

**The Palestinian
Human Rights
Monitoring Group**



The PHRMG is a Palestinian, independent, non-governmental organisation working to end human rights violations committed against Palestinians in the West Bank, Gaza Strip, and East Jerusalem, regardless of those responsible. The members of the Monitoring Group believe that the strength of democracy and civil society in Palestinian society will be determined by the Palestinian people, through their defense or neglect of human rights.

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**Human Rights:
Between Abbas and Hamas**

Contents

1. Introduction	3
2. Election and Election Delay	4
3. Abbas' Intervention	5
4. Black July to Disengagement	8
5. Post Disengagement	9
6. Year End to Election	
A. A December of Kidnapping	10
B. The Hamas Factor	11
7. Hamas vs. Abbas	12
8. The PA and the Future	13
9. References	14

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(The views expressed in this report do not necessarily reflect the views of our contributors)

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Introduction

Democratization, elections, political pluralism, and disengagement are all terms that have been used to characterize the year 2005 for Palestinians. The term 'human rights' is noticeably absent. Since the beginning of the Second Intifada, Israeli and Palestinian human rights groups have criticized both populations for human rights violations. While those voices have not fallen silent, the events of 2005, including the Gaza Disengagement and Palestinian Local Elections, have diverted many eyes.

The year 2005 challenged Palestinians on a number of fronts. The death of President Yasser Arafat presented a series of new opportunities for political leadership to shift. However, the entrenched ranks of the Arafat, in conjunction with the unrelenting obstacles of the Israeli occupation, precluded any major improvements so earnestly hoped for in the global media.

The twelve months between the death of Arafat in December 2004 and the National Elections of January 2006 frame a new, but equally misguided, methodology by which Palestinian politics functioned. Previously, the Oslo era directed Palestinian political development through a framework of security for Israel. The Palestinian Areas under Oslo became regimented police states, with exploding security forces and trampled rights—all subsumed by a demand for national unity. Now, post-Arafat politics have witnessed clambering within the resulting power vacuum and more internal conflict, partly a result of Israel's unilateral positions.

The internal nature of Palestinian violence—human rights violations committed by Palestinians against Palestinians—is the fundamental difference between the Oslo era and the year 2005. While Israel remained a fundamental impediment to Palestinian's free movement, economic growth, and agricultural development,

politics prompted a spike in violence. Those statistics present a telling story.

Overall in 2005, the number of Palestinians killed by internal Palestinian gunfire more than doubled the previous year. In the Gaza Strip, for the first time ever, more than half of Palestinian fatalities have resulted from gunshot wounds inflicted by other Palestinians. At 51%, this figure reflects a staggering jump from last year, which recorded just 5%.

Since the start of the second intifada, gunfire has been a major problem in the Palestinian Territories.

Palestinians Killed by Palestinians September 28, 2000-December 31, 2005



According to the statistics gathered by the Palestinian Human Rights Monitoring Group, in the year 2002, 37 Palestinians were killed by Palestinian gunfire. In 2003, 24 were killed, in 2004, 44, and in 2005, 99. Already in the year 2006, 139 Palestinians have been killed by gunfire from other Palestinians. At this pace, 2006 may be the deadliest year yet.

For the last two decades—during both negotiations and Intifada—Palestinians made justifiable arguments against Israeli abuses of human rights. The conditions of occupation have not changed; instead internal feuds are increasing. Much of the internal violence of 2005 reflected domestic political struggle. These are struggles for positions in government, authority over finances, or local struggles among families who perceive no channels for conflict resolution. More than any of the optimistic terms mentioned above, the year 2005 was characterized by a culture of violence.

Palestinian President Mahmoud Abbas indirectly acknowledged the culture of violence in May of 2005. In an interview with the American television network, ABC, Abbas declared, "We have started to deal with the culture of violence. We stopped the culture of violence and the Palestinian people

have started looking at it as something that should be condemned and it should stop."¹ Whether Abbas wore blinders, or simply rose colored glasses, his conclusion was far from the truth. Further, his comments were couched in a discourse addressing Israeli-Palestinian violence—specifically suicide bombings. The culture of violence, however, was becoming a more significant problem between Palestinians.

Rather than dealing with the culture of violence, the year 2005 demonstrated, on a fundamental human rights level, that such a culture remained. It is deeply embedded in Palestinian social interactions. A critical examination reveals that some instances of violence are not as an inexplicable phenomenon, but rather as a tool or method for making statements and gaining control.

The latter half of 2005 witnessed multiple rounds of local elections, a massive attempt by the PA to crack down on militants, the delay of national elections, the Gaza Disengagement, and the political incorporation of Hamas. Bearing all these things in mind, a juxtaposition of political events with incidents of violence on the Palestinian street demonstrates that violence, or strategically coordinated restraint, were consistently employed as a means to political ends...

