

*Al Mezan Center for Human Rights
Field Work Unit*

***Jungle of Guns
&
Law of the Jungle***

Report on

***Infringements upon the Law and the State of Insecurity in the Gaza
Strip***

Gaza, January 2007

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1. Introduction

Palestinians pinned great hopes on the second legislative elections in January 2006. It was hoped that the elections would be a major inlet to bring the Palestinian political regime out of its impasse, restore the rule of law and spread security and order within Palestinian society. This was already of vital importance following the deterioration of the rule of law and the escalation of the state of insecurity - an insurmountable obstacle in the way of the community's development and stability, and a serious threat to an already aggravated human rights situation.

The state of insecurity began to escalate within Palestinian society at least three years before the second legislative elections took place.¹ A number of violations of the law began to rise, such as the proliferation and misuse of weapons, the kidnapping of foreigners (including journalists, representative of international organizations and acting partners), the abduction of citizens (among whom were executive officials in the Palestinian National Authority PNA), the violation of public institutions and the blocking of roads.

The conflict between authorities intensified the state of insecurity. Al Mezan's fieldworkers, who monitored and documented violations in the period following the implementation of the Unilateral Disengagement Plan by the IOF and the second legislative elections, reported an unprecedented escalation of the state of insecurity and the absence of the law.

The hopes of Palestinians have, since the legislative elections, gone up in smoke. The outcomes of the elections have led to a new type of insecurity with breaches of the law committed under political cover. Threats and terrorization have prevailed, as have exchanged killings which have resulted in the breakout of armed clashes, especially following the speech given by the President Mahmoud Abbas on Saturday 16 December 2006. In this speech, President Abbas blamed the Hamas government for almost all problems faced by the Palestinian society and announced the possible holding of early elections. Deadly clashes ensued between Hamas, with the participation of the Hamas-led Executive Force linked to the Ministry of Interior on one side, and the Presidential guards and General intelligence Apparatus led by Fatah on the other side. In the next few days, 14 persons were killed, 86 were injured and 22 kidnapped from both factions. Further clashes then erupted between the Executive Force and Security Apparatuses, killing 8 and injuring more than 100 persons on 1-2 November 2006, a day now referred to as the "Black Sunday".

The negative impact of the state of insecurity not only included the violation of law and the threat against innocent people's lives (notably children)² but it also directly extended to the destruction of homes, commercial stores and private property. Further,

¹ By the 'state of insecurity' we mean a situation where the normal legal protections safeguarding personal security do not function and the conduct of illegal acts is too common. Breaches of law occur without the police investigating them, or the judiciary looks into them and inflict punishment in accordance with a due process. Individual and groups clashes and attacks against people, property, private and/or public, take place without accountability.

² Review the release by HR organizations regarding the killing of Baalousha children at: http://www.mezan.org/site_en/press_room/press_detail.php?id=565

such phenomenon constitutes a major factor (in addition to IOF violations such as collective punishment, siege and closure) to discourage local and international investors and capital flow, which has in turn threatened the possibility to attain better economic growth. In regards to these risks, and in relation to the Center's mandate dedicated to the protection and reinforcement of human rights and the rule of law in the Palestinian society, Al Mezan aimed to monitor and document incidents in which the law was violated and/or arms were misused.

Al Mezan highlights the negative impacts of the state of insecurity on human rights in general, and economic, social and cultural (ESC) rights in particular. The Centre also stresses the importance of confronting these violations.

Documenting and monitoring these incidents remains an important step towards exposing them and their disastrous effects, as well as in raising mass awareness and mobilizing Palestinian public opinion. In addition, it exerts pressure on the Palestinian National Authority (PNA), political parties and factions to face the situation. It is hoped it will pressure them to work together to create a national agreement that will pave the way to confront the state of insecurity by reinforcing the rule of law. This is especially vital following the Cabinet's failure to put an end to the state of insecurity, which represented the inability of any one faction to end this phenomenon without the cooperation of other political and social bodies.

A state of insecurity is not an inevitable reality or fate for Palestinian society, but is a phenomenon that has started and continued because of a complex network of factors. For such a problem to be faced, with all its existing and expected short-term and long-term impacts, an understanding of the reasons lying behind it must be determined. Such knowledge must be pursued, however, without concurrent judgments undermining Palestinian society, the legitimacy of the pursuit of political power through a democratic process and/or the pursuit of the legitimate rights of the Palestinian people.

Nevertheless, the process of understanding the causes and manifestations of the state of insecurity must be sensitive to the human rights of Palestinian citizens and ensure community peace and security. It is hoped this report will contribute to a thorough understanding of the state of insecurity and help identify the steps which various stakeholders can and must take in order to deal with this phenomenon in order to promote better respect and protection of human rights in OPT.

2. The State of Insecurity

Palestinian society, particularly within the Gaza Strip, has witnessed a serious escalation of the manifestations of the state of insecurity for several years now. This has come about as an outcome of a complex interplay of related political, economic, social and cultural factors.³ The state of insecurity has been constituted by two separate but related phenomena; a rapid spread of law-breaking incidents on almost daily basis, and the absence of the role of the PNA and its various institutions (including the government, the Legislative Council and the bodies assigned to it) to implement the law. The PNA's failure to impose the law was obvious; it often failed to execute the courts' sentences, it even took decisions that contradicted the law, and a number of governmental institutions refused to implement the courts' decisions under the pretext of receiving orders from higher authorities.

The absence of law and the reinforcement of tribalism and tribal-based structures and values within the Palestinian society resulted in the proliferation and misuse of small arms in the breaching of the law and the sparking of family clashes. Added to the weakness of the PNA⁴, these factors played a vital role in exacerbating a state of near lawlessness.

3. Causes of the state of insecurity

There are several factors that have reinforced the absence of law and created the state of insecurity within Palestinian society. Those factors are of historical, cultural, social and political origins. But other factors are related to the Israeli Occupation Forces (IOF) and their policy to weaken the PNA, notably its bodies assigned to implement the law. Additionally, Israel, for its own interests, has reinforced discord among the Palestinian parties and factions in order to inflame internal conflict and to re-orient the Palestinian struggle away from the realization of legitimate rights. Many other reasons creating the lack of security are referred to as purely Palestinian factors, having to do with cultural, economic, political and social reasons. Those engendered the major causes behind the phenomenon.

Political factors

Political conditions played a decisive role in motivating rebellion against the authority, in disobeying and violating the law and in spreading small arms. As Palestinian society passed through rough changes during its history, Palestinians have tended to own weapons to a degree directly proportional to the extent that they doubted the intentions of the ruling authority and its laws. Experiences with consecutive colonialism and occupation fostered such feelings and practices. This has continued after the establishment of the PNA and has played a role in challenging law and breaching it when feelings of insecurity and persecution prevailed. Acts like

³ A Case Study developed by a field worker at Al Mezan Center for Human Rights for the benefit of Middle East North African NGO network to Stop the Spread and Misuse of Small Weapons. The fieldworker organized, on September 20th, 24th and 25th, 2006, three major meetings that targeted a group from north Gaza. Lack of security, its causes and manifestations were the main topic discussed in the meeting along with the recommendations of the attendees. Focus groups agreed that there is a real problem related to personal safety within the Palestinian society in general, and north Gaza in particular, aside from the violation caused by the Israeli Occupation

⁴ It must be noted here that the weakness of the PNA is a result of many factors; including the intentional targeting of its security and policing infrastructure by Israel over the years of the intifada.

disobedience and damage of public facilities have for decades been viewed as means of combating the occupation.

Despite the variety of overlapping political factors that initiated the rise of insecurity, the crucial factor which enabled the phenomena to escalate was the absence of the rule of law. This report gives a brief explanation of the rule of law and its importance in this context.

The Rule of Law and Community Peace

Laws play a major role in people's lives, being a disciplined body of rules that organize life and establish the basis of relations between individuals and the authority, and among individuals themselves within the community. Laws represent the protection of different, sometimes conflicting, interests. However, people's experiences have proved that the existence of law alone does not by any means guarantee its respect by individuals or the executive authority in charge of implementing it, especially in instances where the necessary conditions to execute the rule of law are lacking. For the law to rule, it requires submission of both the ruler and the ruled to the law and the functioning of all institutions under rules and laws that would organize and define their assignments, imposing sanctions in case of any violations. Laws must be known to the public and issued by an elected legislative authority. The implementation of the rule of law has to be related to the nature of laws themselves, justice, moral values and the respect of human rights and basic freedom.

The conditions that should be available to support the rule of law demand that laws must be accessible to every person, procedures of publishing and validity should be identified, and laws should be relatively firm with no retroactive effect. Further, they should not impose obligations on citizens which cannot be met. In addition, subjects must be given the right to legal consultations through advocacy and through the appointment of lawyers to defend the accused persons.

