Academic Study

The Performance of the Palestinian Authority Security Forces

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Introduction

The question of security has occupied a central position in the Palestinian Authority's (PA) agenda since its inception, draining its energy and efforts as well as its human and material resources. At times, this was done at the expense of other more important issues. This has been due to two primary reasons, first: the emphasis placed on security in Palestinian-Israeli agreements, to the point that the PA's security performance has become the determining factor for Israeli co-operation with the PA, and has dictated the degree to which the former is willing to offer "concessions." The second reason is the substantial effect of this question on Palestinian internal politics, both on the relationship between the PA and the Palestinian factions, and amongst the Palestinian factions themselves.

This chapter surveys the various issues pertaining to the PA's security agenda. It begins with the most crucial articles, related to security, in the Palestinian-Israeli agreements. Those articles are the founding pillars of the Palestinian Authority Security Forces (PASF). The chapter also probes the formation of the security sector, and its structural and juridical development. Security coordination [with Israel], and the lawlessness within the Palestinian territories are also considered. Finally, this chapter investigates whether the PASF abide by human rights, concluding with the role of foreign political players in shaping the security sector.

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First: The Security Agenda in Palestinian-Israeli Agreements

The security agenda was one of the most important issues in the various Palestinian-Israeli agreements. While the articles dedicated to the matter were limited at first, the issue increasingly took centre stage as the PA began to exercise its powers and responsibilities.

A closer look at the articles pertaining to security, while factoring in the context of the negotiations and the developments on the ground, reveals that the increased attention given to the security agenda did not grow out of "mutual" Palestinian and Israeli needs. Rather, it was a response to Israeli wishes, which have become "duties" the PA is obliged to perform in order to prove its goodwill. This goodwill is offered to Israel as a preliminary condition preceding any further "concessions," which were never made despite the commitment of Palestinians to pay their dues, at the expense of their own internal security and national unity.

1. Declaration of Principles on Interim Self-Government Arrangements[3]

The Declaration of Principles, signed in Washington in September 1993 (commonly known as the Oslo Accords), included only one article discussing the security jurisdiction of the interim Palestinian government. That was Article 8, titled "Public Order and Security." There are further elaborations in Annex 1 "Protocol on Withdrawal of Israeli Forces from the Gaza Strip and Jericho Area." Nonetheless, the document contained dispersed references to other security procedures. These concern the redeployment of Israeli forces and the establishment of a joint Palestinian-Israeli Coordination and Cooperation Committee for "mutual security purposes."

The agreement did not provide any clear specifications for the security jurisdiction ascribed to the PA, except for the necessity of forming "a strong police force" "to guarantee public order and internal security for the Palestinians" of WB and GS. As for Israel, it "will continue to carry the responsibility for defending against external threats, as well as the responsibility for overall security of Israelis," including the security of settlements in the WB and GS.

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[3] Declaration of Principles on Interim Self-Government Arrangements (the final agreed upon draft of 19/8/1993), Special Document File: "The Peace Process," *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 23, no. 1, Autumn 1993, pp. 116–121, http://www.palestine-studies.org/sites/default/files/jps-articles/2537868.pdf

2. The Cairo Agreement 1994

The Cairo agreement was signed in May 1994, with the title "Agreement on the Gaza Strip and Jericho Area." It was also known as the Gaza-Jericho Agreement. It included the procedural measures for the establishment of the Palestinian National Authority (PNA) and its exercise of its jurisdiction upon the agreed-on territories. Naturally, the powers and security arrangements were more detailed, occupying a more prominent place. Among the security related Articles are 8–9, and 18–20.[4] Moreover, Annex 1 consists of a detailed "Protocol Concerning Withdrawal of Israeli Military Forces and Security Arrangements."[5]

Article 8, in the Cairo Agreement "Arrangements for Security and Public Order" is similar to the same article in the Declaration of Principles Agreement. It stipulates the following: "In order to guarantee public order and internal security for the Palestinians of the Gaza Strip and the Jericho Area, the Palestinian Authority shall establish a strong police force." Whereas "Israel shall continue to carry the responsibility for defense against external threats, including the responsibility for protecting the Egyptian border and the Jordanian line, and for defense against external threats from the sea and from the air, as well as the responsibility for overall security of Israelis and Settlements."

Article 9, it deals with structuring the Palestinian Police, called the "Palestinian Directorate of Police Force." It referred to Annex 1 of the agreement for more details concerning its duties, functions, structure, deployment, composition, rules of conduct governing its activities, and provisions regarding its arms, ammunition, equipment and operations. Article 3 of the annex defined the duties of the Palestinian police force as follows:

1. "Performing normal police functions, including maintaining internal security and public order.

2. Protecting the public and its property and acting to provide a feeling of security and safety.

3. Adopting all measures necessary for preventing crime in accordance with the law.

4. Protecting public installations and places of special importance."

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[4] Agreement on Gaza Strip and Jericho Area, Cairo, 4/5/1994, Special Document File: "Israeli-PLO Agreements," *Journal of Palestine Studies*, vol. 23, no. 4, Summer 1994, pp. 118–125, http://www.palestine-studies.org/sites/default/files/jps-articles/2538220.pdf

[5] Gaza-Jericho Agreement, Annex I: Protocol Concerning Withdrawal of Israeli Military Forces and Security Arrangements, 4/5/1994, site of Israel Ministry of Foreign Affairs, http://mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/Gaza-Jericho%20Agremeent%20Annex%20I.aspx

Moreover, the agreement placed limits on the Palestinian Police Force, "The Palestinian Police will be comprised of up to 9,000 policemen in all its branches." In addition, "the Palestinian Police shall consist of one integral unit under the control of the Palestinian Authority. It shall be composed of four branches:

1. Civil Police.
2. Public Security.
3. Intelligence.
4. Civil Defense.

In each district, all members of the four Police branches shall be subordinate to one central command."

The annex also detailed the terms for recruiting members of the force. In addition, it specified the types and quantities of arms, ammunition, and equipment which the Palestinian police force would be permitted to own. There are other detailed security arrangements, particularly in relation to Palestinian-Israeli security liaison, managing checkpoints, security of airspace, as well as arrangements along the land borders, coastline and in the sea of Gaza Strip (GS), as well as the security around settlements.

Article 18 focused on the "prevention of hostile acts." It stipulated that "both sides shall take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other, and against individuals falling under the other's authority." They shall also "take legal measures against offenders," and that includes the Palestinian side taking "all measures necessary to prevent such hostile acts directed against the Settlements," and the Israeli side taking "all measures necessary to prevent such hostile acts emanating from the Settlements."

Article 19 bears the title "Missing Persons", stipulating the PA's cooperation in searching "for missing Israelis" in PA territories. Article 20 is concerned predominantly with releasing Palestinian detainees in the prisons of the Israeli occupation. Yet, it raises a point concerning "solving the problem of those Palestinians who were in contact with the Israeli authorities," meaning those who collaborated with them. It also added, "Until an agreed solution is found, the Palestinian side undertakes not to prosecute these Palestinians or to harm them in any way."

3. The Washington Agreement 1995

The security articles in the Washington Agreement (Israeli-Palestinian Interim Agreement) signed on 28/9/1995 were based on the Cairo Agreement. Yet, they were more elaborate and included more demands. The entirety of Chapter 2 was dedicated to the issue of "Redeployment and Security Arrangements," with seven articles (Articles 10–16),[6] which were further expounded in the Protocol in Annex 1.[7]

The most crucial addition in the Washington Agreement was the delimitation of Palestinian security jurisdiction by areas. The territories under the authority of the PA were divided into three categories. Area A; where the PA has full powers and authority, and Area B; where the PA has limited security jurisdiction. These are further conditioned upon liaison with the Israeli side. Area C remains under full Israeli security jurisdiction and control. Notably, the agreement detailed the deployment of members of the Palestinian Police Force across the various districts of Areas A, and B in the West Bank (WB). Additionally, it specified the distribution and location of the 25 Police stations, which it permitted establishment of in Area B. Moreover, the agreement specified the number of police officers, who were to work at each one, including their arms and equipment.

The agreement stipulated the formation of a Joint Coordination and Cooperation Committee for Mutual Security Purposes (JSC) defining its structure and function. It also entailed more details concerning "Security Policy for the Prevention of Terrorism and Violence," when it stipulated that the "Palestinian Police will act systematically against all expressions of violence and terror," and it "will arrest and prosecute individuals who are suspected of perpetrating acts of violence and terror." As for illegal arms, they "will be confiscated by the Palestinian Police."

The agreement also amended the previous limit put on the size of the Palestinian Police Force and its composition. According to the agreement, their total number "will be no more than 30,000 out of which up to 12,000 policemen may be deployed in the West Bank and up to 18,000 policemen in the Gaza Strip." The Police force was divided into six branches: Civil Police, Public Security, Preventive Security, Presidential Security, Intelligence, and Civil Defense.

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[6] Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Washington, 28/9/1995, Special Document File: "The Peace Process," *Journal of Palestine Studies*, vol. 25, no. 2, Winter 1996, pp. 123–140, http://www.palestine-studies.org/sites/default/files/jps-articles/2538200.pdf

[7] See The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Annex I: Protocol Concerning Redeployment and Security Arrangements, 28/9/1995, Israel Ministry of Foreign Affairs, http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/THE%20ISRAELI-PALESTINIAN%20INTERIM%20AGREEMENT%20-%20Annex%20I.aspx

4. The Wye River Memorandum 1998

The Wye River Memorandum, signed in Washington on 23/10/1998, formed the organizing framework of the second "redeployment" of Israeli forces in the WB. The security agenda was the focus of the Memorandum, in which an additional nominal territory in WB was transferred to the Palestinian security jurisdiction. This was done in exchange for a bundle of security procedures to be undertaken by the PA with the goal of "combatting terrorism." The latter included "outlawing and combating terrorist organizations," "prohibiting illegal weapons," "prevention of incitement" as well as continuing with the "full bilateral security cooperation" between the Palestinian and the Israeli sides. Moreover, the memorandum demanded the Palestinian "provide a list of its policemen to the Israeli side in conformity with the prior agreements."[8]

The memorandum required the presence of a direct role for the government of the United States of America (US) in overseeing the PA's performance of its security responsibilities. It also postulated that the US joined as a third participant in the sphere of security cooperation through forming a trilateral committee, which would meet not less than biweekly (in addition to continuing with the bilateral cooperation between the Palestinian and Israeli sides).

It is noteworthy that the specified security measures focused exclusively on dealing with matters pertaining to Israeli security, paying no heed to issues of Palestinian internal security. In fact, it explicitly strived to position the PA in opposition to the Palestinian factions by positing the latter as "outlaws." The Israeli government's decision on 11/11/1998 to agree to the Wye River memorandum came with conditions, including the unequivocal demand that the PA arrest 30 "suspects," who Israel had identified, emphasizing that the future release of any of them would be considered a "violation of the agreement."[9]

5. Sharm el-Sheikh Memorandum 1999

The security aspects of this memorandum emphasized the imperativeness of the PA's upholding of its security responsibilities, which were specified in earlier agreements, particularly the Wye River memorandum. These responsibilities included

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[8] The Wye River Memorandum, Washington, 23/10/1998, Special Document File: "The Wye River Memorandum and Related Documents," *Journal of Palestine Studies*, vol. 28, no. 2, Winter 1999, pp. 135–146, http://www.palestine-studies.org/sites/default/files/jps-articles/2537951.pdf

[9] Government Decision on the Wye River Memorandum, 11/11/1998, Israel Ministry of Foreign Affairs, http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/government%20decision%20on%20the%20wye%20river%20memorandum%20-n.aspx

"collection of the illegal weapons," "apprehension of suspects" and provision of reports on the matter, as well as continuing with bi-lateral security liaison and cooperation. In exchange, Israel promised to expand the territories which fall under the PA's jurisdiction in the West Bank.[10]

In total, the percentage of the land to fall under the complete security jurisdiction and control of the PA (i.e., Area A), after the Memorandum, was to be 18.2% of the total territory of the WB and the GS. On the other hand, Area B constituted 21.8% of the total territory, while the largest percentage of the territory of the WB and the GS (60%) were to remain under Israeli security and administrative jurisdiction as part of Area C.[11]

Second: The Formation of the Security Forces and Their Development

1. The Structure of the Security Forces

Through surveying the articles, which have governed the formation of the PASF and their development (i.e., the Palestinian-Israeli Agreements detailed above), it becomes evident that the number and names of these forces were clear on paper. It began with four units, which included up to nine thousand individuals, as per the Cairo Agreement (Gaza-Jericho) in 1994. It then increased during the next year, to six units with up to 30 thousand individuals, as per the Washington Agreement (Oslo Accord II). Yet, matters on the ground were more complicated and the latter agreement led to massive contradictions between the various sources, which have attempted to study the Palestinian security sector. The estimations of the formed units vary between 8–17 different units.[12]