Elections and Election Delays

Uncertainty characterized the final weeks before the January 9, 2005 election of Palestinian President Mahmoud Abbas. Skeptics questioned Ariel Sharon's promises of disengagement from Gaza, along with Palestinian's propensity to rule post-disengagement. Abbas himself indicated doubts for implementing control in Gaza after the removal of settlements.² During his election campaign, Abbas promised militants protection and at the same time, progress in the peace process. Even before his election, however, it was clear that his Presidency would not be an easy one. Before the election, a member of the al Aqsa Martyrs Brigade foreshadowed Abbas' term as President perfectly: "It only matters what he does after he becomes president," said a man calling himself Qaffizi. "We'll give him a chance -- in a year that will be the test."³ This was not the auspicious beginning Abbas hoped to have; his relationship with militants would become as important as his relationship with the West. In fact, the two became mutually dependent.

As Abbas assumed office, with approximately 66% of Palestinian votes, both militias and the West had their lists' of demands.⁴ To America and Europe, the President's tasks were internal: consolidating security forces, disarming militias, and nurturing conditions that would enable a return to the Road Map for Peace. In the eyes of militias, the President's primary challenges remained the Israeli occupation, prisoner release, and the future of an independent Palestinian state. "We will vote for him, but at the same time we'll have our rifles next to us," one militant told the New York Times.⁵

Two days after the election, militants rallying at Bir Zeit University demanded renewed attacks against Israel. While not directly related to the election, the rally, as well as the agenda, reflected militant group's concerns and lack of trust in the new president. On the issue of laying down arms, Mahmoud Zahar, Hamas leader in Gaza, said, "The answer is simple; we will ask [Abbas] who will protect the Palestinians from Israel? If he has an answer, we will certainly join him in whatever he does." With the election passed and the spring approaching, Hamas passed responsibility, and subsequent culpability, to President Abbas and the PA.

On February 8th, Palestinian President Abbas traveled to Sharm el Sheik in Egypt. Hosted by Egyptian President Hosni Mubarrak, Abbas met with Israeli Prime Minister Ariel Sharon and US Secretary of State Condoleeza Rice. Abbas pledged a period of calm, but stayed away from the term "cease fire". Neither Israeli's nor the Palestinian Authority wanted to make promises they could not keep. Back home, militants were quick to remind the world that Abbas did not speak for them.

The international press heralded the Sharm el Sheik summit as a success, but the transfer from politics to policy was anything but immediate. The day after this agreement, Israel shot and killed a Palestinian near a West Bank checkpoint. Hamas retaliated by firing some 50 mortars and rockets at settlements in Gaza. Already under intense domestic and international scrutiny, the Palestinian president needed to act.

Seeking to boost his credibility early in his term, Abbas fired three security officials in Gaza after the rocket attacks.⁶ Further, he dispatched Saeb Erekat, chief Palestinian negotiator, to meet with militant leaders. By attempting some form of internal diplomacy, Abbas acted contrary to

recommendations from some PA security advisors. Instead, they suggested, only force could establish order and control in the Gaza Strip.⁷ Wisely fearing outbreaks of internal civil strife, Abbas instead opted for dialogue, hoping to co-opt militant groups into a ceasefire. The decision to use this approach earned what Hamas leader Hassan Yusuf called, a “temporary lull” in retaliations against Israel.⁸

Abbas’ Intervention

To curry militant’s support, Abbas demanded the release of Palestinian prisoners during negotiations at Sharm el Sheik. The agreement called for the release of 900, the first of which were freed on February 21st.⁹ For militants, this was a success; however Abbas retained credit. Only through Abbas would groups like Hamas and Islamic Jihad deal with Israel. Thus, despite being the primary agents of violence against Israel, they were not included at the summit in Egypt.

Despite their absence from the table, militant groups, throughout 2005, held the trump card of any negotiations between Abbas and Israel, or Abbas and the West. They knew their power came through violence against Israel. Islamic Jihad, in particular, often attempted to play the role of spoiler. Just a few days after the release of prisoners, Islamic Jihad claimed responsibility for a bombing in Tel Aviv. Likely, this attack was not planned and executed on just two days notice. However, it reasserted their presence, and reinforced the ability of militants to damage Abbas’ reputation.

In an interesting reaction to this suicide bombing, Israel specifically accused Islamic Jihad leadership based in Syria for plotting the attack.¹⁰ Whether based on intelligence or not, the allegations deflected responsibility and allowed Abbas to divert blame away from the Palestinian home front. During the Arafat era, this would have never occurred. Arafat, as the figurehead of Israel’s enemy, always received blame. In 2005, Israel recognized Abbas’ importance, if for no other reason than their fear of a rising Hamas.

In the eyes of militants, their ‘sacrifice through ceasefire’ was enabling Fateh and Abbas to make gains on the international stage. Militant spokespersons became increasingly more vocal, denouncing the occupation and challenging the PA to achieve more. This was especially true after

PA officials met on March 1st with international delegates to discuss aid packages, corruption, and reforms. At the conference, a plan was unveiled to restructure security forces, consolidating the eight or nine separate branches--previously managed by Arafat--into three distinct apparatuses.¹¹ This achievement satisfied a major demand of the Quartet and boosted the political capital of both Fateh and Abbas. It was heralded as a huge success in PA Reform. Militants, however, were gaining political clout. Knowing they retained ultimate control over any stay of arms, militant groups postured for the hard-line. After the donor conference, Islamic Jihad and Hamas quickly issued statements from Gaza that recanted any degree of support for a cease fire without complete Israeli withdrawal and the release of more prisoners. Despite the optimism surrounding the March developments, the ‘simplification’ of the security apparatus would only serve to complicate relations between police and their employer.