The rule of law should ensure equality between all citizens before the law to regain the account of the legitimacy and essence of authority in accordance with a sort of social contract. Inequality, and the authority's failure to implement the laws, may, on occasion, lead citizens to violence in an attempt to take the law by their own hands; a revive of the law of the jungle.

Therefore, the rule of law plays a major role in assuring the respect of law; it constitutes the only foundation to the stability of modern community and elimination of law-violation. Moreover, it strengthens mutual trust between the citizen and the authority, and encourages citizens to resort to specialized parties to obtain their rights as opposed to resorting to violence.

In the following sections, the report attempts to sum up the political, social and cultural factors that contributed to the escalation of the state of insecurity and the absence of law.

Occupation and Armed Resistance

Palestine has been exposed to successive invasions: it was invaded in 705 B.C by Assyrians after it failed to pay tribute, and there has since been succeeding invasions of Persians, Romans, Muslims from the Arab Peninsula, Crusaders, Ottomans, the British mandate⁵ on 1917 and Balfour Declaration on 2 November 1917.⁶

"During the British mandate of Palestine, the Zionist immigration to Palestine commenced" and tensions rose between the indigenous Palestinians and Jewish immigrants. As the British Mandate neared its end, "armed Zionist groups committed massacres against Palestinians and forced them out of their homes". In 1948, "Zionist groups were able to destroy and deport residents of 418 Palestinian villages".⁷ These political changes motivated Palestinians to possess weapons in order to protect themselves and their property against organized destruction campaigns. In response, Palestinians also rose up and commenced strikes, such as those that occurred between 1920-1940.⁸

The Israeli Occupation Forces (IOF) occupied the Gaza Strip and the West Bank, including Jerusalem, in the aftermath of the June 1967 War. Resistance movements were formed and many Palestinians purchased weapons to withstand the IOF. The resistance largely centered outside the Palestinian territories, in Jordan and later in Lebanon.

After the Israeli incursion into Lebanon in 1982, the Palestinian Liberation Organization (PLO) was forced out of the country. The OPT turned into the backbone of Palestinian resistance to occupation. A first Palestinian uprising "intifada" broke out (December 1987). The intifada ended with the signing of the Oslo Accord between the PLO and Government of Israel in 1993.

Six years following the advent of the Palestinian National Authority (PNA) in 1994, the second intifada broke out (28 September 2000) after Ariel Sharon, leader of the opposition at that time, visited the courtyard of Al Aqsa Mosque in Jerusalem at a time of frustration following the failure of Palestinian-Israeli negotiations in Camp David in the USA. The negotiations had revealed the Israeli refusal to give Palestinians their internationally recognized rights, and withdraw from the territories occupied in 1967. The IOF used lethal force and demolished private and public property, while Palestinian militants used small arms and locally-made weapons under the IOF suffocative control and attacks.

IOF targeted the PNA apparatuses, especially police and security apparatus, including buildings, police vehicles and PNA prisons. Consequently, bodies in charge of implementing the law were weakened and at times unable to arrest the perpetrators as they were unable to provide protection and safety within detention camps. The PNA was largely prevented from improving its security forces' skills and equipment for a long time. Thus, governmental institutions failed to carry out their duties, partly due

⁵ The League of Nations validated the mandate of Palestine on 24 July 1922

⁶ Henri Katen, *Palestinian Cause*, Palestinian Ministry of Culture, 1999 (text translated from Arabic by the authors).

⁷ Waleed Al Khaldi, *In order not to Forget Palestinian Villages Destroyed by Israel in 1948 and Names of Martyrs*, Beirut, Palestinian Studies Institute, 1998, (text translated from Arabic by the authors).

⁸ Dr. Tayseer Jabbara, *Palestinian History*, .Amman, Al Shorouq Printing House, 1998

to inability and partly owing to an unwillingness to carry out duties that would endanger those within their charge.

Further, a change in the mode work of various of security apparatuses when some of their members started to take an active part in resisting the occupation. The IOF considered this a deviation of these apparatuses' responsibilities and a reason to attack them.⁹

Military checkpoints and Israeli incursions; the two major forms of Israeli acts of aggression during the Intifada, hindered the PNA's ability to maintain law and order; especially in the Gaza Strip's southern districts.

The PNA's failure gradually led to an almost complete absence of the law. The Executive Authority; i.e. the government and its civil and security bodies, failed to execute court decisions, allowing for highly selective implementation of such decisions. In response, weapons spread widely in the OPT, especially in the Gaza Strip, where individuals and families purchased them not only to engage in armed forms of resistance against the occupation but to also provide protection to themselves and property and regain their rights without resorting to a seemingly malfunctioning legal establishment.

Weak Political Regime

The weak political regime reinforced the state of insecurity and the spread and misuse of weapons. It was not, however, only the occupation which played a role in deepening such weakness by targeting the infrastructure of the Palestinian security apparatuses. Other factors are summarized in the following points:

- The failure to enforce, in practice, the separation of powers under the domination of the Executive Authority over Legislative and Judicial authorities has undermined their roles in monitoring and ensuring accountability of the Executive and in ensuring its implementation of their decisions in accordance with the law.
- The marginalization of law that affirms equality and equal opportunity among all. Institutions must submit to the law to organize work, assign authority and receive punishment in case of infringement for the desired outcomes of the rule of law. This is especially the case for those laws ensuring equity and respect for human rights and freedoms to be achieved.
- Increase of corruption within Palestinian security apparatuses and public establishment, and the lack of monitoring and accountability. This initiated a struggle over authority and marginalized the judicial institution to the security apparatuses' benefit. Some of the security apparatuses took actions against those who evaded payment of loans obtained in an official manner. Some

⁹ Many Palestinian security personnel were killed in armed clashes with the IOF. For instance, Maj. Gen. Abdel Moati Sabaawi was killed on 18 December 2000 while dismantling an Israeli missile. The IOF also killed Masoud Ayyad, Presidential Security Officer, by shelling his car on 13 February 2001, among dozens of others.

banks and many individuals, instead of resorting to legal measures, often put the security apparatuses in charge of recovering loans, with the complicity of the PNA.

- Security officials' weak sense of belonging to police departments. Security officials prioritized their familial, factional and tribal attachments in the case of conflict involving these groups. In some cases, security officials refrained from executing court decisions or orders as to escape punishment by family or faction.
- The PNA showed much leniency in implementing the law that organizes possession and use of small arms, and bringing whoever misuses them to justice. In spite of the frequent call by police to stop using weapons in public occasions, people have continued to fire in the air during wedding parties and funerals without any intervention from the PNA to punish the perpetrators. Sporadic shooting in different occasions has resulted in a number of victims. Eventually, when armed clashes occurred in all sorts of dispute, these same arms fueled them.

Sharp Political Polarization and Clash Among Powers

Sharp political polarization was highly visible in the second half of 2005, most notably during the elections of local councils, becoming even more apparent before the second legislative elections. Elections showed that the domination of PLO's leading faction, Fatah was decreasing for the gain of the Islamic movement, Hamas. This has contributed to the escalation of the state of insecurity and the spread and misuse of small arms in many ways. OPT have had two major political factions with conflicting programs under an almost complete absence of law and a serious economic crisis.

The struggle of powers intensified following Hamas' gain of the majority seats of the Palestinian Legislative Council (PLC). This resulted in a clear division within society and engendered the eruption of a struggle over the credibility of the two establishments; of the government and PLC dominated by Hamas and the presidency led by the elected president from Fatah. A serious dispute erupted on the Cabinet's political program that exceeded the presidential assignment. In response, the Cabinet argued that its program was legitimate based on peoples' support by electing the Hamas-led Reform and Change Bloc, whereas the presidency made it clear that the president was elected on the basis of a political program that had been supported by voters. Disagreements deepened on many fields such as security and the control over crossing points.¹⁰ On the pretext that the existing security forces did not cooperate with the new Cabinet, the Ministry of Interior formed an Executive Force numbering thousands of members. A financial siege imposed on the Palestinian Cabinet by Israel and international donors led to widespread protests and strikes. The levels of poverty and unemployment seriously increased. At the same time, crime and robbery intensified to unprecedented levels. For months, protests and strikes were heavily stigmatized and faced by force, meanwhile political crime occurred frequently.

¹⁰ The latter ended by granting the responsibility to the presidency by agreement, as it required contact with IOF. Such contact was undesirable from the part of Hamas and Israel.

