



Community under Attack: The Situation of the Human Rights of the Bedouin Community in the Negev-Nagab 2015

International Human Rights Day

Negev Coexistence Forum for Civil Equality | In 1997, a group of concerned Arab and Jewish residents of the Negev (Israel's southern desert region) established the Negev Coexistence Forum for Civil Equality (NCF) 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" ("co-existence" in Hebrew), is unique in being the only Arab-Jewish organization that remains focused solely on the specific problems confronting the Negev. NCF considers that the State of Israel fails to respect, protect and fulfill its human rights obligations, without discrimination, towards the Arab-Bedouin citizens in the Negev. As a result, the NCF has set as one of its goals the achievement of full civil rights and equality for all people who make the Negev their home.

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The photographs accompanying this report were taken by members of the "Human Rights Defenders" project operated by the NCF over the past two years. The women who participated in the project are all residents of the unrecognized villages in the Negev. In these photographs, they document their lives in the villages and the daily violation of their human rights.

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Introduction

The United Nations has over the years produced a number of human rights conventions that Israel both signed and ratified into law. Human rights are guaranteed to every person by virtue of their being human, irrespective of their ethnic identity or political status. However, despite the fact that Negev Bedouin are citizens of Israel, their rights are not guaranteed but are instead violated by the State on a daily basis.

On the occasion of International Human Rights Day on December 10th, we, the NCF, have chosen to publish a report that focuses on the rights of the Bedouin community in the Negev over the past year. 2015, instead of being a year that could have brought a wider realization of the rights of Negev Bedouin, was instead another year of ongoing daily human rights violations by various governmental bodies.

The year 2015 began with the killing of two Bedouin citizens, residents of the city of Rahat, in events connected to police activity. It continued with a number of Supreme Court verdicts which imposed draconian measures on Bedouin land ownership. Throughout the year there has been no improvement in realizing the educational and health rights of the Negev Bedouin since the Government continued to violate these rights by denying important services to both the recognized and unrecognized villages. In 2015 the authorities continued to demolish hundreds of Negev Bedouin homes for alleged planning infringements. These were accompanied by repeated empty threats by government inspectors that whoever does not demolish their own home "will be required to pay the cost of demolition". The rights to freedom of speech and demonstration were also violated throughout the year: activists were summoned to warning "talks" with the Shin Bet (general security service) and demonstrations were prevented or dispersed by the police.

This report deals with all these issues in turn. Our objective is to place the major human rights violations against the Negev Bedouin in 2015 on the public agenda, both in Israel and abroad. On the International Human Rights Day we call on the Israeli government to address the violations recorded in this report and to act in order to fully realize the human rights of the Negev Bedouin in particular and of the population of Israel as a whole, instead of consistently contravening them.

The Right to an Adequate Standard of Living | The Newly Recognized Villages

Since 1999, in a series of government resolutions¹, the Israeli Government has decided to recognize eleven unrecognized Bedouin villages in the Negev. In 2003 the government established a Bedouin regional council for these villages called Abu-Basmah, which nine years later was divided into two councils: al-Qasum and Neve Midbar. The process of recognition was at first perceived as a positive change; for the first time since the end of the military regime in 1966, the State allowed its Bedouin citizens an alternative to urbanization. Yet, this step that was supposed to bring services, infrastructure and detailed planning to those villages, and much has not changed on the ground. In practice, until today, the vast majority of these villages lack infrastructure and the provision of services remains poor and inadequate for the majority of residents. Moreover, due to the lack of planning, the house demolition policy and the non-issuance of building permits continue.



Solar panels that serves to produce electricity, as connection to the electric grid is not available. Photography: Wiṣāl Abu Bnayyih

¹ Government Resolutions 3402, 4824, 2561, 4707.

In ten of the recognized villages, the residents' homes are not connected to the national electricity grid. Instead, they must rely on solar panels and generators in order to individually produce electricity for daily home use. Connection to running water, which is recognized as a human right by the United Nations, is not provided for by the Government, in either the unrecognized or recognized villages. Nine of the villages have only central connection stations, and in order to bring the water to the houses, the residents are forced to install pipelines and infrastructure at their own expense. The maintenance and water carriage costs also fall onto residents, and due to the low water pressure, people who live far from the water station must accumulate water in tanks. Further, in all villages, education, health and other public services are, at best, partial.

One of the main problems encountered by the newly recognized village residents is the lack of local master plans. Due to this lack of planning, it is nearly impossible to issue a building permit and build houses legally. The denial of building permits subjects the residents of these villages to the government policy of house demolitions. It is the case that new houses being built, due to population growth, as well as houses that were even slightly renovated, are considered illegal and are issued with a demolition order.

