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The Palestinian Centre for Human Rights

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## **Gaza Students Face Denial of International Education Opportunities**



### **Palestinian Centre for Human Rights**

Consultative Status with the ECOSOC of the United Nations

Affiliate of the International Commission of Jurists - Geneva

Member of the International Federation for Human Rights (FIDH) - Paris

Member of the Euro-Mediterranean Human Rights Network – Copenhagen

Member of the International Legal Assistance Consortium (ILAC) - Stockholm

Member of the Arab Organization for Human Rights – Cairo



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# The Palestinian Centre for Human Rights

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## ***The Palestinian Centre for Human Rights***

The Palestinian Centre for Human Rights is an independent non-profit legal agency based in Gaza city. The Centre was established in April 1995 by a group of Palestinian lawyers and human rights activists in order to protect human rights and promote the rule of law in accordance with international standards, create and develop democratic institutions and an active civil society in Palestine in accordance with internationally accepted standards and practices and support all efforts aimed at enabling the Palestinian people to exercise their inalienable rights according to international law.

The Centre enjoys Consultative Status with the ECOSOC of the United Nations. It was granted three international prominent awards for its efforts in the field of human rights:

1. The 1996 French Republic Award on Human Rights; and
2. The 2002 Bruno Kreisky Award for Outstanding Achievements in the Area of Human Rights; and
3. The 2003 International Service Human Rights Award (UNAIS).

The Centre has wide relationships with human rights and civil society organizations throughout the world. It is an affiliate of five international and Arab human rights organizations, which are active in the international arena:

## ***International Commission of Jurists***

The International Commission of Jurists (ICJ), headquartered in Geneva, is a non-governmental organisation in consultative status with the United Nations Economic and Social Council, UNESCO, and the Council of Europe and the OAU. Founded in 1952, its task is to defend the rule of law throughout the world and to work towards the full observance of the provisions in the Universal Declaration of Human Rights. its membership is composed of sixty eminent jurists who are representatives of the different legal systems of the world.

## ***Federation Internationale des Ligues des Droits de l'Homme***

The Federation Internationale des Ligues des Droits de l'Homme (FIDH) is an international non-governmental organisation dedicated to the world-wide defence of human rights as defined by the Universal Declaration of Human Rights of 1948. Founded in 1922, FIDH has eighty-nine national affiliates in all regions.

## ***Euro-Mediterranean Human Rights Network***

The Euro-Mediterranean Human Rights Network (Euro-Med Network) is a network of human rights organisations and individuals from the Middle East, North Africa and the European Union, established in 1997. The overall objective of the Network is to contribute to the protection of the human rights principles embodied in the Barcelona Declaration of 1995.

## ***International Legal Assistance Consortium (ILAC)***

The International Legal Assistance Consortium (ILAC) is one of the most important international legal bodies. It is specialized in legal and judicial training. It includes more than 30 members of distinguished legal organizations throughout the world, including American Bar Association; Arab Lawyers Union; and Bar Council of England and Wales.

## ***The Arab Organization for Human Rights***

It is an NGO founded in 1983. It calls for respect and promotion of human and people rights and fundamental freedoms in the Arab World for all individuals on its land in accordance with international human rights instruments. The Organization signed an agreement with Egypt in May 2000, according to which its headquarter was moved from Limassol in Cyprus to Cairo.



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The Palestinian Centre for Human Rights is an independent non-profit non-governmental organisation dedicated to the protection and promotion of human rights, the rule of law, and democratic principles in the Occupied Palestinian Territories.

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## **Introduction:**

Israeli Occupation Forces (IOF) have steadily tightened their siege and closure of the Gaza Strip since the Hamas' takeover of the Gaza Strip in June 2007. Border crossings to the Gaza Strip were sealed, isolating Gaza from the outside world.

