the Executive Director of HRW, on the status of human rights in Israel-Palestine. NYC newspapers widely covered the event.

**9. Discussing Adalah, the Occupation and peace strategies with grassroots organizations**

Hassan Jabareen and Rina Rosenberg presented Adalah's work at a meeting with the National Council of Jewish Women, New Haven Chapter in Connecticut in 3/06. In 5/06, they also spoke at a community dinner organized by Brit Tzedek V'Shalom: Jewish Alliance for Justice and Peace, on the Hamas and Kadima victories, the Occupation, and strategies for peace."

### **III. LEGAL EDUCATION**

Adalah's legal education work in **2006** 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 lawyers trained in human rights legal advocacy.

Adalah's **main achievements in 2006** include:

- Holding three well-attended public conferences: Adalah's first annual conference for law students on "Law and Human Rights"; Adalah's 10<sup>th</sup> Anniversary Conference: "Identities, Law and Politics", hosted jointly with the Faculty of Law at Haifa University; and "Not on the Map" on the government's plans for the unrecognized villages in the Naqab, held in Tel Aviv jointly with NGO partners: the ADVA Center, the Regional Council for the Unrecognized Villages in the Naqab (RCUV), Bimkom: Planners for Planning Rights, and the Association for Civil Rights in Israel (ACRI).
- Publishing the first edition of Adalah's pioneering journal: *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. The journal was also distributed in electronic form widely through Adalah's trilingual newsletter and website.
- Continuing to produce and electronically distribute *Adalah's Newsletter* each month (11 volumes issued), focusing principally on land rights, family unification, and cultural rights with 13 articles, 5 commentaries, a roundtable and two interviews by external contributors and Adalah staff and Board, and increasing subscribers to our newsletter by 2,000 from 24,000 in 12/05 to over 26,000 in 12/06.
- Maintaining, updating and producing new web reports for our websites in Arabic, Hebrew and English, and attracting a monthly average of close to 18,000 unique visitors. Adalah also made progress in re-designing and developing our new website, including developing the graphics, content and technical aspects of the new system.
- Completing a new documentary film: 'The Unrecognized,' which highlights the plight of Arab Bedouin in the Naqab and the harsh conditions in which they live. This was Adalah's first documentary film. The 23-minute film was produced by Scottish media company, Fifty-Nine.
- Publishing "The Accused", a 133-page report, which examines thousands of pages of previously undisclosed investigatory materials and addresses the shortcomings and failures of the law enforcement authorities in investigating the criminal offenses committed by police officers and commanders for the killing of 13 unarmed Arab citizens of Israel and the wounding of hundreds of others during October 2000. The report was also submitted to the AG.
- Obtaining wide coverage and feature stories on over 30 cases in the local and international media and the most media attention on five of Adalah's cases: the citizenship law banning family unification; the annulment 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 program 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.

- Training two stagaires during 2006, and hired a further two legal apprentices for 2007.
- Beginning a partnership with and giving lectures for law students at the al-Quds University Human Rights Clinic during the 2006-2007 academic year. Adalah General Director Attorney Hassan Jabareen is the legal advisor to the clinic on a pro bono basis. Adalah is also continuing its partnership with the international human rights clinics of Yale Law School and the University of Virginia Law School (US).
- Launching a scholarship nomination committee to the Open Society Justice Initiative L.L.M. Fellows Program at the Central European University, Budapest. Adalah solicited applications, conducted interviews, and selected two young Arab women lawyers for nomination to the CEU Legal Studies Department for the L.L.M in Human Rights Program for 2007-2009.

| PLANNED 2006  | ACHIEVED 2006   |
|---|---|
| <b>A. Seminars &amp; Conferences</b> <ul style="list-style-type: none"> <li>• Organize &amp; hold 3-4 public events</li> <li>• Give 30+ lectures at law schools, universities, NGOs in Israel</li> </ul>  | <ul style="list-style-type: none"> <li>• Organized &amp; held <u>3</u> public events</li> <li>• Gave <u>40</u> lectures in different forums</li> </ul>  |
| <b>B. Publications &amp; Reports (Tri-lingual)</b> <ul style="list-style-type: none"> <li>• <i>Makan</i>: Journal of Law, Planning &amp; Justice</li> <li>• <i>Adalah's Review</i></li> <li>• 12 Volumes of Adalah's E-Newsletter &amp; increase subscriber</li> <li>• Website</li> <li>• Annual Activities Report (AAR) 2005</li> <li>• Film about Unrecognized Villages (UV)</li> </ul> | <ul style="list-style-type: none"> <li>• <i>Makan</i> - 1,500 copies published and distributed in Arabic, Hebrew and English</li> <li>• <i>Adalah's Review</i> – postponed to 2007</li> <li>• Adalah's E-Newsletter – 11 volumes &amp; increase of 2,000 subscribers in 2006, bringing total to over 26,000.</li> <li>• Website – Updated, posted new web reports &amp; continued preparations for re-design</li> <li>• AAR 2005 – Completed and distributed</li> <li>• UV Film – Editing and production completed</li> <li>• Adalah's Report – “The Accused” – wrote and prepared for printed publication</li> </ul> |
| <b>C. Media Outreach</b> <ul style="list-style-type: none"> <li>• Issue 50+ press releases &amp; track coverage</li> <li>• Solicit and provide interviews, comments, analysis to media</li> <li>• Write articles for newspapers / journals</li> <li>• Place and/or join protest advertisements</li> </ul>   | <ul style="list-style-type: none"> <li>• Issued 75 press releases and tracked coverage in Arabic, Hebrew and English</li> <li>• Provided information (30+ cases featured in local media with 5 cases obtaining very extensive local and international media)</li> <li>• Wrote 3 articles / interviews in international journals</li> <li>• Placed 3 protest ads, 2 with partner NGOs</li> </ul>   |
| <b>D. Training for Law Students &amp; Graduates</b> <ul style="list-style-type: none"> <li>• Host 1-2 stagaires</li> <li>• Hire law student to coordinate Law Students Conference</li> <li>• Work with law school clinic externs</li> <li>• Seek and host LLM fellows</li> </ul>  | <ul style="list-style-type: none"> <li>• Hosted 2 stagaires</li> <li>• Law student hired and coordination of Law Students Conference successful</li> <li>• Worked with externs and interns from US and Canadian law schools</li> <li>• Launched Adalah scholarship nomination committee for OSI-CEU LLM fellowships</li> </ul>  |

## **A. Seminars and Conferences**

### **1. Adalah's First "Law and Human Rights" Conference attended by 104 Arab law students**

Adalah hosted this very successful two-day conference at Neve Shalom / Wahat al-Salaam in 9/06 attended by 104 Arab law students from law schools throughout Israel. The goal of the conference was to raise awareness among Arab law students of human rights issues and to provide them with the necessary professional tools and contacts in order to motivate them and allow them to examine the legal strategies used for work in this field. The keynote lecture was delivered by the first permanent Arab Supreme Court Justice, Salim Joubran, on the subject of serving the public interest of the Arab community through lawyering, and the opening lecture was given on cause-lawyering. Activities included three main panels: on human rights legal advocacy; integrating human rights language into other fields of law; and the media, the law and human rights. Some of the best and most well-known lawyers from human rights organizations, law school clinics, and the private sector, as well as journalists participated in the panels. Students also attended workshops facilitated by Adalah lawyers focusing on the law, women and social rights; land rights; and criminal law and political prisoners. The conference program included recreational and cultural activities, including comedy sketches and films.

