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Human Rights Report

Input by the Negev Coexistence Forum for Civil

Equality

The Negev Coexistence Forum for Civil Equality (hereafter: NCF) was established in 1997 by a group of concerned Arab and Jewish residents of the Negev/Naqab (Israel's southern desert region), to provide a framework for Jewish-Arab collaborative efforts in the struggle for civil equality and the advancement of mutual tolerance and coexistence. NCF, also known as "Dukium" in Hebrew, is unique in being the only Arab-Jewish organization that remains focused solely on the specific problems confronting the Negev/Naqab. NCF considers that the State of Israel fails to respect, protect and fulfil its human rights obligations without discrimination towards the Arab-Bedouin citizens in the Negev/Naqab. As a result, the Forum has set as one of its goals the realisation of full civil rights and equality for all those living in the Negev/Naqab.

NCF's website: www.dukium.org

This report includes some of the key issues, threats and difficulties faced by the Bedouin society since our last report in July 2017. First, we shall look at the new Five-Year Plan for Socio-Economic Development, which the Israeli government approved last year.¹ In the context of this Plan, we discuss our recent report: Perspectives on Arab-Bedouin Women Employment in the Negev/Naqab,² and the main barriers they face in entering the labor market. Third, we provide a review of the State's house demolition policy and other recent trends. Fourth, illustrating the situation on the ground are the cases of Umm al-Hīrān and al-ʿArāḡīb, two of the unrecognized villages NCF is working closely with for many years. Finally, we examine the worrying developments in the recent court-rulings against NCF's cultural center, Multaka-Mifgash, and the broader context of the narrowing of democratic spaces for civil society organizations at the national level.

¹ Prime Minister Office, *Government resolution 2397: Plan for socio-economic development in the Bedouin societies 2017-2021* (2017). [Hebrew].

² Ben Fargun, *Perspectives on Arab-Bedouin women employment in the Negev/Naqab*, Negev Coexistence Forum for Civil Equality (2018).



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1. Introduction

The Bedouin residents of the Negev/Naqab are an indigenous Arab minority, as well as citizens of the State of Israel. The Negev/Naqab's Bedouin community consists of more than a quarter of a million citizens, residing in three forms of settlements: government-planned townships, villages recognized by the State, and villages that the State fails to recognize. All Bedouin residents suffer from widespread discrimination and violations of their human rights and are, in fact, marginalized from mainstream Israeli society.

According to Israel's Central Bureau of Statistics, by 2030, the Bedouin population in the Negev/Naqab is expected to number about 400,000.³ Although today the Bedouin community accounts for about 34% of the total population of the Negev/Naqab, only 12.5% of the land in the region is designated for the Arab-Bedouin population. The seven Bedouin townships and the recognized villages are all crowded, especially in comparison to the Jewish towns and cities in the area, with poor quality facilities and infrastructure and are discriminated against in access to services such as: health, education, welfare, public transport, postal services, garbage disposal and more. Today, about 90,000 people live in villages that the State of Israel refuses to recognize⁴, intending to displace their residents to the already-too-crowded recognized villages and townships.

Despite the shortage in housing solutions for the community, the Israeli government continues to ignore the plight of the Bedouin community and acts to dispossess them from their lands and force a change in lifestyle and livelihood on their traditional and agricultural communities. Bedouin communities are being dislocated to make room for a Jewish community to be established on their lands, military use, forestation, major pipelines, highways and so forth. Today, many of the Bedouin living in the unrecognized villages are resisting State-led dispossession and are advocating for recognition of their villages and the fulfillment of their human and civil rights. NCF's main goal is to support and join them in their rightful struggle.

2. The new "Plan for Economic and Social Development in the Bedouin Society of the Negev 2017-2021"

The new Plan (2017-2021) (hereafter: the Plan) was approved by the Israeli government on February 2017.⁵ The Plan allocates large budgets to strengthen economic and social services in the Bedouin communities focusing on education, employment, development of infrastructure, and the

³ Michal Lerer, 'Issues of land regulation among the Bedouin population in the Negev' (2017), in *Knesset Research and Information Center*, p.2. <https://tinyurl.com/y9pcfslt> [accessed 16 July 2018]. [Hebrew].

⁴ Ibid, p.3.

⁵ See supra note 1.



strengthening of the Bedouin Regional Councils. While the Plan has some positive elements, it deliberately ignores large sectors of the Bedouin society, setting the ground for future dispossession of the unrecognized villages. Essentially, the Plan will only be implemented in the seven planned townships and the 11 recognized villages. Therefore, it disregards some 90,000 citizens who reside in the unrecognized villages, about 34% of the Bedouin community in the Negev/Naqab.⁶

The Bedouin society in the Negev/Naqab is subject to dual discrimination. First, majority of the residents of the unrecognized villages do not have a registered address with the Residence Registry Office and are unable to receive most of the basic services to which any resident of the State is entitled to, such as voting in local elections. In the unrecognized villages there are no polling stations and moreover, there are no recognized elections in the unrecognized villages. Thus, residents of these villages are forced to vote in and for different municipality. Furthermore, there is a lack of infrastructure such as running water, connection to the national electricity grid and garbage disposal. For these reasons, they must turn to the townships or the recognized villages to receive services. Second, the recognized villages and the townships are already in the lowest socio-economic cluster in Israel and are in enormous financial distress.⁷ These communities must care for about 90,000 people who are not considered their residents, and as a result, residents of the recognized villages and planned towns suffer from insufficient infrastructure and budgets. In an interview for *The Marker* the Mayor of Hūrah (one of the government-planned towns), Muhamad Alnabari, reported that in addition to the 16,000 Hūrah residents, there are about 10,000 people from the unrecognized villages who come to the town to realize their basic rights to services. For example, out of the 8,200 students in the town, about 20% come from the unrecognized villages.⁸ This is only one example.

In addition, the Plan aims to relocate citizens from unrecognized villages into townships and recognized villages in deliberate disregard of their needs. Article 10 of the Plan details the goals for infrastructure development, making it clear it does not focus solely on economic and social services. The Plan states that there will be budget allocation for “development of infrastructure that supports regularization of settlement in the Bedouin settlements in the Negev”.⁹ In addition, marketing of at least 25,000 plots for housing units in Bedouin Regional Councils and towns will take place over the next five years, and a new team will be established to focus solely on compensation for Bedouins who claim ownership over lands and set a governmental “regularization” policy.¹⁰ The decision to

⁶ See supra note 3, p.3.

