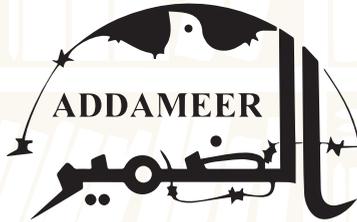


## **Opened - Books on Cuffed - Hands**

### **The Cultural and Educational Life of Palestinian Political Prisoners in Israeli Prisons and Detention Centers**





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# **The Cultural and Educational Life of Palestinian Political Prisoners in Israeli Prisons and Detention Centers**

**Addameer Prisoner Support and Human Rights Association**

**Ramallah – Occupied Palestine**

**2020**

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## Introduction

Throughout the years, the Israeli occupation has continued to systematically deny Palestinian prisoners of their most basic human rights while incarcerated, including the right to own pens and papers. With the continuous Israeli crackdown on Palestinian prisoners, the prisoners' movement<sup>1</sup> has resorted to a multitude of resistance measures, most notably hunger strikes, to regain their rights.

Even though international law extends protection to the right to education in general, and prisoners in particular, the Israeli occupation continues to violate international conventions guaranteeing the prisoners' rights to education. Israel perceives the prisoners' right to education as a privilege that can be withdrawn at any moment under various pretexts. This was manifested in the then-Israeli Prime Minister Benjamin Netanyahu's speech on June 23, 2011, when he announced the Israeli government's intention to further tighten the detention conditions of Palestinian prisoners, depicting them as "terrorists." Netanyahu made the proclamation that "the party is over" for Palestinian prisoners, indicating his intention to withdraw many of their rights that had been deemed a privilege and added luxury. One "privilege" was the prisoners' right to education, with Netanyahu announcing that no Palestinian prisoner would be allowed to obtain their BA or MA degrees in prison.<sup>2</sup> It's worth noting that Netanyahu's speech and the various escalations targeting the Palestinian prisoners that led to the official halt of the educational process in Israeli prisons<sup>3</sup> came in the wake of the capture of the Israeli soldier Gilad Shalit<sup>4</sup> by Hamas.

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1 The term "Palestinian prisoners' movement" was coined to refer to the Palestinian prisoners incarcerated under security pretext in Israeli prisons. Israel refers to them as "security prisoners", charging them with breach of Israel's security. (Fahd Abu Al-Hajj. *The Democratic Experience of Palestinian Prisoners in Israeli Prisons 1967-2007*. Palestine: Abu Jihad center for prisoners' movement's affairs – Al-Quds University. 2014. 13)

2 See: Yedioth Ahronoth newspaper website, published on June 23<sup>rd</sup>, 2011. Accessed on November 10<sup>th</sup>, 2019. Available on <https://www.ynet.co.il/articles/0,7340,L-4086462,00.html>

3 Since the early 1990s and up to the end of 2010, numerous prisoners were able to finish their education, whether through sitting in for the secondary education certificate exam or enrolling in the Open University of Israel. However, following the Israeli government's decision, the prisoners' educational program was cancelled, which will be explored thoroughly later in the study.

4 On June 25<sup>th</sup>, 2006, Hamas' Izz ad-Din al-Qassam Brigades and the Popular Resistance Committee's al-Nasser Salah al-Deen Brigades executed Operation Dissipating Illusion targeting the Israeli Givati Brigade. The operation resulted in the death of two Israeli soldiers, wounding five others, as well as the capture of the Israeli corporal Gilad Shalit. For more information, see Al-Jazeera website. Accessed on November 15<sup>th</sup>, 2019 on the following link:

Despite the continuous crackdown against the Palestinian prisoners' movement, the prisoners have managed to bring alternative educational means into the prisons through agreements with the Palestinian Ministry of Education and various universities, enabling them to pursue their education under the supervision and guidance of an educational committee of the prisoners. Moreover, they managed to bring in a large collection of books into numerous prison sections, primarily through family visits.

This study aims at exploring the cultural and educational life of the Palestinian prisoners, touching on the international legal texts that guarantee the prisoners' right to education and cultural activities. Moreover, the study explores the Israeli Prison Service (IPS) regulations that only allow for the minimum education of the prisoners, and the politicization of the educational process in prisons, in violation of Israel's obligations as the occupying power in accordance with the Geneva Fourth Convention.<sup>5</sup>

It can be said that prison regulations constitute in general a reflection of the political reality, hanging over the prisoners' heads in service of Israel's agenda and best interests at the occupation's convenience. The study aims to compare the educational and cultural life before and after the Oslo Accords, exploring the various methods to which Palestinian prisoners have resorted to in order to pursue their education. Such methods included sitting in the secondary education certificate exam, previously known as "*tawjihi*", enrolling in the Open University of Israel and Palestinian universities, establishing libraries and bringing newspapers inside the prisons, as well as holding cultural discussions.

In addition, the study addresses the cultural and educational life of Palestinian women and child prisoners, highlighting the similarities and differences between their experience and that of the male prisoners. Thus, the study explores IPS penalties that aim explicitly and implicitly at hindering the educational process of the prisoners. Moreover, the study notes the role of the Erdan Committee, which was formed by the Israeli Public Security Minister Gilad Erdan in 2018 to impose further restrictions on the Palestinian prisoners in all avenues of life; as well as the role of the International Red Cross Committee in the cultural and educational life of the prisoners.

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<https://www.aljazeera.net/encyclopedia/icons/2016/1/5/%D8%AC%D9%84%D8%B9%D8%A7%D8%AF-%D8%B4%D8%A7%D9%84%D9%8A%D8%B7>.

<sup>5</sup> The 1949 Geneva Convention IV, article 50(1) and (3).





## Aims and Objectives

This study aims to deeply and accurately chronicle the educational process and cultural life of thousands of Palestinian prisoners through exploring the historical aspect and course of the educational process in prisons, starting with the hunger strikes and active measures the prisoners carried out against IPS, to gain the right to own pens and papers in prison, to pursuing education in the Open University of Israel, sitting in the secondary education certificate exam, and enrolling in Palestinian and Arab universities. Additionally, the study aims to shed light on the cultural life inside the prisons, including cultural discussions, self-readings, and educational programs offered by various political movements, as well as highlight the impact of the Oslo Accords. Simultaneously, the study explores the legal framework of the subject matter, presenting the legal analysis of articles in international conventions, the International Humanitarian Law, the International Human Rights Law, and IPS laws and regulations, as well as the Israeli Supreme Court's rulings on the matter.



## Significance of the study

This study attempts to create specialized analytical literature on the cultural and educational life inside Israeli prisons, exploring the prisoners' experience before and after the Oslo Accords. Furthermore, the study aims to compare the reality of IPS regulations to international conventions. Despite the diverse literature on the history of the prisoners' movement, the literature on the cultural and educational life inside prisons remains lacking, which lends exceptional significance to the study.

Moreover, this study is a joint research between Addameer and the Palestinian prisoners themselves, since their input and personal experiences in relation to the cultural and educational life in prison constitute the cornerstone of this study. The prisoners' experiences show Israel's use of the right to education as a bargaining chip held over the prisoners' heads, as well as the collective punishments enforced on them. Thus, future literature can be based on this study, as well as local and international efforts to improve on the cultural and educational life of the prisoners.



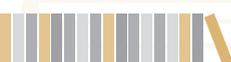


## Methodology

The study follows the qualitative descriptive analysis methodology, exploring the existing literature on the subject, providing legal analysis of the standard rules for the treatment of prisoners and the international conventions framing the detainees' rights, as well as reviewing IPS regulations and Israeli Supreme Court rulings on the Palestinian prisoners' right to education in light of the prisoners' conditions during incarceration.

For the purpose of conducting the study, Addameer's team of lawyers, field researchers, and legal researchers gathered information on the prisoners who pursued formal and informal education<sup>6</sup> during incarceration. In addition, Addameer's team gathered information on prisoners with high sentences who went on hunger strikes that led to some of the most important achievements of the prisoners' movement in education. Moreover, the team conducted prison visits to interview the prisoners, and interviewed released prisoners and representatives of child prisoners to shed light on the status of child prisoners' education. Addameer conducted field visits to a group of other civil society organizations, and interviewed lawyers and officials in the Ministry of Education, Al-Quds University, and the Palestinian Committee of Detainees and Ex-Detainees Affairs to review the procedural and logistical aspects of the educational process of the prisoners.

Thus, it should be noted that much of the information and conclusion to be presented in this study has been obtained from interviews with the prisoners. All the interviews, dates, and names of the interviewees can be found in Appendix (8).



## Research limitations

The study encountered various limitations, mainly the following:

- » Lack of literature and publications on the issue of prisoners' education in particular, and the difficulty of accessing prison literature on the cultural and educational life written during incarceration.

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<sup>6</sup> For the purpose of this study, the term "formal education" was coined to reference prisoners who enrolled/graduated from the Open University of Israel and the prisoners who sat in the secondary education certificate exam through IPS. The term "informal education" was coined to reference education that is not conducted through IPS, noting the shift in the education process in prison following Netanyahu's 2011 decision to halt university and secondary education.

- » Professional considerations and Addameer’s keenness, first and foremost, on the accomplishments of the prisoners’ movement which might prompt discretion and secrecy pertaining to certain information in fear of IPS arbitrary retaliation against the prisoners’ education.
- » Practical difficulties in gathering information from inside the prisons where limitations on visitation, time constraints, and IPS proclaiming alleged security emergencies during many visits prolonged the process of gathering information and led to difficulties in conducting lawyer visits. The nature of surveys and necessary information is intricately delicate; in many cases, the lawyer had to visit the same prisoner more than once to collect the necessary information.
- » Studies on the Palestinian prisoners’ movement suffer from the absence of a research and a study institution that documents the history and reality of the prisoners’ movement. Moreover, the movement suffers from difficulties in accessing the official data base that holds the complete record of the numbers of prisoners who sat in the secondary education certificate exam, prisoners who hold BA, MA, and PhD degrees, as well as the number of child prisoners who dropped out of school and were unable to pursue their education due to incarceration.



## **Chapter One:**

# **Legal Framework and Analysis of the Prisoners' Right to Education in relation to International Law**



## Chapter One:

### Legal Framework and Analysis of the Prisoners' Right to Education in relation to International Law

The right to education is a protected pertinent right that has been allocated particular articles in international conventions. International conventions like the Geneva Fourth Convention relative to the Protection of Civilian Persons in Time of War ensure prisoners' right to education. Article 94 of the convention states that “the Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst internees, whilst leaving them free to take part in them or not. It shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises. All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.” The articles further states that “Internees shall be given opportunities for physical exercise, sports and outdoor games. For this purpose, sufficient open spaces shall be set aside in all places of internment. Special playgrounds shall be reserved for children and young people.”<sup>7</sup>

Article 77(1) of the Standard Minimum Rules for the Treatment of Prisoners<sup>8</sup> states that “provision[s] shall be made for the further education of all prisoners”

<sup>7</sup> Article 94 of the Geneva Fourth Convention relative to the Protection of Civilian Persons in Time of War, the International Committee of the Red Cross, published on the committee's website. Accessed on August 31st, 2019, available on the following link:

<https://www.icrc.org/ar/doc/resources/documents/misc/5nsla8.htm>

<sup>8</sup> Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the Economic and Social Council by its resolutions 663 C (XXIV) and 2076 (LXII),



capable of profiting thereby,” adding that “the education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.” Article 77(2) states that 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 difficulty.” Thus, the prisoners’ right to education has been explicitly ensured in international conventions and agreements, noting that the detaining power is obligated to facilitate the prisoners’ educational process.

Additionally, the right to education has been addressed extensively in international charters, including the Universal Declaration of Human Rights,<sup>9</sup> that ensures everyone’s right to education, stating that education “shall be free, at least in the elementary and fundamental stages” while elementary education shall be “compulsory “and higher education shall be “equally accessible to all on the basis of merit.”<sup>10</sup> The International Covenant on Civil and Political Rights <sup>11</sup>states that that everyone shall have the right to “freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”<sup>12</sup>

Moreover, Article 13 of the International Covenant on Economic, Social and Cultural Rights<sup>13</sup> notes that the state parties recognize the right of everyone to education, which entails that primary education “shall be compulsory and available free to all,” that secondary education “in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means,” and that higher education “shall

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published in A Compilation of International Instruments, Volume I (First Part), the United Nations, New York 1993. A.94.XIV-Vol.1, Part 1, p. 337.

9 Proclaimed by the United Nations General Assembly resolution 217 A D III in Paris on 10 December 1948, published in A Compilation of International Instruments, Volume I (First Part), the United Nations, New York 1993. A.94.XIV-Vol.1, Part 1, p. 1.

10 See Article 26 of the Universal Declaration of Human Rights.

11 Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, published in A Compilation of International Instruments, Volume I (First Part), the United Nations, New York 1993. A.94.XIV-Vol.1, Part 1, p. 28.

12 See Article 18 of the International Covenant on Civil and Political Rights

13 Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, published in A Compilation of International Instruments, Volume I (First Part), the United Nations, New York 1993. A.94.XIV-Vol.1, Part 1, p. 11.





be made equally accessible to all.” Article 14 of the Covenant states that State parties unable to secure free compulsory primary education “in its metropolitan territory or other territories under its jurisdiction” shall undertake “within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.”

The Convention against Discrimination in Education,<sup>14</sup> ratified by Israeli on September 22, 1961, recalls that the Universal Declaration of Human Rights “asserts the principle of non-discrimination and proclaims that every person has the right to education.” Article 1 of the Convention defines discrimination to include “any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion,

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<sup>14</sup> Adopted by the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education on 14 December 1960, and came into effect on 22 May 1962, published in A Compilation of International Instruments, Volume I (First Part), the United Nations, New York 1993. A.94.XIV-Vol.1, Part 1, p. 139.



national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education.” Impaired equality includes “depriving any person or group of persons of access to education of any type or at any level,” as well as “limiting any person or group of persons to education of an inferior standard.” The term “education” is defined in the same Article, referring to “all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.”

Article 3(a) of the same Convention states that “in order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake to abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education.”<sup>15</sup> In addition, Article 5 states that “Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.”<sup>16</sup>

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<sup>15</sup> Adopted by the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education on 14 December 1960, and came into effect on 22 May 1962, published in A Compilation of International Instruments, Volume I (First Part), the United Nations, New York 1993. A.94.XIV-Vol.1, Part 1, p. 139, art. 3(a)

<sup>16</sup> The Convention against Discrimination in Education, art. 5





## Chapter Two:

# Legal Framework of Educational Process in Israeli Internal Laws



## **Chapter Two: Legal Framework of Educational Process in Israeli Internal Laws**

IPS laws regulate education in prison, including sitting in the secondary education certificate exam and limiting the pursuit of higher education to enrolling in the Open University of Israel. IPS also regulates educational materials, as well as enforcing limitations on when a prisoner is entitled to pursue education, and when the right to education, which IPS brands as “a privilege,” can be withdrawn. Thus, this chapter explores IPS regulations in regard to education in prison, as well as the Israeli government’s decisions and court rulings on the matter.

IPS regulations in Directive 03/02/00<sup>17</sup> on security prisoners allows prisoners to conduct educational activities contingent on limiting the activities to the prison rooms. The prisoners are obligated to write their names on their books and notebooks; in case the books or notebooks contain inciting materials, the materials will be confiscated and educational activities halted.<sup>18</sup>IPS regulations also allow a prisoner to take on the role of a teacher to a group of prisoners, contingent on the approval of an intelligence officer and the prison director.<sup>19</sup> Moreover, the prisoners are allowed to receive books and newspapers in accordance to IPS general regulations,<sup>20</sup> as well as subscription-based Israeli newspapers.<sup>21</sup>

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17 IPS directive 03/02/00 on security prisoners, came in effect on March 15, 2002. Last update on October 30, 2008.

18 Directive 21/a

19 Directive 21/b

20 Directive 21/e

21 Directive 21/g



In addition, IPS Directive 04/05/00<sup>22</sup> notes that the prisoners' right to purchase reading materials and group games is in line with what is permitted inside prisons.<sup>23</sup> Prisoners are only allowed to purchase books, magazines, newspapers, and publications approved by the prison director.<sup>24</sup>

IPS regulations also note that "prisoners can borrow books from prison libraries." Nonetheless, purchased books are considered personal possessions and consequently are not stored in the libraries and can not be borrowed through the libraries by other prisoners.<sup>25</sup> Moreover, the directives note that the prisoner's right to reading books and magazines is contingent on maintaining order and security in prison,<sup>26</sup> along with the books and magazines not being banned from circulation in prison by the intelligence unit.<sup>27</sup>

Regulations require the intelligence officer to have a list of books banned from circulation inside the prison that is updated periodically.<sup>28</sup> On the other hand, the intelligence officer, or an Arabic-speaking prison staff member, selects a list of books the prisoners are allowed to purchase.<sup>29</sup> Consequently, the Israeli discrimination is apparent in how the Israeli prison system deals with security versus criminal prisoners. Security prisoners are only allowed to purchase books approved by the intelligence officer, while criminal prisoners can purchase books approved by the education unit,<sup>30</sup> which shows the well-established close link between Israeli politics and IPS dealings with Palestinian security prisoners. The regulations also allow the International Committee of the Red Cross to provide books to the prison libraries.<sup>31</sup>

In regard to subscriptions to newspapers and magazines, IPS regulations allow subscriptions to the security prisoners contingent on gaining approval from the head of the education unit in prison, per Article 11/a. If the request is approved, the prisoner is notified, and the appropriate cost is deducted from the prisoner's

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22 IPS directive 04/50/00 on "prisoners' books, newspapers, magazines, and group games", came in effect on May 1<sup>st</sup>, 2001. Last update on July 30<sup>th</sup>, 2009

23 Directive 1/a

24 Directive 1/b

25 Directive 1/C

26 Directive 2/A

27 Directive 2/D

28 Directive 2/E

29 Directive 4/A

30 Directive 4/B

31 Directive 6



fund. Article 11/c states that in all cases, efforts will be made to maintain the subscriptions to newspapers and magazines even in the case of a transfer to another prison.

Moreover, IPS regulates prisoners from sitting in the secondary education certificate exam. Article 21/h of directive 03/02/00 allows the prisoners to sit in the exam. Moreover, directive 04.49.02<sup>32</sup> explores the exam procedures. In addition, Article 3/a notes that “upon receiving the date announcement of the secondary education certificate exam from the advisor for education affairs in the civil administration, the prison director studies the possibility of holding the exam in the prisons, taking into account security considerations and coordinating with relevant departments.” Paragraph (b) of the same Article notes that upon approval of the prison director, registration forms are distributed to the director of the prison section to register the prisoners who wish to sit for the exam.

It is apparent that sitting for the secondary education certificate exam is closely tied to security considerations, which is a discriminatory policy that can deprive numerous prisoners of the right to education under security pretexts, as demonstrated in practices on the ground. Released prisoner Tareq Khader<sup>33</sup> notes that “on-the-ground practices show that the prison director has the right to refuse holding the exam in the prison, while the section officer or security officer can withdraw the names of prisoners from the exam registry without presenting justifications.”<sup>34</sup> Thus, the Israeli occupation has continued, over the past eight years—since the directive went into effect, to obstruct the educational process and deny prisoners their right to sit in the secondary education certificate exam.

Article 1/c specifies the conditions to grant a prisoner the right to sit for the exam, including that the prisoner did not seek incarceration to sit in the exam in prison, the prisoner is serving a sentence or an administrative detention order, as well as that there is no security or disciplinary deterrent that prevents him from sitting for the exam. These deterrents are closely tied to the alleged

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32 IPS directive 04/49/02 on sitting in the secondary education certificate exam. Went into effect on 11 May 2009.

33 Interview with released prisoner Tareq Khader on 1 October 2019

34 Id.



“security conditions”; consequently, any prisoner can be denied the right to sit for the exam under security pretexts. Moreover, the Israeli prison director is more likely to reject the prisoners’ requests to pursue education rather than facilitate the process. On the other hand, IPS’ condition that the prisoner must be serving a sentence or an administrative detention order is discriminatory, since the military court procedures can last a prolonged period of time, up to two years on occasions. Thus, education being contingent on a sentence can deny prisoners’ their right to education for several years.

As for the available secondary education certificates of studys, IPS has limited prisoners to only the humanities studies, in light of an IPS ban on teaching chemistry, biology, physics, or any other subject that can pose an alleged “security threat.”<sup>35</sup> This is a blatant case in point of the Israeli oppression of Palestinian prisoners, where as pursuing secondary education in the sciences constitutes a “a possible security threat”.

IPS laws regulate prisoners’ pursuit of higher education in the Open University of Israel, in which enrollment is allowed, per Article 21/i of IPS regulations.<sup>36</sup> Article 1/a of the IPS regulations states that the IPS shall enable security prisoners of pursuing higher education in the Open University to broaden their culture by means of learning correspondence in order to receive academic degrees and titles. Article 3/a considers the security prisoners’ enrollment in the Open University as a privilege contingent on the prisoner’s good behaviour during incarceration, which is determined by IPS officials. Moreover, Article 3/b grants the prison director the right to deny any prisoner the right to education or expel him or her whenever he sees fit under security, disciplinary, or other grounds.

This s article shows the arbitrary policies of the Israeli authorities, especially the IPS, in dealing with the Palestinian prisoners since deeming education a “privilege,” rather than a right constitutes a gravely dangerous practice. Not only that, but the possibility of withdrawing the right to education, halting the educational process, cancelling a course, or expelling the prisoner for a

35 Directive 3 (D)

36 IPS Directive 04/48/00 on security prisoners’ enrollment in the Open University of Israel explores the process. IPS directive 14/48/00, chapter 04 on security prisoners’ education in the Open University of Israel went into effect on 8 January 2004. Last update on 16 January 2006.



multitude of reasons, including IPS behaviour reports, can expand the list of justifications for withdrawing the right to education; once again highlighting the Israeli policy against prisoners' pursuit of their education.

