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**POLICE, STATE & SOCIETY**

**THE PALESTINIAN POLICE & SECURITY FORCES  
AND THE MAINTENANCE OF PUBLIC ORDER**

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submitted for the Degree of Doctor of Philosophy

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**مركز دراسات الشرق الأوسط والدراسات الإسلامية**

**June 2000**



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## **LIST OF ABBREVIATIONS**

AHC	Arab Higher Committee for Palestine
AHLC	Ad Hoc Liaison Committee
ALF	Arab Liberation Front
ANM	Arab Nationalists' Movement
CAC	Joint Civil Affairs Co-ordination and Co-operation Committee
CIA	Central Intelligence Agency
CID	Criminal Investigation Department
COPP	Co-ordinating Committee for International Assistance to the Palestinian Police Force
CPRS	Centre for Palestine Research and Studies
CRS	Compagnies Republicaines de Sécurité
DCO	District Co-ordination Office
DED	Drug Enforcement Department
DFID	U.K. Department for International Development
DFLP	Democratic Front for the Liberation of Palestine
DOP	Declaration of Principles on Interim Self-Government Arrangements
ESR	Emergency Services and Rescue
FBI	Federal Bureau of Investigation
GIS	General Intelligence Service (Palestinian)
GSS	General Security Service (Israeli)
Hamas	Islamic Resistance Movement
IDF	Israeli Defence Forces
JCC	Joint Co-ordination Centre
JMCC	Jerusalem Media and Communications Centre
JMU	Joint Mobile Unit
JP	Joint Patrol
JSC	Joint Security Co-ordination and Co-operation Committee

LACC	Local Aid Co-ordination Committee
LAPD	Los Angeles Police Department
LAW	Palestinian Society for the Protection of Human Rights and the Environment
MOJ	Ministry of Justice
MOPIC	Ministry of Planning and International Co-operation
MP	Military Police
NGC	National Guidance Committee
NGO	Non-Governmental Organisation
NIS	New Israeli Shekel
NRC	National Reconciliation Committee
OT	Occupied Territories
PA	Palestinian Authority
PCHR	Palestinian Centre for Human Rights
PCP	Palestinian Communist Party
PFLP	Popular Front for the Liberation of Palestine
PFLP-GC	Popular Front for the Liberation of Palestine - General Command
PHRMG	Palestinian Human Rights Monitoring Group
PICCR	Palestinian Independent Commission for Citizens' Rights
PLA	Palestinian Liberation Army
PLC	Palestinian Legislative Council
PLF	Popular Liberation Forces
PLO	Palestinian Liberation Organisation
PNA	Palestinian National Authority
PNC	Palestinian National Council
PNF	Palestinian National Fund
PNF	Palestinian National Front
PPF	Palestinian Police Force

PPP	Palestinian People’s Party (Communist Party)
PPSF	Palestinian Popular Struggle Front
PSF	Palestinian Police and Security Forces
PSS	Preventive Security Service
RRT	Rapid Response Team
RSC	Regional Security Committee
RUC	Royal Ulster Constabulary
SWAT	Special Weapon and Tactic Unit
SWG	Sector Working Group
TIPH	Temporary International Presence in Hebron
UNC	United National Command
UNGA	United Nations General Assembly
UNHC/CHR	United Nations High Commissioner/Centre for Human Rights
UNRWA	United Nations Relief and Works Agency
UNSC	United Nations Security Council
UNSCO	United Nations Special Co-ordinator in the Occupied Territories

## TRANSLITERATION OF ARABIC TERMS

The following English transliteration system, taken from the International Journal of Middle East Studies (IJMES) has been used for Arabic terms. Names have not been transliterated, commonly accepted spellings have been used instead.

### ENGLISH TRANSLITERATION SYSTEM

ع	'	ز	z	ق	q
ب	b	س	s	ك	k
ت	t	ش	sh	ل	l
ث	th	ص	ṣ	م	m
ج	j	ض	ḍ	ن	n
ح	ḥ	ط	ṭ	ه	h
خ	kh	ظ	ẓ	و	w
د	d	ع	'	ى	y
ذ	dh	غ	gh	ة	-a <sup>1</sup>
ر	r	ف	f	ال	<sup>2</sup>

#### Notes:

- 1: -at construct state
- 2: article al- and 'l-

### VOWELS

Long	ا or ي	ā
	و	ū
	ي	ī
Doubled	ي	iyy (final form ī)
	و	uww (final form ū)
Diphthongs	او	au or aw
	اي	ai or ay
Short	ا	∩a
	و	∩u
	ي	∩i

## GLOSSARY OF ARABIC WORDS

- al-'Amn al-Khāṣṣ:** Special Security
- al-'Amn al-Ri'āsa:** Presidential Security
- al-'Amn al-Waṭanī:** National Security
- al-'Amn al-Wiqā'i:** Preventive Security
- 'Asāfir:** System to entrap a prisoner into revealing information/a spy or collaborator ("bird")
- al-Ba'th:** Arab nationalist party
- al-Baḥriyya:** the Navy
- Bayān:** Intifada leaflet
- al-Difā' al-Madanī:** Civil Defence
- Fidā'iyyīn:** Palestinian guerrillas ("the men who sacrifice themselves")
- Hamūla:** Clan
- Harakat al-Qawmiyyīn al-'Arab:** Arab Nationalists' Movement (ANM)
- Jihāz 'Amn al-Jamā'a:** Special University Security
- Lijān al-Ṣulḥ/al-'Iṣlah:** Reconciliation Committee/Normative Committee
- Maḥkamat al-Ṣulḥ:** Ordinary (non-religious) court
- al-Majmū'āt/al-Quwwāt al-Ḍārība:** Shock Squads/Strike Teams
- al-Mukhābarāt:** Intelligence
- Mukhtār:** Civic leader
- al-Shari'a:** Islamic law
- al-Shurṭa:** Police
- Tawjihī:** Final school examination

## ABSTRACT

Public order policing strategies, which are political in nature, reflect the larger police-state-society relationship because they are chosen by the state and implemented by the police upon society. In the Palestinian case, this relationship – with consideration of its variables and anomalies – will provide a good indicator of the nature of the emerging Palestinian entity.

This thesis attempts to answer the question: What do the public order maintenance strategies used by the Palestinian Police and Security Forces (PSF) say about the police-state-society relationship, and ultimately about the nature of an emerging Palestinian entity. It achieves this in four parts. First, a theoretical framework for examining the police-state-society relationship through public order policing is established. Second, variables in the maintenance of public order are examined through the background and profile of the PSF. The third part explores public order in the Self-Rule Areas through the police-state and police-society relationships. Finally, the thesis discusses the police-state-society relationship and what that relationship indicates about the nature of the emerging Palestinian entity.

It concludes that PSF strategies are divided between harsh physical suppression and conciliatory accommodation in an effort to balance the legitimacy and control capacity of the PNA. This absence of synthesis and normalisation does not bode well for the development of Palestinian democracy. However, with consideration of several variables, it is probable that although the government may remain inherently authoritarian for some time, the potential for a gradual move towards democratic principles exists.

## INTRODUCTION

Public order policing strategies reflect the larger police-state-society relationship because they are chosen by the state and carried out by the police upon society. In the Palestinian case, this relationship – with consideration of its variables and anomalies – will provide a good indicator of the nature of the emerging Palestinian entity.

Much of the theoretical methodology of this thesis is based on a comparative study of public order maintenance in *The Police, Public Order and the State* by John D. Brewer, Adrian Guelke, Ian Hume, Edward Moxon-Browne and Rick Wilford. The typology of public order maintenance strategies and the potential variables affecting the selection of these strategies used in the analysis of the Palestinian Police and Security Forces (PSF) have been taken from this source. Although other, more widely known models of public order policing exist, Brewer et al. was chosen for several reasons. The majority of other monographs the author encountered were focused exclusively on Anglo-American or Western European experiences, whereas Brewer et al. incorporated a more international perspective (e.g. Israel, China, and South Africa). Furthermore, the author felt that the Brewer et al. framework enabled a greater discussion of the role of the police in the process of state-building. This is facilitated by Brewer et al. defining public disorder as primarily political, without reference to more common definitions which include non-political duties such as crowd management and traffic control. However, the author recognises that the Brewer et al. model is not infallible, and has therefore attempted to include a wide range of other policing literature in her analysis. The thesis also incorporates other theoretical and comparative literature on public order maintenance and the political role of the police, which facilitates a discussion of the politicisation, centralisation and militarisation of the PSF.

The period of time covered by this thesis has been purposely limited. The bulk of the analysis focuses on the period beginning with the signing of the Declaration of Principles in September 1993 and concluding in May 1999. This duration covers the agreement to establish Palestinian autonomy with a ‘strong police force’ until the date set as the conclusion of the negotiating process begun in Oslo. Although the negotiation deadline was eventually extended, the aforementioned timeframe can be effectively considered the interim period of the Palestinian-Israeli peace process.

The scope of the thesis was also restricted to include research and analysis only on branches of the PSF involved in public order maintenance. Therefore, the Emergency Services and

Rescue Branch (Civil Defence) and various municipal bodies responsible for parking and traffic enforcement have been excluded.

The practical methodology was constrained by minimal documentation and secondary resources pertaining to the PSF. Most information was obtained from newspaper and periodical articles. Further information, verification of facts, and details were gathered through discussions, lectures, and electronic correspondence with experts on various subjects of the Middle East. However, much of the thesis is based on information gathered during the author's experience in Israel, the West Bank, and Gaza. Prior to commencing work on the thesis, the author resided in the West Bank from 1994-1996, which enabled her to witness first-hand the Israeli redeployment and the introduction of the PSF. During research for the thesis the author returned to the West Bank and Gaza for six months of intensive field work in 1997. Interviews, structured and informal discussions, and focus groups were conducted with persons involved in various aspects of the PSF, and primary and secondary documents were collected. This period also allowed the author to observe the PSF at work and to compare it with her previous experiences. The information obtained during the field work was crucial to the thesis.

A number of challenges were faced during the research and writing of this thesis. Limited resources allowed only one field work trip to the region, although a second trip would have enabled the author to follow up several interviews and to observe any changes which may have occurred after the signing of the Wye Memorandum in October 1998. However, the author compensated for this by maintaining contact with several sources via electronic mail.

A greater problem was the sensitivity of the topic being researched. Many Palestinians were unwilling to discuss such a sensitive subject with a stranger. Governmental censorship and indiscriminate arrests of those opposing the Palestinian National Authority (PNA) further discouraged discussions with the public, except under conditions of strict anonymity. Particularly resistant to being interviewed were those who had been detained by the PSF and members of Hamas and the Islamic Jihad.

Additionally, the PSF were very secretive, even with the most basic information, instead repeating inaccurate rhetoric. Nor could those outside the PSF provide more detailed information because so little information has been made available. As a result, there is very little verifiable data available on the PSF. The author attempted to compensate for this problem by conducting informal discussions with members of the PSF and verifying facts through a number of reliable sources.

Finally, the author faced difficulties inherent in the subjective elements of field research and studying the 'other', the greatest of which were linguistic limitations. Although the author was sufficiently competent to conduct some interviews and discussions in Arabic, technical research was frequently reliant on translation. Furthermore, the author has no knowledge of Hebrew, and therefore relied on English translations of all Israeli resources.

This examination of Palestinian public order maintenance is divided into seven chapters. Chapter 1 provides a theoretical framework for examining the police-state-society relationship through public order policing. Through a survey of existing theoretical literature the chapter establishes that the police act as an intermediary between state and society, and that public order policing demonstrates the political role the police play in the state-society relationship. It argues that public order maintenance is a political activity and the order maintenance strategies a state chooses mirror the police-state-society relationship. The aspects of the nature of a state can be anticipated by an examination of this relationship.

The thesis provides a background and profile of the PSF, and a discussion of the variables in the maintenance of public order in the Palestinian Territories. Chapter 2 explores the origins of Palestinian public order maintenance. The historical experience of order maintenance in the Occupied Territories is unique in that the occupying forces held the control but not legitimacy, while the PLO had legitimacy but no real control capacity. When the variables of Brewer et al. are applied to the origins of Palestinian public order maintenance, it further serves to illustrate the division between legitimacy and control capacity in the Occupied Territories from 1948-1994.

The Oslo Agreements and the formal establishment of the PSF are the topic of Chapter 3. It argues that the agreements not only created the PSF (and their limitations) but also inextricably linked Palestinian public order maintenance to Israel and the international community. The Oslo agreements create further variables affecting the selection of Palestinian order maintenance strategies.

Chapter 4 profiles the structure and organisation of the PSF. A discussion of the structure, organisation, training and funding of the PSF are critical to an examination of public order policing. Furthermore, the centralisation, politicisation and militarisation of the PSF have a profound effect on the police-state-society relationship.

The thesis then goes on to examine public order policing in the Palestinian Territories through the PSF relationships with the state and society. Chapter 5 addresses the police-

state relationship; not only the relations between the PSF and the PNA, but also between the PSF and Israel. The role the PSF serve in the PNA, and their working relationship with Israel, influence the public order maintenance strategies chosen by the PNA. The PSF are part of the criminal justice system in the Palestinian Territories, but the Palestinian judiciary is weak and often bypassed or ignored. The PSF bolsters the regime through censorship, mass arrests of the opposition, and through controlled confrontations with Israel. Furthermore, the PSF relationship with Israel is highly political. The Israeli government and military establishment also contribute to the choice of Palestinian order maintenance strategies, or carry out activities on their own.

Chapter 6 examines the police-society relationship between the PSF and Palestinian society. It discusses how the Palestinian police-society relationship does not exist independent of the PNA. Order maintenance strategies are used by the PNA to demonstrate its control and legitimacy, but there is no synthesis of the two. Instead, there is a pendular effect, swinging from suppression to accommodation and back again.

The conclusion of the thesis is detailed in Chapter 7. This chapter attempts to explain, through the variables and anomalies of the Palestinian case, why particular order maintenance strategies are used. It is evident that there is a problem with the police-state-society relationship, in that there is a significant divide between legitimacy and control capacity, two concepts introduced in Chapter 1. This is evident in that the PSF cannot maintain their legitimacy with the public when controlling disorder, and in fact are viewed at their most legitimate when they cease attempts at quelling disorder – and in some cases contribute to it. This has hindered the normalisation of the police-state-society relationship because neither the state nor the Palestinian society are allowing the PSF to fully carry out their public order maintenance responsibilities. At the conclusion of the peace process, one of two trends is possible. Legitimacy and control capacity are synthesised, normalisation begins, and the PNA begins to move towards developing a democracy. Alternatively, there is no synthesis, normalisation fails as the PNA continues to swing between strategies of suppression and accommodation, and the PNA keeps on a course of authoritarianism.

This thesis has attempted to answer the question: What do the public order maintenance strategies used by the PSF say about the police-state-society relationship, and ultimately about the nature of an emerging Palestinian entity? It concludes that PSF strategies are divided between harsh physical suppression and conciliatory accommodation in an effort to balance the legitimacy and control capacity of the PNA. This absence of balance and normalisation does not bode well for the development of Palestinian democracy. However, with consideration of several variables, it is possible that although the government may

remain inherently authoritarian for some time, a gradual move towards democratic principles is possible.

## **CHAPTER 1:**

### **POLICE, STATE & SOCIETY - THE MAINTENANCE OF PUBLIC ORDER**

#### **1.1 INTRODUCTION**

Policing, and more specifically the provision of law and order, has generally been considered a basic function of the state. Indeed, even in societies that have not reached statehood, some form of policing exists to encourage conformity to societal rules and norms. However, despite its international existence, policing has developed differently throughout the world. In some states, the police act as little more than a repressive tool of the government, while in others they are impartial executors of democratically established laws and regulations. The forms of policing vary widely from state to state, but also have striking similarities.

This chapter surveys existing police literature to determine how the police have been studied. Throughout the review of policing literature, one issue is constant: the primacy of the police-state-society relationship. The chapter examines the highly political police relationship with the state and society and establishes norms in these relationships. It uses the example of public order maintenance to demonstrate the interactions within these relationships. By exploring public order maintenance within the Palestinian police and security forces, this thesis aims to uncover the relations between the Palestinian Police and Security Forces (PSF), the Palestinian National Authority (PNA) and Palestinian society.

#### **1.2 THE STUDY OF THE POLICE**

In *Politics as a Vocation*, Max Weber emphasised three aspects of the modern state: its territoriality; its monopoly of the means of physical violence; and its legitimacy. Weber argued that without social institutions claiming a monopoly of the legitimate use of force within a given territory, anarchy would ensue. According to Weber, a fundamental activity of the state is the attempt to legitimate the structure of domination.

Several political theorists, most notably Michel Foucault, have built upon this idea of power and legitimacy. Foucault broadened the scope of discussion from a focus on what the state does to the question of how the state acts, how it projects certain forms of organisation on the citizenry's daily lives.<sup>1</sup>

With this in mind, it is apparent that policing is a highly political function that interacts with both the state and society. Although policing as an activity has existed in most societies for

some time, the establishment of a separate force designed entirely for enforcing law and order is usually attributed to the creation of the Metropolitan Police Force in London in 1829.

The very nature of the existence of a police force raises many political issues. Probably the best known is from the Latin question *Quis custodiet ipsos custodes?* ('who guards the guardians' – or more commonly changed to 'who polices the police').

The theoretical study of policing is a relatively new phenomenon. Much of the existing research takes a singularly national approach, focusing on policing in a particular country. This is because policing is a variable activity, differing according to socio-economic, political and cultural circumstances. Furthermore, the bulk of research available in the United Kingdom focuses on Western liberal democracies; South Africa, Japan and China are exceptions – as a significant amount of research also exists on these countries.<sup>2</sup> However, very little literature exists on policing in the developing world and much of what does exist focuses on human rights.

The functional activities of policing can span a wide range of duties. However, policing literature can be divided into three broad categories: law enforcement, public order, and public service. The police are called upon to function in all of these areas, albeit some more frequently than others. Academic debate has defined these functions, questioned the time spent on each activity, examined the public and police perceptions of the role of the police, and tested the validity of some policing activities. The discourse on each of these activities demonstrates the variable roles of the state and society in policing and raises different issues regarding their interaction.

### **1.2.1 LAW ENFORCEMENT**

The most obvious activity of the police is law enforcement. Primarily literature has focused on defining law enforcement and the various methods used. The police ensure that individuals are living and operating within the boundaries of the law, and they are able to coerce the people outside those boundaries into obedience. Peter Manning discusses this police function in his book *Police Work: The Social Organisation of Policing*. He states, "The police are expected to deter crime, to deter immorality, to deter even thoughts, or conspiracies to commit crimes".<sup>3</sup> Manning estimates that in Anglo-American societies police spend about 27 per cent of their time on crime-related functions such as crime

detection, investigation, and prevention, arrest and warrant serving, and the circulation, analysis and publication of crime-related information.

According to Manning, police fight crime using several different approaches: proactive policing, where the police mobilise themselves through information they have gathered; preventive policing, consisting of police foot and car patrols; and reactive policing, where the police respond to a citizen complaint. In Anglo-American societies police work is often reactive.<sup>4</sup> As a result, the police have little control over the settings in which they work. Also, because the police are dependent on the citizenry for information and co-operation, much crime goes undetected. In other societies where proactive policing is a more common approach, the police dependency on the population is reduced. However, Manning argues that proactive policing increases the power and influence of informants and agents provocateurs, and also increases the power of the police and the importance of police culture in defining crime.<sup>5</sup>

Manning also distinguishes the Anglo-American tradition of ‘low’ policing from the tradition of ‘high’ policing. In Anglo-American societies:

The police are not officially delegated the responsibility of evaluating and gathering data on the moral/political status of the character of the entire civilian population under their jurisdiction. They are expected to concern themselves with those matters considered to be violations of the criminal law (and juvenile statutes), not with issues of ‘national security’ broadly defined.<sup>6</sup>

In ‘high’ policing tradition, however, the police mandate involves both law enforcement and surveillance of the civilian population. The centrality of police authority thus broadens the definitions of crime and police activity “to include ‘political crime’ or disaffection from the legitimacy of the political order itself”.<sup>7</sup> Regardless of ‘high’ or ‘low’ tradition, the police role in law enforcement is their linkage between relations and actions of the citizenry and the criminal justice system.

Similarly, Bill Tupman and Alison Tupman divide Western European policing into three categories: Napoleonic (division of policing between paramilitary and civilian organisations with responsibility ultimately at the government level); National (all police officers are responsible to a single political authority); and Decentralised (decision-making and

accountability lie in geographic areas). In each of these categories, the police interact differently with the state and the society.<sup>8</sup>

One important police power that is significantly affected by the character of policing in a particular state is discretion. Each police officer has discretion about whom he/she will and will not arrest, investigate or question. Full enforcement of the law in any state is impossible; law-breaking is so common that it is simply inconceivable to investigate every infringement and prosecute every offender. Thus, the police enforce laws selectively. Both as individuals and as a force the police have considerable choice about how to organise and which crimes and criminals to prosecute.

Some research has examined why the police have discretionary powers. Police use discretion because precisely worded laws require interpretation in actual situations. Robert Reiner explains: “The logically open texture of rules in application makes an element of at least implicit discretion inevitable”.<sup>9</sup> Additionally, Reiner argues, police interpretation of the rule of law is desirable. Full enforcement of every law would violate the accepted notion of justice, and due to the complex and diverse nature of police duties, all possible scenarios cannot be covered by legislation. However, this allows the police to carry out activities and make policies themselves.

John Lambert sees discretion as more problematic. He argues that police discretion has a further flaw “because in this exercise of discretion – which is central to all his work – the policeman’s own private view of the world comes into play: his opinion, as a citizen, of other citizens; his reaction, as a member of one class or race, towards other classes or races”.<sup>10</sup> Part of police discretion is the ability of a police officer to sum up a person quickly and act accordingly. As a result, police often make judgements on how to handle someone depending on status, race, education, gender, occupation, etc.

Overall, the role police play in law enforcement is dependent not only on an individual officer’s values and opinions, but also upon policing traditions and strategies. Many authors have written on aspects of law enforcement, however Manning’s work is possibly the most comprehensive. Although limited to policing in Anglo-American societies, Manning used a wide range of available research to discuss not only law enforcement, but police work as a whole.

### **1.2.2 PUBLIC ORDER**

Public order policing is another broad police function. Most commonly, public order policing involves crowd management and traffic control, usually involving a non-political activity such as a sporting event or musical performance. However, this thesis is interested in the more political occurrences of public disorder, such as demonstrations and riots. According to Frank Gregory, “Democratic states have to cope with three broad types of demonstration which can lead to public disorder: young people in crowds with no political purpose, labour strikes and disputes, and the exercise of the accepted freedom of citizens to demonstrate”.<sup>11</sup> This is generally true for non-democratic states too, although the accepted freedom to demonstrate is variable. Gregory goes on to argue that the first type – which includes incidents such as football hooliganism, and inter-group warfare – attract minimal political support or public sympathy. Thus, the police can act in the expectation of general public backing for their actions. In many instances, the government can introduce measures which would otherwise bring protests about civil liberties.<sup>12</sup>

The second type of demonstration – labour strikes and disputes – is much more politically sensitive. Although union rights in democratic states permit collective action, industrial action, even in democratic states, is legally contentious. Gregory writes “industrial disputes have the unfortunate potential of turning the ordinarily law-abiding citizen into a criminal and making one view the police not as a community service but as an alien force”.<sup>13</sup> As a result, police are often hesitant to become involved in labour disputes.

The third type of demonstration can cause a public order problem if the demonstration attempts to contravene the law – for example deviating from an approved route or attempting to reach a protected place such as an embassy or government building. According to Gregory, a crucial point for police tactics comes when a demonstration becomes a riot. A number of factors relating to the demonstration determine police tactics, such as if the crowd were prepared to challenge the police (equipped with padded jackets, iron bars, etc.) or if the crowd used petrol bombs or weapons.

In all of the three types of demonstration, particularly if the crowd becomes violent, the police have the option to use force. Most states have specialised forces to maintain order, often consisting of paramilitary units within the police. Paramilitary units of the police are specially trained and equipped. They wear protective clothing, are deployed in squad formation, have a greater willingness to use force and are more heavily armed, and they are under the command of a senior officer. Paramilitary units are most often used for the maintenance of internal order, but are also used on other police missions.

Academically and politically, paramilitary units are controversial. This was clearly demonstrated in articles debating the issue by P.A.J. Waddington and Tony Jefferson in the *British Journal of Criminology* in 1993. Waddington defends paramilitary policing, asserting that specialisation of the use of force is not distinctively militaristic, and that many of the tasks performed by paramilitary units are indistinguishable from those undertaken by ordinary police officers. Furthermore, he maintains, paramilitary organisations bring a greater measure of control and accountability than would otherwise be possible. Jefferson disagrees, arguing that paramilitarism changes the nature of policing. He believes that ‘military-style policing’ is provocative to the democratic aspirations of a people. The use of paramilitary policing connotes a “failure to secure consent from some section of the population”.<sup>14</sup>

Despite the unresolved debate, most countries have established paramilitary units in their police forces. Great Britain (Police Support Units), the US (Special Weapon and Tactic Units or SWAT), Japan (riot squads of the Public Security Division) and France (Compagnies Republicaines de Sécurité or CRS) have paramilitary units affiliated with their police forces.

According to Gregory, “in considering when, in what form, and by whom officially sanctioned force will be used against public disorder two main strategies are involved: containment and dispersal”.<sup>15</sup> In a strategy of containment, the police uphold the freedom to demonstrate as far as possible. For example, the police may allow a demonstration to take place but bring in an unusually large number of police to supervise the event. The strategy of dispersal prevents the demonstration from taking place by dispersing the crowd from the area, and often requires a certain amount of force.

Because the amount of force used against demonstrators is variable, and the police are able to decide which strategy to adopt, accountability is an important aspect of public order policing. Moreover, accountability can become a volatile issue because of the inherent political nature of public order policing. After large incidents of public disorder commissions may be established to examine the event, for example, the Scarman Report after the Brixton disorders in 1981. Alternatively, a government may refuse any investigation, preventing any accountability for possible abuses. However, accountability is important to every aspect of police work, not just public order.

Scholars have explored accountability in several ways. Trevor Jones, Tim Newburn and David Smith, authors of *Democracy and Policing*, focus on redress, rather than accountability. They write:

*Redress.* It should be possible for a representative body to dismiss an incompetent or corrupt chief officer, or one who exceeds his powers. There should be means of redress for unlawful or unreasonable treatment by individual officers.<sup>16</sup>

Alternatively, David Bayley examines the internal and external structures of accountability. Internal accountability includes monitoring to ensure a police officer respects police performance of subordinates by superior officers, similar to most governmental and non-governmental institutions. Some external mechanisms of accountability are specialised, such as civilian review boards or public safety commissions. These institutions are created specially to monitor and evaluate the police. Other external mechanisms of accountability are non-specialised, such as courts, legislatures, newspapers, political parties, human rights organisations, and ombudsmen. They are often more controversial because they are generally regarded by the police as unfamiliar with the demands of police work and with political or personal motives.

Reiner examines the mechanisms that can achieve accountability. He writes:

The task of building adequate institutions of police accountability must avoid constructing merely presentational rules. The problem in relying on inhibitory rules solely is that the low visibility, high discretion nature of police work makes it hard to have rules which can be enforced with sufficient consistency to become effective deterrents, apart from highly specific situations like booking-in procedures (which take place in open areas in police stations to which supervisors have regular access).<sup>17</sup>

Therefore, the mechanisms of accountability must be acceptable, not only to the community but also to the police themselves.

Further aspects of public order, such as the moral ambiguity of public order policing will be discussed later in this chapter. However, it is possible to conclude that a significant amount

of writing on public order maintenance exists – taking both a theoretical approach and through the analysis of case studies. Although much of the theoretical literature focuses primarily on democratic countries, research – like that by Frank Gregory, which was discussed above – that covers a wide variety of public order policing strategies and approaches which can to a certain extent be universally applied.

### **1.2.3 PUBLIC SERVICE**

Lastly, the police act as a public service in a state, providing a service for the society. This may involve a wide range of duties responding to the needs and demands of the public, including supervising evictions, mediating marital disputes, helping after highway accidents, and dealing with disturbances. However, the police role as a social service is an issue of contention. Reiner explains:

A perennial chestnut of debate about the police role has been whether the police are best considered as a force, with the primary function of enforcing the criminal law, or as a service, providing balm for a sea of social troubles. The starting point for debate was the empirical ‘discovery’ that the police (contrary to popular mythology) do not mainly operate as crime fighters or law enforcers, but rather as providers of a range of services to members of the public, the variety of which beggars description.<sup>18</sup>

Many studies of police duties have been conducted, particularly in the US and Britain, which suggest that police spend more time providing services than they do enforcing the law. In one study, Maurice Punch and Trevor Naylor analysed telephone calls in three Essex towns over a two week period. In the ‘new town’ 49 per cent of calls were service related, 61 per cent in the ‘old town’, and 73 per cent in the ‘country town’. Punch and Naylor explain the police role: “Because of its varied functions – covering man’s social problems from birth to death – the police service has gradually, and largely unwittingly, accumulated a broad range of ‘welfare’ functions. Indeed, the police could well be described as the only 24 hour, fully mobile, social service.”<sup>19</sup>

Police are not always willing to admit their role as providing a social service to the public. Service work is often seen as secondary, or unimportant, compared to law enforcement and public order maintenance, even though the police dedicate more of their time to it. Police

sociologist Egon Bittner provides four reasons why the police downplay their role as service providers.<sup>20</sup> First, the police, and others, propagate the image of the police as the ‘vanguard fighter in the war on crime’. This can be demonstrated by a survey of police opinion, or of television dramas and films featuring the police. Second, the formal bureaucratic organisation of police-work reinforces the view that policing primarily involves criminal law enforcement. Bittner cites police training, internal differentiation of departments and units, police record-keeping, and most importantly career advancement as all perpetuating the law enforcement perception. Third, the police play an important and usually initiating role in the criminal process, and prosecutors, judges, and correctional personnel are heavily dependent on the police to remain occupied. The role the police play in the administration of justice is very specific and indispensable. And finally, the work of a certain number of police - mostly assigned to various detective bureaux – is plainly determined by the provisions of the penal code. For these four reasons, police still perceive their role as law enforcers rather than service providers.

A significant amount of research has addressed police attitudes toward their work. In his comprehensive book *The Politics of the Police*, Robert Reiner argues that an understanding of police perceptions and attitudes – what he terms ‘cop culture’ – is necessary to a broader examination of police work. Reiner explains the basis of ‘cop culture’:

A central feature of cop culture is a sense of *mission*. This is the feeling that policing is not just a job but a way of life with a worthwhile purpose... The purpose is not conceived of as a political enterprise, but as the preservation of a valued way of life and the protection of the weak against the predatory. The core justification of policing is a victim-centred perspective.<sup>21</sup>

Reiner also explains that police in general are suspicious of politicians, that women (and minority) police officers find it difficult to gain acceptance and often experience discrimination, and that the police are generally reluctant to contemplate innovation, experimentation or research.

Manning also discusses the attitudes of the police. He states that police departments have a high degree of segmentation, factionalisation and informal groupings. Police form groups or cliques around unionism, divisions (e.g. detective versus patrol), or racial, ethnic and

religious organisations. These cliques are often competitive, and Manning asserts “competition revolves around information (power) within the organisation”.<sup>22</sup>

Access to police information is closely guarded. The police often define attempts to regulate them as political manoeuvres to destroy their organisation. Manning explains: “One strategy used by police to withstand these threats is to control and keep information, whether crime-relevant or not, secret”.<sup>23</sup> Jones, Newburn and Smith also stress the importance of police information in a democratic state. They write:

Information should be regularly published on funding, expenditure, activity and outputs. A representative body should be able to engage in a continuing dialogue with the professional managers of the police force so as to become better informed and to elicit relevant information through a sequence of interactions.<sup>24</sup>

Internal cohesion in police organisations is strong and strengthened by the feeling of a common cause - enforcing law and justice - and a common threat - the public which strives to limit and regulate police powers. Thus, withholding information gives the police power. Manning explains:

Secrecy helps keep the public at a distance; further, it helps the police to maintain their power. Indeed, its very existence suggests power. One aspect of the strategy of secrecy is that it deliberately mystifies, and mystification has always been a means of sustaining respect and awe. As a strategy, then, secrecy is one of the most effective sources of police power.<sup>25</sup>

The service role of the police is relatively well-researched. In addition to studies conducted on the amount of police time spent on public service, the issue of community policing has become increasingly studied as it has become popularised as a policing technique in the 1990s.<sup>26</sup>

The issues of ethnic minorities serving in the police and the interaction between the police and minority communities have also become more researched. Reiner has written on this topic.<sup>27</sup> Furthermore, with several highly publicised cases involving racism within various

police forces, such as the Rodney King incident in the US and the Stephen Lawrence murder in the UK, attention has been turned toward the issue of race and the police.<sup>28</sup>

Although research into policing is a relatively new phenomena, a significant amount of literature exists on various aspects of the police, as demonstrated above. Many researchers, including Peter Manning and Robert Reiner, have written comprehensive accounts of the police in the US and the UK. However, many of the definitions of the police are norm-derivative, based on beliefs about what the police should do or the purposes and ends of policing. This in turn reflects more on the opinions and values of the author than the actual definition of policing. Carl B. Klockars criticises this approach:

No definition of police will do if it is merely a reflection of the hopes, desires, fears, frustrations, politics, or sense of humour of its author. And any norm-derivative definition of police – any definition of police that tries to define it in terms of its *ends* – will ultimately amount to nothing more than that... A proper definition of it must be based on its *means*. That is, it must be based on the fundamental tool police use to do their work rather than on what they use that tool to do.<sup>29</sup>

The literature surveyed above has been largely norm-derivative, which allowed it to be broken down into three categories of police function: law enforcement, public order and public service. The focus on the end results of policing instead of the means is not a grave shortcoming for this thesis because the thesis aims not to define policing in the Palestinian Territories, but to examine one function of the police there. A more serious problem with much of the literature surveyed in respect to this thesis is that it reflects the authors' opinions and beliefs about the police - but from an almost entirely American or Western European perspective. This is in part because extensive research on policing in the developing world is not widely available in English and because access to such resources is severely limited in the UK. However, it is also a result of the belief in the superiority of the institution of police in the western world. Indeed many developing countries have been influenced by western forms of policing. The British model of policing was spread throughout its colonies – often replacing or superseding local policing structures – and British policing methods were adopted by other colonising nations.<sup>30</sup>

### **1.3 THE POLICE-STATE-SOCIETY RELATIONSHIP**

When reviewing existing literature on policing, it is apparent that police relationships with the state and the society are overarching issues at the heart of the study of the police. The police are intimately tied into the state-society relationship. For example, the study of the public service role of the police illustrates the society's view and level of trust in the police, and by fulfilling public service, the police become attuned to the needs of the citizens. Alternatively, the issue of paramilitarism demonstrates the amount of coercive force the state can use against the citizenry. Therefore, it is possible to assert that the police relationship with both the state and the society are the means by which policing is accomplished. Interaction with the state and the society are the fundamental tool of policing. Furthermore, police relations with the state and with society reflect the greater state-society relationship, and ultimately can indicate the nature of the state.

#### **1.3.1 THE POLICE-STATE RELATIONSHIP**

All states enact some form of policing, and the maintenance of law and order is generally considered a basic function of the state. However, the relationship between the police and the state is in no way simplistic. The police-state relationship is different in each country, varying according to the complexities of the history and nature of the state, and even such basic issues as the meaning of law and order.

The police are an integral part of the state's criminal justice system. Policing is essentially the activity of enforcing criminal law and it occurs in every society which has such laws.<sup>31</sup> Peter Gill comments, "the criminal law provides a resource for the police which they can use in pursuance of their basic mandate of order maintenance and crime control".<sup>32</sup> The police ensure that the citizenry conduct their affairs and enjoy their rights within the boundaries of the law. In this way they act as a linkage between citizens' private lives and the criminal justice system. When a case is put through the criminal process, the police are the initiators, and the main providers of information. Manning explains, "the police information system acts as a source of information surrounding a case in the legal system, and this shaping or transformation may pattern its subsequent passage through the legal system".<sup>33</sup>

Alternatively, the police can be used to manipulate the criminal justice system for the benefit of the state. John Alderson, formerly the Chief Constable of Devon and Cornwall, writes: "Police can be used to *deny* true justice, that is fairness and equality under the law, and a whole range of human rights. In modern times, the two most notorious examples have been the KGB and its predecessors in the USSR and the Gestapo of Nazi Germany".<sup>34</sup>

By maintaining law and order the police act as the first line of defence not only for the state, but also for the state's government, by preventing disruption and enforcing stability and continuity – or more aggressively by functioning to bolster the regime. One means by which the police can protect the state is through the regulation of freedoms. The police can either defend those freedoms – and thus preserve a democratic state – or limit them – and thus preserve a non-democratic state form. David Bayley writes: “The police regulate the freedoms that are essential to democracy – immunity from arbitrary arrest, detention and exile, the ability to speak, write, demonstrate and form associations”.<sup>35</sup> However, the close association between the police and basic freedoms in a country also characterises the ties between the government and the police. Very rarely do the police take actions such as arbitrary arrest or limitation of the freedom of speech without orders from the government. In some countries the fear of police retribution not only deters dissent, but also participation in politics. For example, the failure – whether deliberate or unintentional – of the police to provide unbiased and even-handed protection to all political candidates from harassment and violence by partisan enemies can profoundly affect electoral outcomes.<sup>36</sup> Alternatively, the police can be utilised to maintain order surrounding a government decision which promotes greater openness and democracy in a country, for example overseeing desegregation of schools or allowing a minority group the freedom of expression.

Furthermore, by maintaining order, the police ensure stability and continuity – in short an absence of change. Stability and continuity are important not only to the government, but also to the state. Riots and anti-government demonstrations can damage the image and reputation of a government, and could even lead to demands that the government step down, a parliamentary vote of no confidence or the resignation or removal of leading officials. The state itself can be threatened in more extreme circumstances of revolt and upheaval. Actions such as revolution, insurrection or military coup could dramatically alter the nature of the state. As a result, by maintaining law and order, the police serve as both the government and the state's first line of defence.

Nonetheless, it is important to make the distinction that despite relying on the police, neither the nature of the state nor the form of the government is dependent upon the character of the police. However, the opposite is true – the character of the police is dependent upon both the state and the government. Bayley explains: “Democracy does not depend upon the number of independent police forces, nor even upon their scale. The number of autonomous force, however, depends very much on whether government is democratic. Again, police institutions depend on political ones, not vice-versa.”<sup>37</sup>

The monopoly on the right to legitimise the use of coercive force is the hallmark of a modern state. Max Weber writes, “a state is a human community that (successfully) claims the monopoly of the legitimate use of force within a given territory... The state is considered the sole source of the ‘right’ to use violence”.<sup>38</sup> The state confers this legal right on the police to maintain the internal security of the state. Obviously, physical force and violence are only one means of coercion, and one that is often applied only as a last option. In democratic states, the conditions under which the police are permitted to exercise violent force against citizens is limited by laws and legal procedures. Manning states:

... the police may use in legal sequence violence necessary to enforce compliance until resistance is no longer encountered (operationally, these modes of coercion – commands, persuasion, lying, threats, and physical force – may be used in stepwise fashion), up to and including the use of lethal weaponry.<sup>39</sup>

In non-democratic states, legal procedures governing the use of coercive force may not be as stringent, or may not be applied or even exist at all. However, Gregory argues that most states comprehend the need to curb the use of force. He writes, “Even State governments which place great emphasis upon the maintenance of particular political systems appear to have a perception, if not always a practice, of the need for some restraints in the manner of maintaining internal order unless the challenge is from rioters with firearms”.<sup>40</sup> The state may react in this manner not necessarily out of concern for society, but also to keep the police subservient to the state. Uncontrolled violence, even from the police, may ultimately be directed against the state.

In the police-state relationship, the police maintain law and order and act as the state’s first line of defence, while the state confers the police with the legal right to use coercive force when necessary. Despite these commonalities, the relationship varies between countries and even within the same country over time, depending on the nature and development of both the police and the state. The state form (i.e. democratic, non-democratic) also plays an important role in determining the functions of the police force, and the police-state relationship. For example, in the United States, where many governmental powers are disbursed to the states to limit the power of the federal government, cities, towns and villages have authority over their own police forces. In China, the People’s Armed Police are under the direct control of the Chinese Premier and the Central Military Commission, making them significantly more centralised than in the US. In Chad, however, the ruling

regime has direct control over the police and military in theory, but in practice the state is so chaotic that the army (often deployed in a police-like capacity) commits crimes with impunity, controls parts of the national territory and undermines the principles of civilian governance and rule of law without the authority of the state.<sup>41</sup>

As previously discussed, Max Weber, in his widely accepted definition of the modern state, argues that the attempt to legitimate the structure of domination is a fundamental activity of the state. He defines domination as the exercise of power through a command and the probability that such commands will be obeyed. Using this definition, and considering the general relationships between the police and state as discussed above, it is apparent that much of the police-state relationship is concerned with control, or in Weber's terms domination.

### **1.3.2 THE POLICE-SOCIETY RELATIONSHIP**

The relationship between the police and society<sup>42</sup> is equally complex. Police-society relations are directly affected by the police relationship with the state. Furthermore, police relations with society can vary within the society itself. Different classes, political parties, and ethnic groups can have differing relations with the police.

The police are necessary for security and stability for society, as well as for the state. While a state needs law and order for its success and continuation, citizens need it for an even more basic reason - to go about their lives safely and securely. This is an idea that dates back to *Leviathan*, in which Thomas Hobbes argues that individuals are always self-interested and will seek a strong position from which to secure their ends. However, reasonable individuals realise that they must give up some rights – the rights to do anything and invade anyone – provided that everyone else does so at the same time. This requires an agreement or contract where, simultaneously, they renounce their rights and transfer their powers to protect themselves to an authority. The authority, a sovereign ruler in Hobbes's opinion, ensures that the individuals who had transferred their powers are protected and live peaceably together, without infringing upon the rights of others. This is true even in a modern state. In a society where order and harmony, instead of anarchy and friction, prevail, citizens are secure in both their person and their property, and they are able to go about their lives freely. It is the police who are responsible for maintaining order in a society. They ensure that citizens conduct their affairs and enjoy their rights within the boundaries of the law.

The police are one of the most visible tools of the government and state in people's daily lives, and as a result police activities influence how they are perceived by the citizenry. Bayley explains, "The way the police carry out their duties, both collectively and as individuals, teaches powerful lessons about the nature of a government".<sup>43</sup> This is further emphasised by John Alderson, who writes:

Police, like laws, reflect the nature of the society which they serve. Corrupt societies deserve, and get, corrupt police. Totalitarian societies acquire omnipotent police. Violent societies get violent police. Tolerant societies get tolerant police. Wise societies bridle police powers.<sup>44</sup>

The police also represent the potential of the state to enforce its will upon the people, by demonstrating the consequences of public failure to comply with the state's dictates. Particularly in non-democratic countries, where the citizenry has little or no influence over the laws and regulations of the state, the police ensure that people obey the decisions of the government.

Part of the police-state relationship involved the police as a means of asserting political authority to maintain a status quo. This is an extension of the police-state relationship whereby the government, and the state, rely on the police to maintain stability and continuity. It can be further argued that by maintaining the status quo, the police are acting in the interests of those in power against those without power. The status quo may not involve only keeping a government in power, but also maintaining the status of social groups. Manning explains, "By enforcing (or failing to enforce) a law, they underscore certain hypothesised societal norms and inferentially the distribution of status within the group".<sup>45</sup>

Nevertheless, the police-society relationship is not unilateral; the police are dependent on society for their legitimacy and authority. In defining the modern state, Weber emphasised not only domination but also the attempt to legitimate the domination. He argues that the most enduring forms of domination are those to which, on whatever basis, legitimacy is ascribed. Weber goes on to outline three inner justifications, or basic legitimations of domination: tradition, charisma, and legality.<sup>46</sup> While these justifications address the broader state-society relationship, John Benyon addressed legitimacy between police and society. He writes:

The legitimacy of the police depends upon the extent to which they are judged as behaving properly, in accord with basic rules and values. The notion of legitimacy is related to effectiveness, identity, and participation, so that if the police are seen to perform effectively, and if citizens identify with them and their values, the legitimacy which the public ascribe to the police is likely to be strengthened.<sup>47</sup>

Benyon also argues that the rule of law is another central aspect of legitimacy, because if the police abide strictly according to the law, then their legitimacy will be enhanced.

Legitimacy is a central issue when discussing the police. The police cannot function with an absence of citizen compliance. In short, the police are “dependent upon the trust and compliance of the citizenry to the political and moral order that legitimates their operations and existence and sanctifies their commands with authority.”<sup>48</sup> They rely on society to carry out even their basic functions. Tupman and Tupman write: “Modern research has re-stressed that it is the public who report crime, the public who have to be relied on to be witnesses in court and to be prepared to serve on juries... In many ways, the police cannot successfully carry out their tasks unless the public are prepared to look at them in a positive light.”<sup>49</sup>

Governments often seek public approval for policing, because the actions of the police reflect on the government. Saras Jagwanth explains: “It has become common cause that public perceptions of the law and law enforcement agencies are as crucial as the law itself. It is imperative not only that justice prevail, but that it is *seen* to prevail”.<sup>50</sup> Not only do the public need to see justice prevail, but the price they have to pay for such results must not be too high. For example, police checkpoints may be highly effective in stopping drunk driving, but it may be an unacceptable measure for the public.

The legitimacy of the police can be a crucial variable in the success or failure of a political system. The means by which the police maintain public order, particularly when the crowd is engaged in political activity, has a major impact on the legitimacy of the state.<sup>51</sup>

Policing is inextricably enmeshed with society. Foucault writes:

But, although the police as an institution were certainly organised in the form of a state apparatus, and although this

was certainly linked directly to the centre of political sovereignty, the type of power that it exercises, the mechanisms it operates, and the elements to which it applies them are specific. It is an apparatus that must be coextensive with the entire social body and not only by the extreme limits that it embraces, but by the minuteness of the details it is concerned with.<sup>52</sup>

The police maintain complex, and often highly variable relationships with both the state and society. Possibly the most overarching characteristic of both these relationships is their political nature.

### **1.3.3 POLICING AS A POLITICAL ACTIVITY**

The police are an integral part of the state's criminal justice system. They regulate freedoms within the state, protecting it by maintaining stability and preventing change. The state, which is defined by its monopoly on force, grants the police a virtual monopoly on the legitimate use of coercive force over society. In their relations with society, the police provide safety and security, as well as a connection with and representation of the state. The police depend on the state for their mandate and society for their legitimacy. It is clear that policing is an activity at the core of politics. The politicisation of the police is often most apparent in authoritarian states where the police function to bolster the regime, but it is also true of liberal democracies, where the police facilitate stability, continuity and order, and inhibit disruption, transformation and change.

Perhaps the best description of the political role of the police comes from Otwin Marenin:

The police are a powerful political institution. Their activities are crucial to the maintenance of order, stability, and the domination which states exercise over their citizenry; their manner of enforcing law and order shapes how people view justice, their own power and the legitimacy of the state. Policing can embody the best and the worst features of government; at times the police protect the personal safety and rights of the dominated, at other times they are brutally coercive and murderous instruments of class rule or dictatorial caprice. The police represent,

symbolically and practically, the tension and balance between consent and coercion which underline all political life.<sup>53</sup>

The political role of the police is widely acknowledged and even used either to protect the government or to assist in instituting change. For example, Robert Sigler and David King have written about how the British, when policing their colonies, deliberately separated the community being policed from its police force. In the Bahama Islands police recruits were never assigned to their local areas throughout their careers. Sigler and King explain the policy:

The separation of the police from the community created social distance which increased the extent to which the police are seen as a visible symbol of government. As a consequence, when the community was dissatisfied with the government, the police were the most immediate target. Government could redirect dissatisfaction from the government to the police as an additional technique of control...<sup>54</sup>

In this instance, a technique of ‘strangers policing strangers’ allowed the government to maintain its power and authority. However, the police have also been used to implement change. For example, in El Salvador the former police forces – the National Police, the National Guard, and the Treasury Police – were part of the armed forces under the control of the Minister of Defence. Their abuses and excesses in part precipitated the rise of the rebel organisation Farabundo Marti National Liberation Front (FMLN) in 1980, and during the civil war the police forces were the principle perpetrators of systematic and extensive human rights violations. When the Peace Accords were signed, it was agreed that the police forces would be disbanded and replaced with a new civilian police force, the National Civilian Police, which would be “a police force completely independent from the armed forces and the political parties and subordinate to civilian control”.<sup>55</sup> The creation of a new, independent police force was part of the process of building a legitimate government in El Salvador after its lengthy and brutal civil war.

## **1.4 POLICE & PUBLIC ORDER**

The relationship between police, state, and society is a very broad topic. In addition to being continually influenced by politics, the relationship can also be affected by a wide range of other factors, such as the culture, history and economic situation of the country. Therefore, this thesis will focus on one aspect of this relationship: the maintenance of public order. Public order maintenance is intrinsic to all states, irrespective of socio-economic factors, culture or political system. It is also one of the most politically volatile of all forms of policing placing the society – or more commonly a sector of society – in direct confrontation with the state. Yet public order maintenance is a more fundamental policing objective than law enforcement. When asked to compare the two responsibilities, Chief Constable of the West Midlands, Geoffrey Dear commented:

They're both important, but I suppose in the final analysis it's got to be the maintenance of public order, or the prevention of disorder. You could encapsulate the whole thing, I suppose, in a not entirely flippant way, by saying that crime can go through the roof and no-one is too worried about it. But a serious and continuing outbreak of public disorder will bring governments down and chief constables will be lost and out of a job very quickly.<sup>56</sup>

Public order maintenance is an important police function which clearly demonstrates the relationship between the police, state, and society.

### **1.4.1 PUBLIC ORDER MAINTENANCE**

All states, irrespective of their ideological base or political system, must maintain internal order. "It is this defining activity that governs the equation between the police, public order and the state."<sup>57</sup> Public order maintenance covers a wide variety of situations from crowd management at public events to dispersing riots and violent protests. It can also involve police-work conducted to prevent events, such as protests and demonstrations, from turning violent. In many countries, internal disorder is comparatively uncommon because the police achieve control over the conduct of most demonstrations through guile (i.e. controlling crowd movement by the regulation of traffic flow) and communication with the demonstration planners.

Public order policing differs from other police tasks. It is much more visible than other police activities – usually involving a large number of participants, as well as police, and often the media – which leaves it open to greater external scrutiny. For the police, it is a corporate action, conducted by a group of officers under the command of senior officers, which means that an officer's individual actions will reflect upon the whole police operation. Most public order encounters do not have criminal intent, instead aiming to draw attention to a particular issue or changing a policy believed unjust. Also, public order maintenance is contestable. A large gathering of people has more opportunity to dispute the police version of events, and to do so more publicly.<sup>58</sup>

Public order maintenance is possibly the most highly politicised function of the police. P.A.J. Waddington comments, “public order policing is irreducibly political; it is a highly visible representation of the relationship between the state and citizen”.<sup>59</sup> Policing political protests connotes policing the political behaviour of the citizenry. As with policing in general, public order policing involves the maintenance not just of order, but of a particular order. Policing is always politically partisan, but it can become more so as public order issues become increasingly prominent. Because some types of public disorder are perceived as threats to the government, or even the state, politicians frequently seek to influence the police operations. Waddington explains, “This pressure is not benign: politicians did not restrain police from confrontation, but encouraged and occasionally demanded confrontation”.<sup>60</sup>

Public order policing can be more morally ambiguous than law enforcement. Waddington states: “Put simply, the criminal occupies a position outside the moral community, whereas protesters, pickets and possibly even rioters may be considered the moral equals of other citizens.”<sup>61</sup> He also argues that what distinguishes a protester from a criminal is that the protester is engaged in a ‘conspicuous act of citizenship’. The protesters or rioters are not motivated by criminal self-interest, but by collective concern. Because the public disorder is not motivated by criminal intent but rather the exercise of citizenship, public order policing can be morally ambiguous.

Public order maintenance brings the police into direct confrontation with the society and the state. As a result of this role, police actions can either help or hinder the wider pattern of state-society relations. Therefore, public order maintenance provides a useful way of assessing the police-state-society relationship; the political aspects of policing in a given national context and, more specifically, the way in which the Palestinian Police and Security Forces reflect Palestinian state form and state-society relations.

#### **1.4.2 TYPOLOGY OF STATE STRATEGIES IN PUBLIC ORDER POLICING**

All states need to control internal order. It is apparent from an examination of public order policing that the police occupy a strategic role in the regulation of political conflict. In the book *The Police, Public Order and the State* John Brewer, Adrian Guelke, Ian Hume, Edward Moxon-Browne and Rick Wilford examine public order policing in case studies of the United States, Great Britain, Northern Ireland, Republic of Ireland, South Africa, China and Israel. From this comparative study, they hoped to find a correlation between public order policing and state-society relations. They write:

In short, the cultural and ideological values that form the bedrock of these countries crucially determine the nature and quality of state-society relations. Our major premise is that the condition of that relationship can be gauged by the nature and form of police-society relations as revealed in the realm of public order.<sup>62</sup>

In their seven country study, Brewer et al. found that several similarities and differences existed. There have been commonly experienced problems of public order with instances following similar patterns. Also, in all the countries the maintenance of public order had been militarised. Differences included the extent to which the powers conferred by public order legislation and emergency regulations are monitored by the courts and whether 'due process' is followed. Furthermore, the countries differed on the frequency with which emergency regulations are invoked and the extent to which extra- or non-legal powers are available to the state or the police.

From their comparative analysis of the policing of public order in the seven countries Brewer et al. were also able to create a typology of state strategies in public order policing. They concluded that although a wide variety of strategies are available to the state, they could generally be divided into three broad categories: criminalisation, accommodation and suppression.

There are two different approaches to criminalisation. The state can label an action 'political' that is lawful in terms of ordinary criminal law so that it is presented as illegitimate because it is held to fall outside the realm of normal political behaviour. An example of this is a state criminalising certain kinds of religious gatherings or funerals on the grounds of their political character. The attribution of a political motive is essential to delegitimising the action.

Alternatively, the state can flatly deny any political dimension to unlawful acts. The actions are delegitimised by preventing the perpetrators from claiming that political motivation makes an otherwise illegal act legitimate. This is a common approach by many states to terrorism. P.A.J. Waddington explains, “The typical strategy adopted by modern states to terrorism has been to deny it political significance and to treat it as merely criminal. Terrorists, on the other hand, strive to attain political status for their acts”.<sup>63</sup> However, according to Brewer et al., in sustained public disorder the strategy of criminalisation limits the police to the policy of containment because of the difficulty of successful prosecution in circumstances where legitimate political authority has broken down.

The strategy of accommodation attempts, in some form, to meet the grievances of the groups from which disorder emanates. Accommodation frequently takes the form of affirmative action programmes and steps to tackle deprivation, or policies of devolution or decentralisation to meet the demands of a disaffected region. In the case of international terrorism, the strategy of accommodation may require adjusting a country’s foreign policy. The police can be passive actors in implementing and upholding measures of accommodation or they can be a mechanism of accommodation by taking actions such as encouraging recruitment from the disadvantaged groups or having different policing policies suited to various cultural or socio-economic groups. The greatest problem with accommodation, however, is that it is open to the accusation of appeasement, particularly in the case of terrorism.

Suppression is the third strategy open to a state. It can take the form of suppressive legislation or harsh police tactics. Suppressive policing of public order can involve methods such as the banning of political organisations, detention without trial, imposition of collective punishment, employment of emergency powers, tightening controls over movement and possible joint actions with the military. The strategy of suppression recognises the political character of the disorder, but through the police the state confronts, rather than accommodates the challenge to its authority. It is usually deployed in the expectation that it will not only quell disorder, but that its sheer forcefulness will act as a deterrent against further violence. Suppression demands compliance with the state from the disaffected community, not positive acceptance.

The strategy of suppression is justified by the state because of the serious challenge the disorder presents to the very existence of the state. To a certain extent this rallies support for the police against criticism of their harsh tactics. However, it also signals to other countries that the conflict is a threat to the internal stability of the state. Most forms of suppression are

a clear violation of human rights. Brewer et al. also explain that the strategy is further criticised as evidence of the state's authoritarianism, leading to the charge that it is a 'police state'.

According to Brewer et al., the typology sets the policing of public order in the context of its relationship to the strategies adopted by the state. The seven case studies demonstrated that in practice states pursue a combination of strategies depending on a range of factors. The combination of strategies varies among states and within the same state over time. For example, a country may use a mix of criminalisation and suppression to quell public disorder. Or it may implement suppressive tactics as a response to a disaffected minority group while using accommodation on the majority group in power. Brewer et al. note: "Even in liberal democracies where the legitimacy of political authority is buttressed by the existence of a wide degree of consensus, there has been the implementation of some measures of suppression, especially in combating the threat of international terrorism..."<sup>64</sup>

Brewer et al. include a number of factors which explain why a particular combination of strategies is decided upon by a state. These include:

the historical legacy, cultural traditions and popular perceptions that surround the image of the state; the extent to which state power is restricted by legal and political constraints which protect the rights of citizens; the legitimacy of the state; the degree to which the society is homogeneous and consensual; whether social cleavages are episodic and transitory or sustained and over-arching; and the extent to which the state is subject to (and prepared to countenance) domestic and international pressure.<sup>65</sup>

These variables all influence the complex police-state-society relationship. For example, if historically a state has needed to defend itself against internal threats, the enactment of emergency regulations, use of the military or heavily armed riot police, and restrictions imposed on movement may be in line with traditional state policies. Or, if ethnic cleavages exist, the state may use a mixture of strategies depending on the relations that exist between the majorities and minorities. These considerations need to be made when describing the relationship between the state, society and police. Brewer et al. believe that further research is needed to assess the role these variables play. However, with consideration to the variables, it is possible to assess the police, state, society relationship, and ultimately the nature of the state.

## **1.5 SUMMARY**

As this chapter has shown, there has been a wide range of research and literature on the police, which have taken the form of both case studies and theoretical approaches. In all the studies, however, the police-state-society relationship is paramount.

The police act as an intermediary between the state and society. The state gives the police their powers of coercion, and in return they expect the police to maintain internal order – and ultimately status quo. At the same time, the police also keep order for the people to go securely about their lives. As the most visible tool of the government, police activities influence how the government is perceived. Moreover, the police depend, not only on the state, but also on society for validation. All this amounts to the police force as a body which performs a political function, which is apparent from their position in the state-society relationship.

Public order policing clearly demonstrates the political role police play in the state-society relationship. It is the policing of a conflict between a state and a part of society. It is also the most visible and politicised form of policing. Public order policing in a country serves as an indicator of the relationship between the state and society, and ultimately the nature of the state.

Brewer et al. devised a typology of three general strategies open to the state when maintaining public order: criminalisation, accommodation, and suppression. These strategies are used singularly and in combinations by different states and by the same state at different times. Particular strategies are not used only by liberal democracies or authoritarian states – all three strategies are used by different types of states. There are many reasons why a state chooses a particular strategy, and research still needs to be conducted on the influence and importance of the many variables. However, taking the variables into consideration, it is possible to assess the nature of the state according to its strategic approach to public order policing.

Based on these conclusions, this thesis will attempt to analyse the police-state-society relationship in the Palestinian Territories through the examination of public order maintenance. It will provide an examination of how the PSF maintain public order by identifying the means the PSF employ in their relations with the state and society. It will establish variables, based on those of Brewer et al., which affect the strategies of public order policing. For example, the historical legacy of the Intifada influences the way in

which both the PSF and Palestinian society view public protest and order maintenance. The relationship between the PSF and the state is complicated by the fact that because the Palestinian Territories are not a fully independent state, both the PNA and the Israeli government play significant roles in determining policing tactics and strategies. The PSF relationship with Palestinian society is also affected by this, as well as by societal attitudes toward policing. Once these relationships have been examined, conclusions can begin to be drawn; about the public order strategies adopted by the PSF, and why these particular strategies were taken. Public order strategies will be used to examine the PNA's attempt to legitimate its structures of domination, as discussed by Weber, and may ultimately provide indicators of the nature of a future Palestinian entity.

## **CHAPTER 2:**

### **THE ORIGINS OF PUBLIC ORDER MAINTENANCE IN THE WEST BANK AND GAZA**

#### **2.1 INTRODUCTION**

The previous chapter concluded that the police act as an intermediary between state and society. Policing is necessary for the maintenance of order, stability and state control over the citizenry. It is also the organisation which ensures that people can go about their daily lives in a safe and lawful environment. Moreover, the manner of the police in enforcing law and order “shapes how people view justice, their own power, and the legitimacy of the state”.<sup>1</sup> It is impossible to characterise the police-state-society relationship as simplistic, there are a number of variables to consider.

One crucial consideration in the Palestinian case is the history of public order maintenance in the West Bank and Gaza and within the Palestinian Liberation Organisation (PLO). This chapter examines the Palestinian population’s experience with order maintenance. It has affected how Palestinians in the West Bank and Gaza view justice, their own power and the legitimacy of the government. It shapes the citizenry’s expectations for their own police force. The chapter also considers the origins and backgrounds of the members of the Palestinian Police and Security Forces (PSF). Before being recruited into the PSF, most of the police were either part of the PLO military structure or were Intifada activists. This has influenced their relationship with the government and their approaches to policing Palestinian society. Furthermore, it will examine how the Palestinians have undertaken public order maintenance themselves in the past. The PLO dealt with dissent inside and outside its ranks, and the Palestinians in the Occupied Territories created their own judicial and policing systems to circumvent those of Israel. How these structures have coped with disorder also contributes to the police-state-society relationship in the Self Rule Areas.

These experiences – within both the Occupied Territories and the PLO – will be examined in this chapter, and then placed in the context of their impact on the combination of public order maintenance strategies employed by the PNA. This should begin to reveal the nature of the police-state-society relationship.

## **2.2 THE WEST BANK & GAZA, 1949 - 1987**

### **2.2.1 PUBLIC ORDER POLICING**

The Palestinian experience of public order policing in the West Bank and Gaza has remained similar despite Jordanian annexation of the West Bank and Egyptian administration of Gaza after the British Mandate, and later the Israeli control of the areas by two separate military governors. Although they permitted varying levels of political participation, none of the states governing the West Bank and Gaza were tolerant of political protest or public disorder in any form.

Under the British Mandate, the Palestinians were allowed to hold national conferences, meet British ministers and send delegations to London to express their concerns to the British government. None of these actions, however, changed the British policy on Zionism or helped to achieve Palestinian independence. Sheikh Izz al-Din al-Qassam was the first to mount an overt armed revolt against the British in 1935. After he was killed in a clash with British troops he was declared a martyr and became an inspiration to the Palestinian population. A spontaneous nation-wide strike occurred in April 1936, and afterward the start of a three-year Palestinian armed uprising. The British briefly lost control over parts of the country, but eventually were able to restore order in 1938-39 through a massive campaign of suppression involving tens of thousands of troops and squadrons of aircraft. By the end of the uprising, approximately 5,000 Palestinians had been killed and 10,000 wounded – a proportionally huge number in an Arab population of around one million.<sup>2</sup> The response of suppressive tactics, using both police and army units, was to be repeated later in Palestinian public order confrontations with Jordan, Egypt and Israel.<sup>3</sup>

#### **2.2.1.1 Jordan and Egypt (1949-1967)**

During their rule of Gaza and the West Bank, both Egypt and Jordan pacified the Palestinians with omnipresent intelligence and security police. They were determined to prevent independent Palestinian attacks on Israel from behind their borders for fear of military and political ramifications, and therefore clamped down on all Palestinian political activities.

The West Bank was annexed by Jordan in 1950, and the Amman administration worked to integrate it with the East Bank of Jordan. From 1955-1956, King Hussein opened up public life by permitting political activity and holding a parliamentary election. A large number of participants from all parties were residents of the West Bank. However, in 1957 the King once again tightened his authority over political life, dismissing the government and closing

all party offices. Although individual Palestinians were given high positions in the Hashemite court and within the government administration, Palestinians were kept firmly in second place politically.

The Jordanian police kept the West Bank, particularly the refugee camps, under close surveillance to prevent anyone from launching an attack on Israel across the Jordanian border. Cross-border attacks by the Palestinians were politically damaging to the Jordanian administration and usually prompted Israeli reprisal attacks. According to Helena Cobban:

Hussein's police meanwhile kept an efficient watch both on the West Bank's sinuous frontier with Israel and on any groups of people in the West Bank's interior – specifically, in its vast Palestinian refugee camps – who might even be thinking of violating that frontier. The Fatah leaders were not to forget that the first 'martyr' of their armed struggle against Israel fell to a Jordanian bullet in 1965.<sup>4</sup>

Participation in the PLO, although it was founded at a conference sponsored by the King in East Jerusalem, was severely limited. By 1965 King Hussein had curtailed the limited political activities he initially had granted the PLO office in East Jerusalem.

Nor were demonstrations tolerated. In November 1966, after a Palestinian guerrilla attack, the Israeli Army mounted a reprisal raid against the West Bank village of Samu' causing a large number of civilian casualties. Demonstrations erupted throughout the West Bank, as people demanded protection and arms from the Hashemite regime. In response, King Hussein sent his Bedouin troops to crush the demonstrations and police arrested hundreds of community leaders.

Unlike the West Bank, Gaza was not annexed, but instead administered by Egypt. Nevertheless, Gaza was kept under similarly tight control. The Egyptian army units which had fought in the 1948 War remained in Gaza to maintain Egyptian rule. The army, with help from Egyptian intelligence, worked strenuously to prevent Palestinian incursions into Israel.

The situation changed during the 1956 Suez War. As a result of the Israeli occupation of Gaza, two main Palestinian underground resistance groups formed: the Popular Resistance, founded by former Students' Union leaders from Cairo (including future Fatah founders

Yasser Arafat, Khalil al-Wazir and Salah Khalaf), and the National Front, led by Haidar ‘Abd al-Shafi.<sup>5</sup> During this time, Egypt also allowed Palestinian infiltration into Israel, although only under tight Egyptian control.

After the withdrawal of Israeli troops, Nasser immediately clamped down on the resistance groups. No more infiltrations into Israel were allowed for fear of endangering the cease-fire. However, by the early 1960s, Egypt allowed elections for a sole political party, the Arab Socialist Union, and established a legislative council chaired by ‘Abd al-Shafi. When the PLO was formed with Egyptian support, the government allowed Palestinians to set up affiliates in Gaza, but independent organisations such as Fatah, the Communist Party and the Muslim Brotherhood were still not allowed.

In general, the West Bank and Gaza had similar experiences from 1949 until 1967. Political activism was banned or closely controlled by the government – even involvement in the PLO was closely monitored. Criticism of the government was not tolerated, nor were actions – namely incursions into Israel – which could endanger the countries’ cease-fire agreements with Israel. Public order was maintained largely through a massive intelligence network and suppressive policing tactics which often included the army. This was the Palestinian experience with public order maintenance at the beginning of the Israeli occupation of the West Bank and Gaza.

#### 2.2.1.2 Israel (1967 - 1987)

After the 1967 War, Israel deployed the Israeli Police, the Israeli Defence Forces (IDF) and the General Security Service (GSS) to the Occupied Territories to maintain order. While roles were somewhat blurred, the IDF was in charge of internal security, the GSS was responsible for intelligence, while the Israeli Police dealt with more ordinary matters, like traffic incidents and petty crime. It was an over-arching characteristic of the Israeli occupation that the military forces were primarily responsible for the maintenance of public order, not the police.

According to a decision taken by the Minister of Defence and the Inspector-General of the Israeli Police in July 1967, Palestinian residents of the Occupied Territories were recruited as policemen. They were subject to the Israeli police commanders, with the regional military governor having the power of veto. After 1967, according to a B’Tselem report, “the role of the local policemen expanded to include security operations such as guiding army intelligence patrols to residents’ houses or transmitting messages to residents concerning the need to obey the security forces’ instructions”.<sup>6</sup> Others became involved

with the GSS as intelligence agents and interrogators of Palestinian detainees. Most Palestinians saw the Palestinian policemen as an arm of the Israeli military administration, not just as an instrument of law and order. However, for the most part, Palestinians serving in the Israeli police were not considered collaborators and only rarely harmed in nationalist attacks.<sup>7</sup>

Israel's main concern in the West Bank and Gaza was to maintain public order. Stability was ensured through a large security presence and a crackdown on all political activism. Even during the early stages of the occupation, Israel responded harshly to Palestinian attempts to organise resistance groups. After the 1967 War, when Fatah activists from Jordan, including Yasser Arafat, entered the West Bank in an attempt to instigate a popular liberation war, Israel responded efficiently and severely. In the first three months of trying to establish a base, Fatah lost 46 men, including 26 officers.<sup>8</sup> In January 1968, Arafat was forced to flee the Occupied Territories to evade Israeli capture without fulfilling his plan to incite an armed uprising in the West Bank.

Israel's actions were even more severe in Gaza, where the residents were heavily armed. PLA units and underground groups had light arms and basic military training, and within months turned to guerrilla tactics against the Israeli occupation. They attacked Israeli military vehicles with grenades, burned buses transporting Gazans to work in Israel, and attacked banks and post offices which symbolised the return to normal life. The guerrillas controlled the crowded refugee camps, ambushing Israeli patrols in the narrow and winding alleyways. They aimed to make Gaza unmanageable and thus pressure Israel to withdraw. By the early 1970s, Israel held tenuous control of the militant refugee camps throughout Gaza.

