

Israeli Supreme Court Upholds Law Allowing Housing Discrimination Against Palestinians

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Yesterday, Israel's Supreme Court dismissed a petition by [Adalah: The Legal Center for Arab Minority Rights in Israel](#) effectually facilitating the Judaization of more Palestinian owned land inside Israel. According to Adalah, the court's decision holding up Israel's Admissions Committees Law, "[entrenches racial segregation](#); 434 small communities in Israel, or 43% of all residential areas, will be allowed to close their doors to Palestinian Arab citizens of the state." Much of the land in question was originally [confiscated from Palestinian refugees](#), and the court's decision will result in the continued concentration and containment of the Palestinian population in Israel.

In March 2011, the Knesset passed two racist laws, the "Nakba Law" and the "Admissions Committees Law", the latter granting legal legitimacy to "admission committees" in small towns, many agricultural, with fewer than 400 families in the Naqab and the Galilee to "have the [full discretion to accept or reject individuals](#) who wish to live in these towns." The committees consisting of town residents include a member of the Jewish Agency, the World Zionist Organization, or other "quasi" government representative are able, in practice, to "[filter out Arab Palestinian applicants and others from marginalized groups](#),".

On March 30, 2011 Adalah [filed a petition to the Supreme court of Israel](#) demanding the cancellation of the racist law arguing:

The petitioners argued that the law allows admission committees to reject any person on the basis of his or her national belonging, sexual preference, and even on health grounds. It would also allow an admission committee to reject an Arab applicant because his or her culture different from that of the majority of persons living in a community town.

The Admission Committees Law violates Israeli domestic law and international law, which prohibit discrimination against any person who does not belong to the dominant group in society, by legitimizing the exclusion of entire groups on the basis that he or she is not suited to the "social/cultural fabric" of a community town. Specifically, the law is contrary to the Israeli Basic Law: Human Dignity and Freedom and violates basic constitutional rights, as well as the rights to privacy and to freedom to choose one's place of residence without arbitrary restriction.

Following the court's decision upholding the law, Suhab Bishara, the attorney for the petitioners and director of the Land and Planning Unit at Adalah issued a statement through the Institute for Middle East Understanding ([IMEU](#)) saying, "The Court's recent decisions confirm that Palestinian citizens of Israel have no constitutional guarantees or protections of

their housing rights. The Court has approved the policy of Israeli government institutions to exclude Arabs from Jewish-only communities that are built on state land or to evict them in order to establish new Jewish communities in their place. The state claims that the communities are for the 'general public,' but it is clear in both policy and law that Arab citizens of Israel are not included in that definition."

When the law was first passed in 2011 Human Rights Watch Middle East Director Sarah Leah Whitson stated the Admissions Committees Law "sanctioned discrimination", essentially authorizing Jewish-majority communities to reject Palestinian citizens of Israel applicants for residency status, [and chastised Israeli politicians](#) "Israeli parliamentarians should be working hard to end glaring inequality, not pushing through discriminatory laws to control who can live where". Whitson echoed that harsh response in a comment on the court's dismissal of Adalah's petition: "Israel's Supreme Court today missed a chance to overturn a law whose sponsors sought to enable Jewish communities to prevent Palestinian-Israeli citizens from living among them. The majority said it needed to wait for the law to be implemented, but a law aimed at facilitating ethnic discrimination should be treated as unlawful on its face."

Here's yesterday's press release from Adalah:

(Haifa, Israel) Today, 17 September 2014, in [a 5 to 4 decision](#), an expanded panel of the Israeli Supreme Court decided to dismiss a [petition](#) brought by Adalah three years ago against the "Admissions Committees Law". The law allows for hundreds of Israeli Jewish communities in the Naqab (Negev) in the south and in the Galilee in the north to reject applicants for housing based on the criteria of "social suitability" and the "social and cultural fabric" of the town.

