

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Please provide general background information on Fateh/Hamas operations in Ramallah and Jerusalem during 1999 to 2005.**
- 2. Please provide information on the use by Fateh of university students in security roles during this period.**
- 3. Please provide information on PA security agency operations in 2002 and in 2003.**
- 4. Please provide any information on the likelihood that a First Lieutenant in the relevant forces of Fateh would not be familiar with the use of firearms during this period.**

RESPONSE

Background note: the Protective/Preventive Security Force

It would seem that the “Preventive Security Forces” and the “‘Protective Security’ and ‘Palestinian Intelligence’” of Fatah are alternative expressions for the name of the same agency. This is suggested by the fact that, during the period in question, some sources refer to Ahmad Dahlan as the “head of Palestinian protective security in the Gaza strip”; while other reports refer to Dahlan as having “control of the Preventive Security Forces for the Gaza Strip” (see: Darwish, S. 2001, ‘Palestinians Reject Clinton Proposal’, *IslamOnline.net* website, 1 January <http://www.islamonline.net/english/News/2001-01/10/article5.shtml> – 31 May 2007 – Attachment 7; and: ‘DAHLAN, Mohammed’ (undated), European Institute for Research on Mediterranean and Euro-Arab Cooperation <http://www.medea.be/?page=2&lang=en&doc=1689> – Accessed 31 May 2007 – Attachment 8).

A 1996 study by Graham Usher provides an overview of the remit of the various security agencies set up by the Palestinian Authority following “the signing at Taba of the Israeli-Palestinian interim agreement (‘Oslo II’)” (see pages 22 to 24). The following extracts provide information relating specifically to the Preventive Security Force (PSF), including its leadership; its estimated number of “salaried agents”; its estimated total clandestine strength;

its various known roles; and the manner in which the PSF has recruited from Fatah youth movements. The extracts also discuss the manner in which PA security agencies, like the PSF, have presented themselves as PA state authorities while also acting as instruments of the PLO's Fatah party. The relevant extracts follow:

The *Preventive Security Force (PSF)*, headed by Colonel Jibril Rajub in Jericho and by Colonel Muhammad Dahalan in Gaza, is drawn almost exclusively from within the occupied territories. The PSF is generally agreed to be the largest of the PA's intelligence forces, though precise figures are impossible to obtain. The Israeli monitoring group, Peace Watch, says that according to "information it has obtained" (probably from Israeli intelligence sources) the PSF currently has "2,000 salaried agents" in the West Bank and at least the same number in Gaza, but probably more. What is confirmed by both Israeli and Palestinian sources is that the PSF has staff and offices not just in Gaza and Jericho, but in at least eight other West Bank locations, including East Jerusalem (p.23) .

...The most ominous feature of the security forces is their proliferation, amorphousness, and lack of terms of reference, which makes it impossible to define their different responsibilities. The difficulty of definition is clearly shared by the representatives of the services. In December 1994, the PSF's Gaza chief, Muhammad Dahalan, described his service tautologically as "an organ of the PA which deals with preventive security issues pertaining to the PA." Yet the PSF's chief in Jericho, Jibril Rajub, has repeatedly stated that the PSF is "an extension of Fatah in accordance with the new reality of the PA." These two functions are not the same. Fatah is a political movement that derives its legitimacy from the PLO, whereas the PSF is a quasi-state body entrusted with enforcing "security." No other PA definition of the PSF's role exists (p.24).

...They are, however, very much a reality on the Palestinian street. In Gaza and Jericho, they work alongside the official Palestinian police. In the West Bank, their presence embodies the most tangible proof-aside from the now legal if faded Palestinian flag-of the PA's arrival. Together they comprise a clandestine force that could have a personnel strength as high as 9,000. Their activities have been documented with increasing concern over the last year by Palestinian, Israeli, and international human rights bodies, and by the Israeli and, to a much lesser extent, Palestinian and international media.

Broadly speaking, the various forces appear to have three main tasks.

First, they act as police forces. From the signing of Oslo I and especially after the PA was established in May 1994, PSF/Fatah operatives in particular assumed the role of de facto civil police throughout the occupied territories. The forces were activated to fill the "law and order" vacuum created by the intifada as well as that anticipated following Israel's redeployment. Palestinian and Israeli human rights groups as well as eyewitness testimony have amassed scores of cases where PSF agents or Fatah activists (or Fatah activists claiming to be PSF agents) have intervened in Palestinian communities, whether in the autonomous or occupied zones, to fight crime, solve clan or family disputes, and mete out punishment to those accused of "moral offenses" such as drug-taking and prostitution. In Gaza and Jericho, these actions occur in the shadow of the PA's jurisdiction; in the West Bank, often in the name of Fatah. In both areas, they are being carried out illegally and beyond any remit of judicial scrutiny.