On 19 September 2007, the IOF declared the Gaza Strip a “Hostile entity,” and imposed additional restrictions on the lives of the people of Gaza. All of the border crossings to Gaza were completely closed. Since then, Rafah International Crossing Point has been completely closed for 308 days. Beit Hanoun “Erez” Crossing was closed for workers and civilians throughout 2007, with a very limited number of individuals and groups (traders, workers in international organizations, and some patients) allowed entry to the Crossing. In reality, the Gaza Strip remains sealed from the West Bank, Egypt and the rest of the world.

These Israeli measures are a continuation of IOF restrictions and violations perpetrated against the Palestinian population over the past few years. Since the outbreak of Al-Aqsa Intifada on 29 September 2000, IOF have been enforcing a closure of the Gaza Strip. 2007 was the most difficult so far.

Students of all levels have been a target of the Israeli closure policy. These students have been systematically deprived of their right to enroll and/or continue their education abroad, whether in the West Bank, Arab world, or other countries. As a result, these students' educational future is in jeopardy. Being cut off from their educational institutions for lengthy periods of time a long time may deprive them of the right to continue their education. Denying Palestinian students the right to move and travel in order to join educational institutions threatens them with an uncertain future. Hundreds of students are living with the stress of being cut off from their education, and missing part or all of their academic year. University students, especially, are apprehensive about this uncertain educational future since many of them are more than half way through their education. The majority have paid tuition fees to educational institutions, and have had to bear additional expenses in order to try and travel outside the Gaza Strip.

These measures and restrictions imposed on students are a form of collective punishment of the Gaza Strip civilian population. Collective punishment is prohibited by International Humanitarian Law, especially the Fourth Geneva Convention (1949) which is relevant and applicable in the Occupied Palestinian Territory (OPT). In addition, collective punishment is a violation of International Human Rights Law, especially the International Bill of Human Rights. These measures also cause further deterioration to the civil, political, economic, social, and cultural rights of the Palestinian population, including the right to education. These measures are implemented in the presence of international silence, which encourages Israel to continue implementing these policies against the civilian population in the Gaza Strip.

This report aims to shed light on the impact of the IOF hermetic closure of the Gaza Strip on thousands of university students who have been unable to start or continue their education since 10 June 2007. This period since 10 June 2007 is considered the most stringent and lengthy period of hermetic closure compared to previous instances of IOF closure of Gaza<sup>1</sup>. Please note, that this report excludes Gaza students studying in the West Bank<sup>2</sup>. The report aims to bring to the attention of the international community, especially institutions working in the field of or are interested in human rights, the continuing impact of Israeli inhumane policies against civilians in the OPT, especially the policy of closure imposed on the Gaza Strip since the outbreak of Al-Aqsa Intifada in 2000.

Students from the Gaza Strip studying abroad have used several travel terminals in order to access educational institutions abroad. These include Ben Gurion Airport in Israel, El-Karam Bridge on the Palestinian-Jordanian border, Gaza International Airport, and the Rafah Crossing on the Egyptian border. However, IOF travel and movement restrictions since the start of the Al-Aqsa Intifada have gradually reduced these options, and current travel options are restricted to travel via the Rafah International Crossing Point, and from there onto third countries.

The publication of this report coincides with a severe and unprecedented deterioration in the humanitarian situation in Gaza as a result of the serious escalation of Israeli collective punishment measures. IOF are preventing civilians in the Gaza Strip from accessing essential supplies of medicine and food. In addition, IOF completely banned the entry of fuel for a short period in January, and subsequently allowed entry of severely reduced amounts of fuel. As a result of the stoppage of work in the Gaza Strip's only power plant, electricity was cut off 700,000 people for several days. Most basic services are dependant on electricity, and are therefore at risk of closure. These services include hospitals, water pumps, sewage disposal, bakeries, amongst others.

### **Situation of Rafah International Crossing Point:**

The Rafah International Crossing Point (Rafah Crossing) is the only terminal connecting the Gaza Strip with the outside world, especially after the destruction of Gaza International Airport by IOF on 14 February 2004. The Rafah Crossing is located on the border between the Gaza Strip and Egypt.

