

Adalah's Litigation Docket

Pending cases and recent court decisions as of June 2014

I. Land and Planning Rights

Supreme Court (SCT)

1. Petition to SCT demanding the cancellation of an Israel Land Authority (ILA) policy permitting the marketing and allocation of **Jewish National Fund (JNF)**-controlled lands by the ILA through bids open only to Jewish individuals. In 2007, the JNF and the state agreed that Arab citizens could bid for JNF-controlled lands, and that the state would compensate the JNF for any land acquired by Arab citizens by transferring alternative state lands to it. Adalah rejected this agreement as discriminatory. Case pending for decision.
(Supreme Court) HCI 9205/04, Adalah v. Israel Land Administration, et al.
2. Petition to SCT demanding the **cancellation of the "Admissions Committee Law"**, enacted in 3/11, which legalizes "admissions committees" and the use of "social suitability" criterion to determine whether to accept or reject individuals who wish to live in these towns. This criterion overwhelmingly affects Palestinian Arab citizens of Israel. Last hearing held before an expanded panel of nine justices in 12/12. Case pending for decision.
(Supreme Court) HCI 2504/11, Adalah, et al v. The Knesset, et al.
3. Appeal to the SCT against the decision of the Beer Sheva District Court to allow the **eviction of Arab Bedouin citizens of Israel from their homes in the unrecognized village of Atir-Umm el-Hieran** in the Naqab (Negev) in order for the state to expand the "Yatir Forest" and to build a new Jewish town named "Hiran" on the same land. Hearing held in 11/13. Case pending for decision.
(Supreme Court) Appeal 3094/11, Ibrahim Farhood Abu al-Qi'an, et al. v. The State of Israel
4. Motion for permission to appeal filed to the SCT in 4/14 against decisions of the Kiryat Gat Magistrates' Court in 12/11 and the Beer Sheva District Court in 3/14 to uphold **ex parte demolition orders against 33 homes in Umm el-Hieran**. The demolition orders are currently frozen for at least nine months, so that the people can "manage their own affairs." Case is pending.
(Supreme Court) Request to Appeal 3082/14, Musa Abu el-Qian, et al. v. The State of Israel
5. Petition to SCT in 12/13 against **a construction company that refuses to sell apartments in Afula to Arab citizens of Israel**. In refusing the sale, the company argues that the area is not a "mixed neighborhood". The housing project, however, is being built on "public land". Both the state and the JNF responded stating that the apartments should be open for all but the company replied that it has a right not to sell. Hearing set for 9/14.
(Supreme Court) HCI 8625/13, Muhannad Khoury v. Israel Land Authority (ILA)

District and Magistrates' Courts

6. Appeals to the Beer Sheva District Court filed in 12/13 against the decision by the Magistrate Court in 10/13 to uphold 19 eviction lawsuits against Arab Bedouin living in Atir-Umm el-Hieran. (These cases are part of a group of cases, some of which are also pending before the SCT, see above Appeal 3094/11). Although all of these cases are pending, in 11/13, the government announced

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that it would accelerate the demolition of Umm el-Hieran in order to build the Jewish town of 'Hiran'. In 4/14, District Court decided to stay further proceedings on these cases pending the SCT decision in Appeal 3094/11 (see above).