The conference was a resounding success with the law students. The following is a selection of comments made by students who attended the conference:

- Layan Fahoum, a 3<sup>rd</sup> year student at Haifa University: "The conference was organized very precisely, and even the smallest details were well organized and dealt with, which exceeded my expectations. The conference and the lectures given during it have increased my self-esteem as an Arab woman as well as increasing my awareness."
- Rana Fourani, a 2<sup>nd</sup> year student at Haifa University: "The location was excellent, the timing was appropriate, the food and services provided in the best possible way. If it had been possible, I would have wished to participate in all of the workshops, because they were more than excellent, and the guest speakers at the conference were outstanding."
- Ghaida Msallam, a 3<sup>rd</sup> year student at Tel Aviv University: "The conference was excellent, well-organized and successful. All of the activities had a particular feature and there was a break with routine. On the professional level it widened my horizons very, very much."
- Ruweida Tatour, a 2<sup>nd</sup> year student at Sha'ari Mishpat College: "The conference was successful, and I benefited from it greatly, as the first conference in which we participated specifically as Arab law students. It empowered me and increased my self-confidence."
- Nada Nasrallah, a 4<sup>th</sup> year student at The Interdisciplinary Center, Herzliyya: "The lecturers were extremely productive. It would have been better if the conference had lasted for longer. In general, the conference was very, very successful."

For the Conference program see: <[http://www.adalah.org/features/var/student\\_conf\\_prog.pdf](http://www.adalah.org/features/var/student_conf_prog.pdf)>. To view a slideshow of the conference see: <[http://www.adalah.org/images/stud\\_conf/index1.php](http://www.adalah.org/images/stud_conf/index1.php)>. An overview of the events and activities is available at: <[http://www.adalah.org/eng/pressreleases/pr.php?file=06\\_09\\_26](http://www.adalah.org/eng/pressreleases/pr.php?file=06_09_26)>.

### **2. Ten Years of Adalah: Conference on "Identities, Law and Politics", Faculty of Law, Haifa University**

The Faculty of Law, Haifa University and Adalah co-hosted a 10<sup>th</sup> anniversary conference for Adalah in 11/06 at the law school. Speakers included Dr. Ilan Saban, Faculty of Law, Haifa University; Prof. Ramzi Sulieman, Psychology Department, Haifa University; Prof. Ruth Gavison, Faculty of Law, Hebrew University; and Attorney Hassan Jabareen, General Director of Adalah. The lectures were published in Adalah's Newsletters in 12/06 and 1/07:

<<http://www.adalah.org/newsletter/eng/dec06/dec06.html?navi=%2Fnewsletter%2Feng%2Fdec06%2Fdec06.html>>;

<<http://www.adalah.org/newsletter/eng/jan07/jan07.html?navi=%2Fnewsletter%2Feng%2Fjan07%2Fjan07.html>>.

### **3. "Not on the Map": Government plans ignore Arab citizens living in the Naqab and gravely violate their basic rights to equality and justice**

In 11/06, the ADVA Center, the Regional Council for the Unrecognized Villages in the Naqab (RCUV), Bimkom: Planners for Planning Rights, the Association for Civil Rights in Israel (ACRI) and Adalah jointly held a conference at the Cinematheque in Tel Aviv to discuss governmental development plans for the Naqab (Negev) and their impact on Arab citizens of the state. Panelists from each of the hosting organizations, Prof. Oren Yiftachel (Ben-Gurion University) and MK Hanna Swaid (The Democratic Front for Peace and Equality) spoke about the master plan for metropolitan Beer el-Sabe; the "Negev 2015 Plan", particularly in the fields of housing and communities; and the Sharon Plan and home demolitions. Approximately 200 participants (a full-house) attended the conference. For more details and slideshow of the conference, see: <<http://www.adalah.org/newsletter/eng/nov06/6.php>>.

### **4. 40 Lectures at law schools, universities, NGOs, community centers and schools in Israel**

By request, Adalah staff spoke at 40 symposia, conferences and events. Lecture subjects included: the human shields case; the family unification decision; land, planning and housing rights; land confiscation; unrecognized villages; the right to education; collective rights of the Arab minority; travel bans and freedom of expression (the Anton Shalhat case); litigating minority rights; Israeli constitutional law; and Supreme Court jurisprudence.

## **B. Publications and Reports**

### **1. *Makan*: Pioneering journal explores intersections between law and planning for Arab Minority**

In 1/06, Adalah published *Makan: Adalah's Journal for Law, Planning and Justice*, our pioneering new journal. Volume 1: "The Right to the City" (available at: <<http://www.adalah.org/eng/makan.php>>). The journal consists of theoretical articles on this theme, brief essays on "Segregated Spaces," and excerpts from Adalah's litigation challenging the discriminatory land policies of the Israel Land Administration and the Jewish National Fund. 1,500 copies were produced in Arabic, Hebrew and English, distributed widely and sold, and posted in *Adalah's Newsletters* in 1/06 and 2/06. A review of *Makan* ('Space' in Arabic) by Ozlem Altan was published in the *Arab Studies Journal* (Georgetown University) in 11/06. It is available at: <http://www.adalah.org/newsletter/eng/dec06/makan.pdf>. *Makan* is the first journal in Israel to look at land and planning from the perspective of law and legal discourse.

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 Criminalization"**

*Adalah's Review* is the flagship, academic publication of the organization. It is a journal devoted to a critical legal, social and political analysis of the legal system and legal practice in Israel, and their interaction with the Arab minority in the state. Taking the lead from Adalah's legal work and the questions it raises, each volume of *Adalah's Review* focuses on one theme. Volume 5 will focus on the theme of criminalization / political crime. While Adalah intended to publish the volume in 2006, the organization 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 late submissions by some authors. In 9/06, a new co-editor, Ms. Manal Totary-Jubran, was recruited to *Adalah's Review*, and by the end of year the journal was back on track. The Editor-in-Chief is Hassan Jabareen, Advocate. The outgoing editors are Ms. Samera Esmeir (2005) and Ms. Hala

Khoury-Bisharat (2006). Rina Rosenberg, Esq. is a co-editor with Ms. Totary-Jubran. Publication is expected in 2007.

### **3. Land rights, family unification, and cultural rights: Principal themes of Adalah's monthly tri-lingual electronic newsletter**

The above themes took center stage in the **11** volumes published of *Adalah's Newsletter*. (Adalah was unable to publish the newsletter in July due to the Second Lebanon War). Other major issues included the 2006 Knesset elections, the revocation of Hamas PLC members' Jerusalem residency, political prisoners, education rights and language rights. Adalah published 13 articles, 5 commentaries, one roundtable and two lectures. Fifteen external contributors (several of whom submitted for the first time) published with Adalah, in addition to six staff and Board members. Two interviews given by Adalah's General Director Attorney Hassan Jabareen were also highlighted: one on human rights originally published in a Yale University Journal, and the other on the Post-Barak Supreme Court originally published in the *Fasl al-Maqal* Arabic language newspaper. Adalah also posted articles from *Makan* to advertise the new publication and make it most accessible to readers. In addition to these items, the newsletters contained news updates about Adalah's legal work, publications and activities, and links to new reports by local and international NGOs. To view all of the newsletters, see *Adalah's Newsletter Archive*: <http://www.adalah.org/eng/publications.php>.