In terms of enrolling in the Open University of Israel, a prisoner needs to submit a formal request to the prison director through the section director that includes the course names and numbers,<sup>37</sup> as well as the prisoner's signed Statement of Rights and Responsibilities form.<sup>38</sup> The prison director approves the request if the prisoner fulfills all of the requirements.<sup>39</sup> The prisoner then submits the university application and is allowed to withdraw the appropriate funds from his personal trust fund.<sup>40</sup> The head of the education unit in the prison receives the list of assigned books from the Open University at the start of every term for a content check by the security officer. Upon approval, the educational materials and books are transferred to the prison.<sup>41</sup> Nonetheless, the prisoners' personal accounts on the matter note that on many occasions IPS has attempted to hinder the educational process through delays in delivering the educational materials and books, and limiting their numbers, as well as delays in receiving and submitting required assignments. In many cases, the prisoners are denied registration in courses under the pretext of full capacity; thus, some prisoners have to wait until other prisoners finish their education. Additionally, the IPS deliberately transfers the prisoners multiple times, which hinders their educational process. An example of that is the case of released prisoner Ra'fat Hamdounah,<sup>42</sup> who stated that the university books were delivered late, sometimes a month or more after the start of the academic semester—which will be explored in details later in the study. Thus, in the absence of alternatives of the educational materials, it becomes harder for prisoners to pursue their education as scheduled.

In regard to permitted majors, IPS allows prisoners to pursue majors in theology, sociology, business administration, economics, psychology, and political sciences. IPS explicitly bans majors in life sciences, natural sciences,

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37 See article 3/D/1 of IPS regulations on security prisoners' education in the Open University of Israel

38 See: Appendix 4 – Prison manual on the rights and duties of the prisoner

39 See: Directive 3/D/2

40 See: Directive 3/D/3

41 See: Directive 3/H/1

42 Interview with released prisoner Ra'fat Hamdounah on 6 June 2019



computer science, physics, and any major that requires additional tools, like drawing calipers, beyond study papers. The prisoners are also not allowed to pursue any major that can pose a reasonable threat to the prison security or state security.<sup>43</sup> This severely limits the academic options of the prisoners.

Despite protections of prisoners' minimum education guaranteed in the aforementioned international treaties, consecutive Israeli governments have tried repeatedly to deny the prisoners' right to education. The attempts began with the forming of an Israeli ministerial committee headed by the Minister of Justice in March 2009. The committee's main goal was to examine the prisoners' conditions and put forth more severe suggestions to aggravate their suffering and tighten the measures against them in the form of collective punishments against the prisoners and their families. The committee reintroduced a ban on sitting in the secondary education certificate exam, mirroring IPS' decision in 2007 after Hamas captured Israeli soldier Gilad Shalit.<sup>44</sup>

On June 23, 2011, five years after Hamas captured Shalit, the then-Israeli Prime Minister and Chairman of the Likud Party, Benjamin Netanyahu delivered a speech in which he announced further tightening of the detention conditions of Palestinian prisoners, depicting them as "terrorists."<sup>45</sup> Netanyahu made the proclamation that "the party is over" for Palestinian prisoners, announcing that no Palestinian prisoner would be allowed to obtain BA or MA degrees in prison. He noted that the Palestinian prisoners live in luxury and receive many privileges, including education, and thus he believed that Israel needs to respect only its law and international laws. Since then, the Palestinian prisoners have been denied their right to education in Israeli prisons.<sup>46</sup>

Netanyahu's speech was gravely problematic as he noted Israel's obligation to respect only its laws and not international laws; however, these international laws guarantee the right to education. As previously mentioned, IPS regulations state that prisoners' have a right to sit in the secondary education certificate

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43 See: Appendix 7 – The list of permitted and banned majors in the Open University of Israel

44 The Right of Child Prisoners to Education, a study by the Prisoner Support and Human Rights Association (Addameer), 2010. Page 42.

45 Visit Haaretz website. Published on 23 June 2011. Accessed on 4 September 2020 via <https://www.haaretz.com/1.5182294>

46 Visit: Yedioth Ahronoth Newspaper website. Published on 23 June 2011. Accessed on 28 September 2019 via <https://www.ynet.co.il/articles/0,7340,L-4086462,00.html>



exam, as well as pursue education in the Open University of Israel, though contingent on the prisoner's security status and other factors. On the other hand, various international conventions protect the prisoners' right to education, and state that the occupying power is obligated to facilitate all means to enable its prisoners to pursue their education. Thus, in light of the Israeli practices in violation of all these laws, it becomes apparent that the Israeli government has violated prisoners' right to education.

With this recent Israeli measure denying hundreds of prisoners from education or continuing their educational careers, the prisoners have been greatly affected. The impact on the prisoners has been especially great since education fills their time and makes them feel accomplished while incarcerated; in pursuing education, the prisoners were motivated to study for long hours and hold continuous discussions for assignments. Moreover, Netanyahu's decision left the prisoners feeling like their struggle to gain the right to education was in vain, particularly since a group of prisoners were a few courses short of graduation from the Open University. This prompted three prisoners at the time, Sa'eed Saleh, Rawi Sultani, and Mohammad Younis, to file appeals to the Israeli Supreme Court. The appeals<sup>47</sup> were filed through three human rights organizations: Haifa University Prisoners' Rights Clinic, The Legal Center for Arab Minority Rights in Israel (Adalah), and the Association for Civil Rights in Israel. The appeals were filed against IPS, the state of Israel, the Israeli Ministry of Interior Security, and the Open University of Israel. The prisoners demanded to be allowed to continue their higher education and revoke the government's decision, especially considering that criminal prisoners were allowed to carry on with their education as normal. The prisoners explained in the appeal the discrimination between the Palestinian security prisoners and criminal prisoners, the latter of which were allowed to continue their education. The prisoners' argued this discrimination ultimately entailed violating their rights to an education due to the Israeli classification of Palestinian prisoners.<sup>48</sup>

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47 Prisoner Rawi Sultani's family filed an appeal on his behalf on 26 March 2012. To view the full appeal, visit the Legal Center for Arab Minority Rights in Israel (Adalah) website. Accessed on 15 January 2019 via [http://www.adalah.org/uploads/oldfiles/Public/file/Sultani\\_Request\\_for\\_permission\\_to\\_appeal%20\\_2.pdf](http://www.adalah.org/uploads/oldfiles/Public/file/Sultani_Request_for_permission_to_appeal%20_2.pdf)

48 See: Israeli Supreme Court decision 13/204. Accessed on 20 October 2019 via <http://elyon2.court.gov.il/files/13/040/002/C25/13002040.C25.pdf>



The prisoners' attempts were ultimately futile, with the Israeli Supreme Court ruling for the Israeli government. On December 24, 2012, the Supreme Court ruled that the Israeli government's decision does not display discrimination between security and criminal prisoners, rejecting the appeals without providing justifications for the decision and leaving the door open to appeal the ruling. Thus, the prisoners requested additional court sessions with an expanded judiciary in January 2013 to decide on the previous ruling. The prisoners affirmed that maintaining the Supreme Court's decision will lead to a real disintegration of the main principle of legislations on prisoners which reaffirms that human rights do not end at the prison gate. The initial ruling was especially troubling considering that previous Supreme Court rulings stated that any violation of the prisoners' rights is unlawful, unless there are extenuating justifications that aim to preserve the general order and security status in prison.<sup>49</sup>

On April 14, 2015, the Israeli Supreme Court issued its final ruling without appeal,<sup>50</sup> rejecting the prisoners' appeal. However, the Court had an internal disagreement on whether to establish an individual screening protocol for the prisoners' Open University applications or to maintain the total ban.<sup>51</sup> The President of the Supreme Court at the time, Miriam Naor, said that restrictions cannot be imposed arbitrarily on the prisoners, and that any IPS decision must be "reasonable and proportionate," noting that previous rulings allowed for differences in terms of detention conditions between security and criminal prisoners; with being a security prisoner not sufficient enough of a reason to withdraw rights or privileges of prisoners.<sup>52</sup> Judge Naor noted that the prisoners' appeals were rejected because they failed to refute the security forces' allegations that the prisoners' higher education was funded by terrorist organizations. Nonetheless, Naor noted that it is better that IPS implements a protocol to examine the funding of the prisoners individually. She was backed by two judges Esther Hayut and Salim Joubran, but opposed by four

49 Security Prisoners Request Additional Hearing in the Supreme Court to Continue their Higher Education. Published on the Legal Center for Arab Minority Rights (Adalah) website. Accessed on 12 December 2019:<https://www.adalah.org/ar/content/view/1531>

50 See: Israeli Supreme Court decision 13/204 accessed via <http://elyon2.court.gov.il/files/13/040/002/C25/13002040.C25.pdf>

51 The Legal Center for Arab Minority Rights (Adalah) via <https://www.adalah.org/ar/content/view/8521>

52 Excerpts from the Hebrew Press. Published on the Institute for Palestine Studies website. Accessed on 25 December 2019 via <https://www.palestine-studies.org/daily/mukhtarar-view/188917>



others which led to a ruling in favor of the prosecution acting on behalf of the security forces.

Discrimination against the Palestinian prisoners is also apparent in the former Israeli Supreme Court President Asher Grunis's rejection of the prisoners' appeal in its entirety, stating that discrimination between security and criminal prisoners is legitimate and legal, thus the complete ban on education is reasonable. Eight years after the prisoner exchange deal,<sup>53</sup> the educational status of the prisoners remains the same, which shows that the Israeli government's decision was racially, nationalistically, and retaliatory motivated, aiming primarily to retaliate against the prisoners and to thwart their efforts to pursue education. The continuous ban on education in prison, despite the return of Gilad Shalit, is a prime example of the Israeli retaliatory policy.

The Israeli authorities didn't stop there. In December 2017, the chairman of the Yisrael Beiteinu political party, Robert Ilatov introduced a legislation to withdraw the "privilege" of pursuing higher education from the prisoners. Despite the fact that pursuing "formal" higher education is inactive, the proposed legislation aimed to legally ban the prisoners from pursuing education by changing IPS regulations.<sup>54</sup> It is worth noting that the proposed legislation poses a grave danger as it demands changing IPS regulations to omit texts protecting the prisoners' right to education.<sup>55</sup> Thus, a ban on the prisoners' education will not only be based on Supreme Court rulings or government decisions, but will be rooted in laws and IPS regulations which can diminish any and all attempts by prisoners to exercise their right to an education.

To conclude, IPS regulations include laws regulating education in prison, including the right to sit in the secondary education certificate exam and pursue higher education in the Open University of Israel. Nonetheless, these regulations deem education a privilege that can consequently be withdrawn for a multitude of reasons. Thus, the Palestinian prisoners are denied their right to

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53 After Hamas captured Israeli soldier Gilad Shalit and the consequent negotiations spanning five years, the prisoners' exchange deal took place in October 2011. The deal entailed the release of around 1050 Palestinian prisoners in exchange for Shalit

54 Israeli Bill to Deny Prisoners the Right to Education. Published on Al-Jazeera website on 24 January 2019. Accessed on 1 November 2019 via <https://bit.ly/36nW2Ze>

55 Article published on Israel Today website on 19 January 2017. Accessed on 14 December 2019 via <https://www.israelhayom.co.il/article/445365>

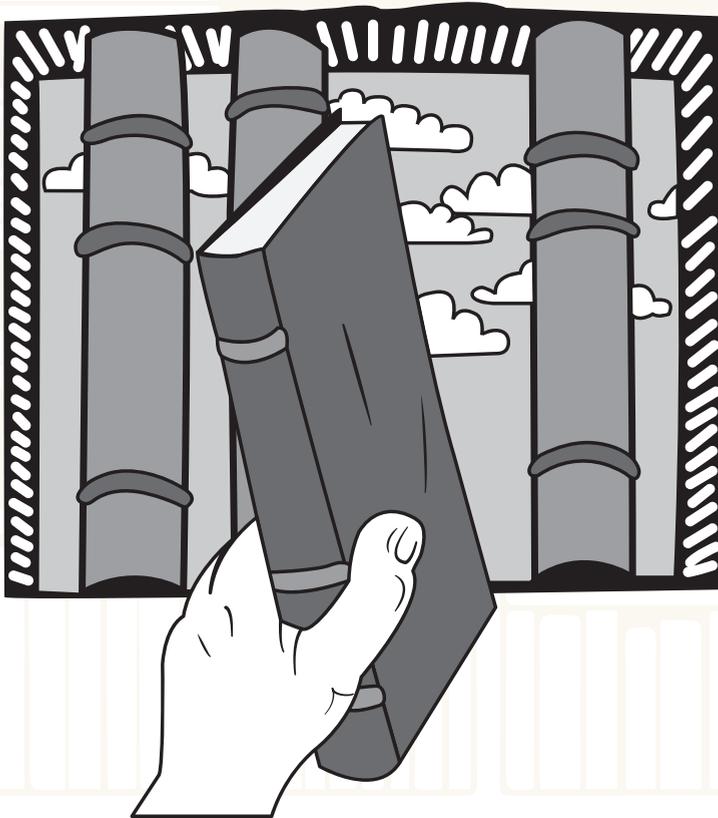


formal education in light of the mounting incitement against the prisoners, and consecutive Israeli governments' pressure on the prisoners under the pretext of current political conditions. With the ban on education, Israel is in violation of all international conventions and laws guaranteeing prisoners' right to education.



## Chapter Three:

### **Cultural and educational life of Palestinian prisoners in Israeli prisons before the Oslo Accords and the prisoners' movement accomplishments**



### **Chapter Three:**

## **Cultural and educational life of Palestinian prisoners in Israeli prisons before the Oslo Accords and the prisoners' movement accomplishments**

The prisoners' movement has suffered from poor living conditions and cruel detention conditions over the years, during which many of the prisoners' rights have been violated, including the right to education. Despite the Israeli government and IPS' deliberate disregard of the issue, education has been on the forefront of the prisoners' demands.<sup>56</sup> In the face of various Israeli policies, the prisoners have innovated numerous methods to counter the systematic attempts at weakening the cultural and resistance resolve of the prisoners. Such methods have included cultural discussions, self-education, prison libraries, as well as reaching agreements with various Palestinian and Arab universities to pursue higher education.

For example, many Palestinian political movements maintain regular cultural and internal organizational discussions; many movements deemed the discussions obligatory and prisoners were accustomed to attending them. The cultural discussions at the time were generally conducted in the prison rooms, revolving on educating the prisoners on intellectual and internal organizational matters, with a particular focus on current political affairs. This was the prisoners' first alternative educational method of strengthening their spirit and encouraging them away from the watchful surveillance of the Israeli occupation. Released prisoner Wissam Rafidi<sup>57</sup> shared his experience,

<sup>56</sup> Maslama Thabet. *The Reality of Education of the Palestinian Prisoners in Israeli Prisons (Case Study: Hadarim Prison)*. Ramallah: The Palestinian Committee of Detainees and Ex-Detainees Affairs, 2016

<sup>57</sup> Interview with released prisoner Wissam Rafidi, a full-time lecturer and researcher in Bethlehem



noting that during his incarceration, regular cultural programs were adapted to educate the prisoners on various issues, including Marxism, the history of Palestine, political history, poetry, novels, literature, philosophy, as well as building mechanisms of political movements.

Cultural discussions were not the sole method of rebellion against Israeli cultural and social isolation policies. The prisoners managed to own pens and papers, and later brought books into the prisons, all of which were done covertly because of the Israeli push back against their attempts. The prisoners were punished with beatings or isolation if pens or papers were found among their possessions but they were not discouraged and continued to fight to gain their rights one step at a time.

Prisoners have historically also organized hunger strikes in protest of their living conditions; examples of which were the Ramla prison hunger strike on February 18, 1969 that lasted 11 days and the Kfar Yona prison hunger strike on the same date that lasted 8 days. Demands of both hunger strikes included allowing stationary into the prisons. In the wake of the hunger strikes, a small amount of stationary was allowed inside the prisons to enable the prisoners to write their families. Later on July 5, 1970, another hunger strike took place in Ashkelon prison for 7 days, during which the prisoners demanded access to stationary; the prison administration agreed to meet their demands, but later backed out of the agreement which prompted the prisoners to declare an open hunger strike on December 11, 1976. The open hunger strike lasted around 45 days and led to stationary being allowed in the prisons and handing over control of the prison library to the prisoners.<sup>58</sup>

Moreover, prisoners in Nafha prison went on a hunger strike on July 14, 1980, for 32 days in protest of the Israeli attempts of isolating the prisoners' movement leadership from the prisoners. IPS retaliated harsher than usual through using violence and force-feeding the prisoners on hunger strike; this led to the death of two prisoners Rasem Halaweh and Ali Al-Ja'fari. Two years later, prisoner Ishaq Maragha passed away due to complications of the hunger strike and force-feeding. As the hunger strike continued, with many prisons

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University, on 9 July 2019

58 Most Famous Hunger Strikes. Published on Palestinian National Information Center (Wafa) website. Accessed on 15 November 2019 via [http://info.wafa.ps/ar\\_page.aspx?id=3796](http://info.wafa.ps/ar_page.aspx?id=3796)



joining in, the Israeli authorities formed a committee to look into the prisoners' living conditions; among the committee recommendations on the matter was allowing stationary into prisons.<sup>59</sup>

Hunger strikes continued sporadically until the monumental 1992 hunger strike that played a key role in the advancement of prisoners' living conditions. Prisoner Ahed Abu Ghalamah<sup>60</sup> says, "Every time the prisoners went on hunger strike, the right to education was on top of the demands list. However, the start of the 1990s witnessed a paradigm shift in the prisoners' lives, not only in regard to their education, but extending as well to their general living conditions." He also notes that it was the starting point of embracing the educational process and working with educational institutions as a right of the prisoners. Abu Ghalamah believes that IPS allowed the prisoners to enroll in the Open University of Israel out of the belief that education would derail the prisoners from their patriotic role; IPS believed that the prisoners would be preoccupied with their own education instead of spending more time teaching and educating other prisoners.

Under the limited cultural and educational resources available to prisoners, they have innovated cultural means by producing cultural and political movements' magazines through collecting articles, streams of thought, translations, and analyses written by the prisoners. Along these lines, prisoner Hafez Abu Abaya says, "It started with Farah Al-Thawra (Fatah's Revolution) magazine, followed by Al-Sharara (the Spark) and Al-Hadaf (the Goal) magazines." He adds, "these magazines and newspapers came into existence during languid years to fill the severe lack in political movements' and patriotic cultural resources. From these publications stemmed novice writers who began to document their streams of thoughts, ideas and poems."<sup>61</sup> In the midst of this cultural movement, prior to books being allowed inside the prisons, Abdullah Ghdeib shares his story, "[T]he prisoners relied often on story telling as an alternative to the lack of books in prisons. Any prisoner who memorized stories, international or local novels would recite and share them with the others Prisoners with BA and postgrad degrees, or those who excel in particular knowledge would hold various

59 Previous reference

60 Interview with prisoner A'hed Abu Ghalamah on 20 June 2019

61 Maslama Thabet. *The Reality of Education of the Palestinian Prisoners in Israeli Prisons (Case Study: Hadarim Prison)*. Ramallah: The Palestinian Committee of Detainees and Ex-Detainees Affairs, 2016



workshops inside the prisons; this included workshops on languages, public speaking, Arabic calligraphy, first aid, physiotherapy, art, drawing, sculpting, political sciences, and social service.”<sup>62</sup>

On the other hand, the issue of books and libraries prior to the Oslo Accords cannot be overlooked because of their significant role in the prisoners’ educational and cultural life. As previously noted, the prisoners struggled to own books in prison. During their efforts, prisoners in various prisons were able to obtain books through various means, mainly through the International Committee of the Red Cross (ICRC), which often prepared lists of books to be presented to IPS for approval before they were presented to the prisoners. Each prisoner would choose a book or two off the list, and in return ICRC would deliver the books to the prisoners. Moreover, mayors of various regions were able to get books into the prisons through holiday visits on occasions, while some prisons allowed families to bring books as well. The prisoners also copied books using miniscule font to be circulated to other prisons through capsules. Thus, the means of getting books into the prisons varied before the Oslo Accords which helped enrich the prison libraries at the time.<sup>63</sup>

It’s worth noting that many prisoners were able to sit in the secondary education certificate exam in prison at the time. Prisoner Ahmad Sa’adat<sup>64</sup> recalls his experience, saying he sat in the exam in 1970. For the exam sessions, he was transferred from Ramallah prison to Nablus prison where he met other prisoners transferred from other prisons; transfers took place days before the exam. The prisoners were transferred to the Nablus Prison School which constituted one room that fit around 30-40 prisoners with school desks and a board. External proctors were brought in to supervise the exam sessions before the exam papers were taken outside the school to be corrected. With the increasing number of prisoners applying for the exam, IPS stopped transferring the prisoners to Nablus prison, allowing them to sit in the exam in their own prisons.

Moreover, prisoners have struggled to gain the right to own radios, which the prisoners referred to as “transistors” at the time, demanding it during the 1980s

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62 Books in Captivity – symposium by the A. M. Qattan Foundation on 4 September 2019. For more, visit [https://www.youtube.com/watch?v=g6eWilPh\\_aQ&t=78s](https://www.youtube.com/watch?v=g6eWilPh_aQ&t=78s)

63 Previous reference

64 Interview with prisoner Ahmad Sa’adat on 19 May 2019



hunger strikes. Their efforts were a success and each prisoner were allowed to own a small radio. Released prisoner Hisham Abdel Razeq<sup>65</sup> recalls his experience, “[B]efore 1984, there was one communal radio the prisoners used to listen to the news three times a day; the first of which at 6:30 in the morning. This was the prisoners’ main contact with the outside world. After 1984, the prisoners were each allowed their own radio, and as a result could listen to the news all the time.”

Consequently, it cannot be said that the prisoners’ movement has been entirely ineffectual. Nonetheless, the pre-Oslo Accords period was characterized predominantly with various political movements succeeding in preserving the educational and cultural life, as well as in overcoming numerous crises and internal problems by keeping the prisoners busy with lectures, discussions, and seminars.







## Chapter Four:

### Educational and cultural life of the prisoners after the Oslo Accords



## **Chapter Four: Educational and cultural life of the prisoners after the Oslo Accords**

After signing the Oslo Accords and the release of most Palestinian prisoners, the remaining prisoners took note of the fundamental gap in the educational and cultural life in prison. The cultural and political movements' internal organizational discussions, which were once a pillar of the cultural life, were no longer a key part in the prison life and experience. The discussions were no longer obligatory, with the exception of few political movements; on the other hand, the prisoners were no longer interested in participating in them.

