

## Commemorating the International Day of Education by Highlighting the Reality of the Right to Education for Palestinian Political Prisoners

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As the world commemorates the International Day of Education, 24<sup>th</sup> January, Palestinian students are subjected to a systematic and ongoing targeting campaign, whether by the Israeli occupation or the Palestinian Authority. Youth and student unions are essential elements of a democratic society. In Palestine, youth voices have contributed to the mobilization of popular resistance and transnational solidarity against Israel's apartheid regime and toward social change by protesting the Palestinian Authority's violations of international conventions ensuring the respect of individual and collective civil rights. The continuous targeted attacks against Palestinian students and academic institutions directly impede Palestinians' right to education, as provided in Article 26 of the Universal Declaration of Human Rights and Article 13 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Further, such targeting represents another attempt to suppress the exercise of self-determination by Palestinian youth.

The Israeli occupation authorities systematically and persistently target Palestinian students for arbitrary arrest and detention. Each year, the Israeli occupation authorities viciously arrest and detain dozens of Palestinian university students, often under the pretext of involvement with student groups deemed "illegal" under Israeli military orders. Over recent years, these attacks and arbitrary arrests have only increased. Currently, more than 70 Palestinian students are held in Israeli occupation prisons. Further, in both 2021 and 2022, Birzeit University students experienced military raids and mass arbitrary arrest campaigns on campus. The 2021 incident, which saw over 45 Palestinian students detained and arrested for participating in a solidarity visit to a recently demolished Palestinian home, came on the heels of the Israel occupation forces' mass arrest and detention campaigns amid the Palestinian *Unity Uprising* happening that summer.<sup>1</sup> Similarly, in 2022, undercover Israeli occupation forces raided Birzeit to target a student council meeting with over a dozen students, including the heads of various student blocs, arresting five Palestinian students and indiscriminately firing live ammunition, wounding at least one student.<sup>2</sup> These attacks, amounting to collective punishment, violate Palestinian students' rights to education and freedom of association, assembly, and expression, all protected under international legal standards.

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<sup>1</sup> Addameer Prisoner Support and Human Rights Association, "IOF Launch Mass Arrest Campaign Against Birzeit University Students Visiting Site of Israeli Home Demolition," 18 July 2021, <https://www.addameer.org/news/4458>.

<sup>2</sup> Addameer Prisoner Support and Human Rights Association, "Undercover Israeli Occupation Force Storm Birzeit University, Arresting Five Palestinian Students and Shot Live Ammunition," 12 January 2022, <https://www.addameer.org/news/4652>.

## Exaggerated Charges against Palestinian Students under “Security” Justification

The Israeli occupation authorities use all means at their disposal to criminalize and imprison Palestinian students—including fabricating charges and blatantly transferring the language of an indictment from one student to another. The occupation’s military courts issue long prison sentences to Palestinian students for small charges, wherein they are consistently subjected to inhumane conditions, severe ill-treatment, and torture, often justified under the pretext of the “ticking time bomb scenario” legalized by Israeli courts.<sup>3</sup> Mass raids and arrests often target students involved in on-campus organizing activities through student groups, which the occupation authorities consider these groups to be “illegal” under Israeli military orders. Since 1967, the so-called Israeli Ministry of “Defense” has banned over 411 Palestinian groups and associations, including all the main Palestinian political parties, considering them “hostile,” “unlawful,” or “terrorists”.<sup>4</sup> The definition of a “hostile” or “unlawful organization” is intentionally left broad to ensure the occupation’s ability to broadly suppress Palestinians and infringe on their freedom of expression and association.

For example, attending a rally of an “unlawful association” or an association “with ties” to an “unlawful association”; putting up posters of such an association; and writing, producing, printing, and distributing publications related to an “unlawful association” are all activities that are considered to “endanger the security of the state of Israel.” These activities are then prosecuted as crimes under the banner of “hostile and terrorist activities.” In some cases, students were indicted with charges as unreasonable and far-fetched as “dancing Dabke,” a traditional Palestinian folkloric dance, at an event organized by a student union “with ties to an unlawful organization,” or attending a film screening at an “illegal rally.” The nature of charges against students—no matter how frivolous—is never of interest to the military prosecution and is hardly ever examined by the military judge.