In January 1971 Israel retaliated against the uprising by ousting the mayor and community leaders in Gaza City. During the spring, the Israeli military arrested scores of activists and detained 12,000 relatives of wanted guerrillas. IDF General Ariel Sharon's troops placed refugee camps under lengthy curfews, searched homes, maintained a 'shoot first' policy toward anyone suspected of resistance activities, and forcibly removed thousands of residents. Roads bulldozed through the camps broke up the labyrinth of alleyways. The guerrillas lost their sanctuaries, ran out of arms and ammunition, and their last commanders were killed. Israel isolated and destroyed the Gazan uprising, and in the process 'pacified' the residents of the Gaza Strip.<sup>9</sup>

It was over ten years later before another wave of unrest swept Gaza. After the April 1982 attack by a Jewish militant against Muslim worshippers at al-Aqsa Mosque in Jerusalem, students at the Islamic University in Gaza City demonstrated and worshippers protested in the mosques. The IDF beat students on the campus and fired on worshippers as they left the mosques. Israel suppressed any attempt at a general strike or further demonstrations. After being forcibly pacified for the second time in less than fifteen years, mass demonstrations were halted, but the tension in Gaza continued to build. It was this tension which would later spark off the demonstrations which began the Intifada.

In addition to violent coercion, the Israelis also used deportation as a tool to discourage resistance and disorder. According to Helena Cobban:

One researcher has documented the cases of 671 individual West Bank residents, and two entire tribes, deported to Jordan or Lebanon over the period 1967-78; further investigation of a sample of the deportees listed revealed that 25% of them were educators, 22% were students, and 15% were non-teaching professionals.<sup>10</sup>

Many notable Palestinians were deported for their political activity. For example, when the Palestinian National Front (PNF) convinced the Higher Muslim Council in Jerusalem to support the 1973 Arab Summit's recognition of the PLO, Israel deported eight PNF members to Jordan, including the Mayor of al-Bireh and a member of the Muslim Council.<sup>11</sup> The President of Bir Zeit University, Dr. Hanna Nasser was deported in 1974, following demonstrations after Arafat's appearance at the United Nations. The mayors of Hebron and Halhoul were deported for their pro-PLO rhetoric.

In September and October of 1981 Israel revealed its plans to put the Occupied Territories, which had previously been ruled by the military, under 'civil administration'. Menachem Milson, an Israeli university professor, was named head of the Civil Administration in the West Bank. Milson believed that Israel should strive to "create conditions within which moderates in the territories will be able to express their views openly".<sup>12</sup> Once in office, Milson worked to counter sources of the PLO's influence in the West Bank by blocking PLO funds entering the Occupied Territories and dismissing pro-PLO municipal leaders. In Gaza, no civilian head could be found for the Civil Administration, and an IDF officer was appointed to serve in a civilian capacity.

Palestinians saw the move as Israel's first step towards annexing the territories, however they had little choice but to co-operate with the new Civil Administration. Its bureaucracy was responsible for the majority of services, including issuing permits for building, using water sources, work and travel. The process of applying for a permit was complicated and lengthy, and requests were more frequently rejected than approved. Although the Civil Administration was supposed to introduce civilian rule to the Occupied Territories, its decisions were still conditional upon approval of the security establishment. Security interests, such as recruiting collaborators or pressuring individuals, often displaced the legitimate needs of those requesting services. According to B'Tselem: "The security forces, including the Civil Administration, have approached the granting of various civil services not as the granting of legitimate rights, but as favours and expressions of goodwill, that can be revoked at any time".<sup>13</sup>

During this time, Milson also revealed his plan to set up 'Village Councils', an organisation loyal to Israel that would be strong enough to counter the pro-PLO mayors and urban population. Milson spoke of "giving representation to the 70% of the population of the West Bank, the silent majority, which is moderate and willing to collaborate".<sup>14</sup> The members of the Village Councils were given greater freedom than other Palestinians, including the right to carry arms, which were often provided by Israel.<sup>15</sup> However, they were seen by most Palestinians as armed militias that supported Israel.

The Civil Administration found it impossible to recruit appropriate leaders for the councils. Mustafa Dudin, a political maverick, was appointed in the Hebron area. In the Bethlehem area a local taxi driver and pimp was appointed and promptly ran a protection racket in the city until Israeli officials were forced to imprison him. When a *mukhtār* agreed to run a local council in the Ramallah area, he was murdered. The Village Council leaders wielded considerable power, but the majority of West Bank residents considered them corrupt and collaborators with Israel. In spite of these difficulties, by 1982 there were councils operating in seven areas. Israel backed the councils with extensive funding; between 1981-1982, US\$8.8 million worth of aid was provided to the councils and the following year the sum climbed to US\$12 million.<sup>16</sup>

Despite massive Israeli support, the Village Councils continued to be condemned by Palestinians, and others in the Arab world. Seeing the Councils as collaborating with the enemy and concerned that they were another step towards the Israeli annexation of the Occupied Territories, the Jordanian Prosecutor-General declared in March 1982 that the leaders of the Village Councils would be accused of high treason if they did not resign

within thirty days. Although the leaders had the financial support of Israel, they were still dependent upon Jordanian passports for travel and many had family and owned businesses in Jordan.<sup>17</sup> Within two weeks of the announcement, over eighteen council heads had resigned, and the Village Councils effectively collapsed.

Throughout the occupation, Israeli security forces maintained a system of collaborators and informants to control the Occupied Territories. Israel referred to collaborators as:

‘sayanim’ (from the Hebrew for ‘assist’ or ‘abet’), meaning Palestinians who are registered as having official intelligence contacts with one of the security branches operating in the territories – the General Security Service (GSS), the Israel Police, the IDF, or the Civil Administration. Palestinians recognised by the authorities as sayanim include various types of intelligence agents who furnish security information from within institutions detention facilities, organisations, and towns or villages; or who assist the security forces in identifying, arresting, and physically harming wanted individuals... The authorities also view as sayanim Palestinian land sales agents who help the government gain control of land in the Occupied Territories.<sup>18</sup>

Israel recruited Palestinian collaborators through promises of money and power, blackmail, and granting or withholding permits (for example, the Civil Administration would refuse a travel permit to a Palestinian student studying abroad unless she or he agreed to collaborate). Although collaborators were considered traitors, until the start of the Intifada many collaborators conducted open relations with the Military Government and the GSS. Their ties to Israel gave them power, influence, and often a significant income. Collaborators also acted as intermediaries with the Israeli authority; Palestinians would pay a collaborator to help them in their relations with the Civil Administration.

In maintaining public order in the Occupied Territories, Israel used a variety of approaches. It attempted to lessen the control of the PLO and integrate Israeli rule into Palestinian residents’ lives. Palestinians were included in the Israeli Police in the Occupied Territories, and the Civil Administration and Village Councils were established with the hope that moderates would accept a less militarised form of Israeli control. These attempts at some

form of accommodation were ineffective because they did not begin to meet Palestinian expectations. Even moderate Palestinians rejected the Israeli institutions, and those who cooperated with Israel were deemed collaborators and traitors.

At the same time, suppressive tactics, such as firing at unarmed protesters, house demolitions and administrative detention were used to force the population to submit to Israeli dictates. It was illegal to be a member of any of the PLO factions, and political activists were frequently deported. A wide network of collaborators provided intelligence and data on Palestinian activities. While these policing tactics were generally effective in suppressing public disorder until 1987, they also greatly contributed to the build-up of tension and anger within Palestinian society.

### **2.2.2 THE LEGAL SYSTEM**

In order to fully understand the strategies of public order maintenance implemented by Jordan, Egypt and Israel, it is important to consider the existing legal systems of the time. From 1517 to 1917, the Palestinians were governed by Ottoman laws, which were influenced by the French legal system. During this time, the law fell into three categories: religious law, civil and customary law and capitulatory law.<sup>19</sup> Religious law during the Ottoman period allowed Muslim, Christian, and Jewish communities to exercise jurisdiction over their members on personal status issues such as marriage, divorce and inheritance. Civil and customary law was drawn primarily from French codes, as long as it did not contradict Islam. French models were used for the civil code, penal code, codes of civil and criminal procedure, and commercial and maritime laws. Capitulatory law comprised the body of rules applicable only to foreigners in the Ottoman Empire. Only Consular Courts of the state of the foreigner were allowed to try foreigners in all matters.

The British Mandate, when it took control of Palestine, abolished capitulatory law, but preserved many of the other Ottoman laws that were in force. However, the Mandate was also active in creating new laws and legislation. Issued in 1922, the Palestine Order-in-Council served as a constitution, outlining the application of British statutes, the organisation of executive, legislative and judicial branches, and declared English, Arabic and Hebrew the official languages of the Mandate. Raja Shehadeh writes:

The period of the Mandate was one of extensive legislative activity. A year after the Mandate began, Article 17 of the Order-in-Council, was amended to empower the High

Commissioner with ‘full power and authority... to promulgate such ordinances as may be necessary for the peace, order and good government of Palestine...’<sup>20</sup>

As a result, a combination of Ottoman and British laws were already in place when Egypt and Jordan took control of Gaza and the West Bank respectively.

#### 2.2.2.1 Jordan and Egypt

After 1948, the Palestinian judicial system in the West Bank and Gaza diverged. In Gaza, an Egyptian Administrator-General was given all the powers of the High Commissioner. As per a declaration by the Administrator-General, the Mandate’s civil legal system and the Palestinian Criminal Law (issued in 1936) remained in force. During this time reforms were also gradually instituted by Egyptian military commanders. In 1962 the Gazan Legislative Council was established. According to Shehadeh, “Many regulations were made during the brief existence of this Council. A few laws were also passed relating to labour, the professions and matters of personal status.”<sup>21</sup> Nevertheless, these reforms did not significantly alter the legal system. Throughout the Egyptian administration, the Gazan judiciary remained independent of the Egyptian judiciary.

The situation was different in the West Bank. Initially, the West Bank was placed under Jordanian military rule. The laws from the Mandate remained in effect, with military orders as the only source of new legislation. With the annexation of the West Bank by Jordan in 1952, the Jordanian constitution and legal system became law, and the courts part of the Jordanian judicial system. Some of the laws were modelled after the British Mandate laws while others were influenced by other Arab legal systems.

Therefore, when Israel occupied the West Bank and Gaza in 1967, the two areas were functioning under different legal systems. Gazan law, with a few alterations, was still based primarily on British Mandate legislation, while West Bank law was tied completely to the Jordanian legal system. This was not necessarily a problem for Israel, as it began to issue different military orders for the two areas.

#### 2.2.2.2 Israel

The legal system in the West Bank and Gaza remained basically unchanged after the occupation, but with the addition of Israeli military orders. The two areas maintained their separate legal systems, and military orders were issued by their respective military commanders. Throughout the occupation, approximately 1,400 orders were issued in the

West Bank and 1,100 in Gaza.<sup>22</sup> The Palestinian Human Rights Monitoring Group explains that the military orders could be divided into two categories:

The first includes temporary orders, such as those imposing curfews, and others establishing Israeli military control over various spheres of civilian life. The second category, while still constituting ‘occupation law’, answers needs shared by the population and the authorities. Examples include orders establishing laws for traffic violations, car insurance, and tort claims.<sup>23</sup>

It is the first category, establishing military control over civilian life, to which Palestinians have objected vociferously, and which is used most often to maintain public order. Israel defends these actions by arguing that they are necessary to ensure Israeli security. Shehadeh summarises Israel’s security objectives as being to:

1. Enable the Israeli army to control the population;
2. Prevent hostile activities against Israel;
3. Prevent the rise in the areas under Israeli control of a political leadership hostile to Israel;
4. Prevent contacts with the Palestine Liberation Organisation and curb its activities inside;
5. Enable the Israeli government’s settlement policy to be implemented, quell any resistance by the population against it, and protect Israeli settlers.<sup>24</sup>

Israel, as an occupying power, was prevented by international law from altering the existing legal framework of the territories it occupied. Thus, it could only issue ‘temporary’ military orders that directly protected the security of the civil population and maintained public order in the interests of protecting against loss of life. Therefore, legally, security was the only option for Israel.

To fulfil their objectives, the Israeli Area Commanders issued a large number of military orders which allowed them to close educational institutions, impose curfews, restrict travel, and close trade union offices. Israel was also able to use the British Mandate Emergency Regulations of 1945. The Emergency Regulations allowed Israel to prohibit membership in political parties, close newspapers, deport Palestinians outside the West Bank and Gaza,

demolish houses of security offenders, and require Palestinians to carry identification cards at all times. All of these actions were justified on the grounds of security.

Furthermore, the Palestinians were excluded from the jurisdiction of the Israeli legal system, while Jewish settlers in the West Bank and Gaza were included. This was done by defining the jurisdiction of Israeli law and Israeli courts in terms of who it covered, not according to territorial boundaries. As a result, a legal distinction was made between the Jewish and Palestinian residents of the Occupied Territories.<sup>25</sup>

### **2.2.3 PUBLIC ORDER AND THE POLICE-STATE-SOCIETY RELATIONSHIP**

The Palestinian experience in the West Bank and Gaza, from 1949-1987, was similar in the two areas, with slight variances. In Gaza, limited political participation was allowed by the Egyptian Administration. Gazans were even able to establish a legislative body which made regulations and a few laws. Palestinians were also granted a limited political role as part of Jordan, although that role was often restricted by the King. After 1967, Gaza – which had prior experience of Israeli occupation – attempted armed resistance, while many in the West Bank expected their territory to be eventually returned to Jordan. As a result, Gaza initially suffered much greater repression.

Overall, the Palestinian experience with public order maintenance during this period was one of suppression. Whether under Egyptian, Jordanian or Israeli control, the security of the controlling state was paramount, and stability and order were often violently enforced. Political expression and protest were not tolerated, and often met with live ammunition or collective punishment. The Palestinians were subject to massive intelligence networks which monitored their activities. The legal system was manipulated to reinforce state policies and restrict Palestinian rights. The state allowed no legal redress, either against their actions or those of the police. The few futile attempts at accommodation did not meet even minimal Palestinian expectations, and were thus ineffective.

Public order maintenance in the Occupied Territories from 1949-1987 also created several unique anomalies in the police-state-society relationship. Most importantly, the state – whether Egypt, Jordan or Israel – created a distinction between the Palestinians and the rest of society. Palestinians did not receive the same rights or protection as the citizens of the state. This was because Palestinians were not in fact citizens (in Egypt and Israel), political and executive decisions, and specific writing of the law.

Furthermore, categorising problems as ‘security’ issues gave the state extensive leverage to allow the police (or more often the military or security forces) to act suppressively. Because the Palestinians were seen as a threat to public order – and by extension the control of the government in power – most problems were classified as ‘security’. This is most apparent under the Israeli military command, where hundreds of military orders on a wide range of issues were issued to provide security.

It is also important to note that under these regimes, the police forces themselves had little or no authority over public order maintenance. Policing public order was allocated to the military and intelligence organisations. As such, it is questionable whether a relevant police-state-society relationship existed at all. Certainly most of the interactions discussed in Chapter 1 are inapplicable. This is summarised by Peter Manning, who writes: “The police are viewed as the first line of formal social control, while the army is seen as the ultimate application of force”.<sup>26</sup>

### **2.3 THE INTIFADA**

In December 1987, following a series of tragic events, mass demonstrations erupted in Gaza and spread to the West Bank, marking the start of the Intifada. While the first weeks of demonstrations were spontaneous and unorganised, a leadership network soon developed to direct and co-ordinate activities. The United National Command (UNC) was a coalition of members from Fatah, the Democratic Front for the Liberation of Palestine (DFLP), Popular Front for the Liberation of Palestine (PFLP) and the Communist Palestinian People’s Party (PPP) which issued directives on the uprising through a series of leaflets, or *bayānat*. Islamic Jihad also joined the UNC for a short time, but soon resigned over political differences. The Islamic Resistance Movement (Hamas) issued its own *bayānat*. Although the Islamic groups remained independent of the UNC, and rivalries sometimes occurred, all the factions carefully co-ordinated their activities.

The UNC also co-ordinated their activities with the PLO in Tunis, establishing a relationship where the PLO were informed of all Intifada activities and were able to contribute to, but not entirely control, decision-making. Beginning with the third leaflet, each communiqué opened with the same declaration: “No voice can overcome the voice of the uprising, no voice can overcome the voice of the Palestinian people – the people of the PLO”.<sup>27</sup>

Through the *bayānat*, the population was called on to carry out civil disobedience, such as non-payment of taxes, observance of strikes, and non-co-operation with Israeli authorities. They were also encouraged to undertake violent actions like throwing stones and fire bombs,

building barriers, burning tyres, clashing with Israeli forces and denouncing collaborators. While the UNC *bayānat* called for national strikes and other activities, it also worked with the network of grassroots organisations which were charged with making local decisions. Careful attention was paid to people's ability to sustain protests and strikes under Israeli pressure. Local committees were therefore responsible for deciding when their districts could sustain demonstrations and strikes, raising money and material aid for neighbouring villages and refugee camps under curfew, and ensuring their constituency's morale.<sup>28</sup>

### **2.3.1 ISRAELI PUBLIC ORDER RESPONSE**

At the start of the Intifada, many of the Israeli steps to maintain order disintegrated. The Village Councils, which had never met much success, had collapsed. The Palestinian police serving under Israel had never received much respect from the general population. In April and June 1988, the UNC called for, and received, the mass resignation of all Palestinians serving in the Israeli Police. Also by spring 1988, the Intifada leadership had compelled many collaborators to publicly recant, and those who refused were often killed, leaving Israel without a reliable source of information on West Bank and Gaza activities.

Israel's immediate response to the Intifada was to step up the use of suppressive tactics. During the first six weeks of the Intifada, thirty-eight Palestinians were shot and killed by the IDF. By November 1988, over 150 Palestinians had been killed and over 11,500 wounded (almost two-thirds of whom were under 15 years old).<sup>29</sup> In addition to the use of rubber-coated bullets, tear gas and live ammunition against demonstrators, the deportation of political leaders continued. Israel also increased its use of collective punishment for the public disorder. Schools, colleges and universities were closed, houses demolished and curfews routinely applied. Arbitrary arrest and detention for extended periods of time without legal charges, access to legal representation, or a trial were common practice. Torture and mistreatment were routinely used during interrogation to extract information and confessions. Prior to the Intifada, in January 1987, the Landau Commission, set up by the Israeli government to investigate the GSS's handling and interrogation of Palestinian security prisoners, issued its report. Although the commission found that the GSS had used torture to extract confessions, it did not recommend that any legal action be taken. Furthermore, the commission recommended that the law be changed to allow limited 'psychological and physical pressures'. The recommendations were adopted by the Cabinet and the Knesset, thus allowing the GSS to legally use torture and intimidation when questioning Palestinian detainees. Israel adopted the strategy of forcibly suppressing the Intifada, despite criticism both inside Israel and internationally.<sup>30</sup> Unsuccessful in

maintaining public order in the Occupied Territories, Israel turned to a ‘broken bones’ policy of trying to beat the Palestinian demonstrators into submission.

A major reorganisation of the Israeli military and security apparatus was conducted in 1989, and Israel began to change its methods of responding to the Intifada. The Israeli forces set out to fight the Intifada using special units which conducted operations disguised as Palestinians and which specifically targeted activist leaders for assassination. They also attempted to recoup their loss of intelligence by identifying new collaborators. Salim Tamari identified two means of collaborator recruitment. Through the ‘*asāfir*’ system, an unyielding prisoner was placed in a prison cell after a prolonged and unsuccessful interrogation. The other prisoners in the cell, who were actually collaborators, lulled the prisoner into a false sense of security and then entrapped him or her into revealing contacts and activities. Most collaborators used for the ‘*asāfir*’ system were petty criminals who were promised shorter sentences in return for their co-operation. The second method was a system of entrapment through blackmail. Often this method involved prostitution or drugs, and threats to reveal information to family members unless the targeted person co-operated with the Israeli authorities.<sup>31</sup>

In November 1989, the Israeli Ministry of Defence revealed that the Intifada had cost the IDF US\$500 million.<sup>32</sup> The Israeli tactics of suppression and network of collaborators still did not succeed in maintaining order in the Occupied Territories. However, they did cause an eventual deterioration of the internal leadership and structure of the Intifada.

### **2.3.2 PALESTINIAN-INITIATED LAW ENFORCEMENT**

To ensure Intifada activities, such as strike observances and the boycott of Israeli products, were being carried out, the UNC established ‘shock squads’ or ‘strike teams’ (*al-majmū‘āt al-dāriba* or *al-quwwāt al-dāriba*). A description of the strike teams’ activities were detailed in the UNC’s *bayān* no. 22 of 21 July 1988.

The United National Command salutes the shock squads for their active role against the (Israeli) occupation forces, their agents, and departments, and against those who deviate from the will of the people. They are called on to strike with an iron fist against whoever has not resigned (from the Civil Administration), and are requested to block roads on general strike days and allow only doctors’ vehicles to pass.

They should write national-unity slogans (on walls)... and sign only in the name of the United National Command. They should raise flags, organise demonstrations, burn tires, and throw stones and Molotov cocktails.<sup>33</sup>

Unlike the local committees, which were usually comprised of community leaders and educated professionals, the strike teams were generally made up of younger activists. They were organised into groups of ten or fifteen and were responsible for covering virtually every block in their district to ensure that merchants honoured strike hours and that information in the *bayānat* was distributed throughout the community. At the start of the Intifada, the Palestinians serving in the Israeli Police resigned and the UNC called on the communities to organise themselves to preserve law and order. The task of policing therefore fell to the strike teams, who were already deeply involved in enforcing UNC directives. The teams gradually took responsibility for mediating minor disputes, patrolling neighbourhoods to prevent crime, and cracking down on known criminals and drug dealers.<sup>34</sup> Although the strike teams were established by the UNC, they were often affiliated with a particular political party and took orders from the party leaders. Militant groups such as the Fatah Hawks and the Black Panthers (both affiliated with Fatah) or Majad (an arm of Hamas) operated as strike teams.

The strike teams were also given the task of identifying and dealing with Palestinian collaborators. While at the beginning of the Intifada collaborators were often ‘turned’ either through nationalism or persuasion by the strike teams, as the Israeli security forces began to step up their efforts at intelligence gathering through informants, the activists responded with increasing violence. According to the human rights group B’Tselem, “by the end of the first year of the Intifada some 20 Palestinians had been killed on suspicion of collaboration. In the second year some 150 suspects were killed.”<sup>35</sup> Suspected collaborators were often beaten, maimed or executed, without judicial process. Because membership in the strike teams and the armed political groups was very secretive, the arrest of a member by the IDF was always blamed on an informant, and a witch-hunt would ensue to identify the collaborator.

The UNC encouraged the strike teams to seek out and punish collaborators. In *bayān* no. 25, the UNC praises the strike teams:

the core of the popular committees (against collaborators)...  
for executing the verdict of the uprising and the people

against some of them. It calls on the strike teams to continue purging the internal front of the filth of those who sold their soul and honour to the occupation and betrayed their people and homeland.<sup>36</sup>

While the strike teams initially enjoyed wide support from their communities and the Intifada leadership, the relationship had soured with the general population by 1990. The definition of collaborator had expanded to include not just those working for Israel, but also individuals whose behaviour was considered immoral or criminal. This included women who were suspected of prostitution or having extramarital affairs, drug traffickers or addicts, purveyors of pornographic material, and so forth, under the arguments that they weakened society and undermined the national struggle, and that such individuals were more easily recruited as collaborators. The definition of collaborator was later extended to those who violated strikes and political opponents. As a result, many Palestinians were killed for baseless suspicions, errors in investigation, and mistakes in identification. B'Tselem cites the testimony of Hussein 'Awwad, commander of the Fatah Hawks in the Khan Yunis area:

Not every Palestinian killed by Palestinians since the beginning of the Intifada was a collaborator. Some were eliminated by irresponsible people, due to personal motives. In some cases, errors were made in the eliminations. At the beginning of the Intifada, we still didn't know about the undercover [Israeli] units, and they also eliminated people while placing the responsibility on us.<sup>37</sup>

As the killing of suspected collaborators began to get out of hand, strike teams became seen as armed gangs associated with various PLO factions and the Islamic movement; often their motives involved interpersonal disputes, business or intra-organisational rivalries, and inter-organisational conflicts. Increasingly, these groups became independent of the political leadership (both the UNC and the various political parties), who proved unable to rein them in. Externally and internally, the armed groups fell under criticism for their often violent and brutal methods and complete disregard for human rights. Inside the Occupied Territories, Fatah activists like Ziad Abu Ziad and Faisal Hussein urged an end to the killings, and the Palestinian press began publishing articles condemning the strike teams' actions. PLO notables, such as Um Jihad, wife of Khalil al-Wazir, also denounced the violence. Although this was an issue of great concern to the PLO, as they began

negotiations with Israel, Arafat did not call on the groups to desist from violence against collaborators until after the signing of the Declaration of Principles in 1993.

The civil justice system was paralysed at the outbreak of the Intifada, and the military judicial courts were run by the IDF. Therefore, the vacuum created by the absence of regular law enforcement was filled by various forms of local Palestinian enforcement. On the highest level, was the National Reconciliation Committee (NRC). The NRC was comprised of equal numbers from each of the political factions in the UNC, with members responsible for particular regions. Disputes were heard by a panel of four or five representatives (one from each political faction). Because the NRC functioned in total secrecy, very little information on the specific cases heard or the legal rules and traditions implemented are available.<sup>38</sup>

More common were individual mediators and committees known as 'reconciliation committees' or 'normative committees' (*Lijān al-Ṣulḥ* or *Lijan al-'Iṣlah*) which emerged on a local level. These committees arbitrated a broad range of issues, including clan feuds, land and financial disputes, and questions related to suspected collaborators. They based their verdicts largely on Islamic and traditional law, but also on new realities. For example, the money collected from a fine could be given to the poor, an action originating during the Intifada.<sup>39</sup> Sufian, an Intifada activist from a village outside Tulkarem, recalls another example:

A man tried to rape a woman, so at night the strike force went to his home and took him to the middle of the village. With loud speakers they called the people, told them the story, and asked what should be done. The village elders asked him if he was guilty, and he admitted he did it. The elders set the punishment and asked everyone in the village to spit on him, and then told the strike force to punish him. The strike force took him away from the village, punished him [beat him], and sent him home.<sup>40</sup>

In other instances, usually those involving collaborators, the strike teams investigated a case and then decided a judgement themselves or held a 'people's trial'. Generally, a suspected collaborator was taken from his or her home or from the street to a secluded place where they were interrogated. It was common for the strike team to use torture while interrogating a suspect. In the first year of the Intifada, a collaborator was generally given a warning and

released; but as of the middle of the second year the sentence for an individual who confessed to collaboration was usually death. In some cases, after obtaining a confession the strike team would consult the leaders of their political faction for a sentence, but in others the execution would be carried out immediately. As the Intifada progressed, the strike teams decided punishments independently, not even consulting their political leaders. Alternatively, the strike team would hold a ‘people’s trial’ where a suspected collaborator was taken to a central location, such as a city square, and with spectators present, they would interrogate the suspect. The onlooking public was invited to pass sentence, which was then carried out in front of them.<sup>41</sup>

As the Intifada continued, the strike teams began to act increasingly as both police and judge. This cost them legitimacy within the communities, as mistakes were made and personal vendettas were acted out. They were no longer able to maintain internal order within the Occupied Territories, and in fact became a primary source of disorder within Palestinian society.

### **2.3.3 THE POLICE-STATE-SOCIETY RELATIONSHIP DURING THE INTIFADA**

During the Intifada, the Palestinians experienced a harsher suppressive strategy from Israel. Thousands were detained, fired upon while demonstrating, and beaten. Schools and universities were closed and areas declared under curfew. Israel also strengthened its network of collaborators. The Palestinians responded not only by continually confronting the IDF in the street, but also by establishing their own institutions. The UNC allowed the strike teams to act as police within their community and a number of committees and personalities acted as a justice system. However, strike teams began to take over both of these responsibilities in the pursuit of collaborators. Their unchecked powers were ultimately to cause greater public disorder – carrying out vendettas, causing rifts between political groups – than they were able to maintain within Palestinian communities. By the end of the Intifada, much of the Palestinian population no longer respected, but feared, the strike teams.

The Intifada marked a total Palestinian rejection of Israel as ‘the state’ and attempted for the first time to establish Palestinian state-like structures to meet society’s needs. As a result, Israel became less capable of controlling the situation because society invested legitimacy in an alternative form of government. However, the strike teams’ form of policing vigilantism was not the answer to the Palestinian society’s public order needs because there still was not

a state (or a sufficiently powerful state-like structure) to keep them in check. This led to a predictable abuse of power by the strike teams.

The state (Israel) was not policing society, merely enforcing its own control. The legitimate aspects of policing had been devolved to elements from within society itself, but in the absence of an accepted and effective legal code and with only limited effect.

## **2.4 THE PLO ABROAD**

The experiences of the Occupied Territories under Jordanian, Egyptian and Israeli control are an important factor when examining the police-state-society relationship. However, it is also necessary to understand the organisation and background of the PLO abroad, as this governing structure is responsible for the establishment of the Palestinian National Authority. Many of the political and military leaders of the PLO have now become members of the PSF. Therefore, it is important to consider their experiences as well. Moreover, while these three countries acted as the ‘state’ for the Occupied Territories, they were not recognised as legitimate by Palestinian society. Instead, the PLO was seen as the sole legitimate representative of the Palestinian people. As a result, legitimate authority (the PLO) and the powers of the state (Israel) were two separate forces. Later, the PNA would attempt to create a synthesis of the two.

### **2.4.1 CREATION AND ORGANISATION OF THE PLO**

The Palestinian Liberation Organisation (PLO) was created by the Arab League in 1964 as a response to pressure to address the Palestinian problem. At a summit meeting in Cairo in January 1964, the Arab League called on the Palestinians to assume the role of liberating their homeland. In May of the same year, King Hussein of Jordan convened a Palestinian National Council (PNC) of approximately 400 Palestinians in Jerusalem. This meeting endorsed the Palestinian National Charter and adopted the Basic Constitution of the PLO, effectively establishing the PLO with Ahmed Shuqairi as chairman.

Initially, the PLO was ineffective. The Arab states that created the organisation imposed serious constraints on PLO activities and participation. Disputes arose within the PLO leadership. Furthermore, it was not well received by existing Palestinian groups. The Arab Higher Committee for Palestine (AHC), headed by Haj Amin al-Husseini, was most vocal in its criticism. In a statement dated 10 June 1964, the AHC accused the PLO of being a “colonialist, Zionist conspiracy aiming at the liquidation of the Palestinian cause”.<sup>42</sup> The

pan-Arabist Arab Nationalists' Movement (*Harakat al-Qawmiyyīn al-'Arab* or ANM) condemned the PLO for having no connection to the Palestinian people.

However, the PLO was not the only organisation striving for Palestinian independence. Several other groups were forming, which were committed to liberation through armed struggle with Israel and were not restricted by the Arab League in carrying out guerrilla operations. Fatah was founded in 1959 by several Palestinian activists working in Kuwait including Yasser Arafat (Abu Ammar), Khalil Wazir (Abu Jihad) and Salah Khalaf (Abu Iyad). By 1964, Arafat and the others had established an embryonic guerrilla organisation, which received recognition and training from the Ba'athist regime in Syria, and was backed financially by a loose network of supporters who spanned the Palestinian Diaspora. The organisation was established to unite Palestinians in an armed struggle against Israel and aimed to embrace all Palestinians, regardless of their previous political affiliation.

Other new Palestinian organisations were established in the aftermath of the 1967 War. The Palestinian branch of the ANM, led by George Habash, joined forces with three small existing guerrilla groups to form a new organisation: the Popular Front for the Liberation of Palestine (PFLP). In 1969, Nayef Hawatmeh broke from the PFLP to form what eventually came to be known as the Democratic Front for the Liberation of Palestine (DFLP). Both of these groups were Marxist-Leninist in their ideology, and believed that there must be fundamental social and economic changes in the Arab world as well as striving toward the liberation of Palestine. Al-Saiqa was founded in 1966 from the Palestinian branch of the Syrian Ba'ath party. Several years later, the Arab Liberation Front (ALF) was established as a Palestinian wing of the Iraqi Ba'ath party. Large numbers of Palestinians flocked to join these guerrilla groups and became known as *fidā'iyyīn* ('the men who sacrifice themselves').

By July 1968 the *fidā'iyyīn* had gained great popularity and support, while the PLO remained thoroughly ineffective. Earlier that year, Fatah had convened a meeting of all the commando groups in Cairo – only the PFLP refused to attend. The participating groups formed a co-ordinating body called the Permanent Bureau.<sup>43</sup> The PLO responded by creating its own guerrilla group, the Popular Liberation Forces (PLF), an offshoot of the PLA. When the Palestinian National Council met in Cairo, just four months after the battle of Karamah, the newly glorified guerrilla groups, led by Fatah, took control of the PLO. Of the 100 PNC seats at the session, 38 went to the Permanent Bureau, 10 to the PFLP, and 20 were divided between the PLA and the PLF, with the remaining seats going to previously serving PNC members.<sup>44</sup> At the next session, less than a year later, Yasser Arafat was elected chairman of the Executive Committee, a position he has retained throughout the

interim period. While still dependent upon Arab governments for funding, the PLO became a more independent representative of the Palestinian people.

As a result of the *fidā'iyīn* take-over, the PLO became the organisation which brought together the various resistance movements under one umbrella, led by Fatah. The guerrillas remained the primary fighting force, but were incorporated into the PLO, which became the sole decision-making body of the Palestinian resistance. The relations and lines of organisation between the guerrilla groups, established in 1968-69, were to remain largely constant for nearly twenty years. Although Fatah had been strong enough in 1968 to succeed in taking over the PLO on its own, the majority in Fatah insisted that the other organisations be included. In this way, the PLO was able to build legitimacy and internal cohesion.

The PLO developed from a weak and dependent organisation into an internationally recognised political force. It had been founded firmly in the image of a state, with legislative, executive, and later judicial branches, governmental departments, an audited budget, and internal statutes (Figure 2-1). The Fundamental Law, which was drawn up at the first meeting of the Palestinian National Council in 1964, laid down the basis for the organisational framework of the PLO. Also constituting the bylaws of the PLO, it acts as a Palestinian constitution. The Fundamental Law established two primary policy-making institutions: the Palestinian National Council (PNC) and the Executive Committee.

The PNC functions similar to a parliament in that it draws up policies and plans. It is also considered the supreme authority of the PLO. Initially, the Fundamental Law stipulated that members of the PNC could only be directly elected by the Palestinian people, and if elections were not possible then the existing Council would continue to function until elections could be held. The PNC has been unable to hold direct elections since its establishment in 1964. To resolve this problem, the Fundamental Law was amended in the fourth session of the PNC in 1968, whereby the PNC was given the right to add new members to its body.

The Executive Committee is comprised of 15 members, and is the highest executive authority of the PLO. Whereas the PNC acts as a parliament, the Executive Council is similar to a cabinet. Originally, the chairman was named by the PNC, and he in turn selected the members of the Executive Council, however that was later changed to allow for the election the entire Council by the PNC. It has the power to establish necessary departments, such as the Department of Administrative Affairs and the Political Department.

During the sixth session of the PNC in 1969, a resolution creating a revolutionary court was passed. The Executive Committee was granted the authority to appoint a panel of judges known as the Palestinian Revolutionary Court. The court tried any Palestinian brought before it by the Executive Council on matters relating to Palestinian national interest. In severe cases, the court handed down the death sentence.

The Fundamental Law also gave the Executive Committee the right to establish Palestinian military units. One of the earliest successes of the PLO was the establishment of the Palestinian Liberation Army (PLA). The PLA units, the Palestinians' first regular army formations, recruited Palestinian troops from throughout the Arab world. Although they were not allowed to deploy in Jordan, units were co-opted into many Arab countries' armed forces, including Egypt, Syria and Iraq. The PLA's presence in Gaza had enabled Palestinian units to defend the area during the 1967 War, although it proved to be a hopeless task. However, guerrilla – not conventional – warfare was to prove significantly more successful in the Palestinian armed resistance.

#### **2.4.2 RELATIONS WITH HOST COUNTRIES**

The PLO's relations with its host countries have rarely been without controversy. In the wake of the 1948 War, the mass influx of Palestinian refugees into neighbouring Arab countries was considered a threat to the countries' domestic stability. Rival Arab governments manipulated the refugee issue to create disorder and further their political agendas. The sudden arrival of thousands of Palestinian refugees upset the delicate ethnic balances of several countries. Infiltrations into Israel by Palestinians – either by *fidā'iyyīn* or refugees attempting to return to their homes – presented a security problem by risking war or reprisal attacks by Israel. Yezid Sayigh concludes, "Whether in the Gaza Strip and West Bank or in neighbouring places of refuge, Arab governments generally sought to both seal off their borders with Israel and to keep Palestinian nationalism firmly under control".<sup>45</sup>

After the 1967 War, Jordan, with its long border with Israel and a large Palestinian population, was an ideal base for the *fidā'iyyīn*. Initially, they were welcomed by the Hashemite regime, and after the Battle of Karameh, in which both *fidā'iyyīn* and Jordanian Army troops battled the Israeli army, King Hussein proclaimed, "we shall all be *fidā'iyyīn* soon".<sup>46</sup> The King, however, soon began to feel threatened by the Palestinian factions. Karameh brought thousands of Palestinians into the PLO training camps. Although Fatah ideology pledged non-intervention in the internal affairs of Arab countries, other factions, such as the PFLP and DFLP, saw King Hussein as a 'reactionary' and a 'puppet of Western

imperialism', and thus considered confrontation with the regime as desirable. Therefore, their challenges to his control, such as erecting roadblocks and publicly denouncing the King's authority, increased throughout 1969 and 1970.

Jordan was also under intense international pressure to control the *fidā'iyīn*. Israel continually attacked PLO bases by air, bombing any civilians in the area as well. Perhaps most seriously, the guerrillas began to lose the support of the Jordanian Army. The Army, which was comprised largely of Bedouin loyal to King Hussein, became tired of the arrogant *fidā'iyīn*, who called Amman the 'Arab Hanoi' and openly proclaimed their ambition to replace the Hashemite monarchy with their own left-wing revolutionary government.

Several skirmishes between the Jordanian Army and the PLO had already occurred when the situation was brought to a head in September 1970. The PFLP hijacked three airliners and flew them to the desert of eastern Jordan, threatening to blow them up unless their comrades in prison, including infamous hijacker Leila Khaled, were released. Negotiations were held and Khaled and others were released, but the jets were eventually destroyed. The incident flouted Jordan's sovereignty and made the king appear impotent.

The hijacking incident snapped the King's patience, and on 17 September 1970 he turned his troops on the guerrilla positions and refugee camps in a battle that became known as 'Black September'. In only ten days, the Jordanian Army brutally destroyed *fidā'iyīn* power in Jordan. Iraqi forces did nothing to help the Palestinians. The PLA in Syria was sent to aid the guerrillas, but Syria refused to provide air cover, and they were driven back. President Nasser arranged a cease-fire, but after nine months the King renewed his attacks on the remaining Palestinian guerrillas in the north of the country, driving the *fidā'iyīn* out of Jordan completely.

The PLO guerrillas sustained massive human, military and political losses during Black September. An estimated 3,000 Palestinians (military and civilian) were killed. Several refugee camps were completely destroyed by Jordanian artillery. The *fidā'iyīn* were no longer able to maintain bases in the Arab country with the longest border with Israel and one of the largest Palestinian refugee populations. Politically, relations between King Hussein and the PLO leadership remained hostile and the confrontation seriously weakened PLO influence internationally.

Nevertheless, Black September did not weaken the PLO guerrillas as much as observers initially expected. Widespread Palestinian and Arab support continued, significantly buoyed by Arafat's appearance at the United Nations a few years later. According to Helena

Cobban, the guerrilla take-over of the PLO also strengthened the fighters' position. She writes: "Throughout and after the Jordan crisis, Arafat was able to deal with the Arab state apparatuses as Chairman of the PLO (their own creation), this was a much stronger position from which to deal than that of a militarily vanquished guerrilla leader".<sup>47</sup>

The PLO resettled the bulk of its troops in Lebanon, another country bordering on Israel and a large Palestinian refugee population. However, the Palestinians had always had tense relations with the Lebanese government. The large influx of Palestinian refugees - mainly Muslim, but also Greek Orthodox - threatened the fragile sectarian balance in the country. The guerrilla movement, which gained popular and military power in the late 1960s, sparked off a wave of Palestinian nationalist sentiment within the refugee camps of Lebanon and sympathetic action from Lebanese leftists and Muslims who were unhappy with the Maronite Christian president. Clashes between the *fidā'iyyīn* and the Lebanese authorities occurred, heightened after Israeli commandos blew up 13 Arab-owned planes in Beirut Airport in retaliation for a Palestinian hijack incident. Nevertheless, because of popular Lebanese support for the Palestinians, the government eventually reached an agreement with the PLO. The 'Cairo Agreement' established guidelines whereby the PLO's presence and activities would be tolerated, and also regulated, by the Lebanese authorities. It limited the PLO fighters to parts of southern Lebanon. The agreement also handed over security responsibility for the 16 official UNRWA refugee camps to the Palestinian Armed Struggle Command, although they remained under overall Lebanese sovereignty. This allowed the refugee camps to become organisational bases for the guerrilla movement.<sup>48</sup>

The PLO began to dominate Shi'ite areas of southern Lebanon to mount attacks into Israel. Israeli retaliatory raids against southern Lebanon and refugee camps (which also housed poor residents from the south) began to affect Lebanese Shi'ites, and caused resentment of the Palestinian presence.

By 1975, sectarian and economic rifts caused Lebanon to collapse into civil war. The PLO initially resisted being drawn into the conflict, arguing that it was in their interest to have the whole of Lebanon supporting them and calling for dialogue. However, in January 1976, right-wing Lebanese Christian militias captured a small refugee camp for Palestinian Christians in Dbayeh (expelling the residents to West Beirut) and imposed a tight blockade around the remaining refugee camps in East Beirut, Tel al-Zaatar and Jisr al-Basha. Although the smaller Palestinian factions had already joined the fighting, the siege of Tel al-Zaatar and Jisr al-Basha convinced the Fatah leadership to transfer the bulk of their forces away from the Israeli border to join the Lebanese oppositionists. In June, the Christian

militias launched massive assaults on the two camps. Jisr al-Basha fell on 28 June, but Tel al-Zaatar held out until 12 August. When it finally surrendered, the militias massacred around 1,500 residents and expelled the rest. The siege and attack on Tel al-Zaatar had a lasting impact on the guerrillas – not only were the Palestinian refugees slaughtered by Arabs, but also the PLO had been unable to protect them.

In October 1976, a cease-fire was arranged by the Arab League. The cease-fire stated that the PLO affirmed the sovereignty and integrity of Lebanon and would not interfere in internal affairs, while the Lebanese authorities guaranteed the presence and operation of the PLO in Lebanon according to the Cairo agreement.<sup>49</sup> Syria was given a strong role – through its prominence in the Arab Deterrence Force – and expected to maintain status quo ante.

Following a Fatah guerrilla attack on Israel which left 31 Israelis and 6 guerrillas dead in March 1978, Israel mounted a full-scale invasion of south Lebanon. A cease-fire was arranged and Israeli troops withdrew a month later. A second Israeli invasion of Lebanon occurred on 6 June 1982 under the pretext of eliminating the PLO in southern Lebanon. While Israel claimed that it intended only to create a security zone forty kilometres deep between Israel and Lebanon under ‘Operation Peace for Galilee’, Israeli forces continued to advance toward Beirut, leaving Palestinian and Syrian armies in disarray. A siege of the city ensued, with the PLO forces holding out against the Israeli assault.

After two months of shelling, Israeli army advances in Beirut compelled the PLO to negotiate an evacuation. The PLO insisted that an American – international guarantee for the security of Palestinian civilians in Beirut was a non-negotiable request for their withdrawal. These security guarantees were incorporated in the document outlining the PLO evacuation. A multi-national peacekeeping force (US, Italy and France) supervised the withdrawal. Following the evacuation, Israeli troops moved into West Beirut to ‘keep the peace’. However, in an Israeli-controlled area, Lebanese Christian militias were allowed to enter the refugee camps of Sabra and Shatila and massacred the residents from 16-18 September. Thus, approximately 3,000 Palestinians were killed less than a month after they were guaranteed security. Again, the PLO had been unable to protect them.

Expulsion from Lebanon had ended the Palestinians’ ability to engage Israel from a neighbouring country, and denied the PLO access to its main source of human resources, Palestinian refugee camps. The Tunisians insisted that the PLO disarm before it could relocate to Tunisia, not willing to allow the Palestinians to set up a strong military

infrastructure like they had in Lebanon. Therefore Palestinian fighters were dispersed to remote areas as diverse as North and South Yemen and the Sudan, making it inconceivable for them to continue their guerrilla tactics. Additionally, much of the heavy weaponry procured during their years in Lebanon had been destroyed or left behind during the evacuation of Beirut, leaving the Palestinian forces without conventional weaponry.

Within both Jordan and Lebanon the PLO was able to greater synthesise their legitimacy and authority by forming a 'state within a state' situation. For example, during the PLO's time in Lebanon, it took on many of the functions of authority. The PLO maintained public order in the camps and protected (or attempted to) the inhabitants from outside hostile elements. The PLO distributed funds for health (through the Red Crescent) and social affairs. Also, some crimes (mostly political and military) were tried in the Palestinian Revolutionary Court under Palestinian-created laws. However, the PLO never had full authority because they were resident in a host country and not their own state. When the host felt threatened by the PLO's display of authority, a challenge to the PLO arose. Therefore, although a greater synthesis of legitimacy and authority occurred, it was fragile and inevitably temporary. A permanent synthesis was impossible while the PLO was dependant on host countries.

#### **2.4.3 DEALING WITH INTERNAL DISSENT**

After the PLO evacuation from Beirut, a debate ensued over the future PLO political strategy. The debate divided the PLO into two camps: moderates and rejectionists. The moderates, led by Fatah, argued for an endorsement of the Fez Peace Plan, initiation of a dialogue with Jordan, gradual opening with Egypt and Israeli peace groups, and the deliberate distancing of the PLO from Syrian influence.<sup>50</sup> The rejectionists were determined to continue the armed struggle to liberate all of Palestine. They opposed any contacts with Israel or Egypt, and advocated the strengthening of ties with Syria and Libya. There were two trends within the rejectionist camp. The first consisted of the PFLP-GC, the Popular Struggle Front (PSF) and al-Saiqa. These organisations – strongly supported by Syria – opposed any political settlement and demanded the removal of Arafat following his trip to Egypt. The second trend included the PFLP and DFLP. They acknowledged Arafat's leadership of the PLO and were willing to compromise with him and despite condemning his trip to Cairo. They broke with Fatah only after the signing of the agreement for joint diplomatic action between Arafat and King Hussein in February 1985.

Arafat was faced with a greater challenge to his authority by a rebellion within his own party. The first signs of trouble appeared at the Arab League Summit in September 1982.

Nimr Saleh, a member of the Fatah Central Committee spoke out against the Fez Peace Plan. More seriously, Saleh had begun to hold unauthorised meetings with Syrian President Hafez al-Assad. Arafat suspended Saleh from the Central Committee, but then ignored the rising tension as a number of Fatah members based themselves in Damascus and began to plan his removal from office.

Another leader of the rebel group was Colonel Mohammed Said Musa Muragha (Abu Musa). In a meeting of the Fatah Revolutionary Council in January 1983, Abu Musa venomously criticised Fatah's policies: he opposed a diplomatic strategy and demanded a return to armed struggle; argued for an overthrow of the Hashemite regime; and promoted attacks on American targets in the Middle East. The rebels also charged that few individuals beyond Arafat and his closest colleagues had a voice in Fatah policy-making. Arafat and the Fatah leaders did not respond to the accusations, nor did a subsequent meeting of the PNC.

In May 1983, Arafat's appointment of 51 loyalist officers (several, including Ismail Jabr, who had been accused of cowardice during the Israeli invasion of Lebanon) to command posts in northern Lebanon, triggered a full-scale Fatah mutiny. The rebels commandeered the headquarters of the Yarmouk Brigade in the Bekaa valley. By early June, warfare between the two Fatah groups had broken out. The mutineers were heavily dependent upon Syria, and to a lesser extent Libya, and two of the Palestinian rejectionist groups – the PFLP-GC and al-Saiqa – lent their support. However, the rebels did not receive the support of the Palestinian public. Pro-Arafat demonstrations occurred in the refugee camps of Lebanon and Syria, and in a poll carried out in the West Bank and Gaza, 95 per cent expressed their support for the PLO leader.<sup>51</sup>

With Syrian assistance, the mutineers forced Arafat's troops out of Tripoli. Later, the Fatah splinter group joined the anti-Arafat rejectionists to form the Salvation Front, but they remained dependent upon Syrian patronage and never gained significant influence.

Arafat survived the rebellion to remain leader of the PLO. Because the rebellion was sponsored by Syria, Arafat began to move closer to Jordan and Egypt for political support. Criticism of Arafat's autocratic methods did not lead to a change in his style of leadership. The core group of Arafat's confidantes remained in charge of Fatah policy. Arafat also continued to pursue a moderate political strategy. To ensure the success of his policies, in the seventeenth session of the PNC, meeting in Amman in 1984, Arafat departed from the practice of achieving consensus on resolutions. This practice had given veto power to small

factions within the PLO. Instead, the PLO began to use a majority vote, which gave Fatah, as the majority faction, significant policy-making power.

The PLO was also faced with serious dissent in the guise of groups unwilling to give up terrorism. The Black September movement was established to avenge the Palestinian guerrillas' defeat in Jordan in 1970. It undertook numerous violent terrorist attacks, the most notorious was the seizure and murder of eleven Israeli athletes at the 1972 Munich Olympics. The movement was highly secretive. Some observers, particularly Israel's government, believed that Black September was a cover for Fatah operations, while others argued that it was an independent movement, albeit with ties to Fatah. After the Munich operation, however, Fatah distanced itself from Black September and began to consider a political solution rather than armed struggle. When the orders to stop relations with the movement were passed down, two Fatah members who had been assigned by the leadership to liaise with Black September's governmental backers responded by defecting to the governments with which they had been liaising. Ahmed 'Abd al-Jaffar (Abu Mahmoud) defected to Libya and Sabri al-Banna (Abu Nidal) to Iraq. When news of their defections reached the PLO leadership, the two men were tried for treason by the Revolutionary Court in absentia and sentenced to death in 1975. 'Abd al-Jaffar was shot two years later in Lebanon, al-Banna evaded his sentence and organised his own political faction, Fatah Revolutionary Council.

Al-Banna eventually moved his organisation to Libya. From there he attempted to thwart Arafat's moderate policies by assassinating leading doves within the PLO. In 1978 prominent Fatah moderates Said Hammami, the PLO representative in London, and Izz al-Din Qalaq, PLO representative in Paris, were gunned down in separate incidents by Abu Nidal operatives. Na'im Khader, PLO representative in Brussels, another well-known dove, was killed by an Abu Nidal gunman in 1981. Possibly the greatest loss to the Fatah moderates was the assassination of Dr. Isam Sartawi, a close associate of Arafat and the most outspoken advocate of a negotiated settlement in the Palestinian movement, in Lisbon on 10 April 1983.<sup>52</sup> The Abu Nidal group also committed a series of bloody terrorist attacks, which further damaged Arafat's peace overtures.

Although al-Banna was sentenced to death, the PLO never captured him and could do nothing to control his actions. Terrorist attacks continued throughout the 1980s and early 1990s in an effort to derail any PLO bids to negotiate a peace settlement. While Arafat condemned terrorism against civilians in an attempt to achieve international recognition for the Palestinian cause, the Abu Nidal group – as well as other radical rejectionist groups –

was conducting terrorist operations to discredit him. For example, Abu Nidal operatives hijacked an Egyptian airliner less than a month after Arafat issued the 'Cairo Declaration' condemning terrorism at a meeting with President Husni Mubarak in 1985.<sup>53</sup> Internationally, it appeared that Arafat had lost his bid for moderation and could no longer control the rejectionist elements of the Palestinian resistance.

These examples of internal dissent demonstrate innate problems with the legitimacy and authority of the PLO – both within Palestinian society and within the organisation itself. The PLO was constantly faced with challenges to its legitimacy, particularly once it decided to pursue a political solution. These challenges were made by groups who supported the continuation of armed struggle, but they were usually co-ordinated by an Arab country hoping to gain influence or control over the PLO. However, it was important that the PLO remained largely independent of outside Arab influence in order to maintain its legitimacy within Palestinian society. For example, when the PLO was first established under the auspices of the Arab League, it was not considered a legitimate representative of the Palestinian cause by much of Palestinian society because it was closely controlled by Egypt and other Arab countries.

In the more severe instances, internal dissent demonstrated the weakness of PLO authority within its own organisation. The defections of 'Abd al-Jaffar and al-Banna (and the subsequent murders of leading PLO doves by the Abu Nidal group), and later of the Fatah rebels showed how the PLO was unable to control their dissenters. That 'Abd al-Jaffar and al-Banna were sentenced to death for treason in absentia further highlights the PLO's inability to punish the defectors.

All of this demonstrates the PLO's inability to establish a monopoly of force over Palestinian society. Alternatives to the PLO could be easily set up – usually with the backing of an Arab nation. The PLO was unable to exert their control over Palestinian society for two very basic reasons. First, it had no mandate. Despite widespread Palestinian support for the PLO, it had been neither created or elected by the Palestinian society in the Diaspora or in historic Palestine. Second, the PLO had no territorially contiguous state over which to exert its authority. Not only were the Palestinians scattered throughout the region, but after the PLO was expelled from Lebanon, it was largely removed from the major Palestinian population centres. As a result of these two factors, it was impossible for the PLO to establish a monopoly of force over Palestinian society. Thus, the organisation found it nearly impossible to deal effectively with challenges to its legitimacy or internal dissent.

## **2.5 THE IMPACT ON PUBLIC ORDER MAINTENANCE**

The experiences of public order maintenance in the Occupied Territories and in the PLO abroad have had a significant impact upon how the PSF have been established, how they function, and the expectations of Palestinian society. Notably, Palestinian public order maintenance has demonstrated a division between legitimacy and authority in the police-state-society relationship. In the Occupied Territories, the police were not perceived as legitimate because they received no public mandate, but rather were working directly for the state. The countries which functioned in different capacities as the state (Egypt, Jordan and Israel) were not recognised by the Palestinian society as their state, and thus were not legitimated either. Therefore, while authority rested with the occupying country, legitimacy was invested in the PLO, which Palestinian society considered their sole representative.

Palestinian experience with public order maintenance deviates between the enforcement of rule on Palestinian society by an outside state within the West Bank and Gaza, and the functions of the PLO outside the Occupied Territories with imposed restrictions and outside interference. As a result, a number of strategies have been implemented to maintain public order in Palestinian society. Building on the variables of Brewer et al. outlined in Chapter 1, several factors in the origins of Palestinian public order maintenance have contributed to the usage of these strategies and the consistency or lack thereof, in implementing them over time.

“The historical legacy, cultural traditions and popular perceptions that surround the image of the state” contribute to the order maintenance strategies of that state.<sup>54</sup> For example, in the US there is a strong distrust of central government, and thus American police forces are among the most decentralised and locally based in the world. As a result of the controversial use of the National Guard during the 1960s, many local police forces have developed their own units specially trained for order maintenance. Therefore, the federal government must argue that a situation is exceptional before it takes the exceptional step of becoming involved. Regarding the Palestinian case, it is important first to note that historically the Palestinians have no experience with their own state. The PLO was set up essentially as a government without a country, and while it functioned in a state-like capacity since its inception, the Palestinian population was not under its exclusive control. In the Occupied Territories, the Palestinians created structures to replace the Israeli authorities, but were not able to use this framework overtly. Therefore, Palestinian popular perceptions that surround the image of the state are drawn primarily from experiences in neighbouring Arab countries as refugees, or under Israeli occupation.

Inside the West Bank and Gaza, the Palestinians were constantly faced with the police or more frequently the military) and state as the enemy. As a result, they have a long history of civil disobedience and violent protest. The police have always been assisted (and in some situations replaced) by the military and military intelligence. Jordan, Egypt and Israel all used extensive intelligence networks and their armies to maintain control of the Occupied Territories. As a result, most policing activities in the Occupied Territories resort to violent coercion. During the Intifada, in addition to heavy-handed Israeli tactics, the Palestinians' own law enforcement groups – the strike teams – frequently resorted to violence, often at the demand of the people. Therefore, popular perceptions of policing in Palestinian society is controlling, intrusive, and involves frequent use of force, with little respect for human rights or the rule of law.

Another variable contributing to the selection of order maintenance strategies is “the extent to which state power is restricted by legal and political constraints which protect the rights of citizens”.<sup>55</sup> For example, many states that face a constant threat of terrorism have taken legal steps to allow themselves to take tough measures. In the Republic of Ireland, continuous violence in Northern Ireland has compelled the state to establish the Special Criminal Court which places the onus on the accused to repudiate allegations that he/she is a member of a proscribed organisation.<sup>56</sup> In both neighbouring Arab countries and inside the Occupied Territories, politics and the law were often used to the disadvantage of the Palestinians, instead of for their protection. Palestinians were prevented from holding certain types of jobs, owning property, participating in politics, and travelling freely by the political and legal restrictions. Palestinians lived under a different set of legal standards than the citizens of the host or occupying country. For example, specific Israeli legal requirements allowed the Jewish settlers in the West Bank and Gaza to fall under the Israeli legal system while the Palestinian residents were subject to military law. Furthermore, Israeli order maintenance tactics, particularly during the Intifada, often violated Palestinian human and civil rights without legal or political constraint. The emergency regulations enacted by the British Mandate and hundreds of military orders allowed the IDF to arrest suspects without charge and hold them indefinitely, place areas under curfew, or use torture during interrogation at their discretion. State power was given a similarly free hand under Jordanian and Egyptian rule.

However, it could be argued that the large number of grassroots organisations and human rights groups active in the Occupied Territories, especially during the Intifada, reflected the Palestinian belief that legal constraints on state power to protect citizens was their right. Historically, the Palestinians have been vociferous in their demands that their rights be

observed. Therefore, although Palestinians have little experience where state power is restricted to protect the rights of citizens, they have actively sought such restrictions.

State legitimacy, as discussed in Chapter 1, is an important consideration in public order maintenance because a state without legitimacy will be faced with greater public disorder which is more difficult to control, and could lead to the collapse of the political system. In some instances, the state is perceived as so lacking in legitimacy that public disorder could turn into a revolutionary force to overthrow the government. Although the Palestinians have had very little experience with what they would perceive as state legitimacy, they have for the most part been unwavering in the belief of the legitimacy of a Palestinian state, and by extension the PLO. Almost no political factions or leaders – with the possible exceptions of radical factions such as Abu Nidal’s Fatah Revolutionary Council or some militant Islamic groups – have attempted to challenge the position of the PLO as the sole representative of the Palestinian people. Even at the start of the Intifada, when the PLO was taken by surprise, the UNC issued *bayānat* in the name of the PLO. As Brewer et al. state: “In some cases the legitimacy which a state possesses is a product of its history, especially the extent to which it was established with the consent of its citizens. But in most instances it reflects the state’s ability to measure up to the expectations and demands of the governed.”<sup>57</sup> In this respect, the Palestinians see their future state as legitimate as a product of their history – a history of their struggle and resistance to Israeli occupation. In their view, not only will a Palestinian state be established with their consent, but because of their collective actions.

According to Brewer et al., “a state composed of a homogeneous population will be less likely to employ suppressive modes of policing since there will be a broad consensus underpinning the ethos of the state”.<sup>58</sup> However, this has not necessarily been the case with the Palestinians. Palestinian society is significantly homogeneous in the West Bank and Gaza. Although conflicts may arise along religious or familial lines, they have all long identified themselves as Palestinians. However, there has always existed a large number of political factions within Palestinian society, none of which are fully consensual with the others. At times this has divided Palestinian society – most notably with the decision to seek a political solution over armed struggle. That decision caused a divide within the PLO, and also several damaging defections from the organisation, most notably Abu Nidal and the Fatah rebels. Also, the state was never predominant over political factions. Therefore, its ability to assert itself, its authority and even legitimacy was always limited.

Generally, there have been no significant sustained social cleavages within the Palestinian population. Most of the divisions have resulted from political, rather than religious, ethnic

or cultural, differences. Possibly one of the gravest causes of social fracture was the issue of collaborators in the Occupied Territories. The fear of collaborators and informants during the Intifada led to paranoia within Palestinian society. The definition of a collaborator was expanded to cover anyone who was perceived as weakening the society or undermining the national struggle. The strike teams' use of indiscriminate violence towards those suspected of collaboration eventually contributed to the breakdown in political co-operation in the Intifada. Even after the PNA took control, collaborators were still seen as a serious threat.

Largely, the Palestinians have been able to mend their cleavages during times of national hardship. During times of crisis, such as the start of the Intifada or Black September, the Palestinian population managed to pull together, irrespective of political affiliation, to present a united front. For example, although some members of the Fatah leadership opposed Arafat's move towards a negotiated settlement in 1974, the organisation pulled together in the face of the Camp David Accords and the Lebanese civil war – with the exception of Abu Nidal and 'Abd al-Jaffar. It was not until 1983, after the PLO had relocated to Tunis, that the objectors spoke out against Arafat.

The final variable is “the extent to which the state is subject to (and prepared to countenance) domestic and international pressure”.<sup>59</sup> It is difficult to measure the extent to which the PLO responded to domestic pressure, because it lacked a state from which to govern. For instance, the Intifada has often been interpreted partly as the response of Palestinians in the Occupied Territories to the failure of the PLO to rid them of the occupation. Although the PLO was eager to respond, they could do very little from their base in Tunis. However, the PLO has attempted to meet the domestic needs of the Palestinian population through its many governmental departments. These departments provide a number of services including health care, funding for students to attend universities abroad, and a stipend for families in which a member was 'martyred'. During the Intifada, the UNC and the PLO carefully managed strikes and demonstrations to ensure that they would not be too much for a community to bear. It is also important to consider that historically Arafat has not been very open to internal pressures or criticism. He has always relied upon only a few trusted colleagues, and has rewarded loyalty to him by promotion to high-placed positions in the PLO.

Since its inception, the PLO has been subject to great international pressure. As a government in exile, it has always been reliant on the hospitality of other countries. Arab governments have attempted to boost their popularity by providing the PLO both a place to base themselves and financial assistance, in return for control over the organisation.

Additionally, the PLO faced pressure from their host countries not to attack Israel from their borders for fear of Israeli reprisal attacks. The PLO decisions, such as the continuation of armed attacks from Jordan and Lebanon, and relocation in Tunis rather than accept a Syrian offer (which would have put the PLO under Syrian control) reflects the unwillingness of the PLO to be controlled by international pressures. However, they have submitted to international pressure to seek a negotiated settlement and a Palestinian state within the West Bank and Gaza, rather than the whole of historic Palestine. The PLO has always been acutely aware of the necessity of international support to reach a settlement with Israel.

In conclusion, and returning to the earlier list of strategies to maintain public order, the Palestinians have experienced a broad spectrum of order maintenance strategies, both through their experiences with outside states and with the PLO. The very formation of the PLO by the Arab League was an attempt to accommodate Palestinian and Arab disaffection with Arab governments after the 1948 War. Furthermore, by allowing the PLO to base itself within their territory, countries like Lebanon and Jordan were able to assuage not only Palestinian demands, but those of their own citizens who sympathised with the Palestinian plight. When the *fidā'iyyīn* took control of the PLO, Arafat took the conscious step to accommodate the smaller political groups by including them when Fatah could have gained control of the PLO itself. All these attempts at a strategy of accommodation have involved providing the disaffected group with certain privileges, however Palestinians also have experience with accommodation through assimilation. For example, after the 1948 War, Jordan annexed the West Bank, making all the residents Jordanian citizens. This was an attempt to accommodate the West Bank Palestinians by assimilating them into the citizenry of Jordan. Later, Israel attempted to accommodate the Palestinians by establishing Village Councils and the Civil Administration. Although Israel was not trying to assimilate the Palestinians, these institutions tried to normalise the occupation so that the Palestinians would accept it as a way of life.

The strategy of criminalisation has also played a notable role in the Palestinian experience. Most significantly, Israeli laws distinguished Palestinians from Israeli Jews living in the Occupied Territories. As a result, Israel was able to criminalise many Palestinian actions while allowing Israelis to function with freedom and rule of law. Moreover, the Israeli justification of their order maintenance actions as being necessary to ensure Israeli security allows them to criminalise Palestinian activities without acknowledging the political context. For example, it was illegal to fly or possess a Palestinian flag. The possession of a flag was considered by Israel to be a criminal act, not an expression of political sentiments.

However, by far the most commonly used public order maintenance strategy was suppression. Suppression was used by Jordan and Egypt to curb Palestinian political expression or criticism of the ruling regime, and to prevent infiltrations into Israel. The strategy was continued by Israel after the occupation in 1967. As already outlined in this chapter, Israel used a particularly suppressive strategy of order maintenance during the Intifada. Furthermore, suppression has been used against the PLO by its host countries. For example, during Black September King Hussein used harsh suppressive actions to end the Palestinian threat to his authority and drive the PLO out of his country. Although historically suppression has never been entirely successful at silencing Palestinian dissent, it is the order maintenance strategy most familiar to Palestinians both in the Occupied Territories and the PLO.

The origins of the PSF explain many of its current actions and decisions. Palestinian experiences, both with neighbouring states (Arab countries and Israel) and with the PLO, will have a profound effect on their expectations, responses and perceptions of the developing Palestinian entity resulting from signed agreements with Israel.

## **CHAPTER 3:**

### **THE AGREEMENTS WITH ISRAEL AND THE ESTABLISHMENT OF THE PSF**

#### **3.1 INTRODUCTION**

The PSF were established through signed agreements with Israel, which gave the newly emerging Palestinian authority the right to form a ‘strong police force’. As the negotiation process continued and more agreements were reached, the specifics of the Palestinian police force emerged: their jurisdiction, numbers, vehicles, weapons and ammunition, and responsibilities. A number of co-ordination committees were established on all levels, which served both to promote co-operation between Palestinian and Israeli forces and to allow Israel to monitor Palestinian security activities.

The objective of this chapter is to examine the impact these agreements have had on the selection of order maintenance strategies chosen by the PSF. This impact will also reflect the agreements’ effect on the relationship between the PNA and Palestinian society. The chapter will achieve this objective first by providing a thorough examination of each agreement as it pertains to the PSF. Several of the agreements have extensively detailed the form and function of the PSF, and therefore the impact of the security arrangements will be assessed. Finally, the conclusion explores different aspects of the agreements which affect the public order maintenance strategies used by the PSF, and ultimately influence the state-society relationship.

#### **3.2 THE MADRID CONFERENCE, THE WASHINGTON NEGOTIATIONS & THE OSLO CHANNEL**

In late October 1991, the Bush Administration convened the Madrid Conference, bringing representatives from Israel, Syria, Lebanon, Jordan and the Occupied Territories to the negotiating table for the first time. This American initiative was made possible by a number of factors. The end of the Cold War halted Soviet support for Syria and left-wing Palestinian groups, and effectively ended American-Soviet competition in the region. Additionally, the Gulf War demonstrated how the situation in the Middle East had changed. The war had strengthened US ties with moderate Arab countries such as Egypt and Saudi Arabia, and because of the PLO association with Iraqi President Saddam Hussein, made the Palestinians anxious to begin negotiations and thus repair their relationship with the US.

President Bush and Secretary of State James Baker, with Russian co-sponsorship, set up the negotiations on the basis of UN Security Council Resolutions 242 and 338 and the principle of exchanging land for peace. Although the Palestinians, who attended as part of the Jordanian delegation, were not allowed to include any members of the PLO or residents of East Jerusalem, the Bush Administration promised the Palestinians that for the first time that they would be dealt with on equal footing with Israel. Major changes had occurred among the Palestinians in 1991. In the spring, Palestinian activists in the West Bank and Gaza had publicly endorsed negotiations over Palestinian self-rule, advocating an agreement on an interim phase to mitigate the burdens of occupation, even in the absence of final status guarantees. This shift in position was endorsed by the PLO leadership in Tunis in September 1991, thus allowing Palestinian participation in the Madrid talks. The PNC, in their twentieth conference, endorsed an interim phase, while stressing that these arrangements “should include as a matter of necessity the right of our people to sovereignty over land, water, natural resources, and all political and economic affairs”.<sup>1</sup>

At the end of the plenary session, bilateral negotiations began between Israel and each of the Arab delegations at the State Department in Washington, D.C. The Israeli Likud government, however, was not eager to begin talks with the Palestinians. Shamir was under increasing pressure from the Israeli settler movement and his right-wing coalition partners not to give any concessions on Palestinian autonomy. The negotiations were immediately bogged down with procedural disputes, as Israel refused to negotiate with the Palestinian delegation separately from the Jordanian team, despite earlier understandings in Madrid. As John King described: “In retrospect, it seems as if the right-wing Israelis came not so much to negotiate a compromise with the Palestinians, but rather to prove that they were willing to take part in talks”.<sup>2</sup>

Five rounds of bilateral talks between the Palestinians and the Likud government were held in Washington, with no results. In the fourth round of talks, the two sides presented their plans for an interim period of self-government. The Palestinians tabled the idea of a Palestinian Interim Self-Governing Authority (PISGA). Israel’s counter proposal for “interim self-government arrangements” was drawn from the 1978 Camp David Accords, and in some points offered less than the previous agreement, which applied to self-government of people, but not of territory.<sup>3</sup> One issue the Shamir government refrained from endorsing in the Camp David Accords, was the call for an IDF withdrawal to designated security locations. According to Israel’s draft, “the sole responsibility for security in all its aspects – external, internal, and public order – will be that of Israel”.<sup>4</sup>

Despite the hard line taken by the Israeli negotiators, the discussion of Palestinian autonomy provoked the Likud's right-wing coalition partners to resign, depriving Shamir of a majority and forcing him to call elections. The upcoming elections deadlocked the negotiations. Shamir lost the election, and Labour Party leader Yitzhak Rabin became Prime Minister in June 1992.

During the same period, President Bush lost his re-election bid to Bill Clinton. The Clinton Administration, while pledging to carry on with the Arab-Israeli peace talks, gave free rein to its pro-Israel sympathies. Avi Shlaim comments: "The premise of Clinton's policy seemed to be that Israel could do no wrong, while the Arabs, and especially the Palestinians, could do nothing right".<sup>5</sup>

Talks between the Israeli government and the Palestinians resumed under the Rabin government, but Labour achieved no more than their Likud predecessors. The Clinton Administration attempted to step up their role in the negotiations, and presented the Palestinians with a working paper that proposed new terms of reference for the talks. Amongst its points, the paper accepted the Israeli claim that East Jerusalem, and the rest of the West Bank and Gaza were 'disputed' instead of 'occupied' territories. The Palestinians rejected the paper even as a starting point, stating that it deviated from the terms the Madrid Conference had initiated. The Washington negotiations had reached a dead end.

