

INSIDE ADALAH

“The Legal Center for Minority Arab Rights in Israel”

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EXECUTIVE SUMMARY

Adalah, an Israeli-registered non-profit, non-governmental organization, claims to work on behalf of the human rights of Israeli Arabs. Many fair-minded persons – eager to see equitable treatment for Israeli Arabs within Israeli society and lacking information on how Adalah and the New Israel Fund operate – support the work of this organization..

Buried within its stance as a non-partisan human rights organization, is the agenda of Adalah:

Highly partisan and deeply politicized, Adalah seeks to delegitimize Israel and ultimately to destroy it as a Jewish state.

Utilizing rhetoric that echoes the positions of radical Palestinian groups, it:

- exhibits a total failure of objectivity
- willfully misrepresents facts
- levels unfounded and highly pejorative charges against Israel
- defends groups and individuals that are sworn enemies of Israel or have connections to these enemies

Advancing a position founded on a spurious claim of the collective (as versus individual) human rights of Israeli Arabs, Adalah promotes the position that the Jewish nature of Israel is inherently discriminatory. Thus, it has proposed a constitution for Israel that would strip away Jewish components and permit the “return” of Palestinian refugees.

In the course of its work, Adalah issues press releases, petitions the courts of Israel and makes presentations to international bodies. Most egregious has been its active participation in the Durban I Conference of 2001, which deteriorated into a forum for vituperious Israel-bashing; Adalah will be participating in the run-up to this conference, scheduled for April 2009.

In various venues – including Durban – Adalah has charged or participating in charging Israel with:

- grave breeches of international humanitarian law
- war crimes
- willful killing
- racism
- apartheid
- ethnic cleansing

<u>EXECUTIVE SUMMARY.....</u>	<u>3</u>
<u>BASIC DESCRIPTION.....</u>	<u>5</u>
<u>Financial Information.....</u>	<u>5</u>
<u>Stated Goals and Practices.....</u>	<u>7</u>
<u>ADALAH'S AGENDA</u>	<u>8</u>
<u>Broad-based Arab advocacy of a political and partisan nature.....</u>	<u>8</u>
<u>Political and partisan regarding Israeli Arabs.....</u>	<u>11</u>
<u>The Northern Branch of the Islamic Movement in Israel.....</u>	<u>11</u>
<u>Blatantly political positions.....</u>	<u>12</u>
<u>UNDERMINING ISRAEL.....</u>	<u>14</u>
<u>Constitution.....</u>	<u>14</u>
<u>Advocating a Palestinian state.....</u>	<u>14</u>
<u>“Right of return” issue.....</u>	<u>14</u>
<u>Eliminating Jewish nature of State.....</u>	<u>15</u>
<u>PARTICIPATION IN DURBAN CONFERENCE.....</u>	<u>16</u>
<u>Preparatory Meetings.....</u>	<u>16</u>
<u>February 2001</u>	<u>16</u>
<u>May 2001.....</u>	<u>16</u>
<u>May - August 2001</u>	<u>17</u>
<u>July – August 2001.....</u>	<u>17</u>
<u>Follow-Up.....</u>	<u>17</u>
<u>CRITIQUE and ANALYSIS.....</u>	<u>18</u>
<u>Political agenda: Delegitimization of Israel.....</u>	<u>18</u>
<u>Challenging Israel as a Jewish State</u>	<u>19</u>
<u>Unspoken but crucial: the core struggle of Arab Israelis.....</u>	<u>20</u>
<u>Identity conflict.....</u>	<u>20</u>
<u>Destructive paradigm.....</u>	<u>20</u>

BASIC DESCRIPTION

Adalah, founded in November 1996, describes itself¹ first as “an independent human rights organization,” and then as a “non-partisan legal center.” Israeli-registered, non-governmental, and non-profit, it claims that it “serves the Arab citizens of Israel” and “works to protect human rights in general, and the rights of the Arab minority in particular.”

The organization’s main office is in Haifa (sometimes referred to in Adalah literature as *Shafa’amr*), with a satellite office located in Beersheba (in Adalah literature listed only in Arabic as *Beer El-Sebe*).

Founder Hassan Jabareen serves as General Director.²

Fathiyya Hussein is Administrative Director.

Co-founder Rina Rosenberg fills the position of International Advocacy and Development Director.³

As the organization’s focus is primarily legal, its staff of 21 consists in the main of legal personnel. Its seven-person Board of Directors is selected annually,⁴ and is called on to meet every six weeks to discuss policy. A General Assembly – comprised of some 50 people experienced in issues of law and human rights⁵ – meets once a year to review the annual report and approve new Board members.⁶

Financial Information

On its website,⁷ Adalah lists (in the order below) the following organizations that provide funding for its work:

Ford Foundation (US)

NOVIB (founded in the Netherlands, now part of Oxfam International)

EED (Church Development Service, Germany)

Open Society Institute Development Foundation (Founder George Soros, ,US)

New Israel Fund (US-based; offices in Israel, Canada, UK, and Switzerland)

European Commission

Federal Department of Foreign Affairs – Switzerland

Naomi and Nehemiah Cohen Foundation (US)

Foundation for Middle East Peace (US)

Christian Aid (UK)

Welfare Association (Swiss NGO dedicated to Palestinian assistance)

According to information provided by Rina Rosenberg,⁸ who oversees development, the 2008 budget for Adalah is \$1.3 million.

The matter of funding for Adalah, however, is complex and lacking in transparency.

Rosenberg has stated⁹ that the New Israel Fund has given the same grant to Adalah for the past 12 years: \$65,000 per year.