The Israeli occupation authorities outlawed Shabiba Youth Bloc—a student union commonly associated with Fatah—through an Israeli military order on 13 March 1988. The Israeli authorities continue to consider Shabiba Youth Bloc as an “unlawful association” until today. On 19 May 1998, the Islamic Bloc was the next student group to be declared unlawful. Most recently, the Israeli occupation authorities designated the Democratic Progressive Student Pole (DPSP)—a leftist student bloc at Birzeit University—an “unlawful association” in 2020.<sup>5</sup> Subsequently, the occupation forces arrested and detained several students for their participation with DPSP. On June

<sup>3</sup> The Association for the Prevention of Torture, “Defusing the Ticking Bomb Scenerio,” 2007, <https://www.apt.ch/sites/default/files/publications/tickingbombscenario.pdf>.

<sup>4</sup> Human Rights Watch, “Born without Civil Rights: Israel’s Use of Draconian Military Orders to Repress Palestinians in the West Bank” at 32, November 2019, [https://www.hrw.org/sites/default/files/report\\_pdf/palestine1219\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/report_pdf/palestine1219_web_0.pdf).

<sup>5</sup> Addameer Prisoner Support and Human Rights Association, “Israel’s Designation of the Democratic Progressive Student Pole an ‘Unlawful Association’ Is Another Manifestation of It’s Apartheid Regime,” 12 August 2020, <https://www.addameer.org/news/4259>.

7th, 2021, the UN Working Group on Arbitrary Detention published an opinion finding that three of the students arrested for involvement with DPSP were arbitrarily detained merely for “their legitimate exercise of the freedoms of expression, peaceful assembly, and association.”<sup>6</sup>

Such practices exemplify gross violations of both basic international law standards and core fair trial guarantees. Nonetheless, these arrests continue to occur and can be situated within a broader framework of the Israeli occupation’s control and repression of Palestinians. The occupation authorities fear Palestinian resistance to the point that they strive to prevent any action against the occupation, even if it is just involvement in an on-campus student union. Their security-based justifications serve to shift attention and eliminate all political, union, and social activity practiced by students as a method to prevent Palestinians from actualizing their right to self-determination and liberation from the occupation.

### **Israeli Prison Services Consider Education as a Privilege to Palestinian Prisoners**

Over the year, the Palestinian Prisoners Movement has attempted to combat the various Israeli occupation, including Israeli Prison Services, policies that aim to eradicate and create an educational and cultural vacuum inside occupation prisons. Initially, Palestinian prisoners succeeded in covertly bringing pens and papers into prisons following years of protests. The prisoners’ efforts also accumulated in gaining the right to formal education, including enrolling by correspondence in the Open University of Israel and sitting in the secondary education certificate exam. Nonetheless, the accomplishments of the prisoners’ movement did not last long. Slowly, bit by bit, the Israeli Prison Services began implementing restrictions on education until education was banned completely in most Israeli occupation prisons in 2008. The ban was implemented as a punishment against Palestinian prisoners in the wake of Hamas’ capture of the Israeli occupation soldier Gilad Shalit. Notably, prior to the ban on formal education, the Israeli Prison Services continuously hindered the educational process by denying most Palestinian prisoners from registering for university courses for a semester or more, not easily approving the prisoners’ distance learning applications, and limiting the number of enrolling prisoners in every prison. Once a prisoner graduates, IPS would allow a new prisoner to register.

Until today, the Israeli Prison Services continue to ban Palestinian prisoners from officially sitting in the secondary education certificate exam or pursuing higher education. Moreover, IPS continues to confiscate educational books that prisoners attempt to bring into the prisons, as well as punish any prisoner who is found to be pursuing education during incarceration. In light of these restrictions, the prisoners’ movement has worked to find educational alternatives, including reaching agreements with various Palestinian universities and the Palestinian Ministry of Education. Consequently, Palestinian prisoners are now able to sit in the secondary education

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<sup>6</sup> UN Human Rights Council, “Opinions adopted by the Working Group on Arbitrary Detention,” 7 June 2021, A/HRC/WGAD/2021/8, [https://lphr.org.uk/wp-content/uploads/2021/06/A\\_HRC\\_WGAD\\_2021\\_8.pdf](https://lphr.org.uk/wp-content/uploads/2021/06/A_HRC_WGAD_2021_8.pdf).

certificate exam, as well as pursue Bachelors's and Masters's degrees in certain majors in various Palestinian universities. Moreover, the prisoners' movement has maintained previous tools that play a vital role in enriching the cultural and educational life in prisons, including bringing in newspapers and magazines, establishing prison libraries, holding cultural discussions, and conducting specialized courses in which the prisoners share knowledge with each other.

