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B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories

Closure of Schools and Other Setbacks to the Education System in the Occupied Territories

Information Sheet: Update September - October 1990

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B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, was founded in February 1989 by a group of lawyers, intellectuals, journalists, and Members of Knesset.

The objective of B'Tselem is to document and to bring to the attention of policy makers and the general public, violations of human rights in the territories.

B'Tselem's data are based on fieldwork, independent investigations, and official Israeli sources, as well as on the data of Palestinian sources, especially human rights groups such as PHRIC and al-Haq.

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INTRODUCTION

Article 50 of the Fourth Geneva Convention (1949) states: "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." Israel is therefore obligated to ensure the orderly operation of the educational institutions in the territories. Since the start of the Intifada, the Israeli authorities have closed down a very large portion of the education system in the territories for extended periods. The education system has also suffered from strikes and from clashes with the security forces; troops have forcibly entered schools, sometimes opening fire; many students and teachers have been arrested or physically injured. This state of affairs led a group of Israeli educators to organize themselves as B'Tselem's Education Unit in order to monitor human-rights issues in the realm of education.

This report describes the state of the education system during the Intifada, focusing on the elementary and high school levels. The situation in higher education is noted only as background. The report is based on information collected by the Education Unit from official Israeli sources, Palestinian sources, and via field trips and interviews. The field trips included visits to schools and meetings with Palestinian educators and with Civil Administration officials responsible for education in the territories. Also included are statements by Israeli educators, psychologists and jurists on various aspects of the setbacks sustained by the education system in the territories during the Intifada.

Following the publication of this report, B'Tselem's Education Unit will continue to monitor the education system in the territories and help ensure that the system functions normally, as obligated.

On the Right to Education

Prof. Zvi Lam, School of Education, Hebrew University of Jerusalem

The idea of human rights was accorded world recognition with the United Nations' adoption of the Universal Declaration of Human Rights in 1948. This recognition did not stem from general assent to the full significance of those rights. What is agreed, in the main, is that human beings have inalienable rights which transcend laws and regulations promulgated by states.

The right of children to receive an education belongs to this category of rights which are irrevocable under any claim or pretext. Historically, peoples and states that prevented children from exercising their right to education have been viewed as barbaric. Humanity having recognized, in the lengthy course of the formation of civilization, that children have the right to education - that is, that education is no mere favor conferred by parents, states, churches, or whoever implements the right - considers all those who infringe this right to be acting inhumanely. Categorically, such behavior is no different from any other abridgement of human rights.

The right to education, as a basic human right, encompasses several areas. The first is recognition of the parents' right to educate their children. Totalitarian regimes have generally trampled on this right. The right of children to receive an education also includes recognition of the right of all children to benefit from all the formal-education services that the state and other social organizations provide, on the basis of universal criteria (such as equal testing). Today, formal education - meaning, above all, the school system - is a need which, left unsatisfied, is liable to warp the child's development; this, indeed, is almost invariably the consequence of a lack of education. Children's right to education is unqualified and unqualifiable. There is absolutely no justification for depriving children of education. Society customarily justifies a person's arrest (i.e., the revocation of his right to liberty) by citing its need to protect itself against persons who infringe the rights of others or the binding norms of the society. But to deprive children of schooling will hardly help protect the society. Prevention of education strikes at those with children of school age. Its sole rationale lies in an intent to suppress. Closure of schools is a violation of human rights and, as such, manifestly immoral.

STRUCTURE AND ORGANIZATION OF THE EDUCATION SYSTEM IN THE WESTBANK AND GAZA STRIP

In 1988/89 approximately 500,000 pupils studied in government, private or UNRWA-run elementary and high-schools in the territories. Nearly 20,000 students were supposed to attend institutions of higher learning that year. In talks with B'Tselem's Education Unit, Palestinian educators spoke about numerous operational problems, such as a serious shortage of classrooms, libraries, laboratories and sports facilities.

Administration of the Schools

The education system is operated by the Civil Administration. Staff officers for education directly run the government education system. In private and UNRWA-run schools, these officers have pedagogical supervisory powers and are responsible for granting licenses and permits, as required by the education regulations.

Teaching in the West Bank is based on the Jordanian curriculum and on textbooks imported from Jordan. The final examinations in high school (thawjihi) are Jordanian. In the Gaza Strip, the infrastructure and the final exams follow the Egyptian education system.

Institutional Structure

Three education systems operate in the West Bank and Gaza Strip.

Government schools: These include elementary, preparatory (i.e., junior-high) and high schools. Since 1967, the Israeli Civil Administration, through staff officers for education, has been responsible for the government school system. In the 1989/90 school year, circa 320,000 pupils attended government schools, 235,000 in the West Bank and 85,000 in the Gaza Strip.¹

UNRWA schools: These include elementary and preparatory schools in which pupils study through the ninth grade. The schools were established by the U.N.'s Relief and Works Agency beginning in the early 1950s in order to serve the refugee population. UNRWA has also set up a limited number of vocational-training institutions. In 1987 a center for educational development was established in Jerusalem which develops learning materials. Pupils in the UNRWA system are exempt from all fees. In 1989/90, about 130,000 pupils attended UNRWA schools, 30,000 in the West Bank and 90,000 in the Gaza Strip.

Private schools: Ranging from kindergartens through high-schools, these institutions are operated by local bodies or international agencies, the majority with a religious orientation. The pupils in these schools pay full tuition and tend to come from a relatively high socio-economic background. About 35,000 pupils attended such schools in 1989/90, 28,000 in the West Bank and 7,000 in the Gaza Strip.