Second, the PSF especially appears to have assumed powers to solve the "unfinished business" of Palestinian collaborators (p.25).

[A] third function involves the internal surveillance of Palestinian political opposition to Oslo. ...the crucial agency, at least hitherto, appears to be the PSF. This is due not just to its size but to its political and social composition: it is made up overwhelmingly of young Fatah

activists who won their political spurs during the intifada as prison leaders, youth activists, or as “fighters” in Fatah’s erstwhile military wings, the Fatah Hawks in Gaza and the Black Panthers in the West Bank. The PSF leaders, Dahalan and Rajub, were both deported from the occupied territories in 1988; Dahalan had been the Gaza leader of Fatah’s Shabiba (youth) movement... (p.26).

...On 11 October 1994, Hamas guerillas announced that they had abducted an Israeli conscript, Nachshon Wachsmann, demanding as ransom the release of 200 Palestinian and Arab prisoners. Five days later, Wachsmann and three of his kidnapers were killed during a botched IDF rescue attempt in the West Bank village of Bayt Nabala. It was, say Israel sources, largely information passed by the PSF to the GSS that led the army to its quarry (p.27).

...Since Fatah’s Hawk and Panther wings in the occupied territories were disbanded in September 1993, former cadres have been steadily absorbed into the PSF, making for an increasingly nominal distinction between Fatah and the PSF. This fact also served the specific political purpose of preventing them from feeling excluded and possibly forming an oppositional constituency. Their absorption into PSF not only pays them a wage, it affords them a political and social status commensurate with their former role as fighters (p.28).

...political violations are amplified by civic ones, as the PA’s security forces have asserted their own brand of “crime prevention” and “law and order.” In its recent report on the PSF, B’Tselem gathered testimony from numerous Palestinians accusing the service of “illegal abduction,” “arrest without warrant,” “detention for lengthy periods without judicial scrutiny,” “refusing legal representation,” “refusing family visits,” and the use of “harsh torture techniques.” And this is in the West Bank, before the arrival of the PA. In Gaza, there are now no fewer than seventeen prisons and detention centers run either by the police or one or other of the intelligence forces. There is, says one Palestinian lawyer, “little or no coordination between them (p.32).

...[In an] interview with Rajub in Al-Quds (2 February 1995) in which he states that the PSF is the “practical expression of Fatah since all its officers and personnel are Fatah members” (p.33, n.15) (Usher, G. 1996, ‘The Politics of Internal Security: The PA’s New Intelligence Services’, *Journal of Palestine Studies*, vol.25, no.2, winter, pp.21-3 – Attachment 9).

1. General background information on Fatah/Hamas operations in Ramallah and Jerusalem during 1999 to 2005.

Though reports of Fatah and Hamas activities in Ramallah and Jerusalem appear regularly in the news, an overview of these constant activities of these groups, within these two specific locations, could not be located. General background information on Fatah and Hamas operations in the West Bank, and the occupied territories at large, was located, and this appears below.

In late 2003, The Washington Institute’s Jonathan Schanzer provided an overview of Fatah/Hamas relations. Schanzer’s article looks back on the various ways in which the two groups have competed, struggled and cooperated. The following extracts take up relations between the two groups from 1996 through to early 2003.

It became apparent that Hamas and Fatah now had competing strategies. Fatah sought to create a proto-state to be recognized by the international community. Its strategy was to demonstrate its pragmatism to the world. Hamas, for its part, sought to gain power on the ground through a steadfast rejection of all negotiations leading to a two-state solution. The result was that Arafat and his Fatah faction were now stronger on the international level, but

they lost credibility among some Palestinians who saw Fatah's implicit recognition of Israel as a sign of weakness.

...On January 20, 1996, the PA held its first elections for the presidency and the Palestinian Legislative Council. The quandary that Hamas faced in 1994 presented itself again: should Hamas grant legitimacy to the PA, a product of the Oslo accords, or refrain from joining the political system? In the end, Hamas again snubbed Fatah and the PA, deciding not to take part in the elections. However, several members ran independently and won. Many observers felt that had Hamas fully participated, its candidates might have won a string of victories.

After the Wye Plantation accords in October 1998, Hamas curtailed its activity. Some claim that Hamas's low profile was intended to facilitate the continuation of Israeli prime minister Benjamin Netanyahu's rule and, implicitly, to undermine the PA's relations with Israel.[27] Israeli terrorism expert Reuven Paz, however, asserts that Hamas did try to continue its campaign of violence but was stymied by the security efforts of the PA.[28]

In the summer of 1999, after a 10-month hiatus, Hamas initiated a rash of shootings and ambushes in the West Bank. Hamas, wrote Israeli terrorism expert Ely Karmon, had little to lose, since the PA continued to jail hundreds of Hamas activists without charge or trial.[29]