On 9 October, 2000, IOF closed the Rafah Crossing and other border terminals connecting the Strip with the outside world, Israel, and the West Bank. IOF have maintained the closure of the Rafah Crossing since then, with various levels of strictness,

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<sup>1</sup> During the preparation of this report, and specifically on 23 January 2008, armed Palestinian groups detonated parts of the border fence between the Gaza Strip and Egypt. As a result, thousands of Palestinians crossed into Egypt, and Gaza residents stuck in Egypt returned home. Nonetheless, students were not able to travel and reach their educational institutions.

<sup>2</sup> Prior to Al-Aqsa Intifada, Gaza students comprised 25% of the students of West Bank Universities. This percentage decreased steadily due to the closure of the Strip since the outbreak of the Intifada. The percentage is currently negligible.

especially since the implementation of the disengagement plan on 12 September 2005. This period was characterized by prolonged closure, the most notable of which were:

- On 7 September 2005: IOF completely closed the Rafah Crossing and cut off the Gaza Strip civilian population from the outside world. The closure came after the implementation of the unilateral IOF disengagement plan from the Strip.
- On 15 November 2005: the PNA and Israel reached an agreement on the border crossings of the Gaza Strip. The agreement stated that the PNA and European monitors would manage the Palestinian side of Rafah crossing, with live video-feed being provided to a joint Palestinian-Israeli control room in the Karm Abu Salem Crossing a few kilometers to the south.
- On 25 June 2006: The Israeli soldier Gilad Shalit was kidnapped and 3 other soldiers were killed in a joint Palestinian operation conducted by “Popular Resistance Committees,” “Izzedeem El-Qassam Battalions,” and “Army of Islam.” The operation was code-named “Disappearing Illusion,” and was conducted against an Israeli military outpost east of Rafah. After the operation, Israel carried out a ferocious attack on the Gaza Strip. This attack included serious violations against the civilian population in the Strip. Hundreds of Palestinians were killed or injured, and the infrastructure of whole areas was destroyed. IOF have maintained a hermetic closure of all border crossings since then.
- On 10 June 2007: The escalation of internal clashes between Fatah and Hamas culminated with the latter’s takeover of the Gaza Strip. On 15 June, IOF completely closed the Rafah Crossing and all other border crossings. The period since then has been the harshest period of closure since the outbreak of Al-Aqsa Intifada in September 2000. Almost the entire 1.5 million population of the Gaza Strip has been banned from travel outside the Strip.
- The IOF announcement that the Gaza Strip is a “hostile entity” on 19 September, 2007, added to the suffering of the Strip’s civilian population, threatening to cause a catastrophic humanitarian disaster. This has been met with shameful silence from the international community who have been totally ineffective in condemning Israeli violations amounting to war crimes against the civilian Palestinian population.
- Since 10 June 2007, the Rafah Crossing has been completely closed for 231 days out of a total of 236 days. It was only partially opened the remaining 5 days. The closure of the two border crossings used for the movement of persons has had an impact on the economic and social rights of the Strip’s population, especially the right to education for hundreds of students.

### **Impact of the Closure of Border Crossings in Gaza Students:**

The complete IOF closure of the Gaza Strip border crossings used for travel has deprived the civilian population of their right to free and safe movement. This denial has affected thousands of students still in the Strip awaiting the chance to travel abroad to continue their education at various levels. Sources in the Ministry of Civilian Affairs indicate that more than 2,722 students from all educational levels are waiting for the chance to rejoin

their educational institutions abroad. This number includes 722 students at university level. The remaining are students studying in schools abroad. In addition, there are hundreds of students at school level with residence permits in other countries, where they live with their families, whose permits have expired due to their inability to travel to their countries of residence after coming to Gaza for a summer vacation.

