



Adalah's Litigation Docket

Pending cases and recent court decisions as of February 2014

I. Land and Planning Rights

Supreme Court (SCT)

1. [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. Case pending.
(Supreme Court) HCJ 9205/04, Adalah v. Israel Land Administration, et al.
2. 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. Last hearing held before an expanded panel of nine justices in 12/12. Case pending for decision.
(Supreme Court) HCJ 2504/11, Adalah, et al v. The Knesset, et al.
3. Appeal to the SCT against the decision of the Beer el-Sabe (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 build a new Jewish town named "Hiran" on the same land. Hearing on 11/13. The parties were asked to submit more materials, and the court will release its decision shortly. Case is pending.
(Supreme Court) Appeal 3094/11, Ibrahim Farhood Abu al-Qi'an et al. v. The State of Israel
4. Petition submitted 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 argued that the area is not a "mixed neighborhood". The housing project, however, is being built on "public land".
(Supreme Court) HCJ 8625/13, Muhannad Khoury v. Israel Land Authority

District and Magistrates' Courts

5. Two appeals to the Beer Sheva District Court in 11/13 against the decision by the Magistrate Court to uphold **eviction lawsuits against Arab Bedouin citizens of Israel living in Atir-Umm el-Hieran in the Naqab**. (Note: A related case is also pending in the Supreme Court, see above, Appeal 3094/11)
Civil Appeal 24239-12-13, Abu el-Qian Musa, et. al. v. The State of Israel
6. Appeal against the decision of Kiryat Gat Magistrates' Court in 12/11 to uphold **ex parte demolition orders against 33 homes in Umm el-Hieran**, an unrecognized Arab Bedouin village in the Naqab. Hearing held in 2/13; waiting for decision.
Beer el-Sabe District Court, 507611-01-12, Abu el-Qian Musa, et al. v. The State of Israel
7. Defending a precedent-setting decision delivered 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. The state appealed, and a hearing was held in 4/13. Case pending.

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

8. Petition submitted by Adalah, Darna - The Popular Committee for the Protection of Land, ACRI, and BIMKOM on 7/13 seeking to change 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.
Tel Aviv District Court, Administrative Petition 22361-07-13, Darna, et al. v. ILA

Planning and Building Committees

9. [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 2/13.
10. [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**, located in the Triangle in the center of Israel, against the Ministry of Interior's Master Plan for the village. The Master Plan submitted by the Interior Ministry contained no vision or consideration for developing the village or for fulfilling the urgent needs of the villagers, including economic development and residential requirements.

II. Economic and Social Rights

Supreme Court

11. Petition to the SCT submitted in 7/13 on behalf of representatives of five unrecognized Arab Bedouin villages (population: 12,000) in the Naqab demanding that the court order the Water Authority to cut the [high water prices](#) 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 unrecognized villages are not connected to the national water infrastructure. Adalah argued that the current pricing system amounts to illegal gains for the Water Authority.
HCI 5259/13, Ahmad El-Riadi, et al. v. Mekorot, et. al.
12. 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. The amount of electricity is limited and constant interruptions in the supply causes mechanical problems in the generators that prevent air conditioners, computers, internet services and laboratories from working properly.
HCI 5247/13 Ibrahim Abu Kaff v. Ministry of Education

III. Civil and Political Rights

Supreme Court

13. Petition 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 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. Next hearing in 2/14 before an expanded panel of 9 justices.
HCJ 2072/12, The Coalition of Women for Peace, et al v. The Minister of Finance, et al.

District and Magistrate Courts

14. [Representing MK Mohammed Barakeh](#) (Democratic Front for Peace and Equality-Hadash) on a criminal indictment charging him with two alleged offenses of assaulting a right-wing activist during a demonstration against the war in Lebanon in 2006, and obstructing the work of a police officer during a demonstration against the Separation Wall in Bi’lin in 2005. The court accepted Adalah's arguments concerning parliamentary immunity, and dismissed two additional charges in 10/11. Closing arguments were heard in 2/14, and the verdict is expected to be delivered on 23/3/14.
Tel Aviv Magistrate Court, Criminal Case 12318-12/09, The State of Israel v. Mohammed Barakeh
15. Representing residents of Al-Araqib and human rights activists since 2010 on **9 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 the clients have pled guilty to very minor offenses in 2013 and 1/2014. Court hearing on last case set for 25/2/14.
Beer el-Sabe Magistrate Court, Criminal Case: 12879-08/10, State of Israel v. Sayyah al-Touri (+ 8 additional criminal files)

