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فروعنا احدثوهم في الوثائق
نتمتع بحق بصحة استشارياً لدى المجلس للاقتصاد والاجتماع في الأمم المتحدة



Education Under Siege: A Future in Jeopardy

**Al-Haq
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Introduction

This latest report by al-Haq, *Education Under Siege: A Future in Jeopardy*, focuses on the human rights violations carried out by the Israeli Occupying Forces against Palestinians' right to an education during the al-Aqsa Intifada. Access to education is a fundamental human right for all children. This right is clearly laid out in Articles 50 of the Fourth Geneva convention and in Article 13 of the International Covenant on Economic, Social, and Cultural Rights states that every person is entitled to the right to an education, and goes on to say that states must do everything in their power to safeguard this right. This report presents evidence and legal analysis of Israeli policies and actions that have disrupted the educational process of Palestinian children and university students.

Although this report concentrates on specific violations perpetrated by the Israeli authorities, it is important to consider the long-term impact these violations and the psychological trauma suffered by students will have on their ability to learn. Students have witnessed their friends and relatives killed, their schools destroyed by Israeli missile attacks and have had to cope with ongoing harassment by Israeli forces aimed at disrupting the normal flow of Palestinian life. There is no dispute among educators that halting the educational process at certain stages of a child's development can leave major gaps in their cognitive development that are very difficult to correct at a later stage. Frequent interruptions in formal education and long delays make the mastering of basic skills more difficult. Primary School teachers point out that for young children who have yet to learn to read, or are in the process of becoming literate, the interruption of their education can be particularly damaging.

In situations of armed conflict and violence, children are the most vulnerable group and require special protection. The following report details Israeli violations of Palestinians' right to an education in order to shed light on the continuous deterioration of Palestinian life. It's also al-Haq's hope that this report will serve as a call to action, and will spur the international community to demand that Palestinian's rights be protected.

Israeli Implemented Measures that Contravene International Humanitarian and Human Rights Law and Violate Palestinians' Right to an Education

Due to the Military Closure imposed upon the West Bank and Gaza Strip, and the frequent curfews placed over several Palestinian villages, thousands of Palestinian students have been deprived of their right to regularly attend school. Ninety-nine Palestinian children under the age of 18 have been killed and thousands have been injured during the al-Aqsa Intifada. Numerous other students have been arrested. Attacks upon school facilities have also impeded students' educations, as a number of school buildings that have been targets of Israeli shelling have been damaged to the point of being unusable.

Israeli actions that impact upon the educational process constitute grave violations of the provisions of Public International law. Article 50 of the Fourth Geneva Convention provides that "the occupying power shall with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted

to the care and education of children.” Article 28 of the Convention of the Rights of the Child (CRC) states, “1. States Parties recognize the right of the child to an education ... (e) Take measures to encourage regular attendance at schools ...” Also relevant is Article 13 of the International Covenant of Economic, Social and Cultural Rights (ICESCR) which states that, “the States Parties to the present Convention recognize the right of everyone to education. Article 26 of the Universal Declaration of Human Rights (UDHR) stipulates, “everyone has the right to an education ... and higher education shall be equally accessible to all on the basis of merit.” The CRC and the ICESCR were both ratified by Israel on 3 October 1991 and are thus of relevance in discussing Israel’s actions in the Occupied Palestinian Territories, as is the UDHR.

The following are policies and actions implemented by the Israeli authorities that have violated Palestinians’ right to an education.

I. Military Closure of the West Bank and Gaza Strip

The West Bank and Gaza Strip have been placed under siege by the Israeli military, isolating the two areas and preventing Palestinians from moving between Palestinian cities and villages. This ongoing Israeli military siege imposed upon the Palestinian Occupied Territories is a form of collective punishment and is in violation of the provisions of Public International Law and legally binding human rights principles. Article 33 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War states: “No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation, or of terrorism are prohibited.”

Furthermore, Article 13.1 of the Universal Declaration of Human Rights, states, “everyone has the right to freedom of movement and residence within the borders of each State”. The International Covenant on Civil and Political Rights states in Article 12.1 “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”. The Israeli government has signed and ratified this covenant thereby making itself legally subject to the treaties rules and regulations.

a. School Closures as a Result of the Comprehensive Closure

Since the outbreak of the *Intifada* Israeli Forces have imposed a strict internal closure within the Occupied Territories. By blockading roads and placing military checkpoints at strategic locations this form of closure isolates cities and villages from each other and deprives Palestinians of their right to free movement. Internal closure must be distinguished from the Israeli closure of the Occupied Territories, which is a closure of the borders with Jordan, Egypt, Israel, and Occupied East Jerusalem. Students and teachers have been among those unable to move and thus cannot reach their schools, particularly if the school is located outside the area in which they reside. According to reports from the Palestinian Ministry of Education 90% of teachers have been absent at some point due to their inability to reach their schools because of the siege. The following schools have closed as a result of the closure:

- 1- Sielit al-Thahir School, Ya'bad School and Um al- Rihan School in the Jenin district.
- 2- The schools located around Joseph's Tomb in Nablus including, Ma'zouz al-Masri Girls School, Qadri Touqan Boys School, Bassam al- Shak'ah Boys School and Musa Ibn Nusair School. The last two schools are located in the same building.
- 3- Zeef School, al- Buwayb School, Khallit al- Mayyeh School, Um Lasfa School, al- Saray'ah School, al- Ka'abneh School, al- Zuwaydiyyin School, al- Hathalin School, Imaniel School and Sema School in the south of Hebron.
- 4- Ein Qinya School, Bet Sira School, and Biddou School in the Ramallah and al-Bireh districts
- 5- Taqou' School and al- Khadir School in Bethlehem
- 6- Jet School in Qalqilyah
- 7- Qarawah and Mardah Schools in Jenin
- 8- Due to the siege imposed upon the Gaza Strip the northern half of the Gaza Strip has been isolated from the southern half. This has obstructed the movement of teachers and has prevented them from going to school. A large number of the teachers who teach in schools located in the southern part of the Strip live in Gaza City and the central area of Gaza. The officials in schools run by the UNRWA tried to overcome this problem by exchanging teachers in both areas. This plan has partially succeeded in solving the problem.¹

In addition to these schools, Jarrar al-Qudwah School located in the al-Mawasi area west of Rafah and Khan Younis has been completely closed, as its staff has been unable to reach it. This is the only school in the area and as a result of its closure over 600 students in the elementary and preparatory levels have been deprived of their right to an education. High school students in this area have been able to attend school in the morning, but must return home early, as Israeli Forces only open the al-Tuffah checkpoint that must be passed through to reach the school in the morning.²

Additionally, the Israeli Military Command has issued orders to close several Palestinian schools for extended periods. Military order #378, issued in November, ordered the closure of four schools in the village of al-Khadir near Bethlehem from November 30 until December 15. This same order was later reissued on December 10, and the closure was extended until February 27th. The order affected the following schools:

- Al-Khadir Basic School for Boys: 386 students and 21 teachers.
- Al-Khadir Secondary School for Boys: 686 students and 22 teachers.
- Al-Khadir Secondary School for Girls: 696 students and 30 teachers.

¹ The Palestinian Center for Human Rights " special report regarding the Israeli total closure over the Gaza Strip." Issue 28. 3 December 2000.

² The Palestinian Center or Human Rights " special report regarding the Israeli total closure over the Gaza Strip." Issue 27. November 26 2000

- Al-Khadir Basic School for Girls: 559 students and 19 teachers.

In total, more than 2,300 students have been deprived of their right to an education and have been forced to meet in homes for lessons and to make up for lost time. On 12 December 2000, two days after the issuance of the second closure order the Israeli High Court issued a decision to reopen the closed schools in al-Khadir.

The issuance of orders closing Palestinian schools by the Israeli Authorities constitutes a violation of the Oslo Peace Accords concluded between Israel and the Palestine Liberation Organization. In accordance with the Accords authority over education was transferred to the Palestinian National Authorities. Thus, Israeli Forces are not entitled to make decisions regarding the closure of Palestinian schools even if these schools are located in “C areas” controlled by Israel. If the Israeli Authorities had the power to close schools, it is not unlikely that they would close all schools and universities, as was done during the 1987 *Intifada*.

II. The Curfew imposed upon Palestinian Cities and Villages

Curfew constitutes one of the most extreme forms of collective punishment used by the Israeli Occupying Forces against Palestinian civilians. It forces the residents of certain areas to remain inside their homes for extended periods of time, virtually imprisoning them. Under curfew people are not allowed to leave their houses, and if they do, they risk being arrested. During this *Intifada* Israeli Forces have imposed curfews on several cities and villages causing, among other effects, a paralysis of the educational process.

The Old City of Hebron (Area H2) has been placed under curfew since 1 October 2000 and remained under curfew at the time of the publication of this report. This area is under Israeli military control.³ Twenty-eight schools have been closed as a result of this curfew, depriving more than 13,000 students of their right to an education. More than 460 teachers have also not been able to reach their schools.

