

ACADEMIC FREEDOM AT PALESTINIAN UNIVERSITIES: A HUMAN RIGHTS REPORT

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Bassem Eid traces the history of Palestinian Universities over three periods – the Israeli occupation early 1970s until the Intifada, the Intifada and its aftermath and the current era. The author examines the serious problems and restrictions faced by University students and intellectuals. He denounces a series of human rights violations particularly the rights of freedom of expression and association. Such violations include deportations, violence against students, arrests and detentions without formal charges and unfair dismissal of professors who spoke their minds. These human rights violations are not solely a result of Israeli oppression but also a result of the interference of the Palestinian Authority. The author probes into the University Security Administration and the presence of undercover agents within the universities, who monitor and report the activities of individuals, are associated with the Islamic bloc or who criticise the Palestinian Authority.

1. Introduction

University campuses distinguished by high levels of academic freedom are characterised by open environments in which students and professors exchange their ideas freely, openly, and without fear or risk. They are institutions where critical thinking is developed and valued. This applies to academic writing, campus activities about internal university matters, as well as to those political issues that concern the wider society. Furthermore, such universities require an environment in which all students have an opportunity for equal education and one in which students and professors are judged on the merits of their scholarship.

Five years after the advent of the Palestinian Authority (PA), Palestinian universities continue as they have always, to reflect trends of the general society. Today human rights at risk on a societal level are similarly at peril on campus. The Palestinian Human Rights Monitoring Group recognises the vital importance

of academic freedom for the support and preservation of human rights in the wider Palestinian population. Palestinian universities form the most significant force for long term national reconstruction and democratisation. No other Palestinian institution can have as dramatic an impact on the intellectual and technical development of future generations. When academic freedom is in jeopardy, the development of critical thinking is threatened at its very foundation. Furthermore, the respect and demand for human rights are deadened.

There is a common assumption that the West Bank is freer than Gaza. It is obvious that the problems of academic freedom are quantitatively and qualitatively worse in Gaza. The universities in Gaza are government controlled which means they are de facto PA institutions. Furthermore, Gaza universities exist in closer proximity to the Palestinian Authority and therefore many more people affiliated with the university are connected to the PA. The existence of an Islamic University in Gaza has led to greater suspicion on the part of the Authority, with internal and external pressure exerted to squelch Islamic opposition. We have chosen not to emphasise the differences between the two areas in order not to create a hierarchy that could lead to the acceptance of lesser abuses.

The lack of published information on this issue stems in great part from the fear of negative repercussions such as the loss of livelihood or professional ostracism perceived by Palestinian intellectuals. Students are equally concerned about risking current and prospective jobs and therefore are hesitant to speak openly about their experiences on campus. Despite these obstacles, it is extremely important to address this issue. We firmly believe that an improved human rights environment at the universities will have an impact on the development of democracy and the strengthening of civil society.

Universities are microcosms of society and as such encompass many activities. Since the establishment of the Palestinian Authority, employment has been a major source of tension for the Palestinian People. In June 1999, a strike broke out at many of the universities. The strike resulted because of the PA's failure to transfer to the universities in order to pay workers' salaries. As a result of the failure in transferring these funds, professors and other staff members had not been paid in over four months.

I strongly recommend that the Palestinian Authority recommit itself to higher education and, in so doing, pledge sufficient financial and human resources in order to advance the research and teaching at Palestinian universities. We also propose that the PA rescind all security measures implemented solely for the purpose of controlling the academic community.

2. Background

The Palestinian people are undergoing a critical transitional phase of nation building. Simultaneously they are pursuing ongoing peace negotiations with Israel. These two complex realities create constraints on society, which have often resulted in the violation of fundamental freedoms. There is a notion among many Palestinians that the PA is learning from its mistakes and that the abuse of freedoms should be tolerated as part of the difficult process of state building. In the past, Palestinian Universities have been centres of the Palestinian struggle against the Israeli occupation. Today, they should be able to develop the capacity to balance the social, cultural and political activities necessary for comprehensive social development. Only in a system that values academic freedom can universities engage in an honest struggle with the complexities of building a Palestinian state. This balance can be built organically over time, but Palestinians cannot do this in a vacuum. Borrowing from international models is critical. Despite the economic and political constraints placed upon political leaders and university administrators alike, the authorities and the general society need to be cognisant of international norms.

