



Right to Education: The Case of Awarta

May 2011

The right to education is a basic human right, enshrined in the Universal Declaration of Human Rights, and numerous other binding human rights conventions. Nonetheless, the right to education for Palestinian students living in the occupied Palestinian territory (oPt) often amounts to little more than words, as this right along with so many others has been systematically and continuously violated through practices and policies of the Israeli occupation regime.

With the start of the military occupation of the West Bank and Gaza Strip in 1967, Palestinian universities and schools have suffered neglect by Israeli authorities, which refuse to support or protect the educational process. Classroom materials have been banned, professors and students have been deported or denied entry at the border, checkpoints have been erected at the entrance of universities, and schools have been closed for years on end by military order. The challenges faced by Palestinian educators and students alike are compounded by direct attacks both by the military and settlers on students, staff and institutions, as well as indirect effects of occupation policies including generalized socio-economic decline and psychological trauma.

Since early March 2011, the students from Awarta village in the northern West Bank have been subjected to severe violations of their human rights, including their right to education. Following the brutal murder of a family of five from the illegal Israeli settlement of Itamar, which borders the village and is built on its land, the Israeli military has mounted an investigation that involves repeated raids on the entire village and mass arbitrary arrests. This report focuses on the impact of these policies on the more than 100 Awarta students studying at An Najah National University in Nablus.

History of the village of Awarta

Awarta is an agricultural village with approximately 6500 residents, located outside of the city of Nablus in the northern West Bank.

Although the village is composed of around 22,000 dunums (5,436 acres) of land, the vast majority for farming, 12,000 (2,965 acres) of these have been made inaccessible due to the



Photograph ripped in half by Israeli soldiers and left in a bedroom after an army search of a home in Awarta.

establishment of the nearby settlement of Itamar in 1984, with a current population of approximately 1000 people. Many Awarta farmers who lost their land to Itamar became day laborers in Israel in order to provide for their families. However, with the construction of the Separation Wall and the denial of permits for most Palestinian workers to enter Israel, as well as the virtual sealing off of the nearby Palestinian industrial city of Nablus, employment opportunities have significantly diminished and the village has become increasingly impoverished, reporting an unemployment rate of over 30%.

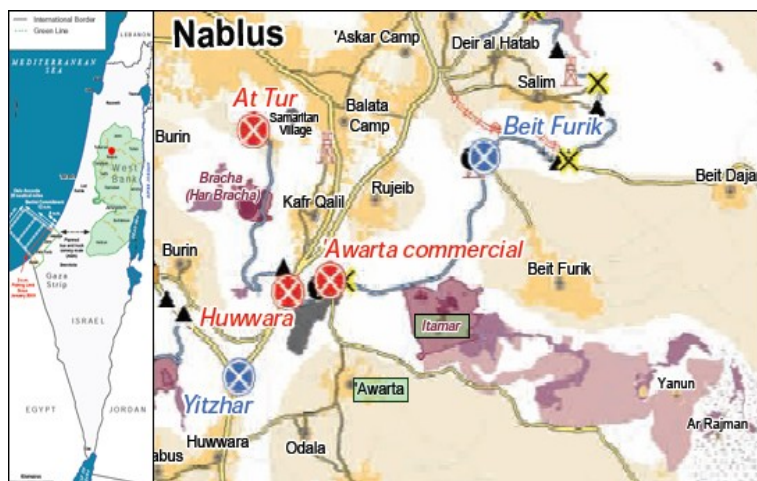
In addition to losing large swaths of land to Itamar, the residents of Awarta have been subject to years of violent attacks and harassment by Itamar settlers. There are dozens of documented incidents of these settlers attacking residents of Awarta, especially the farmers who try to access their land near the settlement. Last year two teenage farmers were killed by gunshots fired at close range by Israeli soldiers. Although the circumstances of their deaths remain unclear, because of the history of army protection of settlers, even for those using violence against unarmed Palestinians, many residents believe that the teenagers were killed during an attack instigated by settlers.

Military operations in Awarta from March -April 2011

On March 11, 2011, a Jewish family, including three young children, was brutally killed in their home in the Itamar settlement. Within hours of

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Map at left showing Israel and the occupied Palestinian West Bank (in green) with a red dot indicating location of Itamar and Awarta; map at right detailing Itamar settlement (shaded area) and Awarta village.
Map: United Nations OCHA oPt, June 2010

Since March 12 approximately 700 people from Awarta have been arrested, 200 of them women, as well as minors, the elderly, and pregnant women.