The spring of 2005 may have been the most difficult time for factions within the Palestinian political arena. Each group was catering to their strongest political bases, while subtly attempting to achieve greater status and influence. When the Jerusalem Post quoted a Palestinian official as saying that Hamas was ready to join the PLO, Hamas officials rebuked him for speaking beyond his authority.¹² In hind sight, however, Hamas was likely looking ahead to the Gaza disengagement, the PA, and national elections.

As Hamas balanced a subtle agenda with official positions, Fateh and the PA tried to manage relations with Israel and militants, while under the microscope of the West. Analysts at the time cited these complicated relations as evidence of the intense disconnect between Palestinian groups. However, in retrospect, particularly challenging statements must be viewed through the lens of public relations. Behind closed doors and out of the public eye, Hamas became more conciliatory toward the PA. Only official incorporation could provide them with a true forum for achieving gains. To get there, it became necessary to have a working relationship with the PA. In the latter half of March, Hamas, Islamic Jihad, and some ten other Palestinian factions brokered an agreement with Abbas to extend “the calm until the end of this year [2005] as a maximum period of time.”¹³ Individual groups—like Islamic Jihad--reserved their right to retaliate when they were individually targeted by Israel. As such, they attempted to balance their politics with reputations.

Negotiating a stay of arms by militants was a grand feather in the cap of Abbas. This progress earned Abbas praise from United States General William Ward, appointed to consult with Palestinians on security issues. Gen. Ward lauded efforts underway to consolidate both security services and responsibilities.¹⁴ However, this critical juncture, after the negotiated cease fire and the consolidation of security forces, is the point in 2005 where Abbas reached his political peak; with the US getting what they wanted from Abbas but militants dissatisfied, his status could only decline.

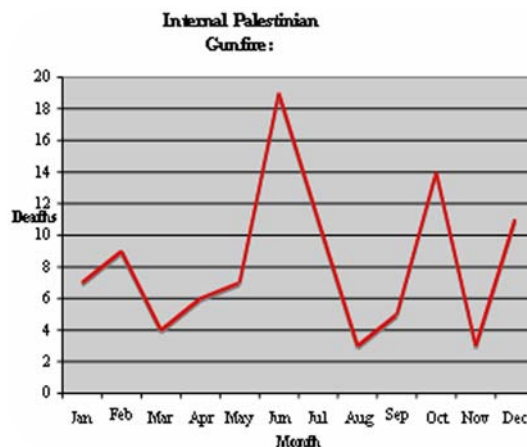
Power relations between militants and Abbas reflected two distinct operational arenas: those in the official political realm, and those of effective action in the streets. Militants, unable to infiltrate the PA directly, kept the President confined to the political sphere and international stage. For their part, they controlled the popular sentiments on the street, and more importantly manifestations of violence. This remained the only truly valuable political capital. With violence came the international media; each recurrence of violence brought new criticism of Abbas.

On June 4th, 2005 Abbas postponed “possibly for several months” the national legislative elections. Abbas told television stations the delay was “necessary to enable ourselves to finalize the legal measures and (to hold) consultations between factions”¹⁵ despite his explanation, the decision to postpone was widely viewed as a partisan tactic. At midyear, Fateh suffered from a bruised reputation and feared the results of an election, which, for the first time, would include Hamas candidates. As a party, Fateh failed to achieve any consensus over candidates--a problem that would plague them again in December. Generally, Abbas’ decision to postpone the elections reflected his belief that Fateh would fare better at a later date.

His decision to delay elections would be the political undoing for Fateh. This outcome may have been different, had Fateh managed their affairs differently. The subsequent six months, however, would cost many Palestinian their lives. While both Hamas and Islamic Jihad condemned the delay, neither indicated they would break the ceasefire with Israel.¹⁶ The next day, Palestinian gunmen in Nablus killed the Director General of the PA Ministry of Wakf, along with his brother. This incident was called a revenge killing for a previous murder, unrelated to politics or the elections delay. However, with already ten years

passed since the previous national election, and the future ballots delayed by a body widely held to be corrupt, public frustration mounted.

After the decision to postpone Palestinian elections, violence, rather than political discourse, characterized internal Palestinian disputes. Two thirds of Palestinian deaths occurred after the elections delay.



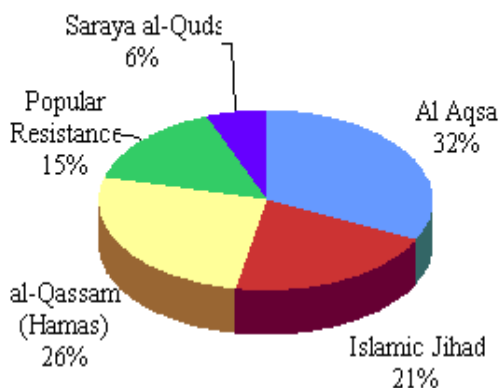
Particularly in Gaza, where Israeli closure limits full participation of Palestinian political leadership, legitimate and democratic channels for addressing popular frustration are virtually nonexistent. Thinly worn tempers, high unemployment, an uncertain political future, and a wide prevalence of weapons provided the framework for the initial instances of politics written by violence. The day after the elections delay, some 35 gunmen blocked the Rafah border crossing in Gaza, preventing a PA diplomat from crossing to Egypt. They cited frustrations over not being given positions in the security forces, a bargaining chip used by Abbas during his negotiations.¹⁷ Two weeks later, a shootout between Fateh gunmen erupted in Ramallah over a financial dispute, while in Gaza the PA Ministry of Social Welfare was ravaged by gunmen, again complaining the PA had not delivered on employment.¹⁸



