



Addameer Prisoner's Support and Human Rights Organization (Addameer)

Submission to the United Nations Special Rapporteur on Education

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ADDAMEER (Arabic for conscience) Prisoners Support and Human Rights Association is a Palestinian non-governmental, civil institution which focuses on human rights issues. Established in 1992 by a group of activists interested in human rights, the center's activities focus on offering support for Palestinian prisoners, advocating the rights of political prisoners, and working to end torture through monitoring, legal procedures and solidarity campaigns.

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THE RIGHT TO EDUCATION FOR PALESTINIAN PRISONERS

“Everyone has the right to education... Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit”

“All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality²”

RIGHT TO EDUCATION IN INTERNATIONAL LAW

Education is seen nowadays as a tool for social development and an engine for lasting peace. The restriction on one's freedom should not suspend the right to education; rather, as in the case of medical health care, its fulfillment should be a matter of state responsibility. A prisoner's opportunities are obviously restricted in the sense that he/she cannot exercise his/her right to freedom during the period of incarceration. However, the state needs to provide all necessary arrangements in terms of education and vocational training in order to ease a prisoner's professional and social reintegration into the society. The right to education in general as well as technical and professional education for all has been stated in article 26 of the Universal Declaration of Human Rights (1949). Various international declarations and instruments provide for the right to education of prisoners. Education however is not only understood literally, but it also encompasses the right to personal development, cultural activities and vocational training. It is according to UNESCO's definition the realization of one's full potential as a human being:

- “All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality”³
- “Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it”⁴
- “Provision shall be made for the further education of all prisoners capable of profiting thereby”⁵
- “So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficult”⁶
- “Education should be an essential element in the prison regime; disincentives to prisoners who participate in approved formal educational programs should be avoided”⁷
- “Education in prison should aim at developing the whole person, bearing in mind the prisoner's social, economic and cultural backgrounds”⁸

¹ Article 26, The Universal Declaration of Human Rights, 1949

² Article 6, Basic Principle for the Treatment of Prisoners

³ Article 6, Basic Principle for the Treatment of Prisoners

⁴ UN Standard Minimum Rules for the Treatment of Prisoners, 1955

⁵ Article 77 (1), Standard Minimum Rules for the Treatment of Prisoners, 1955

⁶ Article 77 (2), Standard Minimum Rules for the Treatment of Prisoners, 1955

⁷ Article 3(e), United Nations Economic and Social Council Resolution, 1990/20

⁸ Article 3 (a), United Nations Economic and Social Council Resolution, 1990/20

- “All prisoners should have access to education, including literacy programmes, basic education, vocational training, creative, religious and cultural activities, physical education and sports, social education, higher education and library facilities”⁹

Additionally, article 10 of the “United Nations Convention on the Elimination of All Forms of Discrimination against Women” stipulates that:

- “States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:
 - (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
 - (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality”

Finally, the right to education of juvenile offenders is protected by the UN Rules for the Protection of Juveniles Deprived of their Liberty (1990):

- “Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the detention facilities to the education of juveniles of foreign origin or with particular cultural or ethnic needs”¹⁰.
- “Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programmes”¹¹

BACKGROUND

Since the beginning of the Israeli occupation of Palestinian territories in 1967, over 700,000 Palestinians have been detained by Israel. This forms approximately **20% of the total Palestinian population** in the Occupied Palestinian Territory (OPT). Considering the fact that the majority of those detained are male, the number of Palestinians detained forms approximately 40% of the total male Palestinian population in the OPT. As of December 2008, there are approximately **9,493** Palestinian political prisoners being held in Israeli prisons and detention centers. **650** of these are administrative detainees, **held without charge or trial** for indefinite periods of

⁹ United Nations Economic and Social Council Resolution, 1990/20, 3 (b)

¹⁰ UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990, Rule E (38)

¹¹ UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990, Rule E (39)

time. **340** of the political prisoners are aged 18 and under. There are **64** Palestinian female political prisoners, 1 of whom is a mother who **gave birth in prison**.