IV. Prisoners’ and Detainees' Rights

Supreme Court

16. Extraordinary motion for reconsideration granted by the SCT following its [ruling in 2/13 to uphold a sweeping ban on higher education via correspondence courses for Palestinian political prisoners held in Israeli prisons and designated as “security” prisoners](#). The second hearing will be held before an expanded panel of justices in 6/14. Petitioners are Palestinian prisoners affected by the policy, Adalah, ACRI and the Haifa University Prisoners’ Rights and Rehabilitation Legal Clinic.
Motion for Additional Hearing in HCJ 204/13, Said Salah et al v. Israel Prison Service

V. Occupied Palestinian Territory (OPT)

Supreme Court

17. Amicus curiae brief filed to the Supreme Court in 8/13 [challenging the application of the Absentees’ Property Law in East Jerusalem](#). The opinion outlined Adalah’s legal arguments

against the current Attorney General's position condoning the transfer of ownership of property in East Jerusalem belonging to Palestinian West Bank residents to the Custodian of Absentee Property. Hearing held in 9/13 with [decision deferred for additional arguments](#) on whether any decision by the court should also apply retroactively. Arguments due 1/14. (*Supreme Court*) *Civil Appeal 2250/06, In the Matter of the Custodian for Absentee Property and the State of Israel v. Dkkak Noha et al.*

18. Adalah and ACRI, as amicus curiae before the Supreme Court, 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. Hearing held in 1/13. Case pending since 2006.

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

19. Petitions filed in 10/12 to the SCT on behalf of Gaza residents 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 has resulted in the dismissal of hundreds of compensation lawsuits. In effect, the state is exempting itself from all claims. Hearing is scheduled for 11/14.

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

Land Planning Committees

20. Objection submitted by Adalah and the Civil 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 \(pop: 12,000\).](#)

21. 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](#), designed to create a segregated road system and to encircle Palestinian neighborhoods in East Jerusalem, in violation of international and Israeli law. Pending for decision.

VI. Recent Decisions - 2013

1. In 12/13, the [SCT rejected a petition filed by Michael Ben-Ari and Itamar Ben-Gvir](#) against the Attorney General's (AG) decision to close the investigation files against MK Haneen Zoabi and Sheikh Raed Salah for their participation in the Gaza Freedom Flotilla. Adalah represented MK Zoabi in these proceedings.

HCI 9733/11, Ben Ari et al v. Attorney General et al.

2. An objection filed by Adalah and the Civic Coalition for Palestinian Rights in Jerusalem in 4/13 to the Jerusalem District Planning and Building Committee against **a new "National Park" to be built on the lands of the Palestinian neighborhoods Al-'Issawiya and At-Tur in East Jerusalem** [was rejected on 11/13](#). The now approved plan will confiscate 732 dunams from these neighborhoods and prevent any possibility of development or expansion.

3. In 10/13, the SCT rejected [a petition filed by Adalah against the decision of the Chairman of the Central Elections Committee](#) (CEC) to disqualify Attorney Jamal Aghbariya from the elections to

the Tel'at 'Ara Regional Council. Aghbariya was disqualified from running for office after being convicted of participation in an illegal assembly and assaulting a police officer during a demonstration against home demolitions, for which he served four months of community service.

HCI 6748/13, Jamal Aghbaria v. The Chair of the Central Elections Committee

4. In 08/13, [the SCT delivered its unanimous decision made in 12/12, which overturned the decision of the Central Elections Committee \(CEC\) to disqualify Arab MK Haneen Zoabi](#) from participating in the elections to the Knesset. The justices ruled that disqualifying an individual candidate or political party is a drastic measure that should be reserved only for extraordinary cases.