- From 26 August 2007 till 18 September 2007, IOF allowed a limited number of Gaza Strip residents to travel. Instead of traveling through the “closed” Rafah Crossing, they were allowed to leave the Strip through the Beit Hanoun (Erez) Crossing and from there onto the Karm Abu Salem Crossing and then to Egypt. Four groups of travelers, totaling 450 people, traveled during this period. A fifth group of 186 people, including students, were returned to Gaza after IOF completed their travel arrangements and checked their documents at the Beit Hanoun Crossing. It is noted that IOF refuse to consider any other option of opening additional crossing for Palestinian civilians to travel.
- From 2-10 December 2007, the Ministry of Civilian Affairs states that IOF allowed 847 civilians to travel in 5 groups that originally consisted of 1,265 people stranded in Gaza. They traveled via the Beit Hanoun (Erez) Crossing to the Karm Abu Salem Crossing, and from there onto Egypt. It is noted that IOF delivered the names of the 1,265 persons to the Civilian Affairs Ministry who publicized the names.
  - o On 2 December, IOF allowed 207 persons to cross to the Israeli side of the Beit Hanoun Crossing. 199 were allowed to leave Gaza and 8 were denied.
  - o On 3 December, IOF allowed 150 persons to cross to the Israeli side of the Beit Hanoun Crossing. 137 were allowed to leave Gaza and 13 were denied.
  - o On 4 December, IOF allowed 220 persons to cross to the Israeli side of the Beit Hanoun Crossing. All were allowed to leave Gaza.
  - o On 9 December, IOF allowed 180 persons to cross to the Israeli side of the Beit Hanoun Crossing. 156 were allowed to leave Gaza and 24 were denied.
  - o The Civilian Affairs Ministry stated that the total number of names delivered by IOF for travel in 5 groups was 1265. Only 982 reached the Beit Hanoun Crossing, out of which only 847 were allowed to leave after stringent security checks<sup>3</sup>.

List	Date	Israeli list total	Reached Crossing	Allowed to Travel	Denied by IOF	Denied by Egypt
One	2 Dec.	250	207	199	8	0
Two	3 Dec.	250	150	137	13	0
Three	4 Dec.	350	220	220	0	0
Four	9 Dec.	202	180	156	11	13
Five	10 Dec.	213	225	135	0	90
<b>Total</b>		<b>1265</b>	<b>982</b>	<b>847</b>	<b>32</b>	<b>103</b>

<sup>3</sup> IOF delivered 5 lists to the Ministry of Civilian Affairs. The lists disregarded grouping family members together. IOF intentionally dropped one or more family member (husband, wife, one of the children) from the list. As a result, several families living abroad did not go to the crossing out of fear of being separated. It is noted that children who are included in their father’s residence permits abroad cannot travel alone. Thus, 382 persons were denied travel out of 1265 who received preliminary permission.

Some of the students were secondary school graduates of the year 2007 who completed their tests during the height of the Fatah-Hamas clashes in mid-June 2007. They were looking for a better future through education outside the Gaza Strip.

Hasan Farid Hasan Othman (19) from Rafah was not able to travel to Alexandria, Egypt, to continue his education because of the closure. *“I have already missed the first semester. I hope that the Rafah Crossing will open to allow me to travel and resume my first year studies. I am consoled by my university’s agreement to postpone my first semester exams to the second semester.”*

Mohammad Gassan Radwan (19) from El-Maghazi refugee camp in the central Gaza Strip received a scholarship from the Mohammad the Fifth University in Morocco. *“I have not been able to travel despite having a visa to Morocco and buying my airplane ticket. I am seriously threatened with losing my scholarship. I called the student’s president at the university and he informed me that studies have started 2 months ago, and that I might not be accepted in the University this year due to the long delay in registration and not being there to study.”*

Student Mahmoud Mohammad Ali Rabah (19) from El-Maghazi refugee camp fears he will lose his university scholarship in the Mohammad the Fifth University in Morocco. He is still waiting for permission to travel, and is worried about losing his scholarship.

The impact of the closure of the Gaza Strip is not limited to new students. It also affects older students who returned to the Strip in order to visit their families. They were prevented from returning to their universities abroad due to the closure of the Rafah Crossing on 10 June 2007, thus threatening their education.