According to al-Haq’s documentation, Israeli Forces have lifted the curfew imposed upon the Old City of Hebron for a few hours on 28 separate days. During the time during which the curfew was lifted students have been able to attend some classes. However, many schools have been markedly affected by this curfew and have closed for all but a few days during the last months. These schools are:

- Al- Za'tari Boys School: 736 students and 24 teachers;
- Al- Nahdah Elementary School for Boys: 571 students and 23 teachers;
- Al- Muhammadeyyah Boys School: 395 students and 16 teachers;
- Rabi'ah Girls School: 471 students and 17 teachers.

The curfew is still in force in the Old City of Hebron, especially in the al-Ibrahimi Mosque, Jabal Jouhar and Abu Snieneh neighborhoods. Schools in these areas are completely closed. On October 29, 2000 some of the principles of the schools located

³ In accordance with the Hebron Protocol, this area is called H2 area and it under the Israeli security control. 35000 Palestinians and 400 settlers live in this area. Only Palestinians are subject to this curfew.

in the areas under curfew tried to break the curfew by going to their schools. However, the Israeli military forced them to leave the schools and threatened to punish them if they did not obey. The Principles of the al-Ya'qouneyyeh Girls School, al-Jaza'er Boys School and Bir al-Sabi' Boys school were among those who tried to break the curfew. Israeli Forces declared that they had lifted the curfew imposed over the Old City of Hebron on November 4, 2000, yet opened fire at students and their teachers when they attempted to enter the schools.

Israeli Forces placed the West Bank village of Huwwara under curfew during the period between October 6 and November 11, 2000. This caused a complete paralysis of the educational process in the village. Four schools were closed and more than 1647 students were deprived of their right to an education during the period of curfew.

III. Transforming Schools in Hebron into Israeli Military Posts

Within the framework of its policy aimed at depriving Palestinians of their right to an education Israeli Forces have taken over four schools in the Old City of Hebron and transformed them into military posts. The schools affected are:

- Usamah Bin Munqith School: 584 students and 13 teachers.
- Al- Ma'arif Boys School: 871 students study in this school
- Jawhar Girls School : 388 students 13 teachers.
- Muhit al- Ukhwah School

The occupation of schools is a clear violation of Article 56 of the Hague Regulations of 1907 that expressly prohibits “all seizure of, destruction or willful damage of institutions dedicated to ... education.” The international community developed the Hague Regulations to apply to the exigencies of war and belligerent occupation. They provide the minimum standards that must be adhered to regardless of the circumstances. Therefore, Israel’s supposed “security” needs do not excuse the breach of this provision.⁴

IV. Wanton Destruction of School Property by Israeli Helicopters, Tanks and Heavy Machineguns

Israeli Forces have shelled many schools in Palestinian cities and villages using missiles, shells and heavy machineguns. These schools have sustained extensive damage.

According to al- Haq's documentation the following schools have been damaged:

Tulkarm district:

⁴ For a detailed analysis of the illegality of using schools as military posts please refer to al-Haq’s report “Punishing a Nation”

- The Tulkarm Industrial Boys School: This school serves 300 students. The building and electronic equipment were damaged. The school's gate, windows, a photocopier, TV, VCR and several chairs were damaged. The school's principle reported that the cost of damages is estimated at NIS 23,320.
- Ajnadeen Elementary School for Boys: Windows were broken as a result of shelling. Losses were estimated of NIS 750.
- Ihsan Samarah Secondary Boys School: Basketball boards on the playground were broken. Losses are estimated at NIS 1300.
- Al- Fadileyyyah Secondary Boys School: The walls of the school sustained damaged. The main gate, wall drawings, and windows were all damaged. The school's garden was also burned. Losses are estimated at NIS 10,550.
- Taha Husien Boys School: The shelling created holes in the school's gate and internal doors. Losses are estimated at NIS 7150.

Nablus district:

The schools located around Joseph's Tomb and in the Qaswin area were damaged as a result of the Israeli shelling. These schools are:

- Ma'zouz al-Masri Basic school for Girls: Lab equipment, the school's water reservoir and its main gate were damaged. The western wall of the school needs maintenance as a result of the shelling. Losses are estimated at NIS 7,050.
- Bassam al-Shak'ah Basic School for Girls: Shelling broke some windows and damaged the main gate of the school. Losses are estimated at NIS 4,500.
- Qadri Touqan Secondary School: The school's main gate was completely destroyed and the door of the biology lab was damaged. Losses are estimated at NIS 3,200.
- Beit Wazan Basic School in the Qaswin area: Windows were broken. Losses are estimated at NIS 400.