⁷ Michal Rotem, *Discrimination in numbers: collection of statistical data: the Bedouin community in the Negev/Naqab*, Negev Coexistence for Civil Equality (2017) <https://tinyurl.com/yacfm8m> [accessed 24 March 2018].

⁸ Merav Arlozorov, ‘The 80 thousand residents that nobody counts’, *The Marker*, 4 July 2018 <https://tinyurl.com/y8y8b5yb> [accessed 5 July 2018]. [Hebrew].

⁹ See supra note 1, pp.4-5.

¹⁰ See supra note 1.



continue the ongoing withholding of government services and basic infrastructure from the unrecognized villages serves to put pressure on their residents to be forcibly displaced against their will to the townships and recognized villages - where they cannot pursue their traditional, agricultural way of life and must also relinquish their land claims.

The Plan aspires to boost enforcement of planning and construction laws in the Bedouin communities. Article 13 of the Plan lists a variety of means of enforcement. It instructs enforcement authorities to enhance their activities; protect “State lands”¹¹ from “invasion”; prioritize enforcement that supports the regularization of Bedouin re-settlement; prioritize regularization of “population concentrations that reside illegally on State lands outside the permanent settlements”¹², i.e. the Bedouin unrecognized villages. The Plan calls for the establishment of a new body to devise a program for the annual reduction of “illegal” construction as well as to increase budgets and recruit more inspectors for different enforcement authorities.¹³ Again, it is apparent that while the Plan’s main goal is presented as promoting the economic and social development of the Bedouin community, it also focuses on the what they refer to as “regularization” of Bedouin settlements in the Negev/Naqab region. This issue will be discussed further in article 4 of the report: Demolition Policy.

3. Employment of Arab-Bedouin Women in the Negev/Naqab

The Bedouin community in the Negev/Naqab suffers from economic hardship and severe poverty. A major difficulty is reflected in the labor market, where many members of the community experience inferiority when competing for a job, in part due to exclusion and discrimination.

Between 2007-2010, Israel negotiated joining the OECD. In 2010, the OECD published a report criticizing the ailments of the Israeli economy,¹⁴ and amongst its main findings was the long-standing discrimination of the Arab population, mainly in the fields of education and employment. The OECD’s firm recommendations for the integration of the Arab population, especially Arab women, in the labor market was the driving-force behind the Government’s change in policy. The State of Israel appointed a Committee to examine the OECD’s report and as a result, adopted Government Resolution 1994. The Resolution sets a goal for employment of Arab

¹¹ In the 1970s, Arab-Bedouin citizens from the negev/Naqab filed more than 3,000 land ownership claims as part of a land ownership process in Israel. Utilizing a biased legal argument, the Israeli government reinterpreted Ottoman and British legislations, dating as far back as 1858, to deny Bedouin land ownership rights. Bedouin land claims were brought to the court after being filed more than thirty years earlier; thus far, Israeli courts have confirmed the government’s legal position, leading to a 100 percent success rate in favor of the State of Israel. For further read on the matter, please see NCF’s report: Processes of dispossession in the Negev-Naqab: The Israeli policy of counter claims against Bedouin-Arabs (2012), <https://tinyurl.com/yalmenpo> [accessed 9 September 2018].

¹² Ibid, p.8.

¹³ Ibid, article 13.

¹⁴ Assaf Adiv, “The investment in Arabs: Just a fig leaf for the OECD”, *The Marker*, 15 April 2010 <https://tinyurl.com/ybndlzz3> [accessed 6 August 2018] [Hebrew].



women (aged 25-65) to reach 41% by 2020.¹⁵ Notwithstanding, the overall decisions of the Government and the resulting programs to raise employment rates in Arab society have not produced the desired results among Arab-Bedouin women from the Negev/Naqab. Despite substantial investment and program development, in 2016 the employment rate among Arab-Bedouin women (aged 25-64) was only 19.2%.¹⁶ Regrettably, none of the designated programs have secondary goals to implement the Plan or any means of evaluation for tracking performance and progress. It lacks a professional body that can provide a situation report on the specific barriers that Arab-Bedouin women experience when entering the labor market.

As women of an ethnic minority, Arab-Bedouin women in the Negev/Naqab are subject to discrimination and dual exclusion, which forces them into poverty, unemployment or low-wage jobs with poor conditions.¹⁷ Due to the State of Israel's failure to recognize dozens of Bedouin villages in the Negev/Naqab, women in these villages are deprived of social and political rights and face additional barriers to integration. These barriers extend the time for which they search for work, which can lead to despair and disbelief in the ability to find or maintain a job.¹⁸ Findings from a report that NCF published in March 2018 for International Women's Day,¹⁹ show that the participation of Arab-Bedouin women in the labor force is much lower than that of other populations. In 2015, 20.8% of Arab-Bedouin women in the ages of 25-64 were participating in the labor force, compared to 79.9% of Jewish women in the same region.²⁰ The rate of participation in the labor market increased over the years among Jewish women living in the Negev/Naqab and Arab women in the rest of the country, but it appears that among Bedouin women in the Negev/Naqab, at least in the last decade, there have been difficulties and in 2015, we saw a drop of 2% in the work force.²¹

The gaps between Arab-Bedouin women and men, and their Jewish counterparts in the Negev/Naqab is evident in all aspects of employment, including wage average. An analysis of industries in which Arab-Bedouin women work point to the fact that they are concentrated in sectors with low average wages, such as education, health and welfare services.²² Unemployment rates among the Bedouin community in the Negev/Naqab are of the highest in Israel and according to the data and women constitute majority of job seekers. Barriers in entering the labor market

¹⁵ Prime Minister Office, *Government Resolution 1994: Employment Goals for 2010-2020* (2010) [Hebrew].

¹⁶ Shelly Mizrahi Simon, 'Employment of Arab women', Information and Research Center of the Knesset, p.11, table 9.

¹⁷ Sarab Abu-Rabia-Queder, 'Between tradition and modernization: understanding the problem of female Bedouin dropouts', *British Journal of Sociology of Education*, 27, n.1 (2006), pp.3-17.