Most of the paved roads in the recognized villages lead only to the local school and clinic. Besides these roads, in most of the villages there are no sidewalks and roads remain unpaved. Despite the fact that the eleven recognized villages are ascribed to two regional councils, some lack garbage disposal services and sewage disposal systems. Therefore, sewage and waste are disposed within the villages in ways that harm the environment and the quality of life of the residents.

On the ground, after about 15 years since the first recognition of the villages, the situation among them remains similar to the situation of the Bedouin unrecognized villages in the Negev. Most of the recognized villages do not enjoy the most basic infrastructure and services, are still subjected to the house demolition policy, and are denied building permits. At the same time, the State of Israel continue to establish new Jewish localities in the Negev area² and their residents enjoy new infrastructure and wide range of services that are not available in the recognized villages. Today, the residents of the recognized villages state that recognition was an empty promise that brought them only disappointment and even despair. Although the fact that their villages were recognized, the basic rights of their residents are still widely violated on a daily basis.

² For example: Givot Bar (established 2004), Merhav Am (2001), Shizaf (2011) and Carmit (2015).

Table 1: Available services and infrastructure in the recognized villages:³

Village	Year of Recognition	Electricity	Water	Sewage System	Health Clinic	Elementary School	High School
Tarābīn aṣ-Ṣāni‘	1998	v	v	v	1	1	1
Umm Batīn	1999	x	x	x	1	2	1
Bīr Haddāj	1999	x	x	x	1	2	1
Abu Grīnāt	1999	x	x	x	1	2	1
Gaṣīr as-Sirr	1999	x	x	x	1	2	1
Makḥūl	1999	x	x	x	x	1	x
Drījāt	1999	x	v	x	1	1	x
Kuḥlīh	1999	x	x	x	x	1	x
Mūlada’ h	2000	x	x	x	1	3	1
as-Sayyid	2000	x	x	x	2	3	1
Abu Tlūl	2006	x	x	x	2	2	1

Table legend: x = no service, v = service available, number = number of institutions.



Tank that serves to carry water in the absence of connection to the water system.

Photography: Amal Abu al-Qi‘ān

³ The data about the number of schools was taken from the Ministry of Education. All other columns are based on data collected from the residents of the villages.

The Right to Life and Security | Police Violence

In 2015 two Bedouin citizens, residents of the city of Rahat, were killed in incidents involving the Israeli police. On January 14th, during a police raid on a residential neighborhood in Rahat, Sami al-Ja'ar, aged 22, was killed by police fire while standing outside his home. He had no connection to the raid. Although police officers who were present at the incident claimed that they had only fired shots in the air, on January 21st, the Police Internal Investigations Department (PIID) determined that: "There is a definite concern that illegal shooting occurred during the raid".⁴

One month later, on February 12th, one of the policemen involved in the incident admitted firing the shot that led to the death of al-Ja'ar, this despite having initially denied his involvement.⁵ The policeman in question was detained for interrogation and shortly thereafter put under house arrest. Less than six weeks later and before the PIID investigation was completed, the Regional Commander decided to reinstate the officer involved and to give him a new command in the Area Commander's Bureau.⁶ Up until the time of the writing of this report (October 2015) the PIID has not completed the investigation into the killing and its findings have not been published nor has the officer concerned been brought to trial.

Sami's father, Khaled al-Ja'ar, who served for years in the Israeli army and is part of a family that suffered bereavement in the Yom Kippur War (1973), was also subject to police brutality. Immediately after his son was evacuated to a local medical center, al-Ja'ar was arrested as he left the facility and was taken to the Rahat police station. There, the police beat him and broke his left arm. He reports that while he was being beaten the officers called him "Hamastnik"⁷ and "Palestinian" and spat on him. After about 15 minutes, a paramedic entered the room and refused to leave until he was allowed to treat Khaled's injuries. Subsequently, he was taken to Barzilai Hospital in Ashkelon. He then remained under arrest for three days, until his son's funeral.

On Sunday, January 18th, al-Ja'ar's funeral took place in Rahat. As several thousand people marched in the funeral procession from the al-Salam mosque to the cemetery, a police patrol vehicle of the Yoav Unit arrived at the scene. This is in spite

⁴ Haaretz, *PIID officials on the young man was shot in Rahat, "there is an actual suspicion for an unlawful shooting"*, 21.01.2015

⁵ Mako News, *A policeman was arrested and confessed: I shot the young man from Rahat*, 12.02.2015

⁶ Walla, *The policeman suspected in killing young man in Rahat was assigned a new position*, 04.03.2015

⁷ "Hamastnik" - member of the Hamas, it was used in a derogatory manner by the policeman.

of the fact that the road was closed with two barriers and there was an agreement between the police and the Rahaṭ Municipality that the police would not come into the area, in light of the tension in the city. When the patrol vehicle reached the heart of the funeral procession it was stoned and things rapidly got out of hand. Dozens of patrol cars arrived, covered by a helicopter with a siren that hovered over the cemetery, and the police began to attack the mourners in the cemetery with various weapons used for the dispersal of demonstrations. Over 40 were injured, 23 of whom, including 2 police officers, were evacuated to the Soroka Medical Center. Shortly after the death of Sami az-Ziadna was announced. Az-Ziadna was resident of Rahaṭ in his 40's who had participated in the funeral and had died while the police was attacking the mourners.



