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Israel bans Gaza woman from studying human rights in West Bank

The flow of goods into Gaza may have eased - but for Palestinians, restrictions on movement remain tight.

By [Amira Hass](#)

The day after Barack Obama praised Benjamin Netanyahu for easing the blockade of Gaza, the High Court of Justice supported the state's position that a lawyer from the Gaza Strip should not be allowed to leave it so she can study for a master's degree in human rights at Birzeit University in the West Bank. Justices Miriam Naor, Hanan Melcer and Isaac Amit wrote in a ruling they handed down on Wednesday, in the case of 29-year-old Fatma Sharif: "We are not convinced that under the present political and security situation, the personal circumstances [of the petitioner] justify intervention in the decision of the respondent [the defense minister]."

Since 2000, Israel has imposed a comprehensive ban on Gaza students who want to study in the West Bank, which has been upheld by the High Court. Even before instituting the formal prohibition, by the 1990s Israel had already imposed various restrictions on travel, which have become ever more stringent and led many Gazans to decide not to study at universities in the West Bank.

Fatma Sharif
Photo by: Haaretz



The academic year at Birzeit starts on August 15. Sharif wanted to get to the university by Thursday to arrange her registration, and was hoping that, with all the talk of easing the closure, the Israeli authorities would show understanding for her desire to specialize in human rights. On June 7 she asked for a travel permit, submitting her request to the Palestinian Civilian Committee, which is tasked with handing over the requests to Israel's Gaza coordination and liaison office. But the Palestinian committee, which acts under Israeli instructions, refused to accept the request since the liaison office deals only with travel requests that fall within the category of humanitarian or urgent medical needs.

On June 8, Sharif appealed to the coordinator of government activities in the territories and to the head of the liaison administration. She was informed on June 23 that "the request has been turned down because it does not meet the criteria that are set from time to time in accordance with the political and security situation." Sharif filed her High Court petition with the assistance of Nomi Heger, a lawyer with the advocacy group Gisha: Legal Center for Freedom of Movement, but the court ruled in the state's favor.

The court agreed with the state's position that the June 20 statement by senior cabinet ministers about easing the blockade "did not say anything about extending the present policy about travel," a policy that allows Gazans to leave "only in humanitarian cases, with the emphasis on urgent medical cases."

Deputy State Prosecutor Ilil Amir said the announcement about easing the blockade referred to making things more efficient. "The relevant bodies are working to make the handling of humanitarian and medical requests more efficient from the procedural point of view," she said, explaining that this included "a shorter waiting period for dealing with the requests, devoting more work hours to the matter, shortening the time it takes for a security check, and so forth.

This decision is not intended to extend the criteria, and certainly it does not include allowing travel so that someone can engage in academic studies for a master's degree." Amir said several times

that the High Court has previously upheld the state's position on this matter.

She said it was dangerous to allow students such as Sharif to travel to the West Bank because Israel has to deal with the efforts of terrorist organizations to set up "branches of the Gaza terrorist infrastructure in the West Bank." One of the ways Israel deals with this is by "restricting movement between the Gaza Strip and the West Bank," she said.

Apparently it makes no difference that the Al Mezan Center for Human Rights, where Sharif works, is one of the independent institutions in the Gaza Strip that regularly criticizes the Hamas government's acts of repression.

Let this be a deterrent

The Jerusalem site of the Supreme Court is not far from the Ofer military tribunal, located on land belonging to Beitunia, southwest of Ramallah. That was where military judge Netanel Benishu on Thursday - the day before the sixth anniversary of the International Court of Justice ruling against the route of the separation fence - ordered continued detention for Adeb Abu Rahma from Bil'in. Abu Rahma, a 39-year-old taxi driver, was arrested on July 10, 2009, after participating in a demonstration against the separation fence, whose construction on village land has caused the destruction of fields and orchards that the villagers' fathers and grandfathers had worked.

His trial took almost a year, and he was eventually found guilty by another military judge, Aryeh Dorani, of three charges (all of which Abu Rahma denied): inciting others to attack security forces and the fence, entering a closed military zone and, as Benishu phrased it, "activities against public order, since during his participation in the unrest he clashed with the security forces and threw a bottle of water and a flag at them." Dorani sentenced him to time served (the year he had already been in detention) and a fine, along with a one-year suspended sentence.

Abu Rahma was supposed to be released on July 8. The military prosecution appealed what it called the "lightness" of the

sentence and demanded that he remain in custody until the appeals court makes a decision.

It was not merely because of the danger Abu Rahma posed (by possibly throwing a bottle of water and a flag at the soldiers again) that Benishu ordered the continued detention of someone who had already served his term, in contravention of a High Court decision that such a decision should be reached only in exceptional circumstances). "The appeal is meant to establish what a fitting punishment is, in a unique case for which, so far, no general level of punishment has been established," Benishu ruled. In other words, the Abu Rahma verdict - the first in a series of trials for those who organize demonstrations against the separation fence - is supposed to serve as a deterrent. Let those who protest the theft of their lands know the price of throwing a bottle of water at our soldiers.