

Adalah

The Legal Center for Arab  
Minority Rights in Israel

Annual Report of Activities  
2009

Issued 3 February 2010

## Introduction

This report highlights Adalah's **main achievements and impact, as well as our key activities** conducted in 2009, our thirteenth year of operation. As this report reflects, Adalah achieved several successes on our legal representations and international advocacy initiatives, and submitted major new impact litigation cases of crucial importance in promoting and defending the rights of Palestinian citizens of Israel and Palestinian residents of the Occupied Palestinian Territory (OPT). Adalah also issued new legal publications and delivered papers at numerous conferences and symposium, by invitation, both in Israel and abroad.

Adalah ("Justice" in Arabic) is an independent human rights organization and legal center with offices in Haifa in the north and Beer el-Sabe (Beer Sheva) in the south. Established in November 1996, Adalah serves Palestinian citizens of Israel, numbering 1.2 million people or close to 20% of the population and Palestinians living in the OPT. Adalah's main objectives are to achieve equal individual and collective rights for the Palestinian Arab minority in Israel in different fields including land and planning rights; civil and political rights; economic, social and cultural rights; religious rights; women's rights; and prisoners' rights, and to defend the rights of Palestinians living under occupation. In order to achieve these goals, Adalah:

- Brings impact litigation cases before Israeli courts and various state authorities;
- Provides legal consultation to individuals, NGOs, and Arab institutions;
- Appeals to international institutions and forums;
- Organizes conferences and study days and publishes reports on legal issues;
- Conducts extensive media outreach;
- Trains legal apprentices, law students, and new lawyers in the field of human rights.

The report is divided into four sections: Legal Action, International Advocacy, Legal Education and Institutional Development. We have continued to use this new, more streamlined format for this report, in an attempt to provide readers with a more succinct presentation of our work. Throughout the document, we have also included some initial reflections on the challenges faced by the organization during 2009.

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## Legal Action

### Highlights

- **The 2009 elections disqualifications cases**



*Pictured: Arab MKs and Adalah's General Director at the Central Elections Committee in 1/09*

In the run-up to the elections, right-wing Members of Knesset (MKs) submitted motions to the Central Elections Committee (CEC) in 1/09 to disqualify two Arab political parties - The National Democratic Assembly (NDA)-Balad and the United Arab List-Arab Movement for Change (UAL-AMC) - from running for election. The motions charged violations of section 7A of the Basic Law-The Knesset: that the NDA denies the existence of Israel as a Jewish and democratic state by calling for a "state for all its citizens," and that both the NDA and the UAL-AMC support terror organizations and 'enemy states' against Israel. Adalah represented the parties before the CEC arguing that there is no legal basis to disqualify either. The CEC voted to ban the Arab parties, supported by the three main political parties, Kadima, the Likud and Labor.

Adalah filed a 500-page appeal to the Supreme Court on behalf of the NDA and the UAL-AMC arguing that the CEC's decision to ban political parties that call for equality was extremely unreasonable and in contradiction of the Basic Law, and that there can be no democracy if the national minority is banned from the Knesset. **An expanded panel of nine justices of the Supreme Court overturned the CEC's decisions in response to Adalah's appeals.**

 See Adalah's General Director Hassan Jabareen [discussing the disqualification cases](#)

- **The new extreme right-wing government**

The elections held in 2/09 brought an extreme right-wing government coalition to power. Many coalition parties, including the Likud and Yisrael Beiteinu, ran "anti-Arab" election campaigns. Yisrael Beiteinu's main campaign slogan was "No loyalty, no citizenship". With this clearly racist message, the party became the third largest party in the Knesset.

Avigdor Lieberman, the head of Yisrael Beiteinu, serves as Deputy Prime Minister and Foreign Minister in the new government. Yisrael Beiteinu now controls the ministries that deal with law enforcement, including the Ministry of Internal Public Security (the Police) and Lieberman recommended the appointment of Ya'akov Ne'eman, the Minister of Justice, who is expected to continue attempts to undermine the power of the Israeli Supreme Court. The Chairperson of the Knesset's Constitution, Law and Justice Committee is also from Yisrael Beiteinu.

Coalition members began their tenure by launching a **flood of "anti-Arab" legislative offensives.** These bills seek to undermine the ability of Palestinian citizens of Israel to participate in the political life of the country, turn citizenship from a right into a conditional privilege, criminalize political expression or acts that question the Jewish/Zionist nature of the state (e.g., the Nakba Law), and use the criterion of military service as a justification for discrimination. Adalah has undertaken legal and advocacy initiatives against these new bills, which are noted in the following pages, and continues to monitor their progress.

### In Numbers

	Planned 2009	Achieved 2009
New impact litigation	15	19
New legal interventions	20+	60+
Wins/losses	-	Wins - 12 Losses - 7
Follow-up on pending cases	All pending cases	25+

## Main Achievements

### ◦ Economic and Employment Rights

Following Adalah's petition to the Haifa District Court, in 1/09 the Municipality of Carmiel [lifted its ban on teaching driving in the town on Saturdays and Jewish holidays](#). The ban caused economic harm to Arab driving instructors and violated citizens' constitutional rights to movement and employment.

In 2/09, the Supreme Court confirmed an agreement reached between Adalah and the Municipality of Akka (Acre) for the [cancellation of municipal regulations which damaged Arab businesses](#). The regulations prohibited business owners in Akka in mixed neighborhoods with a Jewish majority from trading on Saturdays, the Jewish Sabbath.

In 9/09, the Tel Aviv Regional Labor Court issued a temporary injunction preventing the Israel Railway Company (IRC) from [firing Arab railway inspectors](#) on the grounds that they have not performed military service. The decision followed a lawsuit submitted on behalf of two Arab workers by Adalah, Sawt el-Amel and Tel Aviv University Human Rights Clinic in 4/09. Around 130 Arab workers stand to lose their jobs.



[See also coverage of this case in Ynet English, "Court to trains: Don't fire Arabs over military service"](#)

**OPT:** In 10/09 the Minister of Industry, Trade and Labor responded to a letter sent by Adalah in 9/09 demanding the [equal reimbursement of travel expenses](#) incurred by participants in the mandatory Wisconsin Plan employment program. The plan is a welfare-to-work program for the unemployed. The ministry admitted discrimination and ordered that all Jerusalem residents be reimbursed equally. Palestinians from East Jerusalem are reimbursed NIS 80 or 200 for travel expenses, while Israeli Jews from West Jerusalem received up to NIS 1,000.

### ◦ Land and Planning Rights - Infrastructure

As a result of a Supreme Court appeal filed on behalf of 32 residents of the Akbara neighborhood and the Galilee Society, in 1/09 the Safad Municipality authorized a bid for construction works to [connect Akbara to the sewage system](#). Akbara is the only Arab neighborhood in the municipality and the only unconnected one. As of 12/09, the sewage system was almost completed.

As a result of a petition filed by Adalah in 2008, Ma'atz (Public Works Agency) announced before the Tel Aviv District Court in 5/09 that it would plan for a road to connect the Arab town **Jizr al-Zarqa to the Tel Aviv-Haifa coastal highway** within three years. Jizr al-Zarqa (pop.: 10,500) is the only Arab town along that roadway, and it is the only town that is not connected.

### ◦ Cultural Rights

Following a Supreme Court petition in 1/09, the owner of Kull Shay - the largest supplier of Arabic language books in Israel - was granted a one year renewal of his license to [import books from Egypt and Jordan](#) that were published in Syria and Lebanon. The state initially refused to renew the license, which he has held for 30 years, arguing that the import of the books amounted to "trading with the enemy", and a violation of this British mandatory-era ordinance. The court refused to rule on the constitutionality of the ordinance.



*Pictured: Saleh Abbasi, the owner of Kull Shay, with his books*



[In 7/09, Adalah Attorney Haneen Naamnih and Mr. Abbasi appeared on Israeli Channel 10's prime-time current affairs program "London and Kirschenbaum" to discuss the case.](#)



[See also coverage of this case in the LA Times: "Israel: Reading with the enemy"](#)

### ◦ Education Rights

In 8/09, the MOE committed to [opening a high school for Arab students in the city of Led \(Lod\)](#), following a series of letters sent by Adalah. Around 600 Arab high school students from Led had studied at a high school in Ramle. However, the mayor of Ramle decided from 2008 that only pupils resident in Ramle could attend the school, leaving pupils from Led with no school. In 9/09, high school classes for

students in Led were provided in a city; Adalah is demanding a suitable building for the students.

In 11/09 the Education Ministry (MOE) and the Electricity Company began to connect schools in the Arab Bedouin unrecognized village of Abu Tulul in the Naqab (about 1800 students) to the [national electricity grid](#). This development resulted from a Supreme Court petition submitted by Adalah on behalf of students, parents and the Regional Council for the Unrecognized Villages in the Naqab, the Follow-up Committee for Arab Education and the Association of Forty in 7/09 demanding such an order. Over 23,000 children in the unrecognized villages study in schools not connected to the electricity network.

In 8/09 and 9/09, Adalah sent a series of letters on behalf of parents and students to the MOE, regional councils, and municipalities concerning [the lack of transport for students to school](#). In one case, following Adalah's intervention, the Beer el-Sabe Municipality repealed its decision to change the transport route for 150 Arab students who live in the city and travel each day to seven different schools in nearby Arab Bedouin villages, as there are no Arab schools in Beer el-Sabe. The new route would have added many hours of transport time for the students.

#### ◦ *Prisoners' Rights*

In 10/09, the state committed to providing [Arabic language study for Arab prisoners](#), especially those who are illiterate. Thousands of prisoners could be eligible for study. The decision was announced in response to a petition filed by Adalah and Haifa University's Legal Clinic for Prisoners' Rights in 4/08 demanding that the IPS end discrimination in education.

### Israel's Military Offensive on Gaza and the Goldstone Mission

In 12/08, the Israeli military launched a three-week offensive against Gaza. During this operation, UN and Palestinian NGOs report that at least 1,440 Palestinians were killed, including 431 children and 114 women, over 5,300 Palestinians were injured, and over 4,230 homes were destroyed. The level of devastation is unprecedented, particularly given the ongoing closure and siege on Gaza since 2007.

Adalah took many legal and international advocacy actions both during the War on Gaza and its aftermath throughout 2009. Adalah detailed these

actions in a [short paper](#) that was issued in our newsletter on the First Anniversary of the War on Gaza in 12/09.



*Pictured: Gaza City home entirely destroyed during "Operation Cast Lead" (1/09)*

#### **Legal actions during the attacks**

A Supreme Court petition filed in 1/09 filed in Adalah's name and on behalf of seven other human rights NGOs demanding that the Israeli army be prohibited from [striking medical personnel and ambulances](#) carrying out their operations in Gaza, and be allowed to evacuate the dead and wounded. The court rejected the petition on 19/1/09.

Adalah submitted letters in 1/09 to the Defense Minister, the Prime Minister and the AG demanding an immediate halt to all military attacks **targeting civilian population centers / civilian infrastructure / UNRWA schools**, and that the Israeli army stop terrorizing the population by **dropping leaflets** on Gaza urging people to collaborate.

Adalah also submitted letters to the AG and the Israel Prison Service (IPS) regarding 1,000 Gaza prisoners: Adalah obtained permission for them to make one **telephone call** to check on their families. Adalah also investigated the circumstances of arrest of Gazans detained by Israel during the War, and their conditions of confinement. A report co-authored with the Public Committee against Torture in Israel on the Gaza detainees is forthcoming in 2010.

Adalah took many legal actions to defend and represent [anti-war protestors in Israel](#). As soon as the military attack on Gaza began, Palestinian citizens and some Jewish Israelis took to the streets in protest. 832 persons were detained by the police during the war, mostly Arab citizens. The most common charges were participation in prohibited



gatherings, disturbing the peace and attacking a police officer. Adalah gave urgent legal consultation to detainees' families and represented several arrested demonstrators, most of whom were subsequently released; Adalah continues to represent others.

Adalah also sent a letter to the AG in 12/09 demanding the [General Security Service \(GSS\) stop harassing Palestinian political activists](#) for their protest activities. In 3/09 the AG replied that the GSS is authorized to question these activists in order to avoid disorderly conduct by protestors.

