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## Who are we?

Since its inception over 42 years ago, the Jerusalem Legal Aid and Human Rights Center (JLAC) has formed a specific and specialized niche for itself; that of rendering legal aid to vulnerable communities in combating human rights violations. JLAC has since become a key and major player in certain interventions; undertaking pro-bono legal cases related to house demolition, forced displacement, land confiscation, and more recently settler violence.

Without JLAC's services, victims would face costly private sector fees compelling them to forfeit their claims. JLAC, more recently, has coupled its legal aid rendered to individuals with; public interest cases, legal reform, community awareness, advocacy, among other interventions.

## Our Vision

A free Palestinian society in which human dignity is valued and secured.

## Our Mission

To combat all forms of human rights violations regardless of perpetrating authority, through; facilitating access to justice, lobbying and advocacy, mobilizing social capital, and high professionalism.

## Human Rights Overview

During the first half of 2016, Palestinians witnessed further deterioration in their political, economic and social conditions, both in relation to the Occupying Power and the Palestinian Authority. On the political level, Israel, the settler and colonial regime that it is, has continued in its effort to install permanent control over the Palestinian territories, neglecting the legitimate national rights of the Palestinian people. More recently, Israel has started discussing publicly its intentions of "ethnically cleansing" area C (60% of the territory of the West Bank) and annexing it to Israel. The government is deliberately issuing discriminatory laws and attacking the Israeli judiciary system, human rights organizations and even Knesset members who oppose or do not support the occupation strongly enough. Also targeted are all peaceful, non-violent and legal forms of resistance. The Israeli government has also increased measures against Palestinian prisoners and has limited the rights of Jerusalemites. Indeed, large segments of the Palestinian society are affected by intensified measures of collective punishment by the Israeli political sphere. These actions include settlement expansion, withdrawal of Jerusalemite IDs and displacement of Jerusalemites who have participated in the recent clashes, authorization given to the Army to shoot at stone throwers, intensification of demolitions based on lack of permits, withholding the bodies of victims of extra-judicial killings, and the withdrawal of working permits of Palestinians who work in Israel.

Many Palestinians, human rights organizations, and political institutions all believe that international recognition, the ratification of International Conventions and the accession to the Rome Statute will serve to deter Israel from committing extra-judicial killings, demolishing homes, among other offences. Understandably, Palestinians were surprised when an Israeli was elected as chairman of the UN Legal Committee by a large majority. More astonishing yes, was the biased report of the Quartet, which brought the end of Israel's political isolation as an Occupying Power. The incidents that detonated last October and continued through the beginning of 2016, are indicators of what can be generated when hope is lost. JLAC reiterates that the intensified hopelessness of the Palestinian people in the political sphere will have devastating consequences, which would not only affect the Palestinian society.

Lieberman, leader of Yisrael Beiteinu political party and the Defense Minister of Israel, whom is mandated with overseeing the Israeli Civil Administration (ICA) in the West Bank, has employed the ICA as a tool for implementing discriminatory decisions. Settlers' organizations enjoy a status that allows them to use the judicial system and the Supreme Court towards legitimizing violations directed towards the Palestinian people. Such has led to increased demolition, land confiscation, and displacements. The system has also succeeded in the acquittal of murderers (such as those responsible for the death by burning of the Dawabsheh family) and attempts to exonerate those who lynched the child Abu Khudair. Moreover, settler organizations stand alongside soldiers accused of killing Palestinians, even when they did so in violation of their military instructions. Settlers are working in a more organized manner within the large space allotted to them in attacking Palestinian citizens and their property; cutting off roads and shutting down vital intersections in the West Bank towards disturbing the lives of Palestinians. In this context, the Israeli army is evading its duty to conduct serious investigations into the killings carried out in cold blood, without real justification, at checkpoints (among other places). Even in cases where the Army admits it's wrongdoing, it has not responded to request of lawyers to receive information regarding legal proceedings.