This study will explore numerous changes to the educational and cultural life in prison following the Oslo Accords. Released prisoner Khalil Ashour notes that parts of the changes were the result of Israeli facilitations in other aspects of life that had ulterior motives, rather than improving the prisoners' living conditions. This included allowing television sets into prisons with access to numerous channels that broadcasted entertainment programs while banning many news and educational channels. Moreover, the Israeli authorities hindered the entrance of books, educational and cultural materials into prisons.<sup>66</sup> Ashour believes that allowing televisions into the prison was nothing more than an Israeli ploy at creating an educational and cultural vacuum, as well as deconstructing the cultural movement in prison. The television sets were intended to push the prisoners into falling down a rabbit hole of various entertainment programs and shows instead of maintaining the cultural discussions. In addition, the Israeli

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66 Released prisoner Rula Abu Dahhu notes here that televisions were allowed inside the prisons following the hunger strike of 1987. Only one Israeli channel and one Jordanian channel were allowed at the time



authorities turned a blind eye to some mobile phones that were smuggled covertly into the prisons.<sup>67</sup>

At the top of the list of changes following the Oslo Accords was the issue of education, particularly higher education. The right to education was one of the main demands of the prisoners' 1992 hunger strike. This chapter will explore how although the issue was brought into focus before the Oslo Accords, it expanded and took shape after signing the agreement. The prisoners were allowed to sit in the secondary education certificate exam and enroll in the Open University of Israel to pursue their education,<sup>68</sup> through IPS. Despite opening the door for prisoners to pursue higher education, the number of prisoners who enrolled in the Open University of Israel was slim, especially in the early stages. This is due partly to an influx of prisoners who believed that enrolling in the Open University is one form of normalization, as explained by the released prisoner Mo'yad Abdel Sammad in an interview.<sup>69</sup> On the other hand, the high cost of study in the Open University has been another deterrent with one course costing up to 2100 NIS<sup>70</sup> (over \$600) for one semester. Moreover, the language barrier has been another deterrent since the courses are only offered in Hebrew, thus forcing the prisoners who wish to enroll in the university to learn Hebrew.

Education in the Open University in Israel has had ramifications on the prisoners' movement. Abdel Sammad believes that studying in the open university has partly deconstructed the prisoners' movement, with IPS using the ability to obtain an education as a form of penalty against the prisoners. In retaliation for any offences, IPS has partially or completely denied the prisoners their right to education. Abdel Sammad believes that this policy has led many prisoners to avoid confrontations with IPS officers in fear of their educational careers suffering as a result.

It can't be said that the Open University of Israel has been the only reason behind the dismantlement of the prisoners' movement after the Oslo Accords.

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67 Books in Captivity – symposium by the A. M. Qattan Foundation on 4 September 2019. For more, visit [https://www.youtube.com/watch?v=g6eWilPh\\_aQ&t=78s](https://www.youtube.com/watch?v=g6eWilPh_aQ&t=78s)

68 At the time, the Palestinian Ministry of Higher Education was contacted to look into possibly allowing the prisoners to enroll in Palestinian university and conduct remote-education through them. However, the ministry placed many obstacles that led to the project failure. Later on, the project was re-considered following the Israeli ban on the Palestinian prisoners' enrollment in the Open University of Israel

69 Interview with released prisoner Mu'ayyad Abdel Sammad on 27 September 2019

70 Following the Palestinian Authority's decision to cover the cost of enrollment in the Open University of Israel, the number of enrolled prisoners increased



Nonetheless, it has played an important role in combination with the release of the majority of the prisoners at the time to stunt the education of prisoners. Moreover, the Oslo Accords themselves were a point of contention between the prisoners who were further divided among those who supported and those who opposed the Accords.<sup>71</sup> Released prisoner Yassin Abu Khdeir<sup>72</sup> notes on the matter, “After signing the Oslo Accords, the condition of education, libraries, and books deteriorated. The ‘books massacre’ happened when IPS gathered the prisoners’ books in food carts and threw them in dumpsters after suggesting to the prisoners to keep some.” Moreover, around 90% of the books were taken out of the prisons and moved into the Nablus public library between 1998 - 1999. At the height of the aforementioned division between the prisoners, the prisoners’ movement realized the ulterior motives behind the Israeli practices. Attempts to revive and restore the cultural and educational life in prisons appeared with some political movements succeeding in imposing obligatory cultural and internal organizational programs. Moreover, the prisoners reintroduced their demand of pursuing education in Arab universities, especially during the May 1, 2000 hunger strike.<sup>73</sup> Nonetheless, the majority of these efforts can be described as “shy attempts” as the prisoners’ movement didn’t persevere in their demands on education in comparison to their efforts before the Oslo Accords. The status quo continued until the Israeli prime minister at the time issued a government ban on the prisoners’ education followed by the Israeli Supreme Court decision of 2012 in favor of the ban; all of which were explored previously in the chapter on Israeli laws and regulations on education. The continuous Israeli measures have resulted in a ban on the prisoners’ education by a governmental decision and a Supreme Court ruling, clarifying the Israeli policy of further nurturing ignorance among the prisoners. This has prompted the prisoners to consider pursuing their education in the various Palestinian educational institutions. The prisoners have communicated with Al-Quds University, Al-Quds Open University, the Ummah Open University and others to look into distance education of the prisoners. A number of Palestinian

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71 Later on, particularly following Al-Aqsa Intifada, the number of prisoners climbed to around 11,000 prisoners in 2002 which introduced a paradigm shift in the prisoners’ movement.

72 Interview with prisoner Yassin Abu Khdeir on 25 June 2019

73 The prisoners went on this hunger strike to protest the solitary confinement policy, as well as the restrictions and conditions imposed on family visits, especially after eight prisoners in Hadarim prison were placed in solitary confinement. This hunger strike lasted around one month.



universities have agreed to the prospect of distance education. Between 2010 and 2012, the University College of Applied Sciences – Gaza, the Ummah Open University, Al-Aqsa University, Al-Quds Open University, and Al-Quds University – Abu Dis opened its doors to the prisoners. The majority of these institutions continue to provide distance education to the prisoners to this day.<sup>74</sup> Moreover, the prisoners contacted the Palestinian Ministry of Education for the possibility of conducting the secondary education certificate exam under the supervision of an academic committee of the prisoners. The Ministry of Education approved the proposal.<sup>75</sup>

The prisoners didn't limit their efforts to the Palestinian universities, but also communicated with other Arab and international universities to pursue higher education. An example is prisoner Marwan Barghouti, who received his PhD in political sciences from the Arab League's Institute of Arab Research and Studies in 2010. Other prisoners were able to receive their degrees by discussing their Master's degree dissertations or graduation projects over the phone; this includes Naser Abdel Jawad who discussed his doctoral thesis over the phone, as well as Rashid Sabri, Tareq Khader, and Wa'el Tahaineh who all discussed their Masters dissertations over mobile phones from inside prison.<sup>76</sup>

Consequently, the structure of the prisoners' movement has been affected and weakened in light of poor organization, as well as the declining role of the political movements in prisons and in educating and raising awareness among the Palestinian youth in general.

## **First Demand: Formal Education**

The prisoners have been able to gain their right to education following continuous struggle through sitting in the secondary education certificate exam and enrolling in the Open University of Israel. Despite the fact that prisoners were able to obtain their

74 It should be noted here that many prisoners pointed to the ramifications of the outside Palestinian internal division on the prisoners. The division was witnessed inside the prisons with Fatah prisoners for example enrolling in Palestinian universities following agreements facilitated by Fatah leadership. On the other hand, Hamas prisoners enrolled in Palestinian universities following agreements facilitated by Hamas leadership, mainly Gaza universities.

75 The mechanisms and conditions of sitting in the secondary education certificate exam, as well as enrolling in Palestinian universities will be explored in the following demand.

76 Ra'fat Hamdounah. Creative Aspects of the History of the Palestinian Prisoners' Movement between 1985 and 2015. Palestine: Palestinian Ministry of Information publications, 2018, page 182.



secondary education certificate before the 1990s, it will be mainly addressed after this period as it has become more organized. Thus, this demand will explore the formal education in Israeli prisons and the development of the educational process.

## 1. Secondary Education Certificate<sup>77</sup>

The secondary education certificate exam was the first form of formal education pursued in Israeli prisons through IPS. Numerous prisoners were able to obtain their certificate in the 1980s and 1990s. The number of prisoner applicants increased afterwards as IPS introduced a system of sitting in the exam, making it one form of formal education.

Prisoner Ahmad Sa'adat<sup>78</sup> recalls his experience in the secondary education certificate exam in 1970s, noting that the educational process was initiated by prisoner Tayseer Quba'a, the secretary general of the General Union of Palestinian Students at the time. He proposed his initiative to take care of the younger prisoners who were incarcerated before they were able to finish their education. Quba'a transformed the prison into a school to educate the prisoners and prepare them for the exam, in collaboration with the Ministry of Education and with the help of incarcerated teachers. It is vital to note that education at this stage was not regulated through IPS, but rather through the Ministry of Education. The International Committee of the Red Cross also played an important role at the time in bringing the necessary books, as well as pens and papers into the prisons.

Ahmad Sa'adat's experience with the secondary education certificate exam, and the transfer of prisoners to other prisons before they were able to sit for the exam in their prisons, shows a vast difference in the prisoners' experiences in accordance to the time and location of incarceration at the time of sitting in the exam. Another example is the experience of released prisoner Nu'man Shalabi,<sup>79</sup> who was transferred to Ashkalan prison to sit for the exam in 1996. Shalabi notes that at the time the prisoners formed a committee to supervise the educational process. The educational materials relied primarily on the data

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<sup>77</sup> Even though sitting in the secondary education certificate exam falls under both formal and informal education, for the purpose of this study, it will be explored as both in one chapter.

<sup>78</sup> Interview with prisoner Ahmad Sa'adat – a previous reference

<sup>79</sup> Interview with released prisoner Nu'man Shalabi on 3 July 2019



collection process from former prisoners and from the educational books the prisoners managed to covertly bring into the prisons. The Ministry of Education supervised the exams by sending in a group of teachers on the exam day to hand in the questions and collect the answer booklets to be delivered for correction to the ministry.<sup>80</sup>

The number of prisoners sitting in the exam increased, especially after the process became regulated through IPS laws. This continued until the Israeli ban on formal education in 2011 which prohibited the prisoners from sitting for the secondary education certificate exam or enrolling in the Open University of Israel, despite the laws guaranteeing the prisoners' right to education remaining in IPS regulations.

The Israeli ban on education fueled the prisoners to challenge the new policy by looking for alternatives and new methods of formal education, previously allowed by IPS. The first alternative was contacting the Palestinian Ministry of Education and looking into allowing the prisoners to sit for the exams through a qualified academic committee of prisoners with the necessary academic credentials and higher degrees. The ministry approved the proposal within certain conditions, and the new system went into effect in 2014.<sup>81</sup>

The director of the higher education unit in the Palestinian Committee of Detainees and Ex-Detainees Affairs, Sayyaf Abu Seif,<sup>82</sup> notes in an interview that the prisoners need to meet general criteria to be able to sit in the secondary education certificate exam nowadays. He explains that although certain details differ every year due to recent updates and current developments, an academic committee must generally be available in every prison to hold the exam. The size of the academic committee relies on the size of the prison; larger prisons like Naqab, Meggido, and Ofer require a larger academic committee of around six or seven prisoners with a Bachelors or higher academic degrees. The academic committee

80 There might be some differences in regards to educational material among the various prisons with some prisons allowing the entry of educational books at the time. However, prisoner Nu'man Shalabi documents his personal experience in Ashkalon prison where educational books were banned then.

81 The Educational and Cultural Life in Israeli Prisons. Published by the Prisoner Support and Human Rights Association (Addameer). Accessed on 11 November 2019 via <http://www.addameer.org/ar/content/الحياة-الثقافية-والتعليمية>  
Prisoners and Education in Israeli Prisons. Published on Palestinian National Information Center (WAFA) website. Accessed on 6 December 2019 via [http://info.wafa.ps/ar\\_page.aspx?id=9653](http://info.wafa.ps/ar_page.aspx?id=9653)

82 Interview with Sayyaf Abu Saif during his employment as the head of the higher education unit in the Palestinian Committee of Detainees and Ex-Detainees Affairs. He is currently the head of the committee office in Jenin. The interview was conducted on 21 May 2019.



is one of the main pillars of the examination process, as it supervises teaching the material to the students, holding and correcting the exams, as well as delivering the results to the Palestinian Committee of Detainees and Ex-Detainees Affairs through lawyers. The



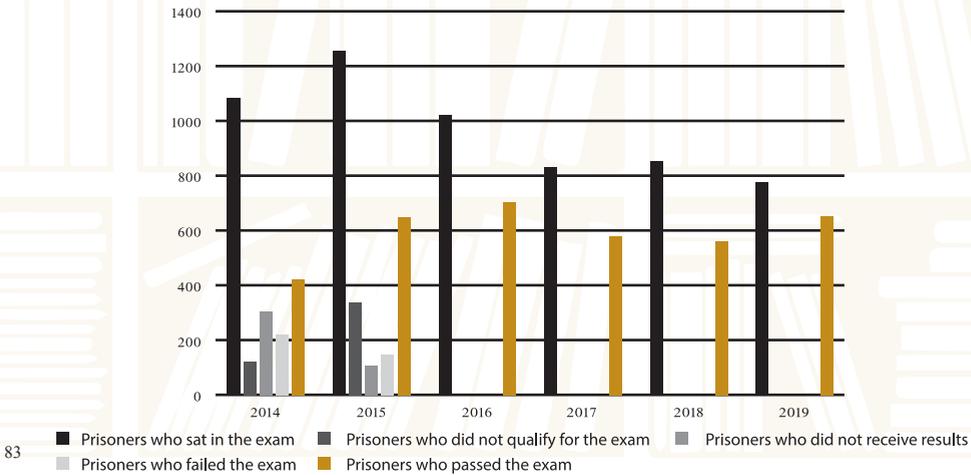
Committee of Detainees and Ex-Detainees Affairs then sends the results to the Ministry of Education to be accredited.

Other qualifying criteria of the exam change yearly in agreement between the Committee of Detainees and Ex-Detainees Affairs and the Ministry of Education. One of which is the academic status of the prisoners. A prisoner with a fifth-grade education must be at least 20 years old, and have spent a minimum of five consecutive years in prison to qualify for the exam. Alternatively, a prisoner with a sixth, seventh, or eighth-grade education needs to be at least 20 years old and have spent three consecutive years or four years intermittently to qualify. Moreover, a prisoner with a ninth or tenth-grade education needs to be at least 19 years old and have spent one consecutive year in prison.

The process of sitting for the exam is currently managed through agreements with the Ministry of Education, leaving the prisoners as the sole guarantors of the educational process integrity in the absence of teachers or supervisors provided by the Palestinian authorities. In light of this new development, the academic committee of prisoners explains the exam material, supervises drafting the exam questions, as well as correcting the papers and delivering the results to the Committee of Detainees and Ex-Detainees Affairs through lawyers. Thus, the academic committee grants credibility to the educational process in prisons. Between 2014 and 2019, more than five thousand Palestinian prisoners have sat in the exam, with a passing rate of 60%. The following chart shows the numbers of prisoners who took the exam, as well as the number of prisoners who have passed or failed the exam.



Number of prisoners who sat in the secondary education certificate exam 2014 - 2019



## 2. The Open University of Israel

The prisoners’ movement managed to gain the right to education in the Open University of Israel primarily through various hunger strikes, particularly after the 1992 strike that demanded the prisoners’ right to pursue education in Palestinian universities. The Israeli authorities rejected their demands, but in return allowed them to enroll in the Open University of Israel. It is worth noting that the prisoners’ perception of education in the open university vary; although a large number of the prisoners believe it formally started following the 1992 hunger strike, many others believe it actually had started years prior.

Prisoner Hisham Abdel Razeq<sup>84</sup> recalls that education in the open university started in 1988. The educational process at the time was contingent on receiving permission from IPS. Following IPS approval, the prisoner’s application to the university was submitted and once the university approved the applications, the courses and fees were set. Abdel Razeq adds that the educational books were sent to the prisons and the prisoners would sit in exams proctored by a university staff member. The proctor would distribute the exam papers and supervise individual sessions for every prisoner in a room allocated for this purpose by IPS.

83 These figures are from the Palestinian Committee of Detainees and Ex-Detainees Affairs statistics that have been obtained through an interview with Sayyaf Abu Saif, the former head of the committee’s higher education unit and the current head of the committee’s office in Jenin. The interview was conducted on 20 January 2020

84 Interview with released prisoner Hisham Abdel Razeq – a previous reference



On the one hand, Issa Qaraqe<sup>85</sup> notes that the starting point of the educational process, implementing the switch from an individualized education system, where the prisoners had to individually apply to the open university, to an organized collective educational system came following the hunger strike on September 27, 1992. This strike resulted in monumental accomplishments, including in the issue of education, unprecedented in the history of the prisoners' movement. At the time, the prisoners demanded being allowed to enroll in Palestinian universities; however, IPS rejected their demand and instead allowed them to enroll in the Open University of Israel. Qaraqe' notes that the Palestinian prisoners at the time attempted to contact Palestinian universities to pressure the Israeli side into allowing them to enroll in the universities, but their attempts were unsuccessful.

Education in the Open University of Israel has had several ramifications. First, despite the significance of gaining the right to pursue higher education, the accomplishment was incomplete because the studies were conducted in Hebrew, which imposed restrictions on the prisoners who could not speak the language. Some prisoners attempted to teach others Hebrew to enable them to study in the university, but this was an insufficient solution in the grand scheme of the problem.

On the other hand, education in the Open University incited a different form of controversy; the prisoners' desire to pursue education came to head with some prisoners' belief that enrollment in the Open University of Israel is one form of normalization with the occupation. Released prisoner Mo'yyad Abdel Sammad says that a group of prisoners considered education in the Open University a form of normalization that ought to be boycotted. He also notes that the high cost of enrollment in the university, which was shouldered by the prisoners' families, constituted another obstacle for some. Released prisoner Yassin Abu Khdeir recalls that the cost of one course in the university started at 800NIS, but later was almost doubled to 1400NIS. Released prisoner Nu'man Shalabi notes that a single course in the open university cost 1900-2100NIS in 2002.

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85 Interview with released prisoner Issa Qaraqe', the former head of the Palestinian Committee of the Detainees and Ex-Detainees' Affairs, on 10 July 2019



The prisoners have been allowed to enroll in correspondence in limited Bachelors programs in the Open University of Israel, which includes courses such as theology, sociology, business administration, economy, psychology, and political science. Unlike the Palestinian universities that require an academic committee of prisoners to supervise the educational process,<sup>86</sup> the Open University did not require an academic committee but was rather content with regulating the studies through exams and two graduation projects. The prisoners note the numerous problems facing them during their education. For example, released prisoner Nu'man Shalabi says that to fulfill the graduation requirements, the prisoners had to submit two graduation projects which posed a great difficulty due to lack of sources in the prisons, as well as the absence of a university supervisor to guide the prisoners. Shalabi adds that the prisoners faced difficulty in constructing the theoretical frameworks of their projects in light of limited academic sources. Shalabi's first graduation project was rejected three times due to an uncited theoretical framework that required interviews to provide further support.

Released prisoner Yassin Abu Khdeir recalls his experience in the Open University of Israel, noting its high educational standards, in addition to its Hebrew language requirements. He adds that while the courses are explored with academic objectivity, the Israeli narrative is present nonetheless. However, the prisoners were able to recognize the Israeli narrative and were not affected greatly by it. Abu Khdeir also notes that the teaching system in the university relies on scheduled assignments, with specific grades/points allocated to each assignment. As for exams, he explains that on the scheduled exam day, university staff members bring in two forms of the exam into the prisons. The exam envelopes are only open in the presence of a prison guard and an officer, the latter of which signs on the open envelopes with the exact date and time.

The prisoners' experience in the Open University was far from smooth. Despite allowing the prisoners to enroll in correspondence in the university, the Israeli authorities have continuously found ways to punish the prisoners by

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<sup>86</sup> The academic committee is a group of prisoners with higher educational degrees that supervise other prisoners during their educational careers. The concept of the scientific committee was introduced to counter IPS decision banning employees of the Ministry of Education from visiting the prisons and supervising the secondary education certificate exams and university exams.



stopping them from registering in courses, or transferring them multiple times to different prisons in order to hinder their educational process. Moreover, the Israeli authorities limited the number of prisoners enrolled in the university at once, which has forced numerous prisoners to wait before finishing their education until others graduated. In addition, several prisoners have been banned from continuing their higher education despite being only few courses short of graduation. Lawyer Elias Sabbagh<sup>87</sup> notes that in an effort to overcome the ramifications of the ban imposed on the prisoners' education in the Open University, Al-Quds University-Abu Dis agreed to accredit 60% of the credit hours the prisoners he had earned in the Open University, on the condition that he had earned 90-120 credit hours and that the Open University courses carry reasonable similarities to Al-Quds University-Abu Dis courses.

Released prisoner Nu'man Shalabi notes that his experience in the Open University of Israel was not without conflict, as the IPS was not pleased with the prisoners' educational success. Shalabi recalls that in one semester, he had registered in three courses and had only the final exams left to earn the credit hours; however, IPS banned him from taking the exams which forced him to re-take the same courses. Under the Israeli restrictions, Shalabi was only able to finish his Bachelors degree after eight years, as IPS halted his course registration for several semesters, along with transferring him to a different prison on the day before a final exam, which stopped him from fulfilling the course requirements. Moreover, IPS claimed full capacity in numerous courses, halting his registration.

The prisoners continued to pursue their education in the Open University of Israel until the Israeli Prime Minister Benjamin Netanyahu banned education in prisons, particularly those affiliated with Hamas movement, in order to pressure Hamas into returning the captured Israeli soldier Gilad Shalit. The prisoners attempted to fight the ban through an appeal to the Israeli Supreme Court. However, the court rejected the appeal and ruled that education is a privilege, not a right of the prisoners. Even though Gilad Shalit returned through the prisoner exchange deal with Hamas, education in the Open University of Israel remains currently suspended. This is a stark proof of the true motives



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<sup>87</sup> Interview with lawyer Elias Sabbagh on 26 June 2019

behind the Israeli policies aiming to deny the prisoners their right to education. The Israeli authorities have continuously worked to obstruct the prisoners' educational process for the slightest reasons and delivered an outright ban on higher education at the first opportunity.<sup>88</sup>

## Second Demand: Informal Education

In light of the escalating restrictions on formal education, the prisoners have resorted to informal education in many forms, including arranging cultural discussions organized by Palestinian political movements, resorting to the Palestinian universities, as well as exploring remote education to pursue university and postgraduate studies. Moreover, the prisoners have utilized the various prison libraries, and relied on Arabic and Hebrew newspapers to stay in touch with the outside world and keep up with current updates.

