

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

Narrative Report Full Year 2007

Monday, January 07, 2008

1. Introduction:

This report is constructed to highlight some of the key activities of the Society of Saint Yves in 1007. The report will show both levels at which the Society undertakes to prosecute justice on behalf of the poor and the marginalized of the Holy Land.

It is well to reflect on the charism of the Society's founding for it will strengthen all explanations of its internal learning, improvement and process of continuous rethinking and re-strategizing as well as the Society's short, medium and long term goals and ambitions.

The Society of Saint Yves was founded as a Canonical Lay Foundation in the Catholic Church in 1991 by the Latin Patriarch of Jerusalem and the Holy Land, His Beatitude + Michel Sabbah.

Msgr. Sabbah responded to the enthusiastic conviction of Mrs. Lynda Brayer, a Jerusalem lawyer, the Society's co-founder and first Director, that there could be no lasting peace without universal justice and that this fundamental principle was embedded in the deepest aspirations of all three monotheistic religions and reflected best in the global humanistic framework of International Humanitarian and Human Rights Law.

The Name of Saint Yves was chosen by Mrs. Brayer through her devotion to St. Yves of Bretagne, widely held in Europe as the patron of Lawyers. His was a life of legal struggle and service to the poor and marginalized rather than in the the pursuit of personal wealth and power and this set him as a timeless model.

From thence also derived the motto of the Society, *"I am my brother's keeper"*

The first case of the Society was the High Court of Israel petition to compel the Defence Ministry to expand the distribution of gas masks on the eve of the First Gulf War to include the forgotten and unconsidered Arab Palestinian population of East Jerusalem.

The success of the gas masks case was followed by the long drawn out defence of the forced relocation of the Jahaleen Bedouin adjacent to the illegal settlement of Ma'ale Adamim and many West Bank Palestinians took hope from the non violent legal struggle and came to the Society with issues of land confiscations and demolitions of homes and agricultural infrastructure occasioned to make way for the accelerated construction of many other colonial settlements on occupied Palestinian territories.

Over the years the Society's work grew from land confiscations and home demolitions in Jerusalem and the West Bank to include issues of freedom of movement, family reunification, Jerusalem residency, violence by security forces and settlers towards Palestinians and damages resulting from that violence, child registrations Jerusalem residency issues and National Insurance matters including the welfare of the aged and infirm.

The Society's aim is to be and to continue to be a community resource entrenched in the community and responsive to the needs of the community. Hence the work of the Society is

work on behalf of individuals and reflective of the lawyer client relationship of personal professional service.

Often similar issues arise in so many individual cases that an action on behalf of a class of people is necessary and the Society undertakes such class actions when they are warranted and demanded.

Thus when so many of the Society's clients were subject to the abysmal and inhuman conditions forced upon the Palestinian people at the East Jerusalem Ministry of the Interior and the District Commissioner's Compound at Bethlehem these state institutions became the subject of Society petitions to the High Court of Israel and resulted in the rebuilding of both of those buildings / complexes and an overhaul of the means by which people were given service. A similar action was initiated against the National Insurance Institute which controls all social benefits to citizens of the State as well as to the Palestinian population.

This has been the two tiered method of operation of the Society and its work certainly in the past 8 or more years. That is, by giving legal service to the ordinary man in the street in significant enough numbers and in a breadth and diversity of areas of stress and distress to identify more common and widespread systemic injustice and discrimination and from that base to take action for a class of aggrieved and affected individuals by petitioning the Israeli High Court of Justice for relief and correction of the injustice.

2007 was a year of considerable distress for the Palestinian population. The upheavals that took place in Gaza set Hamas the elected government against Fatah the old government defeated in the elections of the previous year. This violent confrontation, brother against brother, that ended with Hamas control over Gaza and led to the brutal imposition by Israel, with the silence if not the expressed endorsement of the international community of a near total siege of the entire Gaza strip towards the end of the year. The ground work for the siege had been carefully laid some six months before when in the summer the Defence Minister, Ehud Barak declared Gaza a "Hostile Entity" and began the simultaneous processes of drastically reducing essential and life sustaining services including fuel, electricity and medical supplies while at the same time selling this policy of suffocation to the international community.