Kindergartens (ages 4-5): Only private pre-school education is available. Very few children attend kindergarten - only about 20,000 throughout the territories in the past school year. (See Table 1.) It follows that the vast majority of Palestinian children do not begin their formal education until age 6.

¹ Data from Statistical Abstract of Israel, 1989, p. 750.

Elementary schools (ages 6-11) and preparatory schools (12-14): Although the compulsory-education law applies from the ages of 6-14, in the 1985/86 school year, 14.8 percent of the children in this age group did not study in an institutional framework.²

Table No. 1
Pupils according to level of institution 1988/89*

Total		of which UNRWA	Region	
			Judea & Samaria	Gaza Ztrip
Total	488,493	132,904	303,083	185,410
Kindergartens	20,557	1,306	13,848	6,709
Elementary	296,000	93,463	183,041	112,959
Preparatory	108,773	37,083	67,544	41,229
High schools	60,933	579	37,463	23,470
Teachers' seminars	2,230	473	1,187	1,043

* Source: Statistical Abstract of Israel, 1989, p. 750.

Teachers

The considerable increase in the number of pupils was paralleled by a sharp rise in the number of teachers, beginning in 1967. In the Gaza Strip, for example, there was an 82-percent increase in the number of teachers between 1967 and 1989.³

Teachers organizations: From 1979, teachers and headmasters began trying to organize on a professional basis. This possibility was categorically rejected by the military government, supposedly because professional unions were also proscribed in Jordan. In practice, officials of the Civil Administration stated (in a conversation with B'Tselem's Education Unit on August 31, 1990) that professional organizations serve as a cover for political activity and are therefore not allowed. Nevertheless, teachers organizations were set up informally; their representatives are members of the General Federation of Workers in the Educational Sector.

High schools: There are three tracks: humanities (about 70 percent of the students), sciences (27 percent) and vocational or agricultural schooling (3 percent).

Supervision of educational material: Textbooks are examined by the military censor. Passages which the censor considers to be anti-Israeli or anti-Semitic are deleted. Palestinian educators maintain that some of these deletions are unjustified, and that they include quotations from the Prophet Muhammad, and statements espousing Arab unity. In some cases, entire books are banned. Between 1967 and 1987, 14 Jordanian and 23 Egyptian textbooks were banned in their entirety.

² Salah al-Zaroo, Education Under Occupation (1988), ch. 4.

³ Ministry of Culture and Education [Israel], Education and Culture in Gaza District (1990), p.15.

Table No. 2
**Number of Teachers in the Education System in Absolute
Numbers and in Percentages in the 1989/90 School Year**

	West Bank*		Gaza Strip**	
	Numbers	Percentage	Numbers	Percentage
Government schools	7,771	71.0	2,612	47.5
UNRWA schools	1,781	16.0	2,753	50.0
Private schools	1,382	13.0	136	2.5
Total	10,934	100.0	5,501	100

* United Nations General Assembly, Oct. 17, 1989, Supplement No. 13

** Education and Culture in Gaza District, p. 15

Higher Education

Six universities in the West Bank and the Gaza Strip have been founded or have received academic accreditation since 1971. The total number of students in 1989/90 stood at 14,265. The institutions of higher learning are funded by students' tuition fees, contributions from the local population and donations from local and foreign organizations. No funding comes from the Israeli administration.

Also operating in the West Bank are 16 colleges (10 private, 3 government-run and 3 UNRWA schools). The main subjects offered in the colleges are teacher-training, agriculture, commerce, engineering and paramedical courses. Between 3,200 and 4,000 students attend these institutions.

In visits paid by the B'Tselem Education Unit in the territories, Palestinian educators noted many problems in running the education system which are not directly connected to the Intifada.

The main complaints are as follows:

1. Inadequate structures:
 - a. Many schools operate in structures which were not intended for this purpose. Budget shortages have precluded the establishment of new schools, and as a result existing schools have been expanded provisionally and without being adapted to their purpose. Classes are also held in rented premises outside the school grounds. Many schools have been forced to do away with auxiliary units such as libraries, laboratories and auditoriums in order to provide space for classrooms.
 - b. A high percentage of pupils study in two shifts. In 1986/87 there were 122 classes in the West Bank, in which 4,620 pupils studied in two shifts. In that year 63.6 percent of the high-school pupils in the Gaza Strip studied in schools where there were two shifts.**
 - c. In 1988/89 there were 378 combined classes (e.g., grades 1 and 2 sitting together in the same classroom) in the West Bank, the majority in government schools.
2. Overcrowding:
 - a. Some classes have up to 60 pupils.
 - b. The average number of pupils per class is 36.3 in the West Bank and 42.3 in the Gaza Strip. By comparison, the average number of pupils per class in Israel is 26.6 and in Jordan, 29.9 (1986/87 data)

3. Insufficient and unsuitable equipment:

- a. There is a shortage of libraries and laboratories. About 73 percent of the government schools have no libraries at all. Where libraries do exist, they are meager and inadequate. Only in the Friends School in Ramallah (a private institution) did we see a library containing reference books.
- b. There is an almost total absence of sport facilities.

** Data from Education Under Occupation, Ch. 4.

CLOSURE OF EDUCATIONAL INSTITUTIONS DURING THE INTIFADA

Besides closures of individual schools, the security authorities have shut down the entire education system in the West Bank for extended periods. The problem was compounded by general strikes held by the Palestinians, and by many curfew days. As a result, three years of school were seriously affected, particularly in the West Bank. Many Gaza Strip schools were also shut down for lengthy periods. Even if the powers of the military commander enable him to close down schools for such protracted periods, it is difficult to find security justification for such a sweeping measure, nor does it conform with Israel's undertaking to maintain smooth functioning of the education system.

