

SOCIETY OF ST YVES
"I am my brother's keeper"
Catholic Human Rights Legal Center

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Narrative Report Full Year 2004

Introduction: The Demon of Demography

The buzz word in Israeli political analytical circles in the last year has been demography rather than security. Rightly so because if the Palestinian population continues to grow as it has over the last fifty years, then the Jewish population from the Jordan River to the Mediterranean Sea will be a minority. Indeed according to the American State Department, which issued population statistics in the third quarter of 2004, this is already the case.

The Wall or Security Barrier must be seen in the context of demographic fear rather than security as it is presently and has from the outset, been presented to the world.

One Israeli survey conducted by the Daily newspaper Yidiot Ha'ahronot polled Israeli attitudes on this question and discovered the astounding fact that a full 70% of Israelis thought that all Arabs should be deported from Israel or at very least divested of their Israeli citizenship. That is to say, that citizenship in the Jewish State should be available to Jews only. Where "democracy" figures in this equation one is left only to guess.

The internal debate within Israeli society in this past year has been robust and spirited and the focal point has been the demon of demography. Any serious commentary by experts and journalists of note, whether the subject is the Security Barrier, the evacuation of "illegal" settlements or the withdrawal and dismantlement of the settlement enterprise in the Gaza strip has, by necessity of the internal debate, had to address the question of the balance of populations. I have before me some several dozen analytical pieces and interestingly, they are from all of the major newspapers and journals and few if any have been translated and published in English. This is a clear indication that this is an internal debate and not meant for the outside world.

One article by the journalist Moshe Sikron in Haaretz on 1st September 2004 outlines the parameters of the debate and the so called "Greater Israel" plan under which the settlement of the Occupied Territories was enthusiastically accelerated. He concludes after careful analysis that Israel faces no serious security threat in the foreseeable future but that without annexation of substantial settlement blocks and /or forced expulsions of the Arab population Israel faces a real and patent immanent danger of being a ruling minority. It was no wonder that Human Rights organizations changed their slogans regarding The Separation Barrier from "the great land grab" to the "Apartheid Wall."

In another article also in Haaretz on 7th July 2004, Matti Steinberg, who was until a year ago the chief advisor to the Head of the Israeli Internal Security Service, poses the question, "If demography is an historical force and nothing can stop it, then why are we so concerned about Arafat?" He goes on to say that no one historical force or factor can by itself change history and if foreseen and correctly managed its effect can be minimized.

In yet another recent article in Haaretz on 7th April 2005, the notable poet, author and sometime journalist, Yitzhak La'or, rather sarcastically and mordantly analyzed the demographic problem

by suggesting several measures that might be taken, as Matti Steinberg had suggested to, "manage and minimize the historical effect of inexorable population imbalance." La'or suggested that we ask the question "Who is this man?" and went on to suggest that all citizens of Israel should be divided into to classes; Jews and "Others." Jews would be afforded all rights of citizenship conferred by a democratic state. The "Others" should be divided into sub-classes; Non-Arab Christians and Arabs. The Arabs would be further divided into sub-classes; Christian Arabs, Muslim Arabs and finally Druze. Rights would be accorded in a varied but diminishing proportion to each group.

Having made such a classification the foundation would be in place La'or asserts, to pass new laws that could reduce the Arab ability to procreate and also encourage Arab immigration and relocation.

La'or suggests that a number of "clever measures" could be undertaken such as:

1. A law to limit Family Unification.

That is to say where every Jew, whether resident in Israel or in any other place in the world, has the right to choose a marriage partner wherever or whenever the choice arises and to seek and quickly be granted the right of citizenship for the spouse in Israel.

A resident Arab citizen in Israel, Christian, Muslim or Druze, would have those rights reduced to nothing. The law would ensure that unless an Arab citizen married a fellow Arab citizen of Israel the spouse would forever be prevented by law from cohabitation with the Israeli spouse, unless of course the Israeli spouse elected to emigrate from Israel forever. The same measures would be introduced into the Occupied Territories through the rules, regulations and policies imposed and governed by the Civil Administration (Israeli Army) bureaucracy.