Vehicle of the Yoav police unit in the unrecognized village of al-‘Arāgīb. Photography: Ḥakmih Abu Mdīgim

At a press conference that he convened shortly afterwards, the Regional Commander, Yoram Halevi, admitted: "There was an agreement that the police would not go in there, and I say explicitly, we shouldn't have gone into that area. The force involved wasn't supposed to be there and their entry was the result of poor discipline. I've set up a committee to investigate how this event occurred."⁸

⁸ NRG, *Rahat riots: Rioters threw a pipe bomb at police*, 20.01.2015

The killing of the two Rahaṭ residents sparked protests across the country, including a strike in Rahaṭ followed by a general strike of the Palestinian community in Israel. Dozens of youths, residents of Rahaṭ, were arrested in the riots that erupted throughout the city. In the wake of the killing, Khaled al-Ja'ar, the father of Sami, lodged an appeal with the Israeli Supreme Court demanding the trial of the police officer who shot his son and of the officers who attacked him thereafter. Yet, during the first discussion, al-Ja'ar accepted the judges' recommendation and withdrew his petition, due to the state's obligation to finish the interrogation by the end of 2015.

The Right to Property | The al-Uqbi ruling

On May 14th, 2015 the Israeli Supreme Court rejected six land claims of the heirs of Sheikh Sliman al-Uqbi over land in the area of al-'Arāgīb and Shari'ah in the Negev.⁹ The appeal was made in the wake of a verdict handed down by the Be'er Sheva District Court (2012), in which the claims of the appellants to ownership were rejected while the State's demand that the land be registered as state land was upheld. Since Sheikh al-Uqbi's lands were expropriated under the Acquisition of Lands Law of 1953 (ALL), the verdict related both to the fact of the original expropriation and to the question of ownership of the lands.

Regarding the original expropriation of Sheikh al-Uqbi's land in 1953, the Supreme Court determined in their decision that since ALL is long-standing law it is impossible to undermine its validity. Still, this decision contradicted the comments of the President of the Supreme Court, who said that, "The Acquisition of Lands Law severely damages the right to property which is recognized as a legal right under the Basic Law: Human Dignity and Freedom and in the past it was even suggested that if the ALL had been legislated in modern times it would have been possible to reject it as non-constitutional".¹⁰

Regarding the actual ownership of the land prior to expropriation, the Court rejected all the claims raised by the appellants' attorneys regarding the ownership issues involved and in fact completely blocked the ability of the Bedouin to prove ownership of lands in the Negev. The President of the Supreme Court wrote at the conclusion of

⁹ The late Sliman Muhammad al-Uqbi et al. vs the State of Israel (4220/12), verdict.

¹⁰ See supra note 9, Paragraph 29.

the verdict: "I will advise my colleagues to reject the claims of the appellants in everything relating to the rights they purchased on these lands whether by means of the traditional Bedouin land laws, by virtue of Ottoman and Mandatory Land Laws, or by the laws of honesty, International Law or Basic Laws [...] in light of these conclusions, the appellants are not entitled to compensation or land exchange under the Acquisition of Lands Law because of the expropriation of the said lands."¹¹

With the al-Uqbi verdict, the Supreme Court accepted the State's position and determined that the burden of proof of ownership over the lands be laid on Bedouin claimants. It is doubtful whether there are Bedouin who can meet this requirement. In order that a Bedouin citizen, who claimed ownership in the 1970's, in a process initiated by the State, can prove ownership of land, he must fulfill one of two conditions: either to prove that the land was cultivated before 1858 when the Ottoman Land Law was passed, or that the land was registered in the framework of the Lands Ordinance of the British Mandate of 1921.