The month of June also brought a resurgence of attacks by Israel against militants. Islamic Jihad, according to an IDF commander, had “completely taken [them] out of the agreement” after

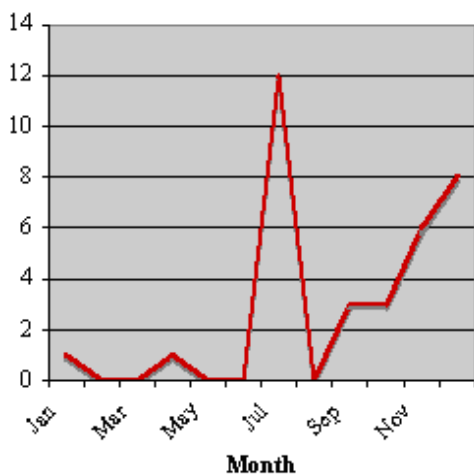
launching a series of rocket attacks. Further, he declared, "Anyone we know of who is affiliated with this organization is a legitimate target."¹⁹ This meant, of course, a target for assassination.

Assassination Targets



In 2002, Israel assassinated 76 Palestinians; in 2003, 37. Numbers climbed again in 2004, to 56, and in 2005, the number was the lowest in years, at 34. These numbers are deceiving, however. With targeted assassinations, many innocent bystanders are also killed. Indeed, from June to December, 45 Palestinians were killed during assassination attacks by Israel, while the official number for the whole year is less than this.

Israeli Assassinations of Palestinian 2005



Islamic Jihad attacks, though directed at Israel, can be considered a component of internal Palestinian politics as well. Largely, their militants had not been offered jobs in security forces; they held little future within the Palestinian Authority. Despite their condemnation of the elections delay, the militant group intended to boycott it again, not fielding candidates. Thus, as Hamas moved away from violence and Fateh continued to deal with the West, Islamic Jihad used attacks against Israel as a means to retain some sphere of influence.

Unlike Islamic Jihad, the Al Aqsa Martyrs Brigade kept their guns pointed at the PA. Twice in two weeks Ahmed Qureia fled the gunfire of his own party's militia. In Jericho, gunmen shot up his vacation house, and later in the Balata refugee camp near Nablus, gunmen disrupted talks between the Prime Minister and local leaders. Ten Fateh gunmen also raided the Jenin Police station, killing one man and exchanging fire with some 100 police. For this incident, however, ten arrests were made. President Abbas cited these arrests as an example of his 'crackdown' on lawlessness, which he promised to carry out "in a wise and firm manner."

But inconsistent arrests and decapitated rule of law do not constitute a crackdown. Nor did giving security jobs to some 700 militants--most of whom came from the al Aqsa Martyrs Brigade--constitute a democratic reformation.²⁰ The New York Times quoted President Abbas, "Now that we have consolidated democracy we must ensure a free and dignified life for all citizens."²¹ This rhetoric circulated through the media, allowing leadership to mask the fundamental issue of internal political chaos. At the time, everyone focused on elections and security for Israel. No one asked why, for example, the ruling party was under fire from their own militia on a regular basis, or why Israel was assassinating members of a group not killing Israelis.

Additionally, no one followed the 'incorporation' of militants which earned Abbas so much credit on the global stage. The conditions of militant incorporation required gunmen to turn in their personal weapons. However, one police commander, skeptical of the plan, described the pronounced lack of weapons among Palestinian police. In a conflicted society, what incentive do Palestinian fighters have to join such a force? Militants routinely expressed concern for their own protection and doubts over the ability of the PA to fill the gap. Zakaria Zbeida, who sleeps by day and keeps vigil at night, wondered "whether the Israelis will come and take me away in the middle of the night."²² Within his area of Jenin, some 200 militants have pledged to join security forces, but no real incorporation measures have been taken.

With the PA lacking the funds, materials, and political capacity to truly solve the problem of militants, the Fateh Central Committee attempted to exert their influence over Hamas and Islamic Jihad. Instead of gaining grassroots support by providing jobs, the central committee targeted

leadership, hoping organizational heads would provide direct control over membership. Because all this took place under the framework of the PLO, Fateh hoped to cement their control over PA institutions. Indeed, while the Fateh Central Committee announced the move under the auspices of national unity and political incorporation, it also reflected the unease felt by Fateh which prompted the elections delay.

Regardless of motivations, Hamas and Islamic Jihad rejected the invitation to join a unity government. If Fateh's intent was to portray militant groups as obstructionist, it failed. Instead, Hamas capitalized; their spokesmen framed the rejection of Fateh's offer as demonstration of Hamas' dedication to democracy and elections. Having been responsible for their postponement, Fateh emerged as the perceived obstacle to democracy. Meanwhile, Hamas continued to gain favor in the street.