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[10] The Sharm el-Shaykh Memorandum, Sharm el-Shaykh, 4/9/1999, Special Document File: "The Sharm al-Shaykh Memorandum (Wye II) and Related Documents," *Journal of Palestine Studies*, vol. 29, no. 2, Winter 2000, pp. 143–156, http://www.palestine-studies.org/sites/default/files/jps-articles/2676552.pdf

[11] Stop Work Orders Issued by Israeli Occupation Authorities Against Palestinian Homes in Yatma Village in the South of the City of Nablus, site of Monitoring Israeli Colonization Activities in Palestine (POICA), 6/8/2009, http://www.poica.org/details.php?Article=1752 (in Arabic)

[12] See for example Mohsen Mohammad Saleh, *Al-Tariq ila al-Quds: Dirasah Tarikhiyyah fi Rasid al-Tajrubah al-Islamiyyah 'ala Ard Filastin mundhu 'Usur al-Anbiya' wa hatta Awakhir al-Qarn al-'Ishrin* (The Road to Jerusalem: A Historical Study of the Islamic Experience in the Land of Palestine Since the Time of the Prophets until Late Twentieth Century), 5th edition (Beirut: Al-Zaytouna Centre for Studies and Consultations, 2014), p. 207; and see also Roland Freidrich et al., *The Security Sector Legislation of the Palestinian National Authority* (Geneva and Ramallah: Geneva Centre for the Democratic Control of Armed Forces, 2008), p. 20, http://www.dcaf.ch/Publications/The-Security-Sector-Legislation-of-the-Palestinian-National-Authority

The PASF have been in a perpetual state of tumultuous transformation since the formation of the PA. The changes have involved the composition of these units as well as their names and duties. This has resulted in a lack of clear structure to govern the operations of these forces, particularly during the reign of the late President Yasir 'Arafat. 'Arafat headed all the various forces after becoming the commander-in-chief of the Palestinian military. The situation lasted until 2002 when the Civil Police, Preventive Security, and Civil Defense became part of the Ministry of Interior. Nonetheless, 'Arafat maintained his de-facto control over these forces, in addition to his direct control of the rest until his death in 2004.[13]

Because of the lack of institutional structures, in addition to following a centralized policy delimited to the person of the president, a chaotic environment arose. This further strengthened the personal strength of the heads of these PASF amidst an intensifying competition between them and an obfuscation of the different responsibilities of each. Consequently, the role of the collective leadership, which was supposed to devise policies and work plans as well as draft strategies, was weakened.[14]

However, the institutional structure (of the security sector) began to take a more formalized shape, after President Mahmud 'Abbas came to power early in 2005. As the reorganization of the security sector was among his top priorities. Nonetheless, the process was impeded after Hamas's victory in the legislative elections of 2006 due to the struggle over security jurisdiction between the presidency on the one side, and the government Hamas was tasked with forming. Thus, a new reality was consecrated on the ground after Hamas took control of the GS in June 2007. Since then, there has been two different powers; one in WB and the other in GS. Each one manages its own security forces independently of the other.

By the end of the period covered by this research, there were seven security units operating in the WB, working under the authority of the PA. They were divided into three major compositions, working in accordance with Law of the Service in the

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[13] See Roland Freidrich and Arnold Luethold (eds.), *Entry-Points to Palestinian Security Sector Reform* (Geneva and Ramallah: Geneva Centre for the Democratic Control of the Armed Forces, 2007), pp. 19–21, http://www.dcaf.ch/Publications/Entry-Points-to-Palestinian-Security-Sector-Reform

[14] The Coalition for Accountability and Integrity (AMAN), *Al-Islah al-Idari wa al-Mali fi al-Mu'assasah al-Amniyyah al-Filastiniyyah* (The Administrative and Financial Reform Within the Security Institution), Reports Series (18) (Ramallah: Aman, September 2008), p. 3, http://www.aman-palestine.org/en/reports-and-studies/667.html

Palestinian Security Forces No. 8 of 2005.[15] The law lists the following units: National Security (follows direct presidential control and includes The Palestinian National Security Forces (NSF), Military Intelligence, and the Presidential Guard).[16] The General Intelligence and Internal Security (which includes Preventive Security, Civil Police, and Civil Defense).[17] As for GS, there are five units: National Security Forces, Security and Protection, Internal Security, Civil Police, and Civil Defense.[18] These units will be analysed in detail later.

The number of people working in the security sector also fluctuated. Instead of staying at the stipulated maximum of 30 thousand individuals, the security sector employed 82 thousand members in 2006 (49% of the total PA employees). It later decreased to around 65 thousand members in 2011 (42% of the total PA employees).[19] This number refers solely to those who received salaries from the Palestinian government in Ramallah. It includes those based in GS, but who do not work in the PASF run by the Caretaker Government in GS, which is run by Hamas. The latter is estimated to be formed of 34 thousand individuals.[20]

In any case, the number of PASF members is large in comparison to the population. The number of Palestinians in the WB and GS was estimated at 4.23 million people in 2011.[21] A simple calculation reveals that the percentage of police to civilians is at 15.4 police officer for every one thousand civilian citizens in that year (2011). In

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[15] See Law of the Service in the Palestinian Security Forces No. 8 of 2005, in: Roland Freidrich et al., *The Security Sector Legislation of the Palestinian National Authority*, pp. 180–233.

[16] Yezid Sayigh, *Policing the People, Building the State*: *Authoritarian Transformation in the West Bank and Gaza,* (Beirut: Carnegie Middle East Institute, February 2011), p. 6,
http://carnegieendowment.org/files/gaza_west_bank_security.pdf

[17] The Security Forces, site of WAFA Info, http://www.wafainfo.ps/atemplate.aspx?id=2336 (in Arabic)

[18] See site of Ministry of Interior and National Security, Gaza Strip, http://www.moi.gov.ps

[19] See The Civil Society Team to Support General Budget Transparency (Palestine), *Ru'yat al-Fariq al-Ahli li Da'm Shafafiyyat al-Muwazanah Hawl "al-Siyasah al-Maliyyah li al-Sultah al-Wataniyyah al-Filastiniyyah fi al-Marhalah al-Qadimah"* (The Vision of the Civil Society Team to Support General Budget Transparency for the "Palestinian National Authority Financial Policy in the Coming Phase") (Ramallah: Aman, April 2012), p. 5, http://www.aman-palestine.org/data/itemfiles/3c9bcaf7f72c04b3ab9503bed832dd39.pdf; and see Ahmad Qubajah, *al-Istidamah al-Maliyyah li al-Sultah al-Wataniyyah al-Filastiniyyah: al-Tajrubah al-Tarikhiyyah wa al-Aafaq al-Mustaqbaliyyah* (The Financial Sustainability of the Palestinian National Authority: Historical Experience and Prospects) (Ramallah: Palestine Economic Policy Research Institute (MAS), 2012), p. 66, http://www.mas.ps/2012/sites/default/files/Fiscal%20Sustainability%20of%20the%20Palestinian%20PA.Ar_.pdf

[20] Sama News Agency, 30/3/2013. It's worth mentioning that one of the estimates mentioned that the number of those working in Palestinian Security Forces in 2011, excluding the Civil Defense members, range between 27–29 thousand in WB, and between 12,500–15,500 in GS. Yet, it does not specify whether any of those working in Gaza are on the payroll of the government in Ramallah. See Yezid Sayigh, *Policing the People, Building the State,* p. 6.

[21] Mohsen Mohammad Saleh (ed.), *The Palestinian Strategic Report 2011/12* (Beirut: Al-Zaytouna Centre for Studies & Consultations, 2013), p. 347.

2006, the ratio was 22.7 police officer for every one thousand civilian citizens (with a population of 3.61 million people).[22] That is seven times more than the world average of police to citizen rates. The latter is estimated at around three police officers for every one thousand citizens, according to the United Nations (UN), which did not record a rate exceeding four officers per one thousand citizens anywhere else in the world.[23]

Due to the extent of the security operation, security spending drains the budget of the PA, which is already heavily burdened. Security spending takes up to 27–32% of the PA budget.[24] In 2011, for example, security spending made up 31% of the total spending while other equally important agendas such as healthcare and education did not receive comparable spending. They took up 11% and 19.4% respectively.[25] During the same year, the salaries of the PASF employees constituted 42% of the PA's total expenditure on salaries.[26]

a. National Security Forces

The National Security Force (NSF) is an organized military force. It operates under the supervision of the minister of national security, with the leadership of the security chief general. He issues all the necessary decrees for managing the operations and for structuring all matters pertaining to the National Security Forces (NSF) in accordance with the law.[27]

The NSF is comprised of 10 divisions, in charge of protecting and controlling borders, maintaining order in the areas under the Palestinian jurisdiction outside of populated areas, aiding the Internal Security Forces in maintaining order and helping in capturing wanted people if needed. It is also responsible for combating arms dealing, including trade in, and manufacturing of, bombs. It additionally cooperates

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[22] Palestinian Central Bureau of Statistics (PCBS), Estimated Population in the Palestinian Territory Mid-Year by Governorate,1997–2016, http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/gover_e.htm

[23] State of Crime and Criminal Justice Worldwide: Report of the Secretary–General, Twelfth United Nations Congress on Crime Prevention and Criminal Justice, Salvador, Brazil, 12–19/4/2010, A/CONF.213/1, site of United Nations Office on Drugs and Crime (UNODC), 1/2/2010, p. 19,
http://www.unodc.org/documents/crime-congress/12th-Crime-
Congress/Documents/A_CONF.213_3/V1050608e.pdf

[24] Aman, *Al-Islah al-Idari wa al-Mali fi al-Mu'assasah al-Amniyyah al-Filastiniyyah*, p. 6.

[25] Ahmad Qubajah, *op. cit.,* p. xi.

[26] *Ibid.*, p. 66.

[27] Law of Service in the Palestinian Security Forces No. 8 of 2005, Article 7, in Roland Freidrich et al., *The Security Sector Legislation of the Palestinian National Authority*.

with the Israeli side in mobilising security forces to dispel conflicts pertaining to Palestinians in residential neighbourhoods in Area B. Moreover, the Air Force Unit is under the control of the NSF.[28]

The NSF continued to bear the same name in both WB and GS after the split between the two. However, the one in WB remained under the direct control of the president while the Ministry of Interior and National Security is in control in GS, where its responsibility is restricted predominantly to the securing the borders of the strip.[29] The work force of the NSF is estimated at 9,300–9,700 people in WB and 800–1,200 people in GS.[30]

b. Military Intelligence Agency

The Military Intelligence Agency is a military institution tasked with gathering intelligence on "external enemies." It also looks into internal security and oversees the military police.[31] Major-General Musa 'Arafat founded the Military Intelligence Agency at the same time as the establishment of the PA in 1994. The agency is the third biggest security institution in Palestine after the NSF and the civil police. It played a crucial role in persecuting the PA's opposition, detaining a large number of Hamas and Islamic Jihad Movement in Palestine (PIJ) members.[32]

The Military Intelligence played a prominent role in GS particularly under the leadership of General Musa 'Arafat (1994–2005). The relationship between the Military Intelligence Agency and its head on the one hand and the Palestinian factions on the other was tense, including members of the Fatah movement as well as leaders of other security forces.[33] As a result, 'Arafat was subjected to numerous assassination attempts. He was finally killed at the hands of numerous armed men, who broke into his house.[34]

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[28] See site of National Security Forces, Ramallah, http://www.nsf.pna.ps/index.php
[29] See site of National Security Forces, Gaza, http://www.nsf.gov.ps/ar
[30] Yezid Sayigh, *Policing the People, Building the State,* p. 6.
[31] Sidi Ahmad Weld Ahmad Salem, The Palestinian Security Forces, site of Aljazeera.net, 7/10/2007, http://www.aljazeera.net/specialfiles/pages/6cdc6c1c-9587-45ec-879c-cf6d86a901e1(in Arabic)
[32] *Almustaqbal* newspaper, Beirut, 19/7/2004.
[33] The Military Intelligence was party to numerous armed confrontations with other Palestinian factions in GS. This includes al-Aqsa Martyrs Brigades, al-Qassam Brigades, and the Popular Resistance Committees. For example see: Ali al-Saleh, Exchanging Accusations Between the Military Intelligence Chief and Hamas and the Resistance Committees after His House was Raided at Night, *Asharq Alawsat* newspaper, London, 25/7/2001; also see: Mass Resignation Crisis Faces 'Arafat, site of AlArabiya news, 18/7/2004, http://www.alarabiya.net/articles/2004/07/18/5065.html (in Arabic)
[34] Gaza Security Official Shot Dead, site of British Broadcasting Corporation (BBC), 7/9/2005, http://news.bbc.co.uk/2/hi/middle_east/4221326.stm

In June 2005, the Military Intelligence Agency became part of the NSF.[35] It is one the smallest security units in terms of workforce, estimated at between 1,500–2,000 members.[36]

c. Presidential Guard

The Presidential Guard is one of the military institutions of the PASF, established at the same time as the PA and following the direct orders of the president. Initially, it was responsible for protecting the person and headquarters of the president. It was later expanded to include protecting the prime minster, and some other ministers and notable figures in power, as well as prominent politicians visiting from abroad. In 2006, its tasks grew further to incorporate law enforcement and maintaining order in the territories under the jurisdiction of the PA.[37]

