

On the Margins



Annual Review of Human Rights Violations of the Arab Palestinian Minority in Israel 2006



المؤسسة العربية لحقوق الإنسان
האגודה הערבית לזכויות האדם
Arab Association for Human Rights

Written by Tarek Ibrahim, Adv.

Translated (from Hebrew) by Shaul Vardi

Published in June 2007

Cover Photo: Home Demolition in the Naqab, 2006.



This report has been produced with the financial assistance of the European Union and ICCO. The views expressed in this report are those of the Arab Association for Human Rights and can, therefore, in no way be taken to reflect the official opinion of the European Union and ICCO.

The Arab Association for Human Rights (HRA) was founded in 1988 by a group of lawyers and community activists to promote and protect the civil and political, economic, social and cultural rights of the Palestinian Arab minority in Israel from an international human-rights perspective. In 2003, the HRA expanded its activities to include a human-rights monitoring program, whose methodology relies on field research and interviews and legal analysis of the domestic and international human-rights standards. The idea of establishing a Research and Reporting program was first developed by the HRA in the wake of the events of October 2000, when 13 Palestinian Arabs (twelve citizens of Israel and one from the Occupied Palestinian Territories) were killed by state police forces. Since that time, a steady trickle of serious and often physical human-rights abuses against minority citizens means that the need for human-rights documentation and reporting of these abuses is more vital than ever.

Introduction: From the Margins to the Extreme Margins	7
Chapter One: Inferior Citizenship Rights	11
A) Introduction	11
B) The Nationality and Entry into Israel Law (Temporary Provision), 5763-2003.....	14
Implementation of the Law	15
The Supreme Court Decision	17
Criticism by the Arab Association for Human Rights.....	18
Amendment of the Temporary Provision	19
Amendment No. 19 to the Entry into Israel Law	21
C) Granting Permanent Status to Foreign Children	22
Chapter Two: Political Persecution	23
A) Introduction.....	23
B) Prevention of Foreign Travel and Visits to Arab Countries.....	30
C) Position of the Arab Association for Human Rights.....	38
Chapter Three: Discrimination in the Confiscation and Allocation of Land and in Planning Policy	40
A) Introduction.....	40
B) Outline Plans	41
C) Land Confiscation	45
D) Housing	53
E) House Demolitions	55
F) Mixed Cities.....	61
Chapter Four: The Arab Citizens in the Naqab.....	63
A) Introduction.....	63
B) The Judaization of the Naqab.....	64

C) Ignoring the Arab Citizens in the Naqab.....	66
D) Eviction and Usurping	66
E) House Demolitions	68
F) Destruction of Crops.....	71
G) Individual Jewish Settlements.....	73
H) The Supply of Water to the Unrecognized Villages	75
I) Health Services	77
J) Grazing Grounds	77
K) Army Ammunition Left in Grazing Areas.....	79

Chapter Five: The War against Lebanon and the Arab Citizens.....81

A) Introduction.....	81
B) Lack of Public Bomb Shelters.....	82
C) Placement of Missile Batteries and Tanks adjacent to the Arab Villages.....	84
D) Failure to Install Sirens and Issue Instructions	84
E) Compensation and Rehabilitation Budgets for the North of Israel	86
F) The Educational Rehabilitation Plan for the North	89
G) Failure to Use the Arabic Language	90

Chapter Six: Racism against the Arab Citizens of Israel 92

A) Introduction	92
B) Member of Knesset Avigdor Lieberman.....	93
C) Racism on the Part of Jewish Members of Knesset and Ministers	97
D) Police Racism	100
E) Racism on the Part of Official and Semi-Official Bodies	101
F) Racism in the Provision of Services	104
G) Racism during the Elections to the Seventeenth Knesset.....	107
H) Racist Laws and Proposed Laws.....	109
I) Advocacy of Transfer.....	110
J) Racism on the Part of Israeli Citizens.....	112

Chapter Seven: Violence against Arab Citizens..... 116

A) Police Violence against Arab Citizens 116

Introduction 116

The Killing of Arab Citizens by the Police 117

Police Violence toward Arab Citizens 119

Prosecution of Policemen for Using Violence against Arab Citizens 124

B) Violence by Jewish Citizens against Arab Citizens 126

Chapter Eight: Desecration of Holy Sites 133

Appendix: List of House Demolitions and Delivery of Demolition Notices 141

From the Margins to the Extreme Margins

The Arab Association for Human Rights (HRA) has been publishing annual reports for the last three years, documenting some of the violations of human rights of Palestinian Arab citizens in Israel and tracking the official policy of Israel and its institutions throughout the year towards the Palestinian Arab minority in Israel. Our third annual report hereby presented portrays a typical picture of racial discrimination, which has become entrenched in official and legal policy, and has become an extremely dangerous practice and the legal basis that establishes relations between the state and its Jewish majority towards the Palestinian Arab minority.

With the racist discourse moving from the margins to the center, and from the exception to the norm, we are seeing an escalation of the "demographic" discourse, which no longer remains within the confines of the marginal racist political parties, but has become a law, legitimized by most of the Jewish political parties and approved of by them. Such was the case of the amendments to the Citizenship and Entry into Israel Law (temporary order) 5763-2003, which constitutes a blatant interference in a person's basic right to start a family and choose a partner and have children in their homeland. Likewise, last year, the state and its institutions continued to use "security" as an excuse to give legitimacy to all of the prohibitions and severe violations of human rights, from political persecution, through uprooting families and separating parents from their children to political arrests and the prohibition against visits to Arab and other countries.

In 2006 we also witnessed the continued policy of land appropriation and choking the Arab villages and cities and preventing their development, along with an increase in the demolition of Arab houses in the Galilee, the Triangle, the Nakab (Negev) and in the mixed cities. Meanwhile, the state and its planning institutions prepared all of the plans and designs to complete the process of Judaization, whose purpose is to change the demographic makeup by a plan to "develop the Negev and Galilee." All of the government ministries treat this plan as a national plan, with a budget of millions of dollars, to encourage the establishment of Jewish settlements on extensive areas, while tightening the stranglehold of the Arab villages and closing their residents in settlements devoid of the basic means of survival and development. The Arab villages suffer from planning problems and a lack of infrastructures and are threatened by demolition and evacuation, besides being denied the right to receive drinking water and basic services.

We also witnessed in 2006 the Israeli war on Lebanon that exposed, besides the brutal aggression against the citizens of Lebanon, the discrimination against Arab citizens in many areas, the most salient of which is the acute shortage of bomb shelters, to the point of their nonexistence in most Arab villages, and the absence of safety and emergency rooms as well as the absence of alarm systems and information materials for the Arab citizens. All that is in addition to the incitement by the Hebrew press against the Arab citizens during and after the war and its disregard for the heavy price paid by those citizens, both in lives and in property.

On the civilian level, in 2006 racist expressions by the Jewish majority against Arab citizens increased. Polls showed increased support for the idea of "transfer" of the Arabs away from Israel (62%), while more than 40% support racial segregation. Those findings are the result of the official policy and the general atmosphere, reflected in the increased representation of extreme Jewish parties in the last Knesset elections and their subsequent inclusion in the government coalition, which enables them to spread their venomous racist ideas against the Arab citizens in the framework of their official missions and roles as ministers. This has opened the door to other parties and legislators from different camps to compete with each other over racist suggestions for the Arab citizens by proposing many laws that define the Arabs as a "fifth column" and "enemies of the state."

The report follows with concern physical attacks on Arab citizens by members of the police, without any justification and without the assaulting policemen being punished, in an extension of the treatment of Arab citizens as "enemies," as noted by the Orr commission in its report, where it called for putting an end to that attitude. It appears that this appalling phenomenon has also opened the way to Jewish citizens to continue physically attacking and using violence against Arab citizens out of racist motives, as this report notes in many cases.

In addition, the report stresses that in 2006 the violation of Moslem holy sites continued, including the violation of mosques and cemeteries, in addition to the violation of the Church of the Annunciation in Nazareth, in an offense to human and religious values, engendering an atmosphere of hatred, hostility and violence.

Upon the publication of its third annual report, the HRA clearly notes the increase in racism and the policy of discrimination in various areas of life against the Arab citizens of Israel, indicating the failure of the various governments to treat this dangerous plague. The report notes that the current government justifies these activities and defends their perpetrators on the official and public level, creating the legal and political atmosphere that supports the continuation of those activities. The HRA also stresses that the government of Israel bears full responsibility for the increase in discrimination on the Israeli streets and in its official institutions, creating an atmosphere of hatred and hostility, which has been reflected by the use of violence and direct attacks, leading to a new era in which discrimination and racism have spilled over into the realm of fascist actions.

While the HRA notes the dangerous deterioration in the area of the violation of human rights, it must note that the international community is neglecting to fulfill its role in this matter, which is to force Israel to respect the human and international

standards of human rights, and stresses that the international disregard for the dangerous violations occurring in the occupied territories and Israel constitutes complicity in the moral and legal responsibility for the continuation and escalation of those violations. Therefore, the HRA calls on the international community to take action to provide the necessary tools of oversight and control to protect citizens and members of the minority from the rule of the state and the majority, to defend human rights and act to enforce them.

Sincerely,

Muhammed Zeidan, Director

The Arab Association for Human Rights

Inferior Citizenship Rights

A) Introduction

The Arabs in the State of Israel are citizens of the state: they hold Israeli identity cards and passports, and they have the right to vote in elections and to be elected. Although they enjoy formal equality, however, in practice their citizenship is inferior to that enjoyed by the Jewish citizens of the state.

According to the Law of Return, any Jew living anywhere in the world may immigrate to Israel and receive nationality, without being required to undergo the process of naturalization that is usual in most countries; the Jewish immigrant is considered to be “returning” to a country that is theirs by right. This right is absolute, and many only be nullified or prevented by the minister of the interior in rare and exceptional circumstances. For Arabs, by contrast, the yardstick for nationality is established in a different law, the 1952 Nationality Law. Unlike Jewish citizens, the right of Arab citizens to bring their relatives to Israel as citizens is not established in law. Under the Nationality Law as it applied for many years, Arab citizens who married non-citizens (mainly residents of the Occupied Territories – the West Bank and the Gaza Strip) could apply for “family unification,” a process that could result in the granting of nationality to the foreign partner. In practice, however, applications for family unification under this law were often ignored, and those that were processed usually led to the granting of temporary residence rather than nationality. In 1999, following a petition to the Supreme Court, the “staggered procedure” was established: the state promised to grant a series of temporary residence permits enabling the foreign partner to live in Israel during the five year period required to acquire eligibility for permanent residence and nationality. In practice, the state created obstacles to the implementation of the “staggered procedure,” and only in a minority of cases were permanent residence and nationality forthcoming.

The difficulties encountered by Arabs in securing formal status in Israel reflect the “demographic consideration” – that is, the desire to keep the number of Arabs who have legal status in Israel as low as possible. As part of this policy, the state often refuses to grant entry or residence permits to the foreign partner, or refuses to register the children of such couples in their parent’s identity card (if the child was born outside Israel), despite the fact that by law such children are entitled to legal status in Israel. The result is that many people who are entitled to receive status in Israel live in the country without official status, and are therefore denied the social rights (such as medical insurance) and civil rights (such as the right to vote) that accompany nationality.

January: Authorities Refuse to Recognize the Nationality of a Girl from Baqa al-Gharbiya because She Was Born in Nablus

The Ministry of the Interior refused to grant nationality to Kadar Ismail Muwasi or to register her in her mother's identity card, because she was born at Rafidiya Hospital in Nablus; her two brothers, Fahmi and Ahmad, were born at Hillel Yaffe Hospital in Hadera and received nationality.

The girl's mother, Izdihar Muwasi, explained: "When I was in the last month of my pregnancy (approximately three years ago), I visited the home of my husband Ismail in Nablus, after he was prevented from entering Israel because he does not hold an Israeli identity card. I sensed that I was going to give birth within a few days, so I decided to return to my home in Baqa al-Gharbiya. However, security barriers had been erected at the entrance to the city. I was not permitted to enter the city, despite the fact that I emphasized that I was about to give birth."

Izdihar's husband subsequently suffered a heart attack and died. Despite the suffering she had endured, Izdihar was determined to register her daughter with the Ministry of the Interior in Israel. Accordingly, she contacted the Ministry of the Interior in Hadera and presented all the necessary documents for the purpose of registration. However, the ministry rejected the application on the grounds that the child was born in the West Bank. Izdihar is concerned that her daughter has still not been registered by the authorities, since this will prevent her studying in Israeli institutions and will place a cloud over her future.

October: Bedouin Residents of the Unrecognized Village of Wadi al-Na'am Do Not Have Identity Cards

Shatiwi Sarahin (60) lives in a tent in the unrecognized Bedouin village of Wadi al-Na'am. Between the 1967 War and the 1973 War, he was employed as a scout in the Israeli army. Today he is disabled, unable to stand or walk, and has severe difficulties raising his body. He spends most of his time curled up on blankets in his tent. When he wishes to move in the tent, he pushes himself with his hands, his legs and body curled up behind him. In 2001, Sarahin fell off a camel and injured his back. His condition has deteriorated since then, and his life is confined to the tent.

Although he served in the army, Sarahin has no legal status in Israel. Accordingly, he has no health insurance and receives only occasional medical treatment from private physicians, at a very high cost. In 2004, Sarahin was hospitalized. The hospital summary sheet noted: "There is no information about the patient in the computer or from any other source. Medical history is unknown and there is no regular medication. He has never been hospitalized... A private physician occasionally gives him injections – [he] does not know which. He is not receiving regular care."

Like hundreds of members of the Al-'Azazma tribe to which he belongs, Sarahin has no status in Israel. In a letter sent by Attorney Bana Shagri-Badarneh of the Association for Civil Rights in Israel to then Minister of Interior Avraham Poraz in November 2003, she explained that some of the members of the tribe did not receive the status of Israeli citizens or any identifying documents during the years following Israel's independence "due to bureaucratic errors and irregularities in the registration." Following the murder of an Israeli officer close to the tribal lands in the

Negev in 1959, some of the tribe were deported to Sinai. After the 1967 War they were permitted to return, but their status was not regulated.

Sarahin is one of dozens of members of the Al-‘Azazma tribe who served as scouts or performed other functions in the Israeli army in the 1970s. Despite their service, these individuals do not receive any pension or assistance from the army; moreover, they do not have Israeli identity cards and they cannot receive health insurance or National Insurance benefits.

“I can’t go anywhere,” the former scout explains. “We live like cats and mice. If we see a checkpoint, we run a mile away. We hardly ever leave the area.” Sarahin worked for a while as a security guard in the Eilat area, but in 1995 he was arrested. He has three daughters who also lack any formal status. Both the applications he filed for family unification at the Beersheva Population Registry were rejected.

The spokesperson for the Ministry of the Interior’s Population Registry, Sabin Hadad, stated in response that “in accordance with the Military Service Recruitment Law, a person with no status in Israel cannot be recruited to the IDF. However, each case is examined on its own merits, and the decision takes into account any action that can contribute to the State of Israel.” Hadad claims that applications from people present in Israel unlawfully are processed by the ministry on an individual basis. “Regrettably, many people remain in Israel for many years without filing applications to regulate their status.”

Sabah Shatiwi, a ten-year old girl from the village, suffers from a disease affecting her legs. Her mother died when she was young. She drags her legs along as she walks, swaying and often tripping over. Sabah must also walk a long distance each day to the bus stop in order to travel to and from school. She does not receive any medical treatment since neither she nor her father have Israeli identity cards, and cannot receive medical services. “I cannot take my daughter to see a specialist. No-one recognizes us and I cannot afford to take her to a private physician. I cannot even leave home since I do not have an identity card yet.”

October: Soccer Player Shadi Abu Dib Cannot Secure Nationality for His Polish Wife

For six years, Shadi Abu Dib, a respected soccer player from the village of Jaljuliya, has been trying in vain to secure Israeli nationality for his Polish wife and their two young children. Dib has played for Hapoel Jerusalem, Achi Nazareth, Maccabi Petach Tikva and other teams. Since 2000, he has been sent to and fro from one office to another. The only positive result he has achieved came recently, when he managed to secure free medical treatment for his family.

“I married my wife Sylvia properly here in Israel,” Abu Dib recalls. “Everything was in accordance with Israeli law and the requirements of Islamic religious law. I forwarded all the documents, including the marriage agreement, to the Ministry of the Interior, and requested that my wife be granted Israeli nationality. That’s when the troubles started. It emerged that the Ministry of the Interior does not want to grant her Israeli nationality, and does not even want to see her as a temporary resident. They kept putting it off and raising unreasonable demands to see pictures from the wedding, copies of the wedding agreement, and other documents that I do not believe have

anything to do with an application for residence or nationality – but even so I complied, because I had no choice.

“In the meantime we had two children, a boy and a girl. Amazingly the authorities agreed to register my son in my identity card, because he was born here in Israel. My daughter was born in Poland while I was playing for a leading soccer team there. She doesn’t have any documentation. My wife’s name appears in my identity card, but not as my wife. I am still trying to get nationality for my wife, but I increasingly feel that the authorities are deliberately moving slowly on this matter because I am an Arab soccer player. This is particularly annoying when you compare it to the speed with which the Ministry of the Interior has granted nationality to foreign soccer players who play in Israel and marry Israeli women, as was the case with Roberto Coloati, the Argentinian who played for Maccabi Haifa – he received Israeli nationality less than a year after marrying a young Israeli woman, and was even invited to play for the Israeli national squad.”

Abu Diab has managed to oblige the Ministry of the Interior to provide an authorization stating that his wife and children are entitled to free medical treatment in Israel. However, he concludes, “I get the feeling that the Ministry of the Interior are trying to test how determined I am and are even deliberately trying to create an impasse so that I will give up. But I promise that won’t happen.”

B) The Nationality and Entry into Israel Law (Temporary Provision), 5763-2003

In July 2003, the Knesset passed the Nationality and Entry into Israel Law (Temporary Provision), 5763-2003 (hereinafter – “the Nationality Law,”) which denies Israeli citizens the right to live in Israel with their Palestinian partners. The official justification for the law was that a need had emerged to protect Israeli security against Palestinians, who might marry Israeli citizens in order to commit acts of terror. However, it has been widely argued that the actual goal of the law is demographic, reflecting concern in Israel that the Palestinians would attempt to implement the right of return by the “backdoor,” eroding the Jewish majority in the state.

The Nationality Law cancelled the previous procedures enabling the granting of official status in Israel to residents of the West Bank and Gaza Strip. The law prohibits the submission of new applications by citizens relating to the status of partners who are residents of the West Bank and Gaza Strip; the granting of status in Israel to any person who is a resident of the West Bank and Gaza Strip, unless the application was filed prior to May 12, 2002; and the upgrading of a status granted prior to this date to a resident of the West Bank and Gaza Strip (including upgrading to temporary residence, permanent residence, or nationality), even in cases in which the application has already been approved and the candidate met all the tests defined under the “staggered procedure.”

The initiators of the law justified its need in terms of security considerations. They argued that residents of the West Bank and Gaza Strip who had acquired official status in Israel through family unification were increasingly involved in terrorist

activities, as in the case of the suicide attack at the Massada restaurant in Haifa, which was carried out by an Israeli citizen one of whose parents was a Palestinian who received status in Israel after marrying an Israeli citizen.

The new law relates expressly to the ethnic identity of the individual, and injures the inherent rights of certain citizens on the basis of their ethnic or national identity. The law effects almost exclusively Arab citizens, who maintain cultural, national, religious, and other links with the Palestinians in the Territories; it is only natural that family connections also develop in such a situation. The number of Israeli Jews who marry Palestinians is very small. Accordingly, the law violates people's rights on the grounds of nationality or ethnicity, thus impairing the right to equality of all Israeli citizens, as well as their right to a family life. The law presents citizens of the state with two cruel choices: To live as a family while leaving their homeland (i.e. to live outside Israel), or to remain in Israel and forego their family (i.e. to divorce the partner living outside Israel). As such, the law is grossly and overtly racist.

The law is particularly injurious since it applies not only to couples who intend to marry in the future, but is also applied retroactively to couples who married in the past, had children, and have lived in Israel for several years, and whom the state now seeks to separate forcibly and by coercion.

Prominent human rights organizations around the world, as well as the UN Human Rights Committee and the European Union, warned that the law violates human rights and the principles of international law, and published statements opposing its adoption.¹

Implementation of the Law

The authorities began to enforce the law in 2003, forcibly deporting Palestinian partners to the Occupied Territories. In many cases, the deportees (most of whom are women) left behind young children requiring care. The separation from the parent caused severe emotional damage, particularly when the deportee was the mother, who is usually the primary caregiver in these families. In 2006, too, cases were recorded of families being separated by force due to the law.

January: Police Deports Twelve Mothers from Jaljuliya to the West Bank

In January police and Border Guard forces raided homes in Jaljuliya in the "Triangle" region at midnight, arresting a large number of Palestinian women (approximately 38) married to local residents, all of whom had lived in the town for several years. The

¹ European Union, Delegation of the European Union to the State of Israel, Press Release, *Statement by Ambassador Giancarlo Chevallard, Head of the European Commission Delegation Regarding the Nationality and Entry into Israel Law (Temporary Order) 2003* (August 4, 2003); UN Committee on the Elimination of Racial Discrimination, Decision 2(63) (August 14, 2003); UN Committee on the Elimination of Racial Discrimination, Decision 2(65) (August 20, 2003); Human Rights Watch Press Release, *Israel: Don't Outlaw Family Life* (July 2003). See also: Amnesty International report: *Israel and the Occupied Territories – Torn Families: The Separation of Families on the Basis of Discriminatory Policy* (July 2004) (in Hebrew).

authorities alleged that the women did not have Israeli citizenship or permits to reside in Israel. Witnessed reported that the police behaved in a disrespectful and brutal manner. The police later deported twelve women to the West Bank; the remainder of the detainees were released and permitted to return to their homes in Jaljuliya. Three residents of the town were held in detention for allegedly interfering with the police activities and attempting to prevent the police from detaining others. It later emerged that one of the women had given birth just a week before the raid; the police took her from her home, leaving the week-old baby on her own.

April: Police Deport Father to Jordan; Mother and Children Forced to Survive on NIS 480 a Month

The amendment to the Nationality Law relates solely to Palestinian residents of the Occupied Territories. However, the press reported that then Prime Minister Ariel Sharon decided to apply the provisions of the law to Arab citizens who marry Arabs from the neighboring Arab states, such as Jordan. One such case involved Su'ad As'id, who married a Jordanian man.

As'id (30) met her husband Mustafa Na'im some five years ago, three years after he came to Israel from Jordan to work as a laborer. After their marriage, the couple rented a home in Kafr Kana and had four children; the oldest is now four years old, and the youngest ten months. Su'ad recalls: "[In April], at half past one in the middle of the night, a large force from the Immigration Police arrived at our home, knocked on the door, and demanded that my husband accompany them and bring NIS 75 with him. I tried to persuade them not to arrest him and to leave him at home, but they ignored me and took him away. Two days later, my husband telephoned me from Jordan and told me that the authorities had deported him a few hours after he was arrested."

Su'ad adds: "Throughout the period when my husband was working in Israel, he tried to secure work and residence permits. Of course he is entitled to Israeli citizenship in accordance with the Family Unification Law. But the authorities refused to respond to the requests. He never caused any harm to anyone – everyone can testify to his good character. He works hard and wants to provide for his four children and his home."

In response, sources in the Ministry of the Interior confirmed that the deportation took place in accordance with an order from the Supreme Court. The authorities stated that since the Jordanian citizen had not held work visas since 2003 he was unlawfully present in Israel. Accordingly, representatives of the Foreign Workers Department in the Ministry of the Interior transferred him to the Jordanian border.

May: Woman Deported from Qalansawa to Qalqilya, Separated from Husband and Two Children

In May, Hajj Mohammed Sa'id Alhin (67) from Kalansawa fell victim to the arbitrary nature of the Nationality Law because he was married to a Palestinian woman from the West Bank. Border Guard forces raided the house in the early morning, brandishing guns and accompanied by dogs, and arrested Alhin together with his wife Maryam and their two children, Dana and 'Awad. The family were taken to Eyal Prison. It was later decided to deport the woman via the Qalqilya checkpoint,

separating her from her husband and children. The husband was forced to sign a declaration stating that he “agreed” that his wife would not return to Israel.

Hajj Mohammed recalls: “After my [first] wife passed away, I married Maryam Sis, a 45-year old Palestinian woman. We had two children. I filed an application for family unification with my wife and she managed to receive temporary residence. However, the Ministry of the Interior refused to renew the permit or to issue an identity card, despite the fact that she gave birth to our two children at the hospital in Kfar Sava and they were registered with the National Insurance Institute and receive all the usual benefits, including health services in Israel. For some time my wife and I suffered persecution and harassment; forces came to search our home, insulting and humiliating us and sometimes detaining us. My wife has been deported to the Palestinian Territories and separated from her children. We have been terrorized by the border Guard, particularly our two children, who cry all the time and are suffering from trauma, and are afraid every time they hear the word ‘policeman.’ We beg all people of conscience to intervene in this matter, put an end to this terrible suffering, and reinstate family unification.”

The Supreme Court Decision

In July 2003, several petitions were filed at the Supreme Court by human rights organizations and families injured by the law, demanding that it be nullified as a racist law that distinguishes and discriminated between Israeli families solely on the basis of the national origin of the foreign partner, severely damaging the right to equality and the right to family life. The State Prosecutor’s Office claimed that the law was vital due to the growing involvement in terrorist activities of Palestinian residents of the Occupied Territories who received status in Israel through family unification.

In May 2006, the Supreme Court rejected the petitions to nullify the amendment, by a majority of six to five. The majority ruling stated that the law does not violate constitutional rights, adding that even if it does so, the violation is proportionate: i.e. the benefit accruing from the law (protecting the security of the state and its citizens) outweighs the injury to basic rights (the right to equality and to a family). The majority position was led by Deputy President Michel Heshin, while the minority position was led by Supreme Court President Aharon Barak.

“Israel is not a Utopia,” Justice Heshin declared in his ruling. “It faces a harsh conflict with the Palestinians, and this armed conflict has become akin to a war. A state that is at war with another state is entitled to prevent the residents of the enemy state from entering its territory. We knew that the provision of the law injures some citizens of Israel (Arabs) who wish to marry Palestinian partners. However, the coin has two sides. As long as the Israeli-Palestinian armed conflict continues; as long as Palestinian terror continues to strike Israelis mercilessly, it is proper that the right of a few to maintain family life in Israel be suspended in favor of the right of the residents of Israel to liberty and security.” Heshin concluded: “The wellbeing and benefit provided by the Nationality Law in terms of the security and life of the residents of Israel outweighs the injury the law causes to a minority of Israeli citizens who married or were due to marry Palestinians and who wish to live in Israel with their partner.”

President Barak stated that the law violates the rights to equality and to family life in a disproportionate manner and, accordingly, should be nullified; however, this should take effect only after the expiry of the temporary provision (which is due to expire in two months). Barak summarized his position as follows: “Security does not stand above everything else; the desirable goal of enhancing security does not justify grave injury to the lives of many thousands of Israeli citizens.”

The judge who secured the majority rejecting the petitions was Edmond Levy. Justice Levy agreed with the minority position that the law violates the basic right to equality and family life in a disproportionate manner; nevertheless, he concurred with the position of Justice Heshin and the majority judges and argued that the petitions should be rejected.

In summary, therefore, a majority of the Supreme Court judges acknowledged that the law violates the equality and human dignity of Arab citizens and their right to family life; however, they determined that the danger of terror and the threat to state security overrules these rights.

Criticism by the Arab Association for Human Rights

The ruling is based on the acceptance by both the majority and minority positions of the claim that the purpose of the law is to prevent the threat to state security that may be caused by family unification. Justice Heshin argued that security considerations alone formed the basis for the adoption of the law; Justice Barak concurred. Heshin views the law as “an effective tool for reducing security threats,” and does not see the individual examination of Palestinian residents of the Occupied Territories as an adequate alternative. Barak, meanwhile, sees the security considerations behind the law as a “proper purpose,” but believes that the means it adopts – the sweeping prohibition against the receipt of nationality or residence – as “too high a price.” Both judges reject the possibility that the law was also based on the demographic objective of maintaining and strengthening the Jewish majority.

The ruling thus denies and ignores the principle purpose behind the enactment of the law – the demographic motive of reducing to a minimum the number of Arabs living in Israel. It is true that the government initially quoted security grounds as the motivation for the law, but they later abandoned this position. In April 2005, then Prime Minister Ariel Sharon declared at a special cabinet meeting that the law was a matter of principle relating to the Jewish identity of the state, and not a security matter. “We should not hid behind security arguments. There is a need for a Jewish state,” he said.

Further corroboration of this reality may be found in the comments of Justice Ayala Procaccia, whose ruling emphasized that during the Knesset deliberations preceding the adoption of the law, “the demographic issue hovered constantly over the law, and constituted a central subject in the discussions of the Interior Affairs Committee and the plenum.” The same conjecture was presented by Justice Salim Jubran in his ruling.

Moreover, the security justification presented by the state in the Supreme Court hearings is not supported by the factual evidence. Of thousands of Palestinian

residents of the Occupied Territories who received status in Israel following family unification (since 1993, sixteen thousand applications have been filed), only twenty five individuals have been questioned regarding involvement in terrorist activities. Information is not available regarding the nature of the alleged involvement, or the number of cases that resulted in indictments or convictions. Since the enactment of the law (2003), only two individuals who received status under family unifications have been added to the list (one in each year). This is hardly compatible with the state's claim of "growing involvement" in terrorist activities. The number of suspects involved is actually very small, supporting the position that the law is sweeping and completely disproportionate. The law effectively constitutes collective punishment and on these grounds, too, it is contrary to international human rights law.

The Supreme Court declined to provide legal relief against a grossly racist law that denies basic rights on the grounds of nationality and violates the most basic constitutional rights. The ruling raises grave questions regarding the function of the Supreme Court as the guardian of human rights, including the rights of the Arab minority. The ruling effectively suggests that the court preferred the definition of Israel as a "Jewish state" to its definition as a "democratic state," and acted in accordance with the dominant ideology as reflected in the Knesset and the government. The ruling also clarified to the Arab citizens of the state that the Supreme Court shares the demographic approach that lies at the heart of the Zionist consensus; in their dealings with the court, Arab citizens can expect to encounter a strong preference for the ethnic identity of the state at the expense of democratic values, whenever the issues touch on the question of demographics. The Supreme Court effectively failed to perform its most important function – the protection of human rights – acquiescing to a law that presents Arab citizens with a cruel choice: To enjoy family life with their partner and forego their homeland, or to remain in Israel and forego their family.

Amendment of the Temporary Provision

Since the adoption of the original amendment, its validity has been extended several times (as a temporary provision, the amendment is only valid for a period of six months each time). In July 2005, several amendments were made to the temporary provision² "moderating" to an extent its grave injury to the process of family unification. According to the amendments, the minister of the interior will be authorized, at his or her discretion, to permit the submission of applications for family unification by Palestinian residents of the Occupied Territories, in cases when the applicant is at least 35 years old, in the case of a man, and at least 25 years old, in the case of a woman.

However, these amendments have not altered the essentially racist nature of the law, which applies solely to Palestinian partners on the basis of their national origin. In practice, moreover, the amendments have led to only a minor change in the implementation of the law. The minister is authorized to reject applications on the basis of security considerations, and there is no possibility of challenging these

² The Nationality and Entry into Israel Law (Temporary Provision) (Amended), 5765-2005.

considerations; the residence permit granted (at best) does not entitle its holders to work in Israel or to receive welfare benefits or national insurance.

In July 2006, after the granting of the Supreme Court ruling, the Knesset approved the extension of the temporary provision by an additional six months. In December 2006, one month before the extension was due to expire, the government proposed that the provision be extended for a period of two years. Moreover, the government also proposed that the restrictions be extended to a list of “risk countries.” According to the proposal the new law will state that Israel may refuse to consider an application for a permit, even if the applicant meets the relevant criteria, “if, in his country of residence, or in his region of residence, activity is being undertaken that is liable to endanger the security of the State of Israel or of its citizens.” This provision effectively enables the rejection of any application from a resident of the Occupied Territories, an Arab state, or any other hostile state. The main features of the proposed new law are as follows:

- The validity of the law will be extended through December 2008.
- The Nationality Law will apply not only to residents of the Palestinian Authority, but also to residents of the “risk countries.” The list of such countries has not yet been finalized.
- On the recommendation of a professional committee, the minister of the interior will establish a quota for humanitarian cases that may receive permits. In these cases, it will be possible to approve not only lawful presence in Israel, but also the status of temporary resident, entitling the applicant to work legally and to receive benefits from the National Insurance Institute.
- Even if a resident of a “risk country” meets the criteria for nationality in accordance with the new law, the minister of the interior will be authorized to reject any application if, in the opinion of the security authorities, activities liable to endanger Israel’s security are taking place in the applicants’ country or region of residence. According to the current temporary provision, an application may be rejected if a first-degree relative of the applicant is considered to constitute a security risk by the security authorities. For example, a resident of the Palestinian Authority married to an Israeli woman cannot receive Israeli nationality if one of his brothers is a Hamas activist. The new proposal seems to go further, enabling the rejection of any resident.

In March 2007, the Knesset approved the extension of the amendment to the Nationality Law through the end of July 2008. The new form of the amendment to the law includes several amendments. The application of the law will be extended, and will apply to the citizens of four enemy states – Syria, Lebanon, Iran, and Iraq – in addition to residents of the Occupied Palestinian Territories. A committee will be established to discuss humanitarian exceptions; the committee will have five members: three representatives of the IDF, one from the GSS, and one from the Population Registry, as well as two public representatives. Given the composition of the committee, which ensures that the GSS, IDF, and Population Registry will enjoy a majority, it can be anticipated that the number of exceptions authorized will be small.

Amendment No. 19 to the Entry into Israel Law

In July 2006, the Knesset passed at its First reading a proposed new provision (Amendment No. 19 to the Entry into Israel Law) imposing restrictions on entry into Israel and presence in the country. The proposal establishes that any person who is present “unlawfully” in Israel during a period of more than three days will require a protracted “cooling off” period of between one and five years before they may request a permit to enter Israel and receive status in the country. The proposal states that permission to enter or be present in Israel will be granted only to those who support the State of Israel and its goals, or to persons one of whose relatives “served state security;” it will not apply in cases when “the state has a clear interest in formalizing the presence in Israel.” In addition, the proposal states that a person who has submitted an application to enter Israel and received a rejection will not be permitted to submit a further application.

The proposal was drafted by a team from the office of Attorney-General Menny Mazuz. The proposal was first tabled before the Knesset in 2004 by MK Moshe Kachalon (Likud), and was approved at its Preliminary Reading. The proposal is now being discussed with the status of a government proposal.

The law ostensibly targets persons who are present in Israel unlawfully. In reality, most of those injured by the law will be Arab citizens, who will no longer be able to marry Palestinians from the Occupied Territories if they wish to live with their partners in Israel. There are currently many couples living in Israel where one partner is an Arab citizen and the other is a Palestinian to whom the state has refused to grant residence permits; accordingly, these Palestinian residents (and their children) are considered “persons present unlawfully in Israel.” According to the new law, these individuals will be penalized, required to leave Israel, and prevented from applying for legal status in Israel for periods ranging from one to five years.

The proposal will not only affect Arab citizens, however. The prohibition against regulating the status of persons present unlawfully in Israel will also apply to migrant workers who came to Israel unlawfully, or whose lawful permits have expired and who have remained in the country unlawfully. Some of these foreign workers have married Israeli citizens (not by way of marriages of convenience). Moreover, the proposal will apply not only to the partners of Israeli citizens or residents, but also to the parents of Israeli minors; the minor children or aged parents of Israeli citizens; Arab citizens of Israel whose status has never been regulated; applicants for political asylum; and victims of the trade in women.

The proposal effectively constitutes the reverse side of the temporary provision relating to the Nationality Law as discussed above. The two measures combine to make it virtually impossible for Palestinians from the Occupied Territories to secure family unification. Even those couples meeting the exceptions introduced to the temporary provision in July 2005, and theoretically entitled to status in Israel, will be unable to receive such status if the Palestinian partner has been present unlawfully in Israel; as will be recalled, most Palestinians who have married Arab citizens are indeed defined as persons present unlawfully in Israel, due to the obstacles created by the state in obtaining permits. Most of the applicants for status in Israel are unlawfully present in the country; accordingly, the new proposal removes any possibility of their receiving legal status.

Either of these legislative provisions on its own would be enough to block the unification of Arab citizens with their partners from the Occupied Territories or the Arab nations. Taken together, the supposed course of family unification becomes a trap that closes in on those it effects.

C) Granting Permanent Status to Foreign Children

In July, the government approved a temporary provision granting permanent civil status in Israel to the children of migrant workers who are present in Israel (the children involved must have been in Israel for at least six years, and must have entered the country before the age of fourteen). This provision effectively removes the threat of expulsion facing hundreds of children of migrant workers born in Israel, or who have lived here for many years, and whose permanent status has yet to be resolved.

The final version of the temporary provision was approved after changes were made to the original proposal. The original proposal would have abolished the requirement that civil status in Israel can only be granted to children whose foreign parent initially entered Israel with a lawful permit. This proposed change was abandoned due to concern that this step would permit the granting of permanent status in Israel to Palestinian children one of whose parents is married to an Arab citizen and is present unlawfully in Israel.

The change in the final version was based on a position paper presented to the government by the director of the Population Registry, Sassi Katzir. Katzir estimated the proposal would lead to the granting of civil status in Israel to approximately 3,500 Palestinian children and parents married to Arab citizens, out of the total of 6,550 children and relatives of persons present unlawfully in Israel (53 percent of the total). On the basis of these statistics, the final version of the temporary provision was changed (in part due to the opposition of Attorney-General Menny Mazuz) to prevent the granting of legal status in Israel. The Shas ministers in the government, for example, had opposed the original proposal, on the basis of an opinion from the Ministry of Finance alleging that the state would face heavy costs in the future when the children of Palestinians who had married Arab citizens obtained permanent status, with all the social benefits such status brings.

Contrary to the estimate of the Ministry of the Interior, however, an examination by *Ha'aretz* showed that the actual numbers involved are much smaller – approximately 1,500. It thus emerges that the change in the final version of the provision, with the goal of denying official status to the children of Arab citizens married to Palestinians, was based on incorrect data.

Political Persecution

A) Introduction

It is a fundamental principle of democracy that the implementation of criminal law should be neutral. The question as to whether a particular criminal proceeding, such as the instigation of an investigation or the filing of an indictment, should be adopted in a given case must be made without reference to the identity of the individual concerned. According to this approach, the only relevant question is whether the defendant or suspect committed the act attributed to them.

In recent years, however, the State of Israel has used criminal proceedings as an instrument against the Arab minorities in circumstances that seem to suggest political persecution. In these cases, criminal investigation or proceedings have been instigated against Arab citizens in cases where the circumstances suggest that the state is persecuting the individuals involved because of their Arab nationality. This contrasts with other cases in which the state has made considerable efforts to avoid prosecuting Jewish individuals in cases when the circumstances would seem to mandate indictment.

Political persecution of the Arab minority was particularly prominent in 2006, when a large number of Arab citizens were questioned, detained, and even indicted for violating Israeli law. In formal terms, the individuals involved indeed violated the law (for example, by visiting Syria and Lebanon); in substantive terms, however, the insistence on applying the law in these cases constitutes a violation of the rights of the Arab minority (such as its right to maintain contacts with the Arab world, of which it forms part). In other cases (such as denying the right of Antoine Shalhat to travel abroad – see below), the stated reason for the application of criminal law was “state security” – a blanket term that leaves the Arab citizen with no opportunity to defend themselves or argue their case in a meaningful way, particularly since the Supreme Court has sanctioned this form of political persecution.

March: Wave of arrests of residents of Nazareth following the attack on the Church of the Annunciation

In Chapter Eight (Desecration of Holy Sites) in this report, we detailed the incident in which a couple attacked the Church of the Annunciation in Nazareth. Following this incident, a large number of local residents hurried to the church, since Arab citizens in general (both Christians and Muslims), and residents of Nazareth in particular, perceived the incident as an affront to their symbols and holy sites. A heavy police presence also accumulated at the site in an effort to remove the perpetrators of the attack after they were trapped on the premises.

A few days later, despite the sensitivity of an incident in which a holy site in the largest Arab city in Israel came under attack, the police launched a wave of arrests of residents of the city accused of attacking police forces. Approximately forty people were arrested, but most were released after no evidence was found against them. As far as AHRA is aware, just two individuals were indicted and no final decisions have been made in these cases.

This behavior on the part of the police angered the Arab minority in Israel, which considered the arrests insensitive. The leaders of the Christian communities asked the minister of the interior to end the wave of arrests, but he replied that the matter was the responsibility of the attorney-general. AHRA believes that the actions by the police effectively constituted the official persecution of Arab citizens. Given the circumstances of the attack on the church, and the tension between the Arab citizens, on the one hand, and the state and the Jewish citizens, on the other, the use of the criminal law was an inappropriate instrument in this case, particularly since no police officers are known to have been injured during the events (one police vehicle was burned). In this context, the arrest of the Arab citizens served only to further inflame passions.

Moreover, after the events a team from the HRA visited the church. None of the members of the team witnessed any of the many people present attacking a policeman, despite the tense atmosphere on the scene.