Throughout the years, the State of Israel has created an elaborate legal system, the goal of which has been and remains to be the prevention of Bedouin citizens from proving their ownership of Negev lands and to protect Jewish land ownership. The Israeli Land Laws recognize the Jewish ownership of land purchased from those same Bedouin before 1948. Furthermore, in situations where Bedouin citizens "regulate" their land ownership by negotiation with the State, they receive compensation for those same lands, which up to that moment, that State has not recognized. At the State's disposal are a number of laws and ordinances on which it could base its land legislation. The Land Ordinance of 1921 provides a successful basis since few registered their rights to land in the Negev in that specific framework. Ottoman Law is also convenient, because it is absolutely impossible to prove the existence of agricultural cultivation in the Negev 157 years ago. The Israeli Courts are pronouncing judgment on the basis of legislation that was created with a specific context in another era and as a result, the Bedouin residents of the Negev are losing their lands, "legally," at all court levels. If Israeli land laws are not changed in such a way as to enable recognition of the rights of Bedouin citizens in the Negev, the courts will continue to serve as a rubber stamp for transferring all the Negev lands to State ownership.

¹¹ See supra note 9, Paragraph 83.

The Right to Health | Family health centers in the Negev

According to the Ministry of Health, the family health center is a “clinic providing health services in the field of promoting health and preventive care to pregnant women, babies and children (ages birth to 6 years) and their families. [...] The family health clinic is the first service young families encounter and which accompanies them professionally, on various subjects, starting from pregnancy, prenatal and parenthood”.¹²

While the Ministry of Health claims that such clinics are “spread all over the country”,¹³ in fact their existence in the newly recognized Bedouin villages in the Negev is partial and in the unrecognized Bedouin villages only one has such a clinic. Already in 2010, the State Comptroller, in his report regarding the Abu Basma regional council,¹⁴ the regional council for the newly recognized villages, warned that family health centers exist only in six villages, most of them in temporary buildings. The State Comptroller asserted that the Ministry of Health should “act more firmly to operate the health centers, and at least as a first stage, provide limited services in those places where no prevention services were rendered at the time the Comptroller's examination was completed”.¹⁵

Today, four years since the above-mentioned report, there are only seven family health centers in the newly recognized villages and six of them are operating. The scope of these centers is limited: in Drījāt the center is open once a week. In Gaṣir as-Sirr, Abu Grīnāt and Umm Batīn – twice a week, in Bīr Haddāj – 3 times a week, and only in Mūlada’h the center operates 4 days a week. The operating hours in all centers are from morning to midday.¹⁶ The 7th center, in the village Abu Tlūl aš-Šahbī, does not operate in the last two months since the generator supplying its electricity broke down. According to the Ministry of Health, the center did not close down and the Ministry is in the process of purchasing a new generator.¹⁷ While in the past the Ministry of Health operated a mobile clinic for those who could not reach the centers, a source in the Ministry confirmed that the mobile unit has ceased operating.¹⁸

¹² Ministry of Health, Tipat Halav, Family Health Clinics. <http://tinyurl.com/o7d98n5>

¹³ See supra note 12.

¹⁴ State Comptroller (2011) Reports on the local government 2010, page 751

¹⁵ See supra note 14, page 697

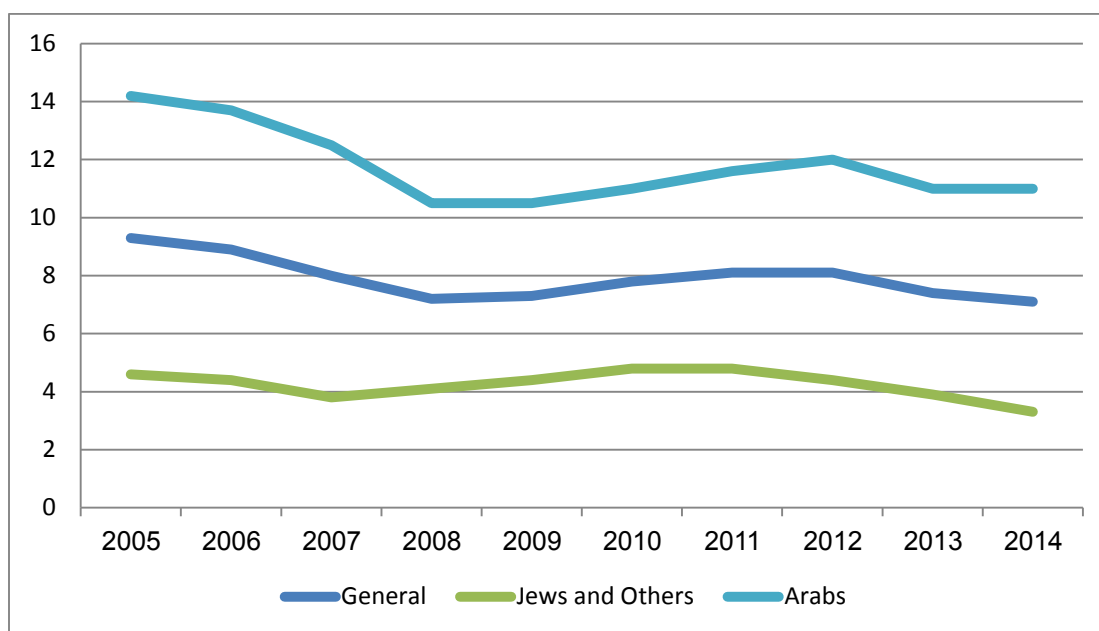
¹⁶ Data gathered during October and November 2015 from the family health clinics in the villages and from the Ministry of Health.