PLACES OF DETENTION FOR PALESTINIAN PRISONERS

Since the occupation began, Israel has imprisoned Palestinians in a variety of facilities, some of which remain open, others are now closed. Prison conditions depend on the place of detention and the period. After September 2000 the situation on the ground deteriorated, the number of prisoners increased, and new procedures were implemented. However, despite differences in time and place of detention, and the age of prisoners, there are clear threads of continuity in Israel's treatment of Palestinian political prisoners.

There are approximately **30 detention centers** in which Palestinian political prisoners are held in Israeli custody, scattered throughout the 1948 areas of Israel and the Occupied Palestinian Territory. There are a total of 4 official interrogation centers, as well as **secret interrogation facilities**.¹², 5 detention/holding centers, 3 detention camps, and 18 prisons in which Palestinians from the OPT are held. All but one of the prisons where Israel detains Palestinian prisoners, are located inside Israel, in breach of Article 76 of the *Fourth Geneva Convention* (1949). Article 76 provides that an occupying power must detain residents of occupied territory in prisons inside the territory. The practical consequence of this is that many prisoners do not receive any family visits as their relatives are denied permits to enter Israel.

PLACES OF DETENTION FOR MINORS WITHIN THE NATIONAL PRISON SYSTEM

When their initial interrogation has been completed, the Israeli authorities imprison Palestinian children in five facilities. Megiddo Military Prison and Ketziot Military Camp accept male children 16 and older and are administered by the Israeli Prison Service (IPS). Since children in Megiddo are treated as adults, they fail to receive the special treatment outlined by international human rights law for children deprived of their liberty. Telmond compound and Ramle (Neve Tertze) Women's Prison are administered by the Israel Prison Service, under the Ministry of Interior Security. Male children 15 and under at the time of arrest are imprisoned in Hasharon and Ofek, two facilities in the Telmond compound, which dates back to the 1920's¹³. These facilities detain Palestinian

¹² Israel has admitted the existence of only one, the location of which is still secret.

¹³ Hasharon is a prison for both Palestinian children and Israeli adults. Ofek was opened in 2000 and designed to hold Israeli juvenile detainees. Because of overcrowding in Hasharon, Ofek currently also holds a number of Palestinian child political prisoners. There is no criterion to determine whether a Palestinian child political prisoner will be detained in Hasharon or Ofek .



children pending trial, as well as those who have been sentenced.¹⁴ In addition to the five official detention centers, the Israeli military commonly creates temporary detention centers out of Palestinian schools or government offices when they have carried out mass arrests.

RIGHT TO EDUCATION OF MINORS

The right to education is a fundamental right of all children, and thus in territories under foreign military occupation, the occupying power is obliged to protect and respect the right to education as noted in the United Nations Convention on the Rights of the Child (CRC). In line with the United Nations Convention on the Rights of the Child, a “child” is defined as anyone less than 18 years of age. While this age group overlaps with the initial stages of youth or adolescence, international law affords them special rights, recognizing their vulnerability and dependency on adults¹⁵. Israel uses such a definition in relation to its own citizens. However, as per military orders applied in the occupied Palestinian territory, any Palestinian aged 16 and above is considered an adult. Thus, all **Palestinian children between the ages of 16 to 18** are detained together with adult Palestinian detainees. As a result they are not entitled to preferential treatment, **nor do they receive any form of education** whether it be vocational training or the continuation of their schooling education.

In contrast, as per the Israeli Prison Service (IPS) regulations, **Israeli juvenile offenders** are able to complete formal education from grade 8 to 12. In the Ofek facility for Israeli juvenile offenders located in Telmond – Hasharon complex for example, there is a school with 19 classrooms in which no more than 10 students study at a time. The children there have the opportunity to follow a curriculum specially designed for them by the Israeli Ministry of Education, which includes 4 hours of class a day combined with educational workshops and work. Similarly, they have access to 33 teachers employed by the Israel Association of Community Centers on a permanent basis¹⁶. At the end of a 12 week trimester, prisoners take exams and their grades are then certified by the Israeli Ministry of Education.