August: The massacre in Shefa`amr

On August 4, 2005, Eden Nathan-Zadeh, a newly-observant Jew who was serving in the IDF and lived in the settlement of Tapuach in the West Bank, murdered four Palestinian Arab citizens of Israel¹ and injured twelve others in a cold-blooded attack. Nathan-Zadeh boarded an Egged bus from Haifa to Shefa`amr, and as it entered the city of Shefa`amr he opened fire on the passengers in an act of premeditated homicide. Local residents gathered at the scene, entered the bus, and beat the soldier. By the time the incident ended, the soldier was dead; his body was removed by the police. Four Arab residents of Shefa`amr were shot dead by the soldier³ and a dozen were injured.

Prime Minister Ariel Sharon described the soldier as “a bloodthirsty terrorist who sought to injure innocent Israeli citizens.” Testimonies collected by the Arab Association for Human Rights (AHRA) from eye-witnesses to the terror attack indeed describe a despicable act of cold-blooded murder based solely on the desire to kill Arabs, against the background of Israel’s Disengagement Plan from the Gaza Strip.⁴

Ten months after the massacre, in June 2006, the residents of the city were surprised when the police arrested seven local residents suspected of involvement in killing the soldier. One of the residents arrested is the brother of Nader Bahout, one of those

³ The sisters Hazar (23) and Dina (21) Turki; Michel Bahout (56); and Nader Hayak (56).

⁴ See also HRA report: *One Gunman, Many to Blame: Israel’s culture of racism prior to the Shefa`amr massacre and the role of the Attorney General* (September 2005).

killed in the incident.⁵ According to the commander of the Northern District of the Israel Police, Commissioner Dan Ronen, the seven detainees, aged 20-42, were arrested on the basis of extensive intelligence information collected during the questioning of dozens of local residents at police and GSS facilities during the months following the massacre. Ronen added that the police also examined video recordings received from the electronic media and the press, and stated that the arrests were based on substantial information connecting the suspects with the relevant actions. Ronen declared that the police and the State Prosecutor's Office intend to prosecute the detainees for "premeditated murder."

Shortly after the arrests, however, further details came to light. It emerged that just a week after the massacre, the police requested and obtained warrants from the court in `Akka to arrest residents of Shefa`amr. However, the police did not execute the arrests; indeed, it obtained further injunctions from the court prohibiting publication of the fact that such warrants were issued, or the identity of those involved.

In July 2006, the `Akka Magistrate's Court decided that the detainees should be released and held under house arrest for thirty days, rejecting the request by the police that they remain in detention. However, the court imposed restrictions on the suspects; for example, they were not permitted to enter Shefa`amr or to contact any of those involved in the incident that formed the basis for their detention.

In January 2007, Israel's Channel Two reported that the Haifa District Prosecutor's Office was about to serve fourteen indictments against residents of Shefa`amr. The indictments were served in February at Haifa District Court. Four suspects are to be charged with attempted murder; five suspects will be charged with assault in aggravating circumstances; and five others will be charged with assaulting police officers. In March 2007, the commander of the Northern District, Commissioner Dan Ronen, stated that the State Prosecutor's Office is currently completing preparations for the indictment of the suspects. As of the publication of this report, the indictments had not yet been served.

The detention of the seven residents of Shefa`amr caused widespread anger among the Arab minority. The chairperson of the Higher Arab Monitoring Committee, Shawki Hatib, defined the arrests as the continuation of the "massacre perpetrated by Nathan-Zadeh." The arrests placed the Arab minority in an extremely difficult position, since opposing the detentions would be perceived as opposition to the rule of law and to the concept of equality before the law. Nevertheless, several factors underlie the opposition within the Arab minority to any action to detain or prosecute the suspects.

The first reason is that the perception held by Arab citizens is that the residents of Shefa`amr sought to defend themselves when the murderer tried to kill further victims; had they not done so, it is reasonable to assume that the number of those killed would have been even greater. Despite this, the police ignore the circumstances of the incident, and create an analogy between the despicable murderer and the

⁵ The residents arrested were: Jamil Safuri (41), Fadi Safuri (24), Basal Qadariyah (28), Haitham Harb (20), Muir Zaqut (20), Nu`aman Bahout (30, the brother of Nader Bahout who was murdered in the attack), and Arkan Qurbaj (20)

residents who found themselves involved in the situation through no fault of their own.

Moreover, from the perspective of the Arab citizens, the arrests are not directed against specific individuals suspected of killing the murderer, but against the Arab minority as a whole. The massacre itself was an example of such a generalized attack; after Arab citizens were forced to defend themselves, they now find themselves accused of killing the person who came to murder them, and who succeeded in realizing at least part of his plan.

It is also important in this context to note that the media have revealed a series of errors on the part of the security services, who failed to identify the threat posed by the murderer before the event. An investigation by *Ha'aretz* revealed that both the IDF and the GSS held prior information, including warnings from the murderer's own family that he was liable to be dangerous and to use his personal weapon, which he took with him when he went absent without leave from the army. A debriefing by the GSS identified an "error of judgment" on the part of the organization in failing to recommend that Nathan-Zadeh should not be drafted to the army in light of his connections with the extreme right-wing Kach movement. GSS head Yuval Diskin noted that he believed that the attack represented a failure for the GSS.

A second reason is the general attitude of the police toward the Arab citizens of Israel. The Or Commission noted that this attitude is based on longstanding hostility; Arab citizens sense this hostility in their daily lives. Since the incidents of October 2000, eleven Arab citizens have been killed by the police in circumstances that have no connection to nationalist or security-related activities.⁶ The same police force, perceived as an interested party rather than a neutral body whose objective is to discover the truth, is thus charged with investigating the incidents in Shefa'amr.

A third reason can be illustrated by the findings of a research study undertaken at Haifa University (in 1998 and 2004). The survey found that Israeli judges pass harsher sentences on Arab defendants than on Jews convicted of the same offenses. Accordingly, Arab citizens feel that the Israeli courts will not ensure full justice for the defendants from Shefa'amr.

Regarding the argument of equality before the law, the Arab minority note the "Bus 300" incident. On April 12, 1984, four Palestinians from the Gaza Strip seized a bus on Egged's route 300, from Tel Aviv to Ashkelon. They held the passengers hostage, hoping to secure the release of Palestinian prisoners in Israeli jails. At dawn the next day, troops from the General Command Reconnaissance Unit stormed the bus, which was being held at the time close to Dir al-Balah in the Gaza Strip, and freed the passengers. During the rescue operation, one of the hostages was killed, as were two of the four Palestinians holding the bus. The two remaining Palestinians were taken to an adjacent field. The head of the GSS at the time, Avraham Shalom, and the then head of the GSS Operations Division, Ehud Yatom, went to inspect the shackled Palestinians. Before leaving the scene, the head of the GSS ordered Yatom to kill both the prisoners. Yatom obeyed the order; he and his staff took the two Palestinians in a

⁶ See Chapter Seven (Violence against Arab Citizens) in this report.

vehicle to an isolated site and beat them on the heads with stones and an iron bar until they died.

The public was told that all the Palestinians were killed during the rescue operation. Three days later, however, the newspaper *Hadashot* published a report alleging that two of the Palestinians were taken prisoner. A few days later, the newspaper published a photograph on its front page in which one of the Palestinians could be clearly seen to be fully conscious as he was taken off the bus.

The publication caused a public storm and the media demanded that the circumstances surrounding the death of the Palestinians be investigated. Attorney General Yitzhak Zamir intended to indict those involved. Before the indictments were served, however, President Chaim Herzog granted a pardon to the GSS officers involved in the incident; the Supreme Court rejected a petition to nullify the pardon. None of those involved were detained or prosecuted.

Thus we see that when Jewish security personnel murder Arabs in circumstances that have nothing to do with self-defense, the entire nation rallies to support them. When Arab citizens defend themselves and kill a terrorist who murdered for people in cold blood simply because they were Arabs, the institutions of state make a concerted effort to punish them, in an investigation that was described by Commissioner Ronen as “one of the most sensitive in Israeli history.”

Accordingly, the Arab citizens perceive the wave of arrests as political persecution and as an attempt to employ criminal proceedings in a highly sensitive and charged situation. Such actions may serve only to fuel the existing animosity between Jews and Arabs in Israel.

July: Professor Ghazi Falah arrested on suspicion of spying for Hizbullah and Iran

Professor Ghazi Falah, who was born in the village of `Arab al-Heib in the Lower Galilee, now serves as a tenured professor at the University of Akron in the USA. He is considered an international expert in the field of geography. Professor Falah holds both Israeli and Canadian citizenship. At the beginning of July, during the war between Israel and Lebanon, Professor Falah came to Israel to visit his sick mother. During his visit, on July 8, he visited the Nahariya and Rosh Hanikra areas of northern Israel and took a number of photographs for research purposes. One of the photographs included a military antenna. Persons identifying themselves as security staff approached him and instructed him to stop taking photographs. Falah argued with the individuals and was subsequently arrested and held on suspicion of spying for Hizbullah and Iran.

For eighteen days a total prohibition was imposed on any report relating to the incident, including the mere fact that the professor had been detained. During this period, Falah was not permitted to meet with an attorney, to telephone his family, or to contact any person other than his interrogators. The order was lifted with the agreement of the GSS and the police after *Ha'aretz* filed a petition against the ban.

Professor Falah was subsequently able to meet with his attorney, Hussein Abu Hussein, and was again taken for interrogation by the GSS. The interrogation continued from noon until five o'clock the following morning; Falah was not

permitted to sleep during this period. GSS and police representatives confirmed these details, arguing that “the interrogation was justified and proper in light of a development in the investigation.” According to his attorney, Falah was sexually humiliated by one of the GSS interrogators during the course of his questioning.

The suspicions of the GSS were based on the fact that Professor Falah has visited both Tehran and Beirut. It emerged, however, that these visits were for academic purposes and took place openly as part of his academic activities, which center on the geography of the Arab world, the Arab communities in Palestine before 1948, and Israel’s efforts to judaize the Galilee. Falah visited Lebanon last June, using his Canadian passport, as part of the preparations for an international academic conference due to take place in October 2006. Over two years ago, Falah also visited Tehran and participated in an academic conference that was also attended by the head of the American Geographical Society, Professor Alexander Murphy. It should be noted that Professor Falah was not aware that the antenna in the photograph was a military installation; in any case, the antenna is approximately one hundred meters tall and can be seen clearly from the Lebanese side of the border.

Falah was detained in accordance with the new Detentions Law, which enables a suspect to be denied access to an attorney for up to 21 days, and permits the extension of detention in the absence of the detainee or an attorney on their behalf. To the best of AHRA’s knowledge, this was the first case in which these new provisions were employed. Falah’s detention was extended four times before he was eventually released; each time, the GSS and police representatives claimed that there was a “solid foundation for the suspicion attributed to the suspect,” and the court duly approved their application.

The GSS eventually released Professor Falah after holding him for three weeks. The GSS and the police announced that Falah would not be indicted.

The Galilee District police commented: “The suspect was released with the agreement of the State Attorney’s Office and the interrogation bodies. Insufficient evidence was gathered to enable indictment. As for the conditions of detention – the entire procedure in interrogating the suspect was implemented in accordance with the authority granted by law, the existing regulations, and investigative considerations.”

The spokesperson of the Prime Minister’s Office stated that Falah “was detained for interrogation after being observed photographing in suspicious circumstances. His interrogation was undertaken lawfully and under close judicial supervision, and was intended to clarify the suspicions attributed to him. At the end of the interrogation, the suspect was released after insufficient evidence was found to permit his prosecution. His claims regarding sexual harassment are spurious and ungrounded.”

September: “Friends of Prisoners” Association is Declared Illegal

The “Friends of Prisoners” association (*Ansar al-Sajin*) seeks to help Arab prisoners (Palestinians and Israeli citizens) in a wide range of areas, including presenting their case to local and international public opinion. The association seeks to improve the prisoners’ living conditions and to provide legal representation in the Israeli civil and military courts. The association also provides financial and moral support for prisoners after their release.

In September, large forces from the police, special units, and the GSS raided the offices of the association in Majd al-Krum in the Galilee, as well as the home of the director of the association, Munir Mansour. Over forty patrol cars surrounded Munir's home and the offices, and additional forces remained on standby at the entrances to the village.

The police searched Munir's home thoroughly, confiscating his personal computer, as well as personal paperwork and documents. The police also confiscated the entire contents of the association's offices, including computers, telephones, a photocopier, a fax machine, and all the files and documents held in the office, loading all the items onto trucks.

The police presented Mansour with an administrative seizure order issued by Minister of Defense Amir Peretz under the terms of the Emergency Law of 1945. The order states that the association is declared illegal and its operations are to be halted, on the grounds of "supporting terror." The order states: "Within my authorities in accordance with Regulation 84(2) of the Defense Regulations (State of Emergency) 1945, and having declared the organization Ansar al-Sajin or the association Ansar al-Sajin, number 58-002-230-9 (hereinafter "the Organization") to be an unlawfully organization, I hereby order that all the assets of the Organization be seized in favor of the Government of Israel, and announce my intention to confiscate the said in favor of the Government of Israel. Any person who considers himself to be injured by this matter and wishes to oppose the intended confiscation may submit his reservations to me in writing within fourteen days from the date on which he learned of the matter."

The closure order was issued after the organization published a press release demanding that Arab prisoners who are citizens of Israel should not be ignored in the context of a possible exchange of prisoners between Israel and the Palestinian government. The order was issued despite the fact that the association was properly registered with the Ministry of the Interior and operates within the law. Moreover, the minister of defense did not explain the grounds for issuing the order, confining himself to the statement that the confiscation of assets was undertaken in accordance with the Emergency Law.

It is worth noting that this is not the first time that the association's offices have been raided or that Mansour has been arrested. On March 13, 2005, the security forces arrested Mansour for "sympathizing with and supporting terror organizations." The arrest followed a raid on his home during which the security personnel broke furniture and confiscated his mobile telephone; two computers and various documents were also taken from the offices of the association. Mansour was released the next day after a compromise was reached between the authorities and the attorney for the association.

On May 12, 2003, Tel Aviv District Court issued an injunction prohibiting Mansour from traveling abroad on the grounds of "supporting terror," due to his activities on behalf of Arab political prisoners. Prior to this action, the security forces raided the offices of the association and confiscated computers and files (to this date, these have not been returned). The court extended the validity of the injunction on September 2, 2003.

On January 23, 2004, police and GSS forces raided Mansour's home. They undertook a thorough search, confiscated items belonging to his children, and seized a computer. Mansour was taken for interrogation at Carmiel police station and later released on bail. During his interrogation, Mansour was asked to provide details about the association's activities and staff.

B) Prevention of Foreign Travel and Visits to Arab Countries

One of the forms of political persecution employed against the Arab minority in Israel is the denial of the right of Arab citizens in general, and Arab Members of Knesset in particular, to leave Israel in order to travel abroad or to visit countries defined by the state as "enemy states."

According to Israeli law, a number of Arab nations, mainly those with whom Israel has not signed peace agreements, are defined as "enemy states." These include Syria and Lebanon. Accordingly, visits to these countries are considered unlawful, unless a special permit has been issued by the minister of the interior.

In recent years, a growing number of Arab citizens have visited Syria and Lebanon. The purpose of these visits was to renew contacts with relatives living in these countries who were separated following the 1948 War and subsequently unable to meet. On returning to Israel, however, these citizens discovered that they were now subject to investigation by the security bodies for visiting "enemy states."

On April 15, 2005, the GSS interrogated several Arab citizens from a number of villages who visited Syria and confiscated their passports. The passport of one of these citizens, Sharif Kayouf, was held for three months. The fact that the purpose of the visits was to meet relatives did not moderate the harsh approach of the authorities.

On July 29, 2005, the State Prosecutor's Office served an indictment at `Akka Magistrate's Court against Arab citizens from the north of Israel accused of helping a group of Arab hair designers to travel to Syria in order to participate in a professional festival. The State Prosecutor's Office argued that the hair designers had failed to obtain permits from the Israeli authorities to visit Syria – an "enemy state."

It might be expected that the investigations regarding such visits would concentrate on the visit itself. In reality, however, the questioning relates to the political activities of those involved and the Arab political parties they support. On July 19, 2005, for example, the police investigated Muhasan Keis, a member of the National Democratic Alliance ("Balad"). Keis was detained after visiting Syria together with his family. The interrogation lasted five hours, and Keis was then brought before the court in order to extend his detention. The prosecution demanded that Keis be held for five days in order to complete the investigation concerning his visit to an "enemy state," but the court agreed only to an extension of 24 hours. Keis was released the same day, after his passport and those of five members of his family were confiscated. Regarding the true purpose of the interrogation, Keis states: "I was summonsed to an investigation regarding my visit to Syria, but the questions actually concerned my political activities in Balad, my contacts with Dr. Azmi Bishara, and the fact that I

assist him when he attends celebrations or mourning ceremonies in the north of Israel.” Keis added that the interrogators began to count the number of Balad party activities and conferences he had attended.

The questioning of citizens on the grounds of visits to “enemy states” is particularly common and serious in the case of the public representatives of the Arab minority, including members of the Arab political parties and Members of Knesset. Arab Members of Knesset occasionally visit the Arab countries as part of their function as representatives of the Arab minority in Israel. Such visits form part of their political program, which emphasizes the cultural, historical, and political bonds that unite Arabs across the Middle East. The Arab minority in Israel forms part of the Arab people, and this fact was not changed due to the establishment of the State of Israel. Israel, however, perceives these countries as “enemy states,” and attempts to impose this perception on the Arab citizens, for whom they are not enemy states, but part of their own cultural, historical, and political domain.

There can be no doubt that such interrogations violate the right of Arab citizens to freedom of movement, and their right to maintain contacts with their relatives and with fellow Arabs.

January: Israel prevents the intellectual Antoine Shalhat from leaving Israel

Antoine Shalhat (49) is a well-known writer, literary critic, translator, and journalist. Shalhat is currently the editor of a website called *Al-Mashhad al-Isra'ili* (“Israeli Observer”), operated by Madar, the Palestinian Center for the Study of Israel. Shalhat formerly served as the chief editor of the weekly newspaper *Fasal al-Maqal* and as the literary editor of *Al-Ittihad*.

In December 2005, then Prime Minister and Minister of the Interior Ariel Sharon signed an order prohibiting Shalhat from traveling abroad. The initial order was valid through December 31, 2005, but in January it was extended for an entire year, through the end of December 2006.

The order is based on Regulation 6 in the Emergency Regulations (legislation enacted by the British Mandate in 1948). The grounds stated for the order are: “Departure from Israel by Antoine Shalhat is liable to damage state security, through the exploitation of the departure to contact hostile agents.” The Ministry of the Interior claimed that the decision was taken by the minister after he examined intelligence material provided by the GSS. The GSS argued that the State of Israel would face a tangible security threat if Shalhat left the country. However, the GSS did not provide any further details as to the nature of this alleged threat; since Shalhat himself was unaware of the nature of the allegations, he could not defend himself or refute the claims.

Shalhat states that he has no idea which of his acquaintances are considered to be “hostile agents.” His contacts are exclusively with Arab intellectuals, most of whom are living in exile. In political terms, Shalhat supports Balad. His articles appear on the website *Arab48*, which is associated with Balad, and in the party’s journal, *Fasal al-Maqal*. Shalhat holds critical views regarding the State of Israel.

Shalhat filed a petition to the Supreme Court to nullify the order against him, through the organization Adala. In April 2006, however, a Supreme Court panel headed by President Aharon Barak rejected the petition. The first part of the proceedings included an open court session including representatives of the GSS and counsel for Shalhat. Subsequently, however, a closed hearing was taken at which the GSS representatives presented confidential material regarding Shalhat; the court evidently seems to have accepted the claims raised by the GSS. The attempts by Shalhat's attorney to gain at least some idea of the content of this "confidential material" met with a total refusal. The demand to shorten the period of validity of the order, or to restrict it to certain countries, was also rejected. Shalhat eventually decided to withdraw the petition.

Commenting on the order, Shalhat stated: "What they are doing is character assassination, and it's a terrible feeling. I walk along the street and imagine being put in prison; I imagine people are looking at me. Why are they doing this? If they want to warn me, let them warn me. I want to know who these dangerous people are that I am in contact with – and then I'd cut off contacts with them immediately. Maybe their information is wrong – after all, the GSS is also staffed by humans. This is a very harsh sanction, and it was imposed on me even though I had no plans to travel abroad in the near future." Shalhat added: "The whole affair smells bad in political terms. The GSS is currently involved in redrawing the borders and redefining the 'red lines' that Arab citizens must not cross – simply because they are Arabs."

In recent years, the GSS has intensified its efforts to intimate Arab journalists. A number of journalists have been interrogated in GSS facilities on the pretext that they have contacted hostile agents outside Israel. On November 7, 2005, for example, the editor of the company that operates the website *Arab48*, the late Ahmad Abu Hussein, was interrogated at the police station in Hadera. The GSS questioned Abu Hussein for several hours regarding the reports that appear on the website, and the contacts between the management of the site and journalists and media figures in the Arab world, particularly in Lebanon and Egypt, who are suspected of contacts with "terror organizations." Abu Hussein was also asked why he enjoys such a high level of popularity among Arab citizens in Israel and around the Arab world.

This is not the first time that the GSS has attempted to apply pressure to those involved in the website. The website manager Walid Khamis was also interrogated, as were two news editors and the editor of the Hebrew-language website *Mahsom*, which has close links with *Arab48*, Nawaf `Athamnah. An injunction was obtained preventing publication of reports relating to these interrogations, and those involved were warned not to publish any details from the interrogation. The questions focused on the terminology employed by the website and on its sources and reporters.

Another Arab journalist subjected to interrogation by the GSS is Marwan `Athamnah, who formerly served as the spokesperson of Adala – The Legal Center for the Arab Minority in Israel. `Athamnah was questioned regarding his contacts with journalists and media outlets across the Arab world.

The issuing of the order against Antoine Shalhat on the basis of confidential information violates his right to due process. In general terms, the effort to intimidate journalists and to use criminal sanctions against them due to their professional contacts in the Arab world represent an attempt to silence opinions and an abuse of

authority. These actions also violate the freedom of vocation of the journalists involved.

February: MK Taleb al-San`a (UAL) questioned by police after visiting Syria

In December 2005, MK Taleb al-San`a (United Arab List – UAL) visited Syria after receiving an invitation from the country’s parliament. Al-San`a made a speech in the Syrian parliament and spent several days in the country. In January 2006, the International Crimes Unit of the Israel Police summonsed MK al-San`a for interrogation following the visit.

Al-San`a said that the investigation against him due to his visit to Syria constituted political persecution and an attempt on the part of the Israeli government to prevent contacts between Arab citizens and the Arab world. “My visit to Syria is part of the platform of [my party], which advocates the strengthening of ties between Arab citizens and the Arab nation. The Israeli government and police continue to treat Arab citizens and their representatives in accordance with the mentality of martial law.”

March: Muhi al-Din Khalaila prosecuted for visiting Syria

In March, the Haifa District Prosecutor’s Office served indictment against Muhi al-Din Khalaila, a resident of Majd al-Krum, relating to his visit to Syria in 2001. Khalaila visited Syria on April 21-28, 2001, and organized a delegation of young visitors to the country. On returning to Israel, the Israeli authorities confiscated his passport and prohibited him to leave Israel for three years. In addition, he and his wife were placed under house arrest for fifteen days.

The indictment alleges that “on April 21, 2001, the defendant organized the visit of a delegation of young people to Syria, which is considered a hostile country to the State of Israel; in accordance with the law, visits to Syria are prohibited without the authorization of the minister of the interior or the prime minister, a fact of which the defendant is aware. Prior to the date April 21, 2001, the defendant contacted former minister Salah Tarif in order to secure permission to travel to Syria, and Tarif informed him that he would not be able to secure such permission. On April 21, 2001 (despite the fact that he was aware that this act constituted a violation of the law), the defendant traveled to Syria with the delegation he organized, and remained there through April 28, 2001. Accordingly the defendant visited a hostile nation, an act considered an offense by law.”

The indictment was based on the arrangements in the Emergency Law. Khalaila was charged with the following offenses: “1) Overseas travel in an unlawful manner – an offense in accordance with Regulations 5 and 18A of the Emergency Regulations (Foreign Travel), 5709-1948, and Article 2A of the Prevention of Insurgence Law (Judicial Offenses), 5714-1954; 2) Assistance in overseas travel in an unlawful manner – an offense in accordance with Regulations 5 and 18D of the Emergency Regulations (Foreign Travel), 5709-1948, and Article 2A of the Prevention of Insurgence Law (Judicial Offenses), 5714-1954; 3) The violation of a lawful order – an offense in accordance with Article 287A of the Penal Code, 5737-1977.”

On November 2, 2006, 'Akka Magistrate's Court convicted Khalaila of visiting a "hostile" state and of organizing such visits, and of violating security legislation. The decision followed a compromise between the parties whereby Khalaila admitted to visiting Syria and organizing the visits. On January 30, 2007, Khalaila was sentenced to four months' community service, a twelve month suspended sentence, and a financial guarantee in the sum of NIS 10,000.

Khalaila made the following comment regarding his trial: "The indictment is a political matter, and is nothing less than a political trial, with the goal of denying me my political objective of strengthening national and public contacts between the Arab public in Israel and the Arab nation in general, and in order to coerce me into refraining from my activities. We can be a bridge for peace on the basis of the United Nations resolutions, and we have proved that we a democratic and peace-loving force; this is our obligation and our task on a daily basis."

July: Supreme Court rejects petition by 4000 Druze Arabs to visit their holy sites in Syria and Lebanon

In April, some 4000 Druze Arabs petitioned the Supreme Court requesting that the relevant authorities be required to provide permits enabling Druze citizens to visit holy sites in Syria and Lebanon (the location of the major sites of the Druze religion). In July, the Supreme Court rejected the petition, accepting the claim by the State Attorney's Office that travel to Syria and Lebanon by Druze citizens would endanger state security.

Regarding Syria, the court ruling noted that the State Prosecutor's Office had argued, on the basis of the information held by the security bodies, that Syrian intelligence, as well as Iranian intelligence operators in Syria, continue to be interested in recruiting Israeli citizens who visit Syria in order to secure information about the State of Israel. Accordingly, the security bodies believed that the presence of a large delegation from Israel in Syria would provide a convenient opportunity for these intelligence bodies; accordingly, the delegation presented a genuine threat to state security.

As for Lebanon, the State Prosecutor's Office argued that Hizbullah personnel are present in extensive regions of the country and control most of the roads leading to Hasabiyah in the south of the country, the site of Kilwat al-Biada (a holy site the appellants intended to visit). Hizbullah aims to recruit Israeli citizens in order to gather intelligence information in order to advance its efforts to establish "terror centers" in Israel and the West Bank. Accordingly, the security bodies believe that the visit to Lebanon by Israeli citizens could endanger the security of the State of Israel and its citizens, and should therefore be prohibited.

After alluding to the basic right of a citizen to travel outside their country, and particularly the right to freedom of religious worship, the court went on to argue that the realization of this right depends on avoiding a situation that may reasonably damage state security. The court decided that there were indeed reasonable grounds for such concern, and stated that the issuing of the permission requested in the petition was liable to injure state security, and that the refusal of the authorities to grant permits to the members of the Druze community and to the appellants was on account

of proven and reasonable security considerations and was logical; accordingly, there was no cause for intervention by the court.

It is important to note that during the course of the proceedings, the State Prosecutor's Office presented "confidential material," in the presence of its counsel alone, in order to justify its position. The appellants could not review this material and were not given an opportunity to refute it before the court.

Despite the Supreme Court ruling, however, the Druze religious leaders decided to visit Syria and Lebanon. In September, the Special Tasks Unit in the Israel Police summonsed the religious leaders for two days of questioning following their visit to a "hostile state" without official permission.

One of the leaders subjected to interrogation was Sheikh `Ali Ma`adi, the head of the Liaison Committee, who continued to be the subject of investigation during 2006 and 2007. On January 19, 2007, the sheikh was summonsed for questioning at the Ministry of Education in Jerusalem on the grounds that he violated Ministry of Education regulations by heading a delegation to "a hostile state, and by his statements to foreign and hostile media" – actions he was not permitted to commit since he is a teacher.

The denial of the right of the Druze sheikhs to visit Syria and Lebanon is, above all, a violation of their freedom of religion, since their holy sites are situated in these countries. Moreover, this prohibition violates the right of the members of the Druze community to maintain contacts with their relatives and fellow Druze in these countries – a right that is protected under international conventions. Thirdly, this prohibition is applied on the basis of confidential information which, to date, has not been made available to the individuals concerned, so that they have no real opportunity to refute or contradict the claims. This situation violates the principle of due process, which requires that any individual be enabled to defend themselves in a substantive manner in legal proceedings against them.

Lastly, this position on the part of the authorities implies that every single Druze citizen is perceived as a potential suspect. This is inconsonant with the legal principle that any restriction of a human right, including the right to freedom of movement and the right to leave the state, may be applied only on the basis of certain information that the realization of this right by a **specific individual** is liable to endanger the security of the state or citizens.

September: Balad delegation interrogated after visiting Syria and Lebanon

At the beginning of September, a delegation from the political party Balad, including MK Azmi Bishara, MK Jamal Zahalka, MK Wasal Taha, Mohammed Kena`an, and Mohammed Mi`ari, visited Syria and Lebanon after the end of the Second Lebanon War. During the visit, the delegation met with Syrian President Bashar al-Assad and Foreign Minister Faruq al-Shar`a. In Lebanon, the delegation met with Prime Minister Fuad Siniora and with Nabiyah Beri, the chairperson of the Lebanese parliament. The members of the delegation also met with journalists and academics. The members of the delegation declared that the purpose of the visit was "to express solidarity with the victims of bombings and the recent war," and to discuss the political developments in the region following the war. During the visit, Mohammed Mi`ari, who served as a

Member of Knesset for the Progressive List for Peace in the period 1984-1992, met with some 40-50 of his relatives who live in refugee camps in Syria; his relatives left Israel during the 1948 War, and contacts within the family were subsequently broken.

Before the delegation even returned to Israel, the Israeli authorities and press argued vocally that the visit was “illegal” since no permit was obtained from the minister of the interior. In particular, Members of Knesset argued that the visit was tantamount to treason against the background of the Second Lebanon War. MK Otniel Shneller (Kadima) stated that “Bishara has proved that a membership card in Hizbullah is more appropriate for him than an Israeli identity card, which he abuses in order to betray the country.” Shneller added, “Bishara would do well to continue his journey on to Iran – his natural place!” Shneller asked the newly-appointed president of the Supreme Court, Dorit Beinisch, “to act to ensure a strict legal approach that prevents the contempt for the law shown by Bishara.” Interior Minister Roni Bar-On (Kadima) stated that he contacted the attorney-general and asked him to examine the possibility of preventing Arab Members of Knesset from leaving Israel, on the basis of the emergency laws that have remained valid since the British Mandate period. Bar-On added that the Members of Knesset for Balad are enemies of the state.

While the delegation was still in Syria and Lebanon, Attorney-General Menny Mazuz instructed the police to instigate a criminal investigation against those who participated in the visit without securing a permit from the minister of the interior. Attorney Raz Nazari from Mazuz’s office wrote to the head of the police Investigations and Intelligence Division, Commissioner Yohanan Danino, detailing the suspicions against the members of the delegation and noting Mazuz’s decision. Nazari mentioned the Prevention of Insurgency Law, which prohibits persons leaving Israel to visit enemy states, and establishes that a person who violates the law shall be liable to four years’ imprisonment. The law further states that “a person may depart to a hostile state if he has received permission therefore from the minister of the interior or from the prime minister.” The departure of the delegation to Syria and Lebanon was not authorized as required. Nazari noted that the prohibition applies to Members of Knesset just as it does to other citizens.

Immediately after the delegation returned to Israel the members were questioned by the International Crimes Unit, on the instructions of Police Commissioner Moshe Karadi. The members of the delegation were questioned on suspicion of visiting Syria and Lebanon without a permit as required by law. To date, however, none of the members of the delegation has been indicted for any offense.

Following the visit, right-wing circles urged the attorney-general to dissolve the political party Balad. The attorney-general rejected these calls, stating that the legal grounds permitting the dissolution of a political party did not exist in the case of Balad. The opinion prepared by Attorney Dalit Dror from the Consultation and Legislation Department in the Ministry of Justice stated: “It is difficult to determine that visiting enemy states constitutes a dominant and ongoing part of the party’s activities. The actions of the Members of Knesset in this case do not constitute clear evidence that their party is marked by a strong characteristic of supporting the armed struggle of an enemy state or terror organization against Israel.”

This is not the first time that the attorney-general has decided to investigate members of Balad who have visited Syria or Lebanon. In June 2001, MK Bishara visited Syria

in order to attend a memorial ceremony for the late Syrian President Hafez al-Assad, one year after his death. Bishara's visit created a political storm, and immediately on his return it was decided to instigate an investigation.

In 2005, Attorney-General Mazuz decided to instigate a criminal investigation against Bishara following his visit to Beirut in March 2005. Bishara visited Lebanon in order to express his condolences to the family of the assassinated Lebanese Prime Minister Rafiq al-Hariri. The attorney-general decided not to prosecute Bishara following his visit of condolences. However, in a letter sent to Bishara in April, he emphasized the prohibition against visiting an enemy state without receiving permission from the minister of the interior. Mazuz rejected Bishara's argument that such visits enjoyed substantive parliamentary immunity enabling to visit countries defined as "enemy states," and warned him that if he did not request permission from the Ministry of the Interior before any future visit, the possibility would be examined of instigating criminal proceedings.

In December 2005, Bishara again visited Lebanon in order to attend the International Arab Book Fair, which was held in Beirut, after receiving an invitation to be a guest of honor at the event. MK Bishara was subsequently interrogated by the International Crimes Unit, on the instructions of Attorney-General Mazuz, for allegedly violating the Prevention of Insurgency Law.

It is worth noting that the political persecution of Arab parliamentarians has led in the past to their indictment. On November 10, 2001, Attorney-General Elikim Rubinstein (who now serves as a Supreme Court judge) served two indictments against Bishara at Nazareth Magistrate's Court after his parliamentary immunity was removed. The first indictment related to the visit by a number of Arab citizens to their relatives in Syria, which was coordinated and facilitated by Bishara and his parliamentary aides. After two years of protracted legal deliberations, the charge was dropped after the court ruled that the prohibition against visiting "enemy states" does not apply to Members of Knesset.

The second indictment related to a speech made by Bishara in Um el-Fahm in June 2000 and in Kardaha (in Syria) in 2001. The State Prosecutor's Office claimed that both speeches were tantamount to support "for Hizbullah, which is legally recognized as a terror organization" and to support for the resistance in the West Bank and Gaza Strip. The charges were filed in accordance with the Prevention of Terrorism Law, 5708-1948.

On December 24, 2003, Bishara petitioned the Supreme Court to cancel his prosecution on the second charge, after his application to this end was rejected by Nazareth Magistrate's Court. Bishara argued that the speeches enjoyed parliamentary immunity. In February 2006, the Supreme Court accepted the petition and nullified the indictments after ruling that the speeches made by Bishara in Um al-Fahm and Kardaha were covered by his parliamentary immunity. The Supreme Court ruled unanimously that it had not been proven that Bishara's comments constituted "praise and support for terror;" accordingly, the principle of freedom of political expression remained intact and should be protected, and Bishara's speeches were of a clearly political nature.

The Knesset subsequently passed an amendment to the Immunity, rights, and Obligations of Members of Knesset Law (popularly known as the “Azmi Bishara law”) restricting the scope of substantive immunity enjoyed by Members of Knesset. Substantive immunity (which cannot be removed) will not apply in the case of Members of Knesset who negate the existence of Israel as the state of the Jewish people or the democratic character of the state, or who incite to racism. In addition, substantive immunity will not apply if a Member of Knesset supports the armed struggle of an enemy state or acts of terror against the State of Israel, or against Jews or Arabs because of their being such, in Israel or elsewhere.

C) Position of the Arab Association for Human Rights

The attorney-general views visits such as those described above as unlawful because they took place without the authorization of the minister of the interior. There can indeed be no question that the visits were “unlawful” in formalistic terms, since Israeli law prohibits such visits to “enemy states” without authorization as noted; according to Israeli law, both Syria and Lebanon are “enemy states.” However, it is important to note several important aspects that can illuminate this issue from different angles.

Firstly, Israel regards Syria and Lebanon as enemy states. The situation is different for the Arab citizens, however, who consider these countries part of the Arab world, to which the Arab citizens themselves belong. For the Arab citizens, contacts with the residents of these countries are not contacts with enemy states, but the strengthening and continuity of their bonds with the Arab and Muslim world. International principles and United Nations conventions (such as the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities) guarantee the right to strengthen ties between the members of a single people, despite national boundaries that divide them.

Secondly, many Palestinians who were expelled in 1948 and who live in Syria and Lebanon have relatives who were not expelled and who are now Israeli citizens. The 1948 War divided these families who were unable to meet for fifty years. Visits to Syria and Lebanon have enabled families to meet after such prolonged separation.

Thirdly, the Arab citizens regard the interrogations detailed above as political persecution and as the cynical abuse of legal tools as part of a political struggle to deny the representatives of the Arab public the possibility of implementing their obligations in accordance with their political principles. This political persecution seeks to prohibit contacts and connections with the Arab nations, and particularly with Syria and Lebanon, on the basis of common nationality. This explains the gross interference by the police and the State Prosecutor’s Office in the activities of elected public officials and their disregard for the parliamentary immunity enjoyed by Members of Knesset – immunity that is precisely intended to enable them to perform their parliamentary and political work without fear of interference from the authorities. Moreover, the amended law empowers the minister of the interior – a political figure with their own political agenda – to restrict the freedom of movement of Arab Members of Knesset. Thus politicians will be able to exercise control over their rivals, preventing them from performing their tasks as they see fit in accordance

with the platform on which they were elected. This law is therefore improper and inconsonant with the values of democracy and the rules of the democratic game.

Fourthly, the decisions to investigate Arab politicians are not made in isolation but against the background of specific motives and considerations. It is common knowledge that the political agenda of the Arab parties is not merely distinct from that of the Zionist Jewish parties, but contradicts it in many areas. The Arab parties face political persecution and attempts to silence their views, which are contrary to the official line. Accordingly, the decision to investigate Arab Members of Knesset forms part of this approach.

Moreover, the public atmosphere prior to the decision by the attorney-general to instigate investigations is dominated by the fury of Members of Knesset and ministers against the Arab Members of Knesset. It is difficult to avoid the impression that the decision by the attorney-general is influenced by the pressure he faced to order an investigation.

The AHRA has no doubt that the decision to instigate investigations in these cases is a political rather than a legal one. One incident that supports this conclusion came after the Second Lebanon War. The Jewish journalist Ron Ben Yishai, a former commander in the IDF reserves, visited the southern neighborhood of Beirut (Dahiyah al-Janubiyah) and dispatched reports to the Hebrew-language media. He was not investigated on returning to Israel; why, then, were the Arab Members of Knesset subject to investigation?

The Israeli authorities are well aware that these visits by Arab citizens do not endanger state security in any manner. Their goal is to maintain family ties severed after the establishment of Israel in 1948 and to maintain the national links between the Palestinian minority in Israel, which was separated from the Arab people in the surrounding countries, and the members of the Arab nation. In other words, the purpose of these visits relates to natural human ties. With this in mind, AHRA views the interrogation and, in some cases, prosecution of Arab citizens who visit these countries as the abuse of the relevant laws, which were intended to protect state security.

In keeping with the racist policy adopted by the Israeli government in this respect, it is worth mentioning a new proposed law tabled by MK Gilad Arden (Likud) and passed at its First Reading by the Knesset on January 10, 2007. The proposed law empowers the district courts to revoke the citizenship of a person who “commits an act perceived as a breach of loyalty to the State of Israel.” According to the law, visiting enemy states is defined in these terms. The law is clearly intended to target Arab citizens in general, and Arab Members of Knesset in particular, who have visited Syria and Lebanon.

Discrimination in the Confiscation and Allocation of Land and in Planning Policy

A) Introduction

Prior to the establishment of the State of Israel in 1948, less than ten percent of land was publicly owned; today, the state controls 93 percent of land. This transformation is the result of an ongoing process whereby the state has seized control of land, on the basis of the perception that state lands should be held in “Jewish hands.” This seizure has been implemented by four main means: The state has seized ownership of unregistered land that was held by the Mandatory authority, including land that was held for generations by Arab families; it has transferred to its ownership Arab land defined as “absentee property,” including the property of “present absentees;” it confiscated land for settlement and military purposes; it received control of the lands of the Jewish National Fund and other public companies that had been involved in land purchases during the pre-state period.

This process was accompanied by a structure of laws, procedures, and official mechanisms enabling the confiscation of most of the land held by Arabs and its transfer to state ownership. It might be expected that state land would be managed and used on an egalitarian basis for the benefit of all citizens of the state, but the reality is far from this ideal. State land in Israel has been managed with the goal of protecting the interests of the Jewish population only, by means of two bodies: the Israel Lands Administration (ILA), and the Jewish National Fund (JNF). These two bodies have cooperated closely in managing land in Israel. As part of the agreements between the JNF and the state, state land was transferred for management by the JNF during the first decades following the establishment of Israel; the JNF now owns 17 percent of the area of the state. According to its constitution, the JNF holds these lands for the Jewish people throughout the world, as its trustee; accordingly, it is required to discriminate against Arab citizens in the allocation of the land resources it controls. A further seventy-six percent of the area of the state was nationalized and is held as “state land.” The ILA manages both state land and the land owned by the JNF, and the JNF has equal representation to the state on the council of the ILA. The result is that the ILA – a state institution charged with meeting the needs of the population as a whole – pursues a land management policy that overtly favors the Jewish public.