2. A Blueprint for Arab Development.

That is to say that a body of "policies and bureaucratic directives" could be introduced into all relevant ministries to ensure that:

- i. The planning and building of new Arab villages in Israel and in the Occupied Territories would be rigorously prevented by strict planning laws rather than governed by planning the needs of the natural growth of the Arab population.
- ii. Existing Arab villages in Israel and in the Occupied Territories would be prevented from expanding beyond the boundaries of their existing houses.
- iii. Rural Planning would be governed by the British Mandate planning document, the RJ 5, which was introduced in 1943. The RJ5 would be left unchanged from its original drafting save that the provisions encouraging registration of ownership, (The Torrens System) would be abrogated so as to prevent Arab claims of land ownership being founded firmly in Law.
- iv. Urban areas within Israel, like East Jerusalem and Nazareth for instance, would not be the subject of any realistic Town Planning and therefore any attempt to build or expand buildings would be impossible due to the inability of the builder to situate his building within a (non existent) Town Planning Scheme (TPS).
- v. Contravention of any of the above prohibitions would be liable to be punished by extremely disproportionate monetary fines designed to impose and maximize fiscal hardship on the Arab population.
- vi. Municipal budget allocations to Arab towns would be extremely disproportionately lower than allocations to Jewish municipalities per capita of population.
- vii. Municipal services such as maintenance of roads, street lighting, garbage collection and even the naming and numbering of streets in residential areas would be minimal at best.
- viii. Per capita educational budget allocations at all levels of learning to Arab students would be hugely and disproportionately lower than allocations to Jewish students.

- ix. Social welfare benefits would be restricted and reduced for the Arab population.
- x. In the Occupied Territories Barriers, Walls and a comprehensive system of checkpoints would severely disrupt and discourage Arab movement between villages and towns.
- xi. For residents of the Occupied Territories entry into Israel or passage through Israel would be governed by a strict system of permits very much more severe than the "Pass-Laws" imposed in Apartheid South Africa.

Mr. La'or then concludes sagaciously that all of the above "clever measures" and more are already in place and have been for many years and still the problem persists. He concludes his article by suggesting that the name of the game must change from *Security* to *Survival* and that every effort and all the resources of the state must be brought to bear on promoting the notion worldwide, that the continued existence of the State of Israel as a Jewish Democratic State must be linked relentlessly to the notion that this is the highest goal of human existence itself.

The latter observations are indeed the hyperbole of the poet and author, rather than the factual correctness of the journalist, but the very real description of the life faced by Palestinians inside Israel and in the Occupied Territories which the author describes as, "clever measures" is disturbingly and chillingly understated.

We are just a few short years from reaching four decades of Israeli occupation of the West Bank, Gaza and East Jerusalem. The four decades have been years of de-development and today the Palestinians are expected to build a state on a barren landscape. There is no longer a Palestinian economy. How could there be with policies like the ones enumerated above enforced by helicopter gunship and tank? 70% of Palestinians are today living on less than US\$ 2 per day. The agricultural sector of a population largely dependent on agriculture is in tatters. Since the beginning of the present state of war in September 2000 approximately 1.2 million fruit bearing trees have been uprooted. For every liter of water allowed a Palestinian his settler neighbor consumed 30. Since the beginning of the occupation Israel has destroyed well over 12,000 Palestinian homes and will not issue permits for the building of new ones.

Today a full 60% of the Palestinian population is 18 years old and younger and it is for them that a new Palestinian state is to be built. A state built by two generations of people who have never known freedom, only harsh and unrelenting military occupation. A state built by a people who have born the burden of distress and trauma, undereducated, abused, humiliated and vilified and who enter a new world and a new state virtually and deliberately deprived of modern skills and with little hope of employment.