In this context, violent, wide spread armed clashes erupted between Fatah and Hamas following the speech delivered by the Palestinian president Mahmoud Abbas on 16 December 2006. In particular, clashes broke out between the above-mentioned Executive Force on the one hand, and the Presidential Forces and Intelligence Apparatus on the other. Ten days after the president's speech, Al Mezan had reported the killing of 14 persons including one child, the injuring of 86, the kidnapping of 22, and the attacking of public facilities. Clashes between the Executive Force and members of Security Apparatuses re-commenced on 1-2 January 2007, killing 8 persons, and injuring 130. Among the injured were 14 seriously wounded.¹¹ Such incidents took place due to the political polarization and instigation, which reached such extents that a strike by Security Apparatuses was described as a *Coup d'etat* on the Cabinet.

Social, Cultural and Economic Factors

Economic, social, and cultural factors also played an important role in the escalation of the state of insecurity within the OPT.

Generally, cultural factors engendered the spread of small arms and light weapons in the Middle East due to the nature of social relationships that govern Arab societies.¹² In this respect, tribal relationships within the Palestinian society are not newly developed: they had faded away during the years following the occupation of historic Palestine, but, however, were revived and prevailed again during the Al Aqsa Intifada. Historically, possessing weapons was of a great importance to Arab tribes in Palestine, and a source of strength and protection during tribal struggles over water resources, acts of revenge, lands, and protection of cattle. Common perceptions towards possession of and use of small arms are positive as they symbolize resistance of alien domination and the protection of family against external threats under weak or absent law enforcement establishments.

In addition, militarized struggles and the absence of authority revived the culture of opposing the authority and disrespecting the law, which had been mostly drafted in a way that prioritized the interest of occupation power rather than the Palestinian community. The history of colonization reinforced the purchase of weapons, notably following the dispossession of Palestinians of their land in the 1947/8 war, which uprooted and exiled people and violated their property. These events dug deep into popular conscience to the extent that women sold their gold to obtain weapons.¹³ The use of small arms came to be a form of an acceptable cultural practice; shootings would take place in wedding parties, public ceremonies or funerals as a manner in which to express either profound sorrow or extreme happiness, and to show off family power.

The spread of arms had, in relatively terms, receded following the occupation of OPT, especially under the stiff sanctions imposed by the IOF on arms' ownership, which encouraged families to dispose of or hide arms. The culture of arms was revived once

¹¹ http://www.mezan.org/site_en/press_room/press_detail.php?id=534

¹² Review the article by Dr. Maarouf Bkhait, General Coordinator of Peace Issues, Jordanian Ministry of Foreign Affairs at: <http://ransa.org/Artecle3.htm>

¹³ This is most apparent in old Palestinian folklore; review Abed Obaid Al Zareei, Women in Palestinian folk literature.

again, however, following the advent of the Palestinian National Authority (PNA) and the outbreak of Al Aqsa Intifada, where shooting in weddings and national ceremonies re-popularized.

Local economic, social and cultural circumstances, contributive to the state of insecurity, are summarized in the three following points:

- Reinforced tribal structure within society at the expense of social structures such as political parties and civil society organizations. The admission of the General Elections Law No. 13 of the year 2005 was an effective factor in strengthening the role of tribes, as well as encouraging the formation of tribal leagues and funding them by the Palestinian presidential institution.¹⁴
- The absence of a clear national policy to decrease rates of poverty and unemployment, which has contributed to augmenting theft and other crimes. Patronage is also an apparent phenomenon in which individuals become followers to their "patron" who provides them with ways to earn their living instead of the government. Some groups even practiced blackmailing and fear and appointed themselves as parties for resolving disputes using the influence and threat of armed groups. According to the Palestinian Central Bureau of Statistics, the poverty rate in the Gaza Strip has exceeded 65%. Further, the financial and economic siege imposed on the Palestinian government by the international community and Israel after the 2006 general elections has intensified poverty. Around 160,000 civil servants fell below the poverty line together with some million people they support.
- The failure to adequately cope with the consequences of increasing rates of poverty and unemployment. The number of participants in the Palestinian labor force in the Gaza Strip is only 267 thousands i.e. only 37.2% of the total labor force is actually employed. The Palestinian Central Bureau of Statistics highlighted the small decrease in the percentage of participants in the Palestinian labor force in 2005 which reached 36.6%. Unemployment contributed to the reinforcement of the state of insecurity as many of perpetrators were unemployed and were affiliated with armed groups to exert pressure on the PNA to recruit them or in pursuit of other interests.

Outcome of Comparative Statistics¹⁵

The last four years witnessed a gradual weakness in the PNA's ability to sustain order and implement the rule of law. This emanated from the above mentioned factors but also from a number of internal reasons and from IOF behavior.

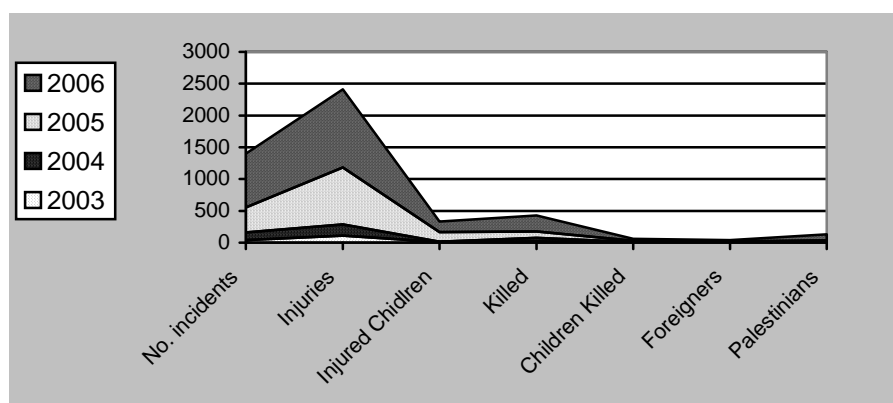
¹⁴ The General Elections Law divided the OPT into sixteen small electoral districts that increased the influence of extended families and tribes whose members usually live in the same district. A candidate would in return maintain the family's interest on top, his/her family being the guarantee for winning in upcoming elections. However, the new law has, in relative terms, ameliorated this to some extent by adapting a mixed system, giving half parliamentary seats to electoral lists and a single electoral district to the entire country. This amendment reduced the tribal role in ensuring success to candidates.

¹⁵ Statistics mentioned in the report are based on Al Mezan's documentation and monitoring and saved in databases.

An analyzes of the state of insecurity and its manifestations requires a clarification of the size and scope of damages and losses that befell Palestinians during the last four years when the state of insecurity intensified. Thus, it is of a great importance to expose its negative impacts on the rule of law, basic human rights and Palestinian economic growth. The following section provides information collected by Al Mezan on the impacts of the deterioration of security in the Gaza Strip.

Table 1: Number of incidents and number of victims of incidents occurring under the state of insecurity in Gaza 2003 – 2006

Year	Number of Incidents	Injuries		Killings		Kidnappings	
		Injured	Children	Killed	Children	Foreigners	Palestinians
2003	39	111	9	18	3	0	0
2004	121	178	6	57	6	6	10
2005	394	895	151	101	23	16	23
2006	843	1226	167	252	26	18	100



4. Manifestations of the State of Insecurity Within Society

The state of insecurity witnessed a severe escalation and increase in victims due to the infringement of law and the concurrent spread of small arms and the political polarization and clashes between Fatah and Hamas, especially in the Gaza Strip. Threats of infighting continued as long as the politically motivated struggle remained unresolved. Manifestations of the state of insecurity varied between armed clashes between Hamas and Fatah and various security apparatuses on one hand, and factional military wings on the other hand. In addition, clashes occurred between members of presidential forces and the newly formed Executive Force. Armed robbery, kidnappings of community figures, foreigners, journalists, citizen's assassinations, threats, attacks against people, family feuds and individual conflicts, acts of revenge and honor killings all also occurred as did attacks on public facilities and governmental institutions.

The report highlights the impact upon victims who suffered in different incidents from the state of insecurity as follows:

Grab of Governmental Lands

Grabbing of governmental lands increased, especially vis-à-vis the areas of former Jewish-Israeli evacuated settlements taken over by the PNA following the implementation of the Israeli Unilateral Disengagement Plan.