Although the Supreme Court has ruled that the ILA cannot discriminate between Jewish and Arab citizens in land allocation, the fact remains that since 1948, some 700 Jewish communities have been established, while not a single Arab community

has been established in Israel.⁷ The Arab population, which comprises 18 percent of the citizens of the state, holds just 3-3.5 percent of its municipal area; two percent of the area of the state is available for the residential needs of the Arab population, and one percent for agricultural use. The area of land allocated per Jewish citizen is eight times larger than that allocated per Arab citizen. In the Galilee, where 72 percent of the population are Arabs, the Arab population accounts for just sixteen percent of the total municipal area. Arab citizens cannot live in moshavim, kibbutzim, or community villages; their ability to live in the three main cities is also limited, due to the lack of appropriate infrastructures and services. Accordingly, new generations are forced to live within the increasingly overcrowded boundaries of the existing Arab communities. The exclusion of the Arab public from planning processes means that the state fails to provide a proper response to its residential needs. The net result is that the Arab community, which now numbers 1,340,200, lives on the same land on which 160,000 people lived in 1948.

B) Outline Plans

One manifestation of the discrimination against the Arab citizens in the field of planning is the absence of new outline plans for Arab communities meeting the changing needs and development requirements of the Arab population.

In December, the Supreme Monitoring Committee of the Arabs in Israel published a document demanding that new outline plans be prepared for the Arab communities. The section on planning, written by Dr. Thabet Abu Ras of Ben Gurion University of the Negev, demanded that Israel desist from enforcing the current Planning and Building Law against Arab citizens until such time as they enjoy equality with Jewish citizens and communities. The document also urges Israel to reorganize its land management institutions in order to end the involvement in management of the Jewish Agency and the JNF – bodies that have no Arab representation.

According to the document, the number of Arab citizens will double by 2020. The current outline plans, many of which were adopted decades ago, cannot meet the new challenges. The result is that the Arab communities are prevented from developing land for construction, industrial and commercial zones, etc.

District Outline Plan TAMAM-6

The district outline plan “TAMAM-6” was intended to determine the demographic and economic profile of Haifa over the coming decades. The Wadi `Ara region was also included in TAMAM-6. The plan allocates 70 percent of the land in the district for the establishment of three green areas (parks) with a total area of 16,000 square kilometers. In addition, the principal commercial area will continue to be in Haifa Bay, concentrating approximately 80 percent of the places of employment in the district, alongside key commercial centers in Hadera, Caesarea, and Wadi `Ara.

⁷ With the exception of a small number of towns established in the Negev in order to encourage Arab citizens to abandon their lands and settle in restricted areas. See Chapter Four (The Arab Citizens in the Naqab) in this report.

However, it has emerged that the plan removes large areas of land from the ownership of numerous Arab citizens, and limits the natural development of some of the Arab communities in the northern section of Wadi `Ara, since large parts of the areas of jurisdiction will be declared green areas. The plan will also enable the development and expansion of urban communities, but only in the Haifa metropolis and the “Krayot” area.

Take the example of Sandala village. According to the plan, the planning authorities have declared private land belonging to the residents as green areas and natural wood areas, thus restricting their use. The plan does not meet the residents’ needs in the fields of education, industry, commerce, and infrastructures. The plan also ignores the needs of Arab residents in the field of planning and building; for example, it includes a project road through the area linking Afula, Jenin, and Beit Shean; this development could impair the prospects of expanding the village in the future.

The same is true of the village of Zalfah, adjacent to Um el-Fahm in Wadi `Ara. The plan proposes that 40 percent of the area of the village be declared “public spaces,” and provides for the demolition of 170 of the 600 houses in the village. The residents of the village filed some 383 objections to the plan, but only five percent of these were accepted by the planning authorities, underscoring the intention to prevent any future development of the village. Ibrahim Abu Salomeh Jabarin, a resident of the village, explained that “if implemented literally, the result of the outline plan will be simple: in five years time, at the most, there will be no land reserves left in the village, and the residents and their children will be unable to build homes.”

A similar situation has been created in the city of Taibe. The proposed plan restricts the possibility for the future development of the city, and prevents the establishment of commercial, industrial, and educational areas. Above all, the plan prevents the establishment of housing projects for young couples. Dr. Zuheir Tibi, a resident of the city, explained that the proposed outline plan establishes Road No. 6 (the Cross-Israel Highway) as the easternmost limit of development; large areas of land to the east of the road, which constitute the main reserves of the city, are slated as a green area or landscape area that cannot be rezoned for construction, thus preventing their use for private or public buildings.

April: The National Planning and Building Council authorizes the outline plan for Al-Kamanah

In April, the National Planning and Building Council authorized the outline plan for the Arab village of Al-Kamanah, which has a population of approximately 1,000. The residents of the village waged a decade-long struggle to secure official recognition of all the neighborhoods of the village and for their inclusion in the plan, but this was delayed due to the filing of objection by residents of the neighboring Jewish community of Kamun.

Al-Kamanah is situated on Mt. Kamanah in the Lower Galilee, to the southeast of the city of Carmiel. The descendants of the villagers settled in the area some two hundred years ago, after a long period of nomadic existence. In the early 1960s, the village began its struggle against the Israeli authorities. `Id Suw`ad, chairperson of the local committee and a member of Misgav Regional Council, is a resident of Al-Kamanah

and a teacher by profession. He recalls: “Following the enactment of the Planning and Building Law in 1965, the planning authorities ignored the existence of Al-Kamanah. The village did not appear on official maps of the state, and the land it is built on was zoned as agricultural land, despite the fact that most of it is population and built-up. During the 1970s, the state began a campaign to pressurize the residents of Kamanah to leave their village and move elsewhere, particularly to Wadi Salamah, which was recognized in 1970 as the village for the entire Bedouin population in the area. None of the residents of Al-Kamanah agreed to move; they clung steadfastly to their land.”

The firm stance by the residents of the village led to the imposition of collective punishment by the government and to the denial of basic rights. In 1963, for example, Israel ordered that the elementary school in the village be closed. After the school was closed, the villagers were informed that the authorities would arrange bus transportation to schools in the area. According to Suw`ad, however, “Since there were no proper roads to the village, this did not happen, and we were forced to walk long distances in order to study in the neighboring villages. Despite this, the villagers were not deterred and continued to cling to the village.” The state continued to refuse to provide basic services such as electricity, water, health services, and public transport for the village, and some of these services remain unavailable to this day.

During the 1970s, the area in which the village is situated was declared a strategic military zone and the state demanded that the residents leave. The state also argued that the village was isolated and remote and it was impossible to provide the required services. Yet during the early 1980s, two Jewish communities suddenly sprung up close to the village – Kamun and Michmanim. With just seven families in each of these new communities, they immediately received all services, while their Arab neighbors continued to live without basic conditions.

The establishment of the two new Jewish communities changed the lives of the villagers. The grazing areas that had been under their ownership were closed to them, and they were forced to sell their flocks to their new neighbors in Kamun and Michmanim for a loss. “The ridiculous thing,” Suw`ad notes, “is that these flocks were sold to residents of Kamun and Michmanim and remained on exactly the same grazing areas, which were opened up to the Jewish residents. The villagers found themselves without their flocks and their grazing areas, and lost 90 percent of the land they had held before and which had been their main source of livelihood. They were forced to seek employment in construction, factories, or agriculture in the surrounding Jewish communities. Today, most of the villagers are unemployed.”

During the 1980s, several young people from the village managed to initiate public activities in an effort to advance their village, establishing the Association for the Welfare and Prosperity of Kamanah. The members of the association wrote to the various authorities demanding that the village be recognized. The first significant success came in 1992, when the government decided to prepare an outline plan for the unrecognized village. Three years later, in 1995, the Ministry of the Interior decided to recognize the village, and the planning institutions began to prepare changes to the district and local outline plans.

However, the residents’ hopes of official recognition soon proved premature. The proposed plan left entire neighborhoods of the village outside the planned area. Suw`ad comments: “The plan area was not large enough for the entire population

living on the mountain, failed to meet the residents' future needs, and failed to take into account the way of life of the residents. The plan architects decided to transfer entire neighborhoods into the plan area, rather than extending its boundaries. The outline plan included approximately 55 percent of the population of Al-Kamanah, while the remaining 45 percent were left outside, although their homes were just a few meters from the area. The neighborhood of Jalsah, the westernmost neighborhood in the village... and the neighborhood of Jabis, which is home to 45 percent of the villagers, were left outside the boundaries of the plan.”

The villagers petitioned the Supreme Court which, in 2001, obliged the National Planning and Building Council to include the excluded neighborhoods in the plan within eighteen months. However, the ruling did not prevent the authorities from accusing the villagers of unlawful construction. Mohammed Suw`ad and seventeen other residents of the western neighborhood of the village were charged with illegal construction, even after the Supreme Court ruling. Suw`ad emphasizes that his home was built in accordance with the plan awaiting approval. “I am a father of four children. For years we lived in two tin rooms,” Suw`ad explains. “The planning authorities and government ministries are dragging their feet. I am willing to pay the fine the judge imposed on me – all that matters is that we have somewhere decent to live.” Suw`ad’s attorney contacted the attorney-general and the state ombudsman and asked them to intervene in the case. He argued that the residents of the neighborhood had been victimized through no fault of their own, and as the direct result of the gross failure on the part of those responsible for implementing the ruling and instructions of the Supreme Court. The residents now face demolition orders and fines, and are being punished twice: the authorities have managed to delay the authorization of the plan for over five years, and for over three years beyond the deadline issued by the Supreme Court; at the same time, they apply harsh measures against illegal construction.

The District Planning and Building Committee stated that “following the government decision of 1995 to recognize the community of Kamanah, a detailed plan was prepared and authorized in 2000. The residents of the community petitioned the Supreme Court, asking that an additional area not included in the detailed plan be added to that plan. In September 2001, a ruling was granted stating that the area of the detailed plan is to be extended to include the additional area. The updated plans have not yet been forwarded to the District Committee.”

In July, however, the residents of the community of Kamun petitioned the Supreme Court against the decision of the National Planning and Building Council and against the local committee in Kamanah, demanding that the outline plan for Kamanah be nullified. The petitioners argue that the outline plan for Kamanah will damage Kamun and that the planning “overlooked the legitimate and vital demand of the community and its residents and failed to provide a solution for the severe planning problems impeding the future and welfare of the residents” of Kamun.

The petition carries overtones of racism toward the residents of Al-Kamanah on the part of the residents of Kamun. For example, the residents of Kamun argue that the area owned by the Shehadah family from Al-Kamanah, which, according to the Supreme Court ruling, is to be included in Al-Kamanah, reduces the area of Kamun by some 6.5 acres and impairs the development of the community. The residents of Kamun also request in the petition that the plan include a separate access road for Al-

Kamanah, bypassing their own community. In other words, the residents of Kamun do not wish to share an access road with their Arab neighbors from Al-Kamanah. The National Planning and Building Council is of the opinion that that the single road as currently planned is sufficient to meet the transport needs of both communities. The residents of Kamun note that “a road that is bordered to both sides by the built-up neighborhoods of the village of Kamanah will have various ramifications in different periods” – an allusion to the events of October 2000, when there were clashes between Arab citizens and security force personnel.

The residents of Kamun argue that the plan for Al-Kamanah will prevent the future expansion of their community. However, other motives would seem to be behind their opposition to the plan. In a letter sent in January 2006 from the local committee of Kamun to the National Security Council, the residents of Kamun claim that the expansion of Al-Kamanah will destabilize the demographic balance between the Jewish and Arab populations.

The petition is still pending. Suw`ad concludes: “The residents welcome the decision of the National Planning and Building Council, although it is far from perfect. I hope that the state will now recognize its citizens in the village of Al-Kamanah. The struggle to include the remaining neighborhoods in the plan will continue.”

October: Planning authorities disqualify the new outline plan for the village of Daburiyah

The Arab village of Daburiyah is situated in the Marj Abu `Amar (Jezreel Valley) region. For years the village has suffered from a grave shortage of land, preventing the construction of public institutions and residential buildings. The development of the village continues to be subject to an outline plan prepared in 1989 that allocates less than 430 acres for construction.

Work to prepare a new outline plan for the village began in 1999, in cooperation with the local council, the Ministry of the Interior, the Ministry of Housing and Infrastructures, and the planning committees. In 2003, the preparation of the plan was completed. The plan provided for the attachment of an additional area of some 325 acres to the village. For reasons that remain unclear, however, the engineer of the Northern District in the Ministry of the Interior refused to ratify the plan and asked that amendments be made that could impair the plan and prevent its meeting the needs of the village.

C) Land Confiscation

The confiscation of land belonging to the Arab citizens forms part of the policy of “judaizing” Israel, denying land to the original inhabitants of the country and transferring it to Jewish hands. This practice is combined with the stranglehold imposed on Arab communities, preventing their development. Most of the Arab communities in the “Triangle” region and in Galilee suffer from a severe shortage of land. In many cases, land was confiscated from its original owners with the objective of surrounding Arab communities with Jewish communities in order to prevent the creation of territorial contiguity between the Arab-populated areas. Examples of this

practice include the Jewish communities of Katzir and Mei-Ammi in Wadi `Ara; the establishment of Nazareth Elite on land originally belonging to the Arab residents of Nazareth and Reineh; and the establishment of Misgav on land confiscated from the Arab communities of Sakhnin and Dir Hanna. In many cases, land confiscated from Arab citizens has remained completely unused, as in the case of the Al-Ruha lands in Wadi `Ara, which were recently returned to their original owners after a protracted struggle.

Since 1948, large areas of land belonging to Arab towns and villages have been confiscated on various pretexts: The closure of areas for military exercises; the establishment of nature reserves and national parks; afforestation; the construction of roads; and the construction of the National Water Carrier. These confiscations continue to this day. The confiscated land is often transferred for the exclusive possession and use of Jewish communities. After decades of land confiscation, most of the Arab towns and villages in Israel now face a severe shortage of land reserves meeting the natural growth of the population and the need to develop industrial zones. Ninety-three percent of land in Israel has effectively been nationalized, and the Arab population has been denied access to most of these areas.

2006: 2,500 acres of land confiscated from Daliyat al-Carmel and `Isafiya

In the past, the two villages of Daliyat al-Carmel and `Isafiya on Mt. Carmel owned a total area of some 17,500 acres, and had a joint population of some 2,600. However, a consistent Israeli policy of confiscating land from the villages means that the land reserves remaining for the two villages for the purpose of future development is no more than some 4,000 acres.

The residents of the area note that the confiscations began in 1961, when the authorities confiscated some 9,250 acres. In 1997, a further area of approximately 1,800 acres was confiscated. Further confiscations removed some 85 percent of the remaining land from the ownership of the villages.

The purpose of these confiscations seems to be to restrict the villages, prevent their future development, and force the residents to remain in a severely restricted area. The authorities have surrounded both villages with nature reserves, annexing thousands of acres of agricultural land that formed the land reserve for their development. The law prohibits the use of land annexed to a nature reserve for any other purpose; it may not even be fenced and farmed.

Despite all this, the confiscation plan does not seem to have reached its conclusion. In 2006, Minister of Infrastructures Ben Eliezer issued an order confiscating additional private land belonging to the residents of both villages in the Al-Mansura and Al-Jalma areas. The total area confiscated is almost 2,500 acres (1,750 from Daliyat al-Carmel and 750 from `Isafiya). This leaves just 1,250 acres for the expansion and development of the two villages, whose population has now grown to 26,000. The confiscated land is intended for a series of projects:

- The Cross-Israel Highway, including the construction of the largest interchange in the Middle East;
- The expansion of the flow of water in Kishon Stream;

- The establishment of a railroad;
- A plan to establish a natural gas line. The plan promotes the installation of a pipeline carrying natural gas to central and northern Israel.⁸ The pipeline will cross agricultural land belonging to the residents of Daliyat al-Carmel in the Al-Mansura region, adjacent to the city of Yokneam. The establishment of the pipeline will require the confiscation of over 250 acres of land belonging to Arab citizens, injuring the livelihood of dozens of Arab families.
- The planned expansion of the Carmel Park. The plan calls for the annexation of over 1,050 acres of privately-owned agricultural land to the park.

These lands constitute the sole outlet and reserve for expansion for both villages; if implemented, it will result in the literal strangulation of these communities.

The selection of the areas in which these projects are to be implemented cannot have been coincidental, but reflects the objective of seizing control of Arab land. Jewish-owned land adjacent to the planned areas of confiscation has been left intact, underscoring the goal of usurping land belonging to the Arab population.

In March, the Nature and Parks Authority and the Ministry of the Interior signed a memorandum of understanding with the Municipality of Al-Carmel (the joint authority for the villages of Daliyat al-Carmel and `Isafiyah). The memorandum of understanding was supposed to regulate the borders of the park and the issue of land use, through the transfer of 575 acres of land from the park to the villages as reserves for future development. The document does not address an additional on Mt. Carmel – Shokef Mountain. This is an area of over 1,00 acres that the Nature and Parks Authority wishes to include in the Carmel Park. The leaders of the villages are opposed to these plans, and have urged that half the land on Shokef Mountain, which is privately owned by Druze citizens, should be earmarked for the development of the villages.

March: Plan to build a new section of Road No. 444 on land belonging to the city of Qalansawa will suffocate the city

In March, the Ministry of Transport and the Public Works Authority began to plan the construction of new sections of Road No. 444 in the vicinity of Qalansawa. The implementation of the plan will include the confiscation of almost 100 acres of land in the eastern quarters of the city, close to the Jewish community of Sha'ar Ephraim. This area constitutes half the land owned by the residents of Qalansawa in this section, and is known as the Abu Kharuba plain or Wadi al-Safir.

The new section of the road begins close to the entrance to Sha'ar Ephraim and then passes north, crossing land belonging to Qalansawa and connecting to the road from Tulkarem to Netanya. The planned road does not affect the adjacent Jewish-owned land. It will be surrounded by concrete walls, without access routes to the Arab city; most of the connections to the road will be from the neighboring Jewish communities. Moreover, the new road is liable to divide the land on which it is established, leaving

⁸ See the details relating to the city of Taibeh below in this chapter.

parts of land on both the east and west sides. Accordingly, the damage the road will cause goes beyond the one hundred acres to be directly confiscated.

The planning for this road began a decade ago. At the time, the Israel Electric Company had just finished connecting the central electric gridline, which runs parallel to the Cross-Israel Highway. The company places most of the transformers on land belong to Arab communities, such as Qalansawa, Tira, and Taibe. The first section of this gridline runs to the east of Qalansawa. Construction is prohibited in this area according to the guidelines of various government ministries, due to the dangerous and potentially carcinogenic radiation from the line.

The authorities are now continuing to plan the new section of Road No. 444 in an additional area to the east of Qalansawa. As a result, the city will become a human island surrounded on all sides – on three sides by three Jewish kibbutzim, and on the fourth by the main gridline and the Cross-Israel Highway, and, more recently, by Road No. 444. Accordingly, it is hardly surprising that the local residents refer to the road as the “Qalansawa bypass” or the “Qalansawa strangler.”

Mr. Fahmi Ladawi is one of those who are suffering from the construction of the new road. Seven acres of his family’s land has been confiscated. He explains: “I have been farming my land for many years. Suddenly I got a notice that the land was being confiscated for the construction of Road No. 444. I stopped farming the land, since the bulldozers could arrive at any moment and destroy the crop. I have had nothing to do since the confiscation, and I have been reduced to living on the National Insurance pension I receive each month due to my state of health. After the confiscation I have been left without land – it has all either been confiscated or made unusable for farming due to the central gridline.”

Another landowner, Mr. `Adal Jamal, who owned 6.25 acres of land that has now been confiscated, states: “This road does not serve the residents of Qalansawa, Tira, or Taibe. It serves mainly the Jewish communities that surround the city. Yet the Arab population is the only group that loses out. In the past, the so called “Taibe-Netanya” road led to economic revitalization in the area. Commerce flourished and dozens of shops, restaurants, cafés, and businesses opened. Since the new plan things have changed completely. We went to court to appeal against the new plan. After discussions and rejections from the relevant bodies, we suggested that the confiscated land should be taken from ourselves and from the neighboring Jewish communities, instead of from Qalansawa alone. But the state and the Jewish communities rejected the proposal. Now we are left to pay the price of a road that does not serve us and for which we have no need.”

The Israel Electric Company established transformers and enormous pylons opposite land belonging to Mr. Mohammed Ladawi. He states: “I cannot understand these plans – why should the Arabs have to pay for these projects? The transformers were placed close to my land. The noise is very intrusive, and I can’t even build a shed near them. The community of Sha’ar Ephraim is just a few dozen meters from my land yet they lost nothing, despite the fact that the plans mainly serve Sha’ar Ephraim and the nearby kibbutzim. After the electric lines were laid, I left the land I had sewn because I was afraid for my health. You can sense the radiation there. Now they are confiscating the plots I had left.”

March: Village of `Ein Ma'ahal at risk from the uprooting of olive trees and the confiscation of its remaining land

In March, the residents of the village of `Ein Ma'ahal in the north received warning notices that the Israeli authorities intend to uproot olive trees planted on the land of the village. The authorities claimed to be implementing confiscation orders issued in 1975 as part of the campaign to confiscate Arab land that was applied to thousands of acres in the Galilee (these confiscation led to the events around Land Day in 1976).

The confiscation campaign in the 1970s included hundreds of acres of land belonging to `Ein Ma'ahal, Mashad, Kafr Kanna, Reineh, and Nazareth. The land was confiscated in accordance with the decision of the Israeli minister of finance, based on the emergency regulation that empowers the minister to confiscate land for the "general good."

Most of the land was indeed confiscated at different points (a total of 3,250 acres out of the planned area of 4,250 acres). Jewish residential areas were built on this land, which now forms part of the Jewish city of Nazareth Elite. The purpose of these confiscation orders was to create reserves for the expansion of Nazareth Elite in the future, while ignoring the fact that this came at the expense of the reserves belonging to the Arab population in the area. Part of the confiscated private land taken from its legal owners was used for the benefit of new immigrants, particularly from the former Soviet Union.

Although thirty years have passed since the decision in 1975 to confiscate the land, part of the area has not yet actually been confiscated, since Nazareth Elite did not require these reserves. This fact in itself illustrates the lack of any urgent need for the confiscation at the time. Yet the Israeli authorities are now attempting to implement this decision in order to continue to expand Jewish residential areas, particularly Mt. Yona in Nazareth Elite, at the expense of the land of `Ein Ma'ahal.

Despite the severe housing shortage faced by the residents of `Ein Ma'ahal, the Israeli authorities insist on continuing the implementation of the confiscation plan. If the plan goes ahead, the homes of residents of Nazareth Elite will be adjacent to those of the residents of `Ein Ma'ahal, eliminating all the village's reserves.

In 1988, the villagers managed to halt a plan to uproot olive trees from the confiscated land. The local council prepared a new outline plan zoning relevant areas for housing projects to construct new neighborhoods on land belonging to the village. Now, however, the authorities are attempting to prevent the villagers from deriving benefit from their land. Notices have been sent warning the residents of the intention to uproot the olive trees built on their land.

The villagers decided to oppose the orders; after appealing to several courts, they managed to postpone the implementation of the order by three months. In June, after the injunction expired, the authorities issued immediate eviction orders for the land. In response, the landowners petitioned the district court in Nazareth and requested an interim injunction preventing the implementation of the eviction. The district court issued an order prohibiting the Israel Lands Administration, the police, the Ministry of Finance, the Ministry of Housing and Construction, and the Municipality of Nazareth

Elite from executing the confiscation order requiring the eviction of hundreds of acres of land belonging to the village.

The villagers also petitioned the Supreme Court arguing that they have special needs, and that the confiscation of the land could cause them grave injury, particularly in terms of the need for housing for young couples. The villagers further claimed that the fact that the authorities failed to implement the confiscation plan for decades after its adoption rendered it invalid. Both sides await the ruling of the Supreme Court.

June: Plan to establish 12-kilometer section of railroad crossing Wadi `Ara

In June, a new plan was uncovered to built a railroad passing through Wadi `Ara as part of the TAMA-23 regional outline plan. The railroad is planned to reach Afula, Beit Shean, and – in the future – even Jordan.

According to the preliminary planning, the railroad is due to pass through a tunnel under the Al-Biyar area close to `Ar`arah and through to Megiddo Junction. In the second section, from Al-Biyar to Hadera, the railroad will run aboveground. A rail station in Um el-Fahm will serve the city and the surrounding villages.

According to the plan, the railroad will pass adjacent and to the south of the Wadi `Ara road, thus placing restrictions on the use of agricultural and in the area, which is intended for use for construction in the future. The planning also establishes a prohibition on construction between the outer warning line of the railroad and the railroad lines themselves, with the exception of installations serving the railroad (such as a passenger station and crossing points for passengers).

In general, railroad construction projects have a profound influence on the areas through which they pass. This influence is both positive and negative. In the case of the planned railroad in Wadi `Ara, however, the impact on local residents (most of whom are Arabs) and on their villages and cities will be mainly negative.

Engineer Mohammed Yunas, a member of the Northern District Planning and Building Committee, explains: “Damage will obviously be caused to the landowners adjacent to the railroad. The railroad in the section from Al-Biyar to Megiddo Junction will lead to the confiscation of up to 40 acres, in my estimation, in addition to the similar figure to be confiscated along the margins of the railroad. Damage will be caused to an additional area of some 125 acres that will not be confiscated, but which will be left between the railroad and Road No. 65, making it very difficult to use the land in the future and leading to a significant drop in the value of the land.” Yunas adds: “In `Ararah, toward the side of the Wadi `Ara road, there are some 100 acres of land whose use will be restricted. Let alone houses in the area, since the railroad is scheduled to pass along a presently unknown number of homes in the village. In the Um el-Fahm area, for example, building restrictions will apply, despite the fact the railroad is supposed to pass underground.”

Many doubts remain regarding the true intention of the establishment of a railroad through Wadi `Ara. The Arab residents of the area are concerned that the intention is to replace the use of the Wadi `Ara road, which is one of the most-used roads in Israel. The road provides a vital economic and commercial function for local residents. If the railroad becomes operations, this situation may change. Trains will

stop only at one station in the area before continuing to Afula and Beit Shean, leading to a reduction in the volume of traffic on the Wadi `Ara road and a deterioration in economic activity in the area.

Engineer Mohammed Yunas comments on this aspect: “The vitality of the Wadi `Ara road may be impaired in the future. Several years ago, the [Arab] local authorities planned the construction of a service road parallel to the Wadi `Ara road in order to serve merchants and encourage commerce in the area. The Municipality of Um el-Fahm has begun to construct this service road, but the TAMA-23 plan has prevented its continuation. The outcome of this will be a negative impact on the region in economic terms.”

Engineer Yonas continues his analysis of the plan: “The railroad will make Wadi `Ara more accessible to the center of the country, but the Arab authorities must monitor the project carefully and act to ensure that it is accompanied by industrial development projects. On balance the project will damage the region, since the prevailing opinion among the decision makers does not tend to favor Wadi `Ara.”

April: New plan to confiscate large areas of land from the city of Taibe in order to install a national gas pipeline

In April, a new plan was revealed to lay a national gas pipeline through land belonging to Taibe in the “Triangle” region, to the east of the Cross-Israel Highway. According to plan, the gas pipeline is scheduled to run between Ramle and Haifa, along a course of approximately 100 kilometers and with a width of 10 meters, as well as a construction exclusion zone to 50 meters on either side.

Ten years ago, the state established the national electric gridline alongside the land that is now to be confiscated for the national gas pipeline. The establishment of the pipeline will damage the lands of the residents in the area, many of whom make a living from agriculture. Areas of land will become unfit for use. Given the health and environmental dangers created by the gas pipeline, construction on this land will also be prohibited, as is the case with the land adjacent to the national electric gridline.

According to the National Natural Gas Outline Plan, the pipeline will be established with the goal of expanding Israel’s energy sources. The negative impact of the plan, however, will be felt exclusively by Arab citizens. Hassan `Azam, a former member of Taibe city council and the chairperson of the Committee of Victims of the Cross-Israel Highway in Taibe, explains: “The plan is intended mainly to confiscate as much additional Arab land as possible. It eliminates the land to the east of Taibe, which will be divided and become unusable for agriculture. People will even be prohibited from spending significant periods of time in these areas, as is the case with the land through which the national electric gridline runs. The plan will confiscate tens of acres, if not more, although it is difficult at this point to estimate the precise figure. The plan will also confiscate land for the building exclusion zone with a width of 30 meters.” `Azam adds: “A review of the maps for the project shows that the pipeline passes to the west of the Cross-Israel Highway around the Jewish communities, but when it crosses the Taibe area it is planned to the east of the Cross-Israel Highway. This is strange and questionable.”

The plans indeed show that the gas pipeline is projected to pass as far as possible from the neighboring Jewish communities, while in Arab areas it moves closer to the lands of the villages and towns, with the goal of confiscating as much land from Arab residents as possible while protecting Jewish-owned land. It also emerges that according to the original plan for the pipeline, its course was supposed to run to the west of the Cross-Israel Highway. However, the Ministry of National Infrastructures changed the course so that it would pass to the east of the highway, increasing the area of land to be confiscated from Taibe.

It should be noted that some 150 acres of land owned by residents of Taibe was already confiscated during the construction of Road No. 6 (the Cross-Israel Highway) just a few years ago. This injured the livelihood of dozens of families. The change in the route of the gas pipeline will lead to the confiscation of a further 150 acres, despite the fact that there is a suitable area for the installation of the pipe to the west of the highway. In fact, it would be possible to avoid confiscating further land. For example, a possible alternative to the current plan would be to place the national gas pipeline along the same sections that were confiscated for the Cross-Israel Highway but remained unused, rather than confiscate new areas. Sufficient land is available for this purpose to both sides of the highway.

October: Hundreds of acres of land in the vicinity of Shefa`amr and Bir al-Maksur threatened with confiscation

In October, Arab farmers around the city of Shefa`amr and the adjacent village of Bir al-Maksur received letters from the Israel Lands Administration and other planning authorities informing them that their land was confiscated in the 1970s and early 1980s.

The warning letters, sent to dozens of farmers, revealed that the relevant areas of land were confiscated twenty or thirty years ago on the grounds of "public needs," but the confiscation was never executed. The letters have now been sent to the landowners, and the authorities are claiming that the Ministry of Transport intends to use the lands in question, which extend from the Afek area to Bir al-Maksur, for the building of roads and the laying of a railroad.

Over the years, several residential homes have been established in these areas, as well as industrial and agricultural buildings used by the local landowners. The execution of the confiscation orders will require the demolition of these buildings, established at a cost of hundreds of thousands of shekels, in addition to the mortal injury to the principal source of income of dozens of farmers.

December: Proposed law to return unused confiscated land to its owners is rejected

In December, MK `Azmi Bishara (Balad) tabled a proposed law establishing that land that is confiscated by the state and remains unused seven years after the date of confiscation, or in cases when the purpose of the confiscation is changed after the fact, will be returned to its original owners. If the owners received compensation for the confiscation, this will be returned in full in return for the land. If it is impossible to return the confiscated land, the landowners will receive alternative land of equal value; they may also chose compensation in return for the land.

The proposed law was tabled against the reality, as noted above, whereby over 85 percent of the land owned by Arab citizens in 1948 has been confiscated by the state. Much of this land was transferred to Jewish ownership and Arab citizens gained no benefit from the confiscation. In many cases, however, the state made no use of the confiscated land even decade after it was seized. In some other cases, the state used the land for a different purpose than that declared at the time of confiscation.

Most of the confiscations took place under the terms of a British Mandate law dating back to 1943, the Lands Ordinance, which effectively severs the connection between the confiscated land and its original owner. The Supreme Court has ruled in the past, however, that an affinity continues to exist between confiscated land and its owner even after confiscation. However, Israeli law does not reflect this determination, and the authorities have continued their practice of confiscating land that subsequently remains unused.

An example of this situation can be seen in Kafr Qara` in the “Triangle” area. Until 1948, the village owned some 3,500 acres of land, most of which was confiscated for the benefit of Jewish communities in the area. The villagers now own just 1,000 acres of land, some of which is zoned as a “military area” used for exercises by the army. For several years, the local council has been seeking to include in its boundaries some of the land confiscated many years ago. The area in question, which the local residents refer to as the Al-Hawarna neighborhood, has an area of approximately 63 acres and was confiscated in the early 1960s in favor of Menashe Regional Council and the Israel Lands Administration. These bodies persist in their refusal to return the land, despite repeated requests from all the leaders of the local councils in the village, and despite appeals to the Planning and Building Council and the Ministry of the Interior. The local council wishes to allot plots in the area for independent construction by families (a method known in Israel as “Build Your Home,”) as well as public institutions such as an educational campus and sports facilities.

MK Bishara presented his proposed law in light of this reality. Despite the importance and evident logic of the proposal, however, which is also consonant with the Supreme Court rulings, the Knesset rejected the proposal.

D) Housing

Due to the exclusion of Arab citizens from the planning process, the state fails to provide an appropriate response to their housing needs. The result is that Arab citizens are forced to live in increasingly overcrowded communities that suffer from long-term neglect. As a result, many Arab citizens prefer to live in Jewish communities, which have a higher standard of development and services. In many cases, however, the Jewish communities refuse to permit Arabs to reside in their area for racist reasons.

February: Contractors in Ramle discriminate against Arab citizens

A claim was filed at the Tel Aviv Magistrate’s Court in February against the companies responsible for a prestigious building project in Ramle. The claim presents the claims of two Arab couples from Ramle and Lod that they were discriminated

against on the grounds of their ethnic origin and prevented from purchasing properties in the new development.

The site, which includes almost one thousand housing units, is currently being established on rezoned agricultural land belonging to Moshav Mazliach, just outside the city of Ramle. The project includes a range of different properties, from villas to apartment blocks, and numerous sub-projects are being run on the site by different companies. The suit claims that some promoters are using two key methods in order to avoid accepting Arab citizens: The first is to include a condition in the advertisements that the properties are intended for “army veterans and their families only.” The second is to establish members’ associations whose application committees deliberately prevent Arab families joining the project.

The defendants in the suit include the Neve Park Settlers association, the promoters who are establishing the project for the Neve Park company, the Israel Lands Administration, and the Ministry of Housing and Construction. The plaintiffs are demanding that the court require the various defendants to pay a total of NIS 226,000 as compensation for the discrimination they faced.

The plaintiffs Jamal and Sirin Salameh, a young couple resident in Ramle, saw advertisements about the new neighborhood Neve Park being established by contractors. Salameh is the chairperson of Adar, an association that seeks to combat the housing crisis facing Arab citizens in the cities of Ramle and Lod. He is a construction technician by profession; his wife works in the field of education. The couple were interested in purchasing a villa in the project. According to the statement of claim, they contacted the project office and asked for details of the conditions of purchase. However, they were unable to obtain the relevant details or to join the registration process.

The Salameh couple were joined in the suit by Maha and Said Tali, a couple from Lod, and an additional plaintiff, Maya Rabi`a, who is also a local resident. The plaintiffs claim that a members association was established on the Neve Park site, denying Arab families the chance to enter the project. The association is responsible for marketing 72 of the 936 housing units in the entire project.

According to the statement of claim, in November 2004 the Salameh couple contacted the marketing office in the Neve Park site in order to obtain details of the villas for sale in the development. They were received by a sales representative by the name of Oren. Oren did not realize that the couple were Arabs, and told them openly that members of the association must be screened by an admission committee – “not because we are nice, but to avoid letting Arabs in.”

The attorneys acting for the Neve Park Settlers association stated in response that “the plaintiffs’ arguments seem groundless in light of the fact that our clients operate in accordance with strict criteria approved by the Ministry of Housing and Construction, the Israel Lands Administration, and the Registrar of Associations. Contrary to the plaintiffs’ claims, one of the members of the association is an Arab family who – unlike the plaintiffs – sought to live in the development, rather than to test the opinions of the members of the association.” A ruling has not yet been issued in the case.

July: Misgav Regional Council refuses to permit Arab citizens to live in its communities

In July, Misgav Regional Council decided to organize a housing fair in order to attract new residents to the area. However, it emerged that the fair was intended for Jews only, since the regional council refuses to permit Arab citizens to live in its communities, completely ignoring the serious housing crisis facing the Arab citizens in the adjacent communities.

In response, the association “A Different Voice in Galilee” urged Arab citizens living in the Galilee to participate in the housing fair and to submit applications to live in community villages, as a step toward “equal housing rights,” and in protest at official discrimination in the allocation of state resources – this despite the opposition of the regional council and the local Jewish residents. An opinion poll carried out during this period showed that 75 percent of Jews are opposed to Arabs living in their vicinity.

E) House Demolitions

In 2006, Adib Daoud, a planner and consultant to the Knesset Interior Affairs Committee, prepared a report on the subject of illegal construction among the Arab minority. The report establishes that the widespread phenomenon of illegal construction developed as the result of the adoption of racist policy by the Israeli authorities as reflected in the refusal to recognize Arab villages and to find solutions for the problems facing Arab communities; the failure to approve outline plans for these communities or to extend their areas of jurisdiction; and the failure to provide building permits for agricultural land. All these practices contrast with the situation in Jewish communities, where decisions on the construction of new communities and settlements and the provision of building permits for agricultural land are issued rapidly.

The report adds that until the mid-1990s, successive Israeli governments insisted on addressing the issue of illegal construction in the Arab communities solely by means of demolition orders, eviction, and confiscation. A change in policy came only after the “Association of the Forty” initiated the drafting of alternative outline plans for the unrecognized Arab communities, providing for the official recognition of these villages and their connection to infrastructures in order to end the suffering faced by their residents. Following the preparation of these plans, some of the villages (approximately twenty) in the Galilee and the Negev were recognized by the authorities.

The argument that the phenomenon of illegal construction, particularly in the Haifa District (which includes Wadi `Ara), reflects a lack of respect for the planning and building authorities and for the law in general is completely incorrect. However, these authorities address the phenomenon solely through bulldozers and demolition, and the police adopts a harsh approach in confronting the problem. The Israeli authorities have not proposed any plans to create an alternative to this phenomenon by involving residents in the planning process or engaging in consultation. On the contrary – even

in most of the villages that have been recognized, the situation remains unchanged due to the insistent of the authorities to prepare plans that barely meet the existing needs of these communities.

In March 2000, a commission appointed to examine the phenomenon of illegal construction in Israel (the Gazit Commission) issued a report noting that one-third of all illegal construction in Israel was in Jewish communities, mainly kibbutzim and moshavim.

In December 2005, State Ombudsman Micah Lindenstraus published a report on planning and building offenses. The ombudsman examined local authorities, including Hof Hasharon Regional Council. The report claimed that through the end of 2004 some 1,426 building offenses were documented. The leading community was Rishpon, where no fewer than 500 offenses were recorded. This was followed by Bnai Zion with 181 offenses and Batzra with 307. The report also noted that in almost all the communities agricultural land had been converted for use as parking lots, commercial centers, and shops, without legal permits. In Kibbutz Ga'ash, an area in which commercial activity was prohibited was now being used for a car rental business. In another section of the kibbutz, agricultural land zoned for hothouses had been turned into an area of commercial activity.

The ombudsman stated that while the Inspection Unit of the Ministry of the Interior had attempted to halt this phenomenon, the local planning and building committee, chaired by the head of the regional council, declined to address the findings presented by the unit. Indeed, the committee not only refused to enforce the law, but itself issued unlawful permits for exceptional uses for buildings established contrary to the official zoning.

The ombudsman's report mentions additional local authorities, including Emek Hefer Regional Council, which failed to combat the illegal construction of banqueting halls in the heart of open areas. A remarkable record was also set by Merom Hagalil Regional Council: 90 percent of the businesses in the area operated without a permit.

Despite all these examples of violations in Jewish areas, demolition orders are issued almost exclusively in the case of Arab citizens, and only extremely rarely against Jewish owners. A report published by the Center for Contemporary Research in Um el-Fahm in October 2005 confirmed that the vast majority of demolition orders were issued against Arab owners. The report claimed that the number of orders issued each year against Jewish-owned properties can be counted on the fingers of one hand. The report further added that most of the construction without permits in Arab communities took place on private, Arab-owned land, whereas the unlawful construction of Jewish homes takes place mainly on state-owned agricultural land.

May: Demolition orders issued against half the homes in the village of Zubeidat in the Galilee

In May the Ministry of the Interior issued demolition orders for more than half the homes in the village of Zubeidat in the Galilee. The village has been in existence for over a century and includes 25 houses. Zubeidat does not have any infrastructures and its residents do not receive public services. The residents of the village appealed to the authorities numerous times to be connected to the electric grid, but their requests were

denied; none of the houses in the village are connected to the mains electricity. Basmat Tab'un Local Council requested that the village be annexed to its area of jurisdiction, but this was rejected, although the council has provided certain municipal services for the village, such as garbage disposal and the supply of water. The demolition orders issued against the homes in the village are based on the claim of illegal construction, despite the fact that some of the homes were built more than sixty years ago.

July: Homes of residents of the village of I'blin face danger of demolition

In July, the homes of residents in the western neighborhood of the village of I'blin, close to the city of Shefa'amr, faced the danger of demolition. The planning and building authorities have refused to approve an outline plan that would enable the issuing of building permits and the formalization of the status of existing homes in the area.

The residents of the neighborhood, which is known as Al-'Anizan and is situated to the west of the road connecting the village of I'blin with the Sakhnin area, claimed that most of the houses concerned were constructed decades ago. The planning and building authorities have refused to grant new building permits or to authorize procedures for the legalization of the homes. Instead of regulating the status of the area, the authorities insist on imposing heavy fines and demolition orders on the residents.

