

Israel and the Occupied Palestinian Territory

In Israel and the Occupied Palestinian Territory (OPT), Scholars at Risk (SAR) reported the disastrous impact of armed conflict on higher education communities, clashes during campus protests, arbitrary arrests of Palestinian student-activists by the Israel Defense Forces (IDF), and the continuation of systematic restrictions on academic travel imposed by the Israeli government.

The Israeli government is bound by domestic law and international legal instruments that provide protections for academic freedom and higher education generally, including the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”¹ Israel lacks a formal constitution and does not explicitly provide for academic freedom or freedom of

expression in its Basic Laws, though Israel’s Supreme Court has interpreted the Basic Law: Human Dignity and Liberty as including freedom of expression and has advanced some protections for the same through case law.² Israel’s occupation of the Palestinian territories of Gaza and the West Bank and the intensified armed conflict that occurred during this reporting period warrant reminders that all parties, including occupying forces and armed groups, have obligations to safeguard the right to education and to take all reasonable measures to protect higher education communities from attack and the effects of armed conflict, including the destruction and/or military use or occupation of higher education facilities.* To that end, Israel has not yet endorsed the Safe Schools Declaration, “an inter-governmental political commitment to protect students, teachers, schools, and universities from the worst effects of armed conflict.”³

During this reporting period, SAR noted a continuation of attacks and broad pressures on the Palestinian higher education community. These included reports

* The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War states in Article 94 that “[t]he Detaining Power shall encourage intellectual, educational and recreational pursuits” and that “[i]t shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises. All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.” And whereby higher education institutions are considered civilian objects, Article 58 of Additional Protocol 1 of the Fourth Geneva Convention relative to the Protection of Victims of International Armed Conflicts states that parties to a conflict “shall, to the maximum extent feasible[. . .], endeavor to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives; avoid locating military objectives within or near densely populated areas; [and] take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.” For further reading, see Global Coalition to Protect Education from Attack, *Lessons in War 2015: Military Use of Schools and Universities during Armed Conflict* (2015), http://protectingeducation.org/wp-content/uploads/documents/documents_lessons_in_war_2015.pdf.

of Israeli forces arresting and detaining Palestinian students in connection with their affiliations with campus student groups, and the maintenance of Israeli-imposed restrictions on movement in and out of the OPT that severely hinder scholars and students' enjoyment of the right to education and academic freedom. Weeks of intense, armed conflict between Israeli forces, Hamas, and other armed groups in May 2021 were particularly damaging for higher education communities in the OPT.

On May 10, 2021, fighting broke out between Israeli forces and Palestinian militant groups, notably Hamas, following weeks of heightened tensions in East Jerusalem. In the lead-up to the fighting, Israeli forces raided the al-Aqsa mosque, considered one of the holiest sites in Islam. Tensions also stemmed from Israeli settlers' efforts to evict Palestinian residents in East Jerusalem's Sheikh Jarrah neighborhood. The evictions prompted protests at the **Hebrew University of Jerusalem** and **Ben-Gurion University of the Negev**, which were marked by clashes between opposing student groups and police.⁴

Ground fighting and volleys of airstrikes and rocket fire between Israeli forces and militant groups in the OPT resulted in a significant number of casualties. By the time a ceasefire was agreed to on May 21, the UN Office for the Coordination of Humanitarian Affairs reported 253 Palestinians killed and over 1,900 injured, and 12 Israelis and foreign nationals killed and 710 injured.⁵ A Palestinian professor protesting the evictions in Sheikh Jarrah and a student protesting the Israeli military actions were among those killed and injured.⁶

The conflict also had a considerable impact on the security and functioning of Palestinian higher education institutions. In Gaza, universities were forced to temporarily suspend academic activities due to the fighting.⁷ In one incident, on May 18, an Israeli airstrike targeted and destroyed a seven-story building containing educational facilities used by and affiliated with the **Islamic University of Gaza**.⁸ Israeli forces reportedly ordered tenants to evacuate the Kahil Building shortly before the airstrike. Sources did not indicate the basis for targeting the building, including whether any military targets were housed within it. Facilities affiliated with **Al-Aqsa University** were also damaged by airstrikes into Gaza, and the use of tear gas canisters and sound bombs resulted in a fire that destroyed a building on the campus of **Al-Quds University**, according to a report by *Al-Fanar Media*.⁹

Arrests and imprisonments of Palestinian student activists by Israeli forces continued, as in previous reporting periods. In many cases, authorities detained

and prosecuted students for their affiliation with on-campus organizations, including student councils, which often serve as crucial venues for young Palestinians to voice concerns and opinions on politics and other important matters. For students at **Birzeit University**, the risk of arrest and prosecution for such affiliations has been especially intense. On October 21, 2020, the Israel Defense Forces (IDF) classified the Democratic Progressive Student Pole (DPSP), the campus student wing of the Popular Front for the Liberation of Palestine, as an "unlawful association."¹⁰ The IDF's announcement raised concerns that the decision would further threaten student expression and enable IDF to carry out more arbitrary raids and arrests of students in the West Bank.¹¹

On December 23, 2020, the Israeli Ofer Military Court convicted and sentenced Birzeit University student **Elia Abu Hijleh** to 11 months' imprisonment on charges of belonging to a "prohibited student group."¹² The IDF had arrested Hijleh in a July 1 raid on her home in Ramallah. During this reporting period, two more Birzeit students who were being held on similar charges—**Ruba Assi** and **Layan Kayed**—were sentenced to 16–18 months' imprisonment and fines ranging from \$900–1,300 USD.¹³

On July 7, the IDF detained **Layan Nasir**, a nutrition student at Birzeit, based on her alleged membership in a prohibited student organization.¹⁴ IDF forces raided Nasir's family home, detained her, and brought her to the Ofer Military Camp, where they interrogated her before taking her to Damon Prison on July 14. On August 26, Nasir was released on 24,000 ILS bail (roughly \$7,500 USD).