This is the backdrop to the work of the Society of Saint Yves. This is the world of degradation and discrimination in which we seek to sow the seeds of justice, fairness and peace and above all else, the notion that conflict resolution can and must be non-violent if it is to be lasting and deeply embedded in the civic structure of society.

The Bethlehem Office.

In the Narrative Reports of 2002 I had to report that the Bethlehem office had fallen into a moribund state and that its services had been declining because of the state of war and the increasing difficulties of gaining access to the office. In the Narrative Report of last year, 2003, I reported that, *"The Board of Directors after careful consideration and long term observation of the functioning of the Bethlehem office by board members resident in Bethlehem came to the decision to relocate the office deeper into the City. The office is only some 150 meters from Rachel's Tomb and has for many years been inaccessible for long periods due to military action*

in the area. The area is also prone to frequent Israeli army patrols and it was felt by the large majority of the Directors that these factors combined to keep the clients from attending the office to further their cases. A suitable location is being sought at the moment.

The work of the office will remain much the same, that is, to offer service to the region of the Southern West Bank. Rigorous attention to this facet of the Society's work is vitally important since the Society presently has well over two hundred files protecting homes from destruction or disputing land confiscations. Sixty Petitions remain current before the Israeli High Court of Justice protecting the rights of nearly ninety tribes or families."

Owing to the faith and partnership of the organizations, Cordaid of the Netherlands and Rights & Democracy / Droits et Démocratie of Toronto, Canada who provided funds specifically earmarked and intended for the revitalization of the services of the Bethlehem office, I am pleased and happy to report that In the course of 2004 the Bethlehem office was refurbished and a part time lawyer and secretary were hired to staff the office. The computer infrastructure was modernised and the office resumed full time services.

The problems of location of the office, that is its closeness to Rachel's Tomb, are largely overcome with the Israeli's speedy efforts to complete the 9 meter high Separation Wall which has transformed the area of Bethlehem adjacent to it into a quiet urban wasteland.

Because of the continuing difficulties of travel for Palestinians in the West Bank from village to village and town to town, the office does not keep the same schedule as the Jerusalem office, i.e. 8:30 AM to 5:00 PM, Monday through Friday, but rather opens from 8:30 AM to 2:30 PM, Mondays through Saturdays.

The Bethlehem office serves as the intake and client service centre for cases from the whole of the Southern West Bank and in particular in 2004, for the cases left unattended by the collapse of the NGO, Land and Water, (LAW) and also of late for reasons discussed below, for new referrals directly from the Land Defence Committee.

The Jerusalem Office.

The Jerusalem office is the engine of the work of the Society and it is small and cramped for space. The Society has taken on an extra full-time lawyer in the Jerusalem office and a half-time lawyer for the intake of new cases (LAW cases & Land Defense Committee referrals) and follow-up on clients of long standing in the Bethlehem office. In addition the Jerusalem office has one part time Para-Legal case worker and a part time accountant. The Jerusalem office also employs on a consultancy basis an Israeli lawyer of many years experience. All of these part-timers share the same work station and thus it is necessary to allocate the station on a time-sharing basis which by necessity extends to night time and week-end work hours. The Director's office is used as an extra work station in emergencies, for the private interviewing of clients, particularly women.

The Chairman of the Board of Directors, the Latin Patriarch, His Beatitude, + Michel Sabbah, has made available to the Society a spacious office close to the Latin Patriarchate and within a 4 minute walk from the main office. This office is used as a research and study centre for the lawyers because some 50 people contact the main office on a daily basis leaving little time for case preparation and importantly, for thought. This office is also used as an archival storage for past case records.

The major problem facing the Society today is securing long-term adequate office space. The Society has a lease for its offices from the Greek Orthodox Patriarchate. The lease is for 5 years with an option for a further 5 years. We were informed some 2 months ago at the height of the

current turmoil within the Greek Patriarchate that the 5 year option on the offices would not be granted and that an alternative location on Latin Patriarchate Road quite close to the Latin Patriarchate was available. This location would be ideal but the building has been derelict for some years and would require major renovation work probably costing some US \$ 50,000. The contractual provisions could be negotiated on very favorable terms to the Society and give it security of location for a decade (with options) at a reasonable cost. This money would have to be raised outside the present budget. We have been trying to solve the problem of working space for some time.

