



## **Adalah's Case List: Coronavirus and Human Rights**

### ***Petitions pending before the Israeli Supreme Court – as of 14 April 2020***

Adalah filed seven (7) petitions before the Israeli before the Israeli Supreme Court, six of which remain pending, in three main areas: (i) ensuring access to health care; (ii) promoting dignified life, and (iii) promoting the rule of law and separation of powers. Four of these cases challenge the government's authority to continuously decree Emergency Regulations regarding the coronavirus epidemic without the involvement of the Knesset.

#### **I. Ensuring access to health care**

##### **(1) 8 APRIL 2020: Access to coronavirus testing for 150,000 Palestinians living behind the Separation Wall**

**Interim Success:** In response to Adalah's urgent Israeli Supreme Court (SCT) petition, Israeli health authorities have committed to opening clinics and testing centers via the Clalit HMO in the Shuafat refugee camp, Kufr Aqab, and Silwan neighborhoods starting today 14 April 2020. [PRESS RELEASE](#)

Adalah filed an urgent Israeli SCT petition, in coordination with the Civic Coalition for Palestinian Rights in Jerusalem, demanding coronavirus testing for Palestinians living in Kufr Aqab, the Shuafat refugee camp and adjacent neighborhoods. 150,000 Palestinians with Israeli-issued Jerusalem ID cards who live in these areas located beyond the Israeli separation wall have no access to coronavirus testing. Officially these neighborhoods are part of the jurisdiction of the Jerusalem Municipality, and the Israeli Health Ministry is responsible for the ensuring the health and well-being of these residents. The Palestinian health ministry is not allowed to give them any services. The petition was filed on behalf of Adalah, the Chairman of the Northern Neighborhoods Committee (Kfar Aqab), four residents of Kfar Aqab, and four NGOs in the Shuafat refugee camp: the Palestinian Child Center, the Feminist Center, the Al Quds Association for Training and Special Education, and the Youth Center. The Court ordered the state to respond by 13 April 2020. [PRESS RELEASE](#)

**Case Citation:** *HCJ 2471/20, Adalah et al. v. Ministry of Health (case pending)*

##### **(2) 1 APRIL 2020: Access to coronavirus testing Bedouin citizens of Israel living in the Naqab**

Adalah filed an urgent petition to Israeli Supreme Court (SCT) demanding that the state establish coronavirus drive-in test centers for Bedouin villages in the Naqab (Negev) or, alternately, a mobile test center. Adalah also called for allocation of additional ambulances in Naqab as current emergency medical vehicles only sufficient to provide partial services. Petition filed on behalf of Adalah, the High Follow-Up Committee for Arab Citizens of Israel, the Arab Doctors Association in the Naqab, the Negev Coexistence Forum for Civil Equality (NCF), and the Regional Council for Unrecognized Villages in the Naqab (RCUV). The state responded to the petition citing certain medical criteria and need, and Adalah replied on 10 April. [PRESS RELEASE](#) *Update:* On 14 April, the Court dismissed the petition ruling that it did not want to intervene in the allocation of resources. However, two of three justices stated that since the allocation of resources is not clear and dependent on daily developments, the state should consider if circumstances oblige it to provide more tests to Bedouins living around Roads

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25, 31 and 80 (failing to also note Road 40). Further, the Court wrote that based on the state's response from 5 April, it appears that there are more solutions for Naqab residents.

***Case Citation: HCJ 2359/20, Adalah et. al. v. The Prime Minister (case dismissed 14 April 2020)***

## **II. Promoting dignified life**

### **(3) 12 APRIL 2020 – Challenging emergency regulations allowing the dismissal of pregnant women from employment with a permit from the Labor Ministry**

Adalah, on behalf MK Aida Touma Sulieman (Joint List), the Chairwoman of the Knesset's Special Committee on Welfare and Labor Affairs, filed an urgent petition to the Israeli Supreme Court against the Emergency Regulations that were approved last week (6 April). These regulations allow employers to put pregnant women, women undergoing fertility treatments, and women on maternity leave and 60 days after their return to work, on unpaid leave without obtaining a special permit from the Labor Ministry, in violation of The Employment of Women Law – 1954. The SCT has scheduled a hearing for 20 April 2020. [PRESS RELEASE](#)

***Case Citation: HCJ 2486/20 MK Aida Touma Sulieman and Adalah v. The Prime Minister (case pending) (Court joined HCJ 2499/20, The Women's International Zionist Organization (WIZO) et al. v. The Prime Minister)***