In a 1997 court ruling, the Tel Aviv Central Court ruled that Palestinian child prisoners were entitled to the same education rights as Israeli child prisoners, which included an education programme based on the Palestinian

¹⁴ All the facilities are located outside the occupied territories, which violates international humanitarian law and makes family visits extremely difficult.

¹⁵ Israel signed and ratified the CRC in November 1991, and applies this definition to Israeli citizens.

¹⁶ Lis Jonathan, “Learning the hard way”, Haaretz, 17/02/2008

curriculum. While this ruling appeared to grant Palestinian children the right to education, the court decision also noted that nothing in the ruling should be seen as detrimental to matters of security. The effect of this escape clause is to continue to deny Palestinian children the right to education, claiming ‘security interests’. Since the Court decision in 1997, Israeli prison authorities have interpreted “subject to the security situation” to permit the limited teaching of Arabic, Hebrew, English and mathematics. Science related subjects are forbidden and geography, for example, is not taught to Palestinian children on the grounds of “security”. Additionally as of May 2003, Palestinian children receive educational instruction only in Telmond where most of the prisoners are students at the preparatory level (7th, 8th, and 9th grade). Thus, despite the court ruling, the Prison Authority has failed to implement the decision¹⁷.

In Megiddo, Ramle, and Ketziot prisons, Palestinian children are treated as adults and receive no formal education whatsoever. Adult Palestinian prisoners offer instructions to the minors, but the lack of adequate educational materials limits the effectiveness of these informal courses. In addition Palestinian children receive no vocational training in Megiddo and Ketziot. In Ramle, vocational training exists for Israeli juveniles, but there is none for the Palestinian girls. Most of the vocational training for juveniles in Telmond compound is located in Ofek, however, Palestinian children rarely get to participate¹⁸. However insufficient, Palestinian boys detained in the Hasharon prison do get at least access to approximately 6 to 9 hours of formalized schooling and are taught by a Palestinian teacher from the 1948 Territories. That same right was never applied to Palestinian girls, even though at least two 15-year old were arrested and released in the last few years. Indeed, released in August 2008 17 year-old D. affirms that no teacher has ever come to give her courses even though she was a 9th grade student and only 15 at the time of her arrest in January 2007.

There are currently **five Palestinian girls under the age of 18** held together with adult female prisoners. Two of them are incarcerated at Telmond, whereas the other three are held at Damon. Even though four of them were high school students at the time of their arrest, they were still not given the opportunity to follow any form of structured education in prison, as per the Palestinian curriculum. In addition, three of these girls are still pending trial, with one girl waiting since November 2007, and the other two since February and April 2008. Two cousins aged 16 and a half were placed in administrative detention in June 2008 with no indication in sight of how long they will be detained for. The fact that neither of them has been sentenced to date not only unnecessarily prolongs the disruption of their education process –some children detainees have lost a whole scholastic year by now – but

¹⁷For more information on the Right to Education for Palestinian Child Prisoners please consult 2008 submission of Defence for Children International, Palestine.

¹⁸Ibid 17

also affects them mentally and hinders their ability to focus on personal development and studying. Instead of focusing on their future after prison, they are deeply depressed and understandably think of the date of their release only¹⁹.

Case Study – Account of a Child Administrative Detainee

Salwa Salah was born on the 10th November 1991. On the night of June 5th, 2008 the Israeli Occupation Forces stormed the Salah house in Khader, near Bethlehem. Salwa was blindfolded and her hands were shackled before being pushed into the military jeep.

Salwa is in her final year at high school. She is due to take her ‘tawjihi’ (university entrance exam) next year; however, as schools have already begun in the Occupied Territories, she may have to repeat another year upon her release. As is the case with all administrative detainees, Salwa is forbidden from continuing her education while she is in prison.

Following her arrest, Salwa was taken briefly to Telmond Prison and then to Ofer Prison where she was interrogated for one hour. During the interrogation, she was asked if she had relations with any political group. Salwa did not confess to anything. After one hour she was taken to Telmond prison where she spent a couple of days. She was then taken to Damon prison.