Bethlehem district:

- Due to Israeli shelling, which takes place almost every night in Beit Jala, several school buildings have been damaged. The Chili Girls School has been the most severely damaged. The school serves 479 students and employees 23 teachers. A portion of the roof of the Chili Girls School was damaged making the room below unusable. Students have been moved to another room. Windows and the school's water system were also damaged.
- Wadi' Di'mis Basic School for Boys in which 315 students study and 19 teachers work was also damaged. This school was shelled on 27 October 2000 and 7 November 2000. The shelling created holes in the northern wall of the school. The internal walls of the school were damaged and windows were broken.
- Taqqou' Secondary School for Girls was hit with missiles. Its photocopier, windows, and walls were damaged.

- Taqqou' Secondary School for Boys was also a target of Israeli fire. Windows and the school's water reservoir were damaged. The 600 students of this school have been forced to study at al-Arzah School, which is located 5km away. There is no transportation to or from this school in the afternoon, which obliges students and teachers to return home on foot.
- Sa'ed al-'aas Basic School and al-Khadir Basic School were hit by Israeli shells on 29 October 2000. Windows, a photocopier, some lamps, and their water reservoirs were damaged.

According to the director of Bethlehem's education office preliminary losses in the district are estimated at NIS 200,000.

Ramallah district:

On 10 November 2000, the building of the Curricula Center and the Basic Islamic School in al-Bireh were shelled. The eastern wall of the school was damaged.

Hebron district:

Israeli Shelling has targeted numerous schools in the Hebron area. The damaged schools are:

- Widad Nasr al-Din School for Girls: This school is located in area H1 in the Old City of Hebron. The walls of the school have been cracked and its water reservoir was damaged. Losses are estimated at NIS 10,000.
- Abu Dayyeh Basic Boys School was shelled on 12 November 2000. Electricity was cut off in the school as a result.
- Rabi'ah al-'Adaweyyah School located inside the Old City of Hebron was shelled. Windows, window frames, and curtains were damaged. Losses are estimated at: NIS 2,000.
- Al-Ma'aref Basic School for Boys and Jawhar Basic School for Girls situated inside the Old City of Hebron sustained damages. Losses have not been estimated due to difficulties faced in reaching the schools. They have both been turned into military posts by the Israeli Forces.
- Hebron Basic School for Boys in the Old City of Hebron has sustained extensive damage to its water reservoirs, doors, and windows due to shelling. Losses are estimated at NIS 2,000.
- The al-Muhammadeyyah Basic School for Girls and Khadejah 'Abdin Secondary Schools were damaged. These two schools are located in the H1 area of the Old City of Hebron. Doors in these two schools and their windows were damaged. Losses are estimated at NIS 2,000.

The Gaza Districts

Israeli missiles struck al-Mazra'ah Elementary School in Dier al-Balah on 24 October 2000. The shelling caused extensive damage to the school. The Israeli Military also shelled the Ammar Bin Yasir and Eid al-Agha Basic Schools.

These Israeli actions violate the provisions of International Humanitarian Law, specifically article 53 of the Fourth Geneva Convention of 1949 that reads " Any

destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons or to the State, or to other public authorities, or to the social or cooperative organizations is prohibited...” Israeli shelling of Palestinian facilities and school buildings also constitutes a violation of the Hague Convention of 1907. Article 27 of the Convention states that “in sieges and bombardment all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected...” Also violated has been article 56 of the same conventions that reads “ the property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property. All seizure of, destruction or willful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and shall be made the subject of legal proceedings”

Case Study: The Israeli Forces Shelling of the National School for the Blind in the West Bank Town of al-Bireh

The National School for Blind Girls in al-Bireh came under fire from Israeli tanks and heavy weaponry on February 20, 2001. The school was subjected to shelling for more than three hours causing extensive damage. Of greater significance, however, is the psychological impact that the shelling had on the disabled children in the school. “The crime is doubled when it is committed against disabled children who can hear the sound of explosions, but cannot see what is happening around them. We do not know what to do now in order to protect the children,” said the school’s headmaster Sheikh Hayyan al-Idrisi.

The National School for Blind Girls was established in 1978 under the initiative of the Friends of the Blind Association in Palestine with the objective of providing an education for children whose parents cannot afford the expense of educating their disabled child. The teachers, in the school, work hard to integrate the students into the wider Palestinian society in an attempt to provide them with greater opportunities. It currently serves 75 blind female students ages 4-18 and is primarily dependent on charitable donations given by local community members. The school provides educational, artistic and counseling services for members. It doubles as a home for many of its students who use its boarding facilities. Teachers treat students with motherly affection and the students feel safe while they are at school. Both students and their teachers believed that the school was a safe location in which the students could receive a good education. Unfortunately, the Israeli shelling changed this belief causing many students to feel worried and on edge.