In January 1993, while the official negotiations in Washington continued to falter, a new channel for secret talks opened up in Norway. In December 1992, the PLO's London representative Afif Safieh and finance chief Ahmed Qrei (Abu Ala) met with Yair Hirschfeld, an Israeli Labour Party member and Professor at Haifa University, who described himself as an advisor to Israeli Foreign Minister Shimon Peres. With the assistance of a few members of the Norwegian Foreign Ministry, who had encouraged the initial meeting, secret meetings began in Oslo between PLO officials Abu Ala, Hasan Asfour, and Maher al-Kurd (who was later replaced by Mohammed Abu Kush) and Israeli representatives Yair Hirschfeld and Ron Pundak, and later Yossi Savir and Joel Singer. The Palestinian negotiators were backed by Mahmoud Abbas (Abu Mazen) and Yasser Arafat in Tunis, while the Israelis were supported by Shimon Peres and his deputy Yossi Beilin.

Arafat welcomed the new channel, which dealt directly with the PLO in Tunis rather than with leaders from the Occupied Territories. Rabin was more hesitant and at first showed little interest in the Oslo talks, not expecting to be able to reach an agreement with the PLO, but during the course of the summer the negotiations made considerable progress. Rabin

became more interested after learning that the bankrupt and demoralised PLO was willing to settle for considerably less than the Palestinian delegation in Washington.<sup>6</sup> With Rabin's support, negotiations began in earnest. In all, fifteen sessions were held over an eight month period in Norway, resulting in an agreement on mutual recognition between Israel and the PLO and limited Palestinian self-rule in Gaza and the West Bank town of Jericho. When the agreement was announced in late August 1993, the world – including the US and the negotiating teams in Washington – was taken by surprise.

### **3.3 THE DECLARATION OF PRINCIPLES ON INTERIM SELF-GOVERNMENT ARRANGEMENTS**

Preceding the official signing of the Declaration of Principles on Interim Self-Government Arrangements (DOP) letters of mutual recognition were exchanged between Arafat and Rabin on 9 September 1993. In his letter to the Israeli prime minister, Arafat confirmed the right of Israel to exist, accepted UN Security Resolutions 242 and 338, committed to resolving the conflict through negotiation, renounced terrorism, and promised to change the PLO Covenant where it was inconsistent with the commitments of the letter. In response, Rabin recognised the PLO as the representative of the Palestinian people and agreed to begin negotiations with the PLO.

Four days later, Rabin and Arafat signed the Declaration of Principles on the lawn of the White House in Washington, DC. While the announcement that an agreement had been reached via a secret channel in Norway had been made only a few weeks earlier, both the Palestinian and Israeli populations were generally receptive to the DOP.

The DOP was not actually an agreement, but a declaration by both sides to begin negotiations to establish a "Palestinian Interim Self-Government Authority, the elected Council (the 'Council'), for the Palestinian people in the West Bank and Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolution 242 and 338".<sup>7</sup> The declaration also outlined plans for Palestinian elections, the transitional period and permanent status negotiations, the Israeli withdrawal from the Gaza Strip and Jericho area, and several co-operative and liaison committees to facilitate the transition.

The declaration spelled out the general formula to be used in continuing negotiations between the Israelis and Palestinians. Both sides agreed to an interim period, to delaying controversial issues such as Jerusalem until permanent status negotiations, and to reaching a settlement based on Security Council Resolutions 242 and 338. Israel agreed to withdraw

from much of the Gaza Strip and the town of Jericho; to allow all Palestinians in the Occupied Territories, including East Jerusalem, participate in the election of a Council; and to establish a strong police force to maintain internal security. The details for many of these actions are relegated to the Interim Agreement which the two sides would negotiate after the signing of the Declaration of Principles. Therefore, the DOP did not make lengthy provisions for either Palestinian or Israeli security, as many of the details were yet to be worked out.

Although the declaration did not include specifics on security arrangements, Article VIII of the DOP, concerning ‘Public Order and Security’ states:

In order to guarantee public order and internal security for the Palestinians of the West Bank and Gaza Strip, the Council will establish a strong police force, while Israel will continue to carry the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.<sup>8</sup>

The DOP also outlined many of the issues to be discussed in the negotiations that would follow the agreement. It states that a future agreement on the withdrawal of Israeli forces from Gaza and Jericho would include:

Arrangements for the assumption of internal security and public order by the Palestinian police force consisting of police officers recruited locally and from abroad (holding Jordanian passports and Palestinian documents issued by Egypt). Those who will participate in the Palestinian force coming from abroad should be trained as police and police officers.<sup>9</sup>

However, many responsibilities were left to the Israelis. Israel would continue to maintain authority in the areas of external security, settlements, Israeli citizens, and foreign relations. Additionally, the DOP called for the establishment of a joint Palestinian-Israeli Co-ordination and Co-operation Committee for mutual security purposes.

The DOP was criticised by many Palestinians for placing Israeli security above Palestinian security. While the DOP promised Israeli redeployment from Gaza and Jericho, the

remaining area of the West Bank would have to wait for an undetermined length of time before the IDF would redeploy. Furthermore, Israeli troops would remain in Gaza and the West Bank to guard and protect the Jewish settlements. Palestinians were also uncomfortable with the promise to co-operate with the IDF, as strong feelings of resentment remained after more than 25 years of military occupation. Edward Said accused the Palestinian-Israeli collaboration of intending “to silence or deter the Palestinian man or woman who might want to demonstrate against the occupation, which will continue given that Israeli troops will redeploy, not totally withdraw... The PLO will thus become Israel’s enforcer, an unhappy prospect for most Palestinians.”<sup>10</sup>

Despite criticism on some fronts, the Declaration of Principles established a basis for continuing Israeli-Palestinian negotiations. The establishment of a ‘strong police force’ was reiterated in several subsequent agreements. The restrictions on the Palestinian Police, briefly outlined in the DOP, were also continued – such as Israeli security responsibility for Israeli citizens in the Palestinian areas. Therefore, although security was not discussed in detail, the DOP provided the foundation for much of the proceeding security negotiations and agreements.

### **3.4 AGREEMENT ON THE GAZA STRIP & THE JERICHO AREA**

As soon as the DOP was signed, the PLO and the Israeli government returned to the negotiating table. Two committees were set up to negotiate the implementation. The first, a ministerial-level committee, that was supposed to meet in Cairo every two or three weeks, was chaired by Shimon Peres and Mahmoud Abbas. The second committee, which was intended to work out more technical details, consisted of experts who met for two or three days each week in the Egyptian resort town of Taba on the Red Sea. The two delegations, headed by Nabil Shaath for the PLO and Major General Amnon Shahak, the number two man in the IDF and head of military intelligence, created an agenda and formed two groups of experts, one to deal with military affairs, the other with the transfer of authority.<sup>11</sup>

Although the IDF had not been included in the DOP talks, Rabin decided to include senior IDF officers in the new negotiations. Army officials had been critical of the DOP, claiming politicians had conceded too much to the Palestinians and that the army should handle security in the implementation phase. Rabin, himself a former IDF general, included the senior officers in the negotiations, and often sought their opinions on issues other than security. However, tensions arose between the army officers and Peres, who was more willing to give concessions on security issues. Avi Shlaim explains: “The generals directed

some of their fire at Peres for his apparent willingness to concede ground on vital security issues... Peres mocked the generals for their obsession with minute details".<sup>12</sup>

An agreement was reached after four months, and two documents, one on general principles and the other on border crossings, were initialled in Cairo by Peres and Arafat. The signing and implementation of these documents was postponed, however when on 25 February 1994, Dr. Baruch Goldstein, an American-born settler and member of the extremist group Kach, entered the Ibrahimi Mosque in the Cave of the Patriarchs in Hebron and killed twenty-nine Muslim worshippers.

The PLO left the negotiating table after the incident. To induce the PLO to reconvene talks, the Israeli government outlawed the Kach party, detained some of its leaders, and agreed to a temporary international presence in Hebron. In a joint communiqué to the PLO in Cairo on 31 March 1994, the government promised to accelerate its withdrawal from Gaza and Jericho. The PLO returned to the negotiations and on 4 May 1994 Rabin and Arafat signed The Agreement on the Gaza Strip and the Jericho Area, also known as the 'Cairo Agreement'.

The Cairo Agreement gave a detailed outline of the structure and role of the Palestinian Security Forces. Article II.6 'Scheduled Withdrawal of Israeli Military Forces' stated: "The Palestinian police shall be deployed and shall assume responsibility for public order and internal security of Palestinians in accordance with this Agreement and Annex I".<sup>13</sup> Article VIII 'Arrangements for Security and Public Order' gave the Palestinian Authority the right to establish 'a strong police force' with the Israeli army maintaining responsibility for defence against all external threats, protecting the borders with Egypt and Jordan, and overall security of Israelis and settlements<sup>14</sup> (Appendix A).

### **3.4.1 SECURITY CO-ORDINATION AND CO-OPERATION ARRANGEMENTS**

The Joint Security Co-ordination and Co-operation Committee (JSC) was created to develop a plan to ensure full co-ordination between the IDF and the Palestinian Police during the withdrawal of Israeli troops and the deployment of the police. According to Annex I Article II, the JSC was tasked with:

- recommending security policy guidelines (for the approval of the Joint Israeli-Palestinian Liaison Committee) and implementing the approved guidelines;
- dealing with security issues raised by either side;

- providing the proper channel for exchanging information between the two sides needed to solve security problems; and
- providing directives for the District Co-ordination Offices.<sup>15</sup>

The JSC would be comprised of between five and seven members from each side, and all decisions would be reached by agreement. The agreement also specified that the JSC would meet every two weeks, with the meetings hosted by each side alternately.

The agreement also established three District Co-ordination Offices (DCOs) in Gaza City, Khan Yunis, and Jericho. These offices would fulfil the following duties:

- monitor and manage matters requiring co-ordination as determined by the JSC, according to policy and guidelines established by the JSC;
- monitor and manage all matters of a joint nature within the specific district of each DCO, including the co-ordination of activities by one side which may affect the other side;
- review, investigate and report to the JSC on the overall situation within the DCO's respective district, with special regard to specific events, incidents and activities occurring in the district;
- direct the Joint Patrols and Joint Mobile Units operating within the DCO's respective district; and
- direct the Liaison Bureau operating at passages and crossing points in conjunction with the Joint Civil Affairs Co-ordination and Co-operation Committee (CAC).<sup>16</sup>

The agreement also required each DCO to be operated jointly and continuously staffed 24 hours a day. Each side would have up to six officers - one commander and five duty officers. At least one duty officer must be present during each eight hour shift. Both sides were also required to immediately notify the relevant DCO of events, including those that pose a possible threat to public order, activities which disturb the regular flow of traffic on main roads, incidents involving both Israelis and Palestinians, terrorist actions, etc. In the case of any of these events, the DCO would notify relevant Israeli and Palestinian headquarters, and the Joint Patrols and Joint Mobile Units operating in the district. Additionally, if an Israeli was injured in the Gaza or Jericho areas, the incident would immediately be reported to Israel, which then could employ any means necessary to evacuate and treat the injured person, with the actions being co-ordinated through the relevant DCO.

The mission of Joint Patrols (JPs), outlined in Annex I, Article II.3, was “to ensure free, unimpeded and secure movement” on the roads and areas of Gaza and the Jericho.<sup>17</sup> Joint Patrols would be composed of two (one Palestinian and one Israeli) well-marked, four-wheel drive vehicles with four persons in each vehicle – an officer, a signal operator, a driver and a guard. They were required to patrol 24 hours a day along specified routes, both in vehicles and on foot. The agreement stated that on roads under Israeli security responsibility, the Israeli vehicle would lead, and vice versa for roads under Palestinian security responsibility. The JPs would continuously monitor movement within their area to prevent incidents that may threaten or endanger people using the roads, and to report any incident or threat to the DCO and the Israeli and Palestinian headquarters. When the JPs reached the scene of an incident, they would provide any assistance necessary, and if the incident was being dealt with by the authorities in the area, the JP would verify that the appropriate measures had been taken and report to the DCO accordingly.

Joint Mobile Units (JMUs) were created to “provide rapid response in the event of incidents and emergency situations, in order to ensure free, unimpeded and secure movement at the junctions where they are located, as well as along their designated routes of activity”.<sup>18</sup> Their composition was similar to the Joint Patrols. Their duties included monitoring movement along designated roads from stationary locations at junctions. From these positions they could patrol at random, directed by the DCO. In the event of an incident involving both Israelis and Palestinians, the JMU would be sent to the site of the incident to provide assistance and investigate.

### **3.4.2 THE PALESTINIAN POLICE FORCE IN GAZA AND JERICHO**

Article III of Annex I, ‘The Palestinian Directorate of Police Force’, detailed the establishment of the Palestinian police. It gave them the responsibility for “public order and internal security within the jurisdiction of the Palestinian Authority”. Their duties and functions include:

- performing normal police functions, including maintaining internal security and public order;
- protecting the public and its property and acting to provide a feeling of security and safety;
- adopting all measures necessary for preventing crime in accordance with the law; and
- protecting public installations and places of special importance.<sup>19</sup>

The agreement also explained the structure and composition of the Palestinian Police. The police would consist of one integral unit under the control of the Palestinian Authority. It would be composed of four branches: Civil Police (*al Shurta*), Public Security, Intelligence, and Emergency and Rescue Services (*al-Difā' al-Madani*). In each district, all four branches would be under one central command.

The Palestinian Police would also establish a Palestinian Coastal Police unit. The Coastal Police were responsible for maritime safety and security, but were restricted to patrols only six nautical miles from the Gazan coast, or 12 nautical miles with clearance from the Maritime Co-ordination and Co-operation Centre. As with the other forces, the Coastal Police were not allowed to police boats belonging to Israelis, which remained the sole jurisdiction of Israel and the Israeli Navy.

The Palestinian Police would be comprised of up to 9,000 policemen in total. As for recruitment, the police were able to recruit locally and from abroad (individuals holding Jordanian passports or Egyptian documents). The number of recruits from abroad could not exceed 7,000, of whom 1,000 would arrive three months after the signing of the agreement<sup>20</sup>. The Palestinians recruited from abroad should be trained as policemen, and could be accompanied by their spouses and children. The list of Palestinians recruited both locally and abroad would be agreed upon by both sides, and if a member had been convicted of a serious crime or involved in terrorist activities subsequent to his employment, he would be struck from the list.

Uniformed policemen and other policemen on duty holding special accreditation, were allowed to carry arms. According to the Cairo Agreement, the Palestinian Police could possess a total of 7,000 light personal weapons, up to 120 machine guns of 0.3" or 0.5" calibre, up to 45 wheeled, armoured vehicles (of a type agreed upon by the two sides), communication systems, and distinctive uniforms, identification badges, and vehicle markings.<sup>21</sup> All foreign contributions and assistance to the Palestinian Police must comply with these provisions. Also, the introduction of arms, ammunition and equipment into Gaza and Jericho for the police would be co-ordinated through the JSC.

The agreement also specified in great detail where the Palestinian Police would be deployed. This included the delineation of the settlement areas in Gaza, which would remain under Israeli control, and adjacent areas, where Israel would have overriding authority. Israel also maintained authority over lateral roads to the settlements, which would be patrolled by Joint Patrols (Figures 3-1 and 3-2).

### **3.4.3 THE IMPACT OF THE GAZA-JERICHO AGREEMENT**

The Gaza-Jericho Agreement created the Palestinian National Authority and allowed it to function as an autonomous entity in specific areas of the Occupied Territories. It also created the Palestinian Police and Security Forces to maintain internal security and public order within those areas. This was a very significant step towards Palestinian self-rule and possibly future statehood. For the first time, Palestinians (at least those in Gaza and Jericho) were able to govern and police themselves.

However, the Cairo Agreement also placed a great amount of importance on co-operation and co-ordination with Israel. Many PSF activities had to be reported to or approved by the joint committees with Israel. These arrangements were primarily to protect settlements and Israeli citizens, and to ensure that the PSF were carrying out their responsibilities in accordance with the agreement. For example, Israel had the authority to approve all PSF recruits, as well as all procurement of weapons. However the joint committees also provided a place where the two sides could begin to normalise relations and prevent any friction from occurring. These arrangements, coupled with continuing Israeli authority in settlement areas and over all Israeli citizens, created a unique situation in the new Palestinian entity. While the PNA was permitted to create a state-like structure in Gaza and Jericho, their autonomy had many limitations. Palestinian society in the autonomous areas, while no longer under Israeli occupation, were still subject to Israeli security measures. Furthermore, the PSF could not protect the residents of Gaza and Jericho from attacks by Israeli settlers, or by the IDF.

This left the PNA open to public criticism for signing the Cairo Agreement. However, overall the Palestinian population remained positive. In a JMCC poll taken two months after the implementation of the agreement, 57.8 per cent of Palestinians in the West Bank and Gaza personally welcomed the agreement, and 70.2 per cent believed a similar agreement on self-rule should be reached for the West Bank.<sup>22</sup> The PSF became a symbol of new Palestinian authority and independence and were welcomed with mass celebrations in both Gaza and Jericho.

Although the opposition condemned the Cairo Agreement for the concessions it gave to Israel, they vowed not to attack the newly formed police. Hamas officials declared that they would resist the Cairo Agreement with “words, political action, and propaganda” instead of force. Hamas declared that “the Palestinian police force are our brothers,” but refused to disarm “as long as the occupation continues”.<sup>23</sup> Similarly, PFLP leader George Habash welcomed the arrival of the Palestinian police and pledged co-operation with them. He

warned, however, that the police must not be “transformed into a tool for repression or to serve a certain group”.<sup>24</sup>

### **3.5 AGREEMENT ON PREPARATORY TRANSFER OF POWERS & RESPONSIBILITIES**

On 29 August 1994 at Erez Checkpoint, Israel and the PLO signed The Agreement on Preparatory Transfer of Powers and Responsibilities also known as the ‘Early Empowerment Agreement’. The agreement provided guidelines for the initial transfer of powers to the Palestinian National Authority in the West Bank. Article II of the agreement states that:

Israel shall transfer and the Palestinian Authority shall assume powers and responsibilities from the Israeli military government and its Civil Administration in the West Bank in the following spheres: education and culture, health, social welfare, tourism, direct taxation and Value Added Tax on local production (hereinafter “VAT”), as specified in this Agreement (hereinafter “the Spheres”).<sup>25</sup>

The Early Empowerment Agreement did not address the issue of security because the issue of Israeli redeployment from the West Bank was not mentioned. Article VIII ‘Law Enforcement’ enabled the PNA to establish civilian inspectors to monitor compliance with laws and regulations in each sphere. However, the agreement strongly states: “Such inspectors shall operate in each Sphere separately and shall not be organised into a central unit. These inspectors shall not wear uniforms or carry arms, and shall not in any other way have the nature of a police force”.<sup>26</sup> All law enforcement responsibilities outside those granted to the civilian inspectors remained with Israel: “Except as specifically provided in this Agreement, all powers and responsibilities regarding law enforcement, including investigation, judicial proceedings and imprisonment, will continue to be under the responsibility of the existing authorities in the West Bank”.<sup>27</sup>

The agreement was widely criticised, particularly by residents of the West Bank, who remained under occupation despite numerous agreements between Israel and the PLO. The authority over education, culture, health, social welfare, tourism, direct taxation and VAT did not address the problems the residents of the West Bank were facing on a daily basis. Many felt that Israel would not redeploy further from the West Bank and that the Israeli government’s expectations in the negotiations were impossible to fulfil.

## **3.6 ISRAELI-PALESTINIAN INTERIM AGREEMENT ON THE WEST BANK & THE GAZA STRIP**

### **3.6.1 REDEPLOYMENT**

After over one year of delays and prolonged negotiations, The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip was signed on 28 September 1995. This agreement, sometimes referred to as ‘Oslo II’, detailed the Israeli redeployment from the West Bank cities of Jenin, Nablus, Tulkarem, Qalqiliya, Ramallah, Bethlehem and Hebron. (See Figure 3-3) It divides the West Bank and Gaza into three zones:

- Area A includes most of Gaza and the West Bank cities listed above, including Jericho. These areas are completely under the governance of the PNA in both civil and security matters.
- Area B covers most Palestinian villages in the West Bank. This area is partially under PNA control, but ultimate responsibility for security is held by Israel. Area B is expected in the Oslo II agreement to eventually come under Palestinian autonomy.
- Area C includes all the Israeli settlements in the West Bank and Gaza. As in previous agreements, all authority and responsibilities for the settlements remain with Israel. The future of the settlements in Area C will be determined in the final status negotiations.

Article XIII, ‘Security’, explains the Palestinian and Israeli roles in Area B:

- a) There will be a complete redeployment of Israeli military forces from Area B. Israel will transfer to the Council and the Council will assume responsibility for public order for Palestinians. Israel shall have the overriding responsibility for security for the purpose of protecting Israelis and confronting the threat of terrorism.
- b) In Area B the Palestinian Police shall assume the responsibility for public order for Palestinians and shall be deployed in order to accommodate the Palestinian needs and requirements...<sup>28</sup>

The article also called for the establishment of 25 police stations and posts in Area B by the Palestinian Police. The police would operate freely in the towns where the stations and posts were located, but must schedule confirmation from the DCO before travelling to other towns

in Area B. The mention of further redeployment from Area C and the transfer of internal security responsibility to the Palestinian Police after the inauguration of the Palestinian Legislative Council (PLC) were also included in Article XIII.

### **3.6.2 THE PALESTINIAN POLICE FORCE**

The police force established under the Gaza-Jericho Agreement would be fully integrated into the Palestinian Police created in the Interim Agreement and would be subject to the provisions of the agreement (Appendix B). Article XV, 'Prevention of Hostile Acts', called on both sides to "take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other, against individuals falling under the other's authority and against their property, and shall take legal measures against offenders."<sup>29</sup>

'Security Policy for the Prevention of Terrorism and Violence', Article II of Annex I dealt in detail with Palestinian-Israeli responsibility and co-operation to prevent terrorism. It states:

Both sides will, in accordance with this Agreement, act to ensure the immediate, efficient, and effective handling of any incident involving a threat or act of terrorism, violence or incitement, whether committed by Palestinians or Israelis. To this end, they will co-operate in the exchange of information and co-ordinate policies and activities. Each side shall immediately and effectively respond to the occurrence or anticipated occurrence of an act of terrorism, violence or incitement and shall take all necessary measures to prevent such an occurrence.<sup>30</sup>

Regarding co-ordination and co-operation in mutual security matters, the JSC was expanded to cover the areas from which Israel agreed to redeploy. The agreement made the JSC responsible for providing directives for the newly created Joint Regional Security Committees (RSCs) as well as for the DCOs. The JSC would also deal with alleged violations and differences related to the implementation of the security arrangements in the agreement.<sup>31</sup>

Two Regional Security Committees (RSCs) were established – one in the West Bank and one in Gaza. The RSCs were created to:

- guide the relevant DCOs with security policy guidelines;
- deal with security issues referred to it by the DCOs;
- ensure proper transfer of information and guidelines to the relevant DCOs; and
- propose to the JSC security policy guidelines, and forward issues to the JSC for determination.<sup>32</sup>

RSC offices would be operated 24 hours a day with direct and constant communication links between the two sides.

The jurisdiction of the DCOs was also expanded to cover the newly autonomous areas in the West Bank. The Interim Agreement stated that the role of the DCOs was to: monitor and manage matters requiring co-ordination as determined by the JSC and/or RSC; monitor and manage all matters of a joint nature within the district of the DCO; review, investigate, and report to the relevant RSC on the overall situation within the DCO's district; and direct the Joint Patrols and Joint Mobile Units operating within the DCO's district.<sup>33</sup>

Joint Patrols and JMUs were established under the Gaza-Jericho Agreement to ensure free and safe movement along roads and to respond rapidly in the event of an incident or emergency situation. The role of the Joint Patrols and the JMUs did not change with the signing of the Interim Agreement, although both were established throughout the West Bank as the agreement extended Palestinian authority.

The duties and functions of the Palestinian Police were expanded from the Gaza-Jericho Agreement to include:

- maintaining internal security and public order;
- protecting the public and all other persons present in the areas as well as protecting their property, and acting to provide a feeling of security, safety and stability;
- adopting all measures necessary for preventing crime in accordance with the law;
- protecting public installations, infrastructure, and places of special importance;
- preventing acts of harassment and retribution;
- combating terrorism and violence, and preventing incitement to violence; and
- performing any other normal police functions.<sup>34</sup>

The structure and composition of the Palestinian Police also changed. While the police remained one integral unit under the control of the Council, it was composed of six branches: Civil Police (*al-Shurṭa*), Public Security, Preventive Security, *al-'Amn al-Ri'āsa* (Presidential Security), Intelligence, and Emergency Services and Rescue (*al-Difā' al-Madani*). Additionally, the Coastal Police, were responsible for patrolling the coastline and waters in Gaza. In each district, all members of each of the branches would be subordinate to one central command. It also stipulated that the total number of Palestinian Police, in all its branches in the West Bank and Gaza, would not exceed 30,000, out of which 12,000 would be deployed in the West Bank and 18,000 in Gaza.<sup>35</sup> The number of police could only be changed by agreement between the two sides. The police force would be recruited both locally and from abroad, however the number of recruits from abroad could not exceed 5,000 in the West Bank and 7,000 in Gaza.<sup>36</sup> As before, Israel reserved the right to approve each Palestinian recruit.

Regarding arms, ammunition, and equipment the agreement detailed specific numbers for both the West Bank and Gaza. In the West Bank, Palestinian Police were allowed to possess up to 4,000 rifles; 4,000 pistols; 120 machine guns of 0.3" or 0.5" calibre; and 15 light, unarmed riot vehicles. In the Gaza Strip, the police could have up to 7,000 light personal weapons; 120 machine guns (same calibre as the West Bank); and 45 wheeled armoured vehicles.<sup>37</sup> The Palestinian Police were required to maintain an updated register of all the weapons held by its personnel. The introduction of arms, ammunition and equipment for the Palestinian Police would be co-ordinated through the JSC.

Human rights were addressed in 'Rules of Conduct in Mutual Security Matters', Article XI of Annex I addressed human rights. It states: "The Palestinian Police and the Israeli military forces shall exercise their powers and responsibilities pursuant to this Agreement with due regard to internationally-accepted norms of human rights and the rule of law, and shall be guided by the need to protect the public, respect human dignity and avoid harassment".<sup>38</sup>

The article also forbade the carrying of weapons by civilians on both sides without a license. The Palestinian Police were given the power to grant licenses to possess and carry pistols for civilian use. It also created a grace period of one month during which all holders of unlicensed weapons were required to declare their unlicensed weapons and apply for permits.

Mutual security matters also included the steps of engagement, which were defined in the agreement as “an immediate response to an act or an incident constituting a danger to life or property that is aimed at preventing or terminating such an act or incident, or at apprehending its perpetrators.”<sup>39</sup> It stated that within the territory under the security responsibility of Israel and in places where the PNA had responsibility for security, Israeli authorities could carry out engagement steps in cases where action was necessary. Israel would then transfer the continued handling of the incident falling within the Palestinian responsibility to the Palestinian Police at the earliest opportunity. Firearms would only be used as a last resort, after all other attempts, such as warning the perpetrator or shooting in the air, had failed, and would be used for deterring or apprehending and not for killing the perpetrator.

Finally, Article XI covered ‘Rules of Conduct on Roads for Israelis’. It allowed the Israeli military and civilians to continue to use roads in the West Bank and Gaza freely. Cars bearing Israeli license plates could not be stopped, except by Joint Patrols, in Area A or Area B, and then only for the purpose of identification. Israelis could not be taken into custody or placed in prison by the Palestinian Police, however when an Israeli was suspected of having committed an offence, he or she could be detained in place until the arrival of a Joint Patrol or other Israeli representatives dispatched by the DCO. If a non-Israeli was suspected of, charged with, or convicted of an offence under Palestinian jurisdiction, the PLC could request that Israel arrest and transfer the individual to the Council. Similarly, Israel could request the arrest and transfer of a Palestinian individual who was suspected, charged or convicted of a crime under Israeli jurisdiction. However, Israel was not required to arrest and transfer an Israeli citizen to Palestinian custody.

### **3.6.3 THE IMPACT OF THE INTERIM AGREEMENT**

The Interim Agreement was more widely criticised by the Palestinian public than previous agreements, as Palestinians believed that it only perpetuated PNA subordination to the Israeli government. The agreement stressed more strongly the importance of Palestinian prevention of terrorism against Israel as a requirement for continued Israeli redeployment. Naomi Weinberger describes the situation as: “‘damned if they do and damned if they don’t.’ If they live up to the terms of the Oslo and Cairo accords and curb acts of terrorism, the Palestinian opposition portrays them as Israeli stooges. If, on the other hand, they do not prosecute offenders with sufficient vigour, Israel charges them with incompetence and refuses to extend Palestinian self-rule.”<sup>40</sup>

Although the agreement expanded the autonomous areas to the population centres, much of the area of the West Bank remained under Israeli control. The division into Areas A, B and C further complicated policing. Police authority varied according to location. The Palestinian society was still vulnerable to Israeli actions. The PSF could not question or arrest Israeli citizens, even within Area A, nor could they pursue a suspect into Area C. Although the IDF no longer controlled the cities themselves, they controlled the area surrounding each city, and therefore could impose a closure on the city, not allowing anyone or anything to leave or enter. Hence, in addition to often being perceived as taking orders from Israel, the PSF were also viewed by society as largely ineffective at protecting them.

The emphasis on co-ordination and co-operation continued in the Interim Agreement. The role of the joint committees was expanded, and the bilateral mechanisms, such as the DCOs and the Joint Patrols were established in the West Bank. Although these mechanisms allowed Israel to monitor Palestinian policing, and to continue to patrol the cities and towns, it also began to establish a relationship between the PSF and the IDF. This was a positive move not only on an operational level, but also because Palestinian society could begin to adjust their view of Israelis from enemies to partners in the peace process. Unfortunately, and largely for political reasons, this did not happen, and the Palestinian society still believed the role of the PSF was to protect them from Israel.

### **3.7 THE HEBRON PROTOCOL**

After the signing of the Interim Agreement, the scene changed entirely for Israel and the Palestinians. In November 1995 Prime Minister Yitzhak Rabin was assassinated. Israeli military redeployment continued in the West Bank, and by the end of 1995, all the major West Bank cities except Hebron were under Palestinian authority. In January 1996 the Palestinians held their first democratic election and selected 82 members for the Palestinian Legislative Council (PLC) and elected Yasser Arafat as President. In Israel, Likud hard-liner Binyamin Netanyahu narrowly defeated Shimon Peres to become Prime Minister.

Although the Interim Agreement outlined a plan for Israeli redeployment from Hebron, Netanyahu insisted it be re-negotiated. Relations between Israel and the Palestinians began to break down. After many months of strained relations, the Netanyahu government and the PNA finally signed the Protocol Concerning Redeployment in Hebron on 17 January 1997. The main body of the agreement addressed security arrangements for the IDF redeployment in the city. In the Hebron Protocol, the city of Hebron was divided into two areas. The Palestinian Police would have security responsibilities in Area H-1 similar to those in other

West Bank Cities. Israel would retain all powers and responsibilities for internal security and public order in Area H-2, which included the areas in which settlements and military outposts were located (Figure 3-4).

In regard to joint security measures, Hebron would be treated similarly to other West Bank cities in that it would establish a DCO, Joint Mobile Units and Joint Patrols. The JMUs would operate in Area H-2 to handle incidents that involved Palestinians only; Israel retained full responsibility for security issues regarding Israelis. The Palestinian side of the JMUs would be armed with Mini-Ingraham submachine guns, and the Israel side would carry short M16s.<sup>41</sup>

Due to the special security situation in Hebron, a Joint Co-ordination Centre (JCC) headed by senior officers from both sides would be established at the Hebron DCO. The JCC would co-ordinate the joint security measures in Hebron and would be guided by the Interim Agreement and the Hebron Protocol.<sup>42</sup>

Palestinian police stations would be established in Area H-1, manned by a total of up to 400 police, equipped with 20 vehicles and armed with 200 pistols and 100 rifles. All Palestinian police, prior to their deployment in Hebron, were required to pass an Israeli security check to verify their 'suitability for service', because of the sensitivity of the area.

Additionally, four designated Rapid Response Teams (RRTs) would be established and stationed in Area H-1, one in each police station, to handle special security cases. Each RRT would be comprised of up to 16 members, and the 100 rifles allocated to the Palestinian Police in Hebron would be for their use.<sup>43</sup> All activities of the RRTs armed with rifles would require the consent of the JCC.

### **3.8 THE WYE RIVER MEMORANDUM**

After the signing of the Hebron Protocol, Palestinian-Israeli relations further deteriorated. Despite international pressure and US diplomacy it took over 19 months for a new agreement to be reached. The US proposed several versions of a new agreement, but little progress was achieved until October 1998, when Israeli army chief, General Shaul Mofaz and Palestinian head of the Preventive Security Service in Gaza, Colonel Mohammed Dahlan met secretly in Tel Aviv to discuss security arrangements for the new agreement. Dahlan also discussed security with Prime Minister Netanyahu.

The two sides then travelled to the US, where they were locked in negotiations for nine days. President Clinton and King Hussein both directly intervened to ensure the completion of the agreement. The final agreement was marred when Netanyahu presented a last-minute demand to Clinton that Jonathan Pollard, an American convicted of spying for Israel, be released. Clinton rejected the demand, but agreed to later review the matter.

### **3.8.1 SECURITY ARRANGEMENTS**

According to the Wye Memorandum, its purpose was to facilitate implementation of the Interim Agreement so that the two sides could more effectively carry out their reciprocal responsibilities. Thus, the agreement only addressed three issues in detail: further redeployment, where 13 per cent of Area C would be transferred to Areas A and B (Figure 3-5), security, and interim committees and economic issues (e.g. safe passage, Port of Gaza, Gaza International Airport). It also included a time line to specify the time periods during which each action would be undertaken.

Security was the primary focus of the Wye Memorandum, and included specific guidelines. Under 'Outlawing and Combating Terrorist Organisations', the Palestinians were required to make known their policy of 'zero tolerance' for terror and violence. A work plan to combat terrorist organisations and their infrastructure would be developed by the Palestinians, and shared with the US, and would be implemented immediately. In addition to Israeli-Palestinian security co-operation, a US-Palestinian committee would meet bi-weekly to fully review the steps taken to eliminate terrorist organisations. The agreement also required the Palestinians to apprehend all individuals suspected of perpetrating acts of violence and terror. A US-Palestinian committee would then meet to review information relevant to the decisions on prosecution, punishment or other legal measures.

The agreement provided regulations for prohibiting illegal weapons. A legal framework must be in place on the Palestinian side to criminalise the manufacturing, sale and possession of unlicensed firearms, ammunition, or weapons. The Palestinians would also establish a systematic programme for the collection of all illegal weapons, and a US-Palestinian-Israeli committee would be created to address the prevention of smuggling or unauthorised introduction of weapons or explosive materials into the Palestinian areas.

The section 'Preventing Incitement' required the Palestinians to prohibit all forms of incitement to violence or terror and to establish mechanisms to act against all expressions or threats of violence or terror. Furthermore, a US-Palestinian-Israeli committee would

monitor cases of possible incitement and make recommendations on how to prevent it. The committee would consist of a media specialist, a law enforcement representative, an educational specialist, and a current or former elected official from each of the three sides.

The two sides also agreed that their security co-operation would include bilateral co-operation, forensic co-operation (an exchange of forensic expertise, training and other assistance) and a trilateral committee. This determined that a 'high-ranking' US-Palestinian-Israeli committee would meet at least bi-weekly to assess the security situation and the steps being taken to combat terror. It required the Palestinian side to fully inform the committee of the results of its anti-terrorism activities. The committee would also report regularly to the leaders of the two sides on the status of co-operation and the results of the meetings.

Under the heading 'Other Issues' three points were made on the Palestinian Police Force:

- The Palestinian side will provide a list of its policemen to the Israeli side in conformity with the prior agreements.
- Should the Palestinian side request technical assistance, the US has indicated its willingness to help meet those needs in co-operation with other donors.
- The Monitoring and Steering Committee will, as part of its functions, monitor the implementation of this provision and brief the US.<sup>44</sup>

The agreement also included a stipulation that the PLO would reaffirm the nullification of provisions in the Palestinian National Charter which were inconsistent with the letters exchanged between Arafat and Rabin in 1993. It specified that requests for arrests and transfer of suspects and defendants would be submitted through the Joint Israeli-Palestinian Legal Committee and should be responded to within a twelve week period.

The final article under the security heading dealt with human rights. The memorandum stated:

Pursuant to Article XI(1) of Annex I of the Interim Agreement, and without derogating from the above, the Palestinian Police will exercise powers and responsibilities

to implement this Memorandum with due regard to internationally accepted norms of human rights and the rule of law, and will be guided by the need to protect the public, respect human dignity, and avoid harassment.<sup>45</sup>

### **3.8.2 THE IMPACT OF THE WYE MEMORANDUM**

The Wye Memorandum was widely criticised from all sides. Right-wing Israelis argued that Netanyahu should not have agreed to redeploy from any more of the West Bank, while many Palestinians felt that Arafat had given too much to the Israelis and received little in return. However, the most emphatic condemnation came from human rights organisations, both grassroots and international. The Palestinian Society for the Protection of Human Rights and the Environment (LAW) expressed its concern that to ‘prevent incitement’ the PNA would not only have to arrest peaceful protesters and political critics, but also those opposing the expansion of settlements or house demolitions.<sup>46</sup> Internationally, Human Rights Watch criticised the ‘Human Rights and Rule of Law’ article of the agreement, stating that it applied only to the Palestinian Civil Police, not to the other Palestinian police and security branches nor to the Israeli security agencies, and that the wording implied that “compliance with human rights standards is secondary to security concerns”.<sup>47</sup>

The Wye Memorandum was different from previous agreements in that it related the entire progress of the peace process to security arrangements and the PSF fulfilling the obligations. In the relationship between the PNA and Palestinian society, the memorandum encouraged the PNA to act in a more authoritarian manner and to be less accepting of opposing or differing views through its requirements to prevent incitement and to have a zero tolerance of terrorism. What the Israeli government viewed as incitement or terrorism was often perceived by Palestinian society as an expression of their opinions and a fight against occupation. The society began to feel that the PSF were no longer for their safety and security, but for that of Israel.

The trilateral and bilateral committees established in the memorandum were created less to build trust than to ensure the Palestinians were fulfilling their security obligations. These committees further involved Israel in Palestinian policing, and introduced the United States into the equation. The PSF became accountable not only to the PNA and Palestinian society, but also to Israel and the US. The voice of Palestinian society became supplanted by that of Israel and the US, because American and Israeli approval allowed for further redeployment and progress in the peace process.

### **3.9 THE IMPACT OF THE AGREEMENTS ON PALESTINIAN PUBLIC ORDER MAINTENANCE**

Although the signed agreements with Israel outlined in great detail the form and function of the PSF, they do not necessarily determine the order maintenance strategies of the PNA. A number of factors affect the particular combination of strategies decided upon and why different strategies are chosen at different times. As outlined in the last chapter, Brewer et al. list a number of factors – many of which, in the Palestinian case, have been greatly influenced by the Oslo agreements.

First, although Palestinian historical legacy and cultural traditions surrounding the image of the state date back much further than the signing of the agreements with Israel, it is important to note that the historical legacy of a future Palestinian state will be the agreements. Thus, the Palestinians are in the process of transforming their history in terms of their perceptions of the state.

The “extent to which state power is restricted by legal and political constraints which protect the rights of citizens” must also be considered.<sup>48</sup> This is crucial, as the agreements obviously restrict the power of the PNA in many ways, although not necessarily to protect the citizens. Possibly most restrictive is the division of the Occupied Territories – which began in the Interim Agreement and has been continued in the Hebron Protocol and Wye Memorandum – into Areas A, B and C. In this way, the PNA is restricted in its governance according to area. While they have full powers in Area A, they have no powers in Area C. Furthermore, this greatly affects the protection of the Palestinians, as determined by where they live or work. For example, life has not improved for Palestinians who live in areas which fell under H-2 (Israeli control) in Hebron, as they are still subject to attacks by settlers, curfews, and house searches, and are not afforded any protection by the PSF, who are only able to function in area H-1. Alternatively, a Palestinian who collaborated with Israel would be in grave danger living in Area A, where the PSF would not be restricted from arbitrarily arresting him, whereas he would be significantly more protected in Area C, where the PSF are not allowed to enter.

There are many other legal and political constraints created by the agreements. The agreements are very specific in restricting the number of police recruits, weapons, ammunition, and equipment the PNA can have. The PSF are required to work in coordination with Israel, through numerous mechanisms – JSC, RSCs, DCOs, Joint Patrols,

RRTs and JMUs. The Wye Memorandum restricted the PSF even further, requiring that they fully inform both the US and Israel of their activities.

The restriction of PNA power by the agreements – and the legal and political constraints which accompany them – is a crucial factor when considering Palestinian public order maintenance. It is an anomaly in the Palestinian case, created by the agreements, that the functions of the PSF are very specifically limited, but for the interests of an outside state, not to protect Palestinian citizens. This also creates a significant problem in the police-state-society relationship. The agreements are removing or restricting responsibilities which should lie with the state (in this case the PNA) and the police. This has hindered the comprehensive maintenance of public order, among other problems.

The determination of order maintenance strategies can also be affected by the legitimacy of the state. It is apparent that the legitimacy of the PNA, and eventually of a future Palestinian state, is affected by the agreements with Israel. The legitimacy of a future Palestinian state rests on its negotiating abilities with Israel. Issues very important to the Palestinians, such as settlements, refugees, the status of Jerusalem, and the very existence of a Palestinian state have all been delayed until the final status negotiations. Furthermore, as discussed above, many of the powers of the PNA are restricted by the agreements, to the extent of disrupting the police-state-society relationship. The determination of PNA powers by area and the obligation to share policing policy and intelligence with outside states very much brings the legitimacy of the PNA into question.

Another factor is the existence of social cleavages. As Chapter 2 has demonstrated, Palestinian society has historically experienced episodic cleavages as a result of a highly politically stratified populace. These chasms have always been characterised, however, by the ability to mend quickly. However, increasingly cleavages in the Palestinian society have become sustained and over-arching. This is largely a result of the division between those political factions – such as Fatah and the Communist Party – which support the peace process, and those – like the PFLP and Hamas – who oppose it. Particularly, conflicts between Hamas and the PNA have occurred throughout the interim period, at times verging on civil war.

The PNA agreed in the Interim Agreement, and reaffirmed its commitment in later agreements, to take ‘all measures necessary’ to prevent ‘hostile acts’, including terrorism. This has compelled the PNA to crack down on the opposition groups, which often participate in violent opposition to Israel. The Wye Memorandum has taken this even

further, declaring ‘zero tolerance’ for terror and violence and demanding that all individuals *suspected* of perpetrating acts of violence be apprehended. As the agreements come to focus increasingly on security, the PNA has been put under greater and greater pressure to crack down on the opposition. The result has been mass arbitrary arrests, the detention of political opposition leaders, and increasing distrust, causing a growing divide in Palestinian society.

This social cleavage has obviously had an effect on the police-state-society relationship. While the PSF are compelled to carry out zero tolerance policies, a significant segment of the Palestinian population has some sympathy for Hamas – either respecting its Islamic values or admiring its defiant stand against Israel. As a result, while still carrying out suppressive tactics against Hamas, the PNA and the Executive Authority have attempted on several occasions to bring either Hamas into the fold (e.g. offering to let them run on the Fatah ticket during the elections) or to create a reconciliation between the PNA and Hamas (e.g. through ‘National Unity’ meetings). However, as discussed in later chapters, neither PNA policies nor PSF order maintenance strategies have mended the social cleavages.

Finally, the factor of “the extent to which the state is subject to (and prepared to countenance) domestic and international pressure” also applies to the signed agreements.<sup>49</sup> As has already been discussed, segments of the population oppose the peace process and question the legitimacy of the agreements. While the opposition argues that the Palestinians should abandon the peace process altogether, others believe that Arafat should take a harder line with Israel. Although there are significant domestic pressures on the government, Arafat is not often prepared to countenance criticism of his policies. When Dr. Iyad Sarraj criticised the PNA in an American press report, he was arrested and held without charge. Other critics of Arafat’s policies have been granted cabinet seats or high ranking positions in the PNA. Still others have simply been taken out of the political ‘loop’, being left in their position with little to no authority. The Wye Memorandum has further lessened these domestic pressures by requiring the PNA to prohibit all forms of ‘incitement’. Human rights organisations such as Human Rights Watch have expressed concern that this prohibition may become an excuse for further violations of the right to legitimate political expression.

While it may have become easier for Arafat to control domestic pressure, international involvement in Palestinian politics has increased. Although since the Madrid Conference the Palestinians have depended upon American diplomacy to facilitate their negotiations with Israel, the Wye Memorandum institutionalised American involvement in the peace process. The creation of bilateral US-Palestinian committees and trilateral US-Palestinian-Israeli committees to supervise the PNA combat of terrorism significantly increase the

influence of Israel and the US on Palestinian security policies. While the Palestinians previously had to co-ordinate activities through the JSC and DCOs, they are now required to give full details of their security activities, and are subject to ‘recommendations’ from Israel and the US.

Equally important, the agreements have attempted to block any form of accommodation as a strategy in dealing with Palestinian opposition parties. In this way, the agreements have attempted to either criminalise or suppress any opposition to the peace process. Again, although present in other agreements as well, this is most apparent in the Wye Memorandum. For example, the Wye Memorandum states:

They also recognise that the struggle against terror and violence must be comprehensive in that it deals with terrorists, the terror support structure, and the environment conducive to the support of terror. It must be continuous and constant over a long-term, in that there can be no pauses in the work against terrorists and their structure.<sup>50</sup>

Furthermore, the Palestinians are given no alternative but to proceed according to the strategies set by the United States and Israel. According to the Wye Memorandum all activities must be presented to the other two countries during bi-weekly committee meetings. This factor is perhaps the most important when considering the affect the agreements have on the order maintenance strategies of the PSF.

As a result, Palestinian society has questioned the PNA’s ability to provide them with internal security and public safety. Because of the restrictions and requirements placed on the PSF by the agreements, the role of Palestinian society has been marginalised. In return, the society has often accused the PNA of sacrificing their security for that of Israel.

The agreements also detail a number of joint committees intended to help build confidence between the PSF and IDF. As mentioned earlier, these committees have a number of benefits, even though co-operation with Israel is not always welcomed by the Palestinian society. They help to encourage co-operation and co-ordination and prevent friction and misunderstanding. By working side by side with their Israeli counterparts, the PSF members can begin to feel equal and respected, and also affords them the opportunity to learn from the IDF’s professionalism. Security co-operation could also be one of the first moves towards changing attitudes on both sides which have been entrenched by years of conflict and

fighting. Unfortunately, the joint committees and trilateral committees formed under the Wye Memorandum are not to promote trust but to ensure the PSF are fulfilling their security obligations. These new committees negate the feelings of trust, respect and equality developed by the other committees. Furthermore, they give Israel and the US increasing influential roles in Palestinian policing policy.

The agreements signed between the PLO and Israel created a state-like structure from which the PLO, and later the popularly elected PNA, could govern. However, security remains the primary concern of Israel, and this is reflected in the agreements. Although the PSF were created as a 'strong police force', they are still very restricted in their capabilities. These restrictions are part of the nature of the peace process. However, they also have a lasting impact on how the police deal with society, the PNA's choice of order maintenance strategies, and society's perceptions of both the police and the state.

## **CHAPTER 4:**

### **THE STRUCTURE & ORGANISATION OF THE PALESTINIAN POLICE & SECURITY FORCES**

#### **4.1 INTRODUCTION**

The structure and organisation of the PSF were outlined in the Cairo Agreement of May 1994 and later expanded in the Interim Agreement of September 1995. Initially, the Cairo Agreement established the Palestinian Police as one integral unit composed of four branches. The Interim Agreement extended the number of branches to six, comprising the Civil Police, Public Security, Preventive Security, *al-'Amm al-Ri'āsa* or Presidential Guard, General Intelligence, and Emergency Services and Rescue. It also specified that in each district, all members of the six branches would be subordinate to one central command. The agreements did not, however, extrapolate on the composition of the central command.

The police and security branches are constantly growing, developing and changing. Much of the information used in this chapter is based on personal interviews and a Higher National Security Council memorandum issued by Major General 'Abd al-Raziq al-Mujayida upon Yasser Arafat's order (Appendix C). This memorandum was issued to establish the functions of the different security branches. Its vague directive demonstrates the confusion surrounding the definite number and roles of the PSF.

This chapter will examine the following organisations: Civil Police, Presidential Security/Force 17, General Intelligence Service, Military Intelligence, National Security Force, Naval Police, and Preventive Security Service. These seven forces – although the Interim Agreement specifies only six, at least seven are believed to exist – are considered independent police and security forces. Further police and security forces exist within the Palestinian internal security structure, however they do not act or make decisions independently and are therefore included as sub-branches of the primary seven forces. The chapter will examine the command structure of the PSF and how the structure affects PSF interaction between branches, with local and national government, and with Israel. Then, each police and security branch will be profiled to examine their individual functions, leadership, and general background information. The deployment of the PSF will be explored, regarding total numbers of troops and the areas in which they function. Finally, the chapter will discuss the training programmes and funding of the Civil Police and the security forces, comparing the types of training, the providers of the training programmes, and the integration of a human rights element in the training.

The structure, organisation, training and funding of the PSF play an integral role in the policing of public order because these factors affect how the PSF receive orders, function and their attitudes and philosophies. The structure and organisation reveal how closely the police are linked with the state, if they are accountable to society, and the extent to which they are able to act autonomously. Training reflects the preparedness of the police to deal effectively with a public order situation. Funding, particularly in the PSF case, demonstrates the policing priorities – set by the PNA and by the international community. It also shows the level of PSF dependence on outside sources. The impact of these factors of the PSF on the maintenance of public order, and ultimately the police-state-society relationship will be discussed in the conclusion of this chapter.

## **4.2 STRUCTURE OF THE PSF**

### **4.2.1 CHAIN OF COMMAND**

The structure of the police and security organisations appears to be clearly specified, but it is in fact largely theoretical. (See Figure 4-1) In practice, the command structure envisioned in the Gaza-Jericho Agreement was not followed, and a proliferation of competing police and security services took place outside the control of the Director General of Public Security and Police, the formal head of the PSF.

At the base of the structure are the seven branches of the PSF and twelve General Directorates, which are responsible for services like supplies and provision, armament, and construction for all the branches. Each branch functions in eleven districts, three in Gaza (Southern Gaza, Central Gaza and Northern Gaza) and eight in the West Bank (Jenin, Nablus, Tulkarem, Qalqiliya, Ramallah, Bethlehem, Hebron and Jericho), and each has a West Bank and a Gaza headquarters. The Civil Police are also sectioned into over twenty divisions, such as Operations, Training, CID, and Traffic Control. Thus, a member of the Traffic Control division is responsible not only to the district chief, but also to the head of the Traffic Control division, resident in the Gaza police headquarters. The heads of the districts and divisions are accountable to the Director of Police in Gaza and his deputy in the West Bank.<sup>1</sup>

The security branches are divided into districts only. Each district of the branch has a chief who determines the tactics and day to day functions within the district. All the district offices of the security branch are accountable to the head of the West Bank or Gaza office. For example, the Northern Gaza Naval Police office is accountable to the head of the Naval

Police in Gaza. In some security organisations, such as the General Intelligence Service, the overall head of the branch is resident in Gaza, with a deputy in the West Bank. In the Preventive Security Service the West Bank and Gaza chiefs maintain equal powers, with each fully responsible for his own area. In either structure, the head of each branch is responsible for developing its strategy, not the detailed methods and tactics employed in carrying out the strategy. However, branch chiefs will become involved in tactical decisions, particularly if there is a crisis in a district. In such cases, the branch chief will give direct orders, overriding the authority of the district chief.

The heads of the security branches and the Civil Police are accountable to the Director General Public Security and Police. The Director General, Major General Nasser Yusef, is responsible for the overall strategic co-ordination of the PSF, as well as dealing with international donors, and a variety of other general responsibilities. The highest accountability and directive forum for the PSF is the Higher National Security Council. The Council is headed by the President and composed of the heads and deputy heads of all branches, heads of general directorates, and presidential security and military advisors. It meets at least once a week and decides all important issues pertaining to the PSF.<sup>2</sup>

One disputed point of the PSF structure is the role of the governors. Technically, all the branches in each district are accountable to that district's governor. A system of district governorates has been established within the PNA, under the supervision of the Ministry of Local Governance.<sup>3</sup> Within the governors' offices, joint operations rooms are set up to co-ordinate activities between the branches within the district. Each branch is also required to send regular reports to the governor of their district, who then sends his own assessment report to the president. However, with no Gazan tradition of governors, they are largely ignored by security leaders in Gaza. Governors existed under Jordanian law, making the West Bank more familiar with the position, but the extent to which security chiefs co-operate with the district governors is questionable. According to Fadel Shouli of the Nablus Governor's Office, "the governor has power over the heads of security in each district".<sup>4</sup> Major General Yusef disputes this, saying that only the Civil Police take orders from the governor.<sup>5</sup> Political commentator, Ghassan Khatib explains: "The governor is supposed to be the highest on security in his district, but in effect they have less power than the local leaders, so they're not effective. The governor is less powerful than the local heads of the security branches. For example, in Ramallah, the head of the PSS should take orders on local affairs from the governor, but he takes them from Jabril Rajoub."<sup>6</sup>

#### **4.2.2 RECRUITMENT**

The majority of leaders of the different branches of the PSF returned to the Palestinian Territories with Arafat in 1994 to take up their positions. These generals consisted mainly of PLA veterans with military training and experience. Others led PLO security forces, such as Force 17. Only the leaders of the Preventive Security Service – Jabril Rajoub and Mohammed Dahlan – are from the Occupied Territories. Regardless of their origins, all the leaders are very loyal to Arafat.

Initially after they were deployed in 1994, the Palestinian police were mainly ‘outsiders’. Both the leadership and those within the ranks had come from the Palestinian Diaspora. However, militant Fatah groups, such as the Fatah Hawks, were soon integrated into the PSF. Most of the Fatah Hawk members entered into the Preventive Security Service. A large number of local Palestinians were also recruited into the police and security forces. As a result, the PSF expanded rapidly beyond the numbers set out in the Gaza-Jericho Agreement. Although the Interim Agreement tried to formalise this irregularity by allowing the establishment of additional security services (which in reality had been functioning since 1994), by 1997 the PSF were estimated to number around 40,000 - at least 10,000 over the limit set in the Interim Agreement.

Nevertheless, the expansive recruitment appeared to be a deliberate policy pursued by the PSF leadership. Recruitment served many purposes. It allowed the PSF to absorb most of the former Intifada fighters into the forces, both to ‘reward’ them for their work during the Intifada and to control, and hopefully rehabilitate them. It is also suspected that large-scale recruitment enabled the PNA to employ a significant number of people when unemployment was estimated at nearly 60 per cent in some areas, and thus ensured their loyalty.

After the Wye Memorandum in 1998, the PSF undertook to reduce its numbers to 30,000. Since then recruitment has practically stopped, and the policy of recruiting Intifada activists has ended. According to police sources, since 1998 new recruits are selected among the best candidates – many have a university education. Unfortunately, many of the best educated use employment in the PSF as an interim job until they are able to find a position corresponding to their education or which is higher paid.<sup>7</sup> Another problem the PSF face in recruiting the best candidates is that merit is often not a decisive factor in PSF career advancement. Recruits are often selected for promotion or specialised training programmes on the basis of political ties, family connections, and party affiliation. Although police officials are aware of the problem and have discussed plans and strategies to deal with it,

nothing has been implemented yet. The absence of meritocratic advancement discourages possibly some of the best qualified recruits from continuing their careers in the PSF.

#### **4.2.3 ORGANISATIONAL ATTITUDES**

Although this is the structure of the PSF in theory, in practice it is much more fluid. The favour of Arafat is often more powerful than the structural hierarchy. Brynjar Lia explains, “The command structure was very much dictated by the patrimonial politics of PLO leader Arafat, who desired to keep potential and real rivals in an eternal struggle for his favour – a well-known feature of Arafat’s political leadership for most of the pre-Oslo era”.<sup>8</sup> For example, according to several sources in 1997, Major General Nasser Yusef, Director General of the Public Security and Police was out of favour with Arafat because he was seen as too independent and as having a growing popularity with the Palestinian population. Favour was then shifted to Major General ‘Abd al Raziq Mujayida, Gaza National Security Commander, a long-time Arafat crony, and thus Mujayida became more influential within the PSF although Yusef, according to the chain of command, should have had overall control.

Another factor which politicises the police and security organisations is the mechanism of return which permits the PNA to determine the selection of returnees. Since the signing of the Gaza-Jericho Agreement, Arafat has been allowed to bring a number of Palestinians from the Diaspora with him to the Palestinian Territories, mainly as policemen or PNA personnel. This has become the only major channel for Palestinian return to the West Bank and Gaza. The returnees therefore became a fundamental part of Arafat’s base of power, and the many leaders in the PSF are now Fatah loyalists from the Diaspora who owe their positions to Arafat personally. Many analysts suspect that there are a greater number of police and they are more heavily armed than has been allowed in the Oslo agreements. Furthermore, many of these members are not trained or engaged in police work. Instead, they are tasked with gathering intelligence, preserving the regime, protecting the PNA borders and co-ordinating work with the IDF.

The PSF have also developed into a more militarised organisation than was initially designed. This militarisation is a result of the dominance of the paramilitary security and intelligence agencies, due to increasingly security-focused agreements with Israel the need politically to monitor Islamic groups, and pressure to prevent terrorism. The military culture of the PSF also stems from the fact that the majority of the senior echelon are former officers in the PLA or PLO guerrilla groups. Lia reports:

Police advisors noted as recently as in 1996 that “much of the work in the different branches tends to be related to military operations, tactics and thinking”. The whole (PPF) was, as one police advisor noted, more committed to being “freedom fighters” than “crime fighters”. As an illustration of this, they cited the “widespread habit among senior officers to talk about the members of the PPF [PSF] as soldiers and not as policemen”. This paramilitary, non-civilian image of the PPF has been reinforced by their carrying automatic weapons (Kalashnikovs), instead of pistols and revolvers, as well as the use of military-green camouflage uniforms.<sup>9</sup>

Alternatively, the Civil Police often express a desire to develop from a police *force* into a police *service*.<sup>10</sup> This would distance them from the ‘military’ security services. The attitude is positive and encouraging in intent, but also threatens the unity of the ‘Palestinian Police Force’ created by the Oslo agreements. It implies the security agencies are a de facto army, something expressly forbidden by the agreements. Gal Luft, who studied the militarisation of the PSF summarises: “The PSS [PSF] can thus best be described as a hybrid, too complex and overstaffed to be the police force required for the size of the Palestinian population and yet too underdeveloped both organisationally and militarily to be considered a rudimentary army”.<sup>11</sup>

#### **4.2.4 WORKING WITH ISRAEL**

Although the Oslo agreements created a hierarchy of bodies tasked with facilitating Palestinian – Israeli security co-ordination (see Chapter 3), Israeli military officials often work with the PSF outside the set structure, preferring to work directly with certain security organisations or leaders. PSF officials, seeing many benefits to working outside the system, are willing to forego the bureaucracy as well. This contributes to the confusion of the police and security forces’ structure. According to Khatib, one of the greatest sources of power within the PSF is Israeli contacts; security chiefs can maximise their authority through security co-ordination. Israeli security contacts can help a branch to be more effective (e.g. allowing the branch to execute operations in Area B, exchanging intelligence) as well as assisting the branch to obtain more funding or specialised training, and to receive perks such as travel permits. He also believes that Israel plays favourites with the security branches by working separately with branch leaders. This is exemplified by the Rome Agreement,

signed in January 1994 between Colonels Rajoub and Dahlan of the Preventive Security Service and the former head of Israel's General Security Service (GSS), Ya'acov Peri and then deputy chief of staff Ammon Shahak. Although unofficial, the Rome Agreement was an 'understanding' between the PSS and Israel. Journalist Graham Usher describes it as: "a *modus vivendi* where, in return for intelligence on the Palestinian opposition and particularly Hamas, the GSS and the IDF would grant the PSS a free hand to ensure 'law and order' throughout the West Bank and Gaza, both before and during Israel's redeployment in these areas".<sup>12</sup>

As a result of the Rome Agreement, one branch of the PSF (the Preventive Security Service) was given special privileges – freedom to operate before Israeli redeployment – in return for intelligence co-operation with Israel. In this way, the Israeli security forces were able to transcend the PSF chain of command.

The relationship with Israel is further complicated by the possible existence of a group called 'the Eighteen'.<sup>13</sup> It is impossible to confirm if this group actually exists because of its highly secretive nature. Although not officially recognised, it is made up of 18 members of the PSF who have been granted 'higher than VIP' status by Israel. While most high ranking PSF officials have VIP status, which allows them to travel between the West Bank and Gaza, these officials have been given full access and free movement, even during Israeli imposed closures. They are headed by General al-Hindi, chief of the General Intelligence Service. The Eighteen were established through a security provision with Israel and the majority of their work is nationally sensitive and urgent, such as preventing terrorist acts. They also command power within the Palestinian community, as they are able to arrange travel permits – either between the West Bank and Gaza, to Israel, or abroad – for Palestinian civilians.

However, the Eighteen do not always do Israel's bidding. As the peace process stagnated with the election of the Netanyahu government, the Eighteen allegedly decided that more radical actions needed to be taken, particularly in Area B of the West Bank, where the PNA had not yet gained total security authority. Often brash and seemingly careless actions by the PSF in Area B were carefully planned by the group to assert greater Palestinian control. Other controversial issues, such as the killing of land dealers and the distribution and confiscation of VIP passes, allegedly have been decided by the Eighteen.

The greatest problem with the Eighteen is that it has undermined the jurisdiction of some of the committees that originally had power. In the agreements, the DCOs were established to co-ordinate activities between the PSF and the Israeli forces. The co-ordination between the

two sides in the DCOs has deteriorated, collapsing during the armed clashes of September 1996, and little confidence in their counterparts now exists. Neither side has made a serious attempt to mend the lack of confidence, as the Eighteen has filled the need for a body to coordinate activities with Israel. Due to the nature of their functions, particularly the prevention of terrorism, the Eighteen are trusted by Israel. This presents a problem, however, because the Eighteen are extremely secretive, and most Palestinians do not even know of their existence. Thus, security co-operation with Israel has become increasingly covert.

The PSF are organised on a rigid, hierarchical structure. In reality, however, that structure is often ignored as a result of intense competition between branches for Arafat's favour and co-ordination with Israel, traditional forms of governance and possibly unofficial groups such as the Eighteen. For the most part, each police and security branch functions completely autonomously from the other branches, and is accountable only to the president. The following section will examine each of these police and security branches and discuss their functions, leadership, and background.

### **4.3 PROFILE OF THE POLICE & SECURITY BRANCHES**

#### **4.3.1 CIVIL POLICE**

The Civil Police (*al-Shurṭa*), also known as the 'Blue Police' because of their easily recognisable dark blue uniforms, are one of the largest and most visible forces in the West Bank and Gaza. They are headed by General Ghazi Jabali, who is based in Gaza. General Jabali is a career police officer with international training. Brigadier General Ziad Areef is in charge of the Civil Police for the West Bank. This structure exists in several of the Palestinian police and security branches, where the overall commander resides in Gaza and, because of travel restrictions, a deputy commander is in charge of the West Bank troops.

There are approximately 12,000-14,000 men and women in the Civil Police throughout the West Bank and Gaza.<sup>14</sup> Most of these recruits are from inside the Palestinian Territories, although the high ranking officers have returned from the PLO ranks abroad. They are deployed throughout Area A, as well as what is commonly known as 'Area B+' – the 25 selected villages in Area B where the police are allowed to carry firearms and patrol within the village limits.

Generally, the Civil Police are responsible for routine police matters such as traffic control and non-political crimes. According a Higher National Security Council memorandum which outlined the roles of the different branches: “the police are specified for the security of daily life and in all kinds of crime in the cities and villages according to law”.<sup>15</sup> This includes a wide variety of duties ranging from criminal investigation, drug enforcement, traffic control and emergency rescue to vehicle registration, confiscating spoiled goods and protecting consumers, guarding public establishments (e.g. banks and factories) and the administration of prisons and forensic laboratories. They are also responsible for confiscating unlicensed firearms. The Civil Police have been called upon to arrest Islamic activists, although it is not their main duty. Colonel Salem Nasser, Director of Training and Operations at the Gaza District Headquarters, explains: “The police have the right to arrest Hamas, and we have done it before, but mostly those arrests are political, and left to the security branches. But when you have orders from the President, you do it.”<sup>16</sup>

Despite their largely non-political role in internal security, the Civil Police have a turbulent relationship with Israel. In the summer of 1997, Israel issued a warrant for the arrest of General Ghazi Jabali as the result of an incident involving the Civil Police in the West Bank city of Nablus. Israel accused Colonel Jihad Massimi, CID chief in Nablus, of organising an attack by three police officers on the nearby Israeli settlement of Bracha, with General Jabali’s full knowledge, if not assistance. The three officers were arrested by Israel and the Prime Minister’s office issued a statement accusing General Jabali of “organising terrorist cells within the Palestinian police and issuing instructions to Palestinian policemen to carry out terror attacks against Israelis”.<sup>17</sup> According to a police source in Nablus, Colonel Museimi’s officers were investigating a link between three members of Force 17 and a collaborator who lived under Israeli protection at the Bracha settlement, and was believed to be selling drugs to Palestinians. Later, the Israeli administration seemed to stand down. Although the arrest warrant was technically left in place, the Netanyahu administration ceased its demands that Arafat remove Jabali, and Defence Minister Yitzhak Mordechai stated: “We are waiting for Police Commander Ghazi Jabali to act in close security co-operation with us and especially in action against terror in the territories under Palestinian responsibility”.<sup>18</sup>

On an operational level, the relationship is similar. According to the Civil Police, although they are required to work with the Israeli police, co-operation is sometimes difficult because Israeli police often co-ordinate well only on cases in which they are interested. The Civil Police also believe that the problem of co-ordination lies not with the Israeli police, but with

the Israeli security services – the police want to co-operate but the security services interfere.<sup>19</sup>

Several sub-branches of the Civil Police may exist. These sub-branches are not part of the Civil Police structure, but fall under their auspices. The University Police (*Jihāz 'Amn al-Jamā'a*) are the newest of the police sub-branches. They were created on 31 August 1996 in response to a police raid on An-Najah University on 30 March 1996 in which a large number of armed police forces stormed the university campus and wounded 12 students. Prior to that incident, the PSF had been forbidden to enter a university campus under any circumstance, unless invited by the university itself. Even with an arrest warrant, the PSF were obliged to wait until the student left campus before arresting him.

Initially, Arafat promised that the University Police would be under the supervision of the universities' administrations, however once created they immediately fell under the control of the PNA. Human rights organisations, university administrations and students condemned the University Police as an armed force established to monitor student activity. Security on university campuses is an especially sensitive issue for the Palestinians, who fought vociferously during the Israeli occupation to keep their universities as havens for political and academic freedom. During the interim period, Palestinian campuses have remained politically charged – with student council elections frequently reflecting the mood of the society as a whole. This is why Arafat would like to control the universities, and why many Palestinians are strongly opposed to the establishment of the University Police.

The number of members and the head of the University Police are unclear, although sources indicate that they are headed by low ranking officers in the Civil Police.<sup>20</sup> The University Police may not be very active as no report of student arrests on university campuses followed their establishment. Most likely, the University Police are interested mainly in collecting intelligence on student activities, and do not take a very large role in protecting or policing the universities.

A small unit of aviation police, also called the Air Police (*al-Shurṭa al-Jawiya*), has been planned although not yet deployed, which will be equipped with helicopters and fixed-wing aircraft. As of 1999, however, the PNA possessed only two Mi-8 transport helicopters – both of which were out of service – two Mi-17 helicopters, and a Fokker aircraft for Arafat's personal use. The police do have a number of personnel with aviation experience. According to Jane's Information Group:

Members of what was regarded as the PLO air force, 'Force 14', were trained in Romania and the former Yugoslavia. In the 1980s the PLO had an air base on Kameran, an island in the Red Sea off South Yemen. Palestinian pilots have flown combat aircraft and in August 1987 a Palestinian pilot flying a Libyan MiG-23 was shot down in Chad.<sup>21</sup>

However, because of the small number of Palestinian aircraft, the Air Police have not yet been deployed.

The Coastal Police were detailed in the Gaza-Jericho and Interim Agreements to patrol the Gazan coast. It is unclear whether a Coastal Police unit exists, or if the responsibility was assumed by the Naval Police, another independent branch of the PSF. There is also the likelihood that both the Coastal Police – as a sub-branch of the Civil Police – and the Naval Police exist with overlapping jurisdictions. The Coastal Police own five motorboats equipped with machine guns and are responsible for protecting the PNA's territorial waters from arms and drugs smugglers.<sup>22</sup>

The Civil Police are one of the few branches of the PSF which actively recruits women. Culturally, it is forbidden for a man to touch or to be alone with a woman to whom he is not related. Thus, female police officers are necessary when responding to incidents in which a woman is involved. Colonel Fatima Barnawi is in charge of recruiting and strategic planning for the policewomen. To qualify for the police, women must have a *tawjihī* degree, be physically fit, and be unmarried ("so that she will devote all her attention to her work").<sup>23</sup> As a result, most of the women employed by the Civil Police are relatively young (most in their twenties). All policewomen undergo a four month basic training course. The course is gender segregated, but teaches the same elements of theoretical and physical training as the men's course. They are also eligible for later specialised training in mixed-gender courses. Many of the women complete basic training for the Civil Police, only to be assigned as secretaries to high ranking officers, however others are assigned to direct traffic, respond to calls which involve women, control crowds, and run the women's prisons.