3. Israeli Occupation and the Intifada

Palestinian universities in their current form came into existence in the early years of the Israeli occupation. The modern Palestinian universities have seen three distinct periods. The Israeli occupation from the early 1970's until the Intifada characterises the first period. The Intifada and its aftermath are the second period. The current era, the third period, encompasses the years since the establishment of the Palestinian Authority to the present, and it constitutes our major concern.

The first institution to expand from a junior college is Palestine's

leading university, Birzeit University. In 1972, Birzeit's junior college status, which it held in the 1950's and 60's, was upgraded to that of a four-year college. Today there are 3863 students. The first Bachelor's degree was awarded in 1976. Bethlehem University followed Birzeit in 1973. Four years later less than 100 students graduated from this university. Today there is a total of 1929 students. Until 1987 Israel treated Bethlehem University better than the others. However in October of 1987, a few months before the start of the Intifada, the campus was ordered closed for a week by military order.

In 1977, al-Najah National University became the next four-year Liberal Arts College to be established. Today it is the largest university in the West Bank with 8442 students. Because of the Islamic ambience in the very nationalist city of Nablus, al-Najah University was always subject to more pressure from the Israeli military. Nonetheless, faculty on several occasions attempted to help students jailed by Israel and smuggle exams into prison. Army raids, checkpoints, and brief closures were the norm through the 1970's and 80's.

The Gaza Islamic University was established later. After Camp David, travel to Egypt became increasingly difficult and, as a result, a university in Gaza was set up with the support of al-Azhar University in Cairo. The university also received funding from the Arab Gulf states. From the outset the institution was opposed by Israelis and by Palestinian secular nationalists. One of the ways in which Israel showed its opposition was through the refusal to renew work permits for many professors from the West Bank who taught in Gaza. Currently there are close to 8000 students. In 1992, the university was split in half, and a new institution called al-Azhar was created with direct backing from the PLO. Today there are 11,671 students.

All universities were subject to Israeli hurdles with respect to their development. Licensing was not granted on a long term basis and required annual approval. Each new faculty also needed approval. Palestinian universities were subject to other violations such as the censorship of books and periodicals. In addition, a ban on materials considered threatening to Israel was also instituted, despite the fact that they could be found and accessed at Israel universities. Student arrests were common, and their number increased during the Intifada. For example throughout the 1970's

and the early 1980's, the number of students arrested at Birzeit University totalled in the tens, although in 1985-86, the number reached 115 at Birzeit University alone. Students were often detained without charge. Ten professors were also detained often for materials they possessed or for books they authored. In addition, Israel also withheld work permits for international faculty, particularly Palestinians living in Jordan and in other parts of the Arab world. Other human rights violations included closures, imprisonment of students, exile, and compulsory residency. Administrative detention increased steadily in the 1980's. Some students were arrested without charge. Others were arrested for security offences, such as throwing rocks or being a member in an illegal organisation.

The Intifada was the turning point in Palestinian University life. Violations increased so much that academics that lived through both periods now look at the earlier period as comparatively benign. During the Intifada, the universities were considered the centre of the nationalist struggle by Israel and were subject to more severe restrictions. Preventive closures were initiated shortly before the Intifada. Universities were constantly visited and monitored by Israeli military personnel. Movement was restricted by the establishment of checkpoints on the way to the universities. Administrative detentions and deportations increased for students and for professors, as did violence against students, including the killings of student protestors. At the start of the Intifada, detainees were rounded up; former, present, or current candidates for student council were the most common targets. Sometimes they were detained for possessing illegal literature, which may have included posters about students who had been killed on campus. Many students were subject to arrest if they left their campus. Some universities were closed for up to 4 years. The massive shutdowns motivated Palestinians to develop alternative education, which included holding classes in private homes. Despite these efforts, most students continued to take more than the normal four years to complete their studies. This prolonged period of undergraduate education caused severe economic hardship for students and for their families. The human rights violations by the Israeli occupation, which still have not disappeared, left a legacy of politicisation at the Palestinian universities. Israel's effect on Palestinian University life, while critical, is only one of the outside

influences that have affected Palestinian institutions of higher education.