Mahmoud Afif Abdallah Abu Atteya from Jabalia refugee camp is a medical school student at El-Mansoura University in Egypt. He gave the following statement: *“I am a medical school student at El-Mansoura University. I started my studies on 20 November 2004, and have completed 3 years out of the 7 years of studies. The last time I visited Gaza was on 23 January 2006 for 20 days. Then I visited the Strip in May 2007. But I have not been able to travel back to Egypt through the Rafah Crossing since it was closed by IOF in 15 June 2007. Like other students, I registered my name in the Civilian Affairs Department about 6 months ago in order to travel through the Beit Hanoun Crossing – Ojeh Crossing route. However, I have not received permission to travel. I received a notice from the Civilian Affairs Department stating that the delay in my travel is due to the closure. I presented this notice to the University. The first semester of 2007-2008 year started three and a half months ago. My colleagues have already entered 2 out of 4 exams for the semester. It means that I have lost 50% of the marks for the semester. I don’t know how things will develop. And my residence permit in Egypt ended on 21 December 2007. This complicates my problem even more, and threatens my educational future, and subsequently my professional future.”*

Yusef Jamil Habboush, a 19-year old student from Gaza, also fears that he will not be able to continue his education due to the closure. *“I finished my secondary school education in 2006. I enrolled to study medicine at the Canadian Pyramids University in Egypt. I traveled and finished a full academic year.*

*I returned to Gaza on 6 June 2007. I have been trying to leave Gaza since the clashes broke out in June 2007. However the closure of the Strip’s border crossings, especially the Rafah Crossing obstructs me from rejoining my university. I am worried about not being able to reach Egypt and losing the chance to continue my education.”*

Gaza’s post-graduate students studying abroad are also denied the right to movement and travel to their universities. They are now worried about their educational future as well as their professional future, due to the closure of the Rafah Crossing. Several of them gave statements to PCHR’s fieldworkers:

Yusef Ahmad Ismail El-Kahlout (28) from Jabalia refugee camp gave the following statement to PCHR’s fieldworker: *“In the middle of August 2007, I was accepted as a Ph.D. student in the Research and Studies Institute of the Arab League in Egypt. I took an unpaid leave from my work and was supposed to be in Egypt to complete my registration by the end of September. However I have not been able to travel despite repeated attempts to register with the Civilian Affairs Department. I am worried that this opportunity will be missed; meaning that I will have to postpone my studies until next year, if the Institute accepts that.”*

Ghada Majdi Suliman Abu Jazar (25) is a female student from Khan Yunis. She fears losing an academic year as well as losing her residence permit in Egypt due to her inability to travel and resume her education. *“I am a Master’s student in the Institute of Research and Studies of the Arab League in Cairo-Egypt. I finished my first year of studies last year. I returned to Gaza on 8 February 2007 to visit her family for the first time in 1.5 years. Rafah Crossing and Beit Hanoun Crossing were both closed after the bloody clashes and the Hamas takeover. I am still waiting for permission to travel and continue my education. I applied at the Civilian Affairs Department in October 2007; however, I’ve been waiting since then. My exams are set for January 2008; and my residence permit is set to expire on 2 February 2008. As a result, I fear a total collapse of my educational future, especially of losing my educational seat. I am forced to burden additional costs and tuition.”*

Ibrahim Mahmoud Faraj Habib (35) is from Gaza City. He is a Ph.D. student at the Institute of Research and Studies in Egypt. *“I came to Gaza on 31 December 2006 and planned to return on 15 June 2007 because part of my studies was to be conducted in Gaza. I haven’t been able to rejoin my institute due to the closure of the Rafah Crossing despite all the effort I and a group of students exerted. I am still waiting for permission to travel from Gaza and reach Cairo to resume my education. I tried to discuss my thesis through video-conference, but my request was denied. It is now clear that I will have to delay the dissertation discussion and my Ph.D. degree. This will incur additional cost if the Crossing remains closed. I will have to pay the tuition for another year.”*