¹⁷ Haaretz, Family health clinic in a Bedouin village closed for 2 months due to cut from electricity, 4.11.2015

¹⁸ Ministry of Health, telephone conversation 15.11.2015

The situation in the unrecognized villages is even worse. In his 2010 report the State Comptroller stated that two centers are active in these villages; today, in fact, only one center is operating, once a week, in Wādi an-Na‘am (8,000 residents). The physical building of the center in ‘Abdih still exists but the center is not operating. It is estimated that over 70,000 people live in the unrecognized villages, yet the residents of these villages have to travel far to the existing family health centers, and with no access to regular public transportation, the accessibility to this health service is difficult and limited.

Figure 1: Infant mortality rate per 1000 live births in the Be'er Sheva district by population group¹⁹



In 2014 the Central Bureau of Statistics reported 90 cases of infant mortalities among the Arab population of the Be'er Sheva district compared to 27 cases amongst Jews and others in the region. While the Bedouin population is about third of the population of the area, in 2014, 76.9% of the infant mortalities were among this population. Moreover, while infant mortality rate in the Be'er Sheva region stands on 3.3 (per 1000 live births) for the Jews and others, it is 11.0 (per 1000 live births) among the Bedouin population, three times higher.²⁰

¹⁹ Central Bureau of Statistics, 2006-2015 yearbook, table 3.11: births, deaths and babies deaths according to region, populations and religion.

²⁰ Central Bureau of Statistics, 2015 yearbook, table 3.11: births, deaths and babies deaths according to region, populations and religion.

Government resolution 3965 Arab/40 of 2005 stipulates that: “The Ministry of Health will plan Mother and Child centers (family health centers) in the new villages so that in each village at least one center will be built between 2005-2008, with a 7.8 million shekels budget”.²¹ Since 2005, this resolution has not been implemented. Despite several extensions, in 2015, some of the recognized villages still do not have the promised family health centers.



The mobile health unit that has ceased operating in the village of ‘Atir. Photography:
Amal Abu al-Qi‘ān

In fact, and contrary to the recommendations of the State Comptroller, no significant change has occurred in the last 5 years since the publication of the comptroller’s report in 2010. According to the National Health Insurance Law of 1994, each citizen is entitled to health services and the Ministry of Health responsible in providing these services, including family health centers. Although the infant mortality rate in the Bedouin population is much higher than other citizens, the health services are not available and accessible to most of the Bedouin population that lives in the recognized and unrecognized villages in the Negev.

²¹ Government resolution No. 3956 Arab/40, completion of Abu Basma Regional Council budget, 18.7.2005.

The Right to Education | Opening new schools in the unrecognized villages

As of September 2015, 100 schools operate in the Bedouin villages in the Negev. 62 schools are located in the governmental planned towns, 28 in the newly recognized villages and only 10 in the unrecognized villages.²² The state refuses to open schools in these villages referring to them as "diaspora" or "illegal villages", a status that renders them undeserving of official support. Repeated requests to open schools in these villages, where over 70,000 citizens reside, are denied by state officials and the only solution that is being offered to the residents is busing for pupils to schools far from home. In fact, although about 30% of the Bedouin population resides in unrecognized villages, only 10% of the schools are located there.



The children of Umm al-Hīrān walk towards the main road, where the school bus waits for them every day. Photography: ‘Āyshah Abu al-Qi‘ān

The busing of pupils poses many problems and endangers the children. The roads from the homes to the schools are not paved which makes the rides dangerous. There are informal intersections and junctions and no traffic lights so crossing between the dirt roads and the main roads is very hazardous. Another problem is the lack of official and available stops for getting on and off the buses, both in the

²² Ministry of Education in a broad view, 22.8.2015

villages and in the schools and this has already caused many accidents. Also, on rainy days most of the roads are blocked due to mud and the overflow of the wadis with no bridges for children to cross. In addition, because not enough buses are available children are picked up in rounds, resulting in transportation beginning as early as 6:00 AM. Since classes begin later, these children arrive at the school before it opens and have to wait outside the locked gates. The same extended transportation routine repeats at the end of the school day. Transportation will take many hours and the pupils have to wait idle for a long time until their turn for the ride home arrives. Simple transportation issues such as these fill the school day for Bedouin children with insecurity, anxiety, and exhaustion.