Elections Confirmation 9255/12, Central Elections Committee v. Haneen Zoabi

5. In 7/13, at MK Naffaa's request, Adalah withdrew a petition submitted to the Supreme Court in 4/13 to cancel the criminal charges against him due to his parliamentary immunity. The petition followed the Nazareth District Court's rejection in 12/12 of Adalah's motion to dismiss the charges on these grounds. Adalah was part of a defense team representing [MK Sa'id Naffaa on a criminal indictment charging him with traveling illegally to Syria](#), defined as an enemy state by Israeli law; assisting in organizing a visit of around 300 Arab Druze religious clerics on a pilgrimage to Druze holy places in Syria; and being in contact with a foreign agent in Syria in 9/07. MK Naffaa maintains that all his activities fall within the framework of his duties as an elected public official. A verdict is soon expected in the criminal case.

Nazareth District Court, Criminal Case: 47188-12-11, State of Israel v. Sa'id Naffaa

6. An objection filed by Adalah and the Arab Center for Alternative Planning (ACAP) in 5/13 [against a plan to build the new city of Harish in the center of Wadi Ara](#), a majority-Palestinian area was rejected. The plan (Harish/1/B) openly states that 2,300 housing units will be designated exclusively for ultra-orthodox Jews, which contradicts statements by the Israeli Housing Minister that Harish will be open for all residents.

7. In 6/13, the Supreme Court [dismissed a petition](#) filed by Adalah on behalf of Arab farmers **to include Arab villages in the list of towns eligible for state quotas for producing eggs**. The court noted that since the petition was filed in 2008, the Ministry of Agriculture awarded Arab farmers quotas to produce 6 million eggs per year (or 0.3% of the national produce). Despite the dismissal, the SCT ruled that the government "must do more to right this historical discrimination," and ordered the state to pay NIS 50,000 in legal expenses.

HCI 3815/08, Iyad el-Mugheys, et al. v. The Minister of Agriculture

8. In 6/13, the Supreme [Court dismissed Adalah's petition against a 2009 amendment to the National Insurance Law](#), which **reduces child allowances by 60% for families that have not had their children vaccinated**. The amendment disproportionately affects Arab Bedouin citizens living in unrecognized villages in the Naqab, which lack sufficient health services to provide these vaccinations. Despite the dismissal, the court instructed the state to ensure that the law would not be used to discriminate against Arab Bedouin children whose families do not have access to health care clinics.

HCI 7245/10, Adalah v. Minister of Welfare and Social Affairs

9. In 6/13, Adalah learned that the Ministry of Transportation had finally [completed a safety crosswalk in front of the Arab Bedouin Al-Fur'a Elementary School](#). The new crosswalk follows

eight years of litigation by Adalah before the Supreme Court, including a petition in 2005 and a motion for contempt in 2011, to address the dangerous track, which prevented teachers and 1,187 pupils from attending class for fear of being injured.

HCI 6673/05, Ali Afnan Jabouah, et al. v. Ministry of Education, et al.

10. Adalah withdrew a petition submitted in 4/13 to the Beer Sheva District Court on behalf of a Palestinian political prisoner **against the Israel Prison Service's decision to ban the prisoner's mother's visits for one year**. The mother had refused to pass the IPS's invasive and humiliating security checks before meeting her son. Before the hearing, Adalah agreed to withdraw the petition, while the IPS promised not to extend the ban and to allow the mother to visit the son.

11. In 3/13, the Supreme Court [rejected a petition](#) submitted by right-wing organization Regavim to **close down three elementary schools with 2,000 students in the unrecognized village of Wadi el-Na'am**, claiming health hazards. Adalah represented the students' families, arguing that Regavim tried to pressure the villagers to leave their land.

HJC 4627/09, Abu Labad v. Ministry of Environment

12. In 2/13, following Adalah's representation, the Tel Aviv Magistrates' Court [acquitted three Palestinian citizens of Israel who participated in a protest against Operation Cast Lead in Gaza](#) in front of the Egyptian embassy in 12/08. The 23-page decision harshly criticized the police and the prosecution for their mishandling of the case.