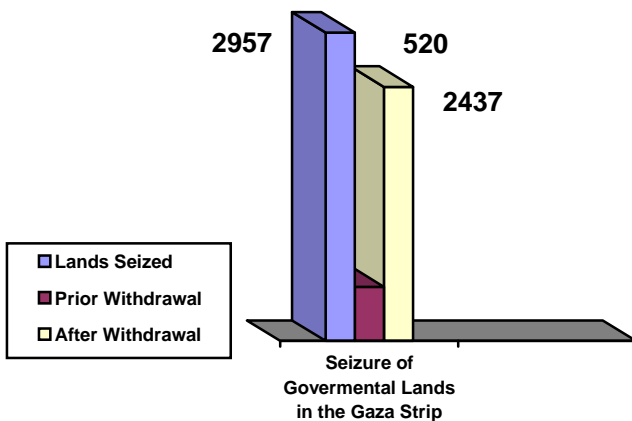
The lands of former settlements were officially designated as past a red line not be crossed and the PNA launched a campaign to end attacks on governmental lands, a step that was welcomed by most observers and Palestinians. Unexpectedly, however, the PNA failed to protect the evacuated settlements; acts of destruction and thievery were reported, even electricity cables were stolen in Al Mawasi area in Khan Younis, incidents that have violated the rights of residents.

Attacks continued and governmental lands were seized with the participation of Palestinian armed factions. In some cases, political parties and factions acted contrary to their ethical responsibility to assist the PNA's effort to establish the law and were part of the problem. This occurred despite the fact that the PNA needed support and help to impose the law and protect the governmental possessions under the circumstances in Gaza.

This report exposes the armed factions' seizure of former settlements as the most apparent violation in which certain extended families and armed groups attacked

public property. It was reported that armed men damaged the infrastructure by pulling out sewage pipes and potable water pipes.

The statistics indicated by the Palestinian Land Authority regarding the attack on governmental lands are as follows:



2,957 dunums¹⁶ were taken over, of which 520 dunums

were seized prior the implementation of the Disengagement Plan and 2,437 dunums were taken over after it.

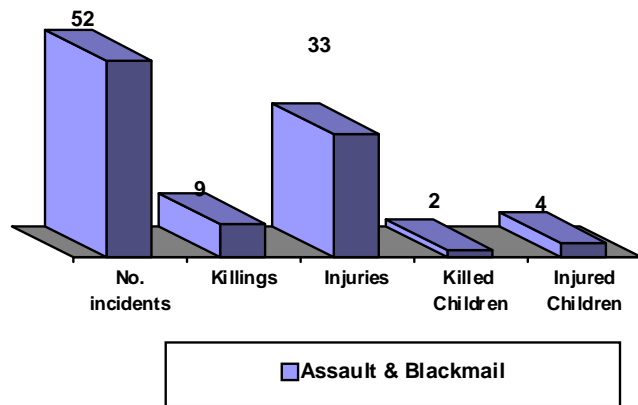
After the Israeli withdrawal, the rates of land seizure in Khan Younis and Rafah exceeded those of the northern districts. 1,788 dunums were seized in the south, 1169 dunums were seized in Gaza city and the north. Before the withdrawal, 269 dunums had been taken over in Gaza and the northern districts, while 251 dunums had been seized in the southern districts before the withdrawal.¹⁷

¹⁶ A dunam is an area of land 1000m².

¹⁷ Information on the attacked area of governmental lands is based on the Governmental Lands Authority.

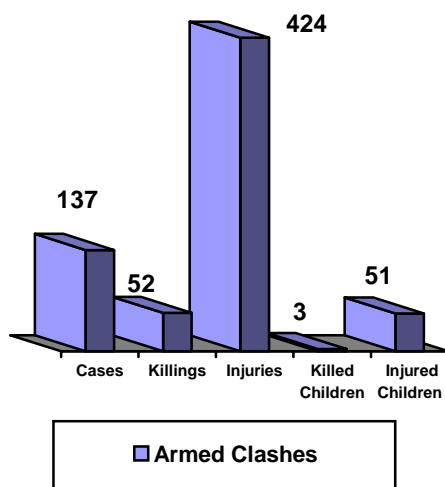
Assault, Terrorization and Blackmail

Attacks on civilians, community figures, security and police officers occurred repeatedly. These attacks happened due to political clashes between factions and armed groups led by Hamas and Fatah; activists of both movements were targeted along with their property. Other clashes sparked due to disagreements between armed



groups and security apparatuses, misbehavior' of certain people as claimed by attackers and in order to attain personal or factional interest. Attacks varied between shootings, the use of local-made bombs, and beating with sticks or sharp edges.

Such events were not followed with investigations by the PNA to reveal the perpetrators. It was reported, for example, that a man was injured while erecting a bomb close to private property but no investigation was opened regarding this matter; the PNA did not consider investigating such incidents nor were the suspected persons subjected to legal pursuit.



Armed Clashes

Armed clashes are the most efficacious and dangerous among all manifestations of the state of insecurity as they spread fear and anxiety among Palestinians in the Gaza Strip. They inflicted a public sense of insecurity and severe suffering on the population. Clashes involved gunfights between armed persons belonging to different groups and/or factions. In many instances, persons who belonged to the same faction clashed. The clashes erupted unexpectedly, often killing

and injuring civilians and damaging private and public property.

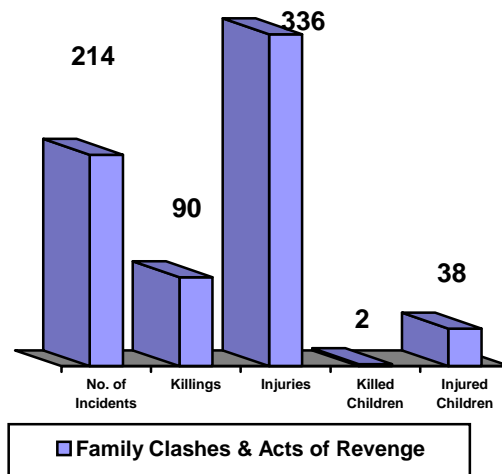
The fear felt by Palestinians increased when clashes became part of struggle over authority. Incidences involving use of violence and small arms were most apparent in streets where several armed clashes broke out resulting in a massive number of killings and injuries. These clashes were usually ended by reaching an understanding between the conflicting sides without taking any serious measures to initiate investigations and bring the perpetrators to justice. This translates as a full failure of the PNA to discharge its duties in this respect. Hence, the situation escalated, clashes turned into infighting and the struggle over the authority became more obvious. The targeting of persons happened to be related to people's affiliation with political

factions; and even retired and elderly persons were subjected to kidnapping and armed assaults.

Infighting escalated when militias mounted the roofs of high buildings to exchange fire, causing massive damages to properties and terrifying people, especially children. Roofs were accessed by force, and guards of buildings were threatened if they ever stopped the militants. This re-occurred during the infighting sparked by the speech delivered by the Palestinian president on 16 December 2006. The chart above shows the numbers of victims of such clashes.

Family Feuds and Acts of Revenge

Increasing family clashes erupted, sometimes for trivial reasons, within Palestinian Society, resulting in a massive number of victims and injuries and the damaging of private property. Most notably commercial stores and houses were set on fire and residents were forced out of their houses. This is a common occurrence when a family member is murdered or severely injured by someone from another family, even if the latter belongs to a law enforcement institution or was performing according to instructions he/she had been given. Under almost complete paralysis of enforcement of the law, families returned to old, traditional practices and decided to take the law into their own hands.



The absence of law and the spread of small arms contributed to the eruption of such family clashes. In the past, family clashes were ended without losses or damages; in the worst cases, participants in disputes received beatings with sticks or stones. Today, however, a simple clash can bring about a calamity within society. People were killed in family feuds which initiated a circle of violence and encouraged acts of revenge that targeted not only family members but also innocent civilians. By overlooking such clashes, the PNA failed to implement the law and allowed for violations of the most basic human rights. Even in its best case scenarios, the PNA interfered only along with community figures to peacefully end the clashes. This fact aggravated the state of insecurity and increased the number of its victims.¹⁸

Misuse of Arms and Outbreak of Internal Violence

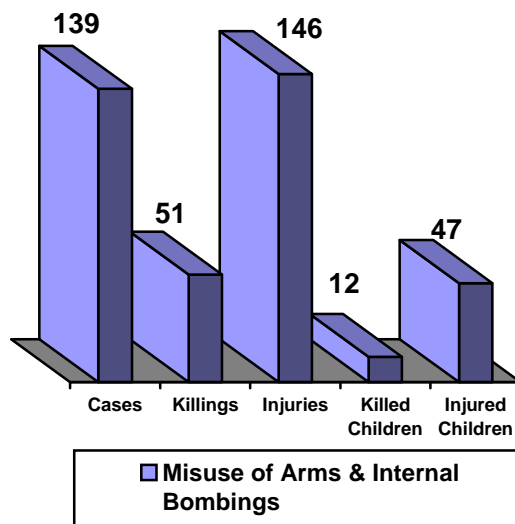
The spread and misuse of arms increased the number of murders and injuries. In this respect, the Center believes that the spread and misuse of arms turned from an outcome of the absence of law and state of insecurity to a major cause of the

¹⁸ In 2005-2006 a family feud broke out in Khan Younis; killing 17 persons including a child, injuring 30 (including 7 children) and torching 26 commercial stores and 6 houses. The feud paralyzed life in Khan Younis for several days.

escalation of this phenomenon. Illegal use of arms and the playing with arms (especially among those lacking practice) resulted in many injuries.