The Presidential Guard is one of the most well-trained and well-equipped security units. At first, it grew as an extension of the earlier security unit known as "Force 17," which was responsible for protecting Yasir 'Arafat, the head of the Palestine Liberation Organization (PLO) in Tunis and Beirut, prior to the establishment of the PA.[38]

After the split (between WB and GS), the Security and Protection Forces in GS assumed roles parallel to those of the Presidential Guard. The Security and Protection Forces were part of the toppled Ministry of Interior. They were formed in a similar manner to the Presidential Guard, for it was equally an extension of the Security and Protection Forces established by Hamas at the end of 2005 to protect its leaders, election candidates, and election offices. It was later made responsible for protecting Hamas' MPs and ministers before the forces were turned into a governmental institution working under the auspices of the Ministry of Interior.[39]

The number of the Presidential Guard is estimated at 2,300 members, while the number of the Security and Protection Forces' members in GS is estimated to be between 1,000–1,600 members.[40]

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[35] *Riyadh Daily* newspaper, 3/6/2005.
[36] Yezid Sayigh, *Policing the People, Building the State*, p. 6.
[37] The National Role, site of Palestinian Presidential Guard, http://spg.ps/ar/?page_id=11 (in Arabic)
[38] Sidi Ahmad Weld Ahmad Salem, op. cit.
[39] See Introduction to the Security and Protection Forces, site of the Security and Protection Forces, 31/10/2012, http://moidev.moi.gov.ps/sites/Details.aspx?id=33852&cat=37&sd=74 (in Arabic)
[40] Yezid Sayigh, *Policing the People, Building the State,* p. 7.
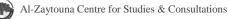
d. General Intelligence

The Intelligence Agency is an organised security service, which falls under the control of the president. It functions in accordance with the law and under the leadership of its chief, who is responsible for issuing all the necessary decrees for managing it. The chief of intelligence is appointed by presidential decree and assumes the rank of minister.[41] The number of individuals working in the General Intelligence Agency is estimated to be 3,000–3,500 people.[42] Its tasks were defined in the law to include the following:[43]

1. The Intelligence shall be officially assigned to exercise security activities and duties beyond the geographical boundaries of Palestine.

2. The Intelligence shall exercise specific security duties within the geographical boundaries of the State of Palestine to complete the measures and activities commenced beyond those boundaries.

3. Take the measures necessary to prevent acts that may endanger the security and safety of Palestine and expedient measures against their perpetrators pursuant to the provisions of the law.

4. Reveal external dangers, which may jeopardize Palestinian national security in the fields of espionage, collusion and sabotage, and any other acts, which may threaten the unity, security, independence, and resources of the homeland.

5. Jointly cooperate with similar agencies of friendly states to fight all acts which may threaten the joint peace and security or any fields of external security, upon the condition of reciprocal treatment.

e. Preventive Security

It is a "regular security directorate-general within the Internal Security Forces, which is affiliated with the competent Ministry." The Director-General and his Deputy shall be appointed by the PA President, based upon "the decision of the competent Minister, the nomination of the Director-General of Internal Security."[44]

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[41] General Intelligence Law No. 17 of 2005, Articles 2 and 4, in Roland Freidrich et al., *The Security Sector Legislation of the Palestinian National Authority*, pp. 252–260.

[42] Yezid Sayigh, *Policing the People, Building the State,* p. 6.

[43] General Intelligence Law No. 17 of 2005, Articles 8–10, in Roland Freidrich et al., *The Security Sector Legislation of the Palestinian National Authority*.

[44] Decree Law No. 11 of 2007 Concerning the Preventive Security, Articles 2 and 4, in Roland Freidrich et al., *The Security Sector Legislation of the Palestinian National Authority*, pp. 261–262.

Defined by the preventive security law of 2007, the work of forces includes:

1. Working to protect Palestinian internal security.

2. Following up on crimes which threaten the internal security of the National Authority and/or those imposed thereon, as well as working towards their prevention.

3. Uncovering crimes which target governmental departments and public bodies and institutions, as well as the employees threat.

Moreover, Article 7 of Decree Law No. (11) of 2007 Concerning the Preventive Security stipulates that "The officers and non-commissioned officers of the Preventive Security, in the cause of the commencement of its jurisdiction set forth under this law, shall have the capacity of the Judicial Police."[45]

The Preventive Security was regarded as the most well organised and structured security institution in Palestine. Most of its members were active Fatah members, who resided within the Palestinian territories. In contradistinction to other security forces, which relied on Palestinians returning from abroad with the onset of the establishment of the PA. Preventive Security was often accused of torturing activists affiliated with Hamas and the PIJ. It was alleged to oversee some specialised bands such as the "Death Squad." The chiefs of Preventive Security Forces often denied the existence of the aforementioned squad. However, the Chief of Preventive Security Rashid Abo Shbak announced the disbanding of the squad in November 2005. Muhammad Dahlan was in charge of the apparatus in GS while Jibril Rajoub was its Chief in WB from its founding until 2002.[46]

The Ministry of Interior of the Caretaker Government in GS established the Internal Security Forces as a replacement for the Preventive Security Forces. It performs the tasks specified in the above Preventive Security law. It additionally prosecutes those suspected of collaborating with the occupation.[47]

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[45] *Ibid.*, Articles 6 and 7.
[46] Sidi Ahmad Weld Ahmad Salem, op. cit.
[47] Ministry of Interior and National Security, Gaza Strip, http://www.moi.gov.ps/En/

The number of individuals working for the Preventive Security in WB is estimated at 3,500 while those working for the Internal Security in GS are around 1,000; informants notwithstanding.[48]

f. Civil Police

The Civil Police is under the control of the Internal Security Forces. It is responsible for upholding the law, serving the people, protecting society, and for vigilantly maintaining security, public order and safety, as well as public morals.[49] The Civil Police presides over several specialised departments. The most prominent of these are: Judicial Police, General Investigations Unit (GIU), Borders and Check-points, Tourist and Antiquities Police, Traffic Police, Correction and Rehabilitation Centers, Anti-Narcotics Department, Explosives Ordnance Disposal Department, Special Police Forces, and the police academy, in addition to the Naval Police in GS.[50]

The number of Civil Police officers is estimated at 7,300–8,000 officers in the WB and around 8,500–9,200 in the GS.[51]

g. Civil Defense

The Directorate-General is attached to the Ministry of Interior. The law defines its duties, which are "to protect civilians and their property, secure the safety of all types of communications, guarantee the regular functioning of public authorities, and protect public and private buildings, installations and institutions from risks of air raids and other war operations, as well as risks of natural catastrophes, fire, maritime rescue and all other risks."[52] The forces were granted the power of judiciary arrest, following a presidential decree. The decreed power aims to enable the apparatus to apply the laws of the civil directorate.[53]

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[48] Yezid Sayigh, *Policing the People, Building the State*, p. 6.

[49] Aman, *Al-Islah al-Idari wa al-Mali fi al-Mu'assasah al-Amniyyah al-Filastiniyyah*, p. 5.

[50] Specialized Departments, site of the Palestinian Police, Ramallah,
http://www.palpolice.ps/en/content/specialized-departments/special-police-forces

[51] Yezid Sayigh, *Policing the People, Building the State*, p. 6.

[52] Civil Defense Law No. 3 of 1998, Articles 2 and 3, in Roland Freidrich et al., *The Security Sector Legislation of the Palestinian National Authority*, p. 245.

[53] Decree No. (19) for the Year 2000 to Grant the Power of Judiciary Arrest to the General Manager of the Civil Defense and Other Ranks of the Directorate Employees, Palestinian National Authority, Ministry of Interior, site of the Palestinian Civil Defense,
http://www.pcd.ps/about/regulations/%D9%82%D8%B1%D8%A7%D8%B1-%D8%B1%D9%85-19-%D9%84%D8%B3%D9%86%D8%A9-2000%D9%85

2. The Legislations Governing the Operations of the Security Forces

The Palestinian-Israeli agreements formed the pillars constituting the PASF. However, they did not offer a sufficient legal framework for a thorough organization of the work of these institutions. Yet, the efforts of the PA to found that legal framework did not seriously begin until 2002. There were several reasons for this delay. Some pertain to the difficulty of issuing legislation due to the constraints entailed in the Palestinian-Israeli agreements.[54] Others were due to President Yasir 'Arafat's way of exercising power; and the delay in the issuing of the Basic Law responsible for structuring the relationship between the legislative, executive, and judiciary sectors.

The Basic Law, amended in 2003, dealt with the question of security in five main articles. These were as follows: Article 39, which stipulated that "the President of the National Authority is the Commander-in-Chief of the Palestinian Forces." Article 69, specified that the council of ministers is "responsible for maintaining public order and internal security." Article 84 offered a definition of the PASF and the police, while Article 12 pertains to the rights of arrested and detained persons. Article 13 stipulated that "No person shall be subject to any duress or torture."[55]

As for legislation and decrees concerning the security sector, the PA's serious strides to legally structure the sector became noticeable only after the death of President 'Arafat. They were the result of the attempts of the PA and President Mahmud 'Abbas to reform the sector, with support from the Western World. Out of the 37 legislations and executive orders issued by the PA—up to the end of 2007—pertaining to ordering and structuring the security sector, law and order, and punitive procedures, only 10 were issued during the 10 year presidency of 'Arafat. The other 29 were issued during the three years that followed his death.[56]

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[54] Asem Khalil, The Legal Framework for Palestinian Security Sector Governance, in Roland Freidrich and Arnold Luethold, *Entry-Points to Palestinian Security Sector Reform*, pp. 31–34.

[55] The Amended Basic Law of 2003, in Roland Freidrich et al., *The Security Sector Legislation of the Palestinian National Authority*, pp. 31–53.

[56] *Ibid*.

Table (1): The Legal Framework of the Palestinian Security Sector

Law	Subject	Issue Date	President
Decision by law No. 3 of 1995	Traffic Department	13/2/1995	Yasir 'Arafat
No. 2 of 1998	Firearms and Ammunition	20/5/1998	
No. 3 of 1998	Civil Defense	28/5/1998	
No. 6 of 1998	Correction and Rehabilitation Centers (prisons)	28/5/1998	
No. 12 of 1998	Public Meetings	28/12/1998	
No. 3 of 2001	Penal Procedures	12/5/2001	
No. 16 of 2004	Insurance and Pensions of the PASF	28/12/2004	Rawhi Fattouh
No. 3 of 2005	Amendment of some provisions of Law No. 6 of 1998	11/1/2005	
No.7 of 2005	Public Retirement	26/4/2005	Mahmud 'Abbas
No. 8 of 2005	Service in the PASF	4/6/2005	
No. 16 of 2005	Amendments of some provisions of Law No. 16 of 2004	23/10/2005	
No. 17 of 2005	General Intelligence	26/10/2005	
Decision by law No. 8 of 2006	Law amending the Law of Penal Procedure	15/2/2006	
Decision by law No. 11 of 2007	Preventive Security	20/11/2007	

Despite the PA's efforts to devise a legal framework, the legislation that governs the Palestinian security sector still contains a number of British, Egyptian, and Jordanian legislations. The latter are still valid as no laws or presidential decrees have been issued to replace them. Among the most important of these is the British Penal Code of 1936. There is additionally the Jordanian Penal Code of 1960 as well as the Egyptian Decree Law No. 6 of 1963 concerning the Police.[57]

Moreover, several of the responsibilities and powers of the PASF, such as the Civil Police and NSF, are still unclear. Some of the legislation failed in effecting change in the tasks actually performed by the PASF either because they were never applied or were not applied adequately.

As for inspecting the performance of these PASF, the Basic Law and the internal structure of the Palestinian Legislative Council (PLC) postulate clear procedures concerning oversight. However, the "problems of weak oversight thus lie not so much with the legal framework as with its implementation and a poorly developed culture of accountability within the Palestinian society."[58]

Third: Palestinian-Israeli Security Coordination

The PA's security commitments towards Israel as per the agreements signed between the two parties, known as "security coordination," are a top priority for the PASF. This is a result of the leverage Israel has in relation to the progression of negotiations, and developments on the ground. Moreover, Israel conditions any further "concessions" on the PA's accomplishments in "combating terrorism," preventing armed operations and all other forms of "incitement" against it.

Security cooperation hampered the Palestinian resistance factions' ability to carry out armed operations against Israel. It also had major negative ramifications on the internal Palestine scene. Some of these have already been mentioned such as: the draining of the administrative and financial resources of the PA, and the high police to civilian rate. In addition, there are further complications ensuing from the enlargement of the security sector. The question of security liaison with Israel has been a point of internal conflict in Palestine since the establishment of the PA up to the time of writing.

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[57] *Ibid.*, p. 18.
[58] *Ibid.*, p. 26.