In 9/09, Adalah released a report entitled **"Prohibited Protest: How the Law Enforcement Authorities Limited the Freedom of Expression of Opponents to the Military Attacks on Gaza,"** which exposes the ways in which the Israeli law enforcement agencies responded to anti-war protests by Palestinian citizens of Israel. The Goldstone Mission dedicated an entire chapter of its report to the arbitrary arrest and harassment of anti-war protesters, relying extensively on information in Adalah's report. The Mission recommended that Israel set up an independent inquiry to assess whether demonstrators faced discrimination in charges and detention pending trial (para. 1972g).

**"Prohibited Protest": [Full report \(Hebrew\)](#) | [Executive summary \(English\)](#)**

Adalah sent a letter in 11/09 to Prime Minister, Justice Minister and AG demanding that they implement the Goldstone Mission's recommendation to establish an "independent inquiry to assess whether the treatment by Israeli judicial authorities of [Palestinian and Jewish Israelis expressing dissent](#) in connection with the offensive was discriminatory, in terms of both charges and detention pending trial."

### **Legal actions following the military attacks**

Adalah is currently monitoring internal probes launched by Israel following demands for criminal investigations into specific incidents of suspected war crimes committed during "Operation Cast Lead", and prosecutions against those responsible. Adalah, together with partner organizations Al Mezan and Al Haq, filed a series of complaints to the MAG and the AG. Adalah also joined Israeli NGO partners in demanding the Israel conduct independent, impartial investigations.

Adalah shared this legal work with the Goldstone Mission, which investigated one of the civilian killing

cases and three of the human shields cases submitted by Adalah and its partners. The Goldstone Mission made extensive legal findings of violations of IHL and IHRL by Israel in these cases.

Complaints submitted to the Israeli authorities demanding criminal investigation included:

- In 4/09 and 6/09, the use of [Palestinian civilians as human shields](#). Probes into the use of three minors as human shields are underway.
- In 6/09, [the killing of two girls](#), Suad and Amal Abed Rabbo, at close range by Israeli soldiers during the offensive, in addition to the fatal shooting of Mr. Adham Naseir while on his way to help in the evacuation of the grandmother. A probe is underway into these killings.
- In 10/09: (a) The [assassination of the former Interior Minister in Gaza, Said Siam](#), in which 10 civilians were killed, dozens injured, and neighboring buildings destroyed; (b) An **air strike against the Salha family home** in Beit Lahiya, in which six people were killed after a "knock on the roof" from the Israeli army; (c) The **shelling of the Abu Eisha family's home** in Al-Naser, Gaza City while 26 family members were in the house, five of whom were killed.

### **Actions against the Blockade of Gaza**

A Supreme Court petition filed in 8/09 against the freeze of "national insurance" (NI) [disability payments](#) to around 700 beneficiaries living in Gaza. The workers were injured at work in Israel and paid NI fees and taxes prior to their injuries; Israel paid these workers in past years. The freeze followed a decision by the Bank of Israel to cease all business with banks in Gaza. The petition was filed on behalf of six disabled workers, Al Mezan, PHR-I, Sawt el-Amel, and Kav LaOved against the Bank, the NII, and the Finance Minister. The state responded that it is continuing negotiations with the PA to resolve the problem. *Update 1/10: The Israeli Ministry of Foreign Affairs announced that there is new mechanism for the transfer of funds via the PA. Adalah is attempting to confirm this information with the AG's office.*

 See [The National: Jonathan Cook, "Israel Stops Money for Gaza's Disabled"](#)

Two letters sent to the Defense Minister and the MAG in 5/09 demanding that they prohibit the opening of fire on the [Palestinian fishermen](#) by the Israeli navy, release ships that were seized, and

increase the fishing area available from 3 to 20 nautical miles as previously agreed between the PA and Israel. The fishing industries provide the basic necessities of life for around 35,000 people in Gaza. In recent months, the navy has escalated its harassment of and assaults on the fishermen.



*Pictured: Boat of Gazan fisherman after being rammed by an Israeli gunship while fishing off the coast of Gaza City (courtesy of FreeGaza.org)*

## New impact litigation and legal interventions

### Land and Planning Rights

An appeal filed on behalf of the Sawa'ed family to the Regional Planning and Building Appeals Committee - Northern District (RC) in 1/09 against a decision of the Misgav Regional Council's Local Planning and Building Committee (LC) to continue to deny the Sawa'ed family [licenses for building a home](#) on their privately-owned land in the Jewish town of Kamoun. In 3/09, the RC decided to return the case to the LC, which in 12/09 decided to deny the licenses. Adalah is considering an appeal to court.


A petition submitted in 3/09 on behalf of 43 Arab residents of Daliyat al-Carmel to the Haifa Admin. Court against the approval by the planning authorities of a [new local master plan for the village](#), and demanding that a new plan be developed. The implementation of the plan would lead to the demolition of 800 homes and curtail the development of the village. *Update: In 1/10, the court issued an exceptional decision ordering the National Council for Planning and Building to prepare a new master plan with the involvement of residents, the Popular Committee and their appointed experts.*

A petition to the Nazareth District Court filed in 7/09 on behalf of four residents of Kfar Kama, demanding that the ILA and Ministry of Construction and Housing change a land tender procedure that gives [preference in bids for land to individuals who](#)

[have served in the army](#). Following the petition the ILA made minor amendments, with the result that 2 of a total of 18 plots of land may be awarded to those who did not serve in the army, as opposed to none prior to the petition. The court then dismissed the petition in 12/09.

- *New discriminatory policies and legislation and the Land Reform Law*

Letters sent to the AG in 6/09 and 12/09 demanding directives against community towns in the Misgav that are changing their bylaws to demand that the town's residents sign agreements that they believe in [Zionist values, celebrate Jewish holidays, and support the settlement of Eretz Israel](#).

 See Alaa Mahajna, ["Loyalty to Zionist Values as a Condition for Acceptance to Community Settlements,"](#) *Adalah's Newsletter*, Vol. 67, 12/09.

A position paper sent to the Justice Minister, the AG, and the ILA in 6/09 demanding that the new legislative process to approve ["individual settlements"](#) - vast areas of state-controlled land held by individual Jewish families in the Naqab - be stopped as the land holdings were established contrary to approved local and regional plans, and without the necessary building permits or publication of bids. Adalah's petition filed to the Supreme Court in 2006 against the 'Wine Path Plan' which approved these settlements remains pending for decision.

An urgent letter sent in 7/09 in cooperation with ACRI to the AG to demand the cancellation of the [land swap agreement between the State of Israel and the Jewish National Fund \(JNF\)](#), which violates the rules of public law and the right to equality. The letter further demanded that the JNF's presence in the new Land Authority Council (due to replace the ILA) be cancelled or strictly limited. Adalah's petition filed to the Supreme Court in 2004 against the discriminatory land policies of the ILA and the JNF remains pending.

In 7/09, Adalah also sent a letter to the AG arguing that the draft land reform law severely violates the rights of Arab citizens by permitting the use of [admissions committees](#) to exclude them from acquiring property rights in 697 rural and agricultural communities. In 1/09, at a hearing on a petition filed by Adalah in 2008, the [Supreme Court](#) instructed the state to respond as to why admissions committees that overwhelmingly exclude Arab citizens of Israel from living in community towns based on "social suitability" criterion are not illegal.

***In focus: The state's attempt to demolish and evacuate the unrecognized Arab Bedouin village of Umm al-Hieran in the Naqab (Negev)***

The village was established by order issued by the Israeli military governor in 1956, after the military forces had forcefully evicted its residents from their homes in the Wadi Zuballa. This was not the first time that the villagers were evicted from their homes: they were displaced in 1948 to the Hirbat al-Hanzail area and then to Kokheh and Abu Kaff. In 1956, the villagers were displaced for the third time to Wadi Atir, where they live today. They received assurances from the military governor that it would be the last time they would be forced to leave their village. The tribe established the village, built permanent brick and cement homes, and resumed family and social lives after the disruptions of repeated expulsion. Today, 150 families live in the village, with a population of around 1,000 people from the Abu al-Qia'an tribe. Adalah has been defending residents of Umm al-Hieran since 2004 against numerous attempts to force them off their land.




*Pictured: Unrecognized village of Umm al- Hieran*

In 10/09, Adalah **submitted an appeal** to the Beer el-Sabe (Beer Sheva) District Court on behalf of residents of Umm al-Hieran to overturn the lower court's decision from 7/09 ordering the eviction of residents from their homes. Adalah demanded that the District Court cancel the eviction orders and prevent the evacuation of the entire village of 1,000 residents which is the state is seeking through numerous eviction and home demolition proceedings pending before the courts.

See [\*"It takes a village,"\*](#) by Adalah's Ran Shapira, in *Haaretz English Edition*, 6/3/09; and [\*"Defend Rights as Well as Sites: Israel's Attempt to Evacuate and Destroy an Arab Bedouin Village in the Naqab,"\*](#) by Adalah Attorney Alaa Mahajna, *Ha'aretz English Edition*, 3/11/09

A position paper published by Adalah on behalf of the High Follow-up Committee for Arab Citizens of Israel in 7/09 against the [\*\*Israel Land Administration \(ILA\) Law\*\*](#) (enacted in 8/09 by a vote of 61-45). Adalah argued that the new law is extremely prejudicial to Palestinian citizens' rights and violates the property rights of Palestinian refugees. Further, it: institutes broad land privatization; permits land exchanges between the state and the JNF, which reserves its land exclusively for the Jewish people; allows lands to be allocated by "admissions committee" and only to candidates approved by Zionist institutions; and grants decisive weight to JNF representatives in a new Land Authority Council, set to replace the ILA.

In 8/09, Adalah Attorney Suhad Bishara prepared a [\*\*position paper\*\*](#) on "The Privatization of the Lands of the Settlements on the Golan Heights and in East Jerusalem."

 In 6/09, Adalah Attorney Suhad Bishara participated in a live panel discussion for [\*AlJazeera English's Inside Story\*](#) program on the sale of refugees property and the new land reform law.

◦ *New interactive map and database*



In 6/09 Adalah also launched a [\*\*new internet-based interactive map and database\*\*](#), the first of its kind, which provides detailed information on land expropriations by Israel since the establishment of the state in 1948. Information on population and land ownership in 1945, the total amount of Palestinian refugee property transferred to Israel, and the land expropriations carried out under the Israeli Land Acquisitions Law - 1953 is

provided. The database gathers primary source information from Israeli government, Palestinian and UN sources. Adalah's lawyers and planning professionals collected and reviewed the original land confiscation orders in Hebrew from the official government gazette. The database provides this information in an accessible format in Arabic, Hebrew and English.




### ***In focus: The sale of Palestinian refugee property***

In 2009, Adalah began legal action to stop the sale of the property of Palestinian refugees by the Development Authority (DA). Adalah found that from 2007 to 6/09, the ILA published close to 300 tenders for the sale of "absentee" properties held by the DA in cities such as Nazareth, Haifa, Led (Lod), Akka (Acre), Rosh Pina and Beit She'an. The properties were transferred to the DA by the Custodian for Absentees' Property following the Nakba, and are classified as "absentees' property" under the Absentees' Property Law - 1950. The sale of these properties constitutes, in practice, the final expropriation of the ownership rights of the Palestinian refugees to their properties. This is completely contrary to the law, which vests the absentees' property in the temporary trust of the Custodian for Absentees' Property pending the resolution of the Palestinian refugees' issue.

In 5/09 Adalah sent [a letter](#) to the AG demanding the cancellation of these tenders, arguing that, "Selling these properties constitutes the final expropriation of the right to property of Palestinian refugees, despite the special legal, historical and political status of these properties, in violation of Israeli and international law." The AG responded in 8/09 that the sale were in accordance with a 2006 amendment to the ILA Law, which permits the DA and the ILA to sell a total of 200,000 dunams of "state land." The newly-legislated ILA Law (see above) increased the amount of "state land" offered in public bids to 800,000 dunams.



*Pictured: Palestinian refugee property in Haifa on sale to the private market, 6/09*

 See "[From Plunder to Plunder: Israel and the Property of the Palestinian Refugees](#)," by Suhad Bishara, published in Hebrew on 25/9/09 by Haokets

 [Al Jazeera](#) on the sale of [Absentees' Property](#)

### **Social and Economic Rights**

#### *Health Rights*

A Supreme Court petition filed in 12/09 demanding the cancellation of a decision by the MOH to [close down "mother and child" clinics](#) that provide essential obstetric services in three Arab Bedouin villages in the Naqab. Adalah submitted the petition on behalf of 11 women, local council heads, and NGOs Yasmin, PHR-I and the Galilee Society. The three clinics are among six established following a petition on access to health care for women and child in the Naqab submitted by Adalah in 1997. *Update: In 1/10 the MOH admitted the situation was appalling but claimed a lack of nurses and doctors willing to work in the Bedouin villages.*



*Pictured: An Arab Bedouin family in the Naqab*

A pre-petition submitted to the AG in 11/09 on behalf of residents of the unrecognized Arab Bedouin village of Tel Arad and PHR-Israel demanding that the MOH [establish a health clinic](#) in the village. There is currently [no clinic to provide medical services](#) for the village's 2,000 residents.