Overall, the mandate and structure of the Civil Police is straightforward. The information about the security forces or 'green' forces is less readily available and often inaccurate. Most Palestinians – even members of the Palestinian Legislative Council – are unsure of the number or functions of these forces.<sup>24</sup> Journalist David Hirst describes them: "As for security organisations – there are up to 10 and more if one counts the organisations that

spring up within organisations... They act as autonomous agencies, without hierarchy, chain of command or defined responsibility.”<sup>25</sup>

#### **4.3.2 PRESIDENTIAL SECURITY/FORCE 17**

It is unclear whether Presidential Security and Force 17 are separate organisations, or one and the same. According to Major General Yusef and the Higher National Security Council memorandum, only one organisation exists, generally known as the Presidential Security Force (*al-'Amn al-Ri'āsa*), or the Presidential Guard, which was created in the Oslo agreements. That the Presidential Security Force is often referred to as Force 17 can be attributed to its members being drawn mainly from the PLO's Force 17 – the unit responsible for Arafat's personal safety.

There are approximately 3,000 members of the Presidential Security Force in the West Bank and Gaza.<sup>26</sup> The organisation is led by Brigadier General Faisal Abu Sharakh. According to the Higher National Security Council memorandum, the Presidential Security Force is under the control of the commanders of the districts,<sup>27</sup> however all other information indicates that the Presidential Security Force is under Arafat's direct control, although in providing security for the president, they are more obliged to co-ordinate with other branches of the PSF.

The Presidential Security Force exists primarily to provide protection to Arafat and to a lesser extent other political personalities. However, they are also responsible for ensuring the security of important installations (e.g. embassies, consulates, and representative offices in PNA areas) and of sensitive presidential documents. The memorandum states that Presidential Security, along with the National Security Force, the Military Police, and the Naval Police, are responsible for protecting the borders and guarding the Palestinian controlled roads.

Most of the members of Presidential Security have returned to the Palestinian Territories with the Palestinian Authority, and previously served as the PLO's Force 17. They have extensive paramilitary training and experience, and are fiercely loyal to Arafat.

The Special Security Force (*al-'Amn al-Khāṣṣ*) exists as a covert sub-branch of the Presidential Security Force. It has been described as a “security branch related directly to the president... [it] works secretly, with civilians collecting information.”<sup>28</sup> According to Gal Luft, the main objective of the Special Security Force is to gather intelligence about

opposition group activities in foreign (especially Arab) countries, but its actual function may be to gather information about other branches of the PSF. It also provides Arafat with information on corruption and illegal activities of PNA officials.<sup>29</sup> As a covert intelligence gathering organisation, very little information is available on the Special Security Force. It was formed on direct orders from Arafat in early 1995, and is headed by Brigadier General Mohammed Natour (Abu Tayeb), who is posted at the PSF Headquarters in Jericho. Natour was a long-time commander of Force 17. He served as deputy to Ali Hassan Salameh (Abu Hassan) and worked hard to strengthen Force 17 when he succeeded him. He has also been accused of ordering the assassination of political cartoonist Naji al-Ali. After Abu Jihad was killed, Natour succeeded him in heading the West Bank/Gaza PLO operations during the Intifada.<sup>30</sup>

#### **4.3.3 GENERAL INTELLIGENCE SERVICE**

Also known as Public Intelligence, the General Intelligence Service (*al-Mukhābarāt*) is the primary intelligence gathering agency within the PSF. Headed overall by General Amin al-Hindi, who is based in Gaza, and his deputy Colonel Tawfiq Tirawi in the West Bank, it is estimated to have 3,000 members. Some Israelis accuse al-Hindi of being involved in the Munich Olympics terrorist operation, in which the Palestinian organisation Black September held hostage and later killed members of the Israeli Olympic team. Tirawi has been implicated in the 1997 spate of land-dealer killings, in which Palestinians suspected of selling land to Jews were abducted and killed. On 3 June 1997 Israel formally issued an arrest warrant for Tirawi, saying he would be arrested the moment he left areas under PA authority.

The General Intelligence Service (GIS) is responsible for implementing the security arrangements in the agreements. It achieves this by monitoring and collecting information on radical groups, organising counterespionage operations, and gathering intelligence inside and outside the borders of the Palestinian Territories. It deals entirely with political crime and matters relating to political security of the state. The GIS act against Islamic activists and land dealers, and maintain their own prison. The GIS is also responsible for security co-ordination with Israel, and for developing relations with foreign intelligence bodies. It has maintained links with Egypt and Jordan, and possibly a few other countries.<sup>31</sup>

The recruitment of the GIS is mixed between residents of the Palestinian Territories and PLO activists returning from abroad. As with most of the security organisations, the top echelon is comprised entirely of Arafat's colleagues who have returned from abroad. The

GIS are generally a plain clothes force, although some members wear camouflage or other military fatigues.

#### **4.3.4 MILITARY INTELLIGENCE**

Little is known about Military Intelligence (*al-Istikhbarat* or *Istikhbarat Askariyya*), also called Forces' Security. A similar organisation, Military Police, also exists, but it is unclear if they are the same organisation, or if the two are related, although it is believed that the Military Police are a subordinate body within the National Security Force. Neither Military Intelligence nor the Military Police were mentioned in the Cairo or Interim Agreements. Military Intelligence has been classified as a sub-branch of the National Security Force, and also has sometimes been linked with the General Intelligence Service. However, Military Intelligence acts independently. According to information provided by the PSF, the Military Intelligence is not a branch of the PSF, but was created as a General Directorate.<sup>32</sup> (See Figure 4-1) It is unclear how such status affects its functions in theory, but in reality it works much like the other security and intelligence branches, if not more covertly. Military Intelligence is headed by General Musa Arafat, a relative of Yasser Arafat.

The Higher National Security Council memorandum states that Military Intelligence is responsible for “the security of the Forces and the crimes which have anything to do with the Forces”.<sup>33</sup> However, they have been documented arresting civilians. According to Palestinian human rights groups, Military Intelligence is infamous for human rights violations and torture, and is much less visible than other security organisations. Military Intelligence has also been implicated in the abduction and killing of Palestinian land-dealers. In February 1997 three people, including Nablus Military Intelligence commander Hani Ayyad, were arrested and jailed in connection with the death by torture of Yusef al-Baba. Military Intelligence claimed they had arrested al-Baba on charges of selling land to Jews while his family maintained that he refused to sell a piece of land to the Palestinian Authority.

The number of members is unknown, although estimated at less than 1,000.<sup>34</sup> Recruitment is equally secretive, but probably comes from a combination of residents of the Palestinian Territories and PLO returnees.

#### **4.3.5 NATIONAL SECURITY FORCE**

The National Security Force (*al-'Amn al-Waṭani*), also known as Public Security, the Army, and the National Guard, is the largest branch of the PSF. Under the leadership of Brigadier

General Ismail Jabr (Haj Ismail) in the West Bank and Major General ‘Abd al-Raziq al-Mujayida in Gaza, the National Security Force is estimated to have 18,000 members.<sup>35</sup> It is one of only three branches which has a small number of female recruits. A gendarmerie-type force, it covers areas outside the cities, as well as maintaining public order and acting against subversion. They are also responsible for patrolling along the borders of Area A and maintaining the security of land, sea and air borders and crossings.

The National Security Force’s members come mainly from PLA forces based in Jordan, Egypt and other Arab countries, although residents from the Palestinian Territories have also been recruited. They are recognisable by their camouflage uniforms and four-wheel drive Chevrolet patrol trucks.

Part of the National Security Force’s responsibility is to participate in joint patrols with the IDF in accordance with the Cairo, Interim, and Hebron Agreements. Joint Patrols are a special unit that is part of the National Security Force and work with the District Coordination Offices (DCOs) to ensure free, unimpeded and secure movement along roads in Areas A and B. The Joint Patrols continuously monitor movement within their area, 24 hours a day, and take all measures necessary to address an incident and provide assistance as needed.

Similar to the Joint Patrols are the Joint Mobile Units (JMUs). These units provide rapid response in the event of incidents or emergency situations. Their composition and regulations are similar to that of the Joint Patrols. Although primarily stationed at check points or roadside posts, JMUs are responsible for monitoring movement along designated roads; in some situations the DCO may order them to patrol the route, in which case their duties become the same as that of the Joint Patrols. However, their main function is to provide rapid response to incidents involving Israelis and Palestinians, where they provide assistance and investigate the situation.

The Military Police (MP) are also believed to be part of the National Security Force. The Military Police are responsible for crime and misconduct within the police and security forces. The MPs work out of the National Security offices in each district. Their position is designated by a red arm-band worn with their camouflage uniforms.

The Border Forces work at the West Bank and Gaza borders with Israel and the passages to Egypt, in Rafah, and Jordan, via the Allenby Bridge near Jericho, and are responsible for co-operation with Israel in these areas. According to the Interim Agreement, Israel has full

security in the Rafah and Allenby Bridge passages. The management and security of each passage is the responsibility of an Israeli director general. The director general has two deputies – one Israeli and one Palestinian – and these deputies each have two assistants – one for administration and one for security. Additionally, Palestinian policemen, armed with handguns, are present in the passages' terminals. Regarding the Palestinian borders with Israel, the Interim Agreement states that Palestinian police should establish check-points in “areas under its security responsibility on roads connecting the West Bank to Israel, for the purpose of inspection and identification of Palestinian vehicles and passengers, in order to prevent illegal introduction of weapons into or from Israel”.<sup>36</sup> The Border Forces are responsible for all these requirements.

Although some analysts categorise the Border Forces as an individual branch of the PSF, they are widely acknowledged as a sub-branch of the National Security Force. The head of the Border Forces is Brigadier General Khaled Sultan in Gaza and General ‘Abd al-Rahman Barakat in the West Bank.

In addition to their duties outlined in the agreements, the National Security Force has also patrolled Palestinian areas, arrested Islamic activists and engaged in other policing and security activities. Possible additional sub-branches include the Military Intelligence, Force 17, and the Naval Police. Overall, the National Security Force is seen as the Palestinian Authority’s military, and is often referred to as the ‘Palestinian Army’.

#### **4.3.6 NAVAL POLICE**

The Naval Police (*al-Shurṭa al-Baḥriyya*) are also known as the Navy, the Marines, the Coast Guard and the Coastal Police. It is unclear if the Naval Police are an independent branch or if they are a sub-branch of the Civil Police or the National Security Force. Generally they are assumed to be an individual branch, probably the personnel of the PLO Naval Force from Lebanon who have returned to the Palestinian Territories with the signing of the peace agreements, although a coastal police unit within the Civil Police may also exist. The Naval Police were one of the original branches created in the 1994 Gaza-Jericho Agreement. The head of the Naval Police is Brigadier General Juma’a Ghali (Abu Zaki) in Gaza and Brigadier General Jawad Abu Hassan in the West Bank. They have an estimated strength of 800 troops,<sup>37</sup> and although for maritime duties they are only needed on the Gazan coast, Naval Police have been stationed in both the West Bank and Gaza.

The function of the Naval Police, as outlined in the agreements and in the Higher National Security Council memorandum, is to patrol the coastline in Gaza. However, the Naval Police also take part in guarding Palestinian land borders, arresting Islamic activists and dissidents, patrolling cities, and running their own prisons. They have received special commando training, making them valuable in dangerous situations. The Naval Police generally wear a black uniform.

The members of the Naval Police, much like the Presidential Guard, have generally served in the PLO forces prior to returning to the Palestinian Territories, and as a result are very loyal to Arafat. However, the Naval Police have a reputation of being hostile towards both the residents of the Palestinian Territories and members of other security branches. They were implicated in one of the most publicised human rights cases that the PSF has faced, in which a former Intifada activist and member of the Fatah Hawks, Mahmoud Jumayel, was tortured to death by the Naval Police in July 1996. The case received international condemnation. Three members of the Naval Police were tried in a military court and found guilty.

#### **4.3.7 PREVENTIVE SECURITY SERVICE**

The Preventive Security Service (*al-'Amn al-Wiqā'ī*) is headed by Colonel Jabril Rajoub in the West Bank and Colonel Mohammed Dahlan in Gaza, neither holding overall authority. The honorary head of the Preventive Security Service (PSS), Major General Misbah Saqr was removed in April 1996 amid allegations that he was mentally ill and that weapons had been discovered in his house. However, even prior to Saqr's departure, Rajoub and Dahlan held complete control over the PSS. Both are residents of the Palestinian Territories who were expelled by Israel for their membership in Fatah and their activities against the occupation. They command massive respect and street credibility, because of their nationalist histories, with most of the population, not just Fatah supporters.

The Preventive Security Service, although it was not mentioned in the Gaza-Jericho Agreement, was the first PSF branch to be established, and was active in the West Bank and Gaza before the Palestinian Authority officially took control of the areas. Gradually Fatah activists from the Intifada were transferred into the PSS, and worked as semi-covert internal security agents during the occupation, although they were neither legal nor officially recognised. This is in part because of the unofficial Rome Agreement, in which the PSS was allowed to operate before Israeli redeployment in return for providing Israel with intelligence on Palestinians opposed to the peace process.

The Preventive Security Service has approximately 3,000 members in the West Bank and Gaza. An estimated 95 per cent of the PSS troops are former political prisoners from the Palestinian Territories.<sup>38</sup> Although nearly all belong to Arafat's Fatah party, most members are fiercely loyal to Rajoub and Dahlan, to the extent that they would follow them over Arafat.<sup>39</sup>

The function of the PSS is to prevent political crime and deal with any issue or incident that relates to the political security of the state. Dahlan admits that they do not have a specific mandate, but that the PSS is generally responsible for internal security, especially for political matters such as fighting terrorism.<sup>40</sup> The PSS is directly involved in security co-ordination with Israel, particularly regarding the arrest of Islamic activists. It also runs its own prisons in the West Bank and Gaza. The PSS has been accused by Israel of functioning in East Jerusalem, in violation of the agreements. There have been several reports of PSS activities in East Jerusalem, however it is unclear if the group was actually the PSS and received orders from Rajoub, or was an independent Fatah group conducting internal security operations. Not readily identifiable, the PSS wear a variety of military fatigues and plain clothes.

Possibly as a result of the circumstances under which they were founded, the PSS is more politicised than other branches of the PSF. Dahlan and Rajoub are both suspected to have political ambitions. They were involved in the Interim Agreement negotiations and are still deeply involved in Fatah politics. This was evident in late 1997 when Rajoub became embroiled in a highly publicised argument with Fatah Central Committee member Saqr Habash. Rajoub wrote a letter complaining about Habash to Arafat and other Fatah leaders, and later appeared in front of a Fatah investigation committee.

The PSS are the only security apparatus, other than the National Security Force, to actively recruit women. It has a number of women in its ranks, some of them high ranking officers. Whereas most of the Civil Police women are very young, the PSS women are generally older (many are married, which does not disqualify them from service in the PSS). The reason for this is that women in the PSS were recruited on the basis of their activities during the Intifada. Most women in the PSS have been community leaders, particularly in women's committees, and have been imprisoned by the Israelis for their political activities, prior to being recruited into the PSS. Many continue to be active members of Fatah. Very few women in the PSS have received any training, and most are employed in jobs such as public relations or community outreach. The reason for this, explained one PSS officer, is that the

PSS is primarily engaged in arresting men, but when they need to take a woman into custody, they take female officers to make the arrest.<sup>41</sup>

#### **4.3.8 EMERGENCY SERVICES AND RESCUE BRANCH**

The Emergency Services and Rescue Branch or Civil Defence (*al-Difā' al-Madani*) is included as a police service in the agreements. Although the Emergency Services and Rescue Branch (ESR) fulfils a civil defence role, its primary role is much as its name suggests. The ESR provides a fire brigade, emergency medical rescue, and other services. It also administers a large programme of first aid training to the Palestinian public. As the ESR is not a police or security force, nor is it responsible for public order maintenance, it will not be examined further in this thesis.

### **4.4 TRAINING**

Police and security training differs, although some training programmes are shared between branches of the PSF. Training for the Civil Police has been well publicised and transparent, co-ordinated primarily through the UNSCO Police Advisor and Co-ordinator for Training. Training for the security forces is often more secretive and less often co-ordinated through UNSCO. Regarding some of the security branches, such as Presidential Security or Military Intelligence, very little is known at all about their training.

#### **4.4.1 CIVIL POLICE TRAINING**

The Civil Police have established an extensive training programme for their new recruits and rehabilitative training for police officers who previously served in the PLA or other PLO military wings. Three types of training are held for the Civil Police: basic training, rehabilitation training for officers, and special security training (e.g. customs and smuggling, forensics, drug enforcement). Each training course is divided into education and physical training. The education module includes lectures in police science, such as criminal law, procedure, human rights, narcotics, traffic control, and civil defence. The physical training module involves fitness, discipline, and weapons. At the completion of the training course, further practical training is conducted within a specific police division.

Basic training lasts four months and involves approximately 50 students per course. Recruits have already been accepted to join the police by successfully filling out an application at police headquarters and passing physical and psychological tests. Men and women are segregated in basic training, although they receive the same instruction. The

basic training teaches the recruits a wide variety of police subjects, such as basic forensic science, human rights, emergency response, working with people, and collecting evidence.

Rehabilitation training is, according to Lieutenant Colonel Mansour al-Rais, Deputy Director of Training in Gaza, “training to be an officer. Many people received positions [in the Civil Police] because of their contributions to the revolution, and they are not prepared to become police officers.”<sup>42</sup> The rehabilitation training is tailored for staff members who will become officers (officer training), and for those who are already officers but need further education (developing from fighter to police officer). This training also differs in that it is open to all branches of the PSF, not only the Civil Police. Many of the security branches, including the PSS and the GIS, take advantage of the rehabilitation training by sending their own members to participate.

The rehabilitation training course is for a duration of four months, and comprises 180 students per intake. The training involves lectures and practical work in a total of twenty subjects, including criminal science, police procedure, criminal law, forensics, psychology, human rights, and civil defence. There is also physical training in six different fields, including weapons, self-defence, and special operations. The rehabilitation training is more intensive and in-depth than the basic training course, and men and women are taught together.

Special training is tailored to different positions and jobs of the police. In 1996-1997, the special training focused primarily on police security in airports, as the PA was hoping to negotiate the opening of the Gaza Airport. The trainees studied a variety of topics, such as psychology, searching people and baggage, narcotics, explosives, air law, and criminal investigation. The training course was for a duration of two months, however many of the students had previously taken a six month training course on air services in Morocco.

Further training abroad is sometimes provided for higher ranking officers, particularly specialised training courses. For example, the Drug Enforcement Department (DED) of the Civil Police has received the bulk of its training abroad. According to Colonel Ismail al-Shafi, Director General of the Drug Enforcement Department, detectives are sent abroad on a continual basis. Most DED training has been conducted in Jordan, Egypt and Saudi Arabia, although many officers attended a three week course in London. Additionally, some foreign governments have provided the Civil Police with trainers in a variety of specialisations, who then undertake the training of Palestinian police trainers. As of Autumn

1997 the Civil Police had a number of well-qualified Palestinian trainers in their ranks as a result of the training of trainers programmes.

The most controversial training is that coming from Israel. Although Israeli officials deny providing training for the PSF, arguing that it would seriously hurt the PSF's legitimacy with the Palestinian people,<sup>43</sup> reports of Israeli training programmes have appeared. According to Dr. Azmi Bishara, writing in the Israeli daily *Ha'aretz*, Palestinian police from Gaza were being trained in how to disperse demonstrations by the Israeli police, although it was later denied by General Jabali. Dr. Bishara concludes: "For Palestinian police to train in Israel – not with regard to catching thieves or implementing traffic regulations but to learn how to disperse demonstrations – means one thing: they are on Israel's side, against the Palestinian people".<sup>44</sup> Because of such controversy, very little training has been provided by Israel for the Palestinian police.

Throughout the Civil Police training, there is an emphasis on human rights. Since 1994, the United Nations High Commissioner/Centre for Human Rights (UNHC/CHR) has been active in establishing a training programme on human rights and law enforcement for Palestinian police trainers and commanders. Several Palestinian human rights organisations, such as the Mandela Institute and al-Haq have also provided human rights training. As a result, the Civil Police have integrated a human rights module into all their training programmes. According to one UNSCO official, the Palestinian Civil Police have possibly the most comprehensive human rights development programme in the world.<sup>45</sup>

#### **4.4.2 SECURITY FORCES TRAINING**

The bulk of the training of the security branches of the PSF is internal training, primarily basic training for recruits. Recruits go through a three month training course which includes education in basic police science and significant physical training, including physical fitness, weapons, and self-defence. Further training is on a selective basis. As mentioned above, some members are sent to rehabilitation training with the Civil Police. Other specialised courses are provided, including technical and officer training.

The American Central Intelligence Agency (CIA), and to a lesser extent the European Union (EU), have been involved in providing equipment and training in counter-terrorism. The CIA, which became involved with the PSF after the terrorism conference in Egypt in 1996, has planned to assist the security branches to build a 'Security Academy'. The focus of CIA training has been on the GIS and the PSS. They have provided training in espionage,

information-gathering and interrogation techniques, such as how to obtain information from a suspect quickly to prevent a terrorist attack (the ‘ticking bomb’ scenario) and how to assess the accuracy of information received. Federal Bureau of Investigation (FBI) agents working at the CIA’s Counter-Terrorist Centre have also helped train the PSF. In his report, Brynjar Lia states that US police and intelligence officers have supervised the training of the PSF in Langley, Virginia, and at a Philadelphia police department since the spring of 1995; the Presidential Guard and the PSS have long been trained in counter-terrorism in the US.<sup>46</sup>

CIA officials assert that “the CIA instructs its trainees in non-violent interrogation techniques; its lessons prohibit torture”.<sup>47</sup> Nevertheless, according to Mazen Shaqora, Human Rights Officer with UNHC/CHR, in the courses “there is no condemnation of torture, legally or on a human rights basis, by the CIA”.<sup>48</sup> The CIA does not co-ordinate with the donor recipient mechanisms, so details of their activities are rarely available.

The security branches do receive human rights instruction, although it is not as integrated into the training programme as the Civil Police. On a district level, UNHC/CHR, al-Haq and the Mandela Institute have all received requests and provided human rights training for the security branches.

#### **4.5 FUNDING & ASSISTANCE**

The international community and the involved parties alike recognised that the successful establishment of the PSF was critical for the PNA to assume its responsibilities agreed upon in the Declaration of Principles. However, neither of the donor co-ordination mechanisms established in October 1993 (the Ad Hoc Liaison Committee or AHLC, and the Consultative Group) dealt with assistance to the establishment of a Palestinian police force. To meet this need, a conference of ‘Police Donors’ was held in Oslo on 20 December 1993, at which several donor countries pledged support to the PSF. On 24 March 1994, a second and more urgent conference was held in Cairo, attended by representatives from the UN, the EU, the World Bank and 22 donor countries. The reason for such urgency was that an Israeli-Palestinian agreement on the PSF was ‘nearly finalised’, but despite donor promises for in-kind assistance and training programmes, there was a desperate need for financial set-up assistance and equipment. Furthermore, most donors had not committed to delivery dates. According to Lia: “The unwillingness of donor countries to commit financial aid for start-up and recurrent costs of the Palestinian Police Force, despite the fact that this had been deemed one of the most critical factors at that stage in the peace process, revealed a weak point in the co-ordination structures set up to bolster the Palestinian-Israeli peace process”.<sup>49</sup>

The Cairo meeting's participants decided to create a 'donor recipient mechanism', an ad hoc committee which would satisfy donor needs for transparency and accountability in the use of funds for the establishment of the Palestinian Police. Various co-ordinating mechanisms for assistance to the PSF have been created during the Oslo process. These include:

- The Co-ordinating Committee for International Assistance to the Palestinian Police Force (COPP) which functioned March 1994 - December 1994. This committee co-ordinated police assistance, with an emphasis on technical equipment, gifts in kind, etc.
- The UNRWA mechanism channelled funds for police salaries from September 1994 until December 1995.
- The UNSCO police training co-ordinator (October 1994 - present).
- The Sectoral Working Group/Police (January 1995 - present), has emphasised training, in particular human rights and the rule of law.<sup>50</sup>

Despite these mechanisms, funding to the PSF was initially neither sufficient to cover the expenses of setting up and running a new police force, nor very quick to arrive. When the PSF was first deployed in Gaza in May 1994, PLO negotiator and later Minister of Planning, Nabil Shaath was forced to borrow some of the required monies privately. Furthermore, legal restrictions prevented many aid agencies from providing direct assistance to the PSF.<sup>51</sup> Nevertheless, the dispersal of donor assistance to the PSF has gradually improved.

#### **4.5.1 CO-ORDINATION COMMITTEE FOR INTERNATIONAL ASSISTANCE TO THE PALESTINIAN POLICE FORCE (COPP)**

As the first 'donor recipient mechanism', COPP was tasked with the following responsibilities: co-ordinating and promoting assistance to the PSF; working to ensure transparency, accountability, and practicality; monitoring the deployment of the PSF and regularly reviewing the assistance efforts directed towards the PSF.<sup>52</sup> The committee was headed by Norway, and also consisted of the USA, Russia, Egypt, Japan, and the EU, operating on a basis of consensus.

COPP was limited in its mandate. Its purpose was not to monitor and report on the PSF compliance with the Declaration of Principles. Nor was it able to distribute funds or equipment. It was merely a mechanism to co-ordinate assistance to the PSF, although donors were not required to use the mechanism.

When the PSF began deployment in May 1994, insufficient funds had been received to cover start-up expenses. As a result of slow delivery of promised donor contributions, COPP began working primarily to encourage the donors to meet the most basic requirements of the PSF. COPP also developed and maintained requirement and contribution matrices for the PSF, which helped to identify where aid was most needed.

Despite its limited mandate and short lifespan, COPP was able to bring some important issues to the attention of the police donors. When the PNA were unable to pay police salaries as a result of donor tardiness, a COPP report stated the dangers of a large unpaid police force. The committee also raised the issue of poor living conditions for newly arrived police officers and their families, warning that the dependence between the police and the Gazan inhabitants was an unhealthy precedent. COPP also reported on the effect of the lack of police resources on the PSF's ability to do their jobs. COPP was eventually developed into the Sector Working Group on Police.

#### **4.5.2 UNITED NATIONS RELIEF AND WORKS AGENCY (UNRWA)**

In August 1994 the Ad Hoc Liaison Committee had begun to search for a new aid mechanism to resolve the problems with police funding. By September, UNRWA - the largest UN agency in the Occupied Territories – agreed to establish and operate a mechanism to pay the salaries of the PSF. Donors then transferred funds to UNRWA, which then disbursed the funds as police salaries. This mechanism was designed to allow donor countries to overcome many of the restrictions on funding the Palestinian police and to provide them with the transparency and safeguards against misuse of funds the donors desired. However, the successful new mechanism did not attract donors who had previously refused to fund the PSF because of legal or political restrictions.

One of the primary concerns of donors during this period, according to Lia, were reports about the PNA establishing secret security services which reported directly to Arafat, and which were illegal according to the Gaza-Jericho Agreement. Although the agreement limited the PNA to 9,000 police officers, by December 1994 the payroll had expanded to over 13,000 personnel. UNSCO and the donor countries refused to channel funds for salaries for the extra personnel, and in one instance when members of the Preventive Security Service received donor money through the UNRWA donor mechanism, the UN Special Co-ordinator made the PNA pay the money back.<sup>53</sup> Nevertheless, over US\$64 million was disbursed by UNRWA during its mandate. (See Table 4-1)

During this time, the PNA also resolved a long-running dispute with the World Bank, which allowed it to begin receiving monies for 'operational expenses' through the Holst Fund. Since the PSF was the single largest expenditure on the PNA budget, this became a de facto funding mechanism for them. In December 1995, UNRWA's mandate to monitor and disburse police salaries was not renewed. The responsibility was transferred to the Palestinian Ministry of Finance, placing police salaries as part of the centralised budget.

#### **4.5.3 THE OFFICE OF THE UNITED NATIONS SPECIAL CO-ORDINATOR IN THE OCCUPIED TERRITORIES & THE UNSCO POLICE ADVISOR**

The Office of the United Nations Special Co-ordinator in the Occupied Territories (UNSCO) was established in June 1994 to enhance the presence and involvement of the UN system and strengthen UN intra-agency co-operation during the peace process. The Special Co-ordinator is the focal point for all UN assistance in the Occupied Territories, as well as for relations with international donors and the World Bank. The Special Co-ordinator also represents the UN in the AHLC. In addition, the Special Co-ordinator:

... supports the implementation of the Declaration of Principles, as requested by the parties. Any responsibilities in the Occupied Territories which may be entrusted to the United Nations and which fall outside the sectoral briefs of the United Nations agencies and programmes are the direct responsibility of the Special Co-ordinator. The Special Co-ordinator is also mandated to lead the United Nations delegations to the multilateral working groups of the Middle East peace process.<sup>54</sup>

Within the framework of UNSCO's mandate, the office provides support services to both the PSF and donors through advice and co-ordination assistance. Much of this is provided by the international Police Advisor. Norway and Denmark have provided experienced police officers to serve as the Police Advisor, and Denmark currently funds the position.

The duties and responsibilities of the UNSCO Police Advisor are extensive. The Police Advisor co-ordinates the provision of training and in-kind assistance from donor countries through the UN and assists the PNA in matching assistance to specific needs for in-kind donations to avoid duplication. The advisor assists the PSF in determining their education and training needs and advises in the planning and organisation of training programmes

undertaken both internally and abroad. He also represents the Special Co-ordinator at donor meetings in the West Bank and Gaza.

The Police Advisor has been a main proponent of the establishment of a Police Academy. Four donor countries promised funding for an academy, but two of the countries froze funds as a political response to the PSF's poor human rights record. The Police Advisor has continued, albeit unsuccessfully, to urge the donors to release the funding.

However, donors are not required to provide assistance to the PSF through the UNSCO mechanism. The United States, for example, does not consult the UNSCO Police Advisor when providing funding or training programmes. As a result, it is not always clear how much assistance or what type of training the different branches are receiving (Table 4-2).

#### **4.5.4 SECTOR WORKING GROUP ON POLICE**

The Local Aid Co-ordination Committee (LACC) was established in November 1994 to expedite assistance programmes on the ground in the West Bank and Gaza. By mid-1996, some 30 donor countries were attending the monthly LACC meetings which focused primarily on political and socio-economic developments affecting donor funding. At the request of the Special Co-ordinator, the LACC established technical sub-committees called Sector Working Groups (SWG) covering agriculture, education, employment generation, environment, health, infrastructure, institution building, police, private sector and public finance. The role of the SWG is to contribute to the process of setting Palestinian-identified priorities.<sup>55</sup>

The Sector Working Group on Police originated as COPP, and gradually evolved into a forum to exchange information, enhance co-ordination of police assistance and training, and encourage donor support. The SWG has also worked to mobilise support for a police academy. The police SWG is composed of a 'shepherd' (Norway), a 'gavel holder' (the Palestinian Ministry of Planning and International Co-operation, MOPIC) and the 'secretariat' (UNSCO).

Unlike COPP, which had dealt mainly with co-ordinating in-kind donations and technical equipment, the SWG has been concerned primarily with the co-ordination of PSF training programmes. According to Lia, there were two reasons for the SWG's focus on training. First, the PSF had acquired most basic policing equipment, and donors began to believe that police training was the top priority – especially in light of increasing reports of human rights

abuses by the PSF. Second, UNSCO found it increasingly difficult to gather information from donors on their in-kind contributions. Lia explains, “Assistance to the Palestinian police beyond human rights training had become a politically sensitive issue, and, probably for that reason, many donor countries preferred to keep their assistance programmes on a strictly bilateral basis”.<sup>56</sup>

As a result, the SWG became more of a forum to exchange information than a strategic planning committee to co-ordinate all donor assistance. UNSCO, as the SWG secretariat, decided in 1996 to include only training programmes on its assistance matrices. After a number of suicide bombings in early 1996, and even more so after the signing of the Wye Memorandum, the CIA (and to a lesser extent the EU) began to play an increasingly important role in Palestinian policing and security, outside the SWG structure. Nevertheless, the SWG continues to co-ordinate most training programmes – particularly those associated with human rights or the rule of law – and has been a major advocate of the establishment of a national police academy or training centre.

#### **4.5.5 THE RESULTS OF FUNDING AND ASSISTANCE FOR THE PSF**

Police and security assistance was, and remains, necessary for the PSF to function. Without donor funding, the impoverished PLO would not have been able to deploy the initial Palestinian policemen, let alone pay their salaries or provide them with uniforms, equipment and offices. However each donor country has different restrictions and limitations regarding assistance to the PSF. For example, in line with the British Overseas Development Act, the UK Department for International Development (DFID) is not allowed to fund paramilitary organisations, and therefore is restricted to providing funding only for the Civil Police, and even then must draw the line on certain types of equipment – such as riot gear – which could be considered ‘paramilitary’.<sup>57</sup> These restrictions can make aid very slow, if at all forthcoming.

The donor recipient mechanisms have helped the PSF to get assistance, and have even increased the amounts received because they have made the process more transparent. This is particularly apparent in the example of UNRWA, which could provide much greater accountability when distributing donated police salaries than the amorphous PSF structure could. The mechanisms also proved important as advocates for the PSF, bringing relevant issues to the attention of the donors. For example, COPP was instrumental in raising funds necessary to deploy and pay the first policemen; the UNSCO Police Advisor and the Police SWG are both strong advocates for a national police academy.

However, the donors are not organised in a manner which enables them to put pressure on the PSF. Although the donor recipient mechanisms, as well as individual donor countries, have encouraged and implored the PSF to improve its human rights record and to restructure its forces to become more democratic and less centralised, they have had little to no success.

This lack of influence over the PSF is at least partly a result of the fact that much of the assistance to the PSF is still non-public, especially programmes for counter-terrorism and other politically sensitive issues. These programmes are not co-ordinated through the donor recipient mechanisms, and non-public assistance is often impossible to determine. These programmes, and the increasing demand for a 'war on terrorism' have weakened the donors' leverage to put pressure on the PSF.

Another result of the increasing incidence of non-co-ordinated bilateral aid is that rivalries have grown up as a response to competition for assistance. This obstructs efficient aid co-ordination. Because of the PSF structure – where each branch reports directly to Arafat – many branches deal directly with donors. There is no co-ordination between branches, with each one trying to take as much as it can. Furthermore, there is no co-ordination between donors, which only serves to worsen the situation.

Finally, the reliance on donors to finance, equip, and train the PSF makes the PNA especially vulnerable. This was demonstrated in 1994, when due to slow delivery of funds the PSF were nearly unable to begin work. Although the PNA are no longer dependent on donors to fund PSF salaries, much of the money now used to finance the police comes from Israeli transfer of funds collected by Israel from Palestinians. This source of revenue is equally susceptible to political delays – on several occasions the Israeli government has frozen the transfer of funds in order to pressure the PNA to crack down on militant Islamic groups. Moreover, because the PSF are funded effectively by the collection of 'political rents' instead of direct taxation, the Palestinian society does not have as strong ties to the PSF as they would if their taxes were financing them.<sup>58</sup> These issues expose the vulnerabilities of the police-state-society relationship in consideration of the donor funding mechanisms.

#### **4.6 THE IMPACT ON PUBLIC ORDER MAINTENANCE**

When considering the structure and organisation of the PSF, three main issues arise: centralisation, politicisation, and militarisation. Many of the factors in the establishment and development of the police and security forces either contribute to or detract from these three

issues. Furthermore, centralisation, politicisation and militarisation remain at the heart of the debate over the public order role of the PSF in the Palestinian Territories.

There are several obvious contributors to the centralisation of the PSF. The most basic of these is the structure of the PSF. The forces were formed in such a way that only Arafat can control the branches and arbitrate between them. The leaders of the different branches report directly to Arafat and no one else. Arafat is able to determine the level of influence individuals wield within the PSF structure. Furthermore, parts of the structure that may detract from Arafat's control over the PSF, such as the district governorates, seem almost completely ignored – and with no ramifications. This has created a direct connection between the policing apparatus and the structure acting as the state.

This linkage is further strengthened by the proliferation of security and intelligence branches with roughly the same mandate. The difficulty of defining the different functions of the branches is apparent from the Higher National Security Council memorandum. Information on some of the branches is unclear or simply unavailable, and even members of the PNA are unsure of the number of branches or their individual purposes. The overlapping mandates of the seven security agencies (not including sub-branches) result in competition between them. This rivalry also contributes to the centrality of the state-like structure in the PSF structure because only Arafat is able to arbitrate between them. The branches are dependent upon the state to decide their role in policing and security in the Palestinian Territories. And the role can change subject to Arafat's will.

Additionally, advancement in the PSF is based more on cronyism than merit. Therefore, members of the PSF are again dependent upon Arafat. Promotion, as well as increased power and influence, can be based on affiliation with the ruling political party, or more often on Arafat's favour.

However, there are some factors in the organisation of the PSF which work against the centralisation of control of the PSF. One of the greatest detractors of centralisation is the division of the West Bank into Areas A, B, and C, and the even greater division between the West Bank and Gaza. There is no freedom of movement between areas for uniformed or armed personnel or vehicles, which requires hours or days of efforts to co-ordinate movements with their Israeli counterparts. These divisions, while certainly not contributing to positive development of the PSF, lessen the centralised control simply through logistics. The difficulty in travelling between the areas means that work cannot be easily co-ordinated, and thus district commanders are able to have greater autonomy. This cannot be considered

a positive departure from centralisation, however, because it encourages district commanders to develop their own ‘kingdoms’.

The PSF are also pressured and encouraged by the international donor community to move away from such a centralised structure. Although, as discussed above, the donors have been largely unsuccessful in implementing security sector reform, they have not been entirely ineffective. The Police Advisor is in a prime position to encourage structural reform. Additionally, the Civil Police – the branch which receives most of the UNSCO co-ordinated training programmes – has expressed the desire and intent to restructure and to develop a better system of internal management.<sup>59</sup>

The structure of the PSF is a contributing factor to its politicisation. Their close linkage with Arafat ensures that they will maintain order, stability, and the dominance of the PNA over Palestinian society. This is exemplified by the probable existence of the Eighteen, a group of high ranking officers who purposely tailor their policing and security activities to meet the current political objectives of the Palestinian government. Whether or not the Eighteen actually exists is irrelevant because the fact that Arafat closely controls all the branches enables him to take such actions, if the branch leaders are not doing it themselves.

The PSF are further politicised by the competition between branches, both for influence with Israel and for donor funding. In these instances the PSF are politicised by neither their interaction with the state-like entity nor the society, but by an outside third-party. This adds a new and uncertain dimension to the maintenance of public order in the Palestinian Territories. While it is very unlikely, particularly with such a centralised chain of command, that a branch of the PSF would begin working for Israel or a donor country, the existence of competition and rivalry between branches can affect public order maintenance. There have been several instances where inter-branch rivalries have led to clashes and confrontations.<sup>60</sup>

The recruitment and promotion of members of the PSF is also highly politicised. The fact that the PNA used recruitment as a policy for co-opting many of the militant Intifada groups, such as the Fatah Hawks makes the PSF inherently political. Furthermore, the promotion of members is largely based on political affiliation and loyalty to Arafat.

There are some factors which work against the politicisation of the PSF. Donor recipient mechanisms, such as the Police Sector Working Group, eliminate competition between branches for funding and training. The slowdown on recruitment has also positively

contributed by allowing only the most highly qualified to enter the PSF. Unfortunately, the structure, and most of the rivalry and competition are little affected by these factors.

Finally, there are several factors which contribute to the militarisation of the PSF. Possibly the most important is the perception of Israel and some of the donor countries that preventing terrorism is the prime directive of the PSF. This is furthered by the emphasis on training in counter-terrorism. Although these factors have not transformed the PSF into a military structure, it has contributed to the security branches being heavily armed, covert, and not undertaking normal police duties.

Militarisation is also encouraged by the fact that the leadership of the PSF has a primarily military, rather than policing, background. This is furthered by the general feeling amongst the PSF leadership that it should be prepared to defend its territories should Israel ever attempt to reoccupy. Also, martial displays, such as military parades, provide a source of national pride for many Palestinians. As a result, the leaders of the PSF branches have developed the forces in a highly militaristic manner.

There are also factors working against militarisation of the PSF. The most obvious, but not always observed, is that the security arrangements with Israel clearly state that the Palestinians are forbidden to form an army, and are limited to only a police force. Additionally, the extensive human rights training undertaken by many international donors has attempted to limit the militarisation of the PSF and create a more police-like attitude.

How do these factors – centralisation, politicisation, and militarisation – affect the order maintenance strategies of the state? The police are not insulated from the political decisions of the state, nor do the police merely implement whatever strategy has been designed by the state. Brewer et al. write:

Though police forces may prefer to style themselves as professionals engaged in the disinterested enforcement of law and order, their pivotal role at the junction of state-society relations leaves them with immense strategic significance. While their conduct is rule-bound to a greater or lesser extent, their extensive powers (coupled with the occasional arbitrary exercise of discretion) provides them with some relative autonomy from the state.<sup>61</sup>

In the Palestinian case, the extensive powers of the PSF do not provide them with autonomy from the state. The factor of centralisation, whereby the PSF are closely linked with and receive orders directly from the president, means that very little policing autonomy exists. The PSF are tied to following the directives handed down from Arafat. However, there is some room for manoeuvre within the districts because of the territorial logistical problems between the West Bank and Gaza, and within the different areas of the West Bank. This allows district commanders to function with limited autonomy.

The politicisation of the police is apparent because public order maintenance in the Palestinian Territories is extremely political. Israel demands that the PSF maintain public order to prevent terrorist attacks against Israeli targets by any means necessary. The PNA expect them to maintain order by silencing the opposition to preserve the regime. The international community want the PSF to prevent terrorism, and yet also to safeguard human rights. If the PSF fail to live up to each of these expectations, they are faced with political ramifications: Israel will halt the peace process or further redeployments, Arafat will favour (and thus empower) another branch of the PSF, the international community will cease funding.

As a result, the increasing militarisation of the PSF means that they will enforce public order through any means necessary. The proliferation of security and intelligence agencies means that public order maintenance increasingly can be undertaken covertly, through the monitoring of opposition groups, censorship and counter-espionage. Additionally, the large number of these agencies, trained in counter-terrorism, well-armed, and led by military leaders means that public order maintenance will more often be ensured through active means, such as suppressive tactics, arrests and confrontations than through negotiation or accommodation.

Therefore, the structure and organisation of the PSF provides the PNA with significant control over the Palestinian society. This is at the cost, however, of legitimacy. The highly centralised, political, and military nature of the PSF does not make it legitimate in the eyes of the Palestinian society.

## **CHAPTER 5:**

### **THE POLICE-STATE RELATIONSHIP – THE PSF AND THE PALESTINIAN NATIONAL AUTHORITY**

#### **5.1 THE POLICE-STATE RELATIONSHIP**

Creating and maintaining order is an absolute requirement for the continued existence of a government. No matter what perspective of the state is taken, the police occupy a strategic role in the regulation of political conflict and disorder; what is variable is the legitimacy afforded the police as the structure of domination. Chapter 1, which examined the police-state relationship in detail, concluded that there are three general factors in the relationship, regardless of variables such as the nature of the state, politicisation of the police, social cleavages, or the nature of the disorder. These three factors include: the police are used by the state to maintain order; the police are the government's first line of defence by preventing disruption and enforcing stability, and in some cases by bolstering the regime; and the state, and by extension the police, has a monopoly on the legitimate use of force.

These three factors are necessary to consider the relationship between the PSF and the PNA, because while they are present, variables also exist which are specific to the Palestinian situation. This chapter explores each factor in detail. First, while the police are used by the state to maintain order, they are not the only tool. The police function as part of a justice system which also includes the judiciary. Unfortunately, in the Palestinian Territories, the judiciary has been rendered nearly powerless for a number of reasons, including a weak legislature, differing legal backgrounds in the West Bank and Gaza, interference in the judicial process by both the Executive Authority and the PSF, and the public's lack of trust in the court system. A weak judiciary has given the PSF greater effective authority within the state.

Second, the police are expected to prevent disorder and maintain stability in a state, acting as a sort of defence for the state, and sometimes the government. This responsibility is taken even further in the Palestinian Territories. As Salim Tamari states, "The basic challenge facing the Palestinian National Authority today can be reduced to the twin tasks of legitimacy and control... the legitimacy of the Cairo and Interim agreements and the provisional regime that they gave rise to, are unavoidably linked to Arafat's ability to establish a political apparatus that can govern Palestine".<sup>1</sup> Coupled with Israel's need for security assurances and the linkage between security and progress in the peace process, the PSF are largely responsible for bolstering the regime.

Finally, as part of the agreements, the PSF are committed to working in co-ordination with Israel on security issues. However, in many instances the co-ordination breaks down or Israel feels that the PSF are not fully co-operating, and Israel then takes security matters into its own hands, without regard for PSF authority or jurisdiction. These actions result in a loss of the PSF monopoly on the use of force. Largely this is a result of the fact that the Palestinian Territories are not a fully independent state, but merely autonomous areas under the ultimate control of Israel.

After examining these three factors in the PSF-PNA relationship, this chapter places the PSF activities in the context of PNA order maintenance strategies. It explores the use of accommodation, criminalisation and suppression as viable strategies for the maintenance of public order in the Palestinian Territories. This will determine the nature of the PSF-PNA relationship and possibly begin to indicate the form of a future Palestinian state.

## **5.2 THE PSF – PNA RELATIONSHIP**

### **5.2.1 THE JUSTICE SYSTEM**

#### **5.2.1.1 The Government**

The PNA inherited a court system lacking in uniform or consistent structures or legal codes. Laws and regulations stemmed from the British Mandate period, Jordanian rule in the West Bank, and Egyptian military administration in Gaza, and military laws from the Israeli occupation. In addition, the PLO had the Penal Code of 1979 which had been utilised by the strike forces during the Intifada. According to the Gaza-Jericho Agreement, the more than 2,000 military orders issued during the occupation would remain in force unless abrogated by the Joint Legislative Subcommittee.<sup>2</sup> However, after his return to Gaza, Arafat issued a decree abolishing all Israeli military orders, in defiance of the agreement, allowing him greater freedom of action and fewer legal restraints (Appendix D). Declaring that the military orders would no longer be valid was a somewhat hollow gesture, since the orders establishing Israeli authority became irrelevant, and those fulfilling a need in the legal system remained in force.

According to the Gaza-Jericho Agreement, the Palestinian Legislative Council (PLC) could promulgate legislation including basic laws, laws, regulations and other legislative acts, which must then be reviewed by the Joint Legislative Subcommittee, and ratified by the President of the PNA.<sup>3</sup> Several draft laws have been approved in the PLC, however very few have received the approval of President Arafat. As of June 1998, only ten laws had

been passed and signed. Another five bills had been passed in the third reading by the PLC and were awaiting presidential ratification<sup>4</sup> (Table 5.1).

The PNA Ministry of Justice appoints all civil judges for 10-year terms. The Attorney General, an appointed official, reports to the Minister of Justice and supervises judicial operations in both Gaza and the West Bank. The prosecution system also exists under the Ministry of Justice auspices, as the public institution charged with the administration of justice. However, Palestinian prosecutors suffer from a lack of access to legal texts, and even basic office facilities are unavailable.

Under occupation, most Palestinians saw the justice system as corrupt, biased and under the control of the occupation government. The Palestinian government has done little to allay the existing mistrust. The first appointed Attorney General, Khaled al-Qidra was fired after a legal assistant provided Arafat with evidence that he had been releasing prisoners on bail and pocketing the money, and extorting money from the families of political prisoners, demanding large bribes for their release. Al-Qidra also allegedly ran a system of false charges and illegal arrests, and after his dismissal, over twenty people came forward who had been blackmailed by him.<sup>5</sup>

#### 5.2.1.2 The Basic Law

There has been an effort to create a legal and constitutional basis for the PNA through the writing of the *Draft Basic Law for the National Authority in the Transitional Period*. Discussions on the Basic Law began following the PNC declaration of independence in 1988 and has since been revised by the PLC. It places great emphasis on democratic values, human rights and the rule of law. Under ‘General Provisions’ in the first chapter, the Basic Law states: “The government of Palestine shall be based on parliamentary democracy and pluralism, with consideration by the majority for the rights and interests of the minority and respect by the minority of the decisions of the majority”.<sup>6</sup> In Chapter Two, the Basic Law states that Palestine recognises and respects all the principal UN human rights treaties, and then goes on to outline a number of fundamental rights and freedoms.<sup>7</sup> Chapter Three states unequivocally: “The rule of law is the basis of government in Palestine”.<sup>8</sup> If this progressive document is adopted as the future Palestinian entity’s constitution, then it will certainly signify a move towards a more open, just and free society.

Unfortunately, the Basic Law, despite several revisions and a multitude of forum discussions, has yet to be ratified by Arafat. It has been suggested that Arafat has delayed

ratifying the Basic Law for political reasons, namely that it may be perceived by Israel as a declaration of statehood. Alternatively, Stephen Marks writes:

The explanation of the delays most favourable to the Palestinian leadership is that its adoption would be premature, because the accords place the PA in too vulnerable a position for such a sweeping gesture toward the rule of law and human rights. A less favourable interpretation is that the PLO refuses to accept the limitations on its authority required by democratic government and, as long as the traditional leadership of Fatah is in command of the PA and the Council, prospects for such governance are dim.<sup>9</sup>

Nonetheless, if either of the first two interpretations are correct, then the Basic Law should be expected to be adopted after a final agreement is reached with Israel. Even if the PLO refuses to have its authority limited by democracy, it may still be pressured, both by the Palestinian citizenry and the international community, to adopt the Basic Law at the conclusion of the peace process. As Marks states: “The political will to adopt this remarkable text appears to be gaining momentum”.<sup>10</sup>

#### 5.2.1.3 The Court System

Since the establishment of the PNA, four types of courts have emerged in the Palestinian judicial system – ordinary (*maḥkamat al- ulḥ*), religious, security, and military. The ordinary courts existed under the occupation and continued to function after Israeli redeployment. These courts review cases and issue judgements in civil, criminal and administrative cases. The highest court in this system is the High Court, held in both Gaza and the West Bank.

Overall, the PNA court system is recovering from years of neglect. According to a report by the US State Department:

Judges and staff are underpaid and overworked and suffer from lack of skills and training; court procedures and record-keeping are archaic and chaotic; and the delivery of justice is often slow and uneven. Judges suffer from a lack of police protection. The ability of the courts to enforce

decisions is extremely weak, and there is administrative confusion in the appeals process.<sup>11</sup>

Additionally, UNSCO reported that the courts have severe judicial backlogs, inadequate facilities and equipment, and that salaries “are so critically low as to threaten both judicial integrity and judicial independence”.<sup>12</sup> However, since the establishment of the PNA, the international community has taken an interest in the development of the rule of law sector in the Palestinian Territories and, as of May 1999, 24 donors (working with 13 UN agencies and programmes, and international and Palestinian NGOs) had committed over US\$100 million in the form of technical assistance, financial assistance, training and educational activities, and equipment and supplies<sup>13</sup> (Figure 5-1).

Religious courts also existed prior to redeployment. These courts – *al-Shari‘a* courts for Muslims and church-affiliated courts for Christians – are based on religious law and decide issues of personal status, such as marriage, divorce and inheritance. Issues are decided upon by a Muslim cleric or priest, generally without a formal trial.

Arafat created the State Security Court by special decree on 7 February 1995. It became operational on 9 April 1995, hours after two suicide bomb attacks in Gaza killed seven Israelis and an American student, and the first people put on trial were Islamic activists accused of helping organise the bombings.

The Security Court has jurisdiction over security-related offences – although they have tried non-security-related cases<sup>14</sup> – and are neither part of the criminal court system nor the military court system (although it is sometimes referred to as a ‘military court’). The Ministry of Justice has no jurisdiction over the Security Court. A senior PSF official heads the court and three military judges, who are active officers in the PSF, preside over it. The court applies civilian law, although there is no right of appeal and verdicts may be ratified or repealed only by President Arafat. The prosecutors and defence attorneys are military officers, and defendants are always represented by court-appointed lawyers instead of independent lawyers of their choice.

Trials in the State Security Court are held without advance notice, often late at night, and defendants have no idea they are being tried until they arrive in the courtroom. They are usually speedy affairs, lasting no more than a few hours. Some of the defendants tried were sentenced and convicted within one or two days of their arrest. However, there have been

instances where the defendants were acquitted. PNA authorities have consistently refused requests to provide charge sheets or transcripts of the proceedings.<sup>15</sup>

The military courts are used to try members of the police and security forces, although, according to Amnesty International, some civilians have also been tried in these courts. The military courts have often proved to be more open than the State Security Court. Trials in the military court allows the defendant to be defended by a lawyer of his choice, and have provided a limited right of appeal. However, according to Amnesty International, the military court still falls short of standards for a fair trial; for example judges in military court have frequently refused to order medical examinations of defendants who state that confessions were extracted from them by torture.<sup>16</sup> The military court is also the only Palestinian court that has sentenced offenders to death, although executions have only been carried out in a few cases.

#### 5.2.1.4 Penal Institutions

There are many detention facilities in the West Bank and Gaza administered by different PSF branches. According to the US State Department, the Preventive Security Service, General Intelligence, Military Intelligence and the Naval Police all have their own interrogation and detention facilities.<sup>17</sup> However, the only penal institutions established for long-term detention of convicted prisoners are those run by the General Police Directorate.

According to Brigadier General Ziad Areef, there were seven ‘rehabilitation centres’ in the areas under Palestinian self-rule in June 1997. The central prison is in Gaza, and the others are in the West Bank (Hebron, Ramallah, Jericho, Nablus, Jenin and Tulkarem). The number of sentenced interns in the prisons in June 1997 was 120 in Gaza and 107 in the West Bank. However, Areef also noted that a large number of people whose cases were on remand were also spending long periods of time in the prisons – at that time 619 were being detained on remand in the West Bank and Gaza.<sup>18</sup>

It is unclear if the Ministry of Justice or the Ministry of Interior is in charge of prisons. The Ministry of Justice has the authority to supervise the rehabilitation centres, however the Prison Authority is under the auspices of the Ministry of Interior, and the Minister of Interior appoints the Commander of the Prison Authority.

Penal institutions under the PNA lack even the most basic necessities. The prisons were built during the British Mandate and inherited from the Israeli forces after redeployment. Areef described the initial state of the prisons:

When we took control of all the police locations, including the rehabilitation centres, they lacked the necessary equipment. We received just the bare walls. Even the windows and doors were taken by the Israelis when they retreated, making it pointless to talk about furniture we needed or the ripped out telephone lines. As a result, we had to start from ground zero to try to equip these institutions with the limited resources we had available.<sup>19</sup>

Furthermore, very little funding has been provided to improve prison facilities. According to UNSCO, Palestinian prisons require “humane physical prison conditions, trained personnel, clear and lawful regulations, a national curriculum for prison administrators and staff, adequate food, medicines, blankets, clothing, skills workshops and facilities, reform programmes, equipment, supplies, inmate programmes, and alternatives to incarceration”. However, less than one per cent of the assistance earmarked for the rule of law sector is allocated to the prison system.<sup>20</sup> (See Figure 5-1) As a result, grassroots human rights organisations have helped the prison authorities to improve conditions inside the prisons. Khaled Batrawi of the Mandela Institute explains:

... it's not because the PNA does not want to improve the prison conditions, its because it does not have money. I'll give you an example, in our programme we are [medically] treating prisoners. It's the duty of the prison authority to give medical care, but they don't have it. So what you have is a choice: continue on calling them and sit in your office, or bring doctors to the prison. We started to bring doctors to the prison... we discovered that its not that they don't want to treat prisoners, its that they don't have the facilities. So on one hand we are reminding them of their responsibilities, and on the other hand we are giving the treatment.<sup>21</sup>

However, the PLC was able to create a ‘Prisons Law’ which was ratified by the president and came into force in June 1998. This law may serve to improve the organisation and regulations surrounding the penal system in the Palestinian Territories, although it is unlikely that any significant changes will be achieved until basic improvements have been made to the prison facilities.

#### 5.2.1.5 The Impact of the Justice System on the PSF-PNA Relationship

The police are part of a justice system that maintains order in a state. Without order – whether public disorder or criminal activity – a state can fall into chaos. Not even in liberal democracies are the police expected to uphold the rule of law over the maintenance of order all the time. Doreen McBarnet writes:

Sociologists of the police have tended to treat the notion of legality as unproblematic, not because they assume the police operate according to those principles, but rather because they assume the opposite, that they are largely irrelevant in practice... The dominant *issue* is the law in action – how the police *do* behave – rather than the law in books – how they should.<sup>22</sup>

In most instances there is a balance between police discretion and the law. When they feel internal order is threatened, countries often allocate greater powers for the police force to maintain order through decrees, acts and legislation or by the utilisation of emergency powers. For example, the Internal Security Act of 1982 in South Africa allowed the police various categories of detention (including preventive detention, detention of witnesses and detentions for interrogation), defined a number of internal security related offences, and allowed persons suspected of involvement in terrorism and subversion to be held indefinitely for interrogation. While granting the police these powers, it also defined some restrictions. Preventive detention was subject to review by a committee, the onus of proof no longer expected a person to prove innocence ‘beyond reasonable doubt’, and people could only be detained on the directions of a senior police officer of the rank of lieutenant colonel or above. Many of these restrictions, however, did not hold much force. For example, if the committee found against the Minister of Justice in a case of preventive detention, he was not obligated to free the detainee because he could appeal to the Chief Justice, who was appointed on the recommendation of the Minister of Justice.

The Palestinian case is similar in that the restrictions on public order actions do not hold much force. However, this is not due to legal loopholes, as in the South African example, but a result of the complete circumvention of the rule of law in certain instances. In the Palestinian Territories, the balance between police discretion and rule of law has been frequently disrupted by the collusion of the PSF and the Executive Authority. This has fractured the balance of power between the executive, legislative and judicial bodies; and it has allowed at the PSF at times uninhibited discretion with no accountability.

Using the argument that it is necessary for public order maintenance, the Executive Authority of the PNA has allowed the PSF to circumvent the justice system. This is most clearly demonstrated by the establishment and use of the State Security Court. The State Security Court serves to further strengthen the hold of the executive and the police over the judicial system. Fateh Azzam, director of al-Haq, called the courts “the single most serious threat to judicial rights of Palestinians”.<sup>23</sup> An example of the absence of due process of law in the State Security Court is the case of Shaher and Yusef al-Ra’i. According to Amnesty International, the cousins were arrested in September 1995 and held by the GIS for ten days, without being questioned or charged. After ten days, the Military Prosecutor informed them they had been detained in connection with the killing of two Israelis on the confession of a Palestinian detainee held by Israel, and both men denied any involvement in the killing. At 2AM the following morning, without any warning, they were brought before the State Security Court. The cousins were provided an appointed defence lawyer, but were unable to talk with him before the trial, nor were they allowed to speak in their own defence. The court session lasted between ten and fifteen minutes, before the two men were convicted and sentenced to twelve years imprisonment with five years suspended. The detainee who implicated the two men later stated that his confession was untrue and had been obtained under torture.<sup>24</sup> This case demonstrates the ability of the PSF to circumvent the judicial process through the State Security Court.

When dealing with public disorder, the PSF have generally been allowed to act freely by the Executive Authority, even when confronting the other branches of government. Disregard for the PLC was illustrated when members of the General Intelligence Service, Preventive Security Service, and the Presidential Guard used force to break up a non-violent demonstration against the house arrest of the family of a prisoner who had escaped from a Palestinian jail in August 1998. Several members of the PLC had attended the demonstration, and four Council Members sustained injuries. The use of force against non-violent demonstrators revealed not only the emphasis on public order maintenance over rule of law, but also a disregard for the Palestinian legislature. Although the PLC called for an investigation into the incident, no members of the PSF were ever held accountable.

The PSF have also undermined the decisions of the High Court. Mahmoud Musleh was arrested by the GIS without a warrant, along with 76 other suspected Islamic activists in September 1997, and was held without charge, trial or legal representation for several months. In December 1997 a High Court ruling ordered Musleh’s immediate release from the GIS prison. The GIS and the Palestinian Executive Authority ignored the decision, and continued to detain Musleh.<sup>25</sup> In another case, Military Intelligence had arrested nine men

from al-Khader village in early 1996 on charges of murder, tortured them, and refused them legal counsel before transferring them to Jericho prison. After the intervention of a local human rights organisation and the PLC, the case went to trial in May 1997. The prosecution was unable to present any evidence except for the confessions obtained under torture, and the Ramallah District Court acquitted them. However, only three were released.<sup>26</sup>

These actions, which disregard the balance of power between the three branches of government, are taken not only by the PSF, but also by the Executive Authority. The judiciary is particularly susceptible. Far from being an independent branch of government, the PSF and the Executive Authority have ignored and interfered with the judicial process. When the High Court ordered the PSF to free Bir Zeit University students being held without charge in August 1996, Arafat fired Chief Justice Amin ‘Abd al-Salaam and ignored the court order. Additionally, Arafat has disregarded the Attorney General. In August 1997 Attorney General Fayez Abu Rahmeh ordered the release of eleven detainees. “Some of these people had been in jail for more than two years without charges. That is not legal,” Abu Rahmeh explained.<sup>27</sup> However, several hours following their release, the PSF re-arrested them on Arafat’s orders. Two prison officials – the Head of Prison Administration and an assistant to the Military General Prosecutor – were also arrested for carrying out the release order. Less than a year later, Abu Rahmeh resigned his post, citing continuous intervention in judicial proceedings by the Minister of Justice and the commanders of the PSF.<sup>28</sup> Arafat had not yet appointed a new Attorney General as of May 1999, leaving the post vacant.

However, the executive has not only intervened in cases of public order, but in political issues as well. In January 1998 Chief Justice Qusai al-Abadleh was forced by the PNA to resign after stating that the Minister of Justice interfered with the work of the judiciary and in judicial procedures in an interview with *al-Risala* newspaper. It is not only the courts that are disregarded. In June 1997, Justice Minister Freih Abu Middein tendered his resignation in frustration over the appointment, by Arafat, of ten new judges to the ministry – all of whom lacked the necessary qualifications – without Abu Middein’s approval. The Justice Minister was also reported to be dismayed by the widespread corruption within the PNA and the absence of any attempt to make improvements.<sup>29</sup> However, the President did not accept his resignation and he retained his post.

In other instances, the refusal of the Executive Authority to act has contravened the authority of the other branches. When a 1997 auditor’s report found US\$326 million had been wasted by the various ministries, the PLC formed a committee to further investigate the

transgressions. The committee uncovered myriad abuses of power in the government. While nearly all ministries were implicated, the Ministry of Planning and International Co-operation (MOPIC) and the Ministry of Civil Affairs were considered the worst offenders. For example, the PLC committee found that the MOPIC channelled money from donors and employees salaries into a 'cash black box' and that tenders were preferentially given to companies owned by high ranking officials in the ministry. The Ministry of Civil Affairs was found to have purchased an estimated 4,300 customs exempt cars (including expensive vehicles such as Mercedes, BMW, and Jaguar) for employees, their relatives, and members of the security forces. The ministry also imposed fees for the transfer of merchandise across some border passages, although customs collection is the sole responsibility of the Ministry of Finance.<sup>30</sup> The PLC demanded the dissolution of the cabinet and trial and punishment of the corrupt ministers within three months. Eighteen of the 21 ministers resigned (the Ministers of Planning and International Co-operation, Culture, and Industry did not offer their resignations) but Arafat refused to accept their resignations. Gazan PLC Member Haidar 'Abd al-Shafi resigned in protest of the failure of the PLC to implement its decisions concerning the government in October 1997, after the three month deadline had passed without action. In August 1998 Arafat reorganised the government, however the shuffle maintained the government as it was; the cabinet was merely expanded to include a number of new ministries, while retaining those accused of corruption in the PLC report.

The police do not, and are not expected to, follow the rule of law precisely at all times. It is understood that in certain circumstances and situations the police may rely more on their discretion than the letter of the law. As discussed in greater detail in Chapter 1, at times the use of discretion is preferable, both to the state and the society. In addition, the civil police – which are charged with law enforcement – may have less scope abandoning rule of law than security and intelligence agencies, which have a different sort of mandate. Nevertheless, a balance between maintaining order and the rule of law is generally expected, particularly in a democratic state with a balance of power between the legislative, executive and judicial branches.

In the Palestinian Territories, the PSF are able to ignore the legislative and judicial branches and work almost without accountability to enforce public order. The existence of the State Security Court, run entirely by members of the PSF, allows them to take the entire law enforcement process into their own hands, from making an arrest to prosecuting and sentencing a defendant. However, the PSF are only able to conduct matters in this way by the grace of the Executive Authority of the PNA. Without Arafat's tacit approval, the PSF would be unable to hold such power over the judiciary. As a result, the PSF are reliant on

the Executive Authority for their power. This has become the resultant symbiotic relationship, rather than a balance of powers between the executive and judicial branches.

### **5.2.2 BOLSTERING THE REGIME**

No government can effectively govern, or even remain in power if there is not some semblance of order in the country. This is an important point in the relationship between the police and the state, because the police are responsible for maintaining order in a state. The police enact the government's plan for maintaining order within the society. Conversely, the police can be used by the society to ensure that a government does not break the law or violate the constitution. This relationship also makes policing inherently political since the police are, to a large extent, facilitating interaction between the state and the society. In this way, the police can also function to bolster the government, by enforcing stability and status quo and refusing to allow any disruption to its policies. This can be taken even further, if the police refuse to acknowledge or investigate violations of the law or the constitution by the regime.

This is an important aspect in the relationship between the PNA and the PSF. The PSF, as discussed in Chapter 4, are directly controlled by and accountable to the Executive Authority. This power structure strengthens its role in bolstering the Arafat regime, the regime's policies, and most importantly Palestinian responses to and Arafat's role in the peace process. The Arafat regime was put in place by the peace process and benefits from Israeli redeployment and any steps that appear to take it closer to a Palestinian state. Israel bases progress in the peace process on the regime's ability and willingness to maintain order and security, most notably by combating those organisations which oppose the peace process. This responsibility falls to the PSF. Therefore, the PSF not only plays a significant role in bolstering Arafat's government, but is also responsible for ensuring the peace process continues. This is an additional political role beyond the normal politicisation of a police function.

There are various areas in which the PSF are able to bolster the Arafat regime. These include: censorship, mass arrest, and confrontations with Israel.

#### **5.2.2.1 Censorship**

One tool used by the PSF to support the Arafat regime and the peace process is censorship. Since the establishment of the PNA, there have been numerous reported incidents of censorship, where the PSF have attempted to silence members of the media, political

activists and human rights workers through detention, closing newspapers, radio and television stations, and in a few extreme cases through violence. People have been censored for criticising the PSF, the Executive Authority, or the peace process. With the signing of the Wye Memorandum, and its provisions to prevent ‘incitement’, censorship has become codified in the Palestinian Territories.

Even before Israel redeployed from the West Bank, the PSF were able to silence dissent there. In one incident, Dr. ‘Abd al-Sitar Qassem, a professor of political science at An-Najah University, was shot as he was leaving the university. It was believed that the attack was made by the Preventive Security Service in response to an article Qassem had written for the Islamic newspaper *al-Watan* which was highly critical of Arafat.<sup>31</sup>

Within the self-rule areas prior to the Wye Memorandum, journalists were regularly arrested – most often those working for newspapers affiliated with the Islamic Jihad or Hamas – and detained them for short periods of time.<sup>32</sup> The lack of tolerance for critical reporting made many journalists cautious of what they wrote or broadcast. Lamis Andoni comments: “Palestinian journalists working for the local media have long understood that message and have resorted to self-censorship to avoid detention and interrogation”.<sup>33</sup>

The PSF also attempted to prevent coverage of the PLC debates on corruption in the PNA. Reporter and broadcaster Daoud Kuttab was arrested by the police after attempting to broadcast PLC proceedings live on al-Quds University’s educational television channel. Although Kuttab had a contract with the PNA to broadcast the council sessions, in the spring of 1997 several of the broadcasts were jammed off the air. Kuttab was arrested after he spoke out, blaming the PNA for the jamming. He was eventually released without charge, but was no longer allowed to broadcast the sessions.<sup>34</sup>

The Wye Memorandum states: “The Palestinian side will issue a decree prohibiting all forms of incitement to violence or terror and establishing mechanisms for acting systematically against all expressions or threats of violence or terror”.<sup>35</sup> The memorandum, in which the Palestinian delegation pledged to prevent ‘incitement’, led to a further crackdown on journalists. For example, on 23 October 1998, eleven journalists working for foreign news agencies were arrested when they interviewed Sheikh Ahmed Yassin on his views of the new agreement. They were detained for several hours by the Civil Police CID and their tapes confiscated. A few days later, the PNA General Information Services (which is controlled by the President’s office) issued an order that journalists were now required to obtain a permit from the General Information Services to enter Gaza. The General

Information Services press department would also be responsible for organising interviews with Palestinian officials and would appoint employees to accompany foreign media agencies. The Palestinian Ministry of Information immediately issued a contradictory press release, asserting that the PNA's relationship with local and foreign journalists was the sole jurisdiction of the Ministry, and that no formal decisions had been issued to the contrary. The Ministry demanded that foreign journalists disregard any other regulations issued by other agencies.<sup>36</sup> It remains unclear which press regulations are currently in use by the PNA.