4. Learning from the Arab World

The phenomenon of securitization of West Bank and Gaza universities has a correlative in the early stages of Egyptian independence. Anecdotal information shows that there are also similarities to the Jordanian system, although much more work must be done to document academic freedom at Jordanian universities.

In Egypt there was a systematic policy to centralise and control university life. The guards were answerable to the Ministry of the Interior, through which the government was able to manage University affairs. (In Palestine, President Arafat is the Minister of Interior. To the extent to which he is kept abreast of university affairs and to the extent that he is associated with all the important cases in the West Bank and Gaza, there is a parallel).

In the West Bank and Gaza, the PA has not sought to control the universities but rather to restrain and contain intellectual opposition. There is, however, a Congress of Presidents of Universities which is a consultative group that convenes at the Ministry of Higher Education. This group has been formed to include University leaders in the process of centralisation of higher education.

In Egypt, military figures were appointed general secretary of university administration. Elected faculty deans were replaced by appointed ones. The President of Al-Azhar University, who is also on the executive committee of the PLO, has a double position. Elsewhere, at al-Najah University, where a new president was recently appointed, President Yasser Arafat had a role in the choice. In Palestine, the most over-arching standardisation is the development of a national human rights course, which is to be implemented at all universities. However, there is an effort to change the status of universities from public to governmental. Because funds are very limited, universities have an incentive to consent. Government universities receive all their funding from the government whereas public institutions are not guaranteed any money from the central authority. However, the move to make the

Authority responsible for higher education simultaneously allows it more control.

What is similar to the Egyptian case is the contracting of undercover agents to report on university activities. In Egypt, these agents were resented but were recruited from students and teachers. In the West Bank and Gaza, our research has only found students who report on other students and to a lesser extent on lecturers. In Jordan, students and professors similarly work for the security services, and professors are frightened to speak openly in class.

5. Securitization of the Academy

There is a long-standing procedure at Palestinian Universities, as well as at many urban universities around the world, to employ security guards to patrol the university gates. However, in European and North American universities, these security officers have no connection to the state; they are university employees hired to safeguard the students and faculty from theft and violence. On Palestinian campuses there is little consensus regarding to whom these guards report as well as what exactly their job entails.

In May of 1995, the University Security Administration was established by Presidential Decree. Concerned with keeping order on campus and protecting students from threats of violence, sexual-misconduct and external political intruders, President Arafat created a national office to prevent discord. The Administration was placed under the control of Colonel Khalil Arafat who was given the title of General Director. His office is located in the Palestinian General Security. The Colonel is also a relative of President Arafat. Despite the fact that the University Security Administration was created in 1995, it was only in 1996 that the Officials at the Ministry of Education in the West Bank had a concrete explanation for its creation in the West Bank. Rather than being established for the sake of conceptual principles of protection, the University Security on the West Bank was created in response to a concrete event. Responding to events at al-Najah University in March 1996, President Yasser Arafat justified the expansion of the University Security Administration, although officially the office was to have encompassed both Gaza and the West Bank from the outset.

There are pronounced distinctions between the West Bank and the

Gaza Strip in terms of the presence of security on campus. In the West Bank, few people know that such an office exists; few people, however, would deny that undercover agents are present on the campuses. In Gaza, students, lecturers, and administrators alike have no doubt about the existence of the University Security Administration. Furthermore, the universities in the West Bank have historically been independent private universities. Despite the fact that support for Fatah among students and faculty has always been strong, no West Bank universities maintain direct links to the PLO.