The closure of schools in the territories during the Intifada results from one of three actions:

- (1) A strike declared by the Palestinians. Such strikes, whether local or general, continue to paralyze the education system in the territories for a few days every month.
- (2) Curfew - a measure which, even if not aimed specifically at schools, naturally brings about their closure. In a number of locations, particularly the refugee camps, the imposition of curfews has caused the loss of dozens of study days.⁴
- (3) Closure of schools by the security forces. This is a measure taken against specific schools, and in the West Bank against the entire education system. The following section of the report deals primarily with this form of closure.

Higher Education

By the end of February 1988, all the universities and colleges in the territories had been shut down by military order. They remained closed until March 1990, when a gradual reopening of colleges was permitted, which was completed that summer.

Most of the universities are closed to this day, although the military government has stated its intention to permit them to reopen gradually and has approved the reopening of al-Quds University and Bethlehem University. Informal studies are conducted on the closed campuses, and the authorities have not interfered with this activity since March 1989.

Elementary, Preparatory and High Schools

West Bank

In February 1988 closure orders were issued for all the schools in the West Bank, including kindergartens, elementary and preparatory schools, high schools and vocational institutions. The orders affected 1,174 educational institutions and 303,000 pupils.

Subsequently, the general orders were replaced by regional closure orders or closure orders for schools where clashes had occurred with the security forces. In the second year of the Intifada, following a shutdown of six consecutive months, West Bank schools were permitted to reopen in

⁴ See B'Tselem Annual Report, 1989, pp. 68-69.

late July 1989, so that the teachers could declare the formal conclusion of the school year. The third school year did not commence until January 10, 1990, but ended on the scheduled date. The following graph (opposite) shows the periods of collective closure of West Bank schools. Of 210 scheduled school days in each of the first three years of the Intifada, the actual days of school in session were as follows:

1987/88 School Year:

West Bank schools were open on 147 out of a planned 210 days.

Semester I: schools operated 96 days.

Semester II: elementary schools	-51 teaching days
preparatory schools	-44 teaching days
high schools	-35 teaching days

1988/89 School Year:

Schools opened in December, 1988. Total:

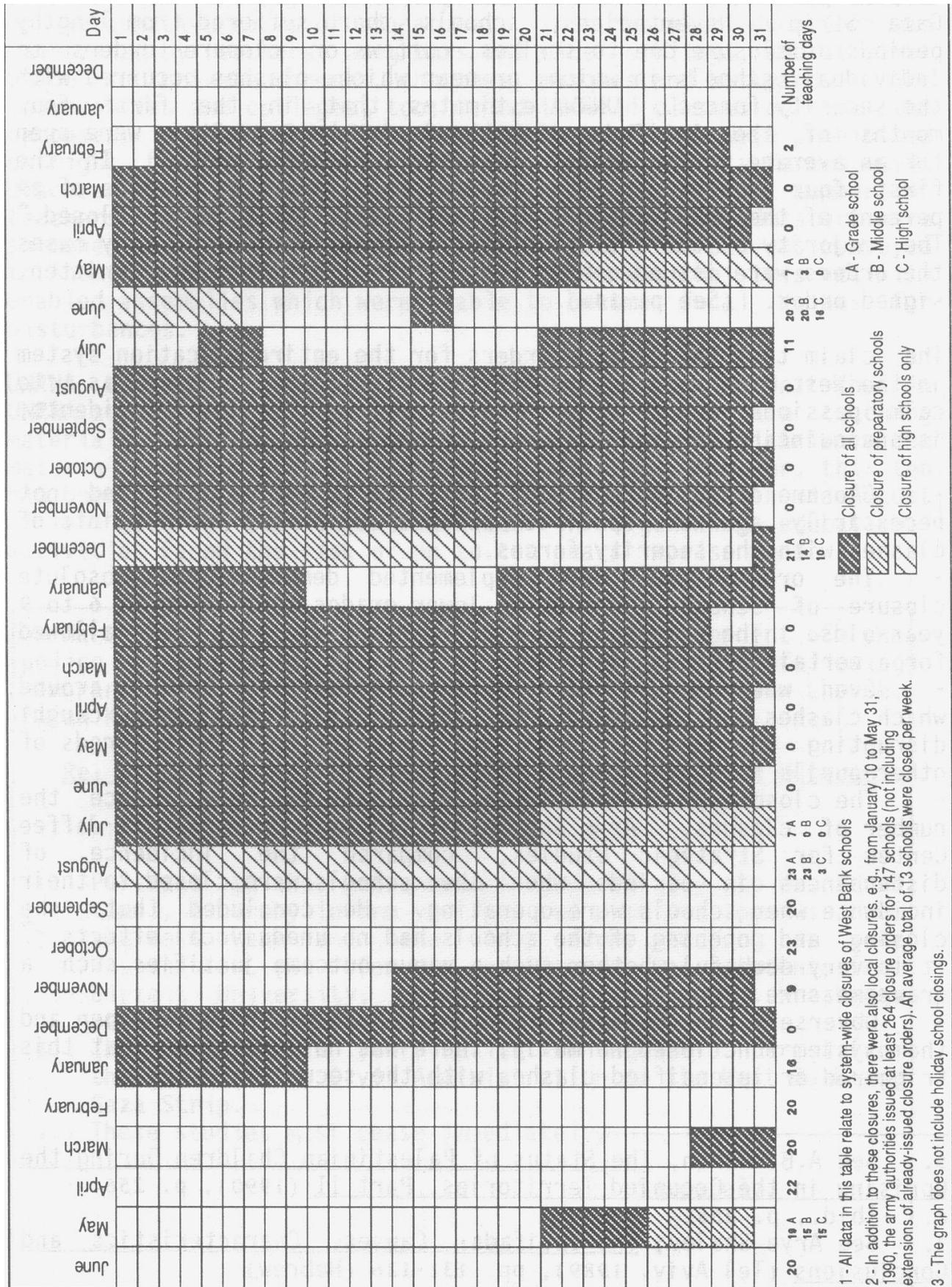
elementary schools	-35 teaching days
preparatory schools	-26 teaching days
high schools	-20 teaching days

1989/90 School Year:

The school year opened on January 10 and concluded in the first week of July. In the entire system, schools were open for approximately 140 days. However, in many schools studies did not take place for extended periods. For example, the five schools in the Tulkarm refugee camp were open for only 41 days. As a result, schools were open for an average of 99 days.