Human rights organisations challenged this undisguised collective punishment of the Palestinian population of Gaza over 50% of which is under the age of fifteen years and the Israeli courts chose to sanction the government's measures.

More than that, the ongoing and intensifying collective punishment of Gaza sent a wave of confusion and profound uncertainty throughout the West Bank as both Israel and the United States set about bolstering Fatah financially and militarily to counter any potential growth in Hamas and to counter any threat to their own domination.

There is absolutely no doubt that the Al Aqsa Intifada that was deliberately sparked by the visit to the Temple Mount by then opposition leader, Ariel Sharon in the company of a thousand police and military, an event which could not have taken place without the knowledge and ascent of then Prime Minister, Ehud Barak, has by 2007 been absolutely and utterly crushed.

The unilateral disengagement from Gaza together with the subsequent imprisonment and strangulation of its one and a half million inhabitants and the near completion of the 700 km Wall in the occupied West Bank sealing off its three and a half million people into what can only be described as a series of open prisons, are proof enough that the Intifada is dead and the demographic time bomb, for the moment anyway, has been capped.

These measures have brought increasing poverty and misery to an already brutalised people but the sheer magnitude of the changes in the legal and political milieu in which the Society works have meant that the Society has necessarily had to rethink its legal strategies which were evolved before and during the building of the Wall and the division of the Palestinian people into two separated entities in Gaza and the West Bank and dozens of cantons in the West Bank alone.

To this end the Board of Directors and the staff conducted a two day retreat in December 2007 and the results and organisational directives of that retreat will be discussed in section 3 of this report entitled, "Organizational Development, Consolidation and Capacity Building."

2. Case Area report and Strategy

i. Rapid Action Intake Intervention Cases

These files are almost all fiscal claims and involve the speedy response to the rejection of individual claims to Unemployment Benefits, National Insurance, Child Allowances, Widows Pensions and Old Age Pensions and Poverty Alleviation benefits. The success rate is in the order of 90% to 95% and failed interventions go to the legal department for further, more protracted legal action.

The facility was developed at the suggestion of Adv. Hassan Jabareen of Adalah at his Independent Legal Assessment of the Society's files in mid 2007. It is also true to say that it was because of a perceived need in the Society to streamline cases and develop a workable system of case intake. Many of the operational systems were developed in the years 2000 through 2004 and are today not responsive enough to the situation in which we find ourselves. There has been a marked and palpable deepening of poverty in the Palestinian population as a whole and if this is true of Jerusalem then it is doubly true of the West Bank and of Gaza, which is the hardest hit of all.

In 2008 the Society will be hiring a full time experienced Para Legal to take charge of incoming cases and filter those cases through to the Legal Department after the initiating advances have been completed to the various ministries and the National Insurance Institute. This will have the meretricious effect of liberating the lawyers to more thoroughly research their court files and appearances.

ii. Family Reunification.

At the end of 2007 the Society had some 130 active family reunification files. Since January, 15 files had been brought to a conclusion and some 35 new files had been added to the cases load.

During 2007, seven (7) new Administrative actions were lodged in the District Court administrative jurisdiction. Of the 15 files that were closed 9 of those cases were appeals to the District Court and 4 were successful 3 cases were lost on the grounds of "Security" and 1 case was withdrawn to be lodged as an Appeal again in 2008. 4 active appeals remain before the District Court awaiting hearings. Some 35 new case files were added in the course of the year.

It is important to note that many case files are brought to a conclusion without having to resort to court action even though this process make take many months and more often years to bring to a conclusion. It is also important to note that many of the cases that are taken to the Administrative Court, that is the District Court sitting as the Court of

Administrative Review, are referred back to the Ministry of the Interior with the instructions of the court to undertake a further course of action and this does in many cases lead to a satisfactory outcome for the client. There were 3 such cases referred back to the Ministry and 1 was completed successfully and the other 3 were taken back to the District court and lost on the grounds of "Security"

