



المؤسسة العربية لحقوق الانسان
Arab Association for Human Rights

THE RIGHT FOR MUSLIMS TO TAKE PART IN POLITICS

ISRAEL'S ARRESTS AND TRIAL OF THE NORTHERN ISLAMIC MOVEMENT

Abstract:

The Arab Association for Human Rights (HRA) considers the arrest and imprisonment of Sheikh Ra'ad Salah and four of his colleagues from the Northern Islamic Movement in Israel a serious violation of their human rights.

The imprisonment of these citizens since the 13th of May, and their continued imprisonment until the end of legal proceedings, is based on a state judgment that they are "dangerous". The charges do not warrant this assumption of danger.

The charges against Sheikh Ra'ad Salah and his colleagues, who include the serving mayor of Um al-Fahm, accuse them of receiving money from "illegal" sources abroad. However, no money has been transferred by the Islamic Movement to the Occupied Territories except monthly stipends from Arab families in Israel to families of orphans in the Occupied Territories.

The HRA strongly rejects the attempt of the state to draw a connection between the Northern Islamic Movement and Hamas. This is inflammatory and false. The Northern Islamic Movement is a legal and public political movement in Israel, which also provides social welfare services for Israeli citizens.

These arrests are part of a process in which the state has rejected the independent participation of the minority in politics in Israel. The process was ratcheted up with the attacks on the Arab Knesset Members after 2000, and takes place in a general public environment where 77% of Jewish citizens say there should be a Jewish majority on crucial political decisions.¹

All members of the Palestinian minority inside Israel have the right to:

*"take part in the conduct of public affairs, directly or through freely chosen representatives"*²

Muslims in Israel must be allowed to exercise this right.

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ARREST

On the night of 12 May 2003, the state arrested 15 members of the Northern Islamic Movement (hereafter the 'Movement') in the Israeli town of Um al-Fahm, a town populated solely by Arabs. Among the arrested was the leader of the Movement, Sheikh Ra'ad Salah.

Over 1,200 armed policemen and special military forces entered Um al-Fahm without warning in the night to arrest 15 people, all of whom put up no resistance or protest, and had no prior security or police records. There was equally no resistance or protest from other Arab citizens of the town. This was the first time the Border Police – an army unit - had entered Um al-Fahm in this manner.

Sheikh Ra'ad himself was arrested in hospital, where he was sleeping with his seriously ill father. His father died the next day, with his son in prison. Sheikh Ra'ad Salah is a political and religious public figure. He serves actively on the High Follow Up Committee for Arab Affairs in Israel, which is the formal representative body of the minority. The standard practice for people of his standing is to call them in for investigation. This had happened previously with Sheikh Ra'ad, and he attended the investigation without delay. The step of calling for a voluntary investigation is also that which has been used with Jewish Israeli religious leaders, such as Rabbi Oveida Yusuf during the Shas corruption investigations.

These arrests were carried out in a manner inconsistent with internationally recognized human rights norms as there was no operational reason for the use of such a large armed force. The arrests were carried out in this manner only to intimidate the Arab population of Um al-Fahm, as well as Arab citizens who are members or supporters of the Northern Islamic Movement across Israel. The night invasion by an armed force targeting a particular political movement has the psychological effect of discouraging Arab citizens from freely expressing a political opinion and supporting a political movement.

The second impact of these arrests was on the Jewish Israeli public. The state took the unique step of briefing Jewish Israeli journalists in secret about the steps they were about to take. They allowed the media to assemble near the nearby Jewish city of Hadera that evening with the armed force itself, and then proceeded to escort the media into Um al-Fahm with the force that made the arrests. The next morning, the Hebrew press was awash with full coverage of the arrests, and a lawyer observed: "The next day the whole country saw them in their shorts and indoor clothes."³

Hebrew papers also accused the Movement of directly funding "terror" organisations that were carrying out suicide bomb attacks in Israel. These accusations were just the beginning of what would become an oft-used discourse linking the Movement with "terror" in the Occupied Territories, despite later admissions of a lack of proof by the prosecution.