### 1. Cultural Discussions

Cultural discussions have been a key form of informal education inside prisons for years. The discussions have aimed to provide political education, as well as exchange expertise and language skills. However, the nature and frequency of the cultural discussions have varied over the years as each Palestinian political movement has different approaches to the matter. The cultural discussions in the 1970s were held at the prison room level, with each prison room housing around 60 prisoners; these discussions were generic and any willing prisoner was welcomed to participate.<sup>89</sup> For years after, up until the 1990s, the cultural programs of the various political movements were quite similar with the expected variations due to ideological differences. Nonetheless, the discussions mostly upheld a particular internal system with obligatory attendance. After the Oslo Accords, the cultural discussions witnessed a change in concept, content, and form. The original concept of the discussions was maintained only in some prison sections, organized by some political movements.

<sup>88</sup> Prior to the ban on enrollment in the Open University of Israel, around 323 Palestinian prisoners pursued their education through the university

<sup>89</sup> Interview with released prisoner Rula Abu Dahhu, a lecturer and acting head of the Institute of Women's Studies in Birzeit University, on 19 June 2019



The cultural discussions varied, from general cultural sessions, to group sessions, and general and private sessions on the internal organizational affairs of political movements. Moreover, political movements held administrative sessions, and security sessions to raise security awareness during incarceration and explore the security experience of the prisoners. Normally, the cultural discussions are organized through cultural programs that are prepared and adopted annually by each political movement with the prisoners of each movement voting on the programs. The programs are flexible, maintaining a minimum number of hours or discussions but opening the door to increase the number or duration of the sessions. Numerous prisoners have noted that the Popular Front for the Liberation of Palestine is the most committed movement to the cultural discussions with a program of 10 one-hour sessions every week, attended roughly by 12 prisoners; attendance is obligatory. Additionally, entertainment sessions take place once a month in the form of general knowledge trivia games; the winning prisoners receive prizes to further encourage them to read and learn.

The cultural discussions vary in content according to the organizing political movement, as well as the prisons where they are held. Moreover, the attending prisoners influence the nature of the discussions, especially the more educated prisoners who impact the content of the conversation. Throughout the interviews, it has become apparent that political movements with religious discourse focus mainly on the religious aspects, in particular memorizing, reciting, and intonation of the Qur'an. An example of that is Hamas and Islamic Jihad's daily Qur'an sessions. In terms of the movements' internal organizational discussions, Hamas holds weekly sessions while the Islamic Jihad holds none. As for Fatah, the movement continues to adhere to its revolutionary discourse, as well as its established strategies and principles. However, the prisoners note that Fatah's cultural discussions are almost non-existent. On the other hand, the Popular Front for the Liberation of Palestine's program includes lectures on history, Arab society, philosophy, security, economy, and the history of other revolutions across the world. PFLP holds one-hour general cultural discussions daily, as well as special sessions similar to a book club in order to discuss three books the prisoners are expected to read every month.



The PFLP experience in the cultural discussions is documented through interviews with numerous prisoners. The PFLP program is divided into three levels: beginner, intermediate, and advanced for the prisoners who have been incarcerated for a long time. The beginners level runs for about 6 months to induct the new prisoners before they join the intermediate level which includes the rest of the prisoners. The prisoners commit to reading an assigned number of books weekly, and present a report at the end of the month to indicate all the educational, cultural, and the movement's internal organizational activities in which they participated, as well as their readings. Moreover, each prisoner is asked to prepare a book report on one of the books he read to facilitate discussion among the prisoners.

Additionally, the prisoners are obligated to attend the discussions; absences are only excused for court sessions, hospital visits, or similar events. Unexcused absences are faced with disciplinary measures that include obliging the prisoners to copy a particular book or a similar measure that aim at its core to alert the prisoner to the importance of the discussions. Furthermore, each political movement has a cultural roster that includes a list of all the books on a movement's internal organization and structure, and all the written cultural, security, or educational materials. One prisoner is put in charge of maintaining and updating the roster. The roster is used to assign and order the reading material for the new prisoners.

When speaking of the cultural discussions, it is essential to note the special illiteracy sessions in numerous prisons; the sessions aim at teaching the prisoners reading and writing skills, as well as Arabic grammar and structure. In these sessions, every prisoner in need of help is assigned another prisoner who takes on the role of the "teacher." The sessions continue until the "student" prisoner is competent in Arabic. In case of failure to uphold the sessions and the learning process, the inattentive prisoner, whether the "student" or the "teacher," will face moral penalties to encourage the prisoners to continue their educational efforts. Released prisoner Tareq Khader notes that many prisoners were able to learn Arabic, and subsequently pass the secondary education certificate exam later on because of these sessions.

Another type of session held in prison are specialized courses, like for example a course on media that was offered in Ofer prison in 2017 and led by Palestinian journalist Omar Nazzal. The course, which graduated 17 prisoners, was coordinated in collaboration between the Palestinian Committee of Detainees and Ex-Detainees Affairs and the Palestinian Journalists Syndicate. After the course ended, the educational materials were circulated to more prisons for the benefit of other prisoners.

The concepts of cultural discussions have differed over the years. At one point, the cultural discussions were the prisoners' first resort to raise awareness and lift the spirits of the prisoners, as well as an opportunity to discuss the various Israeli policies. However, following the Oslo Accords, the state of the discussions deteriorated significantly, with most political movements growing careless of maintaining a regular schedule. On the other hand, the prisoners were not as committed to attending the discussions as before. Additionally, the discussions' content witnessed a great shift following the Oslo Accords. Previously, the discussions revolved primarily around political and struggle discussions; nowadays, only few political movements have preserved the same conceptual framework of the cultural discussions. Thus, the cultural discussions, and their impact on the prisoners' experience and life during incarceration have decreased.



## 2. Libraries

Prison libraries are considered one of the prisoners' main methods of self-education in light of the ban on their education in the Open University of Israel. Following the ban on education, the prisoners used the libraries to enrich their educational endeavors in the Palestinian universities. The library books were used to supplement various courses as a foundation for their research and reports. The issue of bringing books into the prisons started in the 1970s and 1980s, when the International Committee of the Red Cross (ICRC) and heads of municipalities played a vital role in getting books into the prisons. Released prisoner Abdullah Ghadeib recalls that the ICRC used to provide the prisoners with a list of books that had been previously submitted to IPS for initial approval. The prisoners would choose the titles of the books



they wished to read and the ICRC worked to bring them into the prisons.<sup>90</sup>

In addition to the books the prisoners managed to bring into the prisons through ICRC and municipalities, the prisoners' movement also attempted to covertly bring in many books, especially the banned ones, through altering the physical appearance of the books. Released prisoner Khalil Ashour recalls that the book covers were changed, while revolutionary pictures were replaced with silly alternatives that would divert IPS attention away from the banned books. On occasions, the prisoners had to make changes to the layout of the written material by deleting any illustrations or anything else of the sort that would prompt IPS to ban the books.<sup>91</sup> Moreover, the prisoners circulated the books between the different prisons during their transfers as the prisoners are allowed to bring along some books to their new prison. This approach was adopted through the use of capsulate, which is made thin sheets of transparent plastic on which the prisoners use miniscule writings to copy books and other documents.

Under IPS restrictions on books allowed in prison, the prisoners faced another problem which was the damage sustained to the books due to overuse and poor reservation methods in light of the lack of resources in prison. This prompted the prisoners to innovate various methods to preserve the books and renovate the covers. Released prisoner Khalil Ashour recalls his experience being in charge of the Nablus prison library in 1972. When he took over at the time, the library had 80 books in an extremely poor condition, so the prisoners' movement negotiated with IPS to allow a supply of hard paper or carton into the prison. The prisoners used the supplies to renovate the books by reshaping the hard paper into page-size sheets. This was done using primitive tools available in prison: the prisoners used razor blades to cut the carton and repurposed broom bristles into glue brushes. Moreover, the prisoners managed to secretly acquire a sewing needle, and drew strings of sugar bags in order to renovate and sew in the book pages; for the larger books, the prisoners drew strings of gunny sacks. Acquiring the supplies was not an easy task. The prisoners were able to secretly get their hands on glue through one of the factories that was in

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90 Books in Captivity – symposium by the A. M. Qattan Foundation on 4 September 2019. For more, visit [https://www.youtube.com/watch?v=g6eWilPh\\_aQ&t=78s](https://www.youtube.com/watch?v=g6eWilPh_aQ&t=78s)

91 Previous Reference



business with IPS<sup>92</sup>; the prisoners would later empty the glue in toothpaste tubes and other containers to conceal them during IPS search raids. Occasionally, the prisoners would covertly acquire adhesive bandages from the prison clinic and repurposed them to glue the books.<sup>93</sup>

Nowadays, the prisoners face unprecedented restrictions. Up until the 1990s, IPS did not show this “security mania” in restricting the content and nature of books allowed in prisons, sometimes overlooking numerous books inside. Nonetheless, the prisoners suffered further with the escalating incitement against them. Since 2000, particularly after the capture of the Israeli soldier Gilad Shalit, the prisoners’ movement has faced increasingly wider restrictions in this matter. This led to the prisoners’ families taking on a larger role in bringing books into the prisons, especially with the ICRC falling behind. The prisoners would notify IPS that their families will bring in books without necessarily revealing the titles of the books. The books are later handed in to IPS which in turn inspects the books before approving them. Naturally, the process varies among different prisons but it is mostly homogenous among the prisons.

The time frame of book inspections is different every time as there are no set criteria; some books are inspected and allowed in the prisons within days, while inspection of other books can last weeks. In cases IPS does not approve the books, they are returned to the families on their next visit. If the prisoner’s family is not present at the next visit, the books are confiscated or returned to other families. It should be noted that some prisons enforce tighter restrictions on the books allowed inside the prison. In some prisons, most books, especially the educational ones, are rejected and returned to the families, with only religious books, novels, and stories being allowed inside. This ban on all forms of educational books, particularly school or university books, further serves the Israeli policy to ban education in prison. IPS continuously rejects all political, historical, and educational books during inspection. Additionally, IPS occasionally bans books with illustrations, or those containing the Palestinian flag, as well as the literacy books as they are deemed educational. The prisoners note that there are no unified criteria of the books allowed or banned in prisons;

92 Released prisoner Rula Abu Dahhu notes that glue was later brought into the prisons through the International Committee of the Red Cross

93 Books in Captivity – symposium by the A. M. Qattan Foundation on 4 September 2019. For more, visit [https://www.youtube.com/watch?v=g6eWilPh\\_aQ&t=78s](https://www.youtube.com/watch?v=g6eWilPh_aQ&t=78s)



some books are allowed in some prisons but banned in others, which shows that the decision is left up to the Israeli officers' "mood" at the time.

Prison libraries differ in size, format, and location from one prison to another. Some prisons, like Hadarim prison, allocate a special room where around 6000 books are held, on top of each prisoner's personal collection of 10-15 books. However, Ramon and Gilboa prisons do not have one central library for the prison as a whole, but rather have smaller libraries with around 1000 books in each section. Additionally, Eshel prison hosts around 800 books. It is worth noting here that one Israeli policy in many prisons is limiting the number of books, demanding to exchange old books in order to allow new ones in. The policy demands two books to be taken out in exchange of every new book allowed per prisoner. This prompted the prisoners nowadays to collectively select the books to be taken out of the prison in order to choose the repeated and less important books that can be spared in exchange of new ones.

As for the format of the libraries, some prisons have bookshelves in the canteen, while others allocate a space in a room referred to as the "barber" room, like in Naqab, Eshel, Gilboa, and Ofer prisons. Nevertheless, the "barber" room includes a washing machine and dryer which makes it difficult for the prisoners to concentrate and read there in most prisons. The Israeli discrimination against security prisoners is apparent once again since criminal prisoners are allocated a library in which they can stay and read, unlike the security prisoners. Prisoner Ibraheem Mas'ad<sup>94</sup> says that the Nafha prison library, which holds 600-800 books, is located in a storage room, not in the barber room due to lack of space. He also notes that the library worker, a prisoner who takes on the job of a librarian, is accompanied into the library by the section officer to fetch the prisoners' book requests. Thus, the prisoners cannot read in the library.

As for the prisoners' access to the books, most prisons carry out similar policies. Mostly, one prisoner is chosen to take on the role of the librarian, in charge of bringing the books to the prisoners. The process is documented in a notebook, an index, with the titles, placement, and classification of all the books. Each prison section makes a copy of the index to facilitate the process. The copies are circulated among the prisoners to choose the books they wish to read; the

94 Interview with prisoner Ibraheem Mas'ad on 9 July 2019



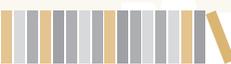
prisoners inform the librarian of their choices and he in return delivers the books weekly. If a prisoner already knows the title of a book he wishes to read, he will request the book directly. Moreover, the librarian keeps a record of every borrowed book, the name of the borrower, as well as the borrowing and return dates to prevent the loss of any books. Any prisoner who fails to preserve the borrowed books faces penalties.

An interview with Wissam Rafidi reveals that book classification takes a simple approach, which poses a problem for the prisoners since the classification process requires experts in the field— something the average prisoner lacks. Rafidi stated that, “the prisoners adopt a simple classification system, dividing the books into four shelves per topic: four shelves for history, four for economy, four for sociology, and so on.” However, the prisoners’ lack of knowledge on classification systems has led to discrepancies at times; for example, what some prisoners classify under economy should in fact be classified under sociology.

In numerous prisons, IPS determines the hours and days in which the librarian is allowed access to the library. Some prisons grant access all week, except Friday and Saturday, from 8AM to 5PM. Others allow the librarian access to the library only during the prison yard time with a guard at the door who searches the librarian on the way in and out. Libraries differ in size between prisons; some are small while others are as big as a 5x6 meter room; some are well equipped while others lack necessary supplies. The contrast is due to the fact that the larger, equipped libraries were not originally meant to be used by the prisoners, but rather were IPS offices. When the prisoners were given access to the rooms, some of the supplies, like shelves, tables, and chairs remained.

Even though the prison libraries remain, IPS exploits every opportunity to deny the prisoners access to the libraries and books. One form of IPS collective punishments is denying the prisoners access to the libraries. On other occasions, IPS confiscates a large number of books or bans the entry of books and scientific magazines under the pretext that they are educational books; since education is a privilege, and the prisoners do not have the right to own educational books. On the other hand, IPS mostly bans the prisoners from bringing in useful books; novels, stories, and poetry collections are only allowed if the theme is social, but are banned if the theme is revolutionary.





### 3. Palestinian Universities

The prisoners have also resorted to the Palestinian universities to pursue their education in light of the limited sources available to them in this regard, especially after they were banned from studying in the Open University of Israel and from sitting in the secondary education certificate exam. It must be noted that prisoner Marwan Barghouti played a key role in facilitating education through Palestinian universities. Barghouti laid the foundation of his project in 2010 due to his past employment as a lecturer in Al-Quds University-Abu Dis and also that he had received his PhD from the Arab League's Institute of Arab Research and Studies, while incarcerated. Barghouti reached an agreement with Al-Quds University – Abu Dis in 2012 and started the prisoners' remote-education program in Palestinian universities. The program started in Hadarim prison<sup>95</sup> and within few years graduated several prisoners with university degrees that enabled them to later help other prisoners in the program.

Barghouti's exceptional role in facilitating the educational process in prisons should be noted here. While thousands of Palestinians have been incarcerated since 1967, among whom were holders of higher degrees such as Masters and PhDs who led what can only be described as "falling short" at advancing education in prison, it was Barghouti who laid the foundation of higher education pursuit in prison.

Despite the different conditions and mechanisms of education among the Palestinian universities, there are a few common grounds, including the higher educational committee of prisoners with MA or PhD degrees; the former taught BA-level courses while the latter taught MA-level courses. Moreover, the size of the higher educational committee was proportionate to the size of the prison; larger prisons require a committee of 6 to 7 prisoners. The following diagram shows an example of the education structure in Ramon prison, consisting of the educational committee, an educational subcommittee, and the copy committee.

Released prisoner Firas Barghouti<sup>96</sup> notes that the educational committee plays the primary role in the educational process by coordinating with the

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<sup>95</sup> Hadarim is considered a special case as it is the first prison in which the system was implemented, and it is the only prison where prisoners can pursue an MA degree because there are prisoners with PhD degrees in the prison.

<sup>96</sup> Interview with released prisoner Firas Barghouti on 10 June 2019





Palestinian universities, following up the student registration, choosing the prisoners who will teach the courses based on their respective specializations, as well as determining the course materials. Moreover, the educational committee supervises the role of the educational subcommittee and the copy committee. Additionally, the committee manages the course timetables in each prison, scheduling and distributing the courses between the prison yard time and the lectures inside the prison sections. The committee also follows up with bringing the assigned course materials and books into prisons.

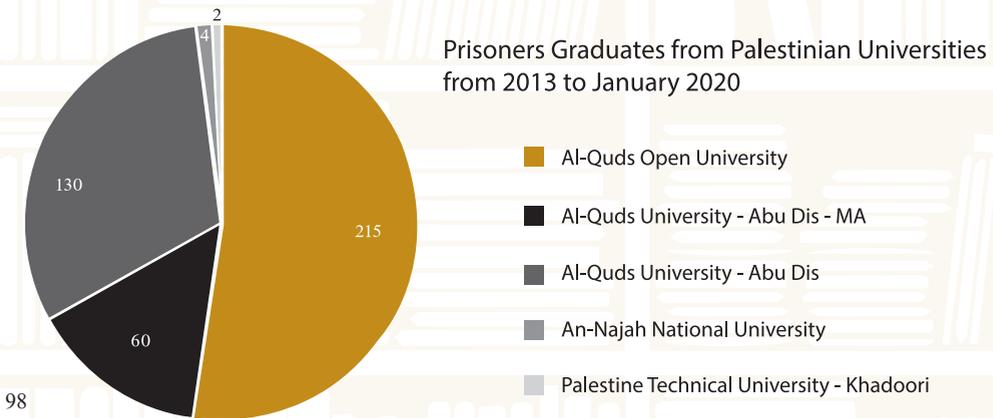
Barghouti adds that the educational subcommittee in Ramon prison consists of 14 prisoners among all sections. The copy committee is a group of prisoners whose primary job is to copy all the educational materials assigned by the educational committee. The IPS crackdown on the educational process has further affected the prisoners' access to the university academic books with only one copy of the assigned books allowed inside the prison most of the time. Changes to the cover and content presentation of the books have been necessary to bring them into the prisons. Thus, it is essential for the prisoners to make enough copies of the books to match the number of prisoners enrolled in the courses, as well as to save a copy for documentation and future use purposes.

Despite the differences in the mechanisms of education based on the prison and the university, the educational process focuses mainly on continuous discussion and open dialogue. With the educational committee working alongside the students, holding panel discussions separate from the lectures has become a stable. Moreover, the process of higher education, unlike the secondary education certificate exam, allows for an educational system based more on discussion and analysis, rather than memorization. The lectures are mostly held for an hour and a half on a daily basis, away from watchful eyes of IPS that will retaliate against any attempt at pursuing education with penalties. For example, when the IPS in Hadarim prison were aware that the prisoners sat in the yard to pursue education, it removed the chairs from the yard during the allocated time for the prisoners.



Barghouti also notes that to maintain the integrity of the educational process, the educational committee implements a code of conduct in agreement with the prisoners. For instance, the code of conduct regulates attendance as the prisoners are not allowed to skip any lectures without a valid excuse, like a court date or hospital visit; three unexcused consecutive absences lead to expulsion from the course. The code also prohibits all forms of academic dishonesty, including cheating in exams and plagiarism.

It should be noted here that the prisoners do not shoulder any financial cost of enrollment in Palestinian universities. The Palestinian Committee of Detainees and Ex-Detainees Affairs reaches an agreement with the Palestinian universities to cover the cost of the prisoners’ education; the Palestinian Authority covers a portion of the cost, while the universities cover the rest. The coverage ratio differs from one university to the other. The prisoners have themselves confirmed this, including prisoner Khader Radi<sup>97</sup> who notes that “the prisoner does not cover any university expenses.” It should be made clear that the prisoners’ attempts were not limited to the Palestinian universities. Occasionally, the prisoners sought out Arab universities to pursue higher education. One such prisoner was Marwan Barghouti who received his PhD during his incarceration from an Arab university. Moreover, numerous prisoners were able to remotely defend their graduation projects and MA dissertations over the phone. The following diagram shows the percentage of prisoner graduates from Palestinian universities since 2013.



97 Interview with prisoner Khader Radi on 17 June 2019

98 Statistics on Al-Quds University – Abu Dis were obtained from Elias Sabbagh on 5 February 2020, while statistics on other universities were obtained from Sayyaf Abu Saif on 20 January 2020



## a. Al-Quds University – Abu Dis

Al-Quds University–Abu Dis is one of the main universities in which the prisoners have sought to continue their education. On top of Bachelors programs, Al-Quds University offers the prisoners Masters-level education, which is made available to prisoners only in Hadarim prison. In 2013 Prisoner Marwan Barghouti<sup>99</sup> started the Masters program for the prisoners, followed by the Bachelors program. Since the start of the educational programs in Al-Quds University, 130 prisoners have graduated with Bachelors degrees in history and political sciences, while 60 prisoners have graduated with Masters degrees in Israeli Studies. Currently, there are 40 prisoners enrolled in the Bachelors program and 70 prisoners in the Masters program.<sup>100</sup> Considering the exclusive nature of the educational experience in Hadarim prison, the following section explores the educational experience of its prisoners in Al-Quds University–Abu Dis.

- **Education in Hadarim Prison**

Hadarim, considered one of the central Israeli prisons, started as a civilian prison before a special section was added for Palestinian political prisoners. The prison consists of 8 sections with a 600-person capacity. The Palestinian political prisoners are held in section 3, under an administration independent from the rest of the sections.<sup>101</sup> This shows the small size of the prison, and consequently the limited number of the Palestinian political prisoners held there. IPS deliberately transfers prisoners with high sentences to Hadarim, and imposes severe restrictions on other transfers into the prison.

