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Israel Undermines Higher Education – and its Own Best Interest – in Gaza

Some 1.5 million people are today effectively imprisoned within the 360 square kilometer Gaza Strip. Among them are more than 670 university students who seek to exercise their right to travel abroad to pursue higher education, broaden their intellectual horizons and gain professional training. Some of them had already begun their coursework abroad but their studies came to an abrupt halt when they became stranded in the Gaza Strip while visiting their families this summer. Others seek to begin their studies and have even secured scholarships for this purpose.

The total restriction on movement imposed upon the students is a result of Israel's ongoing control of Gaza's borders, despite the implementation of the "disengagement" plan in 2005. With the Hamas takeover of the Strip in June 2007, travel restrictions imposed on Gaza residents tightened. However, the Israeli government's designation in September of Gaza as "hostile territory" has paved the way for new heights in restrictive policy: all human traffic to and from the Gaza Strip is now blocked, with the exception of a small number of people defined by the military as "humanitarian cases." In the eyes of Israel's decision makers, young Palestinians who aspire to exercise their right to pursue higher education are far from being "humanitarian cases." The policy means that the students have no way whatsoever to leave the Strip.



Demonstrators ask to be allowed to leave Gaza. Gaza City, October, 2007. Photo: Wissam Nasser

Blocking the students' plans to study abroad is not a response to something they did. No judge has adjudicated their case and ruled that their right to leave the territory where they live should be negated – if this was so, at least the restriction would be for a specified, limited time. The policy blocking students from leaving Gaza has no apparent expiration date. The students are hemmed in on all sides: they cannot go west due to Israel's closing of the seaports and other restrictions on the Gaza Strip's territorial waters by the Israeli Navy; the southern exit to Egypt is blocked due to the closure of Rafah Crossing, since June 9, 2007, because of Israel's opposition to its opening and Egypt's refusal to open the crossing from its side.¹ And for the students from Gaza, even the sky is blocked. Israel bans the opening of an airport and does not allow civilian flights in Gaza's airspace.

Civilians – and Students – Are Not to be Punished

On September 19, 2007, the Security Cabinet declared the Gaza Strip to be “hostile territory.” It determined that in addition to military measures against terrorist organizations, electricity and water supply would be restricted, and “restrictions on the movement of people to and from the Strip would be imposed.”²

The Cabinet decision first and foremost, negatively impacts the 1.5 million men, women and children who live in the Gaza Strip – and it constitutes collective punishment, in violation of international law.³ Gaza is occupied territory.⁴ Israel continues to exercise substantial control over Gaza, including control of its borders, the Palestinian Population Registry (thus determining who is a resident of Gaza), the tax system, and funding of public services. Israeli control imposes responsibilities on Israel, under international law, to care for the welfare of the civilian population of Gaza and to facilitate the proper functioning of local institutions.⁵ Punishing the civilian population and preventing young people from pursuing their studies are inconsistent with Israeli obligations in Gaza.

“Israel wants to punish Hamas – but we are the ones who pay the price”

Wissam Abuajwa, aged 30, is a Gaza resident who is greatly concerned with the environment in which he lives. He is troubled by the air pollution, the flow of wastewater

¹ Israel's military informed the Supreme Court of its opposition to opening Rafah Crossing in a court filing dated June 29, 2007 in H CJ 6475/07 *Abu Laben v. Defense Minister* (on file). Opening Rafah Crossing according to the relevant agreement requires the participation of Israel (which oversees the crossing using closed circuit cameras and passenger lists monitored in real time and allows European Union border monitors physically to reach the crossing); Egypt (which opens the crossing from its side); the Palestinian Authority (whose personnel physically operate the crossing); and the European Union, whose border monitors oversee the operation. See pages 32-28 of "Disengaged Occupiers: The Legal Status of Gaza", June 2007, Gisha, available at www.gisha.org.

² The decision was proposed for consideration on September 5, 2007.

³ See, for example, Article 46 of the Convention Respecting the Laws and Customs of War on Land, Hague, 1907 (hereinafter: "Hague Regulations"); Article 27 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Times of War, 1949.