This linkage between Arab citizens of Israel and terror is dangerous incitement. It takes place in a public climate where a perception of the Arab citizens as a 'fifth column' is growing, and it is very hard to undo. For many Jewish Israelis, the manner of the arrests has created an impression that "terror" supporters are present in the state. Further, less well-reported developments have failed to erase this impression. The briefing given to the foreign press is that the arrests are part of the world-wide campaign against "terror" activities.

INVESTIGATION

All 15 members of the Movement were remanded in custody throughout the investigation. Eleven were released during this process with no further action taken against them, and one more member was arrested: Suliman Aghbaria, the serving mayor of Um al-Fahm.

There were a number of problems associated with the investigation. These include inappropriate delay between the arrests and charges, the refusal of the state to allow any of the arrested to return home, and improper court procedure during the trial. The accused felt

that these problems were serious enough to warrant a hunger strike, which lasted for five days until health concerns for Sheikh Ra'ad and pressure from the Movement outside the prison forced its end.

Delay

The arrest order was signed on 1 April 2003, but the arrests were carried out 44 days later. A further delay of 42 days occurred between the arrests and the charges being presented. This was 12 days over the legal limit, and required special permission from the Attorney General.

The reasons for this delay are not clear. They do not fit with the implication of immediate danger given by the large armed force conducting the arrests at night, or by the state which insisted throughout the investigation process that the arrested were "dangerous." Furthermore, the state prosecution announced that this was a process that would lead to a widening series of arrests over the coming weeks. This did not happen, apart from the arrest of the serving mayor of Um al-Fahm.

Remanded in custody

The state refused to allow any of the arrested members against whom they were trying to press charges to return home at any stage. Only Sheikh Ra'ad and Mahmoud Abu Samra were allowed to leave prison for four hours, to attend the funerals of their respective fathers, who died while they were in jail. Again, the state explained that the people concerned were "dangerous to the public and the state."

Inappropriate court and investigation procedures

Whereas the standard procedure for renewals of custody is to change the judge for each renewal, the lawyers of the Movement met the same judge time after time. The judge concluded that the members were "dangerous" each time, within approximately 30 minutes. These conclusions were made on the basis of secret security service submissions which were unchecked, and unavailable to the defence lawyers for dispute. The swift decisions of the judge implied a certainty on the part of the state that these men were "dangerous", a certainty which was reflected consistently in media reports during the early part of the legal proceedings.

During these early court proceedings there were no outside observers, and the families of the accused were prevented from entering due to "security reasons". Meanwhile, the media were ever present.

There was also a general lack of respect in court for Sheikh Ra'ad Salah, for his beliefs, and for his status as a religious leader. At one stage in the proceedings the state prosecutor remarked to Sheikh Ra'ad that his fate was in their hands. When the defence lawyer intervened, stating that the Sheikh believed his fate was in the hands of God, the judge replied: "leave God out of this, he is resting today – let's get to the discussion."⁴

Questions during the investigation procedure were inappropriate. Sheikh Ra'ad stated that he was being asked about details of Muslim religious observance. The accused were asked about the five pillars of Islam, life after death, and the *Hajj* and *'Umra*, the major and minor pilgrimages to Mecca. Strangely, while the state had tapped every phone call made by the members of the Movement for two years, the most pertinent questions they asked were about the details of religious observance.

CHARGE

Miri Golan, the head of the investigation team, stated to the media in a press conference on 13 May:

“I would be very happy if I could make a connection between the money and terror activities. However, I confirm that the charges are economic.”⁵

The charge sheet presented to court on 24 June 2003 accuses 5 members of the Islamic Movement as well as a registered non-profit association and a registered company, considered to be “branches” of the Islamic Movement:

- Sheikh Ra'ad Salah
- Suliman Ahmad Aghbaria: mayor of Um al-Fahm
- Nasir Khalid Aghbaria: secretary of the mayor of Um al-Fahm and municipal employee
- Mahmoud 'Abu Samra' Mahajni: director of the Institute for Humanitarian Relief
- Tawfiq Abd al-Latif Mahajni: employee of the Institute for Humanitarian Relief
- The Institute for Humanitarian Relief: a registered company
- The Committee for Humanitarian Relief for the Needy and Orphans: a registered non-profit association.