¹⁸ See supra note 15, pp.1-36.

¹⁹ For NCF's full report: <https://tinyurl.com/yd4swwv9>

²⁰ See supra note 16, p.12, table 9.

²¹ See supra note 2, p.9.

²² Ibid, p.13.



include inadequate access to education; shortage of early childcare frameworks; lack of access to employment centers and industrial zones; and minimal to no access to public transportation. In 2016, the rate of 17- year-old Bedouin that were not in school was 29.3%²³. In 2014, a survey estimated that the percentage of illiterate women aged over 30 reached more than 80%.²⁴ These figures are only a symptom of the main problems faced by the Bedouin education system, which are: high dropout rates²⁵; low achievement rates in matriculation exams; poor infrastructure, and the shortage of 1,200 class rooms.²⁶

Another barrier to successful integration of Arab-Bedouin women in the labor market is the absence of kindergartens for children and toddlers, as well as poor infrastructure, resulting in some 5,355 children being unregistered in kindergartens.²⁷ Moreover, lack of public transport and related infrastructure also prevent women from reaching their place of employment. In most of the communities, buses stop only on main roads, requiring residents inside the villages to walk significant distances and even risk their lives by crossing a highway with no pedestrian passage. If most women are destined to seek work outside of their communities and public transport to sources of employment is insufficient,²⁸ then it is not surprising that many of them will be unable to find or maintain a job for a long period of time.

4. House Demolition Policy

One of the policies the State uses to engage with the Bedouin society in the Negev/Naqab is the demolition of houses and other structures. The Bedouin society suffers from a substantial housing crisis and is embroiled in a continuous struggle over land ownership with the State. This crisis is also a result of deliberate and discriminatory policy, which refuses to recognize the unrecognized villages or grant the residents of recognized villages and planned towns construction permits. In the past year, the State chose, once again, to allocate substantial funds for house demolitions and the enforcement of planning and construction laws in the Bedouin communities, leading to an increase in the number of structures destroyed.²⁹ In 2017, there were 2,220 demolitions of structures in the Bedouin communities in the Negev/Naqab, almost twice the number of those in 2016. An alarming

²³Eti Weissblai, 'The Bedouin education in the Negev', *Research and Information Center of the Knesset*, p.5.

²⁴ Sarab Abu-Rabia-Queder, 'The construction of inequality of Arab-Bedouin women in the labor market', in R. Pedhazur (ed), *The Bedouins in the Negev: a strategic challenge for Israel* (2013), pp. 18-27.

²⁵ Sulieman Abu-Bader and Daniel Gottlieb, 'Poverty, education and employment in the Arab-Bedouin society: a comparative view', *ECINEQ*, 137, n.1 (2009).

²⁶ See supra note 21, p.4.

²⁷ See supra note 23, p.4.

²⁸ Myers-JDC-Brookdale Center, *The plan for the promotion of growth and economic development of the Bedouin population in the south (Government resolution 3708): first report* (2016), p.135, table 4a.

²⁹ Ministry of Public Affairs, *The Southern Directorate of Land Law Enforcement: summary of 2017 work-year* (2018) [Hebrew]; Supra note 1.



22% of these were carried-out without a warrant³⁰ (see table 2, appendix 1). Out of the total amount of demolitions, 1,579 were self-demolitions (see table 1, appendix 1). Meaning, 71% of demolitions are carried out by the owners themselves. Owners choose to demolish their own structures for a variety of reasons, including a desire to avoid the trauma created by the arrival of a large police forces without prior warning and fear of the criminal sanctions that may be imposed on the building owners. People may also decide to demolish their own homes and other buildings, so they can save personal belongings and construction materials. Another reason people carry out self-demolitions is because authorities threaten to sue owners for the cost of the demolitions.

According to the Southern Directorate latest activity report (2017), authorities patrolled for 132 days with or without police forces, looking for what they refer to as “irregularities”; and another 70 days were designated for demolitions of structures, which means they were present in the field for an average of almost four days a week.³¹ This significant number of days has an enormous socio-psychological impact on the Bedouin community in the Negev/Naqab. Studies on the effects of house demolitions on mental health of adults and children, both as individuals and as a community, confirm that people who witness or are subject to house demolitions have higher level of anxiety, depression, and express symptoms of paranoia.³² Testimonies from the villages of Umm al-Ḥirān and al-‘Arāgīb reinforce academic studies, as residents and activists report that the process of receiving demolition orders generates tremendous feelings of anger, frustration and alienation. The inspectors who hand out the orders are usually accompanied by dozens of policemen from the ‘Yoav’ Unit, and the demolitions are carried out brutally and with heavy tools, resulting in not only physical displacement, but also humiliation and confusion.³³ In addition, last year’s events in Umm al-Ḥirān and the death of Yaaqub Abu al-Qian, is a testament of what can happen if they refuse to evacuate.

Another means of deterrence that was added this year, is the opening of investigation files by the Investigations Unit within the ‘Yoav’ Unit. In addition to the complaints submitted by the various inspectors from enforcement authorities, in every investigation filed by the ‘Yoav’ Unit, a criminal case is opened. ³⁴ As a result, a large part of the community is being criminalized and many,

³⁰ Demolitions of structures without a warrant are considered by the Southern Directorate as a self-demolition which occurs prior to an administrative order.

³¹ See supra note 26, p.4.

³² See for example: Nihaya Daoud and Yousef Jabareen, ‘Depressive symptoms among Arab Bedouin women whose house are under threat of demolition in the southern Israel: a right to housing issue’, *Health and Human Rights Journal*, 16, n.1. (2014), pp.179-191; Samir Qouta, Raija-Leena Punamäki and Eyad El Sarraj, ‘House demolitions and mental health: victims and witnesses’, *Journal of Social Distress and the Homeless*, 7, n.4 (1999), pp.279-288.

³³ Khaled Alsayad, ‘Emotional responses to stress and coping resources among Bedouin adolescents living in permanent settlements and unrecognized villages following the demolition of houses’ (an unpublished partial doctorate research, Ben Gurion University of the Negev, 2015), <https://tinyurl.com/yaq2dul5> [accessed 10 July 2018]. [Hebrew].

