

Narrative Report 1st Half Year 2001

Clearly the last six months have been very difficult ones. What we thought were hardships in the January / February months we now look back on with nostalgia. I recall one time when, because of the closure, Yossi and myself met several clients on a baron hilltop and used the baggage compartment of the car as shelter against the wind and rain to sign powers of attorney and depositions in a West Bank house demolition case. Such an action today would be inconceivable and would in all probability attract live fire from the military.

In fact the major difficulty over this half-year reporting period has been client contact. We are working in the living room of a second floor apartment in a residential neighborhood in West Jerusalem. Our clients cannot come to the makeshift office. If they did our profile would be raised beyond the level of tolerance of the neighbors and we would more than likely be forced to leave or at very least to stop clients coming. Client contact in the management of an action is vital and in order to overcome the difficulty our lawyers have employed a number of alternatives to the normal office conference. For a period we would meet Christian clients from East Jerusalem in the lobby of Notre Dame Center but after some months this practice attracted adverse reactions from the management and we were forced to look elsewhere. The Latin Patriarchate has served us well as have a number of restaurants and small cafes in the Old City. Our lawyers have also made the "house call" something of a habit over the last ten or eleven months. This was always a courtesy we offered to the elderly and the infirm, never the less, circumstances over this last year have determined that the practice be greatly extended.

The office in Bethlehem remains open though the hours have been reduced slightly. Because of the extremely volatile situation and the fact that circumstances can change in a few short minutes, the staff is always prepared to close and leave at a moment's notice. The Society's two Palestinian lawyers spend one day each at the Bethlehem office in order to remain available for client contact. For many months now it has been impossible to enter Bethlehem in a motorcar and so the lawyers leave their vehicles at the Tantur Institute and proceed to the office on foot or by taxi. One of the lawyers expressed concern only yesterday that he is feeling increasingly more uncomfortable with the practice of "walking around" the checkpoint. On Sunday of this week two men were shot dead for doing just that. One was a father entering the town to purchase school supplies for his children in preparation for the start of the coming school year.

In spite of these difficulties the Society has continued to function at a high level. The caseload has increased by some 15% over the last six months and we have lodged not less than 19 new appeals to the High court of Justice.

These Appeals ranged from challenges to home demolitions in the West Bank to the draconian effects of collective punishment due to the siege of Palestinian cities and towns.

Prior to the Israeli elections, the Society challenged the Electoral Laws in the High Court arguing that the Arab population, so injured and aggrieved by the death of 13 souls in the demonstrations in Nazareth and other towns, had the right to register a blank vote. That is to say, they had the democratic right to vote, but to register strong

disapproval of both candidates by entering a "blank ballot" paper, and to have this vote counted and recorded as part of the voting statistics of the election. The case was hard fought and drew widespread media coverage; even live television coverage late into the night. The Appeal was rejected and the Society was fined approximately \$2,500. During the election many people chose to enter a "blank ballot" even though these votes were not to be counted. Never the less the statistics indicate that "legitimate" votes cast in the elections totaled only 60% of the electorate. This was by far the lowest voter turn out in the history of the State of Israel.

High Court Appeals notwithstanding, probably the most successful "case" of the past half-year was the Society's campaign against Judge Barelli of the Jerusalem Municipal Court. The Society's lawyers and Judge Barelli have been locked in battle for over three years. This Judge pioneered the use of a section of the Act designed to punish builders who exceeded the limits of a building license in order to take super profits, in order to double the fines on Palestinians accused of building without a license. Time and again the Society challenged this incorrect and cynical use of the law. On three occasions over the last two years the Society has gone to the High Court to have Judge Barelli removed from sitting on any of its cases. We were not successful in having him removed but did succeed in bringing his draconian methods to the attention of the High Court Justices and the general public.

Towards the end of last year Judge Barelli continued to shout out his judgment against an elderly Palestinian man who was so shocked by the penalties imposed upon him, that he collapsed of a heart attack on the court room floor. The Society mounted a robust legal, political and media campaign demanding that the Judge be investigated. Thus we petitioned the High Court, the Justice Ministry and the Prime Minister as well as the Israel Bar Association. Judge Barelli chose voluntary early retirement rather than face a full investigation.

At the same time as the campaign against Judge Barelli, the Society mounted an Appeal to the High Court of Justice arguing that not only was Israel's annexation of East Jerusalem illegal by International Law, but also under Israeli Law. The appeal went further and argued that any home destruction in Jerusalem amounted to War Crimes. The Appeal was sent to the highest echelons of the State Prosecutor's Department for study and reply. Meanwhile virtually all of the Society's cases were postponed to the second half of the year.

These two actions in tandem however changed the course of home demolitions in Jerusalem over the past several months. The Municipality has demolished a number of homes but has been unable to replace Judge Barelli in the Municipal Court. In the light of the high coverage of the affair coupled with accusation of war crimes, no one it seems is prepared to do the Municipality's dirty work.

In other areas we have experienced a definite slowdown. In the Family Reunification files for instance, we have long battled against the foot dragging of Government Departments. Since the start of the Intifada this has become a pronounced problem and we have twice successfully resorted to Appeals to the High Court to force results. We now have 15 successful applications that are in the 5-year waiting period for final granting of the reunification. Two applications completed the 5-year waiting period and were successfully closed during the last half-year.

Where the Society experienced a real upturn in work was in the areas of West Bank Home Demolition cases and in the area of Miscellaneous Cases. We opened 22 new files in the West Bank Home Demolition area many of the clients being heads of families whose water wells or property was under threat of destruction from the Israeli army or marauding settlers. The Society activated 11 new Appeals to the High Court of Justice and in almost every case the Court has granted interlocutory injunctions preventing further trespass or destruction. The Society protects the property of literally hundreds of individuals under interlocutory injunctions in force from 49 active current Appeals to the High Court in this area alone.

Miscellaneous Cases are a collection of cases ranging from offences against the person to the unjust withholding of National Insurance benefits, unemployment payments, child allowances or compensation for unjust dismissal from work. In the first half year the Society added 33 new cases to its file load and initiated 3 new Appeals to the High Court of Justice. A total of 12 cases were successfully brought to a close with National Insurance payments restored or, in one particular case, compensation paid by the Israel Police for property destroyed during a police action.

In spite of the difficulties of the present situation the Society has continued to function at the highest level of work output as well as achieving successful outcomes in its cases.