On June 12th, 2008 Salwa was issued with her first military administrative detention order. The order had been set for four months and was again confirmed on June 18th. An appeal hearing also confirmed the order on July 16th. Salwa was due to be released on October 4th 2008, however, on October 5th 2008 she was issued with a second administrative detention order. On October 6th 2008 a judicial review of the administrative detention order took place. The military judge (Eyal Noon) upheld the order for a further three months from October 4th, 2008 until January 3rd, 2009. The military judge claimed that Salwa was still ‘dangerous’ despite the fact that the military prosecutor has provided no information or evidence since she was arrested.

On November 2nd, 2008 the Military Judge at Ofer Military Court rejected the appeal by Addameer Attorney Mahmoud Hassan to reduce the administrative detention order of Salwa Salah. This means that she will remain in prison until her current administrative detention order ends on January 3, 2009. It is not certain that she will even be released on this date. Administrative detention orders can be renewed indefinitely under Israeli Military Law. Salwa is now in Damon prison in Israel and is being held with the other Palestinian adult female detainees. She has now spent more than 6 months in an Israeli prison, being held without charge or trial. Meanwhile her hopes of education and completing her tawjihi exam hang in the balance.

STUDYING ENVIRONMENT AND BOOKS

¹⁹ Addameer interviews with families of juvenile detainees, Jerusalem, August 2008

“Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both Recreational and instructional books, and prisoners shall be encouraged to make full use of it”²⁰.

The Palestinian female prisoners’ section at Hasharon currently includes a small library of approximately 200 books²¹ given to female prisoners by their families and / or brought by the International Committee of the Red Cross (ICRC). None of the books are provided at the expense of the IPS. The library is open for use only three times a week – on Sundays, Wednesdays and Thursdays – for a period of 3 hours, from 13:00 until 16:00. The small room of approximately 10 square meters includes tables and chairs and is used by older prisoners during open hours to teach younger ones – under the age of 18 – Mathematics and Arabic grammar. When asked about the quality of books in the library women tend to have different opinions. Better educated women usually find its services very poor. In the words of one prisoner: “Yes, there is a library, but most of the books are about religion. There are not enough books of general interest and culture. Overall, the library at Hasharon is not at a high standard”. Others confirm that it is “very small”, that “books are very old and rarely change” or that it is “very, very simple”. Damon, on the other hand, has neither a library nor a study room. Three months after the IPS’ decision to transfer half of Palestinian female prisoners to Damon and incarcerate new ones there, a library was still not provided²².

Since 2006 textbooks necessary to prepare the general secondary examination, commonly known as the Tawjihi, are provided and delivered to the prison’s administration by the Palestinian Ministry of Education in coordination with the Israeli District Coordination Office, usually more than one month before the first day of exams. After thorough and lengthy searches, which might take 2 or 3 weeks in some cases, 1 to 3 sets of textbooks are distributed according to sections as opposed to the number of prisoners intending to take the Tawjihi exam²³. As the number of female prisoners per cell varies from 8 to 14, the number of textbooks is often insufficient. Due to delays in the distribution of books combined with the lack of a sufficient number of textbooks, women and girls do not have the opportunity to study the subjects in depth.

Books, novels and magazines related to general culture, politics and religion are permitted. However, all books are thoroughly checked by security officers before reaching the prisoner. In some instances this process can take up to

²⁰ UN Standard Minimum Rules for Prisoners, 1955

²¹ Mandela Institute questionnaire with female prisoner, September 2008

²² Questionnaires with female prisoners, Mandela Institute, September 2008

²³ Addameer phone interview with the Palestinian Ministry of Education and Higher Education, Ramallah, 31 August 2008

several weeks or even months. Some books, considered to include “dissident” or nationalistic content are also prohibited.

No technical magazines or science books dealing with subjects such as chemistry and physics are allowed, which is becoming problematic for those prisoners preparing the Tawjihi exam in the scientific stream. Encyclopedias, dictionaries and thick books in general are not permitted without the administration providing a reason. Such a decision is making the studying process increasingly more difficult, especially for those attempting to learn Hebrew and take courses at the Open University of Israel.