Civil Appeal 24239-12-13, Musa Abu el-Qian, et. al. v. The State of Israel

Planning and Building Committees

7. [Appeal submitted in 3/13 to the National Council for Planning and Building against the "Yatir Forest Plan 264/03/11,"](#) which would **destroy the unrecognized Arab Bedouin village of Atir** and establish a forest in its place. The District Committee for Planning and Building – Southern District (DCPB) rejected the objection of Adalah and Bimkom in 6/12, and the NGOs filed for permission to appeal in 1/13; permission granted in 2/13. Case is pending; hearing date to be set.
8. [Objection submitted to the District Land Planning Committee in 12/13](#) on behalf of the Head of the Basmeh Regional Council and over 400 residents of the Arab village of **Mu'awiya (pop: 3500)**, located in the Triangle in the center of Israel, against the Ministry of Interior's Master Plan for the village. **The Master Plan contains no vision or consideration for developing the village** or for fulfilling the urgent needs of the villagers, including economic development and housing. Hearing held in 5/14. Case pending for decision.
9. Objection submitted in 2/14 by Adalah, together with the Arab Center for Alternative Planning (ACAP) and the Public Committee in Wadi Ara, [against the planned expansion of Wadi 'Ara Road \(Road no. 65\) in order to turn it into a highway](#). The plan would lead to the confiscation of vast areas of land from the Arab towns, and ignores the need for standard planning considerations as well as the participation of landowners in the area. Hearing held in 3/14. Case pending for decision.

II. Economic and Social Rights

Supreme Court

10. Petition to the SCT in 7/13 on behalf of representatives of five unrecognized Arab Bedouin villages (population: 12,000) in the Naqab **demanding that the Water Authority cut the [high water prices](#)** that they must pay. The villagers are obliged to pay the same price for water, which includes expenses for sewage infrastructure, despite the fact that the villages are not connected to the national water infrastructure. Adalah argued that the current pricing system amounts to illegal gains for the Water Authority. Hearing set for 11/14.
HCI 5259/13, Ahmad El-Riadi, et al. v. Mekorot, et. al.
11. Petition to the SCT in 7/13 on behalf of **Arab Bedouin parents of children attending seven schools in the Naqab demanding that the Education Ministry [connect the schools to the national electricity grid](#)**. Currently, the schools get their electricity from generators for only a few hours a day, and constant interruptions in the supply causes problems in air conditioners, computers, internet services and laboratories. Following a SCT order to connect the schools, by 3/14, Adalah informed the court that no school had yet been connected and there was no specific connection date. The state then responded that three schools are currently in the connection process. The state must update by 6/14 concerning all the schools. Case is pending.
HCI 5247/13, Ibrahim Abu Kaff v. Ministry of Education

III. Civil and Political Rights

Supreme Court

12. Petition to SCT to [cancel the “Anti-Boycott Law” enacted in 3/11](#) filed by Adalah and ACRI **on behalf of leading human rights organizations in Israel**, as well as associations calling for an economic boycott of the settlements in the West Bank and/or of Israel. At a hearing held in 12/12, the Court [issued an order nisi](#) requiring the State to explain the justification for the law. A further hearing was held in 2/14 before an expanded panel of nine justices. Case pending for decision.
HCI 2072/12, The Coalition of Women for Peace, et al v. The Minister of Finance, et al.

District and Magistrate Courts

13. Representing **residents of Al-Araqib** and human rights activists since 2010 on **14 criminal indictments related to protest activities** concerning the repeated demolition of the Arab Bedouin village of Al-Araqib in the Naqab. [All indictments, with the exception of one, were dismissed](#), or clients were acquitted or pled guilty to very minor offenses in 2013 and in 1/14. One case remains pending with a hearing scheduled for 10/14.
Beer el-Sabe Magistrate Court, Criminal Case 12879-08/10, State of Israel v. Sayyah al-Touri

14. Petition submitted in 5/14 against Haifa University and the Dean of Students regarding the Dean's decision to **freeze all activities of the Arab student representative bodies** of al-Jabha/Hadash, Abnaa el Balad, and al-Tajammu'/Balad and as punishment for commemorating Nakba Day on campus without permission from the Dean. The Dean refused the students' request to hold a Nakba event, and then the students held a protest against the decision, which included a minute of silence for Nakba commemoration. Hearing set for 6/14. Case is pending.
Haifa District Court 50557-05-14, Masalha et al v. Haifa University, et al.