1. The First Phase (1994–1996)

The founding of the PA and the beginning of the PASF's work in the WB and GS coincided with the confrontations and conflicts with the anti-Oslo factions, particularly Hamas and the PIJ. The PA would detain members of these factions in the wake of attacks against Israel.

The PA undertook more than 12 detention campaigns, which included more than a thousand Palestinians from May 1994 until August 1995. It also raided more than 57 mosques around 138 times in just one month (19/4–19/5/1995). These mosques were searched and vandalized during the raids. According to the PA's security deployment plan, its activities were concentrated in GS with 24 arrest and detention centres and 32 military check-points.[59]

The arrest campaigns strained the relationship between the PA and the opposition factions, especially Hamas. This was aggravated by the PA's arrest of several Hamas leaders in GS in late June 1995. These included: Mahmud al-Zahhar, Ahmad Bahr, Ahmad Nimr, who were tortured and humiliated during their detention.[60]

In addition, the establishment of the State Security Court in February 1995 appears to have been a result of demands by Israel and the US to combat "terrorism." Some of the accused were thought to have organized armed operations, recruited bombers, or members of the military wings of the Islamic factions. They were tried in grossly unfair trials, secret and summary, often in the middle of the night, with military judges, prosecutors and defense.[61]

The Israel Security Agency—ISA (*Shabak*), praised the PASF in January 1996 because of its success in aborting 80 planned attacks against Israeli targets in 1995.[62]

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[59] Mohsen Mohammad Saleh, *Al-Tariq ila al-Quds*, p. 209.
[60] *Ibid*. p. 210.
[61] Amnesty International, Palestinian Authority: Defying the Rule of Law: Political Detainees Held Without Charge or Trial, Document No. MDE 21/03/99, 20/4/1999, pp. 5–6, https://www.amnesty.org/en/documents/MDE21/003/1999/en/
[62] *Alrai* newspaper, Amman, 3/1/1996.

2. The Phase after the Summit of Peacemakers in Sharm el-Sheikh (1996–2000)

Hamas carried out a series of self-immolation[63] operations in Israel as a response to the assassination of Yahya 'Ayyash in 5/1/1996. The latter was a leading figure in Ezzedeen Al-Qassam Brigades. Consequently, the conflict between Israel and Hamas entered a new phase, which necessitated regional and international political mobilizations.

Regional and international political players rushed to hold the Summit of Peacemakers, on 13/3/1996, to "combat terrorism." The PA, Israel, USA, Egypt, and Jordan participated along with Kofi Annan, the then Secretary-General of the UN. The final statement of the Summit emphasized their "strong condemnation of all acts of terror," and their striving "to promote coordination of efforts to stop acts of terror on bilateral, regional, and international levels." It also stressed the necessity "to exert maximum efforts to identify and determine the sources of financing for these groups and to cooperate in cutting them off, and by providing training, equipment and other forms of support to those taking steps" against these groups.[64]

It is noteworthy that the PA had in fact begun to apply the conclusions of the Summit by carrying out massive arrest campaigns in WB and GS, in the period following the attacks in February and March 1996. The campaign was the biggest of its kind, affecting around 1,200 supporters of the Islamic movements. Sometimes they continued to be held incommunicado for weeks, months or even years after their interrogation had ended, without charge or trial.[65] Moreover, Hamas and the PIJ infrastructure were targeted by closing down schools, charities, *Zakah* committees, orphanages, and other institutions run by supporters of the two movements.[66]

Over the following years, the security services continued to prosecute members of the resistance up to the surge of *al-Aqsa Intifadah*. At the time, the American Central Intelligence Agency (CIA) played a role in security cooperation, mediating between the Palestinians and the Israelis. However, in 1997 President Yasir 'Arafat announced

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[63] The overwhelming majority of Palestinians, Arabs and Muslims consider these operations to be "martyrdom operations" while most Israelis and western writers and media describe them as "suicide operations". We used the word "self-immolation" in this report to be as neutral as possible. However, such terms may need more discussion.

[64] UN to Take Part in Group to Prepare Recommendations on Implementing Summit of Peacemakers' Decisions, Secretary-General, SG/SM/5922, 13/3/1996, site of United Nations (UN),
http://www.un.org/press/en/1996/19960313.sgsm5922.html

[65] Amnesty International, Palestinian Authority: Defying the Rule of Law: Political Detainees Held Without Charge or Trial, p. 6.

[66] Mohsen Mohammad Saleh, *Al-Tariq ila al-Quds*, p. 210.

the temporary suspension of security cooperation as a response to Israel's expansion of its settlements in East Jerusalem. The role of the Central Intelligence Agency (CIA) became official in the Wye River Agreement signed in October 1998, though the agency was not directly mentioned.[67]

The signing of the agreement was followed by massive arrests of those opposing it, particularly from Hamas. 200 of Hamas' members and leaders were arrested. Sheikh Ahmad Yasin was put under house arrest in the wake of a resistance operation, resulting in the death of an Israeli soldier. The operation took place on the road leading to the Gush Katif settlement bloc in GS.[68]

3. *Al-Aqsa Intifadah* Phase (2000–2004)

The eruption of *al-Aqsa Intifadah* on 28/9/2000 resulted in the suspension of security cooperation between the PA and Israel. The rate of the arrests carried out by the PA dropped. In addition, most of the detainees were released, because of Israel's bombing of the headquarters of the PASF in Gaza City in 12/10/2000.[69]

Security meetings between the two sides continued throughout the first year of *al-Aqsa Intifadah* through American mediation. They aimed at looking into resuming cooperation. However, the heads of the PASF insisted upon their refusal "until the end of the occupation." The Israeli forces had restricted their mobility and sieged some territories, which fell under the jurisdiction of the Palestinian security. The chiefs of the PASF announced that they did not intend to arrest any Palestinian who undertook operations against Israel. These are "legitimate acts of resistance, permissible in refusing the occupation" read a statement by Jibril Rajoub, the Head of the Preventive Security Forces at the time in WB.[70] Yet, this stance did not prevent the PA's succumbing to Israeli and American pressure later, on limited occasions. Among the most important of these was the arrest of Ahmad Sa'adat; the General Secretary of the

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[67] *Asharq Alawsat*, 23/3/2001; and see Alan Sipress and Vernon Loeb, Bush Ends CIA's Broker Role/ Agency No Longer Security Conduit for Mideast Rivals, site of SFGate, 23/3/2001, http://www.sfgate.com/politics/article/Bush-Ends-CIA-s-Broker-Role-Agency-no-longer-2939009.php

[68] The Palestinian Centre for Human Rights (PCHR), *The Annual Report 1998* (Gaza: PCHR, 1999), p. 47 and 58–59, http://www.pchrgaza.org/files/Reports/English/pdf_annual/ann_rep_98.pdf

[69] PCHR, *The Annual Report 2000,* (Gaza: PCHR, 2001), pp. 26–27, http://www.pchrgaza.org/files/Reports/English/pdf_annual/ann_rep_00.pdf

[70] Nazir Majli, "Palestinians to Israelis: The Security Cooperation, Which Preceded Sharon's Visit to *al-Aqsa* Mosque will Not Be Resumed Except After the End of the Occupation," *Asharq Alawsat*, 17/6/2001. (in Arabic)

Popular Front for the Liberation of Palestine (PFLP) on 15/1/2002. This followed the PFLP's assassination of Israeli Tourism Minister Rehavam Ze'evi in October 2001.[71]

The relationship between the PASF and Israel deteriorated in the aftermath of the "Defensive Shield" Operation carried out in the spring of 2002. The operation by the Israeli forces constituted an incursion into the territories of WB under the jurisdiction of the PA. It was followed by Operation "Determined Path" in June-July of the same year. Thus, the PASF's physical and organizational infrastructure was almost entirely destroyed.[72] Moreover, Israel decreased its level of security cooperation with the Palestinians by discharging the leading officers, who were responsible for the liaison. It replaced them with other lower rank officers.[73] It additionally closed most of the offices dedicated to military liaison between the two parties.[74]

In the same vein, the Shabak claimed, in a report on the second *Intifadah*, that during the Defensive Shield Operation, it had discovered evidence proving the PASF's participation in operations against Israeli targets.[75] These accusations suggested that the late president Yasir 'Arafat was responsible for these operations as the Commander-in-Chief of the military. The accusation coincided with the perception, by both Israel and the American administration of George W. Bush, of 'Arafat as an obstacle to the peace process.[76]

Consequently, the Roadmap for Peace, which was announced officially on 30/4/2003 with the support of the Quartet on the Middle East, declared the necessity of restructuring the PA and the PASF. The latter was deemed necessary for resuming the "security cooperation." This resulted in establishing the position of the prime minister, who oversees the PASF. The latter would be part of the Ministry of Interior. The PASF were to be merged into three main Forces only.[77]

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[71] Ahmad Fayyad, Ahmad Sa'adat: A Revolutionary Behind Bars, Aljazeera.net, 14/3/2006, http://www.aljazeera.net/news/pages/98f20b63-f6ed-4da6-abe7-6915412ecd2d (in Arabic)

[72] The International Crisis Group, *Squaring the Circle: Palestinian Security Reform under Occupation*, Middle East Report No. 98 (Brussels: The International Crisis Group, 7/9/2010), p.1, https://d2071andvip0wj.cloudfront.net/98-squaring-the-circle-palestinian-security-reform-under-occupation.pdf

[73] *Asharq Alawsat*, 2/11/2002.

[74] *Al Bayan* newspaper, 5/12/2002.

[75] The Complete Report of the Israeli Intelligence on al-Aqsa Intifadah, Donia al-Watan electronic newspaper, 3/5/2005, http://www.alwatanvoice.com/arabic/content/print/21094.html (in Arabic)

[76] President Bush Meets with Prime Minister Sharon, Remarks by the President and Prime Minister Sharon of Israel in Photo Opportunity, site of The White House, Office of the Press Secretary, 10/6/2002, https://georgewbush-whitehouse.archives.gov/news/releases/2002/06/20020610-1.html

[77] See Information Department, al-Zaytouna Centre for Studies and Consultations, *Al-Malaf al-Amni Bayna al-Sultah al-Filastiniyyah wa Israel* (The Security File Between the Palestinian Authority & Israel), Information Report (11) (Beirut: Al-Zaytouna Centre for Studies and Consultations, 2009), pp. 28–31.

As mentioned earlier, these structural changes in the PASF did not result in the bypassing of President 'Arafat. Consequently, security cooperation was not resumed as planned in the Roadmap during president 'Arafat's term.
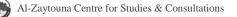
4. The Phase of Implementing Security Commitments in Accordance with the Roadmap for Peace (2005)

After his election as the second president of the PA in January 2005, President Mahmud 'Abbas expressed his commitment to the Roadmap, urging Israel to uphold its ends of the agreement. Furthermore, he announced his intention to arrive at a complete ceasefire agreement with Israel.[78]

In this regard, President Mahmud 'Abbas successfully struck a deal with the Palestinian factions in Cairo, March 2005, known as "Cairo Declaration" They announced the continuation of the atmosphere of calm until the end of the year.[79] 'Abbas ordered all PNA security forces to merge into three branches—Internal Security Forces, National Security Forces, and General Intelligence. Moreover, he established "a military retirement system through specific laws, which require all security personnel above the age of 60 to resign. Resulting vacancies were filled with younger and more qualified officers," who were more open to reform. Additionally, the PA took a number of other legislative and organizational steps.[80]

The "London Meeting on Supporting the Palestinian Authority," held on 1/3/2005, committed the PA to carrying out a set of administrative, security and economic reforms. Security reforms focused on creating "conditions conducive to the peace process with the immediate objective of restoring internal law and order and preventing violence." These reforms were to be carried out with the participation and supervision of Egypt and the European Union as well as a separate American supervision. Lieutenant- General William Ward was in charge of leading the American supervision team as well as overseeing "the 'disengagement'-related security coordination between Israel and the PNA."[81]

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[78] *Asharq Alawsat*, 16/1/2005.

[79] "Cairo Declaration, 17 March 2005," Gaza Disengagement – Ongoing Displacement (Issue No.25, Spring 2005), site of Resource Center for Palestinian Residency and Refugee Rights (BADIL), https://www.badil.org/en/publication/periodicals/al-majdal/item/911-documents.html

[80] Ahmad Hussein, "Reconstructing the PNA Security Organizations," in Roland Freidrich and Arnold Luethold (eds.), *Entry-Points to Palestinian Security Sector Reform* (Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2007), pp. 57–60, http://www.dcaf.ch/Publications/Entry-Points-to-Palestinian-Security-Sector-Reform

[81] *Ibid*., pp. 53–54.