Additionally, the New Israel Fund serves another role for Adalah: For those in the US, Canada or the UK wishing to make a tax-deductible donation to Adalah, NIF addresses are provided on the Adalah website. NIF, which has tax-exempt status in these countries, serves as a conduit for these funds – with donors told to mark checks as “donor-advised to Adalah.”

While processed by NIF, these monies are not reflected in the allocations to Adalah provided annually by NIF via its own budget. Rosenberg said¹⁰ that some “\$5,000 to \$10,000 per year” comes to Adalah in this fashion

The financial statement and auditor’s report for Adalah for December 31, 2007,¹¹ lists money received from NIF for 2006 as \$69,946 and for 2007 as \$69,646.

These amounts, according to the financial statement, each represent the \$65,000 donation from NIF and a tally of the “donor advised” gifts for the year. This was confirmed by Rina Rosenberg.¹² When queried as to the closeness of the two amounts – i.e., the fact that the tally of all the money from donors in the US, Canada and the UK who gave via NIF to secure tax deductions was the same within \$300 for two years running – she replied “It happens.”

Yet the financial records of NIF do not reconcile with this information. NIF Annual Reports indicate that:

In 2007, \$105,396 was authorized for Adalah¹³ and in 2006, \$429,746.¹⁴

While Adalah lists the Ford Foundation as a donor, the Ford Foundation has no record on its website or in annual reports of donations provided to Adalah. The last gift to Adalah – for “legal activities” – from the Ford Foundation directly shows up in the Ford Foundation Annual Report of 1998. This was for \$480,000.¹⁵

The Ford Foundation, however, has a “partnership relationship” with NIF. This was renewed in September 2007, when FF provided \$20 million to NIF for dispersal: NIF serves as a conduit for the FF funds – dispensing FF money that is separate from allocations from its own budget. The Fund is managed by Aaron Back, who is listed on the NIF 990 tax form for 2006¹⁶ as an independent contractor.

Rina Rosenberg reported¹⁷ that the Ford-Israel Fund gift for 2008 is \$200,000. The Adalah Financial Report for 2007¹⁸ indicates that \$200,000 was allocated from the Ford-Israel Fund \$200,000, and in 2006, \$130,000.

The NIF 990 tax return for 2006, however, indicates that Adalah was granted \$360,000 for that year from the Ford Fund.¹⁹

Stated Goals and Practices

According to its own material, the approaches utilized by Adalah in attempting to reach its stated goals of achieving “equal individual and collective rights for the Arab minority in Israel” include:

- Bringing cases before Israeli courts and state institutions
- Advocating for relevant legislation
- Providing legal consultation to individuals and organizations
- Organizing seminars and publishes reports
- Training legal apprentices
- Appealing to international institutions and forums to promote rights of Arabs in Israel

Adalah files petitions to the courts, advances lawsuits and appeals, files complaints to the police and “demands compliance” of government ministries. Adalah provides “legal commentary on proposed and pending Knesset bills to NGO advocacy coalitions and staff of Arab MKs” and “provides legal consultation to numerous Arab public institutions, NGOs, student committees and individuals.”

Additionally, Adalah submits briefs and reports to international organizations, most notably to the UN and the European-Mediterranean Human Rights Network, as well as to organizations such as Christian Aid.

ADALAH'S AGENDA

A surface acquaintanceship with Adalah – or a casual reading of Adalah literature – lends the impression that Adalah is doing the admirable work of securing fair treatment for the Arab citizens of Israel. And, indeed, some of the efforts of this organization are directed towards this goal.

- Adalah, for example, participated in petitioning the Ministry of Education and the municipality of Haifa for the establishment of an Arab school for the arts.
- Similarly, Adalah called for the establishment of a technological education center for Arab students who had dropped out of high school in the town of Tamra.
- In a different vein, Adalah filed a petition against the mayor of the town of Mazra'a, claiming that the recruitment for the position of Council Secretary was done through a closed bid that excluded Arab residents of the town.

But such issues represent but a fraction of the focus of Adalah. A great deal more is involved here.

Several tendencies become readily apparent when the work of the Adalah staff is reviewed:

Broad-based Arab advocacy of a political and partisan nature

Adalah – which represents itself as “the legal center for minority Arab rights in Israel” – in fact does not speak only for Arabs who are Israeli citizens. Adalah also files briefs and petitions on behalf of the Palestinians in Judea and Samaria, and in Gaza.

Most recently, during the Israeli military action in Gaza, Adalah took positions that supported the worst of fallacious charges regarding Israeli conduct:

- On January 9, 2008, Adalah participated in a joint statement²⁰ accusing Israel of “gross human rights violations and war crimes in the occupied Gaza Strip.”²¹

The statement charged Israel with “grave breeches of international humanitarian law...that amount to war crimes.” These breeches were said to include “willful killing” and “extensive destruction of houses...not justified by military necessity...and carried out unlawfully and wantonly.”

It called upon the vociferously anti-Israel UN Human Rights Council to condemn the Israeli action and demand that Israel abide by human rights law and cease collective punishment of the Palestinians in the Gaza Strip.

This is a totally one-sided statement: There is no acknowledgment in this material of the violations of human rights and the war crimes – deliberate targeting of civilians in the south of Israel – committed by Hamas, or of Israel's right to defend itself. Not mentioned either is the Hamas war crime of using civilians as human shields – a common Hamas practice: its operations are deliberately centered in civilian areas.

A “non-partisan human rights organization,” which is what Adalah represents itself as being, would, at the bare minimum, mention these factors.