The Greek Orthodox Patriarchate has been in a state of confusion and upheaval (to say the least) over the last year and the Society has been negotiating with the Patriarchate not only to secure the further 5 years option on the present lease but also to extend the Society's premises in order to alleviate the cramped and claustrophobic conditions of the office. I informed the core donors of the failure of part of these negotiations in an Email dated, 13th October 2004.

"We have been negotiating with the Greek Orthodox Patriarchate for several months now to extend the Society's offices to the second floor of the premises next door to us, (Christo Photographic Shop). We came to a positive agreement and had structural engineers draw up plans and measurements and a contract was drawn up and ready for signing. The day before the signing a brawl broke out in the Church of the Holy Sepulcher between the Greek Orthodox, the Latin Catholics, (Franciscans) and the Israeli Police and Army over a "right of passage" for a procession through the Church. You probably know that the Church of the Holy Sepulcher is divided into quadrants allocated to the various branches of Christians. These quadrants are guarded with (un-Christian) zeal and trespass is fiercely frowned upon. The brawl I believe, led the Greek Orthodox Patriarchate to summarily cancel its agreement to the Society's expansion."

A few short weeks after this disappointing development it became clear that there was something far more sinister at foot. The officer of the Greek Patriarchate with whom we had been negotiating, Mr. Nicholas Papadimas, disappeared without trace and purportedly took with him some 6 million US dollars of Patriarchate funds.

It was some months before the first glimmerings of the depth of the scandal appeared in the newspapers. Haaretz ran the story, "Greek Patriarchate in trouble over shady land deal" and I paste an excerpt from the article:

*"Last Friday evening Jerusalem's Greek Orthodox Patriarch issued an urgent press release: "In light of the media reports regarding the sale of the Patriarchate's assets in Omar Ibn Al-Khattab Square in Jerusalem," read the statement, "I, Irineos I, Patriarch of the Holy City, rigorously and absolutely deny, personally or in the capacity of my position, any connection with this fictitious transaction, about which we so far have no knowledge. "This news release came in response to a main headline in Friday's edition of Maariv, which said that two groups of Jewish investors from abroad had purchased Church assets in the Jaffa Gate Plaza (Omar Ibn Al-Khattab Square), including the two long-standing Petra and Imperial hotels and a few stores. According to the Maariv report, the church assets were sold by a young Greek named **Nicholas Papadimas**, who had received a power of attorney for this purpose. Representatives of the Patriarchate explained last weekend that **Papadimas** received a power of attorney to rent the church's properties, but not to sell them, so the sale, if there even was one, is not valid."*

Mr. Papadimas some time later sent a communication to the Israeli newspapers denying any wrongdoing and said he was authorized to make the transaction for which he received 17% commission on the 130 million US dollar sale.

In spite of all of these administrative uncertainties the Society has been functioning at a very high level of output and success as the following area reports will demonstrate.

Nevertheless, for reasons completely out of our control, reasons enunciated above, the Society must make contingency plans and a further fundraising effort to secure the funds necessary to relocate its premises to a suitable guaranteed long-term location.

Case Area Report and Strategy.

Family Reunification.

Last year the Knesset, the Israeli Parliament, passed a law that prohibited an Israeli Arab resident, even an Israeli Arab citizen from applying for a West Bank or any other non-Israeli spouse to cohabitate in Israel after the marriage.