A letter sent with PHR-I to the Health Minister and Kupat Holim Clalit (KHC - health fund) in 5/09 demanding that [pediatricians and gynecologists](#) be employed in the 11 KHC centers in the unrecognized Arab Bedouin villages in the Naqab for thousands of people. The MOH and KHC responded that existing family doctors are sufficient and villagers can travel to clinics in neighboring Jewish towns. Adalah is considering litigation on the case.

A letter sent to the Health Minister and the AG in 2/09 demanding that [MRI scans for breast cancer](#) should be included in the basket of health services provided by the health funds in Israel. In 8/09 the MOH replied that it had begun a process of preparing regulations to govern the provision of MRI scans.

In 7/09, Adalah sent an urgent letter to the National Water Company (NWC), the Interior Minister, and

the Minister of Infrastructure demanding the [restoration of water](#) to the residents of Daliyat al-Carmel (pop: >13,000). Residents approached Adalah after the water supply was cut off to all houses in the town, although they paid their water bills. The water supply has also been cut from several other Arab villages. In 12/09, Adalah sent another letter to the NWC demanding the restoration of water to the village of Rameh. The water supply has been cut off from the village repeatedly over the past two years.

In defense of the rights of Palestinians in Occupied East Jerusalem, Adalah, PHR-I and Al Mezan sent an urgent letter to the MOH and the Jerusalem Police Chief in 11/09, demanding the immediate cancellation of instructions preventing [Magen David Adom ambulances from entering the Palestinian neighborhoods in East Jerusalem](#) without prior permission and police escort even in emergencies.

◦ *Education Rights*

A Supreme Court petition and motion for contempt of court filed in 9/09 on behalf of 35 female pupils from the unrecognized Arab Bedouin village of Abu Tulul in the Naqab demanding that the MOE, MOI and ILA be obliged to implement a 2007 Supreme Court decision ordering the [establishment of a high school](#) in Abu Tulul by 9/09. Around 70% of students drop-out of school because there is no easily accessible high school; this problem is severe among girls. The state responded in 12/09 that the process of obtaining planning permission for the school building is ongoing.

In 7/09, the Supreme Court issued a decision on a petition submitted by Adalah in 2006 to allocate positions for [educational counselors in five schools in the Arab Bedouin unrecognized villages](#) in the Naqab. In 2006, 85% of Bedouin schools in the Naqab had no educational counselors, compared to only 13% of Jewish schools. The court affirmed the urgent need for educational counselors; however, it was satisfied with the state's commitment to establish special educational courses to overcome the acute shortage.

A letter sent in 3/09 to the Education Minister demanding immediate 'special measures' to bring an end to the extremely [high rate of illiteracy among Arab Bedouin women](#) in the Naqab. In some unrecognized Arab Bedouin villages, the rate of illiteracy among women reaches 70%. The MOE

responded in 9/09 that it hoped that future budgets would allow the opening of more education classes.

A letter sent to the Prime Minister, the Ministerial Committee for Legislation and the Education Minister in 6/09 demanding that they reject a draft bill authorizing the [double-funding of private Jewish religious \(Haredi\) schools](#) by the MOE and local education authorities as it discriminates against private Arab Christian and Muslim schools. The bill was rejected in 7/09.

In 8/09, Adalah sent a letter to the Education Minister demanding the removal of **discriminatory provisions contained in a new national education plan** be cancelled. The plan proposes that additional teaching hours should be allocated, and thus funding, to teaching Jewish heritage in schools; this provision is not to be implemented in Arab schools. It further awards schools with high rates of army drafting higher budgetary allowances. Adalah argued that the plan stands to widen the huge gaps in investment between Arab and Jewish schools.

A letter sent in 12/09 to the Education Minister and AG demanding the immediate removal of the requirement that candidates for posts within the MOE should be [loyal to "the values of Zionism"](#) from job vacancy announcements. In 12/09 the MOE responded that since the positions in question are among the highest decision-making positions in the ministry, candidates should have a positive attitude towards Jewish heritage and culture.

◦ *Social rights*

A letter sent in 3/09 to the AG demanding the cancellation of a Likud-Shas agreement according to which families with children who do not regularly attend school or who have not received the immunizations recommended by the Health Ministry would no longer be provided with [child allowances](#). This provision would mainly affect Arab Bedouin children with the lowest socio-economic standard of life. From 7/10 onwards the condition of receiving immunizations will come into force.

The MOE granted a personal assistant to an [Arab Bedouin child with serious physical disabilities](#) for almost all of his school hours in 11/09. This decision came following a petition filed in 8/09 against the MOE to the District Court demanding such a helper; however the court refused to afford additional hours to the child. Adalah stressed that the child was unable to attend school without such assistance.

A letter sent to the NII and the Social Welfare Minister in 11/09 demanding that the NII building in Shafa'amr be made **accessible to people with disabilities**, as required by law. This branch provides services to 3,000 disabled people; however, it is currently inaccessible to many of them. The NII responded in 11/09 that it had issued a bid for a new building.

### Language and Religious Rights

An urgent letter sent in 7/09 to the AG demanding the cancellation of a decision by the Transport Minister to **Hebraicize all road signs in Israel**, by replacing all road signs in the state with new signs that show the Hebrew names of places in Arabic letters, regardless of the common and historical Arabic name of the place. The state argued that the Transport Minister's decision was not final, and that a committee had been appointed to investigate the issue.



*Pictured: Road sign featuring the Hebrew word for Jerusalem (Yerushalayim) in Arabic*

A letter sent in 11/09 with ACRI to the Mayor of Nazeret Illit and to the AG demanding the implementation of a 2002 Supreme Court ruling ordering mixed cities to add **Arabic to information and traffic signs**. Most of the signs in the city still bear only Hebrew and English. Arab residents of Nazeret Illit constitute around 13% of the population of the city or about 5500 people.

A letter sent in 10/09 to the Finance Minister demanding that the appointment of new members to the **Board of Trustees of Waqf Properties in Haifa** be delayed in the absence of community consultation and clear and appropriate criteria. The letter was sent on behalf of the Haifa Association for Social Development and Muslim representatives from Haifa. In 12/09, the MOF committed not to appoint new members to the board before responding to Adalah's intervention.

### Civil and Political Rights

#### ◦ *Criminalizing Dissent*

In 2009, Adalah represented two Arab MKs in pre-indictment hearings before the AG and the State Prosecutor's Office. Both MKs were subsequently indicted for political offenses. **MK Said Naffa** is charged with visiting Syria (considered an 'enemy state' under Israeli law), organizing a pilgrimage for Druze religious leaders to Syria, and meeting a foreign agent. **MK Muhammed Barakeh** is charged with anti-Wall / anti-War offenses: assaulting riot police and military officers during demonstrations. Adalah will continue to represent both leaders in 2010.

#### ◦ *Political Participation*

An urgent letter sent in 11/09 to the Interior Minister and Knesset Speaker demanding that they reject a special amendment to the Regional Authorities' Law that **prevents elections to the Abu Basma Regional Council in the Naqab** from being held. Around 25,000 people fall within the jurisdiction of Abu Basma. Adalah argued that the bill violates the constitutional rights to run for and be elected to a local council. The amendment passed, thereby preventing elections scheduled for 12/09 from going ahead. Adalah will petition to Supreme Court.

#### ◦ *Police Surveillance*

An urgent letter sent in 10/09 to the Minister of Internal Security, and the Israeli police Chief Commander demanding that a **new undercover police unit posing as Arabs** be deactivated. Officers from the unit, known as *mista'aravim*, infiltrate the Arab community on the pretext of fighting Arab "crime families" and gathering intelligence on them.

A letter sent in 5/09 to the head of the police in the south demanding the immediate dismantling of **police blockades and checkpoints** set up at the entrances to the Arab Bedouin village of Tarabeen al-Sana ('Amra) in the Naqab. Villagers have also been subjected to random stop and searches. Adalah received no response but the blockades and checkpoints have since been removed.

#### ◦ *Racial Profiling*

In 11/09, Adalah submitted a tort lawsuit against the Israel Airport Authority on behalf of Dr. Nadera Shalhoub-Kevorkian, the Director of the Gender Studies Program at Mada al-Carmel and a lecturer in



criminology at Hebrew University in Jerusalem, for humiliating and demeaning treatment that she received at Ben-Gurion airport.

### Prisoners and Detainees' Rights

#### ◦ *Family visits*

In 12/09, the Supreme Court ruled that family members from Gaza have no right to visit their relatives incarcerated in prisons in Israel, in response to petitions filed in 2008. The court reasoned that family visits are not a basic humanitarian need; that there is no rights of "aliens" (Palestinians from Gaza) to enter Israel; and that the government's decision stems from security reasons, which the court is reluctant to interfere in. As of 12/09, there were around 738 individuals from Gaza incarcerated in Israeli prisons.



See coverage in the [UPI: "Court upholds ban on Gaza prisoner visits"](#)



Photo by Fida Qishta. Families of Palestinian prisoners incarcerated in Israeli jails protest at the ICRC in Gaza, 4/09

A letter sent to IPS and the Ofer prison in 9/09 demanding an immediate end to humiliating physical inspections conducted on Palestinian residents of East Jerusalem as a condition of entry to visit their relatives in the prison. The letter was sent on behalf of two women asked to strip completely naked as a condition of entering the prison. The women refused and were forced to abandon the visit.

#### ◦ *Conditions of confinement*

An urgent letter sent to the Justice Minister in 3/09 demanding that he avert any attempt to impose further restrictions on the rights of Palestinian political prisoners incarcerated in Israeli prisons and detention centers. In 2009 there were approximately 8,200 Palestinians classified as "security prisoners" in Israeli prisons. Recommendations included banning: all family visits, academic education and school matriculation

examinations, watching television and reading newspapers.

In 4/09, a pre-petition and a letter were sent to the AG and the IPS challenging two new policies that worsened conditions of confinement for Palestinian prisoners in Israeli prisons: a total ban on bringing books into prisons and a prohibition on the broadcast of Arabic television channels.

Following a petition filed by Adalah on behalf of a Palestinian political prisoner to the Nazareth District Court in 5/09, the Israel Prison Service (IPS) in 6/09 reversed its decision to ban bringing books into prisons. The IPS stated that it had developed a new system to provide books by request from the prison canteen. Following Adalah's objections, the court ordered the IPS to promulgate clear regulations on the entry of books into prisons.

A letter sent to the IPS and the Minister of Internal Security in 6/09 demanding the immediate closure of the solitary confinement ward in Neve Tirtza, and a criminal investigation into the abuse and torture of women prisoners. Around 195 prisoners are incarcerated in Neve Tirtza. The letter was sent on behalf of PHR-I, Al-Mezan, and Haifa University's Legal Clinic for Prisoners. The organizations also demanded that shackling the women to their beds as a form of disciplinary punishment be prohibited.

Letters sent to the Israeli Post Office Bank and AG in 11/09 and the IPS in 12/09, demanding the cancellation of a new order prohibits the transfer of money to prisoners except in the presence of the depositor before a Post Office clerk. Since most families of Palestinian prisoners are prohibited from entering Israel, this condition constitutes a sweeping ban on the transfer of money to them.

#### ◦ *Marriage and children*

A Supreme Court appeal filed in 9/09 on behalf of a Palestinian prisoner, a citizen of Israel, against a Tel Aviv District Court decision prohibiting him from marrying a Palestinian woman prisoner from the OPT on the irrelevant ground that she does not have a permit to reside in Israel.

A Supreme Court appeal submitted in 10/09 on behalf of a "security prisoner," a Palestinian citizen of Israel, to overturn a Nazareth District Court prohibiting him from fathering children, in breach of his conjugal rights. Adalah also submitted a motion in 4/09 to District Court objecting to the state's presentation of secret evidence as to why it refuses



his request for review by the court in the absence of the petitioner.