Tel Aviv Magistrates' Court, Criminal Case: 1152-09, The State of Israel v. Ghantous

13. In 2/13, the Supreme Court rejected an appeal against the Haifa District Court's decision to deny [access to water to the Arab Bedouin residents](#) living in the unrecognized village of Umm el-Hieran. The Court ruled that the village's current source of water - a private citizen who lives 4 kilometers away and allows the villagers to purchase water from him at exorbitantly high prices - constitutes "sufficient access." The appeal follows a landmark [SCT decision](#) delivered in Adalah's case in 6/11 ruling that the right to water is a constitutional right, and that all citizens possess the right to minimal water access, regardless of the legal status of their community.

(Supreme Court) C.A. (Civil Appeal) 2541/12, Salib Abu al-Qi'an v. The Government Authority for Water and Sewage

14. In 2/13, the SCT dismissed a petition submitted by Adalah with ACRI on behalf of MK Haneen Zoabi (Balad) to [cancel the Knesset's decision to revoke some of MK Zoabi's parliamentary privileges](#) due to her participation in the Gaza Freedom Flotilla in May 2010. The SCT justified its decision on the grounds that the Knesset's decision was annulled as its mandate ended with the election of the new Knesset, and added that there was no cause for the court to allocate its resources to a "theoretical issue". This decision followed two years of hearings before an expanded panel of seven justices on the serious constitutional issue of the scope of the Knesset's power to sanction MKs.

HCI 8148/10, Zoabi v. The Knesset

15. Immediately before a scheduled hearing in 2/13, the Supreme Court decided to dismiss a petition filed on behalf of MK Dr. Ahmad Tibi (Ra'am-Ta'al) against the Knesset Presidium's decision in 2011 to [disqualify his proposed legislative bill prohibiting Nakba denial. MK Tibi tried to introduce this legislation](#) following the enactment of the "Nakba Law" in 2011. The court ruled that MK Tibi can re-submit his bill in 2013 to the new Knesset; however, the court

had already issued an order nisi, and had expanded the panel to seven justices.
HCI 5478/11, MK Ahmad Tibi v. The Speaker of the Knesset, MK Reuven Rivlin

16. In 2/13 the Supreme Court [dismissed a petition](#) demanding the cancellation of a **sweeping exemption in law granted to the Israeli police and the General Security Services (GSS) from the duty to make audio and video recordings** of their interrogations of individuals suspected of security offenses, overwhelmingly Palestinians. In 7/12, the Knesset extended the exemption. The Court's dismissal cited the state's claim that it will re-examine the exemption in 2015.
HCI 9416/10, Adalah v. Ministry of Public Security
17. In 1/13, Adalah withdrew a [petition](#) filed to the Beer Sheva District Court in 11/12 demanding the cancellation of a decision – taken without consulting the parents – to **transfer 55 Arab Bedouin students in a special education program** from the town of Kseifa in the Naqab to another school in the village Molda/Attrash, as the new school is located far from the students' homes and does not offer the minimum necessary level of security and accessibility. At the court's request, Adalah filed individual complaints against each student's transfer.
Administrative Petition 41218-11-12, Nasasra v. Ministry of Education
18. The National Council for Planning and Building dismissed an appeal in 1/13 filed by Adalah, Bimkom and the RCUV against the rejection of an [objection submitted against the government plans to build "Intelligence City"](#). This new planned area consolidates several military bases in the south, which would also include lands of the unrecognized Arab Bedouin villages. At a hearing held in 5/12, the District Committee rejected the objection.
Objection filed 3/12 and appeal submitted 8/12 by Adalah, Bimkom and the Regional Council for the Unrecognized Villages in the Negev (RCUV)
19. In 1/13, the Nazareth District Court dismissed a petition filed on behalf of the Mayor of Nazareth requesting the cancellation of a tender **making "service in the security forces" a condition to bid on five plots of land in the city**. The Israel Lands Authority [froze the bid](#) in response to the petition; however, the court ruled that military service is an appropriate criterion for awarding land and housing benefits.
Administrative Petition 21030-11-12, Municipality of Nazareth v. Israel Land Authority
20. In 1/13, the Supreme Court [unanimously overturned](#) a **ban of Balad/Tajammu's election campaign video** that included a satiric enactment of the Israeli national anthem, Hatikva.
HCI 246/13, MK Jamal Zahalka v. The Chair of the Central Elections Committee