Uprising 2000

At the start of the Palestinian insurrection in September 2000, Arafat released many detained Hamas operatives and actually cooperated with Hamas on military operations. The "National and Islamic Forces," a thirteen-member coalition comprised of Fatah, Hamas, and Islamic Jihad, was even formed for coordination between the groups.[30] Hamas, however, soon ratcheted up its operations independently and once again emerged as a threatening opposition. One media report noted "concerns among senior PA officials over the possibility that Hamas [was] trying to reap political capital among traditionally-minded Palestinians." [31] Arafat, in an attempt to consolidate his own power, reportedly offered Hamas an alliance in January 2001 but was again rebuffed.[32] In June, Hamas also rejected Arafat's offer to join a new Palestinian cabinet.[33]

By August 2001, a Palestinian poll reported that Fatah's popularity in the PA had declined sharply to 26 percent, while an unprecedented 27 percent supported Hamas.[34] Inter-factional tensions ensued, with intermittent reports of violence. In September, Hamas leaders chided Marwan Barghuti, commander of Fatah's Al-Aqsa Brigades (now on trial in Israel), leading to an exchange of public barbs between the two groups.[35] And in October, when a Hamas operative killed Col. Rajah Abu Lihyah of PA security, clashes led to the deaths of five persons. PA security subsequently moved against Hamas in Gaza, declared an emergency, and cancelled Ramadan holidays for security personnel.[36]

...The Cairo talks of November 8-12 [2002] were designed, among other things, to ease the rising tensions between the two groups. Egypt also sought to broker a deal whereby Hamas would end attacks on Israeli civilians for three months, provided Israel halted political assassinations (targeting Hamas members).[43] The plan was to translate a cease-fire into a full-scale reconciliation.

...the talks failed to produce a result. On November 21 [2002], Hamas carried out a suicide bombing on a Jerusalem bus, killing eleven persons and wounding fifty others. Back in Gaza, tensions between Fatah and Hamas reached new heights; clashes between them led to the deaths of a man and his five-year-old child.[45] Fatah responded by burning a press office linked to Hamas and fired gunshots at the homes of two Hamas leaders.[46] A leaflet released on December 10 warned Hamas: "anyone who wants to challenge [Fatah], his end will be in our hands, never mind who he is." [47] Days later, the PA minister of supplies, Abu 'Ali

Shahin, stated that “ Hamas is concocting problems with Fatah in the Gaza Strip to weaken and marginalize the PA so it would replace the authority. . . . [Hamas] wants to show its power and attain recognition.” [48]

A few days later, Hamas spokesman Usama Hamdan defiantly declared, “ we are not ready to be ordered to stop the resistance.” [49] The following week, Hamas founder Ahmad Yasin held a rally of some 30,000 Hamas supporters at a soccer stadium in the Sheikh Radwan neighborhood of Gaza City, a Hamas stronghold. There, he insisted that “ jihad will continue,” despite the talks with Fatah. [50]

At the start of 2003, talks between the two factions were again postponed, after Egypt failed to broker an agreement on the starting point: a halt on terror attacks against Israelis. [51] In an interview with Yasin published on January 10, the Hamas leader stated that one reason Hamas had rejected a ceasefire was the inconsistency of Fatah. He noted that “ the PA itself supports the jihad activities and the suicide attacks, whilst at the same time it requests us to put a stop to them.” [52] (Schanzer, J. 2003, ‘ The Challenge of Hamas to Fatah ’, *The Washington Institute for Near East Policy* website, source: Middle East Quarterly, Spring <http://www.washingtoninstitute.org/templateC06.php?CID=688> – Accessed 31 May 2007 – Attachment 1).

Further background to Fatah/Hamas relations for the period of 1999 to 2005, of a very general nature, is provided below, sourced from a report produced by the International Crisis Group.

...the PA’s commitments to the peace process and Hamas’s continued militancy proved fundamentally irreconcilable, the more so because Arafat concluded that the suicide bombings of 1994-1996 were designed to inflict not only physical damage in Israel but – more importantly to him – political damage to his and the PA’s standing. With his back to the wall and Oslo as well as his newfound ties to the US in the balance, he directed his security forces, consisting largely of repatriated PLO fighters and local Fatah activists, to hit back.

The widespread PA campaign against Hamas had a devastating impact on the Islamist movement but could not mask a new reality that Arafat himself recognised: the Islamist movement was there to stay. Alternately seeking to co-opt and contain Hamas, the Palestinian president achieved his main objective of imposing recognition of the PA’s legitimacy and supremacy – and therefore his own – on the Islamists. In exchange, Hamas and its institutions were largely spared harassment so long as they respected the rules of the game. Chief among these was to desist from directly confronting the PA or threatening Oslo’s viability through excessive escalation of the conflict with Israel; if it violated either principle, the entire movement – including its political leaders and social institutions – risked paying a serious price.