On 19 November 1998, the PNA issued the Anti-Incitement Decree (Presidential Decree no. 3) as part of the requirements of the Wye Memorandum. The decree made punishable by law "among others 'incitement to racist discrimination, encouraging violence, offending religious sensitivities' as well as 'incitement to division and to breaching the agreements that have been signed with brotherly and foreign states with the PLO'".<sup>37</sup> Human rights organisations were immediately concerned about the effect the decree would have on the freedom of expression. A month later, the PNA closed one radio station and two television stations. Although no reasons for the closure were given, the Ramallah police stated the orders came from a 'high ranking official'. It is widely believed that the stations were closed because they had been broadcasting news about the British and US air strikes on Iraq and the pro-Iraqi demonstrations taking place in the Palestinian Territories. According to the Palestinian Society for the Protection of Human Rights and the Environment (LAW), "Within the context of the arduous negotiations with Israel and the recently issued Anti-Incitement Decree, sympathy with the Iraqi people, though widespread among Palestinians, is not deemed politically convenient by the political leadership in the PNA and therefore largely suppressed".<sup>38</sup>

The PSF have also detained several human rights activists for speaking out against the PNA. The most widely publicised case was that of Dr. Iyad Sarraj, Director-General of the Palestinian Independent Commission for Citizens' Rights (PICCR). On 18 May 1996 he was arrested and accused of slander. This accusation was a result of an interview with the *New York Times*, in which Sarraj called the Arafat regime corrupt, dictatorial and oppressive. Nine days later he was released and met with Arafat. The two men agreed to a new start, but when Sarraj sent Arafat a letter critical of his human rights policies, he was arrested again. This time, his third arrest in six months, he was falsely accused of drug possession. Attorney General al-Qidra indicated that Sarraj was to be tried by a State Security Court. Sarraj smuggled a note out of prison stating that he had been beaten and feared for his safety. The case received massive media attention, and after strong international pressure Sarraj was released.<sup>39</sup>

Several other human rights activists were arrested after voicing criticism of the PNA. Raji al-Sourani, Director of the Palestinian Centre for Human Rights (PCHR), was arrested in February 1995 on Arafat's order. He was detained for 16 hours following his call to hold a conference to protest the implementation of the State Security Court. Bassem Eid, Director of Palestinian Human Rights Monitoring Group (PHRMG), was held for 25 hours in January 1996, following his criticism of Arafat's unwillingness to allow candidates access to television and radio during the election campaign. Mohammed Dahman, Director of Addamer Association, was arrested in August 1996 after he issued a statement that called for an investigation into the suicide of Nahed Dahlan, who had died suspiciously after being interrogated by the GIS.<sup>40</sup>

It is apparent from these cases that the PSF have silenced criticism of the PNA through censorship. In many instances, such as the detention of prominent human rights activists, the PSF also uses intimidation to protect the government. While some of these actions were the result of agreements with Israel to prevent incitement, others stemmed from direct orders from the president. Censorship has been used therefore as a means to bolster the Arafat regime and to progress the peace process by meeting Israeli and US requirements.

#### 5.2.2.2 Mass Arrests and Detentions

Another means by which the PSF strengthens the Arafat regime, and the peace process, is through mass arrests of Islamic activists. Mass arrests have occurred periodically since the PNA took power. Before 1998 the arrests were almost always reactive, in response to attacks by Islamic activists. However, after the Wye Memorandum, arrests became increasingly preventive. Throughout the peace process, mass arrests have been spurred on by international and Israeli pressure.

The most encompassing arrest campaign took place in the aftermath of suicide bombings in March 1996. After a wave of attacks in Jerusalem and Tel Aviv the PNA ordered an unprecedented crackdown. The PSF raided Gaza's Islamic University, Islamic Centre, and several other Islamic institutions, all mosques were put under PNA authority, over 1,000 Hamas and Islamic Jihad supporters, as well as leftist opposition activists, were detained without charge and all Palestinian militias not run by the PNA (such as Izz al-Din al-Qassam) were outlawed.<sup>41</sup>

The mass arrests were an attempt by Arafat to assert and preserve his authority in the Self-Rule Areas. Colonel Mohammed Dahlan explained the purpose of controlling Islamic groups: "The role of the [Palestinian Authority] control is to have one authority, not more

than one. We do not want to have the experience of Lebanon here again.”<sup>42</sup> Another threat to Arafat’s authority was Israel. After the bombings, Prime Minister Peres vowed that Israel would “go into any corner where terror has taken root”. Although he refused to comment if that included the Palestinian Territories, Minister of Religious Affairs, Shimon Shitrit, later responded “unequivocally yes”.<sup>43</sup> Additionally, the Israeli elections were less than three months away and Peres was running against Netanyahu, a right-wing hard-liner who promised to be a much more difficult negotiating partner. Thus, it was in Arafat’s best interest to co-operate with Israeli security demands and detain Hamas and Islamic Jihad activists. The PSF mass arrests supported the Arafat regime and salvaged some hope for the continuation of the peace process. Peres praised Arafat’s actions, and US Secretary of State Warren Christopher stated: “We are getting 100 per cent co-operation from Arafat”.<sup>44</sup>

In the Wye Memorandum the Palestinians pledged to ensure “the systematic and effective combat of terrorist organisations and their infrastructure” within a framework of joint Palestinian-American and Palestinian-Israeli-American committees which will assess and guide measures taken by the PNA.<sup>45</sup> Thus after a bomb attack on an Israeli school bus in Gaza in October 1998, the PSF once again carried out a mass arrest of people known or suspected of associations with Hamas. Echoing the comments of Dahlan in 1996, Ziad Abu Ziad, Minister Without Portfolio, said the PNA intended to demonstrate there “is only one government” in the Palestinian Territories.<sup>46</sup> Although the 200 Islamic activists arrested after the signing of the Wye Memorandum did not come close to the nearly 1,000 arrested in March 1996, the crackdown marked the first time Arafat had the entire Hamas leadership arrested or silenced.

Arafat was also under great pressure from the US and Israel, particularly as the Wye Memorandum required he crack down on the militant groups in return for an Israeli withdrawal from more of the West Bank. Although Arafat vowed that “we will not allow anyone, no matter who, to endanger this peace”,<sup>47</sup> the Israeli government argued that the PNA was still not doing enough. Netanyahu stated, “If Mohammed Deif [Hamas’s military chief] is not arrested, the attacks will continue and the peace process will halt”.<sup>48</sup>

Mass arrests by the PSF serve several purposes. First, they enable Arafat, if only temporarily, to silence some of his strongest critics. Comments by Dahlan and Abu Ziad demonstrate the concern that the PNA is seen as the only authority in the Palestinian Territories. In this way, the PSF detentions serve to bolster the Arafat regime. However, the detentions are also necessary to continue the peace process. After the bombings in March 1996 even Israeli Prime Minister Peres, an ardent, long-time supporter of the Oslo process,

was politically unable to continue the peace process without some action from Arafat that demonstrated the Palestinian willingness to combat terrorism. Israel could not progress in the peace process without security assurances. Therefore, to continue the negotiations Arafat had very little choice but to arrest Islamic activists en masse. Later, after the signing of the Wye Agreement, Arafat was obliged to detain the Hamas and Islamic Jihad leadership to demonstrate his commitment to the new agreement. Additionally, since its establishment, the PNA has been dependent upon international donors for funding in the Palestinian Territories. If Arafat did not take action against the Islamic activists, particularly in the wake of bombings or attacks, most donors would be unwilling to provide support, because Arafat would be seen as condoning instead of condemning terrorism.

#### 5.2.2.3 Confrontations with Israel

There have been several armed conflicts between the PSF and the IDF. One of the earliest incidents was a riot at Erez checkpoint in July 1994. According to media reports, the IDF began to fire upon crowds of workers – who were hoping to cross into Israel for work – when other methods of crowd control failed. The workers rioted, wrecking a petrol station and several buses. The PSF attempted to control the situation by forming cordons across the main approach road, but began firing upon the Israeli troops when a Palestinian officer was allegedly shot by an IDF bullet. Both sides sustained casualties, and both blamed the other for the clash.<sup>49</sup>

A similar incident occurred in February 1999, when Israeli soldiers parked a truck across Gaza's main north-south road shortly before a planned Palestinian demonstration against Israeli settlements. PSF officers demanded that the IDF move the truck, but they refused. A fistfight broke out, which ended with the two sides pointing guns at each other. Around 40 armed troops were deployed by each side to the surrounding fields where the stand-off continued until senior commanders arrived and ordered the troops to lower their weapons.<sup>50</sup> Although the outcome was less violent, the confrontation still put the PSF in the unusual position of defending Palestinian civilians from Israeli troops. While this was often very damaging to relations with Israel, it did serve to bolster the Arafat regime. However, for the most part the PSF responses in these cases were unplanned and reactive to occurring events. Armed clashes or face-offs with Israel were neither co-ordinated nor encouraged by the PNA.

However, the PNA has planned some PSF responses to Palestinian demonstrations and disorder with political forethought. For example, when demonstrations erupted in the West Bank after the Israeli decision to build a settlement on Jebel Abu Ghneim/Har Homa, the

PSF carefully managed the protests. The PSF tried to keep the protestors at a distance from Israeli checkpoints, but otherwise did little to stop the demonstrations. At the same time, Palestinian security sources blamed the disorder on Israel. GIS Commander Amin al-Hindi was quoted as saying, “Security is influenced by politics... the Netanyahu government is responsible for the situation”.<sup>51</sup>

These tactics were most likely an attempt by the PNA to raise (and later maintain) international attention on the settlement issue. Israel later attempted to discredit the PNA by claiming that they were recruiting hundreds of students to throw stones and firebombs at Israeli soldiers by paying them NIS 30-40. *The Jerusalem Post* cited sources who said Arafat wanted a repeat of the clashes which occurred in September 1996 (when IDF and PSF troops fired on each other) because it would boost his popularity, but he realised that the IDF would retaliate heavily against an outright Palestinian attack. Instead, Arafat was creating incidents to divert Palestinian criticism away from himself and towards Israel.<sup>52</sup> Although the claims that the PNA was paying students to protest was never substantiated and the demonstrations eventually faded away, the confrontations did provide a means for Arafat to divert the blame for the current problems onto Israel.

In the few instances when the PSF have confronted Israel, they have been spontaneous responses to a situation. The confrontations have generally boosted the PSF’s credibility, and caused PNA’s popularity to increase because the PSF, and by extension Arafat, were seen as defending the Palestinian public against Israel (who is still considered the enemy by much of the population). These instances have not been planned reactions. To plan an armed confrontation with Israel would invariably lead to a harsh Israeli retaliation – and possibly even an attempt to reoccupy parts of the Palestinian Territories – something the PNA definitely wants to avoid. However, Arafat has been able to politically manipulate public demonstrations and the PSF response to them. This provides many advantages – Arafat can divert blame onto Israel, thus improving his popularity with the Palestinian public, while at the same time he can keep media attention on Israeli actions, winning international sympathy for the Palestinian cause. The PSF role in this policy is to prevent the demonstrations from becoming too hot, while not discouraging the protestors too thoroughly. In this way, the PSF policy towards some Palestinian demonstrations serves to bolster the PNA.

#### 5.2.2.4 Balancing the Regime and the Peace Process

Censorship, mass arrests and confrontations with Israel are actions which the PSF have carried out to bolster the Arafat regime. In most instances, what bolsters the regime also

strengthens the peace process, although this is not always true. However, Arafat derives his power from the peace process – without the Oslo Accords he would probably not have been able even to return to the West Bank and Gaza, let alone become the popularly elected president of the PNA – and must continue with the peace process if he is to ever achieve his objective of a Palestinian state. Conversely, it is unlikely that the peace process could survive without the Arafat regime. Arafat is the only figure in Palestinian politics who can command the respect and obedience of such a large sector of the Palestinian population, both inside and outside the West Bank and Gaza. Arafat has been the leader of the PLO, and the Palestinian struggle for independence, since 1967. Only he can make a series of compromises with Israel without his nationalism being brought into question. However, even Arafat has critics and opponents. This, writes Beverley Milton-Edwards, has led to a contradiction in the police-state-society equation: “The PNA, in order to establish and maintain its authority must subdue its own opposition through coercion while at the same time mouthing the same Palestinian nationalist rhetoric”.<sup>53</sup> In this way, policing is political; it is intertwined with how the state develops.

Throughout the world, police and security forces have been used to bolster particular regimes and political parties. Historically in China the palace guards of various dynasties provided more than protection by also taking up roles in internal court politics “being an indispensable instrument or ally for seizing, consolidating and maintaining power”.<sup>54</sup> Later, under the communist regime, the Central Security Bureau in Zhongnanhai was also highly politicised. Wei Li writes:

... the Chinese central security service was, in a sense, more a mechanism for internal surveillance and control than a safeguard against external dangers. Therefore, whoever was in control of the central security system was in a position to use it as a political tool to strengthen his position of authority vis-à-vis the other central leaders. In Zhongnanhai court politics, the central security force constituted a formidable deterrence, both physical and psychological, which helped keep internal dissension at bay.<sup>55</sup>

In Palestinian politics, control of the PSF rests almost entirely with Arafat. This not only gives him extensive political power, but also enables him to eliminate internal dissent or opposition, which is exemplified by the detention of critics such as Iyad Sarraj, and the mass

arrests of Islamic and leftist activists. The police also act as a political tool by running the State Security Court, interfering with decisions taken by the judicial system. Because of the importance of security to Israel, the PSF have become politically crucial to the Arafat regime.

However, a highly politicised police force can ostracise opposition parties to the extent that it worsens the situation. For example, in Northern Ireland from 1921 to 1972 political power was monopolised by the Protestant establishment, represented by the ruling Unionist party. The Catholic third of the population was largely denied political influence, which was reflected in the police force. Ronald Weitzer writes:

The organisation, attitudes, and conduct of the police only aggravated communal cleavages in the province... Recruits were drawn overwhelmingly (90 per cent) from the Protestant community and the top echelon of the RUC [Royal Ulster Constabulary] was closely linked to the Unionist political establishment. The police saw themselves as the guardians of abiding Protestant interests. The totally Protestant USC [Ulster Special Constabulary] was notoriously anti-Catholic and prone to indiscipline. It tended to act as a law unto itself.<sup>56</sup>

Although in March 1972 the British Government suspended the Unionist regime and assumed direct control of Northern Ireland, the police were still shunned by the Catholic minority as a tool of the Unionist party. Republicans considered the police 'legitimate targets' and carried out numerous attacks on members of the police. In the Palestinian Territories, although the PSF are comprised almost entirely of Fatah members, opposition groups have refrained from attacking them. In fact, Hamas has purposefully and publicly denounced violence against the PSF. This is largely a result of the fact that the spectrum of Palestinian political parties can still be unified in opposition to Israel, and despite the peace process still see Israel as the adversary. In this way, PSF confrontations with Israel also bolster the Arafat regime by providing a catalyst for Palestinian unity.

### 5.2.3 ISRAELI CO-OPERATION AND INTERVENTION

A state has a monopoly on the use of force in that only specific agents of the state – such as the police and military – can legally use coercive force against citizens of the state. As P.A.J. Waddington explains:

The authority that the officer exercises is underwritten by the fact that police officers are ‘monopolists of force in civil society’. A police officer may *ask* for the compliance of other citizens, but if they refuse he is able to *compel* compliance to a degree that virtually any other citizen is denied.<sup>57</sup>

Depending on the nature of the state, the citizens, government, party, etc. have licensed the police to exercise coercion over the population of the state for the purpose of maintaining order and enforcing the law. Although this rarely means sustained violence, the option of force is available to the police, whereas it is generally out of bounds for anyone else.

In the Palestinian Territories the PSF have been granted only a limited use of force as a result of the agreements between the PNA and Israel. The PSF are required by the agreements to work within set boundaries. While they have full policing capabilities in Area A, they are allowed only limited functions within Area B, and are prohibited from working in any capacity within Area C. Furthermore, even in Area A, the PSF are not allowed to arrest anyone with an Israeli identification card. This means that although those with Israeli identity cards – including settlers, residents from inside Israel, and even Palestinians living within the Jerusalem borders – can enter and travel freely in the PNA areas, they are not bound by Palestinian laws and regulations. In fact, the PSF are not even allowed to question or detain these people. This can pose significant problems for the PSF to compel compliance with the law. Human rights worker Alia Siksik gives an example:

These vans [shared taxis] that go from Ramallah to Jerusalem, by the Oslo Agreements they can do whatever they want and [the police] shouldn’t tell them anything. They’re not supposed to have traffic tickets, so they do what they want and nobody can talk to them. They have Jerusalem ID and can do whatever they want.<sup>58</sup>

Although the taxi drivers are working within Area A, they cannot be punished for breaking traffic regulations in Ramallah because they are from Jerusalem, and thus the PSF have no authority over them.<sup>59</sup>

The PSF are further restricted by their obligation to co-ordinate most of their activities with Israel, through the several district and regional liaison offices. Since the Wye Memorandum, the PSF are also required to share their work plans with the US, as well. These restrictions further erode the PSF monopoly on the use of coercive force

In practice, the PSF are given a somewhat freer hand than in the agreements. Although the agreements specify the number of troops, and number and types of PSF weapons, Israel has not made a concerted attempt to restrict either the growing number of troops or the suspected proliferation of weapons. A counsellor at the Embassy of Israel in London explained that regarding the higher number of PSF than agreed in the accords, Israel must make a decision: which is better, insisting on the letter of the agreement or going with what works. He added that although it was necessary for Israel to always protest these violations, they do not always follow up their complaints.<sup>60</sup>

The IDF has allowed the PSF to enter villages in Area B while armed and to handle the situation in their own way without Israeli intervention.<sup>61</sup> It is important to note, however, that this has only occurred in cases of non-political crime, such as family disputes. The IDF does not hesitate to become involved in political crimes, especially involving possible or realised attacks within Israel or on Israeli citizens. In such cases, the IDF often overrides the authority of the PSF because Israeli security is paramount to them. Thus, if Israel believes that the PSF have failed to take adequate action on a case, Israel will intervene – often by taking action itself – in the name of Israeli security. Israel defends these interventions by arguing that the PSF has not fully committed to fighting terrorism, and the IDF must intervene to protect Israeli citizens.

The result of the restrictions on the PSF and Israeli intervention in cases which hold significant security importance to them is that the PSF does not hold the monopoly on the use of force within the Palestinian Territories. The PSF are unable to carry out their policing functions properly, because specific areas and people are outside their jurisdiction. Moreover, Israel still carries out security activities in the PNA areas and interferes with PSF actions. For example, in at least one instance the PSF have arrested Islamic activists wanted by Israel, but when the PSF attempted to transport them from one PNA enclave to another for imprisonment, the IDF stopped the vehicle and abducted the wanted prisoners.<sup>62</sup>

Required security co-operation and co-ordination with Israel also compromises the PSF position. Working with the Israeli forces leaves the PSF open to accusations that they are working for Israel. Activities such as mass arrests contribute to the argument. Furthermore, when Israel conducts security activities inside areas of PSF jurisdiction, it severely undermines PSF authority and influence with its own population.

All of these factors demonstrate how the PSF – unlike other police forces – do not have a monopoly on the use of force. The absence of this monopoly brings into question both the authority and legitimacy of the PSF. This is an important problem in the PSF-PNA relationship. As a result of the agreements the PNA is unable to designate the PSF as the monopolists of coercive force, and because of this, the PSF are unable to fully police and protect the PNA ruled areas.

#### 5.2.3.1 Working with Israel

The Gaza-Jericho Agreement and the Interim Agreement detailed the mechanisms of security co-operation between the PSF and Israel. In general, these mechanisms have established good working relations between the two sides. In June 1996, GSS head Ami Ayalon told the Israeli cabinet that co-operation with the Palestinian security services was ‘excellent’ and had contributed to a successful counter-terrorism campaign.<sup>63</sup> Furthermore, Gal Luft argues that because the newly established National Security Force worked closely with the more experienced IDF, they engaged in constant ‘improvement-by-emulation’ of the operational capabilities of the PSF.<sup>64</sup> The committees have also provided an important Israeli-Palestinian conflict resolution mechanism in day-to-day minor (and more serious) clashes between the two sides. During periods when every other form of co-operation and co-ordination was suspended, the committees still managed to more or less function.

Nevertheless, security co-operation has become a highly politicised issue. According to the PSF, Israel often seems uninterested in cases which do not involve Israeli security. Colonel Salem Nasser of the Civil Police explained that the Israelis do not refuse to work with the PSF, but they don’t co-ordinate well if they are not interested in a case. Often, the Israeli police want to co-operate but the IDF interferes.<sup>65</sup> Colonel Ibrahim Yusef Muhunna, a member of the Gaza RSC, agrees with this assessment. He believes that while there is currently only “15 per cent successful co-ordination” the situation would be “100 per cent better” if the Israeli police did not have to co-ordinate with the Israeli security forces, because while the Israeli police are working for law enforcement, the Israeli security forces are working in accordance with political directives.<sup>66</sup>

Furthermore, the different Israeli security forces disagree as to how to work in co-operation with the PSF. For example, in September 1995 the Israeli GSS provided the PSS with intelligence that two members of the PFLP who were wanted for killing two Israelis were hiding in Jericho. The PSS arrested the two men, who were eventually tried and sentenced to 12 years imprisonment. According to Graham Usher, the GSS – aware that the PSS did not want to publicise their collusion with them – believed this was ‘effective co-operation’, but the IDF demanded overt extradition of the two men into Israeli custody. The PSS vehemently refused, and in retaliation, the IDF sealed off Jericho. After a week the IDF quietly lifted the closure and the two remained in Palestinian custody. Usher explained: “In this inter-Israeli turf war, the GSS’s post-Oslo policy of ‘internal security’ won out over the IDF’s pre-Oslo mentality of military might”.<sup>67</sup>

Israel, on the other hand, argues that it is the Palestinians who link security co-operation with politics. According to Yacov Hadas-Handelsman, Israel wants the PSF to separate security co-operation and politics. For example, when work started at Har Homa, Arafat stopped all security co-operation. Israel wants the PSF to work with the Israeli Forces regardless of the political situation. Indeed since September 1996 security co-operation, particularly Joint Patrols, have been erratic. Joint Patrols in Gaza began almost immediately after the fighting ended on 30 September, whereas the patrols in Jericho and Jenin began at the beginning and end of October respectively, in December for Bethlehem, Nablus and Qalqiliya, and not until February 1997 in Tulkarem. Co-ordinated security efforts continued until 24 March, when the PNA cut off all but low-level security contacts in response to Israeli accusations of giving a ‘green light to terrorism’ and orchestrating protests against the building at Har Homa/Jebel Abu Ghneim.<sup>68</sup> Security co-ordination has since been resumed and halted several times.

Israel is also often dissatisfied at the PSF failure to arrest all the individuals it wants arrested. Israeli security officials have frequently presented the PSF with lists of those wanted by Israel that the PSF should arrest. For example, following the suicide bombing in a Jerusalem market in July 1997, Israel gave the PSF lists of 88 individuals it wanted arrested, but the PNA detained only eleven of them.<sup>69</sup> The Israelis see the lists as part of security co-operation, however many of the members of the PSF are uncomfortable with the practice, feeling that they are taking orders from Israel rather than the PNA. Furthermore, the PSF argue that the Israeli lists are sometimes outdated or include individuals who are not actively involved in the Islamic organisations, and that as the PSF know the population better, would be better off making their own lists.<sup>70</sup>

When Israel feels that the PSF are not taking adequate steps to apprehend wanted individuals, it often seeks to take action itself. Although the IDF has no jurisdiction over suspects inside Area A, Israel has kidnapped wanted men and taken them to areas under Israeli jurisdiction to arrest them. This has been a disputed policy in Israel. After the bombings in March 1996, Israeli Attorney General Mikhael Ben-Ya'ir presented Peres with a legal opinion paper stating that under Israel's right to self-defence under international law and the Oslo agreements, IDF pre-emptive or defensive activity in Area A would not be in violation of the Oslo agreement.<sup>71</sup> Covert GSS operations have occurred infrequently since then. For example, in July 1997, members of the Israeli special forces kidnapped Ghassam Mihdawi from a municipal park in Tulkarem. Mihdawi, a member of Islamic Jihad, had escaped from an Israeli prison in Kfar Yona. Mihdawi was followed as he left the park and pushed into the back of a van, which then sped to the Tulkarem DCO, where he was officially taken into Israeli custody.<sup>72</sup>

As a result of the Israeli policy of kidnapping wanted suspects, the PSF have often taken steps to prevent kidnappings. For example, when Israel accused Civil Police Colonel Jihad Massimi of sending four officers to attack a settlement near Nablus, and the Palestinian Attorney General refused to extradite Massimi to Israel, the PNA feared that Massimi was in danger of being kidnapped. For several nights the PSF set up checkpoints throughout the city of Nablus in an attempt to thwart Israeli kidnappers, and for several months after the incident, Massimi and his family were protected by armed bodyguards.<sup>73</sup>

#### 5.2.3.2 Assassinations

The most blatant action which Israel has taken that undermines the Palestinian monopoly on the use of force over its citizens is the assassination of several Islamic activists. Since the beginning of the peace process these assassinations have taken place both in foreign countries and within the Palestinian Territories. In most cases Israel neither admits nor denies involvement, but it is clear that the assassination was carried out because of the threat to Israeli security.

When the Islamic Jihad leader Dr. Fathi Shaqaqi was shot outside a Maltese hotel on 26 October 1995, Israel neither acknowledged responsibility nor went out of its way to deny it. However, the leading article in the Israeli newspaper *Ma'ariv* on 30 October reflected the mood in Israel: "It is not important to know whether Mossad has actually killed Shaqaqi. The Palestinians surely got a clear message: Israel will punish whoever is responsible for the killing of Jews."<sup>74</sup>

Although following Shaqqaqi's death Palestinian demonstrators clashed with Israeli troops in the West Bank, the PNA – in the midst of an economic conference in Jordan and delicate negotiations with Hamas – gave very little response to Shaqqaqi's assassination. The Islamic Jihad is only a small party in the West Bank and Gaza, and Shaqqaqi was based in Syria, not the Palestinian Territories. However, there was a much greater Palestinian outcry when Hamas bomb-maker Yahya Ayyash, 'the Engineer', was assassinated a few months later by a bomb in his mobile telephone. Officially, Israel denied involvement, however senior Israeli officials confirmed that the operation had been carefully planned by the Shin Bet for some time.<sup>75</sup> Palestinians were outraged, and there were mass demonstrations throughout the West Bank and Gaza. Arafat expressed his sympathy over Ayyash's death by visiting the home of Hamas spokesman Mahmoud Zahhar. Nevertheless, the assassination damaged both PNA negotiations with Hamas (Hamas had agreed not to boycott the upcoming Palestinian election although they declined to field candidates) and the tentative Hamas cease-fire on suicide operations inside Israel (in March 1996 a series of attacks took place in Tel Aviv and Jerusalem in revenge for Ayyash's assassination).

The assassination of Yahya Ayyash reflected the Israeli policy that if the PSF did not arrest those wanted by Israel, then Israel would take action on their own. The PSF had failed to apprehend Ayyash, who topped Israel's most wanted list for three years, and therefore when the Shin Bet located him, they killed him. Often the PSF and the Israeli security forces have competed to find a wanted Islamic activist. For example, when Imad Awadallah escaped from Jericho Detention Centre, both forces began a widespread search. Awadallah was a Hamas member arrested by the PNA after the death of Muhyi al-Din al-Sharif (a suspected Hamas bomb-maker who was wanted by Israel and died under suspicious circumstances in March 1998). His brother 'Adel was considered by Israeli government officials as 'the new Yahya Ayyash' and topped their wanted list because of his connection with attacks on the Mahane Yehuda market and the Ben Yehuda mall.<sup>76</sup> The PSF mounted a massive search, imposing a curfew on the city of Jericho, arresting a number of Hamas activists, and placing the Awadallah family under house arrest. It has also been alleged that there had been co-ordination between the PSF and the IDF, and that the PSF had released Imad in order to follow him to his brother's hiding place. Regardless, the PSF were unable to locate them. The IDF found the two brothers first, and killed them.

These Israeli actions do not just undermine the PSF monopoly on the use of force, but also their credibility. Some Islamic activists have turned themselves in to the PSF or submitted to arrest because, according to the PSF, it is better that they are detained by the PSF than risk abduction or assassination by Israel.<sup>77</sup> This situation exemplifies the implicit understanding

of both the PSF and the Islamic groups that the PSF are not the monopolists of force in the PNA areas. While it may be acknowledged, it is not accepted. When Israeli operations are carried out, the PSF appear impotent. Their credibility with the Palestinian society is damaged. Furthermore, it demonstrates the weaknesses not only in the PSF, but in the PNA, who are unable to hold Israel accountable for its actions inside the PNA-ruled areas.

### 5.2.3.3 Sharing the Right to Use Force

Above all else, Israel is concerned with ensuring its security. When Israeli security forces find a wanted Islamic activist they believe they are entitled to take whatever action they find necessary as a means of self-defence. Because of its importance, Israeli security is a determining factor in the progression of the peace process. For this reason, the PNA has attempted to co-operate with the Israel, particularly in times of crisis. Security co-operation, however, is often strained or halted, due to a multitude of reasons. When this happens, the two sides act in their own best interest, the PNA seeks 'national unity' while Israel takes security matters into its own hands. This is illustrated by Israeli incursions into Area A, the abduction of wanted individuals from the Palestinian Territories, and in extreme circumstances the assassination of those Israel sees as a direct threat to their security. Regardless of if these activities can be justified as Israeli self-defence, they pose a direct threat to the Palestinian monopoly on the use of force.

In a fully independent state, the police hold solely the power to decide if they should compel an individual to comply with their demands. This is not the situation for the PSF, however, because Israel can interfere with impunity in Palestinian police work. For example, Massimi was held by the PSF and questioned for several days. Although the Palestinians found that he had not been involved in planning an attack on a nearby settlement, Israel was not convinced of his innocence, and therefore he remained at risk for being arrested by the Israelis. In many situations, such as the search for the Awadallah brothers, the PSF must race against Israel to find a suspect and arrest him first.

The absence of a monopoly on the use of force affects the police-state relationship. This is a situation unique to the PNA. Although they can entrust the power of the use of force with the PSF, there is another authority, outside the control of the PNA, that also holds the ability to use force. This puts the PSF in an uncertain position and challenges both their authority and legitimacy. Without a police force that is fully able to control and protect society, the PNA is significantly weakened.

### **5.3 THE IMPACT ON PUBLIC ORDER MAINTENANCE STRATEGIES**

Public order maintenance strategies put public order policing in the context of its relationship to the strategies adopted by the state. It has already been demonstrated that order maintenance strategies can be divided into three primary typologies – accommodation, criminalisation and suppression – and states pursue a combination of these strategies.

This chapter has aimed to examine the relationship between the police and the state in the context of the Palestinian Territories. However, the PSF differ from other police forces in that their activities, jurisdiction, and authority are circumscribed by the Oslo agreements. While autonomous powers have been granted, a fully independent state does not exist and thus the PNA and its police force are obligated to work with Israel. This is a crucial variable when considering Palestinian public order strategies.

#### **5.3.1 ACCOMMODATION**

The strategy of accommodation is defined by Brewer et al. as attempting “in some form or other to meet the grievances of the groups from which disorder emanates”.<sup>78</sup> Accommodation can involve removing discrimination of a particular group or meeting the demands of a disaffected region through decentralisation or devolution. In the case of international terrorism, accommodation can take the form of changing foreign policy to acknowledge the need for a political solution to a problem which crosses state boundaries. The greatest problem with accommodation, however, is that “depending on the form it takes, the strategy is open to the objection that it constitutes appeasement of disaffected groups”.<sup>79</sup>

In the Palestinian case, the PNA are specially susceptible to the accusation of appeasement. Israel, and most of the international community, will not countenance accommodation toward any of the Palestinian opposition groups, particularly those considered ‘terrorist’. For example, a statement on Palestinian security commitments, published by the Israel Government Press Office, declared: “The Palestinian Authority’s commitment to fight terror must be constant and absolute. It constitutes a *sine qua non* to the integrity of the peace process.”<sup>80</sup>

It is not necessarily in Arafat’s interest to accommodate the main source of public disorder: the opponents of the peace process, mainly the Islamic groups. These groups are also his political opposition, and his main competitors for power and influence within Palestinian society. They are also the greatest threat to Arafat’s current position. To accommodate the demands of the Islamic groups, Arafat would have to give up the peace process and return to

armed struggle – a surrender of everything he has gained in the past six years. The Islamic groups do hold considerable influence within Palestinian society, and therefore Arafat has made several attempts at ‘national unity’ and ‘national reconciliation’.<sup>81</sup> However these acts – not necessarily of accommodation but rather reaching an understanding – stem from civilian channels. Acts of accommodation are rarely taken through the PSF.

However, public disorder not only comes from the Islamic groups, but also from protesters who oppose Israeli actions (e.g. demonstrations after the assassination of Yahya Ayyash). These can be used by Arafat for political gain. In the cases where the PNA uses them for political advantage, the demonstrators are allowed to protest, but accommodation is not an issue because they are protesting something beyond Arafat’s control. PNA leaders may speak out, placing the blame firmly on Israel. While this may draw international attention to a particular issue, it also demonstrates the political weakness of the PNA.

The usage, or lack thereof, of accommodation as a strategy also reveals the politicisation of public order policing in the Palestinian Territories. What accommodating actions have been taken on the part of the PNA are largely an attempt to integrate the Islamic opposition groups into the PNA political structure, thus negating their threat to the Arafat regime. Furthermore, much of the interaction between Israel and the Palestinians, while ostensibly about security, is highly politicised. The trade-off of Palestinian prisoners released from Israeli jails in exchange for greater security commitments, or the delay of the implementation of the agreements until Israel is satisfied with Palestinian public order maintenance both demonstrate the politicisation of the relationship. As a result, accommodation as a public order maintenance strategy is rarely used because its political ramifications are not acceptable to the PNA.

### **5.3.2 CRIMINALISATION**

As discussed in previous chapters, there are two different approaches to criminalisation. The state can label an action ‘political’ that is lawful in terms of ordinary criminal law so that it is presented as illegitimate because it is held to fall outside the realm of normal political behaviour. Alternatively, the state can deny any political dimension to unlawful acts. The actions are delegitimised by preventing the perpetrators from claiming that political motivation makes an otherwise illegal act legitimate.

It is difficult to argue that the PNA is using the strategy of criminalisation since “the justification for such an approach is that it requires the application of the rule of law by the police as a universal principle without exception”.<sup>82</sup> The criminal justice system in the

Palestinian Territories is so weak that it is impossible that any state strategy could be enacted through it. Furthermore, the PNA has circumvented the judicial process and the rule of law in most instances of public order through the State Security Court. The PSF have arrested large numbers of people without arrest warrants and detained them without charge or trial. This makes the use of criminalisation as a PNA strategy unlikely.

However, there have been instances where criminalisation has been used by the PNA. The most obvious example is of state censorship, particularly after the Wye Memorandum. The PNA committed to preventing all forms of ‘incitement’. This was largely carried out by the PNA calling all statements against Israel, the peace process, the conflict in Iraq, or other sensitive topics ‘political’, therefore making them illegal. The PNA has also been pressured to make membership in several political groups illegal, thus criminalising members of groups such as Hamas and Islamic Jihad. It has already outlawed the military wings of these groups, but has resisted banning the political movements.<sup>83</sup>

The use of criminalisation also demonstrates the politicisation and centralisation of Palestinian public order policing. Obviously, by making particular activities illegal, such as making a statement against Israel or joining an Islamic opposition party, the maintenance of public order has become politicised. The Executive Authority has also attempted to centralise public order policing as much as possible. Not only are the PSF controlled centrally – accountable only to Arafat – but the entire public order maintenance process has been centralised to the extent that the Executive Authority can quell disorder directly – using only the PSF, and circumventing the justice system. This is frequently the case with mass arrests and detentions, and also with trials by State Security Court.

Criminalisation has been used as a public order maintenance strategy, but haltingly. With such great pressures to maintain public order, and with a relatively fledgling judicial system and law-making process, criminalisation just is not adequately efficient. Also, there is a basic conflict between the actions expected of the PSF (particularly in the wake of an attack on Israel) and what the courts would allow them to do. For example, mass arrests and detentions, without warrants, charges, or hearings, are clear violations of the rule of law, but are nevertheless expected of the PSF after an attack. Therefore, the massive pressure on the PSF to maintain order (and its subsequent ramifications on the peace process) makes criminalisation an unlikely strategy.

### **5.3.3 SUPPRESSION**

Suppression, according to Brewer et al. can take the form of suppressive legislation or through harsh police tactics. When employing the strategy of suppression, the state recognises the political nature of the disorder, but confronts rather than accommodates the challenge to its authority. Although suppression usually involves police tactics such as banning political organisations, detention without arrest, and the employment of emergency powers, “most states justify suppression by emphasising the seriousness of the challenge that disorder presents to the very existence of the state”.<sup>84</sup>

In the case of the PNA, a suppressive strategy can also be justified by the seriousness of the challenge disorder presents to the continuation of the peace process. As discussed above, Israel, and the Netanyahu government in particular, have imposed linkages between negotiations and security. Therefore, it can be argued that by threatening the peace process, Palestinian disorder also threatens the possible future creation of a Palestinian state. For this reason, the PNA justifies its strategy of suppression.

The PSF have used the strategy of suppression possibly more than any other of the three strategies. Censorship, mass arrests without charge or trial, the State Security Court, and the detention of those who criticise Arafat are all examples of suppressive police tactics. Not only is it what Israel demands, but it is also a convenient method for the PNA to silence unwanted opposition.

The importance of the State Security Court should not be underestimated. It makes suppression much easier to implement as a strategy because the PSF do not have to be held accountable. Issues such as the absence of an arrest warrant, insufficient access to legal counsel, or the use of torture during interrogation do not have to be investigated in the State Security Court. The court also allows the PSF significantly greater control over the entire criminal justice process: they arrest who they want, hold them in their own prisons, and try them through their own court.

The PSF structure (see Chapter 4) is also an important factor in the use of suppression as a strategy because whereas the police are usually part of the criminal justice system, the PSF are actually a tool of the government, as a result of their direct accountability to Arafat. Also, their competition for influence with Israel also leads them towards a more suppressive strategy. Furthermore, if Israel feels that the PNA is not fulfilling its job, it will step in with its own suppressive tactics.

The strategy of suppression also brings to light a third aspect of Palestinian order maintenance – militarisation. In order to carry out a prolonged suppressive strategy, the PNA was forced to rely on an increasingly militarised police force. This has been demonstrated by the proliferation of police and security forces, as described in Chapter 4, to well beyond a level for ordinary policing. Moreover, the PSF have been obliged to become more militarised to meet the demands of their policing role and to be able to undertake the suppressive tactics they were ordered to employ. Military-style arms, uniforms, vehicles, and ranks all contribute to this image.

The use of suppression as the primary public order maintenance strategy strengthens the PSF and the PNA, but it does not encourage the development of a liberal democratic state. This results in a basic problem for the PNA when deciding its order maintenance strategies. Is suppression necessary to further the Palestinian cause in the negotiations and, when the peace process is concluded and a Palestinian state exists, the government can turn its attention to the development of rule of law? Or will the strategy of suppression, because it is the easiest means for the government to control its opponents, remain firmly entrenched after the conclusion of the peace process?

**CHAPTER 6:  
THE POLICE-SOCIETY RELATIONSHIP –  
THE PSF AND THE PALESTINIAN SOCIETY**

**6.1 THE POLICE-SOCIETY RELATIONSHIP**

The police are responsible for providing a safe and secure environment for their society. They have the authority to ensure that citizens live together peaceably, without infringing upon others' rights, and that regulations and agreements are upheld. This allows people to go about their lives and to be productive contributors to the society. However, the importance placed on providing safety and security to the citizenry is variable. For example, in a liberal democracy, law enforcement and the protection of society from crime is often a top political issue, and parties compete in their attempts to provide the greatest security. In a totalitarian state, on the other hand, the security of the society is secondary to the preservation of the government. Furthermore, each state maintains a different police relationship with society, and within each society different social and functional groups – classes, ethnic groups, political parties, etc. – have distinct relations with the police.

In general, a society, like its government, desires security and stability. However, society – or parts of it – are also the source of disorder. It may occur for political reasons, such as a labour strike, protest against government policy, or in an extreme case full-scale revolt. Alternatively, disorder can be completely devoid of politics, as in the case of football hooliganism. This provides a basic paradox in the police-state-society relationship, that although the society depends on the police to maintain security and stability so that they can go about their daily lives, it also relies on demonstrations and civil disorder to make their opinions heard by the state.

It is also important to note that police and societies are concerned with both collective and individual security. Collective security on a societal level involves protecting small or vulnerable groups from the abuse of power. This entails a wide range of activities such as defending an ethnic minority from hate crimes or preventing crime in a particularly high-risk community. Collective security also includes national security, whereby the whole of the society is defended from an outside threat. In most states, national security is the responsibility of the military, not the police. Individual security involves the well-being of individual persons. This not only covers personal safety – for example assault or burglary – but also civil and human rights. The police are responsible for both collective (on a societal

level at least) and individual security. However, they can also be a main perpetrators of violations of these two types of security.

The police-state relationship has direct bearings on the relationship between the police and society. This was clearly seen in Chapter 5, which examined the police-state relationship. Chapter 1, examining the theoretical police-society relationship in detail, concluded that there are four factors which, regardless of the nature of the state, politicisation of the police, or social cleavages, are constant in most police-society relationships. These include: the need for a safe and secure society; the maintenance of social norms; the police as a representation of the government; and the necessity of societal legitimacy for policing.

The objective of this chapter is to explore the PSF-Palestinian society relationship. However, this relationship is significantly affected by the PNA (particularly the Executive Authority). In conclusion, this chapter will examine the combination of order maintenance strategies implemented by the PNA and their effect on the police-society relationship.

## **6.2 THE PSF – PALESTINIAN SOCIETY RELATIONSHIP**

### **6.2.1 A SAFE AND SECURE SOCIETY**

In a state citizens voluntarily surrender some of their individual autonomy and freedom, and submit to authority and the law. In exchange they expect the state to provide them with a safe and security society in which to function. Without a safe and secure environment, the citizenry cannot be productive. However this symbiotic relationship does not exist in all states; a significant number of variables can prevent it, such as a dictatorial state which prevents individuals from going about their activities in freedom, or a weak state which cannot protect segments of society from attack.

In the Palestinian case, the importance of the PSF as the first independent, all-Palestinian police force should not be underestimated. Although the occupying powers established policing agencies and recruited Palestinians into these agencies, the result – in the minds of the Palestinian citizenry – was that although they had surrendered much of their individual autonomy and freedom, they did not receive safety and security in return. (See Chapter 2) Furthermore, during the Intifada, when Palestinian society rejected Israeli policing and attempted to form their own popular policing agencies, the attempt ended with several armed organisations competing for influence and working, without checks or controls, according to

their own political agendas – and sometimes their personal grudges. The PSF ended the reign of these vigilante groups, but not without some resistance.

#### 6.2.1.1 Palestinian Security Perceptions

During the occupation, threats to Palestinian security have been both collective and individual. They have been collective in that most Palestinians feel their national existence has been threatened by the creation of the State of Israel, and the expulsion of thousands of Palestinians. With the establishment of the new Israeli state on land they believed was theirs and the infamous remark by Golda Meir that ‘there are no Palestinians’, the Palestinians began to fear that their national identity was being erased.<sup>1</sup> Individually, Palestinians felt their very survival was threatened by the Israeli occupation. Brynjar Lia writes: “Palestinian perceptions of insecurity are a direct result of Israeli occupational policies, which involve a wide range of well-known practices often associated with foreign military occupation”.<sup>2</sup>

Despite the presence of an autonomous Palestinian government and the PSF, Palestinian society continues to perceive its position as insecure. The Israeli government, particularly the Netanyahu administration, has contributed greatly to that perception with actions such as the construction of settlements, imposing long closures, revoking Jerusalem residency rights for Palestinians, and continuing land confiscation and house demolitions. For example, according to LAW, during 1998: 39 Palestinians were killed by Israeli soldiers or settlers – three of which were children unable to reach medical facilities during closures – 702 houses were demolished by the Israeli authorities, 11 new settlement sites were established, 16,780 olive trees were uprooted or burnt, 2,200 Palestinians remained in prison – 97 in administrative detention – and in Hebron alone 10 Palestinians were shot dead, 414 injured, 243 detained, 21 homes were demolished and 51 days of closure were imposed on the southern side of the city.<sup>3</sup> These actions remind the Palestinian society in the West Bank and Gaza that they are not part of a sovereign nation, and are vulnerable to outside actions with little opportunity for accountability or redress.

The PSF are unable to protect the Palestinian public from Israeli actions. If, for example, a Palestinian farmer has land confiscated, or olive trees uprooted by settlers, the PSF are unable to do anything because according to the agreements with Israel, the PSF have no authority in Area C and are unable to arrest Israeli citizens, even in areas of their jurisdiction. Nor has the Palestinian government been any more successful in providing protection through further agreements with Israel. For example, the Israeli government agreed during the Wye Memorandum negotiations that they would release 750 Palestinian

prisoners. However only 250 were initially released and the majority of those were common criminals, instead of the political prisoners the PNA had expected to be released. The Israeli government responded: “Israel has released prisoners in full compliance with both the Wye understanding and the Interim Agreement, and with Israel’s clear statement at the Wye talks that it would not release prisoners that were members of the Hamas or Islamic Jihad organisations or who have blood on their hands”.<sup>4</sup> The Palestinian public felt they had been let down by their leadership and tricked by Israel.

Nor has an international presence made the Palestinian society feel more secure. The Temporary International Presence in Hebron (TIPH) Observer Force, established in the aftermath of the Hebron massacre, has been present in Hebron since 1994. Many Palestinians saw them as an ‘international force’ deployed to protect them from Israeli abuses. In fact TIPH personnel had no military or police functions and its responsibilities were to “provide by their presence a feeling of security” and “monitor the efforts to restore the safety of Palestinians”.<sup>5</sup> The TIPH was troubled from the beginning by their weak mandate and the unrealistic expectations of the Palestinian population. The observers were prevented from observing ‘military areas’ such as prisons and the two sides could withhold necessary information because of the TIPH mission’s restricted information and access. Furthermore, IDF imposed curfews could extend to TIPH observers, who were then obliged to remain at their headquarters.

Although the TIPH observers received a large number of complaints from Palestinians regarding the actions and behaviour of the IDF and Israeli settlers, they were unable to investigate these themselves, and the IDF would only begin an investigation if the complainant was willing to personally state his or her complaint to the IDF. Because the Palestinian public had expected the TIPH mission to exert significant influence over the Israeli authorities, they were disappointed. According to a 1994 poll, “only some 20% of the local population in Hebron thought the TIPH mission reduced the number of clashes between Palestinians and Israelis in the city, and an equal share (23%) commended the TIPH contribution in providing the feeling of security”.<sup>6</sup>

The Palestinian public perceives itself to be threatened by Israel, and does not see the Oslo agreements as providing more security. Nor do they believe an international presence – at least not an unarmed observer presence – has made their daily lives more safe and secure. The majority of Palestinian society believes that it will be safe and secure only when they have their own fully independent state. Yezid Sayigh explains:

Until this state comes into existence, the Palestinian people remain under one degree or another of Israeli military occupation or in an exile the precariousness of which has been amply demonstrated in Lebanon and Kuwait. Statehood, then, is deeply felt as the only means of assuring Palestinian individual and collective security needs.<sup>7</sup>

Palestinian society requires a state to feel truly secure. But have they felt safe and secure with their own forms of policing?

#### 6.2.1.2 Police Versus Vigilantes

As discussed in Chapter 2, vigilante policing groups were formed during the Intifada in response to the lack of confidence in the Israeli police – particularly after all Palestinian police officers resigned at the start of the uprising. Members of the strike forces were usually affiliated with political groups or activists. At first the groups enjoyed considerable community support, but as their policing activities became more focused on discovering collaborators and less controlled by the UNC or the PLO, their popularity began to wane.

Although many communities gradually became frightened by the vigilante groups, the Palestinian leadership of the UNC were unable to control them. After the failure of local leaders to contain the problem, Arafat issued a written communiqué ordering a halt to collaborator killings, but his orders went largely unheeded by the groups. By 1991 the security situation in the West Bank and Gaza had deteriorated to the point where it was drifting toward internecine conflict. Not only had the pursuit of collaborators become completely out of control, but violent clashes began to occur between political factions.<sup>8</sup>

After the signing of the DOP, the disputes were exacerbated by ‘co-ordination’ between the Fatah groups and the IDF, and the IDF’s tacit acceptance of the pro-Arafat groups carrying arms or acting in a police or enforcer capacity. Only one month before the arrival of the PNA, a *Time* correspondent reported:

A Palestinian was killed when [Fatah] Hawks opened fire on Hamas activists who threw stones at them in Gaza’s Rafah refugee camp two weeks ago. Last week Fatah and Hamas engaged in tit-for-tat kidnappings of each other’s members in Jabalia. The hostages were freed within 24

hours, but tension between the two main Palestinian groups remains high.<sup>9</sup>

At that time, members of the vigilante groups began to be co-opted into Arafat's forces. Even before Israeli redeployment from the West Bank cities, vigilantes loyal to Arafat were given paramilitary training in Jericho and sent to work in PNA controlled facilities.<sup>10</sup> Others were working semi-covertly in a policing capacity – neither the PNA nor Israel acknowledged their existence, although both were aware that they were stepping in to fill the law and order void.<sup>11</sup> Thus, the groups that Hamas and Islamic Jihad had engaged in internecine rivalries with only a few weeks earlier had suddenly become the new police force in the Palestinian Territories.

Vigilante groups enforced their own brand of law and order on Palestinian society during the Intifada until the deployment of the PSF. Many of these groups gradually lost public sympathy as they became more brutal in their treatment of suspects, and used their powers to settle personal disputes or engage in criminal activity. A few groups, such as the Fatah Hawks in Nablus, managed to maintain the support of particular sectors of society.<sup>12</sup>

As the PSF was gradually deployed in the Palestinian Territories, they co-opted many of these vigilante elements. This was done for a number of reasons. It placed powerful, armed groups under the control of the PNA. Arafat was not willing to tolerate a repeat of the insubordination displayed after his call to end collaborator executions, and he would no have to with the vigilantes as part of the PSF under his direct command. This control also quelled the fears of the wealthy upper class families who were instrumental in building a Palestinian state. Additionally, the PNA gained the support of the vigilante groups by bringing them into the PSF. They were able to keep their weapons, draw a salary and maintain their position of power and responsibility within the community. It allowed them to save face and avoided a confrontation between the groups and the PNA. Furthermore, it gave the PSF legitimacy in the eyes of the Palestinian poor and refugees – those who often continued to support the vigilante groups. It is also important to note that the vigilante groups brought a strong knowledge of their communities to their new jobs in the PSF, and that the communities were familiar with them. By ending the control of the vigilante groups and establishing the PSF, the PNA made a positive step towards law enforcement in Palestinian society.

### 6.2.1.3 The PSF at Work

When the PSF first arrived in the West Bank and Gaza, they were greeted by people cheering and celebrating in the streets. Armed Palestinian police and security officers were a symbol of Palestinian independence, and citizens flocked to have their pictures taken with them. In much the same way as they viewed the TIPH, the Palestinian public had high expectations for the PSF, believing they were the first step toward statehood and that the forces would protect citizens from Israeli actions. In a JMCC poll in July 1994, 71.9 per cent said that they believed the Palestinian Police were doing a good and effective job.

Factional conflicts continued after the establishment of the PSF. On 18 November 1994 police opened fire on worshippers leaving the Palestine Mosque in Gaza, known for its Hamas sympathies. Hamas and Islamic Jihad activists responded by burning police cars and stoning the police headquarters and prison. The incident became known as ‘Black Friday’. Although the riots had ceased by the end of the day, the tensions and brinkmanship continued. A few days after the confrontation, Arafat attended a Fatah rally in Gaza City which turned into a show of factional might. The following day a policeman was shot and wounded in an ambush believed to have been carried out by Hamas. Subsequently, shots were fired at the homes of two Hamas leaders, and Fatah activists were held responsible. In response, Hamas organised their own rally. Gradually, mediation took over and the situation cooled off, although the ambivalent feelings between the two parties remained. Despite several attempts at ‘reconciliation’ by Arafat since then, the relationship between the PSF and the Islamic groups has been uneasy. Such incidents raised questions early on about the PSF representing one socio-political force at the expense of another.

Incidents like ‘Black Friday’ do little to further the public’s trust of the PSF. The conflict in Gaza deprived a particular party of its collective security. Individual security has been equally threatened. The PSF record of the absence of the rule of law, widespread human rights abuses, and charges of corruption demonstrate this. As a result, the public is wary of the actions of the PSF.

In general however, opinions vary on the PSF, depending on the political climate. The PSF is part of the PNA, and when the peace process is progressing, the people are pleased with the PNA and by extension the PSF. However, frustration with the peace process can also affect the public opinion of the PSF. Isam Younis of the Palestinian Centre for Human Rights (PCHR) explains: “Supporters of the peace are in decline because if you don’t have a job, food, and so on, you don’t have peace. Because the police are identified with the PA,

the feelings extend to them.”<sup>13</sup> However, the level of satisfaction is not critically bad. There have been significant improvements when compared with the complete absence of personal security during the occupation. According to a JMCC poll taken in April 1997, 52.8 per cent of Palestinians in the West Bank and Gaza still rated the overall performance of the PSF as good.<sup>14</sup> Furthermore, the Palestinian public is still adapting from what was once daily civil disobedience to their own government and authorities. Colonel Salem Nasser of the Civil Police explains: “For thirty years the people have worked against Israeli law. They can’t learn in two years to obey, especially since Palestinians are stubborn.”<sup>15</sup>

#### 6.2.1.4 The Effect on the Police-Society Relationship

The establishment of the PSF has contributed to creating a much safer and more secure Palestinian society, albeit not without some problems. To clarify the police-society relationship it is useful to consider policing activities with regards to politicisation, centralisation, and militarisation of the PSF. In the case of maintaining a safe and secure environment, the role of the politicisation of the PSF becomes apparent.

Historically, Palestinian policing has always been a highly politicised activity. As Chapter 2 revealed, policing – particularly public order policing – was often intended to politically benefit the occupying or administrating country, not the Palestinian society. During the Intifada, policing became aligned along party lines; it became more stratified as the vigilante groups gained greater independence both from the UNC and the PLO. Thus, when considering the historical legacy of policing in the Palestinian Territories, it is not surprising that the PSF are not only highly politicised, but are also considered to be an arm of the government.

Co-opting the vigilante groups has also served to politicise the PSF. It brought the previously independent groups affiliated with Fatah under PNA control, while making the vigilante groups of other parties either irrelevant or illegal. However, the high politicisation of the police and security forces can also threaten their legitimacy. What had previously been internecine rivalries between vigilante groups of different parties became issues of public order maintenance. Furthermore, the close connection between the PSF, PNA, and the peace process meant that the performance of the government or the progression of the negotiations would have an impact on the public opinion of the police.

The politicisation of the PSF has also served to widen social cleavages within Palestinian society. The PSF affiliation with Fatah has positioned them as a natural antithesis of the other political parties – particularly those who oppose the peace process. This was exemplified by the occurrence of ‘Black Friday’ whereby Arafat used the PSF to

demonstrate Fatah's factional strength, rather than to control and calm down the situation. Therefore, the politicisation of the PSF has frequently sacrificed the safety and security of Palestinian society to strengthen, or demonstrate the power of, the Executive Authority and the Fatah party.

### **6.2.2 THE MAINTENANCE OF SOCIAL ORDER**

As discussed in Chapter 1, the police maintain stability and status quo for a government. This does not merely involve keeping revolutionary elements at bay, but also maintaining the status of social groups. The police can act in the interests of those in power against those without power, or they can protect those without power from those with power. How the police maintain social order is largely dependent on the nature of the state.

Social order is an important factor to consider when examining the PSF. The prevailing class system which existed throughout the occupation was inherited by the PNA. The PNA has used this class system to bolster their rule. However, Arafat has also attempted in some forms to create his own social hierarchy based on his patronage. The police and security forces are rife with cronyism, and nearly all members of the forces are members of Arafat's political party, Fatah. Members of other political parties are allowed to join the various forces, but loyalty to Arafat is the key to getting ahead. This is a different form of the strategy of accommodation in that it accommodates potential sources of disruption – not necessarily to the state, but certainly to Arafat's rule – through co-optation. Not only has he co-opted his political rivals into his government and the massive state structure, but he has also ensured fealty of the Intifada generation. The PSF serve as a sort of 'welfare state' by employing masses of young, male Fatah supporters. In a society where unemployment figures often exceed 50 per cent, the PSF is one of the largest employers in the Palestinian Territories. This makes loyalty to Arafat lucrative, even in the lower ranks. And, since many of the young Fatah supporters were also members of the strike forces during the Intifada, co-opting them into the PSF is beneficial to prevent these once largely independent groups from acting independently of the PNA

#### **6.2.2.1 Cronyism and Fatah**

The absorption of Fatah vigilante groups into the PSF weakened the distinction between Fatah activists and PSF agents. It also served a political means by preventing the vigilante groups from feeling excluded – and possibly opposing the PNA. Their inclusion in the PSF provided them with a wage, and allowed them to maintain the political and social influence they had previously enjoyed.

Much the same logic was applied to the military cadres of the PLO, who also were provided with positions in the PSF. Several thousand of the PLO's military forces, mostly from the PLA, were integrated into the fledgling PSF, and their leaders given high ranking positions. In nearly all the branches of the PSF, the chiefs are former PLO military leaders from the Diaspora, loyal to Arafat. By absorbing them into the PSF, Arafat provided them with a wage and status, and – like the Fatah activists in the West Bank and Gaza – has eroded any opposition to the peace process or his leadership within his party.

The police and security branches compete for influence, and any police or security chief who threatens Arafat's power is immediately demoted, or more commonly excluded, from all decision-making. For example, General Director of Public Security and Police Major General Nasser Yusef and Gaza PSS leader Colonel Mohammed Dahlan were engaged in a power-based dispute in 1995 over conflicting attitudes towards a crackdown on Islamic activists. An aide to Yusef was abducted and mistreated, allegedly by PSS agents. Yusef eventually lost influence in the Arafat regime when he was accused of being too independent and possibly eyeing the presidency.<sup>16</sup> Although he maintains his position as head of the PSF, he has only limited powers. Dahlan, however, has remained influential in the PNA and has played an increasingly high profile role in negotiations with Israel. He was also presented with a large villa as a gift from the PNA, although after public outcry at the extravagance he chose to sell it.<sup>17</sup> This is Arafat's method of rule, which he has used consistently in Jordan, Lebanon and Tunis. Graham Usher explains: "The various police forces – horizontal forces, of indeterminate strength, without clear hierarchy – compete and conflict with each other for the spoils of political, social and economic power".<sup>18</sup>

Different branches of the PSF have also appeared to represent different sectors of Palestinian society. In Nablus, for example, the PSS maintains widespread support in the poorer areas such as the Old City and the refugee camps, while the Presidential Guard and the Naval Police tend to represent the interests of the wealthy, established families. This has on occasion caused conflict between branches.<sup>19</sup> In Gaza, society is divided more between the 'inside' Fatah leadership and 'outside' officials, such as in the conflict between Dahlan and Nasser.<sup>20</sup>

Arafat has used cronyism to maintain his position within the PNA. By granting positions in the PSF to his closest allies, and then allowing them to compete for power and influence, he ensures their loyalty to him. This also maintains status quo within the PNA and the Palestinian society. Usher explains:

The fact that it is Arafat who acts as arbiter in all disputes serves yet another end: by allowing tensions to simmer between the various forces, he fragments them and forestalls the coalescing of any alternative power centres. This is important not just because of the dissension Oslo threw up within Fatah but because such tactics weld together the divergent class, regional, and generational constituencies from which Fatah's 'non-ideological' brand of nationalism has evolved. If Fatah and Arafat are to retain their hegemonic role in the self-rule, these contending forces must somehow be kept under at least a loose form of unitary command. That command is Arafat.<sup>21</sup>

Thus, Arafat has created a largely patronage-based social order within the PNA structures of the West Bank and Gaza. This has affected the police-society relationship in a number of ways. Cronyism and party favouritism has alienated a large part of the society from the PSF. This may occur because the leaders of the PSF are perceived as 'outsiders; because the officers promoted on favouritism may not be the most effective or competent; and because the sections of the public not aligned with the Fatah party are largely excluded – particularly on issues pertaining to public order. Finally, Arafat's patronage-based social order affects the police-society relationship because it emphasises the strong connection between police and government.

#### 6.2.2.2 Police as a 'Welfare State'

The PSF have become one of the largest employers in the West Bank and Gaza. Even at moderate estimates the branches provide 30,000 jobs, not including civil bureaucracy jobs. The PNA have been largely criticised for creating such a massive non-productive sector with very little means to finance it. Furthermore, the proliferation of the PSF has resulted in Gaza having one of the highest police to population ratios in the world at approximately 1:50.<sup>22</sup> Obviously the Palestinian Territories do not require such a large police force. The size of the PSF may be partly a result of the fact that the PSF serves as more than a police force, but also as a de facto Palestinian army or national guard.

Employment in the PSF has become a way in which the PNA can reduce unemployment, as well as reward Fatah cadres. Delayed donations, frequent closures and an uncertain political situation resulted in high unemployment after the Israeli redeployment from Gaza and Jericho. In a Centre for Palestinian Research and Studies (CPRS) poll in December 1995, 45

per cent of the respondents viewed unemployment as the most urgent problem, compared with 24 per cent who believed it was the abandonment of religion and only 8 per cent who specified the suppression of individual freedoms.<sup>23</sup> Obviously, unemployment affects the public attitude towards the peace process and towards Arafat himself. Positions in the PSF were one way to remedy the situation.

Aware of the economic distress of their members, the leaderships of the PFLP and Hamas have allowed their activists to join the Civil Police and the PNA administration, while emphasising that this does not change their rejection of the Oslo agreements. PFLP leader Ghassan Abu Hunish explained that it is his party's policy not to work in the security branches because they directly enforce the agreements with Israel. However, PFLP members are permitted to work in posts within the PNA that help society, for example, they are eager to work in ESR or the traffic police because they consider this work as public service. Nevertheless, if a member of the PFLP joins a security apparatus, he or she is stricken from the party.<sup>24</sup>

Employing a large number of people in the PSF will not solve the unemployment problem in the Palestinian Territories, even if it does serve as a means to placate former Fatah activists. Furthermore, there is a serious cost to such an inflated public sector. Instead, writes Graham Usher, what the number of PSF actually portends "is an interim period every bit as economically dependent and politically conditioned by donor money as was its Gaza-Jericho preamble".<sup>25</sup>

As a result, using the PSF as a 'welfare state' – while a seemingly positive tactic in the short-term – has proved problematic for the police-society relationship in the medium and long-terms. The massive public sector has been a drain on the newly emerging Palestinian economy. There have been instances when the PNA was unable to pay PSF salaries on time because of a lack of funds. The presence of massive, heavily armed, and unpaid police and security forces has the potential for becoming a dangerous and destabilising factor in the society. In addition, dependence on international donor funds and Israeli tax transfers makes the PNA dependent on politically-conditioned money from outside sources, instead of Palestinian society, which has not been taxed by the PNA (beyond some collection of VAT). Finally, the expansion of the PSF put an ever-increasing number of police and security agents on the street. The Palestinian public has been more intensively policed by the PNA than during the Israeli occupation. While the public welcomed the fact they were Palestinian, this has also increased the concern about the militarisation of Palestinian society.

### 6.2.2.3 Palestinians versus ‘Tunisians’

According to the Cairo and Taba agreements, Arafat was permitted to bring a number of the PLO constituency from the Diaspora into the Palestinian Territories, with Israeli approval. As of 1997, at least 50,000 Palestinian ‘returnees’ have entered the West Bank and Gaza to assume positions in the PNA.<sup>26</sup> Many of the leaders of the PLO military forces have now assumed high ranking positions within the PSF. In the case of Force 17, it existed in Tunis as a unit to protect Arafat, and was transferred to the Palestinian Territories. Force 17 was later legalised in the Taba Agreement as the Presidential Guard, and has integrated some members from the West Bank and Gaza into the force. Additionally, some civilians are also allowed to return on ‘national numbers’, the only channel for repatriation to the West Bank and Gaza opened by the agreements. According to Badil/Alternative Information Centre, there has been a ‘collusion of Israeli and PNA interests’ in that Israel will allow repatriation if it happens through an unpublicised bureaucratic mechanism that remains hidden from the Israeli media and political pressure groups. The PNA favours a mechanism of return that permits a selection of returnees according to its interests. This silent selection mechanism probably means that the majority of returnees have contacts in the PNA and are loyal to the Arafat regime.<sup>27</sup>

When the returnees arrived in 1994, they were considered heroes by much of the population. However, the local public opinion gradually turned against them, and they were soon being referred to as ‘the Tunisian occupation’. The returnees or ‘Tunisians’, most of whom reside in Gaza, stepped into privileged lives with high positions in the PNA and PSF. Isam Younis explains, “When they returned, they all received new, tax-free cars, while many Gazans can’t afford cars. The Gazans have suffered the occupation and got nothing but the returnees were awarded everything.”<sup>28</sup> Returnees’ lifestyles are in great contrast to the poverty and squalor of Gazan refugee camps. Many own elaborate villas worth millions of dollars and spend their free-time shopping and dining in Tel Aviv. Adding to the tensions, many returnees were accustomed to a more Westernised way of life than they found in socially conservative Gaza. Native Gazans believed that to have night clubs and parties with alcohol ‘for people who aren’t welcome anyway’ was insulting. They also perceived the attitude of the returnees as: we liberated you, we struggled for years while you were waiting for us to save you, so we deserve this.<sup>29</sup>

Arafat and the loyalist returnees have also been accused of corruption, much of which stems from their monopolistic control over sectors of the Palestinian society. For example, Nabil Shaath, leading negotiator and head of MOPIC, is claimed to have total control of cigarette distribution in the Palestinian Territories. In another report, the Gazan company Al-Bahr

(owned by Arafat's wife and advisors) has moved – through allegedly illicit activities – into everything from entertainment to real estate and insurance, and holds monopolies on the import of such basics as flour, petrol, and cement.<sup>30</sup> High-ranking members of the PSF are also implicated in these allegations.

The tension between residents of the Palestinian Territories and returnees has manifested itself in conflicts between branches of the PSF (as demonstrated by the dispute between Yusef and Dahlan) and also between the PSF and society. For example, in June 1997 Gazan resident Nasser Radwan told the wife of Lieutenant Colonel Fathi Freihat – a returnee leader of Force 17 – that she should 'cover herself' when outside her home. Radwan was later arrested by Force 17 and beaten to death while in custody. The Gazan public was incensed and turned out en masse for Radwan's funeral. The State Security Court tried five men in connection with Radwan's death and sentenced three – including Freihat – to death. "As soon as the sentence was announced, members of the public attending the court session began to chant political slogans and call for the execution of the death penalty immediately".<sup>31</sup> However, the sentences were later commuted to life imprisonment.

#### 6.2.2.4 Impact on the Police-Society Relationship

By controlling disorder and promoting status quo, the PSF are maintaining the social order established by the PNA. The social order that has been created during the interim period has been largely patronage-based. Arafat's closest friends and allies have received positions of power, often in the PSF, in exchange for their continued loyalty. Fatah cadres are rewarded with employment in the burgeoning ranks of the PSF. For others, their loyalty was recognised by being added to the 'national numbers' entering the Palestinian Territories, or with perks such as expensive cars and houses. All of these practices serve to fortify power to the PNA, and to Arafat personally. By bringing such a large number of his supporters into the system, Arafat has ensured that they will maintain the system which rewards them. Rashid Khalidi writes:

Perhaps the cruellest irony of all is that by putting the PLO in charge of the Palestinian population of the West Bank and Gaza Strip, the Oslo formula created a group with a powerful vested interest in the continuation of a process from which they benefited, even if their fellow Palestinians did not. Today, a large proportion of PA revenues does not flow to schools, hospitals, roads or infrastructure, but to massive security forces and a bureaucracy which exists

mainly to give sinecures to regime loyalists (not to speak of the funds that find their way into the pockets of some of these loyalists). By satisfying the leadership and cadres of the PLO before meeting most of the basic needs of the Palestinian people, Oslo helped consolidate a class which in many ways serves its own interests and those of Israel more than it does of its own people.<sup>32</sup>

The social order created by Arafat is an example of the centralisation of the maintenance of public order. These patronage-based relationships are merely short-term tactics for power consolidation which may ultimately exclude significant segments of the population from identifying with the PNA. Furthermore, the tactic of creating day-to-day stability by making the society socially and politically dependent on the PNA is precarious, particularly since the Arafat regime is not yet self-sustaining. As a result, the police-society relationship suffers. The PSF continue to enforce the social order because they are a part of it, and benefit from Arafat's patronage. Palestinian society has therefore become more and more alienated from the police, as well as from the ruling elite. Arafat may have 'micro-managed' the structures of power, but he has also provoked scepticism from the society, which has been reinforced by the lack of economic improvements (except for the few in the ruling elite) or political progress in the negotiations.

### **6.2.3 POLICE AS A TOOL OF THE GOVERNMENT**

The police are often involved in the most commonplace and personal activities, such as intervening in domestic disputes, patrolling areas on foot, collecting truant schoolchildren, and responding to a wide variety of needs of the community in which they work. Most other state mechanisms – such as environmental inspectors, social workers or tax auditors – are neither so intimately involved nor so prominent in an average citizen's daily life. Because the presence of the police is so common in people's lives, their actions – both collectively and as individuals – are seen to reflect the nature of the government.

The police also possess the ability to coerce citizens into compliance, using force if necessary, which is a power other mechanisms of the state do not have. As a result, the police represent the potential of a state to enforce its will upon its citizenry by demonstrating the consequences of public failure to comply with the state's dictates. For example, Thailand has chosen to take a very hard line on narcotics in an effort to prevent drug smuggling from its country. The police enforce this state decision by arresting and

prosecuting to the full extent anyone found possessing drugs. In Egypt, the government has chosen not to countenance Islamic fundamentalism, and those who refuse to comply with this decision by joining radical Islamic groups are routinely put under surveillance and arrested by the Egyptian police.

#### 6.2.3.1 Imposing Policies of Peace

The police are the most visible tool of the government present in people's daily lives; this is particularly true in the Palestinian Territories. In fact, the PSF play a much larger role in Palestinian society than most police forces internationally.