What is more, Adalah’s joint statement is highly politicized and severely misrepresents the facts. Most egregious is the charge that the killing of civilians was “willful.” During the military operation Israel was scrupulous in its care to avoid unnecessary civilian deaths – even going so far as to warn the civilian population of an impending attack.²² On some occasions air attacks were aborted if it was seen that civilians were in the line of fire.²³

Other press releases and actions in a similar vein followed this between January 9, 2009 and January 15, 2009. Notable is a petition, with seven other organizations, to the High Court of Israel, asking that it “[compel] the army to operate in accordance with international law immediately.”

Israel, however, was operating within international law.²⁴

Similar highly charged and partisan statements by Adalah preceded this between 2002 and 2008. Some examples:

- On January 21, 2008, Adalah participated in seeking an injunction from the High Court to prevent Israel from continuing to bar the entry of fuel into Gaza.²⁵

However, Adalah’s claim in its petition, that Gaza was “plunged into darkness,” was a politically-motivated misrepresentation of the situation.

Israel's Ruttenberg power station in Ashkelon continued to stream electricity into Gaza²⁶ and there was no reason for Gaza to be in darkness. Fuel shipments were reduced, not cut off entirely, and Hamas made a calculated decision to stop using available fuel for its generators.²⁷

What is more, there was no mention by Adalah of the civil rights of the Israelis in the communities bordering Gaza, who had been enduring shelling from Gaza, or of the barrage of hundreds of Kassam rockets and mortars – more than 200 in less than a week – that had prompted the Israeli action.

- On the very same day, Adalah sent a letter to Prime Minister Olmert, Defense Minister Barak, and Coordinator of Government Activities in the Territories, Major-General Yosef Mishlev, demanding that Israel “allow immediate entry of food, medications and humanitarian supplies to the Gaza Strip” because the entry of these materials is “being prevented.”²⁸

The fact of the matter, however, is that it has never been Israeli policy to block the entry into Gaza of humanitarian supplies. In repeated conversations with this writer, Ministry of Defense spokesman Shlomo Dror has attested to the materials routinely permitted²⁹ into Gaza by Israel. Life in Gaza is difficult, he said, but “there is no humanitarian crisis.”

Other sources similarly attested in 2008, to the fact that there was no humanitarian crisis in Gaza:

A *Washington Post* editorial on January 24, 2008, declared: “no one is starving in Gaza.”

The Christian Science Monitor stated on the same day: “While starvation has not been a problem there – most of the strip's residents receive food aid from the UN – it's proved a powerful idea in the propaganda war over Gaza's fate.”

Adalah was operating as a participant in this propaganda war.

- On May 26, 2008, Adalah joined in a petition to the High Court demanding that Palestinians from Gaza be permitted to visit their relatives in Israeli prisons.³⁰
- In 2002, Adalah, in cooperation with other organizations, filed six petitions to the High Court with reference to “Operation Defensive Shield,” which was launched in Judea and Samaria after a horrendous bout of terror attacks. Adalah – echoing libelous charges made by Palestinians – referred to the operation as “military attacks on Palestinian cities, towns, villages and refugee camps in the West Bank...[that] illustrate a pattern of grave human rights violations ... committed by the Israeli army against Palestinians”³¹

The petitions – which totally ignored the human rights of Jewish Israelis targeted by terrorists operating out of Judea and Samaria and the need for the IDF to go after such terrorists – made claims that outrageously misrepresented the facts on the ground.

One petition, filed on April 8, 2002, dealt with the demolition of homes in the Jenin refugee camp. It claimed that:

“...the army is demolishing homes...using bulldozers, shells fired from tanks, and missiles launched from helicopter gun ships, failing to give Palestinian residents any prior notice, the right to be heard, or any time to escape from their homes prior to the demolitions, resulting in the loss of life and injury.”

The reality is that the Jenin refugee camp was a focus of Operation Defensive Shield because, as Natan Sharansky, who was then a deputy prime minister, explained:

“Dozens of suicide bombers were sent from this relatively small place. It had more explosive materials, this small area of the Jenin refugee camp, than most of the big cities of Judea and Samaria. Definitely it had the highest concentration of explosives in this area, if not in the world.”³²

Fatah members referred to this place as the “suicides’ capital,” explaining that the camp was “characterized by an exceptional presence of fighters who take the initiative [on behalf of] national activities...They are ready for self-sacrifice.”³³

In spite of this, the IDF, concerned for the safety of innocent civilians in Jenin, opted for a house-to-house search for terrorists rather than a more broad-based shelling. In the course of such a search, 13 Israeli soldiers were trapped in an ambush and killed.³⁴

Ultimately, the Palestinians claimed that 500 people had been massacred in Jenin by the IDF. The United Nations, after investigation, declared that there had been no massacre and that no more than 52 Palestinian deaths were confirmed. What is more, the report said that Palestinian militants had violated international law by stockpiling weapons and placing fighters among civilians.³⁵

Adalah, ostensibly a human rights organization, made no mention of the deprivation of human rights of Palestinian civilians in the Jenin area endured as the result of deliberate actions by fellow Palestinians.

- On at least one occasion, Adalah has also spoken out on behalf of members of Hezbollah (the terrorist group in Lebanon).³⁶

Political and partisan regarding Israeli Arabs

The major thrust of Adalah is highly political and exceedingly partisan, as well, in its defense of radical Arab groups and persons inside Israel.

The Northern Branch³⁷ of the Islamic Movement in Israel

On August 23, 2008, on orders from Israeli Foreign Minister Ehud Barak, the Al Aksa Institute in Umm al-Fahm – which served as the headquarters for the radical northern branch of the Islamic Movement in Israel – was declared an “unlawful organization” and shut down because it was found to have links with Hamas.

