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Palestinian Authority

Crises in the PNA : Events and the Challenge of Reform

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PCHR Position Paper

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The oPt are witnessing a severe internal crises that effects all aspects of the life of Palestinians and threatens both their security and safety. As-well as this, it threatens the ongoing struggle for independence and for an the end to the belligerent Israeli occupation. While the roots of the crises may be traced back many years the crises reached a pinnacle in the middle of July 2004 in the shape of a series of attacks, kidnappings and other illegal activities perpetrated by individuals and/or militant groups. These actions reflect the total absence of the rule of law and the chaos which has resulted as a consequence of the proliferation of small arms and militarization of Palestinian society. The then PNA responded with a series of measures including new appointments, rotation of senior figures and merging of the security services.

It is regrettable that these attacks have been, in one way or another, directly or indirectly linked to demands for reforms to the PNA and its associated institutions. PCHR contends that this violence is just a mask for other demands and in fact undermines the long term goal of establishing genuine democratic reforms in Palestinian political society. It is also regrettable that the measures which have been taken by the PNA, in response to these activities, give the appearance of reform but were not genuine.

This position paper attempts to outline the position of PCHR with respect of the current developments in the oPt. The demands for reforms are of unquestionable legitimacy but to confuse them with the recent outbreak in violence and the subsequent response from the PNA is a grave mistake. This paper also tackles major issues of concern, outlining what PCHR believes are the fundamental principles, which must be implemented, to ensure institutional reform within the PNA.

The current crises was sparked on the afternoon of July the 16th when a militant group calling itself the "Jenin Brigades" kidnapped Major-General Ghazi Jabali, the Chief of the Palestinian Police and demanded his immediate resignation and that an investigation be launched into accusations of corruption made against him. A few hours later a second group calling itself "Abu al Rish Brigads" kidnapped Colonel Khalid Abu al Ula, a senior officer responsible for the Palestinian side of the Joint Security Coordination and Cooperation Committee in the Southern Area. The kidnappers accused him of corruption and collaboration with Israel. They also demanded that he integrate members of their group, through employment, into the security services. Shortly after this another group of the same name kidnapped four French Humanitarian workers in protest against statements made by Terje Rode Larson who stated in a report that the Palestinian authority had made no progress on "its core obligation to take immediate action on the ground to end violence and combat terror, and to reform (itself)". He referred to a lack of political will, to the government's "paralysis" and placed blame at the highest echelons of the Executive Authority for its "diminished credibility" abroad.¹ The gunmen also demanded that the PNA instigate reforms to stamp out corruption. Despite the safe release of the hostages, within the space of a few hours, the situation had not been stabilised and the crises continued. That same day the head of the Palestinian Intelligence Services Major-General Amin al Hindi and Head of the Preventative Security in the Gaza Strip Colonel Rashid Abu Shbak both tendered their resignations to President Arafat. They were protesting at the deterioration of the security situation. On July the 17th Prime Minister Ahmed Qurai announced his resignation to President Arafat.

In the middle of these events, on July the 17th, President Arafat took a number of steps which appeared to be a response to these developments and the supposed demands for reform made by militant groups. These measures caused a further escalation in the ongoing crises. The steps taken did not touch on the real and pressing areas where reform is required. President Arafat appointed Major-General Mousa Arafat, Head of Military Intelligence, to the position of General Commander of the National Security Services to replace Major-General Abdul Razzaq al Majaida. The President also appointed Major-General Sa'ib al Ajis, the head of the National Security Forces in Northern Gaza, as Chief of the Police, replacing Major-General Jabali. A Presidential decree was issued unifying the Palestinian Security Services into three distinctive apparatus: National Security, Police and General Intelligence Services.

Protests erupted against these measures, particularly against the nepotistic appointments, and their implications for the absence of further reform in the PNA. Demonstrations took place across the oPt, particularly in the southern Gaza Strip area. Members of some of the Security Forces, and of the al-Aqsa Brigades (the military off-shoot of the Fatah movement), participated in these protests. On the evening of July the 17th to the 18th hundreds of armed young men from the Preventive Security Service and the al-Aqsa Brigades attacked the Military Intelligence HQ in Rafah. Clashes erupted leaving 14 people injured and, later, one of them, a 15 year old child, was pronounced dead.