The Society petitioned the High Court of Justice arguing that the law was discriminatory, and violated fundamental principles not only of human rights but also of equality and the right to family. The State argued that the law was in essence an "anti-terrorist" measure. The Society was joined in this action not only by the Adalah – the Legal Center for Arab Minority Rights in Israel, but also by the Council for Civil Rights as well as by several other Petitioners including 5 private petitions representing over a dozen affected spouses and also by Member of Knesset Zehavah Gal On and Member of Knesset Roman Bronfman, both members of the Meretz Parliamentary Party in two separate Petitions. The Petitions were heard before a full bench of thirteen Judges of the Supreme Court of Israel sitting as the High Court of Justice and presided over by the Chief Justice, Ahron Barak. The case ran for the better part of a day on Sunday, January 18, 2004 and we expected to have the Courts answer within the coming months. The Court to this day has not given a judgment on the matter.

This is not surprising as the Israeli Parliament, the Military Authorities and the Judiciary came under intense word scrutiny with the holding of hearings in the International Court of Justice in The Hague, the Netherlands, with respect to the building of the so called, "Security Barrier." The International Court was not complimentary to Israeli policies and so it reported as such to the United Nations, which passed resolutions accordingly.

The Israeli High Court of Justice has on several occasions indicated the extent to which it recognizes world pressure and has made quite liberal rulings. This has helped in the prosecution of cases in other areas because it has caused a certain amount of uncertainty in the Ministerial bureaucracies. Thus the Society has concluded **12** issues in the Family Reunification area successfully during 2004 in what has been one of the most difficult areas in which to make progress.

The Society currently, as of December 31st 2004, has **10** active High Court of Justice Petitions having started the year with **7**, brought **2** to satisfactory conclusions and lodged **5** new Petitions. It has also worked consistently on some **38** District Court Petitions, the final step before petitioning the High Court, and brought **22** to completion with varying degrees of success and opening **19** new District Court Petitions.

Home Demolitions - Jerusalem.

This area has been remarkably quite in the last several months. The Jerusalem Municipality is certainly no where near as active as it has been in past years in ordering the demolition of homes. This is perhaps because of two very high profile cases which may have similarly caused a certain amount of uncertainty in the Municipal bureaucracy, as did the High Court Judgments described above.

Late last year the Society of Saint Yves defended several people accused of building illegally. I reported the case as follows: *"The strategy of the Society in 2003 was to argue against "Criminal Intent" since almost all of the cases brought against clients were framed as "building without a license" which is a criminal offence and demands a criminal hearing. It is worth noting again that it is almost impossible for an East Jerusalem Palestinian to obtain a license to build or extend or even in many cases to renovate a home. Secondly the Society constantly argued against the discriminatory and disproportionate fines levied against clients."*

These strategies came to a head in the hearing of a number of cases over a two day period and the results were more than gratifying. Al Quds, the Arabic Daily Newspaper described it in these words:

"The Society of Saint Yves The Catholic Human Rights Organization has been defending the owners of these homes since the year 1995 when the Municipality of Jerusalem started issuing demolition orders against these homes, until finally the Society succeeded in capturing this important legal precedent through proving to the court that the defendants did not have the necessary criminal intention to build without a permit."

The headline article in Al Quds read:

"After the submissions made by the Society of Saint Yves, the Municipal Court of Jerusalem cancels the demolition orders and drops the charge of illegal building against the owners of (40) homes in Wallajah."

This however did not reflect the actual situation since only 11 homes were involved in the cases. A vital and parallel argument in all of the cases focused on the draconian nature of the fines levied against East Jerusalem "offenders" and the court noted this and took heed and addressed that issue as well.

The Al Quds report went on to make this further and significant observation of both the Judge and the Prosecuting Attorney:

"After the hearings, Judge Moshe Sobol commented that this decision is a historic one since it constitutes an important legal precedent of the Municipal Court. The prosecution lawyer commented by saying that, "The State of Israel lost more than 700,000 NIS in fine revenues due to this decision."

The second cases of note is still in action and involves the prosecution of Rabbi Arik Ascherman, the Director of the NGO Rabbis for Human Rights, and two other co-defendants who were jointly accused of obstructing and cursing police as they kept order during the demolition of houses. Rabbi Ascherman argued the right to passive, non violent civil disobedience. He also argued much of what the Society had argued successfully last year. In fact the Society provided Rabbis for Human Rights with considerable material about the non-planning of Jerusalem Arab areas and the near impossibility for Arabs to obtain building permits.