TAWJIHI EXAM and SECONDARY EDUCATION

The Tawjihi exam is currently the **only form of Palestinian certificate** that is available to Palestinian prisoners in Israeli jails. Most Palestinians perceive the Tawjihi as the most important exam of their lives, due to the importance it is given in society as a whole and media in particular.

As vocational training and computers are forbidden and distance learning is only available at the Open University of Israel, studying for the Tawjihi exam remains the only option for those aspiring to learn and seek intellectual stimulation. However, the Tawjihi exam has been forbidden several times in the past and in some instances cancelled at the last moment as a means of collective punishment. In 2007, Israel prevented some 3,000 detainees from sitting the Tawjihi Exam for no other justification than as a collective punishment against prisoners.

It should be noted that detainees that have been charged with any violation of prison regulations, or that have served time in solitary confinement are banned from pursuing any educational activities. Detainees Ayman Mabrouk and Ammar Qawasmi, held in Eishel Isolation, told Addameer's lawyer that the prison administration is not allowing them to pursue their study because they are punished in solitary confinement²⁴. In addition detainee Ibrahim Nakhleh, a resident of Al-Jalzoun Refugee Camp, held in Ofer Detention Center was prevented from sitting for the Tawjihi Exam as punishment. The justification for this according to the IPS was because his brother, Ahmad Nakhleh, (who is in the same prison) ‘caused a problem with another prisoner’²⁵.

Although the Tawjihi was permitted in July 2008 and 13 female prisoners from Damon prison took the exam, they asserted not knowing whether it would actually happen until the first day of the exams. In addition, the time of the exams was not set since it depended on the time the examination supervisor, a Palestinian holding a West Bank

²⁴ Testimony taken by Addameer Attorney Fadi Obeidat in Eshel (Bir Saba) Prison on 13/03/07

²⁵ Testimony taken by Addameer Attorney Fadi Obeidat in Ofer Prison (2007)

identity card, would actually arrive to the prison, as he was responsible for bringing examination questions and forms. The length of his journey however, is unpredictable and varies according to how long he is held up at checkpoints inside the West Bank, then searched when crossing the Green Line and searched again upon his arrival to the prison. The anticipation of the questions and exams adds further stress and pressure on the prisoners²⁶.

In order to be eligible to take the Tawjihi exam in prison, prisoners have to register with the Palestinian Ministry of Education and Higher Education, which is typically done through their families. The 2008 Tawjihi exams took place at Damon inside the courtyard used for recreation, a place inadequate for studying as it is not shaded and hence too hot in the middle of the summer²⁷. Although delivered to prison one month before the date of the exams, textbooks reached prisoners only 10 days prior to the first day of the Tawjihi.

As **no institutionalized learning framework exists for prisoners**, they are forced to rely on their own understanding and interpretation of study materials. Even at times of exams teachers are prohibited from entering prisons with the purpose of formally instructing the prisoners. Similarly, prisoners are prohibited from communicating with Palestinian teachers and schools through other means such as phones, letters or visits.

1948 Palestinians – Case Study

The procedure for Palestinian prisoners from the 1948 Territories differs as they follow the Israeli Curriculum²⁸. Therefore, if they wish to obtain a certificate of completion of high school, they have to take the Israeli matriculation exam, known as the Bagrut, and register both inside the prison and at the Ministry of Education through their families. Such an opportunity for instance is given to Israeli juveniles convicted for criminal offenses. According to press reports as many as 127 Israeli juvenile prisoners have studied for the Bagrut inside prison²⁹. However, this right has been denied in 2008 to “security prisoners”, i.e. Palestinians from the 1948 Territories.

Wurud Qasim was 20 at the time of her arrest in 2006. In order to graduate from secondary school and obtain her Bagrut, she still had one course to complete in environmental studies. She applied in May 2008 to the Telmond administration to be able to take her exam, whereas her parents applied to

²⁶ Addameer interview with high school principle and examination supervisor, Nablus and Ramallah, August 2008

²⁷ Addameer lawyer's interview with female prisoners, Damon prison, July 2008

²⁸ Currently, 4 female prisoners hold Israeli citizenship.