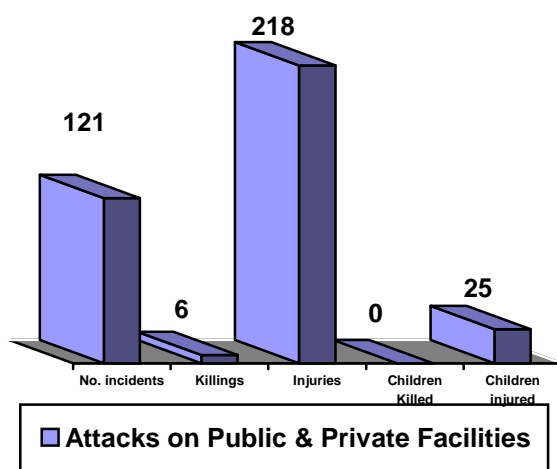
The state of insecurity in the Palestinian territories has unique characteristics that originate from the particularity of the OPT. The use of arms is often viewed as legal when used by legitimate state bodies and directed towards the implementation of the law and maintenance of security of the state. In the case of Palestine, weapons have been used by armed groups against the occupation; this is considered a legitimate goal by most people. As long as the occupation continues, individuals and groups who support possession of small arms have a strong claim as to the morality and righteousness of possession and use of them; at least under specific conditions. But it should not be ignored that these same weapons were misused in several family clashes and law breaking incidents. Clashes with the PNA regarding the use of arms were reported several times when the PNA failed to perform its duties and prevent the carrying of arms in streets and public places. The PNA was hindered in its duties in this respect as any step taken in this context was frequently considered as an attack on the "resistance" arms. Further, armed groups and militant factions took up houses to store ammunition and locally-made explosives, and several blasts were reported due to improper storage of weapons or bad manufacture, which inflicted casualties.

Therefore, any attempt to end the state of insecurity and control the use of arms should commence with the development of a Palestinian national agreement between the PNA and the armed groups. Measures should be set to prohibit the carrying of weapons in public places or the use of weapons; at least in non-resistant acts and in all cases that might inflict harm of civilians. The law of arms and ammunition should be reactivated and the PNA should adapt it as a deterring measure to abate such phenomenon. The PNA should also initiate investigations into all incidents where arms are misused and bring the perpetrators to justice.



Attacks on Public and Private Facilities

Many public facilities were attacked by protesters while private properties were



targeted in family clashes resulting in killings and injuries. Palestinian institutions such as the Palestinian Legislative Council (PLC), ministries, headquarters of the Central Elections Committee, Police stations and prisons were all subjected to attacks by gunmen: employees were forced out of their offices where even furniture was damaged. Some institutions were shelled by mortar bombs and locally made missiles and propelled grenades.

The reasons behind attacks varied. For instance, persons who claimed that they were not being treated fairly according to the law tended to attack the institution as a way to pressure the PNA to grant their demands. Some persons did not trust the PNA institutions' abilities to implement the law, so they resorted to violence and force, still others attacked security apparatuses. Public property was also frequently subject to damage when demonstrations marched in Gaza.

Attacks on private property were most common during family clashes, when, following a killing, the victim's family attacked the killer's family and sets their houses on fire. Often, such attacks are based on minimal evidence. The Center did not record any successful attempt by the PNA to eradicate such transgressions, despite the fact that attacking and torching houses have become expected and routine forms of retaliation. In some cases, the Center followed family clashes that continued for days without any intervention from the PNA, save for trying to talk the attacking family.

Thus, halting attacks on institutions requires the execution of at least three measures. First, the rule of law must be reactivated and its regulations implemented, perpetrators must be brought to justice so as to regain trust in the PNA's ability to achieve justice. Second, the PNA should not surrender to blackmailing but rather inflict punishment upon transgressors. Third, weapons must be confiscated from, and punishment inflicted upon, security officers who have misused arms.

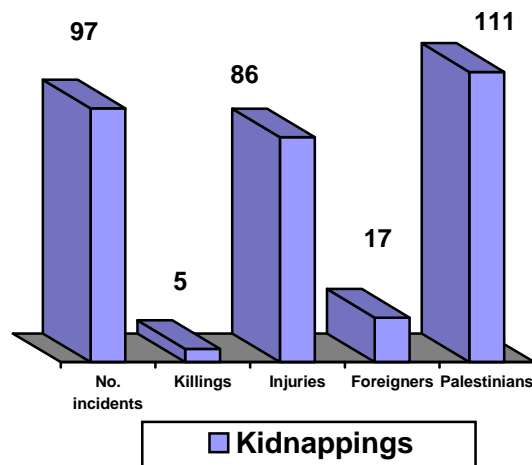
Kidnappings

Kidnapping operations have increased in size and scope during the last two years. They have targeted journalists, human rights activists, employees at international organizations, Palestinian community figures, security officials, activists in Palestinian factions, and even ordinary civilians. The latest series of kidnapping have revolved around exchange kidnappings by Hamas and Fatah.

On occasion, abductions of foreigners has occurred, motivated by Palestinian internal motives as kidnappers have attempted to blackmail authorities. Kidnappers have not targeted the abducted individual on a personal level or in the context of his/her

country's political position. In this respect, Al Mezan asserted on many occasions that the PNA's submissiveness to kidnapers' demands have encouraged the reoccurrence of other kidnappings (to the extent that a certain family issued a press release revealing its intentions to kidnap foreigners in order to pressure the PNA to arrest the killer of one of the family members). This reveals the inadequacy and inability of PNA to implement the law.

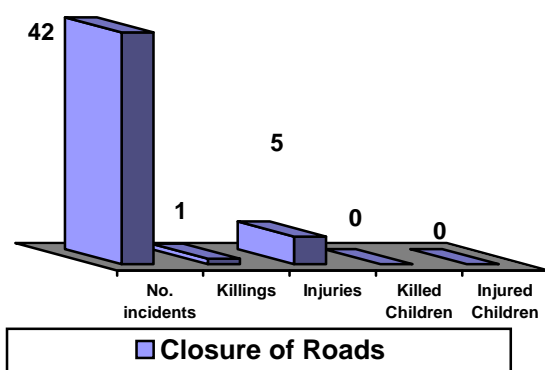
Kidnapping of Palestinians was undertaken mainly in order to blackmail the PNA to employ individuals in the governmental body, or due to the struggle between armed groups and security officials, family clashes or acts of revenge.



Roadblocks and Closure of Roads

The increasing number of incidents of closing main streets and obstructing traffic was mainly due to protests of taxi drivers against the frequent increased price of gasoline, the imposition of taxes and the disregarding of the drivers' suffering under the closure imposed on the OPT since the implementation of the Israeli Disengagement Plan in September 2005. Roads were closed by torching cars' tires and erecting concrete blocks, while taxi drivers protested by parking their cars across streets.

On the flip side, it has been observed that armed groups closed main roads for different reasons: in protests to demand recruitment within security apparatus and police; as families objected the murder of their members; as security officers complained over the suspension of their payment (notably the newly affiliated), or policemen protested against the killing of a colleague during service. In response, the PNA always favored amicable and peaceful solutions in line with traditional/tribal-based solutions; meanwhile police did not take any deterring measures to end such transgression.

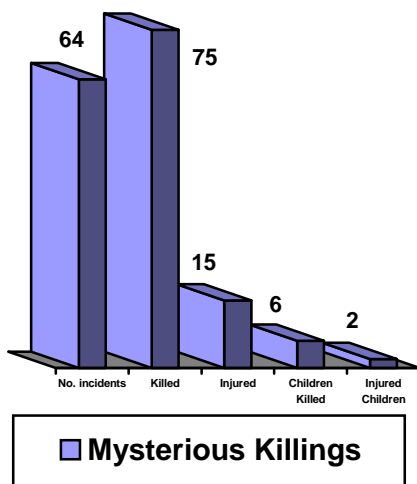


Worse, the above mentioned inter-factional armed clashes are usually accompanied by (typically masked) militants erecting roadblocks inside and around areas where clashes have occurred. ID checks are common at these checkpoints. Besides instilling

fear, many people were taken hostage or even shot on the spot when they were identified as affiliated to an opposing faction at these points.