Progress in the peace process is largely dependant on the Palestinian leadership being able to deliver 'security' to Israel. This is apparent in the agreements and the relations between the PNA and Israel (see Chapters 3 and 5). Usher characterises the situation:

It follows – at least for the current PA leadership – that any political and territorial movement toward the Palestinians' historic goals of statehood and self-determination can, for the foreseeable future, only occur within the confines of [Israel's security] hegemony rather than through active resistance to it. The PA's principal and determining alliance in the interim period is going to be security-led, and with Israel.<sup>33</sup>

Therefore, the critical Palestinian agency in the interim period is neither the PLO nor the PLC, but the PSF, who are tasked with providing Israel with the security it demands. As Colonel Dahlan explains: "We are committed to a political agreement. To secure the agreement, there must be counter-terrorism between Israel and the Palestinians. It is our assignment."<sup>34</sup>

One of the most basic problems with the Israeli security hegemony is that it alienates the Palestinian public from its police force. As a Palestinian human rights worker comments, "The police are seen as part of the system rather than the community, therefore any debate about policing is political and reflects on the peace process".<sup>35</sup>

Combined with the security pressures exerted by Israel, is the government's own policy of asserting itself over the Palestinian people. The PNA believes that a strong 'state' maintaining societal stability is a necessity for national reconstruction and progression of the

peace process during the interim period. As a result, the PSF are charged with maintaining stability and order, even at the expense of public approval and the rule of law. This combination can result in violent confrontations between the PSF and the public. For example, in August 1996, relatives of jailed Islamic militants protested outside a Tulkarem prison. Many of the prisoners had been in detention since the PSF mass arrests following the suicide bombings in March 1996. When the protestors attempted to force their way into the prison, the PSF opened fire at the crowd, killing one man and injuring at least twenty others. The PSF then enforced a curfew on the town and called in massive reinforcements to contain the widespread rioting.<sup>36</sup>

In such instances, the strict security policies enacted by the PSF, as part of the PNA compliance with its agreements with Israel, resulted in creating public hostility toward the PNA. The PSF are the most visible tool of the PNA in most Palestinians' lives, and their often heavy-handed, extra-judicial actions have led many to believe that their government is more concerned with placating Israel than meeting their needs. The internal dissent that these policies have created have also resulted in a growing fear of internal conflict. After a demonstration in October 1998 in which a Fatah supporter was killed, Legislative Council member Hanan Ashrawi stated that it was a result of the Wye Memorandum placing too much emphasis on Israeli security at Palestinian expense, concluding, "if this situation is allowed to continue we could be facing an internal breakdown".<sup>37</sup> According to a CPRS opinion poll in March 1996, while 59 per cent of the Palestinians polled supported the measures taken by the PNA to prevent armed attacks against Israel, approximately three-quarters of them were either very worried or somewhat worried that the measures may lead to internal Palestinian conflict.<sup>38</sup>

The focus of the PNA, as well as Israel and the international community, on security and control has made building civil society a low priority in the Palestinian Territories. As demonstrated in Chapter 2, the Palestinian Territories had a history of relatively healthy civil society under Israeli occupation. During the interim period, however, that civil society has at times come under threat. Directed by the PNA, the PSF have made various attempts to control, monitor and hinder civil society. For example, the PSS monitor all companies and organisations within their jurisdiction, recording such information as the names and political affiliations of employees, type of business, and financial details.<sup>39</sup>

In 1994, Palestinian NGOs submitted a draft law to the PNA that would regulate the relationship between the NGOs and the PNA, and called for negotiations on the law. In response, the PNA issued a repressive draft law for governing civil society, which in sum

would have given the PNA the right to determine whether an NGO would exist, and on what terms. Internal and international outrage at the draft law caused the PNA to eventually back down. However, the PNA have closed a number of associations affiliated with Hamas and Islamic Jihad. The government has also imprisoned and harassed a number of NGO activists, and in December 1996 it was able to prevent the Palestinian NGO network from holding a meeting because the network had not sought ministerial approval. Additionally, Glenn Robinson argues that “the PA has successfully lobbied international donors to funnel development monies directly to the PA and away from NGOs and related institutions”.<sup>40</sup> According to Robinson, those especially hard hit are NGOs affiliated with opposition groups, who are informed by international donors that they must embrace the Oslo process before they can receive funding.

These activities by the PSF and PNA do little to strengthen their claims to legitimacy. As Palestinian civil society loses resources and influence, it is unable to function as a check on the PNA’s powers. Christopher Heltveit Parker comments: “The weakness of non-coercive PA institutions encourages a strategy of rule characterised by an insecure stance toward civil society – weakening civil society in order to ensure success *over* society in the PA’s limited administrative and coercive role during the provisional period”.<sup>41</sup> By weakening civil society, the PNA are able to control Palestinian society more easily, and thus impose the policies required of it by the peace process.

#### 6.2.3.2 Violating Human Rights

Territorial transfer to the Palestinians, as well as the continuation of negotiations, is contingent upon the PNA meeting Israel’s security needs and may be suspended indefinitely if Israel perceives that its needs are not being met. For this reason, the PNA needs to fulfil their security promises. The proliferation of security services is one response to this problem. The idea seems to be that as more security agents exist to monitor the behaviour of the Palestinian public, the PSF become more able to prevent attacks on Israeli targets.

The problem is that as the PNA strives to meet their security commitments, human rights violations increase. Chapter 5 discussed several ways in which the PSF have violated human rights while attempting to fulfil Israeli security requirements, particularly after suicide bombing incidents – including mass arrests without arrest warrants, long-term detention without charge or trial, State Security Courts, and censorship. However, the growing number of police and security branches has also resulted in numerous violations. Because such a large number of recruits were absorbed into the PSF at once, many are

poorly trained and ignorant of human rights. There is also little accountability, allowing members to use inappropriate methods with impunity.

The PSF work to prevent violent opposition to the peace process. In many cases, however, they are also unwilling to tolerate opposition or criticism of themselves or the PNA. This means, in the words of Amnesty International, “members of the security service can torture whom they want, how they want, notwithstanding the condemnations of the world”.<sup>42</sup> In one well publicised incident Dr. Fathi Subh, a lecturer at al-Azhar University in Gaza was arrested by the Preventive Security Service in July 1997 after he asked students to write about corruption in the PNA and the university in an examination for his critical thinking course. Subh was tortured and detained incommunicado. When the High Court in Gaza ordered his release, the prosecutor stated that Subh was now under the jurisdiction of the State Security Court and the High Court’s decision was not valid. Subh remained in PSS custody until 26 November 1997, when he was taken to the State Security Court and released on bail. The authorities denied that Subh’s arrest had anything to do with the examination, but gave no other reason for his detention, and later confiscated all the test papers for ‘security reasons’.

The PSF have taken steps to prevent criticism, not only of the PNA, but also the PSF itself. Several human rights activists have been detained after speaking out against PSF actions, most notably Dr. Iyad Sarraj (see Chapter 5). In August 1998, PSS agents raided the houses of four members of the Communist Party in Gaza and arrested Mohammad Abu Shamala. He was charged with distributing a communiqué criticising the PSS for beating and insulting members of the Legislative Council<sup>43</sup> and calling for the adoption of specific responsibilities for each of the security branches and for an independent judiciary to make rule of law the reference point for all disputes. Abu Shamala was tortured and humiliated during his interrogation. After several days, Abu Shamala and the three others were forced to sign a paper saying they would refrain from distributing communiqués in the future. They were then offered work with the PSS, which they declined.

There have been numerous Palestinian, Israeli and international reports on PSF human rights violations. However, most observers agree that the human rights situation is gradually improving, as the number of violations decreased in 1998 compared to previous years. However, human rights abuses persist, not the least of which is the prevalence of torture in PSF detention centres.

One reason for the continuing use of torture may be ignorance as to what constitutes a violation of human rights. This may be the case particularly in the early years of the establishment of the PSF. For example, after accounts of Palestinian human rights violations appeared in the international media in May 1996, deputy head of the PSS, Rashid Abu Shibak admitted force was used during interrogation, but stated: “If interrogation methods are used, this is normal. How else could we know if the person should be convicted?”<sup>44</sup> Intensive human rights training, organised by both the UN and local human rights organisations, has contributed to changed attitudes for many members of the PSF. (See Chapter 4)

In many cases, however, the system is not transparent enough to allow members of the PSF who commit acts of torture to be held accountable. For example, Yusef al-Baba died in Military Intelligence custody in January 1997, one month after he had been arrested. His body showed severe burns, bruises, and rope marks; he had been admitted to a Nablus hospital a few days before his death, but was taken back to the interrogation centre after only seven hours, against the doctor’s wishes. During the investigation into his death, the medical report disappeared and several figures involved in the case were pressured. In a speech to the PLC, the Minister of Justice stated: “We are obliged to take the forensic doctor in our cars to keep him under close supervision... the Attorney General in Nablus left the city... and he informed me that he received a demand to withdraw the al-Baba file”.<sup>45</sup> Al-Baba’s death sparked a debate in the PLC and Arafat promised the family a serious investigation into the death. Five people were arrested, including the head of Military Intelligence in Nablus and the deputy governor of Nablus, but all were eventually released.

As the al-Baba case demonstrates, very few individuals have been tried or disciplined for the use of torture or ill-treatment. This lack of accountability causes great concern in Palestinian society, where many feel that the PSF are able to act without accountability.

The PSF are responsible for enforcing government policies regarding the peace process, even when they are unpopular with the public. In several instances where the public have shown their disapproval, the PSF have violently coerced them into compliance, demonstrating the consequences of failing to comply with the state’s dictates. The harsh and often extra-judicial practices adopted by the PSF also reflect on the state. Neither PSF nor PNA actions are sufficiently transparent or accountable, leaving them open to abuses. Nor are the public allowed to criticise either body. Furthermore, these tactics bring the Palestinian Territories to the precipice of civil conflict. The PSF, when acting as enforcer of government policy, are largely unpopular within Palestinian society, even when their actions

are necessary to the peace process. It is for this reason that the PSF need societal legitimacy to balance their position.

#### 6.2.3.3 Effect on the Police-Society Relationship

The PNA frequently uses harsh police tactics to make security promises stick and to strengthen the Arafat regime. However, these tactics often have a very negative effect on the police-society relationship. Harsh tactics cause feelings of insecurity and a lack of trust in the police and the government. Brewer et al. comment that suppression is intended to secure society's compliance with the state's authority, not the positive acceptance of it.<sup>46</sup> However, the PSF's use of suppression has not been able to secure total compliance with the PNA's authority. The Islamic groups, as well as secular groups opposed to the peace process, remain unwilling to accept PNA authority, and even more unwilling to comply with PNA dictates. This creates societal divides, and leads to the Palestinian public's concern over a possible internal breakdown. It is not unwarranted, since individuals may increasingly turn to violence to voice their demands and ensure their opinions are taken into account when other channels between the government and society have failed.

The use of suppressive tactics also has a negative effect on the PSF. The constant violation of human rights and use of extra-judicial actions has brought PSF legitimacy into question. Instead of serving the society, the PSF are seen as carrying out Israeli security policy or acting as Arafat's henchmen. These tactics also characterise the militarisation of the PSF. In order to impose the peace process, the PSF have become heavily armed and with a highly political agenda, run their own detention facilities, and view those who oppose the peace process as the 'enemy'. Furthermore, the PSF are not accountable to the public, and when they are tried it is usually in a Military Court, in secrecy. Therefore, although suppressive tactics may produce the most immediate results, it weakens the relationship between police and society.

#### **6.2.4 SOCIETAL LEGITIMACY**

The police rely on society for their legitimacy and authority. As discussed in Chapter 1, most policing activities are in response to citizen requests; very rarely do the police actually encounter criminals in the act. Therefore, without citizen compliance, policing is made significantly more difficult. It is in the interest of the state that society approves of its policing, because the actions of the police reflect on both the government and the state as a whole. Justice must be seen to prevail, and the cost of justice should not be too high.

In the Palestinian case, although much of their work is not citizen-initiated, the PSF generally are sympathetic towards the Palestinian public. Many joined the PSF not for the

power or status, but out of patriotism, as Kamil, a lieutenant with the Civil Police explains “to serve my people and my country”.<sup>47</sup> They were active during the Intifada and have strong ties with their community, even members of different political parties. Several members of the PSF expressed how uncomfortable they were when ordered to arrest Islamic activists, because many of those they were sent to arrest had been cellmates or associates during the Intifada.<sup>48</sup>

Additionally, the PSF need societal compliance to fulfil their security requirements and to maintain order in the self-rule areas, so that the peace process can continue. It is a belief in all sectors of Palestinian society that Israel would like nothing better than to see Palestinian self-rule descend into civil war and anarchy.<sup>49</sup> Opposition groups such as the PFLP, while opposing the activities of the security branches, still give the Civil Police their full co-operation. Even Hamas and Islamic Jihad, while opposing the peace process and the PNA, have repeatedly pledged not to attack members of the PSF. Although many political groups have no interest in progressing the peace process, all Palestinians are united in demonstrating that they are capable of self-rule. Nevertheless, the PNA still seeks the support of the Palestinian public, and one of the easiest means of garnering that support is through policing policy.

#### 6.2.4.1 The Tunnel Crisis of September 1996

Arafat has attempted to gain legitimacy both for his government and the PSF. One way has been through the management of confrontation with Israel. The largest and most violent confrontation between Israeli and Palestinian troops occurred throughout the West Bank and Gaza in September 1996.

Tension had been building in the Palestinian Territories for some time. The newly elected Likud government refused to redeploy from Hebron until a new agreement was negotiated, lifted all restrictions on the construction of settlements, refused to release Palestinian political prisoners, and declared – contrary to the Oslo process – that Israel would not agree to negotiate issues regarding Jerusalem or Palestinian statehood. Possibly the greatest cause for Palestinian discord, however, was the continuous imposition of closure on the West Bank and Gaza. The first day of violence, 25 September 1996, also marked the seventh month of the longest and most severe closure ever imposed on the West Bank and Gaza. From 25 February until the start of events in September, there were 200 days of absolute closure – no traffic was permitted to Israel, between Gaza and the West Bank, or from one West Bank city to another.<sup>50</sup>

Prime Minister Netanyahu decided on 23 September to open a tunnel that ran beside the al-Aqsa Mosque and exited into the Via Dolorosa in the heart of the Muslim Quarter of Jerusalem's Old City. Palestinians saw the move as a threat to al-Aqsa Mosque and as intended to lessen the Palestinian claim over Jerusalem. Arafat seized on the situation, calling for mass demonstrations. Protest marches culminated in major clashes with the Israeli police and IDF. On 25 September, students from Bir Zeit University confronted an Israeli checkpoint in Ramallah. The IDF pushed them back using rubber coated metal bullets and tear gas. The PSF were present but did not become involved until they were incited by the students and by IDF incursions across the checkpoint into the Palestinian controlled area. They returned fire, and a gun battle ensued. The hostilities spread rapidly throughout the West Bank and Gaza. In Gaza, students from al-Azhar University marched on Israeli settlements and border posts, where the confrontations turned into raging shoot-outs between the IDF and PSF. In Nablus, Palestinian civilians and members of the PSF laid siege to Joseph's Tomb, killing six Israeli soldiers. The Israelis deployed tanks and attack helicopters. Arafat then ordered his forces to fire only in self defence and to prevent further civilian demonstrations. The situation gradually calmed down, as Arafat and Netanyahu travelled to the US for talks with Clinton. The conflict resulted in the deaths of 55 Palestinians and 14 Israelis, with over 1,000 wounded.<sup>51</sup>

The incidents of September 1996 were not what would conventionally be considered an accommodation of public disorder, but for a short period the PSF were allowed to accommodate the demand of the public to act on their behalf. By meeting the immediate demands of a large part of Palestinian society, both the PSF and Arafat gained greater societal legitimacy.

Arafat was able to control the confrontation in order to demonstrate and further his legitimacy. A Palestinian discussion group on the 'Tunnel Crisis' organised by the Institute for Palestine Studies concluded:

While the popular rage was real and spontaneous and had an element beyond Arafat's control, at the same time Arafat directed and channelled it and then quickly moved to control/stop it when it risked turning into a real massacre and once it became necessary to show the Americans and Israelis that he was in control in order to protect his political credibility.<sup>52</sup>

Even the Islamic Resistance Movement co-operated with Arafat's direction. According to Khaled Amayreh, Hamas issued a statement which "hinted that the movement would not carry out 'martyrdom operations' at this stage because it would be counterproductive to Palestinian interests. It is believed that this low-profile attitude on Hamas's part may have been co-ordinated with the PNA."<sup>53</sup>

The crisis significantly improved the relationship between the Palestinian public and the PSF; which had been waning since the mass arrests and crackdown on the Islamic groups following the February/March suicide bombings. By battling the Israelis, the PSF were once again respected by society – they were seen as the protectors of Palestinian society rather than the lackeys of Israeli security policy. The Institute for Palestine Studies forum concludes: "The Palestinian police, until recently considered an oppressive instrument of the PA, now were seen as saviours".<sup>54</sup> The opposition also praised the reaction of the PSF. Ghassan Abu Hunish, head of the PFLP in Nablus, explains: "The demonstrators didn't have to push the [Nablus] police like in Ramallah. Things happened more quickly in Nablus. Most of the police and security are from the Intifada and haven't forgotten the injustices that Israel has committed. Most of them are from inside and are like us, and that is why they responded so quickly."<sup>55</sup>

September 1996 was the first time that the Palestinian society felt that the PSF was actively protecting them from their main source of insecurity – Israel. According to a JMCC poll, a total of 90.2 per cent of Palestinians in the West Bank and Gaza felt that the intervention of the security forces in the confrontation was correct.<sup>56</sup> In its report on the crisis, al-Haq summarised the general public feeling about the PSF:

...the Israeli military forces' attempts to enter Area A and their excessive use of force... were clear violations of the Interim Agreement and constituted a threat to the lives and security of persons falling within the jurisdiction of the PNA. In resisting such attacks by members of the Israeli security forces, the Palestinian Police was acting in self-defence and defence of Palestinian civilians, as well as carrying out the PNA's responsibility under the Interim Agreement to maintain 'public order and internal security for Palestinians'.<sup>57</sup>

The Tunnel Crisis, although a violent event which cost the lives of many Palestinians and Israelis, was a great source of societal legitimacy for the PSF. Although the crisis was viewed by most commentators as a serious break in the peace process, the majority of Palestinians from all sectors and political parties reflect on September 1996 as a time of great and unified national struggle.

#### 6.2.4.2 Ramadan Release and ‘Revolving Door’ Policies

Many of the activities of the PSF involve the arrest and detention of Islamic activists to meet Israel’s security requirements. While these actions are necessary to progress the negotiations and to retain international support, they are also very unpopular with the Palestinian public. The PSF realise that some gestures of good faith are necessary to maintain societal legitimacy.

One of these gestures is the mass release of prisoners on holidays, particularly for Eid al-Fitr, the holiday marking the end of Ramadan. The PSF have carried out holiday releases since the beginning of self-rule. However, possibly the most controversial holiday release was in January 1999. The PLC passed a resolution calling for the prohibition of political detention and the release of all political prisoners at the end of Ramadan. Only 54 prisoners were released by the PSF, including 37 belonging to the Hamas and Islamic Jihad movements.<sup>58</sup> Although the Palestinian public welcomed the release of the 54 prisoners, they called for all prisoners, unless charged with a criminal offence, to be released. Nevertheless, holiday release of political prisoners remains popular among Palestinians.

The Israeli government condemned the 1999 Ramadan release, and accused the PNA of violating the peace accords. They saw the release as a continuation of what Netanyahu termed the PNA ‘revolving door policy’ where the Palestinians arrest suspected terrorists in order to satisfy US and Israeli pressure, but then release them almost immediately. According to Israeli spokesman Moshe Fogel, Arafat had “conducted a high-profile policy of ostensibly taking actions against Hamas... but in reality, quietly acquiescing to Hamas activities”.<sup>59</sup>

In the PSF’s view, they are not acquiescing to Hamas, but instead trying to deal effectively with a very sensitive situation. While they are compelled to act against the Islamic groups by the peace accords, as well as Israeli and international pressure, the mass arrest of Islamists is neither popular nor politically astute with their own people. Some branches of the PSF have come up with creative arrangements regarding the detention of political prisoners. For example, the author was told of prisoners held in administrative detention

who were given day-releases to continue working, or who were allowed to leave prison to attend prayers at a mosque or to visit their families. These arrangements –which are not necessarily commonplace and apply only to those in administrative detention – are kept very discrete to avoid Israeli criticism. However, the PSF have enacted the arrangements to gain the acceptance of the Palestinian society.

There are some actions demanded by Israel that the PSF refuse to even countenance because they would prove to be so unpopular with Palestinian society. One example of this is overt extradition by the PSF of Palestinian suspects into Israeli custody. In the Interim Agreement, the PNA agreed to comply with all formal extradition requests and to arrest and transfer the suspects to Israel, and similar statements have appeared in the Hebron Protocol and the Wye Memorandum. However, when Israel demanded for the first time the transfer of two suspects the PSS had arrested on Israeli information in 1995, Rajoub flatly refused and Dahlan told an Israeli newspaper that “under no circumstances would the PA ever hand over Palestinians to Israel”.<sup>60</sup> During the interim period there have been no overt hand-overs of Palestinian prisoners to Israeli authorities. In early 1999 there were 44 Israeli extradition requests pending; the PNA had yet to respond to any of them.<sup>61</sup> The PSF categorically refuses to transfer Palestinians to Israel because the Palestinian public would see them in collusion with Israel, which would severely damage their legitimacy.

#### 6.2.4.3 Death Penalty by Popular Demand

Another means by which the PSF gain public legitimacy has been to carry out popular justice without regard for the rule of law. This involves tailoring police activities to the demands of society, even if it means using extra-judicial means. One example of this has been the PSF actions towards land dealers.

Land dealers are Palestinians who are involved in the transfer of land that was under Arab ownership to Israeli hands, either through legal or fraudulent means. Opposition to selling land to Jews began in the Ottoman period, but was intensified by the conflict over property between Israeli settlements and Palestinian villages. The transfer of land to Israeli ownership, or any type of participation in the process, is considered by Palestinians as an act of treason. The severity is demonstrated by the fact that during the Intifada the UNC believed that while other types of collaborators could ‘repent’, the penalty for land dealers was unequivocally death.<sup>62</sup>

The issue was sparked in 1997 when Justice Minister Abu Meddein announced that anyone convicted by a Palestinian court of selling land to Jews could face the death penalty. In May and June 1997 several land dealers were murdered and their bodies dumped along the

roadside in Ramallah. By late June, General Amin al-Hindi, head of the General Intelligence Service (GIS) reported that over thirty people had been arrested on suspicion of being land dealers. The PNA was internationally criticised for carrying out extra-judicial executions. Israel issued an arrest warrant for an unnamed security official who they believed was directly involved in the killings, and announced he would be arrested the moment he left the self-rule areas. Palestinians speculated that the officer was Tawfiq Tirawi, head of the GIS in the West Bank.

Despite international and Israeli condemnation, the Palestinian public generally supported the death penalty for land dealers, if not the abductions and extra-judicial executions. Most Palestinians felt that the struggle to keep their land superseded other concerns. In an interview, Dr. Saleh 'Abdel Jawad, a professor at Bir Zeit University, spoke out in support of the death penalty, stating "I'm not a bloodthirsty person but we do not have the luxury of [compassion] at this time. This is a war."<sup>63</sup> Human rights organisations, while condemning the death penalty, were uncharacteristically silent on the issue. For example, in their monthly publication *People's Rights*, LAW included only one article on land dealers in the June 1997 issue. The article did not mention the recent killing of several men accused of selling land to Israelis but chronicled the fraudulent and violent tactics of land dealers and their collusion with Israel.<sup>64</sup> Similarly, *Palestinian Human Rights Monitor*, a regular publication of PHRMG did not mention land dealer killings in their summer 1997 issues.<sup>65</sup>

The Palestinian public has frequently called for the death penalty to be used in other highly emotional cases. Since the beginning of the interim period, the State Security Court and the Military Court have sentenced a number of defendants to death. In all cases, until 1998, either Arafat reduced the sentence to life imprisonment or the execution was never carried out. In August 1998, however, the PSF conducted its first executions – two brothers from Gaza executed by Civil Police firing squad for the first degree murder of two men from another family. Both the murdered men and the defendants were affiliated with the PSF and the case was tried by the Military Court. The executions were justified by many Palestinians as having prevented "armed conflict between two families in a society characterised by tribal and factional feuds".<sup>66</sup> At the time of the incident, several members of the PLC intervened to personally request that Arafat issue the death penalty. Although human rights organisations called for the abolition of the death penalty, there was very little criticism of the executions, and in general the Palestinian society seemed satisfied with the decision.

The death penalty as a result of public demand was taken a step further with the execution of Colonel Ahmed Abu Mustafa. Abu Mustafa, a member of the National Security Force in Gaza, kidnapped and raped a six year old boy in February 1999. When Abu Mustafa's name

was revealed, anger erupted in Khan Yunis, tyres were burned, some streets were closed and people demonstrated to express their outrage, graffiti on the walls demanded that the PNA carry out the death penalty. He was put before a Military Court late at night on 25 February and was sentenced to fifteen years hard labour for the rape, but for the offence of ‘motivating people against the Palestinian Authority’ he was sentenced to execution by firing squad. Arafat ratified the decision, and the execution was carried out by the National Security Force at 2AM on 26 February, only one week after the crime was committed.

In this case the death penalty was used as punishment for causing public disorder, setting an even more disturbing precedent. The public had demonstrated and called for the death penalty because Abu Mustafa had committed a terrible and highly emotional crime, but he had been executed not for the crime, but because it had incited the public. PCHR expressed its concern: “There is a real danger that this sets a precedent for the politicisation of the death penalty for future use against political opponents”.<sup>67</sup> This second execution drew greater response – although only human rights organisations and international commentators condemned it. However, it was apparent that there was growing unease with the PNA’s use of the death penalty.

Less than a month later, the Military Court sentenced another man to death for killing a member of the PSS in a shoot-out. Initially, Ra’id al-Attar and the other two defendants (sentenced to terms of imprisonment) were believed to be members of Izz al-Din al-Qassam, but by the time of the trial police officials revealed the men had been working for the Special Security Force. After al-Attar’s sentence was announced, shops closed in solidarity with the men, and demonstrators threw rocks and bottles at the house of the dead PSS officer. These protests later escalated into a confrontation with the PSF in which two protestors were killed. Riots continued for several days; the execution was not carried out.

This instance demonstrates the increased public concern over the use of the death penalty, but also – and more importantly – the public influence over executions. Al-Attar was not executed because of violent public objections, in much the same way Abu Mustafa was executed because of overwhelming public pressure.

Political figures and Palestinian society in general are often quick to call for the death penalty in important or highly emotional cases. When the PNA carried out its first executions, there was great public support, but this has gradually waned as the fear has grown that the death penalty will be used for political means. Nevertheless, whether supporting or opposing it, the fact that public opinion plays a role in sentencing only further

weakens the Palestinian justice system. Thus far, the PNA has used the death penalty as a tactic to gain greater legitimacy and public support. It has provided neither, but still a dangerous precedent for politicised executions remains.

#### 6.2.4.4 Effect on the Police-Society Relationship

As with any police force, the PSF need a certain degree of legitimacy from their society. Although the PSF are required to carry out unpopular policies, such as mass arrests or lengthy detentions, they have managed to gain limited approval by releasing prisoners at holidays, granting day-releases, etc. There are also lines that the PSF knows they cannot cross if they are to have any semblance of societal legitimacy, such as extraditing Palestinians to Israel. The PSF also responds to the demands of the public. Intervention in September 1996 was the result of public pressure. The PSF has also meted out the punishment demanded by Palestinian society on land dealers and criminals.

The PSF attempts to gain social legitimacy again reflect the politicisation of public order maintenance in the Palestinian Territories. The tactics are intended not to provide the PSF with the legitimate recognition of being an impartial and fair police force that Palestinian society can rely upon, but to bolster the legitimacy and popularity of the Arafat regime. Furthermore, the PSF cannot get lasting and genuine societal legitimacy when their actions to win such legitimacy are incompatible with due process and the rule of law, as well as damaging to the state-building process. Releasing prisoners during Ramadan or 'revolving door' policies allow the PSF and Arafat – rather than the judicial system – to decide who is released. An improvement to these policies would be to abolish long-term administrative detention, either charging detainees with an offence or releasing them after questioning. Refusing extradition is a violation of the Oslo agreements. The participation of PSF troops in the battles of September 1996 may be justified as defending Palestinian citizens, but it also escalated the conflict and cost lives on both sides. However, the most worrying may be the willingness of the PSF to carry out the public's demand for 'justice'. This threatens the legal system of the Palestinian Territories and could easily result in a situation similar to that in the later years of the Intifada, with the abuse of policing powers.

Individual tactics do not bring legitimacy, although they may legitimise the PSF temporarily. As discussed in Chapter 1, Benyon argues that police are ascribed legitimacy on the basis of effectiveness, identity with the public, public participation, and rule of law.<sup>68</sup> With consideration to this, few, if any, of the PSF tactics discussed above have brought them legitimacy. The PSF may have been bestowed with a certain legitimacy by the Oslo Accords and the subsequent legal documents, but their legitimacy is challenged by the

sectors of Palestinian society (secular and religious opposition) which reject the Oslo agreements. Additionally, the PSF were legitimised by popular acclaim and a sense of identity with the public when they first arrived in the West Bank and Gaza. However that source of legitimacy has been slowly eroded as reports of corruption, human rights abuses, and close co-ordination with the IDF have appeared.

### **6.3 THE IMPACT ON PUBLIC ORDER MAINTENANCE STRATEGIES**

The police operate in a variety of different ways within a society to control disorder, and there are a number of means by which to examine them. This thesis aims to use the typologies presented in Brewer et al. to reveal the police-state-society relationship, and possibly the nature of a future Palestinian entity. Other variables and factors contribute – and even shed more light on – this assessment. In earlier chapters, six variables were used to place the PSF background in the context of the order maintenance strategies they employ. Later chapters have also examined PSF operations by considering their politicisation, centralisation, and militarisation. These factors provide valuable information which contributes to the process of selecting public order maintenance strategies and their combinations.

This chapter has revealed that public order maintenance in the Palestinian Territories is highly politicised, centralised and militarised. To a certain extent, the politicisation and militarisation are a result of the centralisation of the PSF. Because Arafat directly controls each branch of the PSF – exhibiting an extreme form of centralisation – it is not surprising that the forces have become more political as he uses them to win popular approval, or military as he needs them to maintain his position. In all of these machinations, the police-society relationship remains largely obscure, as relations between the two are often conditioned by the PNA. Nevertheless, a further examination of the combinations of order maintenance strategies employed will provide a greater understanding of the police-state-society relationship.

#### **6.3.1 ACCOMMODATION**

Several PSF policies are designed to accommodate Palestinians accused of public disorder. Releasing prisoners during Ramadan, ‘revolving door’ policies and those such as allowing prisoners day release, and refusing to extradite prisoners to Israel are all examples. While not accommodating the actions of the Islamic groups – which would trigger a complete

breakdown in relations with Israel – the PSF are attempting to meet some of their grievances.

By using the PSF as a ‘welfare state’, they are taking steps to tackle deprivation, another form of accommodation. The PSF have accommodated a large number of unemployed young men, both in the West Bank and Gaza, simply by providing them with employment. However, the PSF have also missed an opportunity to accommodate the opposition, and thus reduce public disorder, because of cronyism and Fatah favouritism. As a result, the PSF have accommodated their friends and allies when they could have used the opportunity to include more members of the opposition into their troops. Although the secular opposition allows its members to join the Civil Police, very few have done so because of the favouritism for members of Fatah.

None of the approaches to a strategy of accommodation has been consistently pursued, but instead they have been largely politically motivated and manipulated. Most of the examples of accommodation detailed above are not strategies, but tactics. This results in a fluctuation in the PSF’s acceptance by Palestinian society. They are judged on a tactic-by-tactic basis; one action makes them unpopular and another raises their popularity. This is constructive neither to policing public disorder nor to the police-society relationship.

Furthermore, accommodation is not just used to keep public order, but more frequently to sustain public approval of the PNA, and more specifically of Arafat. This is demonstrated by the fact that most of the tactics of accommodation are not directed at the source of the most disorder – the Islamic groups. Even tactics such as releasing prisoners during Ramadan or ‘revolving door’ arrests are aimed more at accommodating the concerns of the greater public than those of the Islamic groups. Accommodation tactics are particularly exclusionary towards the Islamists in the cases of maintaining social order, whereby the PNA is primarily concerned with strengthening ties within Fatah.

The international community and Israel have played limited roles in the implementation of the PNA’s accommodation tactics. However, some of the tactics have had a dual function of meeting the demands of the Palestinian public while also pressuring Israel. The best example of this is the September 1996 Tunnel Crisis, where Arafat was able to manipulate an initially spontaneous reaction by the PSF into the accommodation of the demands of a frustrated and angry public, but also using it to bring international attention back to the stalled peace process and to push Israel towards an agreement on Hebron.

There is no continuous or planned strategy of accommodation when examining Palestinian public order maintenance, only a number of tactics and unplanned incidents. Accommodation tactics have helped to boost the popularity and legitimacy of the PSF – and by extension the PNA – but only for a limited time. Most of these tactics are not good for an overall strategy of accommodation, nor do they really contribute to the legitimisation of the PSF by society. For example, releasing prisoners held in administrative detention on religious holidays may win immediate public approval, but does not address the greater problem of administrative detention. The tactics used are neither amenable to good governance nor a healthy police-society relationship. In fact, they can be interpreted more as a sign of weakness than of strength. The dependence on tactics such as cronyism demonstrate Arafat's insecurity in his position as Executive Authority. More importantly, accommodation tactics such as the death penalty by public demand show the blatant weakness of the judicial system and rule of law in the Palestinian Territories. Therefore, the PNA's approach to accommodation has resulted in only a short-term fix for the greater problems which arise in the police-society relationship.

### **6.3.2 CRIMINALISATION**

Criminalisation is based upon the denial of a political dimension to disorder, and the strict adherence to the rule of law. However, in many instances in the Palestinian Territories, there is a fine distinction between political and criminal disorder. In these cases, Arafat and the PSF can define what is and is not political. This is demonstrated by the fact that some Palestinian demonstrations – usually against Israeli policies – are allowed while others – usually those against PNA policies or actions – are quickly, and often brutally, silenced.

For example, when Palestinian demonstrators protested against the building of the Har Homa settlement in 1997, the PSF attempted to prevent the protestors from reaching the IDF checkpoints by forming cordons and pushing them back. However, the PSF were criticised by Israel who felt they were not doing enough to stop the demonstrations. Several Palestinian security chiefs responded that the Israeli settlement activity was responsible for the situation. Colonel Jabril Rajoub told *al-Ayyam* newspaper: "Security cannot be separated from politics, despite the Palestinian Authority's efforts".<sup>69</sup> However, when demonstrations erupted in Gaza following the State Security Court's decision to sentence Ra'id al-Attar to death, the PSF responded with excessive force. As a result two protestors were shot dead and three were critically injured when the National Security Force opened fire with live ammunition on the demonstration.

These examples demonstrate how Arafat and the PSF are willing to tolerate demonstrations which they can label political, if they politically oppose Israeli policies or actions. However, in demonstrations against the PNA, most disorder is put down by suppression, even when the option of criminalisation is available. In the case of the demonstrations following al-Attar's sentence, the PSF could have denied the political aspect of the demonstrations – public frustration with the State Security Court ignoring the rule of law, and with the strong-arm tactics of the PSF – by characterising it as part of a long-running clan feud that was at the root of the case. Alternatively it could have focused on the criminal bearings of the demonstrations – stones and bottles were thrown at both the PSF and the family house of the man al-Attar was found guilty of murdering. Criminalisation would have had the benefit of diffusing the riots sooner and without fatalities, and of giving the judicial system some form of legitimacy. Instead of using criminalisation as a strategy to combat such sources of disorder, the PSF has consistently reverted to repressive tactics.

One of the few exceptions to this is the use of anti-incitement regulations after the signing of the Wye Memorandum to criminalise certain actions, such as broadcasting information about pro-Iraq demonstrations. During British and American air raids on Iraq in December 1998, the PSF attempted to suppress any Palestinian expression of sympathy or solidarity with the Iraqi people. According to LAW: “Within the context of the arduous peace negotiations with Israel and the recently issued Anti-Incitement Decree, sympathy with the Iraqi people, though widespread among Palestinians, is not deemed politically convenient by the political leadership in the PNA and therefore largely suppressed”.<sup>70</sup> When pro-Iraq demonstrations did occur, the PSF prevented journalists from covering the events. A radio station and two television stations in Ramallah that did broadcast news about the demonstrations were closed by the PSF.

The PNA's hesitancy to utilise the strategy of criminalisation is puzzling, particularly because it has taken half-steps towards criminalising activities, but then failed to implement the rule of law. One example is the closure of 16 Islamic institutions in September 1997. The closures were the result of Israeli and American pressure to ‘destroy the terrorist infrastructure’, as all the institutions were affiliated with Hamas. This fits well into the definition of criminalisation as “extending the scope of the criminal law beyond direct manifestations of disorder to cover actions previously regarded as innocent of criminal intent”.<sup>71</sup> However, the PNA failed to use criminal law to justify the closures. The institutions were licensed by the PNA and worked in co-ordination with the Ministry of Social Affairs. Therefore, if these institutions were channelling money to the military wing of Hamas, then the licensing would allow the PNA to investigate the allegations and either

cleared or closed them legally, since the military wings of Islamic parties have been outlawed by the PNA. Instead, the closure orders were not issued by the Attorney General, as they should have been by law.<sup>72</sup> Nor did the closure orders allow further investigation or appeal. As a result, the closure of the institutions was criticised by the Palestinian public, and the PNA was seen as catering to the US and Israeli demands without consideration for the social or legal consequences.

Another example of a PNA half-step towards criminalisation is its policy of arrests in the aftermath of a bombing. After the suicide bombings in the spring of 1996, the PNA outlawed Izz al-Din al-Qassam (the military wing of Hamas) and all other Palestinian militias not run by the PNA. However, instead of using a strategy of criminalisation by arresting members of Hamas and charging them with membership in its military wing, the PNA have continued its policy of mass arrests and administrative detentions. Continually, the PSF arrest and detain without charge a large number of Hamas members who are not involved at all in the military wing, and then release them without charge to the Israeli criticism of a 'revolving door' policy. This is neither efficient nor good public relations. Furthermore, the PNA is again viewed by the Palestinian society as bowing to the demands of Israel without consideration of legality.

### **6.3.3 SUPPRESSION**

In the Palestinian Territories, the strategy of suppression is most often realised through harsh police tactics. This strategy is most obvious when the PSF violate human rights in order to make security promises stick, such as detention without charge or trial. Brewer et al. comment, "the strategy aims at securing a disaffected community's compliance with the state's authority rather than positive acceptance of it".<sup>73</sup> The PSF are imposing the peace process on those who will not accept it. However, suppression has not proved a successful strategy because the PNA have yet to secure the opposition's compliance. Suicide bombings and attacks on Israelis have continued, and the Islamic groups, despite the suppression, are not closer to recognising or complying with the PNA's authority. Whether this is because the PSF have yet to implement a comprehensive strategy of suppression or the Islamic groups are succeeding in defying the strategy is hotly debated.

One of the primary problems with the PSF use of suppression as a strategy is the apparent blurring of what constitutes a threat to public order or the state. In several cases where highly suppressive tactics have been undertaken, the instigation was criticism of the PSF. In the Abu Mustafa case, he was sentenced to death not because of the crime he committed, but

as a result of the demonstrations by outraged citizens. Dr. Subh was arrested and tortured because he asked his students to write about corruption in the PNA and the university. None of these offences can be considered serious threats to public order or the state, but they were nevertheless treated as such by the PSF.

The strategy of suppression is often justified by emphasising the seriousness of the challenge that disorder presents to the existence of the state. In the Palestinian case, the PSF must maintain strict public order to continue the peace process with Israel. However, many of the acts of PSF suppression are not directed at maintaining public order, but silencing even the lightest criticism or dissent. As a result, the PSF's often heavy handed approach has cost them the legitimacy of the society.

#### **6.3.4 PUBLIC ORDER MAINTENANCE AND THE POLICE-SOCIETY RELATIONSHIP**

The police-society relationship does not exist independent of the state. In the Palestinian case, the 'state' does not only refer to the PNA, but also Israel and to a lesser extent the international community. Because of the involvement of outside actors, the PNA does not decide public order maintenance strategies itself – in many cases the PSF response to disorder is conditioned by other pressures and expectations.

Nevertheless, the PNA uses public order maintenance strategies to manipulate its relations with society. It uses different strategies to weaken the opposition, consolidate Arafat's power, and win the approval of the Palestinian public. The strategy of accommodation is used to keep the Fatah rank and file happy, reward loyalty to Arafat, and on occasion to gain the public's favour. In these ways, the PSF maintain a particular social order in the Palestinian Territories as well as search for societal legitimacy. The strategy of criminalisation attempts to maintain a safe and secure society, and also divides disorder into political and merely criminal. However, the strategy does not work within the PNA structure because of the absence of consistent application of rule of law and the fact that it is too lengthy and complicated to deliver fast security results. The strategy of suppression demonstrates how the PSF is a tool of the government, and how its actions affect the public's perception of the government. Although suppression delivers many of the Palestinian security promises to Israel, it is not an entirely successful strategy.

When examining the police-society relationship through order maintenance strategies, it appears to have a pendulum effect. Suppression is used as a quick and simple way to quell disorder and keep Palestinian security pledges, but it also worsens relations almost to the

point of internal conflict. At that point the strategy swings to accommodation, where the PSF complies with societal demands and mends cleavages in society, but generally fails to maintain their security promises to Israel. As a result, public order maintenance strategies are erratic, and so are police-society relations.

## **CHAPTER 7: CONCLUSION**

### **7.1 PUBLIC ORDER MAINTENANCE STRATEGIES IN THE PALESTINIAN TERRITORIES**

Public order policing clearly demonstrates the political role police play in the state-society relationship because it is essentially the policing of a conflict between the state and a part of the society. As a result, the maintenance of public order in a country serves as a strong indicator of the relationship between the state and society, and ultimately the nature of the state.

There are many means of examining public order maintenance and several have been utilised in this thesis. In the book *The Police, Public Order and the State*, Brewer et al. set out a typology of three broad categories of public order strategies potentially open to states. However, Brewer et al. conclude that “in practice states pursue a combination of strategies depending on a range of factors... although the composition of the mixture can vary both among states and within the same state over time”.<sup>1</sup> Public order maintenance actions undertaken by the PSF were applied to Brewer’s typology in Chapters 5 and 6.

The particular combination of strategies a state chooses to pursue is explained by six factors which are listed by Brewer et al. (see Chapter 1) These variables were applied to the Palestinian case to shed light on why particular strategies were used. Other variables in the police-state-society relationship, such as centralisation, politicisation and militarisation, were also applied to the case of public order maintenance in the Palestinian Territories. These variables helped to address some of the anomalies apparent in the Palestinian case.

The objective of this thesis was to analyse the police-state-society relationship in the Palestinian Territories through the examination of public order maintenance strategies, possibly to determine the nature of a future Palestinian entity or state. The conclusion of the thesis will examine what the public order maintenance strategies discussed in previous chapters say about the police-state-society relationship. It will identify possible trends in the character of the future Palestinian entity by examining the nature of the PSF. Finally, recommendations for areas of future research will be made.

### **7.1.1 PUBLIC ORDER MAINTENANCE STRATEGIES USED**

According to the typology of Brewer et al., there are three broad categories of strategies which a state can use to respond to disorder. These include: accommodation, criminalisation, and suppression. The three strategies are not mutually exclusive and can be used in varying combinations.

In the Palestinian Territories, the PSF are particularly susceptible to accusations of appeasement, and as a result most of the accommodation tactics enacted by the PNA take place outside policing. Apart from this, accommodation is not widely used as a strategy to combat public disorder. It is not in the PNA's interest to accommodate the main source of disorder in the Palestinian Territories, the Islamic opposition groups. First, the PNA has pledged in its agreements with Israel to combat terrorism – in fact it has become a determining factor in the progression of the peace process – and the Islamic groups are the main perpetrators of attacks on Israel. Second, the Islamic groups are also the greatest challenge to Arafat's power in the Palestinian Territories. Thus, by accommodating them, Arafat would be strengthening his main opponent.

However, public disorder is sometimes accommodated when protestors – usually those not associated with the Islamic groups – are demonstrating against Israeli or international policies. By accommodating these protestors, the PNA can use the demonstrations for their political advantage. The demonstrations can bring issues to international attention (e.g. the demonstrations following the decision to build a settlement at Har Homa/Jabal Abu Ghneim) and also to raise nationalist sentiments. However, neither the PNA nor the PSF are really able to accommodate these protestors because the disorder stems from Israeli actions, not those of the Palestinian government. The PNA accommodates the protestors only by allowing them to demonstrate. In general, though, the accommodation strategy of the PNA bears only fleeting results. The PNA does not apply it to the primary source of disorder, and therefore the strategy fails to quell public disorder in the Palestinian Territories.

The strategy of criminalisation is equally problematic. The criminal justice system is too weak to maintain rule of law and is frequently circumvented in serious cases of disorder by the State Security Court. There has been the occasional use of criminalisation, but usually stemming from agreements with Israel and presidential decrees (e.g. the anti-incitement regulations following the Wye Memorandum), not through the law-making process.

The PNA has the potential to use the strategy of criminalisation much more than they currently do. However, with the great pressures on the PSF and a fledgling judicial system

and law-making process, criminalisation is neither as reliable nor as efficient as suppression in stemming disorder.

By far the most commonly used strategy in the Palestinian Territories is suppression. The list of suppressive tactics used by the PSF is lengthy (e.g. mass arrests, detention without charge, torture during interrogation, excessive force when dealing with incidents of disorder, etc.). The PSF are aided by the existence of the State Security Court, which allows them to function without accountability. Suppression achieves the PNA's security objectives efficiently and strengthens Arafat's hold on power.

At the same time, however, suppression destabilises the Palestinian Territories. The PNA's suppressive strategy has not successfully stopped all sources of disorder – the principal goal of suppression. Furthermore, it has brought the Palestinian Territories to the brink of internal breakdown in several instances. Therefore, although suppression may allow the PNA to achieve its short-term goals, the strategy is not sufficiently successful to quell disorder.

### **7.1.2 VARIABLES AFFECTING ORDER MAINTENANCE STRATEGIES**

The police act as an intermediary between the state and society. As a result, the police are a body with a political function. Nowhere is the politicisation of the police more apparent than in the maintenance of public order. How public order is policed provides an indicator of the relationship between the state and society. This basis was drawn during the examination of existing policing research in Chapter 1. To further examine the police-state-society relationship in the context of public order maintenance, the thesis applied the typology of three general strategies open to a state when maintaining public order (criminalisation, suppression, and accommodation), which were devised by Brewer et al. Brewer et al. also outlined six variables which explain why a particular combination of order maintenance strategies is decided upon.<sup>2</sup> (see Chapter 1) Each of these variables has been examined in the Palestinian context.

First, the Palestinians have no historical legacy or cultural traditions surrounding the image of their own state. Instead, a paradox existed in which the PLO was effectively a Palestinian state apparatus without a territorial state while the Palestinian society in the West Bank and Gaza were subjected to the governance of an imposed state (Israel) that it rejected outright. Hence, all of their popular perceptions have been formed through their experiences under Israeli occupation or as refugees in neighbouring Arab countries. As a result, the

Palestinians have a history of civil disobedience and violent protest. Their perceptions of the state are that it is a controlling and intrusive body with little or no respect for human rights or rule of law. At the same time, the PLO historical legacy can be characterised more as a revolutionary movement than a state.

However, the legacy of the future Palestinian entity or state will be greatly influenced by the agreements reached with Israel. Throughout the interim period, the Palestinians have been undergoing a period of transformation regarding their perceptions of the state.

Second, historically state power has not been restricted by political or legal constraints to protect the rights of Palestinians. In fact, politics and laws often have been used to deny Palestinian rights. Under occupation and inside other Arab countries, Palestinians have been subjected to different, and discriminatory, legal standards. Public order policing violated Palestinian civil and human rights without constraint. Nevertheless, the Palestinians have always vociferously demanded their rights, and are very aware of what legal protections they are entitled to. During the interim period, the agreements have placed numerous legal and political constraints on the PNA (such as limitations and specifications on the number of police recruits, weapons, ammunition and equipment) but few are for citizens' protection. The few paragraphs which address citizens' rights, such as the application of international standards for human rights, have frequently been ignored for political reasons.

Third, there has always been an unwavering and collective belief in the legitimacy of a Palestinian state, and that the PLO is the sole representative of the Palestinian people. The Palestinians see a future state as a legitimate product of their history as a result of their struggle against occupation. However, the legitimacy of a future state or entity rests largely on the PLO negotiating abilities. Final status issues, such as statehood, right of return, and the status of Jerusalem – all of which will be determined during the final status talks – are at the heart of Palestinian legitimacy.

Fourth, Palestinian society is greatly homogeneous, but not always consensual. Palestinian society has always been ethnically homogeneous and although conflicts have arisen along religious and family/clan lines, they have long identified themselves as Palestinians. However, in Palestinian politics there are a large number of political factions, none of which are fully consensual with the others. At times, politics has severely divided Palestinian society – for example the PLO decision to pursue a political solution over armed struggle. During the interim period, the political consensus has fragmented even further over different views on the peace process. The negotiations with Israel have divided the Palestinians

politically, between those who support and those who oppose the peace process, and socio-economically, into the ‘Tunisians’ and those who benefit from Arafat’s favour and those who do not benefit either socially or financially from the establishment of the PNA.

Fifth, although there have always been episodic social cleavages (usually political) in Palestinian society, historically Palestinians have been able to unite during periods of national hardship. For example, during the first years of the Intifada, political groups set aside their differences and worked together to present a united front. Increasingly, however, the cleavages have become sustained. This is due to political divisions over the peace process. The agreements oblige the PNA to crack down on the opposition, which only deepens the cleavages. Additionally, cronyism and party-favouritism within the PNA have served to create a social divide within the Palestinian Territories. As a result, there is a growing distrust of the PNA, causing an overarching divide in the Palestinian society.

Finally, prior to the creation of the PNA, it was difficult to measure the domestic pressure exerted on the PLO because it did not govern a state. It was subject to significant international pressures – particularly from Arab states wishing to use the PLO to their own political benefit – but for the most part resisted them. However, with the establishment of the PNA, the Palestinian government is highly dependent on international support, both financially and politically, and therefore is much more ready to submit to international pressures. Domestically, however, the PNA does not countenance much internal criticism. Within territorial boundaries and with its own police and security forces, Arafat has found domestic pressure easier to control. Furthermore, the security-focused agreements have enabled the PNA to further restrict the right to political expression.

### **7.1.3 ANOMALIES IN THE PALESTINIAN CASE**

In addition to the six variables devised by Brewer et al., this thesis has demonstrated several anomalies distinctive to the Palestinian case, which also have a profound impact on the combination of public order maintenance strategies enacted by the PNA. These include: the disruptive nature of the peace process, involvement of Israel and the international community, and Arafat’s style of leadership.

#### 7.1.1.1 Disruptive Nature of the Peace Process

The peace process has been disruptive. Possibly one of the most basic reasons is that it widened a divide which had been growing for some time between political groups which supported a negotiated agreement with Israel and those that were intent on regaining pre-

1948 Palestine through armed struggle. Chapter Two discussed how this issue split the PLO, even prior to the signing of the Declaration of Principles into moderate and rejectionist camps. A similar division occurred in the West Bank and Gaza, but with the addition of the Islamic Jihad and Hamas, groups which were violently opposed to any type of settlement with Israel. These divisions are a cause of disorder because these groups have actively attempted to derail the peace process through violent and extreme actions.

Another fundamental reason why the peace process is disruptive is that it is constantly changing the role and functions of the PSF. Chapter 3 described in detail how the PSF were initially created as a ‘strong police force’ for the Gaza Strip and Jericho and gradually expanded. Their jurisdiction is now a highly complicated and political matter – full authority in Areas A and H-1, significant security authority in ‘Area B+’, shared responsibility in Area B, and no security control at all in Area C. Although the West Bank is divided into eight non-connected districts with a number of B areas scattered around like islands, there is no freedom of movement between the areas for uniformed and/or armed personnel or vehicles without permission from their Israeli counterparts (which can take hours, or even days to arrange). The situation is worse between Gaza and the West Bank, where even high ranking officers have trouble obtaining permission to travel. There are many obvious problems to maintaining public order in this situation. It detracts from developing PSF commonalities in the separate districts, such as a common framework, standards, approach, training and education, or facilities and functions. It also increases hierarchy and bureaucracy, while consequentially increasing response time in PSF operations.

The peace process also places security requirements on the PSF, and in order for the peace process to proceed, the PSF must fulfil their requirements. In fact, Chapters 5 and 6 discussed several examples where Israel refused to implement their side of the agreements because, they argued, the PNA were not working hard enough to ‘fight terrorism’. For example, after a suicide attack in October 1998, Netanyahu informed Arafat that he would have to “wage all-out war against terrorists if they wanted Israel to withdraw troops in the West Bank, as stipulated in the agreement”.<sup>3</sup> Security requirements are disruptive not only because they dictate how the PNA must deal with internal disorder, but also because they make order maintenance a much more political activity than in other countries.

Finally, it is disruptive because the final outcome of the peace process is still unknown. This is especially important because many of the most controversial issues – i.e. the status of Jerusalem, settlements, refugees – have been left unresolved until the final status talks. As a

result, both sides have accused the other of creating ‘facts on the ground’ ahead of a final settlement. For example, the Palestinians cite the expansion of existing settlements and the construction of new ones as well as the denial of building permits for Palestinian residents of Jerusalem and revocation of Jerusalem residency for hundreds of Palestinians as Israeli attempts to make Jerusalem more Jewish and erase Palestinian claims to the city. In response, the Israelis give examples of PLO and PNA offices in Jerusalem, reports of the PSF functioning in East Jerusalem, and Arafat’s decision to unilaterally declare a Palestinian state in May 1999 as Palestinian attempts to gain a greater foothold in the city. Therefore, although both sides are struggling to gain an advantage in the final status talks, neither knows what will be the final outcome. This is disruptive for the PSF because the final status will determine a great deal about how and where the PSF function.

What effect does the disruptive nature of the peace process have on the combination of public order maintenance strategies selected by the PNA? The strategy of accommodation is largely ruled out as an option. Although Arafat has at times allowed Palestinian demonstrations – often, as discussed in Chapter 6, to bring media attention to Israeli actions – overall, accommodation has been infeasible. This is because the peace process has committed the PNA to keeping tight control over the Islamic and secular opposition. Although Arafat has sometimes used accommodatory tactics to boost his public relations and bridge the gap between his party and the rejectionist groups, these groups are perceived as the main source of disorder in the Palestinian Territories, the peace process does not really allow the PNA wide use of the strategy of accommodation.

The peace process has also allowed a limited scope for the use of criminalisation as an order maintenance strategy. Although the agreements themselves have codified certain illegal acts – such as incitement – the constantly changing environment of the peace process makes the use of criminalisation difficult. As a result, the peace process leaves the onus of order maintenance on the strategy of suppression. This strategy has not been hindered by the rule of law and is able both to meet the demands of the peace process and to adapt to a developing situation.

#### 7.1.1.2 Israel and the International Community

The second anomaly in the Palestinian policing relationship is the involvement of Israel and the international community. These two entities have become closely implicated in the selection of public order maintenance strategies within the Palestinian Territories. Furthermore, their sometimes direct involvement in policing the Palestinian Territories

brings into question the authority of the PNA in its monopoly on coercive force and its ability to construct public order strategies.

The most fundamental factor is that Israeli security forces will take a matter into their own hands if they feel that the PSF have failed to act (or were unsuccessful) on an issue important to Israeli security. Israeli interjection in Palestinian policing issues were discussed at length in Chapter 5.

Additionally, Israel has put intensive pressure on the PNA to ‘fight terrorism’. If it believes that the PNA is not doing enough, Israel can also carry out acts which threaten the security of the whole of Palestinian society. Both the Rabin and Netanyahu governments withheld funds, enacted strict closures on the West Bank and Gaza, and halted negotiations when they felt the PSF had not taken sufficient measures against the Islamic rejectionist groups. Not only do these actions coerce the PSF to maintain internal order according to Israel’s vision, but they are also a cause of disorder within Palestinian society. The Palestinian population becomes frustrated and their livelihood is threatened by such actions, and as a result there is increased discontent and disorder, directed at both Israel and the Palestinian government.

The international community also demands the PNA definitively end terrorism. Both the United States and the EU have trained the PSF in counter-terrorism. Moreover, the US in particular is willing to overlook some violations of human rights in return for tough security policies. At the same time, however, the international community has taken punitive measures against the PSF following reports of human rights violations. For example, following a spate of deaths in custody and allegations of torture, two of the four donors for the Police Academy froze funding. Furthermore, much of the international community has been hesitant to play a consequential role in the funding of the PSF because of their fears that the PSF were more of a paramilitary force than a police service.

The anomaly of the involvement of Israel and the international community has also had an effect on the combination of public order maintenance strategies enacted. Again, accommodation has been largely ruled out. Neither the international community nor Israel will countenance the accommodation of the Islamic groups because these groups are seen as terrorists, and accommodation would be considered appeasement.

Criminalisation is not discouraged by Israel and the international community. Israel itself commonly uses a strategy of criminalisation by providing a legal framework within which specific public order offences, powers available to the police, and the punishment for

specific actions are defined. As discussed in Chapter 5, although still under-funded, the rule of law sector in the West Bank and Gaza has received significant donations. However, criminalisation in the Palestinian Territories can be both slow and unpredictable.

As a result, suppression is the favoured public order maintenance strategy. It achieves the immediate results demanded by Israel and the international community in the wake of an attack. Although the whole of the international community may not be comfortable with the suppressive tactics the PSF employ, the main mediator in the peace process – the US – is willing to overlook some human rights violations in exchange for the prevention of terrorism.

#### 7.1.1.3 Arafat's Style of Leadership

Arafat's style of leadership is the third anomaly in the Palestinian case which should be considered when examining the order maintenance strategies employed by the PNA. This is important because no one in the PSF acts without Arafat's personal authorisation. As Chapter 4 demonstrated, the structure of the PSF is centralised so that each police and security force is directly accountable to Arafat. He keeps tight control over the PSF, and meets several times a week with the heads of the different branches, both collectively and individually. As a result, very rarely are policing tactics undertaken without the explicit approval of the Palestinian President. However, such a centralised structure also weakens the PSF relationship with Palestinian society because it does not allow them to respond to the needs and demands of the society.

It is also important to consider that the heads of the different branches compete with each other for the favour not only of Arafat, but of Israeli security chiefs as well. They vie for Arafat's favour – and therefore demonstrate their loyalty to him – because it brings them greater internal power. It was evident from Chapter 2 that Arafat has always greatly rewarded loyalty. Moreover, the favour of Israeli security chiefs gives individual branches of the PSF greater power. For example, in Chapter 4 it was explained how the PSS has frequently worked closely, albeit covertly, with the GSS to arrest wanted Palestinians since the 'Rome Agreement' in 1995. As a result, the GSS are more willing to work on cases with the PSS than with other branches, and the PSS has been targeted for greater funding and counter-terrorism training than other security branches.<sup>4</sup>

Arafat has also used the ranks of the PSF as a means to co-opt potentially disruptive sectors of Palestinian society. Chapter 4 illustrated Arafat's recruitment style and what effect it had on the PSF and Arafat's control. Nearly all of the members of the Fatah Intifada strike

teams were integrated into the PSF. This allowed Arafat to bring an unruly, and yet still somewhat popular, group under his control. He also co-opted another potential source of disorder – the large number of young, unemployed men in the West Bank and Gaza. Through mass employment in the PSF, Arafat was able not only to provide many of them with reliable employment, but also to bring them under his control.

Finally, Arafat's selection of security leaders and the upper echelons of many of the PSF branches draws mainly on his supporters and military chiefs from the PLO Diaspora. Although these men are very loyal to Arafat, their backgrounds have been primarily military with little experience in policing or civil and human rights. Furthermore, most of them came from outside the Palestinian Diaspora, and had no prior experience living in the West Bank or Gaza. Much of Palestinian society in the Palestinian Territories view them as opportunistic outsiders or 'Tunisians'. As a result, the credibility of the PSF suffered, and conflicts between 'insiders' and 'Tunisians' have occurred, even within the PSF.

Obviously, Arafat's style of leadership therefore has an impact on the public order maintenance strategies selected by the PNA. There have been attempts at accommodation, mainly through co-optation by Arafat. He has managed to bring most of his Fatah rivals, as well as other potentially disorderly segments of society under his control by integrating them into the PSF. Criminalisation has never been one of Arafat's strategies because he prefers to maintain tight control instead of relying on the (possibly too independent) courts. As a result, Arafat's style of leadership relies more heavily on the State Security Court, which is run by PSF members appointed by and loyal to him. The strategy of suppression is frequently used against opposition groups which threaten Arafat's power. This strategy is easily enacted with the unquestioning loyalty of his PSF chiefs and the reliance on the State Security Court over the judicial system. However, Arafat's leadership prefers to use suppression in a carrot and stick approach – interspersed with accommodation tactics – rather than as a constant strategy.

## **7.2 THE POLICE-STATE-SOCIETY RELATIONSHIP**

When examining the Palestinian police-state-society relationship through public order maintenance strategies, it is obvious that the massive politicisation of order maintenance makes it a weightier issue in the Palestinian Territories than in other states and autonomous entities. For the most part, public order maintenance strategies seem to be largely pendular. When Arafat feels the opposition has gained too much power, or when Israel demands it after an attack, the PSF enforce a strategy of suppression. Then the Palestinian society

objects to such harsh tactics, demanding change, and the PSF – although more frequently another sector of the PNA – enacts a strategy of accommodation. The variables outlined by Brewer et al., but even more convincingly the anomalies discussed above, demonstrate how the swing between the two strategies occurs. Perhaps most importantly, there is no Palestinian legal framework which defines public order offences, or specifies how the police should control disorder, or what should be the punishment for causing it. As a result, there is little viable ground for public order maintenance between the extremes of accommodation and suppression.

An UNSCO official once described the PSF as having both ‘light’ and ‘dark’ sides<sup>5</sup>. The light side included the Civil Police, the courts, and the prison system, whereas the dark side was the opposite with internal security forces, the State Security Court and military courts, and a system of unaccountable prisons run by different security forces in which defendants were held in administrative detention. The light side involved a sense of pride in policing, where most mistakes were made through lack of capacity and institutions – things which can be fixed. The donor community had influence over the light side. The dark side was unable to be improved by technical training or donor input. It existed as a result of the Interim Agreement (and those after it) and because of Israeli and US pressure. The dark side was one hundred per cent political. Much the same can be said about the trends in thinking about the future of the Palestinian entity. Some political commentators believe that at the conclusion of the peace process, the Palestinian entity will begin to develop its ‘light’ side, encouraging a more open society (e.g. allowing greater freedom of speech, larger role for civil society, etc.). Others believe that the Palestinian entity will turn towards the ‘dark’ side by becoming more authoritarian (e.g. a continuation of a highly centralised power base and a securocratic regime).

### **7.2.1 LEGITIMACY AND THE CAPACITY TO CONTROL**

This division between ‘light’ and ‘dark’ not only demonstrates a problem in the maintenance of public order in the Palestinian Territories, but also a larger problem with the police-state-society relationship. There is a gap – apparent when examining order maintenance strategies – between legitimacy and control. In the Palestinian case, they are considered nearly mutually exclusive: a choice of one or the other but never both.

The lack of conjunction between legitimacy and control signals a major problem in the police-state-society relationship. As discussed in Chapter 1, Weber argues that the most enduring forms of domination are characterised by legitimation. He writes: “the state is a

relation of men dominating men, a relation supported by means of legitimate (i.e. considered to be legitimate) violence. If the state is to exist, the dominated must obey the authority claimed by the powers that be.”<sup>6</sup> In the Palestinian situation, during the interim period, much of the state violence (i.e. public order policing) has failed to achieve legitimacy and notable sectors of the “dominated” society refuse to obey the authority of the PNA.

This division between legitimacy and control has been caused largely by the anomalies discussed above – the disruptive nature of the peace process, the involvement of Israel and the International Community, and Arafat’s style of leadership. These three anomalies exist because the Palestinian Territories are an entity in transition. As a result, there will not be a start at normalisation, and bridging the gap between legitimacy and control, until the peace process has reached a conclusion.

Once there has been a final negotiated settlement between the Palestinians and Israel, the PNA can begin to close the divide between legitimacy and control. Whereas during the interim period legitimacy was equated with the strategy of accommodation and control with the strategy of suppression, a more middle ground could be reached. To promote legitimacy of both the PSF and the PNA, four important factors should be observed. First, it is important that a certain level of dissent and opposition to the government is allowed. This will enable a stronger and more flourishing political environment and a more representative legislature. Second, there should be greater accountability – on both policing and governmental levels – to a stronger judiciary. The lack of accountability and the apparent weakness of the judiciary to enforce its decisions have greatly degraded the legitimacy of the PNA. Third, appointment and promotion in the PSF, and in other governmental agencies, should be based on merit instead of cronyism or party affiliation. This will make the PNA more legitimate to Palestinians of all political and social sectors. Finally, it is important that the PSF have the powers and ability to maintain public order. It is crucial for the government to be able to maintain order to be considered legitimate.

Steps should be taken to strengthen control, as well. First, it is important that the PSF be willing and able to prevent all violent attacks on Israel and to effectively ban or control the military wings of radical groups. Second, the PSF must be able to maintain public order in the Palestinian Territories, even when the PNA is tempted to use it for political gain.

### **7.2.2 THE NEED FOR A STATE**

Naturally, the most significant determinant of a future Palestinian entity is the final status agreement reached between Israel and the Palestinians. The most important issues in the peace process have been reserved for the final status negotiations, including Palestinian refugees, Israeli settlements, Jerusalem, and Palestinian sovereignty. Whereas all Israeli administrations have held steadfast views on the former three, the latter, regarding the issue of Palestinian statehood has varied significantly. Prime Minister Rabin had come to the conclusion that a separate state in the West Bank and Gaza was possible, although perhaps not immediately. His Foreign Minister, and later successor Peres, favoured a 'creative solution' in which Israel recognised full Palestinian sovereignty in Gaza, while a 'coexistential' arrangement with a trilateral division of authority and jurisdiction between Israel, Jordan and the Palestinians existed in the West Bank.<sup>7</sup> Netanyahu was unequivocally opposed to the establishment of a Palestinian state, telling a Likud gathering: "There really is a new Middle East, and in it there is not and never will be a Palestinian state".<sup>8</sup> Prime Minister Barak, however, is considered by most analysts to be open to the idea of Palestinian statehood in both the West Bank and Gaza. Therefore, although the creation of a Palestinian state is possible in an Israeli view, it is impossible at this point to predict its establishment, or the arrangements under which it will emerge.

However, for the Palestinians, a state is a necessity for several reasons. First, the creation of a Palestinian state will clarify the police-state-society relationship. There will be clear delineations as to what is the state, although outside influences will undoubtedly remain. This will also have the benefit of decreasing disorder in the Palestinian Territories, because the fate of the Palestinians in the West Bank and Gaza will no longer be under negotiation. However, most importantly for the police-state-society relationship, a Palestinian state could help the PNA to synthesise control and legitimacy because it will be fully in control. Thus, the PNA will have the obligations of control, not only to maintain order within the country but also to stop their citizens from attacking other states (particularly Israel). At the same time, the PNA will gain legitimacy because it will be responsible for responding to the needs of its citizens. The government will no longer be under pressure to grant concessions to Israel and the international community to gain an upper hand in the negotiations, and will therefore be freer to meet the demands of the public.

Second, the Palestinian population – particularly in the West Bank and Gaza – have been expecting the creation of an independent state at the end of the negotiations. From the very beginning of the Oslo process, the Palestinians have held the perception that the negotiations were simply a vehicle to gaining their own state. Hence, if the negotiations end without the

establishment of Palestine, the Palestinian population may be so disillusioned that they will reject any form of government which does not declare an independent state, and as a result become ungovernable. It is highly unlikely that the Palestinian society will accept any alternative form of autonomy.

Finally, a Palestinian state will enable the PSF to standardise their policies and normalise their policing functions because they will no longer have travel restrictions, or be separated into cantons. Although problems with travel between the West Bank and Gaza may continue, movement inside the West Bank in particular should become much easier. With no more disruptions from the peace process, the PSF can begin to normalise its relations with the public. It is also possible that with the creation of a Palestinian state, the PNA will be forced to make a greater effort to reform its legal system, which will further standardise and normalise the activities of the PSF.

This thesis has revealed the gap between legitimacy and control capacity in the policing of the Palestinian Territories during the interim period. In order to bridge this gap and to otherwise improve police-state-society relations, it is therefore important for a Palestinian state to be established at the conclusion of the negotiations.

## **7.3 THE EMERGING PALESTINIAN ENTITY**

### **7.3.1 DEMOCRATIC POTENTIAL OF A FUTURE STATE**

The nature of the state which the Palestinians will strive to achieve is not yet clear. The agreements with Israel have established the PNA as an essentially democratic regime, and the Palestinians were able to vote in their first presidential and legislative elections in January 1996. However, Ahmad S. Khalidi writes:

Clearly, the first thing we are talking about is a restricted incomplete model of democratic practice derived from a politico-historical tradition that is essentially alien to the culture of the area. It is a tradition that has no real antecedents either within the Palestinian polity itself or the Arab world (or indeed the third world) at large. Western-style democracy – desirable and worthy as it may be – is in that sense an external imposition that simply cannot take root and blossom in perfect flower overnight.<sup>9</sup>

Although Western-style democracy may be alien within Palestinian society, Palestinians have demonstrated a political culture hospitable to democratic values and practices. According to polls conducted by the CPRS, Palestinians overwhelmingly support a democratic political system (74 per cent support a democratic system similar to Israel's), freedom of the press, the rights of the opposition, and the right of women to political participation.<sup>10</sup> Nevertheless, despite the wide support for democratic values, the polls also show "a large degree of public opinion vulnerability to manipulation by political authorities, perhaps an effect of the kind of political socialisation prevalent in neighbouring authoritarian Arab countries". For example, a majority of respondents agree or strongly agree that leaders must be obeyed because they are more knowledgeable of public interest; that improving economic conditions is more important than democracy; and that the president of the Palestinian state must have wide-ranging authority.<sup>11</sup> Palestinian public support for democratic values is still fragile.