This raises two important questions with respect to the conduct of the Society's cases and both were canvassed and included in the Legal Procedures Report of Adv. Hassan Jabareen. Adv. Jabareen thought that cases involving "Security Clearance" issues were lost cases from the outset and should not be taken by the Society. We respectfully disagree. In one of the lost cases the judge in handing down her judgment was openly apologetic that the law forced her to make such a decision. The facts of the cases are worth stating because they expose the injustice to which the judge herself alluded in her summation of the cases. The client and the Society lawyer were not entitled to hear evidence presented in closed court by an officer of the Shin Bet, the General Security Service. It was clear however that there was no security file or objection against the Society's client but rather that a sibling of that client was married to a spouse whose sibling sister was married to a person with a security record. By any reckoning this is a clear injustice and the law does not allow for any deviation nor does the law provide for any judicial discretion in rectifying an obvious wrong. Adv. Jabareen was inclined to advise avoiding such cases and there are many of them but we in the Society feel very strongly that such injustices must be continuously challenged if only in the hope of one day gathering enough evidence of discrimination and injustice to present the cases in a class action for Judicial Review of the High Court of Israel. In other words injustice if it cannot be righted must in all cases be exposed and not meekly accepted.

The second contentious issue that arose from our open and probing discussions with Adv. Jabareen was the fact that the Society has always sought to take cases and open its files from the requests for assistance of the people who come to it seeking help. It was one such case that led the Society to joining Adv. Jabareen's organization, Adalah and the Association for Civil Rights in Israel and three other Petitioners and together lodging High Court Petitions demanding the annulment of the clearly discriminatory and racist law passed under the Nationality and Entry into Israel Law (Temporary Order) 2003 whereby an Israeli Arab spouse is denied cohabitation with their "foreign" spouse.

The High Court of Israel decided on May 14th 2006 to ratify legislation but the Petition of the Society of Saint Yves had been withdrawn. According to Adv. Jabareen and in this the staff of the Society concurred, this showed a weakness in the legal strategic planning within the Society. The Society's client had been offered road to reunification, in effect a deal, which the Society as his legal council had to advise him to take as it was extremely beneficial to his interests. Thus it could be said that we enabled a single family reunification while sacrificing a matter of principle.

In other areas such as Family Reunification it is virtually impossible to develop a long term strategic approach to the conduct of cases because the laws and regulations are constantly being tightened to increase the difficulty of qualifying for a permit to reside in Israel. A few years ago it was standard procedure to apply for reunification of a West Bank spouse and included in the application were all of the children of the marriage. Recently the law was changed to make it obligatory to apply for each and every individual in the family separately thus dramatically increasing the costs of applicants through private lawyers and obviously multiplying the work by the number of members in the family. Moreover the spouse seeking residency is female she must be twenty five

and over and if male he must be thirty five years and over. Security restrictions have become extremely restrictive and the law stipulates that if any member of the spouse seeking residency can be regarded as a security risk to the State of Israel then that spouse can never be granted residency. "Any member of the family" is defined as parents, brothers and sisters, spouses of brothers and sister and their children.

A nun's story is illustrative of the difficulties that can be faced and the length of time it can take to resolve relatively simple issues.

Sister Elizabeth is a Palestinian born in Lod, near Tel Aviv in the early 1940's. Her family fled with her to Bethlehem to escape the 1948 war. She entered a convent in Jerusalem in 1956 and after the 1967 war was counted as a resident of Jerusalem in the Israeli census of the Palestinian population. She should have been issued with a Blue ID which classified her as a "Permanent Resident" of Jerusalem but although she continued to apply to the Ministry of the Interior throughout the 1970's and 1980's her applications were ignored. In 1997 the Church appointed lawyers to assist her and they met with no success. In 2001 she came to the Society and the Society met with little success also. Between 2004 and 2006 Sister Elizabeth asked the Society to suspend its work while she tried again through the Church. Again she was unsuccessful. She returned to the Society and the Society lodged an Administrative Petition in the District Court which in questions of residency rights is the equivalent to an Appeal to the High Court of Justice. The Court ordered the Interior Ministry to review Sister Elizabeth's case and she underwent an extensive interview on 18th December 2006 and the court ordered that the Ministry answer the case within 60 days. Until the end of March 2007 there had been no answer in spite of the Society's numerous reminders. The Society petitioned the District Court to compel the Interior Ministry to act. The Interior Ministry referred the case of the near 70 year old nun, a professed religious for over 50 years, to the General Security Service, the Shabak, where it has sat for deliberation for a year.