Nevertheless, the State of Israel keeps refusing to open new schools in the unrecognized villages. An appeal to the High Court of Justice in 2010 to open an elementary school in the unrecognized village Şwāwīn (HCJ 9057/10) was denied. In its short ruling, the court declared that busing of 350 pupils to schools is a solution to the problem and "unfortunately, in view of the present situation, including the issue of planning policies, no better solution was found".²³

This means that the refusal of the state to open schools derives from "planning policies," rather than need, since the villages are considered unrecognized. The Ministry of Education and the planning authorities claim repeatedly that the villages have no arranged plans and therefore, in general, no buildings can be built affecting education in particular. Moreover, the authorities claim that it is their intention to settle the issue of the Bedouins' settlement in the Negev and the act of building schools will jeopardize this regulation process. This position of the authorities was cited in the appeal to the High Court of Justice for opening a school in the unrecognized village az-Za'arūrah:

"[There is a] constant tension in which the authorities operate with regard to the Bedouin diaspora in the Negev. On one hand the authorities wish to settle the housing of the Bedouin population in a legal way which will coincide with the broad view of regional planning... On the other hand the state recognizes the need to provide the Bedouin diaspora basic essential services on the interim period".²⁴

²³ HCJ 9057/10, Hassan Alasam and others vs. The Ministry of Health and others, ruling of 14.2.2011

²⁴ HCJ 10030/05, 'Aref al-Amur and 56 others vs. Minister of Education and others, verdict page 3

In spite of the tension noted by the judges of the High Court of Justice, the state, as well as the High Court, continue favoring the state's interest in land. As a result, the state sees the demolition of the unrecognized villages and the transferring of its residents to the governmental planned towns as a solution to these issues, rather than providing the citizens in the unrecognized villages their right for accessible education. The process of regulation of the Bedouin settlement is a lengthy one and its conclusion does not seem to be close. Yet, in the meantime, the state prefers to deny its Bedouin citizens the basic right to education and instead spends enormous sums of money on busing with the sole purpose of not opening new schools.



The children of az-Za‘arūrah striking on September 1st, 2015, and protesting demanding to open a school in their village. Photography: Şubḥiyyah Abu Jūdah

The yearly cost of busing pupils is surely higher than opening schools in the unrecognized villages (in 2009 the cost amounted to 72 million shekels per year²⁵). As emphasized above, the State refuses to open schools in the unrecognized villages because it favors various plans to transfer the residents to governmental planned towns. Establishing a school, in this logic, adds, however slightly, to the potential recognition of these villages. Thus, in its struggle against the unrecognized villages, the State directly impairs Bedouin children’s right to education.

²⁵ State Comptroller (2011), report on the local government 2010, page 732

The Right to Adequate Housing | The threat of bearing the costs of demolition

The policy of house demolitions that the state is practicing against its Bedouin citizens goes beyond the bulldozers and policemen sent by the authorities to demolish buildings. In fact, in the last couple of years most of the demolitions are carried out by the owners themselves. There are several reasons why more and more Bedouins prefer to demolish their own homes. First, they wish to save their families the traumatic experience of witnessing a large force of policemen and bulldozers demolishing their homes. Second, doing it on their own allows them to control the demolition – choosing the time, allowing them to take out all their belongings and saving most of the building materials. Third, authorities threaten that if residents do not tear down their own homes, they will have to bear the cost of the demolition.



Convoy of police vehicles and bulldozers during a house demolition operation in the unrecognized village of az-Za'arūrah. Photography: Şubḥiyyah Abu Jūdah

Many residents report that they are repeatedly threatened by the inspectors of the Israel Land Authority (ILA), that if they will not demolish their homes by themselves, they will be sued and will have to bear the costs of the demolition carried out by the authorities. The ILA confirms this policy in many of its press releases after demolitions. Ilan Yeshurun, the ILA's Manager of the South region in the division of

lands reserving, admits that the inspectors do indeed apply this threat and even underlines the success of this practice:

"The inspectors clarify to the invaders that they are breaking the law and if they will be evicted they are liable to lawsuit and demand for the expenses regarding their eviction. We see that this enforcement is indeed effective as many invaders decide to do the demolitions themselves in order to avoid lawsuits and thus they save the state unnecessary expenditures regarding their eviction".²⁶