### **4. Increase in subscribers to *Adalah's Newsletter*, republication of articles and items by media, and referenced by academics**

Approximately **2,000** additional subscribers signed up to receive *Adalah's Newsletter*, increasing our distribution from 24,000 in 12/05 to over **26,000** in 12/06. The breakdown of subscribers by language is as follows: 11,656 subscribers in Hebrew; 7,478 subscribers in Arabic; and 6,919 subscribers in English. Media outlets and organizations regularly republished articles, commentaries and items from *Adalah's Newsletter* on their websites or in print: in Arabic, *Al-Ittihad* and *Sawt al Haq Wa-al-Hurriya* newspapers and Al Jabha, arabs48 and Arabs Against Discrimination (Egypt); in Hebrew, the *Ofakim Hadashim*, *Mahsom*, *Hagada*, *Haokets*, *Kedma* and the Israel Bar Association; and in English, the Women's UN Network, Habitat International Coalition, the EMHRN, Arab Media Watch and the Electronic Intifada. Articles and commentaries published in *Adalah's Newsletter* are often cited in academic articles and appear on course syllabi of professors at Israeli law schools and universities, and on occasion, are also republished in academic books.

### **5. Frequent updating of Adalah's trilingual website, new special reports, and monthly average of unique visitors to the website close to 18,000**

Adalah continuously updated our website ([www.adalah.org](http://www.adalah.org)) two to three times per week, posting new press releases, special reports (on family unification, the no-compensation law, and the October 2000 killings), campaigns, and publications. The total number of unique users of Adalah's website per month ranged from about 14,000 to over 23,000. The two months with the highest number of visitors were 5/06 (when the Supreme Court issued its decision in the family unification case) with 23,126 unique users and 12/06 (after the Supreme Court's decision in the no-compensation law case) with 18,438 unique users.

### **6. Website Re-design: Developing graphics, content and technical aspects of the system**

Adalah made progress in re-designing and developing our new website in 2006. This work can be divided into three parts: (i) Content development: The main focus was on the **legal advocacy section** of Adalah's website. With the new organization of materials underway, users will have access to almost double the number of cases currently reported on Adalah's website, and will be able to obtain primary and secondary source documentation on cases all in a single location; (ii) Re-design: Adalah is working with GAMA in Jerusalem on all aspects of new graphics for the website; and (iii) Technical aspects: Adalah's webmaster attended a software development training workshop in Prague in 7/06 (supported by OSI) and investigated software in order to migrate / import our website from a static set of HTML pages to a full-featured **content management system (CMS)**. The purpose of this shift is to allow Adalah to operate more like an

online newspaper, in which uploading and updating website content is done in a simpler, faster and more efficient manner, less reliant on expert technical support. Adalah expects to launch the new website in 2007.

#### **7. 2005 Annual Report: Landmark Supreme Court judgments and gross discrimination**

Adalah issued its 53-page Annual Report of Activities for 2005 in 4/06, presenting our 73+ legal representations, international legal advocacy, legal education initiatives, and institutional development. The report was given to donor organizations, embassies, and visiting delegations.

#### **8. New Documentary: 'The Unrecognized' highlights plight of Arab Bedouin in the Naqab**

'The Unrecognized' is a 23-minute documentary film written and commissioned by Adalah and produced by the Scotland-based media company, Fifty-Nine, Ltd., on the subject of Israel's discriminatory policies against the Arab Bedouin and the harsh conditions in which they live. Residents of the unrecognized villages, activists and academics were interviewed and appear in the film. Adalah will use the film for advocacy purposes both locally and abroad on the unrecognized villages in 2007 and 2008. To view the film in English, go to:

<<http://www.adalah.org/flv/eng.html>>.

#### **9. "The Accused" report: Demanding an investigation into Mahash (October 2000 killings)**

In 10/06, Adalah submitted "The Accused", a 133-page report, to the Attorney General. The report addresses the shortcomings and failures of the law enforcement authorities – first and foremost the Ministry of Justice's Police Investigation Unit ("Mahash") – in investigating the criminal offenses committed by police officers and commanders for the killing of 13 unarmed Arab citizens of Israel and the wounding of hundreds of others during the October 2000 protest demonstrations. In addition, the report discloses, for the first time, how Mahash concealed significant facts from the public and issued a falsified report in 9/05. "The Accused" report was compiled after Adalah studied thousands of pages of documents and other evidentiary material presented to the Official Commission of Inquiry (Or Commission) into the October 2000 events and collected by Mahash. The full report in Hebrew and summaries of the report in Arabic and English are available electronically at: <http://www.adalah.org/eng/october2000.php>. Adalah will publish the full report in Hebrew and Arabic in a printed volume in 2007.

### **C. Media Outreach**

#### **1. Media Coverage**

##### **Media Watch: Weekly coverage of Adalah's work in the Arabic and Hebrew press**

Adalah issued, distributed and posted **75 press releases** in Arabic, Hebrew and English. Adalah's work regularly appeared in local Arabic, Hebrew and English newspapers, websites, and on radio, with attorneys frequently giving interviews and commentaries. Adalah lawyers and Board members also appeared on TV news programs in all of our major representations. In general, the international media reported on major Israeli Supreme Court decisions delivered (see below). An example of an international feature was: Chris McGreal, "Jo'burg and Jerusalem ... World's Apart?" *Mail & Guardian Online*, 2 March 2006, available at:

<[http://www.mg.co.za/articlePage.aspx?articleid=265731&area=/insight/insight\\_national/](http://www.mg.co.za/articlePage.aspx?articleid=265731&area=/insight/insight_national/)>(Hassan Jabareen was interviewed for a special feature describing how Israel discriminates against Palestinians and how it resembles the apartheid regime South Africa).

##### **Five of Adalah's cases received particularly widespread media coverage:**

##### **Headline News: Supreme Court upholds ban on family unification law in 6-5 decision**

The Supreme Court's decision in 5/06 and Adalah's response received the most media attention of any of Adalah's cases in Israel (including the news of all major television channels, television interviews of Adalah Attorneys Orna Kohn and Marwan Dalal, and articles in the Arabic and

Hebrew newspapers, as well as extensive radio coverage) and internationally. Prominent international outlets such as the *New York Times*, *Al-Jazeera*, *Reuters*, *AP*, the *International Herald Tribune*, the *Independent*, the *Guardian*, the *BBC*, the *Economist*, *Los Angeles Times*, *Chicago Tribune*, *Washington Post*, *Globe and Mail*, *Montreal Gazette*, *ABC News*, and *International Middle East Media Center*, to name but a few, wrote about the case and used quotations from Adalah. For in-depth analysis, see Jonathan Cook, "Israel's Demographic Demon" in Court, *Middle East Report Online*, 1 June 2006, available at: <http://www.merip.org/mero/mero060106.html>.