IV. Prisoners' and Detainees' Rights

Supreme Court

15. Extraordinary motion for reconsideration was filed by Adalah, ACRI and the Haifa University Prisoners' Rights Legal Clinic to the SCT in 1/13 and granted in 12/13 following the SCT's [ruling in 12/12 to uphold a sweeping ban on higher education via correspondence courses for Palestinian political prisoners designated as “security prisoners” and held in Israeli prisons](#). A second hearing will be held before an expanded panel of justices in 7/14. Case is pending.
Motion for Additional Hearing in HCI 204/13, Said Salah et al v. Israel Prison Service

V. Occupied Palestinian Territory (OPT)

Supreme Court

16. Amicus curiae opinion filed to the SCT in 8/13 [challenging the application of the Absentees' Property Law in East Jerusalem](#). The opinion presented Adalah's legal arguments against the Attorney General's position to permit the transfer of property ownership in East Jerusalem belonging to Palestinian West Bank residents to the Custodian of Absentee Property. Hearing held in 9/13 with a [decision deferred for additional arguments](#) on whether any decision by the court should also apply retroactively. Case is pending,
(Supreme Court) Civil Appeal 2250/06, In the Matter of the Custodian for Absentee Property and the State of Israel v. Noha Dkkak et al.

17. Adalah and ACRI, as amicus curiae before the SCT, challenging the [unprecedented revocation of Jerusalem residency status of Palestinian parliamentarians](#) elected on the Change and Reform List to the Palestinian Legislative Council (PLC) in 2006. The last hearing was held in 1/13. In 5/14, the SCT decided to hold an additional hearing before an expanded panel of nine justices, as the case raises serious constitutional questions. Waiting for a hearing date to be set.

HCJ 7803/06, Khalid Abu Arafah, et al. v. Minister of Interior

18. Petition filed to the SCT in 10/12 on behalf of Gaza residents, lawyers and human rights organizations [challenging the ban on Palestinians from Gaza from entering Israel to access the courts for tort damages](#) cases filed against the Israeli security forces. The state's prevention of entry of claimants has resulted in the dismissal of hundreds of compensation lawsuits. In effect, the state is exempting itself from all damages claims in violation of the law. Hearing is scheduled for 11/14.

HCJ 7042/12, Abu Daqqa, et al. v. Interior Minister, et al.

Land Planning Committees

19. Objection submitted by Adalah and the Civic Coalition for Palestinian Rights in Jerusalem in 12/12 to the Jerusalem District Planning and Building Committee on behalf of the 'Anata Municipality [against a plan to construct a landfill on lands belonging to the Palestinian villages of 'Anata \(pop: 20,000\) and Al-'Issawiyya \(pop: 12,000\)](#). Waiting for a hearing date to be set.

20. Objection filed on behalf of Palestinian NGOs and four municipalities in cooperation with the Civic Coalition in 3/08 to the [Eastern Ring Road Plan for Jerusalem. The plan is](#) designed to create a segregated road system and to encircle Palestinian neighborhoods in East Jerusalem, in violation of international and Israeli law. Case is pending for decision.

21. Appeal filed by Adalah and the Civic Coalition in 2/14 to the National Council for Planning and Building (NCPB), following the Jerusalem District Planning and Building Committee's (JDPB) decision in 4/13 to reject an objection filed in 11/13) against [a new "National Park" to be built on the lands of the Palestinian neighborhoods Al-'Issawiya and At-Tur in East Jerusalem](#). The plan seeks to confiscate 732 dunams from these neighborhoods and prevent any possibility of development or expansion. A hearing was held before the NCPB in 4/14. In 5/14, the **JDPB partially approved the master plan with some modifications, including the removal of 40 dunams of 'Issawiya's lands** from the plan. It also decided to freeze the plan's implementation for 60 days to allow for further negotiations between the planning authorities and the villages' representatives.