As a result of forcing educational institutions in the territories to shut down for prolonged periods, the Israeli government was subjected to harsh criticism from the academic community in Israel, as well as from the European Community and the U.S. Administration. UNRWA directors repeatedly protested orders which prevented them from operating their educational institutions in the refugee camps. In May 1989, some 400 Israeli academicians held a demonstration in front of the Defense Ministry, demanding the opening of the universities. On October 6, 1989 the EC expressed a similar demand. In January 1990 the European Parliament called for a halt to the allocation of resources and scientific ties with Israelis, by way of protesting the fact that the universities remained closed. On February 27, 1990, following the extension of the order shutting down institutions of higher education, Israelis and Palestinians held a joint press conference to express their vigorous objections to the move. In February 1990, the Knesset's Education and Culture Committee recommended the gradual reopening of the institutions of higher education. On April 25, students at Tel Aviv University held a day of solidarity with those opposing the university closings in the territories.

Data on School Closures in the West Bank Since the Beginning of the Intifada



1 - All data in this table relate to system-wide closures of West Bank schools

2 - In addition to these closures, there were also local closures, e.g., from January 10 to May 31, 1990, the army authorities issued at least 264 closure orders for 147 schools (not including extensions of already-issued closure orders). An average total of 13 schools were closed per week.

3 - The graph does not include holiday school closings.

Gaza Strip

No policy to shut down the entire system was implemented in the Gaza Strip. Nevertheless, schools there suffered from lengthy periods of closure due to strikes, curfews or closure orders to individual schools in which, or near which, clashes occurred with the security forces. UNRWA estimates that in the first four months of the Intifada, its schools in the Gaza Strip were open for an average of 22 percent of the scheduled days.⁵ In the first four months of the 1988/89 school year, an average of 29 percent of the UNRWA schools in the Gaza Strip were closed.⁶ The majority of the closure orders were open-ended; in many cases the orders were issued orally and with no accompanying written, signed order. (See p. 14.)

The claim that the closure orders for the entire education system in the West Bank were issued for security reasons, such as "to calm passions" and to ensure the security of the local residents is unconvincing for the following reasons:

- Closure orders were issued for the whole system and not necessarily against specific schools which were focal points of clashes with the security forces.
- The orders that were implemented demanded the absolute closure of schools, including lower grades consisting of 6 to 9-year-olds. The operation of kindergartens was also not allowed for a certain period.
- Even when closure orders referred to specific schools around which clashes had occurred, or whose pupils had been caught disrupting the peace, there was no proof that the hundreds of other pupils in these schools posed a security risk.
- The closure of schools in the West Bank did not reduce the number of clashes. Arye Shalev, of Tel Aviv University's Jaffee Center for Strategic Studies, compared the incidence of disturbances in periods when the schools were closed to their incidence when schools were operating. He concluded that "the closing and opening of the schools had no unequivocal effects."⁷ It is very doubtful whether such a vague outcome justifies such a grave measure.
- Obversely, in the Gaza Strip, where schools remained open and the system functioned normally, there was no indication that this triggered or intensified clashes with the security forces.

⁵ See A.B. Nixon, The Status of Palestinian Children During the Uprising in the Occupied Territories, part II (1990), p. 256.

⁶ Ibid., page 258.

⁷ See Arye Shalev, The Intifada: Causes, Characteristics and Conclusions (Tel Aviv, 1989), pp. 131-136 (Hebrew)

Prevention of Alternative Education

Between March and May 1988, teachers in the West Bank tried to set up alternative modes of education. This "popular education" was maintained by teachers, neighbors and older siblings, and it took place in private houses, churches, mosques and backyards. The universities and colleges, too, tried to hold classes outside the campuses, in homes and offices. All such efforts were prohibited outright by the military government. The security forces would discover where lessons were being held, arrest a number of teachers and students, and disperse the others. Headmasters were summoned to the Civil Administration, where the ban was conveyed to them orally. The authorities' rationale was that this activity enabled assemblies which were liable to become focal points for disturbances.

UNRWA education personnel told B'Tselem's Education Unit that in UNRWA schools an attempt had been made to prepare teaching materials for independent study, the plan being to distribute the materials among students as widely as possible. However, this too had been halted by the authorities. An order issued in mid-August of 1988 asserted that anyone involved in organizing educational activities faced the risk of up to ten years imprisonment.

On March 30, 1989, Ya'ir Moust, Chief Superintendent of the police station in the Old City of Jerusalem, sent the following memorandum to the school inspector of the Anglican Church, Farah Kamal:

Re: Prohibition of Studies in Your Institution the Mutaran
School for West Bank and Gaza Strip Pupils

1. Pursuant to the announcement made orally to Mr. Farah Kamal, I hereby inform you that we prohibit pupils from the West Bank and Gaza Strip from studying in your institution (We refer in particular to students from Birzeit University, which has been shut down, who began studying in the Mutaran School in March.)
2. Their studies in your institution require a permit from the head of the Civil Administration in the West Bank and Gaza Strip.
3. These studies must cease immediately.