By August 25, Adalah had demanded of Barak that he withdraw his order for closure and the proclamation that the Institute was “unlawful,” because “these steps constitute a violation of the rights to freedom of expression, religion and association to the association’s members and to the Arab minority in Israel in general.”³⁸

Back in February 2002, the Ministry of the Interior of Israel issued an order prohibiting Sheikh Ra’ed Salah – leader of the northern branch of the Islamic Movement in Israel – from leaving the country for six months because security services had determined that permitting him to travel abroad would constitute a security risk.

Adalah ran an ad campaign regarding the violation of the freedom of movement of the Sheikh and filed a petition with the High Court. According to Adalah, Sheikh Salah “is widely respected in the Islamic world as a spiritual leader.”³⁹

In point of fact, Salah regularly incites against Israel and Jews: In 2002 he was already marked as an Islamist extremist who identified with the Intifada and in the weeks before its outbreak was involved with the posting of signs that said “Al Aksa is in danger” and “Islam is the answer.”⁴⁰

He was subsequently identified as a member of the board of trustees of the “Union of Good,” an umbrella organization that channels “charitable” funds to Hamas-affiliated

groups.⁴¹ And he has persisted in his utilization of the theme that the Al Aksa Mosque on the Mount is being threatened as a means of inciting against Israel.

In March 2008, at a press conference, this “widely respected religious leader,” said that there was never a Jewish Temple on the Temple Mount: “The claims of the Jews are big lies and they have no right to any speck of dust here.” He maintained that the Israelis were digging under the Mosque on the Mount and had already damaged it: “I think that we are at a critical time. We believe that al-Aksa is in danger.” He called for a new Intifada to save the Mosque and ended by saying: “They want to build their temple at a time when our blood is on their clothes, on their doorsteps, in their food and in their drinks.”⁴²

As to the Northern Branch of the Islamic Movement in Israel, it has been referred to as “essentially a local conduit for the worldwide Muslim Brotherhood.”⁴³ It does not recognize the legitimacy of the State of Israel and hopes to replace it with a Caliphate,⁴⁴ and, indeed, has numerous ties with Hamas.⁴⁵

Blatantly political positions

An examination of the materials and statements of Adalah makes clear its politicized and often radical stance:

- In its literature, the address for the organization in Beersheba is given exclusively as *Beer El-Sebe* – the Arab name used for the vicinity of current day Beersheba in pre-Israel times. That an Israeli organization chooses to use this name now for a city in Israel that is called Beersheba – in material that is in English and not Arabic – is a clearly politicized statement. This is not simply a case of using the Arabic name for a current place – it is a harking-back to what was before Israel was founded.

Similarly, the use of the name *Shafa’amr* with reference to Haifa is a politicized statement. *Shafa’amr* was an Arab village that, according to Arab organizations such as “Palestine Remembered,” stood in one section of what is today Haifa, and has been “occupied” for sixty years.

- Adalah’s background material contains misrepresentations of fact. For example:

“In September 2000...Ariel Sharon, then a Member of the Knesset (MK), visited the Haram al-Sharif compound [the Temple Mount], site of the al-Aksa Mosque in East Jerusalem. Over the course of the next two days, Israeli security forces killed and injured tens of Palestinian worshippers and demonstrators throughout the Occupied Territories. The uprising...began with Sharon's provocative visit to assert Israeli sovereignty over the disputed area...”⁴⁶

It has, however, been thoroughly documented that Arafat had planned this uprising and was waiting for an excuse to begin it.⁴⁷ Sharon’s visit to the Temple Mount – which followed assurances by chief of PA security Jabil Rajoub that there would be no problem⁴⁸ – simply served as pretext.

Furthermore, the mention of Palestinians “killed and injured” *before* the “uprising” is alluded to is manipulative, suggesting, erroneously, that Israeli security forces attacked Palestinians without provocation or cause.

- On April 20, 2008, Adalah requested⁴⁹ of the Ministry of Education that plans for celebrating Israel’s sixtieth anniversary be cancelled in the Arab school system. Its thesis was that this was the imposition of the Zionist narrative on the Palestinians of the State, when for them the day marked the *Nakba*, the catastrophe.
- In May 2008, Adalah released a PowerPoint presentation⁵⁰ created by Adalah attorney Suhad Bishara on the *Nakba* (catastrophe) that took place for the Arabs of Palestine with the creation of Israel in 1948. Its thesis is that Israel has occupied Palestine, *including the land within the Green Line*.

UNDERMINING ISRAEL

With this, we arrive at the core of Adalah's intentions and focus. Adalah is not attempting to strengthen Israeli society by correcting social neglect of Arab Israelis wherever that neglect is encountered.

On the contrary, Adalah – in the name of the “group rights” of Israeli Arabs – seeks to eliminate the Jewish nature of Israel. It is the position of this organization that a Jewish state is by virtue of its character discriminatory to the minority Arab population.

In fact, Adalah claims there are 20 Israeli laws that are discriminatory.⁵¹ Primary among these is said to be the Jewish Law of Return, which permits any Jew to immigrate to Israel and become an Israeli citizen. It is the position of Adalah that refugee Arabs should have precisely the same right to “return”⁵² and become full citizens of Israel.

The Adalah position willfully ignores the fact that Israel was established as a Jewish homeland with the sanction of international law, dating back to the Mandate for Palestine of 1922. There is sufficient precedent for minorities in other nations living with minority status to render Adalah's claim baseless.

Other laws that are said by Adalah to be discriminatory are those that foster the Jewish nature of the state, such as the Flag Law, which mandates a star of David for the flag of Israel.

Constitution

As part of its campaign to do away with the Jewish nature of Israel, Adalah, in March 2007, proposed a constitution for Israel – Israel currently having no constitution – called “The Democratic Constitution.”⁵³

The constitution, as released by Adalah on March 6, 2007 as a final draft, begins with an introduction that is immediately problematic. Rather than dealing exclusively with the proposed nature of the State of Israel, it launches into far-reaching political statements, thereby exposing Adalah's agenda:

Advocating a Palestinian state

It calls upon Israel to recognize the right of the Palestinian people to self-determination, and to withdraw to pre-1967 lines — positions that are not germane to the nature of Israel and have no place in a document purporting to introduce a constitution for the state.