View of Awarta lands from home.

the murder, and despite the absence of either evidence or suspects, the immediate response of the Israeli government was to publicly declare the crime an act carried out by Palestinian terrorists, and an extensive investigation was launched targeting the village of Awarta.

Starting in the early hours of March 12, units of Israeli soldiers were deployed, entering the village in armored vehicles and erecting checkpoints at all entrances to the village, barring residents from leaving. During the first four-day curfew and closure, approximately 30 houses were occupied by the army for use as interrogation centers and barracks and all males of the village between the ages of 15-40 were ordered to report to the town school for interrogation, DNA testing and fingerprinting. In the following six weeks, Israeli military operations in the village have amounted to a policy of collective punishment against the 6,500 residents of Awarta as a whole. The Israeli military has subjected nearly every home in Awarta to invasive searches, which have been accompanied by vandalism, gratuitous destruction of furniture, electronics and other property, and theft of cash and valuables. Residents have been terrorized by continuous raids, including at night and in the dawn hours. Soldiers fired sound bombs into the street and into people's homes, before forcibly entering, where residents were detained for questioning or transferred to a nearby military base. Since March 12 approximately 700 people from Awarta have been arrested, 200 of them women, as well as minors, the elderly, and pregnant women. There are numerous reports of physical abuse including widespread use of blindfolds, the use of stress positions including on children, and public beatings by soldiers.

Settler attacks and incursions have intensified since March 11. While residents of the village were confined to their homes under curfew orders, settlers roamed the streets throwing stones and bottles into Palestinian homes. When residents went outside to defend their homes, they were attacked by soldiers shooting tear gas canisters.

A gag order imposed on any information related to the investigation was not lifted until April 17 at which time the arrest of two Awarta teenagers on suspicion of having committed the murders was announced.

An Najah Students

The Israeli military operations carried out in Awarta over the past month and a half have left the entire community traumatized, but in many ways has especially impacted the students from the village. Over 100 students attend An Najah National University, located 15 minutes away in the West Bank city of Nablus. Since March 12, An Najah students from Awarta have been forced to miss days and sometimes weeks of class, including crucial exam periods due to curfews, closures and abuse and arrest of the students and their families. Class material and research has been destroyed and/or confiscated during the raids of their homes, resulting in lost graduation projects and notes for the entire semester. Additionally, students report an overall inability to concentrate on their studies because of sleep deprivation, anxiety and economic hardships caused by the raids and arrests of family members.

Lack of access to university

Awarta has been placed under curfew three times since March 11. The first curfew imposed on the village started in the early hours of March 12 until the military withdrew, although without formally announcing a lifting of the curfew on March 16. During this time, residents of Awarta were not allowed to leave their home for any reason, including to procure food or medical supplies for their families. A week later, the town was put under curfew from 4:30 a.m. until 6 p.m. on March 22. The third curfew started in the evening of April 9 and was lifted April 13. In total, students were trapped in their homes, unable to attend class for almost two weeks.

The first curfew was imposed during the university's first round of exams, forcing students from the village to miss their exams. The almost daily military incursions into the village for the following month and a half caused the majority of students to also miss the second round of exams. Several students, concerned about

missed lectures and exams, took great risks to leave the village during curfew, walking over the hills to reach the main road, a journey that takes several hours and exposes students to arrests and military violence because they were technically “breaking” the curfew.

As earlier mentioned, during the first week of curfew, the Israeli military ordered all males in the village between the ages of 15 and 40 to report to the village center, where they were questioned, and forced to submit to fingerprinting and taking of DNA samples. Although most men and boys were released within hours, at least thirty percent of male students were arrested and held for prolonged periods. Several students reported that only hours after the murders, soldiers came to their home and arrested them along with their brothers and father with no warrant or explanation. One student reported that he was dragged from his home in the middle of night of March 12, transferred to a prison located within Israel and subjected to violence, threats and insults during his interrogation. He was released after one month with no charges, but because of the amount of lectures missed, he has lost the entire semester and will have to repeat it. At least five other students will also have to repeat the semester due to detentions that forced them to miss over 25% of the semester.