³⁴ See supra note 26, p.30.



eventually, will face court hearings or fines and may be jailed.³⁵

The main administrative state body for the Bedouin community in the Negev/Naqab, the Authority for the Development and Settlement of the Bedouin in the Negev, operates in full cooperation with the Southern Directorate and utilizes enforcement activities as leverage to promote its “regularization” policy. While the house demolition policy is often presented as an activity used to enforce planning and construction laws, in effect, it is used to reorganize space according to the State’s aspirations. Authorities use enforcement to take-over Bedouin lands, forcing citizens to negotiate with the State while simultaneously moving them from their villages and into the townships.³⁶ While it is true that the various enforcement agencies act according to the law when evicting Bedouins from what they refer to as “State lands”, these are in fact often disputed lands over which Bedouin claims are still pending in court.³⁷ The policy is violent, whether it results in citizens succumbing to the pressure of threats, orders, lawsuits, indictments, fines or State-lead demolitions. This type of policy serves to deepen alienation between the community and the State, which brutally violates its citizens’ rights, rather than protecting them.³⁸

4.1. The new Regulations on Administrative Offenses

Demolition warrants in Israel are issued either as an administrative or judicial order. In the past year, 1,650 administrative orders were issued against structures in the Bedouin communities of the Negev/Naqab. An administrative order grants the authorities charged with enforcing land laws to “effectively” and quickly demolish structures.³⁹ In June 2018, the Minister of Justice approved a new set of administrative fines regulations, which can be imposed on offenses under the Planning and Construction Law.⁴⁰ These new regulations are heavy-handed, to say the least, and can amount to 300,000NIS.⁴¹ These regulations will come into force within six months of their authorization and are a major threat to the ongoing battle over land ownership between the State and the Bedouin community in the Negev/Naqab. For more information on the new regulations, see appendix 2.

5. Umm al-Hirān

The Bedouin village of Umm al-Hirān was in the headlines during 2017, as a symbol of dispossession of lands and discrimination against Arab citizens of Israel, as the State insisted on evicting this

³⁵ Ibid.

³⁶ Michal Rotem, “Negotiation” under fire: house demolitions as a central tool of dispossession and concentration of the Bedouin community in the Negev/Naqab, Negev Coexistence Forum (2017), p.23.

³⁷ Ibid, p.24.

³⁸ Ibid, pp.8-9.

³⁹ Bimkom, *Demolitions orders in the unrecognized villages in the Negev*, 2008 <https://tinyurl.com/yba66gvp> [accessed 9 July 2018]. [Hebrew].

⁴⁰ See Appendix 1.

⁴¹ Ibid.



Bedouin village to make room for the Jewish town of “Hiran”, to be built on its rubbles, despite the fact that the village and its surrounding lands are where the State moved them in 1956. At the time of their relocation, they received oral and written assurances that this area would be given to them. The 500 residents of the village live without any access to basic rights, such as paved roads, running water, connection to the electricity grid and social services. Meanwhile, the State invests major funding in developing infrastructure for the Jewish town and forcibly relocating the Bedouin population to the Bedouin town of Hūrah. This displacement was given the green light when the Supreme Court refused to intervene in 2015 and 2016. As of September 2018, the eviction is set for November 2018.

Contrary to the Supreme Court’s ruling in 2015, asserting that the new Jewish town cannot prevent Bedouin citizens from living in its perimeters, and the State’s repeated promises to the Court that Hiran would accept all new residents regardless of religion or racial origin, Hiran is in fact completely closed to non-Jewish residents. Moreover, Adalah, The Legal Center for Arab Minority Rights in Israel, found that only Orthodox Jews will be permitted to live in the new town, specifically “a Jewish Israeli citizen or permanent resident of Israel who observes the Torah and commandments according to Orthodox Jewish Values...”.⁴²

5.1. Investigation of the January 2017 Incidents in Umm al-Hirān

On January 18, 2017, hundreds of policemen arrived at the village to demolish six structures, after attempts to reach an agreement with the residents to evacuate the village broke down during the night. Police stormed the village and besieged the six condemned structures, climbing onto roofs with weapons drawn. At the time, Yaaqub Abu al-Qian, whose houses were designated to be demolished, took his personal belongings and entered his car. In some of the Shin Beit reports, there have been testimonies that while Yaaqub was driving slowly away from his home, policemen started shooting live ammunition at him. Yaaqub was injured, and as a result lost control of his car before it rolled down the hill and hit policeman Erez Levi, killing him on the spot. Abu al-Qian was badly hurt, yet according to the autopsy report that was leaked to the press, he was left to die for about 30 minutes with no medical treatment.⁴³ A police physician present at the scene, claimed in her testimony that she had not seen the wounded body of Abu al-Qian before he died, and therefore did not give him any medical treatment- contradicting other testimonies from the field, which stated that she intentionally

⁴² Adalah Legal Center, ‘No non-Jews allowed: New Israeli town of Hiran, to be built upon ruins of Bedouin village, is open to Jewish residents only contrary to state’s representations before Supreme Court’, 2017. <https://tinyurl.com/yacvtcmn> [accessed 9 September 2018].

⁴³ Josh Breiner, ‘Police doctor failed to treat wounded Bedouin man during deadly Umm al-Hiran clashes’, *Haaretz*, 12 June 2018 <https://tinyurl.com/yb76pign> [accessed 12 June 2018].



ignored Abu al-Qian. Nevertheless, the Police Investigation Unit and the State Prosecutor Office did not question her testimony.⁴⁴ Early that morning, police released dozens of statements to the press stating it was a terrorist attack and that Abu al-Qian was affiliated with the Islamic Movement and ISIS. Abu al-Qian was 47 years of age, a teacher of mathematics and sciences at the as-Salam school in Ḥūrah, and in his spare time tended to his sheep in the village.

The Police Investigation Unit in the Ministry of Justice started an examination of the events in Umm al-Ḥīrān last year. Now, more than a year later, the State Prosecutor, Shai Nitzan, closed the investigation, claiming evidence collected was unclear and it was not possible to ascertain whether the incident was a terror attack or an accident.⁴⁵ Nevertheless, a recent article in *Haaretz*⁴⁶ revealed a report by a Shin Bet officer who investigated the events, which concluded that the police had failed in their handling of that operation. The officer's report, based on evidence gathered in the field, determined that Abu al-Qian did not intentionally ram the police officer, but rather lost control of his car because of police shootings and mishandling of the situation. Although this report was submitted to the Ministry of Justice, the State Prosecutor did not mention any of its findings in his press statement. Both the former head of the Ministry of Justice Police Investigation Unit, Uri Carmel, and State Prosecutor deputy for criminal affairs, Shlomo Lemberger, opposed Nitzan's conclusions.