Ten year old Isra’ Zeidan told of the shelling as follows, “I was awakened by the sounds of shelling. I began crying and woke up the rest of the children to escape. None of the children could move out of fear. Our teacher came and asked us to move to the staircase, as it is the safest place in the building. All of the students rushed to the staircase and, as they cannot see, many fell down out of panic and fear. After I left my room I started looking for my brother who attends the school with me, but I could not find him. Our teacher then asked us to pray for the shelling to stop and to ask God to protect us. Ulfat, who is only 4, would not stop crying until our teacher Suheir

came and hugged her.” Ulfat said that at first she tried to calm down other children, but being only a child herself she was also scared of the shelling and needed someone to comfort her. After a short time she said that she could not contain her fear and began to cry. Her teacher said that she cried throughout the rest of the shelling, which lasted for three hours.

Israeli Shelling of Palestinian Colleges and Universities

Al-Haq has documented the damage caused to educational facilities by Israeli shelling. Damaged facilities include:

- **Al- Khudouri College, Tulkarm:** 550 students study at this college. It has been shelled frequently. On 18 October at 1:20 PM the college was shelled while students were inside. The shelling damaged the administrative offices. The dean’s office caught fire and was completely destroyed. The fire also damaged the meeting hall and secretarial offices⁵. All the contents of these areas were damaged. On 12 November three missiles hit the colleges main building causing extensive damage. According to al-Haq documentation the college was heavily shelled on this day between 8pm and 3am⁶. The entrance to the college was damaged after a shell struck it. Another shell penetrated wall of the library and then exploded damaging many valuable books. Extensive damage was caused to the contents of the electrical engineering lab when it was struck by a shell. The main gate of the college and a central room were also damaged after being hit by a shell. Another shell hit the main building causing damaging to its internal doors and another lab in the college was severely damaged after being struck. The office of the public relations manager was also completely destroyed. As of 18 November 2000 losses were estimated at NIS 3,000,000.

Due to the shelling and extensive damage students have been forced to study at an alternative location.

- The campus of the al-Quds Open University, Nablus (al-Dahyeh Branch) came under heavy fire from Israeli Forces on 25 November 2000. Classes were halted for 4 days as a result. Numerous chalkboards and windows and the schools water system were damaged.

Additionally, on 11 December Israeli forces assassinated Anwar Mahmoud Ahmad Humrain, 28, a leader of the Islamic Jihad Movement, and a student at the university. He was killed about 20 meters away from the main building of the University in the Dahyeh Neighborhood of Nablus. Israeli Forces fired from the Jarzim Mountain opposite the University. Hamran was struck by two bullets in the head and by several bullets in other parts of his body.

⁵ A report by the dean of the college on the Israeli aggression and its effect on the college. 12 Dec. 2000 .

⁶ See questionnaire 093/2000 al- Haq.

- Israeli missiles also hit the Government College of Education, Gaza. The students of this college have been forced to either study in tents near the damaged college building or have been transferred to other branches of the college. Two other buildings have been rented to enable students to make up missed classes.

V. The Excessive use of Force by Israeli Forces and Settlers Against Students

Palestinian students in the West Bank and Gaza have been subjected to frequent assaults by Israeli Forces and Settlers. Israeli Forces have used deadly weapons against students and have fired live ammunition, rubber coated steel bullets⁷ and tear gas at unarmed students located both in their classrooms and in demonstrations.

The following are accounts of schools and students that have been targets of Israeli assaults:

Bethlehem district:

School Students in the village of al-Khader came under Israeli fire on October 11, 14, 22 and 23, 2000. Israeli Forces used live ammunition, rubber coated steel bullets and tear gas against school students in this village. The schools targeted included, al-Khader Secondary Boys School, al- Khader Secondary Girls School, Sa'ed al- 'Aas Basic School for Boys, and al- Khader Basic School for Girls. On 1 November 2000 Israeli tanks besieged these schools.

The Taqqou' Secondary School and the Taqqou' Basic School were targeted by Israeli fire after they were besieged by Israeli tanks on 29 October 2000. Israeli Forces searched the school damaging the door to the sport hall. Muhammad Ali al-Sha'er, a student at Taqqou' Basic School was seriously wounded when he was shot by Israeli Forces while standing before the school's gate.

Jenin district:

Students of the Silet al-Thahir School, 'Arranah School, and Jaba' School have also been targets of Israeli assaults. On 10 December 2001 Israeli soldiers used tear gas against the students of the Silet al-Thahir school. Many students experienced respiratory problems and required medical treatment as a result of tear gas inhalation.