On July 14, the IDF detained at least 30 Birzeit students returning from a visit to the family of Muntaser Shalabi, a US-Palestinian national detained and accused of killing an Israeli citizen in May 2020.¹⁵ The students visited Shalabi's family following the demolition of his home by Israeli forces. The IDF had stopped a bus carrying the students in a village near Ramallah, blindfolded them, and took them to an unknown location. The IDF released at least 10 of the students on July 14 and 15, while 14 students were brought to two separate detention facilities. As of the end of this reporting period, the 14 students remained in Israeli custody without having had a court hearing. The IDF accused the students of being part of a Hamas student organization.

As of August 2021, the Right to Education Campaign, a group established at **Birzeit University**, reported that 58 of its students were arrested by Israeli forces between September 2020 and July 2021 and

that 80 students, including students detained prior to September 2020, remained in Israeli detention facilities.¹⁶ Beyond Birzeit University, the Middle East Studies Association's (MESA) Committee on Academic Freedom has reported that Israeli authorities continue to detain more than 300 Palestinian students.¹⁷

Israeli state authorities continue to impose on scholars and students an array of policies that restrict their movement in and out of the OPT. These include longstanding restrictions, such as checkpoints and travel permits imposed on all Palestinians, as well as targeted pressures that directly impact the international academic community.

For example, as reported in years past, Israeli authorities have obstructed international scholars' travel to the West Bank by denying visa renewal requests, despite their holding long-term university appointments and not posing a credible security risk, and through severe administrative hurdles, including fluctuating visa documentation requirements, restrictions on movement within the West Bank, demands for financial bonds of up to 80,000 ILS (roughly \$25,000 USD), and a lack of transparency regarding the application of visa-related rules.¹⁸ These restrictions prevented international scholars from taking up or resuming appointments at universities in the West Bank, including at Birzeit University, which reported a third of its international faculty missing from campus by the start of the 2019-2020 academic year due to visa-related difficulties.¹⁹ By the start of the 2021 academic year, a Birzeit contact reported that two international faculty were denied entry and that some international faculty were forced to leave the OPT due to nonrenewal of their visas.²⁰

International scholars and students may also be barred entry to Israel, and by extension the Palestinian territories, under a law enacted by the Knesset, Israel's legislature, in 2017. The legislation, which amended the Entry into Israel Law, gives the Ministry of the Interior discretion to deny entry to any non-citizen or non-permanent resident "who knowingly issues a public call for boycotting Israel that, given the content of the call and the circumstances in which it was issued, has a reasonable possibility of leading to the imposition of a boycott—if the issuer was aware of this possibility."²¹ In October 2018, a student from the United States was denied entry to Israel, where she was to complete her graduate studies, based on accusations that she was involved in boycott-related activities; the Supreme Court later reversed the ban on her entry, permitting her to commence her studies.²²

For Palestinian scholars and students in the West Bank, East Jerusalem, and Gaza, checkpoints, roadblocks, the separation wall, and the opaque and lengthy processing of travel permits restrict their travel within the OPT, into Israel, and abroad, constricting their ability to study, teach, research, and exchange ideas with colleagues within and outside the OPT. Israel's border restrictions also impede the importation of equipment, books, and school materials that quality higher education requires.²³

Armed conflict, arrests, the use of force against student-activists, and discriminatory restrictions on freedom of movement have taken a drastic toll on scholars' and students' academic freedom and their right to education. For those in the OPT especially, attacks and policies that hinder academic freedom threaten efforts to develop quality higher education and, by consequence, Palestinians' scientific, social, and economic progress. Israeli authorities have a responsibility to ensure safety and security, but they must also endeavor to safeguard and promote academic freedom and quality higher education for *all* students and scholars.

SAR calls on Israeli authorities and all parties to armed conflict to ensure compliance with recognized international human rights law and humanitarian law standards, including those relating to academic freedom, the right to education, freedom of expression, freedom of association, and freedom of assembly. SAR calls on Israeli authorities to take actions to ensure students' and scholars' freedom of movement, to ensure that they obtain greater access to academic institutions within and outside Israel and the OPT. SAR calls on all state and non-state armed forces operating in Israel and the OPT to take measures to ensure security of higher education institutions, to refrain from unlawful entry onto campus, and to ensure that any security-related actions on campus are proportional and necessary, and comply fully with applicable international human rights and humanitarian law standards.

ENDNOTES

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10. Saad Hasan, "How Israeli military courts jeopardise the future of Palestinian students," *TRT World*, June 2, 2021, <https://www.trtworld.com/magazine/how-israeli-military-courts-jeopardise-the-future-of-palestinian-students-47190>.
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