The residents emphasized that the approach of the district planning and building committee is outrageous, reflecting the goal of denying the residents to build homes for themselves and their children and denying them access to municipal services. The committee is seeking to demolish homes and expel residents from the neighborhood, and hence to prevent the westward expansion of the village in the direction of the neighboring Jewish community Mitzpe Aviv.

August: Israel Lands Administration demolishes school in the destroyed village of Meska

In August, the Israel Lands Administration demolished the school building in the destroyed village of Meska, close to the city of Tira in the "Triangle" region, despite the effects by the former residents of the village and their descendants to prevent the demolition of the building, the last remnant of the village.

The residents of Meska were expelled from the village in 1949. For years, the authorities continued to assault the village. Most of the buildings were demolished in 1951, and since then the authorities have attempted to obliterate any remains of the village. The uprooted villagers, most of whom live in Tira, established a committee to preserve the remnants of the village and visited the area frequently, holding various activities with artists and craftspeople. For their part, the authorities attempted to prevent the uprooted villagers from visiting Meska and engaging in maintenance work in order to fence off and preserve the school and cemetery. According to the uprooted villagers, the decision by the Israel Lands Administration to obliterate the last remaining signs of the village is a deliberate move to eliminate the memory of the

village and to prevent the villagers and their children from working to preserve their former home.

September: Demolitions in the village of Bara in the southern "Triangle" area

Two agricultural buildings established on agricultural land belonging to the village of Bara in the southern "Triangle" area were demolished in September on the orders of the Ministry of the Interior and the Ramle Planning and Building Committee. Inspectors from the authorities came to the agricultural areas, which belong to residents of the village of Bara but fall within the area of jurisdiction of the Ramle committee. Without any prior warning, the inspectors demolished two agricultural buildings owned by Muthana Khatib.

Khatib stated that the day before the demolition, officials from the planning and building committee informed him that they would be coming the following day to inspect the buildings and appraise the situation. At six o'clock in the morning they arrived, and within a few minutes demolished both buildings, which had provided a source of income for the family. Khatib added that the demolition was a grave blow since his financial situation was in any case difficult.

Other buildings in the area established without permits on agricultural land also face the threat of demolition. The efforts by the owners of the properties and by the local council to secure building permits have met with persistent refusals on the part of Ramle Planning and Building Committee.

October: Eight new demolition orders issued in the community of Um al-Sahali

In October, Haifa District Planning and Building Committee issued eight new demolition orders against homes in the unrecognized village of Um al-Sahali, to the south of Shefa`amr; heavy fines were imposed on two residents.

Um al-Sahali is situated close to the Jewish hilltop settlement of Adi, which was established in the 1980s on land confiscated from Arab residents of Shefa`amr, Suw`ad, and Bir al-Maksur. The villagers note that negotiations have been underway for several years with a view to recognizing the village, particularly following clashes between the villagers and police during the execution of demolition orders against three homes in 1998. Some of the villagers state that they made it clear from this point that they had no intention of leaving their homes; they requested that the area be annexed to the municipal area of the city of Shefa`amr.

Ahmad Suw`ad, whose home is slated for demolition, and two of his children recently received fines of between NIS 5,000 and 7,500. Suw`ad claims that the new demolition orders threaten the very existence of the village, which is centuries old. The dozens of residents of the village have for years faced repeated attempts to force them to leave their homes. The residents claim that the government wishes to take the land in order to enable the expansion of the Jewish community of Adi.

"The fines are unbearably harsh given the difficult economic situation of the residents, who make a living from shepherding and from other simple labor," Suw`ad

explains. “But it won’t make a difference. We are determined to stay put, despite all the efforts to uproot us from our homes.”

November: Three Arab residents of Hamdun indicted for failing to execute previous demolition orders for sections of their homes

In November, Misgav Regional Planning and Building Committee served indictments against three Arab citizens from the village of Hamdun: Walid Ibrahim Hamdun, `Omer Ibrahim Hamdun, and Mohammed Ibrahim Hamdun. The three residents were accused of failing to execute previous demolition orders issued by the court ordering the destruction of sections of their homes; they were also charged with using an unlawful building.

Walid Hamdun, the head of a family of five, was accused of failing to execute an order issued by the court on May 25, 2003, requiring the demolition of a balcony with an area of 33 square meters that he added to his home. The court granted Walid a period of twelve months to secure a building permit for the balcony, or to demolish it. Although the remaining sections of the house, which has been in existence for many years, have a permit, Misgav Planning and Building Committee has refused to issue a permit for the balcony, as part of its policy of expelling the villagers in order to enable the expansion of the neighboring Jewish community of Lotam.

`Omar Hamdun is also accused of failing to execute a court order issued on the same date, May 23, 2003, requiring the demolition of a room with an area of 20 square meters that he added to his home. The room is built from stone with a tin slate roof, and forms an integral part of the home in which he lives with his wife. The court ordered him to secure a permit within 12 months or demolish the room. He was unable to secure a permit due to the opposition of the planning and building committee.

The planning and building committee accused Mohammed Ibrahim Hamdun, a father and head of a family of four, of failing to execute a court order issued on November 24, 2003, ordering the demolition of an area of 62 square meters added to his home. The court gave leave of just six months in order for Hamdun to secure a permit. Once again, he was unable to secure the permit for the reasons already described.

It should be noted that the three residents filed several applications to Misgav Planning and Building Committee in order to obtain a permit for their homes, secure recognition for their neighborhood, and connect the houses to services. However, their requests have repeatedly been rejected. The residents of the Hamdun neighborhood emphasized that Misgav Council and the planning and building committee are continuing to apply a policy designed to expel Arab citizens and to concentrate the Arab population of the area in a smaller number of communities.

December: NIS 70,000 fine imposed on a resident of Al-Qabsi, an unrecognized neighborhood, on account of illegal construction

In December, Akko Magistrate’s Court imposed a fine of NIS 70,000 on Hamad Hasin Qabsi, a resident of the unrecognized neighborhood of Al-Qabsi who was accused of unlawful construction. The court decided to permit payment of the fine in

installments; accordingly, Hasin will be required to pay the sum of NIS 700 a month for nine years.

The area of the home in which Hasin lives with his family totals 120 square meters. The home was built five years ago on land owned by the family and registered properly in the Tabu registry. Two families (a total of six people) live in the home.

This is the second time that Hasin has been fined. Four years ago, he was prosecuted for the same offense and fined the sum of NIS 20,000.

Hasin criticized the decision against him, explaining that it increased still further the debts he faces and exacerbated the already difficult financial position of the family, which has to survive on monthly income that is insufficient to feed the family.

It should be noted that the Al-Qabsi neighborhood is situated to the west of the village of Nahaf, within the area of jurisdiction of Misgav Regional Council. For years the authorities have refused to include the land in the area in the village of Nahaf, thus denying the residents access to basic services.

2006: Wave of demolitions in the city of Tira in the "Triangle" region

A wave of demolitions began during 2006 in the city of Tira. Hundreds of demolition orders (approximately 400, or some ten percent of the homes in the city) received demolition orders on the grounds of "unlawful construction and construction without a permit." The authorities claimed that the homes were established outside the area of jurisdiction of the municipality. Most of the demolition orders have already been served; some have been executed and others are currently the subject of court hearings.

In August, the planning and building authorities, supported by large forces from the police and Border Guard, demolished a home in the northern section of the city. A large police presence was on the scene as the home of Ahmad Titi was demolished.

Samir Titi, the brother of the owner of the demolished home, explained that the home was built on land that the municipality and the planning and building authorities promised would be included in the area of jurisdiction of the city. However, this procedure was halted for unclear reasons as the result of the actions of the planning committees and the municipality.

Adham Khaskaya, the owner of nine housing units against which demolition orders were issued, explains the situation: "It is unreasonable that hundreds of homes should face the constant threat of demolition just because the planning authorities have failed to function properly. They are now trying to punish the residents who tried to prepare an outline plan at their own expense and with a significant investment of their time."

F) Mixed Cities

During 2006, the phenomenon of house demolition was particularly evident in the mixed cities, which include a Jewish majority alongside a significant Arab minority living in its own neighborhoods. Most of the Arab population in the mixed cities lives in underprivileged neighborhoods, suffering from poor urban conditions and from high levels of crime and drug abuse. Among other problems, these neighborhoods lack plans regulating construction in order to meet even the minimum needs of the population. As a result, and due to growing needs, most of the construction in these neighborhoods is unregulated. The neighborhoods develop in a natural manner without any planning and without the provision of appropriate infrastructures. An example of this phenomenon is the neighborhood of Pardes Snir in Lod.

The authorities argue that the construction in these neighborhoods takes place unlawfully and on state land. Accordingly, it issues and executes demolition orders in the name of law enforcement. For their part, the Arab residents claim that the sole purpose of the demolition policy is to damage the Arab presence in these cities. "The purpose of the demolitions is not to enforce the law, but to harass the Arab residents of Lod," says Dr. Mahmud Muhareb, a lecturer in Middle Eastern History at Ben Gurion University and the spokesperson of the Committee of Arab Neighborhoods in Lod. "They are trying to wear people out so that they can make them leave the city," he adds.

The Arab residents of Lod claim, for example, that the government has opened a special office in the city to oversee the demolition of local Arab residents. They also claim that the Mayor of Lod, Benny Regev, received a direct order from Ehud Olmert, then acting prime minister, to accelerate the demolition of the homes of Arab residents of the city. The Municipality of Lod employs a special consultant, Rami Zach, charged with processing the demolition of Arab homes. Local residents claim that Zach visits the Arab neighborhoods on a daily basis attempting to convince the residents to surrender to the demolition orders and marking homes earmarked for demolition.

Current statistics for Lod show that some 1,800 homes face the threat of demolition. The local popular committee claims that 500 homes in the city face an immediate threat of demolition.

House demolitions in Lod

In January, the Municipality of Lod issued a second administrative order for the demolition of the home of the family of Zahra Khawaja from the Al-Mahta neighborhood. The home had been demolished two weeks earlier by the Israel Lands Administration. The order bore the personal signature of Mayor Benny Regev and provided for the immediate demolition of the home, which had been demolished on the grounds that it was built without a permit. Two other homes belonging to Amin and Yasin Al-San`a were also demolished. Following the demolition of the three homes, the popular committee of the Arab neighborhoods in Lod met and decided to rebuild the homes. The owners of the three houses applied to the Israel Lands Administration to purchase the land on which the homes were built so that they could

obtain building permits. The ILA agreed, but conditioned this solution on the agreement of the relevant government ministries.

In the same month, personnel from Lod Planning and Building Committee demolished the home of family of Abu `Imad `Aliwa in the Old City of Lod, on the grounds that the home was built on land belonging to the Israel Lands Administration. The officials were accompanied by a large police and Border Guard force that raided the home of the `Aliwa family at dawn and demolished the building.

In March, Ludim Regional Council demolished four homes belonging to Arab citizens living in the Dahamsh neighborhood of the city. The homes belonged to the brothers Hassan, Hussien, Yusef, and Mohammed Abu Ghanim, and housed a total of 35 people, most of whom were small children. Over 500 police and Border Guard troops raided the neighborhood and removed the residents by force, including sleeping children. The Dahamsh (Neve Atid) neighborhood is situated between Ramle and Lod, and lies between Ramle and Moshav Nir Zvi. The neighborhood suffers from severe deprivation and is home to approximately 900 Arab citizens who do not receive even basic municipal services. The municipalities of Lod and Ramle deny any responsibility for the neighborhood and the residents on the grounds that it lies within the area of jurisdiction of Ludim Regional Council.

In the same month, the police also demolished two homes in Lod owned by Talal Wahidi and Ahmad Zabarqa.

Again in March, local residents reported that a large police force came to the city in the early morning equipped with demolition orders against 13 homes. A large number of residents gathered to protest against the demolitions and the police was forced to halt the campaign after demolishing two homes. The Arab residents of the city, who had been aware that the government was planning the wholesale destruction of Arab homes, organized in advance and established a protest tent on the site. During the demonstration four residents were arrested by the police. Eyewitnesses stated that the police attacked the demonstrators.

In June officials from the planning and building authorities in the Ministry of the Interior, accompanied by bulldozers and by a large police presence, demolished five homes belonging to Arab residents of Lod on the grounds of "illegal construction." The forces raided the area in the early morning while most of the residents were still asleep and the children had not yet left for school, without providing any time for the residents to appeal or seek legal aid. The homes were completely destroyed. Two of the homes belong to the family of Hani Zabarqa and one to Ma`adi Abu Shariqi and Anwar al-Wahidi and his brother Talal. The Al-Wahidi family home was demolished for the second time, having been rebuilt by Arab citizens after it was demolished five months earlier.

The Arab Citizens in the Naqab

A) Introduction

Since the establishment of the State of Israel, official policy regarding the Naqab (in Hebrew: Negev) region of southern Israel has been dominated by one objective: to deprive the Arabs of the land they have historically owned in the area, and to concentrate them in permanent communities suffering from profound neglect and discrimination. The objective of this policy is to seize control of Arab-owned land and to ensure a Jewish majority in the region.

During the period from the 1948 War through 1953, three-fourths of the Arab citizens of the Naqab were expelled from their land by the Israeli authorities. Some were sent out of the state, while others were concentrated in an area to the east of Beersheva known as the “Siege.” The Arabs lived under martial law until 1966 and were not permitted to leave the “Siege” area. Most of the land outside this area that was formerly owned by Arabs was declared closed military zones, so that the Arab citizens could not return to their original land even after the abolition of martial law.

The government confiscated most of the land outside the “Siege” by various means, with the goal of using these areas for Jewish settlement. One of the tools used to this end was the Lands Seizure Law, 1950, which permits the confiscation of land for the purpose of “protecting the state, public security, maintaining vital supplies, vital public services, the absorption of immigrants, the rehabilitation of released soldiers or disabled veterans.” Another method was the use of the Absentees’ Assets Law, 1953, which defined the assets of Arab citizens who were “absent” from their land but remained within the borders of the state (“present absentees”) as absentee assets, ignoring the fact that the citizens were removed forcibly from their land and transferred to the “Siege” area by the Israeli authorities and were not permitted to return to their land even after the end of martial law. A third method was the use of the Acquisition of Land (Authorization of Actions and Compensation), 1953, which permitted the confiscation of land for vital needs, subject to various conditions.

The Lands Law enacted in 1969 defined the scope and manner of acquisition of land rights. The state relied on this law in order to avoid recognizing the rights of Arab citizens to the land even within the “Siege” area, since the law specifically states (Article 155) that land that prior to the enactment of the law was considered *mawat* land (as was the case with the land belonging to the Arab citizens) was to be registered in the name of the state. Moreover, Arab citizens found it difficult to prove their ownership of land in accordance with this law, since the custom was to transfer land by word of mouth, a method not recognized under Israeli law.

From 1948 onward, Arab citizens attempted to demand the registration of land in their name. However, the State of Israel systematically refused to recognize their rights to land, reflecting the policy of transferring all the Arab-owned land to the state, and of transferring the Arab citizens themselves from the land they held to permanent settlements established by the state.

In 1966, a process began to regulate land ownership in the Naqab. During the 1970s, Arab citizens filed claims with the arrangement official for the registration of their rights to land they held and farmed.⁹ However, after the claims were submitted by the Arab citizens, the process of regulation was frozen by the state, and the claims of the Arab citizens have still not been heard by the arrangement official. This situation continues to this day; the ramification is that the ownership of the land in question has yet to be resolved.

The situation today is that 45,000 Arab citizens live in 45 villages that are not recognized by the state (“the unrecognized villages”) and approximately the same number live in seven permanent towns established by the state. The unrecognized villages suffer from a grave shortage of accessible health services, water, electricity, and education, despite the fact that these communities have been in existence since before the establishment of the State of Israel. For its part, the state uses all the means at its disposal to attempt to evict the residents of these villages, transfer them to the permanent settlements, and seize control of their land. The authorities argue that the Arab residents unlawfully took control of “state land” and, accordingly, they are entitled to evict these citizens. Draconian measures are used to execute the process of forced eviction: Homes are demolished virtually every week; agricultural crops constituting the sole source of livelihood for many families are destroyed; individual farms are established by Jewish settlers and receive generous allocations of public land with the goal of preventing the development of Arab villages in these areas.

In this chapter we shall review the means used by the state in 2006 in order to evict Arab citizens from their villages and lands in the unrecognized villages.

B) The Judaization of the Naqab

The usurping of Arab-owned land and the eviction of Arab citizens from their land form part of a plan to “Judaize” the Naqab; that is – to secure a strong and stable Jewish majority in the region. This goal became a key priority in 2005 following Israel’s disengagement from the Gaza Strip. Prime Minister Ariel Sharon received a commitment from the United States that economic support would be forthcoming to facilitate the disengagement, on the one hand, and the program to “Judaize” the Galilee and Naqab regions of Israel, on the other. The plan was dubbed the “Galilee and Negev Development Plan,” but it was apparent that the goal was to “develop” these regions at the expense of their Arab residents.¹⁰

⁹ The total area involved was between 200,000 and 250,000 acres.

¹⁰ See HRA report: *On the Margins: Annual Review of Human Rights Violations of the Arab Palestinian Minority in Israel 2005* (June 2006).

January: Plan to “Develop” (=Judaize) the Galilee and the Naqab Is a Key National Priority

The Galilee and Negev Development Plan became a key policy focus in January, with the goal of ensuring that the plan becomes a central priority over the coming years in order to encourage Jewish settlement in the Galilee and the Naqab.

The press reported that the plan was to be a central theme in the celebrations for the 58th anniversary of Israel’s independence, and would be declared the “central theme” in the education system in the following school year. These decisions were made by the relevant government committee.

Strong pressure was applied by the Ministry for the Development of the Galilee and the Negev, headed by director-general Efrat Duvdevani, to ensure that the issue was indeed declared a key priority. Duvdevani commented that “this issue is of the utmost importance for residents of the Galilee and the Negev. The development of the Galilee and the Negev is an area of national consensus and a key priority for the government and State of Israel. This will be the central theme of studies in national institutions, in the army, in schools and pre-schools, and in youth movements, and will be at the center of the beacon lighting ceremony on the eve of Independence Day.” In a letter to MK Danny Naveh, chairperson of the relevant committee, Duvdevani wrote: “The future of the State of Israel lies in the Galilee and the Negev. The national challenge for the coming years, alongside the efforts to secure peace and security, will be the strengthening of the Galilee and the Negev, including settlement, housing, employment, education, infrastructures, health, and so forth.”

February: New Plan to Judaize the Galilee and the Naqab

In February, it was reported that the Ministry of the Development of the Negev and the Galilee was planning to settle 2000 Jewish immigrants in the Naqab and Galilee regions. The website Walla reported that the director-general of the Ministry for the Development of the Negev and the Galilee, Efrat Duvdevani, and the director-general of the Ministry for Immigrant Absorption, Miraleh Gal, agreed on a plan to provide special incentives to encourage Jewish immigrants to settle in these regions.

November: Government Approves Transfer of NIS 400 Million for Projects in the Naqab

In November, the government approved a budget of NIS 400 million for projects in the south of Israel in various fields, including education, tourism, and employment. The projects form part of the Strategic Plan for the Development of the Negev, under the responsibility of Deputy Prime Minister and Minister for the Development of the Negev and the Galilee, Shimon Peres. Of the NIS 400 million, NIS 250 million will be drawn from the existing budgets of various government ministries, and NIS 150 million will be provided as an additional government allocation.

C) Ignoring the Arab Citizens in the Naqab

May: Conference of the Israel Union of Planners on the Subject of the Naqab Ignores the Arab Citizens of the Region

In May, the Israel Union of Planners organized the first seminar in Israel to focus on the future of the Naqab. The organizers chose as the subtitle for the event “The Future of the Bedouin Dispersion¹¹ in the Negev.” Arab citizens objected to this phrase, as did the Regional Council for the Unrecognized Villages in the Naqab, and urged a boycott of the event. The representatives of the council claimed that “the seminar is a dangerous step that ignores the Arab citizens of the Naqab.” They explained their opposition to the seminar by noting “the gross absence of any Arab experts or leaders who could present the interests of the Arab residents in the Naqab.”

At the seminar, the company Daroma-Idan-Hanegev presented a plan entitled “Negev 2015.” The company was founded in 2004 and receives support from the Jewish Agency. In 2005, the government empowered the company to prepare “a national strategic plan for the development of the Negev for the coming ten years.” The plan seeks to increase the population of the region from 535,000 to 900,000 by 2015. The goal is to settle Jews in the Naqab on land held by the Arab citizens – a process that will entail the confiscation of large areas of land.

July: “Negev 2006” Conference Ignores the Representatives of the Arab Citizens

The Negev 2006 conference was held in Beersheva in July. The conference was attended by Prime Minister Ehud Olmert, Deputy Prime Minister Shimon Peres (responsible for the “development” or Judaization of the Naqab and Galilee regions), government representatives, officials, and staff from the Bedouin Development Administration. The conference did not include a single Arab participant representing the interests of the Arab citizens in the region. Just two days before the event, MK Taleb al-Sana` (United Arab List – Arab National Movement), a resident of the Naqab, was invited to attend (but not to participate in the discussion or give a lecture); MK Al-Sana` declined the invitation.

D) Eviction and Usurping

January: Plan to Uproot 40,000 Arab Citizens from Their Homes in the Naqab

During the Herzliya Conference¹² in January, the National Security Council presented a position paper advocating the seizure of the remaining land held by Arabs in the Naqab. As part of the plan to Judaize the Galilee and Naqab regions, the paper called for the uprooting of 40,000 Arab residents from the unrecognized villages of the

¹¹ The Bedouin “dispersion” (Hebrew – *pezurah*) is the term used in official Israeli jargon to refer to the Bedouin Arabs in the Negev who live outside the seven officially sanctioned settlements (trans.)

¹² For more on the Herzliya Conference, see Chapter Six (Racism against the Arab Citizens of Israel) in this report.

Naqab. The paper was prepared by the deputy head of the National Security Council, Ehud Praver, and Lirit Sarfus from the council's Domestic Division. The paper was approved by the chairperson of the Council, Giora Eiland.

The plan notes that after the implementation of the government plan to concentrate the Arab citizens in a number of townships, and the investment of ten billion shekels in this field over the past decade, substantial obstacles still remain in terms of the solution for "the residents dispersed in the unrecognized villages" (i.e. the Arab citizens). The authors of the plan claimed that the reason for the failure of the efforts to date was "claims by the [Arab] tribes regarding ownership of land, and their belief that over time the area will become a large, permanent city; this in addition to the fact that the state has proved unable to offer alternatives acceptable to these residents."

February: Supreme Court Rejects Petition by Members of the Al-'Uqbi Tribe to Return to Their Village in Al-'Araqib

In 1951, the members of the Al-'Uqbi tribe were expelled from their land and from the village of Al-'Araqib (an area of some 4,750 acres). At the time, the authorities promised that the residents would be able to return to their village within six months, yet to this day they have not been permitted to do so. Most of the residents now live in the Al-Hura region in the Naqab; some live in the city of Rahat, and others in Qalansawa in central Israel.

In 1992, the local planning and building committee approved the establishment of a new village on the land of Al-'Araqib, within the area of jurisdiction of Bnei Shimon Regional Council. Six years later, the government decided to establish a village for the Al-Sana' tribe on the land. Part of the tribe rejected the plan, while others accepted it and moved to the area.

In July 2002, during the period of office of Avigdor Lieberman as minister of infrastructures in Ariel Sharon's government, the government decided to establish a village (originally called Mishmar Hanegev B and later Givot Bar) on the land of the village. Construction work began in May. The members of the Al-'Uqbi tribe demanded that this land should be allocated to them – firstly, since this is the site of their original village; and secondly, in view of the housing crisis they face.

Some three and a half years ago, the request by the members of the tribe was rejected by both the district and the national planning and building authorities. They subsequently petitioned the District Court in Beersheva, which rejected their petition. Finally, they turned to the Supreme Court. In February, however, the Supreme Court rejected the petition filed by members of the tribe, ruling that "it is impossible to turn the clock back, since millions of shekels have been invested in the Jewish settlement. Twenty-five families now live there, and 40-60 families are on their way to settle in the area." The court noted that these Jewish residents had changed their addresses and moved their children to schools in the area; accordingly, the community was now the center of their lives.

In December, members of the tribe attempted to farm and attend to their historical land, assisted by dozens of Jewish peace activists. They planted an area of some 50 acres, but the police prevented them from continuing their work, arresting some of those present, including a photographer from *Ha'aretz* who was covering the event.

April: Warning Notices Issued Ahead of the Eviction of 40 Families from the Tarabin Al-Sana` Tribe

In April, forty families from the Tarabin Al-Sana` tribe who live within the area of jurisdiction of Omer Local Council received warning notices from the local council urging them to accept alternative land in a new village further away from the Jewish town of Omer. The notices stated that the residents would be evicted if they declined to accept the offer.

The state established a new village for members of the tribe between Beersheva and Rahat, on land belonging to the Al-`Uqbi tribe. Half the members of the tribe accepted the arrangement and moved to their new homes. The warning notices were delivered to the members of the tribe who refused to move.

In August, residents of the tribe who moved to the new village clashed with the police after bulldozers came to the area to begin work on a new neighborhood intended for the remaining residents from the old village. The clashes reflected the opposition of the residents who moved to the new village to this expansion. The residents explain that the Bedouin Development Administration promised that they were receive allocations of agricultural land, but renege on its commitment. They are opposed to the construction of any new homes in the village, or to the arrival of new residents, until the Administration keeps its promise and allocates agricultural land.

Naweir Tarabin, the head of the local council in the new village of Tarabin Al-Sana`, commented: "Bulldozers came, accompanied by the police and with the knowledge of the Bedouin Development Administration in order to develop a new neighborhood, despite the objections of the residents. The residents were opposed to this. They [physically] opposed the work of the bulldozers; clashes ensued and three people were arrested. The events are the result of the lies made by the Bedouin Development Administration, in coordination with other authorities, in order to trick people and remove them from their land, and subsequently to renege on the agreements. This is what happened to the residents of the seven [officially-sanctioned] villages in the Naqab... We must avoid dealing with the Bedouin Development Administration since its sole purpose is to uproot us from our land by means of false promises."

E) House Demolitions

The demolition of the homes of Arab citizens in the Naqab is one of the gravest problems in the region, and a gross violation of human rights, particularly the right to decent housing. As if it were not enough that entire villages declared to be "illegal" by the state and are denied the most basic services, such as electricity, water, health and education services, but the state also demolishes homes on the grounds that these were built illegally and without permits.

In formal legal terms, these homes – some of which are tents, others shacks, and others still stone-built houses – were indeed built without authorization from the relevant authorities as required by law. The root of the problem, however, lies in the fact that although these villages have been in existence since before the establishment of the State of Israel, Israel refuses to recognize them. As a result, the residents have

no choice but to build their homes without permits, since there is no possibility of securing permits even if applications were filed.

The Israeli authorities have always demolished Arab homes in the Naqab, and thousands of houses are slated for demolition. However, the pace of demolition was particularly rapid in 2006, to the point where barely a week went by without such actions being executed. While in the past demolitions involved a small number of homes in each case, 2006 saw the demolition of dozens of homes at a time, sometimes affecting entire villages.

For its part, the government has no intention of solving the problem in the most appropriate manner, i.e. by recognizing these villages and providing legal permits for houses that have already been built and for future construction. On the contrary, the government seems to be determined to continue and even exacerbate its current approach, ignoring the gross violations of the most basic human rights. A reflection of the government's intentions may be found in the declaration by Interior Minister Roni Bar-On in December that his ministry was planning to demolish some 40,000 homes in the unrecognized villages of the Naqab.

As noted, the authorities use the pretext of "illegal construction" as the basis for demolishing the homes. In practice, however, this tool is used as a means of pressure to add difficulties to the already difficult lives of the Arab citizens of the unrecognized villages, in order to coerce them into leaving their homes and land and moving to the permanent settlements. Apart from the severe injury this policy causes to the citizens involved, it has failed to secure its objective. On the contrary, it has only served to heighten the hatred felt toward the authorities among the Arab citizens of the Naqab, who believe that the state is seeking to seize their historic lands and change their traditional way of life by force.

In this context, it is interesting to note the manner in which these actions are executed. According to testimony, the demolitions are accompanied by large numbers of police officers, sometimes hundreds, who use violence against the Arab citizens, including shooting in the air to scare residents, particularly when these attempt to stop the demolition operations. It is important to emphasize that each building demolished is home to entire families, often numbering dozens of individuals. The demolition leaves the families in the open without shelter, even during the fiercely cold winters in the region.

The demolition actions leave deep and lasting emotional scars on the Arab citizens, and particularly on children. In January, Physicians for Human Rights-Israel warned of the emotional trauma liable to be faced by the Arab children of the Naqab due to house demolitions and the intention of the authorities to continue this policy. A statement by the organization noted that "the violence initiated by the authorities has a grave influence on the mental health of children, who suffer severe trauma as the result of the destruction of their homes and lives. These actions have a destructive impact on the mental health of dozens of Bedouin Arab children who live in the unrecognized villages in the Naqab, particularly when their own homes face the threat of demolition."

In 2006, the AHRA documented house demolitions and the delivery of demolition orders. A total of 97 house demolitions and 280 demolition orders were documented.

However, these records are incomplete, and the actual number of homes demolished and orders served is larger.¹³ An appendix to this report provides a list of demolitions and demolition orders documented by the AHRA.

September: The Entire Village of Al-Surah Faces Demolition

The village of Al-Surah is situated in the Naqab close to the Nevatim army base. The village was founded during the Ottoman period, yet to this day the Israeli authorities have refused to recognize the village, which faces the constant threat of annihilation. The population of the village is now 300 and the village extends over some 100 acres. The residents live in extremely difficult conditions without any infrastructures, roads, electricity, or schools.

On September 14, 2006, officials from the Negev Planning and Building Committee, accompanied by representatives of the Ministry of the Interior, delivered dozens of warning notices that the homes in the village were to be demolished since they were constructed without permits. The villagers report that all the houses in the village (some fifty in total) received such orders; thus the entire village faces the threat of complete destruction at any moment.

Mr. Salah Al-Nasarah, a resident of the village, provided the following report on the behavior of the police: “Large police forces arrived at our home in the village of Al-Surah. They knocked loudly on the door. My wife opened the door and was seized by panic and horror. She was pregnant in her sixth month. A loud argument ensued between herself and the police officers, leading to fierce pain in her stomach that persisted for several hours. She eventually lost the child three months before the expected date of delivery.”

Earlier, in May, the Ministry of the Interior officials delivered demolition orders to seven homes in the village. In June, the first house in the village was demolished. The house, which belonged to a widow who has four disabled children, was demolished by the villagers themselves, after a demolition order was issued by the court. The authorities threatened that if the widow did not demolish the home, they would do so themselves, and she would then be liable to pay the cost of demolition.

In October, Adala filed appeals against the decision to demolish six of the 45 homes. It emerged that the orders were issued in accordance with decisions made by the Magistrate’s Court in Beersheva in July and August. It further emerged that the court’s decisions were made *ex parte*, without the residents having any opportunity to defend themselves. This procedure is based on Article 212 of the Planning and Building Law, and on the claim by the state that it had been unable to ascertain who built the homes. This claim is incorrect, however. The authorities were well aware who were the owners of the homes, since they had contacted the authorities on their own initiative after receiving the demolition orders, in an effort to reach an

¹³ In October 2006, the Center for Contemporary Studies in Um al-Fahm published a report documenting the subject of house demolitions in Arab villages (throughout Israel). The report states that in 2003, 933 Arab owners in the Negev were convicted of constructing homes without permits – three times the number convicted in 2002. The report adds that a steady rise has been seen in the number of houses demolished each year in the Negev: In 2003, 132 Arab-owned houses were demolished, compared to 113 in 2002. In 2004, the figure rose to 150.

arrangement before the demolition was executed. Moreover, the court accepted the state's claims without requiring any evidence; no details were provided regarding any vital or immediate public interest justifying the issuing of the demolition orders, as required in accordance with the Planning and Building Law. This phenomenon is apparently widespread: state representatives appear in court almost every week and submit wholesale requests for demolition orders without conviction, and these requests are accepted by the court, denying the right to housing to the Arab citizens.

The authorities claimed that the demolition orders were issued as part of the confiscation of the village land in 1980, with the goal of extending the adjacent Nevatim army base. However, documents revealed in court by the Ministry of the Interior showed that the extension of the army base was due to be to the south, whereas the village lies to the north of the base. Moreover, the documents showed that the confiscation of land took place as part of a plan in the 1980s to settle new immigrants on the village land. The land was confiscated, but the plan to build a neighborhood for new immigrants was never implemented.

In practice, the plans to demolish the homes in the village are part of the effort by the authorities to coerce the residents into abandoning their land and moving to the recognized Arab townships. Ilan Sagi, an official from the Ministry of the Interior, stated explicitly that the demolition orders were issued with the goal of convincing the residents to leave the village.

F) Destruction of Crops

As part of their plan to deprive the Arab citizens of their land, the Israeli authorities destroy crops and agricultural producing, including fields of wheat, barley, and vegetables. These crops form the mainstay of the diet both of the residents of the unrecognized villages and of their livestock; for some citizens, these crops constitute their sole livelihood.

In the past, the main method used to destroy the crops was by tractors. However, the Arab citizens clashed with the authorities during the destruction process. Accordingly, in 2002, the state adopted a more drastic method, spraying the crops from the air with a chemical known as Round-Up by means of airplanes rented by the Israel Lands Administration.

A study by the AHRA¹⁴ detailed the nature of the spraying operations. These take place suddenly and without any prior warning to the Arab citizens; without any hearing prior to the spraying; without enabling the citizens to turn to the courts in advance to prevent the operations, or at least to examine their legality; without any consideration for the longstanding and unresolved dispute between the Arab citizens and the ILA regarding the ownership of the agricultural areas that were sprayed; without regard for the fact that, in some instances, Arab citizens were present in the agricultural areas while they were being sprayed, with the result that they came into

¹⁴ See the HRA report: *By All Means Possible: Destruction by the State of Crops of Bedouin Citizens in the Naqab (Negev) by Aerial Spraying with Chemicals* (July 2004).

contact with and inhaled the chemicals, leading to respiratory difficulties, headaches, blurred vision, and general weakness, sometimes requiring medical attention; regardless of the fact that studies undertaken over many years have indicated various dangers to human and animal health and to the environment resulting from the use of Round-Up; and despite the fact that, in any case, the warning label on the material states that it is not to be used in aerial spraying, and certainly not in the vicinity of human settlement.

In March 2004, a petition was filed at the Supreme Court asking that the use of this means be halted. During the hearing, the representative of the state defended the spraying of crops, arguing that it had proved effective in preventing the “illegal seizure” of state land. She claimed that other alternatives, such as the uprooting of crops, would be highly expensive. In its response to the petition, the ILA admitted that it had used an unauthorized chemical substance. The ILA claimed that it used two substances permitted by the Ministry of Agriculture (Round-Up and Glyphosate), while the third substance – Typhoon – was not permitted for use. The ILA confirmed that this unauthorized substance was employed in approximately one-fourth of the spraying undertaken in 2004. According to expert opinions quoted in the AHRA report, however, even if these substances were authorized, the manner of their application in these instances was dangerous, since the instructions for use clearly state that they are not to be applied by means of aerial spraying.

In April 2007, the Supreme Court issued its final ruling in the petition, ordering the Israel Lands Administration to cease the aerial spraying of fields farmed by Arab citizens in the Naqab due to the damage this causes to human health and to livestock.

February: Israel Lands Administration Destroys 625 Acres of Wheat in Negev

In February, the Israel Lands Administration and the Green Patrol destroyed some 625 acres of wheat in the unrecognized village of Al-`Araqib in the Naqab. ILA officials arrived in the early morning, accompanied by hundreds of police officers, and began to destroy the crops of the Al-Turi, Abu Zayed, and Abu Latif families. The agricultural land in question belongs to the Al-Turi tribe, which has farmed the area since before 1948. The area also includes the old tribal cemetery. The destruction was undertaken using substances that entail health risks. The ILA claims that the area is state land.

The residents of the village attempted to prevent the destruction of the crops and were attacked by the police force. The police also attacked MK Taleb Al-Sana` (United Arab List – Arab National Movement) who was taken to Soroka Hospital in Beersheva.

April: Israel Lands Administration Destroys 100 Acres of Wheat in Negev

In April, the Israel Lands Administration destroyed approximately 100 acres of crops in fields belonging to the residents of the unrecognized villages in the Naqab. In the early morning, ILA officials equipped with tractors and accompanied by large police and Border Guard forces entered the villages of Bir al-Hamam and Khirbat al-Watan. In Bir al-Hamam, the ILA officials destroyed some 50 acres of crops belonging to `Ali Abu `Asa and the Al-Khuras family. They then continued to the village of

Khirbat al-Watan, destroying a further 50 acres of crops belonging to the Abu Kaf and Al-Khurtu families.

“There was a drought this year and there were not many crops anyway, and now it’s all gone. Jewish farmers get compensation in drought years, but in our case the government destroys the little we manage to grow,” commented the residents.

G) Individual Jewish Settlements

The plan to establish individual Jewish settlements in the Negev has received extensive support from government ministries, including the Prime Minister’s Office, which see this as an important form of settlement. There are presently some 59 individual Jewish settlements scattered around the Naqab, with a total area of over 20,000 acres. These settlements were established without proper authorization, and contrary to the planning and building laws. The settlements enable the authorities to allocate extensive areas of public land to individual Jewish families, with the goal of preventing the development of the Arab villages in the vicinity and in order to ensure that these areas are used exclusively by Jews. This purpose was effectively stated in a draft report on “Individual Settlements – Northern District and Southern District” prepared by the Prime Minister’s Office. The draft report stated that “the reasons for initiating [the individual settlements] are to protect state land” and to provide “solutions for demographic matters.”

The individual settlements have all been connected to vital infrastructures for humans, livestock, and crops, including water, electricity, telephones, and access. Considerable sums from the public exchequer have been invested in the settlements, contrary to the law and to the rules of proper administration, as was noted in State Ombudsman’s Report No. 50 for 2000.

Alongside these individual settlements, as well as the Jewish towns and communities in the Naqab, tens of thousands of Arab citizens live in the unrecognized villages. As a matter of police, the government ministries refuse to grant any status to these villages or to provide vital services and infrastructures.

It is worth noting that the establishment of the individual Jewish settlements was contrary to the professional opinion of the planners who prepared TAMA-35 – the National Outline Plan for Construction, Development, and Conservation. In an opinion presented to the National Planning and Building Council on July 20, 1999, the planners wrote: “The TAMA-35 team believes that the individual settlements are a highly dangerous means of population dispersal and the ‘seizure of land’ that lacks planning supervision. Settlement policy must be dictated by the principles of dispersion reflected in TAMA-35... It is emphasized that avoiding the establishment of new communities as a planning policy is reflected in the basic principles of TAMA-35 – this in order to direct efforts toward the development and strengthening of existing communities, avoiding the diffusion of efforts and resources; to ensure standards of service in public transport; and to maintain the integrity and contiguity of open areas.”

May: "Wine Route" Plan Authorized, Including the Establishment of Thirty Individual Farms in the Naqab

In May, the National Planning and Building Council approved District Outline Plan 42/14/4, known as the "Wine Route." The plan provides for the establishment of thirty individual farms in the Naqab; the council rejected a plan to establish an additional twenty farms in the more northerly sections of the Naqab.

The "Wine Route" was initiated by the Israel Lands Administration and Ramat Hanegev Regional Council. The regional council already includes several individual settlements, and the plan seeks to formalize their legal and planning status. The plan permits the establishment of tourist and agricultural projects in thirty farms, many of which are actually already in existence on the ground.

During the course of its deliberations, the national council received explanations regarding the tourism and agricultural goals of the plan. The decision stated that the council had been convinced that these arrangements would ensure that the farms will contribute to the range of tourism attractions in the Naqab, and that the farms would integrate in the landscape and cause minimal damage to the environment.

The plan to establish individual farms in the northern Naqab was rejected since, in the council's opinion, it is contrary to the planning policy established in the past, which states that the number of individual farms should be kept to a minimum, and settlement and tourism in the peripheral regions should be strengthened by reinforcing the existing communities and preserving open areas. Many of the planned individual farms in the northern Naqab were in areas of landscape and environmental importance.

The council noted that the plan for the northern Naqab relates to various types of farms. Over time, some of the farms have developed residential functions without any authorized plans. The proposed plan sought to formalize these uses on an extensive basis for twenty farms, and to enable construction for individual residence.

The council's decision does not completely prevent the possibility of establishing individual farms in the northern Naqab. The decision stated that if the Southern District Planning and Building Committee determines that, in specific instances, an individual farm is consonant with national planning policy, it may recommend its approval.

March: Demand to Cancel the "Wine Route" Plan for the Establishment of Individual Settlements

At the end of March, prior to the approval of the plan by the National Planning and Building Council, Adala (the Legal Center for the Rights of the Arab Minority in Israel), Bimkom (Planners for Planning Rights), and the Forum for Coexistence in the Negev petitioned the Supreme Court asking that the National Building and Planning Council and the Israel Lands Administration be ordered to cancel the "Wine Route" plan.

Although the "Wine Route" plan is presented in tourism and agricultural terms, its purpose is to "tackle" the presence of Arab citizens in the Naqab. Its essential purpose

and rationale is to “protect state lands” from use by “outside elements” – i.e. the Arab citizens of the state. The plan views the mere presence of Arab citizens in the Naqab as a problem and a threat.