## Significant increase in demolitions and demolition orders:

Within these six months, Israeli authorities have demolished 522 houses, agricultural and commercial facilities; a figure equivalent to what was demolished during the entire year of 2015. During this same six months, 444 stop work/ demolition and displacement orders were issued in Jerusalem and Area C of the West Bank. JLAC adopted a total of 163 demolition and displacement cases, amounting to approximately 40 percent of the total orders (see Table: Summary of Cases Undertaken during Reporting Period, page 4). The increased workload has placed additional burdens and pressures on JLAC's staff, requiring recruitment of more personnel and additional logistical capabilities. Thus, overall administrative expenses have increased.

The views expressed in this publication do not necessarily reflect the views of the European union



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## Case Study

# Jaba' Bedouin community July 12<sup>th</sup>, 2016

Jaba' Bedouin community is located near the village of Jaba' North East of occupied Jerusalem, near the settlement of "Adam". The Bedouin community is situated on an owned land (for which property tax is paid) and purchased from Jaba' residents, it includes 27 families, with a total population of 250 people distributed over 30 establishments among which are 12 cement and stones houses and the rest are made of tinplates. Residents of this community are from Al-Ka'bneh, A'ra'rah and Mleihat who have been living in this location since they refuged from Tal A'arad town near Beersheba in 1948. It is part of Jerusalem governorate and its official transactions are issued in Al-Ram. The community has a fixed location and its residents do not migrate except for the family of the Mukhtar Daifallah who move the livestock to Al-Kassarah area during the winter. The community has a primary school of 60 students (both males and females), as for the secondary school students, they are obliged to go to the neighboring village of Jaba' to continue their secondary education. The students suffer difficulties of reaching to the school do to the lack of paved streets in addition to the risk of crossing the main street cutting their community in half, which forces them to go through a sewerage pipe under the main street, and they suffer more during the winter because the sewerage pipe is filled with rain water.

Daifallah A'ara'rah, the Mukhtar of the A'ara'rah tribe within the community, who finished his secondary education from Al-Ibrahimiyyah school in Jerusalem in 1969, after which he received his B.A. in history from Ber Zeit University in 1975, states that the community suffers many issues, including the frequent settlers and Israeli occupation forces' assaults. The occupation forces deliberately storms into the community searching the housings in addition to issuing 12 demolition orders of establishments. There is also the issue of the wall being close to the community, which with its closure, the grazing areas have shrank, as the wall guards prevent the residents from getting close to the wall and its surrounding area and it also prevents geographical connectivity to Jerusalem city. The residents suffer from water issues which exacerbated following the construction works on the main street which resulted in cutting water lines supplying the location. Since then, water authority have been refusing reconnecting the water lines with the excuse of accumulated debts of the community, and the residents now try to obtain water using mobile tanks. The people also suffer the lack of a health center, forcing the ill to reach Al-Ram, North of Jerusalem for treatment.

In the middle of March, the civil administration and because of their construction works on the road leading to Givat Benjamin settlement near Jaba' have isolated the community, preventing cars from reaching to it and making passing on feet very dangerous specially for children, especially after the contractors announced their intention to close the only tunnel connecting the community to the village of Jaba'. Moreover, and due to the expansion works, the civil administration has cut off the water lines feeding the community, creating a real humanitarian crisis because of depriving the community from

acquiring one of the most important elements of life which is water, which is part of a systematic plan for displacing the community forcefully.