Barghouti’s pioneering experience shaped the educational experience in Hadarim and gave it a central role in the educational process in prisons. Hadarim has become an educational destination that has exported educated prisoners to other prisons in order to maintain the continuity of

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99 Interview with prisoner Marwan Barghouti on 24 July 2019

100 These figures are from statistics on Al-Quds University – Abu Dis obtained from Elias Sabbagh on 5 February 2020

101 Hadarim Prison by the Prisoner Support and Human Rights Association (Addameer). Accessed on 1 December 2019 via <http://www.addameer.org/ar/prisons/%D8%B3%D8%AC%D9%86-%D9%87%D8%AF%D8%A7%D8%B1%D9%8A%D9%85>



education. Released prisoner Bassam Abu Aker notes that “Hadarim has become a true transformational point that changed the cultural reality of a large group of prisoners, both individually and collectively.” He adds, “education in Hadarim has largely modified the prisoners’ cultural and educational vision that had previously been changed following the Oslo Accords, when Israel implemented a policy attempting to eradicate the Palestinian history, identity, and heritage of hundreds of prisoners.”

Abu Aker recalls his educational experience, noting that the educational system for a Bachelors degree is structured in collaboration with the university itself, with the prisoners registering in the available courses each semester. He adds, “the level of education is incredibly high; the credit hours allocated to each course in the prison are higher than the normal ones.” The student evaluation relies on a midterm, a final exam, a report, and a research paper, while a portion of the grades is allocated for student participation in lectures. Despite the well-structured educational process, the prisoners face another obstacle in regard to the educational books. Each prisoner is responsible for providing his own educational materials, which has prompted the prisoners to go to extreme measures to bring the necessary books into prisons. Nonetheless, this has further enriched the prison library with hundreds of books on various subjects that the prisoners use for research and extensive reading.

Abu Aker continues, “As with supervision over the students outside the prison, the educational process in Al-Quds University is supervised by the educational committee that proctors exams, as well as reviews the prisoners’ reports and research papers. Any prisoner who violates the educational code of conduct is met with several penalties, including failure in the course. As for the prisoner’s graduation project, the evaluation process is divided between the project itself and the prisoner’s defense evaluation. The prisoner presents and defends the graduation project before a committee of three prisoners, including Marwan Barghouti. In the defense, the prisoner answers the committee’s questions on various aspects of the project before a grade is determined.”



Prisoner Nu'man Shalabi believes that the Masters program initiative started as a form of consolation after the grave disappointment caused by the Israeli decision to deny the release of prisoners with high sentences in the prisoner exchange deal of 2011. Shalabi notes that the program started with around 8 prisoners who registered officially in the university through the lawyer Elias Sabbagh. Prisoner Marwan Barghouti reached an agreement with the university, by which he began giving lectures, as well as supervising students, exams, and research papers. Study sessions were conducted in the form of three-hour panels, twice a week per every course. Barghouti would explain the course material, with the prisoners participating in the explanation process through the knowledge they acquired from their arrest and experience in the Israeli judiciary system, as well as from relevant newspapers and books. Barghouti notes that the student evaluation is multifaceted, including the prisoners' participation during lectures, submission of reports, a 30-40-page research paper for every course, presentations, short exams, and a final exam.

Prisoner Bassam Abu Aker present a noteworthy story as he began his Masters program in prison, but completed his studies following his release.<sup>102</sup> Abu Aker notes that the highest possible mark that could be achieved in the MA program is 88, unlike the possible 100 in the program outside the prison. The decision to alter the highest possible grade came to lend further credibility to the program, and ensure integrity and honesty. Nevertheless, this constituted a major injustice for the prisoners in the program. Abu Aker recalls that as he was completing his studies after his release, he received higher grades despite putting in less effort than during his incarceration.

The experience of Abu Aker, along with other prisoners, shows what a serious task it is to join the Masters program in Al-Quds University, especially in light of the additional mandatory lecture hours per week; courses in prison have an added average of an hour and a half to three hours of lectures in comparison to lectures outside prison. The different experience inside and outside the prison extends beyond the lectures

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<sup>102</sup> Released prisoner Bassam Abu Aker completed four MA courses in prison, and completed the other eight courses after his release. An interview with released prisoner Bassam Abu Aker on 5 August 2019.



to include different assigned educational materials of the courses for prisoners. On top of the compulsory readings assigned in the academic course plans, the prisoners are assigned additional readings and educational materials which makes education inside prison vastly more difficult than outside. Abu Aker recalls that in one course, the prisoners were required to read 8 books, which was double the compulsory material for the students outside of the prison. Furthermore, he believes that the nature of the educational materials inside the prison is not comparable to the ones outside.

The Masters program in Israeli Studies covers the Israeli society from various aspects, including the governing system, Israeli policies, economy, political parties, the Palestinians living in the occupied Palestinian territory since 1948, the history of the Arab-Israeli conflict, and the history of other liberation movements across the world. Marwan Barghouti notes his persistent efforts to create a form of gender awareness among the prisoners by teaching a course on women. The course aims to raise awareness of women studies, the feminist movement, and success stories in Palestine and the world.

## **b. Al-Quds Open University**

Palestinian prisoners have resorted to Al-Quds Open University in order to pursue their education for many years. The Palestinian Committee of Detainees and Ex-Detainees Affairs and the university signed a memorandum of understanding on February 23, 2014 to allow the prisoners to pursue their degree in specific majors: Islamic studies, social service, Arabic, social development, and social studies, that includes history and geography.<sup>103</sup> The memorandum requires an educational committee of prisoners who hold Masters degrees or higher in the prison.

To pursue education in Al-Quds Open University, the prisoner must have passed the secondary education certificate exam with an average of 50% or

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103 Prisoners and Education in Israeli Prisons. Published on Palestinian National Information Center (WAFA) website. Accessed on 23 January 2020 via [http://www.wafainfo.ps/ar\\_page.aspx?id=rKoHexa9187271709arKoHex](http://www.wafainfo.ps/ar_page.aspx?id=rKoHexa9187271709arKoHex)



higher, and have been sentenced or placed under administrative detention, not just detained. Moreover, the sentence must exceed three years, unless the prisoner was a student in the university prior to his incarceration, in which case he is allowed to continue his studies regardless of the duration of the sentence.<sup>104</sup> Once the educational committee is chosen, the committee gives daily lectures to teach the assigned materials. Prisoner A'sem Al-Ka'bi<sup>105</sup> recalls his experience in Al-Quds Open University where he studied social development, “[T]he lectures are organized and regulated. The prisoners sit in the course exams on the same dates set for students outside the prison as the university takes careful measures to guarantee that education inside the prisons is conducted in parallel to the outside; this sets apart education in Al-Quds Open University.” Additionally, he notes that the prisoners face one particular difficulty as the Open University does not offer a summer term in prison, which prolongs the duration of the studies. Statistics for 2019 show that 215 prisoners have graduated from Al-Quds Open University, while 987 prisoners across Gilboa, Naqab, Ramon, Nafha and Ashkelon prisons are currently pursuing their studies there.<sup>106</sup>

### **c. Al-Ummah Open University**

Al-Ummah University in the Gaza Strip further facilitates education of the prisoners in comparison to the West Bank universities. Prisoner Diab Nasser<sup>107</sup> notes that registration in Al-Ummah university is open to any prisoner, regardless of incarceration status, i.e. sentenced, detained, or placed under administrative detention. Moreover, the university keeps records of every prisoner, documenting the registered and passed courses; following the prisoner's release, the university will accredit the courses he passed during incarceration. Thus, the university requires only the secondary educational certificate as a registration prerequisite. The prisoners are limited to pursue majors in political sciences, media, and business administration.

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104 Higher Education of Incarcerated Prisoners offered by Al-Quds Open University. Published on the Palestinian Cabinet website via <http://palestinecabinet.gov.ps/GovService/ViewService?ID=2865>

105 Interview with prisoner Asem Al-Ka'bi on 19 July 2019

106 Interview with Sayyaf Abu Saif, the former head of the committee's higher education unit and the current head of the committee's office in Jenin. The interview was conducted on 20 January 2020.

107 Interview with prisoner Diab Nasser on 26 June 2019



#### **d. Al-Aqsa University**

The prisoners began their studies in Al-Aqsa University in 2011. At the time, it was available solely in Hadarim prison where prisoners could only pursue a major in history. Later on, education in Al-Aqsa University expanded to include other prisons, such as, Nafha, Ramon, Eshel, and Naqab. At Al-Aqsa registration is finalized through the prisoner's lawyer who in return submits the necessary documents to the university's registration office in Gaza. A total of 700 prisoners have enrolled in the university, the majority of whom are unable to graduate because a graduation requirement was a course that had to be taken outside of the prison. Thus, the prisoners who were released were able to graduate, unlike those who remained incarcerated.

The educational process relies on prisoners with Masters degrees to hold lectures in the mornings and evenings. The prisoner "lecturers" teach the courses, and write, correct and grade the exams; with the grades then submitted to the University. Al-Aqsa University continues to offer education to the Palestinian prisoners at the time of writing. Nevertheless, there are no new registrations due to the availability of studies in Al-Quds Open University. The total number of prisoners who have enrolled in Al-Aqsa University from 2011 to 2019 is 860 prisoners.<sup>108</sup> The University has not imposed many registration requirements, only that the prisoner must have passed the secondary education certificate exam with an average of 60% or above and that the University does not place conditions on whether or not the prisoner is sentenced or detained.<sup>109</sup>

#### **4. Newspapers and Magazines**

The prisoners have often resorted to newspapers and magazines as a means of contact with the outside world and to stay informed of current news. Under the concurrent IPS restrictions and consequent ban on allowing books into prisons, newspapers and magazines have become the prisoners' sole source of news and

<sup>108</sup> Interview with prisoner Abdel Nasser Issa on 18 June 2019

<sup>109</sup> It should be noted that education in Al-Aqsa University was not formally accredited since the agreement with the university was facilitated through Hamas which prompted the Palestinian Ministry of Education to refuse accreditation of the prisoners' degrees in the West Bank. Later on, the former Minister of Education Sabri Saidam accredited some of the degrees, and the rest of the prisoners were directed to re-enroll in Al-Quds Open University. Interview with Sayyaf Abu Saif, the former head of the committee's higher education unit and the current head of the committee's office in Jenin on 20 January 2020.



updates. Some prisoners note that newspapers were allowed inside the prisons before the 1990s, albeit not regularly. Wissam Rafidi notes that the prisoners placed newspapers on the list of their demands in the 1992 hunger strike; they demanded regular access to newspapers and ending IPS delays in delivery. The Israeli policy regulating the newspapers permitted inside the prison is somewhat arbitrary as IPS bans entry of Arabic newspapers in general, citing that the newspaper must be issued in Israel. This particular criterion is in line with IPS regulations, particularly article 2/D of directive 04/500/00 on books, newspapers, and group games of the prisoners.<sup>110</sup> Consequently, the only Arabic newspaper allowed inside the prison is Al-Quds newspaper, as it is issued in Jerusalem. This limits the prisoners' options to Hebrew newspapers and Al-Quds newspaper.

Interviews with the prisoners show that there is a clear discrepancy in access to newspapers from one prison to another. For example, Hebrew newspapers, like Haaretz and Yedioth Ahronoth are allowed inside the prisons based on private monthly subscriptions. The prisoners or the political movements choose the newspapers and order an individual subscription under a prisoner's name. Once the newspaper is delivered to the prison, it will be circulated among the sections to ensure all members of the political movement manage to read it. A 6-month subscription to a Hebrew newspaper costs 500-600NIS. These newspapers are delivered regularly and daily to the prisons.

Released prisoner Ra'fat Hamdounah<sup>111</sup> recalls, "[T]he prisoners were allowed to buy Hebrew newspapers on a monthly subscription so we would subscribe under a prisoner's name. When the newspaper is delivered, we wrote the numbers of the prison rooms on it. Every room is then allocated a certain time to read the newspaper before its number is crossed and the newspaper is passed on to the next room. This ensures that everyone can read the newspapers." On the other hand, released prisoner Tareq Khader recalls his experience in Ofer prison, where prisoners translate the important articles in the Hebrew newspapers to Arabic in a special notebook that is later shared with other

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110 The article states that "prisoners are allowed to buy books or magazines allowed per article 2/C that meet the following conditions: 1- A book or magazine printed and published in Israel 2- A book or magazine printed and published outside the country or in Judea and Samaria area and Gaza that have not been banned from circulation by the head of the intelligence unit."

111 Interview with released prisoner Ra'fat Hamdounah – a previous reference



prisoners who want to read the translation. Moreover, prisoners in some sections translate the major headlines from Hebrew into Arabic to keep the non-Hebrew speakers updated.

Access to Arabic newspapers in prisons<sup>112</sup> is limited solely to Al-Quds newspaper, but the access to this Arabic newspaper varies between prisons. In some prisons, Al-Quds newspaper is delivered daily based on a monthly subscription similar to the Hebrew newspapers, while in other prisons ICRC collects newspaper issues and brings them inside the prison through family visits. In some prisons, prisoners' families collect newspaper issues and bring them into the prison during visits, independently from ICRC. Other prisons, like Eshel, do not receive newspapers at all.

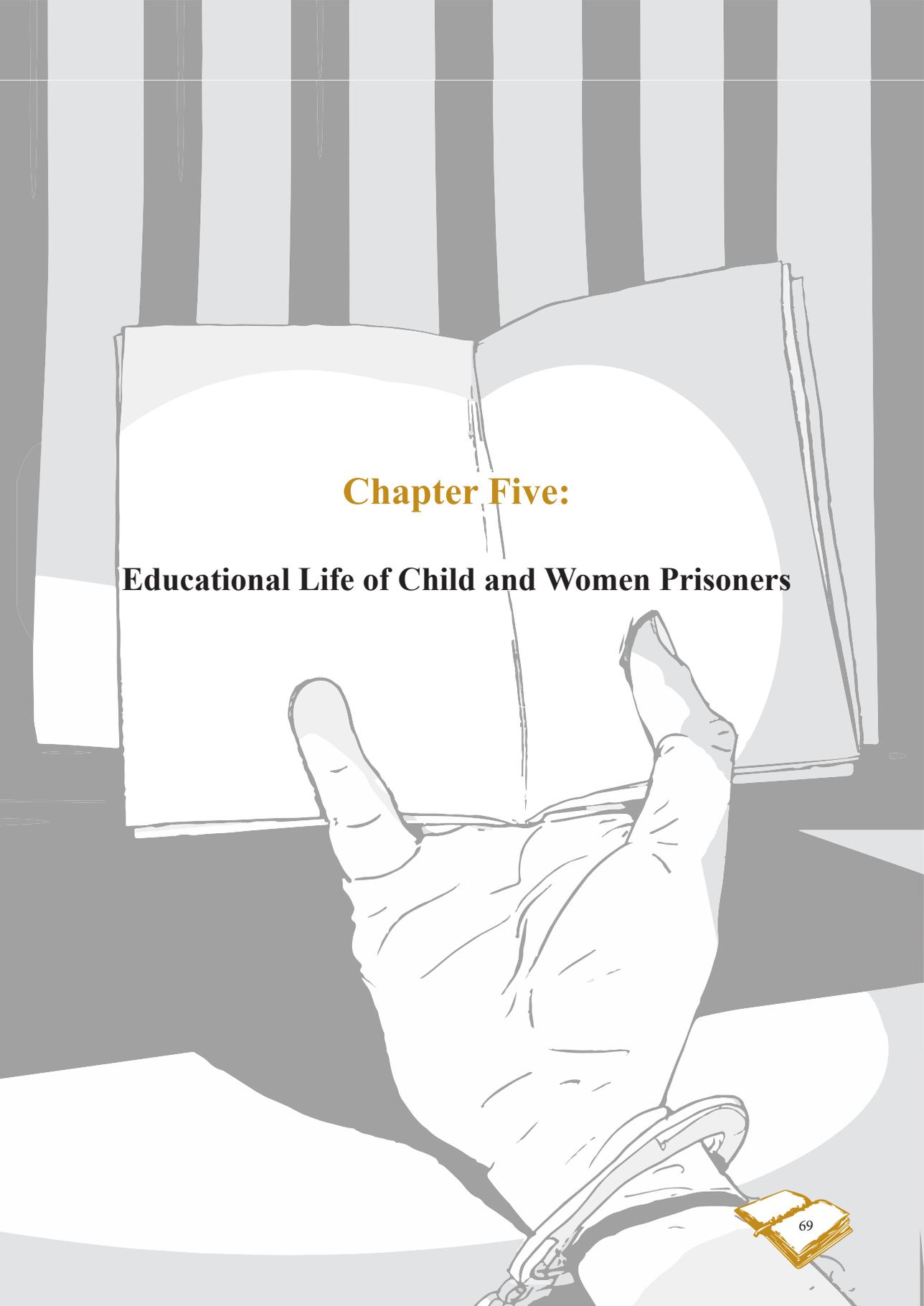
It should be noted that during periods of tension, IPS often bans access to Arabic newspapers and allows only Hebrew newspapers in order to cut the prisoners off the outside world and avoid any potential rebellion. Thus, Arabic newspapers gain special significance since the only TV channels allowed in the prisons are Israeli channels, or Arabic channels that broadcast social content more than the news. Numerous prisoners note the high cost of subscriptions to Al-Quds newspapers, which is double the cost of subscriptions to Hebrew newspapers.

In regard to magazines, IPS has not explicitly declared a ban on magazines in the prisons. Nonetheless, the prisoners note that IPS practices show that the entry of scientific journals mostly depends on the prison officer's "mood" on any given day, with the lack of a clear policy that allows or bans magazines and journals.

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112 Previously, there were numerous newspapers and magazines allowed inside the prisons that were later banned, including Al-Bayader Al-Siyasi magazine, Jerusalem Post, Times, Al-Ittihad newspaper and others. The vast majority of these publications are no longer allowed inside the prisons, or only allowed in a very small number of them.





## **Chapter Five:**

### **Educational Life of Child and Women Prisoners**

## Chapter Five:

### Educational Life of Child and Women Prisoners

- **Legal texts regulating child and women prisoners' right to education**

Addameer's statistics for November 2019 show that around 40 women and 200 children are incarcerated in Israeli prisons. The prisoners have suffered from inhuman treatment and cruel incarceration conditions, a blatant violation of their rights guaranteed in several international agreements and conventions. This chapter explores the international conventions guaranteeing the child and women prisoners' right to education, as well as the reality of incarceration conditions in Israeli prisons.

Numerous international conventions guarantee women and children's right to education, particularly for being the most vulnerable members of the population. Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women<sup>113</sup> states 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," particularly to ensure "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," on a basis of "equality" between men and women.

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113 Adopted and opened for signature, ratification and accession by UN General Assembly Resolution 34/180 of 18 December 1979. Published in A Compilation of International Instruments, the United Nations, New York 1993. Sales no. A.94.XIV-Vol.1, Part 1, p. 208.



Additionally, Article 28 of the Convention on the Rights of the Child<sup>114</sup> states a child’s right to education, and that States Parties shall make primary education “compulsory and available free to all.” The same article also states that the States Parties shall “encourage the development of different forms of secondary education ...[and] make them available and accessible to every child,” as well as “make higher education accessible to all on the basis of capacity by every appropriate means.”

Furthermore, Article 37 of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules) states that “[J]uvenile female prisoners shall have equal access to education and vocational training that are available to juvenile male prisoners.” Moreover, Article 60 of the Bangkok Rules states that necessary educational and training programs shall be made available to improve women’s employment aspects. Moreover, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty<sup>115</sup> states in Article 18 (b) that “[J]uveniles should be provided, where possible, with opportunities to pursue work, with remuneration, and continue education or training.” Article 38 of the rules states that “[E]very 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. Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education.”

Article 39 of the Rules state that if juveniles over the compulsory school age want to continue their education, they should be “permitted and encouraged

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114 Adopted and opened for signature, ratification and accession by UN General Assembly Resolution 44/25 of 20 November 1989. Published in A Compilation of International Instruments, the United Nations, New York 1993. Sales no. A.94.XIV-Vol.1, Part 1, p. 237.

115 Recommended for adoption by the eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Adopted by UN General Assembly Resolution 45/113 of 14 December 1990. Published in A Compilation of International Instruments, the United Nations, New York 1993. Sales no. A.94.XIV-Vol.1, Part 1, p. 382



to do so, and every effort should be made to provide them with access to appropriate educational programmes.” Additionally, Article 41 states that “every detention facility should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals suitable for the juveniles, who should be encouraged and enabled to make full use of it.” Lastly, Article 59 of the rules states that all means should be provided to guarantee “adequate communication” between the juveniles and the outside world, and that juveniles should be allowed to leave their detention centers for educational or vocational reasons.

Stepping away from the international conventions, child prisoners in Israeli prisons have had to resort to the Israeli justice system in 1997 to combat the Israeli discriminatory practices against them and denial of their right to education.<sup>116</sup> Child prisoners have managed to gain their right to education through a court order issued by the Tel Aviv District Court, that allowed the prisoners to continue their education in accordance with the Palestinian curriculum inside the Israeli prisons. Nevertheless, the court order left the final say to IPS to explain and implement the order in line with security requirements. This court order has further cemented the Israeli policy of denying the Palestinian child prisoners their right to education, as well as spreading ignorance among an entire generation of child prisoners, some with long prison sentences.