Two opinions were attached to the petition. The first was written by Professor Hubert Law-Yone, head of the Town and Regional Planning track in the Faculty of Architecture and Town Planning at the Technion. Professor Law-Yone stated that the “route” delineated in the plan is unclear, as is the rationale behind the dispersion of the farms as a tourist marketing strategy. The second opinion was written by Professor Oren Yiftachel, formerly head of the Department of Geography and Environmental Planning at Ben Gurion University. Professor Yiftachel warned that the “Wine Route” plan will exacerbate the discrimination against Arab citizens in the Naqab and worsen their sense of alienation from Israeli society.

H) The Supply of Water to the Unrecognized Villages

One of the gravest problems faced by the unrecognized villages is the lack of water. Since the authorities do not recognize the villages, there is no legal obligation to supply various services, despite the grave violation of human rights this entails.

September: District Court – Arab Residents of Unrecognized Villages Do Not Have the Right to Be Connected to the Water Grid

In 2001, a petition was filed at the Supreme Court on behalf of over one hundred Arab families who live in the unrecognized villages of the Naqab. The petition demanded that the villages be connected to the water grid. The Supreme Court ruled that the only manner in which the residents of these villages could realize their basic right to clean water was to file individual applications to the Drinking Water Allocation Committee, the body empowered to recommend to the Water Commissioner that communities be connected to the grid. Accordingly, the residents applied to the committee, but their applications were rejected. The residents then petitioned Haifa District Court, in its function as a court for water-related affairs, asking that the committee’s decision from April 2005 be nullified.

In September 2006, the district court rejected the appeal against the refusal of the Water Commissioner to provide clean drinking water for the villages. The court ruled that the Water Commissioner did not have the authority to intervene in considerations relating to the “regulation of communities in the state,” alluding to the status of the unrecognized villages. The court added that the appeal concealed the broader question of the regulation of the communities in the Negev, commenting that “it is in the public interest not to encourage further illegal settlement.”

In practice, however, there was no connection between the court ruling and the subject of the appeal. The ruling related to an additional argument that was not raised before the court, against the background of the political question of the residential problems facing the Arab citizens in the unrecognized villages. The appeal did not seek to resolve this question, but was filed in order to realize the basic right of the residents of the unrecognized villages to receive clean water, even in the absence of a solution to the underlying issue. These residents have the right to realize their basic

human right to water, which seeks to ensure minimum living conditions as embodied in the Basic Law: Human Dignity and Liberty and in international law.

There is no connection between securing the basic rights of all citizens, including the right to the supply of clean water, and the question of the “legality” of these villages. The court ruling states, contrary to human rights law, that the right to drinking water is not absolute, but may be restricted. Moreover, the ruling effectively turns the Water Commissioner into a tool of the government in its efforts to displace the Arab residents of the unrecognized villages in the Naqab by refusing to provide basic services such as water.

In this context, it should be noted that the authorities refuse to reveal the criteria used by the Allocation Committee in examining applications by Arab citizens to be connected to the water grid. Accordingly, it is impossible to know why a given application is accepted or rejected. The figures show that in 2003, the committee approved just six applications out of 80 filed by residents of the unrecognized villages; some of the approvals were limited to a period of just one year.

October: 65 Arab Families from the Naqab Appeal against the Refusal of the State to Supply Them with Water

In October, sixty five Arab families from four unrecognized villages in the Naqab petitioned Haifa District Court, in its function as a special court for water-related affairs in Israel, against the refusal by the state and by various government ministries to provide water to their families on the grounds that their villages are “unrecognized.”

The appellants argued that the state is violating the law and its basic obligation to provide them with water, despite the fact that the supply of water is not directly or indirectly connected to the question of the planning status of the community. They argued that the state’s refusal, on the basis of the recommendation of the Negev Bedouin Development Administration, is motivated by political considerations rather than planning or legal criteria.

The appellants further argued that the decisions reflect a deliberate policy of denying thousands of Arab citizens in dozens of villages their basic right to flowing water as a fundamental need. This policy is intended as a means of pressure to coerce the residents and to serve political goals relating to the reduction of the number of residents in these villages or to impede their continued existence. The Bedouin Development Administration consistently refuses to connect citizens in the Naqab to the water grid for political reasons, in a manner that violates their right to decent living conditions.

I) Health Services

May: Supreme Court Refuses to Oblige Minister of Health to Define Clear Rules for the Establishment of Clinics

Dozens of unrecognized Arab villages in the Naqab lack any health services due to the refusal of Israeli governments over the years to recognize these communities and provide medical services for their residents. In the past this policy was determined by the decision-making echelon; in 2006, however, this form of discrimination received the official approval of the Israeli Supreme Court, which refused to oblige the Ministry of Health to define clear rules for the establishment of clinics in Israel.

To this day, the HMOs have not established clinics in the vast majority of these villages. The dispersion of clinics in the Naqab is grossly unequal, discriminates between the Arab and Jewish populations, and fails to meet the requirement of the law that health services are to be provided at a reasonable distance from the insured's place of residence.

Due to the lack of available clinics and health services in the unrecognized villages, the residents of these villages are forced to travel long distances, and sometimes to take time off work, in order to receive services in distant locations. Many medical problems are not treated promptly, gravely injuring the residents' health. Statistics relating to the health situation in the Naqab show that the level of morbidity and mortality among the Arab citizens, and particularly among Arab babies, is significantly higher than among the Jewish population or the population as a whole.

In May, despite this alarming state of affairs, the Supreme Court rejected a petition filed six years ago demanding that the minister of health define egalitarian criteria for the establishment of clinics in Israel, and act to establish clinics in the unrecognized villages of the Naqab in accordance with these rules. Although the Supreme Court noted in its ruling that the state is indeed obliged to provide health services to the Arab citizens of the unrecognized villages, the judges declined to instruct the minister of health to define rules for the realization of this obligation. The Supreme Court ruled that although the provision of health services for the residents of Israel is a legal obligation, and it personally supports the definition of standards in this matter, the decision by the minister of health not to define such rules does not deviate from the scope of what is reasonable; accordingly, the court finds no justification for legal intervention in the decision.

J) Grazing Grounds

Arab shepherds are forced to cope with a complex bureaucracy in their search for grazing grounds for their flocks. The authority responsible for the allocation of grazing areas is accountable to the Ministry of Agriculture, the Jewish National Fund, and the Israel Lands Administration. Areas zoned for seasonal renting to Arab shepherds are received from various sources – the Jewish National Fund, the Israel Lands Administration, and the Ministry of Defense. This complex system applies only to Arab shepherds. Jews have access to a separate system for the rental of grazing grounds on an annual, rather than seasonal, basis.

Due to the low rainfall in the Naqab, the grazing crisis reached a peak in 2006. Although no grazing grounds were available, the army declined to open additional areas for grazing. Indeed, it closed areas that had been used in the past, causing grave hardship for Arab citizens whose livelihood depends on the availability of grazing grounds.

March: IDF Prevents Arab Citizens in the Naqab from Entering Grazing Grounds

In March, despite the harsh drought in the Naqab region, the IDF prevented flocks belonging to Arab citizens from entering grazing grounds situated within the firing zones in the region. These areas have been open to grazing for many years, and their closure deprived some 50,000 heads of livestock of access to grass.

Approximately 180,000 heads of livestock are registered in the Naqab, providing a source of livelihood for some 1,300 Arab families. Some of the flocks were directed by the Ministry of Agriculture for grazing in eucalyptus groves belonging to the Jewish National Fund and in other areas authorized by the Israel Lands Administration. The alternative areas provide grazing for some 73,000 heads of livestock, but no solution was found for a further 50,000.

“We have been waiting for an answer for weeks,” says Ibrahim Al-Waqili, a resident of one of the unrecognized villages in the Naqab. “No-one is going to compensate us for the losses caused by the drought and the need to transport the flocks elsewhere – we have to pay for it all ourselves. They allocate farms to the Jews and at the same time they cut back on our grazing grounds.”

The army responded that “following the concentration of firing zones in the Negev and the rearrangement of these zones, it was agreed with the Ministry of Agriculture that due to the shortage of exercise areas, the ministry would arrange alternative solutions for grazing. Despite these agreements, the flocks of the Bedouin [the Arab citizens] continued to graze in these areas, despite the fact that the areas are used for exercises with live ammunition, with the danger of injury to persons.”

March: Arab Shepherds in the Naqab Declare Civil Revolt

The army firing zone number 81 extends over some 7,500 acres; part of the area is used as a firing zone by the Israel Air Force. The area includes the grazing grounds of Um Khashram, which has always been opened each year for grazing by flocks owned by the Arab citizens. Despite the grave shortage of grazing grounds, the army decided this year not to permit shepherds to enter the area.

In response, the Arab shepherds of the Naqab organized a protest in March, bringing their flocks into the Um Khashram area without authorization, in protest at “the injustice allocation of grazing grounds and the attitude of the state toward the Arab shepherds.” Arab shepherds from throughout the Naqab arrived on the site with their flocks and entered the grazing grounds. The Ministry of Defense distributed eviction notices, but the shepherds announced that they did not intend to leave the area until the state found a solution for the problem.

This action was taken after the Arab citizens asked the Ministry of Agriculture to open grazing areas. The shepherds sent a letter was sent to the minister of agriculture and the minister of defense and organized a demonstration, but to no avail. The Ministry of Agriculture claimed that it was trying to persuade the Ministry of Defense to open the firing zone for grazing, but no practical progress was achieved and the shepherds were not offered any alternatives.

K) Army Ammunition Left in Grazing Areas

The IDF firing zones cover one-third of the total area of the State of Israel, and 80 percent of the area of the Naqab. Most of these areas are not fenced, and the warning signs announcing their presence seem to be erected only along the borders of the zones, and not inside them. In some of these areas, the IDF permits Arab citizens to use the land by prior coordination. In many areas the firing zones are adjacent to residential areas inhabited by Arab citizens; in some cases, Arab citizens actually live inside firing zones.

The IDF standing orders require that all duds and unused ammunition must be removed after each exercise. In practice, however, this does not always happen, leading to numerous injuries. Arab citizens are often injured while grazing their flocks. In 2004, for example, three Arab citizens were killed when unused ammunition exploded. At the beginning of 2005, a resident of the Golan Heights was killed in the same circumstances. All the ammunition involved in these cases was left behind after IDF exercises, despite the order to comb the area and ensure it is free of duds.

Mortar shells are often fired into the Negev from the Gaza Strip. The army is naturally responsible for removing these items, but in practice many shells remain in the area for protracted periods after they fall. Many of the areas involved are authorized grazing grounds for Arab shepherds, leading to numerous injuries.

March: Four Arabs Killed When Ammunition Explodes in the Naqab

In March, four Arab shepherds were killed in two separate incidents in the Naqab.

The first explosion occurred in an agricultural area belonging to Kibbutz Nachal Oz, close to the Karni checkpoint on the border of the Gaza Strip. Salem al-Zidat from the Al-`Azazma tribe was grazing his flocks together with his daughter (12) and son (13) when a dud mortar shell exploded. According to the police, it is probable that one of the three touched the shell. When a Magen David Adom team arrived on the scene, Salem and his son were in a fatal condition and could not be saved. The daughter was found to be suffering from shock.

A further incident occurred just a few hours later, in firing zone number 81 close to Beit Kama. Salem al-Atrash (21) from the village of Muldah on the road from Arad to Beersheva was grazing his flocks in the area together with his brother Naif (13) and their cousin Farhan (16). The three shepherds touched ammunition left in the area after IDF exercises. Salem and Naif were killed and Farhan was badly injured.

The firing zone had been a source of contention between the Ministry of Agriculture and Arab shepherds, who for several weeks had sought permission to enter the area. Due to their need to make a living, many of the shepherds entered the disputed area with their flocks. The army permitted the use of firing zone number 81 for grazing for many years, but this permission was not renewed in 2006, despite the drought and the grave economic crisis facing the shepherds. These circumstances led the shepherds to enter the area. The IDF Spokesperson stated that “the process of concentrating the firing zones in the south of Israel means that many areas where grazing was formerly permitted have been closed to shepherds this year.”

May: Arab Boy Killed and His Friend Injured by Explosion in Firing Zone

In May, Ziad Abu Laqima (12) from the `Azazma tribe in the Naqab was killed in an explosion close to Kibbutz Revivim. Ziad was in the area together with his brother Mohammed (7). The area is a firing zone; presumably ammunition was left in the field leading to the explosion. Ziad sustained injuries to his head, chest, and limbs, mainly from shrapnel.

August: Arab Man Severely Injured by Mine Left by the IDF

In August, a fifty-year old Arab resident of the Naqab was severely injured after a mine left by the army in the Ofarim area, close to the Arava road in the southern Naqab, exploded. The man was working as a guard at a site belonging to Mekorot water company; he found the mine, which exploded in his hands.

The War against Lebanon and the Arab Citizens

A) Introduction

The Second Lebanon War erupted in July 2006 between the State of Israel and Hizbullah in southern Lebanon, after Hizbullah killed four soldiers and kidnapped two others in an attack on an Israeli patrol on the border between the two countries. Hizbullah claimed that the kidnapping was for the purpose of securing the release of Palestinian and Lebanese prisoners held in Israel. The IDF immediately launched a major military offensive against Hizbullah in Lebanon; according to official Israeli sources, the purpose of the offensive was to secure the release of the kidnapped soldiers, ensure a complete ceasefire, lead to the deployment of the Lebanese army throughout southern Lebanon, and remove the threat of missile and rocket attacks against the residents of Israel. The crisis quickly developed into a full-scale war in which Israel bombarded Lebanon, while Hizbullah launched rocket attacks against Israel.

During the war, and particularly in its early stages, the IDF launched air bombardments (according to the IDF Spokesperson, over 7000 sorties took place), as well as massive artillery attacks against southern Lebanon from land and sea. The bombardments were aimed at Lebanese civilian targets, including entire villages and homes, leading to the death and displacement of thousands of Lebanese civilians – actions that were viewed by the international community as a violation of international law. At the same time, Hizbullah fired thousands of Katyusha rockets (approximately 4,000) at northern Israel, including civilian communities, leading to the death of 44 Israeli civilians (119 Israeli soldiers were also killed in the war). These actions were also perceived as a violation of international law by the international community.

Some of the rockets fired by Hizbullah hit Arab communities in the north of Israel, leading to deaths and numerous injuries among Arab citizens (of the 44 Israeli citizens killed by rocket attacks, 18 were Arabs). Despite this fact, however, the Arab citizens faced ongoing discrimination from the authorities during the war; in some respects, this discrimination contributed to the tragic deaths of Arab citizens. For example, many Arab villages lacked bomb shelters and air raid sirens due to the protracted neglect faced by the Arab minority. In addition, military batteries, artillery, and IDF bases were positioned around Arab villages, which were sometimes struck in Hizbullah attacks aimed at the military installations.

Discrimination against the Arab minority continued after the war, particularly in the context of the rehabilitation of the north of Israel, the payment of compensation, and the allocation of budgets for individuals and communities that suffered during the war. The failure to provide information in Arabic during and after the war, despite its status as an official language in Israel, was a further manifestation of this discrimination,

This chapter documents various examples of discrimination against the Arab minority, both during and after the war.

B) Lack of Public Bomb Shelters

The leaders and employees of Arab local authorities in the north of Israel blamed the government ministries and the IDF Home Command for neglecting Arab citizens and communities and for failing to prepare the necessary infrastructure to ensure their safety during the war. They claimed that the Home Command and the Israeli army were not sufficiently prepared and failed to account for the strength of the response by Hizbullah and the range of its missiles. The result was that bomb shelters were only prepared along the so-called “Confrontation Line” (the communities immediately adjacent to the border), while communities further from the border – such as Meilia, Kisra, Kafr Sami’a, Al-Buqi’a, Mazra’a, Majd al-Krum, Ba’anah, Dir al-Assad, Rama, and other villages – were neglected. Although hundreds of rockets fell in these villages during the war, not enough was done to find solutions for the problems faced by the residents. The number of public bomb shelters and reinforced protective rooms in homes was insufficient. The older neighborhoods in the villages, built decades ago, were particularly vulnerable.

Most Arab communities lack bomb shelters or reinforced protective rooms

In July, the heads of the Arab local authorities met with officials from the Home Command and expressed their profound anger at the lack of public bomb shelters in the Arab communities, including areas where Katyushas had fallen. The head of Buqi’ah local council in the Upper Galilee, Mohammed Khir, reported that 140 rockets fell in the village, causing several light and shock-related injuries, as well as damage to property. “The real problem is the lack of public shelters in most of the Arab communities,” Khir noted. “When there is a public shelter, it is used for other public activities.” Khir added that the problem was particularly grave since many homes in the Arab sector were built many years ago and do not include reinforced protective rooms or areas. “This underscores the need for public shelters, which are not available,” he concluded.

Many residents in the village of Majd al-Krum, which was hit by missiles, were angered and concerned, and accused the heads of the Home Command of ignoring them. “No-one from the police or the Home Command came to the village immediately after the Katyushas fell,” a local resident reported, “and no-one bothered to give us any information as to what we should do if rockets fall.”

Ibrahim Nasser, another resident of the village, stated that “the situation is difficult, complicated, and even alarming. The Home Command has not addressed the dangers

facing Arab citizens due to the lack of public shelters, which have not been built even in the new neighborhoods.”

Bedouin Residents in Galilee Left Unprotected

Residents of the Bedouin villages in Misgav Regional Council had little idea as to how to behave in the event of rocket attacks. In some villages, even if the residents wished to follow the instructions of the Home Command to the letter, there was no way they could do so. The villages of Kamanah and Hasiniyah, near Carmiel, for example, do not have any bomb shelters. Even homes built in recent years do not include reinforced protective rooms. Residents of the village of Arab A-Naim, which overlooks Carmiel, heard missiles falling on Carmiel, and even saw a rocket fly toward them and fall between the village and Sakhnin.

Dukhi Naim, a father of seven, anxiously followed the reports about rockets falling in Nazareth and decided to teach his children to lie behind a supporting wall by the house if they heard a rocket fall. “Our homes are sheds, there is nowhere to hide. Just because we don’t appear on the maps of the Home Command doesn’t mean they can ignore us. I know you can’t build a bomb shelter in a week, but the council should arrange alternative solutions. Maybe they could allocate a shelter in one of the neighboring communities.”

Incident Rooms in the Arab Communities Lack Equipment for Treating Residents in a Disaster

Due to the lack of bomb shelters and means of protection in the Arab communities, the Home Command decided to establish incident rooms alongside the Arab local authorities. However, many senior officials in the Arab local authorities were angered by the fact that the Home Command failed to provide the minimum equipment necessary to offer assistance, advice, and information to the residents.

An employee in one local authority commented: “Since the war against Lebanon began, we have had the sense that the Home Guard was neglecting us. No-one bothered to call us or to calm the residents, or to show concern when missiles fall in the area. But immediately after the missiles fell in Nazareth and the two brothers, Mahmud and Rabia Taluzi, were killed, they called and told us that they had decided to establish an incident and emergency room alongside each local authority. The room was opened, but to our astonishment it emerged that it does not even contain the minimum equipment needed. We asked them to move the incident room from the local council building to another building where there would at least be a television and a phone line.”

The same employee added that each authority has a special vehicle that functions as a mobile incident and emergency room and is provided with first aid and evacuation equipment. However, he noted that only during the war did the security officer of the local authority receive instructions as to how to act in the event missiles fell in the village. A loudspeaker was installed temporarily on a private vehicle, since there was no air-raid siren in this village, which has a population of almost 15,000.

C) Placement of Missile Batteries and Tanks adjacent to the Arab Villages

The residents of many Arab villages reported that missile batteries and tanks were stationed close to the village, at a distance of no more than a few dozen meters from the homes. The residents noted that the soldiers fired mortars and missiles at all times of day and night, causing considerable panic among children and preventing the residents from sleeping properly at night.

This situation was naturally extremely uncomfortable for the residents. More seriously, however, the placement of the batteries and tanks close to the residents' homes also endangered their safety. Hizbullah identified the source of the attacks and the location of batteries and tanks, and fired Katyushas and rockets at these targets; the rockets sometimes fell on the villages.

By way of example, missiles fell close to the villages of Arab al-Aramshah, Tarshiha, and Fasuta; missile batteries had been stationed close to all these villages. Residents of Tarshiha stated that a missile battery firing at southern Lebanon was positioned close to the village, just a few dozen meters from the spot where three young men from the village – Mohammed Fa'ur, Shinati Shinati, and Amir Naim – were killed by rockets.¹⁵

D) Failure to Install Sirens and Issue Instructions

Residents and officials from many Arab villages, particularly in the vicinities of Nazareth, Nahariya, and Carmiel, as well as neighborhoods in Nazareth itself, complained during the war of the absence of functioning air-raid sirens in their communities. Since these communities are not connected to the IDF missile alert system, the residents had to rely on announcements broadcast over the loudspeakers in the village mosques in place of a proper air raid siren.

Arab Citizens in Nazareth: "We Are Being Abandoned"

Residents of the western neighborhoods of Nazareth, particularly the neighborhoods built in recent years close to Kibbutz Kfar Hachosh, complained that during the war they could not hear the Home Command air raid sirens warning of missile attacks on the city or the surrounding areas. A number of residents contacted the Nazareth municipality to warn of the danger this entailed. "We are being abandoned," local resident Joseph Sakran complained. "There are no air raid sirens. The missiles fall around us, and we do not have time to get to the protected rooms."

Residents of the Al-Sha'ur Region Complain of Dysfunctional Siren

Residents of the Al-Sha'ur region (which comprises the villages of Dir al-Assad, Majd al-Krum, and Ba'anah) warned that the air raid sirens in the area were not

¹⁵ HRA is preparing an in-depth report into this incident, which will be published shortly.

working, although a large number of missiles had fallen in the villages. The residents stated that between August 8 and August 10, 2006, five missiles fell in Al-Sha'ur. Two homes were hit directly, leading to deaths and extensive damage to property. One resident, Mahasen Nasser, stated: "There are no bomb shelter or protective rooms in our area and the sirens do not work. This amounts to disregard for the lives of the residents. During the first days of the war, we had to use the loudspeakers in the mosques in the villages to warn residents of the Katyusha attacks."

Home Command Will "Take Steps" to Install Automatic Sirens in Nazareth

A day after two children in Nazareth were tragically killed by Katyusha rockets on July 19, 2006, the Home Command began to discuss the need "to find a solution for the automatic operation of the siren rather than manual activation." When the Katyusha fell in the Safra neighborhood of Nazareth, killing Rabi and Mahmud Abd Taluzi, aged three and seven, no air raid siren was sounded due to the absence of an automatic system in the city. A meeting the next day between Nazareth Mayor Ramez Jaraisi, the Commander of the Northern District, and the Commander of the Home Command discussed complaints from the municipality and local residents regarding the failure to provide air raid warnings since the beginning of the war. At the end of the meeting, senior figures from the Home Command stated that "they will act to install equipment for air raid sirens operating automatically in Nazareth, in place of the present manual system."

Residents of Nazareth: "We Arabs Were Not Instructed to Enter the Bomb Shelter"

Residents of Nazareth complained that in contrast to the clear instructions given to the residents of Jewish cities, Arab residents did not receive any explanation as to how they should behave. "When it comes to Arabs, the establishment couldn't care less if we are injured. We are used to this, it isn't anything new," they argued.

After the death of two children on July 19, 2006, as reported above, local resident Tariq Qobti commented: "If they had instructed us to enter the reinforced security rooms, as in the Jewish cities, the disaster would have been avoided."

The residents were not prepared for missile attacks. "We knew that it could happen here, too, but when no-one goes around with a PA system or hands out instructions on how to react, you go on with your life as usual," Qobti explained. He claimed that even after the missiles fell, no-one instructed the residents to enter the reinforced security rooms. "Things don't work here the way they do in Haifa or any other Jewish city. No-one tells us anything."

Barhum Jaraisi, a resident of the neighborhood in which the children were killed, reinforced Jaraisi's comments, adding: "When missiles fell in Nazareth Elite [the Jewish city adjacent to Nazareth], there were sirens. But here they didn't tell anyone to go into the reinforced security rooms. I telephoned the police and asked why. They told me they would call me back; so far I haven't heard from anyone."

The commander of the Valleys Police Region, Deputy Commissioner Yaakov Zigdon, stated that he and the district commander had met with the leaders of the Arab public in the region. He added that in meetings with the mayors and heads of the local

authorities, police officers had instructed the residents to act in accordance with the guidelines of the Home Command, which stated that residents of Nazareth should stay close to buildings including reinforced security rooms, but did not have to stay inside these rooms. However, the commander ignored a further problem: At the beginning of the war, the instructions were provided in Hebrew only, which made it harder for the Arab citizens to understand the information (see below).

E) Compensation and Rehabilitation Budgets for the North of Israel

After the war, the Arab citizens again faced discrimination in the provision of compensation and funds for rehabilitation, despite the fact that they survived the same degree of damage as the Jewish citizens, and sometimes more.

Arab Communities Not Included in the List of Border Communities

Businesspeople and self-employed residents from several Arab villages along the border with Lebanon complained in August that they were not entitled to compensation for the losses they incurred during the war, since the villages do not appear on the list of border communities in accordance with the Property Tax regulations. The list, which provides higher compensation for those who suffered damage during the war, does not include such Arab villages as Fasuta, Meilia, Tarshiha, Arab al-Aramshah, and Jesh, which were damaged during the war, although adjacent Jewish communities are included.

The Taxes Authority replied that “the list of border communities was not prepared according to a geographical advantage, but was updated in accordance with the events. No changes have been made to the list in recent years. In any case, the list does not include all the communities close to the border – Jewish or Arab.” However, it emerged that the distinction between border communities, entitled to full compensation, and “confrontation line communities,” entitled to reduced compensation, reflected the national composition of each locality and the level of recruitment to the IDF. Accordingly, some Jewish communities that are many kilometers from the border were included in the list, while Arab villages adjacent to the border were excluded.

In September, businesspeople from the north petitioned the Supreme Court, together with Arab organizations, requesting an interim injunction ordering the Minister of Finance to grant the status of border community to four Arab villages. In the hearing, the state argued that the Arab villages are not within the sphere of danger, and that their residents do not feel that they are a target for the missiles fired by Hizbullah; accordingly, they should not be included in the list of border communities. The judges expressed their anger at this argument, and asked how it could be reconciled with reality: during the war, the Arab communities suffered both injuries and damage to property.

In February 2007, the State Attorney’s Office informed the Supreme Court that the four Arab villages mentioned in the petition will be included in the list of border communities.

Center for Nurturing Business Entrepreneurship – Loans for Jews Only

The Center for Nurturing Business Entrepreneurship is an association with a public character that operates under the auspices and supervision of the Small Businesses Authority. As such, it is bound by the principles of administrative law and obliged to act in a fair and egalitarian manner. Given the damage caused by the war, the center decided to establish a loans track for businesspeople from the north of the country. The track is particularly attractive, offering loans free of interest and linkage, as well as convenient repayment schedules. The purpose of the loans is to help businesspeople who encountered difficulties following the war.

However, it emerged that the track is intended for “those of Jewish nationality” only, and that Arab residents of the north whose businesses were injured during the war are not permitted to benefit from the program. Many Arab citizens whose businesses encountered difficulties due to the war contacted the center and applied for loans, but received rejections, while their Jewish peers found no difficulty in obtaining the loans.

The Center for Nurturing Business Entrepreneurship claimed that the reason for this phenomenon were the conditions presented by the donors. Henry Biton, the executive director of the center, added: “We did not feel that there was any problem with this.” The question must be asked as to whether a public body, financed by public funds and bound by public standards, can accept donations from bodies that present conditions that are discriminatory, racist, and indeed unlawful. Moreover, the Israeli Fund for Interest-Free Loans, which was responsible for funding the project, stated that it does not discriminate against Arab citizens, and that in the past it has awarded loans to Arab businesspeople.

The Ministry of Industry, Trade, and Employment stated that Minister Eli Yishai had instructed the ministry departments to prevent any discrimination in the allocation of budgets for businesses in the north. Following the exposure of the case, the Registrar of Associations announced that he had decided to investigate the Center for Nurturing Business Entrepreneurship on suspicion of discriminating against Arab citizens.

Mercantile Discount Bank: Loans for Army Veterans Only

Arab owners of small businesses from the north complained that the Mercantile Discount Bank discriminated against them on the grounds of nationality in the provision of loans for residents of the north whose businesses were damaged during the war.

On August 16, the Knesset Finance Committee decided to provide loans on special conditions for the owners of small businesses in the north in order to help compensate them from the damage and losses incurred during the war against Lebanon. Arab businesspeople contacted the bank and applied for loans, but were informed that their applications had been rejected since they did not meet the criterion of army service.

After this incident was exposed, it emerged that the bank had sent a circular to all its branches informing them of a change in the conditions for the loans. The circular stated that it had been decided to extend the eligibility for the loans to reserve duty soldiers who own small businesses, even if they are not residents of the north.

The official in the bank responsible for the loans program stated that the relevant clause did not impair the eligibility of Arab businesspeople and was intended to extend the application of the loans, not to reduce them. He claimed that the clerks in the bank's branches in the north had been wrong to interpret the condition as an essential requirement for all loans applicants. He promised to issue a new circular to all branches of the bank clarifying the significance of the new clause.

Director-General of the Prime Minister's Office: Arab Citizens to Receive One-Third of Funds for the Rehabilitation of the North

In September, Raanan Dinor, the director-general of the Prime Minister's Office, stated that one-third of the budgets earmarked for the rehabilitation of the north of Israel following the war would be devoted to the Arab citizens, who constitute 55 percent of the population of the Galilee. He claimed that one-third of the sum would be devoted to "super-infrastructures" serving the entire population of the north; one-third to the Jewish population; and one-third to the Arab communities. According to the government decision, the total scope of the program to strengthen the Haifa and Northern districts may be as high as NIS 4 billion: NIS 2.8 billion from government allocations, and an anticipated additional sum of NIS 1.4 billion from overseas donations.

However, an examination by Amin Fares, an economist who works for the organization Musawa, revealed that only ten percent of the development budget for the Galilee is actually earmarked for Arab citizens, contrary to the claim by the government. According to Fares, the 2007 budget for the development of the Galilee totals approximately NIS 4,260 million. Only NIS 402 million of this amount is earmarked for citizens in Arab communities. The report added that although some 44 percent of those killed in the war were Arab citizens, due in part to the lack of shelters and protective spaces, the government has no plans to remedy this situation. Neither did the hospital in Nazareth receive funds for the construction of reinforced protective rooms.

Moreover, the plan, which is being coordinated by the Prime Minister's Office, includes the investment in the Arab communities of NIS 25 million by the Ministry of Industry, Trade, and Employment; investments of NIS 77 million by the Ministry of Transport in improving road infrastructures; and an allocation of NIS 200 million by the Ministry of Education. In January 2007, however, government sources noted that one of the challenges faced in earmarking budgets for the Arab population is the need to change the behavior of the civil service officials who must implement such changes. "It was clarified to all the ministries that they must separate the budget for the Arab public," the sources claimed. However, it was noted that some government ministries would not invest the entire sum in Arab communities, such as the Ministries of Justice and Absorption. To date, only a small fraction of the total budget for the Ministry of Tourism and the Ministry of Agriculture as part of the overall budget for the rehabilitation of the north has been earmarked, and it remains unclear how the funds will be distributed. Worse still, of the funds promised to the Arab communities by the government, only a small proportion were included in the state budget for 2007.

F) The Educational Rehabilitation Plan for the North

Before the war began in the north, the Ministry of Education prepared a general plan for the reform of the education system. After the war, this was restricted to specific areas of Israel. The plan, which has a budget of NIS 700 million for the next two years, will be implemented among some 400,000 school students and 100,000 preschool students in Haifa, the North, and the area immediately adjacent to the Gaza Strip. The plan includes the separation of a large number of joint 1st and 2nd grade classes; providing backup studies for weak students ahead of the matriculation examinations; constructing some 350 new classrooms; and providing support services for 50 underperforming schools. According to the plan, approximately 55 percent of the budget is to be provided for schools serving Arab, Bedouin, Druze, and Circassian students. The plan was approved in October. However, it appears that not all the ministers approved the decision to earmark a significant portion of the budget for Arab citizens (who comprise 55 percent of the population of the north). Moreover, it has emerged that the planning and implementation are not always consonant. It is doubtful where, in practice, the plan will indeed be implemented on an egalitarian basis, as the state has claimed.

August: Minister Ezra – “We must ensure that the Arab citizens do not get all the money for educational rehabilitation in the North”

At a government meeting in August at which Minister of Education Yuli Tamir presented the plan for approval, Minister of the Environment Gideon Ezra commented: “We must make a distinction and ensure that the Arab communities do not get all the money for the education plan.” Minister Ezra stated at the meeting that he had toured the Arab communities during the war, and was opposed to the idea that Arab students, who account for 60 percent of the students in the education system in the north, should receive most of the benefits in the plan. “The [Arab] residents there carried on as usual, as if nothing had happened,” he said. “I am in favor of equality, but in the end they will get it all. It cannot be that they should get most of the money.” Worse still, Minister Ezra responded to press reports of his comments by arguing that “the comments are not racist.”

November: Rehabilitation Plan in the North Will Harm Arab Schools

In November, the Local Government Center stated that the investment in education in the rehabilitation plan for the north would not narrow the gap between Jewish and Arab students, and might even exacerbate the situation.

Kamal Rian, deputy director of the Local Government Center for the Advancement of the Arab Sector, stated that the Ministry of Education had not defined the criteria for the allocation of funds in the main items in the rehabilitation plan. In the absence of such criteria, and given the significant involvement in the plan of external foundations and bodies (which are responsible for NIS 340 million of the total budget) that are not required to ensure the egalitarian allocation of funds, it is unlikely that the Arab schools will receive 55 percent of the plan funds, reflecting their portion in the overall student population in the north.

Danny Gra, an economic consultant to the Local Government Center, explained that in practice, the decision related only to the separation of 1st and 2nd grade classes into small groups; the plan to help students who need to complete one more subject in order to obtain a matriculation certificate; and the equipment budget item. In these three areas, Arab students will indeed receive funding on a proportional basis. However, in the remaining five items included in the budget (construction of new classes; improving school infrastructures; educational staff development; supervision of weak schools; and informal education), the Ministry of Education has not yet finalized criteria ensuring that, at the least, the existing gap will not be widened. "For those items for which details were provided," Gra added, "it seems that the gap has been perpetuated, not narrowed."

Apart from the lack of certainty that the gaps in the north will be narrowed, the state of Arab education elsewhere in Israel will remain unchanged, or may even be exacerbated. According to the proposed Ministry of Education budget for 2007, the budget for "Programs to advance education for the minorities" has been cut from NIS 39 million to NIS 29 million, and "Advancing Druze education" has been cut from NIS 532,000 to NIS 389,000.

A large number of foundations are involved in the plan for the rehabilitation of the north. According to the plan, NIS 340 million will come from such sources as the Jewish Agency, JDC-Israel, and the Sacta-Rashi Foundation. These funds are not obliged to comply with Ministry of Education policy. Local government sources estimated that the Arab communities will receive, at the most, approximately 20 percent of these funds, or NIS 68 million. Accordingly, even if the Ministry of Education allocates the budget for which it is responsible in an egalitarian manner, Arab citizens will ultimately receive NIS 266 million, or 38 percent of the total funds of the plan for the rehabilitation of the north.

Minister of Education Yuli Tamir responded: "During my recent visit to the United States, I met with the leaders of the foundations in order to persuade and encourage them to invest in the Arab sector. I would like the entire sum of NIS 700 million to be allocated on an egalitarian basis, but I can only be responsible for my budget. In the end, I believe that the Arab sector will enjoy a very substantial increase. [In the past] such programs have been provided mainly for the Jewish sector, and a real effort is begin made here to invest in the Arab population, too."

G) Failure to Use the Arabic Language

By law, the Arabic language is one of the two official languages of the State of Israel. Accordingly, all public authorities are required to use the language. In practice, however, most public authorities in Israel do not use Arabic. In their contacts with the authorities, Arab citizens are obliged to use Hebrew, which is a second language for them. This was also the case during the Lebanon war. Many of the instructions distributed by the Home Command appeared in Hebrew only, making it difficult for Arab citizens to understand them precisely. The forms distributed by the National Insurance Institute for applications for legal compensation were also published in Hebrew only. Arab citizens are likely to make mistakes in Hebrew when completing

these forms, leading to the unequal application of the law and the discrimination of Arabs eligible for compensation.

“Go Down to the Shelters” – For Hebrew-Speakers Only

As noted, Arabic is an official language in Israel, and approximately twenty percent of the population are Arabs. However, many Arab citizens complained that the Home Command published information and guidelines on how to act during missile attacks in Hebrew only, without any regard for the Arabic language. The website of the Home Command also appears in Hebrew; a link is provided to a site in English, but there is no mention of Arabic.

This situation could cause real danger for many Arab citizens due to the lack of accessible information regarding the proper response in emergency situations. Accordingly, Arab associations decided to initiate the establishment of an information center to operate at all times of day, providing advice and information for Arab citizens in the fields of health, emergencies, protection, employment, and psychological assistance, and will provide an accessible source of information in the Arabic language.

National Insurance Institute – Compensation Forms in Hebrew Only

Half the population of the north are Arabs; many Arab citizens suffered physical injuries or damage to property during the war. By law, they are entitled to compensation from the National Insurance Institute for damages they have incurred. However, the official forms for the purpose of compensation payment are available only in Hebrew. The difficulties encountered by many Arab citizens in understanding and completing forms in Hebrew may lead to mistakes, resulting in the uneven application of the law.

The National Insurance Institute confirmed that the forms intended for the victims of hostile actions appear in Hebrew only, unlike its other claims forms. The National Insurance Institute noted that all those who were hospitalized, including from the Arab sector, received assistance from National Insurance Institute staff, who were willing to help anyone who had difficulties completing the forms.

The National Insurance Institute explained that the failure to produce forms in Arabic was due to technical reasons, since the entire computer system is based solely on Hebrew. The sources added that the National Insurance Institute would organize public meetings in the Arab communities in order to explain the process of applying for compensation.

Racism against the Arab Citizens of Israel

A) Introduction

In May 2006, the Israel Democracy Institute published the Democracy Index for 2006. The survey shows that a majority of the Jewish citizens of Israel (62 percent) support the transfer of Arab citizens, and believe that the State of Israel should encourage them to leave the country. Twenty-nine percent believe that any decision about the fate of the country should require a Jewish majority.

The findings of the survey suggest that a large section of the Jewish population rejects the basic legitimacy of the Arab citizens. The figures are hardly surprising – since the events of October 2000, a substantial deterioration has been seen in terms of the level of racism shown by Jewish citizens toward the Arab citizens of Israel. This phenomenon has become deeply entrenched in Israeli society and, it can be argued, is now an integral feature of Israeli political culture. Opinions, statements, and actions that were once considered extreme – such as the concept of “transfer” – have now secured mainstream status among the Jewish majority, and have even been found formal expression in the adoption of a law legitimizing this racist idea.¹⁶

The rising level of racism reflects a tendency among the Jewish majority to reject the legitimacy of the Arab minority. A powerful illustration of this tendency is the Herzliya Conference. Since 2000, this conference has been held each year, under the slogan “The Balance of National Resilience and Security” The conference brings together national leaders and key figures from diverse fields – Government ministers, leaders of the security establishment, economists, and academics – to discuss the “problems” facing the state. In 2006, the conference (held in January) discussed two key proposals to “reinforce the resilience” of the state. The first, under the euphemistic title of “Territorial Exchange,” advocated the removal of Arab citizens in the “Triangle” region from the State of Israel through the redrawing of the Green Line. The practical ramification of this proposal would be to deny citizenship to

¹⁶ The reference is to the Commemoration of Rechavam Zeevi Law, 5765-2005. Rechavam Zeevi (known by his nickname “Gandhi”) was a Member of Knesset and chaired the Moledet faction. The political platform of this party was based on the “voluntary” transfer of Arabs from the historical Land of Israel. Zeevi was assassinated by Palestinian assailants in October 2001. According to Article 1 of the law, its purpose is “to perpetuate the memory of Zeevi and to inculcate his action and heritage to the coming generations.” This is to be achieved by establishing the Rechavam Zeevi Center for the Historical, Geographical, and Archeological Study of the Land of Israel.

200,000 citizens of Israel on the grounds of their ethnic affiliation. The second proposal related to the introduction of a new policy toward the Arab citizens in Negev, based mainly on the “resettlement” of the residents of the unrecognized villages in new communities. The actual ramification of this proposal, however, would be the forced and violent eviction of these citizens from their historical lands for the purpose of their “judaization.”¹⁷ The common rationale behind the threat to evict the Arab citizens of the Negev from their villages by force, and the threat to deny the citizenship of Arabs in the “Triangle” region, is the pressure they exert on Arab citizens and the attempt to deny the legitimacy of these citizens within the state.

A further exacerbation was seen in 2006 in terms of the racism suffered by the Arab minority in almost every facet of life, and from almost every section of the Jewish population – from senior ministers and Members of Knesset to the ordinary citizen. The manifestations of racism over the year were diverse: Racism on the part of Jewish Members of Knesset and ministers; racism on the part of the police; racism in official or semi-official bodies; racism in the provision of services; racism in the course of the elections to the Seventeenth Knesset; racist laws and proposed laws; and the advocacy of transfer and racism by Jewish citizens.

B) Member of Knesset Avigdor Lieberman

On October 30, 2006, the Knesset approved the appointment of Lieberman as deputy prime minister and Minister of Strategic Threats. Although Lieberman has already served in the government, as Minister of National Infrastructures (2001-2002) and as Minister of Transport (2003-2004), this is the most senior position he has attained.