With the onset of the second uprising in late 2000, the *modus vivendi* established during the 1990s developed into a relationship of competitive cooperation. Hamas’s political leadership generally acquiesced in PA initiatives that enjoyed broad public support, such as the unilateral ceasefire announced in mid-2003, but on the battlefield the Fatah-affiliated Al-Aqsa Martyrs’ Brigades (AMB) and the Hamas Martyr Izz-al-Din al-Qassam Brigades were competing not only with Israel but each other. The AMB’s unprecedented decision to conduct suicide bombings in January 2002 and Hamas’s deployment of rudimentary Qassam rockets in the Gaza Strip several months later were in no small part motivated by the need to appear the more militant and effective movement.

Israel’s undifferentiated response to the uprising also brought the rival organisations closer and set the stage for a more serious approach towards Hamas’s political integration. Indeed, the PA’s increasingly antagonistic relationship with Israel and the US since the collapse of the

July 2000 Camp David summit, and Hamas's decision not to exploit the conflict to openly subvert the PA, burnished their credentials in each other's eyes. Confronted by a common enemy, they increasingly shared a common discourse in which nationalist and religious terminology intertwined. In addition, the conflict itself so disabled the PA that it could no longer rule unassisted; Hamas's readiness and demands for power-sharing and a role in governance found more response. In one of his final acts, Arafat on 5 May 2004 implicitly inaugurated the process of integration when he decreed that a first round of local authority elections – postponed since 1996 – would be held on 23 December 2004.

While Arafat may have concluded it had become necessary to offer the Islamists genuine power-sharing arrangements, it seems more likely he was engaging in his time-honoured practice of seeking to incorporate them into the fabric of the political system in order to control them better. As various Palestinians have noted, he was loathe to share power even with his own Fatah movement and would have been highly unlikely to do so with the most powerful opposition force. But with his death, a process to which he probably intended to give one meaning suddenly acquired another.

...Both Hamas and Fatah lost their historic leaders in 2004. On 22 March, Sheikh Ahmad Yasin, Hamas's founder and mentor, was killed in an Israeli helicopter attack that also took nine other lives. Eight months later, on 11 November, Arafat, who had led the national movement since its re-emergence after the 1967 war, died in a Paris military hospital. If Hamas appears to have recovered from its loss and remains a disciplined movement with a coherent leadership, Fatah clearly has not. Combined with the PA's virtual destruction during the intifada, it has lost its political hegemony, and a new reality is being created.

The quick and smooth succession and then election of Mahmoud Abbas (Abu Mazen) to the helm of the national movement initially concealed the depth of the crisis. Arafat had increasingly tailored the system to his unique methods of rule, so that it was effectively a reflection of his own personality. His absence inevitably called into question the very structure of the political system and punctured basic assumptions that had remained constant for the better part of a generation. Not only did Abbas lack his predecessor's credentials and persona, and therefore the capacity to dominate political life; he also consciously adopted a different approach.

...Where Arafat sought to co-opt and control through a policy of divide and rule, in other words, Abbas attempted to rule through a process of incorporation and integration. After several months of negotiations mediated by Egypt, the Palestinian leadership and representatives of thirteen political organisations signed the 19 March 2005 Cairo Declaration.¹⁴ The single sheet of paper essentially committed the factions and their armed affiliates to observe unilaterally a period of calm or ceasefire (*tahdi'a*) through the end of 2005, and the leadership to conduct local and legislative elections without further delay. Additional pledges to initiate discussions on the incorporation of Hamas and Palestinian Islamic Jihad (PIJ) into the PLO, and the forswearing of any resort to arms in internal Palestinian disputes, suggested that Islamist integration was on course to become a reality (International Crisis Group 2006, 'Enter Hamas: The Challenges of Political Integration', Middle East Report No.49, 18 January – Attachment 3).

The overviews provided above give only a very general picture of a relationship whose ongoing nuances are, in day-to-day life, highly complex and discontinuous. A November 2002 report by Human Rights Watch provides information which illustrates the extent to which it is difficult to make general statements about the Fatah's/Hamas relationship, and the nature of their ongoing operations, even for a very brief period of time. The extracts address the uneven manner in which the Fatah controlled Palestinian Authority policed the activities of Hamas, and other militant Islamist groups like Islamic Jihad, between 2000 and 2002. The

report makes particular mention of the role of the “Preventive Security Service (PSS)” in this regard:

Security Role of the PA Since September 2000

While the post-Oslo negotiations continued, there was a significant level of cooperation between Israeli and Palestinian security forces, particularly in the aftermath of a suicide bombing campaign perpetrated by Hamas and Islamic Jihad in 1996-97. During this period, by most accounts, the PA took credible and tangible steps to prevent attacks against Israeli targets.⁶⁴ Ely Karmon, an Israeli counter-terrorism analyst, commenting on the decline in attacks by Hamas and Islamic Jihad in this period, wrote that it “was due to the combined preventive counter-terrorist policy of the PA and Israel.”⁶⁵ ...A senior official in the West Bank Preventive Security Service told Human Rights Watch, “1999-2000 were the best years ever from a security standpoint.