The denial of education for child prisoners has been a long-standing Israeli policy, aimed primarily to create an educational and cultural vacuum for Palestinian children. The escalating arbitrary arrests by Israel further encourages truancy, while the practice of long-term or open-ended house arrests denies many students, particularly Jerusalem residents, of continuing their education at a normal pace.<sup>117</sup>

To further explore the child prisoners’ experience in the Israeli justice system, it should be noted that child prisoner Mohammad Farahat, along with a group of other child prisoners, filed appeal number 97/400 to the Tel Aviv District Court in 1997. The appeal aimed to obtain a court order against IPS in order to allow the Palestinian child prisoners in Israeli prisons to continue their education

<sup>116</sup> The case of Mohammad Farahat vs. the Israeli Prison Service of 1997

<sup>117</sup> See the Annual Violations Report of 2018 by the Prisoner Support and Human Rights Association (Addameer), 2019, p. 52-53.



on a basis of equality with “Israeli” juveniles.<sup>118</sup> The court approved the prisoners’ appeal, granting them the right to education in accordance with the Palestinian curriculum, on a basis of equality with “Israeli” juveniles. Nevertheless, the court did not leave it at that, but noted that the prisoners’ right to education remains subject to security conditions.<sup>119</sup>

The wording of the court’s decision in this 1997 case came in an atmosphere of compromise. The Palestinian people and the Arab World alike were hopeful in the wake of the Oslo Accords and the approaching end date of the transitional stage, especially with the significantly dwindling number of Palestinian prisoners left in Israeli prisons. Nonetheless, the legal loophole of child prisoners right to education contingent on security conditions in the 1997 court decision would later be utilized by Israeli administrations to deny juvenile prisoners their right to education. The wording of the court order intentionally broadened the definition of the already ambiguous term “security conditions,” thus deliberately opening the possibility of the IPS denying child prisoners their right to education at any time under “security conditions” pretexts. It must be noted that following the 1997 court decision, IPS allowed the minimum of education for the children in Arabic, English, Hebrew, math, and sciences, albeit not in accordance with the Palestinian curriculum. On the other hand, “security reasons” were utilized to deny children from studying other subjects, such as, religious studies, geography, and civic studies.

- **Reality of Education of Child Prisoners in Israeli Prisons**

The reality of a lack of education for Palestinian child prisoners in Israeli prisons shows the extent of the Israeli violations of international conventions. Israel continues to abolish its commitment to ratified conventions, including the Convention on the Rights of the Child and the Geneva Fourth Convention.

It should be noted that child prisoners are held in Damon, Ofer, and Megiddo prisons in separate sections from the adult prisoners with representatives in

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118 Palestinian Child Prisoners. Ramallah: the Defence for Children International, 2007, p. 31.

119 The Right of Child Prisoners to Education, a study by the Prisoner Support and Human Rights Association (Addameer), 2010, p. 35.



each prison. Prisoner Abdel Fattah Dawlah,<sup>120</sup> who was a representative of the child prisoners in Ofer prison for many years, notes that the formal education of the children was conducted through two schools authorized by the Israeli Ministry of Education and was only limited to the sentenced children in the prison section. He adds that education does not cover all subjects but is limited to simple math and Arabic. The individual educational level of the prisoners was disregarded as they were all placed in the same classes. The educational material was in accordance with the Israeli curriculum with photocopies of the books provided to the children. Thus, it is clear that the Israeli authorities and IPS regularly violate children's right to education by reducing their curriculum to two or three subjects. In addition, individual academic differences have been disregarded; an illiterate child should not receive the same education as a literate child. On top of that, education of the child prisoners has been optional rather than mandatory. All of this has prompted many children to abandon their education upon their release. Having spent a period of time in prison without an appropriate education, as well as the utter disregard to their individual academic levels has left many child prisoners feeling that education in prison is futile, especially since education is optional in prison and subject to their personal decision.

Released prisoner Lou'ay Al-Mansi<sup>121</sup> notes that education of child prisoners in Ofer prison is "conducted in sections 13 and 19 where each section has a 3.5x7 meter room functioning as a classroom with 6 tables, 12 chairs, a board and markers." He adds that each section has two teachers from the Israeli Ministry of Education who give classes covering Arabic and mathematics five days a week, from 8.30AM to 1.00PM. Hebrew is taught once a week only because the children find it difficult.

The Israeli discriminatory policy extends beyond the adult prisoners to affect the child prisoners. IPS' 2007 report shows that the Israeli Ministry of Education allocated and spent around 2.5 million NIS for educational purposes of the Israeli juveniles in Ovik prison. The ministry allocated 38 teachers for around 250 children, averaging around one teacher per seven students. A special curriculum was designed for the juveniles with learning difficulties.

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120 Interview with released prisoner Abdul Fattah Dawlah on 21 April 2019

121 Interview with released prisoner Lou'ay Al-Mansi on 23 July 2019



It's worth mentioning that IPS allowed one Israeli juvenile to sit in an exam with a parrot on his shoulder to provide stress relief therapy.<sup>122</sup> Consequently, a radical difference can be observed in the Israeli authorities' treatment and efforts into the education of Israeli juveniles in comparison with the Palestinian child prisoners.

Prisoner Abdel Fattah Dawlah notes that Ofer prison has a library in the child prisoners' classrooms. Representatives of the child prisoners submitted a formal request to the prison administration to establish a library for the children, which was supported by the Israeli Ministry of Education. Following IPS approval, the library was established and supplied with 200 books; later on, additional 100 books were added. IPS set up a bookcase that can fit around 500 books in the classroom. The prisoners are granted access to the library during the yard time. The adult prisoners keep a record of the library content, including the titles, categories, placement, and assorted information of the books, as well as established a loan system. The library houses novels and educational books of the 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grades, and an assortment of educational books, stories, and language books. The International Committee of the Red Cross occasionally contributes to bringing the educational material and novels into the prisons, along with intelligence games or chest sets.

Prisoner Durgham Al-A'raj, the child prisoners' representative in Damon prison,<sup>123</sup> notes that formal education starts on the first of September, while informal education of the children continues throughout the year. The child prisoners spend their mornings in classes, followed by two one-hour organizational training sessions, with a break in between. After that, the child prisoners sit for courses in Hebrew or spelling. These sessions are vital for the illiterate children. Moreover, the children participate in a reading activity that includes reading a book and discussing it with their peers. In 2016, the child prisoners started a periodical titled *Tala'e' Al-Ghad* (Tomorrow's Pioneers), in which they publish their writings on various topics.

The educational process has not stopped, despite the systematic Israeli policies to deny Palestinian child prisoners their right to education and to

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122 Report: No Way to Treat a Child by the Defense for Children International, 2011, p. 60.

123 Interview with prisoner Durgham Al-A'raj on 8 April 2019. It should be noted that Al-A'raj was released in the end of 2019



obstruct their cultural growth in prisons, as well as discriminating against them in comparison with Israeli juveniles. The prisoners and their representatives have tried consistently to fill the educational and cultural gap created by the Israeli practices. The representatives work to facilitate a normal educational and cultural life in line with their academic levels and aspirations, as well as innovate new methods to encourage the students to read and learn. Nevertheless, the impact of the Israeli policies continues to deter the child prisoners from continuing their academic careers.

- **The Reality of Education of Women Prisoners in Israeli Prisons**

Women prisoners suffer from a weakened educational and cultural movement in prison in comparison with the male prisoners for a variety of reasons, mainly the vast difference in numbers, with male prisoners greatly outnumbering the women, along with the lack of women prisoners with higher academic degrees in prison. The large number of male prisoners has led to a variety of backgrounds inside the prisons, including illiterate male prisoners. However, this variance has also led to an increase in the ratio of prisoners with higher academic degrees.

Released prisoner Khalida Jarrar<sup>124</sup> points to the lack of cultural discussions of the women prisoners as being an issue in building solidarity inside of the prisons. While there is a cultural committee in prisons, with women prisoners occasionally leading some reading activities, the participation rate in such activities is low. On the other hand, women prisoners occasionally open cultural discussions on recent developments. The cultural life is generally considered weak, especially in comparison with male prisoners. Prisoner Bayan Azzam,<sup>125</sup> the women prisoners' representative in Damon prison, notes that IPS dreads the educational movement among the prisoners, questioning every gathering whether to hold religious, cultural, or other discussions.

Jarrar points out that women prisoners, prior to their transfer to Damon prison, used to issue a weekly magazine inside the prison. The magazine had

<sup>124</sup> Interview with prisoner Khalida Jarrar on 14 May 2019. It should be noted that this interview took place before Jarrar's re-arrest in the end of 2019.

<sup>125</sup> Interview with prisoner Bayan Azzam on 17 June 2019



diverse articles, as well as some caricatures depicting the daily life in prison, illustrated by prisoner Israa' Ja'abees. In light of the weakened educational process in prison, the women prisoners have attempted to challenge the status quo. One example is Jarrar's attempt at holding a seminar on international law which was rejected by IPS. The prison administration notified the prisoners' representative of their decision to ban the seminar, and later banned Jarrar from teaching in the prison altogether. The IPS decision is in contrast with IPS regulations stating that a prisoner can take the role of teacher in relation to the other prisoners.<sup>126</sup> Jarrar's unjustified ban on teaching shows IPS arbitrariness on the matter.

In regard to books and libraries in the women's section in Damon prison, prisoner Yasmeeen Sha'ban,<sup>127</sup> the vice representative of the prisoners, notes that to this day, IPS refuses to open a library and has confiscated 400 books from the prisoners. The prisoners suffer from the lack of a library as they have to use carton boxes to keep the 900 books they have, which subjects the books to damage by humidity. Similar to the male prisoners, the women prisoners suffer from restrictions on bringing books into the prisons. IPS has placed an absolute ban on educational books despite the attempts of some prisoners, who were university students, to bring in university books to continue their education. Moreover, the women prisoners have undergone the same process of bringing books into the prisons as the male prisoners. The women prisoners would register the books to IPS, and their families would deliver the books to the prison administrators during visits. The latter would inspect the books which would often be confiscated by IPS. The circumstances are quite similar to the ones in Ramleh prison in the 1980s. Birzeit lecturer Rula Abu Dahhu,<sup>128</sup> who was incarcerated at the time in Ramleh prison said that the women's section had an old library with a notebook to keep record of the books. If the prisoners wanted to read a book, they would request it from the librarian. The library at Ramleh prison was later moved to Hasharon prison.

Jarrar continues her narrative and stated that the book inspection process could take days or weeks. She believes that IPS uses security pretexts as a form of

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126 Article 21/B of IPS directive 03/02/00 on the work of security prisoners

127 Interview with released prisoner Yasmeeen Sha'ban on 7 June 2019

128 Interview with released prisoner Rula Abu Dahhu – a previous reference



punishment, banning the entry of books into prisons. Additionally, she notes that one time she was punished with a two-month ban on entry of books. The ban was issued by the Israeli intelligence officers and her family was notified on the day of the visit. When the prisoners' representative raised the issue before the prison administration, it denied knowledge of the ban. The same arbitrary ban has happened with several other prisoners, which shows the Israeli policy of spreading ignorance among the prisoners and denying them the right to education. Moreover, IPS has banned the entry of science journals to the women prisoners, only allowing them to subscribe to non-cultural magazines that address fashion and cooking, and other non-educational life aspects. Nevertheless, these non-educational magazines have not arrived in the prison at the time of writing this study. In regard to newspapers, only Yedioth Ahronoth is allowed in prison. The section representative would subscribe to the newspaper that is delivered daily. In regard to Arabic newspapers, IPS prohibits the entry of any Palestinian or Arab newspapers into prisons for women.

On the other hand, the educational process of women prisoners is divided into two levels; the first tackles education for minor female prisoners, where the prison administration is required to provide a teacher for the prisoners. Jarrar notes that during her incarceration, from July 2017 to February 2019, IPS brought in a Palestinian teacher for the minor female prisoners through the Israeli Ministry of Education. The teacher gave classes in Arabic and mathematics three times a week; however, this didn't last long, with IPS claiming that the teacher had an emergency that stopped her from giving the classes. In order not to further hinder the education of the minor female prisoners, Jarrar tried to give them classes in English, but IPS banned her. This goes to show the Israeli arbitrary policy against the Palestinian female prisoners.

The second level of education available to the women prisoners is the secondary education certificate exam. For years, it was not possible for the prisoners to sit in the exam. However, in 2015, the prisoners started coordinating with the Committee of Detainees and Ex-Detainees Affairs and relevant institutes to make it possible. The first class of students sitting in the exam included five women prisoners. The limited experience in the educational process



and class structure, as well as the lack of contact with the outside world and other factors have resulted in only two women so far passing the exam. Although the remaining three sat for the exam and did not fail, however they did not meet the Ministry's requirements and eligibility to pass the exam. The first instance of women prisoners sitting in the Palestinian secondary education certificate exam, following the Oslo Accords was in 2015. Since then, it has become an annual process through which only eligible women prisoners sit in the exam.

In Hasharon prison, classes have been conducted during the yard time. The prisoners followed a three-hour class schedule, considering that the yard time is six hours. Upon transfer to Damon prison, the educational process becomes significantly more difficult because there is no possibility to study inside the rooms. This has prompted the prisoners to select a large prison room and allocate it for classes. Jarrar notes the lack of educational resources as well, with the absence of boards and markers. This has led the prisoners to use a plastic bag as a makeshift board to write on and then erasing the material after every class. Later on, the prisoners utilized a small window frame as a makeshift board by taping white papers on it and moving it from one room to another for different classes. The pens used throughout this process were mostly remnants of the prisoners' time in Hasharon prison.

Classes have differed significantly between Hasharon and Damon prisons, according to Jarrar. In the former, the prisoners bought notebooks and pens from the canteen; occasionally, IPS would bring in pencils, notebooks and a board for the minor female prisoners. In Damon prison, however, the classroom is a large available room in the prison, around 9 square meters in size. The room is divided into a library section and a classroom section with few chairs. It should be noted that the classroom was opened only because of the minor female prisoners. Nonetheless, it was closed months ago and hasn't been re-opened at the time of writing this study.

The experience of women prisoners nowadays differs from the 1990s. Abu Dahhu notes that IPS at the time brought in proctors from the Ministry of Education into Hasharon prison to invigilate the secondary education certificate examinations. The proctors supplied the prisoners with the exam



papers, pens, answer sheets, and other exam supplies. Since Hasharon housed criminal prisoners as well, there were classrooms allocated originally to the educational process; the prisoners sat for the exams in these rooms. Registration for the exam was done through the prisoner's family who coordinated with the Palestinian Ministry of Education and ICRC. To qualify for the exam, the prisoner must have been incarcerated or sentenced for longer than one year.

Higher education is not an option for the women prisoners since pursuing education in Palestinian universities requires an academic committee of prisoners with higher degrees, such as a Masters or PhD. The small number of incarcerated women who meet the requirements for education in prison have been left unable to solve the pending issue of higher education. Moreover, due to the lack of means of contact with the outside world, aside from family visits, the prisoners find it difficult to contact relevant Palestinian authorities to continue their education, which significantly lowers the possibility of advancement in this regard.

It should be noted that women prisoners have been subject to the consecutive Israeli governments' incitement campaigns, and the Erdan Committee's recommendations that has furthered the restrictions on prisoners in many aspects of daily life, including education. The Erdan Committee's recommendations has not only affected the women prisoners' access to books, but also encompassed other aspects of life. Prior to the prisoners' transfer from Hasharon prison to Damon prison in late 2018, the Erdan Committee toured Hasharon prison and opposed the use of the classroom, particularly because it housed a library, and the classification of books, deeming it a form of luxury. This prompted IPS to remove the library on the following day. Also, IPS started operating security cameras which led the women prisoners to protest for around 60 days which prompted the Israeli authorities to transfer them to Damon prison as a form of punishment, and close the classroom and the library for a period of time.

The Committee of Detainees and Ex-Detainees Affairs' lawyer Yamen Zeidan<sup>129</sup> notes that the committee filed appeal no. 10/05/31677 on behalf of prisoner Bayan Azzam in 2019, to demand the women prisoners' right to access the

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<sup>129</sup> Interview with Yamen Zeidan, lawyer of the Palestinian Committee of the Detainees and Ex-Detainees' Affairs, on 10 November 2019



library, especially considering the availability of an unused room that fits the intended purpose of being utilized for a library. The committee based its appeal on Article 21/B<sup>130</sup> of Directive 03/02/00 of IPS regulations that states prisoners have a right to a library in prison. Zeidan notes that the appeal clarified that the right to read is directly derivative from the Israeli Basic Law of Human Dignity and Liberty.<sup>131</sup> The appeal also noted that the Israeli practice of denying the women prisoners' right to read is politically motivated, and consequently illegal since IPS regulations do not prevent the women prisoners from establishing a library in prison. On the other hand, Zeidan points out that this ban stems from gender discriminatory policies against the women prisoners, since IPS does not ban libraries in the various prisons housing male prisoners. This shows IPS discriminatory policies, further violating the women prisoners' rights.

The Israeli court rejected the appeal, noting that the prisoners do not have the right to dictate to IPS how to run the prison, and thus, do not have the right to allocate the use of prison rooms. On the other hand, the court claimed that the prisoners' request was unfounded because there was indeed a library in Damon prison, referring to the shelves in the canteen. Although the prisoners noted that these shelves can only hold very few books, the court decision stated that the capacity of the shelves is not in question since its mere existence shows IPS adherence to its legal obligation of providing the shelves that constitute a library.<sup>132</sup>

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130 Women prisoners noted to a room in Damon prison that can be used as a library. However, IPS refuses to allocate the room and finds the few shelves in the canteen sufficient.

131 See Basic Law: Human Dignity and Liberty, published on the Israel Ministry of Foreign Affairs website. Accessed on 5 November 2019 via <https://mfa.gov.il/MFAAR/InformationaboutIsrael/GovernmentInIsrael/Pages/Human%20Dignity%20and%20Liberty.aspx>

132 In a recent interview with prisoner Yasmeen Sha'ban before her release, she told Addameer that IPS has finally opened the classroom and the library. An interview with prisoner Yasmeen Sha'ban on 28 October 2019







## Chapter Six:

# **The Role of the International Committee of the Red Cross in the Cultural and Educational Life of the Prisoners in Israeli Prisons**



## Chapter Six:

### **The Role of the International Committee of the Red Cross in the Cultural and Educational Life of the Prisoners in Israeli Prisons**

The International Committee of the Red Cross (ICRC) is considered one of the key international institutions relevant to the issue of prisoners. For many years, the ICRC has played a positive, albeit limited role, in regard to Palestinian prisoners in Israeli prisons. Nevertheless, the ICRC role started to steadily decline in the mid-1990s. Numerous prisoners point to the decline and the weakening role of the ICRC in regard to the cultural and educational life of the prisoners in Israeli prisons in particular. While the ICRC has successfully managed to bring in some books and newspapers into the prisons, the majority of the books were copies of existing books in prison, or brought in previously by ICRC. This included novels, stories, and poetry collections, i.e. not educational or cultural books. This led the prisoners on numerous occasions to pick the extra copies to exchange them for new books to be brought in, per the Israeli policy limiting the number of books in prisons by requiring an exchange of old books for the new ones.

In light of the declining role of the ICRC, it could no longer bring in even these books. The ICRC role has become limited to transferring prisoners' families to the prisons for visits, as well as coordinating family visitation permits. Prisoner Ibraheem Mas'ad notes that the ICRC hasn't brought in any books to Nafha prison since 2018,<sup>133</sup> and that its presence in the prison is limited to only signing powers of attorney. Additionally, the ICRC no longer follows up

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<sup>133</sup> It should be noted that the role of the International Committee of the Red Cross has started its gradual deterioration in the wake of the Oslo Accords to this day.



with newspapers in the prisons; it has stopped bringing Al-Quds newspapers into many prisons, claiming lack of funds.<sup>134</sup> As for educational books, the deteriorating role of the ICRC is witnessed in its lack of attempts to bring in any to the prisoners. The ICRC continuously justifies its lack of effort in this regard by citing IPS ban on educational books instead of attempting to challenge IPS regulations on the grounds that the right to education is guaranteed in various international conventions. Thus, the burden of bringing in educational and cultural books into the prison falls solely on the prisoners' families.<sup>135</sup>

On the other hand, the prisoners note the ICRC role in the entertainment life in Israeli prisons. Previously, particularly prior to the Oslo Accords, ICRC brought in sporting and entertaining games, and scientific magazines. However, in recent years, ICRC stopped bringing these resources citing budget cuts. This is significant since the ICRC is the only institution authorized to bring in such games. Article 21/J of IPS regulations on security prisoners, states that “prisoners are allowed to receive sporting equipment used in the prison yards through ICRC, only after gaining security approval.”

Consequently, the impact of ICRC dereliction on the prisoners has become clear, considering the ICRC is considered the only institution authorized by IPS to bring this equipment into the prisons. It should be noted that ICRC justifications based on the Israeli restrictions and pressures are utterly invalid since the ICRC does not even attempt to challenge or discuss these policies despite the international guarantees in this regard. This lack of initiative shows ICRC's inaction in taking a serious stand against the Israeli practices and policies, effectively enabling such policies.

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134 The Role of the International Committee of the Red Cross in the Occupied Palestinian Territories. Published by the Palestine News Agency (WAFA). Accessed on 1 September 2019 via [http://info.wafa.ps/ar\\_page.aspx?id=9561](http://info.wafa.ps/ar_page.aspx?id=9561)

135 It is noted here the International Committee of the Red Cross' experience in Peru where it started the “suitcase library” initiative that is a mobile library of around 1500 books in various subjects, including literature, geography, history and others. The committee carried out the project in collaboration with the National Library of Peru, successfully allowing the mobile library into various prisons in Peru. Visit <https://www.icrc.org/en/document/books-travelling-through-perus-prisons>





# Chapter Seven:

## Penalties



## Chapter Seven: Penalties

IPS has continuously and repeatedly attempted to make education a burden weighing down the prisoners, always seeking to withdraw their “privilege” whenever it can be used as a bargaining chip against them. This has left the prisoners often feeling that education in prison is more of a curse than a blessing since any internal problems inside the prison would be met with penalties that were utilized as a conditioning tool to control the prisoners. These penalties often affect the cultural and educational life of the prisoners. An example of this is when Israeli forces raided and cracked down on the child prisoners’ section in Ofer prison in August 2019, and cancelling their educational programs for a period of time.<sup>136</sup>

Israeli penalties not only hinder the educational process, but also entail a formal ban on the prisoners’ education, whether temporarily, for few months, or permanently. A prime example is punishing the entire prisoners’ movement with a total ban on studying in the Open University of Israel. Before the ban on formal education, IPS continuously hindered the educational process through penalties against the prisoners, including denying them registration in university courses for a semester or more. Moreover, IPS did not easily approve the prisoners’ distance learning applications, limiting the number of enrolling prisoners in every prison. Once a prisoner graduated, IPS would allow a new prisoner to register. Additionally, IPS often confiscated books and other educational sources during prisoner transfers, claiming the need of the new prison administration’s approval.