Sincerely,

(-)

The Power to Close Schools

Dan Simon, attorney, Association for Civil Rights in Israel

The powers accruing to the IDF in the administered territories are laid down in the laws of belligerent occupation which form part of public international law. This legal domain is guided by two basic principles. First, to maintain the security of the IDF forces and of the region. Second, to uphold the well-being of the population. Countless administrative and military decisions derive from the balance (or the collision) between these two principles, such as the dispersal of a violent demonstration, the granting of a permit for travel to Jordan, the establishment of a health clinic, the demolition of a house, and so forth. International law grants the administering army considerable powers that assist it in preserving the security of its forces and imposing order in the region. These powers include: imposition of curfew, closure of roads, arrest, restriction of means of communication, abrogation of political rights, implementation of censorship, temporary seizure of private property, and the opening and closing of premises. All these means are intended for preventive use only; that is, their use is permitted in order to forestall a future danger and not as punishment for a security offense committed in the past.

The power to close premises is laid down in Clause 91(a)(2) of the Order Regarding Security Provisions (No. 378), 1970, which states: "If he deems it necessary in order to maintain orderly government, public order and the security of IDF forces, a military commander is empowered to demand of any person who has possession of a premise that he close it and cease to administer it and keep it closed for the period stipulated in the order." This power is easily implemented; it can be applied in a broad range of cases. The order employs only subjective and minimal wording: "if he believes that this is required... ." Legally, the military commander is accorded very broad discretion, and practically, it is exceedingly difficult to attack his discretion in court. At the same time, it should be borne in mind that the power in question permits the closure of premises and not the halting of activity. In other words, a military commander may order the closure of a youth club (if he thinks this is necessary to preserve security in the region) but he may not stop the club's members from operating at a different site. In order to halt a person's specific activity, the military commander must resort to a different means, such as a personal restriction order, administrative detention, and so forth. The conclusion is that a military commander may close a school but he may not prevent the educational activity of the children from that school at a different location, such as in private homes. If he did so, he would be considered as exceeding his authority. In exercising his authority to close a premises, as in the case of educational institutions, the military commander must take into account his general obligation to ensure the well-being of the population and his specific obligations to maintain and ensure that the schools accord with international law.

In deciding to close a premises, the military commander need not limit himself in terms of the duration of the closure. A closure order issued for a lengthy period attests to the "punitive" character of the closure, constituting, as noted, a deviation from authority. An example is the two-year closure order for the women's institution Ina'ash al-Usra in al-Bira. Supreme Court Justice Gabriel Bach decided that a closure order issued for two years in advance effectively constitutes "punishment" and not a "preventive measure," and is therefore invalid.

Impact of the School Closures on Teachers

Teachers in the territories report that day-to-day work in the schools is more difficult than it was and that the routine cannot be maintained for the following reasons:

- The entire planning of the school year in all its aspects is disrupted by repeated stoppages in studies.
- It is impossible to complete the curriculum because of the reduced number of study days available due to closures by military order, curfews and strikes.
- Lengthy school closures cause the pupils to forget what they have learned. Material already studied must be repeated before going on to new material.
- The pupils find it difficult to concentrate, discipline is lax and there is a general atmosphere of disquiet.

The closure of the schools has also affected the teachers' economic situation. Teachers in the government schools have been directly affected. Not only is their salary lower than that of UNRWA and private school teachers, but their wages were slashed sharply at the order of the staff officer for education, during the period when the schools were shut down. This occurred despite the fact that the schools were closed at the initiative of the authorities.

Headmasters and teachers suspected of active participation in the bodies that are organizing the uprising, are the objects of measures intended to force them out of the government education system:

1. Forced retirement (cancellation of contract).
2. Dismissal for security reasons.
3. Arbitrary transfer to a remote school.
4. Suspension of rank.
5. Non-granting of special allocations.
6. Delay in promotion in administrative positions.

The 1989/90 School Year in the Tulkarm Refugee Camp

As was the case throughout the West Bank, the school year opened late, on January 10, 1990.

The order permitting schools to open included the closing date for the education system, July 2, meaning that only six months of study would be allowed. In early February there were riots and clashes with security forces in the camp. On February 11 "Captain Zuheir" from the Civil Administration phoned the camp commander and ordered that the schools remain closed because that day stones had been thrown at a Civil Administration vehicle. A subsequent order stated that studies could not be resumed until a fence at least 4 meters high was built around the schools. This took several months, with the costs - \$65,000 - funded by UNRWA. The work took so long because the large number of curfew days prevented continuous work. An order conveyed to the camp commander on April 29 extended the closure of the schools until May 22.

On May 23, the day on which classes were to resume, the camp was under curfew. The schools were not reopened until early June. The 1989/90 school year in the Tulkarm refugee camp lasted a total of 41 days. In a meeting with Shmuel Goren, Coordinator of Government Activities in the Territories, on June 10, B'Tselem personnel asked, in the name of Palestinian educators, for an extension of the school year, at least in places such as the Tulkarm camp. Goren replied: "We examined the matter and we cannot do it. Our education experts say that they [the Palestinian teachers] can cope. It can be done through modifications of the curriculum."