Nonetheless, the Israeli Prison Services has continuously and repeatedly attempted to make education a burden weighing down the prisoners, always seeking to withdraw the "privilege" of education whenever it can be used as a bargaining chip against them. This has left the prisoners feeling that education in prison is more of a curse than a blessing since any internal problems inside the prison would be met with penalties that were utilized as a conditioning tool to control the prisoners. These penalties often affect the cultural and educational life of the prisoners. An example is when Israeli occupation forces raided and cracked down on the child prisoners' section in Ofer prison in August 2019, canceling their educational programs for a period of time.<sup>7</sup> These arbitrary penalties not only hinder the educational process, but also entail a formal ban on the prisoners' education, whether temporarily, for a few months, or permanently. Additionally, IPS often confiscated books and other educational sources during prisoner transfers, claiming the need for the new prison administration's approval.

### **Denying Palestinian Child Prisoners their Right to Education**

Palestinian child prisoners are held in Damon, Ofer, and Megiddo prisons, in separate sections from the adult prisoners, with the supervision of a Palestinian adult prisoner representative in each prison. Former prisoner Abdel Fattah Dawlah,<sup>8</sup> a former representative of child prisoners in Ofer prison for many years, notes that the official education of child prisoners was conducted through two schools authorized by the Israeli Ministry of Education and only provided to the sentenced children in the prison section. He adds that the Israeli Prison Services regularly violate children's right to education by reducing their curriculum to two or three subjects; limited to simple math and Arabic. The syllabus is based on the Israeli educational curriculum, with photocopies of the books provided to the children. In addition, the individual educational level of the child prisoners is disregarded as they were all placed in the same classes; an illiterate child should not receive the same education as a literate child. On top of that, education for Palestinian child prisoners is optional rather than mandatory. All of this has prompted many children to abandon their education upon their release, having spent a period of time in prison without appropriate education, as well as the utter disregard for their individual academic levels has left many child prisoners feeling that

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<sup>7</sup> This information was obtained during Addameer's lawyer visit to adult prisoner Osaid Abu A'adi in the child prisoners' section on 13 August 2019

<sup>8</sup> Interview with released prisoner Abdul Fattah Dawlah on 21 April 2019

education in prison is futile, especially since education is optional in prison and subject to their personal decision.

The Israeli Prison Services' 2007 report shows that the Israeli Ministry of Education allocated and spent around 2.5 million NIS for the educational purposes of Israeli juveniles in Ovik prison. The ministry allocated 38 teachers for around 250 children, averaging around one teacher per seven students. A special curriculum was designed for juveniles with learning difficulties. It's worth mentioning that IPS allowed one Israeli juvenile to sit in an exam with a parrot on his shoulder to provide stress relief therapy.<sup>9</sup> Consequently, a radical difference can be observed in the Israeli authorities' treatment and efforts in the education of Israeli juveniles in comparison with the Palestinian child prisoners. However, Palestinian child prisoners and their representatives have tried consistently to fill the gap created through facilitating a regular educational and cultural life in line with their academic levels and aspirations, as well as innovate new methods to encourage the child prisoners to read and learn.

The denial of education for Palestinian child prisoners has been a long-standing Israeli occupation arbitrary policy, aimed primarily to create an educational and cultural vacuum for Palestinian children. The escalating arbitrary arrests by the Israeli occupation forces further encourages truancy, while the practice of long-term or open-ended house arrests denies many students, particularly Jerusalem residents, of continuing their education at a normal pace.<sup>10</sup> The educational process is related to psychological, social, economic and political development. It is a process of mental and physical growth connected to nutrition, environmental and health conditions. Palestinian children in the occupied Palestinian territory, including children from occupied East Jerusalem are surrounded with a violent environment. Also, those who experience detention, a traumatic experience, suffer greatly from its effects. The social and psychological impact begins from the moment of imprisonment and does not end with release.<sup>11</sup> Many children will struggle with poor concentration, difficulty in remembering, disorientation, loss of control over self-determination, shaken self-confidence, and over-sensitivity when dealing with others.

