

**Address by Retired Supreme Court Justice Ayala Procaccia
at the New Israel Fund's Human Rights Awards Ceremony, December 13, 2011
for Attorney Hassan Jabareen (Herman Schwartz Prize¹)
and Attorney Dan Yakir (Guardian of Human Rights Prize²)**

The presentation of the New Israel Fund awards to attorneys Hassan Jabareen and Dan Yakir is first of all a festive occasion to the prize winners, who represent by their vision, their commitment, and their personal and professional devotion, activity on behalf of human rights in the fullest and deepest sense.

This is of course a day of celebration for the human rights organizations that devote their activities and resources to defending and furthering the rights of the individual. This is also a celebration for the New Israel Fund, which by awarding recognition and appreciation to the winners, expresses not only its heartfelt gratitude, but the appreciation of all those who pursue human rights, wherever they may be, to the extraordinary contribution of these two men in the framework of their organizations to the consolidation and development of human rights in Israel.

This is an important day for Israeli democracy and the system of human rights upon whose core principles it is founded.

Human rights are a core component of constitutional democracy in Israel, without which true democracy cannot be established.

By acquiring a supreme normative status for human rights, democracy extends its protection to the individual, to the minority, to the weak, to the victim of discrimination, and to the stranger from the majority's power to harm.

The supreme constitutional status of human rights in Israel's legal system entails their being respected and enforced, even when their defense is not absolute but only relative, by giving both human rights and the opposing public interest due consideration.

The human rights organizations—and Adalah and the Association for Civil Rights in Israel among them—are the faithful servants of the human rights system in Israel.

¹ This prize was given within the framework of the Israel-US Civil Liberties Law Program of the New Israel Fund and the American University.

² This prize was supported by the Israela Goldblum Fund and the New Israel Fund.

They operate in the various rights sectors with the goal of healing the personal and collective wounds to human rights by standing up for respecting political and civil rights, by fulfilling economic, social, and cultural rights, and by standing up for the rights of suspects, the accused, the detained, and prisoners in every stage of the criminal process and punishment.

The Adalah organization has dealt for some 15 years in defending the human rights of Israeli citizens from the Arab sector and the rights of Palestinians from the territories. Under the leadership and the inspiration of attorney Jabareen, the organization works to defend the Arab minority throughout the spectrum of human rights in various channels of activity, among them the initiation of steps before government authorities and the courts, alongside manifold public activity.

Adalah's petitions to the High Court of Justice deal with a wide range of human rights associated with the Arab public, among them the equal distribution of public resources, freedom of speech and political freedom, family rights, the official status of Arabic, freedom of religion and worship, and various social rights. An important part of the decisions in principle handed down by the High Court of Justice on human rights issues were given in petitions submitted by the organization. The activity of Adalah under the leadership of attorney Jabareen excels in its commitment, determination, and high professional and cultural level. This is an organization that works to advance human rights by legal means, not extra-legal means, by outstanding intellectual power, high moral commitment, and a broad vision of Israeli society in all its diversity. These special characteristics have given the Adalah organization its unique status on the map of human rights organizations in Israel.

The Association for Civil Rights in Israel has worked for years to defend human rights in Israel in the broadest sense of the term. It is devoted to defending and developing basic rights in all sectors of Israeli society and in the entire rights spectrum. It provides defense without distinction of religion, ethnic group, gender, nationality, or political affiliation. It divides its activities among various channels of action, among them activities connected with legislation in the Knesset, the initiating of legal action in the courts, providing legal assistance to the needy, and widespread educational and training activities on human rights issues.

The fields of action of Adalah and ACRI partly overlap and complement one another.

The importance of their contribution to defending and developing human rights greatly exceeds the specific issues on their public and legal agendas. Their activity contributes to deepening the internal content and general significance of democracy in Israel, and raising the moral level of Israeli society at large. The judicial norms established following the organizations' initiatives have a wide impact on the entire society. Their activity has educational, social, and moral value that exceeds whatever particular issue that has been brought for resolution.

Human rights are the very heart and soul of Israeli democracy. It is not enough for them to be written in law books and the verdicts of the courts.

In order to give them life, a motivating force is necessary to translate these abstract principles to the everyday reality in the field. The human rights organizations are the connecting link between the principles of human rights and their implementation on the ground of reality. They are the seeing eye, the listening ear, and the attentive heart to what goes on in the field. They are what bring the distress of the individual and the community to the public consciousness and to the test of the ruling authorities. Without them, where would the individuals and communities go that lack the strength to conduct their struggles by themselves?

The central part of the human rights organizations in Israeli democracy is doubly important in this period, in which we must stand guard over the basic constitutional values of Israel's system of government and justice. At a time when attempts are being made to limit and narrow the ability of these organizations to act in defense of human rights, it must be hoped that the internal restraining mechanisms of Israeli democracy will once again meet the test and not permit these attempts to succeed. But it is not enough to repel attempts at harm. It is necessary to act, to support and encourage the human rights organizations so as to enable them to broaden their activity and fulfill their goals. As much as the organizations' activity is consolidated and developed, so will the substance of Israeli democracy be strengthened. Without the manifold activity of the human rights organizations, human rights in Israel are liable to wither into insignificance without any grasp on the reality of life.

Behind the bodies and organizations that perform this holy work are always people of vision who act to translate this vision into a living language. As we know, everything in the end rises and falls by the human element, and to a great extent on the worth and level of the leadership that guides the idea, outlines the objectives, and works to fulfill them by translating them into the language of practice. These things may be said about the awardees before us.

Attorney Hassan Jabareen, one of the founders and leaders of Adalah, and attorney Dan Yakir, one of the leaders of the Association for Civil Rights in Israel, were both formed from that same special leadership material around which groups focus to fulfill their ideas. Such leadership is characterized, first of all, by a clear vision and complete devotion to it, by an absolute willingness to devote their professional lives to carry it out, and by investing all of their personal resources to that end—even if this entails significant personal sacrifices. It entails a total commitment to realize the objectives, even at the knowledge that the path is not always strewn with successes, and even when it is paved with failures and disappointments. Such leadership does not give in, even when the course is winding and difficult, and expressions of acknowledgement and recognition are not waiting at its end.

As one who has followed the activities of attorneys Jabareen and Yakir for many years in the frameworks of legal procedures they have initiated for their organizations in the High Court of Justice, I can testify that the organizations, the Israeli public, and the country's constitutional democracy have been privileged with human rights leaders of the highest caliber. They combine vision, total commitment to achieving it, great human sensitivity, and the highest intellectual and judicial level. By their special qualities they

have illuminated the path of the human rights organizations and led them to significant achievements in developing human rights in Israeli society. However, the road to achieving the vision is still long, and strewn with obstacles. These awards of recognition being given today by the New Israel Fund are not only an expression of appreciation for past activity, but also an encouragement and incentive to continue forward, without letting up; to progress in defending human rights in all the areas that have not yet found resolution; and to illuminate the corners of Israeli society that are still in the dark.

Permit me to conclude on a personal note. I don't know Hassan Jabareen and Dan Yakir closely. I've never even had the opportunity of having a personal conversation with them. Our periodic meetings always took place in the great hall of the Supreme Court, where a great distance separated the justices' bench and the lawyers' table. Nevertheless, in a strange way I feel as if we are old friends, by virtue of our joint efforts—each from his own direction in complex and penetrating legal, national, and human issues, and by way of the invisible thread that links people that passes from the brain to the heart, connecting them by common values and similar hopes.

My heartfelt congratulations to the awardees, and my wishes for the fruitful continuation of this important enterprise.