SOME RAMIFICATIONS OF THE STATE OF THE EDUCATION SYSTEM DURING THE INTIFADA

Effect of the Stoppages in Studies

Prof. Alice Shalvi, former principal of a state-religious high school in Jerusalem

Teachers and educators, both new and veteran, are well aware of the learning problems they face at the start of every school year following two months or more of holiday. After such a lengthy break, it is impossible to continue studies from the point at which they were concluded at the end of the previous year. A few refresher weeks are required in which material is repeated before it is possible to forge ahead and inculcate new knowledge and deeper understanding. All fertile study entails a modicum of repetitions and rote-learning, which are an essential element in the addition of material. But it is inconceivable to stop at this preliminary stage. In the absence of an orderly continuity of studies, teachers must go on repeating material that has already been studied, without moving ahead to new material. Studies start and stop at the same point, in an endless circle. This is the untenable situation that affects schools in the territories that are frequently closed every time studies are resumed, except that in this case the "vacation" is no vacation at all. It is forced on teachers and pupils alike. What teacher, what pupil wants this kind of vacation? And can it be that precisely the People of the Book, to whom learning has always been so precious, even in the darkest times, can deprive another people of the right to study, to progress and to develop psychologically and intellectually?

Psychological Consequences of the System's Collapse

Dr. Hanoch Yerushalmi, clinical psychologist

The closure of the schools and other educational bodies has direct and far-reaching psychological and developmental consequences for the boys and girls involved, and indirectly also affects the Palestinian and Israeli societies as a whole. The psychological consequences are especially acute in view of the high vulnerability that characterizes the pupils' age groups. The onset of puberty is typified by emotional stress and by instability. It is the age at which individuals form their own particular mode of adaptation to acute biological and emotional changes. The individual shapes his character and his unique path as a human being possessing a clear identity. This whole process takes place in the midst of powerful emotional oscillations and incessant internal conflicts. The internal developments go hand-in-hand with an ongoing struggle with the individual's immediate surroundings. Many conflicting emotions are directed at the family and the person's milieu. Typically, these emotions consist of a good deal of closeness and a wish for intimacy, alongside remoteness and outbursts of hatred. In this period of life, which is so important and meaningful for the maturing individual but also extremely sensitive and vulnerable psychologically, the surrounding society is called on to emotionally "contain" the young person's experiences. It must respond with understanding and forbearance and be perceived as a firm and stable element capable of absorbing the young person's aggressiveness and hatreds. Included in these surroundings are the young person's close family and his/her educational framework. The latter, firm and stable and

showing understanding for and identification with the young person's difficulties, becomes increasingly important as the maturing youngster begins to take leave of the family and grows ever more independent. Clearly, then, an educational framework that collapses in reaction to the youngster's aggressive behavior causes great mental damage. In terms of internal perception, this is confirmation of the youngster's deepest fears: his aggressive inclinations have resulted in ruinous consequences. Instead of "containing" and bearing the severe emotions, and providing a beneficent alternative environment in place of the family, the dissolution of the educational framework reinforces opposite processes. Instead of allaying the deep fears that are characteristic of this age, the collapse of the framework is liable to endanger the maturing individual's continued normal development.

In this state of affairs, in which the military government uses school closures as a form of indiscriminate punishment, it is precisely those young people with internal fortitude who will seek alternatives to the educational framework. They will look for a "containing" organizational framework that fulfills emotional needs and allows identification and development. Such frameworks will take the form of militant, combative groups that will reinforce overt aggressive inclinations and exacerbate his/her internal personal struggle. The result: the family core is adversely affected, and personal and social anarchy is intensified within the Palestinian society.

Thus the educational frameworks must be preserved as far as possible and the closure of the schools must not be used as a frequent and seemingly easy weapon, or as a form of reprisal against Palestinian youngsters.

Order Pertaining to Security Instructions (Judea and Samaria)
(No. 378), 1970

Closure Order

In accordance with my authority under paragraph 91 (2)(a) with regard to orders pertaining to security instructions in Judea and Samaria (No. 378), 1970, and due to my consideration that this measure is necessary for the maintenance of a properly functioning administration, the public good, and the security of the defense forces, I hereby order the closure of all educational institutions, both government and private, and those belonging to UNWRA, including the universities, commencing March 20, 1989, until April 19, 1989 inclusive.

Those in charge of these institutions are ordered to close them, and to cease administering and maintaining them during the period specified above.

This order does not apply to kindergartens.

March 17, 1989

Gabi Ofir, Brigadier General
Military Commander,
Judea and Samaria

Denying the Other's Humanity

Psychological Processes among Israeli and Palestinian Youngsters Aluf Hareven, Van Leer Jerusalem Foundation

Most people view reality statically, that is, as a picture and not as a process. It is in this same manner that we are dealing with the Intifada: some of us prefer not to look at all, as though what you don't see, doesn't exist; and some of us see it as daily headlines about recurrent violence on both sides. Few ask themselves what this continuous process of violence is doing to the younger generation on both sides.

What kind of worldview does a Palestinian child form when he sees his parents, his family, his relatives, his teachers and his neighbors beaten and humiliated time after time by soldiers? This occurs not only in face-to-face confrontations in which the Palestinians throw stones and soldiers open fire, but in hundreds of accumulated chance and deliberate encounters: a clash in an alley, a search in one's home, army barriers on the road, in the offices of the military government. Here there is no honor between adversaries, but a denial of the other's human image, humiliation in words and deeds.

Undoubtedly there are myriads of instances in which soldiers have behaved with humane restraint. But what is the weight of these cases in the consciousness of the Palestinian youth, when pitted against the cumulative weight of thousands or tens of thousands of instances in which the hidden message is: you are not human beings, you do not deserve a jot of respect, and we, who are strong, will demean you as much as we like. When this experience is repeated day after day, week after week, month after month, year after year, is it not enough to create in the Palestinian youth's consciousness a worldview whose inner content will persist for his or her whole life? Is it not the case that someone who has time after time experienced the denial of his/her humanity and the disaffirmation of his/her honor by the neighboring nation will perceive every member of that nation in the same manner? That is to say: 'If you deny my humanity, your own humanity is nonexistent; you are not human beings, you are satanic creatures.'