Mysterious Killings

In 2006, several killings were reported without identifying the perpetrators or reasons behind the killing. Such incidents were previously rare in OPT. The causes of killings in the past were limited to revenge, thievery, honor or armed clashes. Killings of collaborators were also common at certain times.



The most noticeable incident lately was the killing of Bahaa Baalosha's three children. According to fieldwork investigation by Al Mezan, on 11 December 2006, gunmen blocked the way of a car belonging to Bahaa Baalosha, an officer within the Intelligence Apparatus. His children and niece were in the car on their way to

school. The gunmen opened fire at the car, killing Baalosha's children: Salam, 4, Ahmad, 7, Osama, 9 and his bodyguard Mahmoud Al Habeel, 22, who was driving, and injuring Baalosha's niece Lydia, 6, and another bodyguard, Ayman Al Ghoul, 25. Two children, passing by on their way to school, were also injured. The figure above shows the number of people killed and injured in such attacks.

Burglary and Attacks on Electricity Equipment and Supplying Cables

Burglary of houses and stores, and theft of cars, has increased lately. However, a new insecurity indicator appeared within the three months following the Israeli shelling of Gaza's power plant; the theft of electricity conductors from main supplying cables.

These acts caused high losses to Gaza's Electricity Company and increased the suffering of civilians who were compelled to live days without electricity until new conductors were installed. Further, some individuals played with generators. The Center reported the electricity cut off in some areas of the Gaza Strip as inhabitants in other areas lifted the transfer switch to maintain electrical current, in effect stealing the limited electricity and undermining attempts to distribute the electricity evenly. The Electricity Company was often left unaware of such transgressions. It is worth noting that residential areas were already only supplied with electricity for 6 to 8 hours per day after the IOF shelling of Gaza's power plant.

Based on Al Mezan's information until 5 July 2006,¹⁹ the Company suffered from the theft of 30,772 meters of electric cables. This is comparatively more damaging to the supply than the Israeli shelling because the cutting of cables requires thousands of small extensions as opposed to one long wire and is thus extremely difficult and time-consuming to repair. Further, playing with the conduction switch damaged 28 switches, fuses and 16 main generators. Alike other law-breaching incidents, it is noticeable that the security apparatuses were not seriously concerned with the stealing of electrical cables. Although collecting stolen materials does not require great efforts, it would have been sufficient if stolen objects, that were publicly sold, were captured and/or tracked in order to stop the reoccurrence of this conduct.

5. The Role of the PNA

As mentioned above, the failure of the PNA to perform its duties properly contributed to the escalation of the state of insecurity. The PNA did not exert efforts to implement the law and inflict punishment on perpetrators of criminal acts and offenses. On the contrary, the Center sees that the performance of the PNA has, in some manner, encouraged the violation of the law.

At the early times of the declining of security conditions, it was noticed that the law was selectively implemented, restricted to occasions that involved only powerless groups lacking in either family or factional protection. For instance, it was reported that convicted persons who had been sentenced to great penalties were released just a few days after their imprisonment.

Due to continued failure of the security apparatuses and police in sustaining the law, implementing the law selectively developed into a strategy of negotiating with convicted persons and surrendering sometimes to their demands.

Al Mezan Center for Human Rights stated in a press release²⁰ that the performance of the PNA motivates extra kidnappings of foreigners: The Center has learnt that full demands of the kidnappers' have been met. The PNA's approach of treating kidnapers in this manner has now become expected.

The Center also reported a state of public resentment within Gazan opinion at the failure of a security apparatus to put an end to the kidnapping of foreigners. At those time when the security apparatus intervened, they occasionally took illegal measures. For example, a security apparatus clandestinely abducted individuals. Security personnel dressed in civilian clothes to conduct such acts. In one occasion this created violent reactions from armed groups who attacked public facilities and removed part of the wall on the Gaza-Egypt borderline, an act that resulted in killing and injuring a number of Egyptians before the abducted suspects were released. The performance of these apparatuses was thus ineffective and did not follow the legal process as prescribed by the Palestinian law.

¹⁹ Information provided by Gaza's Electricity Company branch located in Al Shaaf area in Shijaia neighborhood.

²⁰ http://www.mezan.org/site_en/press_room/press_detail.php?id=394

Strangely, the PNA's response to acts of murder, armed clash and abduction was more or less similar to those of civil society organizations: condemning illegal conduct and other acts of assault, and calling for their elimination. For example, the former Prime Minister²¹ suspended his duties to protest an attack on his house. And so did the current Minister of Education, who suspended his duties for four days in a protest of killing Baalosha's three children. Instead of upholding their responsibilities and use the powers provided by the law to effectively investigate illegal acts, government leaders took a highly unconstructive stance restricted to protesting their occurrence.

6. Impacts of the State of Insecurity

Measuring the impacts of the state of insecurity on social, economic and cultural aspects of the Palestinian life requires specialized and detailed study. However, the Center aims to highlight the impacts seen on the ground through its analysis through both this report and through analysis based on experts' experiences and studies. The information introduced in this chapter requires deeper and more thorough examination.

There is a strong connection between influential causes of the state of insecurity and outcomes. Factors contributing to the phenomenon and its outcomes often develop into a vicious cycle. For instance, poverty is a contributive factor to the state of insecurity, which in turn exacerbates poverty. Below are some of the outcomes of this phenomenon:

Economic impacts

The state of insecurity caused massive damages to the Palestinian economy. The impacts can be divided into two categories: The first category is related to missing opportunities that could have contributed to the economic growth. The second category is related with immense material losses of public facilities and private property as well as the relatively high cost of possession of small arms in spite of the difficult living conditions of the population. Economic impacts can be summarized as follows:

- The state of insecurity drove investors away from the OPT and encouraged them to seek other places where they could safely invest their capital after being targeted by both the Israeli occupation forces and armed Palestinians. Investors were forced to employ needless manpower, notably following the increasing number of unleashed armed groups. In this respect, Dr. Ahmad Majdalani highlights: "the current political situation in the OPT caused many industrial enterprises to leave the OPT and settle in Jordan and Egypt. The Palestinian local income has decreased this year to US\$ 2 billions from the US\$ 4 billions of last year."²² It is worth noting that only grand enterprises have emigrated, small ones, which contribute 24% of total local income, failed

²¹ It was reported on 16 June 2005, 10 gunmen broke into the PM Ahmad Qree's house in a protest to engage them within security apparatuses.

²² Quoted from Dr. Ahmad Majdalani, Head of the Palestinian Economist's Society, in his presentation at a seminar organized by the Association in Ramallah on 17 December 2006. The quotation was published in local press on 18 December 2006 and translated by the authors.

to move due to their limited capitals. 30% of them, however, have closed due to the economic depression.

- The state of insecurity deprived the Palestinian economy of likely investments following the implementation of the Israeli Unilateral Disengagement Plan on 12 September 2005. Expectations that the economy would improve in the Gaza Strip have collapsed despite the fact that Israel evacuated from over 20% of the total area of the Gaza Strip. Much of this land was illegally taken over by Palestinian armed wings and families as previously stated.
- Repeated closure of main roads by furious protestors hindered the movement of people, especially workers, and the movement of goods between the north of the Gaza Strip where commercial crossings are located and the southern area where agricultural products of crops and poultry are produced. Closures denied access of the raw materials needed to operate industrial enterprises. This situation caused significant loss to the Palestinian economy.²³
- The economy suffered massive loss due to attacks on public facilities and private property, such as the torching of cars, houses and commercial stores. Precise estimates are lacking; however, the loss is set at hundreds of thousands of US dollars. Further, families and individuals spent large amounts of money to purchase small arms, which is spurred by civilians' shaky trust in the PNA to provide security and justice.

Negative Impacts on Economic Growth

Negative impacts of the state of insecurity are not limited to the current economic situation but also have long-term effects. Taking into consideration the damage the situation inflicts on the economic growth in the OPT, as referred to by the World Bank and a number of Palestinian experts, negative impacts can be summarized as follows:

- The World Bank stated that "the recent infighting does not support the economic future in the West Bank and the Gaza Strip. In fact, internal instability and suspended funding seem to hinder the PNA's ability to rule and delay the development carried out so far in the institutional reform."²⁴
- The public opinion was directed away from strategic issues of great influence within Palestinian society, it faced difficulty focusing on primary issues during times of lack of security and of serious social instability. Thus, monopolies took over a great deal of natural resources without being monitored by the community's institutions.²⁵

²³ According to economist Omar Shaaban, closing the coastal road, which links Gaza with middle and southern districts, denied movement of 50 thousands employees and cost around US\$ 3 million per hour.

²⁴ World Bank's Memorandum of the West Bank and the Gaza Strip at: http://0-siterresources.worldbank.org.library.vu.edu.au/INTWESTBANKGAZA/Resources/CEMSummaryArs_ept06.doc , text translated from Arabic by the authors.

