



Middle East Studies Association of North America, Inc.

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5 November 1996

Oren Shahor
Coordinator of Activities in the West Bank and Gaza
Tel Aviv, Israel

Fax 03/697-6306

Dear Mr. Shahor,

The Committee on Academic Freedom in the Middle East and North Africa (CAF MENA) of the Middle East Studies Association is writing to express its concern about the continuing violations by the Israeli authorities against Palestinian students in the occupied territories. The problems include the blanket denial of permits for Gaza students to study in the West Bank, the continuing closure of Hebron University, the use of excessive force by members of the Israel Defense Forces during the clashes in September which led to numerous injuries among students, and the use of administrative detention as a means of circumventing the requirements of judicial scrutiny by imprisoning people without due process of the law.

The Middle East Studies Association comprises 2600 academics worldwide who teach and conduct research on the Middle East and North Africa. The Association publishes the respected International Journal of Middle East Studies and is committed to ensuring respect for the principles of academic freedom and human rights throughout the region.

The first issue is the matter of Gaza students who are not being allowed to study in the West Bank, even though both areas constitute a single entity according to the Israeli-Palestinian agreements. Israel has issued a blanket restriction barring some 1,200 Gaza students from entering the West Bank to continue their studies. This policy is a violation of Israel's legal obligations as the effective governing power over this area. Such restrictions are illegal on a number of grounds: they constitute a form of collective punishment; they violate people's legitimate and internationally recognized right to freedom of education and freedom of movement; and they obviate due process protections which are basic to the rule of law.

Furthermore, in utilizing a blanket rather than selective approach to restricting permits, the Israeli government is failing to produce any evidence that the students affected actually pose a real security threat that could justify such serious curbs on Palestinians' rights and freedoms and such major disruptions to Palestinians' educations. In the absence of such evidence, students should enjoy the promised safe passage between the Gaza Strip and the West Bank.

Gaza students comprise about seven percent of the student body of West Bank universities. Denying them the right to complete their educations, besides posing the obvious burdens and problems on the Gazan students themselves, also has deleterious effects on the universities, adversely affecting teaching and undermining the financial well being of the institutions.

The second issue is the continued closure of Hebron University. Again, this is an unjustified action and clearly constitutes collective punishment. Last spring, students and faculty engaging in a non-violent protest against the closure were met with harsh and brutal responses by members of the IDF, resulting in injuries to several students. With the continuation of the closure, the university is suffering debilitating financial losses estimated at approximately \$329,550. To cripple a Palestinian institution of higher learning, as is effectively happening to Hebron University, means yet another grievous setback for Palestinians seeking an education and for the beleaguered Palestinian academic community.

The third issue is the use of excessive force during the clashes in September. It has been reported that five students were seriously wounded and 75-100 were injured in clashes with Israeli forces. The circumstances surrounding these injuries occurred when a group from Birzeit University was making its way to Al-Aqsa mosque to protest the opening of the new tunnel in Jerusalem. The people were stopped at a roadblock deep in the heart of the West Bank, at which point the clashes ensued. To block Palestinians from entering East Jerusalem, which the Israeli government regularly does, runs counter to its own claims that Jerusalem is open to persons of all faiths and to all Palestinians. In addition, to use excessive force against unarmed civilians engaged in public demonstrations is unacceptable.

The fourth issue is the continuing use of administrative detention, an ongoing violation of due process of law. In the past 12 months, 21 Birzeit students have been subjected to administrative detention from three to 18 months. As of September 1, 12 students were in administrative detention in Megiddo. We object to the use of administrative detention in all cases, but particularly in the cases of students, when it becomes a means to imprison people for their political beliefs and activities. If the authorities feel that they have substantive evidence against an individual which would warrant imprisonment, charges should be brought before a judge. Otherwise, the imprisonment that results from these administrative detentions amounts to circumvention of basic principles of the rule of law and entails a pattern of arbitrary and unjustified incarcerations of students who never have the chance to contest the legality of their detention.

We respectfully request that these problems be addressed and rectified immediately. Specifically, we request that the blanket restrictions barring Gaza students from studying in the West Bank be lifted immediately and a process for obtaining permits be instituted which is transparent, timely

Oren Shahor
5 November 1996

Page 3

and not unnecessarily cumbersome. Second, we request that the closure of Hebron University be lifted immediately as a step toward rectifying past policies denying Palestinian students their right to an education. Third, we request that the use of excessive force be ruled out in encounters between Israeli security and police forces and students and all other unarmed civilians.

Fourth, we request that all students currently in administrative detention be released, and that all extra-legal detentions be discontinued, to be replaced by procedures consonant with the rule of law.

Respectfully,



Anne H. Betteridge
Executive Director

cc: Benjamin Netanyahu, Office of the Prime Minister
Brigadier General Ilan Shiff, Judge Advocate General
Colonel Moshe Rosenberg, Legal Adviser for the Central Command
David Liba'i, Minister of Justice
Judge Yosef Harish, Attorney General
Ambassador Itamar Rabinovich