What is being played out in the inner life of the younger generation of Palestinians may well resemble what was enacted in the inner life of Jews, who for generations were persecuted and humiliated by the majority in their countries of residence, until Zionism and Israel boosted their pride. Thus, to this day Jews popularly use the word "goy" to denote a crude, violent creature who is usually devoid of humanity.

But what is being played out inside the younger generation in Israel when they encounter their Palestinian contemporaries face-to-face? What happens to the inner life of an Israeli youngster when he has permission, or permits himself, to kick a Palestinian even if the latter has done nothing to provoke that reaction? Or when he allows himself to abase and humiliate a Palestinian with words and gestures? What happens to him when his colleagues in the unit, his family and his neighbors all support his actions? Or, the reverse: what will happen if he is the exception in the unit and the neighborhood, and expresses opposition to the beating of detainees? Or to the degradation of those stopped at roadblocks, or to the humiliation of the occupants of a house during a search? Will someone who permits himself to deny the human image of his neighbors on one side of the Green Line respect the humanity of his fellows on the other side of that line?

We are not exempt from asking these hard questions, for as long as the confrontation continues in the territories, between Israeli youngsters and Palestinian youngsters, its hidden meaning is that deep within them a different world is being forged from the one we have known: a world at the center of which is the denial of the other, in which might makes right; a world in which human dignity is negated, a world of mutual rage between the two sides, of ongoing reciprocal harm. In this world there are no winners, only losers, for both sides lose their self-respect, their humanity, and their ability to recognize each other's humanity.

If Israeli leaders and Palestinian leaders prove unable to lead the members of the young generation to the necessary reconciliation in the coming years, the end result will be that the younger generation will lead them to a future that knows no mercy and no boundaries.

IDF Response

Lt. Col. Arik Gordin, head of the IDF's Information Branch, conveyed to us the IDF's response to the report:

This report of the B'Tselem organization, dealing with the education system in Judea and Samaria and the Gaza District, is replete with factual and legal inaccuracies. This report presents a distorted viewpoint that places on the defense establishment the sole responsibility for the disruption of studies in the region during the period of the uprising.

The truth is that the PLO, Hamas and the leadership of the uprising are those who are making cynical and immoral use of the children and the educational institutions, and have turned the schools into a wide arena for acts of violence and for the central struggle; it is they who have used the pupils as an instrument for the purposes of the uprising.

Throughout the whole period of the uprising, children were sent into the front line to confront the IDF. As early as the spring of 1988, the "division of tasks" which the pupils were to fulfill during the uprising was put forward in an article published on behalf of the PLO.

Despite the fact that the elements of the "United Leadership [of the Uprising]" ostensibly recognize the importance of studies and the need to preserve a regular school routine, the major leaflets that they disseminate show a flagrant contradiction between the aspiration to maintain regular studies and their desire to integrate the pupils into violent activity. The leaflets also contain various statements that reflect the intertwining of the two ambitions. One leaflet, for example, praises the pupil who takes up "a stone in one hand and a book in the other," and there are other slogans, such as "our schools have been and remain a fortress for the uprising armed with eternal blessing..." Leaflet No. 53 of the "United Leadership," which announced the extension of commercial activity until 2 p.m., stressed specifically that this was intended to enable the pupils to clash with IDF forces between 1 p.m. (when classes end) and 2 p.m.

The report completely ignores the series of violent events that occurred in the schools at the responsibility of the uprising activists, and the harm this caused to teachers, pupils and schools.

As an example only, we will mention that in August 1989, in the village of Bida, a teacher was murdered with knives and axes on the schoolgrounds in front of the pupils.

In February 1990 masked persons attacked and knifed a high school principal in Aqarbuniya. In the same month the car of the principal of the boys' school in Qatana was torched, and masked persons entered one of the classrooms in the school in Zeita, removed the pupils and warned the teacher not to enter the school again. In April 1990 masked individuals kidnapped and beat a teacher at the entrance to the high school in the village of Dan; in the same month masked persons entered Haja Rashara high school in Nablus, took a female student out into the schoolyard, and beat and "interrogated" her.

Nor can we ignore the fact that the defense establishment took the step of closing all the schools in Judea and Samaria Region only after many other measures, including talks with teachers, parents and mukhtars, and the closing of individual schools for brief periods had failed. In addition, it bears stressing that even after the schools were reopened, many hours of study were lost due to orders issued by the uprising leadership regarding studies and strike days. The leaflets of the uprising obligated pupils to participate in declared strike-days or mourning days and not to attend school.

Even when leaflets of the leadership advocated the opening of the educational institutions, they imposed limitations on the study routine and compelled the pupils to combine their studies with the routine of the uprising. Thus, leaflets forced studies to conclude at 12 noon, and not until the end of March 1990 were studies extended until 1 p.m.

Furthermore, the schools have become an arena for struggles between supporters of the various branches of the terrorist organizations operating in the field. These disputes generally assume violent form, and in most cases end with pupils being wounded. Besides this, masked persons enter the schools and threaten teachers and pupils, and the pupils themselves threaten teachers and forcefully interrupt studies for various reasons, and in doing so they break the regular school routine and impair the ability of teachers and principals to impose order.

Particularly puzzling is the timing of the report, just as the 1990/91 school year is beginning, and precisely at a time when efforts of the IDF and the Civil Administration have borne fruit, leading to the opening of the elementary and high schools and the colleges in both regions.