“Right of return” issue

It further calls on Israel “to recognize its responsibility for past injustices suffered by the Palestinian people, [and] ... recognize the right of return of the Palestinian refugees based on UN resolution 194.” However, UN resolution 194 serves as an exceedingly weak basis for a Palestinian right of return. The resolution, which – coming from the

General Assembly – was no more than a recommendation, also includes references to resettlement of the Arab refugees. No “right” to return is implied.

In contradistinction to the rules applying to all other refugees, UNRWA, which is responsible for the Palestinian Arab refugees, counts the descendants of the original refugees also as refugees. UNRWA currently maintains that there are 4.6 million refugees. It is clearly understood by all those proposing “return,” that were these refugees, or even a substantial portion of them, brought into Israel this would, in and of itself, destroy the Jewish nature of the State.⁵⁴

Eliminating Jewish nature of State

Under this Constitution, the State of Israel would no longer be Jewish, but a “democratic, bilingual and multicultural” state. Immigration for Jews, as for others, would not be permitted except for “humanitarian reasons.” However, the return of the Palestinian Arab refugees would be considered to fall within this humanitarian category.⁵⁵

Arab members of Knesset would be permitted to disqualify bills that impinge on the rights of Arabs.

The proposed constitution also demands that spouses of Israeli citizens be granted automatic citizenship – a right not granted by most countries including France, Britain, and the U.S. This is an issue of particular political sensitivity, as Israeli Arabs, marrying Palestinian Arabs without Israeli identity papers, seek to secure immediate citizenship for their new spouses; in some instances there are security issues.

PARTICIPATION IN DURBAN CONFERENCE

From August 28 – September 1, 2001, the UN sponsored World Conference against Racism (WCR) met in Durban, South Africa. In the course of the conference a parallel meeting of NGOs – an NGO Forum – gained center-stage with vicious anti-Semitism and vitriolic attacks on Israel.

The NGO Forum Declaration and Program for Action included the following:

Recognizing... that the Palestinian people are [a] people currently enduring a colonialist, discriminatory military occupation that violates their fundamental human right of self-determination. including ... establishment of a permanent illegal Israeli infrastructure; and other racist methods amounting to Israel's brand of apartheid and other racist crimes against humanity. Recognizing therefore that the Palestinian people have the clear right under international law to resist such occupation by any means provided under international law until they achieve their fundamental human right to self-determination and end the Israeli racist system including its own brand of apartheid.

Recognizing further that a basic "root cause" of Israel's on- going and systematic human rights violations, including its grave breaches of the fourth Geneva convention 1949 (i.e. war crimes), acts of genocide and practices of ethnic cleansing is a racist system, which is Israel's brand of apartheid. One aspect of this Israeli racist system has been a continued refusal to allow the Palestinian refugees to exercise their right as guaranteed by international law to return to their homes of origin. Israel's refusal to grant Palestinian refugees their right of return and other gross human rights and humanitarian law violations has destabilized the entire region and has impacted on world peace and security.⁵⁶

Adalah was a primary participant in the WCR and in the NGO gathering, and participated in meetings in preparation for the conference and the NGO gathering:

Preparatory Meetings

February 2001

Adalah Staff Attorney Gadeer Nicola attended an Arab NGO preparatory meeting in Amman, Jordan, where a submission for the Conference was provided by Adalah.. It charges Israel with racism at all levels of society, including in policies pursued by official institutions, and describes Israel as having a "militaristic character."⁵⁷

May 2001

Adalah Staff Attorney Gadeer Nicola and Advocacy Coordinator Anne Massagee participated in two-week international preparatory meeting in Geneva, Switzerland. They participated in press conferences and briefings, met with numerous governmental and NGO delegates. They also attended a UN NGO Liaison Unit training program.⁵⁸

They drafted language for the governmental and NGO declarations, and worked with other Palestinian NGOs to formulate an intervention, presented at the conference.⁵⁹

May - August 2001

Adalah – as a member of the Palestinian NGO Local Committee, coordinated by the Union of Community Based Arab NGOs in Israel – participated in meetings, where representative helped to draft statements and proposed language for the Conference Declaration. The Local Committee also prepared a statement...about racism in Israel which they presented to the Conference in Durban.⁶⁰

July – August 2001

Adalah General Director Hassan Jabareen, Staff Attorney Gadeer Nicola and Advocacy Coordinator Anne Massagee participated in a final two-week international meeting, in Geneva, preparatory for the Conference. A Declaration and Program of Action were drafted and suggestions made for amendments and additions.⁶¹

Follow-Up

A follow-up conference, the Durban Review Conference – dubbed Durban II – is scheduled to meet in Geneva in April 2009.

Eye on the UN editor, Anne Bayefsky, indicates that:

“Durban II is widely perceived to be a serious threat to the successful international protection of human rights.

"Extremists, both governmental and non-governmental, are continuing to push the substance [of the outcome document] to the limits...The overall strategy is to keep the Durban II plan under wraps as much as possible, until just days away from the April conference itself..."⁶²

What is known about the draft of the “outcome document,” according to Bayefsky, is that:

“It has only one section – called the ‘Middle East’ – dedicated to naming only one country as racist, namely, Israel.”⁶³

It charges Israel with racial discrimination against the Palestinian people and says “...the Palestinian people...have been subjected to... torture...”

“It is incontrovertible that Arab and Islamic states are using Durban II to demonize Israel...”