VI. Recent Decisions - 2014

1. In 1/14, the Beer Sheva Magistrates' Court **dismissed** [two indictments against protestors in Al-Araqib](#) charged with attacking police officers and disrupting public order. The decision came after Adalah attorneys revealed video recordings proving that there was no factual basis for the cases. The cases are part of a group of 14 criminal indictments brought against 11 residents and activists for protesting against the destruction of Al Araqib village. Thirteen of 14 indictments have been dismissed or individuals' acquitted by the court, with one case pending (See above *Criminal Case 12879-08/10*).

2. In 1/14, Adalah, Darna - The Popular Committee for the Protection of Land, ACRI, and BIMKOM agreed to withdraw their petition filed in 7/13 and enter into negotiations with the ILA concerning the criteria of ILA housing construction tenders in the [Ajami neighborhood of Yaffa-Tel Aviv](#). The neighborhood is undergoing extensive gentrification, with poor, Arab residents finding it almost

impossible to remain in their community. The NGOs, together with the residents, seek changes to reflect the principle that profits are not the only relevant consideration in building new housing.
Tel Aviv District Court, Administrative Petition 22361-07-13, Darna, et al. v. ILA

3. In 3/14, the Tel Aviv Magistrate Court [acquitted MK Mohammed Barakeh \(Democratic Front for Peace and Equality – Hadash\)](#) of assaulting an undercover officer during a protest against the Separation Wall, and **convicted him on the charge of assault** on a right-wing activist during a protest. In 4/14, the court [sentenced MK Barakeh to pay a NIS 650 fine](#). Adalah has been representing [MK Barakeh](#) since 2009 on a criminal indictment charging him with four alleged offenses related to demonstrations against the war in Lebanon in 2006 and the Separation Wall in the West Bank. The court accepted Adalah's arguments concerning parliamentary immunity, and dismissed two of the four charges in 10/11.

Tel Aviv Magistrate Court, Criminal Case 12318-12/09, The State of Israel v. Mohammed Barakeh

4. In 4/14, following an urgent motion submitted by Adalah, the Haifa Magistrates' Court [lifted a gag order on the arrest of Mr. Majd Kayyal](#), a journalist and web editor at Adalah, who was detained while crossing the border from Jordan to Israel. Kayyal was arrested for traveling to an "enemy state" and for alleged contact with a foreign agent. Kayyal was returning from a conference in Beirut, Lebanon that he independently attended to mark the 40th anniversary of the "As-Safir" newspaper, to which he is a frequent contributor. Adalah also submitted motions to the courts to lift the ban on meeting with a lawyer, and against the extension of Kayyal's detention. Kayyal was eventually released following five days of incommunicado detention.

Haifa District Court 26284-04-14 Majd Kayyal v. Israeli Police & Haifa Magistrate Court 23318-04-14 Israeli Police v. Majd Kayyal

5. In 5/14, the Beer Sheva District Court issued **a precedent-setting ruling by rejecting the state's appeal** against a decision by the Kiryat Gat Magistrates' Court in 12/11 ordering the immediate [cancellation of 51 demolition orders](#) against the homes of 500 Arab Bedouin residents of Al-Sira in the Naqab. Thus, the residents of Al-Sira can remain in their homes and in their village.

Beer el-Sabe District Court, Different Criminal Appeals 62341-01-12, The State of Israel v. Odeh Mousa Nasasra

6. In 5/14, the Haifa District Court [decided to cancel Haifa University's decision to expel two Palestinian students for organizing a commemoration of the Nakba on campus](#). The appeal was submitted on behalf of Tareq Yassin, the head of the al-Jabha student body, and Ahmad Masalha, head of the Abnaa el-Balad ("Sons of the Village") student body. The court ordered that the students be allowed to return to the university. (See also related case of *Haifa District Court 50557-05-14*, challenging the Dean's decision to ban all political activity of Arab students' groups on campus until 6 June).

Haifa District Court, Motion 29042-05-14, Masalha et al. vs. Haifa University et al.