Lieberman immigrated to Israel from Russia in 1979. He emerged in the Israeli political arena in 1996 under the Likud-led government of Benjamin Netanyahu, when he served as director-general of the Prime Minister’s Office. Lieberman had already been an active member of the Likud for several years at this point. In 1999, he established the Israel Beiteinu (“Israel Is Our Home”) party, which ran for the elections on a platform including the full absorption and integration of immigrants “in order to ensure an integrated Jewish society.” The party won four seats in the Knesset in the 1999 elections. In 2003, the party ran for the elections together with the right-wing party Moledet, under the name “National Union,” winning seven seats. The National Union increased its representation in the Knesset to 12 seats in the 2006 elections, and currently constitutes the fourth-largest faction in the Knesset.

Among the Jewish citizens of Israel (not to mention the Arabs) Lieberman is widely considered to represent fascistic and dictatorial tendencies. In an interview for the English newspaper *The Independent*, Professor Zeev Sternhal (a lecturer on political science at the Hebrew University and a leading expert on European fascism) described Lieberman as “a dictatorial character who rejects human rights as a matter of principle, and who widens the gulf between Jews and Arabs.” Sternhal added: “Lieberman is the most dangerous politician in Israel in terms of his positions; ‘Gandhi’ (Rehabam Zeevi) held similar positions, but had a pleasant personality,

¹⁷ See Chapter Four (The Arab Citizens in the Naqab) in this report.

while Lieberman is reminiscent of Mussolini – the phenomenon of fascism when democracy submitted of its own free will.”

Throughout his political career, Lieberman has incited against the Arab citizens and attacked their national leadership, advocating the transfer of all those who do not see Israel as a “Jewish and Zionist state” and do not identify with the Israeli national anthem Hatikvah. He believes that the Zionist vision is to maintain Israel’s character as a mononational Jewish state; the mere presence of a large Arab minority in the state clashes with this objective and contradicts the vision of maintaining a “clean” Jewish nation. Lieberman demands that Arab citizens pledge allegiance to the State of Israel and perform military duty, and threatens anyone who opposes this with deportation to the Palestinian Authority.

Lieberman has effectively built his political reputation on incitement against Arabs, exploiting crises in order to attack the Arab minority. He also espouses views on the need for a strong leader who will control Israel in order to protect its Zionist and Jewish character. In light of his continued declared adherence to racist positions, the international community should penalize the Israeli government for including Lieberman in its ranks and appointing him to a senior ministerial position, just as it penalized the Austrian government for coopting Heider.

Lieberman served as minister of transport in the government of Ariel Sharon. In May 2004, Lieberman presented a proposed solution for the Israeli-Palestinian dispute to Sharon. Among other aspects, the proposal advocated that 90 percent of the Arab citizens of Israel should become citizens of the Palestinian state to be established in the Occupied Territories. Lieberman argues that the main problem from Israel’s perspective is not the Palestinians in the Territories, but the Arab minority inside the state. He proposed this plan at a meeting with Alexander Glukin, the representative of Russian President Vladimir Putin to the Quartet at a meeting also attended by the Russian ambassador in Israel, Gennady Tarasov.

In March 2004, during a speech in the Knesset, Lieberman shouted at the Arab Members of Knesset: “You are like [Hamas activist] Mohammed Dif – you also want to destroy the state, just with different tactics. If you were in any other country your place would be in jail.” Later the same year, in an interview for the Arab newspaper *Kul al-`Arab*, Lieberman stated: “I certainly stand by my view. We should make the necessary preparations to transfer all those Arabs living in the State of Israel who do not recognize their obligations, so the transfer also applies to Arabs living in Israel who do not see the country as a Jewish Zionist state and do not feel that the national anthem ‘Hatikvah’ applies to them. We have no need for them and should transfer them. Those who do recognize this are no different from myself in terms of their rights – something that depends on compliance with all the obligations, including recruitment to the Israeli army. My party recently proposed a law requiring the compulsory drafting of Israeli Arabs. We will work hard to implement this law. Those who demand all their rights must meet all their obligations.”

In November 2004, when Lieberman was no longer a member of the government, he published his party’s manifesto for the upcoming elections. The platform called for the establishment of two states: “One Jewish, without Arabs; and the other Palestinian, without Jews.” The platform also advocates “the transfer of the entire

population of the ‘Triangle’ to the territory of the Palestinian Authority through border changes.” In Lieberman’s opinion, this will result in a “clean Jewish state.”

In June 2005, during Israel’s “disengagement” from Gaza, the National Unity party launched a media campaign to promote its positions. Billboards were placed along major highways and at the entrance to Jewish cities calling for a “disengagement” from Um al-Fahm, by way of analogy to Gaza.

In an interview with the Israeli radio station *Reshet Bet* in 2005, Lieberman declared: “We have always emphasized that the problem of the Israeli Arabs is a higher priority than the Palestinian problem. Um al-Fahm is a bigger and deeper problem than Jenin. Because the Arab leaders and citizens of that city are involved in terror activities, and the Israeli authorities ignore this reality. We believe that there cannot be a solution to the Palestinian problem without a solution to the problem of the Israeli Arabs.” He added: “I want a Jewish state with security, and I’m not willing to give the Palestinians land without getting something in return... I want a contiguous and mono-racial Jewish state that unites and strengthens the country... The goal is to achieve a clean Jewish state.”

In 2006, Lieberman continued to incite hatred against the Arab minority in general and against the Arab Members of Knesset in particular. As the tension in the region rises, Lieberman seems to become increasingly extreme in his attitude toward the Arab citizens.

January: Lieberman Urges Stricter Penalties if Support for Hamas is Found among Arab Citizens

At a press conference held on January 3, 2006 to launch his political program, Lieberman demanded stricter penalties for Arab citizens if they are found to be supporting or sympathizing with Hamas. He also advocated the annexation of areas of the State of Israel with an Arab majority, such as the city of Um al-Fahm, to the Palestinian Authority, alongside the annexation of settlements built on Palestinian land to the State of Israel: “Israel is our home and Palestine is their home,” as he put it. Lieberman supported the reinforcement of what he terms “the war against crime in the Arab sector.” He provocatively urged stricter sentences, on the grounds that “If we don’t get control of the Arab criminals, Hamas will!” He added that the political authorities have an obligation to prevent Arab citizens in Israel from participating in any demonstration intended to show support for Hamas.

February: Lieberman Compares MK Azmi Bishara to Iranian President

On January 22, 2006, Lieberman compared MK Azmi Bishara of the Democratic National Alliance (Balad) to Iranian President Ahmadi-Najad. He argued that Bishara does not recognize the State of Israel and advocates the expulsion of Jews from the state. The comments were made in a reply presented to the Israel Broadcasting Authority after the media reported that Bishara had spoken at the fifth conference of Balad and accused the Zionist Israeli parties of incitement against Arab MKs. According to Lieberman, there is no difference between MK Bishara and Ahmadi-Najad, since they both “believe in the same goals, regard the Jews as occupiers and as an alien presence, and reject the possibility of voting for Jewish parties.” Lieberman

added that “Azmi Bishara does not hide [his positions]; he travels to Syria and Lebanon and meets with Hizbullah leaders, and announces from there that there is no place for a Jewish and Zionist state.” Lieberman continued his incitement against Arab citizens by claiming that Bishara’s statements reflect the impotence of the police in enforcing the law against Arabs. He also referred to the killing of the Jewish terrorist Idan Nathan-Zadeh after the massacre he committed in Shefa’ amr in August 2005¹⁸ as an abuse that had not been investigated by the police. Lieberman further claimed that the police was refraining from implementing demolition orders imposed on 60,000 buildings of Arab citizens, including hundreds of demolition orders in the Negev. He argued that “Israel is unable to confront the Arabs, and this is leading to the effective creation of an Arab ‘autonomy’ in Israel jeopardizing the existence of the state. Those who fail to recognize this phenomenon and fail to understand that our problem is not topography but the demography inside the 1967 borders is simply leading us to disaster. The main problem we face, before the Palestinian problem, is the problem of the Israeli Arabs, and we must talk openly about this and present a clear message.”

May: Lieberman Advocates the Execution of Arab Members of Knesset

On May 4, 2006, in a speech before the Knesset, Lieberman compared the Arab Members of Knesset who met with figures from Hamas and Hizbullah to people who collaborated with the Nazis, and expressed his hope that they would be executed. Lieberman launched an unprecedented and savage attack on the Arab Members of Knesset: “The Second World War ended with the Nuremberg trials and the leaders of the Nazi regime were executed... And not just they, but also their collaborators, such as Laval (the reference is to Pierre Laval, the prime minister of the Vichy regime, who collaborated with the Nazis and was executed for treason after the war). I hope this will be the fate of collaborators in this House.” Lieberman stated that his faction had demanded that the basic guidelines for the government should include the determination “that all those inciters and collaborators with terror who sit in this House shall be liable to every penalty. All those who continue to meet with members of Hizbullah and Hamas and who regularly visit Lebanon; all those who just two days ago declared Independence Day as Nakba Day and raised black flags.”

July: Lieberman to Ynet Website: Law Enforcement Agencies Should Declare Bankruptcy following Failure to Prosecute Arab MKs for Supporting Hizbullah

In July, Ynet (the Yediot Acharonot website) hosted Lieberman, who responded to questions from surfers. Regarding the Arab MKs, Lieberman commented: “The law enforcement agencies should declare bankruptcy following their failure to prosecute the Arab MKs for supporting Hizbullah.” He added: “All my attempts to file complaints with the police against Arab MKs and all my requests to the attorney-general on this matter have been rejected. Even when the attorney-general decided to do something about it, the Supreme Court stopped him.”

¹⁸ See the HRA report: *One Gunman, Many to Blame: Israel’s culture of racism prior to the Shefa’ amr massacre and the role of the Attorney General* (September 2005).

August: Lieberman – “To Those Arabs Who Have Cast Their Lot with the Palestinians, I Say This Country Isn’t Big Enough for Both of Us”

In August, Lieberman published an article on Ynet including open incitement against the Arab MKs and the Arab citizens. He demanded that they show loyalty to Israel – otherwise “this country isn’t big enough for both of us.” The article was entitled “The Borders of Loyalty,” and the introduction included the comment: “I am not surprised by the refusal of the Arab MKs to sign the letter of Knesset Chairperson Dalia Itzik to the chairpeople of parliaments around the world urging them to seek information about the two Israeli soldiers kidnapped by Hizbullah. This reflects the impotence of the State of Israel, the judiciary and the legislature, under the cover of a Jewish and democratic state and under our democracy and liberal political culture.” Lieberman added: “The Arab representatives are not the root of the problem – they merely reflect the problem. The root of the problem is that Arab father from Nazareth whose sons were murdered by Katyusha rockets fired at Nazareth. He blames Israel for the event, and describes Nasrallah as the ‘symbolic leader’ and the ‘dear brother’ – yet he applies to the National Insurance for compensation following a hostile attack.” Lieberman continued: “The State of Israel has the right to defend itself as a Jewish and democratic state. The proposed law I tabled before the Knesset immediately after the elections states that every citizen, on obtaining an identity card, will have to declare allegiance to the anthem and flag of the state and to the principles of the Declaration of Independence, and will have to undertake to perform national service, military service, or any other alternative. Anyone who refuses to do so is invited to be a permanent resident with full rights, excluding the right to vote and the right to be elected.”

At the end of his article, Lieberman stated: “The relations between the State of Israel and the minority that lives in the state are at a crossroads. The Arab public must decide where its loyalty lies. I welcome those who are willing to live in the Jewish state as a loyal minority with rights and obligations. But to those who have chosen to cast their lot with the Palestinian people, I say: ‘Perhaps this country isn’t big enough for both of us.’”

C) Racism on the Part of Jewish Members of Knesset and Ministers

February: Members of Knesset from the far right advocate the removal of Arab citizens in the Negev from their land and the demolition of their homes

On February 5, 2006, during the run-up to the elections to the Seventeenth Knesset, Members of Knesset from the extreme right-wing National Unity Party held a “tour” of the unrecognized villages in the Negev, and called for the Arab citizens to be uprooted from their land and for their homes to be demolished. The group of Members of Knesset organized the tour under the leadership of the chairperson of Omer Local Council, Pini Badash, under the heading “Illegal Construction in the Negev.” A large police detail accompanied the tour, which was marked by incitement

against Arab citizens and calls for transfer and the uprooting of indigenous residents from their land.¹⁹

September: MK Effi Eitam: “Arabs Should be Expelled from Judea and Samaria and Israeli Arabs Should Be Kept Out of Politics”

On September 10, 2006, MK Effi Eitam (National Unity Party – National Religious Party) claimed that there was a need to transfer the Arabs from Judea and Samaria and to remove the Arab citizens of Israel from the political system. Eitam made his comments at a memorial ceremony in the settlement of Eli for Lt. Amichai Merchavya, who fell in Lebanon in the battle for Bint Jabail.

Eitam claimed: “We will have to do three things: To expel most of the Arabs of Judea and Samaria from here. We can’t manage with all these Arabs, and we can’t give up this territory, because we’ve already seen what they do there. Some of them may be able to stay under certain conditions, but most of them will have to go. We will require a further decision, and that is to remove the Israeli Arabs from the political system. Here, too, the situation is plain and simple: We have raised a fifth column, an association of the worst traitors, and accordingly we cannot continue to permit such a strong and large presence within the Israeli political system. The third aspect – we will have to act in a different way to everything that has gone before in the face of the Iranian threat. These are three aspects that will demand a change in our morality of war.” Following these comments, the Ministry of Justice received numerous requests to instigate and investigation against MK Eitam; as of the publication of this report, however, he has not faced prosecution.

On September 15, 2006, in an interview with Ben Caspit of *Ma’ariv* newspaper, MK Eitam expounded further on the subject of the Arab citizens. The following is an excerpt of relevant sections from the interview:

Interviewer: And what about the Israeli Arabs?

Eitam: The Israeli Arabs are also a troubling aspect. Their leaders are a fifth column – I don’t retract that comment. The nerve of enjoying themselves in Damascus while our sons are fighting in Al-Manar and of giving advice to the enemy is incredible. The Israeli Arabs have adopted a mental *ex territoria* that enables them to stop identifying with the State of Israel in the sense of the state of the Jewish people that enables a minority to live within it while recognizing that it is the state of the Jewish people. They undermine this foundation which is the basis of our existence.

In this sense, they will have to decide among themselves – and quickly – how they want to continue this partnership. Do they want an honorable partnership, recognizing that this is the state of the Jewish people, in which they live with equal rights; or do they want to become a subversive element that dances on the roofs and is pleased

¹⁹ For details of a similar incident involving youths from the National Unity Party, see the section “Racism on the Part of Jewish Citizens” below in this chapter.

when something bad happens to the state, and plays an active role in weakening the state in its confrontation with its enemies?

A form of civil disobedience is emerging among the Israeli Arabs toward the State of Israel as a Jewish state. All this talk of “a state for all its citizens” is extremely dangerous. It was all this I was responding to – not in anger or as an attack, but out of profound concern. The cumulative weight of these problems, against the other weaknesses in our society, will prove too much. Slowly – maybe not in a single day – it will be too great for us to cope with. It will create all kinds of difficult feelings.

Interviewer: So has Rabbi Kahane finally found his rightful heir?

Eitam: No. I don't want to discuss the man and his beliefs. I believe that civil status is a combination – a blend of rights and obligations. If a Member of Knesset identifies with the enemies of the state and is working to change its Jewish character, and an entire population repeatedly elects him, then that population slowly shows itself to be an element that challenges the State of Israel.

Interviewer: Even if we assume for a moment that this is the real nature of relations between Jews and Arabs in Israel, you're ignoring the world around us. They tar and feather you and ostracize you for such comments.

Eitam: When it comes to the Israeli Arabs, it isn't a case of legitimacy, but of redefining our relations with them. The first condition we should present to them is that they should acknowledge that they are living in the state of the Jewish people, in terms of its character and emblems, and its determination to continue to be such a state.

As for the Members of Knesset – I think the Knesset should set limits. Members of Knesset who engage in treacherous behavior and encourage the enemy in wartime cannot sit in the Israeli Knesset, which is the sovereign body. The sovereign body cannot act against itself in a time of war. That is no less than identification with our enemies. The Katyushas that killed eight people at the rail garage in Haifa... the ball bearings that murdered these civilians were made in Syria.

Interviewer: Are you aware that you have gone out on a limb? Once again people will call you insane.

Eitam: Yes. They'll shout out that I'm insane, a warmonger. I'm not afraid of that. The future of the country is more important to me than my own image. If someone wants to face up to the facts and figures, the problems and dilemmas – by all means. I don't want to be a prophet of doom. I'm trying to present a sober alternative.

September: Ehud Olmert Describes Behavior of MK Azmi Bishara as “Intolerable”

On September 28, 2006, the Arabic-language service of Israel Radio interviewed Prime Minister Ehud Olmert about the security situation and topical events. Commenting on the Arab citizens, the prime minister launched a surprisingly fierce attack against the chairperson of Balad, MK Azmi Bishara, and his colleagues: “I am worried by the political leadership of the Israeli Arabs. I cannot say that all the Israeli Arabs are against Israel. On the contrary, the majority are good people who remain calm and are not opposed to the state and its institutions. On the other hand, I cannot say the same about Azmi Bishara and his colleagues – their behavior is intolerable. The attorney-general has ordered an investigation against them, and I hope that when the investigation is completed it will be decided what to do about the matter. I am strongly opposed to making Israel the state of all its citizens; Israel was and will always remain a Zionist Jewish state. I will oppose any change in the definition of the state.”

D) Police Racism

July: Policeman Tells MK Mohammed Baraka: “I Hope a Katyusha Falls on You.”

In July, the Coalition against the War in Lebanon organized protest vigils in Haifa. On July 28, 2006, dozens of left-wing activists came to a protest vigil against the war in the German Colony neighborhood of the city. A group of Jewish right-wingers demonstrated opposite the vigil, calling out insults at the left-wing demonstrators. The right-wing demonstrators also shouted “Go home!” and “Go to Syria!” at MK Mohammed Barak, who participated in the vigil.

Before the right-wing protesters began to organize on the site, MK Baraka approached the policemen and warned them that the right-wingers might attempt to attack the left-wing demonstrators. Dozens of policemen stood between the two groups. At one point an air-raid siren sounded, and one of the policemen approached MK Baraka and told him, “I hope a Katyusha falls on you.” MK Baraka reminded the policeman that he was on official duty and wearing uniform. A police officer immediately came up and took the policeman away from the spot.

September 15: Police Officer: “Fifteen Thousand Towelheads” at an Islamic Movement Rally

On September 16, 2006, the Islamic movement held a rally in the city of Um Al-Fahm, attended by thousands of Arab citizens. The police was also present at the rally. One officer who served in the national headquarters’ Control and Reporting Center sent a message to the beepers of the police commanders reporting as follows: “15000 towelheads²⁰ arrived at annual rally of Islamic movement under slogan Al-Aqsa Is in Danger.” The message was sent to hundreds of officers, including the senior command of the police.

²⁰ The officer used the Hebrew slang form “Arabushim,” an offensive distortion of the word for Arabs. (Trans.)

After the media revealed this incident, an uproar followed among the Arab minority. The police claimed that the incident was a human error: “This was a serious mistake and was immediately corrected. It will be considered whether disciplinary proceedings should be instigated against those responsible,” stated the official police response issued the same time. In fact, no disciplinary proceedings were taken against the officer, who was merely transferred to a different position in the police force.

E) Racism on the Part of Official and Semi-Official Bodies

January: Hospitals Separate Arab and Jewish Maternity Patients

In January the press reported that the Western Galilee Hospital in Nahariya and Rebecca Sieff Hospital in Safed routinely separate Arab and Jewish women in the hospital who have given birth. Two reporters from *Ha'aretz* newspaper went to the hospital in Nahariya and presented themselves as a couple about to have a baby. They asked questions about the conditions in the ward. In a discussion with one of the midwife nurses, they were told that the hospital “separates the sides.” The nurse explained that this was due to the differences of mentality and language between the two groups.

A Jewish woman from the Western Galilee region who had a baby at the hospital approximately two years earlier recalled: “It is obvious that there is a separation. You can see that there are separate rooms for Arab and Jewish women. At the time it seemed strange to me. I wasn’t told anything, but you can clearly see that the women are separated.”

The hospital in Nahariya responded that there is no deliberate policy on this matter. However, an effort is made to meet the requests of women who “prefer to be in rooms with women who speak the same language.” The director of the Western Galilee Hospital, Prof. Shaul Shasha, responded: “There is no separation between Arab and Jewish women at the hospital. We treat all our patients equally. If there are special requests we do our best to meet these, as we do with all those hospitalized here.”

By contrast, the Rebecca Sieff Hospital did not deny the existence of such a policy, which they claimed was due to “differences in mentality.” Hospital spokesperson Hannah Bikal explained: “We try to keep them separated, because everyone has their own mentality. We also try to keep secular and religious [Jewish] women separate. We try to provide the most comfortable conditions we can for the women. A woman who has just given birth usually prefers to be with another woman who speaks the same language. This is not a matter of discrimination, but just from the perspective of giving her the best possible conditions after she gives birth. Women want to be in a room with someone they have something in common with – religious women together, secular women together, and Arab women together. They feel most comfortable that way.”

However, the testimony of media adviser and Akka resident Jalal Banna casts a different light on the story, suggesting that this practice is in fact a form of discrimination, rather than separation reflecting “differences in mentality.” Approximately one year ago, Banna came to the maternity ward at the hospital with

his wife. “(After the birth) they took my wife on the bed to the ward rooms,” he recalls. “We went along a corridor and came to rooms divided into two wings. **I noticed that the rooms to the right were spacious, with just one or two beds, whereas the rooms to the left were more crowded.** They took my wife to the left. I saw that there were free beds to the right, and asked them to put my wife in those rooms.” An argument ensued, but eventually Ramia was given a place in a spacious room. Banna claims that, at the time, one side of the rooms in the ward was intended for Jewish women and the other for Arab women. He states that it was obvious that the rooms had been divided according to the ethnicity of the patients.

January: Tefahot Bank Tells Arab Lawyer: Go Look for Work in Jenin and Gaza

At the beginning of the year, Attorney Nasrin Dabini (20) of Nazareth contacted commercial banks in her search for a job. Several banks sent reasonable replies explaining that they did not have any vacant positions. However, Dabini was astonished by the reply she received from Mizrachi-Tefahot Bank, bearing the official stamp of the bank. Written by hand, the letter stated: “We do not accept Arab men or women to work here, only Israelis and Jews. We are not a racist bank, but this is our policy. Keep looking in Nazareth, Nablus, Jenin, Gaza, etc.” In response, Dabini’s fiancé, Attorney Nader Jarjura, filed suit against the bank at Nazareth Labor Court, claiming NIS 100,000 in damages.

The bank claimed that the letter does not reflect its official policy, and that it was “probably” a forgery by an employee. The bank claimed that it had filed a complaint with the police in order to find out who was behind the action.

February: Entire Neighborhood in Nazareth Left without Telephone Service for Five Days

In February, the Al-Namsawi district of Nazareth was left without telephone services for five days. Despite repeated requests from residents and businesspeople, Bezeq declined to deal with the problem promptly. The neighborhood includes residential homes as well as dozens of businesses and institutions. Officials and businesspeople were forced to return home several times during the course of the day to make work-related calls from their home telephones. The neighborhood also includes an HMO facility providing medical services for hundreds of residents; the disconnected lines severely disrupted its activities.

According to the local residents, the delay in repairing was due to the racist and dismissive attitude of Bezeq. Since the demonstrations of October 2000, the company has refused to send technicians to most of the Arab towns and villages in order to repair defects.

The company (which is a government company) replied that it only sends technicians to Arab towns and villages when they are accompanied by guards, and these are not always available. First of all, this response confirms the claim by the Arab residents. Secondly, it is a racist position in its own right, since the underlying assumption is that a guard is needed when entering an Arab community, while this is not necessary in the case of a Jewish community. Thirdly, there is no evidence that Bezeq technicians have been attacked after entering Arab communities. Indeed, the

commander of the police force in the Wadi Ara district stated in February that the police recommendations and reports regarding the entry of government employees into Arab communities were positive.

March: Israel Electric Company Refuses to Connect Home of an Arab Child with Thalassemia Major to the Electric Grid

Over a period of many months, the Israel Electric Company refused to connect the home of a child with Thalassemia Major to the electric grid, despite the fact that the child needs constant access to electric medical devices in order to remain alive. Firas Mohammed Souad, aged 7, underwent a splenectomy several months ago. He suffers from Thalassemia and is in need of a bone marrow transplant. Thalassemia is a life-threatening illness, and the child needs appropriate hygienic conditions in the home. Apart from electric medical devices, he also requires a refrigerator for the storage of drugs he is taking in order to maintain his life and health.

Firas' family contacted the planning and building council of Misgav Regional Council and received all the necessary permits for the connection of their home to the electric grid. However, the Israel Electric Company refuses to connect the home and the family's requests have repeatedly been denied. Approximately one hundred meters from the family's home there are other houses connected to the electric grid, so that there is no infrastructure problem in the village.

April: Carmiel City Council Approves Proposal to Name a Neighborhood after Rechavam Zeevi

As mentioned above in this chapter, Rechavam Zeevi (known as "Gandhi") was a Member of Knesset and chaired the Moledet faction. Moledet advocated the "voluntary" transfer of Arabs from the historical Land of Israel, including Arab citizens inside the State of Israel. Zeevi was identified with the far right, and many Israeli Jews considered his views racist. He was assassinated by Palestinian assailants in October 2001.

In April, Carmiel City Council approved a proposal to name a new neighborhood to be constructed in the southwest of the city after Zeevi. The proposal was presented by Mayor Adi Eldar. The municipality explained that Eldar was responding to a request from Zeevi's family to perpetuate his memory, and added that Eldar makes a distinction between Zeevi's personal opinions and the fact that he was murdered while serving as a minister in the Israeli government.

The Arab residents of the surrounding areas were angered by this decision and urged the mayor to reverse the decision. "We are aware that many sites in Israel have been named after Zeevi, but Carmiel Municipality should have shown more sensitivity on this matter, particularly given its status as a city in the heart of the Galilee, close to many Arab communities," a resident of the village of Ba'aneh explained.

A statement on behalf of the residents of Al-Shajur (comprising the villages of Ba'aneh, Majd al-Krum, and Dir al-Assad) noted: "We are concerned and warn that the name will be a constant reminder of Gandhi's ideology and positions toward the Arabs. We will constantly face this symbol of racism and it will create a growing

chasm between the Arab residents of the area and Carmiel. The concern is that this will lead to the buildup of counter-hatred that will eventually erupt in a manner more serious than the events of October 2000.”

August: Israel Post Couriers Receive Instruction Not to Enter Arab Communities

During August, Attorney Nimer Sultani, an Arab citizen who lives in the city of Tira in the “Triangle” region, was due to receive his passport and visa from the US embassy via the courier service of Israel Post. He paid the special fee of NIS 33 for this service.

The day before the set date, a young woman called Attorney Nimer on behalf of the courier service, and informed him that he could not receive the package by courier mail, since a new instruction prohibited employees from entering Arab towns such as Tira and Taybeh. Attorney Nimer replied that this was a racist policy, and that there was no reason why he should not receive the service he had paid for. Another employee at the call center confirmed Anna’s comments; when Attorney Nimer complained of this racist attitude, she disconnected the call. Attorney Nimer was told that he could receive the package at the central post office in Tira.

The next day, Attorney Nimer spoke to an employee in the public complaints department of Israel Post and again presented his complaint. The employee once again confirmed the new order.

“I am amazed by the racist and hostile attitude shown by the employees of Israel post, Attorney Nimer commented. “I would expect a public authority to act in an egalitarian manner toward all citizens and to provide a full service for all, without any irrelevant considerations.”

A reporter from the website Mahsom who revealed this incident sought to clarify whether Israel Post has indeed issued an instruction as claimed. The reporter contacted the Israel Post spokesperson, who claimed that she had never heard of such an instruction. An official reply was later issued by Israel Post stating that the company sends packages to all parts of Israel, including Taybeh and Tira. The spokesperson added an apology for “the incorrect information provided by the call center telephonists,” adding that they had “contacted all service representatives and emphasized the procedures for the dispatch of packages.”

F) Racism in the Provision of Services

March: A Kindergarten for Jews Only

Tawfiq Muhsan was one of the first residents to move into the new community of Harish. He is a local leader and a member of the local committee. But all this was of no help to him when he tried to register his three-year old son Ihab at the local kindergarten. Why? Because he is Arab.

Harish is a mixed community established approximately one decade ago. The community has approximately 1,500 residents, of whom some 200 are Arabs. Since

the foundation of Harish, the local kindergarten has refused to register the children of local Arab residents, and the parents have been obliged to turn to kindergartens in nearby Arab towns and villages. Over the past year, however, some of these establishments have also begun to refuse to register Arab children from Harish. Accordingly, the parents contacted the kindergarten in their community and sought to register their children, only to encounter a refusal.

Muhsan relates: “They told me that there was a problem with this because my son is Arab, and said that it would be better if he went to an Arab kindergarten. I sent them a letter explaining that I specifically wanted my son to study with Jews and become familiar with their mentality. He plays with children in the neighborhood; this is a mixed community and everyone likes him. Why should I send him somewhere else? This is my home.”

Muhsan is not the only parent in this situation. At the beginning of the year, five Arab children in Harish stayed at home after their parents were unable to register them at the local kindergarten. Hajaj Samer, the mother of three-year old Majid, encountered the same refusal. “I want my son to learn together with Jews. We all live here together, and as far as I am concerned this is the ideal,” she explains.

The effort to prevent Arab families registered their children at the local kindergartens is due to the actions of a small number of Jewish families in the community. “They don’t want us here,” Mohsan claims. “If I registered Ihab at the kindergarten, the decision makers are afraid that some of the Jewish parents will pull their children out of the kindergarten. It’s a pity that that’s the way things are.”

June: Swimming Pool on Kibbutz Kabri Off Limits to Arab Neighbors

Arab families who came to Kibbutz Kabri in June to enjoy themselves at the local swimming pool, as they were used to doing, were surprised to discover that they were no longer able to use the pool. The kibbutz executive announced that the swimming pool was now a private facility, and that entrance was restricted to the “club members.” A young man from the Arab village of Kafr Yasif who applied to join the club was rejected on the grounds that only a specific and defined group of communities were included in the Kibbutz Kabri Swimming Pool Members’ Club.

According to the notice published by the director of services and consumer issues on the kibbutz, membership of the swimming pool club is restricted to kibbutz members and their children; people living on the kibbutz; school students and their parents; salaried employees on the kibbutz; and residents of surrounding moshavim and kibbutzim – Ben Ammi, Manot, Gita, Metzuba, Kalil, Mitzpe Hila, and Neve Ziv. This list does not include a single Arab village, despite the fact that there are many Arab communities in the vicinity, some of which are closer to Kabri than the communities included in the list; examples include the villages of Sheikh Danun, Meilia, Abu Senan, Kafr Yasif, and Jat.

The Arab families, some of whom have been using the swimming pool for years throughout the swimming season responded angrily to the new arrangement. “The kibbutz may be entitled to declare the swimming pool a private area, although we are speaking of state land; but a private swimming pool should be intended solely for people living on the kibbutz,” a resident of Kafr Yasif argued. “The strange thing is

that Kabri has opened its doors to all the nearby communities – as long as they are Jewish. It is obvious that this is a racist and discriminatory decision.”

Some of the Arab families noted their concern that the decision by Kabri might serve as a bad example for other kibbutzim and communities in the region that also have swimming pools. One resident commented: “It isn’t our fault that our villages do not have swimming pools or places to spend time in the summer. The only places we can go to are the surrounding Jewish communities. Residents of Nahariya or Akka will not complain if they are not allowed to use the swimming pool in Kabri, because they have plenty of opportunities to go to the sea or to swimming pools.”

In its response to the criticism, Kibbutz Kabri stated that it strongly objects to the use of the terms racism and discrimination. Ofir Kozalov, director of services and consumer affairs on the kibbutz, stated that the swimming pool had operated for years as a commercial enterprise, but made a loss. Accordingly, it was decided to turn the swimming pool into a private facility. It was also decided to include a small number of communities in the club. He noted that residents and organizations from the Jewish city of Nahariya had recently asked to use the swimming pool but had been rejected. “The model we are implementing is a very limited community one,” he stated. However, Kozalov offered no explanation as to why the list of communities admitted to the “club” includes only Jewish ones, while Arab villages that are closer to Kabri are not included!!!

June: Flights from Northern Israel to the Center of the Country Are for Jews Only

In June, the newspaper *Ha'aretz* revealed that only Jewish passengers were being permitted to board flights of Tamir Aviation Ltd. from Rosh Pina and Kiryat Shemona in the north of Israel to Tel Aviv. The reason was that the scanner machine intended for security inspections was not being used due to disagreements between the airline, Kiryat Shemona Municipality, the Ministry of Transport, and the Ministry of Industry, Trade and Labor.

Last March, Tamir Aviation won a tender issued by the Ministry of Transport to operate the route from Sde Dov Airfield in Tel Aviv to Rosh Pina and Kiryat Shemona, replacing Arkia Airline. In order to operate the flights, the airline acquired a scanning machine in order to implement security inspections on the passengers’ suitcases and hand luggage. The sophisticated machine was supposed to be installed at the new terminal building in Kiryat Shemona. However, due to financial disputes among the various bodies involved, the machine was not brought into operation. As a result, proper security inspections could not be implemented, and the airline decided that non-Jewish passengers would not be permitted to board flights.

Udi Tamir, one of the owners of Tamir Aviation, confirmed these details, adding that he could not permit all passengers to board the flights, since it was impossible to install and activate the scanner machine at the Kiryat Shemona terminal. Tamir added that he was acting in accordance with the instructions of the security authorities.

Avner Ovadia, a senior director in the Information and Internal Relations Division of the Ministry of Transport also confirmed the story, and commented: “This is nothing to do with racial discrimination, but rather a technical problem with the inspection equipment used by a private franchisee at the airport in Kiryat Shemona. We are

working to find a quick and immediate solution to the problem that will enable all citizens of Israel to fly from the north of Israel without any restrictions.”

After the exposure of the story, Gideon Sitterman, the director-general of the Ministry of Transport, instructed the director of the ministry’s Security Division to ensure that a scanner machine was immediately obtained and installed in the old terminal in Kiryat Shemona on a temporary basis, pending a permanent solution that would enable the use of the scanner in the new terminal.

The General Security Service (GSS), as the professional body responsible for this matter, issued the following response: “There is no security instruction prohibiting Arabs from using any Israeli air route, including this route. The security instructions require inspection using scanning equipment, in accordance with the security classification findings for each passenger, and regardless of whether they are Arab, Jewish, or foreign.”

This case and the response of the Ministry of Transportation reveal the racist approach of the authorities toward Arab citizens. They argue that the defect in the scanning machine prevents Arab citizens from using airplanes, but has no such ramifications for Jewish citizens.

G) Racism during the Elections to the Seventeenth Knesset

February: Likud Calls for Arab Party to Be Banned from Participating in the Elections

In February, the Likud asked the chairperson of the Central Elections Committee, Supreme Court Justice Dorit Beinisch, to disqualify the list of the United Arab Party – Arab Movement for Change and to prohibit it from participating in the elections. The Likud claimed that the reason for their demand was that the leaders of the UAP-DMC reject the existence of Israel as a Jewish and democratic state, and support the armed struggle by Hamas against the state. Similar requests were also submitted by the National Unity Party – National Religious Party, and by the National Jewish Front, headed by Baruch Marzel.

In the petition, the attorney representing the Likud claimed that the UAP-DMC had held a press conference at which comments had been made stating that “the government should be Muslim.” It was alleged that the list was participating in the elections while maintaining its Islamist beliefs.

The above-mentioned claim was based on a press report concerning a press conference held by the UAP-DMC on February 14. The report claimed that the list seeks to establish an Islamic regime in Israel. However, the chairperson of the United Arab List, Sheikh Ibrahim Sarsur, explained the events at the press conference and the alleged comments that provoked the demand for disqualification. “One of the journalists at the press conference asked me a question about the unity of the various political streams within Arab society in Israel. In my reply, I emphasized the importance of such unity and the fact that it could help empower the Arab minority in Israel. By way of analogy, I noted the empowering potential of unity as an ideal, and

the possibility of uniting the Arab nations under a single regime. I added that this regime could be in the form of a Caliphate, if people so choose.”

Attorney-General Menachem Mazuz informed the Central Elections Committee that he was opposed to the disqualification of the list and of its head, Sheikh Sarsur. Mazuz determined that those seeking to disqualify the list and its head had failed to provide any additional evidence, apart from press clippings, in order to substantiate their claim that Sarsur and his party negated the existence of Israel as a Jewish and democratic state, or that they support the armed struggle against Israel. Mazuz added that the comments attributed to Sarsur were of a generalized nature and could not provide a basis for disqualifying the list. “In these circumstances, the position of the Attorney-General is that an adequate evidential infrastructure has not been presented to the Central Elections Committee,” Mazuz concluded.

It should be noted that the Central Elections Committee is a body comprising party political representatives (with the exception of the chairperson). The committee eventually decided, by a narrow majority of 18 to 16, against the petition to disqualify the UAP-DMC list.

The gravest aspect of this affair is that the right-wing factions sought to deny a basic right – the right to be elected to public office – solely on the basis of a media report and their subjective interpretation of Sarsur’s comments, which were removed from their proper context.

March: Rabbi Meir Kahane “Stars” in the Party Political Broadcasts of the National Jewish Front

During the 1980s, Rabbi Meir Kahane headed the Kach movement, which contested the Knesset elections several times but was disqualified since its platform advocated the expulsion of Arabs from the Land of Israel. Kahane was assassinated in New York in 1990. Nevertheless, his image featured prominently in the party political broadcasts of the Jewish National Front, headed by Baruch Marzel. Among other footage, the broadcasts included film of Kahane visiting the Arab city of Umm Al-Fahm and walking along the corridors of the Knesset. In the background, the Israeli singer Ariel Zilber, a fervent supporter of the Jewish National Front, sang, “The way we have followed is the way we will always follow.” In the broadcast, Marzel declared: “They always used to ask the rabbi how we expel our enemies, and now he have found the answer – with sensitivity and determination.” The comments were accompanied by footage of the eviction of Jewish settlers from Gush Katif and the clashes during the demolition of permanent homes in the settlement of Amona. Marzel added: “We have batons and horses, we have the Special Patrol Unit, and we will turn these against our enemies – with sensitivity and determination.”

March: Central Elections Committee Rules that a Party Political Broadcast by the Herut Party Constitutes Racist Incitement

On March 7, 2006, the chairperson of the Central Elections Committee, Justice Dorit Beinisch, disallowed part of a radio party political broadcast by the Herut party, which advocates the transfer of Arabs, on the grounds that it constituted racial incitement. The broadcast advocated migration of Arabs from Israel to Arab countries, and began

with a jingle including the lyrics: “A good Arab isn’t a dead Arab, a good Arab sometimes just wants to leave.” Justice Beinisch noted that the words were not sung in an even tone; the words “good Arab” and “dead Arab” were sung more loudly. She stated that “the sentences in the broadcast that I have decided to strike out indeed constitute incitement to racism. The phrase ‘a good Arab isn’t a dead Arab’ clearly refer to a racist expression that should be uprooted, namely ‘a good Arab is a dead Arab.’ It is almost certain that this expression will offend the Arab population if its broadcast is permitted.”

During the same month, the Herut party also published an election poster including racial incitement against Arabs and Muslims in Israel. The poster appeared on television, on billboards, and on buses. A photograph of a women wearing a veil was accompanied by a slogan in Hebrew stating “Demography will poison us.” The Hebrew word for “poison” is similar to the word for “veil.” This poster was a prominent feature in all the election publicity of the Herut party and even appeared on its manifesto.

In addition to its support for transfer, Herut also advocated steps to increase the Jewish birthrate: “Another source of increase in the Jewish population is natural growth,” the party’s official manifesto stated. “The state will encourage birth by providing increased child benefit solely for those who have performed military or national service, and the Jewish Agency will use the funds of the Jewish people to provide child benefit for yeshiva students and Jews who do not serve in the army for religious reasons.”

March: Likud Members Who Joined Kadima Demanded that the Party Not Include Arab Candidates

In March, the local newspaper *Sheva*, which serves Beersheva and the Negev, reported that Likud members who followed Ehud Olmert to the new party Kadima conditioned their membership of the party on the demand that no Arab candidates be included in realistic positions on the party’s Knesset list. The newspaper’s political affairs correspondent quoted a leading member of Kadima in the Negev as stating that this was the condition for hundreds of Likud members joining Kadima. Kadima claimed that the report was incorrect.

H) Racist Laws and Proposed Laws

July and October: Proposed Laws Seek to Restrict Arab Members of Knesset

On July 7, 2006, the Knesset Committee authorized an accelerated legislative process for a proposed law initiated by MK Zevulun Hammer (National Unity Party – National Religious Party) with the aim of enabling the immediate expulsion from the Knesset of a Member of Knesset who supports or identifies with a terror organization. According to the proposal, the decision to discontinue the office of a Member of Knesset will be take by the Knesset Committee and will require the authorization of the Supreme Court.

On October 30, 2006, the chairperson of the Israel Beitenu faction in the Knesset, MK Estherina Tartman, asked the Knesset Committee to authorize an accelerated legislative process for a proposed law empowering the Knesset, by a special majority of 80 MKs, to expel a Member of Knesset who negates the existence of the State of Israel as a democratic state, incites to racism, or supports an armed struggle against Israel.