Black July to Disengagement

The only thing more apparent than Fateh's fear of Hamas in power was the disenfranchisement the Al-Aqsa brigades with their Fateh leaders. Meanwhile, the status quo of the second Intifada continued: The West criticized Abbas, Islamic Jihad targeted Israel, and Israel assassinated Hamas men. With no new election date set, each of the diverse Palestinian agendas sought traction in the streets in any way they could.

The floodgates of violence opened in mid-July. Islamic Jihad claimed responsibility for the July suicide bombing in the town of Netanya. Not surprising, as Islamic Jihad claimed responsibility for all 12 suicide bombings against Israel in 2005. After Netanya, Israel executed what they called "targeted strikes" on militants. Eight Palestinians were assassinated; of those eight killed, seven of them were Hamas men. 23

Consistent with past precedent, violence against Israel, irrespective of the agent, put President Abbas under great international pressure to curb terrorism. In July, unlike February, however, Abbas did not send a negotiator to Gaza. Employing armored vehicles and significant firepower, PA police flooded Gaza. At the time, it had been reported that Hamas, Islamic Jihad, the Popular Resistance Committee, and the Al-Aqsa Martyrs' Brigade were all launching rockets over the Gaza wall or into Gaza settlements. However, the PA crackdown, by and large confronted only Hamas. Hamas forces on the ground perceived

this as a preemptive move to disarm them of a political future. They reacted decisively, storming PA police stations, barricading refugee camps and mounting military patrols in the north of Gaza.²⁴ About the time initial elections should have been held, gun battles between Hamas and the PA characterized the Gaza streets.

On July 14th, President Abbas declared a state of emergency and ordered security forces to "act against Hamas fighters" in Gaza. Infighting continued; Hamas destroyed an armored personnel carrier and burned a police station and PA office building. On July 20th, Hamas gunmen surrounded a group of PA police and shot one officer in the leg.

On that same evening, Fateh and Hamas leaders issued statements agreeing to end conflict between their groups.²⁵ But the gap between politics and the street had not been bridged. Just three days later, according to the Palestinian Human Rights Monitoring Group, Jamel Al Za'anin was shot and killed by Al-Aqsa gunmen in Beit Hanoun as he tried to stop activists from planting a roadside bomb.²⁶ By July's end, 11 Palestinians were killed by the gunfire of fellow Palestinians. It was called "the worst intra-Palestinian violence since the second intifada erupted" and compared to Black Sunday, in November of 1994, when PA police shot and killed 14 Palestinians during a Hamas demonstration.²⁷ Despite the elevated levels of intra-Palestinian violence, Israeli security forces killed 23 Palestinians in July; 12 of those deaths occurred during targeted assassinations.

In mid July, Saeb Erekat marked the time as a "point of no return." Instead of violence, he said, that those wishing to gain authority must do so through elections.²⁸ On August 12th, the new election date was announced: 25 January 2006. This delay set the elections after the disengagement, but also after the Fateh General Conference originally scheduled for August. The younger generation of Fateh hoped that, during this conference, a new set of younger leadership would be elected, setting the stage for success in the national elections and giving legitimacy to new candidates. The "old guard" responded by postponing the party congress until after parliamentary elections. The decision to delay the meeting, made by the Central committee and Revolutionary Council, was perceived as a means to insert old guard candidates on the election list.²⁹



With the election date set and disengagement approached, violence continued. In what would become common place near the end of the year, dozens of Fateh gunmen stormed PLC chambers in Gaza City, presenting the same list of demands--employment and money.³⁰ More significant violence would follow. On September 8th, masked gunmen killed Moussa Arafat, cousin of the late President Arafat, in Gaza. A former Gaza security chief, his assassination was attributed to the Popular Resistance Committee, a group of former Fateh and Hamas members. To the world, this assassination declared Palestinians unable to manage their affairs in Gaza; the international community demanded a crackdown on Hamas. The PA and Abbas said change would come during and after national elections.

Months of political maneuvering by Palestinian factions arrived at a landmark moment:



On September 11, the last Israeli troops crossed out of Gaza. Hamas posters read: "We are celebrating the victory of the bomb."³¹ For the next few weeks, the dichotomy between Fateh and Hamas would deepen--each tried to secure their own 'credit' for the disengagement. Hamas rallies and spokesmen touted the success of armed

resistance and protesting negotiations. Given popular sentiments in Gaza, Abbas and the PA were put on the defensive, constructing their own justifications for the departure.

Abbas sought to use the disengagement as a benchmark in the Palestinian timeline. From hereafter, the task would be to "create a model and civilized Gaza." He also vowed to restore order, addressing one of the most fundamental problems in the Palestinian Territories: an absolutely crippled rule of law. "We are not going to tolerate chaos after today," Abbas said. "After today, we are not going to hesitate to put an end to all the negative signs and violations of law and order. . . 'We have one law for everyone, and no one is above the law.'" ³²

Post -Disengagement

Palestinian life post disengagement changed little.

Checkpoints in and out of Gaza remained closed, Israeli missile attacks and fly-overs continued, and no new avenues for internal political reconciliation emerged. The disengagement and conclusion of further local elections served to refocus attention on national elections, and the political battles to be waged beforehand.