The issue of the role of security services on campus is sensitive. Strictly speaking there is nothing inherently against human rights principles for a university student to work for the security or intelligence services. However, it is problematic for these same students to be in the active employ of their supervisors while they are attending classes. The official use of undercover agents on campus is an infringement on a student's freedom to express one's opinion either in class or in student pamphlets, and it constitutes a violation of international norms regarding academic freedom.

These persons have other functions besides that of monitoring. The University Security Administration in Gaza, where it is functioning, is officially responsible for checking students' identification cards, protecting the building from visitors and preventing students or visitors from entering the campus with weapons, and preventing students from wearing security or police uniforms. The University Security Administration was created because the guards that are hired privately by the universities are not considered adequate. According to the Police, the regular guards are incapable of stopping people who enter the university because they do not have the training and jurisdiction of the police. The current guards in Gaza are hired by the administration of the universities, but they are people who work for or have been trained by the Palestinian Authority. However, they are not direct employees of the University Security Administration because their people are monitors. Nonetheless, many people confirmed that guards hired privately by the university administrations also work for the PA.

The other police and security forces are not supposed to interfere on the campus. However, many students, from other forces, who work simultaneously as security and police officers are on duty when they are at school. Both students who work under cover for

the security branches and full-time civilian students assert that there are security activities taking place on campuses in the West Bank and Gaza. The University Security force denies this assertion. They maintain that other security departments do not have specialised university offices. As in other areas of the PA, the department in charge of University Security does not have full jurisdiction. The various security services extend their control over segments of society and individuals over which they can.

The Palestinian Authority's involvement of students and others in university surveillance serves as a form of political patronage. Students work for the security services because it is a good job. The money available from the PA is not only used to pay salaries. It is also instrumental in mobilising students to cease their opposition activities. Some students in Gaza even receive money from the PA even though they are not performing security services. They are registered and receive money; such contracts are secret. A law student who works for Preventative Security Service (PSS) says he can promise financial support of up to 200 shekels a month (50 dollars) to convince a particularly popular student to join Fatah. He may also offer protection and other services that someone might need, depending on the budget of the department. Since it is easier to say yes than no, especially in today's dire economic situation, the security service and Shabibeh's promised resources are a way of persuading people not to oppose the PA. By contracting young people to work for the authority against their colleagues, the PA provides employment for an underemployed population and in this way, it ensures support for Fatah.

In addition to President Arafat's sanctioned University Security Administration there are many undercover agents working on the University campuses on the West Bank and Gaza. These individuals keep tabs on campus organisations, threaten people to vote for Fatah in elections, write reports, and collect the names of students involved in the Islamic Bloc and in the left wing opposition. They also go after people who criticise the PA of corruption or expose its human rights abuses. The vast majority of undercover security agents are male, although there are also some female students who write reports for the security services. Without the freedom to speak in class, to participate in campus activities without fear of reprisal, the development of critical thinking and free exchange of ideas is severely curtailed.

We urge the PA to close down the University Security Administration or, at the very least, to restructure the office so that it genuinely protects students. The PA should not monitor the behaviour of university students and faculty members committed to honest and valuable critique of those governing their society.

6. Disruptions of Student Life:

Arrests, Censure and Censorship

Palestinian universities are characterised by a high level of national political activity when compared to their counterparts in Europe, North America, and other parts of the Arab world. The activities of the students unions centre around the Palestinian political situation rather than the concerns of students regarding tuition or student clubs. Student life on Palestinian campuses consists mainly, though not exclusively, of political activities, and it is precisely these activities which sometimes aim to undermine support for the Palestinian Authority that the security seeks to monitor and suppress. Furthermore, students' lives are affected by the system's inequitable distribution of grades, scholarships, and even travel permits.