These proposed laws may seem innocent and objective in nature. In practice, however, their intention is to harm the Arab Members of Knesset and to restrict their activities, and even their very membership of the Knesset. It must be recalled that the Arab Members of Knesset represent positions that differ radically from those held by the Jewish majority and by the government in terms of the nature of the dispute between Israel and the Palestinians and other Arab nations. Under the guise of rejecting “support for or identification with a terror organization,” or of preventing “the negation of the existence of Israel as a democratic state” “racist incitement,” or “support for an armed struggle,” public representatives will no longer be able to express positions contrary to those of the Zionist majority without endangering their status. The proposal effectively seek to establish a mechanism for the supervision of Arab Members of Knesset by their Jewish peers.

These proposals gravely damage the essence of democracy, since a majority of Members of Knesset, driven by political motives, will be able to nullify the membership of a Member of Knesset elected by the public. Such a process is tantamount to nullifying the results of the elections.

I) Advocacy of Transfer

March: Chairperson of the Herut Faction Offers Arab Citizens of Jaffa – Tel Aviv Voluntary Eviction in Return for Compensation

On March 22, 2006, in the context of the election campaign, former Member of Knesset Michael Kleiner toured Jaffa – Tel Aviv with a group of activists from the Herut party. Kleiner proposed that Arab residents should leave the city in return for compensation. Arriving at the Clock Square in Jaffa in the afternoon, Kleiner launched into a speech expounding on his political philosophy. He claimed that the Land of Israel belongs only to the Children of Israel, and not to the “Children of Ishmael.” He continued, “This is our country, not yours. But we are not talking about forcible expulsion. We won’t force anyone to leave. We are talking about voluntary eviction in return for fair, and perhaps even generous, financial compensation. Anyone who doesn’t want it will not take it and will remain here. But there are plenty of Arab nations around us.” The activists distributed leaflets urging the Arab residents to leave the city.

Responding to the incident, Kleiner stated: “My activity in Jaffa, as in other Arab communities, is legitimate within the framework of Israeli democracy. We respect them, but they do not respect democracy. This is a commercial proposal. If they want, they can take it; if not, they don’t have to.”

The next day, March 23, 2006, signs produced by the Herut party appeared in the streets of Jaffa supporting transfer and urging the Arabs to leave the city. Similar signs appeared in other Arab areas. Local resident Sami Bukhari described the action as racist and dangerous: “This is filthy racism, and a base and cowardly act that exposes the true face of Israeli society. A large proportion of the Jewish public supports the idea of transfer,” he stated.

March: Opinion Polls Show that a Majority of Israeli Jews Support the Transfer of Arab Citizens

In March, the Center for the Struggle against Racism published its Index of Racism in Israel. The index showed that 41 percent of Jewish citizens in Israel support Apartheid, and a similar percentage support transfer. Only 14 percent of the respondents felt that the relations between Arab and Jewish citizens in Israel are positive.

The Democracy Index – 2006, published in May by the Israel Democracy Institute, showed that a majority of the Jewish citizens of Israel support the transfer of Arab citizens and believe that Israel should encourage the Arabs to emigrate. The survey showed that 62 percent believe that the government should encourage the emigration of Arab citizens, and 29 percent demand that major decisions regarding the fate of Israel should require a Jewish majority.

October: MK Benny Elon – The Idea of Transfer Deserves Reconsideration

At a special Knesset debate held in October to mark the fifth anniversary of the assassination of Minister Rechavam Zeevi, MK Benny Alon commented: “The demographic problem isn’t going to solve itself. It is not too late to study [Zeevi’s] heritage. Just as my father did as a refugee from Dusseldorf, and just as the refugees from Morocco did when they established this state, so the Palestinian refugees can receive compensation and rebuild their lives.”

Alon continued: “This was the truth that guided him, and this is a truth that courageous people should sometimes examine... Not merely state that ‘he was controversial,’ but that he was a hero and loved this Land.” Alon mentioned the idea of voluntary transfer: “It can be examined whether it is not more humane to see a million families, each of whom will receive one hundred thousand dollars and rebuild their lives... rather than all kinds of supposedly humane solutions that ultimately only lead to the killing of innocent people. Their leaders have led them to war after war... Not to mention the innocent Jews who have died.”

On a more personal note, Alon added: “Above all, ‘Gandhi’ [Zeevi] was a brave man. His courage, which has not been typical of the right wing in addressing the demographic issue; his unwillingness to pretend that there was no problem, or to imagine that it would solve itself; or that there would be Jewish immigration and everything would be alright... I simply feel the need to say to his friends – including those who disagreed with him, and who tried other approaches, and who thought that the solution was a Palestinian state that would solve all the problems... It isn’t too late to study his heritage, too.”

J) Racism on the Part of Israeli Citizens

February: Right-Wing Activists Plan Visit to Sakhnin

In February, a group of right-wing activists, led by Baruch Marzel, the head of the National Jewish Front, along with some 50 others, planned to visit the Arab city of Sakhnin. They claimed that their intention was to “examine first-hand the illegal construction in the city,” against the background of the events in the settlement of Amona, and what they terms “the discriminatory policy regarding illegal construction in the Arab towns.” One of the activists, Itamar Ben Gvir, told the website *Walla* that the activists would come to Sakhnin in a vehicle equipped with weapons, which he claimed had been authorized by the police, adding that they intended to use their weapons if they were prevented by the local residents from entering the city.

Widespread concern was expressed that the visit would lead to a major confrontation. Although it was obvious the visit was a deliberate provocation intended to create tension and clashes, the Minister of Defense at the time, Gideon Ezra, urged the residents of Sakhnin to permit the right-wing activists to hold their visit. In an interview for Al-Shams Radio, Minister Ezra stated that he expected the visit to go peacefully, despite its provocative nature.

At the last minute, however, the police decided to stop the activists and prevent the provocative tour of Sakhnin. The police arrested the convoy some 3 kilometers outside the city and prevented the activists from continuing on their journey.

February: Racist Provocation by Members of the National Unity Party

On February 2, 2006, during the run-up to the elections to the Seventeenth Knesset, youths from the National Unity Party toured the unrecognized Bedouin Arab villages in the Negev, posting notices designed in the form of demolition orders. The youths posted signs bearing the legend “Illegal Outposts,” and distributed leaflets urging the government to demolish the homes of Arab citizens in the Negev, on the grounds that these are illegal.

A statement issued by Barry Rosenberg, spokesperson for the National Unity Party, described the unrecognized villages as “illegal outposts.” The spokesperson confirmed that party activists had posted the noticed, adding: “The secret action took place in the Beersheva – Dimona – Arad triangle, particularly along Road No. 80 and Road No. 31.... Five hundred signs were erected bearing the legend: ‘Illegal Outpost – March 28, 2006. We will change the situation. National Unity Youth.’”

Mohammed Abu Da’uf, chairperson of the “Association of Forty” for the unrecognized villages, stated that “the group that erected the signs handed out leaflets claiming that the government was quick to evict [Jewish] settlers [in the Occupied Territories] and to demolish their homes, but at the same time it has done nothing to demolish the illegal homes in the unrecognized villages in the Negev.”

February: Anti-Arab Slogans in Maalot

In February, racist activists painted anti-Arab slogans in the city of Maalot. The activists were apparently associated with the outlawed racist Kach movement. An Arab citizen who owns an optician's shop in the city reported that the slogans "Death to Arabs" and "Kahane Lives" were daubed on the glass front of the premises.

February: Rabbi of Safed Charged with Three Instances of Racial Incitement against Arabs

Rabbi Shmuel Eliahu, the son of former Chief Rabbi Mordechai Eliahu, is the rabbi of the city of Safed, a leading figure in the religious Zionist camp, and a member of the Council of the Israeli Chief Rabbinate. In February, Rabbi Eliahu was charged with incitement to racism following comments he made against Arab citizens in media interviews. The indictment, served with the authorization of Attorney-General Menachem Mazuz, includes three alleged counts of the publication of racial incitement by the rabbi.

The first charge related to a number of comments made by Eliahu in 2002 in which the rabbi argued that Arab students should be removed from the college in Safed. The interviews were held after a terror attack in Meron, close to Safed, and the rabbi argued that the college should stop accepting Arab students since Yasra Bakri, a student at the college, was suspected of not warning others about the attack (an indictment was filed against Bakri; she was later acquitted of all the charges against her).

The second charge related to an interview in July 2004 in which Eliahu was asked about a notice claiming that "ten Jewish girls are being held captive by Arabs in the village of Akbara [an Arab neighborhood within the city of Safed] and are subjected to humiliation and violence." In an interview with the local newspaper *Kol Ha'emek VeHagalil*, Eliahu stated: "These girls were taken as kind of maidservants and they cannot escape." An investigation was instigated following a complaint from a resident of Akbara.

The third charge related to an interview in August 2004 in which the rabbi stated that Jews should not sell or let apartments to Arabs.

Responding to the indictment, Eliahu claimed that had the attorney-general been required to provide legal advice for the pioneers who established the State of Israel, the state would never have been founded. "If we surrender to Mazuz's approach, within 50 years there will be no Jewish state. Fortunately for me, Jewish religious law does not change because of this indictment or that indictment. It was here before Mazuz, it will be here while Mazuz is here, and it will be here after Mazuz. The fact that the State Prosecutor's Office indict someone for saying that Jews should not sell apartments to Arabs, but does not indict MKs who incite others to open fire on Jews, transforms the State Prosecutor's Office from a body that accuses others to a body that is itself accused of racism."

However, four months after the indictment was served, the charges against Rabbi Eliahu were dropped following an arrangement between the rabbi and the Northern District Prosecutor's Office. The agreement required the rabbi to issue a statement

unequivocally distancing himself from the comments attributed to him in the indictment. He was also to apologize to those injured by his remarks, and to urge respect for the Arab minority, and particularly for Arab students at educational institutions in the north of Israel. According to the agreement, the rabbi was to publish his remarks in the media and in two religious Jewish websites.

February: Police to Examine Whether a Poem in a Russian Newspaper Constitutes Racial Incitement

In February, Attorney-General Menachem Mazuz ordered the police to instigate an investigation against the Russian-language newspaper *Vesty* and a writer by the name of Gershon Ben-Yaacov on suspicion of incitement to racism. The investigation followed the publication of a poem in the newspaper some six months earlier. The relevant section of the poem (which was published in installments) included the following verses: “The problem of the Israeli Arabs (...) is a nightmare; The number of Israeli Arabs has already passed one million and is growing rapidly; Look at them and your gaze darkens! I say with no offense to the Jews: The Arabs plough at night in order to aggrandize their kind (...) The female rabbit, cat, and locust know not this kind of lust.” Acting editor of *Vesty*, Sergei Podrazhansky, claimed in response that the Attorney-General was “failing to distinguish between a political text and a poem, which has its own rules.”

August: Racist Website Attacks the Arab Citizens of the Negev

In August, Jewish residents of Beersheva launched a racist website (www.bedouim.org) including articles and news reports casting a negative light on the Arab citizens of the Negev region. The founders of the site, which did not include any addresses or telephone numbers, stated that “the Bedouin constitute a strategic threat to Western social life in Israel.”

The articles published on the site accuse Arab citizens in the Negev of a range of offenses: Seizing the weapon of a woman soldier; cases of rape; dangerous driving; and demanding protection money. The site urges its readers to send in their own stories attacking the Arab citizens of the region.

Those responsible for the site describe themselves as “a non-party political group of residents of Beersheva who are furious at the media’s ignorance of the behavior of the Bedouin and associate phenomenon. The goal of the site is to emphasize the disasters that are taking place on the roads in Beersheva and to document this phenomenon, in order to raise awareness and break the wall of silence imposed by the media.” The founders of the site added that “we have come to accept the situation where Jewish property is left unprotected, and we have got used to girls in elementary schools receiving jeans from Bedouin in return for their services. And yet the media remains silent, and politicians fail to take action. This has led the group to launch this initiative.”

Responding to a question about the role of the police regarding such acts, those responsible for the site stated: “What interest? Bedouin culture is based on theft, so the police do not have the resources to deal with these matters. Regarding the fact that the Bedouin are the main drug dealers, marketing and encouraging drug abuse – the

police does the best it can, but this is still inadequate. Regarding the cars that park outside schools and pick up our daughters – the police rarely intervene, and they are impotent when the girls explain that they are getting into the vehicle of their own free will. The police cry about it along with us. When I spoke to the commander of Beersheva Police, he explained that the solution is to send gangs of masked citizens and attack them!”

October: Arab Worker Injured in Work Accident – The Manager of the Factory Launches a Racist Attack against His Arab Employees

Twenty two Arab workers employed at Sapir Plastic Industries went on strike following racist comments made by the executive director of the factory. In response, the director stated: “I have sent a personal apology to each worker. My comments were made out of concern for the workers’ lives following a growing number of work-related accidents.”

In October, during the night shift at the factor in Afula Elite, one of the Arab workers was injured and taken to hospital for treatment. The next morning, the executive director of the factory, Zeev Sapir, arrived and launched a series of racist curses at the Arab workers.

Assad Zueibi, one of the Arab employees, related that the day after the accident, Sapir arrived and began to curse them. “As usual, he went crazy and started cursing the workers. He does that every day and all day. But this time, his curses were of a racial nature. He called us ‘dirty Arabs,’ said that we should only be allowed to work with hammers, and told us that we are dumb.”

Approximately 100 employees work at Sapir Plastic Industries; most of them are Arabs. Twenty two of the Arab workers decided to go on strike following the incident and contacted an attorney. Their attorney sent a letter to the director demanding that he apologize to the workers for his racist comments. The workers also decided to form a committee to represent their demands.

The factory director claimed that he was hurt by the fact that the workers chose to regard the incident from the “nationalist and racist” perspective, as he put it. Sapir claimed that immediately after the incident he sent a personal letter of apology to each of the workers explaining that his comments were due to exceptional circumstances. Sapir defined himself as “very left wing,” and insisted that he is not a racist!!!

Violence against Arab Citizens

A) Police Violence against Arab Citizens

Introduction

Most Arab citizens have almost no doubt that the senior officers and divisions of Israel Police adopt a discriminatory attitude toward them. Arab citizens feel that rather than acting as an official body responsible for maintaining law and order and for protecting all citizens, regardless of race, nationality, and religion, the Israel Police identifies itself with the Jewish majority in the State of Israel – a population that maintains tense relations with the Palestinian people in general, and with the Palestinian Arab minority in the State of Israel, in particular. Accordingly, the behavior of the police is not based on an egalitarian approach to all citizens, but rather on an approach that views the Arab citizens as an enemy and as a security threat to the state.

During the events of October 2000, twelve Palestinian Arab citizens of the State of Israel and one resident of the Occupied Territories were shot dead by policemen during demonstrations by Arab citizens protesting the visit to the Al-Aqsa Mosque site by Ariel Sharon, then leader of the opposition. The events of October 2000 marked a watershed in the relations between the Arab citizens and the state institutions, particularly the police. Arab citizens argued at the time that the police had used live ammunition and rubber bullets without justification, and in situations in which the policemen did not face any lethal danger. These claims subsequently emerged to be justified: the state commission headed by retired Supreme Court Justice Theodore Or, established to investigate the circumstances behind the killing of the Arab citizens in these events, concluded that the shooting and killing of Arab demonstrators was unjustified. The commission recommended that the policemen involved be prosecuted (a recommendation that, to date, has not been implemented).

Regrettably, however, the police failed to learn the lessons of the events of October 2000, and made no effort to implement the recommendations of the Or Commission. On the contrary – not only has no improvement been seen in the attitude of the police toward the Arab minority, but this attitude has actually become more racist, more hostile, more aggressive, and more violent. One manifestation of this may be found in data regarding the killing of Arab citizens by the police: Eleven Arab citizens have been killed by the police since the events of October 2000 in circumstances that had

nothing to do with national or security issues.²¹ During the same period, only one incident occurred in which a Jewish citizen was shot and killed by the police (the man was shot dead after stabbing and killing both his parents). These revealing statistics are compounded by numerous reports of the unjustified use of physical violence by policemen toward Arab citizens (in cases that did not end in death), in circumstances that raise grave concern that the motives were purely racial.²²

In 2006, additional cases have been documented in which the police used excessive and unjustified physical force toward Arab citizens due to their national origin. These cases suggest that no change can be seen in the attitude of the police toward the Arab minority; on the contrary, the large number of cases documented suggests a worsening pattern of racism and violence.

Moreover, in 2006 two more cases occurred in which live ammunition was used in circumstances that raise concern that no self-defense was involved. These cases show that the trigger-happy approach of the police toward Bedouin Arabs, in circumstances when the police are not facing any danger whatsoever, is still encountered.

The Killing of Arab Citizens by the Police

January: The Killing of Nadim Milham

On January 19, 2006, Nadim Milham, a 28-year old resident of the village of Arara in the Wadi Ara region, was shot and killed by policemen. The police claimed that they opened fire after Milham threatened a policeman with a loaded pistol. His family, however, claimed that the incident was nothing less than cold-blooded murder. At 3:00 pm on January 19, detectives from Eron police station, accompanied by policemen from the Alon unit of the Border Guard, came to Nadim's home in the Wadi Qasab district of Arara in order to search the house, following intelligence information suggesting that Nadim was in possession of a stolen FN pistol. Regarding what transpired after the policemen arrived at the house, two divergent versions exist.

According to the police, the policemen entered the building and broke into the room where Nadim was present. He managed to escape and left the apartment holding a pistol. While he was running away, the police claim, Milham fired shots at the policemen and in the air. He encountered an obstacle blocking his path, turned, and aimed his pistol at the policeman who was chasing after him. The pistol was cocked. One of the policemen – a Border Guard soldier – saw the pistol and believed that the

²¹ In fact, an investigation by *Ha'aretz* newspaper reveals that 18 Arab citizens have been killed by the Israeli security forces since the events of October 2000 – 11 by the police, 5 by the IDF, and 2 by private security guards. See Y. Levins, Y. Stern, "Is the Police Trigger Happy toward Arabs? How Can We Know When There Are No Data," *Ha'aretz*, January 23, 2006 (in Hebrew); Y. Levins, "The Police and the Arabs: Command Level Fails to Examine the 'Trigger-Happy' Phenomenon," *Ha'aretz*, October 5, 2006 (in Hebrew).

²² For more details, see HRA reports: *Four Years On: Cases of Police Brutality against Palestinian Arab Citizens of Israel during the Year Following the Or Commission Report on the October 2000 Events* (September 2004); *On the Margins: Annual Review of Human Rights Violations of the Arab Palestinian Minority in Israel 2005* (June 2006).

suspect was about to open fire on them. The policeman shot Milham, who was wounded in the chest and suffered fatal injuries, dying shortly after. According to the police, an investigation revealed that the FN pistol in Milham's possession was stolen and was loaded at the time.

The version presented by Nadim's family is completely different. They report that as Nadim slept at home, ten policemen arrived and asked where he was. When the family replied, the policemen entered his room and woke him. He presumably attempted to resist, pushed them back, and then one of the policemen standing at the entrance to the house shot him, aiming for the upper part of his body.

The State Attorney's Office eventually decided to prosecute the policeman who shot Nadim on the charge of manslaughter. The decision was taken after an investigation of the incident showed that the policeman had shot Nadim twice from the back – accordingly, the police version that the policeman fired in self-defense was not accepted. On November, 21, 2006, an indictment was served against the policeman involved on a count of negligence manslaughter, and in March 2007 the trial opened; the policeman denies the charges.

July: The Killing of Mahmud Ghanayem

In July, Mahmud Ghanayem, a 24-year old resident of Baqa Al-Gharbiya, was shot and killed by a detective from Hadera police station. The police stated that Mahmud was shot after attempting to run over one of the detectives.

On July 3, 2006, at about midnight, the detective unit of Hadera police station undertook an undercover operation on Hadekalim Street in Pardes Hannah, following a wave of break-ins in homes and cars in the area. During the operation, a number of detectives notices two suspects, one of whom was Mahmud, breaking into vehicles. According to the police, one of the detectives approached the two young men and identified himself as a policeman. Mahmud ignored him, began to curse the detective in Arabic, threatened to kill him, and got into the vehicle and ignited the motor. After Mahmud entered the vehicle, the detective removed his personal weapon and ordered both young men to get out. According to the police, the young men began to drive toward the detective. Believing his life to be in danger, the detective fired at the suspect and killed him. The other suspect in the vehicle, Husni Awisat, a 23-year old resident of Baqa Al-Gharbiya, was detained and interrogated. According to the police, Awisat admitted breaking into vehicles, and stated that the two young men were drunk and had been smoking drugs.

However, an investigation by *Ha'aretz* raised numerous doubts regarding the police version of events. According to the investigation, the detective was standing next to the driver's door, where Mahmud was seated, and not in front of the vehicle. The first shot fired in the incident, which led to Mahmud's death, was fired through the window by this seat. At this angle, it would have been very difficult to run over the policemen immediately. Moreover, the vehicle could not have proceeded forward and run over the policeman at the point at which the shot was fired, since another vehicle was parked in front blocking its path. Furthermore, an inspection of photographs taken at the scene on the night of the incident shows that the wheels of the vehicle were facing forward.

Awisat, who witnessed the incident, stated that in the middle of the events Mahmud returned to the vehicle: “He got in and sat down, and was immediately shot by the man standing by the vehicle,” he stated. According to the police, Mahmud ignited the motor while the policeman was standing next to him. According to Awisat, however, the motor was not ignited at the time Mahmud was shot.

In March 2007, the State Prosecutor’s Office decided to indict the police officer who shot and killed Mahmud on the charge of manslaughter. However, the serving of the indictment is dependent on a hearing to be held for the police officer. As of the publication of this report, no indictment has yet been served.

Police Violence toward Arab Citizens

January: Police offices humiliate six youths from Tira

In January, six youths from the village of Tira in the “Triangle” went to spend time in the Arim Mall in Kfar Sava, as they often do. On arriving at the mall, where they met friends from Kfar Sava, a man in civilian clothes suddenly approached them, identified himself as a policeman, and asked them to present their identity cards. One of the youths, Ihab Bishara, stated that after inspecting their identity cards, the police officer “asked us to sit at the side and began to ask us questions and to search our persons, while shouting at us in front of everyone in the mall, although we had not done anything. I felt humiliated,” said Bishara.

This was not the end of the humiliation, however. The police officer asked the six youths to accompany him to the police station in the mall, and the frightened youths acquiesced without any opposition. Majd Abu Khit (17), one of the youths, recalls: “When we reached the police office, a policeman by the name of Asaf Ben Yakir told us that it was not a police station but a modeling firm. There were four other Arab youths there who had also been detained. I didn’t understand what the connection was between the police and modeling.” The connection soon became apparent, however, when the police officers asked to take photographs of the youths. “We refused to be photographed,” Abu Khit stated, “and when I asked why he was photographing us, he turned on me aggressively: ‘Who commits terror attacks? – Arabs,’ and began to threaten that if we did not let them photograph us he would call more police officers who would force us to be photographed. When I asked to telephone an attorney he prevented my doing so.” Abu Khit continued, “It was clear that they do not want Arabs in the mall. I have heard about similar incidents from many other youths, but they preferred not to complain. All we wanted was to hang out at the mall. We do not have a criminal record and we weren’t bothering anyone. We just wanted to meet at the mall as usual.”

Another of the detained youths, `Asaf `Obeid (17), stated that “while we were detained, the police officer threatened to hurt us if we spoke or if we refused to be photographed. He constantly used offensive and racist phrases... The police officer stated that he was collecting photographs of Arab youths so that if anyone complained they would have someone to arrest.”

After a protracted delay, and after the youths were photographed, the police officer decided to release them, but not before ordering them not to return to the mall on Friday nights or Jewish festivals. The police officer emphasized: “Tomorrow is the Jewish New Year and you must not be here.”

In order to ensure that the youths left the mall, the police officer sent two people to follow them. When the two people realized that the youths were not leaving the mall, they spoke offensively to them, threatened them, and demanded that they leave.

The director of Arim Mall, Daphna Katzir, stated in response that since the mall opened eleven years ago, none of its visitors has ever been removed. “We do all that is necessary to ensure the wellbeing of our clients,” she stated, “and this includes hiring overt and undercover guards who work in cooperation with the police. It is possible that some group was making a disturbance or did not act as required, and then the police removed a client who was not behaving in accordance with the required norms.”

Only in May, after the attorney-general intervened, did the police announce that it would stop the practice of photographing Arab youths who visit malls in Jewish communities. The police apologized for the behavior of its officers toward the six youths.

January: Police harass and humiliate Arab students at Sapir College in front of other students

Dozens of Arab citizens who study at Sapir College in the Negev complained in January that the police was harassing and humiliating them in front of other students.

‘Atef Abu Raqiq (21), who is studying toward a BA in General Studies, stated that during this period, undercover police officers would enter the college, seize Arab students, take them into a corner and perform humiliating searches on them, while making racist comments against the Arab citizens in the Negev. Abu Raqiq added that as he was walking innocently through the campus with some friends, two police officers in civilian clothes approached him and asked him to stop. Abu Raqiq asked them to identify themselves and they presented themselves as officers from Shderot Police. They asked the student where he was from. “I identified myself and gave them my identity card and my student card,” Abu Raqiq recalled. “When I told them I am from Tel al-Sab`a they laughed and said Tel Pesh`a [“Tel of Crime” in Hebrew].”

In a separate incident, police officers entered the college library and forcibly removed an Arab student for no reason. They then proceeded to search the student.

The humiliation of Arab students was not confined to searches. Students have been detained and dragged to patrol vehicles by police officers in full view of hundreds of their Jewish peers, who look at them as if they were criminals, the Arab students claim. For its part, the police states that the searches are undertaken due to the growing number of car thefts and burglaries in the college area.

Following this incident, Abu Raqiq refrained from returning to the campus for a week, due to the shame and humiliation he had experienced in front of his other students. After returning to the college, he was amazed to find that some of his Jewish

friends preferred to ignore him, suspecting that he is a delinquent. Abu Raqiq has no criminal record and is not known to the police. He added that following these incidents, the Arab students at the college tried to move around on their own, or with no more than one friend, in order not to attract the attention of the underclothes police officers on the campus.

February: Special Patrol Unit policemen stalk and beat an Arab teacher in the parking lot by his house

“The policemen jumped on me, beat me, and cursed me. They did not state any reason for what they were doing.” This experience was reported by Rami Sa’adi, a 26-year old from the village of Arabeh in the Galilee who works as a teacher and lives in Jerusalem. Sa’adi stated that on February 16, 2006, he was subjected to a violent attack by policemen from the Special Patrol Unit, and required medical attention following the incident. At the time, Sa’adi was living in the French Hill neighborhood of Jerusalem. On the day of the incident, he finished his work in the Ministry of Education, returned home, and traveled in his car to the village of Isawiya in East Jerusalem in order to purchase food. On returning home, he was surprised to find ten policemen from the Special Patrol Unit. He described the events that ensued: “They surrounded my car. Some of them were pointing their rifles at me. One of them came up to the car, opened the door, and asked me where I had been. The policemen did not wait for a reply. Suddenly, two other policemen came up to me and started to search me. Several policemen jumped on me, pushed me down on the car, and began to beat my head, neck, and legs. One of them choked me. They took my wallet out of my clothes and took me to the entrance to building where I live. Here they continued to beat me, and removed my coat and shoes.” Sa’adi added that the violence ended when one of the policemen, who identified himself as an officer, told his colleagues to stop what they were doing. “The policemen moved away from me, and when I returned to my car, I saw that it had been turned over. I asked why they had attacked me, and the person who presented himself as an officer said: ‘We received information and we are doing our job. You do not know us and don’t get involved with us.’” Sa’adi, who was left by his home after the attack he reported, called his brother who took him to Hadassah Ein Kerem Hospital. He underwent brief treatment and was discharged, but he continued to suffer pain for some time after the incident. Sa’adi could not understand why the policemen beat him. “I have lived in the same place for three years, and I have never experienced anything like it,” he notes. “I am an ordinary guy. I work in the Ministry of Education. I can’t see any reason why the policemen attacked me in such a violent manner.”

March: Security guards on an Egged bus attack an Arab student

Khaled Zueibi is a third year student of medicine at the Hebrew University in Jerusalem. On March 7, he boarded a number 19 Egged bus traveling from the center of Jerusalem toward the campus on Mt. Scopus. He described the events that followed: “I got on the bus on my way to university. The security guard on the bus began by asking the usual questions, and I replied. When he noticed my Arab accent, he continued to ask irrelevant questions. I asked him to stop asking the irrelevant questions and he began to scream at me. He told the driver to stop the bus and called other guards.” Khaled stated that five other security guards came to the bus and helped the guard force him to get off. “Get off the bus and we’ll see who’s the man

here,” one of the guards told him. Khaled refused to get off the bus and the guards then proceeded to attack him and kick him all over his body in front of the driver and passengers. “Luckily the guards’ boss appeared and ordered them to leave the bus immediately, and that was how the attack ended,” Khaled related. His whole body was bruised and he required medical treatment.

March: Police detain three Arab citizens from the Naqab in a mall in Beersheva

Three Arab citizens from the Naqab, Salah Abu Rashad from Arara (24), Aiman al-`Atawna from Hura (27), and Lutfi a-Nasasra from Kseifa (21) stated that on March 1, 2006 they were spending time in the mall in Beersheva. Suddenly a woman in civilian clothes stopped them and asked them to identify themselves. When they refused, since they were unaware that the woman was a police officer, she called additional officers and guards to the scene. The security personnel began to harangue them, shouting “You Bedouin should be eliminated.” Then they detained the three men and led them to the police station, where they were released after their identity cards were examined.

May: Special Patrol Unit policemen brutally beat boys and girls in the Dahamsh neighborhood of Lod

On May 10, 2006, large forces from the Border Guard and the Special Patrol Unit of the police attacked children in the Dahamsh neighborhood, which is situated between Ramle and Lod and suffers from chronic neglect and discrimination. Fourteen children were injured. Residents of the neighborhood who witnessed the incident state that on the evening of May 10, policemen raided the neighborhood, entering homes without search warrants, and attacking boys and girls, on the pretext that they were searching for drug dealers who had escaped from detention. After the residents resisted the attack, the police returned later with reinforcements, including policemen from the Special Patrol Unit. “They went crazy, shouting that they had come to educate the residents and to teach them not to trade in ‘white,’ meaning cocaine,” the witnesses stated. Subhi Sha’aban, a resident of the neighborhood, reported that fourteen children, including several girls, sustained light to moderate injuries and were rushed to hospital. “The policemen did not confine themselves to beating and pouring disgusting curses on the girls, but they also handcuffed them and detained them, and left them on a bench outside the interrogation room from nine o’clock in the evening on Wednesday until Thursday morning. They prevented their attorney from meeting with them.” Sha’aban added that the Special Patrol Units regularly harass Arab citizens living in Ramle.

May: Policemen wound a father and two of his children while posting demolition orders in the unrecognized village of Ziadna in the Negev

On May 18, 2006, policemen attacked residents of the unrecognized village of Al-Ziadna in the Negev, injuring two brothers, Abd Al-Rahman and Tawfiq Yunes Ziadna, as well as their father, Yunes Ziadna (aged 60). Witnesses reported that inspectors from the Ministry of the Interior, accompanied by a large police detachment, arrived in the village in the morning. The inspectors posted demolition orders on eight homes in the village. The two brothers and their father went outside to see what was happening. Abd Al-Rahman, married and father of four, went out first.

He stated that immediately on leaving his home, the police commander ordered his policemen to attack him, saying, "Deal with him." The policemen attacked Ziadna, beating him with nightsticks. Ziadna sustained injuries to the head and back. When his father and brother attempted to defend him they were also attacked. The father suffered a cardiac arrest and one of the sons sustained extensive injuries. The injured citizens were taken for treatment at the clinic in Rahat.

May: Police brutally attack two Arab students

On May 22, 2006, two students, Jalil Asdi (25) and Qasam Asdi (26), traveled from the village of Dir Al-Assad to Haifa University. At Nesher intersection, they were stopped by two plainclothes policemen who fell on them and beat them savagely. Qasam Asdi, a student of history, stated that he and his friend were traveling from their village to Haifa University. Close to Ibtin intersection, a Nissan jeep with five people inside overtook them. "One of them looked at me and signaled to me with his hand that he wanted to cut my throat. I made a similar gesture back to him. He began to curse me, pulled out a police light and put it on the vehicle, and signaled to me to pull over to the side of the road. Five people got out of the jeep and began to beat me on the top half of my body. I was still wearing the safety belt and sitting in the car. They pulled me violently to drag me out of the car. They started to curse us, saying that we were terrorists and dirty Arabs. They said we had come to Haifa to commit a terror attack and kill Jews. 'Itbah al-Yahud,'²³ they said. They dragged me out of the vehicle and searched me. I told them that I was a student. I wanted to show them my student card and opened my bag, but they grabbed the bag and emptied it out." His friend, Jalil Asdo, who is studying toward an MA degree in Hebrew at Haifa University, recalled: "Four of them attacked Qasam and the fifth one jumped on me, beating me and tearing my clothes. He beat me several times in the stomach. The policemen were busy beating Qasam and I telephoned the police and the ambulance service, who arrived within a few minutes. The police ordered the ambulance driver to drive away and did not let him pick us up. The policemen handcuffed us and took us to the police station." At the police station, the two young men were interrogated. The policemen took their fingerprints and photographed them. One interrogator confiscated Jalil's driving license and took a series of photographs of him. "I asked them to photograph my torn clothes and the bruises on my stomach. They refused, saying that they knew their job. One of the policemen whispered in my ear, "You want to be a teacher. But I will destroy you and your future."

September: Police detain two Arab citizens from Tira at entrance to mall in Kfar Sava

On September 28, 2006, police officers in Kfar Sava detained two Arab citizens from Tira, Mahmud Abu Khit and Hamud `Atili, as they entered the mall in the city. The police officers asked the two men to present their identity cards, shouted at them and cursed them, and detained them under the hot sun for an hour, attracting attention from passers-by who mocked them.

Mahmud Abu Khit recalled the incident: "My friend and I were about to enter the mall when suddenly police officers appeared in front of us and asked us to present our

²³ "Slaughter the Jews!" (in Arabic).

identity cards. To our surprise, they began to shout at us and curse us. I told them that there was no justification for their behavior and that it was unlawful. One of them replied that just because we have blue identity cards does not mean we are legitimate, and that we are just living in this country and do not have the same rights as Jews. They detained us for about an hour in the hot sun, although we were fasting at the time. We telephoned the police but they did not respond.”

Abu Khit added: “They behaved insolently toward us because we are Arabs. One of the officers even spat in our direction. This is racist and barbaric behavior on the part of people who are supposed to protect and enforce the rule of law. You cannot keep silent about this kind of offensive behavior. This attitude is part of a racist campaign under the slogan ‘We don’t want Arabs in Jewish cities’ or, in fact, in a Jewish state. One of the police officers even told me that the fact we live in Israel does not mean we have the right to do anything we want. When I told him that I have the same rights as him, he said, ‘No, you are not like me. You have a dual identity.’”

Prosecution of Policemen for Using Violence against Arab Citizens

Most Arab citizens feel that the Police Investigation Department (PID) does not perform its function, and does not properly investigate complaints from Arab citizens who have been the victims of violent treatment by police personnel. One of the main examples substantiating this perception is the process relating to the prosecution of the policemen involved in killing twelve Arab citizens (and one Palestinian from the Occupied Territories) during the events of October 2000. The Or Commission examined the involvement of the policemen in the killing of Arab citizens during these events, and specified the names of policemen whom it had found to be involved in these cases. It charged the PID with investigating these cases and considering prosecution.

Astonishingly, however, in September 2005 the PID published its report on the investigation of the policemen involved in the killings, and determined that no policeman would be prosecuted for killing demonstrators, since there was insufficient evidence to file charges against those responsible. This claim is completely contrary to the recommendations of the Or Commission. After public protests by the Arab minority, and after the PID came under intense public criticism, it withdrew its decision and agreed, in 2005, that the investigation would be reopened. To date, the State Attorney’s Office has not reached any decision on the matter.

The behavior of the PID with regard to the events of October 2000 reflected its tendency to refrain from prosecuting policemen suspected of acts of violence against Arab citizens. This tendency has also been seen in other cases. Two examples – one relating to the killing of an Arab citizen in 2003, and the other to an assault on an Arab citizen in 2006 – also illustrate this trend. In both cases, the policemen involved were not prosecuted.

July 2003: The Killing of Morasi Jabali

The killing of Morasi Jabali is an example of a case when the PID decided not to file an indictment against a policeman who shot and killed an Arab citizen, despite the fact that it was found that the deceased did not pose any lethal danger. Morasi was injured in the back of the head on July 22, 2003 after policemen opened fire on the Subaru tender he in which he was traveling. The vehicle was being driven by Shihab Jaber, a friend of Morasi, who was injured in the shoulder.

The scene of the event was on the outskirts of Taybeh, on the road leading toward Tulkarem. The incident took place before the construction of the Separation Wall, and the road was used by people wishing to enter or leave the West Bank. Approximately one hour before the incident, the police received a warning that a number of persons were on their way into Israel to commit a suicide attack. It was suspected that the group were traveling in a similar vehicle to that used by Morasi and Shihab. The policemen found the way the vehicle was traveling to be suspicious. The tender had just left a nearby café, and it traveled against the direction of traffic along a short section of the road, because of road works that were underway at the time. The vehicle then made a u-turn and continued toward the city. The policemen claimed that at this point they ordered the vehicle to stop by means of a loudspeaker, siren, shouts, and shooting in the air. The testimonies of eyewitnesses, and of Shihab himself, suggest that it is very doubtful whether the driver heard these warnings. A volley of shots was fired at the vehicle from several weapons as it drove away. One bullet struck Morasi in the head. He groaned briefly and died on the spot. Shihab bent down under the steering wheel. The vehicle he was driving stopped at some stage. He got out and ran into Taybeh.

He incident was investigated by the PID, and in October 2006 the department decided to close the case. The decision stated: "The behavior of the policemen did not deviate from the reasonable caution that should properly have been taken in the circumstances of the case." An application was also submitted to the State Attorney's Office to reopen the investigation of the policemen involved in the incident, but the office rejected the application, noting that one of the policemen had felt that he was in lethal danger due to the specific warning that had been received prior to the incident. "In these circumstances, the shooting was ostensibly justified," the State Attorney's Office wrote in its decision. The office added: "Shooting at the vehicle with the goal of causing it to stop could not, ostensibly, substantiate a criminal offense," ignoring the fact that the passengers in the vehicle did not pose any lethal danger to the policemen and, accordingly, there was no justification to open fire.

June: Two brothers from the Negev attacked by the police

In June 2005, detectives from the Negev District Police attacked two brothers, Hatam and Hashem Al-Atawana (aged 19 and 27). The brothers are residents of Hura in the Negev. They left their home in the evening together with a relative, Salman Al-Atawana, and set off for Tel Aviv in order to take Hatam to his place of work. When they stopped at the traffic lights at Castina intersection, policemen attacked them, broke the car windows, and beat them brutally. Hashem stated: "They broke the windows on the back doors of the car. Two policemen began to drag us out through the window. Because I was wearing a seatbelt, they could not pull me out, and only

half my body was outside the car. Then they started to beat me on the face with their flashlights. One of them kicked me in the face. I screamed at them, ‘What do you want from me?’ I was so scared that I didn’t even feel the beating.” Hashem managed to unfasten his seatbelt and the policemen pulled him out through the window. Two policemen sat on him, shackled him, and dragged him along the sidewalk on his stomach. The other policemen kept on beating his brother Hatam, shackled him, and through him down on the sidewalk next to his brother. For some reason, the policemen decided to leave the brother’s relative Salman Al-Atawana alone. After they finished their “work,” the policemen went on to search the vehicle. One policeman told them that the police had received intelligence information that dozens of kilograms of drugs were being smuggled, and that there had been a mistake in their identification. Although the policemen admitted their mistake, they left the two brothers injured and did not order an ambulance. Hashem called for an ambulance, which arrived and took them to Kaplan Hospital in Rehovot.

At the time, the Negev District Police confirmed they incident. They stated that the policemen had apologized to the young men and given them their details so that they could file a complaint with the PID. The police claimed that the mistake in identification was due to faulty information received regarding the presence of drug dealers in the area. In March 2006, despite this admission of error, the PID decided that the policemen would only be subjected to a disciplinary charge of the “improper use of force.” In a shrewd attempt to discourage the complainants from appealing against the decision, Shlomo Lamberger of the PID sent a letter to the young men who had been assaulted, emphasizing that “if you wish to appeal against the decision not to prosecute them, this will entail the freezing of the disciplinary process. This may mean that the one year period of obsolescence established by law for disciplinary prosecution may expire before a decision is granted in the appeal.”

B) Violence by Jewish Citizens against Arab Citizens

Violent acts against specific sections of the population committed by arms of the state are usually considered of special importance, due to the basic principle of any democratic state that arms of state must respect human rights and behave equally toward all citizens. In Israel, however, violence against Arab citizens has also spread among the civilian Jewish population. This is largely due to the prevailing perception among this population that the Arab citizens pose a security threat to the state. Indeed, this approach is also shared by the various arms of state, so that they and the Jewish citizens can be seen as identical in this respect. This is particularly evident in the case of violence against Arab citizens, both by the police and by Jewish citizens.

In 2006, incidents were again seen in which Jewish citizens attacked Arab citizens on racist grounds, in some cases causing serious injury. One of these cases was the assault on Jalal Tawili from Tamra as described below.