5. The Beginning of Palestinian Division (2006–2007)

The victory of Hamas in the PLC elections in 2006, and its ensuing formation of the government resulted in a "crisis" in the security sector. This is especially true with regard to security cooperation with the occupation, which Hamas had always opposed, believing it exclusively served Israeli interests. Unlike President 'Abbas, who advocated the confiscation of all arms not in the control of the PASF, the government asserted that it would not appropriate the ammunition of the resistance. It also stated that it would not prosecute those who execute operations against Israel. Rather, it would strive to organize the chaotic possession of arms.[82]

It became evident that the elected government's practice of its jurisdiction over the security sector—enshrined in the constitution—would result, from the perspective of the presidency, in hindering the security sector's reform plan. According to the constitution, the elected government is in charge of the Internal Security, which includes the Civil Police. It is additionally responsible for Preventive Security, and Civil Defense. Yet, the presidency saw the stances of Hamas as undermining the PA's commitments, whether in the Oslo Accords or the Roadmap. The latter were the crux of the president's political platform, upon which he had been elected.

The conflict in vision between the presidency and the government led to a struggle between the two sides over the security sector. As such, the security sector fell into splits and divisions, which were to affect the other institutions of the PA. The struggle manifested in the presidency's attempt to transfer power over the security sector and the Ministry of Interior, to the presidency in place of the cabinet.[83]

Concurrently, Israel announced the discontinuing of cooperation with the Palestinian security sector. The security liaison took on another form, which further fed the emerging fractures within the Palestinian side. Israel offered help and support to the PASF under the president, excluding the other Forces. The aim was to aid the PA in its confrontation with Hamas as declared by Minister of National Infrastructure

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[82] Mariam Itani, *Sira' al-Salahiyat Bayna Fatah wa Hamas fi Idarat al-Sultah al-Filastiniyyah 2006–2007* (Conflict of Authorities Between Fatah and Hamas in Managing the Palestinian Authority 2006–2007) (Beirut: Al-Zaytouna Centre for Studies and Consultations, 2008), pp. 79–80.

[83] For details concerning the struggle between the presidency and the government on power over the security sector, see *Ibid.*, pp. 55–77.

Binyamin Ben-Eliezer and Amos Gilad, the Director of Policy and Political-Military Affairs at the Israeli Ministry of Defense.[84]

There were signs of the resuming of security cooperation between the presidency and Israel after the creation of the Palestinian National Reconciliation Government in March 2007. It was carried out through a Quartet that included the PA president, Israel, US, and Egypt. The cooperation concerned matters such as controlling the Rafah Crossing, the smuggling of arms to GS, and the launching of rockets from there.[85]

6. The Phase Following Hamas' Control of GS (2007–2013)

The bloody confrontations between Hamas and Fatah movements in GS in June 2007, resulted in Hamas' full control of GS. They also led to an unprecedented level of security cooperation between the PA and Israel in WB. This focused on eradicating the resistance movements and their military, economic, and social infrastructure. There was a special emphasis on Hamas though other resistance movements were not excluded. Furthermore, the American role was strengthened. This is especially true on the level of liaison, training, and reforming the PASF in WB, which were headed by Keith Dayton. The latter had replaced General William Ward.

After Hamas gained control of GS, a number of people in WB wanted by Israel were "pardoned." Most of them were members of al-Aqsa Martyrs Brigade, which is affiliated to the Fatah movement. Their pardon was granted in exchange for their commitment to refrain from armed operations against Israel, and to turn in their weapons and themselves to PASF.[86] "As of June 2010, some 469 fighters had been demobilized through the amnesty arrangements."[87]

This phase of security cooperation re-inscribed its initial purposes. It accomplished Israel's interests in "combating terrorism," and the interests of the PA in Ramallah in confronting its opposition. Yuval Diskin the Director of the Shabak described security cooperation as "excellent, especially in combating terrorism" as well as shutting down

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[84] Mohsen Mohammad Saleh (ed.*), Sira' al-Iradat: Al-Suluk al-Amni li Fatah wa Hamas wa al-Atraf al-Ma'niyyah 2006–2007* (Conflict of Wills: The Security Behavior of Fatah and Hamas and the Other Relevant Parties) (Beirut: Al-Zaytouna Centre for Studies and Consultations, 2008), pp. 236–239.

[85] *Ibid*., pp. 239–240.

[86] *Ibid*., p. 244.

[87] The International Crisis Group, *op. cit.*, p. 6.

institutions connected to Hamas.[88] A confidential cable issued by the American embassy in Tel Aviv on 13/6/2007, revealed that Diskin commended the "very good work relationship" they have with the security sector in the WB. He mentioned that Palestinian security was sharing "almost all the intelligence that it collects" with Israel.[89] Yet human rights campaigners revealed that most political detainees in WB had no relationship to the military branch of Hamas or its fundraising activities. "The vast majority of detainees are held for political rather than legitimate security reasons."[90] According to the Israeli reports, the level of cooperation was at a record high. A report by the Israeli Ministry of Interior in the end of 2008 disclosed that security cooperation was at a record high through genuine efforts on the part of the PA.[91]

Israeli reports concerning security cooperation in WB offer a clear indication of the increase in the level of cooperation between Israel and the PA. For example, a 2012 report reveals that in that year there were 843 security meetings between officers and leaders from both sides. This signalled a 9% increase from the preceding year. The report also pointed out that the areas of cooperation included help in constructing facilities for the PASF, offering training courses for Palestinian officers in Hebrew, computer skills, interrogation techniques, forensics and crime scene assessment, and civil defense.[92] The 2011 report noted that cooperation operations increased by 24% from 2010, reaching 5,086.[93]

The areas of cooperation can be revealed through following the field reports on cooperation operations. They involve returning settlers who have entered the WB to Israel, submitting the PASF's records of investigations with Palestinian detainees to Israel, and capturing the executers of operations aimed at Israeli targets.[94]

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[88] Ahmad Budeiri, Wave of 'Political' West Bank Arrests, BBC, 22/10/2008, http://news.bbc.co.uk/2/hi/middle_east/7683951.stm

[89] Barak Ravid, Fatah Asked Israel to Help Attack Hamas During Gaza Coup, WikiLeaks Cable Shows, *Haaretz* newspaper, 20/12/2010, http://www.haaretz.com/israel-news/fatah-asked-israel-to-help-attack-hamas-during-gaza-coup-wikileaks-cable-shows-1.331654

[90] Ahmad Budeiri, *op. cit.*

[91] Information Department, al-Zaytouna Centre for Studies and Consultations, *Al-Malaf al-Amni Bayna al-Sultah al-Filastiniyyah wa Israel*, pp. 44–45.

[92] State of Israel, Ministry of Defense, Coordination of Government Activities in the Territories (COGAT), *Summary 2012* (COGAT, 2012), p. 10, http://www.cogat.idf.il/Sip_Storage/FILES/6/3916.pdf

[93] State of Israel, Ministry of Defense, Coordination of Government Activities in the Territories (COGAT), *Summary 2011* (COGAT, 2012), p. 8, http://www.cogat.idf.il/Sip_Storage/FILES/1/3101.pdf

[94] See Mohsen Mohammad Saleh, *Sira' al-Iradat*, pp. 244–245.

The two parties even cooperated in killing activists in the resistance movement. For example, a two-member cell of al-Qassam Brigades was annihilated in Qalqilya on 31/5/2009. The incident occurred during a confrontation, which also resulted in the death of three officers. The Gaza Spokesperson of al-Qassam Brigades, Abu 'Ubayda, declared that the PA had chased that group for over a week, adding that the operation was carried out with the help of the Israeli intelligence.[95] Furthermore, documents published by Al Jazeera satellite channel in 2011, revealed that the PA and Israel coordinated in the assassination of Hassan al-Madhoun; the leader of al-Aqsa Martyr's Brigades.[96]

This unprecedented level of cooperation and coordination led the Shabak to state in 2010 that, for the first time in over 20 years, none of the people on its wanted list were residents of WB. Diksin praised the pro-activeness of the PA in countering Hamas in the WB.[97]

Similarly, Ehud Barak; the Defense Minister of Israel, commended the major role played by the PASF in protecting Israeli settlers. He said they had provided an unprecedented level of security to settlers through security coordination. He urged, in an interview with Israel National Radio, the continuation of financial support to the PA despite the latter's signing of the reconciliation agreement with Hamas. He defended his position by saying that it would lead to the support of the PASF that work for Israel's interests.[98]

As for the Palestinian side, President Mahmud 'Abbas lauded security cooperation promising its continuation. In an interview in Hebrew with the Israeli radio Kol Israel Reshet Bet, on 14/3/2011, 'Abbas stressed that he would not allow for another uprising or an impeachment of security as long as he was president, and the security cooperation and coordination would not cease.[99] In a separate meeting with Israeli writers and intellectuals in Ramallah, 'Abbas emphasised the presence of a "good coordination" in what he described as "combating terrorism and maintaining the calm

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[95] Sama News Agency, 31/5/2009, http://www.samanews.com/ar/index.php?act=post&id=43775
[96] The al-Madhoun assassination, site of Al Jazeera English, 25/1/2011,
   http://www.aljazeera.com/palestinepapers/2011/01/201112512109241314.html
[97] *The Jerusalem Post* newspaper, 13/9/2010
[98] Site of The Palestinian Information Center (PIC), 2/1/2012,
   http://www.palinfo.com/site/pic/newsdetails.aspx?itemid=64355
[99] *Al-Quds al-Arabi* newspaper, London, 15/3/2011.

atmosphere."[100] These statements reflected the PA's commitment to following through with security coordination and cooperation. It is considered an integral part of the PASF's functions, irrespective of the controversies it causes on the Palestinian scene.

Fourth: Destabilised Security: The Causes and Confrontation Efforts

The lack of security in the Palestinian territories has been one of the biggest challenges confronting the PA's security sector, Palestinian society in WB, and more generally in GS. It has manifested in various forms. These have included breaking the law, or the attempt to personally execute justice outside of the legal system as well as murder, kidnap, torture, burglary, and attacks on public personalities and other people. It also involved attacks on public and private institutions. These actions took place against the backdrop of other issues, including political factionalism. Others pertained to security, exemplified in the assassination of people accused of collaboration with Israel, without putting them on trial. Other actions were motivated by social reasons, for example revenge, and honor killings. While some were criminal in the cases of burglary and killing for money.

The first signs of the destabilization of security appeared after the establishment of the PA.[101] It steadily accelerated, becoming a disconcerting phenomenon since 2002.[102] It peaked during the armed conflict between Fatah and Hamas in GS in 2006–2007. Until that point, the PA's attempts at addressing the lack of security had been feeble owing to several factors, which will be studied later on in this chapter. Consequently, the phenomenon was exacerbated, further weakening the PA's ability to confront it, especially as these factors were due to the internal structure of the PA itself along with its security, legislative, and judicial institutions.

The presidential administration's fortification of its control over WB, with the aid of the Salam Fayyad government, reduced the signs of destabilized security. A similar process was underway in GS with the strengthening of Hamas' control of the strip. Both parties worked to counter the presence of any other group that might undermine

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[100] *Haaretz*, 21/10/2011.

[101] Al Mezan Center For Human Rights, Statistical Report on the Ministry of Interior's Violations and Signs of the Absence of the Rule of Law in Gaza Strip, January 2013, http://www.mezan.org/upload/insecurity_2013_jan.pdf (in Arabic)

[102] The Independent Commission for Human Rights (ICHR), *Hawla Halat al-Infilat al-Amny wa Di'f Siyadat al-Qanun fi Arady al-Sultah al-Wataniyyah al-Filastiniyyah* (On the Destabilization of Security and the Lack of the Rule of Law in the Territories of the Palestinian National Authority), Special Reports Series (43) (Ramallah: ICHR, November 2005), p. 5, http://www.ichr.ps/pdfs/sp43.pdf

their rule. In WB, all weapons not owned by the PASF were confiscated. This included weapons possessed by the various factions of the resistance. In GS, on the other hand, Hamas combated what it termed "the weapons of chaos," without attempting to repossess the resistance's arms. Rather, it strived to organize its ownership through political negotiations with the other Palestinian factions.

Table (2): Victims of the Destabilization of Security 1/1/2003–30/9/2013[103]

Year	Incidents	Casualties	Injured	Kidnapped
2003	39	18	111	0
2004	122	57	178	11
2005	394	101	893	24
2006	876	269	1,219	90
2007	1,465	510	2,754	196
2008	598	204	603	24
2009	305	183	490	23
2010	519	85	572	16
2011	293	99	296	0
2012	227	79	248	0
2013	153	46	147	8
Total	**4,838**	**1,605**	**7,364**	**384**

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[103] Al Mezan Centre for Human Rights, Victims of the Destabilization of Security, http://www.mezan.org/ar/messege.php?view=falatan (in Arabic)

Table (3): Incidents of Destabilization of Security 1/1/2003–30/9/2013[104]

Background	Incidents	Casualties	Injured	Home Damages	Vehicle Damages
Mishandling weaponry	402	125	472	30	1
Struggle over power	123	32	155	10	4
Poor storage of Weaponry	16	17	95	44	2
Aiming at plunder	70	9	24	0	4
Training	79	10	95	5	0
Protest	318	37	448	25	13
Attacks on Institutions	773	103	723	11	10
Revenge	129	77	153	15	5
Firing locally–made rockets	50	11	57	49	1
Riots	73	5	51	0	2
Abduction and detention	169	32	150	1	10
Disputes (Intellectual–Ideological–Political)	1,382	387	2,508	282	78
Rape	7	4	11	1	0
Shootings From an Unknown Source	44	6	39	0	0
Shootings	80	16	197	0	1
Espionage–Collaboration	29	27	8	0	0
Internal Tunnel	23	22	3	0	0
Honor	76	58	42	6	0
Protests	15	2	42	0	0
Suspicious Object	47	12	72	1	2
Struggle Over a Property	84	36	189	23	3
Burglary	40	12	52	0	5
Tunnels	445	222	599	0	0
Detention	113	37	204	14	3
Family/ Personal fights	551	191	879	102	25
Total	**4,403**	**1,394**	**6,607**	**622**	**161**

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[104] Ibid.