Nablus district:

Israeli Forces assaulted students of the Huwwarah School near Nablus.

Hebron district

On October 28, 2000 Israeli Forces assaulted students from the Falasteen Basic Mixed School located south of Hebron. Israeli Forces also used tear gas against the students

⁷ The rubber- coated steel bullets, used by Israeli Forces against Palestinian protesters are deadly, especially when used at a distance that is less than the allowed distance in accordance with the Israeli laws in force in the Palestinian occupied territories and stipulated by their manufacturers. The allowed distance in accordance with these laws is at least 40 meters. These bullets can be divided into two types. The first kind consists of a steel ball that is coated with a very light layer of hard rubber. The second type consist of a steel column covered with a slightly heavier layer of rubber. According to the al-Maqassid Hospital in Jerusalem, rubber-coated steel bullets have caused half of the deaths they have recorded. Source: Amnesty's report on the excessive use of deadly force, October 2000, document # MDE 15/41/00.

of the al- Muhammadeyyah School. Eight students passed out as a result of inhaling tear gas.

Assaults by Settlers

Jewish settlers have carried out many attacks upon Palestinian students. Numerous students have been killed in these assaults. Al-Haq documented the following cases:

- On 30 November 2000 Shadi Ahmad Hasan al-Z'oul died after being struck by a settler's car. Eyewitnesses reported to al-Haq that he was standing beside bypass road 60 near the settlement of Bitar 'Ilit when a settler driving a GMC van deliberately struck him.⁸
- On 7 October 2000 Ahmad Amin Abdilmun'em al-Khuffash, 7, died after a settler's car struck him while he was walking with his brother Muhammad on a road near the village of Bidyah by Nablus. Muhammad managed to jump out of the way of the settler's car, but Ahmad was struck. According to eyewitnesses who were in the area of the accident, the car that struck Ahmad was being driven recklessly and did not stop after striking the boy who died immediately. His body was taken to the Rafidya Hospital where a medical report stated that he was dead upon arrival at the hospital and he was bleeding severely from his ears. The report also states that he had sustained a deep wound to his head in addition to traumas to his back.⁹

Case Studies: Israeli Occupying Forces use of Excessive Force Against School Children

Israeli forces and settlers killed fifty-two school students in the period between 29 September 2000 and 12 January 2001.¹⁰ According to al-Haq documentation many of these students were killed on their way to or from school.

Case Study One

Mu'ayyad Usamah Ali al-Jawarish, a ninth grade school student at Beit Jala Secondary Boys School¹¹ was killed on 16 October 2000 while returning from school. Israeli Forces opened fire at al-Jawarish while his back was to them. According to a medical report from the Beit Jala Government Hospital where al-Jawarish was taken after he had been shot al-Jawarish was unconscious when brought to the hospital. The report states that a rubber-coated steel bullet hit al-Jawarish in the back of his head and penetrated his skull. When al-Jawarish was killed he was carrying his school bag and had not been involved in stone throwing at Israeli soldiers.

Case Study Two

⁸ See affidavit 55/2000, al-Haq.

⁹ See affidavit 91/2000. Al-Haq.

¹⁰ See annex 2

¹¹ See questionnaire 093/ 2000 and affidavit 092/2000, al-Haq.

Another case of willful killing committed by Israeli Forces involves the case of Walid Mohammad Ahmad al-Badan,¹² a twelfth grade 17-year-old student at Taqqou' Secondary school in Bethlehem. Eyewitnesses reported to al-Haq that on 30 November 2000 while Walid and his schoolmates were leaving school an Israeli soldier hiding in a room near the school threw a sound bomb at the students. At the moment Walid turned his face towards the source of the sound a soldier hiding in the same room, just 50m away from the boys, shot him through the heart. The students were only 200m away from their school. When his classmates tried to provide aid to him the Israeli forces let loose a barrage of fire in which Fatihi Aziz al-Badan was shot in the chest and Mahir Ibrahim Nuwwarah was shot in the belly. Another eight students sustained minor injuries.

The use of excessive and indiscriminate force by Israeli Forces violates international humanitarian law. These actions constitute an assault on the right to life stressed by article 3 of the Universal Declaration of Human Rights that reads, "Everyone has the right to life, liberty and security of person". These practices also serve to emphasize Israel's lack of respect for the Fourth Geneva Convention of 1948 which states in article 50 that, "The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children..."