5.2. Umm al-Ḥīrān Facing Eviction to Ḥūrah

On 21 March 2018, the Israeli authorities posted notices on every home in the unrecognized Bedouin village of Umm al-Ḥīrān, specifying that authorities would carry out demolitions at some point between 15 April and 29 April 2018. This led in July 2017 to an "agreement" (that was later canceled in December 2017) between the residents and the State that were signed under duress and in fear of more demolitions and deaths. The written "agreement" between Umm al-Ḥīrān's residents and the Government was never delivered to them, and some of the conditions are currently being ignored by the State. In addition, the residents were promised by authorities that they will be provided with sufficient time to build their alternative houses in Ḥūrah, prior to eviction- but these obligations have only been delivered orally.

6. Al-'Arāḡīb

Al-'Arāḡīb is an unrecognized village north of Be'er Sheva that as of September 2018, has been demolished for 133 times. Up until July 2010, when the State began repeated demolitions, around

⁴⁴ See supra note 43.

⁴⁵ Almog Ben Zikri and Josh Breiner, "The State Prosecutor's Office closed Umm al-Hiran case: it is impossible to determine whether the car ramming was a terrorist attack", *Haaretz*, 1 May 2018 <https://tinyurl.com/ya97uofc> [accessed 2 May 2018]. [Hebrew].

⁴⁶ Gidi Weitz, 'Secret Shin Beit file on 2017 cop killing: not terrorism, but a police failure', *Haaretz*, 11 June 2018 <https://tinyurl.com/ya3k8aox> [accessed 15 July 2018].



400 people lived in the village⁴⁷. Today, a few dozen residents remain living nearby the ancient cemetery, while facing constant harassment from the authorities and the Court. Even though under Ottoman rule Bedouins in the Negev/Naqab purchased the land and established the village of al-‘Arāgīb, the State refuses to acknowledge their ownership claims, filed during the 1970s.

Since the late 1990s, al-‘Arāgīb residents have been constantly intimidated by State authorities that are trying to force them to leave. The continuous battle with authorities, in and out of Court, continued throughout this year as well. Last year, two main court decisions were made regarding al-‘Arāgīb: one in a civil lawsuit filed by the State in 2012, demanding payment of expenses for first eight demolitions of the village; and the second, in the criminal trial against Sheikh Sayyah a-Turi, who remained in al-‘Arāgīb in order to protect his land from dispossession. In 2017 the court found Sheikh Sayyah and others guilty and decided they will pay 250,000 NIS for the demolitions and 100,000 NIS expenses for the State’s attorneys.

In September 2017, another trial against Sheikh Sayyah ended with Judge Yoav Atar of the Be’er Sheva Magistrate Court convicting the Sheikh of 19 counts including violating a legal warrant, trespassing, and invasion of public lands. In his testimony to the Court, the Sheikh stated that he will stay in the village until a decision is made on the ongoing legal battle regarding the ownership of the village’s land. The Judge, however, took the Sheikh’s statement as evidence for all counts against him and sentenced him to 10 months in prison, a fine of 36,000 NIS, and five months’ probation ⁴⁸ Sheikh Sayyah filed an appeal with the District Court in Be’er Sheva, but on the 28th of August 2018, the Court rejected his appeal and sentenced Sayyah to 10 months in prison. He will begin to serve his sentence October 16, 2018.

During Sayyah’s sentencing, the State admitted that the indictment against him was intended to weaken the struggle of al-‘Arāgīb, and in spite of the fact that the trial regarding their ownership claims is still underway. Moreover, this judgment sets a precedent for other similar cases awaiting the court’s decision in their matter.

The residents of al-‘Arāgīb have been waiting for over 40 years for the State to make its ruling on their land ownership claims. In the past five years, the case has been discussed very little in the Court, and while the residents await its ruling, they remain on their land to protect it from dispossession.⁴⁹ The legal battle is only one of the measures that the State uses to exhaust the residents of al-‘Arāgīb

⁴⁷ This data is correct for June 2018. What do you mean?

⁴⁸ Almog Ben Zikri and Revital Hovel, ‘Israel sentences 68-year-old Bedouin activist to 10 months in prison for building illegal structures in his village’, *Haaretz*, 25 December 2017 <https://tinyurl.com/yd7vox9n> [accessed 16 July 2018].

⁴⁹ Edo Conrad, ‘JNF is dispossessing Bedouins in Israel: JNF Britain is hosting a “magical Bedouin evening” in London’, *Local Talk Magazine*, 11 November 2015 <https://tinyurl.com/yaqnczvy> [accessed 16 July 2018]. [Hebrew].



and force them into leaving, and it invests considerable resources in enforcing its demolition policy on the village. The villagers face constant harassment and human rights violations by enforcement authorities and 'Yoav' Unit who raid the village at least once a month.

7. Shrinking Space for Civil Society: Multaka-Mifgash Cultural Center is in Danger

For the past 20 years, NCF has been working hand in hand with Bedouin residents in the Negev/Naqab, promoting activities in support of their civil rights and recognition. Since 2006, the Multaka-Mifgash Cultural Center has been a platform for Arab and Jewish partnership, joint activism and cultural encounters. The center is situated in a bomb-shelter, which was allocated by the Be'er Sheva Municipality for coexistence and community activities. In December 2017, as part of a wider process of limiting the space for civil society organizations (hereafter: CSOs), the Municipality decided to evict NCF for political reasons.

The harassment began a few years ago, as right-wing groups pressured the Be'er Sheva municipality to prevent NCF from hosting certain events in the facility. In 2015, Multaka-Mifgash received threats from the city's legal adviser warning it not to host a screening of the movie "Shivering in Gaza". ACRI (the Association for Civil Rights in Israel) approached the Attorney General on behalf of NCF to clarify the limits of political activity in municipal facilities. The Attorney General's Deputy response made clear that for the sake of protecting freedom of speech, political activity is allowed if it is not partisan and added that the city should not intervene in the content of the events hosted in Multaka-Mifgash. Despite its recommendations, the Be'er-Sheva Municipality continued to intimidate NCF for events that did not comply with current political trends. For over three years, whenever a critical event was planned– be it about freedom of conscience, freedom of speech and assembly, or about institutionalized racism– NCF received warnings to cancel its activities immediately.