It is regrettable, then, that the organization B'Tselem has once again succeeded in issuing a report whose content and timing completely miss the mark

CONCLUSION

On September 1, the school year was supposed to open in the territories as well as in Israel. However, the military government prevented this; the elementary schools opened on September 5, preparatory schools on the 12th and high schools on the 20th. Elementary schools were ordered to begin the school day at 7 a.m. Many of the pupils arriving for the first day of school encountered soldiers in observation posts set up in anticipation of the day. Four of the six universities in the territories have been closed for more than two-and-a-half years.

The fourth school year since the start of the Intifada has opened, and already all the Palestinian pupils have lost precious days. The Israeli authorities are still not upholding their international and moral obligation to enable Palestinian children and youths to enjoy regular studies. This, after three years for part of which the education system in the West Bank was closed more days than it was open, and in which Gaza Strip pupils also went through long weeks without studies.

It is difficult to measure the damage that is caused to children who are prevented from attending school for such lengthy periods. It is very doubtful whether these closures will generate respect for the authorities that brought them about. Closure orders are issued without stipulating a date for reopening, or are issued orally by junior officers; soldiers enter schools without making any effort to coordinate this with principals or to minimize the impact on studies. Such behavior only intensifies the anger of the population in general and of educators in particular.

The destruction of the education system becomes more apparent when viewed against the background of its ongoing neglect since the start of the occupation. For more than 20 years, the system has been maintained in a state of stagnation, deprived of essential processes of development and change. We do not ignore the fact that the education system has undergone tremendous growth in terms of its scope of activity, human resources, number of classrooms, and so forth. However, this growth has been a response to the considerable increase in the number of pupils. There have been no significant changes in organizational structures, development of pedagogical conceptions, work modes or teaching methods. Today, education systems everywhere are undergoing far-reaching changes, and in Israel, too, there is increased awareness of the need to develop the system and adapt it to the modern world. In light of this, the ever-widening gap between the school-age populations in the territories and in Israel could have ruinous consequences. The current curriculum in the territories consists of basic subjects only; there are no formal or informal enrichment programs that broaden horizons, scientific and technological studies are at a low level, there is no acknowledgement of differential teaching methods for different population groups, and nothing is done to tap the children's human and social potential to the full.

Studies in these abominable conditions constitute an abridgement of the pupils' basic rights. The right to education to positive values is nonexistent in a crowded and violent learning atmosphere, and the children's right to be prepared for life in a modern and constantly developing world is also infringed.

There is no proof of any sort that the closure of schools and the grim situation of education in the territories help produce a calmer climate. What has been demonstrated is that everyone involved is harmed, as is Israel's image.

The authorities must immediately allow the operation of the whole education system. They must deal with problems where they arise and not use sweeping measures that affect an entire population. Manifestly, children's education is as important to the Palestinians as it is to Israelis, and this approach was reflected in the talks held by B'Tselem's Education Unit in the territories. The normal functioning of the education system is therefore a salient interest of both sides and will be of benefit to both.

INTIFADA FATALITIES TOTALS

From the beginning of the Intifada through the end of August 1990, 677 Palestinian residents of the occupied territories have been killed by Israeli security forces. Of these:

- * Shooting deaths (including plastic and "rubber" bullets) 643
- * Non-shooting deaths (beatings, burns and other) 34
- * Children: 158
 - including
 - Aged 12 and younger 45
 - Aged 13 to 16 113

At least 83 additional people, including more than 30 infants, died a short time after exposure to tear gas. **From a medical standpoint it is difficult to pinpoint exposure to tear gas as a direct and sole cause of death.**

An additional 32 Palestinians have been killed, apparently by Israeli civilians, and 8 were killed by collaborators.

During this period, 10 IDF soldiers and 11 Israeli civilians, including 3 infants, were killed in the occupied territories by Palestinian residents. One additional Israeli citizen was murdered on suspicion that he was a collaborator.

According to the Associated Press, 254 Palestinians suspected of collaborating with the Israeli authorities have been killed in the occupied territories since the beginning of the Intifada.

According to the IDF spokesperson, during the same period, 23 Israeli civilians, 3 female tourists, and 5 soldiers were killed within the Green Line by Palestinian residents of the occupied territories. At least 13 Palestinians from the territories have been killed within the Green Line by Israeli civilians.

FATALITIES IN AUGUST - DATA ANALYSIS

In the month of August, 1990, according to B'Tselem's data, one Palestinian was killed by security forces' gunfire.

Two Jewish youths from Jerusalem were murdered near the village of Beit-Hanina, apparently by Palestinians from the territories.

A Palestinian resident of Silwan village died of wounds from a rock thrown by Jewish rioters in Jerusalem, following the murder of the two boys.

A Palestinian woman, resident of Hebron, was killed near Kiryat Arb'a, apparently by an Israeli civilian's gunfire. According to the Associated Press, 11 Palestinians suspected of collaborating with the authorities were killed in the month of August.

The decrease in fatalities caused by security forces in the territories continues. One of the likely explanations for this is the restrained policy for opening fire implemented by the IDF in recent months. In an article in the weekend supplement of Yediot Aharonot, Minister of Defense Moshe Arens is quoted as saying that "...when I assumed my position, I gave a directive not to open fire, and it was not easy."

This month, one resident of the West Bank village Ya'bad, Basel Hamarsheh, who had been wanted by authorities, was killed by IDF gunfire. According to testimonies, Hamarsheh was killed while on the roof of his home. He was killed by a rubber bullet fired at a range of 10 meters by soldiers who had sneaked onto the roof.

Immediately following the incident, the IDF spokesperson relayed a version according to which Hamarsheh was shot after an IDF patrol was attacked with stones. The IDF later changed its version, following the publication of testimonies that Hamarsheh was shot at short range, and that the soldier who shot him was arrested by the Military Police Criminal Investigations Division.