²⁵From "The Impacts of the State of Insecurity from a Developmental Perspective", a paper by Omar Shaaban, 10 October 2005. Review at: <http://www.palpress.ps/arabic/index.php?maa=ReadStory&ChannelID=19507>.

- Banks became increasingly concerned about the expansion of their lending and investment activities and have thus adapted more cautious policies decreasing their monetary deposits and reinvesting in sectors of rapid benefits and large incomes. Society is thus deprived of the Bank's role in supporting investment. Working banks, following standard procedure, declined to invest peoples' deposits in the OPT due to the instability. It is worth noting that most of the banks in Palestine are foreign and invested only 30% of their deposits in local projects while they have legally transferred larger amounts to invest in safer and more stable markets.²⁶

Social & Cultural Impacts

The state of insecurity has negatively affected personal security in OPT. strong feelings of insecurity have been reflected in the forms of certain behavior and traditional change, and introduced new social and cultural changes that were reinforced later on by the near complete absence of law. The following section summarizes these impacts:

- New sets of cultural practices and norms have developed in the Palestinian society. For instance, the firing of guns is the main means by which people celebrate happy occasions or grievous incidents. It reached a point where even friends express friendly compliments with gunfire. The high number of victims due to gunfire illustrates how serious this phenomenon is within contemporary Gazan society, despite the fact that it was almost completely abandoned in the past.
- The return of deep-rooted tribal inclinations, reminiscent of early twentieth-century times, when families and tribes purchased weapons to protect themselves and their interests and denied the culture of law. Further, the frequency of individuals resorting to vengeful acts and the inflicting of punishment upon individuals who allegedly murdered their members also increased. Such traditions widened the circle of violence and weakened the rule of law.
- The state of insecurity resulted in the loss of feelings of security and undermined the trust between citizens and the official authority, which brought the community into a state of dissolution under tribal manifestations.²⁷
- Children are the most affected group by the manifestations of the state of insecurity. Experts reported that children developed reactions in different forms to the manifestations of insecurity; i.e. violent clashes and shooting which sometimes targeted children. Certain reactions were described as incompatible with the course of the actions. There is a need to further examine the longer-term impacts of such acts on children and develop adequate

²⁶ Supra.

²⁷ A quotation from the response of the Gaza Community Mental Health Program, 24 December 2006, to Al Mezan's letter requesting an opinion on the psychological and social impacts of the state of insecurity. Text translated from Arabic by the authors.

responses to the problems. In general, however, internal violence directly affects the entire family as well.²⁸

- As more individuals engaged in violent behavior, and under the impact of augmenting rates of unemployment and poverty, new types of crime have appeared, such as organized thievery and armed robbery.
- The escalation of the state of insecurity resulted in a common feeling of insecurity, a feeling that often shook people's sense of belonging to community, most notably at times of economic deterioration and increasing rates of unemployment and poverty. Around 70% of Palestinians are below the poverty line, while unemployment ranges between 47% and 50% of the population of 651,000 people in the age of employment.²⁹ Percentages in the Gaza Strip are usually higher than their equivalents in the West Bank. The impacts of such obstacles have serious impacts on Palestinian society (particularly the youth who developed strong tendencies to leave). They also have negative impacts on the Palestinian struggle to attain legitimate, internationally recognized rights; including the most demanded rights to self-determination and to return. Instead of seeking all possible ways to make possible the return the refugees, thousands of Palestinians in the OPT aim to leave and escape under the pressurizing economic conditions and the lack of security. According to a poll conducted by the Palestinian Information Agency,³⁰ 60% of the individuals oppose immigration while 33% support it.³¹ In response to a question about the comparison between the current and former governments, 74.1% believe that the security situation has worsened, and 70.7% doubt the current government's ability to implement their electoral programs.

The state of insecurity has direct and indirect negative impacts on human rights. For instance, 'honor killings' of women have increased, and are encouraged by the lack of law enforcement. The Center has reported the 'honor killings' of six women in 2006 alone. It is also alarming that the conditions created by the lack of security may discourage families to allow their female members to join universities out of fear for their life and wellbeing; especially under the context of an increase in abductions. This can only augment the difficulty female students face as it adds to obstacles stemming from poverty and the decrease of income. It also poses a serious threat to

²⁸ Supra

²⁹ Interposition by Mohammad Shtia, Director of PCDAR, during a seminar on economy conducted by the Palestinian Economists on 17 December 2006 The quotation was published in local press on 18 December 2006.

³⁰ Outcomes of public opinion poll (5/2006) conducted by the Palestinian Information Agency on 13 and 19 November 2006 to collect information about public opinion on the "current situation in OPT", it included random sample of 1,743 persons above the age of 18, among them were 758 persons from Gaza districts and 985 from the West Bank, with a marginal error of 3.5%. The sample was distributed across all districts including towns, villages and camps taking into account different educational and professional backgrounds and age range.

³¹ Al Quds daily newspaper issued on 18 December 2006 referred to Dr. Ahmad Majdalani's statement, Head of Palestinians Economists' Society: "Ten thousands Palestinians, most of them are highly qualified, left the OPT during the past four months, while 40 thousands submitted immigration applications." According to his view, this is a depletion of Palestinian human capital being the main national economic capital as well. Text translated from Arabic by the authors.

females' access to higher education. A tradition of family's prioritizing male members for higher education when resources decrease or feelings of insecurity prevail exists in the Palestinian society. This might prompt an increase in the number of 'early marriages' also, as more families face an inability to afford the cost of education and, at the same time, fear that females might be subjected to 'harm'. These conditions risk undermining the entire achievements of the Palestinian feminist movement regarding the enjoyment of women's rights, which could suffer serious regression if the state of insecurity continues.

Political Impacts

The state of insecurity has negative impacts on the political structure of the PNA. It undermines the image of the Palestinian cause, and impacts the essence of Palestinian's struggle for their rights. The following section is based on the Center's inferences in light of the information it has gathered from the field.

Suspension of Judiciary

The deterioration of security and the rule of law hindered the judiciary and courts' ability to perform their duties and impose justice. Repeated attacks on court rooms and the blackmailing of judges were reported. This included an attack on the Attorney General's house.³² Court halls where suspects are normally put to trial and/or sentenced to punishment consistently released perpetrators of criminal acts under threats by armed groups or families. Even the courts' sanctity was abused and property was damaged in Gaza north districts, Gaza City, Khan Younis and Rafah. The international boycott has completely neutralized the judicial institutions; courts announced a strike and the postponement of cases after the Palestinian judicial institution declared an open strike on 1 September 2006 due to the suspension of payments for the employees in the judicial institution.³³

Moreover, the failure of the Executive Authority to implement the courts' rulings undermined the supremacy of the judicial authority and lessened popular trust in its capacity and capabilities. The result was the violation of law and an increase in the spread of small arms, which led to the killing of law enforcement personnel while trying to arrest convicted persons or suspects.

Paralyzed Parliamentary Activity

The serious political polarization, which inaugurated the state of insecurity, has paralyzed the work of the Palestinian Legislative Council (PLC), which did not hold a session to discuss the internal situation in spite of the escalation of the situation that made its action even more necessary. Thus, the monitoring role of the PLC was almost completely absent. Further, the PLC did not provide any convincing

³² On 1 August 2005, unidentified persons threw a grenade at the house of the Attorney General, Mr. Hussein Abu Assi. The house was partially damaged. For further information, review Al Mezan's press release at: http://www.mezan.org/site_en/press_room/press_detail.php?id=357

³³ For further information, review Al Mezan's press release (Arabic only) at: http://www.mezan.org/site_ar/press_room/press_detail.php?id=760

explanation for its actions of refraining from conducting sessions. This might be explained as an attempt to avoid no confidence votes against the government.

Notably there existed far-reaching disorder within the PLC after the detention of Hamas PLC members by the IOF. Moreover, the PLC building in Gaza was a target of several attacks and gunfights, and the destination of many protestors against the state of insecurity or delayed payments.

Paralyzed Political Life

The infighting disoriented the activities of political parties which were themselves either were part of the problem or mediated between Hamas and Fatah movements. This came at a time when the IOF violence increased and caused greater human rights violations. The construction of the separation wall in the West Bank, the increasing of the Jewish settlement in the West Bank and East Jerusalem, and the intensifying of the collective punishment by strengthening the siege imposed on the OPT, particularly the Gaza Strip continued. The PNA, instead of working to end the Israeli volitions through intensifying local, regional and international efforts, only focused on easing the internal tension and clash.