◦ *Access to courts and fair procedures*

A letter sent to the Justice Minister in 2/09 demanding that he cancel Article 3 of the Court Procedures directives, which allows district courts to [hear petitions filed by prisoners inside prisons](#) rather than in public courtrooms.

A letter sent in 8/09 in cooperation with the Haifa University Prisoners' Rights Clinic to the Justice Minister, AG and State Prosecutor, demanding an end to ongoing violations of prisoners rights to [fair and just trial procedures](#) in their petitions against the IPS. The most significant violations are the state's failure to submit timely responses to the petitions; in many cases, the responses are filed just before the court hearing.

### Follow-up on major pending cases

The Supreme Court held hearings in 1/09 and 3/09 before an expanded panel of seven justices on a petition challenging amendments to the Criminal Procedure Law, which legislate severely [harsh pre-trial detention conditions](#) for security suspects. The petition was filed in 3/08 by Adalah, PCATI and ACRI. In a rare step, the organizations withdrew the case in 3/09 following an illegal and unprecedented decision by the court to hear GSS secret evidence in this constitutional law case.

After five years of litigation, in 3/09 the Supreme Court rejected a petition filed by Adalah on behalf of Muslim religious leaders to compel the Minister of Religious Affairs to promulgate regulations to protect [Muslim holy sites](#) in Israel. Approximately 135 sacred places have been declared as holy sites, all of which are Jewish. The court ruled that the state's commitment to designate a small budget for the maintenance of Muslim holy sites was sufficient and that designating Muslim holy sites was a "sensitive matter."

An expanded seven-justice panel of the Supreme Court held a hearing in 3/09 on Adalah's petition challenging new amendments to the [Citizenship and Entry into Israel Law](#) - 2003, which expanded the ban on family unification between Palestinians to include spouses from 'enemy states' Lebanon, Syria, Iran and Iraq. Thousands of families are affected by this law. With its closing arguments, Adalah submitted three expert opinions from the Open Society Justice Initiative and lawyers in South Africa and the UK. In 11/09, the court expanded the panel

reviewing the case to 11 judges, and set a hearing for 3/2010.



*Pictured: Adalah at the Israeli Supreme Court before the hearing on the Citizenship Law case in 3/09*

☞ See Adalah Attorney Sawzan Zaher discussing the [Citizenship Law case](#)

Also in relation to the Citizenship Law, in 12/09 Adalah sent a letter to the Knesset's Constitution, Law and Justice Committee against a bill to amend the Basic Law: Human Dignity and Liberty to **restrict judicial review of the Citizenship Law**. The committee's vote on the amendment has been postponed.

In 9/09, Adalah argued at a Supreme Court hearing on an appeal filed in 2007 on behalf of 486 [Arab landowners in Lajoun](#) against a District Court decision not to return 200 dunams of their land. The court rejected Adalah's argument that the land must be returned to its original owners as it has not been used for "essential settlement and development needs," according to a 1953 Finance Minister decision. Adalah argued that the District Court had erred in deciding that a man-made forest falls within the definition of "essential settlement and development needs."

*Update: In 1/10 the court rejected the appeal, in total disregard of the property rights of Arab landowners.*

☞ See Adalah's film on Lajoun, "[Forbidden Land](#)"

Adalah argued at hearings on objections filed with the Civic Coalition for Defending the Palestinians' Rights in Jerusalem to two plans, the [Eastern Ring Road](#) in 7/09 and the **Jerusalem Regional Master Plan** in 8/09. Hundreds of affected persons, Palestinian NGOs and mayors attended the hearings before the planning authorities. In both cases, the authorities asked Adalah for detailed maps illustrating the effect of the plan on Palestinian

neighborhoods in Jerusalem, which Adalah provided. Objections pending for decision.

In 5/09, the Supreme Court heard a petition for the first time filed by Adalah, PCHR-Gaza and Al-Haq in 2007 demanding criminal investigations into the [killing of civilians and the extensive home demolitions](#) during two Israeli military operations in Gaza in 2004. The state argued that the case should be dismissed on the grounds that its arguments are general; Adalah countered that the petition provided an abundance of evidence of grave breaches of IHL and that it was the state's responsibility to investigate these crimes.

A hearing was held in 5/09 before seven judges of the National Labor Court on a case filed by Adalah demanding the amendment of the **pension insurance agreement** to extend its application to all workers over the age of 18. Case pending for decision.

In 6/09, the Supreme Court instructed the National Insurance Institute (NII) and the Ministry of Industry, Trade and Labor (MITL) to explain why anyone who owns or uses a car should be denied [income support payments](#) according to new amendments to the Income Support Law - 1982. Around 26% of income support receivers are Arab citizens of Israel. The order nisi was issued in response to a petition filed by Adalah, Sawt el-Amel and income support recipients in 3/08. In 11/09 the state responded that the condition is not discriminatory.

The Supreme Court held a hearing in 6/09 on a petition filed by Adalah in 2002 demanding the reopening of the [Big Mosque in Beer el-Sabe](#) to worshippers. Around 5,000 Muslims live in and around Beer el-Sabe. The municipality claims "opening the mosque for prayer would undermine the city's public safety." Since its closure by the state, the mosque has been used as a courtroom, prison and museum. The parties failed to reach an agreement, and the case is now pending for final decision by the court.

In 11/09, Adalah, PHR-I and Haifa University's Prisoners' Rights Clinic submitted an updated motion to the Supreme Court on a petition filed in 2/08 demanding an improvement in the [conditions in which prisoners are transported by the Israel Prison Service in "posta" vehicles](#). The motion provided new facts and argued that transport conditions remain inhuman and degrading, despite the state's claims that they have improved.

## Legal Challenges

- *The state's failure to implement court judgments and its own commitments*

While the Supreme Court continued to demonstrate reluctance to issue favorable rulings on Adalah's petitions, an additional challenge faced in 2009 was the state's failure to implement positive court decisions and its own commitments. A primary example of the state's non-implementation was **the National Priority Areas (NPAs) case**. After eight years of litigation, in 2/06 the Supreme Court ordered the cancellation of a discriminatory government decision that divided the state into NPAs for the purpose of allocating lucrative benefits that excluded Arab towns and villages - within one year - and the enactment of legislation concerning the NPA according to equitable, clear criteria. Adalah has filed numerous motions for contempt to demand the implementation of the decision, and yet the court continues to award the state additional time to comply. For example, the Knesset passed new amendments in 7/09 relating to the NPAs through the Economic Arrangements Law, and the government issued a new NPA plan in 12/09. Adalah will soon publish a position paper assessing these new developments and their compliance or otherwise with the court's decision.

A related challenge appeared in cases in which the state, after an initial period of implementation, simply ceased implementation. An example is the **state's closure of "mother and child" clinics** in three Arab Bedouin villages in the Naqab. The clinics were established as a result of a Supreme Court petition filed by Adalah in 1997. After operating the clinics for several years, in 10/09 the Health Ministry closed them although they served around 18,000 people. The state claimed there was a lack of nurses and doctors willing to work in them. Adalah filed a new petition in 12/09 to demand the immediate reopening of the clinics.

The state's lack of implementation affected a number of Adalah's cases. Where Adalah learned of non-compliance, the organization conducted follow-up investigations, and submitted additional petitions and other legal filings to the courts, including motions for contempt of court, in an attempt to compel the state to comply. In parallel, Adalah sought to exert additional pressure on the state by building coalitions of NGOs to act as pressure groups; by bringing the violations to the attention of the media; and by raising these cases and this issue in our international advocacy work.

- *The proposal and enactment of new, anti-democratic legislation*

Another challenge Adalah faced in 2009 was the proposal and enactment of new legislation that bears serious implications for Adalah's pending cases. Much of the legislation deals with politically and ideologically sensitive issues that go to the core of the Zionist nature of the state - mainly land and citizenship rights - and represent an attempt to alter the legal landscape and block legal challenges to discriminatory laws and policies that deny equality to Arab citizens of Israel. For example, the **new Israeli land reform law** is extremely prejudicial to the rights of Palestinian citizens of Israel as well as Palestinian refugees. The new law, enacted in 8/09, affects many of Adalah's cases concerning: the ILA's marketing and allocation of JNF-controlled lands through bids open only to Jewish individuals, and the use of "admissions committees" in allocating land for housing in community towns, among others.

In the field of citizenship rights, various bills were introduced that threaten to turn **citizenship from a right into a conditional privilege** based on the criterion of "loyalty" and to restrict judicial review of citizenship laws. Adalah drafted and sent position papers to the government, the Knesset, the media and international actors urging the cancellation of these proposed laws. Adalah is monitoring the introduction and passage of these new laws, and where needed, will launch legal challenges.

## International Advocacy

### Main Actions



Family living in a tent beside their demolished home in Gaza. Photographer: Aida Alibegovic, Fall 2009

Immediately following Israel's military assault on Gaza from 27/12/08-18/01/09, a main focus of Adalah's international advocacy work was to seek accountability for the thousands of direct victims. A key aspect of this work was our cooperation with the **UN Fact-Finding Mission on the Gaza Conflict ("The Goldstone Mission")**, established by the UN Human Rights Council in 4/09 to investigate the events. The [Goldstone Mission report](#), issued in 9/09, is a watershed; it sets out clear factual and legal findings and implementation mechanisms, and constitutes a significant step towards obtaining redress for the victims. Adalah subsequently pressed for states' endorsement of the Mission's recommendations in the UN Human Rights Council and the UN General Assembly.

The Goldstone Mission report contains **35 direct references to Adalah on ten separate legal cases**, and mentions many other Gaza cases handled by Adalah without specifically citing the organization. The Goldstone Mission dedicated an **entire chapter of the report to the arbitrary arrest and harassment of anti-war protestors** in Israel, relying extensively on Adalah's report, "Prohibited Protest" (see Legal Education). The Mission recommended that Israel set up an independent inquiry into the treatment of the protestors (para. 1972g). In 11/09 Adalah sent a [letter](#) to the Prime Minister, Justice Minister and AG demanding that Israel implement the recommendation.

The **UN Committee Against Torture (CAT)** issued its [Concluding Observations \(COs\)](#) on Israel in 5/09. The COs raised many of the issues contained in the oral and written interventions submitted by Adalah, Al-Haq, Al-Mezan, DCI-Palestine, PHR-I, and PCATI as the United Against Torture Coalition. Adalah contributed research and writing on ten issues of torture and cruel, inhuman or degrading treatment for NGO [joint reports to CAT](#) in 9/08 and 4/09, and Adalah Attorney Fatmeh El-'Ajou attended the Committee's review sessions on Israel in 5/09 in Geneva. The Committee found "numerous, ongoing and consistent allegations" of torture and ill-treatment by Israel against Palestinians and called for an independent investigation into "Operation Cast Lead" in Gaza. Meetings were also held with HR officers working with UN Special Rapporteurs and officials in the Office of the High Commissioner for Human Rights (OHCHR). Reporting and participation supported by the EU.

The **EU-Israel Association Council (AC)** decided in 6/09 to freeze the upgrading of the EU's relations with Israel. For the first time in an [AC statement](#), the EU stated that it, "reiterates the need for a continued discussion with the Israeli side on human rights situations of common concern, in particular the protection of the Palestinian population and Israeli Arab minority ..." (para. 29). Adalah and the Arab Association for Human Rights (HRA) sent a [letter](#) to the EU and EU member states in 6/09, prior to the AC meeting, informing them of the **flood of proposed new legislation aimed at limiting the rights of Arab citizens of Israel**. The Ambassador of the Czech Republic responded in 6/09 that he, "shared our concerns," and that if the bills are enacted into laws, **"the EU will not stay silent on the side but would voice its objection very clearly"**.

### In Numbers

	Planned 2009	Achieved 2009
Reports/advocacy Interventions to UN / EU / US	8-10	26
Briefings for embassies and diplomats	<b>Frequent meetings</b>	14
Int'l human rights conferences/networks / trainings	10-12	16



## Briefings for Diplomats and Embassy Representatives



*Pictured: Adalah Attorney Ala Mahajna at Adalah's briefing for embassy representatives in 12/09.*

In 12/09, Adalah held its [annual briefing](#) on legal developments and major Israeli Supreme Court cases concerning Palestinian Arab citizens of Israel for representatives of foreign embassies at the Heinrich Bvll Foundation in Tel Aviv. Ambassadors and political officers from 10 countries attended the briefing.