⁴ See "Disengaged Occupiers: The Legal Status of Gaza", June 2007, Gisha, available at www.gisha.org.

⁵ See, for example, Article 43 of the Hague Regulations.

into the sea, the fishing crisis in the Mediterranean, and the lack of public awareness of environmental issues. Since he earned his bachelor's degree in Chemistry at the Islamic University in Gaza in 1998, Abuajwa has sought to further his studies in the field of environmental sciences. He wants to establish an environmental research and study institute in the Gaza Strip for the benefit of local residents and the entire region.

Abuajwa is now making his fourth attempt to travel abroad to pursue an advanced degree in this field. In 2001, he was accepted into an environmental program at the Arava Institute in Israel, but was prevented from entering Israel. In 2003, he was accepted into a Master's program in Germany, but after Israel refused to let him leave the Gaza Strip via the Rafah border crossing, he forfeited the opportunity. A year ago he was accepted by an English university, but Israel again blocked his exit.⁶ For the past four months he has once again been waiting for an exit permit to go to the UK. **“My dream is to establish a research and study institute in Gaza,”** said Abuajwa. **“Letting us travel abroad to study will not compromise Israel's security. Israel wants to punish Hamas, but we are the ones who pay the price. What's it got to do with us?”**

“My dream is to study medicine in Germany,” says Alaa Abo-Jasser, an outstanding student who achieved a 98.6 average score on her matriculation exams. Abo-Jasser is enrolled to study medicine at Friedrich-Schiller University-Jena in Germany. Abo-Jasser was supposed to travel to Germany for language studies in July 2007 and to start her medical studies afterward. But her efforts to leave the Gaza Strip over the past four months have been unsuccessful. **“It's really nerve-racking,”** she said. **“Every day I hope for some good news. I don't know how long I can remain optimistic. I feel like I'm suffocating.”**

Mr. Abuajwa and Ms. Abo-Jasser are among the seven students who petitioned the High Court of Justice today, asking that they – and all students – be allowed to leave Gaza for study abroad.

If the present “arrangement” continues, Wissam Abuajwa will have to wait 587 days to leave Gaza ...

Following the closure of the Rafah crossing on June 9, 2007, Israel allowed a limited number of Gaza residents to exit via the Erez crossing. From Erez they traveled to Jordan via the Allenby Bridge in the West Bank or flew abroad from Ben-Gurion Airport in Israel.

On August 16, 2007, the IDF announced that it would operate a shuttle service which would allow students and holders of long-term visas, residency or citizenship of a foreign country to leave the Gaza Strip. The shuttle system operated four times in late August and early September⁷, during which time fewer than 550 people, including no more than 80

⁶ In the summer of 2006, Israel kept Rafah Crossing closed most of the time. See Chapter 3 of "Disengaged Occupiers", *supra* note 4.

⁷ The buses traveled on August 26, 2007; August 30, 2007; September 4, 2007; and September 6, 2007.

students, were allowed to leave via Erez Crossing (between Gaza and Israel) and Nitzana Crossing (between Gaza and Egypt).⁸

With the shuttle service discontinued, the students found that they had no other way to get out of Gaza. **Gisha – Legal Center for Freedom of Movement** petitioned Israel's Supreme Court on September 17, 2007, on behalf of Khaled Mudallal, a student enrolled at Bradford University in England, and his wife (H.C.J. 7870/07 Mudallal v. Defense Minister). The petition asked that the couple be allowed to leave the Gaza Strip so that they could return to England. In its response to the court on October 2, the state claimed that the shuttle services from the Gaza Strip to Egypt were due to resume that very same day, and that Khaled and his wife would simply have to join the waiting list. The court dismissed the petition based on the state's announcement that the shuttle services were to resume.