Government institutions were also paralyzed and unable to perform their duties running the daily life of Palestinians or confronting the impacts of IOF practices. Instead of coordinating their programs and efforts in a manner that serves the public interests, they became part of a struggle over authority and power.

Lack of Common Vision and Decline of Normal Political Life

A united vision or political platform among Palestinian factions that would bring in a united formula as to how to resolve the Palestinian Cause is lacking. The PNA, along with political parties, should work united to develop a unified vision and identify clear political aims to unify all Palestinians to face serious challenges, such as the prolonged siege and declining economy, as well as to ease the Israeli attacks and escape the circle of political and societal inaction.

Political parties and factions failed to create participatory political life in which initiatives to resolve the conflict were able to flourish, or even to respond to those initiatives by significant powers, such as the European initiative that calls for an international conference to solve the conflict in the Middle East, and the American-British intervention to revive the Road Map. The latter intervention especially intersects with the new Israeli inclination to adapt the Road Map as an outlet to strictly achieve grab of land through negotiations that would lead to a Palestinian state with 'temporary' borders. These developments are serious for the Palestinian political future. It is crucial that political powers engage and respond to such initiatives, exposing them to scrutiny. Much risk lies in the weakness and nonparticipation of Palestinians who are being turned into a negative receiver of imposed solutions.

The Palestinians were deeply involved in political infighting which resulted not only in the above mentioned impacts but also deformed the image of their legitimate struggle against the occupation to achieve justice and implement the UN resolutions relative to their cause. Alternatively, interventions were made to exert pressure on

Palestinians to divide instead of directing all efforts to apply pressure to Israel to halt increasing violence against civilians in the OPT, and the international community to fulfill its moral and legal obligations towards their cause.

A significant amelioration of the human rights situation in OPT is impossible without bringing about solutions to these major problems. Thus, the Palestinian cause shifted from a distinctive political and legal cause to a mere humanitarian cause and to an internal struggle over authority in the absence of sovereignty and under occupation.

7. Conclusion

The events mentioned in the report have occurred in the context of the escalation of the state of insecurity, chaos and the absence of law in OPT, especially in the Gaza Strip. The report also highlighted the factors and causes which contributed to the state of insecurity and its impacts on different aspects of the Palestinian life. In conclusion, the report states the following points:

- The PNA's failure to implement the law vis-à-vis its citizens in an equal manner resulted in breaches of the law and the loss of confidence in the law enforcement institutions. The political parties and extended families played a negative role by providing protection to those who breached the law through armed clashes.
- The fortification of a culture of patronage at the expense of institutionalization has resulted in new forms of extortion that are new to Palestinian society, as powerful officials became partners in business dealings using their influence and powers without scrutiny. Discrimination based on political affiliation or family rank prevailed, and equality of employment and opportunity was undermined depriving the governmental sector from recruiting qualified persons and promoting factional and tribal affiliation rather than institutional affiliation.
- The state of insecurity subjected the Palestinian society to unprecedented threats; the role of the judicial institution was replaced by armed groups, political powers and extended families. These groups started to replace the functions of police forces and courts by detaining/abducting people with whom they had any kind of dispute and inflicting punishment upon them. The lack of investigation and redress through the law enforcement institutions and the judiciary reinforced these new forms of action, which reflected a possible 're-distribution of powers in the Gazan society'.
- The scope and duration of the state of insecurity engendered gross violations of human rights. Whereas the phenomenon started as a result of the failure to uphold the law by the PNA, it acted as a main factor for a continued and deepened absence and disrespect of law. As a result, citizens lost much of their confidence in the law and its executive and judicial bodies, which became either paralyzed or part of the problem. Unprecedented infringement of the

law spread to the extent that some Palestinians resorted to armed groups and powerful families in order to regain rights that should have been easily gained by legal procedure.

- The incidents mentioned in this report are indicative of the spread and misuse of small arms and light weapons, which constitute an obstacle in the PNA's endeavors to implement the law and safeguard societal integrity.
- The state of insecurity has a negative impact on the deteriorating status of human rights, and reinforced insecurity; an ideal context for an environment of such violations. In this manner it actually complemented the conduct of the IOF; the major violator of human rights over the past decades, through attacks on civilians and property in the OPT. Palestinians became stuck between the hammer of the IOF and the anvil of internal insecurity. This has added to the already deteriorated human rights situation in OPT.
- The state of insecurity is a serious threat to the opportunities for economic development in the OPT, where people suffer a very low standard of living that has been intensified by the high rates of poverty and unemployment. It goes without saying that economic development and investments require a stable and safe environment.
- The politicization of the state of insecurity complicated the crucial mission of challenging it and regaining the rule of law. In addition, it subjugated steps that would have fortified the role of law enforcement and judicial institutions and provide protection to courts and judges (freeing them from blackmailing and fear) to develop politically negotiated agreements to end disputes and violations. When agreements were made, they were not based on law and thus hindered equality before it.

Thus, in light of the information and insights engendered by its monitoring process, Al Mezan has considered the PNA's performance as weak, selective at times, and as lacking a clear plan and/or vision in addressing the state of insecurity at other times. The PNA lost many of its points of power that would have enabled it to end the state insecurity.

In theory, Palestinian society, including political parties and factions, reconciliation committees, heads of families and even ordinary citizens, expressed a unified view as to the importance of implementing the rule of law as the only threshold to end the security crisis that dramatically undercut its foundations. However, in practical terms this support has remained mere lip-service as families and factions have continued to protect the suspects of assaults and criminal conduct among their members, which is indicative of even further escalation of the state of insecurity.

8. Recommendations

In light of the above mentioned facts, Al Mezan Center for Human Rights emphasizes the complex nature of the disastrous state of insecurity. Efforts to bring an end to the insecurity and to reinstate the rule of law will involve a difficult process, and will

require hard work, consistency and time. But it must start now. Ending the state of insecurity requires more than facing its daily manifestations in the streets and extends to the re-establishment of the Palestinian regime. This is not a simple task; it requires struggling against a heritage of cultural practices and perceptions. It must take into account the availability and spread of a cheap small arms trade, which adds more challenges to the attempts to restore law and order, and the obstacles to the solving of crimes through legal investigation and the bringing of perpetrators to justice.

Thus, keeping in mind all the difficulties and complexities implied in the state of insecurity, the Center provides the following recommendations.

- It calls upon the political parties and factions, notably Fatah and Hamas, to respect the rule of law and lift the political cover given to those who breach the law. Experience has illustrated that infighting between both movements has led to an unprecedented escalation of this phenomenon.
- It calls on the PNA to enforce the law starting with its own institutions, by rebuilding them on the bases of respect of the law and equality before it. The PNA must bring to an end the culture of personal or factional patronage. The rights of employees must not be undermined, nor should they be politicized at a time of internal political unrest and strife. The law must be equally implemented with regard to all individuals.
- The Center calls upon the PNA to bear its responsibility and restore its capacity to enforce the law and the necessary controls to implement the law and to ensuring its respect. It would be acceptable to start gradually with the support of the national agreement and the participation of civil society institutions and the political parties and factions.
- It is imperative that the PNA train and rehabilitate Police forces to ensure that they perform the duties they are entrusted with by the law in a fully disciplined manner. It should prevent them from using their arms after the official working hours or for other objectives other than maintaining order and ensuring the law.
- It is important that the PNA initiates serious efforts towards reinforcing the rule of law through supporting the role of the judiciary and ensuring its independence, and through supporting the separation of powers as stipulated in the Palestinian Basic Law. Further, the PNA should immediately enforce the law of arms and impose sanctions on whoever possesses unauthorized arms and on arms traders as well as imposing total control on crossings.
- Political factions, along with armed groups, should put an end to the spread of small arms among their members, and make sure that their arms are used only for resistance purposes in line with and under the limitations enshrined in national law and international humanitarian law. Above all, parties and factions must adhere to the power of law and respect it. They should, further, support the PNA's efforts aimed at to restore security and order by enforcing law.

- Cooperation between the PNA, NGOs and political parties is imperative in order to create intensive awareness campaigns to educate people on the dangerous impact should the state of insecurity continue. Campaigns should reach all society through the media and through direct mass contact with people in their neighborhoods. Further, it should concentrate on the cultural and religious heritage which prohibits killing, injury and crime, and asserts equality. Such campaigns should target different social groups and encourage the spread of awareness and tolerance. This project should be given its due priority by the civil society organizations.
- It is imperative to encourage academic research and studies on the state of insecurity and the serious risks that emanate from the spread and misuse of small arms. Such research could add to understandings of the outcomes of the phenomenon, contribute to raising peoples' awareness and attract the attention of officials and institutions to the massive loss caused by it. The role of civil society organizations is of particular importance here, either through their education and information or advocacy and lobbying activities.

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