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<sup>136</sup> This information was obtained during Addameer’s lawyer visit to adult prisoner Osaid Abu A’adi in the child prisoners’ section on 13 August 2019



In addition to the aforementioned penalties, Israeli authorities have often aimed to hinder the educational process by repeatedly transferring prisoners, which significantly affects their education. Transfers entail delays in mail delivery, and coincide usually with final exam dates, which result in the prisoners missing exams and failing the semester. A prime example of this is the case of released prisoner Nu'man Shalabi, who spent 8 years pursuing his Bachelors degree due to the various penalties imposed against him. The ramifications of IPS practices not only affect the prisoners, but also cause additional costs. The Palestinian Authority or the Palestinian universities shoulder the fees of the courses in which the prisoners have to re-register. Furthermore, another form of Israeli penalties is placing the prisoners in solitary confinement. Released prisoner Abdul Qader Badawi<sup>137</sup> recalls his experience, noting that he was placed in solitary confinement under the pretext of contact with hostile parties once IPS became aware that he had sat in the secondary education certificate exam. This is part of an Israeli policy to punish prisoners who sit in the secondary education certificate exam through the Palestinian Ministry of Education in Gaza under the pretext of contact with hostile parties.

The prisoners' movement has managed to overcome the ramifications of the repeated prison transfers, especially if the prisoner is enrolled in a Palestinian university. Released prisoner Abdel Qader Badawi notes that every prisoner is provided with a table of his courses and the grades he received in each. Upon transfer, the prisoner would submit the table to the new prison's academic committee, thus facilitating the continuation of his educational process.

Moreover, IPS resorts to an indirect penalty that ultimately impacts the educational and cultural life in prisons by denying access to educational and cultural books and journals. IPS has not declared an official policy on banning the books, but rather refuses their entry into the prisons during family visits, claiming that they are "banned books/journals." Over the years, prisoners in numerous prisons have been denied access to any cultural or scientific journals. Released prisoner Tareq Khader<sup>138</sup> recalls that in 2006, IPS denied the entry of the Journal of Palestinian Studies into Ofer prison. Upon inquiry, the prison's security officer said that the main featured article in that issue

137 Interview with released prisoner Abdel Qader Badawi on 19 June 2019

138 Interview with released prisoner Tareq Khader – a previous reference





tackled the reality of the Ethiopian Jewish community in Israel, adding “Have you Palestinians completely worked through your community problems to address the Ethiopian Jews’ problems in Israel?” This example demonstrates the Israeli policies seeking to deny the prisoners their right to education and culture, as well as spread ignorance. Furthermore, Israeli authorities deny the prisoners access to books by confiscating large numbers from the various prison libraries. This is clearly exemplified in the confiscation of around 2000 books from Hadarim prison in September of 2018,<sup>139</sup> in line with the Erdan Committee recommendations and the Israeli government’s decisions to impose further restrictions on the prisoners. All of the confiscated books were solely educational and not political in nature.

IPS also deliberately inspects prison rooms and libraries, keeping track of the number of prisoners and books to enforce a policy of only two books per prisoner. All additional books are confiscated, which severely impacts the educational and cultural life in prison. The prisoners go through prolonged struggles to bring in books into the prison, thus the loss of any book to confiscation makes a significant difference.<sup>140</sup>

139 Israel Confiscates 2000 Books from Palestinian Prisoners. Published on Al-Quds Al-Arabi Newspaper website on 10 January 2018. Accessed on 29 December 2019 via <https://bit.ly/2SHC1c1>. Moreover, Addameer documented the same thing through visits to incarcerated prisoners, including a visit to prisoner Muslama Thabet, who noted the same thing, on 17 June 2019

140 It should be noted that in cases of mass punishment imposed on the prisoners, IPS might resort to confiscating all written documents, whether family letters, books, notebooks, or others to further pile pressure on the prisoners.

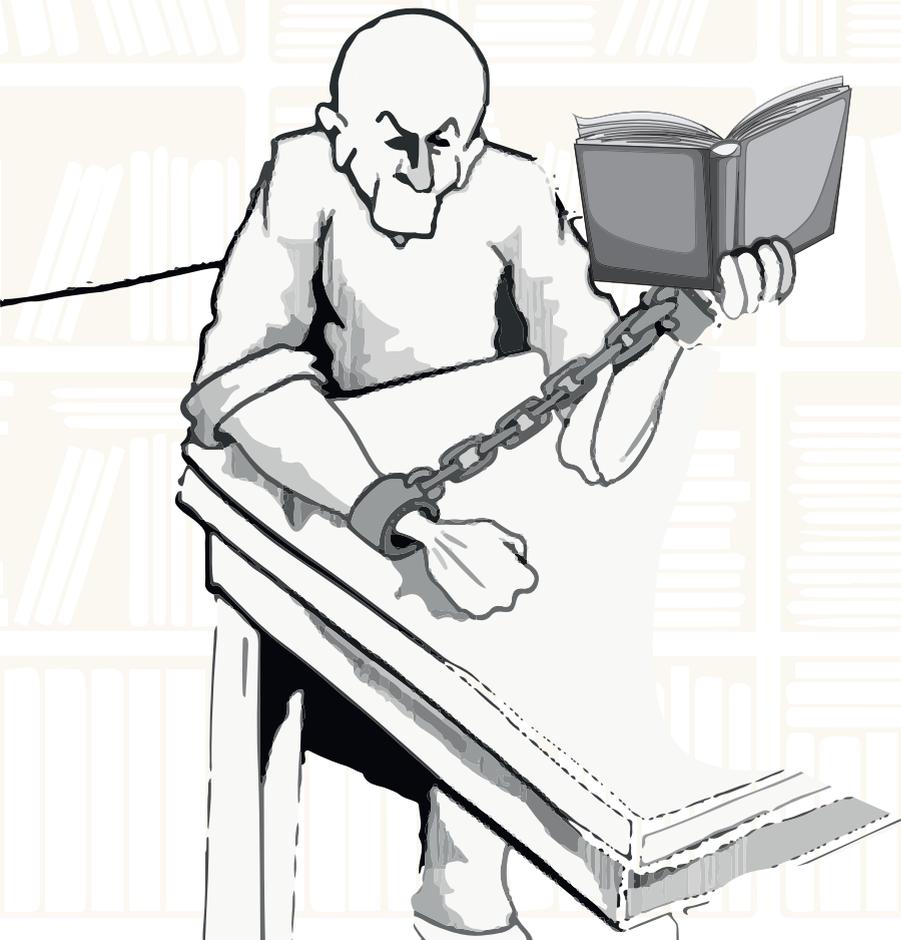


In conclusion, IPS imposes direct and indirect penalties to hinder the prisoners' education. Direct penalties affect formal education as it is conducted through IPS, which can deny the prisoners access to education under various pretexts. On the other hand, recurring indirect penalties affect the educational and cultural life in prisons by providing a legal cover to IPS practices. For example, IPS has not declared an absolute ban on books, but rather refuses their entry into the prisons, claiming security concerns.



## Chapter Eight:

### Erdan Committee



## Chapter Eight: Erdan Committee

The Israeli Minister of Public Security, Gilad Erdan, formed a committee of members of the Israeli Knesset, the Israel Security Agency (Shabak), and IPS. The committee, named after Erdan, sought to recommend further restrictions and constraints on the incarceration conditions of prisoners in Israeli prisons.<sup>141</sup> Following visits to the various prisons, the committee's recommendations state that the Palestinian prisoners are living in luxury that should be reduced. The recommendations included a decrease of the prisoners' funds in the canteen from 1200NIS to 600NIS, as well as cancelling recognition of the prisoners and sections' representatives,<sup>142</sup> and reducing the number of family visits. The committee also gave recommendations on the number of books allowed per prisoner. Further recommendations were made on education in prison, imposing additional restrictions on the prisoners' educational and cultural life, and endangering the prisoners' hard-earned accomplishments.

In light of the committee's various recommendations, it has been rendered impossible for the prisoners to bring in any books that contain inflammatory phrases and inciting ideas. This is gravely dangerous as the majority, if not all, of the cultural and political books can be categorized as inflammatory or inciting, which can severely impact the prisoners. Released prisoner Ahmad Ameirah<sup>143</sup> recalls an incident when he asked a friend to bring him a book

141 Deterioration in Detention Conditions: Suffocating Prisoners. Published by the Prisoner Support and Human Rights Association (Addameer). Accessed on 5 December 2019 via <http://www.addameer.org/publications/deterioration-detention-conditions-suffocating-prisoners>

142 It should be noted that the committee's recommendations contradict IPS directives on security prisoners, particularly article 6/A which states that "to facilitate solving the prisoners' general problems in prisons, and delivering the prison administration's orders and instructions to the prisoners, the prisoners elect among themselves a central representative of the entire prison, in addition to representatives of each section, contingent on the prison director's approval"

143 Interview with released prisoner Ahmad Ameirah on 13 May 2019



by former Knesset member and poet Tawfieq Ziad. However, IPS denied his request. Even though Ameirah challenged IPS decision on the ground that the author is a Knesset member, the decision remained unchanged. This clearly shows the extent of the Israeli policy in this regard.

It should be noted that the Israeli restrictions were not solely the result of the Erdan Committee, but also the long-standing inciting campaign against the Palestinian prisoners since the 1980s. Incitement against the prisoners' movement continues, especially with the Israeli public opinion, in particular the Israeli far right, continuously inciting against all aspects of life in prison and calling for more restrictions. These demands consider many aspects of the prisoners' life as forms of luxury that should be reduced, including chess and domino game sets, and the possibility of pursuing education during incarceration through the Open University of Israel and Palestinian universities. Nowadays, recent incitement against the prisoners' movement in the Israeli public opinion targets in particular the prisoners who receive educational degrees during incarceration. The most recent incident took place when an Israeli website published an inciting article against prisoner Mohammad Dahnoun after he finished his Masters degree in Israeli Studies in prison. The article published Dahnoun's photograph and copies of his certificates which shows that the Israeli public keeps tabs on the Palestinian prisoners to fuel incitement against them.<sup>144</sup>

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144 Five Stars Incarceration: Prisoner with a Life-Sentence finished MA degree in prison. Published by The Zionist Truth on 27 August 2019. Accessed on 28 November 2018 via <https://tplil.com/archives/6501?fbclid=I-wAR0wx3x9XaE3LaE82ayVoMYeMn20dxaIBgN2WD7z4WimomlApsH0eAJ0Nw>



## Conclusion

Since the early moments of their arrest, Palestinian prisoners have attempted to combat the various Israeli policies that aim to eradicate the cultural and resistance resolve of the prisoners, as well as create an educational and cultural vacuum. Initially, the prisoners succeeded in covertly bringing in pens and papers into the prison. Following years of resistance, they were able to gain the right to own pens, papers, and notebooks. The prisoners' efforts accumulated in gaining the right to formal education, including enrolling by correspondence in the Open University of Israel and sitting in the secondary education certificate exam.

Nonetheless, the accomplishments of the prisoners' movement did not last long. Slowly, bit by bit, IPS began adding restrictions on the prisoners, until it banned them, in most prisons, from pursuing formal education in 2008. The ban came to further pile pressure on the prisoners in the wake of Hamas' capture of the Israeli soldier Gilad Shalit. Despite Shalit's return, the Israeli policies continue till this day. IPS continues to ban the prisoners from sitting in the secondary education certificate exam or pursuing higher education. Moreover, IPS continues to confiscate the educational books that the prisoners attempt to covertly bring into the prisons, as well as punish any prisoner who is found to be pursuing education during incarceration.

In light of these restrictions, the prisoners' movement has worked to find educational alternatives, including reaching agreements with various Palestinian universities and ministries. Consequently, the prisoners are now able to sit in the secondary education certificate exam, as well as pursue Bachelors and Masters degrees, in a limited number of certain majors in various Palestinian universities. Moreover, the prisoners' movement has maintained previous tools that play a vital role in enriching the cultural and educational life in prisons, including bringing in newspapers and



magazines, establishing prison libraries, holding cultural discussions, and conducting specialized courses in which the prisoners share knowledge with each other.

Based on the aforementioned the study recommends the following:

- » The importance of the ICRC reclaiming its role in the prisoners' affairs, especially in regard to bringing educational books and academic references needed for the prisoners' educational process. This is especially important since ICRC is an international organization granted various authorizations unavailable to numerous other human rights organizations.
- » The importance of international institutions, particularly UNESCO, to take a firm stand against the Israeli violations of relevant international conventions, in particular concerning enabling and facilitating the prisoners' formal education. In parallel, the study recommends the importance of relevant Palestinian human rights and prisoners' rights organizations to work on exposing the Israeli violations in this regard, and further documenting the prisoners' educational experience, considering the lack of the literature on the topic.
- » The importance of local and international institutions, and legal organizations to develop clear comprehensive strategies in order to take legal actions against the Israeli Supreme Court's decision to ban the prisoners' education.
- » The importance of furthering the involvement of various Palestinian institutions in the cultural and educational life of the prisoners. This entails looking into supplying the prisoners with various books and studies by the Palestinian Ministry of Culture, and facilitating the accreditation of the prisoners' university degrees received during incarceration by the Palestinian Ministry of Higher Education, particularly since the prisoners received these degrees under the supervision of an academic committee of prisoners with higher degrees.

- » The importance of extending flexibility regarding the prisoners' education by the various Palestinian educational institutions in order to keep pace with the reality of life in prison. This entails enabling prisoners to enroll in all Palestinian universities without limiting education to certain ones, as well as taking into account mitigating circumstances in some cases, including prisoners who were arrested during their last semester in university or prisoners with higher sentences. Moreover, the study recommends the importance of educational institutions taking on a role in facilitating the educational process, especially for the child and women prisoners considering their small numbers and the lack of educational opportunities in comparison with male prisoners.
- » The importance of advancing the support of the international community and civic institutions to the prisoners who have pursued educational programs and received various degrees during incarceration. This entails creating an embracing environment to integrate them back into society and community institutions, away from the social, political, and security scrutiny.
- » The prisoners' movement shoulders a part of the responsibility in regard to education as it needs to put more effort into the issue of education by reviving and expanding the cultural discussions, as well as reinvigorating the spirit of innovation in self-teaching methods in order to combat the Israeli attempts at eradicating the prisoners' history, identity, and heritage.

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## Appendices

### Appendix (1):

#### IPS Laws on Sitting in the Secondary Education Certificate Exam

<b>IPS Law</b>	<b>Authorized by Prison Section Director</b>
<b>Chapter 04 – Prisoners</b>	<b>Went into effect: 11 May 2009</b>
<b>Directive no. 04.49.02</b>	<b>Last Update:</b>
Secondary Education Certificate Exam for Prisoners of All Territories – Secondary education certificate “Tawjihi”	
General:	
1. Prisoners from territories that independently take the Palestinian Authority’s Tawjihi exam can sit in the exams, contingent on the approval of the prison director in accordance with relevant IPS regulations.	
Goal:	
2. A. Set the criteria regulating the exam procedures of the prisoners in prisons. B. Assign responsibility to IPS units and IPS liaison officer in the Israeli Civil Administration. C. Determine exam procedures in detail through unified criteria for all prisons.	
3. A. Upon receiving the scheduled dates of Tawjihi exams from the education officer in the Civil Administration, IPS director examines the possibility of holding the exams in prisons, evaluating all security considerations and facilitating with relevant parties. B. Once IPS director approves the examination procedures, registration forms are distributed to directors of the prison sections to allow the prisoners to register in the exam. C. 1. Every prisoner from every territory has the right to sit in the exam if he/she is: - Criminal or security detainee/sentenced prisoner - Administrative detainee 2. There is no security or disciplinary reason that prevents the prisoner from sitting ----- in the exams. This condition is accumulative with the previous condition. 3. There is no intel that the prisoner deliberately caused his/her incarceration to --- ---- sit in the exam in prison, and the prisoner has not been previously involved in ----- leaking exams questions. D. Prisoners are not allowed to study chemistry, biology, physics, or any other subject that can pose a security threat as decided by the security unit in IPS or General Security Service.	



<b>Chapter 04 – prisoners</b>	<b>Went into effect: 11 May 2009</b>
<b>Directive no. 04.49.02</b>	<b>Last update:</b>
<p>E. Every registration form includes four digitized personal photographs with the prisoner’s details inscribed on the back, including the ID number.</p> <p>The registration forms are filled in accordance to the place of residence (West Bank, Gaza Strip), whereas:</p> <p>Every place of residence has its own form with a serial number that is also documented in the university track form.</p> <p>F. Registration forms are transferred to the prison administration to be signed and stamped.</p> <p>G. The prisoners’ officer transfers the forms to the advisor for education affairs in the civil administration within 3 weeks of receiving them. The prisoners’ officer keeps one copy of the list.</p> <p>H. Upon receiving the list of the examiners and the date of the exam, the prison security officer distributes the exam instructions and procedures.</p> <p>I. The prisoners’ officer in the unit facilitates the issuance of exit permits for prisoners for the purpose of the taking the exam by the security officer of the security unit.</p> <p>J. a. The head of the intelligence committee makes sure that among the list of prisoners waiting for approval are none who have been previously expelled.</p> <p>J. b. Students prisoners who have first-degree relatives among the examiner lists are not allowed to exit their cells to take the exam.</p> <p>J. c. The examiners are provided with updated lists of prisoner examinees.</p> <p>J. d. No new prisoner will be added to the approved list of prisoners sent to the prison director, with the exception of prisoners transferred to another prison during the exams period who have been approved by the prison director of their former prison.</p> <p>K. a. The prison security officer supervises the examination process and conducts a thorough search of the examinee’s possessions, including by a security scanner.</p> <p>K. b. Names of the examiners must be listed in the prison’s daily registry.</p> <p>L. Details of the items/equipment allowed into the prison must be recorded in the daily registry. It must be ensured that these items are later taken out. The security unit distributes a list of the allowed items before the start of the exams.</p> <p>M. The examiners are accompanied with a prison warden from the prison entrance to the exam hall.</p> <p>N. Before the prisoners are allowed to sit in the exam, the exam hall and surrounding yards are thoroughly searched.</p> <p>O. When the prisoners are taken out of their prison rooms for the purpose of taking the exam, they and their possessions are searched through a metal detector.</p>	
<b>Chapter 04 – prisoners</b>	<b>Went into effect: 11 May 2009</b>
<b>Directive no. 04.49.02</b>	<b>Last update:</b>



## Appendix (2):

### IPS regulations on security prisoners' education in the Open University of Israel

Israeli Prison Service  
Israeli Prison Service Director  
Head of the Education and Services Unit

Chapter: 04 – prisoners  
Directive no. 04/48/00

Went into effect: 8 January 2004  
Last Update: 16 January 2006

#### Security Prisoners' Education in the Open University

<b>1</b>	<b>A</b>	IPS enables security prisoners of pursuing academic education in the Open University of Israel to expand their knowledge through distance learning (learning by correspondence)	<b>General</b>
	<b>B</b>	Education in pursuit of academic titles is only available through the open university.	
	<b>C</b>	The Open University Bulletin is the foundation of the educational frameworks in the open university.	
	<b>D</b>	Education is conducted only inside the prison in accordance with the prison security measures.	
	<b>E</b>	In this regard, "education" includes education in prisons without an education unit.	
<b>2</b>	<b>A</b>	Registration procedures and education of security prisoners who want to pursue education in the open university is set in details through unified criteria for all prisons with security prisoners.	<b>Goal</b>
	<b>B</b>	Establishing the operational methods between IPS and the open university in regard to security prisoners receiving education in the open university.	
<b>3</b>	<b>A</b>	Learning by correspondence is a privilege granted to the security prisons per the following criteria: 1. Good behavior during incarceration as observed by the unit officials' reports (See Appendix A) 2. Education is allowed only within the permitted fields of education (Article E) 3. The prisoner's trust fund covers the registration fees as inspected by the prison director.	
	<b>B</b>	The prison director has the authority to expel and cancel the education of any prisoner at any moment for security, disciplinary or other reasons.	
	<b>C</b>	The head of the education unit bears the responsibility of checking the suggested courses in the open university every semester or new bulletin, as well checking any updates or changes to the suggested courses. In the case of any discrepancies, the prison's security officer must approve the changes.	
	<b>D</b>	Submission of the registration application: 1. A prisoner who wishes to pursue learning by correspondence in the open university submits an official request through the section director to the prison director, noting the name and number of the intended course. Attached with the request the signed Statement of Rights and Responsibilities (see Appendix C)	



	<p><b>D</b></p> <ol style="list-style-type: none"> <li>2. The prison director, or an acting authorizing party, approves the prisoner's request contingent on meeting the three criteria mentioned in the clause above 3-A.</li> <li>3. The prisoner fills in the open university application form and a payment form that authorizes the withdrawal of necessary funds from his trust fund. Payment is done through prison forms by mail.</li> <li>4. The section director is responsible for matching the name of the course in the registration form to the prisoner's form approved by the prison director.</li> <li>5. After the open university approves the registration request, the section director matches the name of the course of the original request form.</li> <li>6. The section director hands the approved registration form to the prisoner. The form and all correspondence on the prisoner's educational pursuit are documented in the prisoner's file.</li> <li>7. Registration in the open university or changes in the registration is only conducted through IPS (prisoner's trust fund). The prisoner is not allowed to pursue education in the open university if registration of the course is conducted through affiliates of the Palestinian Authority or the prisoner's family, or through any other means that do not meet the regulations on the matter.</li> <li>8. Upon cancelling registration in any course, the open university refunds the fees to the prisoner's trust fund through bank transfers. The deposit details are provided to the open university along with the prisoner's registration form.</li> <li>9. The head of the education unit in the prison receives a digitized central list that includes the details of the student prisoners, the course content and numbers for future follow ups. The education unit distributes the list to all relevant parties in the prison: the director, security officer, intelligence officer, and the section director.</li> <li>10. IPS retains the right to cancel or halt any course for security reasons.</li> </ol>	
	<p><b>E</b></p> <p><b>Educational Process:</b></p> <p><b>1. Entry of educational material</b></p> <p>At the start of the process, the head of the education unit in the prison receives the assigned books from the open university. Regardless, hardcover books are not allowed to the prisoner. The security officer goes over the content of the books from a security standpoint, while the head of the education unit checks whether or not the content matches the digitized list provided by the open university with the name of the prisoner and the course. Based on all of the above, the books and educational materials are transferred through the section director to the prisoner.</p> <p><b>2. Correspondence with the open university</b></p> <p>Correspondence to and from the open university is conducted through the prisoners' officer. A copy of the correspondence is archived with the section director through the follow-up and oversight unit by a mail oversight form (Appendix B)</p> <p>Communication between the open university and the prisoners' officer on matters like coordination, inquiries, as well setting exam dates shall only be done in writing.</p> <p><b>3. Advisors and examiners from the open university</b></p> <p>A. After the list of courses is finalized and the registration process of the prisoners is complete, the open university assigns 2-3 permanent advisors for every course.</p>	