“The Palestinian UN delegation is working with extreme Arab and Islamic states and NGOs to insert Gaza-related issues into the text.”⁶⁴

As an NGO participant in Durban I, Adalah has been accepted as a participant in Durban II.⁶⁵

Adalah Administrative Director Fatiyya Hussein has said that Adalah will be participating.⁶⁶ She indicated that a presentation had been prepared but was being re-worked in light of the recent war in Gaza.

CRITIQUE and ANALYSIS

Several of the weaknesses and problematic approaches of the Adalah operation have already been examined within this report. They include:

- A failure of the objectivity incumbent upon a human rights organization.

There is no human rights criticism of Palestinians proffered, ever – not even with regard to the launching of rockets from Gaza onto the civilian population of Israel.

- A willful misrepresentation of facts.

E.g., saying in a petition in January 2008, that Gaza was “plunged into darkness,” when in reality Israel's Ruttenberg power station in Ashkelon (which supplies 70% of Gaza's power) continued to stream electricity into Gaza.

- Assumption of a partisan and overtly politicized position.

This position encompasses defense of the most radical and blatantly anti-Israel organizations and persons. E.g., referring to the closing of the Al Aksa Institute in Umm al-Fahm, which had been found to have Hamas connections, as a “violation of the [right] to freedom of...religion.”

And it permits unfounded and pejorative accusations to be leveled against Israel. E.g., charging in a petition in January 2009, that Israel was committing “gross human rights violations and war crimes in the occupied Gaza Strip,” when in fact the Israeli military operation conformed to the stipulations of international law, and was scrupulous in its care to avoid unnecessary civilian deaths – even going so far as to warn the civilian population of an impending attack and on some occasions aborting air attacks if it was seen that civilians were in the line of fire.

Political agenda: Delegitimization of Israel

When the above is examined *in toto*, it becomes evident that the over-riding agenda of Adalah is not protection of the human rights of Israeli Arabs, but rather the vilification and delegitimization of Israel.

Were no other evidence available, this would be evident on the face of the matter because of Adalah's active participation in formulating an NGO Forum Declaration from Durban I that charged Israel with “apartheid and other racist crimes against humanity... war crimes, acts of genocide and practices of ethnic cleansing.”

Anyone who lives in Israel, as do all of the officers of Adalah, knows that nothing remotely resembling apartheid – an official policy of total racial segregation – exists in the State. Israeli Arabs walk the same streets, shop in the same stores, eat in the same restaurants, attend the same theaters, and are treated in the same hospitals as Jewish Israelis; they also vote in the same elections and have representatives in the Israeli parliament, the Knesset.

That Israeli Arabs receive the finest of health care puts the lie to notions of genocide.

While the fact that there *are* Israeli Arabs who vote for their representatives in the Knesset, walk Israel's streets, etc. exposes the vacuity of charges of ethnic cleansing. (More on this issue follows below.)

The accusations leveled at Israel by Adalah echo the worst of what is claimed by radical Palestinian groups.

Challenging Israel as a Jewish State

Adalah's challenge to Israel as a Jewish state – a challenge ostensibly founded upon the defense of the human rights of Israeli Arabs – adds considerable weight to the perception that this organization is serving as a tool of radical Arabs who seek Israel's destruction.

That individual Arabs who are Israeli citizens have a right to equal treatment within Israel is incontestably the case. Adalah, however, without solid grounds for doing so, moves beyond this to argue for the *collective* rights of Arabs within Israel.

Maintaining that the mere existence of a Jewish state in which Arabs reside as citizens is an affront to their human rights, Adalah seeks what it refers to as Israel as “a state of all its citizens.”

As has been noted above, however, there are many cases in which minority groups reside within a nation, without citizenship in many cases and without their representation within the nation as a collective group entitled to collective rights.

What is more, the legal status of Israel as a Jewish State has been firmly established in international law:

Included in the Mandate for Palestine, drafted unanimously by the League of Nations in 1922, was the following:

"[Recognizes] the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country...

“[Declares] in favor of the establishment in Palestine of a national home for the Jewish people...”

“[Charges the Mandatory power, Britain, with facilitating] Jewish immigration under suitable conditions and [encouraging]...close settlement by Jews on the land, including State lands and waste lands not required for public purposes... [and] enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian [“Palestinian” because this was before the founding of Israel]citizenship by Jews who take up their permanent residence in Palestine.”⁶⁷

In the wake of the demise of the League of Nations, the newly established United Nations assumed responsibility for the Mandate.

Unspoken but crucial: the core struggle of Arab Israelis

The struggle is never acknowledged overtly in the statements of Adalah, but at the heart of the problem it seeks to address by stripping Israel of its status as a Jewish state is an existential conflict:

Identity conflict

Many, if not most, Arabs possessing Israeli citizenship or residency papers continue⁶⁸ to identify with Palestinian Arabs – with people who are in conflict with Israel and ultimately seek the demise of Israel.⁶⁹ They have not made peace with their “Israeli-ness.”

Adalah’s own positions provide potent evidence of this. Its protest in 2008, that Arab students should not have to celebrate Israeli Independence Day; the creation by an Adalah attorney of a presentation on the *Nakba* that claims that Israel has occupied Palestine, even within the Green Line; its use of an Arabic name for a village once situated where Haifa now is, harking back to a time before Israel was in control.

Similarly, we see this conflict in the support for Israel’s enemies offered by some Arab MKs — most notably Azmi Bishara (now no longer in the Knesset), who visited Syria and Lebanon during the Second Lebanese War, openly offering encouragement of Israel’s enemies and condemning Israel.