...With the deterioration of Israeli-Palestinian political relations and the onset of the current unrest, cooperation between Israeli and PA security forces diminished rapidly. ...Prime Minister Ehud Barak blamed Arafat and Fatah and in retaliation ordered IDF helicopters and naval vessels to shell PA and Fatah headquarters and Preventive Security Services (PSS) offices in Gaza City.⁶⁹ Many Palestinians, for their part, blamed the PA for not protecting them from attacks by the IDF and Israeli settlers in the Occupied Territories.

...The main PA security agency responsible for enforcing PA commitments to combat anti-Israeli violence is the Preventive Security Service. With separate commands in the Gaza Strip and the West Bank, the PSS at its height numbered between four and five thousand officers, mostly former Fatah fighters. Some PSS officers were trained by the US Central Intelligence Agency.⁷⁰ Few observers, however, would characterize it as a professional law enforcement agency.⁷¹ Along with the General Intelligence Service (GIS) and other PA security forces, the PSS served as a kind of job bank for the Palestinian leader, in addition to performing policing, intelligence, and coercive functions.

The PA’s failure to take effective steps to prevent suicide attacks against civilians and bring those responsible to justice dates from the earliest months of the current unrest. However, as clashes continued and intensified, Israeli attacks targeting Palestinian security services infrastructure, places of detention, and security personnel, along with curfews and stringent restrictions on movement, gradually undermined the PA’s enforcement capabilities.

These attacks were generally carried out as retaliation for Palestinian attacks on Israeli targets. For example, on May 18, 2001, following a Hamas suicide bombing in Netanya that killed five and injured more than 100, Israel attacked PA security installations in Gaza City, Nablus, Ramallah, and Tulkarem. In Nablus, F-16 warplanes bombed the main prison complex, killing eleven policemen.⁷² In an interview in late December 2001, Preventive Security Services chief Jibril Rajoub said that more than 70 percent of its offices and 90 percent of its barracks had been destroyed.⁷³

...PA officials also claim that Israeli actions, such as the destruction of PA police and security installations, have undermined the PA’s capacity to act. However, the record indicates that the PA for the most part did not attempt to exercise its capacity to prevent or punish such crimes even when it had the ability to do so. At least until the IDF’s reoccupation of Palestinian cities and towns in April 2002, the PA retained some degree of law enforcement capacity. In June 2001, and again in mid-December 2001, the PA showed that it still commanded enough influence with the perpetrator groups, using political negotiations as well as coercive law enforcement measures, to bring about cessations of suicide bombings, even though its law enforcement capacities had been diminished by Israeli attacks.

...In the first weeks of the clashes, the PA released numerous detainees, most of them members of Hamas and Islamic Jihad, some of whom had been in PA detention without charge or trial for several years.⁷⁸ According to press reports, the first releases took place on October 4, 2000, when twelve Hamas detainees were released from Gaza Central Prison. Subsequent releases occurred over the following week. A PA security official in Gaza claimed that by mid-October the PA had "begun to re-arrest them."⁷⁹ In Nablus, fourteen of the thirty-five who had been released reportedly responded to a summons to turn themselves back in.⁸⁰ Hamas political leader 'Abd al-'Aziz al-Rantisi was rearrested on October 18 and released again on December 26, 2000, at the end of Ramadan.⁸¹

...Some of the detainees released at the beginning of the uprising, as well as other armed militants and political critics of the PA, were re-detained and re-released periodically during 2001. Some were formally arrested and, beginning in late October 2001, the PA started using administrative detention orders to detain suspects.

...In late September 2001, the Israeli government reportedly again passed to the PA lists of people it wanted arrested. The PA initiated another round of arrests, although it was unclear if those arrested were named on those lists. The arrests sparked violent opposition. In the Rafah area of southern Gaza, crowds set fire to PA intelligence agency offices. In Bethlehem, al-Aqsa Brigades leader Atef Abayat was detained on October 2, but only after extensive negotiations with Abayat's armed followers; he was held for only a very brief period despite President Arafat's reported order that he be kept in custody.⁹²

...The strongest evidence that the PA still retained some law enforcement capacity with regard to attacks against civilians came in December 2001 and early January 2002, when, in contrast to previous periods, the PA undertook sustained efforts to halt suicide bombings and Palestinian attacks in general. In response to a string of Palestinian attacks against settlers, civilians in Israel, and military targets, President Arafat on November 28, 2001, ordered the PSS to arrest members of Hamas, Islamic Jihad, and the al-Aqsa Martyrs' Brigades. ...The efforts of PSS officers to arrest Hamas leader Shaikh Yassin led to clashes with his supporters in which one Hamas supporter was killed. After continuing demonstrations, the PSS pulled back its forces from Yassin's residence.⁹⁸