So far the state filed only four lawsuits in the Negev requesting the expenditures of demolition and eviction be borne by the citizens, only two of them concern the Bedouin community. According to the list provided by the ILA, one of these two lawsuits concerns a demolition by the state of a Mosque in Rahat, and the other one concerns the first eight demolitions carried out in the village of al-‘Arāgīb. Both lawsuits are still discussed in court. Among the two other lawsuits, one was issued in Ofakim where the court ruled last June and ordered the defendants to pay 43,099 shekels. In the second lawsuit, against "Gar'in Harel" which built a settlement on Mount Eldad in 2013, the court has not ruled yet. It should be noted that the three lawsuits which are still in court involve large sums of money, two of them amount to hundreds of thousands shekels and in the third the state is suing for 1.7 million shekels.²⁷

So far the practice of suing the house owners for the expenditures of demolitions and evictions has been rather limited. Nevertheless, the inspectors keep using this threat in order to make more and more homeowners in the Negev to demolish their homes by themselves. Legally, within the framework of state demolition orders, the main tool for demolishing houses in the Negev, it is impossible to fine the homeowners for the demolition costs and the only way to do so is to file a civil lawsuit. The ILA is unable, practically speaking, to file civil lawsuits against all the houses to which it issues demolition orders, but it seems that the threat is enough to make the homeowners demolish their homes themselves.

No doubt that the threat of lawsuits is largely the cause for the drastic increase in house demolitions carried out by the owners themselves. The Right to Adequate Housing of the Bedouin citizens in the Negev is not only infringed by the hundreds of

²⁶ Israel Land Authority, enforcement in the Negev: 19 cases of invading state lands have been evicted – 8 invasions were evicted by the invaders themselves. Press release of 18.11.2015

²⁷ Reply to freedom of information request from the ILA, dated 24.9.2015

house demolitions carried out by the state each year, but it has managed in the last couple of years to make more and more Bedouin citizens to demolish their own homes and thus depriving them of their right to adequate housing. This is a system that exploits the socio-economic status of Bedouin citizens in the Negev: many cannot afford protracted legal battles or bear the cost of house demolition. It is a perverse system that forces people to destroy their own homes, but it is publically hidden behind the state's bureaucratic language of efficiency and cost effectiveness.

Freedom of Speech and Demonstration | Summons to the Shin Bet and the ban on demonstrations in the Negev

Throughout 2015, the Negev Bedouin community's rights to freedom of speech, protest and demonstration were severely curtailed by State authorities and the police. Demonstrations encountered repressive measures by the police, a number of citizens were arrested following Facebook posts, and the Shin Bet²⁸ continued to summon activists for warning talks in order to deter them from political activism.

During the period under review, Muhammad Allan, a Palestinian prisoner who went on hunger strike in protest against his administrative detention, was hospitalized in Be'er Sheva and subsequently in Ashkelon. A number of demonstrations in his support took place in the Negev, the largest in Ashkelon opposite the Barzilai Hospital where Allan was transferred following the refusal of doctors at Be'er Sheva's Soroka Hospital to force-feed him. During the course of the first demonstration, (August 12th, 2015) four demonstrators were arrested and a number of others were referred to the hospital for treatment as a result of injuries sustained.

The second demonstration, which was planned for August 16th that year, did not take place because the police prevented four busloads of demonstrators that arrived at the entrance to Ashkelon from reaching the area of the hospital. The activists for their part, in protest against the police violation of their right to demonstrate, got off the buses at the point where they were stopped. In an attempt to prevent them from leaving the buses the police began to carry out arrests and then forced them to get back on. During the incident, eight activists were arrested and a number were injured and referred to the hospital.

The main reason for declaring these demonstrations illegal was the pressure from a counter-demonstration by Jewish Right-wing groups at the hospital in the wake of the pro-Allan demonstrations. This is clear from the commander of the Lachish area,

²⁸ The Shin Bet, known in Hebrew by its acronym "Shabak", is the Israeli internal general security service.

Eli Kazari: "At about 6:30 a group of members of the minorities [i.e. Arabs] arrived at the hospital. When cries to incitement were heard from the Jewish side it was decided to disperse the demonstration. Subsequently 4 buses of members of the minorities arrived and we informed them that the demonstration was illegal".²⁹ In fact, instead of protecting the demonstration and permitting them to hold their protest, as is their right, the police chose to disperse the demonstration and prevent it from taking place.

In 2015, as in previous years, political activists of the Bedouin community were summoned to "talks" with the Shin Bet. This is one means among others of encouraging prominent activists to cease their activity, but it has a much wider 'cooling' effect on protest in the Bedouin community at large. At the end of October 2015 two activists were summoned to these kinds of talks.