- In addition to the number of Palestinians killed mentioned above, over 2,000 school students were injured between 29 September 2000 and the date of the publication of this report. Medical reports indicate that many students' injuries are critical. Students being struck by internationally banned ammunition including exploding bullets caused some injuries.
- The assaults perpetrated by Israeli Forces and settlers have caused students extreme psychological trauma. Seeing classmates or friends die has left students traumatized, insecure and feeling helpless. Students are keeping the pictures of dead and injured classmates in their classrooms and teachers have reported that some are in denial of the fact that their friends and classmates are not present or have died.

Under these circumstances, the Palestinian Ministry of Education has issued instructions and directives detailing how schools should respond in cases of emergency. Emergency committees have been set up in every district and school in order to both determine and take any steps necessary for the protection of students.

Palestinian College and University Students and Staff Killed During the Intifada

Palestinian university students have been the targets of frequent assaults by Israeli Forces. Many have been killed and dozens have been injured. Israeli Forces as of 22 November 2000 had killed ten students and one university employee. Three of the students were from al-Azhar University in Gaza, one was an employee of the Islamic University in Gaza, four of were students in the al-Quds Open University, and three were students at al-Najah National University. Many of those wounded have sustained serious injuries that have required their hospitalization abroad.

¹² See questionnaire 263/2000 and affidavit 85/2000

Israel's Excessive Use of Force in Violation of the Code of Conduct for Law Enforcement Officials and ¹³ the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials¹⁴

Israeli Forces have used live ammunition, rubber-coated steel bullets, plastic bullets, and grenades to quell protests by unarmed students. This use of force is unjustifiable even if students are taking part in demonstrations, as their only weapons in such cases are stones and the Israeli Forces are normally out of throwing range.

Israeli Forces have gone beyond what can be considered reasonable or proportionate responses in their use of lethal weapons against unarmed school students, and have thus violated international norms governing the behavior of law enforcement officials. Article 2 of the Code of Conduct for Law Enforcement Officials reads, "In performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons". This necessitates the protection of peoples' lives, but Israel has never abided by this provision. Instead, the use of excessive force against Palestinian civilians has caused, at the time of the publication of this report, the death of 380 Palestinians, of whom 99 were children under 18 years of age and 52 were school students.

Article 3 of the same Code stresses that " Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty". Notes on this article show that the use of weapons is allowed only if it is " strictly necessary" and that the maximum possible effort must be made to avoid its use. However, Israeli Forces have not adhered to the rulings of this article and use their weapons against unarmed school students killing and injuring many of them.

In using excessive force against school students, Israeli Forces have also violated the Basic Principle on the Use of Force and Firearms by Law Enforcement Officials.¹⁵ Al-Haq documentation shows that Israeli Forces have used indiscriminate and excessive force against Palestinian civilians, especially school students, inside their schools and while they participate in demonstration. These principles identify basic rules that law enforcement officials must take into consideration when they are obliged to use force.¹⁶

VI. The Detention of Students and Teachers

Hundreds of students have been arrested over the last several months, some of them as young as 6 years old. Approximately 50% of the 65 students arrested in the village of Hosam since the beginning of the Intifada have been under the age of 18. The following are cases documented by al-Haq.

¹³ Approved by the UN General Assembly on 17 December 1979/ resolution 34/169.

¹⁴ Ratified by the 8th UN Conference on the Elimination of Crime and Treatment of Criminals- 27 August – 7 Sep 1990.

¹⁵ See principle 9

¹⁶ See principle 5.

Qasim Sabir Hamadah, 6 years old, a student at the Qalandya School in Qalandya refugee camp: Arrested on October 27, 2000

Muhammad Ahmad al-Louzi, 16 years old, a student at the al- Ram Secondary School in Jerusalem: Arrested on October 27, 2000

Rushdi Wa'el Rushdi al- Batmah and **Rami Yassir al- Zu'oul**, 10th grade students at the al- Khader Secondary School in Bethlehem: Arrested on October 29, 2000

Tariq Bassam 'Amereh, 10th grade student at the Husan Secondary School in Bethlehem: Arrested on November 11, 2000

Ghassan Shousheh, 12th grade students at the Husan Secondary School in Husan: Arrested on 11 November 2000

Husam Sameh al- Khuffash, 10th grade student at the Mardah School in Salfeet

Thirty-three school students were still in jails at the time of the completion of this report.

The Detention of Teachers

In addition to school students, Israeli Forces have arrested several teachers. On 19 October 2000 an Israeli military jeep kidnapped three teachers from Nablus and then arrested them. These teachers are: **Abdilsattar al-Shinnar**, **Slieman Fatayer** and **Wasfi Muhammad. Nidal Mustafa al-Asmar** from Qabatyah near Jenin was also arrested when he was passing through the Arrabeh checkpoint beside Jenin. Five teachers were in jail upon the completion of this report.