The frustrations of this and many other like cases did and does have a very positive outcome however because of the Society's availability to ordinary poor man in the street gives it insight into changing trends in the overall discriminatory policy of the State and its institutions. Thus the Society was able to identify an ever worsening policy towards religious, priests, monks and nuns through prosecuting hundreds of cases and having identified the trends and the means of implementation it was able then to advise the Patriarch and the Franciscan Custos and they in turn were able to challenge the authorities on their attitude to religious freedom with firm and substantial evidence.

iii. Home Demolitions - Jerusalem.

The first half year the Society inherited eleven (11) cases from the previous year including four (4) cases which had been taken to the District Court on Appeal principally on the grounds of the severity and excessively punishing nature of the fines. The year began with 34 active case files and concluded with 41 active cases with the addition of 8 new clients.

One file was brought to a conclusion with a fine to the client and a postponement of the demolition to give the client family an opportunity to apply for a retroactive license to build.

The Society has 41 active case files before the courts as at December 31st and of these 3 are new Appeals to the District Court Appellate jurisdiction.

iv. Home Demolitions – West Bank (Including Land & Water - LAW cases.)

As at the end of 2007 the Society currently has one hundred and thirty six Petitions before the High Court of Justice which has granted "Tsav Benayim" or Interlocutory Injunctions preventing the demolition of homes or agricultural infrastructure the subject of the Petition. These Petitions are sometimes in the name of a single client or family and in many cases in the name of a large clan or tribe and protect the dwellings and agricultural infrastructure and wells of hundreds of people.

6 West Bank Home Demolition Appeals were closed in the course of the year with the High Court stating that the Interlocutory Injunctions protecting the housing or agricultural infrastructure were to remain as a permanent protection and could only be challenged by the State Prosecutor applying to reopen the cases.

There are more than a dozen Petitions before the High Court awaiting a date for hearing and this can take some months. In addition to the High Court Petitions which are the final appeal to justice, the Society prosecuted some forty two (42) Civil Administration Appeals in West Bank Demolition cases. A Civil Administration appeal is the last step or more often, protracted series of hearings before petitioning the High Court and now very often the appeals are the result of a High Court directive to review the cases and come to an equitable solution.

For the Palestinian land owner a negotiated settlement means the legal process of minimizing losses. In the situation of aggressive colonization and illegal settlement of occupied lands the Palestinian is always in a no win situation.

v. National Insurance Cases.

The full year case file load in the area of National Insurance has risen once more and currently stands at one hundred and seventy nine files (179) with some fifty three (53) new files being added in course of the year with only twelve case files were brought to satisfactory conclusions.

The National Insurance cases are the quintessential example of the strength and weakness of the Society. The ambition has always been to be available and accessible to ordinary people seeking legal help and assistance. The aim was to be "community lawyers" operating in the community, for the community and responding to the needs of the community. The Society has been successful in achieving this goal and that very success has highlighted the limitations of the work. In the last five to seven years the Society's work load has more than doubled while the staff force has remained essentially steady or for a period this year has actually dropped. It was a goal in the first half of 2007 to slow down some of the movement in this area because of man power constraints and in this we failed to achieve our goal.

We hope that many case files will be concluded in the first half of the year 2008 and some balance will return in this area of the Society's work.

vi. Permits.

At the end of the year mark the Society has some thirty eight (38) files in active process for the granting of permits to travel into or through Israel. Seventeen (17) new application files were added in the course of the year and by the start of the Christmas holiday the Society had managed to obtain thirteen (13) permits for work and travel in Israel. This may not seem a huge achievement but measured against the results of other organizations which achieved no permits whatsoever, it was for the Society and its clients a considerable benefit.

The granting of permits must be seen against the backdrop of mounting tension in the Occupied Territories and in particular in the Gaza Strip and this tension and security uncertainty were constantly used by the Police and Civil Administrations as their primary reason for the slow down and indeed refusal in accepting and processing applications.

vii. Land Confiscations.