At the very same time, Arabs living in Israel for the most part seek to retain Israeli citizenship/residency – with the higher standard of living and greater human rights thus made possible – and decline to live within Palestinian-controlled areas.⁷⁰

This dichotomy of identity – a schizoid situation – is highly problematic.

Destructive paradigm

Adalah, in grappling with this dichotomy of identity, has figuratively grabbed the wrong end of the stick. Its goal, ostensibly on behalf of the Arabs of Israel who are deprived of their collective human rights, is to do away with Israel as a Jewish state.

Were Adalah bent on truly assisting Israeli Arabs to find their full place within Israeli society, quite a different, and infinitely more constructive approach would have been possible.

This possibility is modeled by the thriving Arab Israeli village of Abu Gosh, in the hills west of Jerusalem, which twice a year holds music festivals attended by large numbers of Jewish Israelis. The success of the village is a function of its supportive response to Israel during the War of Independence.⁷¹ The Arab village of Faradis tells a similar story of support by Jews because it did not fight against Israelis in 1948.⁷²

And it is modeled as well by the Israeli Arabs of the village of Shfaram, in the north near Haifa, who decided last spring that they wanted to participate in Israel’s 60th anniversary celebrations.

Shfaram Mayor Ursan Yassin met with national officials to discuss what festivities would take place in the town. “The 40,000 residents of Shfaram feel that they are a part of the State of Israel,” he said. “The desire to participate in the festivities is shared by most of the residents...We will not raise our children to hate the country. This is our country and we want to live in coexistence with its Jewish residents.”

An editorial in *Haaretz* in September 2006, reflects what might have been, as well. Referring to the visits by Arab Israeli MKs to enemy states, it speaks of how different it would have been if “these MKs [had] tried to turn their visits into a bridge between Israel and its enemies, or had...tried to promote coexistence.”

As it is, however, we find an Israeli non-profit organization, funded in good part by Jewish money, that openly promotes the demise of Israel as a Jewish state.

¹ On its website at <http://www.adalah.org>.

² In the course of earlier legal work for the Association of Civil Rights - Israel, he served as part of a team that represented MK Azmi Bishara during his 2001 trial over inflammatory remarks made during his visit to Syria and in Umm al-Fahm.

Source: NGO-Monitor, "Adalah: Abusing 'Civil Rights' to Delegitimize Israel."

Bishara's trial was never completed, but Bishara was later indicted for spying for Hezbollah during the 2006 Lebanon war.

³ She had previously worked with the Arab Association for Human Rights, a major participant in the virulently anti-Israel Durban I Conference (about which more following).

Source: NGO-Monitor, op. cit.

⁴ At this point selected, not elected: Board members may serve for three annual terms. Those who have not completed their service to the Board "make recommendations" regarding people to fill the spots that are about to be vacated.

⁵ Who are Israeli citizens, have made an application to the organization, which includes a 150 NIS fee, and have been vetted by Adalah.

⁶ Information on Adalah organizational structure provided by Administrative Director Fathiyya Hussein in telephone interviews, August 27 and 28, 2008.

⁷ <http://www.adalah.org/eng/doners.php>

⁸ Telephone interview August 28, 2008.

⁹ Telephone interview op. cit.

¹⁰ Telephone interview op. cit.

¹¹ <http://www.adalah.org/eng/features/audit%2007.pdf>

¹² By phone on December 7, 2008.

¹³ http://www.nif.org/about/NIFAnnualReport07_FNL.pdf — page 14, under "Grants."

¹⁴ http://www.nif.org/about/ar_2006.pdf — also page 14, under "Grants."

¹⁵ <http://www.fordfound.org/archives/item/1998/text/079>

¹⁶ <http://www.guidestar.org/FinDocuments/2006/942/607/2006-942607722-0398c123-9.pdf>

¹⁷ In phone interview November 26, 2008.

¹⁸ <http://www.adalah.org/eng/features/audit%2007.pdf>

¹⁹ <http://www.guidestar.org/FinDocuments/2006/942/607/2006-942607722-0398c123-9.pdf> — pg. 28.

²⁰ With Badil and Al-Haq.

²¹ [http://www.adalah.org/features/gaza/NGO_Joint_Statement_to_HRC_08.01.09\[1\].pdf](http://www.adalah.org/features/gaza/NGO_Joint_Statement_to_HRC_08.01.09[1].pdf)

²² See <http://www.haaretz.com/hasen/spages/1052260.html> for a description of IDF techniques for warning civilians in Gaza of an impending attack, including voice mail messages, sound bombs and "roof knocking" techniques.

See <http://www.guardian.co.uk/world/2009/jan/10/israel-to-step-up-assault-on-amas-in-gaza> regarding the fact that Israel dropped tens of thousands of leaflets warning civilians of impending attack.

²³ For information on aborting missions see: <http://www.jpost.com/servlet/Satellite?pagename=JPost%2FJPArticle%2FShowFull&cid=1231950849061>

For information on diversion of missiles already en route see: <http://idfspokesperson.com/2009/01/14/>

²⁴ See: <http://www.jcpa.org/text/puzzle1.pdf> and <http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&LNGID=1&TMID=111&FID=378&PID=0&IID=2021>

²⁵ From an Adalah press release on that date.

²⁶ According to Shlomo Dror, spokesman for the Israeli Ministry of Defense, Israel provides 70% of Gaza's electricity and Egypt another 5%.

²⁷ According to a January 22, 2008 *Jerusalem Post* report by Caley Ben David: "Although it's already dark in Gaza by 6 p.m., they waited two hours to shut their generator down so that the lights going out in Gaza could be carried live on Al-Jazeera during prime-time viewing."

²⁸ From an Adalah press release on that date.