²⁹ Lis Jonathan, “Learning the Hard Way”, Haaretz, 17/02/2008

the Israeli Ministry of Education. However, she was denied the right to do so without getting a justification on the reasons behind the decision. While ethnically Palestinian, she holds Israeli citizenship.

UNIVERSITY EDUCATION

“Provision shall be made for the further education of all prisoners capable of profiting thereby”³⁰

“So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficult”³¹

“Education should be an essential element in the prison regime; disincentives to prisoners who participate in approved formal educational programs should be avoided”³²

As per IPS regulations pertaining to the education of so-called “security prisoners”, higher education is *not considered a right*, but rather a *privilege* based on a number of criteria³³: good disciplinary record of the prisoner evaluated as per the report of the section’s commander; the specialization chosen by the prisoner must fall under the category of allowed subjects; a prisoner’s ability to prove that he or she has the necessary available funds to pay tuition fees. Additionally, the IPS reserves itself the right to cancel and revoke a prisoner’s right to higher education based on security reasons. For example, Loay Oday a Palestinian prisoner from Jerusalem was educated in the Open University of Israel in Political Science. When he was transferred from Jalboa to Shatta prison, the Israeli prison service refused to let Loay continue his studies. They gave no reason for this action and they ordered that Loay would not be allowed to continue his studies at all in the near future. Loay had finished ten out eighteen of his courses and he had already paid 1,700 Israeli New Shekels for each course. The Palestinian Ministry of Prisoners appealed to the Israeli Prison Service because of this decision, however, the response they received was that the IPS had ‘secret information’ against Loay that justified him not continuing his studies³⁴.

The only type of higher education available to Palestinian prisoners is in Hebrew, at the Open University of Israel. This represents an additional obstacle, as many lack Hebrew language skills. As the IPS refuses to coordinate with Palestinian universities, no higher education is permitted in Arabic, although as prisoners point

³⁰ Article 77 (1), Standard Minimum Rules for the Treatment of Prisoners, 1955

³¹ Article 77 (2), Standard Minimum Rules for the Treatment of Prisoners, 1955

³² United Nations Economic and Social Council Resolution, 1990/20

³³ IPS regulations pertaining to higher education of security prisoners, 2006, article 3 (a)

³⁴ Testimony taken by Addameer Attorney Samer Samaan in Shatta Prison on 8/04/08

out, it could be possible at a distance learning institution such as the Al-Quds Open University. Since textbooks at the Open University of Israel are not translated into Arabic – they are available mostly in Hebrew and occasionally in English and as papers and exams have to be submitted in Hebrew; language becomes a huge barrier for many prisoners wishing to enroll. As they learn Hebrew in prison from one another, as opposed to professional classes, they are unlikely to reach a level of proficiency required in an academic environment. The only type of higher education available to female prisoners is by correspondence, in Hebrew, at the Open University of Israel. The education process has to take place within the prison walls and be compliant with security regulations. The list of permitted programs includes merely humanities, sociology, economics, administration, psychology, political science and international relations. Forbidden specializations are the following: natural science, medicine, computer science, physics, chemistry or any program which requires the use of other than text books study material³⁵. Additionally, the prison administration doesn't provide the necessary measures and facilities to allow prisoners to continue their education and to practice mental activities. It denies the entry of computers and other tools, such as typewriters and textbooks, unless through the Red Cross.

Prisoners have to bear the full expense of university fees. Similarly, textbooks are only provided to them at their own cost. These two factors increase the economic burden on the families and in many cases determine a prisoner's financial ability to continue their studies. Tuition fees at the Open University of Israel are fixed according to prices and standard of living in Israel and as such are almost unaffordable to the majority of Palestinian prisoners. In average, the cost of an academic year at the Al-Quds Open University is only 550 USD (392 Jordanian Dinars). As a comparison, tuition fees at the Open University of Israel are more than **5 times as much**, i.e. 2,880 USD (10,260 NIS). As per IPS regulations, **only sentenced prisoners are allowed to enroll in the Open University of Israel.** Prisoners awaiting trial and placed in administrative detention – currently 650 detainees – are prevented from doing so. Additionally, prisoners assert that higher education is permitted only to those that have been charged with a long sentence, i.e. more than 5 years³⁶. Furthermore, even when sentenced for a long period of time, they have to apply at least 5 years before their scheduled release. Although no written regulations exist to support this claim, prisoners are convinced of their inability to enroll in university. It is thus safe to say, that although not explicitly banned from higher education, the IPS creates serious disincentives for prisoners to study and invest in their personal development, despite not carrying the financial burden of their university education.