Most of the cases in the area of Land Confiscation are covered by existing High Court Petitions or are in the long Appeal process before the Civil Administration Tribunals. There are at present some fifty five (55) active Land case files and within that case file load fourteen (14) are already Petitions before the High Court of Justice and these lands are protected against further confiscation or trespass by High Court Interlocutory Injunctions. In the course of the year, two (2) new land files were added to the Society's case load. The same difficulties which have existed for many years now continue to plague the prosecution of these cases to the full. The Civil Administration will not countenance an appeal without up to date survey maps provided by and at the expense of the landowner and because of the high level of military activity in the West Bank corridors land survey is more often than not impossible and always dangerous and expensive. Certainly the policy of the High Court in recent years continues and the cases are sent back to the Civil Administration for reconsideration. This often results in land owners gaining permission if not protection to use tracts of their property and this of course gives agricultural yields that sustain families.

In one such case the High Court sent the case back to the Civil Administration with a firm indication to settle the matter justly and the Society lawyers, the lawyers of the Civil Administration and representatives from the Beitar Elite Municipal Authority negotiated the final boundaries of the client's land and the compensations the client family will be entitled to for the time they have been prevented from full use of their lands. The Sabatin family lands of some 33 dunams were confiscated under a variety of military legal fictions for the obvious purpose of expanding the illegal settlement of Beitar which is built on the agricultural lands of the Arab village of Batir. The family approached the Society in mid 2001 and after a number of unsuccessful appeals to the Civil Administration an Appeal was lodged with High Court of Justice mid 2002. The Court froze the confiscations and sent the parties back to the negotiation table. In the four years that followed the land was surveyed by the Israeli army and negotiations and site visits took place regularly. A second visit to the Court resulted in the Municipal Planning Committee of the Beitar settlement being included in the procedures and a result satisfactory to the Sabatin family was finally agreed upon in late 2006 and formalized soon after the Christmas holiday. Since the settlement had already built a school partly on the Sabatin land and wanted more land as a security buffer zone a land for land exchange was agreed upon and the shape of the Sabatin land changed to accommodate the school. In addition to this land exchange and to follow the most economical and viable topographical lay of the lands, the settlement was obliged to build a fence around the entire perimeter of the Sabatin land and in the security zone associated with the school a wall was constructed. This process actually gained 2 dunam for the Sabatin family and in addition the settlement agreed to provide a water outlet for the land and the Civil Administration agreed to provide the army survey maps free of charge which saved the Sabatin family several thousand shekels in surveyor's costs. Further, the Civil Administration signaled a positive attitude to the planning of an agricultural building on the property and also undertook to refrain from objecting to an application by Sabatin to register the land on the Land Registry.

On the face of it this looks like an extraordinarily good result and it is indeed for the Sabatin family who not only kept their agricultural lands and therefore their livelihood but also gained a property that had by the process increased in value over one thousand percent. The property is situated at the centre of the settlement in a horse shoe shape of future expansion of Beitar.

The Society has had similar successes in the recent past and then had clients return to report that the settlement had made an extremely generous offer to purchase the lands and asking could the Society act for the client in the sale. Of course the Society cannot act in that way because it not only causes the loss of Palestinian patrimonial lands but also legitimizes in a very real sense, the settlement which is an illegal entity on occupied land by international law.

viii. Class Actions.

These two areas should be viewed and considered together because they are the engine through which the Society identifies and generates the cases which will be researched as High Court Petitions on matters of race discrimination, dehumanization and damages to persons and property that result directly from the illegal occupation of the Palestinian people. Certainly from these two areas came the Petitions that resulted in the High Court order to the State of Israel to build new premises to house the Ministry of the Interior and the Ministry of Health and in so doing make available services in a spacious, humane and civilized manner befitting the nature of the institutions and the people they are there to serve. Since then the Society has been using the principles, the precedent 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.