When NCF hosted a lecture on the Israeli arms industries, Be'er Sheva's Mayor, Rubik Danilovich, acted to end the contract between the organization and the city. In December 2017, the city sent an eviction notice to the shelter, claiming NCF violated its contract with the municipality and falsely accusing the organization of acting to promote civil disobedience and anti-Israeli activities, rather than communal activities. Notwithstanding, NCF asserts that this is not a matter of contractual disagreement, but rather of narrowing the democratic sphere and caving into right-wing pressures to prevent Leftist discourse or contact and solidarity between Arabs and Jews. NCF filed an appeal with the Supreme Court on July 1st, 2018, asking to reverse the District Court's decision and to allow NCF to continue its work in the facility until the end of proceedings. In response, the Be'er Sheva municipality asked the Court to prevent NCF from using the shelter for any activity, but their request



was denied on August 7th, 2018, granting NCF the permission to continue as usual until a ruling is given.

Incitement from the public, the media, and Government officials against NCF and other CSOs, led to threats of violence against NCF's activists that forced the organization to take caution. The situation escalated on May 23rd, 2018, at an event with Standing Together and Combatants for Peace, during which 50 right-wing individuals protested outside the Multaka-Mifgash and physically attacked the participants while making death and rape threats. Two additional instances took place in the beginning of June. During NCF's annual Iftar Dinner Party for Arab and Jewish activists, two police officers were called to the shelter because of an anonymous complaint. A few days earlier, during an Arabic lesson hosted in the shelter, a right-wing protester entered Multaka-Mifgash threatening the teacher.

7.1. Threats to NCF's work with the Bedouin Communities

The case of Multaka-Mifgash Cultural Center is only one of the incidents promoting incitement and hatred against NCF and other Leftist CSOs in Israel. On June 4th, as part of the Sderot Film Festival "Kolnoa Darom", NCF screened a collection of videos made by Bedouin residents of the Negev/Naqab, as part of the "Recognized" video documentation project.⁵⁰ The collection is comprised of short films about various civil rights issues that are of concern to Bedouins in the Negev/Naqab, as well as personal stories of the participants. On May 30th, Minister of Culture and Sports, Miri Regev, published a Facebook post against NCF and its participation in the Festival, calling to cut funding from all events and questioning the legality of NCF's participation. She wrote as follows: "From the complaints I have received, it appears that the organization that calls itself 'Negev Coexistence Forum' is misleading the public, acts against its own name and uses the stage it was given in Kolnoa Darom Festival to incite and undermine against us. It is infuriating to think that while some residents of the South suffer from rockets, some choose to give a stage to heighten the tensions between Jews and Arabs".⁵¹

Few months earlier, in March 2018, right-wing activist Shai Glick was interviewed in Radio Darom claiming to have filed a criminal complaint against NCF for incitement and encouraging insubordination in its work with Umm al-Hīrān's residents. NCF confirmed with the police that there are no pending investigations against the organization. This was not the first time that NCF's choice to stand alongside Bedouin villages in their struggle against dispossession has caught the attention of right-wing groups. NGO Monitor also placed NCF under public scrutiny for its work in support of

⁵⁰ For more information on the project you can visit NCF's website: <https://tinyurl.com/y9mklgb8>

⁵¹ Arnon Peleg, 'In the middle of the night, Miri Regev discovered an enemy: movies by Bedouin women in the Negev', 1 June 2018 <https://tinyurl.com/y84yfszy> [accessed 16 July 2018]. [Hebrew].



Umm al-Hīrān. The organization published over five “exposés” about NCF, naming Leftist organizations as those who “intensify the tensions between the Bedouin community and the State of Israel.”⁵² In the past, NCF was also targeted for resisting the Praver Plan.⁵³

7.2. Shrinking Space for Civil Society

The struggle for NCF’s democratic right to freedom of speech and against the shrinking space for civil society organizations takes up many of NCF’s resources and often diverting it from its other core mission: to promote civil equality and the fulfilment of civil and human rights of the Bedouin communities in the Negev/Naqab. Regrettably, the Israeli government is leading the suppression of CSOs, introducing many restrictions on civil and human rights organizations.

“The closing space is part of a general authoritarian pushback against democracy”,⁵⁴ but also a reflection of an anti-liberal agenda. The Israeli government and other right-wing organizations have been promoting their racist and inciting agenda against CSOs from the Left and human rights defenders, freely and blatantly and in all spheres of life. One of the main effects of such processes is that organizations are forced to spend valuable resources and time in fending-off allegations and restrictions on their right to practice free speech. This is most certainly the case for NCF, who is currently campaigning for the Multaka-Mifgash Cultural Center and lobbying to stop the incitement and provocations against its work and its staff. The State of Israel presents CSOs as its enemy and is working hard to delegitimize their existence. As a result, public discourse, media coverage, and declarations from high-level politicians are stigmatizing NCF and creating a hostile environment for organizations working on civil and human rights issues.

The State also attaches the ‘foreign enemy’ stigma to NCF, placing limitations on receiving donations from foreign entities by enforcing enormous administrative requirements on CSOs.⁵⁵ In 2016, the Knesset approved the “NGO Transparency Law”, aimed at restricting activities of civil organizations who are critical of governmental policies and their ability to act in the democratic space.⁵⁶ NCF is concerned that these measures and tactics will only worsen in the future, affecting the organization’s ability to implement its agenda.

⁵² NGO Monitor, *The Bedouin population is a tool used by Adalah, Rabbis for Human Rights and the Negev Coexistence Forum*, 2017 <https://tinyurl.com/ybdokngw> [accessed 17 July 2018]. [Hebrew].

⁵³ Shira Michael, *Opinion: In the Negev there is no dispossession - only exploitation*, 2013 <https://tinyurl.com/y9xn93cj> [accessed 17 July 2018]. [Hebrew].