...The PA continued to close Hamas and Islamic Jihad offices and said on December 18 that it had arrested more than 180 Palestinians since the beginning of the month, but provided no information on investigations or charges related to responsibility for attacks against civilians. The next day, December 19, the PA announced that it had arrested fifteen PSS officers suspected of participating in attacks on Israelis.¹⁰²

...PA officials have claimed that they had prepared plans to continue the campaign of arrests of December 2001 and early January 2002, but were unable to do so because of repeated large-scale IDF incursions into West Bank cities, refugee camps, and villages, and increased Palestinian popular hostility toward any PA efforts to restrict the activities of the armed militants.

...Majid Hamad Attari, the head of Preventive Security in Bethlehem, told Human Rights Watch that his agency's clear instructions since the beginning of the current uprising were to stop attacks against Israelis—"all attacks, not just inside Israel, and not just against civilians." The only times when this broke down, he said, was when the IDF launched attacks directly against Palestinian forces. "The orders even then were, 'Get out of the way, do not resist,'" Attari said, but he indicated that some officers did on those occasions return fire. Human Rights Watch has documented instances in which PSS employees participated in exchanges of fire with IDF forces (Human Rights Watch 2002, 'Chapter VII: The Role Of The Palestinian Authority', in *Erased in a Moment: Suicide Bombing Attacks against Israeli*

The current violence

In 2006, following the Hamas electoral victory which gave them control of the PA, Usher noted the manner in the transfer of power created problems, since security apparatus like the PSF were in reality extensions of Fatah:

Hamas protested Abbas's post-election moves, noting (accurately) that information, finance, and three of the PA's dozen or so security forces – the police, civil defense, and Preventive Security Force (PSF) intelligence agency – that Abbas had decreed would henceforth answer to him, constitutionally fall under the remit of the prime minister.

...Haniyeh has also said there will be ministerial control over the civilian police, "to restore a sense of personal security to our people." But he has waived for now the prime minister's right to hire and fire commanders for the PSF. There is one very sound reason for this. The PSF is seen as Fatah's, and in Gaza Dahlan's, most organized base within the PA security forces and potentially the most lethal point of resistance to a Hamas-led government. (p.29) (Usher, G. 2006, 'The Democratic Resistance: Hamas, Fatah, And The Palestinian Elections', *Journal of Palestine Studies*, vol.35, no. 3, Spring, pp. 20-36 – Attachment 10).

The following extracts from a 2006 report, by Michele K. Esposito, provide information on the manner in which these tensions escalated into conflict:

On the ground, the internal security situation in Gaza was deteriorating rapidly as elements within Fatah (suspected to be led by units of the PA Preventive Security Force [PSF] linked to Fatah strongman and US ally Muhammad Dahlan) continued to challenge Haniyeh's authority over the PA security services. Last quarter, Haniyeh, frustrated over the unwillingness of the various PA security branches to deploy on his orders to provide public security in Gaza and Abbas's unwillingness to intervene, had authorized his Interior M Said Siyam to create a volunteer Executive Support Force (ESF) to patrol Gaza's streets. While all factions had been invited to participate, Fatah members had balked, and the majority of the 3,000-member ESF was made up of Hamas members, with around 500 Popular Resistance Comm. (PRC) members comprising the remainder (see Quarterly Update in JPS 140).

On 5/17, the Interior Min. began deploying the ESF for the first time, prompting Abbas to order (5/17) 1,000s of PA police into the streets in a show of force. Fatah-Hamas violence quickly escalated, with reports of Hamas members in Gaza being killed in drive-by shootings and kidnappings by suspected Fatah gunmen (e.g., 5/16, 5/17, 5/24); exchanges of fire between Fatah-linked PA security forces and ESF members (e.g., 5/18, 5/19, 5/20, 5/22, 5/24, 5/25), often with fatal results; and show-of-force parades by armed Fatah members (e.g., 5/18, 5/21). Unidentified gunmen (suspected Fatah) fired (5/20) on the Gaza home of Hamas-affiliated Interior Min. spokesman Khalid Abu Hilal. Bombs planted by unknown individuals (suspected Hamas) exploded in the PA General Intelligence Service (GIS) offices in Gaza City in an apparent assassination attempt on Fatah's GIS Gaza head Tariq Abu Rajab (5/20) and under the car of PSF central Gaza chief Nabil Hudud, killing him (5/24); a massive roadside bomb was also found (5/20) along the motorcade route of Internal Security Service dir. gen. Rashid Abu Shibak (appointed by Abbas to wrest control of the security forces away from Siyam; see Quarterly Update in JPS 140).