Overall, the reasons for the destabilization of security and its proliferation can be divided into two main parts. The first is internal; tied to the PA and the Palestinian society. The second external; linked primarily to the Israeli occupation.

1. The Internal Factors

a. The Performance of the Political Administration

The political administration of the PA prepared the ground for the propagation of the lack of respect for the rule of law. Whether that was intended by the PA or not is beside the point. Its policies, which granted the PASF a political role, undermined the law. The issue was a direct result of the PA's commitments to the Oslo Accords, which it enforced on other political factions and on Palestinian society. The latter role was prioritized over other functions; the most crucial of these was internal security. The point was exacerbated as the PASF incessantly broke the law, turning to political detention, torture, and to over-turning court rulings.[105]

In addition to the politicization of the PASF, the latter have themselves participated in destabilizing security through profiteering, corruption, and violating citizens' rights.[106] Simultaneously, the PASF's laxity in prosecuting collaborators and its negligence in applying their sentences further supported the manifestations of the destabilization of security. Laxity and negligence were direct results of the aforementioned stipulations of the Oslo Accords. In turn, people were more likely to take justice into their own hands with the resistance avenging collaborators outside of the legal system since the resistance groups were the ones most affected by the actions of collaborators.[107]

In addition, there was a struggle over the security jurisdiction between the presidency on the one hand and the Palestinian government on the other. The conflict, which raged in the wake of Hamas' victory in the PLC elections, and forming the government in 2006 was the main reason that led to the internal armed struggle in 2006–2007, between Fatah and the Security Forces affiliated to the presidency on the one hand, and between Hamas and its Executive Force—formed by the government in GS—on the other hand.

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[105] Saleh al-Naami, Security Destabilization in the [Palestinian] Authority: The Dangers of the Israeli Instrumentalization, Aljazeera.net, 23/6/2005, http://www.aljazeera.net/opinions/pages/7506b58e-50d1-461b-91d1-54a1398e6267 (in Arabic)

[106] Roland Friedrich and Arnold Luethold, *Entry-Points to Palestinian Security Sector Reform*, p. 25.

[107] Saleh al-Naami, Security Destabilization in the [Palestinian] Authority: The Dangers of the Israeli Instrumentalization. (in Arabic)

b. Performance of the Security Forces

The involvement of members of the PASF in acts destabilizing security, reveals the depth of the crisis in the sector. While their professional duty was to maintain order and security, their actions brought about the greatest instability, in light of their negligence of their responsibility to maintain order and security in the areas falling under their jurisdiction.[108]

The PLC pointed out, in two of its reports on security in the PA territories, the laxity of the PASF and its leaders in confronting the deterioration of security. The reports were released in May 2005 and June 2006 and ascribed the laxity, in part, to the weakness of the legal protection available for members of the PASF. Notably, the first report attributed major responsibility for the destabilization of security to the PASF. In that vein, it observed the lack of coordination between the various PASF, which reached the level of open competition between the different forces.[109]

Notably, the political administration's dereliction in pursuing PASF, who were implicated in acts that undermined security, rendered them above the law, aggravating the phenomenon. [110]

c. The Weakness of Inspection and Legislation Frameworks

Confronting the destabilization of security necessitates the existence of clear legal frameworks, which defines outlawed actions and holding perpetrators to account. These frameworks should also stipulate the ensuing punishment as well as guarantee follow up procedures, which preserve accountability and apply penalties. Yet, because of the weakness of these frameworks, outlawed acts disseminated. The frameworks were initially non-existent. Later, they were not applied seriously. Consequently, outlawed acts spread and destabilized the security situation.

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[108] ICHR, *Hawla Halat al-Infilat al-Amny wa Di'f Siyadat al-Qanun fi Arady al-Sultah al-Wataniyyah al-Filastiniyyah*, p. 5.

[109] PLC, The First Period, The Tenth Term, Report of The Committee of Public Oversight and Human Rights on the Security Situation in the Palestinian Territories and the Role of the Authorities in Charge of Internal Security, May 2005; and PLC, The Second Period, The First Term, Report of The Committee on Public Oversight, Human Rights and Public Freedoms on the Unstable Security Situation in the Palestinian Authority-Controlled Territory, June 2006, in Roland Friedrich and Arnold Luethold, *Entry-Points to Palestinian Security Sector Reform*, pp. 165–183.

[110] Saleh al-Naami, Security Destabilization in the [Palestinian] Authority: The Dangers of the Israeli Instrumentalization.

The feebleness of the legislation governing the security sector, discussed earlier, contributed substantially to the proliferation of negative practices, particularly among PASF members.

d. The Weakness of the Judiciary

Due to multiple factors, the judiciary was weak when dealing with the destabilization of security. One reason was the vacillation of interrogation authorities in looking into the cases of some detainees, especially regarding their security records. They also waivered in administering penalties as well as in arbitrating disputes between citizens. Security Forces were also negligent in presenting offenders to the competent authority, the military courts. Moreover, the judiciary lacked sufficient independence to arbitrate a confrontation with the executive authority and its Security Forces. In addition, the boundaries between the executive and judicial authorities were not adequately demarcated. [111]

The weakness of the judicial authority led to people's distrust of its ability to arbitrate disputes and to uphold rulings. As such, they sought their rights through appealing to alternatives such as: common law, reform and reconciliation committees, or taking matters into their own hands. [112]

The matter was aggravated by the executive power's overriding of court rulings. It did not uphold rulings pertaining to the release of political detainees, even if they were passed by the highest judicial authority in the PA, the Supreme Court of Justice.[113]

e. Social Factors

These are predominantly represented by strife between families and clans, with a culture of revenge on the one side and so-called "family honour" crimes on the other.

f. Arms Proliferation

Arms proliferation destabilized the Palestinian community, notably when the security forces abused arms or by utilizing them in personal, factional, or family disputes. Nonetheless, the availability of weapons was not in itself a motive for destabilization. Rather, its mis-use was associated with the other factors feeding into the conflicts: chaos, and the absence of the rule of law in PA territories.

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[111] ICHR, *Hawla Halat al-Infilat al-Amny wa Di'f Siyadat al-Qanun fi Arady al-Sultah al-Wataniyyah al-Filastiniyyah*, pp. 38–42 and 46.

[112] *Ibid.*, p. 47.

[113] Saleh al-Naami, Security Destabilization in the [Palestinian] Authority: The Dangers of the Israeli Instrumentalizatio. (in Arabic)

2. External Factors

a. The Destruction of the PASF's Infrastructure

Israeli destruction of the PASF infrastructure in the second year of *al-Aqsa Intifadah*, led to a complete collapse in the security system, particularly after the destruction of PASF headquarters and the reform and rehabilitation centres was accompanied with the prevention of PASF members from putting on their uniform, or carrying arms. In fact, they were prohibited from any actual role in the maintenance of security and public order.[114]

b. Feeding Internal Strife

This factor was central in the Israeli and American role of straining the relationship between Fatah and Hamas. The two powers fed the conflict between the two parties in 2006–2007. The Israeli attitude after the Hamas victory in PLC elections, had serious ramifications on security in the PA territories. They played a prominent rule in augmenting the strife between the Palestinian factions through exerting economic, political, military, and security pressures.[115]

Similarly, the US had an immense impact on security during that period. Its security plans endeavoured to strengthen one Palestinian faction at the expense of the other.[116]

Fifth: Respecting Human Rights

Respect of human rights is considered an imperative standard for adjudicating the PASF's adherence to the rule of law. It additionally gauges its efficiency in serving the community and is its raison d'etre.

The frameworks governing the PASF's work stipulate respect for human rights. For example, in the Agreement on Gaza Strip and Jericho Area, article 14 states that "Israel and the Palestinian Authority shall exercise their powers and responsibilities pursuant to this agreement with due regard to internationally-accepted norms and principles of human rights and the rule of law."[117] The Palestinian Basic Law of 2003

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[114] ICHR, *Hawla Halat al-Infilat al-Amny wa Di'f Siyadat al-Qanun fi Arady al-Sultah al-Wataniyyah al-Filastiniyyah*, p. 33.

[115] Mohsen Mohammad Saleh (Editor*), Sira' al-Iradat*, pp. 247–248.

[116] See *Ibid.*, pp. 277–288.

[117] Agreement on Gaza Strip and Jericho Area, Cairo, 4/5/1994, Special Document File: "Israeli-PLO Agreements, *Journal of Palestine Studies*, vol. 23, no. 4, Summer 1994, p. 123.

as well as some other Palestinian laws, which were discussed earlier, specify several human rights regulations, which the PASF should abide to. These pertain to the prohibition of torture and the rights of prisoners and detainees.

Yet the reports of both local and international human rights organizations reveal striking violations of law and of human rights by the PASF. A number of these violations were systematic and have been in practice since the establishment of the PA to the time of writing. Furthermore, there have been insufficient efforts made to stop them, though they have improved at certain times.
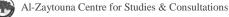
These violations began early on. One report, which was issued only one year after the establishment of the PA, remarked that numerous basic human rights including civil and political rights, had been violated by the PASF throughout the first year of their operation.[118] During the first few years of the PA's rule, complaints steadily arose due to the violations of human rights by the various PASF units.[119]

1. Most Significant Violations

The most prominent PASF violations have included unlawful arrest (particularly for political or security reasons), torture and mistreatment, and undermining freedom of opinion and expression and the freedom of peaceful assembly. Excessive and lethal force have sometimes been used to quell the practice of these rights.

The establishment of the State Security Court in February 1995 was an additional violation of human rights. The court was founded because of American and Israeli pressure on the PA to take measures to "combat terrorism." However, it continued functioning without regard for legal procedure and accepted standards of fair trial in a way that threatened public freedoms and undermined the independence of the judiciary.[120]

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[118] Al-Haq Organization, *Awda' Mutaghayyirah wa Intihakat Mustamirrah: Huquq al-Insan al-Filastini Tahta al-Ihtilal al-Israi'li wa fi Manatiq al-Hukm al-Thati* (Shifting Context and Persistant Violations: The Human Rights of Palestinians under Israeli Occupation and in the Self-Ruled Territories) (Ramallah: Al-Haq Organization, 1995), p. 118.

[119] Eyad al-Sarraj, "Human Rights Under the Palestinian Authority," *Journal of Palestine Studies*, Issue 30, Spring 1997, p. 58. (in Arabic)

[120] PCHR, *1997 Annual Report for the Palestinian Centre for Human Rights* (Gaza: PCHR, 1998), p. 40, http://www.pchrgaza.org/files/Reports/English/pdf_annual/ann_rep_97.pdf

a. Unlawful Arrest (Arbitrary Detention)

The term "unlawful arrest" refers to the arrest of individuals without due process of law. It also entails failing to invoke any legal basis for depriving people of their freedom (such as an arrest order, or without presenting them to a judge to extend their arrest period). The term also incorporates holding people in custody and bypassing court rulings ordering their release. This procedure predominantly entails arrests or summons, with political or security motivations. It remains one of the most prominent violations by the PASF, as well as the most common.

Amnesty International, the Independent Commission for Human Rights (ICHR), The Palestinian Centre for Human Rights (PCHR), and al-Haq Organization are some of the organizations following up on this issue. According to their reports, the majority of unlawful arrests, after the establishment of the PA, are linked to the suppression of the Palestinian factions, particularly those opposing the Oslo Accords. It was also utilized to prosecute members of the resistance, especially during times of increasing operations against Israel. The latter prosecution was part of Palestinian-Israeli security coordination.

As mentioned earlier, the arrest rate decreased in the wake of *al-Aqsa Intifadah* but picked up again after the Palestinian split in June 2007, when political arrest of members of resistance factions in WB increased, particularly among Hamas members. In return, the Caretaker Government's Security Forces in GS—controlled by Hamas—increased its summons and arrests of Fatah members.[121]

b. Torture

Reports on torture reveal that it has been a constant PASF practice, though its rate and intensity have varied according to internal political circumstances.