But the shuttle services were not renewed, and as of October 17, the “waiting list” to leave the Gaza Strip stood at some 6,400 people, including approximately 670 students.⁹ These numbers refer only to Gaza residents who have citizenship, residency or a long-term visa for a foreign country, since the shuttle services only depart in one direction – there is no way to return to Gaza. A mathematical calculation shows that if the shuttle services “continue” at the current pace (550 people in eight weeks), Khaled Mudallal, **number 4,845 on the waiting list**, will have to wait **502 days** to return to England; Wissam Abuajwa, **number 5,664 on the waiting list**, will have to wait **587 days** to leave Gaza; and Alaa Abo-Jasser, **number 2,850 on the waiting list**, will have to wait **a year** to reach her medical studies in Germany.

In any event, the option of leaving Gaza using the shuttle service is purely theoretical; the bus service has not operated since September 6, and Israel is not allowing students to leave Gaza by any other means.

For this reason, **Gisha** petitioned the Supreme Court a second time, in the name of Khaled Mudallal, Wissam Abuajwa, Alaa Abo-Jasser, and four other students, asking that they – and others – be allowed to reach their studies.¹⁰

Limited Educational Opportunities

Opportunities for higher education for young people within the Palestinian Authority are limited. University students, even those who have been accepted into Israeli institutions, cannot enter Israel due to policies that collectively consider them a “security risk.” Opportunities for Gaza residents to pursue higher education within the Palestinian

⁸ According to lists compiled by the Palestinian Authority Civil Affairs Committee in Gaza, which is responsible for registering residents seeking to leave. Only those who hold foreign citizenship or residency are eligible to register. In total, the names of 605 residents were published as receiving preliminary approval to leave, subject to an Israeli security check and final approval by Egypt. Gisha's cautious estimate, based on our experience with clients who were refused exit at Erez or Nitzana Crossings, is that at least 55 people who received preliminary approval were turned back at the borders.

⁹ According to the Palestinian Authority Civil Affairs Committee list, updated through October 17, 2007. The student list includes 711 people, but at least 40 of them are dependents asking to travel with their family members.

¹⁰ HCJ 8861/07 Mudallal v. Defense Minister. The petition (in Hebrew) is available at www.gisha.org.

Authority – either in Gaza or the West Bank – are also limited: Israel does not permit Gaza residents to study in the West Bank, where most of the Palestinian universities are located, and as a rule does not allow foreign lecturers and specialists, particularly from Arab countries, to enter the Gaza Strip.

The higher education system within Gaza cannot fully meet the needs of Gaza residents. Undergraduate and Master's degrees are not available in a number of important subjects. Key disciplines – such as occupational therapy, medicine, speech therapy, dentistry, and physiotherapy – are not available in the Strip. Moreover, there is no opportunity to obtain a doctoral degree anywhere in the Palestinian Authority's territory.

Travel restrictions have prevented and continue to prevent university faculty from Gaza from pursuing advanced studies and attending conferences and seminars around the world. The opportunities to conduct joint research and to cooperate with colleagues at other academic institutions worldwide are extremely limited – hampering the development of educational system in general.

Gisha believes that burdening the scholarly development of academics and the higher education system in the Palestinian Authority undermines Israel's own interest: to allow its neighbors – the residents of Gaza – to access the resources they need to build an educated, peaceful, and prosperous society.



Maybe she can leave Gaza in late 2008. Gaza City, October 2007. Photo: Wissam Nasser

710 Students and their Dependents Seek to Leave Gaza –
By Country in which their Universities are Located

<u>Destination Country</u>	<u>Number of Students and Dependents Waiting</u>
Algeria	19
Austria	1
Bahrain	1
Belarus	2
Bosnia	2
Canada	3
China	11
Cyprus	5
Egypt	432
France	1
Germany	24
Great Britain	9
India	7
Indonesia	1
Italy	1
Jordan	29
Lebanon	2
Malaysia	15
Mexico	1
Morocco	7
Netherlands	2
Pakistan	2
Qatar	1
Romania	4
Russia	3
Saudi Arabia	8
Spain	6
Sudan	8
Sweden	5
Switzerland	1
Tunisia	3
Turkey	28
Ukraine	11
United Arab Emirates	7
United States	36
Venezuela	2
Yemen	10
<u>Total</u>	<u>710</u>