RECOMMENDATION REGARDING THE COLLABORATION WITH HEBREW UNIVERSITY OF JERUSALEM INTERNATIONAL

Partnerships Advisory Committee, RU

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Summary

Based on a number of legal documents and other national and international rulings by advisory councils and human rights organisations, we conclude that the State of Israel and its defence and security apparatus are guilty of serious and systematic human rights violations, both in Gaza and in the occupied Palestinian territories. We further conclude that Hebrew University directly and specifically contributes to these serious and systematic human rights violations and is potentially guilty of violations of academic integrity. The Committee therefore recommends that the collaboration with Hebrew University be subject to a number of conditions, and that, until such time as these conditions are honoured, this collaboration be suspended.

1. Introduction

Partly in response to the recent developments in Israel and the Palestinian territories, as of October 2024, Radboud University's Executive Board has established an independent Partnerships Advisory Committee (hereafter: Advisory Committee). This Advisory Committee has been tasked with examining and weighing Radboud University's institutional partnerships, with a particular focus on partner institutions in conflict zones. To assess these partnerships, the Advisory Committee has developed an Assessment Framework. At the request of the Executive Board, in developing the Assessment Framework and formulating recommendations, the Committee initially focused on institution-wide partnerships with partner institutions in conflict zones. Individual partnerships are therefore not included in this recommendation.

2. Procedure

The Advisory Committee has met every week since October 2024. In developing the Assessment Framework and the recommendations, the Committee studied a variety of sources and consulted Dutch and international experts and specialists in the fields of human rights, academic integrity and academic freedom. It has taken note of several documents on the situation in Israel published recently, including the rulings and opinions by the UN International Court of Justice, the advice of the Advisory Council on International Affairs to the Minister of Foreign Affairs (23 October 2024), and the report of Amnesty International. The Committee also consulted with colleagues in the Netherlands and abroad and drew on research work done at other universities.

Within the University, the Advisory Committee requested information from the Academic Affairs and Information & Library Services (ILS) departments. The Committee also consulted internal experts and listened to the views and arguments of representatives of different perspectives regarding the situation in Israel. Moreover, it made grateful use of the proceeds of the participation process organised by the University, both directly during the various meetings, and indirectly through minutes of these meetings.[1]

[1] See: defversie_pm_analyse-participatiebijeenkomsten-samenwerkinsgverbanden_40225_0.pdf. All internet sources in this document were consulted in March 2025.

The Assessment Framework was used in preparing this recommendation. In this recommendation, the Advisory Committee answers the questions regarding the collaboration partner as posed in the 'Procedure' Section, Phase 1, of the Assessment Framework (p. 12). The Committee carefully considered the answers to these questions and the various arguments. Based on the answers to these questions, the Committee determined an outcome in accordance with Phase 2 of the Assessment Framework (p. 13). This document covers Phase 3 of the Assessment Framework (p. 13), and offers a summary of the Committee's deliberation and a concrete recommendation.

This recommendation is based on information available to the Advisory Committee to date. The situation in Israel, and in particular the relationship between Israeli universities and the Israeli government, is complex, not black and white, and evolving. The Advisory Committee sought to base its deliberation on information that is verifiable, complete, unambiguous, and endorsed by nationally and internationally accredited bodies.

3. Partnership between Radboud University and Hebrew University of Jerusalem

This recommendation concerns the collaboration agreement between Radboud University, Nijmegen and Hebrew University of Jerusalem International, Israel. This collaboration agreement consists of a Memorandum of Understanding (MoU), drafted on 31 August 2015 and renewed on 8 July 2020. This Memorandum has an expiry date of 31 August 2025. The International Student Exchange Agreement (ISEA) pending under this Memorandum was drafted on 31 August 2015 and has an expiry date of 31 August 2025. Due to the entry ban, there are currently no students from Radboud University at Hebrew University, and there are no exchange students from Hebrew University in Nijmegen.

4. Analysis of the human rights situation. Are government agencies of the state of Israel guilty of serious and systematic human rights violations?

The Assessment Framework states that in case of cooperation in research and education with partners in war or conflict zones, the question may arise to what extent potential human rights violations may form an obstacle to entering into or maintaining partnerships with these partners. A collaboration may be problematic if the partner institution directly and specifically contributes to serious and systematic human rights violations by the government in the partner institution's country.