The charge sheet lists 12 charges which apply to all the accused with some differences. This charge sheet is the case as presented to the judge by the state acting as prosecutor, and is a public document. It begins with a preamble of several pages, which “gives the infrastructure to the charges.”⁶

The preamble explains the structure and aims of Hamas, and how it is split into a military arm (*Iz al-Din al-Qassam*) and a civilian arm. It states that the civilian arm of Hamas is built on a number of different bodies which include the *Zakat* (Islamic social/religious tax) Committees. Further, it is stated that these Committees were made illegal by a 2002 Israeli Ministry of Defence decision which used the 1945 Ordinances from the British Mandatory period, and that Israeli security services consider the Committees a branch of Hamas.

Examination of the charges

By introducing the charges against Movement members within the context of Hamas, **the preamble** unjustifiably creates a connection between a legal political movement in Israel, and a socio-military resistance organisation in the Occupied

The State's Charges:

1. The al-Aqsa Foundation is based in Germany with branches in Belgium, Holland and Denmark. It is an “integral part of Hamas, and was declared illegal in Israel on May 6th 1997. Between October 2000 and July 2001 the defendants conspired to aid and receive money from the al-Aqsa Foundation, and then to transfer it to the Zakat Committees of Hamas. The defendants are charged with:
 - i) *conspiracy*
 - ii) *contact with illegal foreign agents*
 - iii) *conspiracy to commit a crime*
 - iv) *giving aid to an illegal movement*
 - v) *membership of a terror organisation*
 - vi) *possession of funds aiding an illegal movement*
2. The Inter-Pal Foundation is a Palestinian relief and development fund, founded in the UK in 1994, and declared illegal in Israel in May 1997. The charges against the defendants are the same as above for the same period.
3. Coalitions of Relief is an umbrella of Islamic Movements across the world founded in October 2000. It is headed by a Sheikh from “the extreme strands of the Muslim Brotherhood in Egypt who has supported suicide attacks”. It was declared illegal in February 1997. The charges and period they refer to are the same as above.
4. The defendants are accused of “*money laundering*”.
5. The defendants are accused of using this laundered money to:
 - i) *support Hamas Zakat Committees*
 - ii) *help prisoners and detainees on security and “terror” charges*
 - iii) *acquire land*
 - iv) *acquire property*
 - v) *pay for relief and religious services*
6. Sheikh Ra'ad Salah and Mahmoud Abu Samra are charged with
 - i) *contact with a foreign agent*
 - ii) *conspiracy and support of a “terror” movement*
 - iii) *giving information to the enemy*
 - iv) *illegal movement*

These charges relate to contact with Nabil Makhzumi in 2001. He is currently resident in Syria after being freed on a prisoner exchange with Ahmad Jinbril (PFLP) in 1985.
7. Mahmoud Abu Samra and Tawfiq Mahjani are charged with “*contact with an illegal person.*”
This charge relates to contact with Jamal Abu al-Heyja' from Jenin from 1992 until Abu Heyja' 's arrest.
8. Mahmoud Abu Samra is charged with “*illegal contact*” with Kamal Temimi from Hebron in July 2001.
9. Suliman Aghbaria is charged with “*contact without reasonable explanation*” in July 2001 with Issam Yusuf in Jordan.
10. Suliman Aghbaria is charged with “*illegal contact*” with Abd al-Halim al-Ashkar, a professor in the United States during “49 calls between 2001 and 2003.
11. Suliman Aghbaria and the Committee for Humanitarian Relief are charged with breaching the orders of the Area Commander with regard to the Committee's operation.
12. Suliman Aghbaria is charged with interrupting the legal process through a conversation in detention with Nasir Aghbaria.

Territories. No proper evidence is provided in the charge sheet to support this purported link between the Movement and Hamas. Notably, this connection was the key piece of information given to the media.