With a new line of street credit post-disengagement, Hamas set to work. Muhammad Ghazal, a Hamas leader in the West Bank, told the Irish Times, "Israel claims it is the only democratic state in the region, but it fights democracy in Palestine. If we win the Palestinian election, our top priority will be rebuilding economic, social and cultural life, rebuilding what Israel has destroyed. We are not thinking of destroying Israel."³³

Similar to previous military incursions in Gaza, Israel continued to enter the foray of Palestinian politics. The Israeli paper Ma'ariv reported sources saying the aim of the army offensive was "to crush Hamas and paralyze it politically as well". The article referenced Operation First Rain, executed in the weeks following the disengagement.³⁴ During one two-week period, Israel arrested more than seven hundred Palestinians, many of them affiliated with Hamas.

PA forces continued to clash with Hamas as well. In early October, PA security forces engaged Hamas fighters in a gun battle that killed 3 and injured 50. Fighting broke out when police tried to disarm Hamas men in their vehicle.³⁵ No rule of law had been implemented in Gaza since the disengagement. Fateh fighters were demanding jobs in PA security forces; militias had more

weapons than police, and Hamas continued their demands for the PA to hold national elections. As predicted, the PA was unable to establish cohesive control in the Gaza Strip. As such, predictions of civil war began to mount.

These concerns found forum in the PLC. In a video-linked meeting between Gaza and Ramallah, those legislators present voted 43 to 5 to demand that Abbas form a new government within two weeks; however this did not take the form of an official parliamentary no-confidence vote.³⁶ As this meeting was taking place, PA policemen stormed headquarters offices in Gaza complaining that Hamas had them outgunned and unable to act.

Gaza truly became a territory ruled by militia affiliation. When the home of a high government official took fire, he did not call the police or security services. Rather, he called on gunmen from his own clan to protect him.³⁷

With the date for the Palestinian National Election set, tensions among factions grew fierce. In the two months before Election Day, primaries and campaigns often became violent. However, instead of armed clashes between political parties, much of the violence occurred within party lines. On November 29th, opposing gangs of Fateh militiamen "fought street battles and stormed polling stations, firing into the air and stealing ballot boxes."³⁸ One Fateh affiliate reflected on the general situation, "What happened in the Gaza Strip is a real disaster for Fateh. It shows that we are living in a jungle full of gangs and militias."³⁹



Year End to Election

The Palestinian Political leadership has a long history of detachment with the population. Particularly since Oslo, the connection between representatives and the people themselves has been strained and distant. For Fateh, with its long history under the PLO, ten years since previous elections, and a new generation earning its

comeuppance, it is easy to see how conflict arose within their ranks. Mix Hamas into this instability, cage it in the walls of Gaza, and provide each clan with weapons, and the result is December, 2005.

The election's list remained a major point of contention. On December 14th, the Fateh party split, and a new list was created with the name, al-Mustaqbal (the future).⁴⁰ According to media sources, the split was triggered when Abbas, under pressure from the Fateh Central Committee, listed certain members of the 'old guard' too high on Fateh's candidate dossier.⁴¹ Later that evening, Central Election Commission offices across Gaza and the West Bank were shut down, raided by Fateh gunmen of the 'young guard'.⁴²

Within two weeks, the group had reconciled some of their concerns. The old and young guard agreed to amalgamate their lists in favor of battling the common political enemy--Hamas. At this time in late December, Hamas was expecting to gain some 40 seats in the 132-member council. However, not everyone in Al Aqsa approved of the compromised changes. Seeking to prevent the actual submission of the official list, gunmen forced election offices to close, exchanging fire with police trying to retake them. 30 gunmen occupied offices in task in Khan Younis; in Rafah, the appearance of gunmen alone was enough to compel election officials to walk off the job.⁴³

Taking their fight outside the Palestinian territories, Fateh affiliated militiamen breached the Egyptian-Gaza border, killed two Egyptian soldiers, and wounded more than 30 others. Palestinian Minister of Planning Ghassan Khatib, stated, "This is part of the struggle between those trying to impose the law and order and the others." Underlying all the violence are the elections. In his interview with the Jerusalem Post, Khatib said, "The increase of violations [of the] law are because some Palestinians are trying to create an atmosphere not suitable for holding elections so that we postpone them." Similar to other militia incidents over the past months, these Fateh-affiliated gunmen demanded the release of prisoners, government jobs in security services, or complained over elections.⁴⁴

A December of Kidnapping

More than any other events, the kidnapping of internationals characterized December in Gaza. British, Italian, Dutch, and Australian nationals were kidnapped for various durations of time. Under intense scrutiny, the PA acted to demonstrate some semblance of rule of law. PA police arrested suspects, only to have militias

demand their release, as was the case with Alaa al Hams. Arrested in connection with the British kidnapping, 20 gunmen from the Al Aqsa Martyrs Brigade stormed the Interior Ministry in Rafah demanding his release.⁴⁵ The final instance of kidnapping came when armed men attempted to kidnap the parents of Rachel Corrie, a US activist killed by an Israeli bulldozer in 2003. A witness speaking to the Associated Press indicated the gunmen in that incident appeared to be affiliated with Fateh.⁴⁶