**The Jerusalem Legal Aid and Human Rights Center have followed up on this file on two levels:**

### - The legal level:

- The issue of isolating the community: through various correspondences with the civil administration illustrating the illegality of isolating the community and closing the only road leading to it. The civil administration's response came through following a group of correspondences, stating that they will work on finding an open road connecting the community to the main street.
- Cutting water supply: legal memorandums have been addressed to two authorities responsible for cutting water supply:
  - Jerusalem and Ramallah Water Undertaking: as the company has cut the water supply from the community with the excuse of accumulated debts and bills. A memorandum was addressed to them that clarifies the legal problem in cutting the water supply and urges them to adhere to the Cabinet's decisions regarding the importance of enhancing the steadfastness of and supporting the marginalized areas, particularly Bedouin communities in Area C.
  - The civil administration: a group of correspondences has been addressed to the civil administration clarifying their responsibility for cutting the water supply and the urgency of providing it again to the community. The response of the civil administration was that they will facilitate for the community to acquire water, by providing water pipes network under the condition, the undertaking company to do the provision (which is the concessionaire in that area).
- The level of lobbying and advocacy: the center conducted a group of activities and communications to raise the issue of isolating the community such as:
  - A media tour: a tour for media and press has been organized to shed a light on the issue. Journalists representing different media outlets participated in this tour including a representative from the negotiations affairs department.
  - Local radios have been contacted to urge them to raise this issue (specially the part related to the Water Undertaking Company). Radio 24 FM was one of the radios that complied, by allocating part of a morning program specially to discuss this issue (through which the Mukhtar spoke live).

## What are punitive demolitions?

A 1945 law issued during the British Mandate of Palestine (Article 119 of Emergencies Systems) vested the military commander of the occupied West Bank with the jurisdiction to issue house demolition orders against anyone who commits a severe, dangerous or serious violation. According to the article, the military commander can issue demolition orders for the homes of Palestinian families whose family member or resident threatened the interests of the Occupation and its soldiers.

The application of punitive demolitions is being done so without investigation into the alleged crimes of those extra-judicially executed, without allowing for due process/ objection to the demolition, and solely as a form of collective punishment for the families and community at large. Such raises serious concerns and fears in terms of violations of Articles of the Fourth Geneva Convention, such as those banning forcible transfer (i.e. article 49) and the destruction of private property (Article 53). It also raises serious concerns regarding its violation of existing international conventions on human rights, which Israel has ratified, such as article 17 of the International Covenant on Civil

and Political Rights [The right to privacy, whereby no one shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, or to unlawful attacks on their honor or reputation], and Article 11 of the International Covenant on Economic, Social and Cultural Rights [The right to an adequate standard of living].

The Israeli establishment in its entirety, including the judicial system as represented by Israeli courts, has refused all allegations that punitive demolitions violates international humanitarian law and that it may serve to deter violence.

Since the beginning of 2016, Israeli forces have demolished over 15 houses. These houses belong to families whom have had a member accused by the military of attacking soldiers or settlers in the West Bank or in the lands occupied in 1948. Additionally, a number of other families have received written orders to demolish their homes, in violation of international covenants of human rights.



# Israeli Laws and Regulations

## Violations of Rights of the Palestinian People

Recently, Israeli legislative authorities initiated the process of issuing new laws and regulations that would contribute to furthering the oppression of the Palestinian people. As an Israeli scholar said, Israeli legislation is a reflection of Israeli discrimination, which is on the rise. One example of such discriminatory regulations is the new proposed law (in June 2015) calling for the execution of Palestinian prisoners. JLAC believes that it is essential to continuously review new laws adopted by the Israeli Knesset, as well as those proposed to the Knesset by its members and the governmental cabinet.

### Force-feeding of Prisoners on Hunger Strike:

In June 2015, the Israeli government approved a proposed law that would allow the Israeli occupation forces to force-feed Palestinian prisoners on hunger strike. The Knesset approved the law in late July 2015. This law is regarded as one of the most dangerous laws which threaten the lives of prisoners on hunger strike. The law is deemed as immoral and a form of life-threatening torture that contradicts medical and professional norms, as per the International Red Cross and the International Physicians Union. It's also worth mentioning that the Israel Medical Association has banned this law, and considers force-feeding as torture with resulting health threats.

### Increasing Minimum Penalties and Imprisonment for Stone Throwers

In July 2015, the Israeli Knesset passed (after a third reading) a law that allows imposing sentences up to 10 years for those convicted of stone throwing, even without proving their intent to cause damage. The law described throwing stones as a crime, and addressed it on two levels: 1) sentencing stone-throwers to a maximum of 10 years in prison without the need to prove the intent to kill, and 2) the crime of stone throwing with the intent to kill which can be sentenced up to 20 years in prison. The Israeli government approved the law in October 2015. Within the same context, the Israeli Knesset approved in November 2015, a law that sentences stone throwers to 2-4 years in prison, revoking national insurance of Jerusalemite prisoners and forcing them to pay compensations to affected Israelis.