³⁵ IPS regulations pertaining to higher education of security prisoners, 2006

³⁶ Addameer interview with released prisoners, Jenin, July 2008

Although the use of a computer is not a pre-requisite for studying at the Open University of Israel, students are highly encouraged to make use of the content of the courses online. University websites give them the opportunity to communicate with course coordinators, access presentations and the faculty's databases as well as engage in discussions with fellow students³⁷. The **unavailability of computers** for Palestinian "security prisoners" poses a serious drawback in terms of both academic research and in communication with lecturers. As telephones are forbidden as well, the only means of communications that detainees have at their disposal is through the post and by transmitting messages through lawyers and families.

As a result of all mentioned factors, there are currently no female prisoners studying at the Open University of Israel. Since the beginning of the Al Aqsa Intifada in 2000 and after waves of arrests of Palestinian women – greater than 700 in 8 years – only 3 women have studied at a university at some point in time. Two women from the 1948 Territories had registered this summer at university after receiving the permission to do so by the Telmond prison's administration. They are currently waiting for the start of the academic year in October 2008. One of them is expected to begin a B.A. program in sociology, while the other will be working towards an MA degree in Democracy Studies³⁸. Hard science related programs such as physics and chemistry are forbidden; only social sciences and humanities are allowed.

INFORMAL EDUCATION

Given the lack of formal education for "security prisoners", Palestinian prisoners have taken things into their own hands. **Prisoners transfer knowledge to one another** and teach each other subjects and skills that they are strongest in. Similarly, they try to organize their lives and courses as close to life outside of prison as possible. Prisoners from 1948 Territories or those who have been in prison for a long time for example, offer Hebrew courses three times a week at both the beginner's and advanced levels. Other courses include English, Sharia law, Quran recitation, Arabic calligraphy and handicrafts. Palestinian prisoners also organize socio-political discussion groups around previously agreed upon topics and / or current affairs. They choose specific newspaper articles, which they all have to read for the purpose of an internal debate.

Older and more educated prisoners take upon themselves the responsibility of **teaching juvenile offenders**. They offer Arabic grammar and mathematics courses three times a week. Given that Palestinian female and male prisoners – are divided into cells according to their political affiliation, the informal education system they have set

³⁷ The Open University of Israel website, www-e.openu.ac.il, last accessed on 26 August 2008

³⁸ Addameer's lawyer's interviews with female prisoners, Telmond prison, 24 August 2008

up might be affected by their political, social and religious views depending on which political faction they choose to belong to (Hamas, Islamic Jihad, Popular Front for the Liberation of Palestine, Fatah).

Lastly, the quality of education provided by the elder prisoners in these classes might not be of the highest standard as none of them are professional teachers. The quality and timeliness of courses depend on the physical and mental state of prisoners, which is affected by poor detention conditions and obstructed access to health care. Whenever one of them falls ill, the chance of getting a substitute is very unlikely. To give an example, currently Hebrew classes at Telmond have been interrupted because of the bad health condition of Wurud Qasim.

Arguably some form of education, however informal or unstructured it might be, is more beneficial to the mental health of a detainee than no education at all. At the same time, such an arrangement does not absolve Israel from its obligations under international law, whereby education should be made available for all juvenile detainees. Furthermore, if one adopts UNESCO's definition of education as the realization of one's full potential as a human being, there is doubt that informal education set up by prisoners themselves actually fulfills that goal.

Case Study

At the time of her arrest in 2002, Du'a was a 4th year sociology student at the An-Najah university. In prison, she did not have the opportunity to complete her BA degree even though she had only a few courses left in order to graduate. Therefore she decided to enroll at the Open University of

Israel in a BA program in Economics. However, without giving her a reason, Telmond's administration prevented her from doing so. She was told to register in a sociology course instead.