In 8/09, Adalah's General Director Hassan Jabareen and Adalah Attorney Haneen Naamnih met with [The Elders](#) during their visit to Israel and the OPT. Attorney Jabareen participated in a meeting with civil society leaders, and Attorney Naamnih was selected by the Carter Center to represent Palestinian youth in Israel.



*Pictured: Adalah Attorney Haneen Naamnih meeting former US President Jimmy Carter in 8/09.*

Adalah General Director, Hassan Jabareen, together with the General and Legal Directors of the leading human rights organizations in Israel met **former US President Jimmy Carter** in 6/09 in Jerusalem. President Carter held a series of meetings in Israel and the OPT concerning recent political developments in the US and Israel.



*Pictured: Human rights leaders meet with former US President Jimmy Carter in Jerusalem in 6/09.*

Adalah hosted the new **South African Ambassador to Israel, Ismail Coovadia**, at our office in 6/09.



*Pictured: Meeting with the South African Ambassador to Israel at Adalah in 6/09.*

Adalah General Director Hassan Jabareen and International Advocacy Director Rina Jabareen, together with small group of human rights advocates, met the **Swiss Ambassador to Israel, Walter Haffner**, at his residence in 6/09.

Adalah Attorney Morad El-Sana met the **US Ambassador to Israel, James Cunningham**, at a meeting held with the mayor of the Rahat municipality and NGO leaders in the Naqab in 6/09. Adalah also held several meetings with representatives of the US Embassy in Tel Aviv and the State Department in Washington, DC. Adalah provided extensive information for the upcoming **US State Department's human rights report** on Israel and the OPT. Adalah also signed on to a joint NGO letter, initiated by the National Lawyers' Guild, pointing out the main deficiencies in this report and requesting that information from the Goldstone report and UN human rights bodies be included in the report this year.



*Pictured: NGO leaders and the mayor of Rahat Municipality meet the US Ambassador in 6/09.*

Adalah regularly sent out information and updates to embassies and consulates in Israel and the OPT concerning our legal actions and reports, and held numerous meetings with country representatives on request.

## UN Advocacy

### Investigations into War Crimes in Gaza and Demanding Accountability for the Victims

#### *Providing evidence to the UN*

Adalah submitted materials on our legal work on Israel's military attacks on Gaza to [UN Special Rapporteurs \(SR\)](#), including [Prof. Richard Falk, UN SR on the OPT](#), who wrote and submitted reports to the UN Human Rights Council (HRC) in 3/09.

In 5/09, Adalah provided **extensive testimony to the Goldstone Mission** in Geneva on Adalah's legal work challenging violations of IHRL and IHL, legal analysis of the state's positions and policies towards Gaza, and Supreme Court jurisprudence on these issues.

In 6/09, Adalah and six other human rights organizations based in Israel submitted a [joint report to the Goldstone Mission](#). The report contained detailed findings on alleged violations of IHL by the Israel military in Gaza, including collective punishment against civilians. It also contained a [position paper](#) published by Adalah in 2/09 on the illegality of the Israeli military attack on members of the Palestinian civilian police force and the bombing of government buildings and Hamas institutions in Gaza, and an [article](#) written by Adalah Attorney Fatmeh El-Ajou in 4/09 entitled, "On the Criminal Responsibility of the Israeli Army in Gaza."

Adalah gave testimonies before various UN fora about the **failure of domestic remedies** in Israel for Palestinian victims of the military attacks in Gaza, including:

- In 7/09, Adalah appeared before the [UN International Meeting on the Question of Palestine](#) in Geneva. The meeting's theme was the responsibility of the international community to uphold IHL and ensure the protection of civilians in the OPT in the wake of the war on Gaza.
- In 8/09, Adalah participated in the [UN Special Committee](#) to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories in Amman.

#### *The Goldstone Mission Report*

As noted above, the [Report of the Goldstone Mission](#), published in 9/09, contains **35 direct references to Adalah on ten separate cases**, including several of Adalah's petitions to the Supreme Court on the OPT and the conduct of the Israeli army, and the inhuman conditions in which Gaza detainees were held during Operation Cast Lead. It also dedicated an entire chapter to the arbitrary arrest and harassment of anti-war protesters in Israel, relying extensively on Adalah's report: "Prohibited Protest" (see Legal Education).

#### *Seeking state endorsement of the Goldstone Mission Report*

In 9/09, immediately after the release of the Goldstone Report, a coalition of Palestinian human rights organizations including Adalah issued a [statement](#) welcoming the report and stressing the roles and responsibilities of the international community in ensuring accountability for the victims.

Adalah attended two sessions of the UN Human Rights Council (HRC) in Geneva following the release of the Goldstone Report:

- In 9/09, Adalah, together with a group of Israeli, Palestinian, and international human rights organizations, held a [side event](#) at the HRC where they called on states to [endorse the Goldstone Report](#) and demand accountability for the victims. A surprising outcome of the session was that the [Palestinian Authority withdrew the resolution](#) and the vote was postponed.

- In 10/09, Adalah gave an [oral statement](#) before a special UN HRC session that focused on the lack of Israeli domestic remedies for Palestinian victims of the Israeli military and the need for a strong, united stance by the international community against impunity. On 16/10/09, the UN HRC adopted a [resolution](#) endorsing the report (25 votes for, 6 votes against, and 11 abstentions). The HRC referred the report to the UN General Assembly (GA).

In 11/09, Adalah and Palestinian NGO partners issued a [joint statement](#) prior to the debate on the Goldstone Report in the GA calling on member states to endorse the report, as a first step toward ensuring justice and accountability for war crimes and possible crimes against humanity committed during Operation Cast Lead. Adalah monitored the GA proceedings, which [voted](#) to endorse the Goldstone Report (114 votes for, 18 votes against, and 44 abstentions). The [GA resolution](#).

#### ***Follow-up on Israel's military probes and investigations***

Adalah continued to provide updated information to UN bodies and other international actors on Israel's military probes and investigations into cases of suspected war crimes and breaches of IHL and IHRL. In 12/09, Adalah addressed diplomats, representatives of international organizations and journalists at a briefing held in Jerusalem under the auspices of the UN Protection Cluster Working Group (coordinated by OHCHR) on the Goldstone Report. Adalah provided updates on the **current status of the military investigations opened by Israel**.

#### **Other UN Advocacy**

The UN Independent Expert (IE) on Minority Issues, Gay MacDougall, presented a [set of recommendations](#) on **minorities and the right to education** to the HRC in 3/09. Adalah played an active role in the formulation of the recommendations, providing extensive comments and suggestions to a draft version in the context of our participation in the inaugural session of the new Forum on Minority Issues, held in Geneva in 12/08. Adalah Attorney Sawsan Zaher participated in this session as an UN-selected expert in the field. Due to [Adalah's comments](#), the IE added four new articles to the recommendations and made significant amendments/ additions to 14 other articles, tackling compound discrimination against female minority members, minority cultural rights and narratives, and other issues. The intention is that these

recommendations will be adopted as a new General Comment by the CERD Committee, and become the authoritative interpretation of IHRL on this matter.

Adalah Board member Fouad Sultani participated as an observer in the [Durban Review Conference \(DRC\)](#) in Geneva in 4/09. His participation was supported by the UN. Badil, Al-Haq and Adalah wrote to the UN High Commissioner for Human Rights to express our disappointment and concern that the DRC neglected the victims of severe racial discrimination, in particular the Palestinians, and drastically restricted any meaningful civil society participation in the conference. Participation supported by the UN.

#### **EU Advocacy**

Adalah submitted information to the EU in 11/09 on the legal status of the Palestinians in Israel for its **4<sup>th</sup> annual progress report on the implementation of the EU-Israel Action Plan**.

Adalah wrote sections on discriminatory laws against Arab citizens of Israel for the Euro-Mediterranean Human Rights Network (EMHRN)'s [note](#) on the human rights situation in Israel and the OPT, submitted to the **EU-Israel Informal Human Rights Working Group (WG)** meeting held in 9/09. Adalah also gave updated information, by request, to the Swedish Presidency in this regard.

International Advocacy Director Rina Jabareen participated in a series of **advocacy meetings in Sweden** in 6/09, with colleagues from B'Tselem, Al Haq and the EMHRN, prior to the EU-Israel Association Council (AC) meeting. At these meetings, organized together with Diakonia, the organizations urged the EU to support accountability for the Gaza war, the construction freeze and dismantling of the settlements, and respect for the rights of Palestinian citizens of Israel. Participation supported by EMHRN.

Prior to the EU-Israel AC meeting in 6/09, Adalah, the Arab Association for Human Rights (HRA) and the Chair of the High Follow-up Committee for Arab Citizens of Israel met **EC officials in Tel Aviv** to discuss "anti-Arab" legislation and the deterioration of the human rights of Palestinian citizens. By invitation of the Swedish embassy, the chair of an **informal human rights WG of embassies**, Adalah briefed embassies on these issues in 6/09.

Adalah Attorney Fatmeh El-Ajou joined a EMHRN Palestine/Israel Working Group delegation for a



**series of advocacy meetings in Denmark** with government officials, parliamentarians, academics and NGOs in 3/09. Adalah Attorney Sawsan Zaher participated in a similar **set of advocacy meetings in Sweden** in 5/09, in the run-up to the start of the Swedish EU Presidency in 7/09. Participation supported by EMHRN.

**EU Regional seminar on thematic instruments and programmes: reinforcing civil society.**

Adalah's International Advocacy Director participated in this two-day seminar held in Cairo in 5/09. The seminar brought together more than 100 NGO representatives from around the region for a consultation on the EU's financing of thematic programs. Participation supported by the EU.



*Pictured: The EMHRN Working Group on Palestine/ Israel and the Palestinians, Madrid, 10/09.*

Adalah's International Advocacy Director Rina Jabareen participated in two meetings of the **EMHRN's Working Group on Palestine/ Israel**: in 4/09 in Jerusalem, accompanied by a series of meetings with NGOs and diplomats on the EMHRN's report on the EU and Gaza; and in 10/09 in Madrid, which included meetings with NGOs to discuss the upcoming Spanish EU Presidency and an expert seminar on aspects of third state accountability. Rina was selected as the facilitator of the group. Participation supported by the EMHRN.

**EMHRN Report: Active but Acquiescent - The EU's Response to the Israeli Military Offensive on Gaza:**

Adalah was a member of the Steering Committee, together with Al Mezan and PCHR, for this [report](#), published in 5/09. The EMHRN briefed NGOs, the EC and EU member state embassies on the initial findings of this report in 4/09. In 5/09, the EMHRN launched the EU-Gaza report in Brussels, and in 6/09 in Tel Aviv and Ramallah with a series of briefings for embassies, consulates and journalists.

Adalah Attorney Sawsan Zaher participated in two meetings of the **EMHRN's WG on Gender**: in 5/09 in Sweden, which included lobbying activities and a public event; and in Istanbul in 10/09, followed by a two-day conference in preparation for the Ministerial Conference on follow-up to the Istanbul Action Plan (IAP). The IAP, EU and Middle Eastern ministers, including Israel, committed to achieve equality between men and women in their countries. The EMHRN WG on Gender prepared a shadow report on the IAP, which was sent to the ministers. Sawsan is the facilitator of the WG on Gender. She also participated as a consultant on gender-mainstreaming in the **EMHRN's WG on Justice** meeting in Paris in 6/09. Participation supported by EMHRN.

**International HR Advocacy Conferences and Trainings**

Adalah's International Advocacy Director and Attorneys Sawsan Zaher and Ala Mahajna participated in **training sessions on US advocacy held by Project Engage** in 11/09.

Adalah Attorney Orna Kohn attended **Christian Aid's Regional Partners' meeting** in London in 11/09 to discuss new strategies for a "rights-based" approach in the region.

Adalah Attorneys Fatmeh El-Ajou and Orna Kohn participated in a three-day **training course on the International Criminal Court** in The Hague in 11/09. Convened by partner FIDH, the course was also attended by representatives of Al-Haq, PCHR and PCATI. Participation supported by FIDH. Adalah also held meetings with FIDH in Paris in 11/09 to begin to conceptualize legal strategies regarding the Goldstone Mission report. Adalah's representatives also attended a meeting of the FIDH Legal Action group.

Adalah Attorneys Orna Kohn and Haneen Naamnih and International Advocacy Director Rina Jabareen participated in an advanced two-day **EU advocacy training** convened by APRODEV, Christian Aid, and the EMHRN in Talitha Kumi, Beit Jala in 11/09.