Prior to the issuance of the charges, the state prosecution stated that it had no evidence of funds supporting military operations in the Occupied Territories.⁷ **The first five charges** relate to alleged support for the Movement from European organisations, which the Movement then allegedly transferred to branches of Hamas.

While the three international foundations in question were made illegal in Israel in 1997, all of them are legal in the countries of registration, despite the investigations which were generally required of all Islamic foundations after the attacks on the United States in September 2001.

An important point is that 97% of the money of the Movement is spent inside Israel, on Israeli citizens. Equally, only after the conflict of the intifada erupted in 2000 did the Movement begin to spend 3% of its money on humanitarian aid to the Occupied Territories. Of this 3%, all are in-kind donations of food and supplies except direct family-to-family support of orphaned children. The support of orphans is a relationship between a family of Israeli citizens and a family of Palestinians in the West Bank who are known to each other. The family in Israel pays 120 NIS (\$27) each month to the family of the orphan in the Occupied Territories. This is the only money from the Movement that crosses the Green Line. This money has come from Arab families in Israel, and not from any sources abroad.⁸

The 6th charge is based on one of the thousands of telephone calls recorded by the security services during their two-year investigation into the Movement. This telephone call was made in 2001 to Sheikh Ra'ad by a man identifying himself as "Abu Muhammad," who asked how to donate money. Sheikh Ra'ad expressed his appreciation, and gave the caller the contact number for the Director of the Institute for Humanitarian Relief, Mahmoud Abu Samra. When traced, the caller was found to be Nabil Makhzumi. However, there is no proof that either Sheikh Ra'ad or Mahmoud Abu Samra knew or had any idea of the identity of the caller, who did in fact donate money.⁹

The 7th and 8th charges are based on contact made with men from the Occupied Territories, whom the defendants met before they were recorded as illegal or arrested by the state.¹⁰ Jamal Abu al-Heyja' was only listed as wanted in August 2002, and Kamal Temimi in February 2002. Furthermore, these were people working in official humanitarian positions in the Occupied Territories. Jamal Abu al-Heyja', as the representative of the Islamic Relief Committee in Jenin, acted as the main contact for all citizens of Israel who wished to make a humanitarian donation.

Since October 2000 and during the second intifada, all Arab political parties, and several Jewish/Arab parties have worked extensively in delivering humanitarian aid to the Occupied Territories. All parties working in the north and dealing with Jenin dealt with Jamal Abu al-Heyja'.

The 9th charge refers to a lack of "reasonable explanation". However, the defendant, as mayor of Um al-Fahm, was acting in his public capacity when he met Issam Yusuf. The meeting was held in a public place – a hotel lobby – and it concerned financial support for purchasing school buildings in Um al-Fahm.¹¹ The law in question relates to espionage, whereas the purpose of Suliman Aghbaria's meeting with Issam Yusuf was to discuss funding support for school room rent fees.

The 10th charge is an allegation for which the prosecution accepts that no recordings of phone conversations exist. It is based on the register of in-coming and out-going calls. Equally, while Professor Ashkar was investigated by the United States authorities, he was freed without charge.

The 11th charge of breaching the orders of the Area Commander relates to the 1996 closure of the Committee for Humanitarian Relief by the state security services. This closure was followed by an agreement on state supervision of Occupied Territory recipients of aid from the Committee.¹² The agreement allows the Area Commander to use his own discretion in closing

the Committee if he feels that there has been a breach in the agreement. Making an accusation of a breach at such a late stage seems to show that the Area Commander must have known about the breach but chosen not to act. By choosing to allow the Movement to continue acting in error without warning, the Area Commander is guilty of entrapment.

Further concerns of precedents created

The HRA and the lawyers involved with the case have several serious concerns about the precedent set by these charges against Arab citizens of Israel.

Most importantly, all the charges relate to civil activities – humanitarian support for sufferers of the conflict in the Occupied Territories. The Palestinian minority retain the inalienable human right to:

“establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.”¹³

This right is also a religious duty for Muslim citizens of the state. The social redistributive tax of Zakat, and the committees that administer it, are one of the five pillars of Islam.