Rabbi Ascherman's trial is to resume on 9th January 2005 but it will be very difficult indeed for the prosecution to prove him and his co-defendants "Rebels" and Rabble-rousers" since Rabbis for Human Rights was awarded in 1993 the Speaker of the Knesset's Prize for its contribution to Israeli society. These men are heroes not hooligans.

As a result of these and other collaborations the Society together with Rabbis for Human Rights, the Committee Against Home Demolitions and the Meretz Party faction in the Jerusalem Municipality plan to mount a major Petition against the deliberate non planning of Arab neighborhoods of East Jerusalem and the clear manifestation of discrimination that that policy evidences. Such a case will require a considerable effort in research and the gathering of information and statistics and could only be undertaken as a joint venture with other organizations skilled and experienced in particular areas of the struggle for democratic freedom

and equality. The very fact of undertaking such a project is in itself an exercise in creative civic responsibility and the building of civil democratic society.

Home Demolitions – West Bank.

Last year I reported that, *"The case strategy in the area of West Bank Home Demolition is to first Appeal to the Civil Administration against the home demolition. Very often this is rejected and the Society goes immediately to the High Court of Justice asking the court to grant Interlocutory Injunctions to prevent the demolition until vital matters of ownership, re-parcelization or accurate survey mapping can take place. Till now the High Court has been disposed to granting the requested Interlocutory Injunctions and then shelving the cases till a later date. This is a favorable outcome as it achieves the principle purpose of preventing the demolition of a family's home. The Society has never lost a home to demolition in the Occupied West Bank."*

The situation has not changed much in that time and we have continued in the methodology and strategy that has proven effective.

The strategy is doubly effective in the sense that the Civil Administration Appeals Committee has become accustomed to the Society's vigorous pursuit of resolution in these cases and its willingness and alacrity in petitioning the High Court for a just resolution. Consequently the Civil Administration Appeals Committee has tended over the last years to give the Society a "more serious" hearing in the first instance lest they find themselves facing the Supreme Court Justices.

Home Demolitions – West Bank – Land & Water: LAW Cases.

The LAW cases are not separate from the West Bank Home Demolitions cases but are in fact and in reporting a "project within a project." With the collapse of the NGO, Land and Water, LAW, the Society was invited to take up the cases left moribund and without legal attention. It did so with zeal and this was a good part of the motivation in overcoming the very many difficulties in revitalizing the Bethlehem office.

In the first half of 2004 the Society encountered some difficulties in absorbing the cases since there was some expectation in the lawyers appointed by the defunct LAW organization that the cases would be "bought" from them. We overcame these obstacles and in a period of some 4 months absorbed an initial **27** files and proceeded where necessary to activate appeals to the Civil Administration or to Petition the High Court of Justice. In the 6 months from July through December we succeeded in absorbing only a further **18** cases.

There are strong indications that many of the LAW files have indeed been sold to lawyers in Ramallah and East Jerusalem but these are hardly provable neither does the Society have the man power nor the resources to follow up on these lost cases. In order to obviate that necessity in the future the Land Defense Committee refers new cases and old cases where people make inquiries as to the progress of their files, directly to the Society's Bethlehem office for action. Perhaps the Society needs to seriously consider the option of employing a field officer who would spend time traveling the lands of the Southern West Bank on follow up and promotional missions.

To the western mind this can look like corruption and indeed by European, American or so called Western democratic standards and legal ethics it is. It must however be remembered that the Palestinian economy is beyond being described as devastated. Rather it and its people have gone into survival mode.

