CASE STUDY
CIVIC ENGAGEMENT IN AL QUDS UNIVERSITY, PALESTINE

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INTRODUCTION

Al-Quds University

Al-Quds University is the major Palestinian academic institution in Occupied Jerusalem. It was established in 1984 by the merging of a number of autonomous colleges in Jerusalem, and it took 11 years to fully institutionalize this merge. Since its establishment, Al-Quds University has widened its academic disciplines, and innovated in educating Palestinian and some international students.

While presenting quality education has been the primary goal of Al-Quds University, it was not the only one. Al-Quds University’s mission involves three goals: education, research and community service. While many universities in the world share these principles, the uniqueness of the circumstances surrounding Al-Quds University has turned it into one of the main providers of public services in Jerusalem. Its services include the sectors of health, archeology, women’s empowerment, children’s programs, human rights advocacy, and many others.

The current case study will focus on Al-Quds University's pro-bono legal services in Jerusalem.
Al-Quds University's pro-bono legal services in Jerusalem
The beginning Community Action Center

In 1999, Al-Quds University established a community center based in the old city of Jerusalem known as the Community Action Center. The center aimed at empowering the Palestinian population in Jerusalem by providing them with the tools and knowledge that would allow them to pursue their own rights. The center's approach in social service was the rights-based approach. In the first few years of the center's existence, it focused on social rights. The center's social workers, who were knowledgeable about the social welfare regulations in effect in Jerusalem, helped Palestinians to demand entitlements or contest debts with the Israeli occupation authorities running the respective social welfare programs.

As time went by, the center’s beneficiaries presented several types of problems to the center’s staff, which led the center to continuously re-think and develop its services and methods. Now, in January 2018, the center is staffed by 5 full-time lawyers, one senior legal consultant, 3 social workers, 2 international advocacy workers, 1 field researcher and 3 administrative personnel. It has an open-door policy, receiving local Jerusalemites and providing them with a variety of services that will be elaborated later.

Al-Quds Human Rights Clinic

In 2006, Al-Quds University established the first clinical legal education program in the Arab world in its faculty of law. The idea was proposed by the author of the current case study, who had studied in Al-Quds University and abroad, during which he engaged in many extra-curricular activities and volunteer work. The goal of the clinic was twofold. On the one hand, Al-Quds University’s law students needed to learn more about the applicable laws and regimes in the occupied Palestinian territory. On the other hand, the Palestinian community needed help with several legal problems caused by the occupation authorities.

The Clinic started functioning in the 2006–2007 academic year. Its educational program offered students 6 credits over a whole academic year (September to May). Since its establishment, this Clinic has designed a curriculum that combined theoretical and practical training. The theoretical program focused on methods used by the Palestinian human rights community to defend the rights of Palestinian citizens and on the main human rights issues that face the Palestinian community in light of the Israeli occupation. The practical element was divided into two parts: one focused on documenting human rights and international humanitarian law (hereinafter IHL) violations in the OPT; the second trained students of law to provide pro-bono legal services to Palestinians living in East Jerusalem, which was illegally annexed to Israel in 1967.

The second part started first by sending students to be trained with a number of Palestinian human rights organizations that provided legal services to Palestinians. These organizations included St. Yves, JLAC and Community Action Center–Al-Quds University. In 2013, the Clinic and CAC started working more closely together as a result of combining their administrations. This led to the two units strategizing together and sharing resources. Since 2013, the Clinic and CAC have been running their legal services program jointly through the efforts of their professional lawyers as well as the Clinic’s students. Al-Quds University
serves an average of 600 Palestinians each year on issues including social welfare, residency and home demolitions. The following section will elaborate on the context and the needs of the Palestinian community in Jerusalem.

**MAIN LEGAL ISSUES IN JERUSALEM**

In 1948 and 1967, Israel occupied West and East Jerusalem respectively. While the 1948 war witnessed a full eviction of all East Jerusalem Palestinians from their homes, following 1967 a significant number of Palestinians remained in their homes in East Jerusalem. However, since the occupation of East Jerusalem, Palestinians have been facing harsh policies of forcible displacement and collective punishment.

As a result, Palestinians in Jerusalem need basic legal services just to deal with everyday life. Defending individuals in these types of issues can only be done in Israeli legal institutions. Furthermore, the Palestinian community in Jerusalem cannot bear the cost of legal counseling on these issues, because these basic problems are very common and private lawyers charge expensive fees for their services.