The large quantity of cases involving delays and foot dragging as well as rejections that we opened in these case file areas also led the Society to investigating the conditions and treatment of West Bank Palestinians at the District Commissioners Officer (DCO) premises at Gush Etzion. This year we petitioned the High Court in the matter of inhuman and discriminatory practices outside of Israel in the Southern West Bank. We lodged a petition against the DCO, the District Commissioner's Office in Gush Etzion to the south of Bethlehem. The DCO is not an office in the Western sense of the word. It is a compound containing an agglomeration of corrugated iron and tin buildings resembling large Australian sheep shearing sheds. Hundreds of West Bank Palestinians seeking permits to enter or pass through Israel or applying for work permits or magnetic ID cards were forced to mob there on a daily basis in humiliating and degrading conditions, without shelter, running water or drinking water or toilet facilities. The Society petitioned the High Court using our own past precedents and won another victory for the people. The High Court ordered the destruction of the existing DCO service area and the construction of a facility fit for the purpose for which it was intended and the High Court undertook to monitor progress. As a result of the judgment the old DCO buildings were bulldozed and a new complex constructed comprising three principal halls. An intake, directional and waiting hall, a service hall with areas designated for specific purposes and a Hall designed to process Israeli employers acting as referees and applying for work permits for their Palestinian employees. All three halls are air-conditioned in the summer and heated in the winter, there are adequate and comfortable chairs provided as well as good, clean and ample toilet facilities and well organized queuing procedures in place. In addition all of the security personnel both soldiers and police are required to be Arabic speakers and if Arabic is not at the mother tongue level, they are required to take continuous Arabic lessons.

It must be noted that this case does not appear as a completed case file in the first half year as the final ratifying judgment of the High Court is not due until the end of July.

Another of the areas that the Society has been researching and working in for some years now is the status of religious; priests, brothers and nuns in the Holy Land. Religious have been coming to the Society for certainly the last ten years and we have helped them in a variety of Visa related matters. Medical health insurance coverage, re-entry to Israel and old age retirement allowances are all governed by the type and duration of the A3 Religious Visa. Because so many religious were using the Society we were able to build up over the years a very substantial data base and also to identify areas where for reasons unbeknown and certainly unannounced many religious were being refused Visas and forced into panic. Of course we dealt all along with individual cases and the results in almost every case were satisfactory but the work was increasing at an alarming rate. The Society has offered special services and statistical analytical data to the Latin Patriarchate, the Franciscan Custody of the Holy Land as well as International Lobby groups in an attempt to generate internal as well as external pressure on the Ministry of the Interior and the Israeli Government to relax its current draconian policies or rather restore the situation to what it was several years ago when it more reflected the spirit of the Vatican / Israel Agreement.

Presently there are seventy two Miscellaneous Case files (72) and twenty nine (29) Office Action case files which have been incorporated into the Class Actions case research and preparation area.

3. Organizational Development, Consolidation and Capacity Building.

In November / December 2005 Cordaid empowered its former Director, Mr. Hans Kruijssen to conduct an Independent Organizational Assessment of the Society of Saint Yves as a follow up on the Independent Organisational Assessment carried out in October 2001 by Dr. Paul J.I.M. de Waart, Professor emeritus of international law at the Vrije Universiteit of Amsterdam (Netherlands) as team leader together with, Ms. Rama G. Nashashibi, Director of the Palestinian Counselling Center for Children and Family in East Jerusalem (OPT) and Mr. Hassan Jabareen Advocate, General Director of Adalah The Legal Center for Arab Minority Rights in Shfaram (Israel).

Mr. Kruijssen was for the most part satisfied with the organisational progress made by the Society but urged two further critical improvements and they were a greater Board of Directors involvement and the acquisition of a larger premises because the cramped space of the offices in Greek Orthodox Patriarchate Road were a strong factor hindering the conduct of the work of the Society.

The Chairman of the Board of Directors, His Beatitude + Michel Sabbah, immediately on receiving Mr. Kruijssen’s Report, set a date for a Staff and Board Retreat in order to address the issues raised by the Report. The Retreat was held on the weekend of March 10th through 12th 2006 and resolved to:

- Renew the efforts to expand the existing offices or find new offices that offered space to grow.
- Set about to create a Strategic Plan for legal and organisational development and consolidation.
- Appoint the Board’s own Independent Assessors of the Financial and Administrative Conduct and Planning within the Society and the quality and conduct of the Legal Outreach of the Society.

The Strategic Plan was developed over the half year from March through September 2006 and produced a framework that gives the Board and the Staff of the Society a long term vision and realistic and measurable goals for which to aim in the five years to 2011. The Strategic Plan is visited at each Board and Staff Retreat which was set as an annual event to be held in the month before Christmas.