At the same time, her family entered in an agreement with the Palestinian Ministry of Detainees Affairs, whereby it would reimburse them Du'a's tuition fees. When the ministry failed to do so in the second semester, Du'a's family could not support her financially. Additionally, she received her books with a considerable delay, which prevented her from submitting her course work on time. As communication over the phone and by email is not permitted for "security" prisoners, she could not get an extension, nor could she effectively explain her case. The combination between the lack of funds and the difficulty in communicating with the university eventually caused Du'a to drop out of the course in her second semester of studies.

INFORMATION AND MEDIA

Every prison where the vast majority of Palestinians are detained is equipped with a **TV set**. They were purchased by prisoners themselves or donated by Palestinian organizations supporting them and not provided by the IPS.

The IPS however, reserves itself the right to determine which channels are permitted. As a result, all Israeli channels in both Hebrew and Russian are available. However, since most prisoners do not speak either Hebrew or Russian, they mostly watch the only available channels in Arabic: two pan-Arab informational channels - Al-Jazeera and Al-Arabiya, as well as four entertainment channels such as Future TV, the Lebanese Broadcasting Corporation (LBC), MBC and MBC 2. Additionally, female prisoners at Damon watch daily news in Arabic on Israeli Channel 1. There are no TV sets in Israeli interrogation centres.

The location of the prisons outside the 1967 occupied Palestinian territory, not only limits prisoners in terms of communicating with their own families, but also impacts on their connection with their usual environment. Indeed, the only **radio stations** that prisoners can catch at Telmond and Damon – located in central and northern Israel – are the ones broadcasted from the northern parts of the West Bank. They mostly listen to Al-Ajyal and Nagham radio stations based out of Jenin. Every Saturday, the latter broadcasts a show specially dedicated to issues pertaining to female prisoners in which families and friends can send them oral messages. As for public radio, the major radio station “Sawt Falastin” is only available at certain times, since the signal is very weak.

In terms of newspapers however, only Israeli dailies, namely Maariv and Yediot Aharonot are delivered to prisons on a regular basis and only by subscription, at the expense of the Palestinian Ministry of Detainees and Ex-Detainees Affairs. Al-Quds, the major Palestinian daily based in East Jerusalem is the only Arabic newspaper, which the IPS allows to be distributed. However, it is delivered only once a week by the ICRC, on Sundays and usually with a week’s delay. The other major Palestinian newspaper “Al-Ayyam” on the other hand, is forbidden. As media is the only form of entertainment and one of the only forms of education available to the prisoners, banning it is one of the most effective collective punishments that the administration can use. Confiscating all electronic devices is therefore a common practice.

In Telmond prison, **Physical education** is very limited and usually takes place during recreation time – only three hours a day– in the section’s courtyard, which is only around 63 square meters. The space in question is inappropriate for the practice of sports and is often used for other purposes such as washing and drying clothes. Moreover, the IPS does not take the responsibility for providing sports equipment, which is provided by the ICRC. At Telmond for example, only one basketball, a ping-pong table with racquets and 2 jumping-ropes are available. Needless to say, neither the equipment provided nor the available space is sufficient for the 35 women currently detained there.

CONCLUSION

Education for Palestinian prisoners should be considered a priority for a variety of reasons. As a strategy for future peace and reconciliation, it is futile that the Israeli authorities should continue to deny the right to education for the prisoners in question. This denial not only gravely infringes the prisoners' rights to personal freedom, self-autonomy and dignity, it also has a severe impact upon their lives, as it prevents them from enrolling in institutions of higher education in order to study, and hinders their future employment opportunities and chances for successful reintegration into society.

In light of the statements above, Addameer recommends that:

- All prisoners should be given immediate access to education and skills training in order to provide them with a chance to a better reintegration into society after their release.
- The Israeli government should introduce legislation that will correspond with international declarations to which it is a signatory.
- In addition it should develop and implement a comprehensive prison education programme designed to maximise social integration following the release of each prisoner.