The majority of the donations in question were made to orphans, who the state accuses of being the orphans of “terrorists” and therefore unsuitable to receive charity. However, not only were many of the orphans children of non-combatants (including many Christian children), but it is clear that children should not be punished on the basis of the occupation of their deceased parents.

The second major concern from this charge sheet is the implied link with Hamas. The lawyers believe that the state is making a link between two organisations based solely on the common factor of religion and religious practice. This is essentially discriminatory, and we fear it is designed to deligitimise a substantial independent political constituency in the Palestinian minority.

It should be noted that Israel itself uses funds from governmental or quasi-governmental international organizations such as the Jewish National Fund, whose mandate is to support and fund Jewish citizens of Israel only, and that Arab citizens of Israel do not benefit from such institutions. If this is taken as acceptable, then Muslim citizens should be able to be supported by international Muslim foundations. However, it is this financial support link that the state’s charges attack.

The Knesset is currently discussing new legislation which will give the state the power to close NGOs and confiscate money on the basis of a suspicion of funding from international sources connected with “terror” or activities connected with “terror”. The fear among Arab civil society is that this law will enable the state to confiscate any funds that come from Arab or Islamic sources, on the basis of ‘security assessments’ by the security services. There is also a fear that the right of freedom of association for the minority and its civil society will be harmed.

BAIL REFUSAL

Sheikh Ra’ad and his colleagues remain in prison. They have been in jail since 13 May 2003, and will now remain in jail until the end of the legal process. To keep the defendants in prison for this amount of time is contrary to the basic right of being innocent until proven guilty.

From now until November the court has only scheduled five sessions, two of which are for preliminary pleadings. The trial, with 74 prosecution witnesses and 5 defendants to be examined separately, will continue for well over six more months.

Continued arrest will prevent the defendants from doing the detailed legal work with their lawyers that is required by the complex nature of the charges, and the fact that they deal with events that happened several years ago. Visits by the lawyers to the jail will be under constraints of time, observation, and the physical impossibility of bringing the hundreds of boxes of documents to the jail to be examined.

For his part, the judge explained that the continued imprisonment was due to the fact that the majority of the charges were felonies related to security, and that there was a "reasonable" possibility that the defendants were a threat to public and state security. The judge quoted Supreme Court judgments to the effect that people accused of security offences could endanger public security, and stated that the defendants had "not succeeded in persuading me otherwise."

The judge refused all of the alternatives offered by the defence lawyers, which included house arrest and permanent supervision.

The HRA is strongly concerned by what we consider a false and politically motivated assertion that the accused are "dangerous" to the state and its people. These are public figures: a religious and political leader; a mayor of a large Arab town and his secretary; the director of a humanitarian aid organisation and his employee. Secondly, as stated previously the only money transferred to the Occupied Territories was for social welfare programmes. Finally, the delays in the procedure stated previously are inconsistent with the accusation of "danger."

BACKGROUND TO ISLAMIC MOVEMENT

The Islamic Movement in Israel was founded in the 1980's, as part of the move towards political Islam across the Middle East. In the 1990's an internal debate saw a split between what would become known as the "Northern" and "Southern" branches of the Movement. The Southern branch was so called because it was originally based in the southern town of Kafr Qasem, from where the Islamic Movement first originated. The Northern branch was so called because it was originally based in the northern town of Um al-Fahm. Both now have national remits. It was the Northern branch that rejected the 1990's decision to run for elections to the Israeli Knesset. The Southern branch did run, and currently has one Knesset Member, Abd al-Malik Dahamshe.

The Northern branch was and remains led by Sheikh Ra'ad Salah, who was present during the Movement's foundation in the 1980's, after his degree in Islamic Studies at the University of Hebron. The Northern branch does run in local and municipal elections, and takes a substantial share of the minority's vote. They have controlled the municipality of Um al-Fahm for thirteen years, and Sheikh Ra'ad was the mayor of Um al-Fahm between 1988 and 2001. During this period he served on the Committee of Arab Mayors, and continues to serve on the High Follow Up Committee for Arab Affairs.

