

9 December 2009

Dear Friends of Bethlehem University,

- A few days ago I wrote about “**justice delayed**” in the case of Berlanty Azzam, our 4th year student who was taken blindfolded and handcuffed on 28 October 2009 from Bethlehem to Gaza.
- Today, after hearing of the decision of the Israeli High Court, I write about “**justice as an elusive reality.**”

A few hours ago, I received a phone call from Yadin Elam, the lawyer from the Israeli Human Rights Organization who has been working with and for Berlanty Azzam. Yadin called right after he spoke with Berlanty – to let me know the unfortunate news that **the Israeli High Court decided not to allow Berlanty to return to Bethlehem University to complete the last few weeks of her bachelors degree program.**

A Press Release from Gisha (copied below) includes many of the details about the Court’s decision.

“We are disappointed that the Israeli military and High Court have interfered with the Church’s educational mission at Bethlehem University by denying Berlanty to be brought back to Bethlehem to complete her studies,” said Brother Peter Bray, Vice Chancellor in hearing of this Court ruling. “We realize that Berlanty is one of the many people in Gaza who suffer so unjustly.”

We thank you for your tremendous efforts to gather the international attention and support on behalf of Berlanty from members of Parliament, members of Congress, and other elected representative, to the Israeli Military COGAT officials, the Consulates of Israel in your countries, etc.

Somehow, we all believed that this time, “it would be different” – that this time “justice would prevail.” So far, we are wrong.

When I did speak with Berlanty a little while ago, somehow – by the grace of God –she was still positive and strong – ever hopeful that “maybe at least they will give me permission to go for Christmas. – and please, Brother, let everyone who supported me know that I really appreciate all of their help,” said Berlanty.

As for the “next steps” concerning Berlanty and Bethlehem University, for now, we want to take a moment to reflect and consider what to do and how to move forward.

We pray in thanksgiving to God for YOU – the many thousands of friends who took the time to pray, to write letters, to pass along information about Berlanty and the injustice to which she was a victim.

May God bless you – and may the people of Gaza someday soon be granted the freedom of movement to pursue their lives, the education, and their life goals. All of us at Bethlehem University are most grateful to you for your support of our educational mission. Thank you!

Details about the Court ruling can be found below in the Gisha Press Release. We are all most grateful to Gisha for the hard work and diligent efforts they all exerted on behalf of Berlanty – and justice.

Blessings to you – and to Berlanty and her family,

brother jack

Here is the Gisha Press:

For Immediate Release: Wednesday, December 9, 2009

Israel's High Court Decides: Berlanty Azzam Not Allowed to Finish Her BA at Bethlehem University

•
Despite the fact that the State did not produce the requested documents, Israel's High Court of Justice accepted the State's refusal to allow Berlanty to complete her degree.

- Israel admits that it has no security concerns about Berlanty and that she was removed only because the address on her identity card is in Gaza.
- Since 2000, Israel has enforced a ban preventing Palestinian students from Gaza from studying at Palestinian universities in the West Bank.
- Some 25,000 people in the West Bank are at risk of being removed from their homes and separated from their families, jobs and studies.

Wednesday, December 9, 2009 – Israel's High Court of Justice today decided not to allow Berlanty Azzam, a 22-year-old student who was forcibly removed to the Gaza Strip six weeks ago, to return to Bethlehem University to complete the final two months of her BA in Business Administration.

In doing so, the High Court upheld the State's and the army's position, despite the fact that they repeatedly failed to provide any real evidence for their claims regarding Berlanty's status in the West Bank. **The State insisted that Berlanty be denied permission to complete her studies, even though she was supposed to finish her degree at the end of the month and despite the fact that there are no security allegations against her.**

The State's only claim against Berlanty, **an allegation that was not supported by any evidence**, is that she was present in the West Bank "illegally". However, Berlanty herself clarified in her military hearing that **she traveled from the Gaza Strip to the West Bank in full compliance with the law** – using an entry permit to Israel issued to her by the army after she passed a rigorous security investigation. **The State admits that at the time that Berlanty applied for a permit to travel to the West Bank via Israel in 2005, there was only one kind of permit available** – an entry permit to Israel. Nevertheless, in its response before the High Court, the State claimed that this permit was insufficient and that Berlanty should have obtained some other permit – even though the State admits that none other existed in 2005. The Court accepted the State's claim that Berlanty entered the West Bank illegally, even though at the time of her arrest, State representatives took from Berlanty the permit upon which the verdict was based and never produced it to the Court.

Moreover, **after she entered the West Bank, Berlanty did everything she could to change her address** as listed on her identity card to her new place of residence, Bethlehem. Over the past four years, she and her parents submitted numerous applications to change her address but all were summarily rejected –they were told that **Israel, which controls the Palestinian population registry, refuses to register changes in address from the Gaza Strip to the West Bank.**

Following the decision, Berlanty Azzam said: "I am very disappointed, and I don't understand why Israel is preventing me from continuing my studies. They don't claim that my return to Bethlehem University poses a security risk, and studying at a Palestinian university is my right and the right of every Palestinian student."

According to Gisha Attorney Yadin Elam: It is unfortunate that the Court, which in its interim decision asked State officials to permit Berlanty to return to Bethlehem to complete her degree, refrained from ordering them to do so when they refused. I cannot imagine why the State of Israel is so insistent on preventing Palestinian young people, against whom it makes no security claims whatsoever, from accessing higher education."

Since 2000, Israel has enforced a sweeping ban preventing young Palestinians from Gaza from studying at Palestinian universities in the West Bank. A 2007 High Court decision determined that students from Gaza wishing to study in the West Bank should be allowed to do so "in cases that would have positive humanitarian implications". However, to the best of Gisha's knowledge, since this

judgment was handed down in 2007, **Israel has not issued a single entry permit for the purpose of traveling to study in the West Bank to a student from Gaza.** Just last summer, Israel refused to allow 12 students from Gaza to study at Bethlehem University. In the late 1990s, about 1,000 students from Gaza studied in the West Bank, most of them in disciplines that are not offered in the Gaza Strip.

Like Berlanty, an estimated 25,000 people currently living in the West Bank have been declared "illegal" by Israel solely because the address listed on their identity cards is in the Gaza Strip. These people, some of whom have lived in the West Bank for decades, are extremely limited in their daily movements due to the fear that they will be detained and deported. This is due to the fact that Israel does not recognize their right to live in the West Bank and, **since 2000, has refused to allow addresses to be changed from Gaza to the West Bank.** As a result, they have very limited opportunities for employment, business and studies. **These policies are not only a breach of Israel's obligations under international accords to treat the West Bank and the Gaza Strip as a "single territorial entity" but they also inhibit the healthy development of Palestinian society.**

The High Court's decision was made following two hearings during which the Court ordered the State to search again for Berlanty's original application and permit, to conduct a military hearing for her, and to grant her rights that were originally denied to her – the opportunity to state her claims and appeal her deportation, and exercise her right to legal representation.

Berlanty was detained on October 28, 2009, on her way back from Ramallah to Bethlehem, where she has studied and lived for the past four years. She was handcuffed, blindfolded and removed to Gaza on that very same night – despite an explicit promise to her attorney that she would be able to meet with him. The High Court previously determined that this was a violation of her right to a hearing.