It is important to mention here that the Israeli measures have resulted in a mass migration of Palestinian organizations from the city. Despite the ongoing “peace process” between the Israeli government and the Palestine Liberation Organization (PLO), Israel decided to close the PLO’s office in Jerusalem, formerly known as the Orient House, in order to further Israel’s claim that Israel holds sole sovereignty over Jerusalem. When the Orient House was functional, it not only served as a political representative of Palestinians in Jerusalem, but also worked hard to defend their rights by hiring private lawyers who would represent victims of Israel’s human rights violations. When this office was closed, the Palestinians lost a major player who worked to defend their rights.

In addition to government offices, civil society organizations also migrated involuntarily from Jerusalem. The occupation authorities have created a regime according to which Jerusalem became totally separate from the West Bank. Especially after the peace process started and after Israel built a concrete wall separating Jerusalem from its surrounding cities and villages in the West Bank, Palestinian organizations based in Jerusalem had to leave the city. This has effectively isolated the Palestinian population and resulted in a greater protection vacuum. These circumstances encouraged Al-Quds University to intervene in order to fill at least part of this vacuum. The CAC and the Clinic were established in order to serve the most disadvantaged Palestinians.

Our lawyers and students work on issues where the law discriminates most strongly against Palestinians. For example, after the occupation and illegal annexation of East Jerusalem, Israel gave the Palestinians of Jerusalem a status of “residents” of Israel, and then introduced measures to revoke this residency. Furthermore, Israeli law limits the Palestinians’ ability to pass the residency status to their children, and also restricts their ability to live with their spouses who have no residency status in Israel. To deal with such cases, the Clinic trains its students to help beneficiaries using the Israeli legal system to address Israel’s policies.
For example, the Israeli Ministry of Interior revokes the residency of a Palestinian Jerusalemite if s/he moves their “center of life” to an area outside annexed East Jerusalem or other territories under Israel’s jurisdiction. *Such a revocation can be rescinded by proving that the person’s “center of life” is in “Israel,” which includes Annexed East Jerusalem in the view of Israeli legal institutions. Despite the fact that this definition of Israel is contrary to international law, the Clinic’s students learn how to prove one’s “center of life” is in Jerusalem through providing evidence of taxes paid, electricity bills, water bills, affidavits, children’s schools and the like. Simultaneously, the Clinic’s students are taught how the international legal system should function and how the international community views these policies.

In the academic year 2016-2017, Clinic students handled 456 files on pro-bono legal services before various administrative and judicial bodies in East Jerusalem within Israeli jurisdiction, under the supervision of the legal clinic’s lawyers. The cases they handled included two areas of law: the social welfare system and residency.

The social welfare cases taken by the students included 81 cases of disabled persons’ support, 146 income support files, 55 residency inquiries, 9 cases of unemployment entitlements, 38 old age entitlement cases, 5 work injury cases, 6 petitions against the labor office, 14 maintenance alimony files, 14 child allowance files, 40 detailed annual reports, 2 birth-grant cases, 1 file of orphan’s benefits, 3 study grants, 2 death grants, 6 widows’ entitlement files, 4 cases establishing degrees of incapacity to earn or to perform housekeeping tasks, and 14 miscellaneous consultations. The Clinic also handled 13 cases on residency issues in Jerusalem.

Most of the social welfare cases require only a relatively simple consultation service in which students complete an application form and ask the beneficiary to take it to the relevant administrative authority. Residency cases, however, tend to be more complicated and in many cases need much more intervention from the clinical students and professional lawyers, potentially through court petitions.

The Clinic’s partnership with the Community Action Center has exposed its staff and students to some sensitive cases. Some of the most sensitive are the cases related to collective punishment. For example, the Clinic took the case of a family that had suffered several measures of collective punishment after one of their members allegedly committed a shooting attack on Israelis. While that person was himself killed in the same incident, his family suffered the demolition of their house as a punishment for what he did, his wife was forcibly transferred out of Jerusalem, and his children were denied their social welfare rights. In the case of the three children, the National Insurance Institute (hereinafter NII), which is responsible for collecting social welfare taxes and providing entitlements, decided to exclude them from the NII membership, an action which resulted in denial of their entitlements as well as their medical insurance membership. The mother and grandfather of the children were deeply concerned, especially since one of the children had a chronic disease.

children. The Clinic sent letters to the NII explaining that there was no ground, even in the Israeli law itself, for revoking the NII membership. The Israeli argument was that the children no longer lived in Jerusalem. Hence, the Clinic’s work in that case was focused on proving that the children were living in Jerusalem and hence their rights should not be affected. Despite its complexity, the case was closed successfully after the NII decided to grant the rights to the children before the Clinic approached the court.