**Headline News: Supreme Court overturns law, ruling that Palestinians harmed by Israeli military in the OPT are eligible for compensation from Israel**

The Supreme Court in 12/06 unanimously (9-0) accepted the petition, filed by Adalah, HaMoked and ACRI on behalf of nine Palestinian and Israeli human rights organizations. The Court's decision and Adalah's response also received very wide media coverage, e.g. from: *Israeli Hebrew TV: Channel 1 Mabat and Channel 10 (main news, Hassan Jabareen interviewed); Politica, Knesset Channel; Hebrew radio stations (main news, Reshet Bet); Websites: Front page Haaretz, Ynet, NRG, NFC; Maariv, Jerusalem Post. International Arabic TV: Al-Arabiyya; LBC; websites: Al-Arab, A-Shams, arabs48. International news: The New York Times, The International Herald Tribune, The Washington Post, The Independent, AP, The Guardian, UPI, German Press Agency, International Middle East Media Center, Reuters, and The Christian Science Monitor.*

**"The Accused": Adalah demands investigation into Mahash for breach of trust and public confidence**

Adalah, the Committee of the Bereaved Families (October 2000), and the High Follow-up Committee for Arab Citizens of Israel held a very well-attended press conference at Bet Agron in Jerusalem to announce the launching and findings of "The Accused" report. All of the Israeli TV channels (Channel 1, 2, 10 and Knesset TV) and main radio programs (*Reshet Bet* and *Galatz*) reported live from the press conference and broadcast the story on the afternoon and evening news. *Haaretz* ran a series of articles for about one week on various issues raised by the report and a *Haaretz* editorial strongly supported Adalah's demands. All of the Arab local media published articles on the report, and Adalah's lawyers were interviewed by the international Arabic TV: *Al-Jazeera*, *Al-Arabiyya*, *MBC*, and *al-Mustaqbal*.

**S.Ct.: "Gov'ts education plan gives preferential treatment based on nationality and race"**

After eight years of litigation by Adalah, this landmark Supreme Court, decision delivered in 2/06, found that the government's National Priority Areas plan "clearly discriminated against Arabs" and must be overhauled within one year. This case was featured in the *Jerusalem Post*, *Globes Online*, *Haaretz*, the *Forward*, *Wafa*, *UPI*, *International Middle East Media Center*, *Mahsom*, *Walla*, *NRG*, *Al-Ittihad*, *arabs48*, *Aljabha*, and *Ynet*.

**Supreme Court drops charges of supporting terror and upholds MK Dr. Bishara's Immunity**

With charges pending for five years, in 2/06, the Supreme Court accepted Adalah's petition and dismissed the criminal charges against MK Azmi Bishara for his political speeches. *Haaretz*, *Ynet*, *International Middle East Media Center*, *Jerusalem Post*, *Electronic Intifada*, *Kul al-Arab*, *Al-Baidar*, *Fasl al-Maqal*, *Palnet*, *Al-Ittihad*, *arabs48*, and *Al-Jabha* covered the story.

*Other Featured Cases include:*

- **Effects of Gaza Disengagement on Land and Planning in the Naqab.** Adalah's commentary featured in English articles published in *Haaretz* and *YNET* in 1/06.
- **Challenging Travel Ban Imposed on Journalist and Literary Critic Antwan Shalhat.** In 1/06 and 4/06, articles published in *Bessan*, *Betina*, *Kul Al-Arab*, *Fasl al-Maqal*, *Palnet*, *Hadeeth Annas*, *NRG*, *Al-Ittihad*, *arabs48*, *Al-Jabha*, *Mahsom* and *Ha'aretz*.
- **Review of Mahash Investigation Material into October 2000 Killings.** *Haaretz*, 1/06 and 4/06.

- **Petition Demanding Transport for Students from Ness Ziona to School in Ramle.** *Al-Ittihad, Al-Fajer Al-Jaded, and Akhbar Al-Naqab* in 1/06.
- **Transferring Hearings of Security Detainees in Shata Prison and to Open Public Courts.** *Arabs48, Haaretz, and Fasl al-Maqal* in 1/06 and 2/06.
- **S.Ct. Rejects Israeli Army Petition for Second Hearing on 'Human Shields' Ban.** *Palestine News Network, Haaretz, Arutz Sheva and Arabic media outlets* in 2/06.
- **Central Elections Committee Rejects Request to Nix Ra'am-Tal List from Elections.** *Electronic Intifada, Jerusalem Post, YNET, and Haaretz* in 2/06 and 3/06.
- **Bitter Dispute over Big Mosque in Beer al-Sebe Heads Back to Supreme Court.** *Al-Fajer Al-Jaded, Akhbar Al-Naqab, arabs48 and Jerusalem Post* in 1/06 and 3/06.
- **Petition to S.Ct.: 40,000 Dunam Wine Path Plan in Naqab Prevents Arab Land Claims.** *Globes Online and Wafa* in 4/06.
- **Family Waiting Rooms for Visits to Security Detainees in Ohalei Kedar and Eshel Prisons.** *Bessan, Palnet, and Akhbar Al-Naqab* in 4/06.
- **Challenging Eligibility Criteria for Income Assistance for Car Owners and Users.** *Kul Al-Arab, Al-Ittihad, arabs 48, Al-Jabha, and Haaretz* in 4/06.
- **Sakhnin Fails before S.Ct. to Keep Employment Office in Town.** *Haaretz, Jerusalem Post and all Arabic media outlets* in 5/06.
- **Petition to S.Ct. to Bar Promotion of Border Police Commander Benzi Sau, Harshly Criticized by Or Commission and S.Ct. Decision to Cancel the Promotion.** *Haaretz, Jerusalem Post, Ynet, NRG, Galey Tzahal radio and all Arabic media outlets* in 6/06 and 10/06.
- **Objection to Land Confiscation to Build Kiryat Ata Forest.** *Cable TV Hot News, Kol al-Arab, Radio Shams, Panet and Assenara*
- **S.Ct. Rejects Petition Challenging 90% Discount on Leasing Lands for Former Soldiers.** *Jerusalem Post* in 7/06
- **Prohibition on Lawyers' Visits to Detained Hamas Members of the Palestinian Legislative Council and Revocation of their Jerusalem Residency Status.** *Jerusalem Post, Ynet, Washington Post* in 7/06.
- **Letter to AG: Israeli Army Committing War Crimes by killing civilians, bombing villages and massively demolishing homes in Lebanon.** *The Jurist (University of Pittsburgh), Onlinejournal, MENA Financial Network, Arab News, ElectronicLebanon* in 8/06.
- **Haifa District Court: Haifa University's Use of Military Service Criterion to Allocate Student Housing Constitutes Discrimination against Arab Students.** *Haaretz (front page) and magazine (6/9/06), Yediot, Maariv, Globes, NFC, numerous Hebrew radio stations, Ynet, NRG, Jerusalem Post, and all Arabic media outlets* in 8/06.
- **Open Investigation into Ultra-Orthodox Newspaper for Virulently Racist Article Against Arabs.** *Ynet (Hebrew and English – big news article on homepage); Kol al-Arab, Al-Arab, Al-Safir* in 8/06 and 12/06.
- **District Court Refuses More Access to Water for Unrecognized Villages and Appeal to Supreme Court to Overturn this Erroneous Decision.** *Haaretz, Haaretz-The Marker: article by Adalah Attorney Badir; Reshet Bet Radio, Radio Shams, Kol al-Arab, Al-Ittihad, arabs48, IBA TV (English news), International ME Media Center* in 9/06 and 11/06.
- **Petition to S.Ct. Against Discriminatory War Compensation Scheme.** *Haaretz, Ynet, Middle East on Line, IRIN (UN OCHA), Reuters Alert Net* in 9/06.
- **AG Refuses to Indict Police Officers Responsible for Killing Morsi Jabali.** *Feature story in Haaretz, Al-Arab, arabs48, Electronic Intifada* in 10/06.
- **Home Demolitions in the Naqab (demolitions, ex parte orders, warnings).** *Israel TV – Channel 1 weekend news program and Channel 10 – London & Kirschenbaum most watched primetime news show interviewed Adalah Attorney Suhad Bishara; Haaretz magazine feature story; Darom Radio interviewing ILA legal advisor about the issues* in 10/06 and 12/06.
- **Hebrew University Demands Police Character Reference from Arab Visitors.** *Feature story in Haaretz, Radio Shams, Electronic Intifada* in 11/06.