Adalah Attorney Sawsan Zaher attended two **budget monitoring and advocacy workshops**: in 5/09, in Georgia (former USSR) **OxfamNovib** (ON) convened a group of NGO representatives working on anti-discrimination litigation in budgets, economic development and women's rights to share the



concepts and tools they use in their work; and in 10/09, in Istanbul the **International Budget Partnership (IBP)** led a 10-day course, attended by 23 representatives of human rights and development organizations in the Middle East. Supported by ON and IBP.

Adalah's Media Coordinator Salah Mohsen participated in a 10-day workshop on **UN international human rights instruments in theory and in practice** hosted by the Arab Center for Human Rights in Tunis in 7/09. 26 activists from Arab countries attended. Participation supported by the convener.

Diakonia published a [report](#) in 5/09 on its conference "Palestine/Israel: Making Monitoring Work - Re-Enforcing International Law in Europe," held in Brussels in 9/08, featuring a summary of Adalah GD Hassan Jabareen's presentation on the **failure of domestic remedies in cases of killings of Palestinians by the Israeli security forces**.

A conference on "**Universal Jurisdiction in England & Wales: Dispelling Myths & Learning Lessons**" was hosted in London in 3/09 by SOAS, FIDH, PCHR and Hickman and Rose Solicitors. Adalah's International Advocacy Director participated in the conference, which brought together academics, lawyers and human rights activists. Participation supported by Hickman and Rose.

Chair of Adalah's Board of Directors, Dr. Mahmoud Yazbak, gave two lectures at the invitation of the **German-Palestinian Association** in Germany: in 2/09, with the Protestant Academy Hofgeismar on Adalah's Democratic Constitution, at a conference entitled "Israeli Democracy and the Conflict's Solution: One Democratic Country or Two-States?"; and in 11/09, with the Berlin Working Party on Middle Eastern Affairs, on "The Palestinian Minority under Israeli Rule".

Adalah's International Advocacy Director participated in the **Global Strategy Exchange Convening Conference**, organized and funded by the US Human Rights Fund. The conference, held in New Orleans in 1/09, was attended by 140 people from 12 countries. The purpose of the conference was for human rights advocates to share experiences of their work and strategize on developing transnational advocacy projects. Rina gave a presentation on the October 2000 killings and Adalah's international and transnational advocacy.

## International Advocacy Challenges

- *Getting issues of Palestinian citizens of Israel on the international agenda*

Adalah's international advocacy work increased dramatically in 2009. Adalah presented more reports and met more international decision-makers - UN, EU, ambassadors and embassy representatives - than ever before. A great deal of our advocacy focused on the OPT. Issues of the War on Gaza, Goldstone, torture, and accountability dominated our agenda, although a lack of political will prevented states from taking serious action against Israeli human rights violations in the OPT. Adalah's main success in relation to Palestinian citizens of Israel included substantial advocacy work around the flood of "anti-Arab", anti-democratic bills proposed by the new government; these issues subsequently received great attention from the US and EU. However, there is also a great need for Adalah to raise more of its cases of discrimination and racist practices against Palestinians in Israel in the international arena, particularly given the increasing nationalist character of Israeli society and the judiciary. Toward this end, Adalah re-assigned a staff member in 8/09 to focus on international media and outreach, as one step in this direction.

- *Creating stronger US advocacy*

Each year Adalah provides substantial information to the US State Department for its annual human rights report, and holds several meetings with US embassy officials in Tel Aviv. Adalah also cooperates with and gives lectures at US-based law school human rights clinics and routinely distributes information to US journalists based in Israel. However, this is not enough to have a serious influence on US human rights policy in Israel. With the election of the new Obama Administration, US decision-makers may be more open to hearing about Israel's anti-democratic features and discrimination against Palestinian citizens of Israel, and taking some actions. There is a great need for a Washington, DC-based human rights coordinating body, similar to the EMHRN. Adalah will participate in "Project Engage", a new initiative, to be launched in 2010 with a series of visits by Israeli and Palestinian human rights activists to the US, to begin to present a different perspective in Washington. In addition, Adalah will try to strengthen its connections with the US media and US lawyers' groups in 2010.

## Legal Education

### Highlights

- **Publication of Adalah's Review**



In 6/09, Adalah published the fifth volume of its flagship law journal [Adalah's Review](#). This volume, entitled "On Criminalization", examines the ways in which forms of political activity and resistance are criminalized by the State of Israel on pretexts of 'security offenses' or 'terror'.

Contributors include Palestinian, Israeli and international lawyers and law professors. The volume is published in Arabic, English and Hebrew, and is available to order in hard copy or in PDF on Adalah's website.

- **New Report, *Prohibited Protest***

In 9/09, Adalah published a new report entitled, "**Prohibited Protest: How the Law Enforcement Authorities Limited the Freedom of Expression of Opponents to the Military Attacks on Gaza.**"



This unique report exposes the ways in which the Israeli law enforcement agencies responded to the wave of protests by Arab and some Jewish citizens of Israel opposing Israel's military attacks on Gaza in 12/08-1/09. The report reveals how the police, the prosecutors, the General Security Service (GSS or the

"Shabak"), the courts and even certain academic institutions acted to use arrest and imprisonment as quick and easy tools to suppress dissent against the War on Gaza. The Goldstone Mission dedicated an entire chapter of its report to the arbitrary arrest and harassment of anti-war protesters, relying

extensively on information in Adalah's report (see Legal Action).

[Executive Summary \(Eng\)](#) | [Full Report \(Heb\)](#)



See a feature on the report by Akiva Eldar, "[How Israel Silenced its Gaza War Protesters](#)", *Ha'aretz* English Edition, 22/9/09

- **Training for lawyers**

In 11/09, Adalah held a training course for 30 lawyers on **Representing Detainees and Detention Procedures**.



*Pictured: Adalah Attorney Abeer Baker speaking at the course*

The course provided practical and theoretical training and met for five weekly sessions. Each 4-hour session included two workshops and tackled subjects including: representation of political protestors; detention until the end of trial; legal means of tackling torture against detainees; the effect of torture and isolation on the detainee and attempts to get Israel to ratify the CAT Optional Protocol; and detention procedures in security cases. Several of the Arab and Jewish Israeli lawyers who attended the training work in human rights organizations. In addition to Adalah's staff attorneys, leading defense lawyers gave lectures and led workshops, including Attorney Avigdor Feldman (private senior attorney), Prof. Kenneth Mann (founder of the Public Defender's Office in Israel), Attorney Banna Shoughry-Badarne (PCATI), and Dr. Ze'ev Weiner and Ms. Anat Litvin (PHR-I). There was also a special session on cross-examination. See the [course program](#).

Evaluation comments included:

- Attorney Baker Jabareen (Umm Al Fahem): "The course ... was of the highest standard."
- Attorney Ola Sweitat (Tarshiha): "The course benefitted me professionally very, very much, particularly since I will soon begin a new job with Palestinian political prisoners."

- Attorney Yossi Wolffson (HaMoked, Jerusalem):  
“Some of the lecture topics were completely new to me, both from a legal-theoretical level and more specifically in practice.”

Several course participants suggested that even more practical workshops would be useful. Adalah will consider these remarks in planning future courses. Many of the participants also expressed their desire to maintain contact with Adalah for possible *pro bono* representation in the future. The course was supported by the EU.

- **Publication of new international law study on Israel's Practices in the OPT**

In 5/09, the Human Sciences Research Council in South Africa published a comprehensive study, [“Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the OPT under International Law.”](#) The study tests a hypothesis posited by Prof. John Dugard in his report to the UN HR Council in 1/07. Prof. Dugard posed the question: “What are the legal consequences of a regime of prolonged occupation with features of colonialism and apartheid for the occupied people, the Occupying Power and third States?” Al Haq, Adalah and a team of lawyers and legal academics from the Ireland, Israel, South Africa, the UK and the West Bank contributed writing this 300-page study.



*Pictured: At the London launch of the report in 5/09.*

Together with several of the authors, Adalah's International Advocacy Director gave a presentation on the implications of the study at its launch at the School for Asian and Oriental Studies (SOAS) in London in 5/09. She also gave a presentation with colleagues at a special House of Commons session organized by the Britain-Palestine All Party Parliamentary Group.

In 8/09, Adalah and Al-Haq held a symposium in Ramallah where research team members presented

the findings of the study and discussed potential next steps with around 150 representatives of civil society, political parties, and international organizations who attended the event. Palestinian, Israeli, South African and other international scholars and professionals have provided observations in response to the study.

### In Numbers

	Planned 2009	Achieved Jan-Dec 2009
<b>Seminars &amp; Conferences</b>	3-4 events	2 roundtables
	2 academic workshops	Not achieved; unplanned reports & database issued
	20-30 lectures	Over <b>30</b> lectures (in Israeli NGOs; the Bar, universities)
<b>Publications &amp; Reports</b>	12 vols. of newsletter; subscribers	Published <b>12</b> volumes; <b>25,000 subscribers</b>
	Website	<b>20,000 unique visitors</b> in 10/09; avg. 18,000 monthly visitors
	Adalah's Review	Published Vol. 5- 1,500 copies
	Makan	In production. Publication early 2010
	Videos	<b>5</b> clips; post-production phase of <b>3 Inequality series videos</b>
<b>Media Outreach</b>	Issue 60+ PRs & interviews	Issued over 120 PRs; <b>10 cases widely covered</b>
	Protest ads	Initiated 1 & co-signed 2
<b>Training for law students</b>		New partnership, Haifa Univ. prisoners' rights legal clinic
	Host 1-2 stagaires	Hosted 5 stagaires; law students
	Training workshops	Held course on detention for 30 lawyers
	4 <sup>th</sup> Law Students' Conference	Held reunion, and conference in 10/09
	Work with law student externs	Al-Quds HR Clinic, US law and Irish law schools
	Host LLM fellows	Hosted <b>OSI-CEU LLM fellow</b>

## Seminars & Events

In 2/09, Adalah held a roundtable discussion for around 25 Palestinian and Israeli lawyers, academics and human rights professionals from Israel and the OPT to examine the possible means of [enforcing international law](#) both in international courts and foreign national courts, in the aftermath of Israel's military attacks on Gaza.

In cooperation with Mada Al-Carmel and Andalus Publishing, Adalah hosted renowned author and critic Naomi Klein in 7/09 on the occasion of the publication of her new book "**The Shock Doctrine**". The event was held in the Al-Meidan Theater in Haifa and was attended by over 300 people and was followed by a lively Q&A session.

In 7/09, Adalah held a **roundtable on the proposed land reform law**, which eventually passed in 8/09. The roundtable was attended by representatives from Palestinian civil society in Israel as well as Arab MKs. Participants discussed the various affects the land reform will have on Palestinian citizens of Israel as well as alternatives of how to challenge the land reform.



*Pictured: MKs and other roundtable participants*

By invitation, Adalah's staff gave **over 30 lectures at university and law school symposia** and seminars, Israel Bar Association meetings and conferences, and NGO events in Israel. Subjects included: political participation and restrictions on free speech, the disqualification cases, Gaza, the Arab minority in Israel, home demolitions, land reform, dilemmas in prisoners' rights litigation, family unification and citizenship, torture, and new discriminatory bills. For example, in 11/09 Adalah Attorney Orna Kohn was a guest speaker at a University College London event organized by the UCL Friends of Palestine. The event, [Same Land, Different Rights: Palestinian Citizens in Israel](#), was attended by some 60 participants provided an overview of the status of Arab citizens of Israel.