March: Jalal Tawili from Tamra attacked by Jewish citizens for going out a Jewish young woman

On March 11, 2006, at 3:30 am, police and paramedics were called to Zalman Shazar Street in Kiryat Yam, near Haifa, where a young Arab from Tamra, Jalal Tawili (20

years) had been struck on the head forcefully by a stone and was critically wounded. The event occurred after Jalal and his brother Mohammed (21) had taken a young Jewish woman from Kiryat Yam back to her home after spending the evening with her. They encountered a group of local youths who attacked them with stones and sticks without any provocation on their part.

The same day, Mohammed and Jalal, together with two friends from Tamra, called their friend in Kiryat Yam (the boyfriend of one of the young men) and suggested that they go out for the evening in the Haifa Bay area. Just after 2:00 am, they drove the young woman back to her home in neighborhood "A" in Kiryat Yam. One of the young men – the woman's boyfriend – accompanied her to her home, and the other three waited in the car, listening to Arab music. Suddenly, Mohammed stated, a young man approached them and asked them to turn the music off because "we don't speak Arabic here." The two brothers got out of the car, and a group of young immigrants "carrying sticks and chains" approached them. The third friend managed to escape in the vehicle, while the two brothers ran away. "Suddenly, they surprised us and appeared from the other direction," he recalled. "They jumped on us and attacked us with whatever they could get their hands on. One of them took a breeze block and struck my brother on the back of his neck. I tried to protect him with my hand and they broke it. It was a lynch. The whole time they were beating us, they kept cursing the Arabs." The two brothers lay on the ground bleeding for some time. The elder brother thought that his younger brother was already dead. "I called out for help in Hebrew and Arabic several times, and after a few minutes a woman watching what was happening from a window in a nearby building told me that she had called for help," he stated. "The ambulance came and drove along the street several times without identifying us, because we were in a parking lot. I crawled out on one arm and signaled to them." He continued: "I saw my life flash before me. They attacked us with stones and chains and they were trying to kill us, not just attack us – and just because we are Arabs. They only left us when they thought we were no longer alive. I pretended to be dead. I opened my eyes and didn't move, so that they would think I was no longer alive. I wasn't feeling any pain any more. My brother next to me didn't have to do anything, because he was already close to death," he concluded.

Mohammed was discharged from hospital suffering from fractures to his hand and extensive pain. Jalal remained in intensive care for an extended period after undergoing surgery to his head. His condition was defined as serious; as a result of the injuries to his skull, his jaw was shattered and one of his eyes was badly injured. He spent several weeks unconscious in Rambam Hospital and is currently undergoing a protracted process of rehabilitation after surgery on his jaw. Mohammed suffers from cognitive and behavioral injuries, is sight impaired in his right eye, and requires help on a daily basis.

The attackers were young men who immigrated to Israel from the Caucasus. In the "Krayot" area to the north of Haifa, there have been a number of altercations between Arab citizens and young immigrants from the Caucasus. A police source commented that the Caucasian community is highly "sensitive" to the honor of the girls in the community; the decision by a young woman to have Arab friends may have sparked the racist and violent reaction on the part of the young men in the street. The police did not define the incident as a brawl, but as an assault in aggravating circumstances.

Only in July, four months after the assault, Zevulun Police arrested three youths from Kiryat Yam aged 15-16 on suspicion of involvement in the lynch. Deputy Commander Bechar stated that the three youths were arrested following intelligence information, and that the investigators have evidence connecting them to the incident. He stated at the time that further arrests could be expected in the following days.

On February 22, 2007, Haifa District Court sentenced a fifteen-year old minor from Kiryat Yam to three and a half years in jail, as well as an eighteen month suspected sentence, for his part in the assault on the Tawili brothers. The offender will also pay the brothers compensation in the sum of NIS 15,000. The court ruling noted that the defendant and his friends chased the Tawili brothers, throwing stones at them. One of the stones hit Hamudi in the head, causing him to fall down. His brother dragged him along the ground. The defendant and his friends managed to reach the Tawili brothers and began to beat them savagely with iron bars, ignoring their pleas for mercy. It is strange, however, that the case involved just one defendant, although a number of individuals, in addition to the defendant, also assaulted the Tawili brothers.

May: Young Arab from Kafr Manda suffers racist attack

On May 2, 2006, Naim Ataf Qadah (20), a young man from Kafr Manda in the Galilee, suffered a brutal and racially-motivated attack while traveling on an Egged bus. The “reason” was that he responded in Arabic to a telephone call he received, and he was traveling with a large bag. The attack occurred in the afternoon, as Naim was on his way home from his work at the customer service department of Cellcom in Herzliya to his home in Kafr Manda. Several civilians were involved in the assault, as well as soldiers and policemen, who did not hesitate to take out their personal weapons, as well as weapons they had received in their function as soldiers.

Naim relates: “I got on a bus that had come from Tel Aviv in order to go home to Kafr Manda at the end of a long day’s work. I was carrying a bag with my personal possessions and items I needed for my work. I sat down on the second row from the front of the bus, opposite the driver’s seat. When the bus stopped in Herzliya, I received several telephone calls to my mobile phone, and naturally I answered in Arabic. A young Russian Jewish man was sitting next to me, and my conversations evidently bothered him. He got up and moved to the rear part of the bus, which was full of soldiers and policemen traveling to the north. I later found out that he told them that I was a terrorist talking in Arabic and I had a large bag. I noticed a commotion in the back of the bus, and when I turned round to see what was going on, I saw a group of armed policemen and soldiers rushing toward me, their weapons pointing at me. The young man led the gang to me, and when they reached my seat, he pushed me against the side of the bus, knocking into a soldier who was sleeping on the seat next to me. At first I didn’t realize what he wanted from me, and instinctively I pushed him back in self-defense. Then I noticed the guns pointing at me and I was afraid that the soldiers would shoot me if I continued to defend myself, so I stopped. The soldiers asked me to identify myself and show them my identity card, repeatedly claiming that I was a dangerous terrorist. At this stage, the driver of the bus decided to stop by the side of the road in order to find out what was going on. He went up to the soldiers and asked them to explain their actions. The young Jewish man replied that I was a terrorist and that he had called the soldiers to stop me. The driver told the young man that his behavior was unacceptable; if he had any suspicions, he should have come to

the driver first and not acted on his own accord. The driver added that I was a harmless passenger. The driver calmed things down just as I was afraid that one of the soldiers or policemen would act rashly and shoot me for attacking the Jewish man. I later managed to get the Jewish man to show me identification so that I could write down his details and file a complaint for assault and threatening behavior with Misgav Police. I would like to add that during the incident I telephoned the police and asked them to send a patrol car to the scene because there was real danger to my life. No policeman arrived, however, and when I called half an hour later, the receptionist told me that a patrol was on its way – this after the incident was already over. This shows that the police do not take complaints from Arab citizens seriously.”

May: Arab citizens in Akka suffer racist attack

On May 24, 2006, three Arab youths (aged 17-18) from the city of Akka (Acre) suffered a racially-motivated attack; one of them required medical attention. The attack occurred in one of the eastern neighborhoods in the city, at about 11:00 pm. Ahmad Auda, a member of Akka city council and the father of two of the youths involved, stated: “Yesterday evening, my wife drove my 17-year old son, my 16-year old daughter, and a friend of theirs in the family car to see a play at a community center in the east of the city. We agreed that they would call us after the play so that we could come and collect them, and they did so. They called us and went outside the auditorium to wait for their mother. After a few minutes, as the audience dispersed, a large group of Jewish youths approached and began to taunt them. When they found out that they were Arabs, they started to shout comments such as ‘Dirty smelly Arabs, go back to your villages, this isn’t your place’ and such like. Then they began to shove and hit them. My son was knocked to the ground as he tried to protect his sister, who was also attacked. He was beaten and injured in the eye and the hand and he required medical attention. The attackers beat, kicked and even pulled their hair. When my wife arrived and attempted to protect our children, she was also attacked. This morning we went to the police station to file a complaint against the gang. I believe that the police know who is involved from previous incidents in which Arab families living in this neighborhood have been subjected to attacks.

June: Two Arab citizens suffer racist attack at the beach in Kiryat Haim

On June 24, 2006, two young Arab men from Nazareth were attacked by a number of young Jewish men at the beach in Kiryat Haim, north of Haifa. They were beaten severely and stabbed, and were hospitalized in a serious condition at Rambam Hospital. One of the victims, Yusuf Sha’ar, stated that he came to the beach with a relative. At the entrance to the beach they met an Arab citizen from Tamra in the Galilee who warned them that several Arab youths had been injured in racist incidents at the beach. “It seemed strange to me,” Sha’ar commented. “This wasn’t the first time that I had been to this beach. But soon after we ran into several young Jewish men who began to curse us and to curse the Prophet Mohammed. Then they started to attack us, punching and kicking us and hitting us with blunt objects.” The assailants went on to stab Sha’ar in the back, while his relative was stabbed in the stomach and hand. “There were at least six young men there. The attack was solely because we were Arabs, with no cause or provocation on our part. During the attack ,the young men shouted that they didn’t want Arabs at the beach,” Sha’ar recalled. The two

young men were taken to Rambam Hospital in Haifa in a serious condition and were held in hospital for a protracted period.

July: Jewish citizens attempt to attack MK `Abbas Zakur

On July 23, 2006, during the war on Lebanon, Jewish citizens attempted to attack MK `Abbas Zakur (United Arab List – National Arab Movement) in `Akka while he visited the eastern neighborhood of the city, where missiles had fallen.

MK Zakur came to the city immediately after the missiles fell, together with other Arab public figure, and visited the neighborhood in order to inspect the damage caused to Arab homes. A group of Jewish citizens gather around them and demanded that they condemn Hizbullah Secretary-General Hassan Nasrallah. MK Zakur refused to do so, stating that he condemned the war and those behind it. The group then began to shout insults at MK Zakur, including “traitors” and “collaborators with Nasrallah;” they also “recommended” that he move to Lebanon. The group later attempted to attack the visitors physically, but Arab youths who had also gathered on the scene prevented them from doing so.

On July 29, 2006, MK Zakur was attacked by three Jewish citizens of Russian origin. At about 9:00 pm, three Jews assailed MK Zakur’s sister as she was on her way home, identifying her as Arab due to her traditional Islamic dress. The three citizens were armed with knives, and began to shout insults against the Arabs and against Hizbullah Secretary General Hassan Nasrallah. MK Zakur’s sister fled the scene in panic and headed to her brother’s home. MK Zakur heard her sister shouting and went out onto the street. The three Jewish men then began to attack him. Other Arab residents heard the insults and shouts and also came into the street. MK Zakur was slightly injured by a knife. Another Arab resident of `Akka was also injured in the face and evacuated to hospital.

October: Arab citizens attacked by Jewish religious students in `Akka

In October, Jewish citizens from the “Northern Spirit” yeshiva in the Wolfson neighborhood of `Akka attacked Arab citizens during a procession in the neighborhood by the yeshiva students to mark the Jewish festival of Simchat Torah. During the incident, one of the Jewish citizens cocked his gun and fired a shot in the air.

On the day of the incident, a group of Arab youths were sitting by the main road in the neighborhood smoking a hookah pipe as they are accustomed to doing. One of the youths, Halad Sha`aban, stated that a procession from the yeshiva passed close by: “Someone from the yeshiva came, jumped on the sidewalk alongside us, and aimed his gun at us. When I asked him why, he said that this was his job. They (the yeshiva students) began to push us. We pushed back. The guy with the gun aimed it at us. The father of one of the guys tilted his hand and he fired in the air.” The Jewish citizens claimed that the yeshiva student fired in the air after the Arab youths provoked them.

The Wolfson neighborhood was established in the mid-1960s as an area for middle-class Jews from `Akka. Over the years, the Jews left the small apartments in the area for more spacious homes elsewhere in `Akka or in other communities. Their place

was taken by Arabs who left the overflowing Old City of `Akka. Today, ninety percent of the residents of the neighborhood are Arabs.

The “Northern Spirit” yeshiva is associated with a group of national-religious Jews who began to settle in `Akka some ten years ago. This group forms part of a phenomenon within religious Zionism over the past twenty years, whereby groups of young religious Jews have settled in development towns, in part in order to show that the religious Zionist movement is not concerned solely with the settlements in the Occupied Territories. In recent years, their activities have taken on a new objective: To maintain the Jewish character of the mixed Jewish-Arab cities. A group of this type is already active in Lod, and the group in `Akka is the second. The settlement group in `Akka has some fifty members, and approximately 120 students attend the yeshiva.

The background to the event is the tension between the Arab residents of the neighborhood and the students at the yeshiva, as well as its head, Rabbi Yossi Stern. This tension is due to the transformation of the neighborhood into one that is overwhelmingly Arab. Although this is a natural process of migration, Rabbi Stern and his students suspect that it forms part of a plan by the Arab residents to seize control of the neighborhood. “First Wolfson, then the eastern neighborhoods, and then all Akko will be Arab,” he has commented. “Wolfson has always been a Jewish neighborhood,” he added, explaining the reason for the establishment of the yeshiva in the heart of what is now an Arab area. “Arabs came here and changed the character of the area so people didn’t want to live here – loud music, the culture of people who do not care what the place looks like.” Some of his students have rented apartments in blocks that are mainly populated by Arabs, but there are no contacts between the yeshiva students and their Arab neighbors, and this is no coincidence. “The young men are instructed not to make eye contact and not to get into conversations with the Arabs,” the rabbi emphasizes. “I took into account that by settling here it might cause friction; we have undertaken to be in a place that demands spiritual devotion.” His concerns, he states, “are on the level of national dignity: When you see large signs about Ramadan in the State of Israel, you feel uncomfortable and despair. You might feel that your neighborhood has already been lost. If the state tells us that it considers that Akko is lost, that it doesn’t care that there will be mosques here, then we will see. But the establishment is behind us. We feel that we are wanted and appreciated here. Of course if we don’t go dancing in the streets then nothing will happen, but we are ideologues and we behave like ideologues. If everyone just tries to keep things quiet, how will we protect Jewish rights?”

The Arab residents of the neighborhood report that the yeshiva students walk around the streets carrying arms and undertake provocative group patrols that are reminiscent of the way the Jewish settlers in Hebron behave. The residents contacted the police and asked them to prevent armed men walking around the streets, but to no avail. Since the terror attack on the bus in Shefa`amr, the Arab residents explain that such behavior alarms them. They also report that yeshiva students harass them and shout curses such as “dirty Arabs.” These acts of aggression raise grave concern among the Arabs who fear that later clashes may end in bloodshed.

Following the incident, Rabbi Stern urged the Jewish residents of the city to boycott Arab citizens, and defined the Jewish residents as the vanguard of the national struggle in the city. He made his comments at a conference held by the yeshiva and

attended by a large audience, including the rabbi of Safad, Shmuel Eliahu. Rabbi Eliahu stated during the conference that “we must not sell or rent an apartment to Arabs.”

On October 26, 2006, Members of Knesset from the extreme right-wing faction the National Union arrived in `Akka, accompanied by a large number of followers, with the goal of expressing their support for the yeshiva students and of emphasizing the Jewish character of the city. The Arab residents felt that the visit was an attempt to exacerbate the already tense atmosphere in the city. They believe that the National Union activists are seeking to exploit the tension for political reasons and to depict the Arab citizens as an unwanted presence in the city. The Arab residents emphasize that they are the original inhabitants and have historical rights in the city, and that they will not permit extreme elements to use terror against them or to restrict their right to live in any of the neighborhoods of the city and to pursue an ordinary life, including freedom of religion and worship.

On November 1, 2006, the Knesset Internal Affairs Committee discussed the attack at a meeting attended by Arab and Jewish public figures from `Akka. Rabbi Stern attended the meeting, stating that he and his students had come to the city in order to “sanctify God’s name and in a crucial Zionist mission, with the goal of strengthening the Jewish presence in the neighborhood and preventing the Arab citizens seizing control of it.”

`Akka Mayor Shimon Lankri fully supported the yeshiva students, after declaring that the presence of the yeshiva in the area was intended to maintain the Jewish character of the city and prevent Wolfson becoming an Arab neighborhood. Only after he found himself boycotted by the Arab residents did he quickly issue a statement to the Arab citizens of the city in an effort to appease them. Lankri accused individuals on both sides of incitement, flexing their muscles, and disseminating rumors and lies, as he put it, without realizing that this could cause a disaster for the future relations between Jews and Arabs in the city.

Deputy Commander Moshe Cohen, the commander of Akko Police, summed up the problem as follows: “Ninety percent of the residents of Wolfson are Arabs. Some people have a problem with that, but there’s nothing you can do. It’s a mixed city.”

Desecration of Holy Sites

Since the establishment of the State of Israel, Muslim and Christian sites have frequently been desecrated and damaged. Some religious buildings and sites were destroyed during the 1948 War; Arab citizens have been denied access to sites that remain intact; holy sites have been converted into animal compounds, bars, and discotheques; and cemeteries in destroyed Arab villages have been demolished for the construction of homes and roads.²⁴

In 2006, Muslim and Christian holy sites continued to be subjected to damage and attack. This chapter focuses mainly on several instances in which cemeteries and mosques were damaged, alongside two exceptional incidents that occurred during the year – the damage to the Mu’aman Allah Cemetery in Jerusalem and the attack on the Church of the Annunciation in Nazareth.

Desecration of Mu’aman Allah Cemetery, Jerusalem

During 2006, headlines in the Arab press referred repeatedly to the desecration of Mu’aman Allah Cemetery in Jerusalem by the Israeli authorities, during the preparatory work for the establishment of the self-styled Museum of Tolerance.

Mu’aman Allah Cemetery lies to the west of the Old City, close to Jaffa Gate. The cemetery has an estimated area of approximately fifty acres and is one of the largest Muslim cemeteries in Jerusalem. Official land registry records exist for the cemetery.

In 1947, the British army took control of the cemetery, destroying part of the surrounding wall. In 1948, Israeli forces occupied the Western part of Jerusalem, including the cemetery.

After the establishment of the State of Israel, the Absentees Assets Law was passed. According to this law, all the land belonging to the Muslim Waqf, including cemeteries, monuments, and mosques, was considered absentee property, under the control of the Custodian of Absentee Property, who has full authority to act as he sees fit with regard to these sites. Mu’aman Allah Cemetery was one of the sites included under this provision.

Since then, the Israeli authorities have gradually changed the appearance of the cemetery, seeking to obscure its character. Today, less than five percent of the

²⁴ See HRA reports: *Sanctity Denied: The Destruction and Abuse of 252 Muslim and Christian Holy Places in Israel* (December 2004); *On the Margins: Annual Review of Human Rights Violations of the Arab Palestinian Minority in Israel 2005* (June 2006).

original graves remain. The remaining site is estimated to cover one-eighth of the original area, or less than five acres.

In 1967, the Israeli authorities established a public park on a large section of the cemetery. Known as "Independence" Park, the construction of the site included the excavation of graves and human remains, the planting of trees and vegetation, and the construction of roads in parts of the area.

In 1985, the Ministry of Transport established parking spaces on a further large section of the cemetery. During the period 1985-1987, excavation work was undertaken to install sewage systems and provide additional parking areas, resulting in the destruction of dozens of graves and the scattering of human bones. Despite the opposition of Muslim institutions, the municipality refused to halt the work.

In January 2000, the Israel Electric Company undertook excavations in the cemetery close to the adjacent main road. The pretext for the work was the installation of underground electric cables. Once again, bones were scattered across the ground.

In February 2004, the Israeli press reported that the government planned to establish the Center for Human Dignity – Jerusalem Museum of Tolerance on what remains of the cemetery, under the auspices of the Wiesenthal Center in Los Angeles. In May 2004, the foundation stone for the museum was laid in the presence of the governor of California. In September, work began on the construction of the museum, including the confiscation of five acres of the cemetery. The museum is planned to have a total area of 20,000 square meters, and construction costs are estimated at \$ 200 million. A documentary about the museum was distributed internationally.

The plan to establish the museum on the land of cemetery angered Muslims in Jerusalem, who saw the construction as a religious and historical crime and an affront to their identity. In February 2006, with the authorization of several families whose relatives were buried in the cemetery, the Karameh Human Rights Center secured an order from the Shari`a (Muslim religious) court ordering the halting of work on the cemetery. After the order was issued and forwarded to the Israeli authorities, the excavation work was halted for two days, but then resumed on the grounds that the Shari`a court is not empowered to issue orders of this type.

Later the same month, the Al-Aqsa Association for the Development of the Waqf Properties and the Karameh Human Rights Center filed two petitions at the Supreme Court, the first requesting an order for the cessation of the works in the cemetery, and the second requesting an order to implement the decision of the Shari`a court to halt these works. The Supreme Court issued interim injunctions for the cessation of work, and appointed Justice (ret.) Meir Shamgar, the former president of the court, as an arbitrator between the parties in an effort to secure a solution.

In May 2006, the authorities fenced off the remaining area of the cemetery and threatened to prosecute anyone who entered the area. The purpose of this measure was to prevent Muslims from maintaining and cleaning the site. In October, Justice (ret.) Shamgar announced that his efforts to arbitrate a solution to the dispute had been unsuccessful. The Supreme Court has since renewed its hearings in the case, and has granted the Al-Aqsa Association an additional period of two months to respond to the alternative proposals for the relocation of the bones from the cemetery. The

association rejects these proposals, since they are contrary to Islamic religious law and constitute the desecration of the cemetery.

As of December 2006, Muslims are prevented from preserving and maintaining the site. On the other hand, offensive graffiti has been written on the Al-Qubqi mausoleum in the cemetery, while the Municipality of Jerusalem uses the cemetery as a storeroom for work tools. During the same month, Jewish extremists vandalized the cemetery, destroying some of the graves and breaking the tombstone of the renowned Muslim trustee Al-'Uthmani Ahmad Aga Al-Dazdar.

Both sides await the ruling of the Supreme Court in the matter.

February: Kadima Uses the Red Mosque in Safed as Its Election Headquarters

The Red Mosque in Safed is a historical building constructed in 1266 during the Mamluke period. The mosque is one of four mosques and three churches that were in use in the city before the 1948 War. The mosque has not been used for its original purpose for decades. The building is managed by the Safed Foundation, and is used for residential purposes and for various businesses, including a banqueting hall.

In February 2006, during the period leading up to the elections to the Seventeenth Knesset, the political party Kadima placed a sign in Hebrew announcing that the site was to serve as its campaign headquarters in the city. The sign was placed alongside an older sign announcing that the building was a nightclub. In the past, it may be noted, the mosque building served as the Likud headquarters in the elections to the Sixteenth Knesset, and as the location for a pornographic movie.

March: Attack on the Church of the Annunciation

The Church of the Annunciation in Nazareth is the third most important in the Christian faith, after the Church of the Holy Sepulcher in Jerusalem and the Church of the Nativity in Bethlehem. In Christian tradition, the Church of the Annunciation is associated with the message brought to Mary by the angel Gabriel regarding her impregnation. The church is believed to stand on the site of home of Mary and Joseph.

On Friday, March 3, 2006 (Good Friday), a mass was held in the church, attended by a large congregation including Arab citizens and foreign pilgrims. The mass was held in the main hall on the upper floor of the church. At about 5:30 pm, during the mass, the sound of an explosion was heard from the ground floor, and thick smoke belled through a small window up to the floor where the mass was taking place. The event caused panic among the worshippers who quickly left the area.

It later emerged that three residents of Jerusalem – Chaim Havivi (a Jewish man aged 43), his wife Violet (a Christian woman aged 39), and their daughter Odelia (aged 20), had entered the ground floor of the church in the guise of Christian pilgrims. They then proceeded to the resting place of Mary, taking with them a child's pram filled with explosive devices – crackers, gas balloons, flammable materials, marbles, and pieces of plastic intended to increase the impact and damage of the explosion. They exploded the pram inside the church. They did not manage to explode the gas balloons: eye witnesses reported that they attempted to do so, but were prevented by

members of the congregation. The explosion did not cause any serious injuries, but several of those present in the church during the incident suffered from shock and anxiety attacks. The perpetrators of the attack were smuggled out of the back door wearing police uniforms, in order to conceal them from the angry crowd that had gathered outside the church.

In an effort to explain and interpret the attack, the Hebrew-language media emphasized the fact that the perpetrators of the incident were suffering from stress and mental problems. Media reports focused on the economic, personal, and social difficulties faced by the family. After losing their home, the family was homeless and had been living on the street for some time. The children were suffering from malnutrition and the welfare authorities had removed them forcibly from their parent's custody. This had a profound effect on the parents, who committed the attack in a last, desperate attempt to speak out against the injustice and deprivation they face. The police also stated repeatedly that the attack was not launched on national or religious grounds, but for personal motives. The net result was that the Hebrew-language media showed considerable sympathy for the perpetrators, who were transformed from criminals to victims.

However, all the explanations and interpretations ignored one key question: Why did the perpetrators choose to attack a church, and why the Church of the Annunciation in Nazareth, which is attended almost exclusively by Arabs (along with a small number of foreign visitors)? The perpetrators live in Jerusalem; why would they need to travel several hours to Nazareth in order to draw attention to their suffering? These questions were ignored, as was the fact that the perpetrators initially chose to enter the White Mosque in Nazareth; only when they found that the mosque was empty did they continue to the church.

In attempting to understand this incident, it is impossible to ignore the fact that the perpetrators chose to target a holy site visited by Arabs, whether Christian or Muslims. It would also be wrong to ignore the fact that the choice of such a site was not coincidental, but forms part of an ongoing attack on Christian and Muslim holy sites by the State of Israel since its establishment.

Indictments were served at Nazareth District Court against Chaim Havivi and his wife Violet; the indictment against their daughter Violet was later cancelled. The court sentenced Chaim to six years in prison – three years to be served in practice and a three-year suspended sentence. Violet received a suspended sentence of three years.

A few days after the incident, the police arrested a number of young Arabs who had gathered outside the church on the grounds that they had assaulted police officers. This was perceived as the political persecution of Arab citizens attempting to protect their holy sites.²⁵

²⁵ See Chapter Two (Political Persecution) in this report.

May: Jewish Extremists Desecrate the Al-Manashiyeh Mosque in Akka

On May 2, 2006, a group of Jewish extremists broke into the Al-Manashiyeh Mosque in the eastern neighborhood of the city of Akko. The attackers climbed onto the roof, managed to destroy part of the dome, and raised the Israeli flag.

On June 15, 2006, during the celebrations for the Jewish festival of Lag Ba'omer, a group of Jewish men, women, and children attempted to set the mosque on fire. The group piled wood and flammable items in the yard outside the mosque and set fires in an attempt to burn the mosque. The group attempted to set the door of the mosque on fire, broke a window, and threw burning logs into the mosque. The rioters also sprayed graffiti on the walls of homes close to the mosque, including the slogan "Death to the Arabs." The Arab residents of the neighborhood realized what was happening, called the police, and prevented the attempted arson.

After the first incident, the Galilee Police arrested three young Jewish men who admitted desecrating the mosque, but decided to release them after warning them "not to repeat their actions." As for the second attack, the police stated that they are still investigating the incident. None of those involved has been arrested.

The Municipality of Akka fenced and cleaned the mosque area. However, part of the fence was destroyed just a few days after its installation.

It should be noted that the Al-Manashiyeh Mosque is not used for prayers since the authorities refuse to permit the Muslim residents of the city to use the building. The Al-Aqsa Association intends to renovate and rededicate the mosque. Two and a half years ago, Jewish rioters attacked the mosque. The association renovated the building and sealed it to prevent further desecration.

August: Israeli Companies Undertake Excavation and Development Work on the Land of the Sarafand al-'Amar Cemetery

The village of Sarafand is situated to the west of Ramle. In 1948, the Arab inhabitants of the village were expelled and the Jewish community of Zrifin was established on the site. In recent years, the authorities have excavated the cemeteries in the village, covered them with sand, and laid turf over the leveled area, which is now used as a soccer pitch.

In August 2006, the Al-Aqsa Association for the Development of the Waqf Properties filed an urgent petition at the Supreme Court requesting that interim injunctions be issued against the Tenufot Zrifin company, the Israel Lands Administration, and the Israeli Antiquities Authority preventing any or all of them from continuing to undertake excavation or development work or to bring building materials into the Muslim cemetery in the village. The association also filed a petition against the National Authority for Religious Services asking that the representative of the Burial Department in the Prime Minister's Office be prevented from removing Muslim corpses and bones from the cemetery.

The petition was filed after a delegation from the Al-Aqsa Association visited the area and realized that the Israeli Antiquities Authority was desecrating the cemetery and trespassing on its land, excavating areas across the extensive area of the cemetery and

openly and clearly digging up graves. The delegation also found a large number of graves scattered across the ground, as well as the remnants of bones gathered in a mass grave including dozens of bodies. After the Antiquities Authority learned that the association had revealed the desecration of the site and was attempting to halt the excavations, they took rapid action to hide the excavation sites with sand and to remove evidence of the excavation work in order to expedite the plans of Israeli construction companies to build residential homes on the land of the cemetery.

The Al-Aqsa Association emphasized that the excavation of the graves and the removal of remains from the cemetery, which served the Muslim residents of the village until 1948, is contrary to Islamic law, which prohibits such actions and views the sanctity of a cemetery as eternal and unchanging.

The association also discovered that preparations have been made by Shlomo Fried, the representative of the Burial Department in the Prime Minister's Office, to transfer Muslim bodies and remains to another location. Once again, such an action is contrary to Islamic law.

On January 30, 2007, the Al-Aqsa Association reached an agreement with the Israeli parties to the dispute according to which the latter undertook not to establish buildings on the land of the cemetery now or in the future. On the basis of the agreement, the Supreme Court deleted the petition. However, the Al-Aqsa Association has reserved the right to petition the Court if the cemetery is again desecrated in the future.

The agreement was secured following the recent publication of a report by the Israeli Antiquities Authority noting that the graves in Sarafand al-'Amar Cemetery are Muslim graves from the Mamluke and early Ottoman periods.

June: Supreme Court Permits Israeli Companies to Build a Road on the Land of the Abandoned Beit Dajan Cemetery

The abandoned village of Beit Dajan lies to the southeast of Jaffa, approximately 9 kilometers from Jaffa along the road to Ramle. In 1945, the village had an area of some 4,330 acres and a population of 3,840. The village was occupied and destroyed by the State of Israel in 1948. Four Jewish communities were built on the land of the village: Beit Dagan, Mishmar Hashiva, Hamid, and Gannot. Remnants of the original village include several houses (which are now inhabited by Jews), two cemeteries, and two mausoleums built during the Islamic Mamluke period and the early Ottoman period (as is evident from the style of construction).

Approximately eighteen months ago, the Al-Aqsa Association discovered that the Antiquities Authority has been undertaking excavation work in the cemetery as a preparatory stage for the implementation of plans by Israeli companies to construct residential buildings and roads on the land. The association turned to the Magistrate's Court in Kfar Sava and to the Supreme Court in an effort to halt the work in the cemetery. On June 19, 2006, the association secured an interim injunction from the magistrate's court halting the excavation work in the cemetery. However, on January 31, 2007, the Supreme Court gave its final ruling in the case and the petition was rejected.

In its ruling, the Supreme Court stated that it had not been convinced that the graves discovered on the land of the cemetery are Muslim graves. It noted that it had received differing archeological opinions on this matter, only some of which tended to accept the assumption that the graves are Muslim. The Supreme Court was inclined to believe that this is not the case, and accordingly rejected the petition of the Al-Aqsa Association. This ruling effectively enables Israeli companies to continue the excavation work, lay roads, and establish residential buildings. The ruling enables the uprooting of Muslim graves and the obliteration of the cemetery without any regard for the sanctity of the dead or for Muslim sentiments.

It should be noted that during the court deliberations, the Al-Aqsa Association rejected the proposal by the building companies to transfer the graves to an alternative site. Since this is not permitted under Islamic law, the association demanded that the course of the road crossing the cemetery be replanned.

The graves discovered on the site are Muslim, as is clear from the method of burial. Moreover, the Antiquities Authority itself has acknowledged that the cemetery in the abandoned village of Sarafand al-'Amar is a Muslim cemetery from the Mamluke and early Ottoman periods, and that the villages were abandoned in 1948. Accordingly, it stands to reason that the cemetery in Beit Dajan is a Muslim cemetery from these periods.

November: Tiberias Municipality Desecrates Islamic Cemetery Destroying an Area of 100 Square Meters

In November, the Al-Aqsa Association discovered that the Municipality of Tiberias had desecrated a Muslim cemetery in the city known as the Al-Sit Sakina Cemetery.

Members of the association visited the cemetery and were horrified to find that several graves had been uprooted and an area of approximately 100 square meters had been leveled, on the northern side of the cemetery close to the Al-Sit Sakina prayer house. Clear evidence of graves could be seen scattered over the area. The members of the association noted that several graves had been destroyed and buried. They added that they saw debris from the construction of the adjacent road laying among the tombstones in the cemetery.

It should be noted that the Municipality of Tiberias seized part of the cemetery in the past for the purpose of extending the adjacent road. Moreover, several years ago Jewish groups took control of the Al-Sit Sakina prayer house and transformed it into a synagogue called "Rachel's Tomb." The prayer house has an area of approximately 281 square meters, including the sanctuary, two rooms, and an external courtyard.

December: Man Sentence to Nine Months Imprisonment for Throwing Pig's Head at Hassan Bek Mosque

In August 2005, two Jews threw a pig's head at Hassan Bek Mosque in Tel Aviv. The pig's head was wrapped in a Palestinian kaffiyeh and bore the legend "Mohammed." The incident aroused fury among Muslims in Israel, and particularly in nearby Jaffa, and was seen as part of a series of attacks against Arabs and Muslims in Israel.

At the time, the police arrested two Jewish citizens, Shimon Ben Chaim (35) and Victoria Steinman from Tel Aviv. The IDF radio station reported that the two suspects told the investigators of their hatred for Arabs and stated that they committed the attack in an effort to halt the planned Disengagement Plan and the Israeli withdrawal from Gaza. The two attempted to commit a further attack a week later but were arrested.

In December, the Tel Aviv Magistrate's Court convicted Ben Chaim and Steinman of launching the attack on the mosque. Ben Chaim was sentenced to nine months in prison. Victoria received a two-month sentence commuted into community service.

List of House Demolitions and Delivery of Demolition Notices

Date	Area/Village	No. of Houses	Details	Comments
Jan. 17, 2006	Al-Batal	3 shops 1 house	Ahmad al-`Athaiqah, 34, married + 5 children	Some 30 police vehicles participated. It was raining heavily at the time and very cold.
Jan. 17, 2006	Abu Talul	1 shop 1 house	`Udah Abu Sulab Abu Nassar family	
Jan. 17, 2006	Hura	1 house	Khalil al-Hawashlah, married + 4 children	
Feb. 27, 2006	Um Matnan	5 houses	3 brothers from the Al-Kashkhar family (Nasser, `Ali, `Aid) – 30 people live in the houses	
Feb. 28, 2006	Abu Talul	30 demolition notices delivered		Interior Ministry officials were accompanied by a large police presence
March 1, 2006	Al-Sar	70 demolition notices		Interior Ministry officials were accompanied by a large

		delivered		police presence
April 5, 2006	Tarabin al-Sana`	70 house demolition notices delivered		Action intended to convince villagers to move to the new village south of Rahat
April 6, 2006	Al-Sid	Demolition notice delivered to the village mosque		The notice was delivered approximately one week after the mosque was completed
April 25, 2006	Hura	Delivery of demolition notices	Members of the al-`Uqbi tribe	Officials from the Interior Ministry's Building Inspection unit were accompanied a large police presence. The residents opposed the delivery of the notices. The police arrested `Ahed and Nahed al-Batal.
May 10, 2006	Al-Za`arurah	2 houses	Usama Faraj Abu Jodah; his home was demolished one week before his wedding	Forces surrounded the area on all sides and imposed a complete curfew on the tow houses. The bulldozers destroyed the houses to rubble in full view of the crying women and children .
			`Awad-Allah Mohammed Abu Jodah, married + 4 children; his wife was pregnant at the time	
May 10, 2006	Al-Bahirah	1 house	`Adal `Udat	
May 17, 2006	Shuqeib al-Salaam	1 commercial building		
	Um Ratam	1 house		
	Bir al-Mashash	4 houses		
May 18, 2006	Al-Ziadnah	15 demolition		Interior Ministry inspectors accompanied

		notices delivered		by a large police presence posted 15 demolition notices on homes in the village. Some of the villagers opposed the delivery of the notices and a confrontation developed with the police. Three residents were injured by the police: `Abd al-Rahman Yunas al-Ziadhah, 31; his brother Tawfiq Yunas al-Ziadhah, 22; and their father, Yunas al-Ziadhah, 60, who was rushed to Soroka Hospital after suffering a heart attack following the confrontation with the police.
May 24, 2006	Abu Talul	2 houses	Hamid al-`Amrani, married + 7 children, two of whom are disabled and require constant care	
		1 house	The mother of Hamid al-`Amrani is unwell and was released from hospital a few days before the demolition	
May 24, 2006	Wadi al-Sar	1 house	Raiqah Abu `Ayash, 30, a widow and mother of 8 children, the oldest of whom is just 14. Her husband died of a heart attack last year.	

June 7, 2006	Bir al-Hamam	2 houses		
July 3, 2006	Al-Atrash	Demolition notice delivered to one house	Yusuf al-Atrash	Yusuf's daughter Inas suffers from cancer and her survival depends on medication that must be kept refrigerated. The family petitioned the Supreme Court in the past asking that their home be connected to the electric grid, but the petition was rejected. The family obtains electricity for a few hours a day by means of a generator. ²⁶
June 6, 2006	Suyuyan	2 houses	Farhan al-Nabari and Yunas al-Nabari	
	Al-Laqqiyah	6 buildings	Faras al-`Abeid	
July 30, 2006	Al-Zarnuq	1 building supplies store	Thirteen families depend on the store for their livelihood	The court issued a ruling ordering the owner to demolish the business by August 14, 2006
July 31, 2006	Atir Junction, close to the village of Hura	5 buildings	3 tin buildings, each with an area of 25 sq.m., situated adjacent to the Military Industry site. No-one lived in the structures, which belong to `Ayad al-Kashkhar from the village of Um Matnan	The National Building Inspection Unit, accompanied by a large police presence.
			1 building with an area of 80 sq.m., home to the family of	

²⁶ See HRA report, *On the Margins: Annual Review of Human Rights Violations of the Arab Palestinian Minority in Israel 2005* (June 2006).

			Sabar Mafdi Abi Sabit from the village of Bir al-Mashash	
			1 building with an area of 120 sq.m., uninhabited	
August 16, 2006	Bir Hadaj	2 buildings	Nasser Abu Basmah and `Udah Abu Habiq. The buildings, with an area of 120 sq.m. and 200 sq.m., were uninhabited.	National Building Inspection Unit accompanied by a large police presence.
	Hura	2 buildings	Owned by Mohammed Marihil al-Nabari, 50; buildings had an area of 180 sq.m. and 100 sq.m.	
August 30, 2006	Al-Tawil	6 houses	Houses belong to: `Azam al-Talalqah (father of 4); Ibrahim al-Talalqah (father of two); Mohammed `Ali al-Talalqah (father of 8); Yusuf al-Matawa` al-Talalqah (father of 9); Mohammed Matawa` al-Talalqah (father of 5); and Yunas `Azam al-Talalqah (father of 6).	Interior Ministry officials accompanied by a large police and Border Guard presence overturned the contents of the homes, leaving the families under the burning Naqab sun. The youth Yaser `Aqil al-Talalqah was assaulted and injured by the police.
Sept. 6, 2006	Hura	7 houses	Houses belonged to: `Abdallah Ahmad al-Na`amiy (38), father of 10	
			Yusuf Ahmad al-Na`amiy (36), father of 9 children. His son Mohammed (7) has leukemia and is hospitalized in Beersheva.	
			Mohammed Ahmad al-Na`amiy (24), father of 7	
			Khalil Hamad al-Na`amiy	

			(73)	
			Sami Abu Khatab, father of 7	
			Ayub Abu Habinan (25), father of 3; his fourth child was born two days before the demolition	
			Mohammed Abu Habinan (73), father of 4	
Sept. 7, 2006	Al-Sarah	Demolition notices delivered to all the homes in the village		
Sept. 14, 2006	Al-Fara`ah	2 houses	Yusuf Qabu`ah	Israel Lands Administration, accompanied by dozens of police, blocked all the entrance to the village before the demolition began.
	Um Ratam	1 house	The owner of the house fainted as he watched his home destroyed.	
	Um Matnan	1 house	Owned by a member of the Abu `Asibah family	
	Al-Rahiyah	1 house	Member of the Al-Huzail tribe	
Sept. 15, 2006	Al-Sarah	Demolition notices delivered to 45 houses		
	Wadi al-Mashash	Demolition notices delivered to 30 houses		
Oct. 30, 2006	Al-Tawil	3 houses		
Nov. 1, 2006	Al-Kseifah	3 houses		
Nov. 23, 2006	Abu Qarinat	Demolition notices delivered to 17 homes and		The orders were issued on the pretext that the buildings were constructed without
	Um Ratam			
	Qasar al-Sar			

		businesses		permits. The true reason for the demolition is that a gas pipeline from Ramat Hovav to Dimona is due to pass through the area of the houses.
Dec. 6, 2006	Al-Tawil	17 houses	Al-Talalqah family	After the houses were demolished, the villages decided to rebuild them with the help of volunteers. The homes were duly rebuilt. On Dec. 21, 2006, the police arrived and delivered demolition notices for the houses; the police officers used violence against the villagers.
Dec. 12, 2006	Um Matnan	5 houses	4 houses belonging to the al-Kashkhar family 1 house belonging to Hamad Talab Abu `Ashibah (23)	