During the first few years of the PA, torture was a systematized policy and approach for some Security Forces. At the same time, the authorities ignored most complaints concerning cases of torture.[122] While torture rates decreased during *al-Aqsa Intifadah*, it quickly accelerated after the Palestinian split, thus revealing it is a systematic, rather than an individual, practice.[123]

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[121] PCHR, *Annual Report 2007* (Gaza: PCHR, April 2008), pp. 82–86,
http://www.pchrgaza.org/files/Reports/English/pdf_annual/Ann-Rep-07-Eng.pdf
[122] Eyad al-Sarraj, *op. cit.,* pp. 61–62.
[123] PCHR, Report on Torture Practices in Palestinian Prisons and Detention Centers From September 2011–May 2013, p. 5, http://www.pchrgaza.org/files/2013/Torture%20Report%202013.pdf (in Arabic)

The PASF's methods of torturing detainees have been similar in WB and GS. In fact, they have been akin to the methods used against Palestinian prisoners in Israeli prisons. They include excessive beating (using hands, feet, sticks, or whips), beating the soles of feet with sticks or cables, *Shabah* [prisoners are blindfolded and their hands are cuffed behind their back. Then they are hanged from the wrists without allowing the feet to touch the ground. In some cases, prisoners are hanged from the feet with their head hanging just above the ground. During Shabah, prisoners are beaten with clubs and insulted],[124] left in solitary confinement, cursed, and subjected to psychological terror tactics. These include threats of rape or murder, and forcing them to listen to the on-going torture of a third party. It also entails repeatedly summoning them due to their political affiliations, depriving them of sleep, food and healthy water.[125]

There are records disclosing the death of 47 inmates or detainees inside the PA's prisons and detention centers since the establishment of the PA up to May 2013. Their deaths are attributed to torture, medical neglect, or the failure of the authorities to provide sufficient protection to their person.[126]

The PCHR reports reveal that almost half of these deaths (23 deaths) occurred after the split. 15 of them were in GS and 8 took place in the WB. Further scrutiny of the reports reveals that those who died in Gaza prisons were all arrested for security or criminal reasons. It is suspected that 10 of them died of torture. On the other hand, most of the deaths in the WB befell political detainees (five out of the eight). It is suspected that at least three of them died of torture, while the PASF reported that the other two committed suicide. The other cases of torture in GS documented by the PCHR divulge that those subjected to torture were arrested for diverse reasons (criminal, political, pertaining to security). In the case of the WB, the majority of documented cases of torture were political detainees.[127]

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[124] PCHR, Report on Torture Practices in PNA Prisons and Detention Centers, August 2010, p. 12, http://www.pchrgaza.org/files/2010/Torture_English.pdf

[125] PCHR, Report on Torture Practices in Palestinian Prisons and Detention Centers From September 2011–May 2013, pp. 13–14. (in Arabic)

[126] This number is calculated based on the annual reports issued by the PCHR during 1997–2012. As for the period extending from July 1994–February 1997, see Eyad al-Sarraj, *op. cit.*, p. 61; and for the period extending from January–May 2013, see PCHR, Report on Torture Practices in Palestinian Prisons and Detention Centers From September 2011–May 2013, pp. 14–17. (in Arabic)

[127] PCHR, Report on Torture Practices in PNA Prisons and Detention Centers, August 2010, pp. 11–20 and 25–31; and PCHR, Report on the Crimes of Torture Under the Palestinian Authority from August 2010–September 2011, pp. 8–9 and18, http://www.pchrgaza.org/files/2011/pchr-report-5-10-2011.pdf (in Arabic); and PCHR, Report on Torture Practices in Palestinian Prisons and Detention Centers From September 2011–May 2013, pp. 14–17. (in Arabic)

c. Undermining Freedom of Opinion, Expression, and Peaceful Assembly

The reports of the ICHR and the PCHR recorded the stream of PASF violations against the right to freedom of opinion, expression, and peaceful assembly.[128] Some of these violations coincided with political detention. They also included arresting journalists and attacking them to prohibit them from covering specific incidents. Additionally, there were incidents of breaking into media institutions and forcefully closing them down. In other cases, peaceful marches and protests were restricted and even attacked; using excessive force to dispel them, which on numerous occasions resulted in deaths. Most of these cases took place in GS, the most famous being the 18/11/1994 events, which led to the death of 13 people near the Mosque of Palestine.

The split contributed to the exacerbation of violations pertaining to freedom of opinion, expression, and peaceful assembly in both the WB and the GS. The brief periods of reconciliation between Fatah and Hamas were accompanied with improvements in treatment and rule of law.

In this vein, the PCHR pointed out that after the June 2007 events, and due to the political split, there was a disconcerting and unprecedented increase in PASF violations against freedom of opinion and expression, and the right to peaceful assembly.[129] The most significant among those were detaining journalists in WB and GS, with the period of detention generally lasting longer in the WB. In some cases, journalists were subjected to civil, and sometimes even military trials, which prevented them from performing their work for prolonged periods. As in GS, journalists were usually detained for a brief period, no more than a few hours, just to obstruct them from reporting on an incident. In both regions, the PASF treated freedom of peaceful assembly in a similar fashion. The most noteworthy violations befell gatherings, which did not procure a permit, especially if they were held by political factions and parties that opposed the governments of the respective PASF.[130]

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[128] See the Series of Reports by the PCHR on The Freedom of Opinion and Expression, and the Right to Peaceful Assembly under the Palestinian Authority, http://pchrgaza.org/en/?cat=50

[129] PCHR, Report on the Right to Freedom of Opinion and Expression and the Right to Peaceful Assembly under the Palestinian Authority (PA) (1/11/2006–31/7/2008), p. 26, http://www.pchrgaza.org/arabic/studies/freedom_studay-2008.pdf (in Arabic)

[130] See PCHR, A Series of Reports on the Right to Freedom of Opinion, Expression, and Peaceful Assembly Under the Palestinian National Authority, Reports 7–12 (1/11/2006–30/9/2013), http://pchrgaza.org/ar/?cat=48 (in Arabic)

2. Background and Reasons

The pattern of the violations elucidates the major factors behind their occurrence, which are mostly:

a. Political Environment

It includes an external factor pertaining to the security commitments stipulated by the Palestinian-Israeli agreements. These were reinforced by the American and Israeli pressure. The internal factor is represented by the relationship between the different political players in the Palestinian arena.

The violations consistently increased in the periods of conflict between the PA and the opposition (such as the one following the establishment of the PA in 1994 and until 2000). They similarly intensified in times of strife between major Palestinian political factions (for example in the aftermath of the split in 2007). The latter period additionally witnessed increased security cooperation with Israel, and the PA's succumbing to pressure concerning "combating terrorism."

At the same time, violations decreased in 2000–2006, which was the period of decline in security cooperation in the aftermath of *al-Aqsa Intifadah*. The period also coincided with heightened internal political harmony during the *Intifadah*, as well as during the campaigning for the PLC elections. In a similar manner, the beginning of Mahmud 'Abbas' presidential term in 2005 and his agreement with the Palestinian factions on a unilateral maintenance of an atmosphere of calm, witnessed fewer violations.

b. The Weakness of Legislation and Inspection

The delay in issuing the legislation governing the PASF's work—and its complete absence in some cases—resulted in the confounding of legal procedures, which should be followed by officers. It also led to a lack of inspection procedures to oversee the PASF's work and hold offenders accountable.

c. Insufficient Training and Experience

This factor is tied to the fact that the PASF was recently established, and its newly appointed officers did not possess sufficient training or experience in the fields of maintaining order or human rights, and that the majority were participants in the Palestinian revolution abroad.

Sixth: Security and Reconciliation Efforts

Developments reviewed earlier in this chapter show how the security issue has profoundly influenced internal Palestinian political relations since the establishment of the PA. The most serious effect was the Palestinian split in mid-June 2007, which can be described as a result—albeit partially—of accumulated unrest and a conflict of security powers between the presidency and the government after Hamas won the legislative elections in 2006. In addition, it led to division, where the security issue played a major role in hindering reconciliation efforts, and continues to do so. Moreover, it remained present during rounds of national dialogue and in the exclusive agreements between Fatah and Hamas.

The first attempt to reconcile the two conflicting parties (Fatah and the presidency on one hand, and Hamas and its Palestinian government on the other hand) was the Prisoners' Document, officially the National Conciliation Document, issued as amended on 28/6/2006. The security issue was present in the Document's inputs and outputs, as efforts exerted by the leaders of Palestinian prisoners in Israel to launch it followed the first round of internal fighting between Fatah and Hamas loyalists.[131] The Document also dealt with the main points related to the issue of security, from unrest and internal fighting to reforming and developing the security establishment, as well as issuing legislation that regulated its work. In addition, the Document covered security coordination with Israel by referring to the need to organize and protect the various arms of the resistance, while ending the "state of chaos and lawlessness."[132]

However, this agreement failed to calm the security situation, as it was faced with international rejection and the presidency's subsequent decision that it was unable to go through with it, along with the continued financial embargo on the PA. This soon affected the security situation, as security personnel took part in the civil servants' strike and anti-government demonstrations to protest the lack of wages. They also got involved in the unrest by attacking government offices.[133]

This loop of interconnectedness between the political crisis and the security situation continued during the dialogue held to form the national reconciliation government in the few months following the signing of the Document. It even

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[131] See Hasan Ibhais and Wael Sa'ad, *al-Tatawurat al-Amniyyah fi al-Sultah al-Filastiniyyah 2006–2007* (Security Developments in the Palestinian Authority 2006–2007) (Beirut: Al-Zaytouna Centre for Studies and Consultations, 2008), pp. 25–31.

[132] Final Text of the National Conciliation Document, 28/6/2006, in *Palestine-Israel Journal of Politics, Economics and Culture*, vol. 13, no. 2, 2006, http://www.pij.org/details.php?id=828

[133] Hasan Ibhais and Wael Sa'ad, *op. cit.*, pp. 35–42.

escalated when prominent Hamas figures were attacked and shot, for which the movement blamed the security authorities. Thus, the two parties began another round of fighting, which left more than 50 people dead in January 2007.[134]

The deteriorating situation prompted Kingdom of Saudi Arabia (KSA) to intervene as a mediator, resulting in a new agreement that came to be known as the Mecca Agreement Between Fatah and Hamas Movements, signed on 8/2/2007. It reiterated the need to prevent Palestinian bloodshed, as well as taking all the necessary measures to prevent internal fighting. The parties also agreed to form a unity government.[135] However, both the Agreement and the unity government were short-lived due to the continuous security tensions and disputed security powers. The obstacles facing the implementation of the security plan approved by the government resulted in the resignation of Interior Minister Hani al-Qawasmi only one month after the unity government gained the trust of the PLC. Al-Qawasmi attributed his resignation to the fight over security jurisdiction between him on the one side and Rashid Abu Shbak; the General Director of Internal Security on the other.[136]

The question of security remained present in the various articles of the reconciliation initiatives after the military takeover in GS. The Yemeni initiative contained an article referring to rebuilding the PASF along national lines so that it followed higher powers and the government of national unity, rather than a particular faction.[137] The question was also present in the Egyptian proposal for reconciliation and the talks surrounding it in 2009. It pointed to the necessity of rebuilding the entirety of PASF, both in GS and the WB. It also referred to political detention, and to the due respect for the Palestinian people's right to resist, among other issues.[138]

However, the lack of actual changes on the ground made the question of security an obstacle in arriving at an agreement. Releasing political detainees in the WB was one of Hamas' most important conditions for continuing with the reconciliation talks,

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[134] The most prominent of these figures, Prime Minister Isma'il Haniyyah, Interior Minister Sa'id Siyam, Minister of the Detainees, Wasfi Qabha, and Deputy PLC Speaker Ahmad Bahr, see *Ibid.,* pp. 50–53.

[135] The Full Text of Mecca Agreement Between Fatah and Hamas Movements, 8/2/2007, site of Jerusalem Media and Communication Centre, 9/2/2007, https://web.archive.org/web/20080212122709/http://www.jmcc.org/documents/meccaagree.htm

[136] Hani al-Qawasmi's Letter of Resignation From the National Unity Government, 17/4/2007, in Mohsen Mohammad Saleh and Wael Sa'ad (eds.), *al-Watha'iq al-Filastiniyyah li Sanat 2007* (Palestinian Documents for the Year 2007) (Beirut: Al-Zaytouna Centre for Studies & Consultations, 2009), pp. 233–235.

[137] *Al-Watha'iq al-Filastiniyyah li Sanat 2007,* pp. 587–588.

[138] See Mohsen Mohammad Saleh (ed.)*, The Palestinian Strategic Report 2009/10* (Beirut: Al-Zaytouna Centre for Studies & Consultations, 2011), pp. 41–47.

which was never fully adhered by the PA, who insisted that those left in prisons were imprisoned on charges related to breaching security.[139]

The agenda of political detention remained unresolved even after the signing of the Cairo Agreement on 3/5/2011.[140] Consequently, the two parties returned to the disputes concerning security coordination and its political deployment. Restructuring PASF within a consensual Palestinian vision, and with no external influence remains the biggest challenge at the time of writing.[141]

In summary, while infighting was the main reason for the political and geographical split in the PA, security coordination with Israel is the biggest obstacle to reconciliation at the time of writing. In both cases, external influences have played a major role. This raises the question of PASF independence, and the possibility that it can be rebuilt upon national consensus bases.