Nevertheless the Society at the end of 2003 had **136** active cases and some **54** active High Court Petitions while at the end of 2004 the number of active cases had risen to **184** and in addition to **74** active High Court Petitions, was engaged in some **87** Appeals to the Civil Administration. More than **35** of those Appeals were resolved with the grant of an indefinite postponement of demolition orders or further land encroachments and confiscations while **15** progressed to the High Court. A further **17** appeals were newly lodged with the Civil administration, most of them generated out of files received from LAW or directly from the Land Defense Committee.

Land Confiscations.

There has been little movement in this area also. The policy of the High Court in recent years has been to deal with Petitions on a case to case basis most often sending the cases back for re-negotiation at the level of the Civil Administration at Beit El. Owners are pleased to settle for the use of large tracts of their lands until there is a political solution to the problem of the Occupation.

The principle difficulty that the Society faces in accepting new cases is the near impossibility, because of the harshness of the military occupation and the current state of war, for owners to supply modern survey maps of their property. Without such maps the Civil Administration simple refuses to accept or consider new cases for administrative appeal. The same problem is also encountered in the West Bank Home Demolition Cases.

The Society currently has **14** active High Court Petitions of which **3** were added in the course of 2004 primarily to challenge the Civil Administration's refusals to accept appeals on the grounds of older or traditional mappings of the lands in question.

Miscellaneous Cases and Miscellaneous Office Actions.

As I have reported before, the case strategy in this area and in the area of Office Actions is to right injustices where we ourselves see them or which come to the Society's attention through client complaints.

Just as the Society has used and is using the precedent of the High Court judgment in the successful Ministry of the Interior case which Haaretz reported on 4th December 2003 in these words:

"The High Court of Justice yesterday morning ordered the Interior Ministry to move the East Jerusalem offices of the Population Registrar to a larger building, to employ more people at the facility and to extend its opening hours. Supreme Court President Justice Aharon Barak and Justices Ayala Procaccia and Miriam Naor unanimously found in favor of a petition filed by Dr. Rafoul Jabra Rofa, a resident of East Jerusalem and a lawyer with the Society of St. Yves, and gave the state 19 months to move the Interior Ministry offices to a new and larger building. The justices also ordered the state to immediately employ a total of 42 workers at the office and extend its opening hours. In addition, the High Court ordered the state to reimburse the Catholic Church's Saint Yves Association, NIS 10,000 in legal fees."

So today the Society is using the principles enunciated in that judgment to further Petition the High Court of Justice in order to substantially improve the similarly humiliating conditions at the National Insurance Institute and the Ministry of Labor.

This was the essence of our strategic planning and indeed it is the process and procedure of the legal method itself. The Ministry of the Interior was more than a year in research and preparation and the same is true of the National Insurance Petition. The legal research is not desktop work and I and the other lawyers spent sleepless nights sitting in the long cold queues observing and photographing the appalling treatment and the daily humiliations suffered by the people.

National Insurance Cases.

National Insurance cases are quite different and involve the enforcing of civil rights of clients against primarily the National Insurance Institute. These rights include unemployment benefits insured through mandatory taxation supplemental payments, old age and invalid pensions, widows / widowers benefits and allowances and child allowances as well as other social and poverty relief benefits.

The Palestinian population has for many years not been claiming what is their right to claim and this has been for a number of reasons. There is a clear fear in the Palestinian population in dealing with Israeli bureaucratic institutions and Ministries because they have very often been the instrument through which fines, levies and other punishments including the loss of the right of residency, have been imposed. There is also an abiding ignorance of civil rights and human rights in a population that has lived under occupation for nearly 40 years. Added to these factors is an inbuilt policy of discrimination, which is well established and embedded in the Israeli bureaucracies and the salient fact that, until corrective action was taken by the Society of Saint Yves, all forms and materials were printed in Hebrew and therefore not able to be understood by the bulk of Palestinians.

The Society's work over the last year has involved some **76** actions in the Labor Court claiming these various rights and **1** case which has progressed through appeals and is now in the High Court of Justice.

The work of the Society has brought into the dilapidated Palestinian economy millions of shekels over the past years but more importantly it has been a practical exercise in demonstrating and educating the Palestinian population to the fact that they do have rights and are entitled to demand them.