However, a democratic precedent, in the form of elections, has already occurred in the Palestinian Territories. Khalidi concludes: "While it is by no means certain that the nascent entity in the West Bank and Gaza will henceforth be inextricably wedded to a democratic framework, in the future it will nonetheless be that much more difficult for Arafat (or any successor) to reverse the democratic process now underway without incurring a heavy external and internal penalty".<sup>12</sup> Even if the nature of the future Palestinian entity will be democratic, it could take ten or fifteen years, or longer, to develop its democratic structures and practices.

There are several points which would indicate a trend towards a more open and democratic form of government. The first factor which would contribute to a more democratic form of Palestinian government is an opposition party to compete with the government. According to Gary Marks, there are two typical motivations for suppression of the opposition: "Suppression may be adopted as an end in itself because the ruling elite regards its domination as intrinsically good, or it may be adopted as a means toward other goals valued by the elite".<sup>13</sup> However, Marks argues, the cost of losing monopolistic control of the government by tolerating opposition may be partially offset by the benefits of liberalisation. Democracy institutionalises highly predictable procedures about how governments are chosen (thus providing greater stability), offers enhanced legitimacy, and may provide the ruling elite the prospect of international recognition and economic aid.<sup>14</sup> Furthermore, scholars of democracy have argued that suppression reinforces radicalism among the opposition, which narrows the strategic options of the elite in the future.<sup>15</sup>

There are several examples that the PNA is tolerating opposition to a certain degree or at least not suppressing it fully. A good example of this is the Palestinian presidential and legislative elections in 1996. Although the PNA was accused of inhibiting campaign freedoms of some opposition candidates, Arafat demonstrated a willingness to include token representation of other political factions within Fatah's lists. He engaged in talks with both Hamas and secular parties, inviting them to join the Fatah slate instead of forging coalitions or boycotting the election. In the secular opposition camp, the Palestinian Democratic Union (FIDA) and the Palestine People's Party (PPP) declined Arafat's offer. In an attempt to create an opposition within the system to Fatah, they joined with a number of independents, headed by Haidar 'Abd al-Shafi, to form a coalition. However, the candidates failed to create a joint plan of action. Finally, 'Abd al-Shafi formed a coalition list in Gaza, while FIDA and PPP candidates ran independently in the West Bank. The PFLP and DFLP decided to boycott the elections, despite protests from local leaders who strongly recommended that they participate or risk becoming marginalised.

Similarly, the Hamas leadership in Amman and Damascus was adamant about the boycott, although many leaders in the Palestinian Territories appeared to favour participation. In an attempt to encourage Hamas to participate, Arafat extended the candidate registration period and increased the number of seats in the PLC. Several Hamas figures nominated themselves to run, but later changed their minds.

Fatah faced some opposition within its own party. When the Fatah lists were announced, several participants rebelled and announced they were running independently. The Fatah Central Committee issued a statement asking the independent Fatah candidates to withdraw, and promising them posts in the PNA if they did so. Nevertheless, most candidates did not withdraw, and at least twenty won seats in the PLC.

Although Fatah dominated the legislative elections, opposition parties still play a significant role in the leadership of student councils and trade unions. Most of the universities in the Palestinian Territories have opposition-controlled student councils – either dominated by Hamas or by a coalition of Hamas and the PFLP and DFLP. Furthermore, the Palestinian engineering union – of which Arafat was once president – was controlled by Hamas for years and only in 1999 did Fatah regain power over it.

The second indicator of a move towards democracy is the eventual strengthening of legal structures. The weak legislative and judicial branches were discussed in Chapter 5 as a main problem in the maintenance of public order, and it is obvious that this must be rectified

before Palestinian society can become more open. The donor community have provided crucial training and funding for the rule of law sector. Although it has not provided for all the sector's needs, it has contributed to strengthening the sector, and provided many donor countries with an impetus to encourage the PNA to observe the rule of law.

Another encouraging sign that the legal structures may be strengthened is the existence of the *Draft Basic Law for the National Authority in the Transitional Period*. The Basic Law, while intending to provide a legal basis for the interim period, is also expected to be the basis for a Palestinian state constitution. As discussed in Chapter 5, the Basic Law emphasises democracy and pluralism, human rights and the rule of law. Unfortunately, Arafat has delayed ratifying it. However, the establishment of a Palestinian state will provide a strong impetus for ratification.

The third factor which would demonstrate a move towards a democratic form of government is a more prevalent role for civil society. Many scholars of democracy consider the existence of civil society as necessary to the establishment of a democratic government. Gordon White writes: "it is argued that the growth of civil society, in its modern form at least, can play a crucial role not merely by undermining authoritarian governments and fostering a democratic polity, but also by improving the quality of governance within that polity".<sup>16</sup>

As Chapter 2 touched on briefly, the Palestinians in the West Bank and Gaza developed an independent and diverse civil society under Israeli occupation. Particularly during the Intifada, the Palestinian people turned to non-state institutions for support. Palestinian civil society has continued successfully in the interim period and includes a wide range of institutions and associations – from a vast number of trade unions, student councils, and professional associations to women's organisations, charitable societies, agricultural co-operatives and sports clubs.

However, as discussed in Chapter 6, Palestinian civil society has been faced with some interference by both the PSF and the PNA. Prominent NGO leaders have been detained and arrested, while the organisations themselves are closely monitored by the PSF, and in some cases closed indefinitely. The PNA has tried to control Palestinian civil society through repressive legislation and by co-opting many activists and leaders from the civil society into the massive state apparatus. In many cases, the PNA have managed to channel international money directly to PNA coffers and away from NGOs, especially those associated with opposition groups.

Despite these conflicts and setbacks, Palestinian civil society continues to grow. For example, the number of human rights organisations in the West Bank and Gaza has actually increased during the interim period. Although many of these organisations have been harassed by the PNA – Chapter 5 outlined how a number of leading human rights activists have been detained by the PSF – they have continued to bring attention to human rights violations in the Palestinian Territories and also provide a number of other services.<sup>17</sup> Two human rights NGOs, al-Haq and the Mandela Institute, have organised meetings between representatives of civil society and the policing community.<sup>18</sup> The success of human rights organisations shows the continuation of a healthy civil society in the West Bank and Gaza.

Fourth, development of the police and security forces would lead to a more democratic state. Chapter 1 explored the relationship between the police and the regulation of freedoms in a society. Often, these freedoms are essential to democracy. Paradoxically, while the police are there to protect these fundamental freedoms, the powers the police possess to protect them also provide the potential for severe abuse of these freedoms.

Many of the chiefs in the Civil Police stated during their interviews that they are attempting to apply democratic criteria to their activities. For example, the distribution of power in the Civil Police is much more decentralised than in other branches of the PSF. Also, the Civil Police often talk of creating a police *service* out of the current force after independence.<sup>19</sup> However, the security branches have shown very little interest in applying democratic criteria to their activities.

Nonetheless, the PSF is expected to improve developmentally. As discussed in Chapter 4, when the PSF were first formed, approximately 90 per cent of recruits had no police background. However, international trainers have characterised the PSF as eager to learn, and the training of trainers programmes have begun to produce good Palestinian police trainers.<sup>20</sup> As a result, there is a consensus that the next generation of police will be very good. It is not possible to change the generals who were awarded posts by Arafat, but eventually they will be replaced by officers with extensive training and experience in policing. Even for the security branches, which are not exposed to as intensive training as the Civil Police, the training provided by the CIA and EU and through working with the Israeli security forces, their experience and professionalism will improve.

Furthermore, the PSF training does indeed work, although it is extremely difficult to quantify. It can be demonstrated by the massive effort by local NGOs and the UNHC/CHR to provide possibly the most comprehensive human rights training development programme

in the world to the PSF, and the subsequent drop in human rights violations such as torture or deaths in custody. (See Chapter 4) According to Khaled Batrawi of the Mandela Institute, after his organisation completed one human rights course, it was approached by several branches requesting more courses. He also states that there was complete respect and attendance by the participants in the courses. More importantly, the Mandela Institute has not recorded any human rights abuses committed by participants, but several participants have confronted violations within their security branches, and kept in close contact with the institute. In addition, high ranking officers who participated in the courses have begun to establish strong contacts with human rights organisations and have demonstrated a greater willingness to investigate abuse allegations.<sup>21</sup>

The final factor which would assist the opening of society is the establishment of structures of accountability. The state will naturally become more accountable as some of the other factors come into being, such as stronger legal structures and civil society. The government and its citizens must be able to hold the police legally accountable for their policies and actions. This means more than simple control over the police. Accountability for policing, however, is an important and highly contentious issue, and was discussed at length in Chapter 1.

The structure of both internal and external accountability for the PSF is weak. Internally, because the PSF effectively function in cantons, it is not uncommon for a PSF chief to be unaware of all the activities taking place in a district office (Chapter 3 provides information on the areas under PSF jurisdiction). The division between the West Bank and Gaza further complicates internal accountability. Externally, both the PLC and human rights organisations have generally been unsuccessful in holding the PSF accountable for its actions. (See Chapters 5 and 6). This is at least partly due to the centralisation of the PSF, and Arafat's direct control over not only the PSF, but also the legal system.

However, there have been some examples of attempts to improve PSF accountability, both internally and externally. The Civil Police have established a complaints bureau at their Gaza headquarters through which citizens can report maltreatment or abuses committed by the police. The bureau was created by the head of the Civil Police, General Ghazi Jabali, and well publicised throughout Gaza. Although there is no information regarding the usage or effectiveness of the bureau, its creation was welcomed as a sign that the Civil Police are attempting to create a system of accountability whereby some issues can be addressed internally. Although the Civil Police are the only branch with a complaints bureau, the

UNSCO Police Advisor stated that several other branches were considering the establishment of similar systems.<sup>22</sup>

Another sign of increasing accountability is the establishment of the Palestinian Independent Commission for Citizens' Rights (PICCR). It was established by presidential decree and founded by Hanan Ashrawi, with offices in Gaza and Ramallah. PICCR is independent because it receives no funds from the PLO and has a board which elects the Director General (currently Dr. Iyad Sarraj). The commission reviews legislation, functions as an ombudsman, monitors and exposes abuses, and has worked on reviewing the Basic Law.<sup>23</sup> The Draft Basic Law even stipulates the establishment of PICCR as an independent commission for human rights, with a juridical personality.<sup>24</sup> Palestinian citizens have used PICCR to lodge their grievances against both the PSF and government authorities (i.e. ministries, the President's Office, the PLC). In the period of 1 July 1995 to 31 December 1996, PICCR dealt with a total of 541 cases – a 36.6 per cent increase from its first year.<sup>25</sup> Although PICCR has faced a number of problems – including the arrest of its director general by the PSF – it continues to function successfully as an ombudsman and a human rights monitor, and as thus functions as a form of external accountability for the PSF.

These examples demonstrate that although Arafat has sometimes used his power to control or suppress opposition parties, he is far from being as suppressive as he could be – or as suppressive as many neighbouring Arab regimes. While most opposition parties did not participate in the 1996 elections, many local party leaders believed they should have, and may therefore run in the next elections. As a result, there is the potential for the creation of a viable opposition to Fatah from within the system in the future.

In general, there are some signs that the future Palestinian entity has the potential to develop a more democratic government. As the above five points have indicated, the PNA and PSF have already taken some steps toward that direction. However, one of the most important factors for the development of the Palestinian state into a democracy is the synthesis of legitimacy and control capacity within the PNA. The development of a more open and democratic society with participation of the whole population will lend the government greater legitimacy. Nonetheless, the government cannot relinquish its control over the citizenry. It needs to establish limitations on public disorder within legal boundaries and enforce them. Furthermore, the PNA cannot tolerate political violence against Israel, and should take steps, within the rule of law, to prevent attacks from occurring.

### **7.3.2 THE AUTHORITARIAN OPTION**

Some political commentators do not believe that the PNA can achieve a synthesis of legitimisation and control capacity. Instead, they argue that the future Palestinian entity will have an authoritarian nature. Although there are a number of justifications for this adherence, this chapter will summarise only four of the most important factors.

First, the diminished likelihood of a just final status solution will oblige the PNA to take more authoritarian actions. Many political analysts believe that Arafat made a strategic blunder when he agreed to postpone the discussion of all controversial issues until the final status negotiations. Much of the leverage the PLO had *vis-à-vis* Israel, such as the ability to prevent the normalisation of relations between Israel and its Arab neighbours, was lost when the PLO signed the DOP.

Additionally, the result of a lengthy and difficult interim period has been the weakening of the Palestinian negotiating position. Glenn Robinson explains: “Oslo took away the Palestinians’ only trump card before the real hand had been dealt. While all the major issues remain to be negotiated – Jerusalem, settlements and refugees, for example – the PLO has lost whatever leverage it once had. As a result, it is likely that Palestinian rights in these crucial areas will be ignored simply because they can be.”<sup>26</sup>

In turn, if the PNA loses Palestinian rights on these important issues, it will be deligitimised in the eyes of Palestinian society. Not only are the outcomes to these issues, such as Jerusalem as the capital of a future Palestinian state or the removal of settlements from the West Bank and Gaza, important to the Palestinian population, but their hopes have been raised by the PNA continually promising more than it can realistically deliver. The PNA will not be able to sell the public a final settlement significantly below their expectations, and will have to resort to authoritarian measures to continue its rule.

There are numerous examples of this already occurring in the Palestinian Territories. For example, Arafat has spoken frequently of establishing a Palestinian state at the conclusion of the peace process, and has even gone so far as to threaten on several occasions to unilaterally declare an independent state. However, as the discussion above has already pointed out, the final status of the Palestinian entity is still uncertain.

Another example is the issue of Jerusalem. The Palestinian population feels very strongly about their connection to Jerusalem; this was exemplified by the mass demonstrations and outrage that followed the opening of an Israeli tunnel near the Dome of the Rock in

September 1996. Again, PNA rhetoric continues to imply that Jerusalem will become the capital of Palestine. However, facts on the ground are wholly contradictory to this. Since 1993, access to Jerusalem has been denied to an increasing number of Palestinians – and those who enter the city illegally are fined or detained. Israel has also stepped up its confiscation of identification cards for Palestinian residents, has allowed Israeli settlement activities in Palestinian neighbourhoods, and has continued to encircle the city with expanding settlements. Furthermore, the Beilin-Eitan agreement between Labour and Likud parties issued in January 1997 stated that discussions of Jerusalem with the Palestinians were off-limits.<sup>27</sup> Although the four Israeli prime ministers in office during the peace process have had differing opinions on other issues, they have all been unequivocal that Jerusalem is the ‘eternal undivided capital of Israel’. Therefore, it is difficult to imagine that Arafat will be able to negotiate Jerusalem as the capital of Palestine, except through some sort of creative arrangement, such as the Beilin-Abu Mazen plan which would create a Palestinian ‘Jerusalem’ in the village of Abu Dis. It is much easier to envisage Palestinian discontent and disorder if Arafat fails to win Jerusalem as the capital.<sup>28</sup> In response, the PNA will respond with authoritarian measures to maintain order and keep its position of power.

Second, the authoritarian habits of the PLO could prove difficult to break. Chapters 4 and 6 have already discussed Arafat’s methods of controlling the branches of the PSF through patronage and competition, and the problems it has caused for the development of the PSF and the maintenance of public order. Such problems are also endemic throughout the PNA. The monopoly of power enjoyed by the PNA is the same as the situation of control which characterised Arafat’s leadership of the PLO, described in Chapter 2.

Furthermore, many commentators argue that Arafat’s cronies are more concerned with their own benefit than the well-being of Palestinian society. The peace process is profitable to the leadership of the PNA, so they do not want their source of revenue and power threatened or interrupted by public opinion or democratic elections. The corruption and cronyism examined in Chapter 6 is indicative of the PNA policy to satisfy the leadership and PLO loyalists before meeting the needs of the Palestinian population. However, the PNA cannot continue this policy indefinitely without societal dissent. Thus, the PNA is obliged to ensure that it continues to benefit by consolidating its power and through the use of authoritarian measures.

An example is the abundant cases of corruption exposed in the PNA. There are profuse reports of PNA owned companies maintaining monopolies over the Palestinian market, expensive villas and cars for Arafat’s cronies, and a secret PNA slush fund. Although the

PLC has demanded Arafat take action against the corrupt officials, no serious steps have been taken. The continuing corruption has angered the Palestinian population – particularly in Gaza where the distinction between the ‘Tunisians’ and the local residents is so profound. It is demonstrated by the graffiti on written on the wall of Abu Mazen’s villa (estimated at worth over US\$2 million): “This is your reward for selling Palestine”.<sup>29</sup> So far the public’s anger at corruption has not turned to disorder, but according to a report in *Ha’aretz*, it would not be unexpected: “a part of Arafat’s secret fund is earmarked for ‘emergency situations’, such as a coup or a civil war, in which he, his family, and immediate entourage would be forced to flee into exile once more, and re-establish the leadership from there”.<sup>30</sup> Until the leadership is forced into exile for their corruption, they will attempt to maintain their profitable positions through authoritarianism.

Third, as explained in Chapter 4, the PNA is funded almost entirely from outside sources, making it less accountable to its citizenry. Glenn Robinson argues that virtually all the PNA’s revenues come from international sources – political rents – making it similar to a rentier state. He states:

The importance of the source of government revenues cannot be overstated. Recent analyses have shown that this is a crucial determinant of political outcomes. When regimes must extract their revenues from their own citizens in the form of taxes, relations between ruler and ruled are forged in ways that set limits on how much can be extracted, and for what purposes it can be used. Over time, direct taxation becomes the corner-stone of accountable governance and even democracy.<sup>31</sup>

Palestinian revenues come from two sources – international donor funds and Israeli transfers of funds collected by Israel from Palestinians. The only revenues the PNA directly collects from its citizens are sporadic value added taxes (VAT) which are a remnant of Israeli occupation. In short, the PNA is sustained by collecting political rents in exchange for endorsing the peace process. This makes it similar to a ‘rentier’ state.

The PNA is not dependent on Palestinian society for revenues, and therefore, whether or not it is the result of the absence of taxes, there are abundant examples of the lack of PNA roots in Palestinian society. The PNA has consistently ignored societal pressures for change, including the PLC and the judiciary. One example is Arafat’s response to the calls for

reform following the corruption scandals in the PNA. Although the independent auditor's report and the subsequent PLC investigation uncovered numerous and specific transgressions within several ministries, no ministers were removed from office or in any way disciplined, despite Arafat's conciliatory promises of a cabinet reshuffle.

The fourth and final factor is the argument that the PNA view the requirements of democracy as contradictory to those of national reconstruction. Additionally, according to Khalil Shakaki, the PNA believe "that in the early stages of state building it is more important to assert the state's right to monopolise power and eliminate competitors for the people's loyalty than to democratise the political system".<sup>32</sup> As a result, the PNA have adopted policies aimed at protecting the peace process and national reconstruction which have ignored democratic values. In short, the success of the peace process requires political stability which can only be achieved through a strong central government.

This stance has become apparent through the examination of the PSF. Importance has been placed on maintaining security and preventing terrorism, over that of observing the rule of law and human rights. It has also been an argument for the delay in ratifying the Draft Basic Law. Many Palestinian officials believe that the focus on stability over democracy will only continue until the end of the interim period, after which the Palestinian government will begin to direct its efforts to building a democracy.<sup>33</sup> Others argue that once started on the road to authoritarianism, it will be difficult to reverse.

There are numerous examples of the PNA acting to protect the peace process at the expense of democratic principles, most relating to Israel's linkage between progress in the peace process and fighting terrorism. For example, Chapter 5 detailed how the PNA established the State Security Court in February 1995. The court undermined Palestinian civil courts, and conducted hasty and often unfair trials without proper regard for due process or rule of law. The State Security Court is generally a tool of the Executive Authority, used to convict those whom Israel demands be convicted, and has also been used against human rights activists and those critical of the PNA. The US has praised the establishment of the State Security Court on numerous occasions; most notably on a visit to Jericho, Vice President Al Gore welcomed the establishment of the court, calling it "an important step forward in helping to build confidence in the peace process".<sup>34</sup> The State Security Court is a tool that will progress the peace process by meeting Israel's demand that the PNA convict those accused of being involved in terrorist attacks. This progress, in the view of the PNA, outweighs the fact that it is marginalising civil courts and violating the human rights of those brought before the State Security Court.

These four factors provide a strong argument that the PNA has already begun to move towards an authoritarian form of government, and will continue to do so after the conclusion of the peace process. In this scenario, there are distinct problems with the synthesis of legitimacy and control capacity as previously discussed. In a Palestinian authoritarian structure, legitimacy relies solely on patronage – either through cronyism and the maintenance of a kleptocratic government, or by providing society with services and funds in the capacity of a rentier-like state. At the same time, governmental control is not grounded in the rule of law. Instead, it is used to maintain the government's position of power, and to provide the stability necessary to have good relations with Israel and the international community.

### **7.3.3 THE PSF – DEMOCRACY OR AUTHORITARIANISM**

The examination of public order maintenance in the Palestinian Territories has been a useful exercise to determine the nature of a future Palestinian entity. Obviously, public order has been an important factor in the peace process. Because of Israel's securocentric vision of the peace process, Palestinian public order has been the key to moving forward. The issues raised when examining public order maintenance in the West Bank and Gaza are also prevalent in the two trends of thought on the future of the Palestinian entity. The paradigm of the judicial marginalisation appears in the discourse on both the preservation of public order and the democratic evolution of the Palestinian entity. Moreover, the anomalies in the Palestinian case, which were highlighted in the examination of PSF order maintenance are apparent in both the democratic and authoritarian development trends. For example, the anomaly of the disruptive nature of the peace process is underlined in the argument for a diminished likelihood of a just final status solution requiring an authoritarian response.

The maintenance of public order in the Palestinian Territories revealed many flaws in the police-state-society relationship. This thesis concludes that there is a division between legitimacy and control capacity through the means in which the PNA directs the police to maintain order in Palestinian society. During the interim period, Arafat attempted unsuccessfully to move in a pendular fashion between the two – by evoking strategies of accommodation and suppression – without attempting the conjunction of legitimated domination of Weber. If and how he attempts to combine these two policies to create a legitimate capacity to control for the PSF will largely determine the nature of the future Palestinian entity.

The examination of the two trends concerning the future of the Palestinian entity – either towards a democratic or an authoritarian government – demonstrates how subjective the future remains. The three anomalies in the Palestinian case which emerged in the examination of public order maintenance are indicative of this. For example, although the peace process has been disruptive during the interim period, its conclusion could be a stabilising factor for the Palestinian entity, or alternatively if Palestinian society is unhappy with the arrangements reached, the conclusion could become more disruptive than the progressive negotiations.

Nevertheless, this thesis has aptly demonstrated that there is one constant in this process: internal security will remain the paramount issue for some time. Israel will continue to be concerned about attacks by Palestinian groups opposed to the peace process, and thus will demand security commitments from the PNA. The Palestinian government will remain reliant upon the PSF to maintain stability which (to their minds at least) facilitates national reconstruction and silences opposition. The PSF are firmly entrenched in the PNA structure, and maintain their positions through patronage; any attempt to limit the authority or influence of the PSF would be met with great resistance.

The existence of a large and very centralised police and security structure will always provide a temptation for the PNA to use the PSF for its own benefit, by silencing opposition and suppressing public dissent. As a result, it is likely that after the conclusion of the peace process, the PNA will continue governance with authoritarian tendencies. The arguments of the authoritarian trend are difficult to contradict and require little change within the PNA. The policies of the PLO have been incorporated into the PNA and are likely to continue in the future Palestinian entity, whether it becomes an independent state or remains under limited self-rule.

However, this does not necessarily mean a widening in the divide between legitimacy and control capacity. The issues raised in the democratic trend are equally valid. The existent Palestinian civil society and opposition (both secular and religious) parties will continue to question PNA activities and policies. Unlike authoritarian regimes in the region, the PNA will inherit an active and vocal civil society and a range of political parties. These groups have survived nearly thirty years of Israeli occupation and are unlikely to be silenced by the PNA. Therefore, although the PNA will not move quickly away from its authoritarian tendencies, it will not become any more authoritarian, and may over time evolve into a more open and democratic society.

## **7.4 FINAL RECOMMENDATIONS AND COMMENTS**

### **7.4.1 AREAS FOR FURTHER RESEARCH**

The Palestinian Police and Security Forces, established in 1994, are a new and constantly developing subject. Very little comprehensive research or academic writing currently exists. Therefore, the possibilities for areas of further research are virtually unbounded, restricted only by the information available. However, the author would recommend six areas for further research which have been touched upon in this thesis, but still require a more in-depth and substantial examination.

First, there is the issue of sharing the monopoly of power over the use of force between two states or entities. The monopoly over the use of force in the West Bank and Gaza has been shared between the Israeli security forces and the PSF with varying degrees of success. It would be useful to examine the power-sharing structures in greater detail, and also to compare the Israeli-Palestinian example to other situations where the monopoly on the use of force has been shared, such as in autonomous areas (e.g. former Soviet republics, American Indian reservations in the US and Canada), colonies (e.g. India, Nigeria) or states in transition (e.g. El Salvador after its civil war). If the existence of a police force is a vital sign of a nation's sovereignty, then what does a power-sharing scheme mean to the national aspirations of both sides?

Second, the thesis has highlighted the question of the use of force against terrorism in the Palestinian Territories. What are the positive and negative policies that can be enacted by the PNA to limit the ability and scope for terrorism in the West Bank and Gaza? It is necessary to discuss what type of force should be used, its purpose, and who is to use the force. This subject must also consider what amount of force is acceptable not only to the Palestinian society, but also to the international community, Israel, and other neighbouring states.

Third, one of the greatest problems of the PSF has been its centralisation and dependence on the Executive Authority. Thus, there should be a greater examination of how to encourage police independence and political neutrality. This subject could explore how to improve recruitment activities and dissuade governmental interference in the police performance of professional duties. These arguments could also be substantiated by an examination of how partisanship discredits the police in the eyes of the Palestinian public.

Fourth, the thesis has raised the issue of the PSF structures of accountability, both internal and external. Although some branches of the PSF, particularly the Civil Police, have made attempts to be more accountable to the public, there is currently very little external accountability. Internal accountability is of questionable efficacy with unclear processes. Therefore, further research could explore a number of questions regarding accountability: what type of decisions do the police make, explicitly and implicitly; to whom should they be accountable; what type of accountability exists; and what mechanisms for accountability should be established. A good basis for this examination would be the theoretical writing on accountability by Robert Reiner. Further research within the PSF could serve to provide recommendations as to how to improve their accountability.

Fifth, the international community has contributed a significant amount of funding, equipment, and training to the PSF since their establishment. Because all the assistance was not co-ordinated through UNSCO, it is unclear the extent or kind of the assistance. Therefore, it would be useful for further research to record the assistance given by the international community to whatever extent possible. Additionally, the international community, through UNHC/CHR and grassroots human rights organisations, has provided the PSF with one of the most comprehensive human rights training courses in the world. Thus, part of the research into international assistance should assess the cumulative impact of this training on the professionalism, policies, and actions of the PSF. The resulting information would provide guidance to further PSF assistance and funding, as well as contribute to other police training programmes outside the Palestinian Territories.

Finally, the PSF has included PLO fighters from the Diaspora with Intifada activists and ordinary citizens from the West Bank and Gaza into its ranks. Frequently those from the Diaspora are perceived as ‘outsiders’ not only by the Palestinian public, but also by the other members of the PSF. This has resulted in several confrontations between different branches of the PSF. Further research should be conducted to examine exactly what affect the introduction of PLO troops from the Diaspora has had on both the ‘cop culture’ within the PSF and its functions within Palestinian society. Recommendations could also be made regarding the improvement of integration techniques.

#### **7.4.2 FINAL COMMENTS**

As previously discussed, the PSF appear to have two faces: light and dark. The light side characterises many of the best characteristics of the PSF – their extensive human rights training, their empathy with the public, and their unwavering commitment to providing a

just, respectable and effective police service. Their dark side reflects not only their more ominous traits – corruption, political partisanship, and unchecked violence – but also their covert and intelligence gathering activities, which are necessary to maintain internal stability in the Palestinian Territories under transition.

Most states have numerous policing and security agencies, many with paramilitary trappings, which are necessary for maintaining law and order. Neither the proliferation of services in the PSF nor the number of men and women recruited preclude the PSF from becoming an exemplary contributor to a Palestinian democracy. With the dedicated commitment of large number of people working with and within the PSF, the Palestinian Police and Security Forces have the ability to strengthen their light side while using the necessary elements of their dark side to effectively maintain order in the emerging Palestinian state.

You cannot separate the just from the unjust and the good  
from the wicked;

For they stand together before the face of the sun even as  
the black thread and the white are woven together.

And when the black thread breaks, the weaver shall look  
into the whole cloth, and he shall examine the loom also.

-Kahlil Gibran

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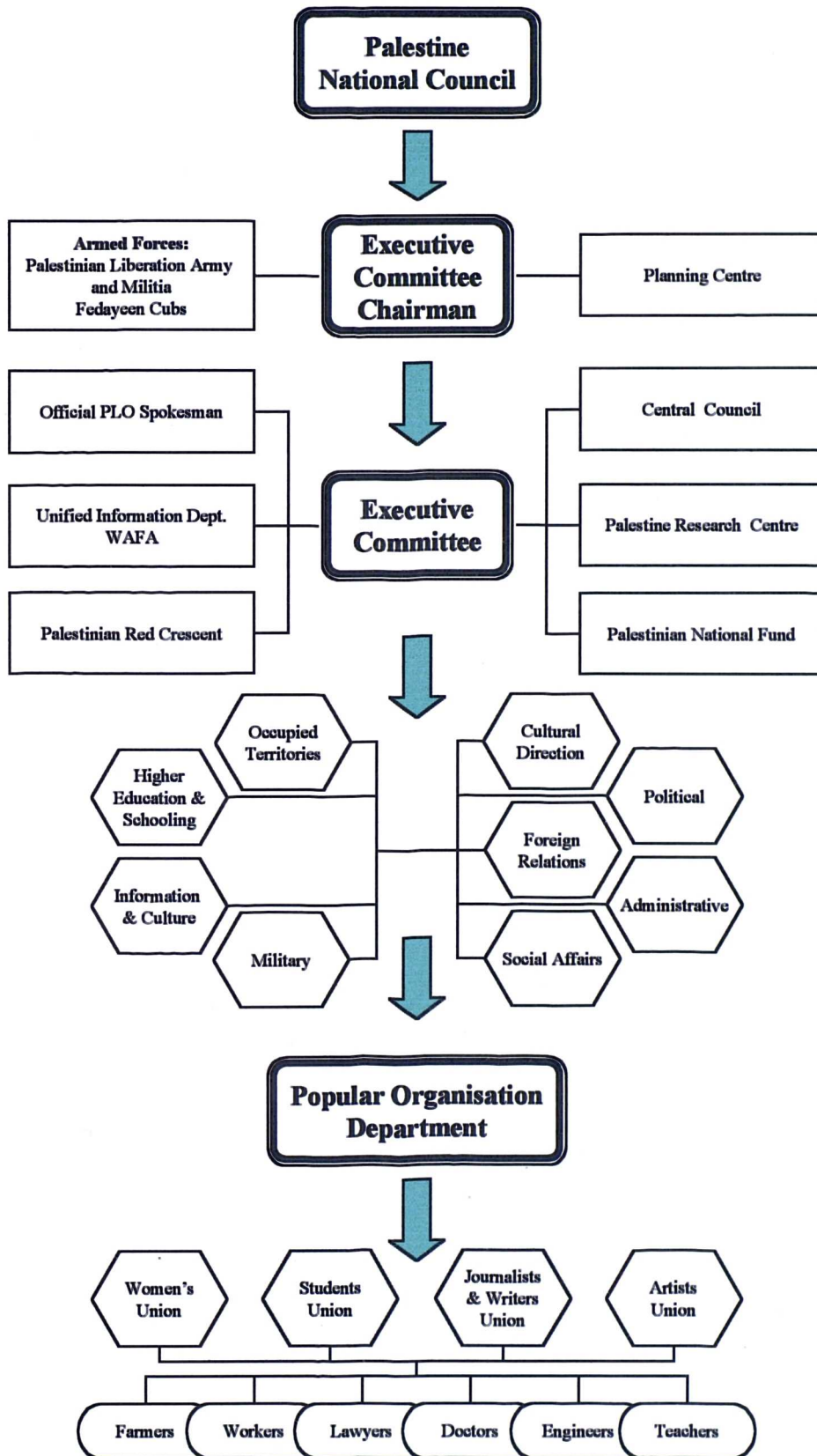
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Source: Gowers and Walker, 1994

### Figure 3-1

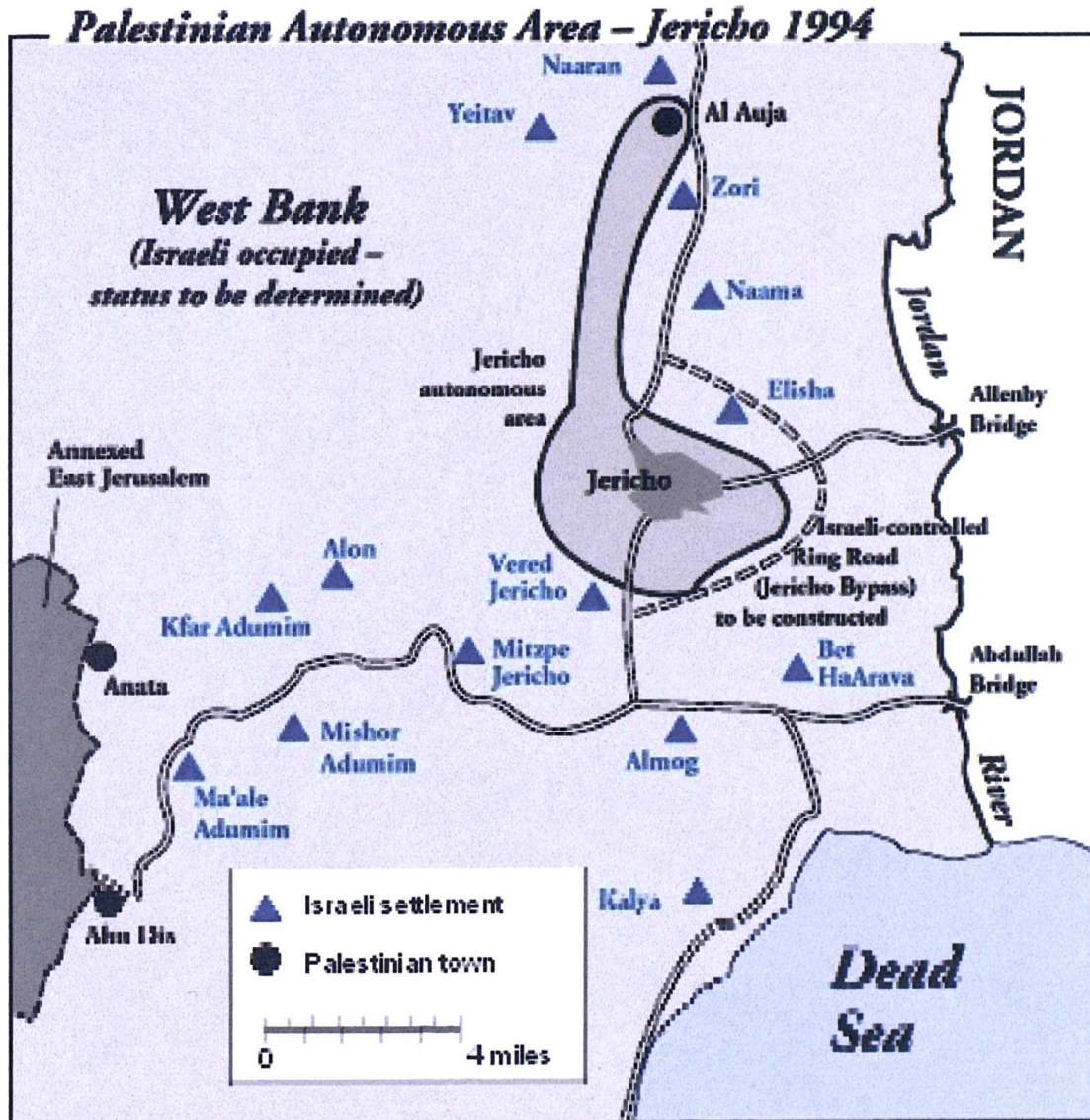
## Palestinian Autonomous Area Gaza Strip 1994

Source: Foundation for Middle East Peace



**Figure 3-2**  
**Palestinian Autonomous Area**  
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Source: Foundation for Middle East Peace

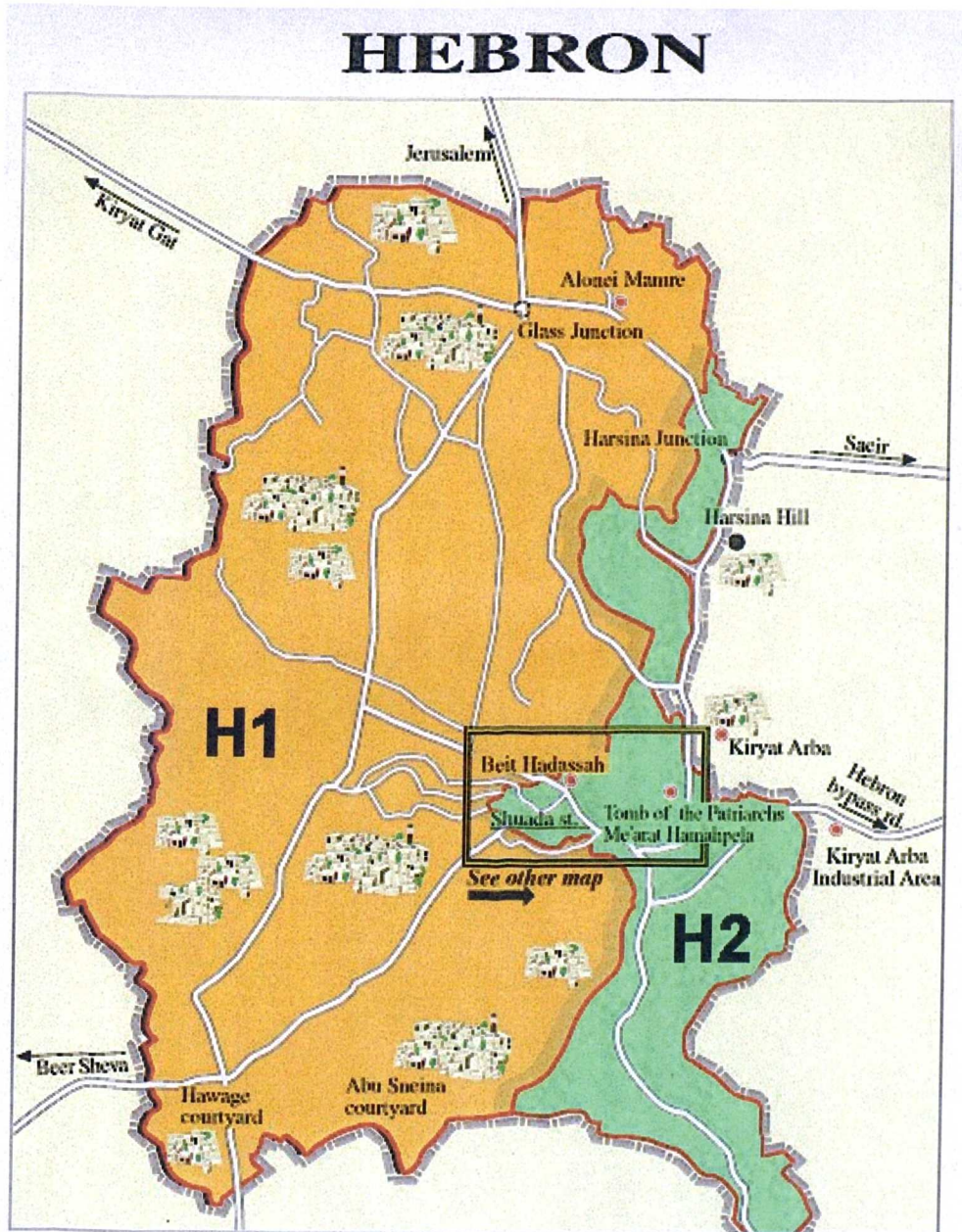


**Figure 3-3**  
**Oslo II - Areas A, B and C**



Source: Foundation for Middle East Peace

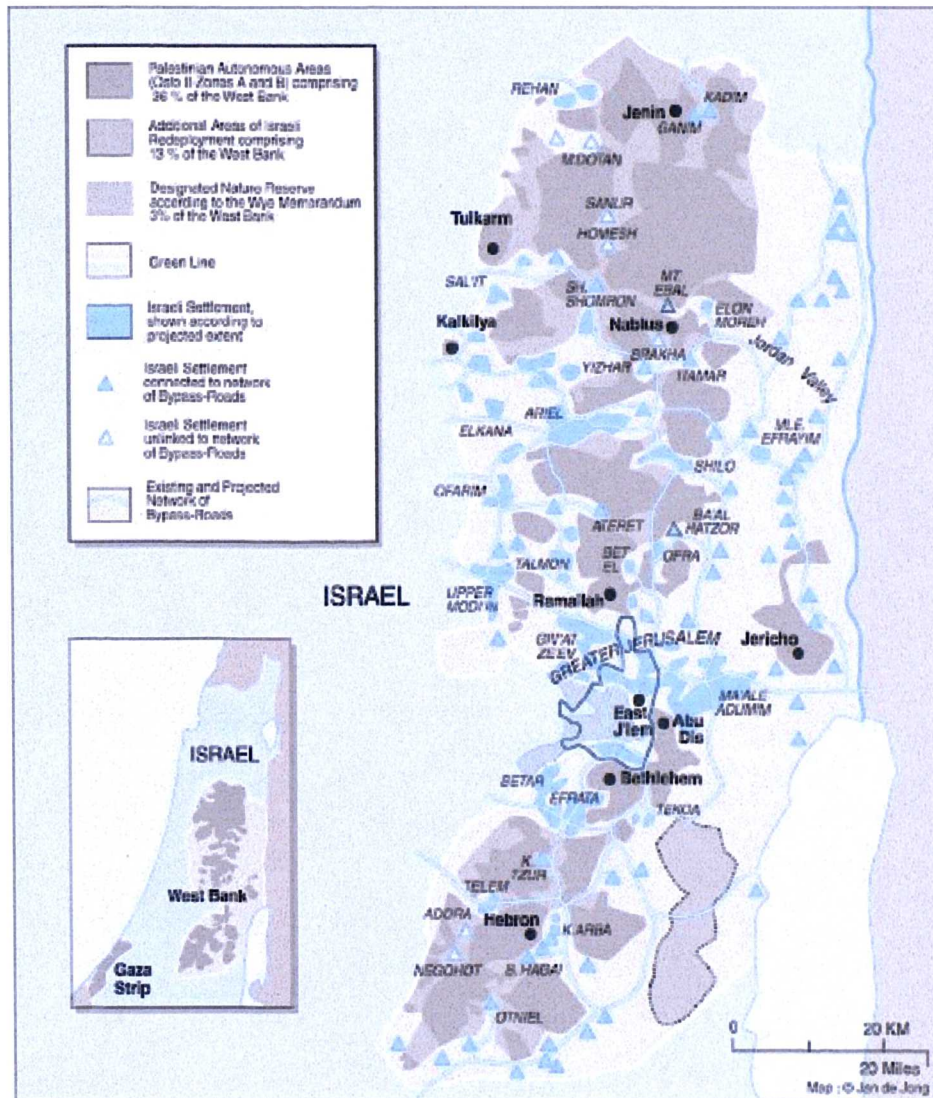
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Source: Foundation for Middle East Peace

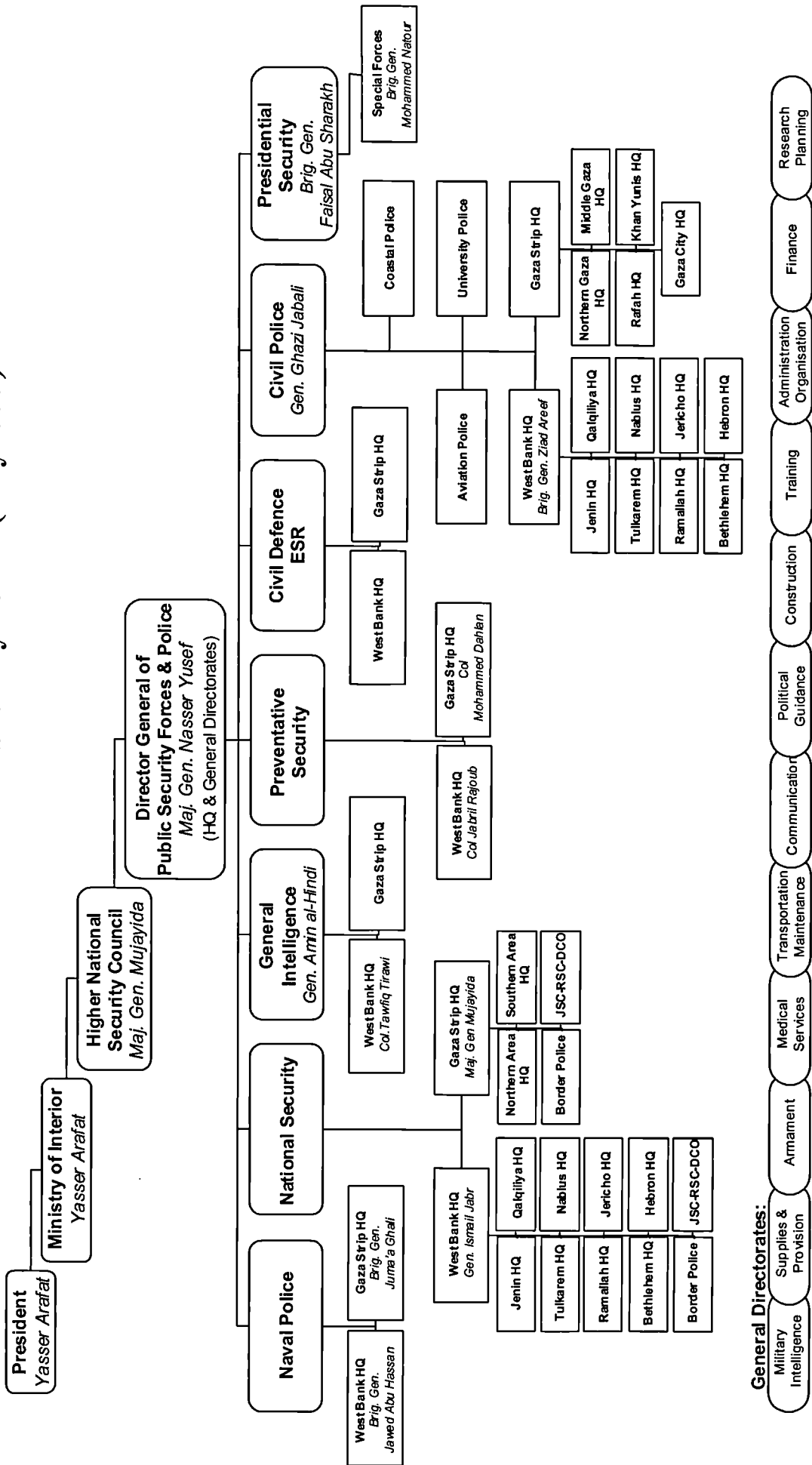
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**Current and Projected Israeli Redeployment According to the Wye Memorandum 1998**



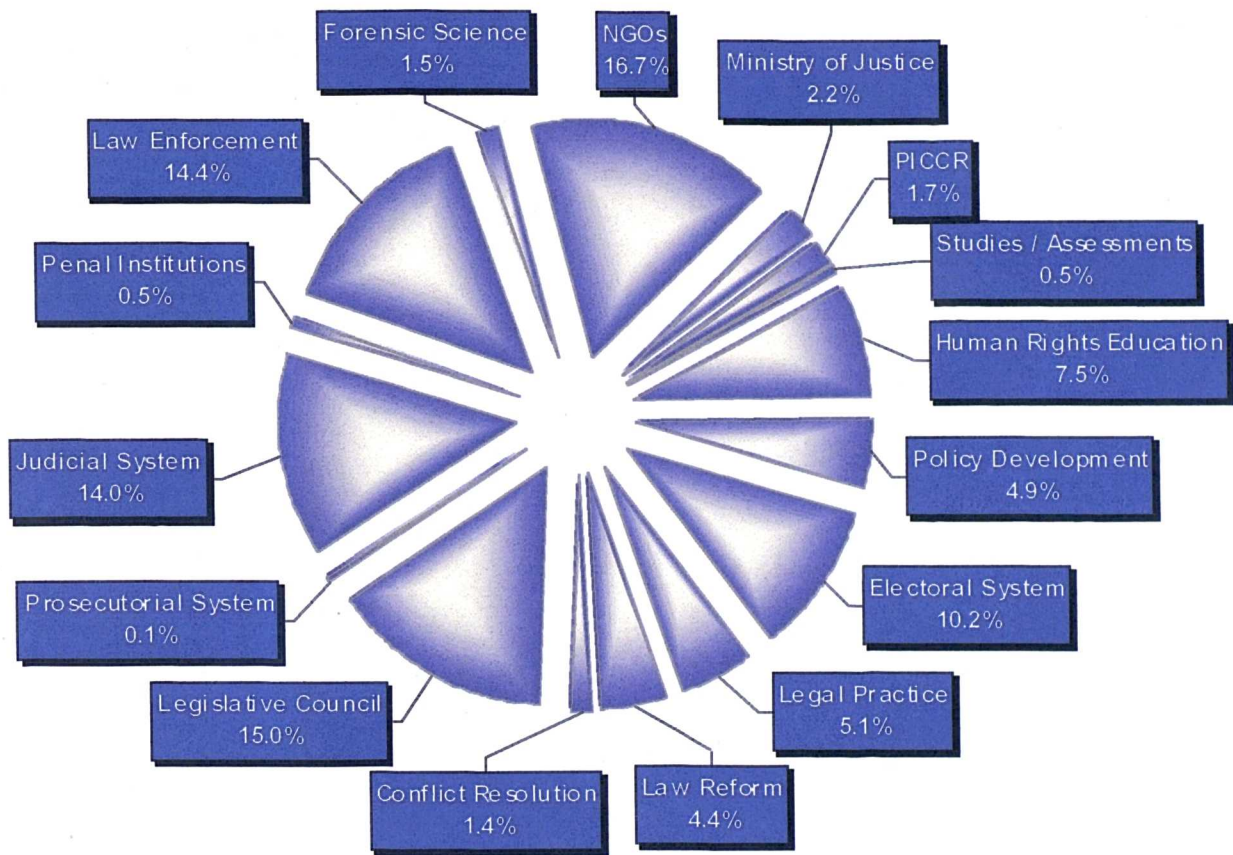
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Source: UNSCO, Rule of Law Development, May 1999



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### **SUPPORT TO THE PALESTINIAN POLICE FORCE**

Salaries channelled to the Palestinian Police Force through the United Nations bridging mechanism (UNWRA), October 1993 – December 1995

<b>DONOR</b>	<b>TOTAL US\$</b>
UNITED KINGDOM	4,672,887
NORWAY	4,923,655
SWEDEN	1,072,665
NETHERLANDS	6,932,889
EUROPEAN UNION	12,302,402
SAUDI ARABIA	7,500,000
DENMARK	1,062,092
JAPAN	720,000
GREECE	100,000
<b>TOTAL DISBURSED</b>	<b>39,286,590</b>

An additional US\$ 32,613,410\* of both financial and in-kind support was committed by the following countries:

- Egypt;
- European Union;
- Japan;
- Netherlands;
- Norway;
- Saudi Arabia;
- United States.

<b>TOTAL COMMITTED</b>	<b>US\$ 71,900,000</b>
<b>TOTAL DISBURSEMENTS</b>	<b>US \$64,400,000</b>

\* According to the World Bank donor funding total presented at the 5 September 1996 Ad Hoc Liaison Committee

**Source:** The Local Aid Co-ordination Committee for Development Assistance in the West Bank & Gaza, Partners in Peace, Gaza, 1996

**TABLE 4-2**  
**Donor Assistance 1994-1997**

Sector: Police	1994		1995		1996		1997	
	Comm.	Disb.	Comm.	Disb.	Comm.	Disb.	Comm.	Disb.
Belgium	200,000	200,000						
Canada					94,000	95,000	217,000	
Denmark			1,323,000	1,323,000	1,426,000	1,426,000	3,901,000	3,901,000
Egypt	5,300,000	5,300,000						
European Union	11,364,000	5,682,000		2,273,000		2,841,000		
Finland	60000							
France	2,234,000	2,234,000			344,000			
Germany	349000	349000						
Greece	330000	330000	100000	100,000				
Japan	13,250,000	13,250,000			2,780,000	2,780,000		
Jordan	7,519,000	7,519,000						
Netherlands			9,950,000	7,500,000		740,000		
Norway	3,446,000	3,446,000	4,616,000	4,616,000	25,000	25,000		
Republic of Korea	191000	191000						
Russia			4,000,000	4,000,000				
Saudi Arabia	7,500,000	7,500,000						
Spain	1,266,000	1,266,000						
Sweden	4,639,000	220000			592,000	567,000	8,546,000	
Turkey					200,000	200,000	50,000	50,000
United Kingdom	4,918,000	4,951,000	149000	149,000	2,313,000	1,934,000	525,000	121,000
USA	2,000,000	2,000,000	3,000,000	3,000,000				
<b>TOTAL</b>	<b>64,566,000</b>	<b>54,438,000</b>	<b>23,138,000</b>	<b>19,961,000</b>	<b>7,774,000</b>	<b>10,608,000</b>	<b>13,239,000</b>	<b>4,072,000</b>

(Source: MOPIC's 1997 Second Quarterly Monitoring Report of Donor Assistance Ministry of Planning & International Cooperation, 4 October 1997)



**TABLE 5-1**  
**LAWS & PROJECTS (JUNE 1998)**

Source: Palestinian Legislative Council

**LEGISLATION ENDORSED BY PRESIDENT ARAFAT**

<b>Ref.</b>	<b>Law</b>	<b>Sponsor</b>	<b>Date</b>
96/2	Palestinian Local Committee Councils Election Law	Cabinet	16-Dec-96
97/4	Palestinian Local Committee Councils Law	Cabinet	12-Oct-97
97/5	1997 PA General Budget Law	Cabinet	27-May-97
97/6	Palestinian Monetary Authority Law	Cabinet	16-Dec-97
97/20	Encouragement of Investment	PLC members	23-Apr-98
97/18	Weapons and Firearms Law	Cabinet	20-May-98
96/3	Civil Service Law	Cabinet	28-May-95
97/25	Precious Metals Stamp and Regulation Law	Cabinet	28-May-98
97/17	Civil Defense Law	Cabinet	28-May-98
97/13	Prisons Law	Monitor Committee	28-May-98

**LEGISLATION PASSED IN THE THIRD READING  
& AWAITING PRESIDENTIAL ENDORSEMENT**

<b>Ref.</b>	<b>Law</b>	<b>Sponsor</b>	<b>Date</b>
96/1	Basic Law	Ministry of Justice	4-Oct-97
97/7	Regulation of Foreign Land Ownership in Palestine	PLC Legal Committee	4-Oct-97
97/8	Palestinian General Petroleum Council Law	Cabinet	7-Dec-97
97/11	Animal Protection Law	Cabinet	9-Mar-98
97/10	Regulation of the General Budget and Financial Affairs Law	PLC Finance Committee	20-Apr-98

**LEGISLATION PASSED IN THE FIRST READING**

<b>Ref.</b>	<b>Law</b>	<b>Sponsor</b>	<b>Date</b>
97/19	NGO Law	PLC Members	30-May-98

**LEGISLATION PASSED IN GENERAL DISCUSSION**

<b>Ref.</b>	<b>Law</b>	<b>Sponsor</b>	<b>Date</b>
97/12	Political Parties Law	Cabinet	10-Nov-97
97/14	Independence of the Judiciary Law	PLC Legal Committee	13-Nov-97
97/21	Commercial Agents Law	PLC members	9-Dec-97
98/31	General Census Law	Cabinet	17-Mar-98
98/32	Industrial City and Zone Law	Cabinet	17-Mar-98
98/34	1998 PA General Budget Law	Cabinet	28-Apr-98
98/37	Palestinian Higher Education Law	Cabinet	27-May-98
98/38	Palestinian Labor Law	Education Committee	27-May-98
98/39	Government Health Insurance Law	Education Committee	27-May-98
98/40	Adapting Public Places for Handicapped Access Law	PLC members	27-May-98

**LEGISLATION PASSED TO COMMITTEES FOR DRAFTING FOR GENERAL DISCUSSION  
BY THE PLC**

<b>Ref.</b>	<b>Law</b>	<b>Sponsor</b>	<b>Date</b>
97/22	Palestinian Centres for Rural Development	Cabinet	30-Jul-97
97/23	Law for the Prisoners and Detainees in Israeli Prisons	PLC Resolution # 162	30-Sep-97
97/28	National Service	PLC members	31-Aug-97
97/29	Regulation of Bidding and Tenders	Cabinet	19-Mar-98
98/30	Natural Resources	Cabinet	19-Mar-98
98/33	Care and Rehabilitation of Prisoners	PLC members	19-Mar-98
98/35	Palestinian Income Tax	Cabinet	27-Jan-98
98/36	The Environment	Cabinet	17-May-98

**LEGISLATION TABLED (POSTPONED) BY THE PLC**

<b>Ref.</b>	<b>Law</b>	<b>Sponsor</b>	<b>Date</b>
97/9	Palestinian lawyers Association	Legal Committee	14-Jul-97
97/15	Local Societies development Bank	Cabinet	30-Sep-97
97/16	Veterinarians	Cabinet	30-Sep-97

**LEGISLATION REFUSED OR PASSED TO THE EXECUTIVE AUTHORITY**

<b>Ref.</b>	<b>Law</b>	<b>Sponsor</b>	<b>Date</b>
97/26	Appointment of Mayors	Cabinet	2-Jul-97 <sup>1</sup>
97/27	Protection of Natural Resources in Gaza	Cabinet	30-Sep-97 <sup>2</sup>
97/25	Public Meetings Law	Cabinet	31-May-98 <sup>1</sup>

**Notes:**

1. Refused by the Council
2. Returned to the Executive Authority for a specification of locations

## APPENDIX A

### EXCES PTS FROM THE GAZA-JERICHO AUTONOMY AGREEMENT

#### Article VIII: ngerangements for Security and Public Order

1. In order trantuarantee public order and internal security for the Palestinians of the Gaza Strip and Jericho Ahe I, the Palestinian Authority shall establish a strong police force as set out in Article IX belowel srael shall continue to carry the responsibility for defence against external threats, includingesp responsibility for protecting the Egyptian border and the Jordanian line, and for defence a exist external threats from the sea and from the air, as well as the responsibility for overall se of ity of Israelis and settlements, for the purpose of safeguarding their internal security and publer, order, and will have all the powers to take the steps necessary to meet this responsib .
2. Agreed se arnity arrangements and co-ordination mechanisms are specified in Annex I.
3. A joint Cinatrdination and Co-operation Committee for Mutual Security Purposes (hereinafter “the JSC”wels well as three joint District Co-ordination and Co-operation Offices for the Gaza district, than Yhan Yunis district, and the Jericho district respectively (hereinafter “the DCOs”) are hereby esred ished as provided for in Annex I.
4. The securangarrangements provided for in this Agreement and in Annex I may be reviewed at the request or Pher Party and may be amended by mutual agreement for the Parties. Specific review arrangemre it are included in Annex I.

#### Article IX: Tiles Palestinian Directorate of Police Force

1. The Palea Aian Authority shall establish a strong police force, the Palestinian Directorate of Police Foerei (hereinafter “the Palestinian Police”). The duties, functions, structure, deployment and compn oion of the Palestinian Police, together with provisions regarding its equipment and operationet c set out in Annex I, Article III. Rules of conduct governing the activities of the Palestiniace olice are set out in Annex I, Article VIII.
2. Except foPalee Palestinian police referred to in this Article and the Israeli military forces, no other armed fonall shall be established or operate in the Gaza Strip or Jericho Area.
3. Except foarme arms, ammunition and equipment of the Palestinian police described in Annex I, Article IIIthoud those of the Israeli military forces, no organisation or individual in the Gaza Strip and the Jericho Area shall manufacture, sell, acquire, possess, import or otherwise introduce into the Gaza or thp or the Jericho Area any firearms, ammunition, weapons, explosives, gunpowder or any relateipmquipment, unless otherwise provided for in this Agreement.

Source: *Agreement on the Gaza Strip and Jericho Area*, Cairo, May 1994

## **APPENDIX B**

### **EXCERPTS FROM: THE INTERIM AGREEMENT ON THE WEST BANK & GAZA STRIP**

#### **Article XIII: Security**

1. The Council will, upon completion of the redeployment of Israeli military forces in each district, as set out in Appendix 1 to Annex I, assume the powers and responsibilities for internal security and public order in Area A in that district.
2. A. There will be a complete redeployment of Israeli military forces from Area B. Israel will transfer to the Council and the Council will assume responsibility for public order for Palestinians. Israel shall have the overriding responsibility for security for the purpose of protecting Israelis and confronting the threat of terrorism.  
B. In Area B the Palestinian Police shall assume the responsibility for public order for Palestinians and shall be deployed in order to accommodate the Palestinian needs and requirements in the following manner:
  - (1.) The Palestinian Police shall establish 25 police stations and posts in towns, villages, and other places listed in Appendix 2 to Annex I and as delineated on map 3. The West Bank RSC may agree on the establishment of additional police stations and posts, if required.
  - (2.) The Palestinian Police shall be responsible for handling public order incidents in which only Palestinians are involved.
  - (3.) The Palestinian Police shall operate in populated places where police stations and posts are located, as set out in paragraph b(1) above.
  - (4.) While the movement of uniformed Palestinian policemen in Area B outside places where there is a Palestinian police station or posts will be carried out after co-ordination and confirmation through the relevant DCO, three months after the completion of redeployment from Area B, the DCOs may decide that movement of Palestinian policemen from the police stations in Area B to Palestinian towns and villages in Area B on roads that are used only by Palestinian traffic will take place after notifying the DCO.
  - (5.) The co-ordination of such planned movement prior to confirmation through the relevant DCO shall include a scheduled plan, including the number of policemen, as well as the type and number of weapons and vehicles intended to take part. It shall also include details of arrangements for ensuring continued co-ordination through appropriated communication links, the exact schedule of movement to the area of the planned operation, including the destination and routes thereto, its proposed duration and the schedule for returning to the police station or post. The Israeli side of the DCO will provide the Palestinian side with its response, following a request for movement of

policemen in accordance with this paragraph, in normal or routine cases within one day and in emergency cases no later than 2 hours.

- (6.) The Palestinian Police and Israeli military forces will conduct joint security activities on the main roads as set out in Annex I.
- (7.) The Palestinian Police will notify the West Bank RSC of the names of the policemen, number plates of police vehicles and serial numbers of weapons, with respect to each police station and post in Area B.
- (8.) Further redeployment is from Area C and transfer of internal security responsibility to the Palestinian Police in Areas B and C will be carried out in three phases, each to take place after an interval of six months, to be completed 18 months after the inauguration of the Council, except for the issues of permanent status negotiations and of Israel's overall responsibility for Israelis and borders.
- (9.) The procedure detailed in this paragraph will be reviewed within six months of the completion of the first phase of redeployment.

#### **Article XIV: The Palestinian Police**

1. The Council shall establish a strong police force. The duties, functions, structure, deployment and composition of the Palestinian Police, together with provisions regarding its equipment and operation, as well as rules of conduct, are set out in Annex I.
2. The Palestinian police force established under the Gaza-Jericho Agreement will be fully integrated into the Palestinian Police and will be subject to the provisions of this Agreement.
3. Except for the Palestinian Police; and the Israeli military forces, no other armed forces shall be established or operate in the West Bank and the Gaza Strip.
4. Except for the arms, ammunition and equipment of the Palestinian Police described in Annex I, and those of the Israeli military forces, no organisation, group or individual in the West Bank and the Gaza Strip shall manufacture, sell, acquire, possess, import or otherwise introduce into the West Bank or the Gaza Strip any firearms, ammunition, weapons, explosives, gunpowder or any related equipment, unless otherwise provided in Annex I.

#### **Article XV: Prevention of Hostile Acts**

1. Both sides shall take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other, against individuals falling under the other's authority and against their property, and shall take legal measures against offenders.
2. Specific provisions for the implementation of this Article are set out in Annex I.

Source: *Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip*, Washington, D.C, 28 September 1995

## APPENDIX C

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

السلطة الوطنية الفلسطينية  
الأمن العام والأمن الوطني والشرطة  
قطاع غزة

المسيد / مدير الأمن العام  
تحية الوطن ...

بسم الله الرحمن الرحيم  
التاريخ: ١٩٩٧/١/١٧

السلطة الوطنية الفلسطينية  
الأمن العام  
قيادة قطاع غزة  
رقم: ١٧/١/٩٧  
التاريخ: ١٩٩٧/١/١٧

بناءً على تعليمات السيد الرئيس / القائد العام في المجلس الأعلى للأمن القومي بجلسته المنعقدة مساء يوم ١٩٩٧/١/١١ تحدد واجبات القوات والأجهزة في كل المناطق كالاتي:-

- ١- قادة قوات الأمن الوطني وقواتهم والملحقين عليهم من الاستخبارات والـ ١٧ والبحرية تكون واجباتهم حماية الحدود ومداخل المدن الرئيسية والفرعية.
- ٢- الشرطة يكون إختصاصها المحافظة على النظام العام والجرائم بكل أنواعها داخل المدن والتقى وبما نص عليه قانون العقوبات.
- ٣- الإستخبارات والإضباط تكون مهمتها أمن القوات والجرائم المتعلقة بالقوات.
- ٤- المخابرات العامة والأمن الرقابي يكون إختصاصهم في الجرائم السياسية والأمن المتعلقة بالأمن السياسي للدولة.
- ٥- قوات أمن الرئاسة (الـ ١٧) يروضوا بامرة قادة المناطق.

يرجى إصدار تعليماتكم لهم طبقاً لما جاء بهذه التعليمات.

مصحح الشكل

لمينوريس المجلس الأعلى للأمن القومي  
السواء السركن / عبد الرزاق المجايدة

للإطلاع / فخامة الرئيس / القائد العام حفظه الله

Palestinian National Authority  
General Security, National Security and Police

Date 2/1/1997

Dear General Security Director,

Salute the Homeland.

Based on instructions from the President, the General Commander in the Higher Council for National Security in the meeting held on 1 January 1997, the duties of the security forces and agencies in all regions are as follows:

1. The heads of National Security, their forces and those associated with them from Intelligence, Force 17 and the Navy will have the task of protecting the borders, entrances to the main and peripheral cities.
2. The Police will specialise in preserving the general security and [preventing] crime of all kinds inside the cities and villages according to criminal law.
3. The Military Intelligence and Discipline will have the task of security within the forces and crimes associated with the forces.
4. The General Intelligence Service and Preventive Security Service will specialise in political crimes and issues having to do with state security.
5. The Presidential Security, Force 17, will be put under the heads of the regional directorates.

We hope you will issue orders based on this memo.

With thanks,

Secretary of the Higher Council for National Security  
Major General Abd al-Raziq al-Mujaydeh

## **APPENDIX D**

### **DECREE #1 OF 1994**

**President of the Palestine Liberation Organisation Executive Committee**

**President of the Palestinian National Authority**

**Based on the decision of the Executive Committee and the powers granted to him**

It is decided as follows:

1. Work will continue according to the laws, systems and orders that were in use in the Palestinian Territories (the West Bank and the Gaza Strip) before June 5, 1967 until unification is completed.
2. The regular, religious and sectarian courts will continue to function according to their different levels as has been established by the laws and the systems functioning in accordance with it.
3. The judges of the regular and religious courts and the members of the prosecutor's office will continue in their positions in accordance with the law.
4. This decree will come into force in accord with the date of its decision and will reach all those who will be charged with enforcing it and it will be published in the official newspaper.