The strategy of the Movement, and the NGOs which it controls, focuses on the provision of services to the minority. This has even taken precedence over victory in municipal elections: the Movement has pulled out of more than one close election race citing a desire to work harder on social welfare than political competition.

The Movement's social welfare programmes focus on health, education and emergency poverty assistance. The latter takes the form of direct monetary support for poor Arab citizens of Israel, including educational grants. With regard to educational infrastructure, the focus has been on Um al-Fahm, where they have built a school and college, which is now being expanded into a university, the first in the Arab education sector.

With regard to health, the Movement has recently completed a hospital in the Arab town of Tamra. Equally, the Movement has donated substantial funds to Jewish hospitals in Jewish Israeli areas, and to church-based hospitals in Israel.¹⁴

Public opinion with regard to the Movement centers on this social welfare programme, which has the self-defined objective of closing the service gap created by steady state discrimination in budgetary allocations to Arab municipalities.¹⁵

This work by the Movement has attracted the attention and disapproval of the state security services:

*"In general I believe that the Northern Islamic Movement is trying to build an independent society, and a security service special report reaffirms this: saying that the Islamic Movement is trying to build the infrastructure for an independent society that in the long run may be able to separate from Israel. This is seen as a risk."*¹⁶

The second important aspect of the work of the Movement is the work on preserving Islamic holy places. This includes work identifying, surveying and renovating the hundreds of mosques and graveyards which have been closed and abandoned by the state. Sheikh Ra`ad Salah is one of the most active of the Waqf (Islamic-owned property organisation) guardianship of the Al-Aqsa mosque in Jerusalem.¹⁷ The Movement, and particularly the Al-Aqsa Association for the Protection of Islamic Holy Places, have undertaken extensive restoration work on the Al-Aqsa Mosque. They have also organized weekly buses from all Arab localities in Israel to travel to Jerusalem for Friday prayers.

This effort is partly justified as keeping the Al-Aqsa Mosque in use by Muslims while the vast majority of Muslim Palestinians in the Occupied Territories are banned from travel to Jerusalem to pray due to the closures, and partly as part of the campaign "al-Aqsa is in danger." This campaign, which since the arrests of Movement leaders has been widened to "the Arab community is in danger" is based on perceived danger to the Al-Aqsa Mosque from Jewish extremist groups, and the current government. Over recent years, there has been a growing call from extremist Jewish Israeli groups for the admission of non-Muslims for prayer on the Al-Aqsa Mosque.¹⁸ This is linked to a desire to remove the mosques and replace them with a Jewish synagogue or temple.

With the combination of local and international advocacy for the protection of the al-Aqsa mosque, and the well-funded and large scale social welfare programmes that benefit the Palestinian minority inside Israel, the Movement has built up a considerable base of political and financial support in the minority.

BACKGROUND TO STATE ACTIONS AGAINST NORTHERN ISLAMIC MOVEMENT

The state has taken a series of actions against the Movement. The most serious of these has been the closure of humanitarian relief organisations, and the confiscation of funds. Public figures and security service regularly leak comments in effect damaging the reputation of the Movement which it considers a danger to be dealt with. The following is a list of state actions against the Movement from 1996 to 2002:

1. *Closure in 1996 of the Islamic Aid Committee.* The state confiscated funds of the Committee. It was after this closure that an agreement was made between the Movement and the Interior Ministry/Ministry of Defence. This agreement stated that the Movement would submit lists of all recipients of its humanitarian aid in the Occupied Territories to the state for approval. This was designed to prevent aid going to the families of Palestinians in the Occupied Territories who had been killed in military action against Israel. While the Movement protested this visiting of the sins of the father upon the son, it agreed. The lists have been submitted regularly ever since. The only communication the Northern Islamic Movement has received in response is a notification of a changed address to send them to.
2. *Closure in 1998 of the Humanitarian Relief Committee.* The state confiscated funds of the Committee.