Ha'aretz journalist Amira Haas lambasted the PA for their seeming acquiescence to the kidnappings. Citing lax efforts in arrest and prosecution, she wrote, "The armed men and the kidnappers are almost always connected to Fateh or 'security apparatus.' And the PA is not prosecuting the kidnappers and rioters, even though it knows precisely who they are."⁴⁷

Just as election offices or PA ministries had been held hostage in the past, militants demanded the same ransom of international hostages: jobs, promotions, positions in government, or the release of prisoners. Dr. John Strawson of Bir Zeit University in the West Bank, said: "Unlike in Iraq, the kidnappings are not so much aimed at the foreigners themselves as at embarrassing Mahmoud Abbas and trying to show he has no control over the Gaza Strip."⁴⁸



http://www.aljazeera.info/Cartoons/2005_cartoon_originals/January/eh10j5.jpg

The intense disconnect between the Palestinian Authority and the Gaza street contributed to the emergence of what Graham Usher called, "a gangland in which rival factions within the PA bureaucracy and Fateh have fought for the spoils left by Israel's withdrawal."⁴⁹ The tribal and clan oriented nature of Gaza, coupled with the Israeli disengagement and the complete absence of rule of law produced an environment where self preservation and distrust became paramount. In order to achieve this end, a mentality of might, supported by loyalties, dictated action.

This mentality of conflict resolution was not confined to political problems. The simplest of arguments have escalated to gun violence in Gaza. One feud, between the al Masri and al Kafarneh families has left eight dead. "The families began to believe Palestinian society could not protect itself, so they decided to protect themselves."⁵⁰ Reprisals like those of the al Masri and al Kafarneh families are the social result of the perceived need for self-protection in a community with violence ingrained by years of military occupation.

Led by various clans, conditions dependent on protection and violent reprisal-by-loyalty are also precursors for outright civil war. This term resurfaced shortly after the New Year, just weeks before the election, as previously expressed fears of civil war grew. The number of weapons on the street was estimated to be at least triple the number possessed by the Palestinian police.⁵¹ Death continued to plague Gaza. 37% of all gunfire fatalities occurred after the September pullout. In a foreboding public statement, Saeb Erekat told the media, "It's impossible to say who has guns in Gaza anymore."⁵²

One way to know who possessed weapons was to watch who fired on the homes of PA officials. In two separate incidents, gunmen fired shots at the homes of Prime Minister Ahmed Qureia and Interior Minister Nasser Yousef. Only the gunmen themselves were injured when bodyguards returned fire.⁵³

A major indicator of the prevalence of weapons came just days before the election. In a mutual agreement, Fateh, Hamas, and all other political parties pledged not to carry weapons on Election Day.⁵⁴ Celebrated as a significant step toward securing free and fair elections, the mere necessity of this discourse--by international human rights standards--is a disaster. Fortunately, according to the host of international observers, nearly all groups across the West Bank and Gaza adhered to this condition on Election Day.

The Hamas Factor

Prior to the elections, each day produced new predictions about Hamas' potential success. According to the Bir Zeit poll, Hamas would win an overwhelming majority in the three largest districts, Gaza City, Hebron and Nablus, where 23

of the 132 parliament seats are up for grabs.⁵⁵ Overall estimations awarded Hamas some 40 seats in the new government.

Political List	Seats
Change and Reform	74
Fateh	45
PFLP	3
Alternative	2
Independent Palestine	2
Third Way	2
Independent Candidates	4
Total	132

While we now know the election results reflected a much different image, the analysis prior to the election remained correct: Palestinians were fed up with Fateh and Hamas presented an alternative. The scope of this sentiment was reflected in Hamas' success on Election Day. The official results, reported by the Central Election Commission, gave Hamas 74 seats, more than doubling some pre-election polls.

Interviews conducted after the elections indicated that Hamas themselves did not expect such a sweeping victory. A Hamas majority in the PLC was virtually never discussed. Sheikh Ahmad Hajj Ali, member of Hamas' Shura Council, made one of the few pre-election comments about a Hamas majority. Quoted in the Middle East Report, he described Hamas' strategy:

Our aim is governance and one can only govern through the institutions of government. If we are the minority in Parliament, we will monitor the ministers on the basis of their performance, not on the basis of their political affiliation. If we are a majority, we will not monopolize power like Fateh. We will share power in a national coalition, a government that represents all the Palestinian people. ⁵⁶

As the new government continues to battle for standing, these remain important statements for their future accountability.

From the moment Hamas decided to espouse the political realm as a legitimate sphere of influence, their agenda implicitly shifted. Essentially, Hamas' concerns throughout 2005 were driven by a desire for internal advancement. To effectively

achieve this, the PA had to be penetrated. For all the terror accusations Israel and the international community heaped upon Hamas, the Shin Bet, Israel's premier intelligence agency, found Hamas directly responsible for only a single Israeli death in 2005. This statistic is not an achievement of Erekat, Abbas, or even Israel. Hamas has never been an organization coerced by another party, and the Shin Bet report even mitigated the success of the Separation Wall in curbing terrorism. The fact of the matter is more Israeli's didn't die because Hamas didn't kill them. As Sheikh Ahmad Hajj Ali indicated, "In all cases our priority now is to address the internal Palestinian situation rather than the confrontation with Israel." ⁵⁷ With complete control over the new Cabinet, elections have given Hamas the opportunity to set this agenda.