Seventh: External Influences

The PA security sector was the most affected by weak national sovereignty. This sector's establishment, sustainability and reform depended on several political, economic, military and logistical factors that were all in the hands of external parties, primarily Israel, then the US followed by the EU and other regional and donor countries that had contributions in training and funding.

The PA's weakness, along with Palestinian-Israeli agreements, allowed for external influences to come into force. However, the external parties themselves were also willing and able to influence the issue of security, considering it a matter of high importance and the essence of Israel's need to reach a political settlement with the Palestinians. Meanwhile, the US, as the main peace process sponsor, and the other parties of the Quartet, saw the security issue the key to the peace settlement.

The influences also affected the PASF foundations, doctrine and agenda, as well as its arming and naming its members, along with the amount of funding and training to be received. This kept the PASF almost entirely at the mercy of external influences.

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[139] For example, this conflict led to an apology from Hamas to participate in the reconciliation conference, which was supposed to be held in Cairo in 10/11/2008, moreover, the conflict led to hindering the seventh round of reconciliation dialogue, which was under Egyptian patronage in 2009. See *op. cit.*, pp. 39–41.

[140] Mohsen Mohammad Saleh, *The Palestinian Strategic Report 2011/12*, p. 41.

[141] See Mohsen Mohammad Saleh (ed.)*, The Palestinian Strategic Report 2010/11* (Beirut: Al-Zaytouna Centre for Studies & Consultations, 2012), pp. 43–45.

The differences that emerged in the PASF's conduct in the WB and GS after the division raise interesting questions on the importance of neutralising the external element when building strong, coherent security forces, as well as achieving independent national management.

In a 2011 study on the Security Forces in the WB and GS after the division, Yezid Sayigh said:

> The Gaza PASF may not be superior in technical skills and especially not in equipment, but its purpose and direction are its own. This is despite—or perhaps because of—being denied donor support. 'In the West Bank, conversely, as an embedded foreign adviser observes, The Palestinians do not control their own [security] sector.'[142]

After the division, foreign conduct towards the PA's security issue, particularly that of the US and EU, revealed a contradiction between their declared commitment to support the rule of law and their practices that supported one internal party against the other. This happened while the legislative, executive and judicial authorities were divided, and with the absence of the PLC, which was supposed to monitor the PASF's commitment to the rule of law.

1. Israel

When reading about how Israel handled the PA's security issue, whether through negotiations or actual field practices, one finds that, its approach boiled down to seeking maximum gains with minimum cost.

Significant leverage allowed Israel to influence the Palestinian security sector in several ways and at different levels. The issue of security was used politically as a bargaining chip, on which the outcomes of the negotiations and the privileges given to senior PA officials depended. It was also used as an economic card to control the transfer of tax funds, which Israel collected on behalf of the PA. In addition, the issue of security was used at the military level, leaving the Palestinians with the burden of meeting Israel's security needs. It is worth mentioning that Israel did not hesitate to destroy the Palestinian security establishment when it sensed a deviation from its intended role during the *al-Aqsa Intifadah*, only to help re-build it for specific purposes following the Palestinian division.

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[142] Yezid Sayigh, *Policing the People, Building the State*, pp. 23–24.

2. The US

The US played an early role in the PA's security issue, with the sole demand of "combating terrorism"[143] whether manifested as political pressure (as in the pressure to establish a state security tribunal in 1995, or as happened during the Sharm el-Sheikh conference in 1996), training, funding, mediation, or coordination.

The Central Intelligence Agency (CIA) had been a part of the security issue since the beginning. In 1996, it played a secret role in training the newly-established Preventive Security and General Intelligence forces.[144] This role later included mediation between Palestinians and Israelis in 1997 regarding security coordination. In 1998, the Wye River Memorandum made the CIA's role official, until the George W. Bush administration decided to end the CIA's mediation in 2001.[145]

However, the US continued to influence the security issue through pressuring President 'Arafat into reforming the PASF, as well as through the Roadmap, which prioritised these reforms as part of its anti-terror measures. But the US administration's reluctance to deal with 'Arafat delayed concrete efforts by US until Mahmud 'Abbas was elected president in 2005, when a new position was created for a US security coordinator, working under the State Department to supervise the PASF's reform and rehabilitation. This only started effectively after Hamas won the elections in 2006, to deny the new government control over the PASF.[146]

There had been several references to US role in straining the security situation in PA territories at the time, including a reference by Alvaro de Soto, the Special Coordinator for the Middle East Peace Process. In his final report, de Soto mentioned that US had clearly pushed for a confrontation between Fatah and Hamas.[147] Another reference was made in a report by the German newspaper *junge Welt*, mentioning a scheme prepared by the George W. Bush administration to aggravate the security situation in the PA's territories through inciting and supporting internal forces to confront Hamas militarily.[148]

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[143] Yezid Sayigh, *"Fixing Broken Windows": Security Sector Reform in Palestine, Lebanon, and Yemen* (Beirut: Carnegie Middle East Center, October 2009), p. 14,
http://carnegieendowment.org/files/security_sector_reform.pdf

[144] *Ibid.*, pp. 14–15.

[145] Alan Sipress and Vernon Loeb, op. cit.

[146] Yezid Sayigh, *"Fixing Broken Windows,"* pp. 4 and 15.

[147] Alvaro de Soto, "End of Mission Report," May 2007, p. 21, see *theguardian* newspaper, 13/6/2007,
http://image.guardian.co.uk/sys-files/Guardian/documents/2007/06/12/DeSotoReport.pdf

[148] See Wolf Reinhardt, "Die Spur führt in die USA," *junge Welt* newspaper, 14/6/2007,
http://www.jungewelt.de/2007/06-14/020.php

It seemed clear that US role in the WB's security sector was growing after the Palestinian division, and particularly under the auspices of Lieutenant General Keith Dayton, who oversaw the training of nearly 2,100 members of NSF and Presidential Guards, between January 2008 and March 2009. They were all trained at the Jordan International Police Training Center.[149]

Dayton was heavily criticised as "a political actor" par excellence who supervised the "political cleansing" of the WB after the division, while his work essentially served to enforce the Israeli occupation.[150] However, Dayton himself was proud of his accomplishments, saying that the changes made through his training program for PASF in WB had prompted senior Israeli army commanders to ask him, "How many more of these new Palestinians can you generate, and how quickly, because they are our way to leave the West Bank."[151]

In another reference to US role in the WB's security sector, *theguardian* reported, "The relationship between the CIA and the two Palestinian agencies involved—Preventive Security Organisation (PSO) and General Intelligence Service (GI)—is said by some western diplomats and other officials in the region to be so close that the American agency appears to be supervising the Palestinians' work." According to the report, one senior western official said: "The [Central Intelligence] Agency consider them as their property, those two Palestinian services."[152]

In addition, since 2007, US has provided the PA with security assistance allocated for training and (non-lethal) equipment, as well as infrastructure projects, capacity building, programme development, and support. Between 2007 and 2010, US gave the PA nearly [153]$395 million in security assistance.[154] The total was expected to reach

[149] Yezid Sayigh, *"Fixing Broken Windows,"* p. 5.
[150] Aisling Byrne, "Businessmen Posing as Revolutionaries: General Dayton and the New Palestinian Breed," site of Conflicts Forum, November 2009.
http://www.conflictsforum.org/wp-content/uploads/2012/03/Monograph-GeneralDayton.pdf
[151] Keith Dayton, Michael Stein Address on U.S. Middle East Policy, Program of the Soref Symposium, The Washington Institute for Near East Policy, 7/5/2009,
http://www.washingtoninstitute.org/html/pdf/DaytonKeynote.pdf
[152] *theguardian*, 17/12/2009.
[153] US Dollar.
[154] United States Department of State and the Broadcasting Board of Governors, Office of Inspector General, Middle East Regional Office, "Training and Logistical Support for Palestinian Authority Security Forces, Performance Evaluation," report no. MERO-I-11-09, July 2011, p. 6,
https://oig.state.gov/system/files/171993.pdf

$390 million between 2011 and 2014. The main aim behind such assistance is to qualify PASF to "counter terrorism."[155]

Table (4): US Assistance to the PASF in WB, 2008–2014 ($million)[156]

Year	2008	2009	2010	2011	2012	2013	2014	Total
Value	25	184	100	150	100	70	70	**699**

3. The European Union

The European Union (EU) came in second, after US, in defining the kind and purpose of the security aid, offered to the PA since its establishment. The EU discontinued its aid after the eruption of the *al-Aqsa Intifada*, resuming it only after the "London Meeting on Supporting the Palestinian Authority" in 2005. However, it restricted its aid to the reform of the Security Forces, particularly the Civil Police. The EU Co-ordinating Office for Palestinian Police Support undertook that role. There was also the EU Border Assistance Mission at Rafah Crossing Point (EUBAM). It began its work in 2005 in light of the Agreement on Movement and Access (AMA) between Israel and the PA, signed on 15/11/2015, in the aftermath of Israel's withdrawal from Gaza. The delegation discontinued its work in 2007 after Hamas took control of GS.[157]

There were indications at the time that the European role is not performed solely through official channels. The issue rose to the fore when Interior Minister Nasr Yusuf accused power nodes within the PASF of having direct relations with European nations financing the PA in 2005 without commission from the PA.[158]

The EU discontinued its security aid to the PA after Hamas formed the government in 2006. They were resumed with the Fayyad government in WB in September 2007. Their efforts were concentrated on training members of the Public Order Unit of the Palestinian Civil Police, Protection and Guards Unit, and the Criminal Investigation Department.[159] European aid in training and equipment in 2008–2009 surmounted to $47 million.[160]

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[155] Jim Zanotti, "U.S. Foreign Aid to the Palestinians," Congressional Research Services (CRS), 30/9/2013, pp. 5 and 8, http://www.fas.org/sgp/crs/mideast/RS22967.pdf
[156] Ibid.
[157] Yezid Sayigh, *"Fixing Broken Windows,"* pp. 6–8
[158] *Asharq Alawsat*, 10/6/2005.
[159] Yezid Sayigh, *"Fixing Broken Windows,"* p. 7.
[160] Yezid Sayigh, *Policing the People, Building the State,* p. 5.

Conclusion

The Palestinian security sector suffers from many weaknesses that prevent the PA from providing any sense of security to the Palestinian community in its territories. Furthermore, the PASF's weaknesses cripple the PA's ability to protect Palestinian national security. In fact, the security failure is so extreme that the PA is yet to reach a consensus on what constitutes Palestine's national security.

One of the major PASF weaknesses is that its doctrine is based on political affiliation rather than national bases and commitment to professionalism. This had an adverse effect on political movements that opposed the Oslo Accords and their resistance strategy, as it took the option of armed resistance out of the equation. This had massive implication on the Palestinian strategic position, even on the movements who were pro-peace process, for they lost an important negotiating card, which had always been considered an option for the Palestinian leadership before the establishment of the PA.

PASF weakness had an impact on the internal security situation, which deteriorated due to schism and different security agendas. Moreover, some PASF members contributed to the destabilization of security, sometimes in a systematic way and with political cover.

Another problem was the lack of any regulatory bodies that could oversee the Security Forces' performance. The Palestinian legal framework was also weak in that regard. This led to many violations of the rule of law and human rights in Palestinian territories, especially where the PASF was involved.

Another problem was the absence of a PASF organizational structure, accompanied with the state of competition and conflict among its sections. Moreover, it employed a large number of people and had a significant budget. This turned it into a burden for the PA. As a result, the authority has to rely on foreign assistance to pay the wages of its security personnel, further weakening the Palestinian position as it becomes more reliant on foreign countries.

Israel, backed by the US, in addition to its military, security and economic power, managed to use those weaknesses to deepen the roots of Palestinian division. Thus, Israel directed this case in a way that met its interests, where it became a "five star" occupation.

Even security reform efforts, which began in 2005, were fully funded and "envisioned" by foreign parties. The focus of such reforms was "counter-terrorism," which meant practically eliminating resistance groups. This led to the militarization of political life as both major parties had a military arm. This deepened the political and geographical division between WB and GS even further, and made Palestinian reconciliation more difficult.

A true reform of the PASF involves neutralizing its political role. This first requires reaching a consensus on the definition of the Palestinian national security and its means. Second, it requires rebuilding the Security Forces' doctrine on that basis. Third, the establishment of professional and national rules, and enforcement of the respect of human rights and steering the Security Forces away from involvement in politics.

However, the biggest challenge is how to dispense with financial support from foreign parties to the Palestinian Security Forces, and to dispense with the restrictions imposed by Israeli-Palestinian agreements on the work of these forces. However, the experience of Hamas in that regard in GS proves it is not impossible to do this.

Other challenges to the PA, including its executive, legislative and judicial constituents, are establishing a legal framework for the Security Forces that includes regulatory bodies and systems for accountability and supervision. The latter will be extremely difficult to achieve given the political division, which stalls the work of the PLC and the path of Palestinian politics altogether.

دراسة علمية

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