Students have reported additional obstacles to leaving the village which have resulted in increased missed class time and arriving hours late to the campus. Even on days when the village was not under curfew, students reported being turned back from military checkpoints established at the entrance of the village or experiencing long delays to be let through. Other students have reported having to leave the university early in order to avoid being trapped outside the village in anticipation of further curfews. In one case, two female students traveling together in a taxi bus reported that an Israeli settler tried to forcibly enter their vehicle, causing them ongoing fear about their safety whenever they enter or leave the village to travel to the university.

Sleep deprivation caused by military raids into homes in the middle of the night or general military activity outside homes, including throwing sound bombs into the street, have also caused students to miss classes or arrive late. Several students have been subjected to all-night military occupations of their homes, during which time the entire family was forced into one room. One student reported on the day she was interviewed that soldiers had entered her family home around midnight, forcing everyone into one bedroom, and did not leave until 6 a.m. As a result she missed all of her



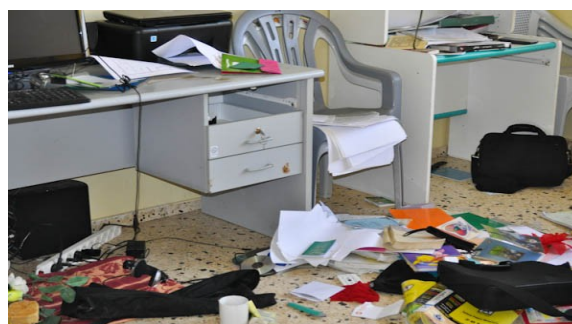
Home of student after soldiers poured flour over furniture and books overturned during a raid and search.

morning classes in order to be able to sleep for four hours before traveling to the university.

The aftermath of the mass arrests and raids has also caused students to miss classes as they struggle to support their families. The Israeli military searched almost every house in Awarta multiple times, and students reported that these raids were very destructive, forcing the families to spend days cleaning up furniture, dishware and other household items that were left broken and scattered throughout the house, as well as oil, flour and sugar which soldiers dumped over piles of clothes and furniture. Several students have also reported that they were forced to miss class in order to take over the work of male breadwinners in the family who remain detained in Israeli prisons, while others have had to miss class to attend judicial proceedings of detained fathers and brothers.

Loss of educational materials

Israeli raids into village homes were almost invariably accompanied by destruction and confiscation of property. Students have been particularly impacted by these searches as school material and equipment were often destroyed or confiscated, without the issuance of any kind of receipt to later recover the



Student's bedroom after military raid.

Due to curfews, students were trapped in their homes, unable to attend class for almost two weeks.

At least five students will have to repeat the semester due to prolonged detentions.



A student's laptop and telephone that were destroyed during a military raid of the family home.

97% of students interviewed stated that their family home had been raided at night at least two times, while some students reported 10 or more raids.



Computer face ripped off during search of student's home.

property as is mandated by Israeli and international law. Thirty-two percent of students interviewed reported damage to their computers rendering them unusable, including soldiers smashing monitors, throwing laptops on the floor and ripping out hard drives. Twenty-three percent reported the confiscation of hard drives and USB sticks. One student explained how soldiers poured shampoo over his laptop during the first raid into the family home, and then confiscated the damaged laptop in the second raid. Most students lost vital notes, research and projects as a result of these raids. At least two students lost the work they had done on their graduation project and are currently at risk of not being able to graduate on time as a consequence.

Other students reported soldiers throwing school materials and papers on the ground during searches, including siblings' primary school books. One student reported that after a raid in which the family was forced into the street in the middle of the night, she returned to the home to find that the soldiers had thrown her university notebooks and reports into the family well.

Finally, those students who fled the village at the start of the curfew in order to ensure that they could attend classes without the daily risk of closures and checkpoints, had to leave many needed school materials at home, including books, drafting equipment, and lab coats and materials necessary to access scientific laboratories.

Affect on physical and psychological well-being

The nearly daily military incursions, raids, arrests and abuse village residents have been subject to have taken a significant toll on students and their ability to study and concentrate

on their school work. In addition to the missed class time, lectures and exams, students report that the military operations into their villages have left them too exhausted, traumatized and without the basic necessities, such as electricity, to allow them to dedicate sufficient time to their studies.