After an offer (5/22–23) by Egyptian security advisers (resident in Gaza) to broker emergency talks between Fatah and Hamas and following further talks, Siyam agreed (5/25) to limit the ESF's patrol areas to make the units less visible, and the senior leadership of Fatah and Hamas pressured their cadres to hold their fire, temporarily curbing the violence that as of

5/25 had left 4 Fatah members, 3 Hamas members, and a Jordanian embassy employee dead and at least two dozen people wounded.

Concerned over the escalation and seeking to reinforce Abbas, Israel agreed (5/25) to allow Jordan and Egypt to supply Abbas's presidential guard (Force 17) with weapons and ammunition, backing a U.S.-led initiative to expand Force 17 into a 3,500-member force to counterbalance the ESF (see Quarterly Update in JPS 140). Force 17 began receiving 3,000 M-16 rifles and 3 m. rounds of ammunition from Jordan on 6/14–15, and Abbas swore in the first group of 300 new recruits (of an anticipated 1,000) around the end of the quarter (Esposito, M.K. 2006, 'Quarterly Update On Conflict And Diplomacy', *Journal of Palestine Studies*, vol.36, no.1, Autumn, pp.114-147 – Attachment 11).

2. Please provide information on the use by Fatah of university students in security roles during this period.

A 1999 report by Bassem Eid, of the Palestinian Human Rights Monitoring Group (PHRMG), reports that the Preventative Security Service was recruiting university students as paid officers at this time. The report provides extensive information and it supplied as Attachment 4 (see Section 3: 'Securitization of the Academy'). A brief extract follows:

The Palestinian Authority's involvement of students and others in university surveillance serves as a form of political patronage. Students work for the security services because it is a good job. The money available from the PA is not only used to pay salaries. It is also instrumental in mobilising students to cease their opposition activities. Some students in Gaza even receive money from the PA even though they are not performing security services. They are registered and receive money; such contracts are secret. A law student who works for Preventative Security Service (PSS) says he can promise financial support up to 200 shekels a month (50 dollars) to convince a particularly popular student to join Fatah. He may also offer protection and other services that someone might need, depending on the budget of the department. Since it is easier to say yes than no, especially in today's dire economic situation, the security service and Shabibeh's promised resources are a way of persuading people not to oppose the PA. By contracting young people to work for the authority against their colleagues, the PA provides employment for an underemployed population and in this way, it ensures support for Fatah.

In addition to President Arafat's sanctioned University Security Administration there are many undercover agents working on the University campuses on the West Bank and Gaza. These individuals keep tabs on campus organisations, threaten people to vote in elections for Fatah, write reports, and collect the names of students involved in the Islamic Bloc and in the left wing opposition. They also go after people who criticise the PA of corruption or expose its human rights abuses. The vast majority of undercover security agents are male, although there are some female students who write reports for the security services also (Eid, B. 1999, 'Academic Freedom At Palestinian Universities', Palestinian Human Rights Monitoring Group website, 10 August <http://www.phrmg.org/articles/10aug1999.htm> – Accessed 31 May 2007 – Attachment 4).

3. Please provide information on PA security agency operations in 2002 and in 2003.

2002

Reports were located which indicate that PA security agencies were arresting some Hamas personnel during the time of the Israeli occupation of Ramallah in an attempt to demonstrate their continued commitment to establishing order. Hamas reportedly accused the Preventive Security Service of collaborating with the Israeli Defence Forces (IDF) in this regard, and in

August/September 2002 it was reported that the IDF had arrested Sheikh Hassan Yousef along with a number of his bodyguards. Extracts from these reports follow:

8 April 2002:

The tanks rumbled into Ramallah as dawn broke and thunder rolled on Good Friday. Yasser Arafat knew they were coming after him. Barricaded in a windowless two-room office, he could only sit and rant as much of the Israeli force entering Ramallah--100 armored personnel carriers, 60 tanks and 2,500 soldiers--encircled his compound... .

...He was right. Israeli government sources told TIME that hours before the assault on Arafat's compound--retaliation for the Passover slaughter by a Hamas suicide bomber of 20 Israelis and a tourist in the seaside city of Netanya--Prime Minister Ariel Sharon informed members of his Cabinet that he wanted to send forces into Ramallah to arrest Arafat and expel him from the Palestinian territories.

...To much of the rest of the world, the Israeli offensive that followed, though born out of months of simmering rage at Palestinian terror and Arafat's inability or refusal to stop it, was a staggering display of aggression.

...The Palestinians argue that Arafat's inaction is a matter of can't, not won't, and that the Israelis are to blame. Even as the conflict has intensified, Arafat's security forces have arrested dozens of militants wanted by the Israelis (Ratnesar, R. 2002, 'Season of Revenge: The inside story of how Israel imprisoned Arafat - and why the rage keeps burning', *Time Magazine*, 8 April 2002 -Attachment 12).