One of the activists, an employee of the Negev Coexistence Forum (NCF), reports that in order to present the summons, fifteen policemen and Shin Bet personnel in black vehicles arrived at his home at around 11:00 PM. They opened the door without knocking, entered and moved around the house, waking family members. All his brothers were lined up in the yard with their faces to the fence and subjected to a body search. Eventually the Shin Bet interrogator phoned the employee of NCF and asked him to come home so that he could give him the summons to meet with Shin Bet that very week. During the talk the Shin Bet agent asked him about his work at NCF, threatened him regarding his participation in demonstrations and even offered him payment to 'work' for the Shin Bet, (that is, to collaborate by providing information regarding political activism among his own community).

It is important to emphasize that there is no legal obligation for citizens to present themselves for these warning "talks," but the Shin Bet agent did not mention this when he gave the summons. This is a tactic to which prominent activists are subjected, even though they have broken no law. These "talks" are a means of intimidation and of dissuading activists and others in their community from political activism. Thus the security establishment violates the basic right of citizens to demonstrate and protest against government policy that affects their own community and sends a clear warning to those who have not yet been summoned. Instead of protecting the basic rights of freedom of expression, the state employs these kinds of tactics to subvert political protest and produce an atmosphere of insecurity among citizens engaged in such work.

²⁹ Haaretz 16.08.2015 (Heb) 13 Detainees in disturbances at Ashkelon over the hunger striker. The entrance to the city is now open.

Conclusion

The Negev Bedouin community constitutes a third of all residents of the Negev region. Since the establishment of the State of Israel (1948) up to the present time, the pronounced inequality between members of this community and other residents of the Negev has been maintained. High rates of infant mortality, the enormous gap in academic achievement and the continuing home demolition policy against members of the community, deepen and maintain systematic inequality.

The issues presented in this report dealing with violations of human rights, rights that should be ensured for every human being, especially citizens of the State. Instead, the State acts in a way that exposes their deliberate policy for achieving specific goals and interests. The refusal of the State to open schools in the unrecognized villages, the severe shortage of family health clinics despite calls for reform, all testify to the fact that the Government is fully aware of these problems but for various reasons refuses to address them.

The al-Uqbi ruling of the Supreme Court determines that it is almost impossible for a Bedouin resident of the Negev to prove land ownership, together with the drastic rise in self-demolitions that derive in part from the threats of inspectors to charge homeowners for demolition by the State, all indicate the various apparatuses used by the State to gain control of Negev lands and to destroy the unrecognized villages. The violation of the rights to property and housing is part of the State of Israel's years-long struggle against its own citizens. The State's goal is to unilaterally determine the exclusive geography of the present and future Negev.

The condition of the villages granted recognition over the last 15 years is almost identical to that of the unrecognized villages, revealing the State's lack of desire to grant services and to invest in the development of the Bedouin settlements. Since the recognition of the villages a number of Jewish settlements have also been established in the Negev and all enjoy necessary infrastructure and services. The Government has tabled a number of decisions that would authorize the establishment of about 15 additional Jewish settlements in the area. In spite of the severe shortage of housing and home demolitions in Bedouin society, the Government prefers to invest in the establishment of new Jewish settlements, even though it is not yet clear who will live in them, rather than investing in existing Bedouin settlements that are desperate for help.

The killing of two residents of Rahat, Sami al-Ja'ar and Sami az-Ziadna, in incidents involving the police, intensifies the lack of confidence of the Bedouin community in the police force. The non-publication of the results of the somewhat dubious Committee of Inquiry into the deaths and the events that took place during the funeral of al-Ja'ar, send a message of indifference and even contempt regarding the deaths of two Bedouin citizens. The decision of the Area Commander to allow the policeman who shot al-Ja'ar to return to duty, together with the delay in publishing the results of the investigation, intensified the lack of confidence in the police even further.

The summoning of prominent activists to warning talks with the Shin Bet and the harsh suppression of protest demonstrations intensified the crisis between the Bedouin community and the Security services. The growing tendency of the authorities to treat the Bedouin as a "security problem" is expressed in the gross violations of the right to free speech and the attempts of bodies like the Shin Bet to prevent protest in the Negev by non-democratic means. These measures, which frame the Bedouin community and its legitimate protests as a "security problem," violate the most basic rights of members of the community.

On the occasion of International Human Rights day it is appropriate that the Government of Israel and the different state authorities should reexamine their treatment of the Negev Bedouin. Instead of protecting the rights of community members, the authorities consistently and unceasingly violate those rights. There is no doubt that ensuring the rights of all residents of the Negev, the provision of services and quality infrastructure to all the settlements in the area and development that focuses on those most in need, will reduce the profound inequality between the Bedouin community and the Jewish community in the Negev and contribute to a viable, sustainable Negev for all of its residents.

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