Given the continued deterioration in security President Arafat took further steps Abdul Razet al Majida was promoted to Lieutenant-general and appointed as Commander of the National Security in the West Bank and Gaza Strip. Mousa Arafat had his new appointment as Head of National security restricted to control over only the Gaza Strip area. Simultaneously Ismail Jaber was also promoted to the rank of General and appointed as head of National Security in the West Bank. General Ribhi Arafat was appointed as Head of the Border Security, to replace General Khalid Sultan. Ribhi Arafat also kept his current position as Chief of the Palestinian side of the Joint Security coordination and Cooperation Committee in the West Bank and Gaza.

The new appointments did not quell the protests, rather the events had ramifications in other areas across the West Bank and Gaza. The attacks reached an unprecedented level when unknown militants shot the former Minister and PLC member Nabil 'Amru while in his home in Ramallah. His injuries were severe and resulted in the amputation of his leg. At the point of publication the security situation was still deteriorating and further attacks were reported reflecting the continuing state of chaos and the absence of the rule of law: in Nablus a militant group kidnapped three foreign nationals on July the 30th and took them to Balata refugee camp until Palestinian police negotiated their release. A few hours later militants, from al-Aqsa Brigades, set fire to the Govenornate HQ in Jenin as-well as the General Intelligence HQ.

It was reported that individuals and militant groups close to the Fatah movement were behind all of these attacks. The PNA has neglected, for a considerable amount of time, the demands for real reforms as raised by Palestinian civil society, political forces and even by the PLC. The delayed steps taken by the PNA, including the new appointments can not be considered as being genuine steps towards reform. Rather they are a reaction to the current internal crises. Consistent with this is the fact that the perpetrators of the attacks do not have a genuine interest in reform either. It is unacceptable that they exploit demands for reform to justify illegal and dangerous activities which undermine the rule of law and the calls for reform. The current events, under the pretext of reform, are the result of the chaos resulting from the proliferation of small arms and the lack of rule of law. These activities do not serve the process of reform, rather they undermine it. They do not catalyse the process of democratisation, rather, once again, they undermine it. Such attacks and violations contradict the demands for reform and for the primacy of the rule of law and contribute only to strengthen corruption and the poor state of security in the oPt.

Such events are a dangerous indicator of the continued deterioration in the internal situation. Unless confronted directly and immediately the situation may deteriorate further. The deterioration must be stopped by real and genuine steps towards reform, including prosecution of those responsible for the attacks in order to punish them and prevent reoccurrences. PCHR believes that the steps taken so far by the executive, including the appointments and

the unification of security services do not contribute to the genuine reform process. Rather they have escalated the situation and deepened the crises.

For many years civil society, the PLC and political forces, demanded real and genuine reform on all levels and institutions. These calls were enhanced by the release of a report in 1996 by the State Comptroller's office in which members of the government and influential figures in the PNA were accused of corruption. No actions were taken against these people and they remained in their offices. Unquestionably, the neglectful approach taken by the Executive Authority to the demands for reform has contributed to the current crises. PCHR believes that the PNA Executive Authority is the key factor and the basic starting point for real and genuine reforms to counter corruption ensure the rule of law. It is worth mentioning that in the past the PNA has taken some steps towards reform, as a result of external and internal pressure, including some legal reforms through adoption and amendment of the Basic Law and the promulgation of Judicial Authority Law. Other financial reform steps were also taken and they proved to be necessary but inadequate but further vital steps are needed to enhance the reform process.

All reform is a process that relates to political decisions and political will that must be translated into a series of specified steps governed by a vision and approach. Reforms can never be attained through spontaneous reactions to the unpredictable events. Reform must be a comprehensive strategic goal rather instigated with a piecemeal approach. This position paper includes a section summarising the developments and the other section proposes some steps which must be taken for genuine reform.