In applying the Assessment Framework to Radboud University's collaboration with Hebrew University in Israel, the first question to be answered is whether the government in Israel, which also includes the Israeli armed forces (Israel Defense Forces: IDF) and affiliated security and other services, have been or are guilty of serious and systematic human rights violations. The answer to this question has been given in court decisions and legal opinions, namely by the Hague Court of Appeal and the UN International Court of Justice in The Hague. These independent and impartial courts have in their fact-finding as part of ruling on the relevant dispute in court determined whether, and if so, to what extent, the armed forces and other state services in Israel were guilty of serious and systematic human rights violations.

4.1 The Hague Court of Appeal ruling on the export and transit of weapon parts for the F-35 fighter jet to Israel

This lawsuit concerns the distribution of parts for the F-35 fighter jet to Israel from a Defence Ministry distribution centre in Woensdrecht. This distribution of military goods requires an export licence.

On 7 October 2023, as we know, Hamas launched an attack on Israel, killing, injuring and kidnapping many Israeli civilians. Israel responded to this attack by launching large-scale attacks in the Gaza Strip, the base from which Hamas operates. In this procedure against the State of the Netherlands, Oxfam Novib et al. take the position that Israel is violating international humanitarian law through its attacks in the Gaza Strip. According to Oxfam Novib et al., civilian casualties in Gaza are disproportionately high because Israel is also attacking civilian targets and furthermore does not sufficiently consider the impact on the civilian population in its attacks. Oxfam Novib et al. claim that the Court should order the State to make sure that the export of F-35 parts from the Netherlands to Israel stops.

At first instance, the District Court of The Hague dismissed the claims of Oxfam Novib et al. The Court considered that the considerations made by the Minister are to a large extent of a political or (other) policy nature.[2] The Court must allow the Minister a broad margin of discretion in this. The Hague Court of Appeal overturned this judgment on appeal. The Court of Appeal concluded that the State of the Netherlands was acting unlawfully by not preventing the export and transit of F-35 parts to Israel. The Court of Appeal ordered the State to stop supplying Israel with weapon parts for the F-35.[3]

In its judgment, the Court of Appeal concluded on the basis of an extensive fact-finding process that there was a clear risk of serious violations of international humanitarian law. In this regard, the Court of Appeal considered, inter alia, the following:

> *"The facts reveal large numbers of civilian casualties, including thousands of children, that thousands of residential houses have been destroyed, that dumb bombs are being used, that every residential area will be attacked if there is even the slightest indication of terrorist activity, that previously applied limits regarding collateral damage have been extended in the current conflict, that the policy of warning civilians before an attack has been abandoned, that drinking water supplies, bakeries and a grain mill have been destroyed, that a hospital (the Al-Indonesi hospital) has been bombed, and that many of the hospitals in Gaza no longer function. The idea that this devastation has been inflicted exclusively on military targets or constitutes legitimate collateral damage is not plausible, not only given its unprecedented scale, but also given the utterances of Israeli military personnel themselves. Based on the above, the Court of Appeal also concludes that the violations of international humanitarian law at clear risk are serious."*[4]

[2] The Hague District Court 15 December 2023, ECLI:NL:RBDHA:2023:19744.
[3] The Hague Court of Appeal 12 February 2024, ECLI:NL:GHDHA:2024:191.
[4] The Hague Court of Appeal 12 February 2024, ECLI:NL:GHDHA:2024:191, paragraphs 5.16-5.18.

4.2 Rulings and advisory opinion of UN International Court of Justice

In a lawsuit between South Africa and Israel concerning alleged violations of the Genocide Convention with regard to Palestinians in the Gaza Strip, the International Court of Justice ruled on 26 January 2024, by way of interim judgment, on the request for the imposition of interim measures filed by South Africa.[5]

According to the Court, it is plausible that the right of Palestinians to not be subjected to acts prohibited by the Genocide Convention is at stake. South Africa has the right to demand that Israel comply with its obligations under the Genocide Convention. In order to prevent the dispute from escalating, and to ensure that the matter can be considered by the Court, the Court saw fit to impose interim measures against Israel. The interim measures imposed by the Court required Israel to (a) take all measures within its capacity to prevent genocide, (b) immediately ensure that its own military do not commit genocide, (c) take all measures within its capacity to prosecute and punish incitement to genocide, (d) immediately take effective measures to enable the delivery of urgent basic services and humanitarian assistance, (e) take effective measures to secure evidence relating to allegations of genocide and prevent its destruction, and (f) report to the Court within one month on the measures taken. In its ruling on interim measures, the Court also expressed grave concerns about the humanitarian crisis in Gaza, in addition to calling for the release of the hostages by Hamas.