### **(4) 5 APRIL 2020 – Demanding distance learning, education rights for 50,000 Bedouin pupils in Naqab**

Adalah filed a petition to Israeli SCT demanding access to computers and internet for children in unrecognized and newly-recognized Bedouin villages in Naqab (Negev) region in order to enable them to learn during the coronavirus period. More than 50,000 Palestinian Bedouin children in Naqab (Negev) villages are not connected to electricity or internet, most don't have computers. Since school was closed on 15 March due to the coronavirus, their right to education has been denied. The petition was filed on behalf of Adalah, the Follow-up Committee for Arab Education, the Regional Council for Unrecognized Villages in the Naqab, the National Association of Arab Parents' Committees for Education, the Negev Coexistence Forum, Hamleh - The Arab Center for Social Media Development, and five children living in the unrecognized villages. The Court ordered the state to respond by 26 April 2020. [PRESS RELEASE](#)

***Case Citation: HCJ 2398/20, Adalah et. al. v. The Prime Minister, et, al (case pending)***

### **(5) 26 MARCH 2020 – Demanding right to counsel for prisoners**

Adalah, Addameer: Prisoner Support and Human Rights Association, and Attorney Abeer Baker petitioned the Israeli SCT demanding the cancellation of emergency regulations that ban prisoners held by Israel from meeting with lawyers and families; and demanding access to telephone communications. A hearing was held on 2 April 2020. Case pending for decision. [PRESS RELEASE](#)

***Case Citation: HCJ 2282/20, Attorney Abeer Baker, et. al. v. The Prime Minister (case pending) (joined with HCJ 2282/20 Nawal Ghanem et. al v. Israel Prison Service)***

### **III. Promoting the Rule of Law and the Separation of Powers**

#### **(6) 5 and 7 APRIL 2020 – Challenging the power of the executive to issue Emergency Regulations**

The Joint List and Adalah filed a petition to the Israeli SCT (on 5 April) maintaining that the government has no authority to issue Emergency Regulations to confront coronavirus pandemic and that all actions must be conducted via legislature in accordance with the Basic Law: The Government. Immediately after filing the case, the SCT gave the state 14 days to respond. However, on 6 April, the AG informed the Prime Minister that in his view there are constitutional problems with the government's continuous approval of Emergency Regulations regarding the coronavirus, and it contradicts the rule the law. In light of the AG's position and the facts and legal analysis of the issues as presented in Adalah's petition, Adalah filed a motion on 7 April asking for an interim injunction, an "order to cause" and a request for an urgent hearing. Adalah argued in its motion that irreversible damage will be done by the executive by curbing the legislative process, to the public, to the rule of law and to the principle of separation of powers. The Court denied the motion for an interim injunction, no hearing date set. [PRESS RELEASE](#)

***Case Citation: HCJ 2399/20, Adalah and the Joint List v. The Prime Minister (case pending)***

#### **(7) 18 MARCH and 5 APRIL 2020 – Challenging the legality of Shin Bet (GSS) cellphone surveillance of citizens, both coronavirus patients and the location of persons who were in their vicinity**

The Joint List and Adalah filed an amended petition to the Israeli SCT (5 April) against the Prime Minister, the Shin Bet, Israeli police, and Health Ministry demanding the cancellation of Emergency Regulations authorizing the police to exploit the cellular location data of Israeli citizens; the amendment to Emergency Regulations expanding the powers of the Shin Bet to participate in the national effort against coronavirus; and the government's 31 March 2020 resolution which extends the Shin Bet's powers to gather private information on Israeli citizens and residents as part of efforts to combat the coronavirus pandemic.

Adalah's submitted its first petition against these regulations on 18 March, and achieved an initial *partial success* in that the Supreme Court issued an interim injunction limiting these practices. After the hearing on 19 March 2020, the Knesset resumed its activities and established an oversight committee to examine and supervise the implementation of these practices. The Court later on 24 March cancelled the interim injunction based on the Attorney General's claim that the state fulfilled the courts' orders in the injunction. Adalah filed another request for an interim injunction (14 April) regarding the Emergency Regulations relating to the police and location data. [PRESS RELEASE 1](#) (18 March), [PRESS RELEASE 2](#) (19 March), [PRESS RELEASE 3](#) (5 April)

*A hearing on the amended petition is scheduled for 16 April 2020 at 11:30 am. This case will be the first to be BROADCAST LIVE on the Israeli Supreme Court's website (in Hebrew).*

***Case Citation: HCJ 2141/20, Adalah and the Joint List v. The Prime Minister, et. al (case pending) (joined with HCJ 2190/20, Adv. Shahar Ben Meir v. Knesset; HCJ 2135/20, ACRI v. Prime Minister, and HCJ 2187/20, The Journalists' Union in Israel v. Prime Minister)***