### Prosecution of Children under 14 Years Old:

The Israeli Knesset approved in November 2015 a law that allows the prosecution and incarceration of children under 14 years old. The law mainly affects Palestinian children under the Israeli Civil Juvenile Law, particularly Jerusalemite children. The law states that courts can prosecute children starting at the age of 12, while the actual imprisonment would start after they reach 14 years old. Thus the age of liability is 12 years old, during which a child can be arrested, interrogated and once convicted can be sent to a closed juvenile institution until the age of 14.

### The "Muzzling" bill:

When it comes to draft bills, the Minister of Justice Ayelet-Shaked has initiated the "verification bill", also known as the "muzzling bill", which prosecutes Israeli organizations (mainly left wing organizations) that defend Palestinians' rights. This draft bill, if adopted, will force Israeli organizations to declare any foreign funding, by written or oral notification, detailing its sources, objectives and means of expenditure. This bill doesn't intend to monitor the transparency of those organizations, but it aims at limiting those organizations' actions against violations perpetrated by Israeli authorities on either side of the green line. It's also worth noting that this bill will apply to Palestinian organizations in Jerusalem and Israel.

### Anti-BDS Law:

In April 2015, the high court declined a petition against the Anti-BDS Law that passed in 2011, in turn, approving the criminalization of any person who posts a general invitation to boycott the state of Israel (which might lead to an actual boycott of the state of Israel). Based on this definition, the law applies to all those who publicly share an invitation or a call to boycott. Such can include signing a petition or a statement on mass media. In court, a segment of the law was passed to facilitate the opportunity to demand compensation for damages incurred by boycott, by enabling the Israeli Minister of Finance to impose financial penalties against any person who calls for the boycott of Israel. However, the court disregarded the segment of the law related to enabling the prosecutor to demand compensation for incurred damage without having to provide evidence to this effect.

### Expulsion Law:

The Expulsion Law is one of the latest discriminatory laws that reveals Israel's true nature. This law targets Arab Parliamentarians, as it allows the expulsion of any parliamentarian accused of inciting racism or supporting armed resistance against Israel (if backed by 90 parliamentarians). The expulsion process may begin when 70 out of the 120 Knesset members have signed the application, 10 of whom must be from the opposition. In return, the expelled Knesset member preserves the right to address the court with an appeal against the decision of his/her expulsion. This law undermines the principle of democracy and respect of minorities. It is worth mentioning that this law mainly targets Arab parliamentarians, delegitimizing them and striking the Arab representation through lifting their immunity. Unfitting of a democratic system, the expulsion is also achieved without a court. It should be noted that efforts on this law started last February, under a Netanyahu initiative following a meeting held by parliamentarians representing the National Democratic Alliance (BALAD) with the parents of recent victims of extra-judicial killings (many of whose bodies remain in Israeli custody to this day). The meeting resulted in the Prime Minister and his Ministers considering the parliamentarians supporters of "terrorism".

## Project's Progress

### “Protection of Marginalized Palestinian Communities in East Jerusalem and Area C of the West Bank through Legal Aid, Outreach and Advocacy”