The Financial and Administrative assessment was made and resulted in the writing of a Financial Procedures Policy Document and a Personnel Policy Document both of which are foundation procedural documents in the society today.

The assessment of Legal procedures and methodologies of conduct of the cases was conducted by Mr. Hassan Jabareel Advocate, General Director of Adalah the Legal Center for Arab Minority Rights in Shfaram (Israel) who had been one of the 2001 Independent Assessment Team. A perusal of the File Report and the Narrative Report above will demonstrate the changes as implemented that Adv. Jabareen advised.

The acquisition of a larger office space was the most difficult to achieve. Nevertheless a long history of search led to a very favourable outcome. It was reported in the Narrative Report of 2004 as follows:

"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."

By the beginning of 2006 even before the Staff and Board of Directors Retreat had taken place ongoing negotiations with the Greek Patriarchate began to bear fruit.

The Greek Patriarchate at the request of the Greek Patriarch himself began the process of buying back the "Key Money" holdings of three adjacent properties in Latin Patriarchate Road which were the subject of the original negotiations mentioned at the beginning of the inclusion above. The buy back was completed by December 2006 and the Society was offered a twenty year rental on the properties.

The Chairman of the Board and the Board insisted that this was a once in a lifetime opportunity and must be accepted. The three properties were renovated and opened in May 2007 as a single office space for the Society. Where the old offices offered 8 open space shared work stations with no possibility for Lawyer Client privacy, the new offices provided 7 closed door private offices for client consultations and a further 6 open work stations. Additionally a small Seminar Room was designed to hold groups of up to 50 people so that the outreach of the Society could include teaching and grass roots community outreach facilities as was resolved in the Staff and Board Retreat and incorporated into the Strategic plan.

The opening of the new offices by His Beatitude + Michel Sabbah was a unique event and a powerful statement by the local community that the Palestinian Christian Community are here to stay and will not be bought out by shady land deals. The opening was attended by a representative of Misereor and by high level delegates from the Greek Orthodox Patriarchate, the Armenian and Coptic Churches and the Franciscan Custody of the Holy Land and representatives of the Protestant Churches and the Islamic Wakf and Muchtar of the Old City and not less than a hundred past and present clients of the Society. Rarely if ever could one see such a gathering of all of the branches of the Christian Community and local Islamic social organizations.

4. Conclusions

Much of the first half of the year 2007 was spent in completing the new premises in Latin Patriarchate Road and transferring the operations of the Society. In addition to that inconvenience we had for several months incurred the inconvenience of being able to proceed with the work primarily because of the proximity of the new office to the Rampart Walls of the Old City and this fact alone led to cost overruns.

Nevertheless, the Society ended the half year with some seven hundred and fifty (750) case files having brought twenty (20) to completion with an 80% success rate.

In the second half year the Society was host to the External Assessors appointed by the Board of Directors to evaluate and advise on the general and financial administration of the Society and also to evaluate and advise on the legal methodologies and strategies employed and in effect in the conduct of the Society’s cases. The Board and staff of the Society took immediate steps to implement the assessor’s recommendations and much preparatory work was done to prepare for a new year in 2008 with administrative divisions and legal strategies put into place to make the Society more organizationally effective and legally more robust.

It will be clear in the half year report how these changes will be effected and put into operation. Already the legal work has been streamlined to include a rapid action section which is dealing with cases quickly and effectively and also very successfully so that many cases are completed without recourse to lawyers time save for advice on direction. If there is a failure to achieve results at this stage then the file moves on to the legal department for prosecution through the courts if necessary. Once every week there is a full staff meeting and all problematic cases are reviewed and a best practice or best progress decision is taken. This ensures that there is a common knowledge of all of the files and also that there is constant legal brainstorming leading to good progress and satisfactory solutions for the clients.

Adv. Manal Hazzan Abu Sinni during 2007 spent the year in London studying and successfully obtaining her Masters in Law with focus on International Humanitarian Law and International Human Rights Law. It was planned from the time that she left for London and her studies that she would thereafter return to the Society as its senior lawyer.

These plans are in effect at the present time and we look forward to a positive reporting in the half year 2008 reporting.

Adv. Raffoul Rofa, Director.
For The Society of Saint Yves.