7. Electoral Abuses

Student Council Elections at Palestinian Universities are basically democratic and proceed without much interference from the University Administration or from the PA. However, there is a trend at some of the universities to work on behalf of the Fatah groups either by directly supporting them or by employing measures to block the success of the Islamic groups. One mechanism used by security officers is to arrest students who run for office. Students are aware that security officers are present at the elections and that these officers take note of the activists. The employees of the University Security Administration monitor elections on the campuses in the Gaza Strip. They only monitor the male student elections, since there is no risk of violence among the female students. Also, female students are not arrested due to social and societal constraints. The University Security Administration does not send people to monitor elections in the West Bank, but it receives reports from police in the West Bank.

Student elections at al-Quds Open University in Gaza in June 1998 were postponed by the Administration. In the absence of new elections, students requested the dissolution of the student council whose term had expired. This resulted in disorder on campus among students affiliated with the different student blocs. This in turn led to the intervention of the Preventive Security to intervene and the arrest of a student. After a series of meetings with University Administrators, students distributed press releases. This was followed by a meeting between students. Similarly, at a peaceful gathering organised to protest the undermined the date of student elections, violence broke out once more between rival student groups. As a result, on 27 June 1998, the university administrative board issued an administrative order, which prevented the distribution of all press releases and publications from any bloc, if such distribution took place without permission. The order also included a prohibition of the distribution of information by alternative means. Two days later, the PSS summoned some of the leading members of the student blocs, including one student leader of the Popular Front bloc and two Islamic Bloc student activists. Two of the three were arrested and later released. According to the student press release, warnings had been sent by the Administration without forming an investigation committee to determine the reason for the events and to identify the participants. Some of the names which were mentioned in the warning were not present at the university when the events happened. All the students belonged to different student blocs, and no warning was sent to any student from the Fatah Youth Movement, which according to the students, is the group responsible for the postponement of elections. Elections were held finally on November 2nd, 1998.

8. Student Arrests

The first students to be arrested by the Security Forces did not set the tone for those who followed them. Arrested by the security forces in March of 1996, the seven Birzeit students were imprisoned in Rainallah, accused of engaging in illegal activity on behalf of Hamas. No formal charge was filed, and they were never questioned. A suit was filed in the High Court of Justice against the Attorney General and Yasser Arafat, in his capacity as Minister of the Interior. The High Court ordered the defendants to formally

issue the reasons for the students' incarceration. The PA then challenged the court's jurisdiction and called for the order to be repealed. In response the High Court issued a final order in August 1996, ordering the immediate release of the students. The court's final decision stated that the incarceration of the students was an abuse of power. The court order was ignored, and the students were not released until President Arafat issued a decree on 7 October 1996, ordering release of 25 detainees including the seven Birzeit students. Following the Court's decision, the Chief Justice, Amin Abdul Salain was fired.

The difficulty of Palestinian state building undoubtedly is increased by internal opposition and by Israeli pressure to show quantitative results from Palestinian security efforts. The Wye Memorandum calls for the Palestinians to eliminate the entire infrastructure of the groups that incite violence or terror. This international commitment and obligation does not, however, mean that the PA can arrest students without any evidence of their involvement in supporting, planning, or carrying out violent acts. The International Covenant on Civil and Political Rights severely limits the range of permissible interference with these rights. We agree that individuals that incite violence should be arrested and punished according to the law. However, under the PA, many students particularly those affiliated with the Islamic Bloc, are arrested and detained with no charge and with no court proceedings. The vast majority of them are arrested outside of the campus in their student houses, at their parents homes, or elsewhere. While these arrests do not necessarily come under the guise of the abuse of academic freedom, many are subsequently interrogated about their activities and about their peers in the Islamic bloc or other student opposition blocs.