Tunis: May 20, 1994

[signed] Yasser Arafat

President of the Palestine Liberation Organisation Executive Committee

President of the Palestinian National Authority

Source: Palestinian Human Rights Monitoring Group

## ENDNOTES

### CHAPTER 1:

### POLICE, STATE & SOCIETY - THE MAINTENANCE OF PUBLIC ORDER

- <sup>1</sup> For further discussion on these theories of state, legitimacy and power, see: Max Weber, "Politics as a Vocation," eds. H.H. Gerth and C.W. Mills, *From Max Weber* (New York: Oxford University Press, 1972); Michel Foucault, *Discipline and Punish* (New York: Vintage Books, 1977). Iain McLean, ed. *Oxford Concise Dictionary of Politics* (Oxford: Oxford University Press, 1996).
- <sup>2</sup> A sample of available resources on policing in South Africa, Japan and China include:
- G. Cawthra, *Policing South Africa: The South African Police and Transition from Apartheid* (London: Zed Books, 1993).
  - M. Brogden and C. Shearing, *Policing for a New South Africa* (London: Routledge, 1993).
  - D. Bayley, *Forces of Order: Police Behaviour in Japan and the US* (Berkeley: University of California Press, 1976).
  - E. Ritchie, "Law and Order," ed. M. Harrop, *Power and Policy in Liberal Democracies* (Cambridge: Cambridge University Press, 1992).
  - L. Parker, *The Japanese Police System Today: An American Perspective* (Tokyo and New York: Kodansha International, 1984).
  - T.M. Cheung, "Guarding China's Domestic Front Line: The People's Armed Police and China's Stability," *China Quarterly*, no. 146.
  - J. Brewer et al., *Police, Public Order and the State*, 2<sup>nd</sup> edition (London: Macmillan, 1996).
  - W. Li, "The Security Service for Chinese Central Leaders," *China Quarterly*, no. 143.
- <sup>3</sup> Peter Manning, *Police Work: The Social Organization of Policing*, (Cambridge, Massachusetts: MIT Press, 1977), 6.
- <sup>4</sup> Manning cites a study by Reiss which found that 87% of patrol car mobilisations were citizen-initiated, while only 13% were police-initiated. Similarly, Tupman and Tupman state: "the majority of crime reports are received over the telephone in a control room as a result of an emergency call by a member of the public: the beginning of most crime investigation lies in that decision to ring the police. Manning, *Police Work*, 108. Bill Tupman and Alison Tupman, *Policing in Europe: Uniform in Diversity* (Exeter: Intellect Ltd, 1999), 33.
- <sup>5</sup> *Ibid.*, 108.
- <sup>6</sup> *Ibid.*, 105.
- <sup>7</sup> *Ibid.*, 106.
- <sup>8</sup> Tupman and Tupman, *Policing in Europe*, 12-14.
- <sup>9</sup> Robert Reiner, *The Politics of the Police*, (Hemel Hempstead: Harvester Wheatsheaf, 1992), 211.
- <sup>10</sup> John Lambert, "The Police Can Choose," *New Society* 14 (1969), 430.
- <sup>11</sup> Frank Gregory, "Policing the Democratic State: How Much Force?," *Conflict Studies* 194 (December 1986), 10.
- <sup>12</sup> *Ibid.*
- <sup>13</sup> *Ibid.*, 11.
- <sup>14</sup> Tony Jefferson, "Pondering Paramilitarism: A Question of Standpoints," *British Journal of Criminology*, 33, no. 3 (Summer 1993), 375.
- <sup>15</sup> Frank Gregory, "Policing the Democratic State," 12.
- <sup>16</sup> Trevor Jones, Tim Newburn and David J. Smith, *Democracy and Policing* (London: Policy Studies Institute, 1994), 44.
- <sup>17</sup> Robert Reiner, "Police Accountability: Principles, Patterns and Practices," eds. Robert Reiner and Sarah Spencer, *Accountable Policing: Effectiveness, Empowerment and Equity* (London: Institute for Public Police Research, 1993), 21.
- <sup>18</sup> Reiner, *The Politics of the Police*, 139.
- <sup>19</sup> Maurice Punch and Trevor Naylor, "The Police: A Social Service," *New Society* (17 May 1973), 358-359.
- <sup>20</sup> Egon Bittner, "Florence Nightingale in Pursuit of Willie Sutton: A Theory of the Police," ed. Herbert Jacob, *The Potential for Reform of Criminal Justice* (Beverly Hills: Sage Publications, 1974), 21-22.
- <sup>21</sup> Reiner, *The Politics of the Police*, 111.
- <sup>22</sup> Manning, *Police Work*, 110.
- <sup>23</sup> *Ibid.*, 134.

- <sup>24</sup> Jones, Newburn and Smith, *Democracy and Policing*, 44.
- <sup>25</sup> Manning, *Police Work*, 135.
- <sup>26</sup> In *The Politics of the Police*, Reiner discusses three studies which argue the police provide a social service including Cumming et al., 1964 (USA); Punch and Naylor, 1973 (UK), and Martin and Wilson, 1969 (UK).  
Examples of literature on community policing include:  
B. Loveday, "Police and Government in the 1990s," *Social Policy and Administration* 25, no. 4 (December 1991).  
D. Bayley and C. Shearing, "The Future of Policing," *Law and Society Review* 30, no. 3 (1996).  
R. Friedman, *Community Policing – Comparative Perspectives and Prospects* (Hemel Hempstead: Harvester Wheatsheaf, 1991).
- <sup>27</sup> Robert Reiner, "Black and Blue: Race and the Police," *New Society*, no. 57 (1981).
- <sup>28</sup> Rodney King was severely beaten by members of the Los Angeles Police Department (LAPD) after being pulled over in his car. The case was seen as indicative of the LAPD brutality and prejudice when dealing with African-Americans. Stephen Lawrence was the victim of a racist murder in London. Not only did the police fail to administer first aid as he lay dying on the street, but the investigation was continually bungled by incompetence and prejudice, eventually allowing five suspects to go free. The inquiry report condemned the Metropolitan Police of "professional incompetence, institutional racism and failure of leadership" (*The Economist*, 27 February 1999: 27).
- <sup>29</sup> Carl B. Klockars, *The Idea of the Police* (Beverly Hills: Sage Publications, 1985), 9.
- <sup>30</sup> According to Sigler and King, a two-tier system of policing was established in India where the local system of a village watchman was subordinate to the British organised Indian Police; however in Hong Kong, Africa and the West Indies local policing structures were ignored or destroyed and replaced. Robert T. Sigler and David J. King, "Colonial Policing and Control of Movements for Independence," *Policing and Society*, 3 no. 1 (1992), 15.
- <sup>31</sup> McLean, *Dictionary of Politics*, 377.
- <sup>32</sup> Peter Gill, *Policing Politics: Security Intelligence and the Liberal Democratic State* (London: Frank Cass, 1994), 62.
- <sup>33</sup> Manning, *Police Work*, 107.
- <sup>34</sup> John Alderson, *Law and Disorder* (London: Hamish Hamilton, 1984), 77.
- <sup>35</sup> David H. Bayley, "A Foreign Policy for Democratic Policing," *Policing and Society* 5 (1995), 79.
- <sup>36</sup> *Ibid.*
- <sup>37</sup> *Ibid.*, 89.
- <sup>38</sup> Max Weber, "Politics as a Vocation," eds. H.H. Gerth and C.W. Mills, *From Max Weber*, (New York: Oxford University Press, 1972), 78.
- <sup>39</sup> Manning, *Police Work*, 107.
- <sup>40</sup> Gregory, "Policing the Democratic State," 1.
- <sup>41</sup> John Brewer et al., *The Police, Public Order and the State*, 2<sup>nd</sup> ed. (London: Macmillan Press, 1996), 110-118.  
Tai Ming Cheung, "Guarding China's Domestic Front Line: The People's Armed Police and China's Stability," *The China Quarterly*, no. 146, (June 1996) 525-547.  
William F.S. Miles, "Tragic Tradeoffs: Democracy and Security in Chad," *The Journal of Modern African Studies* 33, no. 1 (March 1995), 53-65.
- <sup>42</sup> The definition of 'society' can be manipulated to mean almost any form of grouping. For the purposes of this thesis, society refers to a population defined by the boundaries of a state. When the thesis refers to 'Palestinian society', it is including the Palestinian residents of the West Bank and Gaza (including East Jerusalem), but excluding Israeli settlers in those areas and Palestinians living in Israel or the Diaspora.
- <sup>43</sup> David H. Bayley, "Foreign Policy for Democratic Policing," 80.
- <sup>44</sup> John Alderson, cited in Daniel D. Ntanda Nsereko, "The Police, Human Rights and the Constitution: An African Perspective," *Human Rights Quarterly* 15, no. 3 (August 1993), 482-483.
- <sup>45</sup> Manning, *Police Work*, 6.
- <sup>46</sup> Max Weber, "Politics as a Vocation," 78-79.
- <sup>47</sup> John Benyon, "Policing in the Limelight: Citizens, Constables and Controversy," eds. John Benyon and Colin Bourn, *The Police: Powers, Procedures and Proprieties* (Oxford: Pergamon Press, 1986), 15.
- <sup>48</sup> *Ibid.*, 105.

- <sup>49</sup> Tupman and Tupman, *Policing in Europe*, 68.
- <sup>50</sup> Saras Jagwanth, "Policing of the Conflict in the Greater Pietermaritzburg Area: A Perception Study," *South African Journal on Human Rights* 8, no. 4 (1992), 536.
- <sup>51</sup> Tupman and Tupman, *Policing in Europe*, 69-70.
- <sup>52</sup> Michel Foucault, *Discipline and Punish* (New York: Vintage Books, 1977), 213.
- <sup>53</sup> Otwin Marenin, "United States' Aid to African Police Forces: The Experience and Impact of the Public Safety Assistance Program," *African Affairs: The Journal of the Royal African Society* 85, no. 341 (October 1986), 509.
- <sup>54</sup> Robert T. Sigler and David J. King, "Colonial Policing and Control of Movements for Independence," *Policing and Society* 3, no. 1 (1992), 13.
- <sup>55</sup> Gino Costa, "The United Nations and Reform of the Police in El Salvador," *International Peacekeeping* 2, no. 3 (Autumn 1995), 366.
- <sup>56</sup> Chief Constable Geoffrey Dear (1986) cited in Peter Gill, *Policing Politics*, 63-64.
- <sup>57</sup> Brewer et al., *The Police, Public Order and the State*, 2<sup>nd</sup> ed. (London: Macmillan Press, 1996), 215.
- <sup>58</sup> Peter Waddington, "The Politics of Public Order Policing: A 'Typographical Analysis'," eds. Chas Critcher and David Waddington, *Policing Public Order: Theoretical and Practical Issues* (Aldershot: Avebury, 1996), 130-131.
- <sup>59</sup> P.A.J. Waddington, "Public Order Policing: Citizenship and Moral Ambiguity," eds. F. Leishman, B. Loveday, and S.P. Savage, *Core Issues in Policing* (London: Longman, Harlow, 1996), 129.
- <sup>60</sup> Peter Waddington, "The Politics of Public Order Policing", 136.
- <sup>61</sup> P.A.J. Waddington, "Public Order Policing," 115.
- <sup>62</sup> Brewer, et al., *The Police, Public Order and the State*, 3.
- <sup>63</sup> P.A.J. Waddington, "Public Order Policing," 115.
- <sup>64</sup> Brewer et al., *The Police, Public Order and the State*, 233.
- <sup>65</sup> *Ibid.*, 236.

## CHAPTER 2: THE ORIGINS OF PUBLIC ORDER MAINTENANCE IN THE WEST BANK & GAZA

- <sup>1</sup> Otwin Marenin, "United States' Aid to African Police Forces: The Experience and Impact of the Public Safety Assistance Program," *African Affairs: The Journal of the Royal African Society* 85, no. 341 (October 1986), 509.
- <sup>2</sup> Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness* (New York: Columbia University Press, 1997), 190.
- <sup>3</sup> Obviously, public order maintenance under the British Mandate had an effect on the development of Palestinian views of policing. This is particularly true because the British recruited members of the Palestinian community into the police ranks. However, with consideration of the limitations of this thesis, the scope has been restricted to the period following the 1948 War – a significant turning point in Palestinian politics.
- <sup>4</sup> Helena Cobban, *The Palestinian Liberation Organisation: People, Power and Politics* (Cambridge: Cambridge University Press, 1984), 169.
- <sup>5</sup> Helena Cobban, *The Palestinian Liberation Organisation*, 180.
- <sup>6</sup> Saleh Abdel Jawad and Yizhar Be'er, *Collaborators in the Occupied Territories: Human Right Abuses and Violations* (B'Tselem, February 1995).
- <sup>7</sup> At the start of the Intifada, the UNC called for the resignation of all Palestinians serving in the Israeli Police. Nearly all policemen acquiesced after the UNC demand – although at least seven who refused to resign were killed during the Intifada on the grounds of collaboration. Those who heeded the UNC appeal were rarely harmed, and several former Palestinian officers in the Israeli Police have been appointed to senior positions in the PSF, including Ibrahim Muhunna, head of the Palestinian Civil Police co-ordination committee with Israel. Saleh Abdel Jawad and Yizhar Be'er, *Collaborators in the Occupied Territories: Human Right Abuses and Violations* (B'Tselem, February 1995).
- <sup>8</sup> David Hirst, *The Gun and the Olive Branch* (London: Faber and Faber, 1977), 286
- <sup>9</sup> Ann M. Lesch, "Prelude to the Uprising in the Gaza Strip", *Journal of Palestine Studies* 20, no. 1 (Autumn 1990), 3

- <sup>10</sup> Helena Cobban, *The Palestinian Liberation Organisation*, 170-171.
- <sup>11</sup> *Ibid.*, 173.
- <sup>12</sup> Cited in Helena Cobban, *The Palestinian Liberation Organisation*, 176.
- <sup>13</sup> Abdel Jawad and Be'er, *Collaborators in the Occupied Territories*.
- <sup>14</sup> Yizhar Be'er, "Licensed Gangs", *Ha'aretz*, 18 July 1990.
- <sup>15</sup> According to B'Tselem, the Civil Administration turned over many of its powers to the Village Councils, including the 'right of recommendation' in cases of family reunification and release from detention. The Village Councils were also allowed to recruit armed militias. Abdel Jawad and Be'er, *Collaborators in the Occupied Territories*.
- <sup>16</sup> Be'er, "Licensed Gangs."
- <sup>17</sup> Despite Israeli occupation, Jordan - which had annexed the West Bank in 1950 - still considered the area part of the Hashemite Kingdom. As a result, Jordan continued to carry out administrative and financial duties, such as issuing Jordanian passports to West Bank Palestinians, providing the educational curriculum, and channelling 'steadfastness' funds to the Palestinian inhabitants of the Occupied Territories. The King's involvement in the West Bank after the Israeli occupation was politically astute. The continuation of a policy to recover the West Bank from Israel was a source of legitimacy for the regime - from both hostile Arab states and the large Palestinian population in Jordan. Furthermore, the policy justified Arab financial aid to Jordan, and through Jordan to the Palestinians in the Occupied Territories. King Hussein did not formally renounce his claim to the West Bank until 31 July 1988.
- <sup>18</sup> Abdel Jawad and Be'er, *Collaborators in the Occupied Territories*.
- <sup>19</sup> Raja Shehadeh, *From Occupation to Interim Accords*, CIMEL Book Series, no. 4 (London: Kluwer Law International, 1997), 75.
- <sup>20</sup> *Ibid.*, 76.
- <sup>21</sup> *Ibid.*, 77.
- <sup>22</sup> Palestinian Human Rights Monitoring Group, "The State of Human Rights in Palestine II: The Judicial System," *The Palestinian Human Rights Monitor*, No. 4 (August 1997), 3.
- <sup>23</sup> *Ibid.*
- <sup>24</sup> Shehadeh, *From Occupation to Interim Accords*, 94.
- <sup>25</sup> This was accomplished through a number of amendments to the emergency regulations, put in place at the beginning of the occupation. In July 1975, an amendment was ratified which excluded from Israeli legal jurisdiction "any person who at the time of the act or the omission was a resident of one of the regions and was not registered in the Population Register". Only Israeli nationals, permanent residents of Israel, and persons and their families considered Jewish by the Israeli Law of Return are listed in the Population Register. Ben Cashdan, "Colonial Law and Ideology - Israel and the Occupied Territories", *Palestine: Profile of an Occupation* (London: Zed Books Ltd., 1989), 66.
- <sup>26</sup> Peter Manning, *Police Work: The Social Organisation of Policing* (Cambridge, Massachusetts: MIT Press, 1977), 106.
- <sup>27</sup> Shaul Mishal and Reuben Aharoni, *Speaking Stones* (New York: Syracuse University Press, 1994).
- <sup>28</sup> Gail Pressberg, "The Uprising: Causes and Consequences," *Journal of Palestine Studies* 17, no. 1 (Spring 1988), 45
- <sup>29</sup> Ian J. Bickerton and Carla L. Klausner, *A Concise History of the Arab-Israeli Conflict* (New Jersey: Prentice Hall, 1991), 235-236.
- <sup>30</sup> At the start of the Intifada, around 30,000 Israelis marched in Tel Aviv to protest the severity of the government's reaction. A number of Israeli men also refused to serve their military duty in the Occupied Territories. Internationally, on 3 November 1988, the UN General Assembly voted 130-2 to condemn Israeli oppression in the Occupied Territories and the violation of Palestinian human rights.
- <sup>31</sup> Salim Tamari, "Eyeless in Judea: Israel's Strategy of Collaboration and Forgeries," *Middle East Report* (May-August 1990), 39-45.
- <sup>32</sup> Bickerton and Klausner, *A Concise History*, 240.
- <sup>33</sup> Mishal and Aharoni, *Speaking Stones*, 38
- <sup>34</sup> Don Peretz, *Intifada: The Palestinian Uprising* (London: Westview Press, 1990), 90.
- <sup>35</sup> Abdel Jawad and Be'er, *Collaborators in the Occupied Territories*.
- <sup>36</sup> Mishal and Aharoni, *Speaking Stones*, 125
- <sup>37</sup> Abdel Jawad and Be'er, *Collaborators in the Occupied Territories*.

- <sup>38</sup> The NRC is discussed in greater detail in Adrien Katherine Wing, “The Intifada: The Emergence of Embryonic Legal Mechanisms for Palestinian Self-Determination,” *Arab Studies Quarterly* 15, no. 4 (Fall 1993), 69.
- <sup>39</sup> Adrien Katherine Wing, “The Intifada: The Emergence of Embryonic Legal Mechanisms for Palestinian Self-Determination,” *Arab Studies Quarterly* 15, no. 4 (Fall 1993), 69.
- <sup>40</sup> Sufian, interview by author, 13 November 1997, Nablus.
- <sup>41</sup> In one example from B’Tselem, a squad of Fatah Hawks in Rafah detained three local men suspected of stealing money from a money changer. The suspects were interrogated in front of a large audience, and eventually confessed. The crowd demanded that they be executed, but the Hawks decided that they be kneecapped instead. The sentence was immediately carried out, and the Fatah Hawks were cheered by the crowd. Abdel Jawad and Be’er, *Collaborators in the Occupied Territories*.
- <sup>42</sup> Cobban, *The Palestinian Liberation Organisation*, 31.
- <sup>43</sup> The PFLP joined the Permanent Bureau a year later.
- <sup>44</sup> Cobban, *The Palestinian Liberation Organisation*, 43.
- <sup>45</sup> Yezid Sayigh, “Armed Struggle and Palestinian Nationalism,” eds. Avraham Sela and Moshe Ma’oz, *The PLO and Israel: From Armed Conflict to Political Solution, 1964-1994* (New York: St. Martin’s Press, 1997), 24.
- <sup>46</sup> Cited in Cobban, *The Palestinian Liberation Organisation*, 48.
- <sup>47</sup> Cobban, *The Palestinian Liberation Organisation*, 54.
- <sup>48</sup> *Ibid.*, 47.
- <sup>49</sup> *Ibid.*, 76.
- <sup>50</sup> Emile Sahliyeh, *The PLO After the Lebanon War* (Colorado: Westview Press, 1986) 100.
- <sup>51</sup> Poll from *Al-Fajr*, 9 December 1983; quoted in Alain Gresh, *The PLO: The Struggle Within* (London: Zed Books, 1985).
- <sup>52</sup> Patrick Seale, *Abu Nidal: A Gun for Hire* (London: Arrow Books, 1992), 49
- <sup>53</sup> *Ibid.*, 338
- <sup>54</sup> John Brewer, et al., *The Police, Public Order and the State*, 2<sup>nd</sup> ed. (London: Macmillan Press, 1996), 236.
- <sup>55</sup> *Ibid.*
- <sup>56</sup> *Ibid.*, 95.
- <sup>57</sup> *Ibid.*, 237.
- <sup>58</sup> *Ibid.*, 237.
- <sup>59</sup> *Ibid.*

### CHAPTER 3: THE AGREEMENTS WITH ISRAEL AND THE ESTABLISHMENT OF THE PSF

- <sup>1</sup> Naomi Weinberger, “An Israeli - Palestinian Security Regime: The Role of Peacekeeping Forces,” eds. Efraim Karsh and Gregory Mahler, *Israel at the Cross-roads* (London: British Academic Press, 1994), 107.
- <sup>2</sup> John King, *Handshake in Washington: The Beginning of Middle East Peace?* (London: Ithaca Press, 1994), 11.
- <sup>3</sup> Avi Shlaim, “Prelude to the Accord: Likud, Labor, and the Palestinians,” *Journal of Palestine Studies* 23, no. 2 (Winter 1994), 5-19.
- <sup>4</sup> Weinberger, “An Israeli - Palestinian Security Regime”, 110.
- <sup>5</sup> Avi Shlaim, *War and Peace in the Middle East* (London: Penguin Books, 1995), 121.
- <sup>6</sup> Avi Shlaim, “Israeli Politics and Middle East Peacemaking,” *Journal of Palestine Studies* 24, no. 4 (Summer 1995), 23.
- <sup>7</sup> *Ibid.*, 6.
- <sup>8</sup> *Ibid.*, 9.
- <sup>9</sup> *Ibid.*, 17.
- <sup>10</sup> Edward W. Said, *Peace and Its Discontents* (London: Vintage, 1995), 10.
- <sup>11</sup> Avi Shlaim, “Israeli Politics and Middle East Peacemaking,” 26.
- <sup>12</sup> *Ibid.*
- <sup>13</sup> *Agreement on the Gaza Strip and the Jericho Area*, (Cairo, 4 May 1994), Article II.6.
- <sup>14</sup> *Ibid.*, Article VIII.1.

- <sup>15</sup> Ibid., Annex I Article II.1.
- <sup>16</sup> Ibid., Annex I Article II.2.
- <sup>17</sup> Ibid., Annex I Article II.3.
- <sup>18</sup> Ibid., Annex I Article II.4.
- <sup>19</sup> Ibid., Annex I Article III.2.
- <sup>20</sup> Ibid., Annex I Article III.4.
- <sup>21</sup> Ibid., Annex I Article III.5.
- <sup>22</sup> Jerusalem Media and Communications Centre, “Public Opinion Poll No. 5 on Palestinian Attitudes to the PLO-Israeli Agreement, July 1994,” *Public Opinion Polls on Palestinian Attitudes Towards Politics, Nos. 1-20, 1993-1997* (Jerusalem: privately printed, 1997).
- <sup>23</sup> Naomi Weinberger, “The Palestinian National Security Debate,” *Journal of Palestine Studies*, 24, no. 3 (Spring 1995), 20.
- <sup>24</sup> Ibid., 21..
- <sup>25</sup> *Preparatory Transfer of Powers and Responsibilities* (Gaza, 29 August 1994), Article II.1.
- <sup>26</sup> Ibid., Article VIII.2.
- <sup>27</sup> Ibid., Article VIII.4.
- <sup>28</sup> *Israeli - Palestinian Interim Agreement on the West Bank and the Gaza Strip* (Washington, D.C., 28 September 1995) Article XIII.2.
- <sup>29</sup> Ibid., Article XV.1.
- <sup>30</sup> Ibid., Annex I, Article II.2.
- <sup>31</sup> Ibid., Annex I, Article III.1.b.
- <sup>32</sup> Ibid., Annex I, Article III.2.b.
- <sup>33</sup> Ibid., Annex I, Article III.3.c.
- <sup>34</sup> Ibid., Annex I, Article IV.1.
- <sup>35</sup> Ibid., Annex I, Article IV.3.a.
- <sup>36</sup> Ibid., Annex I, Article IV.4.a.
- <sup>37</sup> Ibid., Annex I, Article IV.5.
- <sup>38</sup> Ibid., Annex I, Article XI.1.
- <sup>39</sup> Ibid., Annex I, Article XI.3.a.
- <sup>40</sup> Weinberger, “The Palestinian National Security Debate,” 25.
- <sup>41</sup> *Protocol Concerning the Redeployment in Hebron* (Jerusalem, 17 January 1997), Article 4.e.
- <sup>42</sup> Ibid., Article 4.f.
- <sup>43</sup> Ibid., Article 5. a-e.
- <sup>44</sup> *The Wye River Memorandum* (Washington, D.C., 23 October 1998), Article II.C.1
- <sup>45</sup> Ibid., Article II.C.4.
- <sup>46</sup> The Palestinian Society for the Protection of Human Rights and the Environment (LAW), “Wye: A Charter for Human Rights Violations,” Press Release, 26 October 1998.
- <sup>47</sup> Human Rights Watch, “An Analysis of the Wye River Memorandum,” Press Release, November 1998.
- <sup>48</sup> John Brewer, et al., *Police, Public Order and the State*, 2<sup>nd</sup> ed. (London: Macmillan Press, 1996), 236.
- <sup>49</sup> Ibid.
- <sup>50</sup> *The Wye River Memorandum*, Article II.
- <sup>1</sup> Colonel Salem Nasser, Head of Operations and Training, Civil Police Force, interview by author, 23 November 1997, Gaza Police Headquarters, Gaza City.
- <sup>2</sup> The exact number of the National Security Council is debated. According to the Palestinian Independent Commission for Citizens’ Rights, the Committee consists of “commanders of the Security Forces, a number of PNA Ministers, the Attorney General and the Head of Civil Defence”; however according to Ghassan Khatib, editor of the Palestine Report, the National Security Council is made up of only the top security people “about eight to ten members”, and Major General Nasser Yusef states it consists only of the commanders of the branches. The frequency of meetings is also in dispute, from ‘as necessary’ to weekly to daily, respectively. Palestinian Independent Commission for Citizens’ Rights, *Second Annual Report, 1 July 1995 to 31 December 1996* (Jerusalem, 1997). Ghassan Khatib, JMCC, interview by author, 11 November 1997, Jerusalem. Major General Nasser Yusef, General Director of Public Security and Police, interview by author, 29 November 1997, Gaza City.
- <sup>3</sup> According to Fadel Shouli of the Nablus Governor’s Office, the governorates were established to supervise associations and institutions (security and civil) and projects (e.g. education, health, infrastructure) within the district. The governor’s office is also able to issue administrative laws

- at a district level. Fadel Shouli, Head of Municipalities and Village Councils, Nablus Governor's Office, interview by author, 3 November 1997, Nablus.
- <sup>4</sup> Fadel Shouli, Head of Municipalities and Village Councils, Nablus Governor's Office, interview by author, 3 November 1997, Nablus.
- <sup>5</sup> Major General Nasser Yusef, General Director of Public Security and Police, interview by author, 29 November 1997, Public Security Headquarters, Gaza.
- <sup>6</sup> Ghassan Khatib, Jerusalem Media and Communications Centre, interview by author, 11 November 1997, Jerusalem.
- <sup>7</sup> Lieutenant Kamil, Palestinian Civil Police Officer, interview by author, 7 August 1997, Nablus. Other officers expressed similar views during informal discussions with the author during her field research, June-December 1997.
- <sup>8</sup> Brynjar Lia, *Implementing the Oslo Peace Accords* (Norwegian Defence Research Establishment, 7 June 1998), 126.
- <sup>9</sup> *Ibid.*, 78.
- <sup>10</sup> Colonel Salem Nasser, Head of Operations and Training, Civil Police Force, interview by author, 23 November 1997, Gaza Police Headquarters, Gaza City.
- <sup>11</sup> Gal Luft, "The Palestinian Security Services: Between Police and Army," *Middle East Review of International Affairs (MERIA)* 3, no. 2 (June 1999) [journal on-line]; available from <http://www.biu.ac.il/SOC/besa/meria.html>.
- <sup>12</sup> Graham Usher, "Security Blanket," *New Statesman and Society*, 19 January 1996, 24.
- <sup>13</sup> Much of the information on 'the Eighteen' came from an interviewee who wished to remain anonymous. The interview took place in Gaza, November 1997.
- <sup>14</sup> According to an interview with Major General Nasser Yusef, General Director of Public Security and Police there are 12,000 Civil Police; in an interview with Colonel Salem Nasser, Director of Operations and Training for the Civil Police he gave the number of 13,000 - 14,000 police. Major General Nasser Yusef, General Director of Public Security and Police, interview by author, 29 November 1997, Public Security Headquarters, Gaza. Colonel Salem Nasser, Head of Operations and Training, Civil Police Force, interview by author, 23 November 1997, Gaza Police Headquarters, Gaza City.
- <sup>15</sup> Major General 'Abd al-Raziq al-Mujayida, Higher National Security Council, Memorandum Regarding the Duties of the Security Forces and Agencies, 2 January 1997.
- <sup>16</sup> Colonel Salem Nasser, Director of Operations and Training, interview by author, 23 November 1997, Gaza Police Headquarters, Gaza City.
- <sup>17</sup> "Israel Demands Extradition of Palestinian Police Chief; Request Denied," *The Associated Press*, 22 September 1997.
- <sup>18</sup> Jon Immanuel, "Two faces of Palestinian Law and Order," *The Jerusalem Post*, 29 August 1997.
- <sup>19</sup> Colonel Salem Nasser, Director of Operations and Training, interview by author, 23 November 1997 Gaza Police Headquarters, Gaza City.
- <sup>20</sup> Isam Younis, Co-ordinator for Economic and Social Rights, Palestinian Centre for Human Rights, electronic correspondence with author, 6 October 1998, Gaza.
- <sup>21</sup> *Security Assessment: Gaza and the West Bank* (London: Jane's Information Group, 1996), Section 2.11.11.
- <sup>22</sup> Gal Luft, "The Palestinian Security Services."
- <sup>23</sup> Colonel Ala' Hosni, Chief of Civilian Affairs, Civil Police, interview by author, 23 February 1996, Police Headquarters, Nablus.
- <sup>24</sup> Nablus Council Member Hussam Khader stated that he was unsure the number of security branches, but he guessed between seven and nine (naming the Civil Police, Military Intelligence, Preventive Security Service, General Intelligence Service, Naval Police, Force 17, Special Security Force, the tax department, and National Security). Ramallah Council Member 'Abd al-Fattah Hammayeh stated that he believed there were nine to ten branches of security (including the Preventive Security Service, Civil Police, National Security, General Intelligence Service, Force 17, Military Police, and Civil Defence). Hussam Khader, Nablus Council Member, interview by author, 15 September 1997, Nablus. 'Abd al-Fattah Hammayeh, Ramallah Council Member, interview by author, 9 October 1997, Ramallah.
- <sup>25</sup> David Hirst, "Yasser Arafat's Tools of Repression," *The Guardian*, 6 July 1996, 16.
- <sup>26</sup> Major General Nasser Yusef, General Director of Public Security and Police, interview by author, 29 November 1997, Public Security Headquarters, Gaza City.
- <sup>27</sup> Major General Abd al-Raziq al-Mujayida, Higher National Security Council, Memorandum Regarding the Duties of the Security Forces and Agencies, 2 January 1997.

- <sup>28</sup> Fadel Shouli, Head of Municipalities and Village Councils, Nablus Governor's Office, interview by author, 3 November 1997, Nablus.
- <sup>29</sup> Gal Luft, "The Palestinian Security Services."
- <sup>30</sup> "Palestinian Security Profiles: The Future Warlords," *Issues: Perspectives on Middle East and World Affairs* 4, no. 5 (June 1995), 9.
- <sup>31</sup> Nahman Tal, "The Emerging Palestinian Political System," ed. Mark A. Heller, *The Middle East Military Balance, 1996* (New York: Columbia University Press, 1998), 35.
- <sup>32</sup> Information from an anonymous source, Spring 1999.
- <sup>33</sup> Major General Abd al-Raziq al-Mujayida, Higher National Security Council, Memorandum Regarding the Duties of the Security Forces and Agencies, 2 January 1997.
- <sup>34</sup> Nahman Tal believes there to be around 1,000 members, but most other sources estimate that Military Intelligence is in fact smaller. Nahman Tal, "The Emerging Palestinian Political System," 35.
- <sup>35</sup> Major General Nasser Yusef, General Director of Public Security and Police, interview with author, 29 November 1997, Public Security Headquarters, Gaza City.
- <sup>36</sup> *Ibid.*, Annex I, Article IX.2
- <sup>37</sup> Major General Nasser Yusef, General Director of Public Security and Police, interview with author, 29 November 1997, Public Security Headquarters, Gaza City.
- <sup>38</sup> Colonel Mohammed Dahlan, Head of the Preventive Security Service, interview with author, 29 November 1997, Preventive Security Headquarters, Gaza.
- <sup>39</sup> Several members of the Preventive Security Service expressed their loyalty to Rajoub over Arafat to the author, in confidence, during interviews and conversations. When in March 1996 reports circulated that Rajoub had been dismissed from his job by Arafat, many people - civilians as well as members of the PSS - expressed their support for Rajoub to the author. Members of the PSS also threatened to strike if Rajoub was removed. In the end, Arafat decided not to dismiss Rajoub. Journalist Graham Usher also stated that the PSS forces are fiercely loyal to Rajoub and Dahlan because they are seen as nationalist heroes. Graham Usher, Correspondent for the *Economist*, interview with author, 19 October 1997, Jerusalem.
- <sup>40</sup> Colonel Mohammed Dahlan, Head of the Preventive Security Service, interview with author, 29 November 1997, Preventive Security Headquarters, Gaza.
- <sup>41</sup> Lieutenant Colonel Ahmed al-Nabusi, Head of Administration, Nablus Preventive Security Service, interview by author, March 1996, Internal Security Headquarters, Nablus.
- <sup>42</sup> Lieutenant Colonel Mansour al-Rais, Deputy Director of Training, interview by author, 24 November 1997, Gaza Police Headquarters, Gaza City.
- <sup>43</sup> Yacov Hadas-Handelsman, Counsellor, Embassy of Israel, interview by author, 16 April 1997, London.
- <sup>44</sup> Azmi Bishara, "Welcome to the Tear Gas/Rubber Bullet Dispensary Course," *Ha'aretz*. 19 May 1995; quoted in *News from Within* 11, no. 6 (June 1995).
- <sup>45</sup> Craig Mokhiber, UNSCO Legal Advisor, interview by author, 25 November 1997, Gaza City.
- <sup>46</sup> Brynjar Lia, *Implementing the Oslo Peace Accords*, 91.
- <sup>47</sup> Tim Weiner, "CIA is Teaching Tricks of the Trade to the Palestinians," *The New York Times*, 5 March 1998, A9.
- <sup>48</sup> Mazen Shaqora, UNHC/CHR, interview by author, 27 November 1997, Gaza.
- <sup>49</sup> Brynjar Lia, *Implementing the Oslo Peace Accords*, 113.
- <sup>50</sup> *Ibid.*, 114.
- <sup>51</sup> Rex Brynen, "Buying Peace? A Critical Assessment of International Aid to the West Bank and Gaza," *Journal of Palestine Studies* 25, no. 3 (Spring 1996), 80.
- <sup>52</sup> Brynjar Lia, *Implementing the Oslo Peace Accords*, 115.
- <sup>53</sup> *Ibid.*, 121.
- <sup>54</sup> Office of the Special Co-ordinator in the Occupied Territories, "Partners in Peace," (Gaza, 1996?); available at <http://www.arts.mcgill.ca/MEPP/unsco/unqr.html>.
- <sup>55</sup> Office of the Special Co-ordinator in the Occupied Territories, "Partners in Peace," (Gaza, 1996?); available at <http://www.arts.mcgill.ca/MEPP/unsco/unqr.html>.
- <sup>56</sup> Brynjar Lia, *Implementing the Oslo Peace Accords*, 125.
- <sup>57</sup> Fred Scutt, Department for International Development (DFID), interview by author, 11 November 1997, Jerusalem.
- <sup>58</sup> The idea of the PNA as a rentier state and its ramifications on the PSF is discussed in: Glenn E. Robinson, "The Growing Authoritarianism of the Arafat Regime," *Survival* 39, no. 2 (Summer 1997). Chapter 7 will also consider this argument in greater detail.

- <sup>59</sup> Salem Nasser, Head of Operations and Training, interview by author, 26 November 1997, Gaza Police Headquarters, Gaza City.
- <sup>60</sup> Clashes erupted between the Presidential Security Force and the PSS in February 1995 after the two branches became involved in a family feud; another incident occurred between security services and the Civil Police in December 1996 which resulted in four police officers being wounded. Louise Lief and David Makovsky, "Mourning Without End?" *US News & World Report*, 6 February 1995, 46. "Officials Fired for Corruption", *Palestine Report*, 10 January 1996.
- <sup>61</sup> John Brewer et al., *Police, Public Order and the State*, 2<sup>nd</sup> ed. (London: Macmillan Press, 1996), 233.
- <sup>1</sup> Salim Tamari, "Fading Flags: The Crises of Palestinian Legitimacy," *Middle East Report*, No. 194/195 (May-June/July-August 1995), 10.
- <sup>2</sup> *Agreement on the Gaza Strip and Jericho Area* (Cairo, 4 May 1994), Article VII.9
- <sup>3</sup> *Agreement on the Gaza Strip and Jericho Area*, Article VII.1-3.
- <sup>4</sup> Table 5-1 includes the status of Palestinian laws and projects as of June 1998. Palestinian Legislative Council, "Laws and Projects," available from <http://www.pal-plc.org/english/laws/laws.htm>
- <sup>5</sup> "Arafat Fires Attorney-General for Corruption," *Palestine Report*, 13 June 1997.
- <sup>6</sup> *Draft Basic Law for the National Authority in the Transitional Period*, Chapter One, Article 2, JMCC Occasional Document Series, no. 5, February 1996.
- <sup>7</sup> *Draft Basic Law for the National Authority in the Transitional Period*, Chapter Two, Article 8.
- <sup>8</sup> *Draft Basic Law for the National Authority in the Transitional Period*, Chapter Three, Article 36.
- <sup>9</sup> Stephen P. Marks, "Domestic Application of International Human Rights Standards: Criminal Justice and Public Security Under Palestinian Self-Government," *Human Rights, Self-Determination and Political Change in the Occupied Palestinian Territories*, ed. Stephen Bowen (London: Martinus Nijhoff Publishers, 1997), 171-172.
- <sup>10</sup> *Ibid.*, 171.
- <sup>11</sup> U.S. Department of State, *1996 Human Rights Report: The Occupied Territories* (Washington D.C.: Bureau of Democracy, Human Rights, and Labor, 30 January 1997).
- <sup>12</sup> Office of the Special Co-ordinator in the Occupied Territories, *Rule of Law Development in the West Bank and Gaza Strip: Survey and Status of the Development Effort* (Gaza, July 1997), 18.
- <sup>13</sup> UNSCO, *Rule of Law Development*, 9.
- <sup>14</sup> Amnesty International cited a case where the defendants were merchants accused of selling food after its sale date. Amnesty International, *Trial at Midnight: Secret, Summary, Unfair Trials in Gaza*, (London: Amnesty International, June 1995); excerpts from *Journal of Palestine Studies* 25, no. 1 (Autumn 1995), 141.
- <sup>15</sup> "Joe Stork, "Human Rights Under the Palestinian Authority," testimony to the U.S. House International Relations Sub-Committee on International Operations and Human Rights, (Washington, D.C., 23 July 1996); excerpts from *Journal of Palestine Studies* 26, no. 1 (Autumn 1996), 161.
- <sup>16</sup> Amnesty International, *Five years after the Oslo Agreement: Human Rights Sacrificed for "Security"* (London: September 1998), 36.
- <sup>17</sup> U.S. Department of State, *1996 Human Rights Report*.
- <sup>18</sup> Ziad Areef, "Rehabilitation Centers: In Law and In Reality," *People's Rights*, no. 4 (June 1997), 38.
- <sup>19</sup> Areef, "Rehabilitation Centers," 37.
- <sup>20</sup> UNSCO, *Rule of Law Development*, 21-22.
- <sup>21</sup> Khaled Batrawi, Mandela Institute, interview by author, 10 November 1997, Ramallah. Other local human rights organisations mentioned similar actions. In an interview Shawqi Issa of LAW told of how his organisation bought air conditioners for a Ramallah prison because the prison authority was unable to afford them. Shawqi Issa, LAW, interview by author, 18 November 1997, Ramallah.
- <sup>22</sup> Doreen J. McBarnet, "The Police and the State: Arrest, Legality and the Law," eds. Gary Littlejohn et al., *Power and the State* (London: Croom Helm, 1978), 197.
- <sup>23</sup> Amnesty International, "Trial at Midnight," 146.
- <sup>24</sup> Amnesty International, "Five Years After the Oslo Agreement: Human Rights Sacrificed for 'Security'" (London: September 1998), 35.
- <sup>25</sup> Palestinian Society for the Protection of Human Rights and the Environment "Urgent Action: Political Prisoner Remains in PA Prison Against High Court Order," Press Release, 6 December 1997.

- <sup>26</sup> Palestinian Society for the Protection of Human Rights and the Environment “LAW Wins Acquittal for Nine Arrested in El Khader Village,” Press Release, 26 March 1998.
- <sup>27</sup> Fayeze Abu Rahmeh; quoted in Jon Immanuel, “Two Faces of Palestinian Law and Order,” *The Jerusalem Post*, 29 August 1997.
- <sup>28</sup> The Palestinian Society for the Protection of Human Rights and the Environment, “Resignation of Palestinian Attorney General Reason for Alarm,” Press Release, 11 May 1998.
- <sup>29</sup> “Justice Minister Steps Down,” *Palestine Report*, 25 July 1997, 16.
- <sup>30</sup> Muhsen Al-Ifrangi, “Legislative Council Reveals Widespread Corruption,” *People’s Rights*, no. 7 (August 1997), 18-23.
- <sup>31</sup> Abdel-Sitar Qassem, “Interview with Dr. Abdel-Sitar Qassem,” interview by Ziad Abbas, *News From Within* 11, no. 9 (September 1995), 10.
- <sup>32</sup> The International Freedom of Expression eXchange (IFEX) provides a comprehensive listing of reports, from a variety of sources, on detained journalists and other PSF violations of the freedom of speech at their internet site found at <http://www.ifex.org/>
- <sup>33</sup> Lamis Andoni, “Free Speech – for the Right Reasons,” *Palestine Report*, 30 May 1997.
- <sup>34</sup> “Journalist Arrested,” *Palestine Report*, 23 May 1997.
- <sup>35</sup> *The Wye River Memorandum* (Washington, D.C., 23 October 1998), Article II.3.a.
- <sup>36</sup> The Palestinian Society for the Protection of Human Rights and the Environment, “Large Scale Arbitrary Arrests,” Press Release, 30 October 1998. Palestinian Centre for Human Rights, “The PNA Imposes Additional Restrictions on the Freedom of Expression and Press,” Press Release, 8 November 1998.
- <sup>37</sup> The Palestinian Society for the Protection of Human Rights and the Environment, “Free Expression Restricted by PNA Anti-Incitement Decree,” Press Release, 24 November 1998.
- <sup>38</sup> The Palestinian Society for the Protection of Human Rights and the Environment, “Radio and TV Stations Closed Down in Ramallah,” Press Release, 18 December 1998.
- <sup>39</sup> Dr. Iyad Sarraj, Director-General of the Palestinian Independent Commission for Citizens’ Rights, interview by author, 25 November 1997, Gaza City.
- <sup>40</sup> B’Tselem and The Palestinian Human Rights Monitoring Group, *Human Rights in the Occupied Territories Since the Oslo Accords: Status Report*, (Jerusalem: B’Tselem, December 1996), 22-23.
- <sup>41</sup> “What Arafat Can and Can’t Do,” *The Economist*, 9 August 1997, 47.
- <sup>42</sup> Patricia Golan, “Palestinian Police,” *Voice of America*, broadcast 1 May 1995.
- <sup>43</sup> Graham Usher, “Israel Burns the Palestinian Haystack,” *Middle East International*, no. 521 (15 March 1996), 3.
- <sup>44</sup> *Ibid.*, 4.
- <sup>45</sup> *The Wye River Memorandum*, Article II.A.1
- <sup>46</sup> Michael Jansen, “Scant Regard for Rights in Crackdown on Islamists,” *The Irish Times*, 2 November 1998.
- <sup>47</sup> Mona Eltahawy, “Palestinian Authority Mutes Peace Deal Opponents,” *Reuters*, 25 October 1998.
- <sup>48</sup> “Palestinian Police Sweep on HAMAS in Bid to Shore Up Credibility,” *Agence France-Presse*, 30 October 1998.
- <sup>49</sup> Graham Usher, “The Riot at the Erez Checkpoint,” *Middle East International*, no. 480 (22 July 1994), 6.
- <sup>50</sup> Ibrahim Barzak, “Israel, Palestinian Troops Face Off,” *Associated Press*, 14 February 1999.
- <sup>51</sup> Cited in: Jon Immanuel, “Rioting Continues in Territories,” *The Jerusalem Post*, 27 March 1997.
- <sup>52</sup> Steve Rodan and Mohammed Najib, “Are the PA Police Toeing or Crossing the Line?” *The Jerusalem Post*, 10 August 1997.
- <sup>53</sup> Beverley Milton-Edwards, “Policing Palestinian Society,” *Policing and Society* 7 (1997), 28.
- <sup>54</sup> Wei Li, “The Security Service for Chinese Central Leaders,” *China Quarterly*, no. 143 (September 1995): 815.
- <sup>55</sup> *Ibid.*, 826.
- <sup>56</sup> Ronald Weitzer, “Policing a Divided Society: Obstacles to Normalization in Northern Ireland,” *Social Problems* 33, no. 1 (October 1985), 42.
- <sup>57</sup> P.A.J. Waddington, “Public Order Policing: Citizenship and Moral Ambiguity,” eds. F. Leishman, B. Loveday, S.P. Savage, *Core Issues in Policing* (New York: Longman Harlow, 1996), 114.
- <sup>58</sup> Charles Lenchner and Alia Siksik, Palestinian Human Rights Monitoring Group, interview by author, 4 September 1997, Jerusalem.
- <sup>59</sup> In another example, Civil Police officers in Bethlehem assaulted a suspected drug dealer from Jerusalem. They later justified their actions, saying that although much of the drugs in the

Bethlehem area came from Jerusalem they were not allowed to arrest dealers who were Jerusalem residents; instead when they saw a dealer, they gave him 'a warning'. "Police Brutality," *Palestine Report*, 23 August 1996.

- <sup>60</sup> Yacov Hadas-Handelsman, Counsellor, Embassy of Israel, interview by author, 16 April 1997, London.
- <sup>61</sup> Discussion with an anonymous PSF member, Nablus, 1996. During the discussion, the PSF officer told how when an inter-family dispute turned violent in the village of Ramin (Area B), members of the PSS were sent to control the situation. Although the IDF had already blocked off the main roads leading to Ramin, they allowed the PSS to enter with their weapons and handle the situation themselves.
- <sup>62</sup> In one incident, two prisoners being transferred to Nablus in a PSS vehicle were abducted by Israel en route in autumn 1997. "For the Record: Interview with Colonel Jabril Rjoub," *Palestine Report*, 5 December 1997, 10-11.
- <sup>63</sup> "State Department Report on PLO Compliance," (Washington, D.C., 13 July 1996); excerpts from *Journal of Palestine Studies* 26, no. 1 (Autumn 1996), 152.
- <sup>64</sup> Gal Luft, "The Palestinian Security Services: Between Police and Army," *Middle East Review of International Affairs (MERIA)* 3, no. 2 (June 1999); available from <http://www.biu.ac.il/SOC/besa/meria.html>
- <sup>65</sup> Colonel Salem Nasser, Civil Police Force, interview by author, 23 November 1997, Gaza Police Headquarters, Gaza City.
- <sup>66</sup> Colonel Ibrahim Yusef Muhunna, Civil Police Force and Member of Gaza Regional Security Committee, interview by author, 24 November 1997, Gaza Police Headquarters, Gaza City.
- <sup>67</sup> Graham Usher, "Security Blanket," *New Statesman and Society*, 19 January 1996, 23. A 1996 U.S. State Department report on PLO compliance gives another good example of co-operation between the PSS and GSS. Following the Israeli arrest of Hamas activist Hasan Salameh, Israel arrested 8 men involved in suicide attacks and the PSF arrested 6. In one case, the GSS obtained information during Salameh's interrogation regarding Salameh's 'replacement' Khalil Hussein. The GSS passed the information on to the GIS, who then arrested Hussein in Bethlehem. "State Department Report on PLO Compliance," 152.
- <sup>68</sup> "Peace Monitor," *Journal of Palestine Studies* 26, no. 2 (Winter 1997) – 27, no. 1 (Autumn 1997).
- <sup>69</sup> "Peace Monitor," *Journal of Palestine Studies* 27, no. 1 (Autumn 1997), 116.
- <sup>70</sup> Information derived from personal conversations with members of the PSF, Nablus, June-December 1997.
- <sup>71</sup> "Peace Monitor," *Journal of Palestine Studies*, 25, no. 4 (Summer 1996): 16.
- <sup>72</sup> Radwan Abdel Hadi, "Israel Kidnaps Escaped Prisoner in Tulkarem," *The Jerusalem Times/Biladi*, 1 August 1997.
- <sup>73</sup> The PSF checkpoints throughout Nablus and Massimi's armed guards were witnessed by the author during her field research in 1997.
- <sup>74</sup> *Ma'ariv*, 30 October 1995; quoted from Haim Baram, "Braced for the Inevitable," *Middle East International*, no. 512 (3 November 1995), 4.
- <sup>75</sup> Lisa Beyer, "Death Comes Calling," *Time*, 15 January 1996, 30.
- <sup>76</sup> David Makovsky, "Suicide Bomb Mastermind is Identified," *Ha'aretz*, 30 September 1997, 1.
- <sup>77</sup> Discussions with members of the PSF, Autumn 1997.
- <sup>78</sup> Brewer et al., *The Police, Public Order and the State*, 231.
- <sup>79</sup> *Ibid.*
- <sup>80</sup> Israel Government Press Office, *Israeli View on Palestinian Security Commitments*, Jerusalem, 9 September 1997; available from the Israel Ministry of Foreign Affairs at <http://www.israel-mfa.gov.il>.
- <sup>81</sup> A sample of articles detailing successful and unsuccessful 'reconciliation' meetings between the PNA and the Islamic groups include: Wael Tabari, "National Unity Conference Calls for Arab Summit," *The Jerusalem Times/Biladi*, 22 August 1997, 1; Graham Usher, "Why Fatah and Hamas Have Struck a Deal," *Middle East International*, no. 474 (29 April 1994), 3; Khalid Amayreh, "Hamas Boycotts Dialogue Session; Israeli Repression Continues," *Palestine Times*, May 1997.
- <sup>82</sup> Brewer et al., *The Police, Public Order and the State*, 231.
- <sup>83</sup> Sari Bashi, "Israel Wants Factions Outlawed," *Associated Press*, 8 November 1998.
- <sup>84</sup> Brewer et al., *The Police, Public Order and the State*, 232.

## CHAPTER 6

### THE POLICE-SOCIETY RELATIONSHIP – THE PSF AND THE PALESTINIAN SOCIETY

- <sup>1</sup> For more information on the development of Palestinian national identity, see: Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness* (New York: Columbia University Press, 1997).
- <sup>2</sup> Brynjar Lia, *Implementing the Oslo Peace Accords: A Case Study of the Palestinian-Israeli Peace Process and International Assistance for the Enhancement of Security* (Norwegian Defence Research Establishment, June 1998), 13.
- <sup>3</sup> Palestinian Society for the Protection of Human Rights and the Environment, *Summary of the 1998 Annual Report on Human Rights in the Occupied Palestinian Territories* (Jerusalem, 1998).
- <sup>4</sup> Israel Ministry of Foreign Affairs, *Wye River Memorandum: Status of Implementation as of March 1, 1999*; available from <http://www.mfa.gov.il/mfa/go.asp?MFAHOe380>.
- <sup>5</sup> Brynjar Lia, *Implementing the Oslo Peace Accords*, 54. This report provides a detailed analysis of the establishment and responsibilities of the TIPH Observer Force.
- <sup>6</sup> *Ibid.*, 58-59.
- <sup>7</sup> Yezid Sayigh, "Redefining the Basics: Sovereignty and Security of the Palestinian State," *Journal of Palestine Studies* 24, no. 4 (Summer 1995), 8.
- <sup>8</sup> For reports on such incidents see: Yossi Torfstein, "Armed Palestinians Kidnapped Nablus Resident and Shot Him in Public," *Davar*, 13 October 1995; Graham Usher, "Why Fatah and Hamas Have Struck a Deal," *Middle East International*, no. 474 (29 April 1994), 3.
- <sup>9</sup> Lara Marlowe, "Peace Postponed," *Time*, 18 April 1994.
- <sup>10</sup> According to the Declaration of Principles, authority over education and culture, health, social welfare, direct taxation and tourism was transferred to the PNA. The author witnessed men, trained in Jericho for the PSF, stationed in some of these facilities, ostensibly working as guards or night watchmen. For example, trained men working as hospital guards.
- <sup>11</sup> See Chapter 4 for more information on the 'Rome Agreement' between Palestinian security chiefs Dahlan and Rajoub and former head of the GSS Yaacov Peri and then IDF chief of staff Amnon Shahak.
- <sup>12</sup> The Fatah Hawks in Nablus, led by Ahmed Tabouq remained local heroes among the working class, particularly in the poor neighbourhoods of the Old City. Tabouq's popularity remained high despite running feuds with other groups and a series of highly publicised and controversial collaborator shootings.
- <sup>13</sup> Isam Younis, Palestinian Centre for Human Rights, interview by author, 25 November 1997, Gaza.
- <sup>14</sup> In the April 1997 poll, 52.8% rated the PSF as good, more than the performance of the PLC (33.8%) or the Ministerial Cabinet (34.3%). Jerusalem Media and Communications Centre, "Public Opinion Poll No. 19 on Palestinian Attitudes Towards Current Issues, April 1997", *Public Opinion Polls on Palestinian Attitudes Towards Politics Nos. 1-20, 1993-1997* (Jerusalem: JMCC Public Opinion Polling Unit, 1997).
- <sup>15</sup> Colonel Salem Nasser, Head of Operations and Training, Civil Police, interview by author, 26 November 1997, Gaza Police Headquarters, Gaza City.
- <sup>16</sup> The conflict between Yusef and Dahlan was referred to in several articles including: "Violations Exposed," *Jerusalem Post*, 20 September 1996; Beverley Milton-Edwards, "Policing Palestinian Society," *Policing and Society* 7 (1997); and "The Palestinian Army," *Middle East Digest* 8, no. 4 (April 1997). The author also experienced similar attitudes when interviewing the Yusef and Dahlan in November 1997.
- <sup>17</sup> Iyad Sarraj, Director of Gaza Community Mental Health Programme, interview by author, 25 November 1997, Gaza.
- <sup>18</sup> Graham Usher, "The Politics of Internal Security: The PA's New Intelligence Service," *Journal of Palestine Studies* 25, no. 2 (Winter 1996), 29.
- <sup>19</sup> On 31 July 1996 Mahmoud Jumayel, a former member of Fatah Hawks from Nablus, died after being tortured in Jneid Prison, Nablus, by the Naval Police. Although Jumayel was not a member of the PSS, he had close ties with members of the organisation. Based on the author's experience, the opinion of many people was that Jumayel was killed for political reasons, and the mayor of Nablus was behind the tragedy. Jumayel's family stated that Mahmoud had fallen out with the PNA after he expressed interest in running for a position in the PLC. More information on the death of Mahmoud Jumayel: Amnesty International, *Death in Custody of Mahmoud Jumayel*, (London, September 1996); Salwa Kanaana, "PA Torture Victim Declared Brain Dead," *Palestine Report*, 2 August 1996.

- <sup>20</sup> According to Usher, ‘insiders’ like PSS deputy leader Rashid Shibak and Force 17 leader Sami Abu Samhandana have clashed with ‘newcomers’ like police chief Ghazi Jabali, “especially over what many Gazans see as Jabali’s over-zealous attempts to arrest Fatah activists wanted by the IDF for extradition”. Usher, “The Politics of Internal Security,” 29.
- <sup>21</sup> Usher, “The Politics of Internal Security,” 29-30.
- <sup>22</sup> Lia, *Implementing the Oslo Peace Accords*, 75.
- <sup>23</sup> Centre for Palestine Research and Studies (CPRS), December 1994; quoted in Nahman Tal, “The Emerging Palestinian Political System,” ed. Mark A. Heller, *The Middle East Military Balance, 1996* (New York: Columbia University Press, 1998), 30.
- <sup>24</sup> Ghassan Abu Hunish, Popular Front for the Liberation of Palestine (PFLP), interview by author, 2 November 1997, Nablus.
- <sup>25</sup> Usher, “The Politics of Internal Security,” 32.
- <sup>26</sup> Graham Usher, Journalist for the Economist, interview by author, 19 October 1997, Jerusalem.
- <sup>27</sup> Manal Jamal and Buthaina Darwish, “Exposed Realities: Palestinian Residency Rights in the Self Ruled Areas Three Years After Partial Israeli Redeployment,” (Bethlehem: Badil/Alternative Information Centre, November 1997), 24-25.
- <sup>28</sup> Isam Younis, Palestinian Centre for Human Rights, interview by author, 25 November 1997, Gaza.
- <sup>29</sup> Dr. Iyad Sarraj, Director of the Gaza Community Mental Health Programme, interview by author, 25 November 1997, Gaza. In a JMCC poll conducted in 1997, 46.8% of West Bank and Gaza residents responded that the returnees were ‘worse than I expected’. Jerusalem Media and Communication Centre, “Public Opinion Poll No. 20 on Palestinian Attitudes Towards Current Issues, May 1997”, *Public Opinion Polls on Palestinian Attitudes Towards Politics Nos. 1-20, 1993-1997* (Jerusalem: JMCC Public Opinion Polling Unit, 1997).
- <sup>30</sup> “Corruption, Corruption: Will This Bleeding Ever Stop?” *People’s Rights*, no. 4 (June 1997), 19.
- <sup>31</sup> “Torturers Get Death Sentence,” *Palestine Report*, 11 July 1997, 15.
- <sup>32</sup> Rashid I. Khalidi, “Why This ‘Peace Process’ Will Not Lead to Peace,” *Tikkun* 14, no. 1 (January/February 1999), 11-14.
- <sup>33</sup> Usher, “The Politics of Internal Security,” 22.
- <sup>34</sup> Colonel Mohammad Dahlan, Head of Gaza Preventive Security Service, interview by author, 29 November 1997.
- <sup>35</sup> Mervat Rishmawi, Al-Haq, August 1995; quoted in Milton-Edwards, “Policing Palestinian Society,” 29.
- <sup>36</sup> “One Palestinian Killed, Several Wounded by Palestinian Security Forces,” *Associated Press*, 2 August 1996.
- <sup>37</sup> Mariam Sami, “One Dead After Palestinian Fighting,” *Associated Press*, 25 October 1998.
- <sup>38</sup> This poll was taken less than a month after the four suicide bombings in February/March 1996 and the subsequent tough security measures taken against Hamas and Islamic Jihad by the PSF. Centre for Palestine Research and Studies (CPRS), *Results of Public Opinion Poll #22, 29-31 March 1996* (Nablus: Survey Research Unit, 1996).
- <sup>39</sup> First Lieutenant Sharifa Ali, Preventive Security Service, Public Relations Office, interview by author, March 1996, Nablus.
- <sup>40</sup> Glenn E. Robinson, “The Growing Authoritarianism of the Arafat Regime,” *Survival* 39, no. 2 (Summer 1997), 44.
- <sup>41</sup> Christopher Heltveit Parker, “PA Power and Palestinian Citizenship Between Oslo and a Final Status,” Paper presented at the conference Citizenship and the State in the Middle East, Norway, 1996, p. 5.
- <sup>42</sup> Amnesty International, *Five Years After the Oslo Agreement: Human Rights Sacrificed for “Security”*, (London, September 1998), 33.
- <sup>43</sup> Members of the Legislative Council were assaulted by members of the PSS and GIS while participating in a demonstration outside the Awadallah family house. Adel and Imad Awadallah were wanted by Israel and the PNA on suspicion of involvement in suicide bomb attacks and the assassination of Hamas activist Muhi al-Din al-Sharif. All members of the Awadallah household were put under house arrest during the hunt for the brothers, prompting the demonstration.
- <sup>44</sup> “Islamist Prisoners Report Torture at Hands of PA Police,” *Palestine Report*, 17 May 1996, 5.
- <sup>45</sup> “Detailed Story of the Arrest and Murder of Yousef Al-Baba,” *People’s Rights*, March 1997, 6.
- <sup>46</sup> John D. Brewer et al., *The Police, Public Order and the State*, 2<sup>nd</sup> ed. (London: Macmillan Press, 1996), 232.
- <sup>47</sup> Lieutenant Kamil, Civil Police, interview by author, 7 August 1997, Nablus.
- <sup>48</sup> Discussions with anonymous members of the PSF, Nablus, 1996-1997.

- <sup>49</sup> The belief that Israel wants the self-rule areas to collapse into civil war can be demonstrated in numerous statements by Palestinian political figures. For example, at a joint Hamas-Fatah rally in Gaza to celebrate a pact between the two groups, Fatah leader Hisham Abd al-Raziq pronounced: “the Israelis were gambling on our fighting, but we say Palestinian blood is taboo. We are not going to be tools for Israel’s purposes.” Quoted from: Graham Usher, “Why Fatah and Hamas Have Struck a Deal,” *Middle East International*, no. 474 (29 April 1994), 4.
- <sup>50</sup> Palestinian Centre for Human Rights, *The Clashes of September 1996: Investigation Into the Causes and the Use of Force*, Series Study 7 (Gaza, January 1997), 20-21.
- <sup>51</sup> Graham Usher, “Picture of War,” *Middle East International*, no. 535 (4 October 1996), 3.
- <sup>52</sup> “IPS Forum: The Tunnel Crisis,” *Journal of Palestine Studies* 26, no. 2 (Winter 1997), 97.
- <sup>53</sup> Khalid Amayreh, “Intifada Rediscovered,” *Middle East International*, no. 535 (4 October 1996), 5.
- <sup>54</sup> “IPS Forum: The Tunnel Crisis,” *Journal of Palestine Studies* 26, no. 2 (Winter 1997), 101.
- <sup>55</sup> Ghassan Abu Hunish, Popular Front for the Liberation of Palestine, interview by author, 2 November 1997, Nablus.
- <sup>56</sup> Jerusalem Media and Communication Centre, “Public Opinion Poll No. 17 on Palestinian Attitudes Towards Current Issues, November 1996,” *Public Opinion Polls on Palestinian Attitudes Towards Politics Nos. 1-20, 1993-1997* (Jerusalem: JMCC Public Opinion Polling Unit, 1997). In the same poll, only 20.7% responded that they felt pessimistic or very pessimistic about the future.
- <sup>57</sup> *Reconstruction of the Events of Late September 1996 in the West Bank and Gaza Strip* (Jerusalem: Al-Haq, 1997), 16-17.
- <sup>58</sup> Palestinian Society for the Protection of Human Rights and the Environment, “Only 37 Political Prisoners Freed for Eid al-Fitr,” Press Release, 29 January 1999.
- <sup>59</sup> Laura King, “Palestinians Free Hamas Leader,” *Associated Press*, 23 December 1998.
- <sup>60</sup> Mohammed Dahlan, 1995; quoted in Usher, “The Politics of Internal Security,” 28.
- <sup>61</sup> Yoram Levy, “Israel Requests Extradition of 7 Additional Palestinian Suspects,” *Itim News Agency*, 21 March 1999.
- <sup>62</sup> Saleh Abdel Jawad and Yizhar Be’er, *Collaborators in the Occupied Territories: Human Rights Abuses and Violations*, (Jerusalem: B’Tselem, February 1995).
- <sup>63</sup> Stephanie Nolen, “Land Broker Killings: The Historical Perspective,” *Palestine Report*, 27 June 1997, 11.
- <sup>64</sup> “Crimes Without Punishment: Land Dealers, Land Sales and Fraud,” *People’s Rights*, no. 5 (June 1997): 22-25.
- <sup>65</sup> *Palestinian Human Rights Monitor*, no. 3 (May 1993) and no. 4 (August 1997).
- <sup>66</sup> Palestinian Society for the Protection of Human Rights and the Environment, *Summary of the 1998 Annual Report on Human Rights in the Occupied Palestinian Territories*, (Jerusalem, 1999).
- <sup>67</sup> Palestinian Centre for Human Rights, “The Palestinian Authority Executes a Colonel in its Security Forces,” Press Release, 26 February 1999.
- <sup>68</sup> John Benyon, “Policing in the Limelight: Citizens, Constables, and Controversy,” eds. John Benyon and Colin Bourn, *The Police: Powers, Procedures and Proprieties* (Oxford: Pergamon Press, 1986), 15.
- <sup>69</sup> Jon Immanuel, “Rioting Continues in Territories,” *The Jerusalem Post*, 27 March 1997.
- <sup>70</sup> Palestinian Society for the Protection of Human Rights and the Environment, “Radio and TV Stations Closed Down in Ramallah,” Press Release, 18 December 1998.
- <sup>71</sup> Brewer et al., *The Police, Public Order and the State*, 231.
- <sup>72</sup> Joharah Baker, “PA Crackdown on Hamas,” *Palestine Report*, 3 October 1997, 4.
- <sup>73</sup> Brewer et al., *The Police, Public Order and the State*, 232.

## CHAPTER 7 - CONCLUSION

- <sup>1</sup> John D. Brewer et al., *The Police, Public Order and the State*, 2<sup>nd</sup> ed. (London: Macmillan Press, 1996), 233
- <sup>2</sup> *Ibid.*, 236.
- <sup>3</sup> Samar Assad, “Arafat Increases Militant Crackdown,” *Associated Press*, 30 October 1998.
- <sup>4</sup> See Chapter 4 for details of the CIA training for the PSS and other security branches.
- <sup>5</sup> Craig Mokhiber, Legal Advisor, UNSCO, interview by author, 25 November 1997, Gaza.
- <sup>6</sup> Max Weber, “Politics as a Vocation,” 78.

- <sup>7</sup> Ahmad S. Khalidi, "The Palestinians' First Excursion into Democracy," *Journal of Palestine Studies* 25, no. 4 (Summer 1996), 26.
- <sup>8</sup> Binyamin Netanyahu; quoted from Graham Usher, "Down to Jobs for Peace," *Al-Ahram Weekly*, 12-18 September 1996, 1.
- <sup>9</sup> Khalidi, "First Excursion into Democracy," 21.
- <sup>10</sup> Khalil Shikaki, "The Peace Process, National Reconstruction, and the Transition to Democracy in Palestine," *Journal of Palestine Studies* 25, no. 2 (Winter 1996), 12.
- <sup>11</sup> *Ibid.*, 14.
- <sup>12</sup> Khalidi, "First Excursion into Democracy," 21.
- <sup>13</sup> Gary Marks, "Rational Sources of Chaos in Democratic Transition," eds. Gary Marks and Larry Diamond, *Reexamining Democracy* (London: Sage Publications, 1992), 50.
- <sup>14</sup> *Ibid.*
- <sup>15</sup> Seymour Martin Lipset, "Radicalism or Reformism: The Sources of Working-Class Politics," *American Political Science Review* 77 (1983), 1-19.
- <sup>16</sup> Gordon White, "Civil Society, Democratization, and Development," eds. Robin Luckham and Gordon White *Democratization in the South: The Jagged Wave* (Manchester: Manchester University Press, 1996), 185.
- <sup>17</sup> Most of the organisations provide free legal advice, and in cases of human rights violations free representation. The Mandela Institute in Ramallah provides a rehabilitation centre for victims of torture with a staff of psychiatrist, psychologist and social workers; it is also running human rights courses for the PSF. PCHR has established democracy development and economic and social rights units, is creating a legal library, and has organised a number of international conferences to discuss human rights in the Palestinian Territories. LAW is publishing a monthly magazine discussing human rights with both English and Arabic editions. Many other organisations provide a wide range of services to Palestinians.
- <sup>18</sup> Craig Mokhiber, UNSCO Legal Advisor, interview by author, 25 November 1997, Gaza.
- <sup>19</sup> Colonel Salem Nasser, Civil Police Force, interview by author, 23 November 1997, Gaza Police Headquarters, Gaza.
- <sup>20</sup> Thøger Berg Nielsen, UNSCO Police Advisor, interview by author, 23 November 1997, Gaza.
- <sup>21</sup> Khaled Batrawi, *Torture Prevention Strategies: The Mandela Experience*, paper prepared for the Third International Conference on Health and Human Rights, Gaza, 13-15 October 1997.
- <sup>22</sup> Thøger Berg Nielsen, UNSCO Police Advisor, interview by author, 23 November 1997, Gaza.
- <sup>23</sup> Dr. Iyad Sarraj, Gaza Community Mental Health Programme/Palestinian Independent Commission for Citizens' Rights, interview by author, 25 November 1997, Gaza.
- <sup>24</sup> *Draft Basic Law for the National Authority in the Transitional Period*, Chapter Three, Article 36 and Chapter Two Article 35, (JMCC Occasional Document Series, February 1996) no. 5.
- <sup>25</sup> Palestinian Independent Commission for Citizens' Rights, *Second Annual Report: 1 July 1995 – 31 December 1996* (Jerusalem, 1997).
- <sup>26</sup> Robinson, "The Growing Authoritarianism," 52.
- <sup>27</sup> *Ibid.*, 53.
- <sup>28</sup> According to a JMCC poll, 53 per cent of respondents said they were support the return to popular struggle if the possibility of having an independent Palestinian state with sovereignty in the West Bank (including East Jerusalem) reaches a dead end. Jerusalem Media and Communication Centre, "JMCC Public Opinion Poll No. 31 on Palestinian Attitudes Towards Politics, March 1999," *Public Opinion Polls on Palestinian Attitudes Towards Politics Nos. 1-20, 1993-1997* (Jerusalem: JMCC Opinion Polling Unit, 1997).
- <sup>29</sup> "How Long Will the Silence Continue?," *People's Rights*, no. 4 (June 1997): 20.
- <sup>30</sup> "How Long Will the Silence Continue?," *People's Rights*, no. 4 (June 1997), 21.
- <sup>31</sup> Robinson, "The Growing Authoritarianism," 50.
- <sup>32</sup> Shakaki, "Transition to Democracy in Palestine," 9.
- <sup>33</sup> Colonel Salem Nasser, Civil Police Force, interview by author, 23 November 1997, Gaza Police Headquarters, Gaza.
- <sup>34</sup> Al Gore; quoted from Human Rights Watch, "Abolish State Security Courts," Press Release, 22 March 1999.

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