- A kick-off workshop was held for JLAC's project staff and key staff from CAFOD between the 5th-8th of June 2016. The objective of this workshop was to bring the entire project team together to collectively discuss the EU's regulations and obligations, and to finalize all preparations therein. Topics covered during the workshop included; financial regulations and compliance, supply chain management, monitoring & evaluation, visibility and communications, budget and financial reporting, narrative reporting and general conditions of the contract. etc. The Workshop equally focused on advocacy training as to build the teams capacity in preparation for advocacy related activities.
- Provision of 86 individual legal consultations (60 in the WB and 26 in EJ) in Ramallah, Jerusalem, Qalqilya, Nablus and Salfet offices.
- Adoption of 5 individual cases in EJ (4 family reunification and 1 social insurance)
- Adoption of 5 individual cases in West Bank (3 house demolition and 2 confiscation of equipment)
- Two community awareness sessions in the West Bank; in Froush Beit Dajan, Nablus governorate (12 participants), and Jayous village, Qalqilya governorate (28 participants).
- One community awareness session in East Jerusalem at Shu'fat women's club in Shu'fat camp attended by 13 women and addressing social and economic rights (ie. national insurance, ID confiscation, family reunification, child registration).
- Provision of 5 legal consultations to NGOs and local councils (Aqraba, Froush Bait Dajan, Fasayel al Tahta, Yasouf, Jaba' Bedouin community).
- Weekly legal mobile clinic visits to Tubas, Qalqilya and Nablus, with lawyers providing needed legal consultation to over 240 beneficiaries.
- Meeting with DFID and FCO ministers with Palestine Platform; CAFOD staff attended a meeting with the UK Department for International Development (DFID) and Foreign and Commonwealth Office (FCO) Ministers on Tuesday 12th July in London. Input from CAFOD's partners was sought and JLAC provided a statement of recent concerns around legislative developments, punitive house demolitions and the annexation of prime Palestinian land. Other issues of concern to CAFOD partners (both Israeli and Palestinian) which were raised at the meeting include the narrowing of civil society space in Israel, the passing of the 'NGO law' the purpose of which appears to be the silencing human rights defenders, and the worsening situation in Gaza and lack of accountability.



**You have been to us a paradigm of altruism, and your transparent soul has enlightened us to take less than we deserve.**

**We will preserve your legacy...**

On July 26th, 2016, another Palestinian progressive knight dismantled the horse of social justice after a journey for the cherishment of his homeland and people. He sacrificed his life in the sphere of education, social and political struggle in order to ensure justice for his people and human kind.

Tayseer has left us early... He spent years of service as physics professor at Birzeit University. He retired from education this year and his goal was to focus on research, since he believed that the only way to quench the fierce fire of intolerance, reactionism, and terrorism is through protected political mindsets and a society that is based on social justice.

He strove to establish a democratic, national, progressive and secular political movement to break through the dichotomy of Fateh and Hamas, and to create a sociopolitical balance based on his deeply seated belief in our people's right to a third option as an alternative to the current situation of despotism and corruption.

Tayseer made his exit after a long life brimming with resistance, sacrifice and determination. During his life he did not surrender our people's right to return and yearning for independence; moreover, he advocated for Palestinians' social and national rights. He had embraced struggle from an early age, and went on to hold prominent leadership roles. He played an important role during the First Intifada; as a result, the Israeli Occupying Authorities detained him and exiled him from August 1988 until 1994, when the PLO and the Government of the State of Israel arrived to an agreement. He was detained several times; with one of the detentions being one of the longest administrative detentions of that period of time. He spent a total of five years in Israeli prisons. Moreover, Amnesty International championed him as a prisoner of conscience. He was a member of the Central Council and National Council of the PLO.

Tayseer Arouri served in the Jerusalem Legal Aid and Human Rights Center – JLAC's General Assembly, and most recently, as the chairman of the Board of Directors.

Due to Tayseer's eagerness and integrity, the center witnessed a qualitative and significant transformation during his term. He carefully read every single paper issued by the center, commenting and amending when necessary. He monitored the center's financial transactions. In addition, he strengthened the relations between the center's executive team and the Board of Directors towards enhancing the principles of transparency and good governance. In regards to accountability, he focused on



impact and results. He also opposed and rejected any duplicate, unnecessary and expensive formalities, thus preventing needless expenses. Hand in hand with other members of the Board of Directors, he reduced salary gaps and adopted a minimum salary that guarantees a decent standard of living. More importantly, under his leadership, the board of directors engaged in issues of public interest to face monopolies, to defend small-scale producers and poor consumers. Based on the needs and aspirations of the poor and marginalized groups he devoted his life to the defense of human rights.

The center misses you and your friend Atef Sa'd, a board of director who left us July of last year.

Just as suns never die and lighthouses never wane, so will your legacy!

We will sustain your great efforts and will continue to walk your path.