### **The Reality of Education for Palestinian Female Prisoners**

Palestinian female prisoners held in Damon prison face an even more weakened educational and cultural life in comparison with Palestinian male prisoners, mainly due to the large difference in numbers, with male prisoners greatly outnumbering the women prisoners, along with the lack of women prisoners holding higher academic degrees in prison. The large number of male prisoners

<sup>9</sup> Report: No Way to Treat a Child by the Defense for Children International, 2011, p. 60

<sup>10</sup> Addameer, Annual Violations Report of 2018, 2019, p. 52-53

<sup>11</sup> Addameer, "Born a Target: The Arrest and Prosecution of Jerusalem's Palestinian Children," 22 April 2018, <https://www.addameer.org/publications/born-target-arrest-and-prosecution-jerusalem-palestinian-children-1>

also leads to diversity of backgrounds inside prisons, allowing for Palestinians from different geographic locations to establish a cultural life while under incarceration.

Upon transfer and during their incarceration in Damon prison, the educational process for Palestinian female prisoners becomes significantly more difficult because there is no possibility to study during the free/yard time. This has prompted the female prisoners to select a large prison room, nine square meters in size, and allocate it for classes. The room is divided into a library and a classroom section with few chairs. The Israeli Prison Services only open the latter for minor female prisoners, where they are required to provide a teacher for the minor female prisoners. Further, there exists a lack of educational resources in Damon prison, with the absence of boards and markers. This led the female prisoners to use plastic bags as makeshift boards to write on and then erase the material after every class. Later, the female prisoners utilized a small window frame as a makeshift board by taping white papers on it and moving it from one room to another for different classes. The pens used throughout this process were mostly remnants of the prisoners' time in Hasharon detention center.

Unfortunately, higher education is not an option for women prisoners in Damon prison since pursuing higher education in Palestinian universities from inside the prison requires an academic committee of prisoners who hold higher degrees, such as a Master's or Ph.D. The small number of incarcerated women who meet this requirement to establish an academic committee has not been met, leaving the issue of higher education for female prisoners unresolved. Moreover, due to the lack of means of contact and communication with the outside world, aside from family visits, female prisoners find it extremely challenging to contact relevant Palestinian authorities to continue their education, which significantly lowers the possibility of advancement in this regard.

In light of the weakened educational process in Damon prison, the women prisoners have attempted to challenge the status quo. One example is Palestinian Legislative Council member, former prisoner, and Master's graduate Khalida Jarrar's attempt at holding a seminar class on international law. However, the Israeli Prison Services notified the female prisoners' representative of their decision to ban this seminar class and later banned Khalida Jarrar from teaching in Damon prison altogether. Such a decision is arbitrary and violates international law and prison regulations, which state that a prisoner can take the role of a teacher in relation to the other prisoners.<sup>12</sup>

Like male prisoners, female prisoners suffer from restrictions on bringing books into prison, despite attempts from some women prisoners, who were university students, to bring in university books to continue their education while incarcerated. They would register the books with the Israeli Prison Services, and their families would deliver them to the prison administrators during their visits. The latter would inspect the books, which would often be confiscated as the Israeli Prison

<sup>12</sup> Article 21/B of IPS directive 03/02/00 on the work of security prisoners

Services have placed an absolute ban on educational books. Concerning newspapers, the Israeli Prison Services prohibit the entry of any Palestinian or Arab newspapers into prison for women, allowing them to subscribe to non-cultural magazines that address fashion and cooking and other non-educational life aspects. Further, only *Yedioth Ahronoth*, an Israeli Hebrew newspaper, is allowed. Moreover, the library and books in Damon prison are treated as a bargaining chip held over the female prisoners' heads, as well as a collective punishment enforced on them. The Israeli Prison Services more often refused to open the library and confiscate books from the female prisoners.<sup>13</sup>

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<sup>13</sup> Interview with released prisoner Yasmeeen Sha'ban on 7 June 2019