Sometimes students are arrested in connection with a particular event, often in conjunction with Israeli security needs. Prior to the May 1999 Israeli elections, the Palestinian Intelligence raided a house in Nablus where students from al-Najah university live. The force of 9-10 men searched the house for over 90 minutes, during which they confiscated a large amount of books and papers. They arrested two men for whom arrest warrants had been issued as well as six other men. The eight students were interrogated about their relation with "al- Jihad" Islamic Movement and about their academic and social activities inside and outside university. Two

students were kept in custody, while the others were released. The two students remained in custody for five days. Their families were allowed to visit on Friday, 14 May 1999.

When students are arrested and put in prison, their studies are interrupted. They are hindered from completing their degrees as scheduled, which is costly both in terms of money and time. It also causes them an unfair disadvantage vis-a-vis their classmates. In most instances the University Administrations have done close to nothing to help the arrested students. Many administrators prefer to view the arrest of campus students as matters outside their purview. The Lima Declaration maintains that "states are under an obligation not to interfere with the autonomy of institutions of higher education as well as to prevent interference by other forces of society" (Article 18). In the West Bank and Gaza, the organs responsible for Higher Education have not aided in blocking state interference. Despite the Ministry of Higher Education's role in serving as the central address for matters concerning Palestinian Universities, it has not played an active role in defending students.

We call on the PA to end the arbitrary disruption of student life and to bolster democracy on campus by allowing fair elections of student councils. Furthermore, the PA and its security branches should not play a role in supporting one student group over another and should, in no way, interfere with student publications intended to promote dialogue and discussion about critical national issues.

9. Faculty Fears

The ability of students to acquire skills of critical thinking is highly dependent on the academic freedom of their professors. Similarly, the professional life of academics and their maximum contribution to society are threatened when academics are unable to express their opinions. While it seems as though instructors have had fewer problems with the security forces, there are a number of cases, particularly in Gaza, of violations of academic freedom. The general view is that these professors are used as example for others.

9.1 *Dr. Fathi Subuh*

Dr. Fathi Subuh's case is the foremost case with respect to violations of academic freedom. However, this example encompasses

a number of human rights violations and is therefore a good starting point for examining the ways in which academics have suffered from the PA's non-compliance with international legal standards.

On 2nd July 1997, the Preventative Security Service arrested Dr. Fathi Subuh, a professor at Al-Azhar University in Gaza. Dr. Subuh prepared a final examination with two questions about corruption. The questions were:

- 1) Discuss administrative corruption in the PA agencies;
- 2) Discuss administrative corruption at al-Azhar University.

These two questions were generated from student presentations from previous years. While PA spokesmen asserted that the arrest was the result of security charges, the Director General of the President's Office, Tayyeb Abdul-Rahim, stated that it was the result of the questions he asked in the final examination. He had taught the same course while under Israeli occupation, with the same critical view of the Israeli regime and its corruption, and he was not once questioned about the course. Later that month, a squad of civil police officers searched Dr. Subuh's home and confiscated the students' answers to the aforementioned test questions.

His arrest, like so many others related to academic freedom, was arbitrary and illegal. He was arrested without a properly authorised arrest warrant, and he was held in arbitrary detention for four months without being charged or presented to a civil court. He was arraigned by the State Security Courts rather than by the civil courts. Finally, he was released on strict conditions. Dr. Subuh was arrested at his home and brought to interrogation after being presented with a detention order by the PSS. Despite the request of the Palestinian Independent Commission for Citizens' Rights (PICCR), he was not presented to a judge in order to legitimate his detention, as required by Article 10 of the Law of Arrest and Interrogations Number 4 of 1924. He was held for seven days at which point the High Court of Justice granted the Preventive Security Service eight days to respond to a motion to declare Dr. Subuh's arrest illegal. Several days later on 31st July, Dr. Subuh had still not been allowed to meet with his lawyer. By mid-August the reasons for his arrest were still not clear, although the Legal Advisor to the PSS had asserted in a letter to the PICCR (the human rights body handling Dr. Subuh's defence) that he had not

been detained for disloyalty to the PA and that his arrest had been legal. It was not until 6 September that Dr. Subuh was able to meet with legal representation. Three days later, on the 9th September, the High Court of Justice in Gaza announced that Dr. Subuh's case was a "security file." It issued no further explanations. On the 6th October, the High Court rejected the petition presented by Dr. Subuh's attorney, claiming that the "High Court does not have jurisdiction to rule on cases falling under the jurisdiction of the High Court for State Security." At the end of November, Dr. Subuh was released on bail, with the condition that he reports daily to the police station. He was also forbidden from leaving the country without special permission from the attorney general, despite the fact that no charge had been made against him.