The law allows the possibility of rejecting applicants who are Palestinian Arab citizens of Israel, as well as other marginalized groups, solely on the basis of their race, ethnicity, religion, or other identity. The court's decision effectively legalizes the principle of segregation in housing between Arab and Jewish citizens, and permits the practice of racism against Arab citizens in about 434 communities, or 43% of all towns in Israel. The Association for Civil Rights in Israel (ACRI) also filed a petition against this law.

In response, Adalah stated that the Court's decision, "gives the green light for 434 communities to exist based on the principle of segregated housing. This law is one of the most racist pieces of legislation enacted in recent years, the primary objective of which is to marginalize Arab citizens and prevent them from accessing housing on 'state land' in many communities. The court's decision upholds one of the most dangerous laws in Israel."

Adalah Attorney Suhad Bishara, who filed the petition, added that: "The court's decision seriously undermines its landmark decision in 1999 in the Ka'adan case. That case allowed an Arab family to move to the town of Katzir despite their rejection by the town's admissions committee. This latest court decision illustrates the continued deterioration of the constitutional rights and legal protection of Palestinian citizens of Israel." Attorney Bishara further stated that the new decision, "allows the principle of separation in residency based on national identity, and as such, 434 communities will be allowed to close their doors to Arab citizens."

The Admissions Committees Law, enacted by the Knesset in 2011, gives "admissions committees" - bodies that select applicants for housing units and plots of land - almost full discretion to accept or reject individuals from living in

these towns. The committees include a representative from the Jewish Agency or the World Zionist Organization, quasi-governmental entities. The Committees, in practice, filter out Arab Palestinian applicants and others from marginalized groups. While one of the provisions of the law states a duty to respect the right to equality and prevent discrimination, the law allows these committees to reject applicants deemed “unsuitable to the social life of the community...or the social and cultural fabric of the town,” thereby legitimizing the exclusion of entire groups. The law also authorizes admissions committees to adopt criteria determined by individual community towns themselves based on their “special characteristics”, including those community towns that have defined themselves as having a “Zionist vision.”

In the last hearing on the case before the Supreme Court on 4 December 2012, Attorney Bishara argued that, “the law marginalizes certain groups, creating a legal, constitutional, and legitimate basis for discrimination. The law allows for division of state land based on vague cultural and social standards – and not even the state can explain which criteria admissions committees could use to accept or reject candidates. The law will open the door to arbitrary decisions based on prejudices and personal grudges.”

Attorney Bishara added after that hearing that, “The law is functioning the same way it did previously as a policy, deterring many segments of the population, especially Palestinian Arab citizens of the state, from applying for housing in these towns for fear of rejection. The law has serious implications now and has had for many years, so it is not possible to say that it is not ripe for judicial ruling.”

This statement by Yousef Munayyer, Executive Director of the [Jerusalem Fund and the Palestine Center](#) in Washington, DC, and Palestinian citizen of Israel, perfectly reflects why Israel, a state that gives legal preference to one ethnicity under the law, does not share U.S. values:

“The upholding of this law means that the Israeli court system, along with the state, supports the practice of segregation within Israel and against Israeli citizens of Palestinian origin. For state-sanctioned and partially controlled committees to be able to deny residence within communities to certain citizens effectively based on their religion, race or ethnic origin is unthinkable in the United States – such a racist law would be shot down by the US Supreme Court because of constitutional guarantees against discrimination. But it has now been approved by the highest court in Israel. The talk of ‘shared values’ grows more farcical and the mask covering the face of an Apartheid system falls further by the day, making the ugly reality easier for the world to see.”

For more history on the Israeli legislation and court decisions precipitating today’s court decision see this *Mondoweiss* post, [The historical context of the Israeli land and planning law regime](#):

Only 2.5% of land in Israel is under the control of a Palestinian controlled planning authority. [31] Moreover, in spite of a sixteen-fold increase in the built-up areas of Palestinian communities since the British Mandate, the average area of jurisdiction of Palestinian cities and local councils has, in that time, decreased by 45%. [32] Therefore, as Bimkom has stated, most Arab localities are dependent on decisions made by planning commissions which are, for the most part, devoid of Palestinian representation. [33]

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