Hamas vs. Abbas

Just as political conflict characterized 2005, the year 2006 has been met with great confidence for marked changes. The Hamas-Fateh relationship in the new Palestinian Authority has evolved from tenuous at its best, to outright violent. With Hamas in power, the PA's rapport with the West has fallen off the brink. Bearing these circumstances in mind, the Human Rights conditions in Palestine are not likely to improve. Indeed, the status quo has evolved into one that the UN Office for the Coordination of Humanitarian Affairs, warns may deteriorate into "extremely bleak situation."⁵⁸ As the world holds financial assistance ransom for rhetoric from Hamas, the bulk of Palestinians—especially those without salaries, food or medical care—remain disconnected from their government.



Hamas was elected on a platform of Change and Reform, riding the waves of frustration with

Fateh. For better or for worse, the Palestinian system will not likely permit such change and reform. In the mean time, the political dichotomy is precluding a functional government. With a prime minister and president of opposing parties, the executive stalemate that has ensued does not promise great rewards for Palestinians. Within the cabinet, a Hamas minister will lead each of the ministries; however the overwhelming majority of employees and deputies in those ministries are members of Fateh. Having already witnessed failed attempts to form a unity government, these conflicting ideologies will not opportune a radical shift in PA policy. There are two important conclusions to be drawn from this: first, the Islamist agenda feared by the West will not likely take root; and second, the myriad problems which plagued Palestine in 2005 are not likely to improve. The overarching financial crisis exasperates all these problems.

Under Arafat and the Oslo era, the PA executive witnessed deadlock of another kind. The centralized authority of Arafat prevented localities from exercising local control over their programs, budgets, or decision-making process. Though corrupt, the government continued to function, and Abbas proved adept at generating (if not distributing) substantial international assistance. After Abbas' first year as President, however, Palestinians witnessed nearly everhting change. Abbas has proved unable to control militants, win concessions from Israelis, or even maintain cohesion within Fateh. What most felt would be his greatest achievement—dealing with security forces—served only to create new problems throughout the year. Rather than enhancing security and providing jobs, militants either roamed the streets idly as police, or as gangs disenfranchised for not making the payrolls. Employment and salaries became both a demand of gunmen and a rallying cry in the streets. While impossible to gauge improvement over the regimented police state of Arafat, this alternative strategy of Abbas' promulgated the culture of violence, rather than disparaging it. Meanwhile money, the grease that ran Arafat's political machine, is patently unavailable.

The PA and the Future

Democratization, elections, political pluralism, and disengagement all received significant attention in the year 2005. Undoubtedly beneficial, these respective discourses have, unfortunately, all been framed in a national or centralized manner. As such, they have failed to achieve great strides on a practical level. The disconnect which

contributed to intra-Palestinian violence will continue to exist unless the approach to this conflict becomes more decentralized. The present conflict between Fateh and Hamas clearly illustrates the extent that national politicking affects the daily lives of Palestinians. Though many seek affiliation in political parties or militias, the average civilian in Palestine is, in fact, alienated. The international community is holding their livelihood for ransom, as is the new Hamas government. Meanwhile, Israel continues to not only ignore their obligations as an occupying power under the Fourth Geneva Convention, but also exacerbates the hardships caused by the internal Palestinian conflict.

Palestinian national political discourse must shift. Nationalism and Intifada have proven ineffective strategies for enhancing the daily lives of Palestinians. Whether listening to complaints from residents of East Jerusalem, militants in Gaza, or the families in the Refugee Camps of Jenin, their demands mirror one another. All are interested in employment opportunities, a guarantee of health care, and freedom from occupation. The easiest way to address these issues is to shift from the nationalist dialogue, a hold over from the Arafat era, to one couched in the context of human rights, basic needs, and economic development.



http://perso.wanadoo.fr/tableauxpastels/caricatures-mariali/caricatures_sharon_palestine/20060416PalestineCannibalesUSEuropeIsrael

National politics will always find an exchange on the Palestinian street, in cafes, and at prayer. Like never before, however, the year 2005 was met with exchanges of gunfire. This solution—one assumed by a people who feel no alternative solution—has been manifest because the basic requirements for peaceful and constructive national debate—general security, a functioning rule of law, separation of powers, and a judiciary—were not present. As they are still absent, the fundamental approach to important issues must change. The Palestinian Authority and the people themselves must take their own respective initiatives. For their part, the

government must recognize the needs of their own people; the Palestinian gun has not turned inward for no reason. The domestic political, economic and judicial systems need attention. Conflict resolution on a local level may achieve greater security than national police structures. Twenty-eight of the shootings among Palestinians were “family feuds”. Instead offering mercenary protection, prominent families should be using their status as peaceful mediators and brokers. Only alternative strategies like this can usher in President Abbas’ ‘model and civilized Gaza’. What’s more, Palestinians must seek these positive channels themselves, even if the government or the international community is not readily providing them. The first step in doing so is to provide for the basic needs of Palestinians. Beyond that, the internal dialogue must refocus attention on fundamental human rights. Only then can the national debate continue in a peaceful and constructive manner.

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