9.2 *Dr. Ayyub Othman*

Dr. Ayyub Othman was dismissed from his position as a professor of English at al-Azhar University in Gaza because he made public information about incidents of forgery within the university. For three years, Dr. Othman has been writing newspaper articles outlining corruption within the university, and criticising the performance of the PA. Dr. Othman discovered information that was held as "secret" and was released from his position for obtaining it. He was then dismissed. As a result of an article, in which he reported on the misbehaviour of the dean and of the president of the university, Dr. Othman was summoned to the attorney general for defamation and for publishing illegal material. Dr. Othman successfully defended himself using the Palestinian Press Law.

On 29 May 1997, Dr. Othman was arrested for 25 hours, after he published an article on a report released by the General Security Service, addressing corruption within the country. While there was nothing previously unknown in the article, Dr. Othman was the first person to open the al-Azhar University files in the High Court. Since then, eight cases for academics and administrators were brought before the High Court. Dr. Othman succeeded in subpoenaing the university president to the Court, as well.

9.3 *Dr. Ahmed Sa'id Dahlan*

In 1994, Dr. Dahlan was eligible to receive a promotion. However, in 1993, he and a colleague, Dr. Sa'id Abdul Wahed, placed a

congratulatory advertisement in a newspaper upon fellow professor Ayyub Othman's return to the university. Consequently, Dr. Dahlan fell into disfavour with the university president. In 1994, when he became head of the academics union in the university, Dr. Ayyub Othman asked him to bring his case to the university, as part of his position as head of the union. The administration attempted to make a bargain with Dr. Dahlan: in order to receive his lawful promotion, Dr. Dahlan had to ignore Dr. Othman and Dr. Abdul Wahed's cases. Dr. Dahlan did not ignore their cases, and in July 1994, after organising a teacher's strike, and after receiving a decree from President Arafat, the two professors were allowed to return to the university.

As a result, however, Dr. Dahlan's promotion request was delayed. In December 1994, Dr. Dahlan, representing himself, appeared before the High Court regarding the delay in receiving the promotion he had earned. After twelve months, the High Court reached a decision. In September 1995, the court granted his promotion, which he had qualified for a full year earlier.

9.4 Dr. Salid Abdul Wahed

When Dr. Ayyub Othman was allowed to return to his post at the university, several other teachers, including Dr. Sa'id Abdul Wahed, published a congratulatory message in a newspaper, thanking President Arafat for the decree which allowed for his return, as well as congratulating Dr. Othman for regaining his position. Dr. Abdul Wahed was then accused of misleading the people by what was written in that congratulatory note. Dr. Abdul Wahed reported the accusations to various NGOs concerned with human rights, which in turn asked the university president exactly how one could mislead the public with such a message. Dr. Abdul Wahed has received no answer thus far.

Dr. Sa'id Abdul Wahed has also been waiting for his promotion from Assistant Professor to Associate Professor, according to the rules of the university. In May 1998, he requested his promotion, "according to the law and not according to the president's mood." He was promoted academically from that day, but financially the promotion will not be in effect for one year.

Dr. Abdul Wahed has also experienced the consequences of speaking his mind within the university. For example, he will not

change a student's grades if the president asks him to do so. Because of this, he has been harassed. The same dean who had previously nominated him for a scholarship, two weeks later accused Dr. Abdul Wahed of being an "unintelligent professor" and a "bad researcher." The dean, who had sent him a letter of thanks and appreciation for his academic performance and for following the guidelines of the university for the 1997-98 academic year, five days later asked for answers to a list of questions about a problem that occurred four months earlier. Again, members of the administration held on to problems and accusations and raised them when they found it useful to do so.