26 April 2002:

The Palestinian Islamic movement, Hamas, has attacked the chief of Preventive Security Service in the West Bank and called on the Palestinian people and leadership to consider him as an outcast. Hamas accused Jibril al-Rajub of treason and of working with the Israelis by arresting members of the resistance movement, torture them and pass their files "to the Zionist security organs" ('Palestinian Hamas urges authorities to treat security chief as outcast' 2002, *BBC Monitoring Middle East - Political*, 26 April - Attachment 13).

24 June 2002:

Israeli forces surrounded Yasser Arafat's headquarters before dawn today, barricading the front gate with debris and fanning out to take control of a sixth West Bank population center.

...Palestinian police arrested dozens of Hamas members in Gaza on Sunday, including a local leader, Muhammed Shuhab.

Before dawn Monday, Israel arrested eight wanted Palestinians in Hebron, two in Siair village just north of Hebron, another in Jenin and another in Beit Sahour, near Bethlehem, the army said. Palestinians said many of those arrested in the Hebron area were Hamas members. Soldiers pulled back after making the arrests.

The army also said four Palestinians wanted by security forces were arrested in the Askar refugee camp east of Nablus (Hazboun, I. 2002, 'Israeli troops surround Arafat's headquarters; Meanwhile, Palestinians put Hamas leader under house arrest', *Grand Rapids Press*, source: *Associated Press*, 24 June - Attachment 14).

August/September 2002:

...soldiers in the elite Duvdevan unit arrested senior Hamas fugitive Sheikh Hassan Yusef, 47, the head of the Hamas political wing in the West Bank, together with one other believed to be his bodyguard in a hideout in Ramallah. When detained, Yusef was carrying tens of thousands of shekels.

...Earlier in the day, soldiers arrested two of Yusef's bodyguards in Ein Arik, west of Ramallah, identifying them as Muhammad Askar and Yacub Askar.

The IDF Spokesman said Yusef had been sought for a long time and great efforts had been made by the security forces to track him down (Dudkevitch, M. 2002, 'IAF rockets kill five Palestinians; Senior Hamas leader captured', *Jerusalem Post*, 1 September – Attachment 15).

2003

Reports indicate that pro-Hamas students won university elections in the West Bank in 2003. There were also reports of the arrest of Islamist students by Israeli security forces.

11 December 2003:

In a West Bank university election for the student leadership that focused on which party had killed the most Israelis, the violent Hamas swept to victory Wednesday, defeating Yasser Arafat's Fatah.

...In voting Wednesday, Hamas won 25 seats of the 51 on the council, Fatah took 20, the Popular Front for the Liberation of Palestine – a radical PLO faction – won five and the People's Party got the remaining seat (Daraghme, M. 2003, 'Hamas Gains in West Bank University Vote', *Associated Press*, 11 December – Attachment 16).

3 May 2004:

The Israeli army on Monday arrested 27 Islamist students at a teacher training college in the West Bank city of Ramallah, Israeli and Palestinian sources said.

An army spokesman said only four of those detained in the pre-dawn raid were wanted militants and that the other 23 would be released after questioning ('Israeli army arrests 27 Islamist students in Ramallah' 2004, *Agence France Presse*, 3 May – Attachment 17).

4. Please provide any information on the likelihood that a First Lieutenant in the relevant forces of Fatah would not be familiar with the use of firearms during this period.

Although, as is apparent from the above information, there is evidence to suggest that many officers in the PA Preventive Security Force are armed, no information could be located that would categorically answer the question of whether, or not, a person holding the rank of First Lieutenant in the Preventive Security Forces might be employed in an unarmed investigative role. The existence of such roles might, nonetheless, be suggested by the employment of students as intelligence officers on university campuses. Also, some information was located within news reports which seemed to suggest that some officers of the Preventive Security Force are not armed when conducting operations. Some examples follow:

4 February 2007:

Fatah sources announced that Hamas gunmen kidnapped six unarmed members of the Palestinian Authority's Preventative Security Service at roadblocks they had set up in the city (Issacharoff, A. & Harel, A. 2007, 'Haniyeh calls on armed men to leave Gaza streets', Haaretz.com website, 4 February
<http://www.haaretz.com/hasen/objects/pages/PrintArticleEn.jhtml?itemNo=821015> – Accessed 31 May 2007 – Attachment 5).

6 June 2006:

Fatah and Hamas have mobilized armed militias, putting them on the streets. Shootouts have erupted between a Hamas-led security force in the Gaza Strip and members of the Fatah-dominated Preventive Security Service. In the West Bank town of Jenin, Fatah posted an

unarmed force on the streets this week, ostensibly to help maintain law and order (Greenberg 2006, 'Abbas to call for referendum on statehood', *Chicago Tribune*, 6 June – Attachment 6).

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13. 'Palestinian Hamas urges authorities to treat security chief as outcast' 2002, *BBC Monitoring Middle East – Political*, 26 April. (FACTIVA)
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