Permits.

The Society has always, or at least for the past dozen years, helped people from the West Bank to obtain various types of permits from work to medical emergencies and study permits. This was a procedure that in most cases lasted some 2 to 4 months and rarely if ever required the expertise of a lawyer and the work was always carried out by a supervised Para-Legal. These permit cases even though they numbered in the hundreds in the course of a year were never reported as file but simply reported as a service performed.

This is no longer the case. With the increasing strangulation of the Palestinian population centers and the creation of alternative sources of labor through the importing of short term foreign workers such as Thais, Rumanians, Nigerians and Philippinos, the Palestinian worker has become disposable. The Palestinian population centers have been surrounded by The Wall and the Security Fence and their inhabitants left to the discomfort of what some have described as Bantustans but which are better described as open prisons. Israel controls everything that moves into and out of these centers and therefore controls the basis of industry and commerce.

One of the primary types of permits that in years past the Society gave assistance in obtaining were the permits to work in Israel. This was always underpaid menial work but nevertheless the source of economic survival for many families. This is well nigh impossible today and the Society focuses its efforts on medical emergencies, permits to enter Arab East Jerusalem for tertiary study, permits to travel through Israel to attend important family events such as weddings

or funerals. In all cases the obtaining of permits has become more and more the task of trained and experienced lawyers assisted by Para-legal staff.

Conclusions.

"This wasteful government by fear, by contempt for the basic dignities of life, this steady asphyxiation of a dependent people, should be the very last means adopted by those who themselves know too well the awful significance, the unforgettable suffering of such an existence. It is unworthy of my great people, the Jews..."

Thus spoke the world-renowned Jewish violinist Sir Yehudi Menuhin, on receiving the Wolf Foundation prize for music in the Knesset, a short time before he died in March 1999. He certainly must have foreseen the distain with which his remarks would be received. He could not then have foreseen the orgy of blood shedding that was to come.

A few short years later in late September 2000 the second Intifada erupted and has since claimed well over 5,000 lives, left some 40,000 people injured by unspeakable violence and discarded more than 4,000 souls to permanent disablement, maimed by injuries like the loss of limbs, profound deafness, disfiguring burns, irreversible brain damage and blindness. For every Israeli who suffers these fates four Palestinians suffer the same fate. Together both peoples have suffered 3.2 cruel deaths, 2.3 permanently disabled and 30 injured every day as a result of the inability to seek justice and peace through non violence. Added to that Palestinian livelihood has been pitilessly damaged and brutalized by the demolition of over 7,500 homes and the uprooting of well over a million fruit bearing trees.

That is the scientifically measurable results of the violence but festering under the surface are malnutrition, stress related cancers and cardio-vascular diseases, impoverishment, thousands of lost days of education and the psychological rattle bag of trauma and shock related mental illnesses.

When I wrote the latest Funding Proposal for the Society I included a "Table of Expected Long Term Results." Such a prognosis is appreciated and in some cases demanded by donor organizations. When I looked at the reality around me and wrote,

"1. Increased confidence within the Palestinian population in an effective, fair, honest and independent court system which will directly foster the growth of Palestinian civil society. 2. The growth and development of Palestinian civil society that will lead to the long term economic and modern social development of Palestine. 3. There will be an enhanced regional stability based on the increased ability of the Palestinian community to enjoy security, prosperity, hope in the future and peace in the present and generally to exert effective control over their own lives."

I truthfully saw it as being theoretical or rhetorical, in a sense an abstract way of expressing unattainable hope. Today when I reflect on the microcosm of the Society of Saint Yves, the community of its staff of like minded and committed individuals and the attitudes of the clients who it has assisted and aided over the years to be aware of their rights and responsibilities in society, I believe these things are not only attainable but are presently being achieved for ordinary Palestinians at a grass roots level in spite of the considerable difficulties the face daily.

William (Bill) Docherty.
Director
The Society of Saint Yves.