In a second interim ruling on 26 February 2024, the ICJ stressed that Israel must implement the interim measures and was bound to fully comply with its obligations under the Genocide Convention. In a third interim ruling on 28 March 2024, the ICJ ruled that Israel must do everything necessary to ensure an unhindered delivery of humanitarian aid – such as food, water, electricity, medical supplies and medical care – to Palestinians in Gaza. Furthermore, the army should immediately ensure that there are no violations of the Genocide Convention. In a fourth interim ruling on 24 May 2024, the ICJ again ruled that Israel must immediately and effectively implement the measures throughout the Gaza Strip, as previously ordered. Moreover, Israel should immediately halt its military offensive and other actions in certain parts of Gaza.

The International Court of Justice issued an Advisory Opinion on 19 July 2024 on the practice of Israel's policies in the occupied Palestinian territories and East Jerusalem.[6] The United Nations General Assembly had requested this in 2022. In this Advisory Opinion, the Court concluded that Israel's continued presence in the occupied Palestinian territories was unlawful, and that Israel was obliged to end this presence as soon as possible. Israel was ordered to immediately stop the construction of new settlements. Existing settlements should be dismantled. The settlement policy and related activities, such as the deportation and forced displacement of populations and the annexation of territory, are unlawful, according to the ICJ.

The Court found that the settlement policy involved violence by settlers and Israeli occupation forces against the Palestinian population in violation of norms of international law. The Court further ruled that as an occupying power, Israel had enacted legislation and taken measures leading to discrimination against the Palestinian population. Israel was also violating

[5] For the ruling, see: https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf

[6] International Court of Justice 19 July 2024, Advisory Opinion: Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem.

specific rights of the Palestinian people, such as access to water supplies and other basic necessities. Finally, the Court concluded that the Palestinians' right to self-determination was being violated.

4.3 Other reports

The Advisory Committee also took note of a 2024 report by Amnesty International, which concluded that Israel committed serious violations of the UN Genocide Convention during the period from October 2023 to July 2024,[4] and of the Advisory Council on International Affairs' advice to the Minister of Foreign Affairs dated 23 October 2024. In this advice, referring to aforementioned ICJ rulings and opinions, the Advisory Council stresses that in the context of the conflict in Gaza and in the other occupied territories "[...] the rules of international humanitarian and other law must be respected by state and non-state actors in third states. That is, the Netherlands and organisations based in the Netherlands have an obligation to not contribute in any way to the financing and maintenance of the occupation, to the maintenance of and economic and other cooperation with the settlements, or to the violations of international law and human rights associated with the settlement policy; the Netherlands must endeavour to end or prevent violations of international humanitarian and other law by the parties to the conflict." The Advisory Council saw a growing risk of political and legal 'complicity' for the Netherlands, as witnessed also by the ongoing national and international court cases.[5]

4.4 Conclusion

From the foregoing analysis, based on court rulings, opinions and expert reports, it can be concluded that Israeli authorities have been and continue to be guilty of serious and systematic human rights violations, both in Gaza and in the occupied Palestinian territories. Given the severity of human rights violations in Gaza and the occupied Palestinian territories and their persistence, it is logical to conclude that Radboud University must ask itself whether there are potential obstacles to maintaining cooperation with universities in Israel.