## Electronic Publications & Reports

### ◦ *Adalah's Newsletter*

Adalah published **12 volumes of its monthly electronic newsletter** in Arabic, Hebrew and English. The newsletters included news updates about our cases as well as our international advocacy initiatives and publications; articles and commentaries about human rights issues; announcements of upcoming activities; and links to important reports and news of other human rights organizations and the UN. Multi-media items included video clips of staff and Board members discussing legal issues and photo slideshows. The themes for the newsletter in 2009 were as follows:

### Newsletter Theme

<a href="#">January</a>	<i>Political Participation in Elections and Military Attacks on Gaza</i>
<a href="#">February</a>	<i>International Criminal Law</i>
<a href="#">March</a>	<i>33<sup>rd</sup> Land Day</i>
<a href="#">April</a>	<i>Prisoners' Rights &amp; Memorial for Riad Anees</i>
<a href="#">May</a>	<i>The Nakba Law</i>
<a href="#">June</a>	<i>Palestinian Refugee Property and International Day against Torture</i>
<a href="#">July</a>	<i>The Fifth Anniversary on the ICJ Advisory Opinion on the Wall</i>
<a href="#">August</a>	<i>Land and Planning Rights - The Israel Land Reform</i>
<a href="#">September</a>	<i>Accountability for War Crimes in Gaza</i>
<a href="#">October</a>	<i>From The Or Commission to Goldstone</i>
<a href="#">November</a>	<i>Accountability for War Crimes in Gaza and Unrecognized Villages in the Naqab</i>
<a href="#">December</a>	<i>Loyalty to Zionism and International Human Rights Day</i>

Some newsletter highlights in 2009 included:

### *Interviews*

Interview with [Rene Antezana](#) from "Poder Local" on Bolivia's new constitution (2/09)

Interview with [Attorney Lea Tsemel](#) (6/09)

### *Articles & Commentaries*

Dr. Anat Matar, Tel Aviv University, [Israel's Internal Matter' : The Palestinian Prisoners of Zion](#) (4/09)

Prof. Lisa Hajjar, Law & Society Program, UC Santa Barbara, [Torture American-Style](#) (6/09)



Abeer Baker, Adalah Attorney, [Dilemmas of Representation in Defending the Rights of Palestinian Prisoners](#) (4/09)

Dr. Yosef Rafiq Jabareen, The Technion, [The Geo-Political and Spatial Implications of the New Israel Land Administration Law on the Palestinians](#) (7/09)

Haneen Naamnih, Adalah Attorney, [Prohibiting Contact with Enemy Aliens: The Case of the Palestinians in Israel](#) (11/09)

#### Roundtable

Adalah poses questions regarding the ICJ Advisory Opinion on the Wall (7/09):


- Attorney Diana Buttu, [Looking Back](#)
- John Reynolds, Al Haq, [Barriers to Enforcement](#)


The average number of **monthly subscribers to the newsletter** numbered around **25,000** in 2009. Thousands of readers also view the newsletter each month from the websites of Arabs48 and other media outlets, solidarity groups and NGOs where the newsletter or popular articles and commentaries are re-posted. For example, one piece which received much attention was a satire story written by Adalah's General Director, Hassan Jabareen and published in our 5/09 newsletter, entitled "[The Legal Saga of Abu Nakba](#)". The story was re-printed in the [Weekend Supplement of Haaretz English Edition](#) and in the Israel Bar Association journal in Hebrew.


#### ◦ *Adalah's Website*


Adalah frequently updated its **tri-lingual websites** with new press releases and primary documentation concerning our legal work and international advocacy, photo galleries and publications. In 2009, the number of average monthly users who visited our websites was nearly **18,000**. The highest number of unique users - **20,000** - visited the websites in 10/09. Adalah is also developing its use of social media and new media; Adalah established a [Facebook](#) page and a [YouTube](#) channel.


Adalah also produced **five video clips** for our website and newsletter during 2009:

 Adalah's General Director Hassan Jabareen discussing the [attempt to disqualify Arab political parties](#) from the 2009 Knesset elections (1/09)

 Dr. Hala Khoury-Bisharat, an international criminal law expert and a member of Adalah's Board speaking about the [decision of the Spanish National Court to probe Israel's killing of Salah Shehadeh and 14 civilians in Gaza](#) (2/09)

 Adalah Attorney Sawzan Zaher speaking about Adalah's petition challenging [the Citizenship and Entry into Israel Law](#) (3/09)

 International Law Professor Iain Scobbie from SOAS in London discussing [the Geneva Conventions on their 60th anniversary](#) (8/09)

 Adalah Attorney Suhad Bishara analyzing the [new land reform law](#) (8/09)

Adalah began shooting a series of three short documentary films entitled "**The Inequality Series**". The films will highlight the various fields and forms of inequality between Arab and Jewish citizens of Israel. The three films, including the introductory film entitled **Targeted Citizen**, are in final post-production stages and features Adalah lawyers and experts, the Palestinian Arab hip-hop group DAM and the comedy-duo Shamas-Nahas. Adalah is working with documentary filmmaker, Rachel Jones, on these videos. The videos, together with a written report on inequality, were commissioned by Christian Aid.

#### Media outreach

In 2009, Adalah published and tracked coverage of over **120 press releases** (in each language) written in Arabic, Hebrew and English on our work. 2009 was a breakthrough year for Adalah's work before the Arabic international media following concerted efforts to strengthen our relations with journalists. Adalah's cases were **frequently featured on Arabic international satellite TV stations**, including *Al Jazeera*, *BBC Arabic*, *Abu-Dhabi TV* and *Al Arabiya*. Major international Arabic newspapers such as *Al Quds Al Arabi*, *A-Sharq Al-Awsat*, and *Al Hayat* also regularly covered our work. Cases that attracted extensive coverage by the international Arabic media were the sale of Palestinian refugee property, the attempt to disqualify Arab parties from running in the Knesset elections, the War on Gaza and Goldstone Report. Locally, all of Arabic language newspapers and websites covered Adalah's work weekly.



*Pictured: Al Jazeera filming Adalah's General Director for a documentary on the ban on family unification, 2009*

Adalah's work appeared in the **Hebrew language press** and websites in Israel such as *Haaretz*, *Ynet*, *Walla*, *Ma'ariv* and Hebrew radio *Reshet Bet* and *Galatz Sahel*. Some TV coverage was obtained for major cases. In general, however, the Hebrew media remains hostile to Arab citizens. 2009 also marked a decrease in Hebrew coverage due to significant financial cuts at the dailies.

In terms of the **international media**, Adalah received almost weekly requests from foreign journalists interested in pursuing stories about the Arab minority in Israel. Adalah's work was featured in three separate lengthy articles in *The Guardian* (UK). [Profile: Avigdor Lieberman](#) published in 8/09; [Real Reform in Israel is a Distant Prospect](#) published in 9/09; and [Shattering Israel's Image of Democracy](#) published in 12/09. Due in part to the decline in Hebrew coverage, there was also a decrease in the English-language coverage of Adalah's work in Israel. Adalah's cases continued to feature in the English editions of *Ha'aretz* and *Ynet*, the Jerusalem Post, PNN, and *Maan* (Palestinian English news agency).

**11** of Adalah's cases attracted widespread media attention in 2009. Four of these cases were:

- The attempted **ban of the Arab political parties** from the Knesset elections. Of all of Adalah's cases this received the widest coverage in the Hebrew media. All the daily newspapers - *Haaretz*, *Yediot Aharonot*, *Ma'ariv*, *Israel Today* - as well as independent news websites, covered the case. The Arabic media, both local Palestinian and international, also widely covered it.
- A series of legal actions including a Supreme Court petition filed by Adalah and other NGOs against the **Israeli military offensive on Gaza**,

#### **and our work before the Goldstone Mission.**

Correspondents from *Al Jazeera*, *Al-Arabiya*, *Abu-Dabai* and others attended the Supreme Court hearing and interviewed Adalah's lawyers. Israeli radio, TV and print, covered the filing of the petitions and the Supreme Court hearings.

- Adalah's case challenging the **Citizenship and Entry into Israel Law** received wide coverage around the Supreme Court hearing. Adalah and other petitioners brought families affected by the law to court, the media was highly interested in the families' stories and a number of channels and websites broadcast interviews with them, including Channel 1 TV, *Al-Jazeera* and *Walla!*
- Adalah's challenge to the sale of **Palestinian refugee properties** attracted extensive media coverage. Adalah held a press conference in 6/09 on this issue and released our electronic database on land confiscations. Many international Arabic TV channels - *Al-Jazeera*, *MBC*, *BBC Arabic*, *Al-Mustaqbal*, *LBC*, *Al-Manar*, *The Palestinian TV*-broadcast detailed reports on absentees' properties; all major Arabic newspapers wrote extensively on the case. A few articles appeared in the int'l English media.

#### ◦ *Protest Advertisements*

Adalah co-signed several protest ads published in *Haaretz* during the 12/ 08-1/ 09 Israeli **military offensive on Gaza**. In 3/09, in the run-up to the Supreme Court hearing on the **Citizenship and Entry into Israel Law** case, Adalah initiated an ad in *Haaretz* in Hebrew protesting against the law. The ad was joined by 10 other leading NGOs in Israel. The ad played on Avigdor Lieberman's racist election slogan, "No Loyalty, No Citizenship". Adalah also co-signed an ad placed by **New Profile** in *Haaretz* in 4/09 demanding that criminal investigations against New Profile activists for promoting draft dodging be cancelled.

#### **Training for Law Students**

#### ◦ *4<sup>th</sup> Annual Law Students' Conference*

In 10/09, Adalah held its **4th Annual Law Students' Conference** with the theme of "The Absence of Justice and State Accountability". Over 70 law students attended the conference from law colleges and universities around Israel, and Al Quds University in Abu Dis, Jerusalem. The participants were evenly divided between men and women. 25

human rights lawyers, academics and activists spoke and ran workshops at the event, including Prof. Michael Karayanni (Hebrew University), Adv. Sari Bashi (Gisha), Dr. Neta Ziv (Tel Aviv University), and Adv. Auni Banna (ACRI). The three-day event featured a field tour of the Arab-Jewish mixed cities of Led (Lod) and Ramle. It also included workshops, lectures and screenings of documentaries. Workshop topics included the torture of detainees, the Goldstone Report, military and national service, discriminatory legislation, disabled people's rights, and employees' rights.



*Pictured: Students attending a tour of the mixed cities as part of Adalah's Law Students' Conference*

See [photographs](#) of the conference and the [conference program](#).

- *New partnership with Haifa University*

In 3/09, Adalah and the Faculty of Law Haifa University started a new partnership to run a **legal clinic for promoting prisoners' rights**. The clinic, the first of its kind in Israel, trains about 15-20 law students a year as part of their legal studies, and contributes to advancing prisoners' rights in Israel via legal representation, research, community projects and workshops. The clinic will focus on conditions of confinement, the Release Committee, aspects of life post-incarceration, and rehabilitation frameworks. Adalah Attorney Abeer Baker is the legal advisor / clinician and Dr. Khalid Ganaim is responsible for academic content.

- *Legal apprentices and local law students*

Ms. Haneen Naamnih, a graduate of the Faculty of Law University of Haifa, completed her legal apprenticeship in 2/09. She passed the Israeli Bar exam and began working with Adalah as a new lawyer in 6/09. Mr. Salem Abu Medeghem, Adalah's Naqab field researcher for eight years, graduated from the Netanya College of Law and completed his

legal apprenticeship with Adalah in 4/09. He is currently working as a legal assistant in our Naqab office. Mr. Morad Khatib, a graduate of the Academic College of Management, completed his legal apprenticeship with Adalah in 9/09.

During 2009 two law students, Fadi Khoury and Rawya Handaklo, also interned with Adalah. Adalah also wishes to thank the students from the legal clinics for Arab Minority Rights and Prisoners' Rights and Rehabilitation at Haifa University for their work with Adalah. Adalah lawyers also worked together with the **Al Quds University Human Rights Clinic** by giving lectures to the law students on Israeli legal jurisprudence, and undertaking joint advocacy projects.

LLM fellow, Ms. Rana Abed-Asali, worked as an attorney with Adalah through the Open Society Institute-Central European University (**OSI-CEU**) **program** for 2008/2009.

### Legal Education Challenges

Adalah works in a **challenging, ever-shifting media environment**. The advent of web-based newspapers with short news cycles, news-blogging and social media, plus the growing importance of visual media and video stories, particularly in the international media, demands that we adapt quickly. Adalah is currently reassessing its media strategy to respond to these demanding but exciting developments. To kick start this process, in 7/09 Adalah re-assigned a staff member, Ms. Gabrielle Rubin, to the new position of international media coordinator. Gaby has already begun to repackage our materials to make them more marketable to foreign journalists, build personal contacts with international journalists, and seek external media consultation to best inform our work.

A further challenge facing Adalah is to **identify a qualified publications editor** who can work in three languages. This position demands extensive theoretical and practical knowledge about the legal status of Palestinian citizens of Israel as well as relevant comparative law; extensive contacts in Israel and abroad; and high level language and editing skills. Adalah did not find a suitable candidate in 2009. As a result, existing staff members had to complete Vol. 5 of *Adalah's Review* and Vol. 2 of *Makan*, and we were unable to hold two planned international academic workshops towards the coming volumes of these journals. Adalah is continuing to search for a suitable publications editor.