9.5 *Dr. Abdul Sattar Kassem*

Professor Abdul Sattar Kassem of al-Najah and Birzeit Universities is known for his criticism and reproof of the PA and administrative corruption in universities. He was dismissed from the Jordan University in Amman for his candour. Subsequently, his promotion was blocked for several years at al-Najah University because he criticised the University administration. He has also recently written a book that is very critical of the PA. The book is not allowed to be sold in the University bookstore. He and his colleagues sell it to students privately.

Dr. Kassem wrote an article in which he said that Arafat was not democratic. Shortly following the publication of his article, he was shot with four bullets 200 meters outside the al-Najah University by the PA.

While most professors agree that book censorship is not a problem, the aforementioned book, by Dr. Abdul Sattar Kassem, was not available in his university bookstore because the staff refused to carry it. In addition, the book was published in Israel because no publishing house in the West Bank was willing to print it.

There is, however, a degree of control whether direct or indirect over freedom of speech. On 4 December 1998 a general decree to all the employees at al-Azhar University was issued by the president, which prohibited employees from talking to the press without consulting the president. His memo to the staff stated that anyone who sends a press release needs specified permission from the president directly.

We recommend that professors not be arrested without charge

and that the PA ends its policy of singling out professors as an example. Permitting professors to criticise and to educate democratically is the best method for building a tolerant Palestinian civil-society.

10. Conclusion

At this critical juncture in Palestinian nation building, when President Arafat has acknowledged the importance of international human rights standards, the PA has responded to its commitment to higher education by creating a University Security Administration and by generally restricting academic freedom. This body, as well as other security services, are supposed to protect students but have instead created an atmosphere of fear. Students are aware that their classmates are monitoring them. Many have been arrested and, even after their release, have been repeatedly visited by the security forces. Campus publications and activities have been censored or hindered.

Professors have been reprimanded, arrested, and have suffered significant setbacks to their professional careers. Furthermore, their families have suffered from the deprivation from their livelihoods. As noted throughout the report, the situation in Gaza is worse than that on the West Bank, but abuses of academic freedom exist at all the campuses.

When freedom of expression, association, and movement are restricted, human rights are violated. One of the ways in which freedom at Palestinian universities continues to be limited is through Israeli impositions on freedom of movement between Gaza and the West Bank as well as within the West Bank itself. Furthermore, Israeli pressure on the PA to be "tough on security" results in the arbitrary arrest of students who in many cases fill a quota and are released within a few days.

The lack of an open and free university life is an indicator of the direction the country may take. Several people have told us that the situation at universities is improving; several others have stated just the opposite. Since the establishment of the Palestinian National Authority five years ago, much has been written about national reconstruction and democratisation in the West Bank and in the Gaza Strip. Palestinian universities have the opportunity to lead these national processes. The nature and extent of academic

freedom will determine how much they will do so. We join other voices in asking the PA to take the following measures to strengthen academic freedom.

- (1) End the expansion of the University Security Administration to the West Bank and abolish this bureau in the Gaza Strip.
- (2) Require Palestinian security organs to end the practice of student monitoring of classmates and of arbitrary arrests of student political activists.
- (3) Enshrine academic freedom in any future legislation protecting the human and civil rights of Palestinians. Such an act will acknowledge the significance of, and the PA's commitment to, strengthening academic freedom.

For its part the Palestinian academic community can improve the level of academic freedom as follows:

- (1) Encourage professors to speak out in the face of violations against their colleagues
- (2) Establish and implement a system at universities that practice fair promotions.
- (3) Review teaching standards and call on other PA institutions to respect faculty professionalism and not to interrupt efforts to teach critical thinking.
- (4) Students should be encouraged to express their points of view and not be singled out and punished for membership and participation in activities of legal political organisations.

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