The military entered the village almost every night from March 11 until the announcement of the arrests, and has subjected the village to frequent incursions even after the arrests. During these incursions, students and their families have been jarred awake by shouting, announcements over loudspeakers mounted on military jeeps, banging on doors, and sound bombs thrown into the street by soldiers. Seventy-five percent of male students reported being interrogated during home raids for up to 10 hours, often blindfolded and handcuffed. Over half of the students interviewed reported witnessing one or both of their parents arrested and taken from their homes, as well as witnessing the arrests of siblings and extended family members taken in the middle of the night.

Ninety-seven percent of students interviewed stated that their family home had been raided at night at least two times, while some students reported 10 or more raids. Many students reported that when the military targeted their home for raids or arrests, soldiers woke up the family by throwing sound and flash bombs and even tear gas canisters into the home. Two female students, whose 17 year old brother was arrested and remains in detention without charges, were jarred awake at 2 a.m. after soldiers climbed ladders placed against their home and threw sound and flash bombs through their bedroom window.

In several cases, Israeli soldiers have taken over houses for days at a time as military posts, herding large families into one room of the house. One student reported that because his home is on a hill and has one of the highest vantage points of the entire village, the military has occupied the home every time there is a military incursion into the village, which he estimated was almost all nights during the 6-week period following the settler murders. As a result, his family has taken to doing "sleeping shifts." Another student reported that his family was ejected from their house and forced to wait outside for hours while the soldiers entered the family home and made a meal for themselves.

Even when the military is not passing through the village, students explain that they are unable to sleep because of anxiety and fear of impending incursions or arrests. Every student interviewed reported that their sleeping habits

have been greatly impaired, and that on average they are sleeping only 3-5 hours a night. One student wryly pointed out that it was almost better to have the soldiers in the home because at least then he was not waiting for them to enter.

Several students left the village to stay with friends and classmates in Nablus so that they do not miss class, but as one student explained, "leaving the village didn't make it better." All of the students who spent nights outside of Awarta reported that they have been distracted from studying and have problems sleeping, as they worry about what is happening in the village and call their families several times a night to receive news. One student whose home is in an area of the village more frequently subjected to settler attacks because of its proximity to Itamar, explained that he felt compelled to return home in order to protect his family after learning that settlers had twice tried to hit his 11 year-old sister with their car on her way to school.

Students report that lack of sleep and fear of military operations have left them unable to focus on school work. A design student explained that instead of working on redoing his final project that was destroyed during a raid of his home, he instead finds himself drawing pictures of soldiers and jeeps. Another student described how he was humiliated in class after being so tired that he did not realize that the professor was asking him a question, despite staring directly at the professor as he spoke. Every student interviewed described how their grades, including those for the make-up exams they missed, have plummeted. Two honor-roll students reported that their grades this semester are so low they are worried that they may fail their classes. One of these students explained that his lower grade point average will disqualify him from the scholarship he had been receiving, and will likely force him to withdraw from school for at least a semester to work in order to pay his higher tuition.

Legal analysis

"Education is both a human right in itself and an indispensable means of realizing other human rights." General Comment on Art. 13 of the International Covenant on Economic, Social and Cultural Rights, United Nations Committee on Economic, Social and Cultural Rights, U.N. Doc. E/C.12/1999/10.

The right to education has a solid basis in international law, as established in several universal human rights instruments. These include the Universal Declaration of Human Rights, the UNESCO Convention against Discrimination in

Education, the International Covenant on Economic, Social and Cultural Rights, the IV Geneva Convention and the International Convention on the Rights of the Child, all of which have been ratified by Israel. The right to education has been further reaffirmed by the U.N. Commission on Human Rights and the General Assembly in resolutions and the appointment of a Special Rapporteur to "examine, monitor, advise and publicly report" on threats to the right to education.

In its general comment, the Committee on Economic, Social and Cultural Rights explains that the right to education means that "education in all its forms and at all levels shall exhibit the following interrelated and essential features: a) availability; b) accessibility; c) acceptability; and d) adaptability."

Israel, however, has shown itself to operate contrary to these principles in the oPt generally and in the case of Awarta specifically by making education: *inaccessible* through the imposition of strict movement restrictions, arrests, and *unavailable* due to the confiscation and/or destruction of the property of students as discussed above. The enjoyment of the right to education is further rendered *unacceptable* by the socio-economic and psychological effects of repeated closures, curfews, military violence directed at students and their families, and lack of protection from frequent outbursts of settler violence.