The Al-Quds Human Rights Clinic has also introduced international advocacy activities. Some of the students in the Clinic have been involved in activities like writing complaints to relevant United Nations bodies on individual issues, leading campaigns to focus attention on certain issues, or participating in an advocacy mission organized by the Community Action Center. The value of the students’ participation in such events is that they keep international legal standards in the minds of the students, reminding them that the legal system in which they serve and the standards according to which they work are not legitimate ones, even if we must deal with them on a practical level.

CAC also serves Palestinian victims of Israel’s home demolition policy in Jerusalem. Since its occupation of Jerusalem, Israel has zoned the city in a discriminatory manner, sharply limiting Palestinians’ ability to build new structures. Palestinians, whose numbers were naturally growing in the city, could not get permits to build on their own lands, which forced many of them to build without a permit—an act defined as a crime under Israeli law. The person accused of this crime faces a home demolition order, fines or, in rare cases, imprisonment. CAC’s legal services unit has provided full representation for some 150 cases. Unfortunately, it is very difficult to acquit a Palestinian defendant totally in home demolition cases, but the Center usually aims for smaller successes, such as postponing the demolition or cancelling it.

PARTNERSHIPS WITH OTHER CENTERS

Since the establishment of CAC and the Clinic, the two organizations have been working in collaboration with other non-governmental Palestinian centers. Its human rights and free legal services programs have always cooperated with organizations like St. Yves, Jerusalem Center for Legal Aid and Human Rights (JLAC), Al-Haq, Addameer, Badil and others. Our cooperation consists mainly of international advocacy. All these organizations are advocating on behalf of Jerusalem’s population, trying to invite international pressure that would result in improving the deteriorating human rights conditions in Jerusalem. Unfortunately, these efforts do not make an immediate impact because of the political support Israel receives from a number of international actors, especially the United States. However, it is important for Palestinian civil society to continue to document, analyzes and criticize human rights violations until Palestine is liberated.

Of course, the wider civil society, especially those organizations working under the jurisdiction of the Palestinian Authority, also conduct advocacy to ensure that the Authority also upholds human rights standards. Another area of cooperation among legal providers in Jerusalem is the referral of cases. If one center does not provide a particular type of legal services, it refers such cases to other centers. For example, at CAC and the Clinic we refer family law, divorce, and domestic violence cases to centers that focus on women’s rights, like the Women’s Center for Legal Aid and Counseling.
FUNDING AND SUSTAINABILITY

Since the day Al-Quds University established CAC and the Clinic, it has guaranteed their sustainability by paying their core expenses. The university pays for rent, taxes, maintenance and part of the personnel expenses. However, CAC and the Clinic have always sought project funding from various donors based in the occupied Palestinian territory, such as Diakonia, UNDP, the Norwegian Refugee Council, the Rosa Luxemburg Foundation and Open Society Foundations. Project funding has helped to improve the quality and quantity of the legal and social services the center provides. It also allows for better international advocacy and visibility.

It is likely that donor funding will continue to cover legal services in Jerusalem because of the great and obvious need. The Israeli occupation authorities use their laws as tools for colonization, and unfortunately exhaust the Palestinian population with legal proceedings to exercise their simplest rights, such as residing in their city or living under one roof with their parents. This problem is one of the strategic threats Palestinians have to resist, and legal services are one tool of empowerment for the community.

CONCLUSION

Al-Quds University is one of the main providers of free services in Jerusalem. While it works hard to sustain and improve its educational programs, it considers itself a servant of the community, especially in light of the departure of several civil society organizations from Jerusalem as well as the closure of the PLO office, the Orient House.

The Community Action Center and the Al-Quds Human Rights Clinic use a rights-based approach in serving the public. Our professional lawyers, along with trained students, invest a lot of effort in defending the basic rights of Palestinians in Jerusalem through individual and group representation, as well as advocacy.

Since the first day of the Clinic’s work, the faculty of law has considered it an official educational program. This makes the students’ legal services more systematic and better supervised, and contributes to their learning goals.

By combining education and services in the same activities, Al-Quds University is serving its goal to the utmost. We teach our students real-life problems and ways to deal with them, and we serve our community. Many of our students have graduated to work in community service and pro-bono services, which we find extremely rewarding.

In the future, Al-Quds University will continue its legal services until the end of the occupation. Then, most probably, we will be strategizing to protect Palestinian rule of law and continue to protect Jerusalem’s population from any potential human rights violations.