## Institutional Development

### Highlights



- **Board-staff workshops**

The Board of Directors held **5 meetings** in 2009. Two of those meetings consisted of **two-day Board-staff workshops** held in Jerusalem in 1/09 and 9/09. Major decisions from these meetings included: (i) to pursue a new partnership with the Haifa University Faculty of Law to jointly run the Prisoners' Rights and Rehabilitation Legal Clinic for law students; (ii) to produce a report on the mass arrest and police brutality against demonstrators, overwhelmingly Arab citizens of Israel, protesting against the military attacks on Gaza and conduct training for lawyers on legal representation in emergency detention cases; (iii) to continue to study Adalah's possible role in international criminal litigation in the OPT and to evaluate our OPT work in 2010; (iv) to develop new fundraising initiatives including soliciting donations from individuals via electronic mailers and on-line donations, and to hire a fundraiser; and (v) to consult media professionals about Adalah's media strategies to re-assess our working methods.

Another main topic of discussion was Adalah's **organizational structure and systems**, in follow-up to recommendations made by the external evaluators in 2007. In this regard, Adalah completed and began implementation of a new financial manual for staff in 2009, containing a set of work regulations and staff benefits. Work in progress consisted of:

- Reviewing suggestions for a new, more complex organizational structure for Adalah, particularly

- focusing on the legal department, the creation of units, and the role/ responsibilities of the directors;
- Discussing recommendations for changes in Adalah's by-laws, approved by the General Assembly (GA) in 2002. A new set of by-laws is to be submitted to the GA in 2010;
- Reviewing and discussing suggestions of consultant for personal evaluations of staff; decided to task a Board member with expertise in the subject to re-write and simplify evaluation questions;
- Discussing areas of human resource development and Adalah's policies in this regard.

### Fundraising

In response to the continuing global financial crisis and the stiff competition for funds among NGOs, Adalah rigorously pursued new fundraising initiatives in 2009. Our main focus was on recruiting new donors and individual contributors, forging new partnerships, and taking advantage of new funding opportunities.

- **Finances**

Adalah's estimated budget for 2009 was US \$1,230,000. Based on Adalah's unaudited financial report through 12/09, Adalah secured about 90% of the budget.

- *New grants awarded in 2009*

A new partnership of Adalah, Physicians for Human Rights-Israel and Al Mezan in Gaza was awarded a three-year EUR 627,500 grant from the European Union **to combat and prevent torture and ill-treatment** of Palestinian prisoners in Israeli jails and civilians in the OPT. The partners began the project in 5/09. The organizations will use their complementary skills, expertise, and strategic positions to maximize the effectiveness of their work on issues of torture through: training of legal and medical professionals; legal actions; international advocacy; media work; and an international conference and publication.

 **See our Torture Blog:**  
<http://endisraelitorture.blogspot.com/>

The Public Committee Against Torture in Israel (PCATI) and Adalah received an emergency grant from ICCO in the Netherlands for a project focusing on **prisoners from Gaza** who were detained during the Israeli military attacks at the beginning of the



year and who are incarcerated in Israel. The partners visited and obtained affidavits from the prisoners in order to determine the appropriate legal courses of action, and reported on the findings to the Goldstone Mission. The partners will publish a report on the status / conditions of these prisoners, and submit a petition to the Israeli Supreme Court.

Christian Aid (CA) commissioned Adalah to work on an **Inequality Project** it is undertaking in Colombia, Burundi and Israel. Adalah produced a report on inequality against Arab citizens of Israel and is in the process of completing three videos. Adalah has used this opportunity to gain more experience in conceptualizing and producing advocacy videos, with established documentary filmmaker Ms. Rachel Jones. In 2010, Adalah will publish the report and launch and widely distribute the videos. Adalah will also work with other NGOs to use the videos for debate and discussion in schools in Israel.

The Welfare Association commissioned Adalah to research and write a report on the implementation of Israeli **land and planning laws in East Jerusalem**. Adalah completed the report in Arabic. The Civic Coalition for Defending the Rights of Palestinians in Jerusalem will publish the report in 2010.

The NGO Development Center (NDC) - the HR/GG secretariat for the pooled funds of the Swiss Agency for Development and Cooperation (SDC), the Royal Danish Representative Office to the PA, the Swedish International Development Cooperation (Sida) and the Netherlands Representative Office to the PA - awarded Adalah a small grant to research and publish a **report on the settlements in the OPT**. The report will be completed and published in 2010.

Broderlinjk Delen, a new donor to Adalah based in Belgium, awarded the organization a grant of EUR 30,000 for our **land and planning litigation** and advocacy in Israel for 2010.

#### • *Fundraising and networking visit*

The Chairman of the Board of Directors, Dr. Mahmoud Yazbak, General Director Attorney Hassan Jabareen, Attorney Suhad Bishara, and Office Manager Fathiyya Hussein traveled to Amman, Jordan in 4/09 for a fundraising and networking visit. They met the Director of the Welfare Association and a member of the Board of Trustees of the Arab Human Rights Fund, Dr. Ata Khuttab; the Middle East Program Director of OSI, Mr. Gregor Meiering, and the Program Officer for

Rights and Governance, Mr. Ammar Abu Zayyad; and other human rights organizations.

#### • *On-Line Donations*

In order to begin to solicit contributions from individuals in Israel and abroad, Adalah took the important initial step of easing the method of gift-giving. Adalah made contracts with credit card companies and individuals in Israel and abroad can now donate to Adalah on-line.

Adalah ran its first [on-line campaign](#) in 12/09 for International Human Rights Day, using the UN's theme of "End Discrimination" to highlight the great need for Adalah's work and to solicit funds. The campaign materials were also adapted and produced in Arabic and Hebrew, and distributed electronically and via post. The results of this initial campaign will be appropriately tracked and analyzed.



#### • *Reports and Informational Materials*

Adalah's Annual Report of Activities and Audited Financial Report for 2008 and our Half-Year Report of Activities and Financial Reports for January-June 2009 were completed and sent to all donors. These reports were accepted and found to be of high quality by our partners. Adalah also produced a new [brochure](#) and frequently updated its "Litigation Docket", a list of Adalah's pending cases before the Israeli courts, which was distributed throughout the year.

#### Human Resources Development

Throughout the year, Adalah staff members attended several short courses and sought out consultation to strengthen their skills in the areas of website design, media, advocacy campaigning, and fundraising.

Adalah also sought to develop its computer systems. "Commit" is a software tool to manage legal case files. Adalah is the process of digitizing its files and computerizing its case management system. Adalah purchased new accounting / financial software to improve its bookkeeping and financial reporting.

## Staff Honors

Adalah's Naqab Office Director, **Attorney Morad El-Sana**, was awarded a two-year fellowship from the US Fulbright Program to undertake his SJD studies (doctorate in law) at the American University Washington College of Law in Washington, DC, from the fall semester of 2009.

## Institutional Development Challenges

- *Fundraising uncertainty due to the global financial crisis*

A main challenge was **fundraising** for 2009 and for future years. Due to the global financial crisis, some of Adalah's donors were forced to cut back on grants and/or future commitments, and thus funding for 2010 and beyond is uncertain. In general, fewer funds are available from existing and new donors. Approaching potential new contributors is very time and labor intensive, as new relationships need to be built and many new funds are provided solely for project-based work or the provision of services. Adalah invested a large amount of time researching and meeting potential new donors, and submitting proposals and letters of inquiry. Adalah was successful in opening several new funding channels. Adalah also solicited some local in-kind contributions for projects, obtained limited case expenses from beneficiaries and launched its first online fundraising campaign targeting individuals. In 2010, Adalah will seek to hire an additional fundraiser to assist in our efforts to expand the sources of funds for our work.

- *Heavy workload and a scarcity of time to devote to organizational systems*

A further challenge is the severe time restraints imposed by our work, and the scarcity of time for examining and making decisions and changes to our organizational structure and systems. Adalah carried an extremely **heavy workload** in 2009, and was called upon many times to respond to crises, such as the attempted election disqualification and the

siege and War on Gaza. The legal cases we dealt with often required heavy documentation and were complex, politically sensitive and time consuming. Some aspects of the program development work that remain a challenge for Adalah are integrating gender more fully throughout the organizational structures and projects, and increasing the visibility and profile of Adalah's work, including stepped-up public outreach efforts and local fundraising. Adalah's Finance Director led a re-definition of the roles and responsibilities of Adalah's administrative staff to allow our office manager to work more closely with the General Director to ensure greater overall program implementation, particularly for the legal department, and to follow-up on decisions of the General Assembly and Board of Directors' decisions. An assessment of Adalah's progress on the recommendations made by the evaluators in 2007 will take place in 2010. This process will offer Adalah an opportunity to reflect on institutional development challenges and set forth concrete future steps in this regard.

## Board and Staff

- *Board of Directors*
  - Chairman, Dr. Mahmoud Yazbak
  - Ms. Suhad Aga, Advocate
  - Dr. Khaled Abu Asbeh
  - Prof. Muhammad Haj-Yahia
  - Dr. Mas'ud Hamdan
  - Dr. Hala Khoury-Bisharat, Advocate • Fuad Sultani, Advocate

- *Audit Control Committee*

- Wael Rabi, Advocate
- Jeries Rawashdeh, Advocate

- *Staff*

- *Founder and General/Legal Director*

Attorney Hassan Jabareen

- *Legal Department*

Attorneys: Fatmeh El-Ajou, Ala Mahajna, Haneen Naamnih, Orna Kohn, Sawsan Zaher  
Rana Abed Asali, OSI/Central European University  
LLM Fellow (through 9/09)

*On leave:* Adel Badir and Suhad Bishara (from 8/09 for one year), and Abeer Baker (from 12/09 for four months)

Urban Planner: Hana Hamdan  
Legal Assistant (Naqab): Salem Abu-Medeghem

Stagaires: Morad Khatib (through 9/09), Salem Abu-Medeghem (through 4/09), Haneen Naamnih (through 2/09)

Law Student Trainees: Fady Khoury and Rawya Handaklo (from 7/09)

• *Media and Public Relations Department*

Director: Eva Mousa

Coordinator: Salah Mohsen

IT, Video and Web Editor: Bilal Zahra

Hebrew Editor: Ran Shapira

• *International Advocacy Department*

Director: Rina Jabareen, Esq.

Coordinator: Katie Hesketh

International Media: Gabrielle Rubin

• *Administration and Finance Department*

Finance Director: Ghassan Kharouba, CPA

Office Manager: Fathiyya Hussein

Administrative Assistants: Sawsan Daoud; on leave: Christine Nasrallah (from 10/09)

Housekeeper: Suhair Khayal



### Appreciation to Overseas Interns

We are grateful to the interns and law fellows who worked with Adalah. All of the students and recent graduates provided extremely valuable work and spirit to Adalah. They are:

- Belkis Wille, Harvard University (Winter)
- David Jacobus, Cornell University Law School (Spring)
- Iyad Fattom, University of Virginia (Spring and Summer)
- Diala Shamas, Yale Law School (Summer)
- Tim Crawley, Hastings College of Law (Summer)

- Rawan Abdul-Nabi from the University of Sydney Law School (Winter)



*Pictured: Adalah's General Director Hassan Jabareen with summer legal interns Tim Crawley and Diala Shamas, 8/09*

### Donors and Contributors

Adalah's activities in 2009 were generously supported by contributions from private local and international donors. Foundation donors to Adalah were:

- Ford Foundation (The Ford-Israel Fund) (USA) • Open Society Development Foundation (Switzerland)
- OxfamNovib (The Netherlands)
- New Israel Fund (USA)
- EED (Germany)
- The European Community
- Foundation for Middle East Peace (USA)
- Ministry of Foreign Affairs (Switzerland)
- Naomi and Nehemiah Cohen Foundation (USA) • The Welfare Association (Jordan/Switzerland) • Christian Aid (Great Britain)
- NGO Development Center (Ramallah)

The pooled funds of the Swiss Agency for Development and Cooperation (SDC), the Royal Danish Representative Office to the PA, the Swedish International Development Cooperation (Sida) and the Netherlands Representative Office to the PA)

We sincerely appreciate and thank all of the foundations and individuals for their support.

*The views expressed in this report are those of Adalah and do not reflect the official position of the European Union or any other donor to Adalah.*