⁵⁴ European Parliament, Directorate-General for External Policies: Policy Department, *Shrinking space for civil society: the Eu response* (2017), p.8. <https://tinyurl.com/y8l38pfr> [accessed 16 May 2018]. [Hebrew].

⁵⁵ Ibid, p.9.

⁵⁶ European Union, *Israel: updated EU country roadmap for engagement with civil society 2014-2017* (2016), pp.2-6.



8. Summary

This past year, we have seen no signs of improvement in the situation of human rights for the Bedouin society residing in the Negev/Naqab. The new Development Plan, introduced in 2017, still deliberately disregards around 90,000 residents living in the unrecognized villages and maintains the same ideology of strengthening the Bedouin townships and recognized villages and displacing residents of the unrecognized villages. The Bedouin communities, especially the unrecognized villages, continue to suffer from poor or non-existent infrastructure and lack of public transportation. The situation of Arab-Bedouin women employment in the Negev/Naqab is also affected by lack of access to basic rights and as a result, they face many barriers when entering the labor market.

In 2017, more than 2,200 structures were destroyed in the Bedouin communities and the State has continued to advance its policy of dispossession. Umm al-Ḥirān's residents are still being forcibly relocated to the town of Ḥūrah, and the new Jewish town of Hiran is planned to be built on the ruins of their homes. There are also no viable housing solutions in the government-planned townships, and villagers are reported to wait for years until they can re-settle in their new home. The village of al-ʿArāgīb and its struggle against the State has suffered its 133rd demolition in September 2018, and its Sheikh was sentenced to 10 months imprisonment.

NCF's struggle to continue its work in supporting the Bedouin community in the Negev/Naqab is also challenged by forces who wish to reduce CSOs abilities to practice their democratic rights, such as freedom of speech. Fighting against the shrinking of space for CSOs takes up many of NCF's resources, often diverting it from promoting civil equality and fulfilment of civil and human rights of the Bedouin communities in the Negev/Naqab. Regrettably, the State of Israel and its authorities are still refusing to acknowledge the Bedouin community's demands and ownership claims to their lands, using displacement as its main policy and uprooting people from the unrecognized villages into townships.



9. Appendix 1: Demolitions of Structures in Bedouin Villages and Townships in the Negev/Naqab, 2017

Table 1: Demolitions of Structures in the Negev/Naqab by Type of Demolition

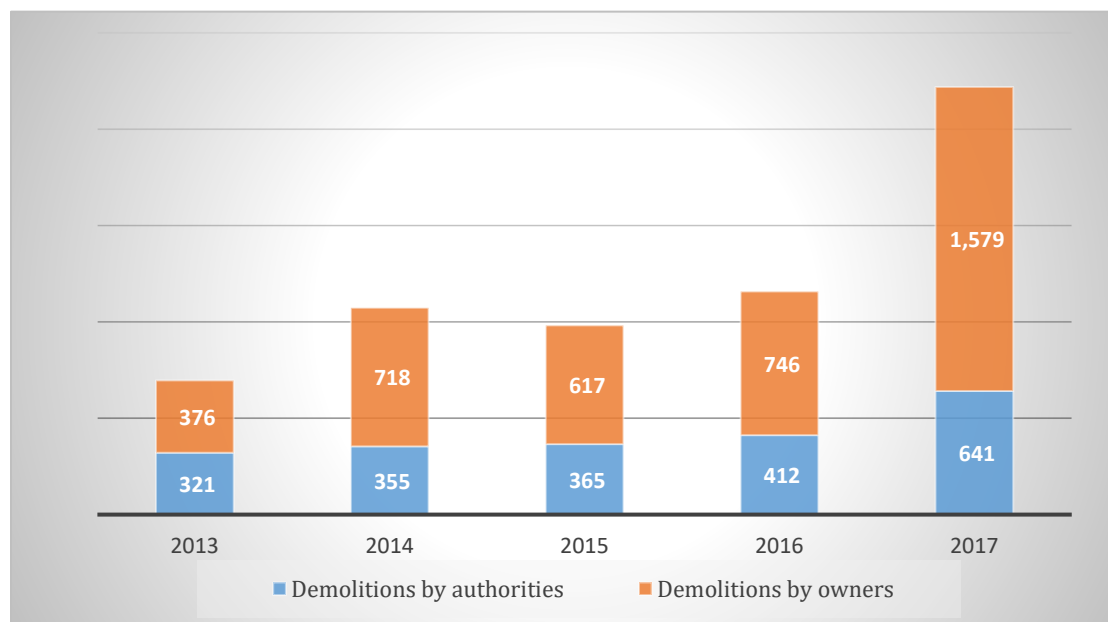
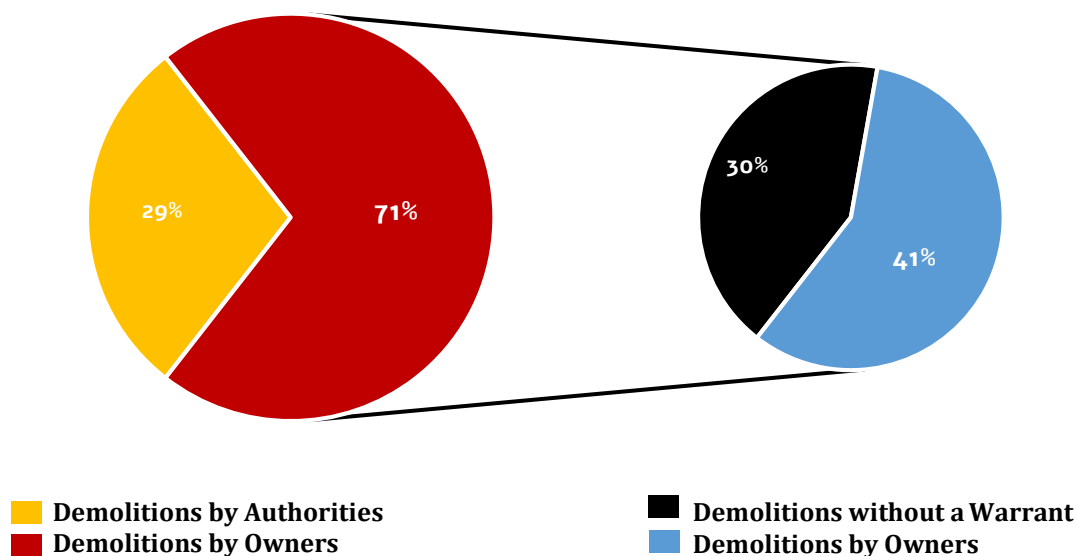


Table 2: Percentage of Demolitions in the Negev/Naqab by Type of Demolition



***Note:** according to The Southern Directorate of Land Law Enforcement- Summary of 2017 work-year, the percentage of demolitions by owners also includes demolitions without a warrant.