- **Closure of Ansar Al-Sajeen (Prisoners Friends Association).** *IndyBay, The Other Israel (Gush Shalom)* in 11/06.
- **Representing Residents of Kammaneh before S.Ct. as respondents to a petition filed by the Kamoun Committee to Block the Master Plan for the Village.** *Feature in Haaretz, Radio Shams and arabs48* in 11/06.
- **National Insurance Institute Requiring Translations of Official Arabic Documents issued by religious courts, state agencies.** *Feature in Yediot Ahronot; Kol al-Arab, Radio Shams, Sawt Israel* in 11/06.
- **To the Prime Minister: Adalah's Critique of the Government's Naqab 2015 Plan.** *NRG, Galatz, Reshet Bet, Sawt Israel, Radio Shams, Al-Arab* in 11/06.
- **Compensation Issues for the Bereaved Families (October 2000).** All local Hebrew and Arabic media in 11/06 [Note: Adalah is not representing the families in the tort compensation cases but Adalah responded or was cited regarding these issues].
- **S.Ct. Rejects Adalah's Petition Against Using Military Service Criteria for Home Mortgages.** *Reshet Bet and Galatz* in 12/06.
- **Haifa Court Dismisses Indictments against 41 Parents of Children in the "Hewar" School.** *Maariv, Haaretz, NRG, all local Arabic media* in 12/06.

## 2. Articles in Journals

- General Director Attorney Hassan Jabareen, "A Palestinian Perspective on Human Rights: Interview with Yale World Fellow Hassan Jabareen," *The Politic, Yale University Journal*, 29 December 2005, available at: <<http://www.adalah.org/newsletter/eng/jan06/hassan.pdf>>.
- Attorney Marwan Dalal, "Choices of Law, Fragments of History: On Litigating in the Israeli Legal System," *Journal of Palestine Studies*, Issue 139, Spring 2006, available at: <<http://www.palestine-studies.org/final/en/journals/content.php?aid=6805&jid=1&iid=139&vid=XXXV&vol=197>>.
- Attorney Hassan Jabareen, "Legal Rights, Social Status: Arab Citizens of Israel: An Interview with Hassan Jabareen," *Yale Israel Journal*, Number 9, Summer 2006, available at <<http://www.yaleisraeljournal.com/summ2006/jabareen.php>>.
- Attorney Marwan Dalal, Book Review of "Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror" by Mahmood Mamdani, *Arab Studies Journal* (Georgetown University, Fall 2006), available at: <[http://www12.georgetown.edu/sfs/ccas/asj/book\\_reviews.cfm?reviewid=35](http://www12.georgetown.edu/sfs/ccas/asj/book_reviews.cfm?reviewid=35)>.

## 3. Protest Advertisements

- In 1/06, Adalah jointly published in *Haaretz* with 52 other organizations an advertisement against the National Security Council's plan for uprooting the unrecognized villages in Naqab.
- In 6/06, Adalah joined with 30 NGOs in support of the Fair Budget Coalition for the achievement of equal allocation of the state budget for all communities, in an ad placed in *Haaretz*.
- In 8/06, Adalah placed an ad in *Haaretz* during the Second Lebanon War addressed to the Attorney General, stating: "We wish to draw your attention to the judgment of the ICTY, which convicted senior commanders and politicians for killing civilians and the destruction of villages and houses, among other charges. The Tribunal imposed sentences of between 15 and 45 years' imprisonment." The ad was also reported on by *Haaretz* and *Galatz*.

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

### **1. Adalah trains two legal apprentices and a new Arab Bedouin woman lawyer**

Adalah hosted two stagaires (legal apprentices) in 2006: Ms. Abeer Jubran worked with Adalah from 3/05 through 2/06. After passing the Bar, Ms. Jubran joined the legal department of HaMoked: Center for the Defence of the Individual. Ms. Gila Barzilai worked as a legal apprentice with Adalah from 3-12/06 and completed her legal training in 2/07. Ms. Barzilai passed the Israeli Bar examination in 5/07, and hopes to work in a human rights organization.

In 10/06, Adalah recruited Attorney Noor Alatownh to begin working as a lawyer with Adalah. Ms. Alatownh is one of a very small number of Arab Bedouin woman lawyers in Israel, and the first to work with Adalah or any other leading human rights / legal center in Israel. Adalah saw in Ms. Alatownh a young new lawyer with great potential as an individual. Adalah also saw a valuable opportunity for the organization to provide greater representation for and access to Arab Bedouin women in the Naqab. Adalah is providing Ms. Alatownh with substantial and intensive training similar to that which we provide to legal apprentices. Therefore, she will work primarily in Adalah's office in the north under the close supervision of the General Director and more senior staff attorneys for about one year, and will then move to Adalah's office in the Naqab.

### **2. First Annual "Law and Human Rights" conference for 104 Arab law students**

Adalah hosted this very successful two-day conference at Neve Shalom / Wahat al-Salaam in 9/06 attended by 104 Arab law students from law schools throughout Israel. Law student, Ms. Fadia Androus, who is studying at the Netanya Academic College, worked with Adalah to coordinate all aspects of this inaugural event. (See A. *Seminars and Conferences*, above)

### **3. Summer internships for overseas law students and new lawyers**

Priyanka Motaparthi, a law student studying at Columbia University Law School in the United States, interned with Adalah from 6-8/06, conducting research for Adalah's lawyers on prisoners' rights, army command responsibility and education rights. Megan Chorlton, a recent law graduate from Alberta University Faculty of Law in Canada, interned with Adalah from 4-7/06 assisting lawyers by preparing a detailed legal memo on the principle of equality as enshrined in the South African and Canadian constitutions, and conducting research on language rights, social rights and women in the judiciary.

### **4. Partnership with University of Virginia School of Law, International HR Law Clinic**

Adalah worked as a partner with the University of Virginia, School of Law in the US for the second time in 2006. Adalah submitted a legal research request in the fall of 2006 to the international human rights law clinic concerning a case that Adalah and the Palestinian Center for Human Rights-Gaza sought to bring on behalf of Palestinians in Gaza before the Israeli Supreme Court. Two University of Virginia law students wrote a comprehensive legal memo delineating points of international human rights law, international humanitarian law, and comparative constitutional law for the case. Adalah's International Advocacy Director Rina Rosenberg coordinated the project with the law students.

### **5. Partnership with Yale Law School, The Schell International Human Rights Law Clinic**

Adalah and Al-Haq continued partnering with Yale Law School in 2006. In 2005, Adalah and Al-Haq submitted a legal research request to the clinic concerning a case that the organizations wish to bring on behalf of Palestinians in the OPT before the Israeli Supreme Court. Three law students completed 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 coordinated by Al Haq. Adalah's International Advocacy Director Rina Rosenberg coordinated the project with the law students.