## **Illegal Action:**

The policy of siege and closure is a form of collective punishment that is outlawed in International Humanitarian Law, especially the Fourth Geneva Convention (1949). Article 33 of the Convention states, “No protected person may be punished for an offence he or she has not personally committed.... Reprisals against protected persons and their property are prohibited.<sup>4</sup>” The policy of collective punishment allows IOF to use the policy of closure as a form of reprisal against the civilian population through border closure, curfews, and closure of internal roads in order to obstruct the movement of persons and goods; thus paralyzing Palestinian human resources. This policy violates the ban on reprisals and collective punishment of the population of an occupied territory as stated in the above Article. In addition, the utilization of this policy violates the concept of a “ban” that cannot be justified by military necessity.

International human rights treaties affirm individual’s right to movement. Article 12 of the International Covenant on Civil and Political Rights (1966) states, “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Everyone shall be free to leave any country, including his own.<sup>5</sup>” These unjustified acts of aggression also violate the International Covenant on Economic, Social, and Cultural Rights (1966). Article 1 of this Covenant states, “In no case may a people be deprived of its own means of subsistence.<sup>6</sup>” Article 5 of the same Covenant states, “Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein....<sup>7</sup>” Furthermore, the UN Committee against Torture<sup>8</sup> considered the policies of siege and house-demolition exercised by IOF as violations of Article 16 of the UN Convention against Torture. The Committee stated that these policies cannot be justified under any circumstances. It is noted that International Human Rights Law is obligatory to Israel as a signatory of most International Human Rights Law treaties.

In addition, IOF denial of travel to students violates International Human Rights Law since Article 26 of the Universal Declaration of Human Rights states, “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all

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<sup>4</sup> Fourth Geneva Convention (1949), ICRC, pg. 198

<sup>5</sup> Human Rights, Collection of International Treaties, First Edition (New York, UN, 1993), pg. 35.

<sup>6</sup> Previous resource, pg. 12.

<sup>7</sup> Previous resource, pg. 14.

<sup>8</sup> The UN Committee against Torture is one of the most important UN bodies monitoring the adherence of countries to the UN Convention against Torture and other Forms of Cruel, Inhumane, and Degrading Treatment. The Committee was established in fulfillment of Article 17 of the UN Convention against Torture. It is noted that this Convention was presented for ratification by countries on 10 December 1984. It was enacted after 58 countries ratified it on 26 June 1987.

on the basis of merit.” However, IOF violate International Law and the right to education by continuing to impose a complete closure affecting educational programs.

The Israeli decision to close the border crossings used for the travel and movement of individuals resulting in the inability of students to access educational institutions is a violation of the right to education. This violation is relevant to Articles 13 and 14 of the International Convention on Economic, Social, and Cultural Rights. On the issue of students reaching universities abroad, and in light of the IOF enforcement of a policy of complete closure, IOF is effectively denying these students their right to access universities abroad.

### **Conclusion and Recommendations:**

PCHR strongly condemns the utter silence of the High Contracting Parties of the Fourth Geneva Convention (1949) with regards to the serious violations and war crimes perpetrated against Palestinian civilians in the OPT. The Centre is questions whether these Parties truly work to ensure the respect and implementation of the Convention by its signatories. In light of this, the Centre:

1. Calls upon the international community to act immediately to put and end to the policy of collective punishment by IOF against the civilian population in the Gaza Strip.
2. Calls upon the UN Security Council to take immediate steps to put an end to the serious Israeli violations against Palestinian civilians.
3. Calls for quickly organizing a meeting of the High Contracting Parties of the Fourth Geneva Convention (1949) to ensure Israel’s respect of the Convention.
4. Calls upon the international community to pressure Israel to lift the siege and allow students to travel through Rafah and Beit Hanoun Crossings.
5. Reminds the international community and Israel that the Gaza Strip is still effectively under Israeli occupation; and that the occupying power bears full legal and moral responsibility for the Gaza Strip.
6. Affirms that the siege and closure are a complex human rights violation affecting civil and political rights as well as economic, social, and cultural rights.