²⁹ Crossings are closed to humanitarian shipments, Dror explained, when there is intelligence that the crossing itself is about to be attacked by terrorists.

³⁰ From an Adalah press release on that date.

³¹ See: <http://www.adalah.org/eng/optagenda.php>.

³² From the Israeli Foreign Ministry website.

³³ Reported on the IDF website.

³⁴ See <http://web.israelinsider.com/Articles/Security/2179.htm>

³⁵ USA Today, "UN report: No massacre in Jenin," August 1, 2002.

³⁶ On July 23, 2008, Adalah demanded of the Knesset Foreign Affairs and Defense Committee that proposed amendments to the Detention of Unlawful Combatants Law not be brought to a vote as they would permit indefinite administrative detention for foreign nationals such as Hezbollah fighters.

³⁷ In 1996, the Islamic Movement in Israel split into two factions, with the Northern considered the more radical.

³⁸ From Adalah's August 25, 2008 press release.

³⁹ From Adalah's June 3, 2002 press release.

⁴⁰ Zeidan Atashi, writing for the Jerusalem Center for Public Affairs, June 16, 2002.

⁴¹ Bulletin, Intelligence and Terrorism Information Center, February 2005.

⁴² *The Jerusalem Post*, March 10, 2008.

⁴³ Barak Seneer, "Israeli Arabs between Palestinianization and Islamism," Jerusalem Center for Public Affairs, January 1, 2008.

⁴⁴ Ibid.

⁴⁵ Yaakov Lappin, YNet, July 6, 2007.

⁴⁶ <http://www.adalah.org/eng/backgroundhistory.php>.

⁴⁷ In March 2001, former PA communications minister Imad Al-Galui said "Whoever thinks that the Intifada broke out because of the despised Sharon's visit to the Al-Aqsa Mosque is wrong... This Intifada was planned in advance, ever since President Arafat's return from the Camp David negotiations..."

This was cited by *Al Safir*, Lebanon, on March 3, 2001, and translated by MEMRI.

Subsequently, Marwan Barghouti of Fatah described his role in inciting violence after Sharon's visit to the Mount. This appeared in *Al-Hayyat* on September 29, 2001.

An official report by Senator George Mitchell on the uprising concluded on April 30, 2001, that "The Sharon visit did not cause the 'Al Aksa Intifada.'"

⁴⁸ See Myths and Facts Online, "The Palestinian Uprisings," Mitchell Bard.

⁴⁹ Letter made public by Adalah in a press release of April 24, 2008.

⁵⁰ It can be seen at <http://www.adalah.org/newsletter/ara/may08/Presentation1-Eng.pdf>.

⁵¹ <http://www.adalah.org/eng/backgroundlegalsystem.php>

⁵² Some 4.6 million make claim to this "right."

⁵³ http://www.adalah.org/eng/democratic_constitution-e.pdf.

⁵⁴ This was the Arab position from the beginning. For example, according to the Egyptian newspaper, *Al-Misri*, October 11, 1949, the Egyptian Minister of Foreign Affairs, Muhammad Saleh Ed-Din, said:

Let it therefore be known and appreciated that, in demanding the restoration of the refugees to Palestine, the Arabs intend that they shall return as the masters of the homeland, and not as slaves. More explicitly, they intend to annihilate the state of Israel.

⁵⁵ Yoav Stern, "Israeli group proposes new 'multicultural' constitution," Haaretz, June 16, 2008.

⁵⁶ <http://www.adalah.org/eng/intladvocacy2001.php>.

⁵⁷ <http://www.adalah.org/eng/intladvocacy2001.php>.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² <http://www.eyeontheun.org/durban.asp?p=713>

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ http://www.eyeontheun.org/assets/attachments/documents/OHCHR_letter_NGOs_Durban.pdf

⁶⁶ In phone interview, January 18, 2009.

⁶⁷ <http://www.mtholyoke.edu/acad/intrel/britman.htm>

⁶⁸ This issue is not new and finds its roots, perhaps, in the time of the War of Independence. Adalah suggests in its literature that Arabs were forcibly driven from the new Jewish State, and ultimately not permitted to return to their villages. It is, in part, because of this that Adalah utilizes the term "ethnic cleansing."

What Adalah never addresses, however, is the side with which the Arabs who fled from Israel identified and their allegiance to leaders who advised them to leave, in anticipation that the Jews would be quickly defeated and they could then return. See on this: Ephraim Karsh, "1948, Israel and the Palestinians – the True Story," commentarymagazine.com, May 2008.

Similarly, Palestinian Media Watch has translated a piece written by Palestinian journalist Jawad Al Bashiti in *Al-Ayyam* on May 13, 2008, with reference to *Nakba* -- the "catastrophe" of the founding of Israel:

“...the first war between Arabs and Israel had started and the 'Arab Salvation Army' came and told the Palestinians: ‘We have come to you in order to liquidate the Zionists and their state. Leave your houses and villages, you will return to them in a few days safely. Leave them so we can fulfill our mission [to destroy Israel] in the best way and so you won't be hurt.’”

⁶⁹ Hamas overtly declares its goal of destroying Israel. Fatah, however, also retains this goal: Its charter to this day calls for Israel's destruction, and Fatah leaders such as Mahmoud Abbas call for the “return” of refugees, which would guarantee Israel's destruction from within.

⁷⁰ See: <http://www.danielpipes.org/article/2534>

⁷¹ “In 1947 and 1948, passage through the hills surrounding Jerusalem was crucial in getting supplies to the besieged city. Of the 36 Arab villages nestled in these hills, Abu Ghosh alone remained neutral, and in many cases provided friendly and helped to keep the road open.” Israel Ministry of Foreign Affairs website, June 2000.

⁷² The Jerusalem Post online, November 25, 2001.