**6. Cooperation with and guest lecturers at the al-Quds University HR Clinic in Abu Dis**

In 10/06, Adalah and the al-Quds University Human Rights Clinic – the first legal clinic at the university – began cooperation. Adalah's General Director Attorney Hassan Jabareen is the legal advisor to the clinic on a pro bono basis; Adalah's attorneys began giving lectures during the academic year 2006-2007 to the clinic's students at the university; Adalah and the clinic students are to work on one or two cases together over the next two years. Hassan Jabareen gave one of the opening lectures in 11/06, entitled, "Introduction to Human Rights Litigation: Strategy and Politics. Among the lecture topics to be given by Adalah lawyers in 2007 are: housing and land rights, social rights and gender, family unification and citizenship.

**7. Adalah launches scholarship nomination committee to the Open Society Justice Initiative L.L.M. Fellows Program at the Central European University (CEU), Budapest**

After discussions with OSI on how to best increase cooperation, Adalah formed a scholarship nomination committee in 10/06, comprised of four Adalah Board members and the General Director to select outstanding candidates for consideration by the OSI-CEU Fellowship Program at the CEU. Adalah solicited applications, conducted interviews, and selected two young Arab women lawyers for nomination to the CEU Legal Studies Department for the L.L.M in Human Rights Program for 2007-2009. The fellows program is a two-year program of study and practical work experience. After completing the LLM and an internship with a European NGO, the fellow(s) will work as lawyer(s) with Adalah for at least one year. One of Adalah's candidates' received notification of acceptance in 5/07, while the other was placed on a waiting list. Participation in the program at CEU and at Adalah will be supported by OSI.

#### **IV. INSTITUTIONAL DEVELOPMENT**

This section summarizes Adalah's **institutional development** activities undertaken in 2006. It is organized as follows: A. Planning and Policy Workshops; B. Board and General Assembly; C. Fundraising; and D. Staff and Fellows / Interns.

Adalah's **main achievements** include:

- Began instituting measures to ensure the long-term sustainability of Adalah, primarily through passing an important change in the organizational by-laws relating to the selection of Board members, choosing an office space in Haifa and engaging in negotiations for its purchase, and increasing Adalah's reserve fund for the purchase of an office.
- Five (5) Adalah staff members were awarded prestigious visiting fellowships as well as scholarships for L.L.M. study at law schools in the United States and Northern Ireland.

| <b>PLANNED 2006</b>  | <b>ACHIEVED 2006</b>  |
|--|---|
| <b>A. Planning &amp; Policy Workshops</b> <ul style="list-style-type: none"> <li>• Hold 2 staff/Board workshops</li> <li>• Sponsor training courses for staff</li> </ul>   | <ul style="list-style-type: none"> <li>• Held 3 Board-staff workshops</li> <li>• Sponsored course for staff on GIS, website software and the settlements in the OPT</li> </ul>  |
| <b>B. Board &amp; General Assembly</b> <ul style="list-style-type: none"> <li>• Hold annual GA meeting and election</li> <li>• Hold Board and Finance meetings</li> <li>• Continue to implement by-laws</li> <li>• Work toward purchasing an office</li> </ul> | <ul style="list-style-type: none"> <li>• Held annual GA meeting and Board election</li> <li>• Held 4 Board &amp; 3 Finance meetings</li> <li>• Instituted a key change in the organizational by-laws regarding Board elections</li> <li>• Additional designations to reserve fund and in-depth negotiations for the purchase of a specific office in Haifa</li> </ul> |
| <b>C. Fundraising</b> <ul style="list-style-type: none"> <li>• Manage diversified portfolio of grants</li> <li>• Submit grant renewals and new proposals</li> <li>• Narrative and financial reports to donors</li> </ul>                                       | <ul style="list-style-type: none"> <li>• 11 donors; budget secured for 2006</li> <li>• All grant proposals sent out and approved</li> <li>• 2005 Annual Activities &amp; Audited Financial reports sent to donors and approved</li> <li>• Half-year January to June 2006 Activities &amp; Financial reports sent to donors and approved</li> </ul>                    |
| <b>D. Staff</b>  | <ul style="list-style-type: none"> <li>• 24 staff members and hiring of new staff</li> <li>• Prestigious fellowships and scholarships to five staff members</li> </ul>  |

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

##### **1. Board-Staff Study Days: Planning and Evaluation Workshop I, Jerusalem, 1/06**

The two main objectives of the three-day sessions were: (i) to discuss and decide on Adalah's work plan for 2006, and (ii) to debate provisions of our draft Bill of Rights (*update*: the document was released in 2/07 under the title of "The Democratic Constitution"). Senior staff and Board members assessed Adalah's work in 2005, noting the main achievements and suggestions for improvements, and staff set out an overview of key programs (legal action, international advocacy, legal education, and institutional development) for 2006.

## **2. Board-Staff Study Days: Planning and Evaluation Workshop II, Jerusalem, 5/06**

Four main subjects were discussed at this two-day workshop: (i) the preparation of an organizational manual (presentation by our consultant, Mr. Fathi Marshoud, Director of Shatil's Haifa Office); (ii) our work and our relationships with other NGOs in the Naqab; (iii) progress on Adalah's draft Bill of Rights ("The Democratic Constitution"); and (iv) an update on upcoming plans (e.g., family unification, Mahash, conferences). The participants also took a tour of the Wall in and around Jerusalem, guided by the Stop the Wall Campaign.

## **3. Board-Staff Study Days: Planning and Evaluation Workshop III, Jerusalem, 10/06**

The main subjects of the study days were: (i) the launching of "The Democratic Constitution"; (ii) a campaign of events to mark the tenth anniversary of Adalah; (iii) the "Not on the Map" conference regarding the unrecognized villages; (iv) preparations for the General Assembly meeting held in 12/06 and (v) decided upon our main focus areas of our work in 2007.

## **4. Qahwet al-Ithneyn (Monday Coffee)**

In the fall of 2006, Adalah initiated a new, more informal weekly meeting for staff called "Qahwet al-Ithneyn" (Arabic for "Monday Coffee"). At "Qahwet al-Ithneyn" staff members discuss their main activities for the previous and the coming weeks; evaluate media coverage of Adalah's work; appoint small committees to plan for upcoming events; etc. Full staff and legal staff meetings were also held periodically throughout 2006.

### **Training Workshops**

## **5. Staff training on ARC View for GIS to support and strengthen Adalah's legal actions**

In 1/06, Adalah purchased a Geographic Information System (GIS). GIS is a computer system capable of storing, analyzing and relating different information by location, and displaying it in a map format. The maps produced visually illustrate Adalah's legal work and strengthen our representations before the courts. Adalah's Urban and Regional Planner, Hana Hamdan, and our webmaster, Fadi Karkaby, attended a four-day training session on new elements of the GIS ARC View 9.X Program in 1/06.