10. Appendix 2: Regulations for Administrative Offenses (Administrative Punishment - Planning and Construction), 2018⁵⁷

Column A: Articles in the Planning and Construction Law Subject to the New Regulations	Column B: Description	Column C: Penal Code	Column D: New Regulations to the Penal Code		
Article 243 (a)	Forbidden work of land allocated for “national use”. (1) land intended for one of the purposes specified in the definition "national infrastructures"; (2) land located in the coastal environment; (3) land declared as agricultural land. (4) land which is a national park or nature reserve, or land intended for a national park, nature reserve or forest; (5) Real estate designated in the plan for open public areas.	Two years in prison Double the fine stated in Article 61 (a) (4): The Penal Code, Article 61 (a) (4)- Notwithstanding the provisions of any law, where the Court has been authorized by law to impose a fine, it may impose - If the offense is punishable by imprisonment for more than three years - a fine of up to NIS 226,000. A fine according to Article 245: The Planning and Construction Law, Article 245- If a person is convicted of an offense under section 243 or 244, the court may, in addition to any	D1 Scope of work or use (in meters)	D2 Finite Administrative fine in NIS	D3 Additional fine for an ongoing offense
			1. Up to 10 2. Above 10 and up to 24 3. Above 25 and up to 50 4. Above 50 and up to 75 5. Above 75 and up to 100 6. Above 100	10,000 25,000 50,000 100,000 200,000 300,000	

⁵⁷ Ministry of Justice, Israel (June 2018). Records: Regulation File 8026, 20 June, p.2222-2223. [Hebrew].
Translation: Tal Avrech, Research and International Lobby Coordinator, NCF (July 2018).



		penalty or other payment, impose such fines on him: (1) a fine in the amount of the fees and compulsory payments imposed on him under section 254, even if he paid the said fees and compulsory payments; (2) of an offense under sections 243 (a) or (b) and 244 (a) - a fine equal to twice the value that was for the construction work and for the land on which it was built if the forbidden work was permitted; In determining the amount of the fine under this paragraph, the court may take into account that the convicted person destroyed the forbidden work prior to the sentencing and restored the situation to its previous status; (3) of an offense under sections 243 (d) or (e) and 244 (b) - a fine in the amount of double the difference between the value of the land in which the prohibited use was made had that use been permitted			
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		and the value of such land according to the plans or permits that apply to them.			
Article 243(b)	Forbidden work on a land, not mentioned in section (a)	Two years in prison Double the fine stated in Article 61 (a) (4) A fine according to Article 245 of the Planning and Construction Law	1. 25 up to 50 2. Over 50 and up to 75 3. Above 75 and up to 100 4. Above 100	25,000 50,000 100,000 150,000	
Article 243(d)	Forbidden use of land under section (a)	Two years in prison Double the fine stated in Article 61 (a) (4) An additional fine for a continuing offense for each day on which the offense continues, from the date on which the defendant was given a written warning of the execution of that offense, from the day on which an order was issued under this chapter or from the date of filing the indictment, whichever is earlier	1. Up to 10 2. Above 10 and up to 25 3. Above 25 and up to 50 4. Above 50 and up to 75 5. Above 75 and up to 100 6. Above 100	10,000 25,000 50,000 100,000 200,000 300,000	1,400 NIS per day
Article 243(e)	Forbidden use of land, not described in section (a)	Two years in prison Double the fine stated in Article 61 (a) (4)	1. 25 to 100	50,000 100,000	750 NIS per day



		<p>A fine according to Article 245 of the Planning and Construction Law</p> <p>As well as an additional fine for an ongoing offense for every day on which the offense continues, from the day on which the defendant was given written warning of the execution of that offense, from the day on which an order was issued under this chapter or from the date of filing the indictment, whichever is earlier</p>	2. Above 100		
Article 246	With respect to the breach of an order under Article 216 ⁵⁸ or Article 219 ⁵⁹ of the Planning and Construction Law				

Administrative Offense:

1. An offense under the Planning and Construction Law (which are stated in column A; is an administrative offense.

A Finite Administrative Fine:

2. A. An administrative offense as stated in regulation 1 shall have a fixed administrative fine:
 1. In respect of an individual- as fixed in column D2.
- B. An administrative fine for a continuing administrative offense is set forth in details in column D3, per day, up to 90 days; however, the amount of the fine specified in column D2 shall not be imposed if more than 120 days have elapsed from the day on which the alert was given, as stated in the Law.

⁵⁸ The Planning and Construction Law, Administrative Enforcement, Article 216: Administrative Warrant to cease all work.

⁵⁹ The Planning and Construction Law, Administrative Enforcement, Article 219: Administrative Warrant to cease all use.



An offense in the case of residential use:

3. In the circumstances of residential use - the fine will be half of the fine specified next to that offense in columns D2 and D3.

An offense under circumstances of work to build a fence or use of a fence:

4. In the circumstances of the construction of a fence or use of a fence, which is no more than 1.5 meters from the ground on both sides, the fine will be half of the fine specified next to the same details in columns D2 and D3.

Warning:

5. A. When an offense has been committed as described in sections 1-4, the fine shall not be imposed on the offense, unless an warning has been provided, containing the said details in section 8 (b) of the Administrative Offenses Law, according to which if he does not correct the violation or restore the situation within 30 days, an administrative fine shall be imposed in accordance with these regulations.
B. Notwithstanding sub-regulation (A), if there were previous or ongoing administrative proceedings in the matter, or previous judgments under the Law, the Commissioner may impose a fine as stated in the regulation (A), even without the invention of the said warning therein.
6. The Director of the Unit will report to the Interior and Environmental Protection Committee of the Knesset once a year, and until the end of the year, for a period of four years- starting from the date these regulations came into force, regarding the administrative fines imposed under these regulations.

Commence:

7. These regulations will come into force six months since its publication.