5. Analysis of Hebrew University of Jerusalem

5.1 Findings concerning contributions to human rights violations

This section aims to answer the following question: does Hebrew University of Jerusalem directly and specifically contribute to serious and systematic human rights violations by the government? In answering this question, the following findings are relevant:

1. Within the three-year Havatzalot programme, military students are prepared to work for IDF military intelligence. The military combine their military training with a double Bachelor's study programme in Middle Eastern Studies and in another academic discipline. “The Hebrew University of Jerusalem won a tender to run an academic excellence programme for the Israel Defense Forces' Intelligence Corps.” This programme “offers a three-year BA degree for intelligence officer cadets as part of their mandatory army service and includes basic combat training, officer training, and training in military intelligence and leadership.” The military enter the campus armed and in uniform.[7]
2. Within the Talpiot programme, Hebrew University works with IDF to train high-achieving students to become experts in military technology: “Graduates pursue double higher education while they serve in the army, and they use their expertise to further IDF research and development in technological leadership positions.” They can later remain with IDF or work as entrepreneurs.[8] The programme is “[l]ed and managed by the Ministry of Defense, Talpiot is one of Israel's elite military-academic technology units.”[9]
3. In the Tzameret programme, students are taught military medicine. This allows them to postpone their military service for 5-6 years and work as doctors for IDF.[10]
4. There are many research collaborations between the government, IDF and Hebrew University.[11]
5. Hebrew University is located on Mount Scopus, which is in Palestinian territory. The area on which the University's buildings stand has been owned by the University, which opened its doors in 1925, since 1910. This predates the creation of the State of Israel in 1948. Following a terrorist attack in 1948, the University had to move its activities elsewhere, but the area has always remained its property. There is therefore no con-

[7] https://www.jpost.com/Israel-News/Jerusalems-Hebrew-University-to-host-Military-Intelligence-program-586822
[8] https://blogs.timesofisrael.com/israels-edge-the-story-of-the-idfs-most-elite-unit-talpiot-2/
[9] https://en.wikipedia.org/wiki/Talpiot_program, Innovative Strength | Ministry of Defence.
[10] https://www.jpost.com/Health-and-Science/Largest-ever-class-of-military-track-med-students-to-begin-studies-328448#:~:text=Sixty-four%20new%20medical%20students%20will%20on%20Sunday%20become,physicians%20for%20at%20least%20five%20or%20six%20years
[11] https://www.webofscience.com/wos/woscc/summary/37ae0ca0-88e9-4bc9-aade-1d080f6de5d0-015632d99d/relevance/1

fiscation of original Palestinian property here. However, areas around the campus appear to have been annexed by the Israeli government and "donated" to the University [12]

6. The Rector of Hebrew University, Tamir Sheafer, wrote in a letter to the university community that precisely in times of war, it is very important to safeguard the right to free speech and academic freedom.[13]

Consideration

The Advisory Committee is of the opinion that Hebrew University directly and specifically contributes to human rights violations committed by the Israeli government. Critical for the Advisory Committee's opinion are Findings 1 and 2. The Advisory Committee believes that in any case on the basis of these two collaborations of Hebrew University with the Israeli government and IDF and its affiliated services, it can be concluded that there are direct and specific contributions to human rights violations by the government.

Potentially problematic but not critical for the Committee's opinion are Findings 3 and 4. Hebrew University cooperates with IDF and the government. Such collaboration with the government, and the military and secret services is not problematic in principle, unless the University itself directly and specifically contributes to human rights violations through the collaboration. That risk does exist, but there is no conclusive evidence of it. Multiple collaborations with the arms industry and the government in research (findings 3 and 4) do however increase the risk of direct and specific knowledge transfer, which can lead to a contribution to human rights violations.[14]

There are also concerns about the location of Hebrew University's campus on Mount Scopus (finding 5). Although the area on Mount Scopus came into the possession of the University well before the existence of the Palestinian state, the area around it has been annexed by the Israeli government. The Committee finds this problematic, but the exact role and contribution of Hebrew University to this process is not sufficiently clear. In Finding 6, the Rector of the University advocates for academic freedom.