## **6. OSI workshop for software developers on Campsite Website Program**

In 7/06, Adalah's webmaster, Fadi Karkaby attended a week-long training session in Prague, The Czech Republic on the Campsite Website software program, which Adalah will use in its redesigned website. The session included technical training on how to utilize the software, and provided information on the latest product updates and re-designs. [Supported by OSI]

## **7. The Arab Cultural Association – "Architecture and Identity", training sessions on Arab architecture**

In 12/06, Adalah's Urban and Regional Planner Hanna Hamdan participated in study days held by the Arab Cultural Association in Amman, Jordan, attended by 60 Arab professionals from Israel in the fields of architecture, engineering and planning. The aims of the study days were to increase awareness among Arab citizens of Israel of Arab architecture, and to strengthen professional contacts with the Arab world. The program included an architectural tour of Amman and meetings with Jordanian architects and engineers.

## **8. Peace Now Settlement Watch Course**

In 10/06-11/06, International Advocacy Director Rina Rosenberg and Publications Coordinator Katie Hesketh attended a weekly lecture series held over six weeks in Tel Aviv by Peace Now on the Israeli settlements in the OPT. The lectures, given by lawyers, academics, former military officers, and other professionals, covered the history of the settlements, the current status of the settlement and the outposts, the Wall in Jerusalem and its settlements, the settlements and the media, and the battle against the settlement enterprise. The course also included a guided tour of settlements and outposts in the West Bank.

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

**1. Annual General Assembly Meeting.** In December 2006, Adalah held its annual GA meeting in our offices in Shafa'amr. Members of the GA discussed Adalah's "Democratic Constitution", and discussed and approved Adalah's 2005 and 2006 Activities Reports, Audited Financial Statements for 2005, as well as the Control Committee's reports. The GA also re-appointed our auditor, Mr. Nazeeh Bocaie, CPA. An extraordinary session of the GA was held in 7/06 for a discussion of the "Democratic Constitution". During this session, the basic principles of the draft were approved.

Each GA member contributes a NIS 150 annual fee. Adalah currently has 46 GA members.

At the 12/06 meeting, the GA also voted to approve a change in the organizational by-laws of Adalah, involving the election of Board members. Under the existing by-laws, Board members were elected by the General Assembly. Pursuant to the change, it was agreed that the election process would adhere to the following principles: (a) Adalah's Board will select new Board members according to clear criteria; (b) The names of the new members will be brought before the GA for approval or rejection; and (c) The by-laws will be re-written with regard to the new election method in accordance with the recommendation of Adalah's organizational consultant Fathi Marshoud within six months. With this change, the organizational and professional needs of Adalah can best be realized, and thus, the sustainability of Adalah better assured.

**2. 10<sup>th</sup> Anniversary of Adalah – "Mufakeret Adalah".** Adalah conceptualized, designed and produced a commemorative hard-back datebook in Arabic to mark its tenth anniversary. The datebook notes dates of national and historical significance for Palestinians, as well as international human rights days. Summaries of international human rights conventions are provided, along with directories of local, regional and international human rights organizations and media outlets. The datebook ends with a special section on the unrecognized villages in the Naqab and the destroyed villages, containing background information, maps and statistics. 1,000 copies of Mufakeret Adalah were produced and distributed to the members of Adalah's General Assembly, Board of Directors, clients, volunteers, human rights organizations, Arab local authorities and other friends of Adalah.

### **3. Adalah's Board of Directors – 2006**

To view Board Profiles, see: <<http://www.adalah.org/eng/staffboard.php>>

- **Chairperson, Prof. 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. Thabet Abu Ras.** Lecturer in the Department of Geography and Environmental Development, Ben Gurion University of the Negev. Former 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.
- **Prof. Muhammad Haj-Yahia.** School of Social Work, The Hebrew University, Jerusalem, specializing in violence against women and the maltreatment of children. Board member since 2005.
- **Ms. Samar Khamis,** Advocate. Head of private law practice in Eilabun; a board member of *Assiwar*. Board member since 2004. *Ms. Khamis and her family moved to Switzerland in 2006, and thus she completed her Board service at the end of the year.*
- **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. *Mr. Natour completed his Board term at the end of 2006.*

- **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.

#### **Audit Control Committee Members – 2006**

- **Muhammad Miari, Advocate.** Retired lawyer and former Member of Knesset for the Arab Progressive Movement for Peace (1984-1992). Active currently with several Arab NGOs in Israel and as a commissioner on the Palestinian Independent Commission for Citizens' Rights.
- **Waeil Rabi, Advocate.** Heads a private law office specializing in civil litigation (commercial law and torts), land, planning and building, and local law. Member of three Israeli Bar Association committees.

#### **Incoming Board Members – Term beginning January 2007**

- **Dr. Hala Khoury-Bisharat, Advocate.** Adjunct lecturer in international criminal law in the Faculties of Law, Haifa University, Tel Aviv University, and the College of Management from 2005. Worked as an editor for Adalah's Review and publications in 2005.
- **Fuad Sultany, Advocate.** Heads a private law office in Tira. Worked with Ansar al-Sajeen (The Prisoners' Friends Association) for ten years. Served on Adalah's Board from 2001-2004.

The Board of Directors **held 4 meetings** in 2006. 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 Democratic Constitution, amending the by-laws, preparing for the purchase of a new office for Adalah, contributing to the organization's work plan for 2007, and contributing articles and commentaries to *Adalah's Newsletter* and other publications and events.

#### **4. Financial Committee (FC)**

Adalah's FC convened **three times** to review and discuss the audited financial report for 2005, prepared by our external auditor, Nazeeh Bocaie, CPA, and to monitor income and budget expenditures for 2006. Staff provided quarterly unaudited financial reports to FC members and regularly sought consultation and approval regarding financial issues and policies. The members of the FC are: Prof. Marwan Dwairy (signatory); Dr. Mahmoud Yazbak (signatory); General Director Attorney Hassan Jabareen (signatory); Accountant Basheer Geraisy; Administrative Director Fathiyya Hussein, and International Advocacy Director Rina Rosenberg.

The Board decided in 2006 that General Director Hassan Jabareen, Board Member Mahmoud Yazbak, and organizational consultant Fathi Marshoud would prepare a **salaries scale** for the organization. Two discussion sessions were held in 2006, and a table of comparative salary scales in other human rights legal NGOs in Israel was obtained. Adalah plans to complete the salaries scale in 2007 and adjust salaries in 2008 accordingly.

#### **5. Reserve Fund for Building**

Adalah's Board of Directors decided in 2006 to set aside NIS 655,443 from the accumulated general fund for the period 1997-2003 for the purposes of buying an office for Adalah. NOVIB, a long-term donor to Adalah, also approved the designation of 12% of grant funds awarded in 2006 and 2007 toward the reserve fund for a building. These additional sums join the reserve fund already designated in Adalah's 2004 Audited Financial Report. Adalah intends to continue setting aside funds each year to the reserve fund for the additional purchase of assets to further ensure the sustainability of the organization.

## **C. Fundraising**

### **1. Summary of Budget and Expenditure: 2006**

|                                |             |
|--------------------------------|-------------|
| Estimated Budget for 2006:     | \$1,200,000 |
| Total grants obtained in 2006: | \$1,004,766 |
| Spending in 2006:              | \$938,527   |

### **2. Portfolio of Grants**

Adalah had **11** international foundation donors in 2006. Our donors are: The Ford Foundation Israel Fund (US); The Open Society Development Foundation (Switzerland/US); NOVIB (The Netherlands); The New Israel Fund (US); EED (Germany); The European Community (Belgium); Foundation for Middle East Peace (US); Ministry of Foreign Affairs (Switzerland); Naomi and Nehemiah Cohen Foundation (US); The Welfare Association (Jordan/Switzerland); and Christian Aid (Great Britain). We acknowledge and sincerely appreciate the generous support provided by all of our foundation and individual donors.