VII. The Effect of the Israeli Military Siege and Closure on Palestinian Universities

The siege imposed upon Palestinian cities and villages not only affects Palestinian school students, but has also negatively impacted university students. University students have not been able to attend classes regularly. The Intifada has impacted institutions of higher education in two major ways.

1. Students from the Gaza Strip have not been able reach Universities located in the West Bank and vice versa due to the total closure imposed upon the Gaza Strip and West Bank, which isolates the two areas from each other.

Due to the complete closure and siege imposed upon the West Bank and the Gaza Strip, thousands of students from Gaza have been unable to attend classes in their Universities in the West Bank since the eruption of the *Intifada*. Students have also not been able to move between the northern and southern regions of the Gaza Strip due to the internal closure and division of the Gaza Strip. Approximately 14,000 university students have been unable to attend classes in universities in Gaza city due to this closure. The main road that connects the north and the south of the Gaza Strip has been closed. The students of the al-Azhar University, the Islamic University, al-

Quds Open University, and the College of Education have been significantly effected by the closure.¹⁷

2. The educational process in the majority of universities was paralyzed during the first month of the *Intifada*.

The educational process was almost completely halted in most institutions of higher education during the first month of the *Intifada*. This was due to the siege, which isolated Palestinian cities and villages from each other. Two weeks after the outbreak of the *Intifada* classes were resumed on a limited basis in most universities and colleges. Some universities have developed make-up policies and held classes over the weekends to make up for missed time or shortened school days.

The Ministry of Higher Education has issued regular reports on the effects of the intifada on Palestinian Universities and Colleges. Of the 30 Universities covered in the ministry's reports all except two were closed for an extended period of time following the outbreak of the Intifada. On average Palestinian institutions of higher education closed for approximately one month each during the initial phase of the Intifada. Since then classes have resumed, although on a somewhat limited scale. Most Universities shortened class days in order to end the school day earlier so that students would be able to return home before dark. To make up for lost time weekends have been used and many schools have extended their semesters. The majority of these colleges and universities have also worked out emergency plans in order to be able to efficiently handle the continuously changing situation as it develops. The students who have been most effected by the intifada are students from Gaza who study in the West Bank. Many have been trapped in Gaza, unable to reach their universities they have been set back at least a semester. Many other students from Gaza have been trapped in the West Bank and are unable to return home to visit their families for fear of not being allowed to return to school. Below are two case studies involving al-Quds University and Bir Zeit University, which detail the effects the Intifada has had on each, and some of the measure that they have taken to deal with these changes.

1. **Al-Quds Open University:** During the first month of the *Intifada* school was not held regularly in two departments of this university (the faculty of Medicine and the *Shari'ah* faculty). Only 60% of students were able to attend classes due to the siege, and only 80% of professors were able to reach the university. On 21 October school resumed at near normal levels in most of the university's faculties with 95% of students attending classes and all professors succeeding in reaching the university. The University has prepared and is following an emergency plan that reduces class hours and sets up weekend classes to make up for missed time. The al-Quds University has also coordinated with al-Azhar University and the Islamic University in Gaza to absorb Gazan students who have not been able to reach the universities due to the closure.

¹⁷ The Palestinian Center for Human Rights "Special report on the total closure over the Gaz Strip" issue 28, 3 December 2000.

2. **Bir Ziet University:** Classes stopped at the beginning of the Intifada and did not resume regularly until 14 November 2000. Class periods have since been shortened so that the University day will be completed at 3pm. A make up plan was prepared using weekends to make up missed class time and extending the semester. The University is also in the process of preparing an emergency plan for those students who have been unable to attend classes that will allow them to make up missed credits in the coming semester.

VIII. Conclusions

This report provides evidence of the Israeli Occupying Authorities' total disregard for International Humanitarian law and other international human rights principles to the detriment of the educational process in the Occupied Territories.

Al- Haq calls upon the international community to take the following steps:

- Pressure Israel to abide by international human rights treaties, especially the Fourth Geneva Convention relative to the Protection of Civil Persons at Times of War.
- Provide an international protection force for Palestinian civilians that will ensure that students who have been deprived of their right to education and in some cases their right to life will no longer need to live in fear.
- Hold investigations into cases of willful and extra judicial killing committed by Israeli Forces against Palestinian school children and university students. These actions are considered war crimes and the perpetrators of such acts should be punished
- The international community and international bodies, especially the UNESCO should to take the necessary steps, including sanctions, to force Israel to respect Palestinians' basic human rights including the rights to an education.

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