Furthermore, under international standards the obligations incumbent on a state in terms of realizing human rights, including the right to education, require that states respect, protect and fulfill the rights at stake. The obligation to respect the right to education implies that States must avoid measures that hinder or prevent the enjoyment of the right to education. The obligation to *protect* the right implies that State parties must take steps to prevent



Computer confiscated from student's bedroom following an army raid.

"Education is both a human right in itself and an indispensable means of realizing other human rights."

United Nations Committee on Economic, Social and Cultural Rights

E/C.12/1999/10



Basket full of sound bomb canisters and a flash bomb canister on left, which were fired into the bedrooms of two students in the middle of the night.

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third parties from interfering with the enjoyment of the right to education. Finally, the obligation to *fulfill or facilitate* the right to education implies that States must take positive measures that enable and assist individuals and communities to enjoy the right to education.

In the case of Awarta, Israel has failed to comply with its direct obligations to respect, fulfill and facilitate the right to education. Curfews and closures that apply collectively to all residents of the village have prohibited students from attending class or taking exams. Arbitrary arrests both of students and members of their families have further restricted students' ability to access education. The confiscation and destruction of school materials has greatly hindered students' educational opportunities. Finally, repeated night raids into the village and invasive searches of all homes in the villages have profoundly impacted students' physical, psychological and emotional well being and ability to fully participate in their educational experience.

Conclusions and recommendations

Since the announcement that two Awarta teenagers have been named as the primary suspects of the Itamar killings following confessions while in Israeli detention, the military incursions and activity in the village have decreased. However, village residents and students remain traumatized and are still fearful for their futures.

The brutality used by soldiers generally in the arrests and raids of Awarta and the reports of torture and threats used against the two accused teenagers while in custody as well as the lack of access to legal counsel during interrogation reinforce residents' perception of the illegitimacy of the Israeli investigation. Many of the students see these arrests as yet another way in which the village has been victimized by the Israeli military and a justification for the attacks on their community.

At an individual level, many students' lives have radically changed course from one day to the next, leaving the future they had been working towards in limbo. Two students interviewed were planning on getting married this summer, but the wedding has had to be postponed indefinitely because the groom will not be able to graduate this semester as anticipated as a result of missed classes. The bride's family is still reeling over the arrest of her teenage

brother and the thousands of dollars of damage to their home. The bride's mother commented that a basket they had bought to display her daughter's wedding henna paints is now being used to hold the sound and flash bomb cartridges fired into their home by the army.

Students also feel certain that the attacks on their village have not yet ended. Settler leaders from Itamar have openly called for the ethnic cleansing of "Arabs" from the West Bank, and residents have reported increased settler violence including stone throwing by settlers on the road to Awarta and an attempted kidnapping.

In a move perceived as meant to mollify settler anger and to take advantage of the settler family's tragic murder, Prime Minister Benjamin Netanyahu promised the construction of 400 homes on the main settlement blocks in the occupied West Bank directly following the murders, and in a condolence visit to Itamar, declared, "We shall build our lands." Two days after the Itamar murders, the Israeli cabinet approved 500 new settlement housing units.

A new Itamar outpost (i.e., expansion outside the settlement boundaries) has already been erected in honor of the slain family, and additional lands already barely accessible because of their proximity to Itamar have been rendered de facto annexed since March by settlers who attack and threaten Palestinian farmers who approach their own land. One student articulated the profound sense of vulnerability within the village, stating "There's no such thing as protection for our rights."

The UNESCO Chair on Human Rights and Democracy calls on the Israeli military to immediately cease continued incursions into Awarta, to release residents still held in detention without charge and to return all confiscated property and reimburse residents for property that was destroyed or damaged during searches of their homes. The UNESCO Chair additionally calls on the Israeli government and the international community to demand a halt to the expansion of settlements, which are illegal under international law and contrary to numerous U.N. Security Council and General Assembly resolutions. Finally, the UNESCO Chair calls on Israel to abide by its obligations to respect, protect and fulfill the right to education of Palestinian students.

The UNESCO Chair on Human Rights and Democracy is dedicated to promoting human rights education, and engages in human rights research and advocacy to provide support and resources to create durable links between the academic and local community.