5.2 Findings concerning breaches of academic integrity

Findings 1, 2 and 3 in Section 5.1 consider the training of military personnel in service, with Hebrew University working with IDF within the Havatzalot and Talpiot study programmes to train military personnel in service or students to become leading officers and experts in the army. These three findings are also problematic if IDF has control over the curriculum of the study programmes and IDF is closely involved in university affairs in other ways. It is not sufficiently clear whether IDF has control over this. If it does, the independence of the University

[12] https://international.huji.ac.il/sites/default/files/internationalnew/files/mt_scopus_lands_-_english.pdf
[13] https://en.rector.huji.ac.il/news/declaration-hebrew-university-senate-050624 (points 1 and 3).
[14] In fundamental research, that risk is not present, or at least to a much lesser extent, and moreover only *indirectly* and not directly and specifically. In applied research, that risk is real.

is at stake. There is then also a risk of violation of the ALLEA Code.[15] In that case, the Committee considers the findings to be problematic on this ground too.

Dr Nadera Shalhoub-Kevorkian worked at the Institute of Criminology of the Faculty of Law and the School of Social Work and Public Welfare of Hebrew University. She (1) signed a petition calling for a ceasefire in Gaza, and (2) expressed doubts about Hamas' use of sexual violence on 7 October 2023 and called Zionism a crime in an interview. In response, she was first asked by the University to resign, then suspended for two weeks. In response, at least 100 colleagues protested against Dr Shalhoub-Kevorkian's suspension and called on Hebrew University to guarantee their colleague's academic freedom.[16]

The way Dr Shalhoub-Kevorkian was treated gives reason for concern and raises doubts about academic freedom and freedom of expression at Hebrew University. However, this is the only known incident in which academic freedom seemed to have been at stake. To the Committee's knowledge, there has been no curtailment of academic freedom at Hebrew University.

6. Conclusion regarding continued collaboration with Hebrew University of Jerusalem

The Advisory Committee concludes that in a number of cases, Hebrew University contributes to direct and specific human rights violations and may be involved in breaches of academic integrity, more specifically in the context of joint study programmes with IDF. The Committee therefore recommends that the continuation of the collaboration with Hebrew University be made subject to a number of conditions, and for this collaboration to be suspended so long as these conditions are not met (see Assessment Framework, p. 12, Phase 2, MoU options 3 and 4). Specifically, the recommendation is to freeze the MoU with Hebrew University and for the Executive Board to request Hebrew University to:

- terminate collaboration in exclusive military study programmes;
- assure RU that the administrative enmeshment with IDF does not result in Hebrew University contributing to or being required to contribute to human rights violations, and indicate what measures are being taken to this end;
- assure RU that there are no research projects with IDF developing applied knowledge and equipment that can be used directly in the war in Gaza and the occupation in other Palestinian territories, and indicate what measures are being taken to this end;
- assure RU that IDF has no final responsibility in any way for the content and design of university study programmes intended for current or future military personnel;
- assure RU that Palestinian property on and around Mount Scopus is respected, and indicate what measures are being taken to this end.

[15] ALLEA Code, Section 2.4, p. 7.
[16] https://www.scholarsatrisk.org/report/2024-03-12-hebrew-university-of-jerusalem/

7. Conclusion on collaborations other than MoUs

The Executive Board's mandate limits the scope of this recommendation to university-wide partnerships. However, in line with the Assessment Framework, the Committee is also issuing an opinion on other categories of collaboration.[17]

Category 1: Collaborations between individual scientists
Given the Assessment Framework, these collaborations do not fall under university suspension. Individual scientists should make their own decisions concerning collaborations. It goes without saying that applicable professional standards must be respected in the process. The individual Assessment Framework to be developed by the Advisory Committee may assist scientists in making a decision.

Category 2: Bilateral collaborations with a partner (institution)
New collaborations:
These collaborations fall under university suspension of collaboration. This means that until the suspension is lifted, such collaborations cannot be entered into.

Existing collaborations:
These collaborations should be terminated unless doing so involves a breach of contract.

Category 3: Multilateral collaborations in consortia
New collaborations:
In principle, new partnerships in this category can be entered into, provided that the nature of the research requires the research to take place in large partnerships. This should be decided on a case-by-case basis. The responsibility for making these decisions lies with the board of an institution (the Dean, Executive Board).

Existing collaborations:
In all cases, ending RU participation in this kind of consortium will lead to breach of contract and other significant financial and ethical consequences, and may damage RU's reputation as a reliable partner. Therefore, participation in ongoing projects need not be suspended.

[17] Here we refer back to the categorisation of collaborations in Part 3 of the Assessment Framework.