	<p><b>E</b> The head of the education unit is responsible of receiving the list of advisors and examiners, as well issue them permits to enter the prisons. Forms on the matter are filled, complete with two passport-size personal passport, and sent to the appropriate authorities for approval. The head of the education unit handles the entry permits into the prisons, and notifying the open university of the names of the approved advisors and examiners.</p> <p><b>B.</b> The head of the education unit coordinates the arrival dates of the advisors into the prison, notifying the prisoners’ officer, the security officer, the intelligence officer, and the section director.</p> <p><b>C.</b> Every change to the pre-determined date or advisor is done through the open university in writing a week before the assigned date (No advisor is allowed into the prison with prior coordination).</p> <p><b>D.</b> Entry permits are sent to the open university, alongside the security code of conduct of the advisor or examiner (Appendix D)</p> <p><b>E.</b> The head of the education unit coordinates with the security officer the details of the security code of conduct to be handed to the advisors and examiners.</p> <p><b>F.</b> Entry of educational books or materials through the advisors is contingent on receiving prior approval by the education unit in prison.</p> <p><b>G.</b> The advisors and examiners are not allowed to directly receive any written documents from the prisoners during their meetings, with the exception of the exam answer booklet on the day of the exam. Submission of papers or written documents is only done through the prison’s education unit by mail.</p> <p><b>H.</b> When the examiner enters the prison, the section director notifies the examination department in the open university (the details are provided by the supervisor) of the examiner’s arrival. The examiner is allowed to receive instructions to open the exam envelopes, all within capability limits.</p> <p><b>I.</b> The section director identifies the prisoner before the exam through the prisoner’s ID card.</p> <p><b>J.</b> The head of the education unit keeps the prisoners inside the exam room until all prisoners are done.</p> <p><b>K.</b> The advisors and examiners submit a signed copy of the code of conduct (see Appendix D). A copy is archived in the education center.</p> <p><b>L.</b> Any meeting with an advisor or examiner can be halted for security reasons.</p> <p><b>4. Exams</b></p> <p><b>A.</b> The head of the education unit receives a detailed list of the names of prisoners who will take the exam from the open university a month before the exam date. The head of the education unit notifies the section director of the prisoners who will take the exam in order to prepare a list of the student prisoners. Only the prisoners who have been pre-approved are allowed to exit their prison rooms to take the exam.</p> <p><b>B.</b> Examiners on date B – the prisoner submits a request for an extra exam in a course. After the head of the education unit studies the request and compares the available information (the name of the course), the request is approved in accordance with the status of the prisoner’s trust fund.</p>	
4	<p><b>In the District: the head of the diagnostics department</b> <b>In the prison: the prison director</b></p>	Executive Authority
5	25 May 2005	Prior Updates



## Appendix (3):

### Prisoner's Education in the Open University of Israel Form

Israeli Prison Service  
Israeli Prison Service Director  
Head of the Education and Services Unit

Chapter: 04 – prisoners  
Directive no. 04/48/00

Went into effect: 8 January 2004  
Last Update: 16 January 2006

#### Security Prisoners' Education in the Open University

##### Appendix A

##### Security Prisoner's Education in the Open University Form

Name of the prisoner: .....

Number of the prisoner: .....

Standpoint of the prison director .....

(the prisoner's involvement in negative events or disciplinary violations is noted)

Standpoint of the intelligence officer .....

Standpoint of the security officer: .....

Prison Director's Decision (Approved/Not Approved) .....

.....  
Prison Director

Degree

Date

Signature



## Appendix (4): Education in the Open University of Israel Form

Israeli Prison Service  
Israeli Prison Service Director  
Head of the Education and Services Unit

Chapter: 04 – prisoners  
Directive no. 04/48/00

Went into effect: 8 January 2004  
Last Update: 16 January 2006

### Appendix B Mail Follow Form

No.	Subject	Prisoner's Name	Exit Date of the Open University of Israel	Entry Date in the Open University of Israel	Notes
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					

## Appendix (5):

### Student Declaration Form - the Open University of Israel

Israeli Prison Service  
Israeli Prison Service Director  
Head of the Education and Services Unit

Chapter: 04 – prisoners  
Directive no. 04/48/00

Went into effect: 8 January 2004  
Last Update: 16 January 2006

#### Security Prisoners' Education in the Open University

##### Appendix C

##### Rights and Responsibilities of Security Prisoner in The Open University of Israel

###### Prisoner's Pledge

Within my educational pursuits in the open university, whereas I am currently a prisoner, I pledge to abide by the rules and regulations detailed below:

1. Registration in the open university is my sole responsibility within the timeline and regulations set forth by the open university. I am fully aware that registration in the open university is only done through the Israeli Prison Service; any other means of registration not through IPS is considered null (registration of approved courses by IPS – Appendix D)
2. I must fill in my registration form and submit it to the prison director through the section director.
3. Upon approval of my registration application, registration fees and tuition costs are transferred from my personal account, or any other account that has money in my name, to the open university's account through payment forms provided by IPS. I hereby approve of this transfer.
4. I hereby state that I will pay from my personal trust to cover all necessary payments for the purpose of education in the open university (registration, educational material, books, exams, make-up exams, later registration, and the such).
5. I am aware that every delay in registration and exams entails certain payments – I will cover all these payments and I hereby state that I will transfer the payments as requested.
6. I am aware that every change in any course registration requires a renewed approval from the prison director and must be submitted in accordance with the open university's deadlines, no later than one month from the final deadline set forth by the open university to receive the change request, or one month before the start of the educational process.
7. I am aware that every request to meet with an advisor or examiner, as well every other request to the open university, is conducted in writing to the head of the education unit in prison. I am also aware that my requests will be answered at the convenience and capability of IPS. I am also aware that IPS is authorized to halt any meeting with any advisor or examiner for security reasons.
8. I am aware that my education is individual and independent per my capabilities, thus IPS does not bear any responsibility of my educational attainment.
9. I am aware that I am not allowed to own hardcover books in prison.



10.I am aware that I am not allowed to transfer written material or banned tools, with the exception of the exam answer booklet that is submitted to the examiner on the day of the exam.

11.I am aware that if any banned written materials, or materials I am not allowed to have or transfer, are discovered, IPS has the authority to wholly halt my education.

12.The open university does not pay or refund any payments if my education is halted.

13.I am aware that meetings with advisors or examiners revolve only on the basis on delivering educational knowledge.

14.I am aware that I must adhere to all requirements and procedures; otherwise, IPS has the authority to halt my education at any moment. I hereby exempt IPS of any and all responsibility of my education or its halt per IPS evaluation and estimations.

**I hereby sign**

.....  
Date                      Form No.                      First Name                      Family Name                      Signature

**Signed in the presence of the prison director**



## **Appendix (6): Code of Conduct of Advisors and Examinees by the Open University of Israel**

Israeli Prison Service  
Israeli Prison Service Director  
Head of the Education and Services Unit

Chapter: 04 – prisoners  
Directive no. 04/48/00

Went into effect: 8 January 2004  
Last Update: 16 January 2006

### **Appendix C**

#### **Subject: Code of Conduct of Advisors/Examinees by the Open University of Israel**

Prisoners pursuing education through the Open University of Israel are bound by the rules of the open university and the relevant IPS regulations.

In continuation of the educational procedures of security prisoners in the open university, the following are instructions and clarifications to the code of conduct of the advisors/examiners of the open university:

1. The advisor/examiner's liaison with the prison is the educational officer (in prisons that do not have an educational officer, the prisoners' officer will take the role of the liaison).
2. List of course advisors who are allowed entry to the prisons are available in the prisons equipped for their entry.
3. Dates of the advisor/examiner's entry into the prison are coordinated through the head of the education unit.  
Any changes to the date/assigned advisor are done in writing by the open university a week before the entry date. The advisor/examiner will not enter the prison without prior approval.
4. New advisors receive orientation by the security officer in the prison on the first meeting.
5. Entry of educational books/other material into the prisons through the advisor must be previously approved by the security officer in the prison through the education unit.
6. The advisor/examiner is not to receive any material, written or otherwise, from the prisoners during the meeting. Homework and research papers are only delivered through the education officer in the prison and through mail only, with the exception of the exam's answer booklet which the prisoner hands directly to the examiner at the end of the exam.
7. The advisor/examiner must follow the previous code of conduct for the entire duration of the meetings.
8. IPS retains the right to suspend any meeting with any advisor/examiner for security reasons.
9. Advisors/examiners that are proven to violate the aforementioned code of conduct will not be allowed into the prison again.



**Appendix (7):**  
**List of permitted and banned majors in the Open**  
**University of Israel**

Israeli Prison Service  
Israeli Prison Service Director  
Head of the Education and Services Unit

Chapter: 04 – prisoners  
Directive no. 04/48/00

Went into effect: 8 January 2004  
Last Update: 16 January 2006

**Appendix E**

**1. List of permitted university majors**

1. Theology
2. Sociology
3. Business Administration and Economy
4. Psychology
5. Political Sciences

**2. List of banned university majors**

1. Life sciences (Biology)
2. Natural sciences
3. Computer science
4. Physics
5. Chemistry
6. Any major that requires additional physical tools, like drawing calipers, beyond study papers
7. Any major that can pose a reasonable threat to the prison security or state security



## Appendix (8): Interviews

For the purpose of this study, several interviews were conducted with current and former prisoners, representatives of prison sections, and lawyers, as well as officials from the Palestinian Ministry of Education, Al-Quds University, and the Palestinian Committee of the Detainees and Ex-Detainees' Affairs. Below are the names of the interviewees:

### **Ibraheem Mas'ad**

Arrested in June of 2006 and sentenced to two life sentences and 25 years. Mas'ad is currently incarcerated in Nafha prison. He sat in the secondary education certificate exam in Ramon prison and currently pursues a major in sociology. The interview was conducted on 9 July 2019.

### **Ahamad Sa'adat**

Arrested multiple times, the last of which was in 2006 after an Israeli military unit raided the prison and arrested him along with others. Sa'adat was trialed and sentenced to 30 years in prison. He is currently incarcerated in Ramon prison. The interview was conducted on 19 May 2019.

### **Ahmad Ameirah**

Spent around 23 years in prison and was released in 2011. During his incarceration, he received his secondary education certificate and began his studies in the Open University of Israel in 2003 but did not finish. The interview was conducted on 13 May 2019.

### **Osaid Abu A'di**

An adult prisoner in the child prisoners' section in Ofer prison. The interview was conducted on 13 August 2019 when he presented information on education in prison.

### **Elias Sabbagh**

A long-practicing lawyer. The interview was conducted on 26 June 2019.

### **Ayman Nasser**

Addameer's legal unit coordinator, a human rights activist and defender, as well as an expert on prisoners' affairs. He was arrested last in 2018 following 3 previous arrests. Nasser holds an MA in Social and Educational Psychology and worked as a lecturer in Al-Quds Open University. The interview was conducted on 23 July 2019.

**Bassam Abu Aker**

One of the prisoners' movement leaders who spent collectively around 24 years in Israeli prisons. Abu Aker received his BA degree in prison and started his MA studies from Al-Quds University – Abu Dis during incarceration. He completed his studies after his release. The interview was conducted on 5 August 2019.

**Bayan Azzam**

Arrested in 2017 and sentenced to 40 months in prison. Azzam is currently the women prisoners' representative in Damon prison. The interview was conducted on 17 June 2019.

**Khalida Jarrar**

Arrested three times, the last of which was in 2019. Prior to her arrest, Jarrar received her MA degree in Democracy and Human Rights. She did not receive a degree in prison. The interview was conducted on 14 May 2019.

**Khader Radi**

One of the prisoners released in the prisoner exchange deal in 2011. Israel arrested him again in 2014. The interview was conducted on 17 June 2019.

**Diab Nasser**

Arrested in 2014 and sentenced to 14 years in prison. The interview was conducted on 26 June 2019.

**Ra'fat Hamdounah**

Arrested in 1990 and sentenced to 20 years in prison before it was reduced to 15 years. He was released in 2005. Hamdounah started his studies in the Open University of Israel in 1999 and received his BA degree in Sociology and Humanities in 2004. Following his release, he pursued higher education and received his MA and PhD degrees. The interview was conducted on 27 June 2019.

**Rula Abu Dahhu**

Released prisoner who was incarcerated for 9 years from 1988 to 1997. She holds two MA degrees and works as a lecturer in Birzeit University. She was briefly incarcerated in Ramleh prison before she was transferred to Hasharon prison for the remainder of her time in prison. The interview was conducted on 19 June 2019.

**Ziad Ayyad**

A professor in Public Law and Political Sciences in Al-Quds University – Abu Dis. Ayyad is a coordinator of the BA and higher educational degrees program of the prisoners. The interview was conducted on 15 July 2019.



**Sayyaf Abu Saif**

The former head of the higher education unit in the Palestinian Committee of Detainees and Ex-Detainees' Affairs and the current head of the committee's office in Jenin. He was arrested three times between 1988 and 1991, during which he spent two years in prison. He holds a BA degree in Business Administration and a Higher Diploma in Public Administration. The interview was conducted on 21 May 2019.

**Dugham Al-A'raj**

Spent 19 years in various Israeli prisons and spent around two and a half years with child prisoners during which he was their representative in Damon prison. The interview was conducted prior to his release on 8 April 2019.

**Tareq Khader**

Arrested multiple times and spent around 10 years in Israeli prisons. He received his MA in Israeli Studies from Al-Quds University during his incarceration in Ofer prison. The interview was conducted on 1 October 2019.

**Assem Al-Ka'bi**

Arrested in 2003 and sentenced to 18 years in prison. Al-Ka'bi is currently pursuing a BA degree in Social Development from Al-Quds Open University during his incarceration in Naqab prison. He started his educational journey in Hadarim prison, but due to the collective punishments imposed on the prisoners following the capture of the Israeli soldier Gilad Shalit at the time, he was unable to finish his studies in the Open University of Israel. After that, Al-Ka'bi enrolled in Al-Aqsa University in Gaza to pursue a BA degree in history but was not able to finish his degree due to his transfer to Megiddo prison which does not facilitate higher education. The interview was conducted on 19 July 2019.

**A'hed Abu Ghalamah**

Arrested in 2006 and sentenced to multiple life sentences. He received his BA degree in Sociology from Birzeit University prior to his arrest. Later on, he received his MA degree in Regional and Israeli Studies from Al-Quds University – Abu Dis during his incarceration in Hadarim prison in 2016. The interview was conducted on 20 June 2019.

**Ayed Abu Qteish**

Director of the Accountability Program in the Defence for Children International-Palestine. The interview was conducted on 11 June 2019.

**Abdel Fattah Dawlah**

Spent 12 years in Israeli prisons between 2004 and 2016. He was the child prisoners' representative in section 13 in Ofer prison in 2015-2016. Dawlah holds a BA in Media from Al-Quds University – Abu Dis. The interview was conducted on 21 April 2019.

**Abdel Qader Badawi**

Arrested in the 10<sup>th</sup> grade in 2013 and was sentenced to 6 years in prison. He received his secondary education certificate in 2014 during his incarceration in Naqab prison and later received his BA degree in Hadarim prison in 2018. The interview was conducted on 19 June 2019.

**Abdel Nasser Issa**

Arrested in 1995 and spent more than 20 years in Israeli prisons. At the time of his arrest, he was a student in An-Najah National University. In 1999, he enrolled in the Open University of Israel and received his BA degree in Political Sciences and International Affairs in 2007. Later on, he received his MA degree in Democratic Studies from the same university in 2009. The interview was conducted on 18 June 2019.

**E'smat Mansour**

Arrested in 1993 and released in 2003. During his incarceration, he received his BA degree in Journalism from the Open University of Israel. The interview was conducted on 14 May 2019.

**Alaa' Abdel Karim**

Spent 7 years in prison, during which he received his BA degree. The interview was conducted on 5 August 2019.

**Issa Qaraqe'**

Head of the Palestinian Prisoners Club between 1993 and 2006. He was elected to the Palestinian Legislative Council in 2006 and became the chair of the Council's prisoners' committee. In 2009, he was appointed the Minister of Prisoners Affairs. He is also the former head of the Palestinian Committee of Detainees and Ex-Detainees' Affairs. The interview was conducted on 10 July 2019.



**Firas Barghouti**

Arrested in 2011 and spent five years in Israeli prisons. Barghouti was considered the head of the academic committee of the secondary education and Al-Quds Open University program between 2014 and 2016. The interview was conducted on 10 June 2019.

**Qadura Fares**

Former minister without portfolio. He was elected to the Palestinian Legislative Council from 1996 to 2006 under Fatah movement. Qadura is a founding member and the current head of the Palestinian Prisoners Club. The interview was conducted on 23 June 2019.

**Kamil Abu Hneish**

He learned Hebrew during his incarceration and joined the MA program in the Open University of Israel in 2007. However, he was unable to complete his studies due to the Israeli punishments imposed on the prisoners. In 2016, Abu Hneish joined the MA in Israeli Studies program in Hadarim prison and graduated in 2019. The interview was conducted on 7 August 2019.

**Lu'ay Al-Mansi**

Arrested in 2004 and sentenced to 15 years in prison. He was appointed the child prisoners' representative in Ofer prison for several years. The interview was conducted on 23 July 2019.

**Marwan Barghouti**

Arrested in 2002 and was sentenced to five life sentences and 40 years. Barghouti is the Secretary-General of Fatah in the West Bank. He holds a BA degree in History and Political Sciences and MA degree in International relations from Birzeit University. During his incarceration, Barghouti received his PhD in Political Sciences from the Arab League's Institute of Arab Research and Studies. The interview was conducted on 24 July 2019.

**Maslama Thabet**

Arrested in 2003 and sentenced to 25 years in prison. During his incarceration in Hadarim prison, he received his BA degree in Business Administration and MA degree in Israeli Studies. He published a book on the reality of education of the Palestinian prisoners in Israeli prisons from 2000 to 2016 with Hadarim prison as a case study. The interview was conducted on 17 June 2019.

**Mohannad Al-Izza**

Released prisoner. The interview was conducted on 6 November 2019.

**Nu'man Shalabi**

Arrested in 1992, sentenced to three life sentences and 20 years in prison, and was released in 2014. He sat in the secondary education certificate exam during his incarceration. He received his BA degree from the Open University of Israel in 2010 and his MA degree in Regional Studies-Israeli Studies track in 2013 from Al-Quds University – Abu Dis. The interview was conducted on 3 July 2019.

**Hisham Abdel Razeq**

Arrested multiple times and spent around 21 years in Israeli prisons. The interview was conducted on 30 June 2019.

**Wissam Rafidi**

Arrested multiple times and spent collectively around 9 years in Israeli prisons. His earliest arrest was in 1976. Rafidi holds two MA degrees from Birzeit University and currently works as a full-time lecturer and researched in Bethlehem University. The interview was conducted on 9 July 2019.

**Waleed Daqqa**

One of the prisoners who were arrested prior to the Oslo Accords and whom Israel refuses to release. He was sentenced to life in prison. Daqqa pursued an academic career during incarceration, receiving an MA degree in Political Sciences. He has many publications, most notably “Sahr Al-Wa’i” [Obliterating Awareness]. The interview was conducted on 16 June 2019.

**Yasmeen Sha’ban**

Women prisoners’ representative in Damon prison. She was arrested in 2014 after being taken into interrogation. She was sentenced to five years in prison and released in 2019. The interview was conducted on 7 June 2019.

**Yaseen Abu Khdeir**

Arrested in 1987 and released in 2014. He is currently pursuing an MA degree in Israeli Studies in Al-Quds University – Abu Dis and on the verge of submitting his dissertation on the collective identity of the Druze community under the Israeli national law. The interview was conducted on 25 June 2019.

**Yamen Zeidan**

Lawyer for the Palestinian Committee of the Detainees and Ex-Detainees’ Affairs. The interview was conducted on 10 November 2019.



## **ADDAMEER for Prisoner Support and Human Rights Association**

**ADDAMEER** is a Palestinian non-governmental, civil institution that works to support Palestinian political prisoners held in Israeli and Palestinian prisons. in Human Rights. Established in 1992 by a group of activists interested in human rights, the center offers free legal aid to political prisoners, advocates their rights at the national and international level, and works to end torture and other violations of prisoners' rights through monitoring, legal procedures and solidarity campaigns.

Addameer enjoys the support of a volunteer body called "Addama'er", which believes in Addameer's goals and participates in the activities held by the association. They also work in supporting it financially and morally.

Addameer is an executive member of the Palestinian Non-Governmental Organization Network (PNGO), the Palestinian Human Rights Organizations Council (PHROC), World Organization Against Torture (OMCT), the Regional Coalition against the Death Penalty, the International Coalition against torture and many other regional and international coalitions.

### **Addameer's Vision:**

Addameer believes in the importance of building a free and democratic Palestinian society based on justice, equality, rule of law and respect for human rights within the larger framework of the right to self-determination. Addameer's work is based on a belief in the universality of human rights as enshrined in international law.

### **Addameer's Goals:**

- \* Put an end to torture and other forms of cruel, inhuman and degrading treatment inflicted upon Palestinian prisoners and work on abolish the death penalty;
- \* Put an end to arbitrary detentions and arrests and guarantee fair, impartial and public trials;
- \* Support political prisoners and their families by providing them with legal aid and social and moral assistance and undertaking advocacy on their behalf;
- \* Push for legislations that guarantee human rights and basic freedoms and ensure their implementation on the ground;
- \* Raise awareness of human rights and rule of law issues in the local community;
- \* Ensure respect for democratic values in the local community, based on political diversity and freedom of opinion and expression;
- \* Lobby for international support and solidarity for Palestinians' legitimate rights.

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