3. *Travel ban on the Movement's leader, Sheikh Ra'ad Salah in February 2002.* The Interior Ministry invoked Emergency Regulations dating from the British Mandate to prevent Sheikh Ra'ad from traveling abroad. The state then refused in July to rescind the ban when petitioned by his lawyers, stating that it would soon expire. However, the ban was reinstated in August for a further six months. All evidence in court to prove Sheikh Ra'ad might "endanger the State's security" was from un-revealed security sources, and was presented in private to the judge in the absence of the defence team.
4. *Closure order against the newspaper of the Islamic Movement, "Sawt al-Haq wal-Hurriya" in December 2002.* The Interior Ministry accused the newspaper of incitement against Jews and the State of Israel, and of being a mouthpiece for Hamas. The order was again carried out under a 1933 Emergency Law from the British Mandate. The newspaper has been gradually allowed to re-open through a lengthy set of legal procedures, but remains constantly threatened.
5. *Security services call for banning of Movement in September 2002.* After the Islamic Movement's annual rally in Um al-Fahm, the security services publicly recommended banning the Movement because "it endangers the State's security."
6. *Haifa Police investigation of the two leaders of the Islamic Movement in January 2003.* Sheikh Ra'ad Salah and Sheikh Kamal Khatib were questioned for three hours. The investigation focused on the above mentioned annual rally "Al-Aqsa is in Danger," and the religious beliefs and speeches of the two leaders. They were released without charge, but the investigations received huge media coverage.
7. *The Shin Bet security services and the Ministry of Education prevented Sheikh Ra'ad Salah from giving a lecture to a Secondary School in May 2002.* The lecture to the school in Majd al-Krum was on "Arab Youth in Israel". The school's headmaster received a letter from the General Director of the Ministry of Education and a phone call from the security services, announcing their opposition to the lecture.
8. *Government members and politicians made slanderous comments against the 60,000 participants from the minority in the Movement's Annual Rally.* The current Minister of Finance, Binyamin Netanyahu, called the Islamic Movement "a cancerous tumor [on the state] that should be removed" (20/09/02) and MK Avigdor Lieberman, who is the new Minister of Transport in this coalition government called the participants "60,000 terrorists."

PROGRESSION TO ISLAMIC MOVEMENT AFTER KNESSET MEMBERS

During the 15th Knesset session, which lasted from 1999 to December 2002, seven of the nine Arab Knesset Members (MKs) belonging to independent political parties were hospitalized. They were hospitalized due to attacks and beatings from the security forces of the state. These attacks mostly occurred at demonstrations, where Knesset Members have special privileges to go behind police lines. The use of such special privileges clearly indicated they were MKs; however, none of the policemen or soldiers who took part in these incidents were ever charged with any wrongdoing.

During the same period, a total of 25 investigations were launched by the state against those same seven Arab MKs. These investigations were mostly for "incitement" or travel to the Occupied Territories. None of these investigations came to anything other than forcing the MKs to spend time on their defence, and giving the general public an impression that the Arab MKs were under suspicion.

It was also during this period that the Or Commission sent warning letters to two Arab MKs (and to Sheikh Ra'ad). This was an attempt to make the minority share the blame for the

state's actions in October 2000, when police forces shot dead 13 Arab citizens.¹⁹ The last element of the state's campaign against the Arab MKs in this period was the trial of MK Azmi Bishara, for incitement against the state. The trial, like the other investigations, eventually petered out without a conviction, but the public stigma and the personal implied warning not to cross the line again still remain today.

Between the 15th and 16th Knessets the state attempted to ban almost all the Arab parties. A series of motions were advanced to the Election Committee seeking to disqualify the major Arab parties on the grounds of "supporting terror". During the 16th Knesset, the new phase of the state's strategy to silence the Palestinian minority is this focus on the Movement.

HRA CONCLUSIONS AND RECOMMENDATIONS

The HRA considers the arrest of Sheikh Ra'ad Salah and his colleagues a violation of their human right to liberty.

Sheikh Ra'ad Salah and his colleagues must be innocent until proven guilty, and given the financial, technical and post-dated nature of the charges against them, should be released on bail during the legal proceedings.

The HRA notes with concern that the information provided by the lawyers states that the only money that the Movement transferred to the Occupied Territories came directly from Arab families inside Israel.