### **3. Narrative and Financial Reports**

Adalah completed and sent our 2005 Annual Activities Report and Audited Financial Report to all partners in mid-April 2006. These reports were accepted and approved by all of our donor organizations. Adalah also prepared and sent our half-year report of activities and financial statement covering the period of January-June 2006 in September 2006 to all contributors, as required by contracts.

**D. Staff - 2006**

To view Adalah's Staff Profiles, see: <<http://www.adalah.org/eng/staffboard.php>>.

| <b>Job Title</b>                                 | <b>Name</b>                                     | <b>Full or Part Time</b>   |
|--|---|--|
| General Director                                 | Mr. Hassan Jabareen, Advocate                   | Partial Leave for Visiting Fellowship (1/06-5/06); Full (6/06-12/06) |
| Attorney and Acting General Director (8/05-5/06) | Ms. Orna Kohn, Advocate                         | Full (1/06-8/06)<br>Study Leave for LLM (9/06-8/07)                  |
| <b>Legal Department</b>                          |   |  |
| Attorney and Acting Legal Director (8/05-5/06)   | Mr. Marwan Dalal, Advocate                      | Full (1/06-8/06); Leave for Visiting Fellowship (9/06-12/06)         |
| Attorney and Coordinator of the Legal Department | Ms. Suhad Bishara, Advocate                     | Maternity Leave (8/05-3/06); Part (75%) (4/06-12/06)                 |
| Attorney   | Ms. Noor Alatownh, Advocate                     | Full (from 10/06)  |
| Attorney   | Mr. Adel Badeer, Advocate                       | Part (60%-80%)   |
| Attorney   | Ms. Abeer Baker, Advocate                       | Full   |
| Attorney (Naqab Office)                          | Mr. Morad El-Sana, Advocate<br>Mr. Nabil Dakwar | Full (1/06-7/06);<br>Full (from 9/06)                                |
| Attorney   | Ms. Sawsan Zaher, Advocate                      | Full   |
| Field Researcher and Office Manager, Naqab       | Mr. Salem Abu-Medeghem                          | Full   |
| Urban and Regional Planner                       | Ms. Hana Hamdan                                 | Part   |
| Stagaire   | Ms. Abeer Jubran<br>Ms. Gila Barzilai           | Full (thru 2/06)<br>Full (from 3/06)                                 |
| Law Student                                      | Ms. Fadia Androus<br>Ms. Haneen Naamneh         | Full (8/06-10/06)<br>Part (10/06-12/6)                               |
| <b>Public Relations Department</b>               |   |  |
| International Advocacy Director                  | Ms. Rina Rosenberg                              | Partial Leave for Study (1/06-8/06); Full (9/06-12/06)               |
| Publications Coordinator                         | Ms. Katie Hesketh                               | Full   |
| <i>Adalah's Review</i> Editor                    | Ms. Hala Khoury-Bisharat<br>Ms. Manal Toutry    | On Leave (from 1/06)<br>Part (from 9/06)                             |
| Publications Legal Researcher                    | Ms. Maisam Musallem<br>Ms. Rasha Assaf          | Part (thru 4/06)<br>Full (from 8/06)                                 |
| Media Coordinator                                | Ms. Amal Zeidah                                 | Full (from 8/06)   |
| Hebrew Publications Editor                       | Mr. Ran Shapira                                 | Part   |
| Arabic Publications Editor                       | Mr. Salim Abu Jabal                             | Part (4/06-7/06)   |
| IT / Webmaster                                   | Mr. Fadi Karkaby                                | Full   |
| <b>Administration</b>                            |   |  |
| Administrative Director                          | Ms. Fathiyya Hussein                            | Part (80%)   |
| Accountant                                       | Mr. Basheer Geraisy                             | Part   |
| Administrative Assistant                         | Ms. Christine Nasrallah                         | Full   |

As of 31 December 2006, Adalah had 24 staff members (including 2 staff members on study leave). Of the 22 staff members working in our offices in 2006, 15 worked full-time and 7 worked part-time; and 14 are women and 8 are men. 20 staff members worked in Adalah's office in Shafa'amr and 2 staff members worked in Adalah's office in Beer el-Sabe (Beer Sheva).

Adalah Attorney Orna Kohn served as the Acting General Director of Adalah from 8/05 to 5/06. Adalah Attorney Marwan Dalal served as the Acting Legal Director of Adalah for the same period. During this time, General Director Attorney Hassan Jabareen and International Advocacy Director Rina Rosenberg were in residence at Yale University in the United States.

### **Staff Honors**

1. Adalah's General Director, Hassan Jabareen, Advocate, was awarded a prestigious scholarship by Yale University (US) and was in residence at the university as a Yale World Fellow from 8/05-5/06.
2. Orna Kohn, Advocate was awarded a partial tuition scholarship from the University of Ulster in Belfast, in Northern Ireland to study for an LLM in human rights. Orna will be in residence at the university from 9/06-8/07.
3. Marwan Dalal, Advocate was selected to participate in Columbia Law School's Public Interest Law Initiative program in NY, with a scholarship from OSI. Marwan was in residence at the university from 9/06-12/06.
4. Morad El-Sana, Advocate was selected by the New Israel Fund as one of two lawyers to participate in the NIF Law Fellows Program. Morad will study at the American University, Washington College of Law in Washington, DC from 8/06-8/07 to obtain an LLM degree.
5. Rina Rosenberg, Esq. was appointed by Yale Law School as a Schell Fellow with the Schell Center for International Human Rights, and received a scholarship for intensive summer study of Arabic. Rina was in residence at the university from 8/05-8/06.

### **New Staff Members – 2007**

Ms. Fatmeh El-Ajou, Advocate joined Adalah's staff as a lawyer in 1/07. Mr. Alla Abdallah and Mr. Ihab Asleh began their legal apprenticeships (staige) with Adalah in 3/07. Ms. Eva Mousa, former Media Coordinator, re-joined Adalah's staff in 5/07 as the Director of the Public Relations Department.

### **Appreciation for Adalah's Volunteers**

Numerous Palestinian, Israeli and international lawyers, academics and activists contributed to Adalah's work in 2006 as volunteers. These professionals wrote articles and commentaries for *Adalah's Newsletter*, *Makan* and *Adalah's Review*; served on editorial committees; provided expert opinions for Adalah's petitions; and spoke at public conferences and internal staff-Board study days, all without fees. Adalah wishes to thank all of its supporters, colleagues, friends and volunteers for generously contributing to the work of the organization. For this strong support and commitment to promoting and defending the rights of Palestinian citizens of Israel, Adalah is very grateful. Adalah also greatly appreciates the hard work of administrative intern Ms. Noura al-Mahdhe in our Naqab office, and our legal interns and human rights advocacy fellows from overseas: Ms. Leila Hull, Ms. Megan Chorlton, and Ms. Priyanka Motaparthy.

*The contents of this publication is the sole responsibility of Adalah and can in no way be taken to reflect the views of the European Union or any other donor to Adalah.*