The HRA is deeply concerned about the implication in the charges that members of the Palestinian minority can be prosecuted for giving humanitarian aid to Palestinians in need in the Occupied Territories.

The HRA is deeply concerned about the state's public efforts throughout the arrests, investigation and prosecution, to link Northern Islamic Movement to Hamas. This link between a civil political movement inside Israel, and an armed resistance movement in the Occupied Territories is false. It is an assertion based on religious prejudice, and results in media coverage that is equally vulnerable to religious stereotyping. It is a further case of a state using the "war against terror" as a cover to deal with internal political issues, and commit human rights abuses.

The HRA is deeply concerned that the trial of members of the Northern Islamic Movement is not progressing along the same lines as previous trials of Arab political leaders which we have covered. The HRA fears that the different treatment received by Sheikh Ra'ad and his colleagues is linked to their practice of political Islam.

The HRA affirms not only that Sheikh Ra'ad and his colleagues have a right to practice political Islam as a free expression of political choice in a state which recognises itself as a democracy, but also that they have the right to be a legal and civil political movement that chooses not to run in national parliamentary elections. This should not make them more vulnerable to prosecution, or less entitled to international protection.

The HRA notes again that the political Islam practiced in this context is focused on social welfare problems that are part of an effort to close the service gap between Jewish and Arab citizens in Israel. This service gap is a result of systematic state discrimination in budgetary allocations to Arab citizens.

The HRA fears that the lack of international response and international interest encourages and strengthens a feeling that there are double standards in human rights. We call for the international community to provide an observer presence at the trial of Sheikh Ra'ad and his colleagues.

The HRA's final conclusion is to reaffirm our commitment that all human beings are born free and equal in dignity and rights. Race, gender and religion must never be a reason or excuse for different treatment in the media, or before the law.

ENDNOTES:

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- ¹ Report by the Israel Democracy Institute (IDI), May 2003. See the IDI website at www.idi.org.il, and HRA Press Release 21 May.
- ² International Covenant on Civil and Political Rights (ICCPR) Article 25. Ratified by Israel on 3 October 1991.
- ³ Lawyer Muhammad Abu 'Ubeid, Chair of Al-Mezan Association for Human Rights. HRA interview 17/06/03.
- ⁴ HRA interview with HRA Member lawyer Fahim Dauud, 29/07/03.
- ⁵ Investigation Team Press Conference. 14/05/03.
- ⁶ All details of charge sheet taken from the original during meeting (28/07/03) with lawyer Hussein Abu Hussein, a member of the Islamic Movement's legal team, and HRA General Member.
- ⁷ Investigation Team Press Conference. 14/05/03. See also HRA Press Release, 14/05/03. Available on website.
- ⁸ HRA interview with Fahim Dauud 30/07/03.
- ⁹ Refer to charge 6 in the box. It is also worth noting that the money was specifically intended for political prisoners who are Arab citizens of Israel, and who have been in jail for long periods – in many cases since before the founding of Hamas.
- ¹⁰ "No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence ... at the time when it was committed". International Covenant on Civil and Political Rights (ICCPR).
- ¹¹ In Um al-Fahm's schools there are currently 176 rented classrooms as the result of a lack of capital to build municipal buildings.
- ¹² See first numbered point in section entitled: Background to state actions against the Northern Islamic Movement.
- ¹³ Article 2.5 of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.
- ¹⁴ For example donations to the Schneider Hospital in Tel Aviv.
- ¹⁵ See "The Sikkuy Report 2001-2002" available at www.sikkuy.org.il.
- ¹⁶ Hussein Abu Hussein 28/07/03.
- ¹⁷ As part of the territory occupied by Israel in 1967, this area does not fall under the competence of the HRA.
- ¹⁸ It was the visit of Ariel Sharon before he became Prime Minister in September 2000 to the Al-Aqsa Mosque that sparked the current intifada, which took its name: intifada al-Aqsa
- ¹⁹ See Chapter 4 of HRA 2002 publication "Silencing Dissent". Available at www.arabhra.org.

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